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ATLANTIC HIGHLY MIGRATORY SPECIES
ADVISORY PANEL

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TUNAS

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3 MODERATOR CHRISTOPHER ROGERS: -- go
4 into a billfish discussion. That will probably take
5 us to the rest of the afternoon. Is there an
6 interest in extending today's meeting to 6 o'clock
7 like yesterday, or do you want to play it by ear and
8 see where we are at noon? Try to aim for that 5
9 o'clock dismissal? I'll revisit that question at
10 lunchtime then.

11 All right. This morning we were
12 going to take on tunas, and one of the issues that
13 we did want to address first and foremost was a
14 rebuilding plan for northern albacore tuna. Recall
15 that it was listed as overfished and does require
16 under Magnuson Act that a rebuilding plan be
17 formulated. This is a case, however, as John Graves
18 mentioned yesterday, that the significant harvester
19 or the most significant harvester for northern
20 albacore tuna is the European Community, with over
21 90 percent of the allocation that is given out by
22 ICCAT.

23 We are a minor player, so to speak,
24 so it's really hard for the United States to drive a

1 rebuilding plan. And we've been unsuccessful at
2 ICCAT, even though our fishery management plan
3 states our management objective, our goal, is to
4 pursue an international rebuilding plan, we've been
5 unsuccessful at convincing the EU that there is in
6 fact a problem.

7 We made several statements in the
8 last several rounds at ICCAT meetings about our
9 concern for northern albacore tuna and the response
10 from the EU, particularly at this last meeting, was
11 it's not a resource decline issue, it was an
12 availability with weather and migratory patterns of
13 the albacore. They felt that the declines in
14 catches, declines in CPUE were more related to
15 distribution than actual stock abundance.

16 Another factor that has resulted in
17 decline in catches has been the elimination of the
18 driftnet fishery in the Bay of Biscay by the EU
19 countries. So, that has diminished catches
20 somewhat, before the driftnetters could adapt to
21 troll gear and become effective at fishing troll
22 gear.

23 So, we still have some concerns. We
24 were unsuccessful in advancing the notion of a

1 rebuilding plan, although at least the
2 recommendation from ICCAT was a replacement yield.
3 We do have a three-year recommendation that awards
4 the United States 607 metric tons and does contain
5 provisions for carry-forward of underharvest and
6 overharvest.

7 We were also seeking at ICCAT for the
8 last several years some flexibility. The 607 metric
9 tons was based on a five-year average as was evident
10 at the 2000 ICCAT meeting, and in retrospect we find
11 that to be a little problematic in implementation
12 here in the U.S. insofar as we do have a highly
13 variable fishery.

14 If you look at the ten-year catch
15 history, two years out of the ten recent ten years,
16 we did exceed 607 metric tons. So, it is a concern
17 that with such a point estimate, so to speak, that
18 we have the target with the fishery that is
19 available and it fluctuates based on availability,
20 closeness to shore of the albacore, migratory
21 pattern from year to year.

22 There are certainly years where we
23 could exceed that 607. We saw flexibility. We
24 couldn't achieve it. And for the next three years,

1 we are bound to a 607 metric ton quota.

2 We haven't exceeded that in the last
3 two years, so we do have -- I would say -- I don't
4 have the figures in front of me, but maybe 200 tons
5 of quota to carry forward, to give us some cushion.

6 Certainly over 800 tons would be technically
7 available for us to harvest.

8 The agency has not embarked on
9 rulemaking for this ICCAT recommendation in past
10 years, primarily because the recommendation was only
11 for a one-year duration, and the intent was to in a
12 sense get more flexibility and try to achieve a
13 little bit more conservation in the subsequent
14 year's meeting. And having been unsuccessful in
15 that regard for several years and now having a
16 three-year recommendation, that locks in the current
17 quotas, we needed to revisit the question as to
18 whether we need to do rulemaking to implement this
19 recommendation.

20 We are concerned, as I said, that it
21 would necessarily -- or not necessarily, but it
22 likely could involve allocation discussions,
23 splitting 607 metric tons between commercial and
24 recreational sectors, it could involve regional

1 allocation concerns, perhaps even gear allocation
2 concerns, and certainly monitoring concerns.

3 So, one could say it's bluefin tuna
4 all over again with a fishery that is much more
5 variable and potentially problematic in implementing
6 a quota and allocation scheme, as well as a
7 monitoring scheme.

8 So, the agency is considering what is
9 required under Atlantic Tunas Convention Act. The
10 Act itself does say that the Secretary of Commerce
11 is responsible for implementing or issuing
12 regulations as necessary to implement ICCAT
13 recommendations. And we are currently considering
14 whether managing the fishery as we currently do,
15 which is basically to monitor the catches, both
16 commercial and recreational, is sufficient. In
17 other words, does that meet the test as necessary.
18 And therefore -- thereby avoid a rulemaking with
19 allocations and hard quotas for each of the sectors.

20 Again, on the premise that it is
21 problematic to do so in this type of fishery that is
22 highly variable, and recognizing that the United
23 States has such a minor role to play with respect to
24 northern albacore harvest and conservation as to

1 whether we should draw that conclusion that no
2 rulemaking is necessary to implement that ICCAT
3 recommendation.

4 So, I would invite some discussion on
5 the part of panel members as to whether you would
6 subscribe to that view that as long as we monitor
7 our albacore catches and find that we're complying
8 with the ICCAT recommendation and can report such to
9 the Commission on a year to year basis that for the
10 time being it may not be necessary to embark on a
11 formal rulemaking for northern albacore. Again,
12 recognizing 607 metric tons with a provision for
13 carry-forward of underharvest, and we do have some
14 cushion that we've acquired over the last two years.

15 So, that's northern albacore. Mark,
16 are you ready to get into the other discussion? Did
17 you want to try to deal with northern albacore
18 directly and then move on to some of the other
19 issues with bluefin?

20 UNIDENTIFIED (No microphone):

21 (Inaudible.)

22 MODERATOR CHRISTOPHER ROGERS: Okay.

23 Let's have a discussion on northern albacore then.

24 And I'll just go with a show of hands. We've got

1 Jim Donofrio and then Joe McBride.

2 JAMES DONOFRIO: Chris, thank you. I
3 can tell you from my perspective here, this albacore
4 fishery is a very important fishery, especially for
5 I would say our boats. Mid-Atlantic up to up east
6 where Joe is up there. Of course, you know, the
7 bigeye populations are down. They were the premiere
8 species years ago for trawling.

9 But the incidental albacore that show
10 up often make a good day for someone going 80, 90, a
11 hundred miles offshore. So I mean as far as our
12 fishery goes, we look at it as we're a de minimis --
13 and you know by the numbers, we're de minimis. We
14 don't see any reason to have any kind of other
15 regulations other than getting our reporting better
16 at dockside. I mean, you know, we'd like to get
17 some -- you know, real-time reporting on the
18 albacore, what we bring in. We don't have a problem
19 with that.

20 But as far as having any more
21 regulations on albacore, whether it be for our
22 commercial fleet, which I know that's a drop in the
23 bucket on albacore, the same with our fleet, we
24 don't need to have a formal rulemaking on this. But

1 we're concerned about the overfishing, what's going
2 on in other areas. And you know what happened this
3 year.

4 But I think we need to be more
5 forceful with our European partners on this, because
6 this was a more abundant fishery at one time, you
7 know, during -- during the '70s and '80s it was --
8 there was quite a bit of albacore action out there.

9 Now it's very sporadic and it does make a day.

10 As far as this tag and release versus
11 catch and release, there is no such thing as a catch
12 and release tuna fishery 80 miles off. Nobody goes
13 80 miles to go catch and release fishing. They go
14 there for meat. If your suggestion that we get some
15 tags to help with the fish we do release, that's
16 fine. I'm sure some boats would be glad to do that.

17 But you're not going to see people going 80 miles
18 off to go catch and release tuna fish. That's --
19 they want to bring meat back to the dock.

20 MODERATOR CHRISTOPHER ROGERS: Thank
21 you, Jimmy. Joe McBride, albacore.

22 JOSEPH MCBRIDE: Thank you, Chris.
23 Two things. To reiterate what Jim just said, the
24 albacore fishing is extremely important in our

1 geographical area, which is basically Rhode Island,
2 Connecticut and east end of Long Island out to the
3 canyons. And it's the prime -- at the present time
4 it is the major fishery in the tuna fishery in our
5 geographic area, as compared to years ago when the
6 yellowfin were the prime fishery.

7 Now whatever the reasons are -- and
8 we all have our own suspicions as to what the
9 reasons are the decline in the yellowfin and so
10 forth down the line, we don't want to see the same
11 decline in the longfin albacore. As Fishery A is
12 depleted, Fishery B becomes more economically
13 viable.

14 Now, if I'm not mistaken, I think we
15 have a three fish per day bag limit in all tunas.
16 Am I correct? No, not in the albacore. Just the
17 yellowfin only. Okay. Well, see we've been
18 conservationists and we didn't even know it out in
19 the east end, bringing in no more than three.

20 And generally speaking, just so you
21 know from me, the business point of view, we tend to
22 discourage more than what the people can utilize on
23 a tuna trip, and we have -- we seldom bring back
24 more than two per angler in the Montauk -- I'm only

1 speaking about our particular port at the time. And
2 not that we catch 12 fish every day, but some days
3 we have better days than others and we can catch a
4 heck of a lot -- especially longfins, mostly because
5 they're compatible, we consider them relatively dumb
6 tunas and we have dumb captains, so dumb tunas work
7 well for dumb captains, and so forth and so on. But
8 it's a very important resource.

9 Secondly, and this is -- you guys are
10 all familiar with the ICCAT, and I pick it up here,
11 you know, once or twice a year when we come to these
12 meetings. What is the -- and I'm asking you this
13 specifically, Chris or John, what are the
14 recreational limitations on the -- let's take the
15 tuna fish. Let's take the northern albacore
16 specifically in the European -- in the EU or in even
17 other countries that are dealing are not part of the
18 EU. Are there limitations on their recreational
19 fisheries?

20 MODERATOR CHRISTOPHER ROGERS: I'm
21 not aware of any. We have raised this at several
22 ICCAT meetings as to the extent of recreational
23 fisheries in the European Community, and I think
24 that to some extent they are beginning to recognize

1 that they are significant and important and need to
2 be monitored, but I haven't seen any formal reports
3 to the Commission in either the national reports or
4 through SCRS in terms of estimating recreational
5 catches.

6 So, I think they're lagging behind
7 the U.S. so to speak, although we certainly have
8 improvements to make as well. We seem to be ahead
9 of the rest of the world.

10 JOSEPH MCBRIDE: I think that's a
11 misnomer. We're not ahead. We're the only one in
12 the rest of the world, as I can gather. So, my
13 point being -- you know, these meetings, the
14 expenses involvement, the political back and forth
15 here between the -- for lack of better terms
16 commercial and I like to call it the sportfishing
17 industry, those people who make a living, whether
18 they're on a boat as a charter boat or a party boat
19 captain, or they're a marina owner or a tackle shop
20 owner, this is an industry.

21 We fight over scraps after the
22 European market through ICCAT disavows all the rules
23 and regulations, generally speaking -- I'm overdoing
24 it of course with my criticism, but a lot of truth

1 in what I'm saying. And we're sitting back here,
2 the only ones playing the game by the rules. And
3 we're debilitating a very important economic part of
4 the American economy on the coastal states, and
5 that's sportfishing industry, those people who make
6 a living off the recreational fishery.

7 I'm not even talking about the rights
8 of people who are in the recreational area who own
9 the public resource as well as I do or you do,
10 philosophically. And it's a waste of a resource.
11 And we're wasting it and we're squabbling amongst
12 ourselves with the -- even the longline fleet who
13 comes under criticism, even when Nelson's willing to
14 give the swordfisherman his share of the quota to
15 make up that hundred metric tons, which is a very
16 noble thing for him to do. In any case, we're
17 fighting over scraps here and we're destroying our
18 own economies, both commercially and in the
19 sportfishing industry, over almost nothing in an
20 organization that seems to be where we're the only
21 ones playing.

22 There's something wrong with that
23 system, and I don't know what the answer is. Some
24 of you ladies and gentlemen are much more -- much

1 better versed it in than I am, but something wrong
2 with that system, where we're the only ones that are
3 being penalized for good conservation, everybody
4 else laughs at us.

5 MODERATOR CHRISTOPHER ROGERS: Okay.

6 Russ Nelson on northern albacore.

7 RUSSELL NELSON: Yeah, Chris. Do our
8 landings that are given to ICCAT in the national
9 report include an estimate of recreational landings?

10 MODERATOR CHRISTOPHER ROGERS: Yes,
11 it would be commercial and recreational inclusive.

12 RUSSELL NELSON: Now, as I understand
13 it, we've got a 600 plus metric ton share of the
14 fishery. We've got a couple hundred metric tons as
15 a leverage or as addition from last year. Given the
16 history of our landings, were we to run over in a
17 year, would you have the authority without going
18 through prior rulemaking to make the adjustment to
19 the next year? In fact, I guess that would be
20 whether we rolled over -- if we were under, I guess
21 we'd have to worry about it. But would you have the
22 authority to say go through interim -- an interim
23 plan or an emergency action? Given the discussion
24 of whether or not to do full rulemaking, would you

1 still have the flexibility to take some kind of
2 quick action to meet or set a quota or set a closure
3 or whatever if we had run over and it looked like
4 the preceding year we might again?

5 MODERATOR CHRISTOPHER ROGERS: Well,
6 there are no provisions under Atlantic Tunas
7 Convention Act for emergency rules like there are
8 under Magnuson. What we would need to do is discern
9 whether we were able to develop a good presentation
10 with respect to compliance at ICCAT. In other
11 words, if we did exceed 607 metric tons in 2004, but
12 were able to draw on let's say the 200 tons we're
13 carrying forward from the two prior years, and say
14 that we're on an even par now, so we're complying
15 with the ICCAT recommendation that we have nothing
16 to concern other contracting parties at the
17 Compliance Committee.

18 If we were, however, to have to go to
19 the ICCAT meeting and say well, two years in a row
20 now we've estimating harvest at 800 and 900 tons,
21 and we've applied our reserve from prior years, then
22 the question would be put to the United States,
23 well, what are you going to do about it to maintain
24 your catches within your quota. And that would be

1 the point where we would have to come home and
2 embark upon rulemaking.

3 So, there is a risk of not formally
4 doing any rulemaking at this point in time, that if
5 catches were to begin to routinely exceed 607 metric
6 tons, we would have to address that, because we
7 wouldn't -- we wouldn't have a good story to tell at
8 the Compliance Committee.

9 RUSSELL NELSON: Well, if you're
10 suggesting then that we have two years, we could
11 give ourselves two years of overages before we
12 decided it was necessary to respond, then I
13 certainly think there's no reason to begin
14 rulemaking at this time. Let's not -- let's wait
15 until at least we've had our first year of overages.

16 That would give us an entire year to set up the
17 process for dealing with it. So, it would seem to
18 be a waste of effort at this time.

19 MODERATOR CHRISTOPHER ROGERS: Any
20 other comments on northern albacore? Nelson
21 Beideman.

22 NELSON BEIDEMAN: I would agree with
23 the comments that support status quo at this time
24 domestically, but if albacore continue to move down

1 and we know how slow ICCAT moves. We really need to
2 get our numbers together and step up pressure on
3 ICCAT because it takes them, you know, half a decade
4 minimal to move on anything. And albacore is a very
5 important species for all of these fisheries.

6 On the catch and release, I would
7 strongly suggest circle hooks in -- you know, the
8 recreational fishery, circle hooks. The benefits of
9 the hooking in the corner of the mouth that release
10 -- you know, an animal with as least harm as
11 possible is tremendous. Thank you.

12 MODERATOR CHRISTOPHER ROGERS: Okay.

13 On northern albacore -- we're going to get into a
14 catch and release discussion a little bit later.
15 That was intended more to be for bluefin tuna
16 situation than northern albacore. Anything more on
17 northern albacore?

18 JOSEPH MCBRIDE (No microphone):

19 (Inaudible.)

20 MODERATOR CHRISTOPHER ROGERS: Can
21 you speak to the mike so we can get it on the tape?

22 Joe McBride.

23 JOSEPH MCBRIDE: Yes, Nelson,
24 technically -- I don't know about other areas, but

1 our area, 90 percent or 95 percent of your longfin
2 catches are on troll gear. And it's all in the
3 mouth. It's nothing swallowed. There's very little
4 historically I know of in the way of chunking in our
5 area anyhow, and that's all I can speak for.
6 Chunking and hooks being swallowed in -- you know,
7 drifting gear and drifting bait or -- you know,
8 catching them on bait.

9 MODERATOR CHRISTOPHER ROGERS: Jim
10 Donofrio.

11 JAMES DONOFRIO: Thanks, Chris. What
12 Nelson said is right, as far as the international
13 perspective. And what I said earlier is that -- and
14 I think Nelson agreed with that. Getting our
15 numbers up, I suspect that -- you know, our landings
16 are lower than what's on the record here. That's
17 why we -- you know, we said yesterday we've got to
18 do some more real-time stuff here, because if we do
19 go to a plan down the line, as Russell said, we
20 don't need one right now, but if we need to as this
21 thing goes down, and we're forced in a corner, we're
22 going to be -- we're going to have a problem. We're
23 going to have a problem. We're going to have a
24 ridiculous bag limit of -- you know, one or two

1 fish. That's what's going to end up happening here.

2 So, you know, we need to get -- you
3 know, working with the states. I mean, we've got to
4 get the Mid-Atlantic states that don't have a
5 program similar to North Carolina or Maryland, we've
6 got to get this going. This should be a top
7 priority for this agency, get with Bruce Freeman and
8 the others that you're working with and Gordon
9 Colvin and let's get some -- let's get this going.
10 Jack, we really need to do this.

11 I mean, this is -- this whole point
12 here, we're not going to sustain another bag limit
13 like yellowfin. Okay? We're living with it right
14 now. Okay? It's working out. But if we go three
15 there, one or two on albacore, more restrictions on
16 bluefin, you're not going to see a fishery anymore.

17 You're not going to make it feasible for these guys
18 to go out there.

19 The other thing is this filleting at
20 sea. We would like support from our charter/party
21 boat industry, United Boatmen of the New York and
22 New Jersey, the Francis Fleet and I'm sure the North
23 Carolina fleets want the same thing, and Bob Zales.

24 We want the ability to fillet on the party and

1 charter boats at sea. We'd like support from this
2 committee for those boats that will maintain the
3 racks and the fins identification. It's just to
4 speed things up when they get back to the dock.

5 And the perfect example is in New
6 Jersey they had eight state agents go on one of the
7 party boats. It took them about four hours to go
8 through everybody's gear and all the fish, held up
9 the customers, and that discourages business.

10 So, when the Gestapo arrived, it
11 really did not help us. And don't forget, we only
12 have eight agents in the whole state, so they put
13 eight on a party boat. So, this is a
14 disproportionate use of -- you know, trying to find
15 a recreational fisherman with -- you know, out of
16 order here. But we want to be able to fillet at
17 sea. So, I'd like the support from the committee on
18 that.

19 MODERATOR CHRISTOPHER ROGERS: All
20 right. Before we move on into other issues and
21 matters of concern, can we come to closure on
22 northern albacore? Any other thoughts on whether
23 rulemaking is necessary at this time to implement
24 the ICCAT recommendation? Bob Zales.

1 ROBERT ZALES, II: Yeah, I just want
2 to reiterate what Jim has said. We went through
3 this with yellowfin with a three fish bag limit, and
4 we all had big problems and we all predicted what
5 was happening and is coming into play now, because
6 we knew that the data wasn't there, and when it was
7 going to be out there -- and anytime obviously when
8 we're dealing with ICCAT, and I would think that
9 most everybody here would agree, the general public
10 as far as anglers -- I know in the recreational
11 community and especially in the Gulf of Mexico, when
12 it comes to ICCAT, they don't understand that
13 process at all. But they do understand that when
14 you develop a 250 billfish plan and then you come in
15 here and all of a sudden you've doubled that, that
16 it's a tremendous problem, and it's all based on the
17 data thing, which is what we discussed yesterday.

18 And we talked about this when these
19 committees were first formed up several years ago.
20 So, if you're going to go down this road again and
21 you're going to possibly go into ICCAT and start
22 talking about numbers, you need to start developing
23 the numbers and get a handle on those numbers now,
24 because if you wait, you're going to have a serious

1 problem.

2 And the fillet at sea thing, I would
3 back that up, too. I would think that there is a
4 reasonable way to allow people to clean their fish.

5 You keep the carcass. You got two fillets, you got
6 the carcass that matches them up, in my mind it's
7 not a problem for enforcement, but it's -- I guess
8 it's some kind of thing that's always been there.
9 But that's something that needs to be looked at,
10 too. Thank you.

11 MODERATOR CHRISTOPHER ROGERS: Okay.

12 Thank you. Are we pretty much finished with our
13 discussion on northern albacore? It seems that
14 there's an interest in moving on to other issues.

15 All right. What we'd like to do is
16 Mark was -- Mark Murray-Brown from our team in
17 Gloucester was going to step through some of the
18 other tuna issues, and what we'd like to do is take
19 one -- each in turn and have a discussion and try to
20 come to closure on that issue before moving on to
21 the next one.

22 I know there's a lot of stuff on
23 everyone's mind, catch and release, filleting at
24 sea, allocations and things like that. But I think

1 it would be a little bit more efficient if we can
2 quickly address each issue in turn, rather than keep
3 coming back to them as we go around the table.

4 UNIDENTIFIED (No microphone):

5 (Inaudible) go down the line.

6 MODERATOR CHRISTOPHER ROGERS: Yes,
7 so, we'll go down this list here on your handout.

8 MARK MURRAY-BROWN: Thank you, Chris.

9 Good morning. Yeah, what -- we've already talked
10 about northern albacore. Some of you already
11 touched on the other items. These three items have
12 come up a lot over the past year and preceding it.
13 You've already talked a little bit about several of
14 them, so -- but the one on the list next is our
15 friend ITQ's -- individual transferable quotas.

16 Two pieces of information I'll share
17 with you before we open this up is, as you know,
18 Congress has lifted moratorium, so ITQ's
19 philosophically and intellectually, the whole bit,
20 are back on the table for discussion. And
21 specifically within the HMS fishery, the bluefin
22 tuna fishery, we already have a small ITQ fishery
23 within the purse seine fleet. The five vessels that
24 are allowed to transfer quota within and among

1 themselves only, within that category.

2 ITQ's is -- how should I put it --
3 well, bluntly, a controversial subject. It has many
4 aspects of it that are appealing to some and very
5 negative to others.

6 But as we embark on the next
7 amendment, in terms of being fresh and open-minded
8 for possibilities that this tool does offer, we
9 thought we might spend a few minutes on that. And
10 then if we can, just like Chris has tried to do,
11 keep the discussion paths focused on that, draw
12 closure to that discussion, and then we can go and
13 touch on the other two.

14 Later on -- well, I'll give you a
15 prelude -- prelude -- we're going to be getting into
16 the allocation percentages for bluefin tuna,
17 specifically, so the extent that there may be some
18 relationship with those slides, I'll be happy to go
19 forward to that, but that will immediately follow
20 this discussion after the filleting of tuna.

21 MODERATOR CHRISTOPHER ROGERS: We all
22 realize from this morning's discussion and yesterday
23 that with HMS everything's related to everything
24 else. So, again we think it would be a little bit

1 more efficient in our discussions to try to address
2 each one of these topics in turn. So, at this point
3 any questions or comments about individual
4 transferable quotas and whether or not there are any
5 advantages towards visiting ITQ's as a management
6 tool with -- in a greater context for the Atlantic
7 Highly Migratory Species fisheries as we embark on
8 Amendment 2. Rich Ruais.

9
10 ITQs

11 RICHARD RUAIS: I think as Mark has
12 mentioned, in the case of the purse seine category,
13 you're already there. Each vessel has a quota, the
14 shares are already established, they're transferable
15 within the category. The quota is always in short
16 supply in the United States. There are always
17 fisheries and users that are looking for more quota.

18 Generally it ends up in a political fight, tug of
19 war, whatever. It just makes sense from our
20 perspective to look at that quota, allow the free
21 market system to operate. Monitoring is not a
22 question within the category. They have an
23 underage/overage provision.

24 If some kind of a system could be set

1 up where purse seine quota tags could be established
2 for individual fish and individual vessel owners
3 could work out acceptable -- mutually acceptable
4 arrangements with other permitted entities, whether
5 it's fish dealers, tournament operators, other
6 vessel operators in general, harpoon categories,
7 it's a smart thing to do. It should be the agency's
8 answer to demands for more quota, for claims that we
9 have a higher valued use of the resource.

10 So, I think in the case of the purse
11 seine fishery, it's very clear that -- and obvious
12 that we need to make that next step. We at least
13 need to talk about it. My board of directors has
14 been asking the agency to look at it for a
15 substantial period of time now, and come back and
16 tell us the mechanisms that you would see
17 appropriate in order to carry it out. There's
18 interest on the outside to be -- to access some of
19 that quota. And there's value to that overall U.S.
20 fishery from pursuing that.

21 The harpoon category, in our view, is
22 in a similar situation. You have a discreet number
23 of users that have clearly defined history in that
24 category. It's on the order of 30 or so fishermen

1 that have been sharing that 54 tons for 20 years and
2 longer. There's still a rush for that fish. If it
3 were -- if it were individual quotas, I think you'd
4 see more people playing the market trying to make
5 more money on their fish. You'd see -- you'd see
6 some consolidation likely.

7 You know, I mean, philosophically if
8 you have a problem with the issue of ITQ's,
9 obviously then you're going to have a problem moving
10 in this direction. But I think for the overall
11 fishery, given that we're not likely to see major
12 increases in U.S. quota anytime soon -- major
13 increases -- we may see some coming out of this
14 mixing meeting. We're all hopeful that that's going
15 to do something for the west. But basically we are
16 where we're at, and this is one source of quota that
17 can address a number of outstanding issues in the
18 fishery.

19 So, we're supportive of looking at
20 furthering the purse seine category transferability.

21 It's the easiest one to do. The share issue is out
22 of the way. The players are out of the way. Those
23 decisions were made a long time ago. The harpoon
24 category is clearly another candidate. We don't see

1 it for the general category. There -- in our view,
2 there always needs to be an open access category for
3 somebody in the United States to get a permit and go
4 giant tuna fishing. That's what the angling
5 category and the general category are all about.

6 There is within the general category
7 a core group of commercial fishermen that each year
8 catch a substantial portion of the quota. That's a
9 separate issue. If there's interest someday -- and
10 there has been in the past, of doing something and
11 breaking that out, that's a separate issue. I'm not
12 sure that it's -- the time is right now for that.
13 But basically there should always be open access to
14 bluefin tuna giant fishing and angling category
15 fishing.

16 MODERATOR CHRISTOPHER ROGERS: Okay.

17 Thank you, Rich. Any other comments on ITQ's in
18 the tuna fisheries? We had Nelson first and Bobbi
19 Walker. Nelson Beideman, then Bobbi.

20 NELSON BEIDEMAN: Similar to what
21 Rich has described, I don't see an immediate need,
22 but I would ask that the Fisheries Service encourage
23 the distant water boats to set up some gentleman's
24 agreement concerning the 25 -- the new 25 metric

1 tons in the area of the boundary in order to
2 properly -- you know, appropriately utilize that
3 quota and not have any directed fishing.

4 What we would not want is one or two
5 boats to go up to the Grand Banks and direct on
6 bluefin tuna, therefore taking away the benefit of
7 that incidental quota. And I think that -- you
8 know, my fishery needs to work at that through a
9 gentleman's agreement and somewhere down the road it
10 may be looking at -- you know, more formalized --
11 you know, type of measures.

12 MODERATOR CHRISTOPHER ROGERS: Thank
13 you, Nelson. Bobbi.

14 BOBBI WALKER: Yes, Chris, question
15 to you. Is there a biological benefit to the
16 species for developing an ITQ program?

17 MODERATOR CHRISTOPHER ROGERS: Well,
18 insofar as an ITQ program could help in allocation
19 issues and monitoring issues and not lead to
20 increased discards or excess harvest, there could be
21 some biological benefit. But primarily it would be
22 a management tool on the social and economic side,
23 the allocation -- fishing allocation of the resource
24 -- limited resource to the various user groups. Joe

1 McBride.

2 JOSEPH MCBRIDE: Yes, I don't know if
3 Rich or Chris -- we're saying now in essence the
4 ITQ's refer basically to the purse seine fishery.
5 That's what you're requesting or that's what they're
6 requesting on your behalf. And the purchasers of
7 the IT -- the transferring would go from the purse
8 seine for fee, whatever the market would bear, to
9 whom? To the general category fishermen? To the
10 harpoon category fishermen? Who would buy -- who
11 would you transfer the fishery to, the fish that the
12 purse seiners have?

13 MODERATOR CHRISTOPHER ROGERS: Rich,
14 you want to respond to that?

15 RICHARD RUAIS: First of course to
16 Joe McBride. It would be mutually -- it would be a
17 straight business transaction. You have the
18 surfclam fishery, you have several other fisheries
19 in the United States that are already ITQ'd where
20 the free market takes a bid on it. Purse seiners
21 can make so much money by catching their fish
22 themselves. They have costs in doing that. They
23 ship the fish to Japan and they get a price for it.

24 Their method of killing the fish

1 sometimes produces a lower value. Sometimes if they
2 have high quality fish, they producer a higher
3 value. For them, you know, there are business
4 considerations to take into account.

5 There are other fisheries that
6 produce a higher value fish. Harpoon category --
7 electrically shocked harpoon fish can often produce
8 much higher value fish, and since the production is
9 in a slower quantity, generally a harpoon boat can
10 make -- I think Dave Linney would back me up if he
11 were here -- can make more money per pound of fish.

12 So, it would be in his interest if the harpoon
13 category fishery was closed for a harpoon fisherman
14 to be interested in seeking quota somewhere else.

15 North Carolina has a similar
16 situation where there's a shortage of quota in North
17 Carolina and there's a fishery that's quasi
18 commercial and straight-out commercial and somewhat
19 recreational that might be interested in accessing
20 quota --

21 JOSEPH MCBRIDE: To save you a lot,
22 yes, I understand what you're saying. I just didn't
23 know who you were going to -- for example, you are
24 not espousing the addition of another purse seine

1 boat or two purse seine boats buying a portion of
2 the five present boats' quota and coming into the
3 fishery? That's not what you're talking about in
4 ITQ's, even though the logic is there for that,
5 also.

6 RICHARD RUAIS: There is limited
7 access -- there's never going to be a sixth purse
8 seiner, as far as I understand it.

9 JOSEPH MCBRIDE: Not as long as
10 you're controlling the agency. But there's no
11 reason under God's will that it can't happen. I
12 mean, if they decided tomorrow, just as if they
13 decide for ITQ's, they can allow Joe Blow who has an
14 allocation now to sell it to Joe Smith, who might
15 want to become a purse seiner in the fishery if the
16 dollars and sense were there, and the free market
17 was applying, just as you referred to in the other
18 case.

19 My point was I don't know if you're
20 looking to sell them to the general category, to --
21 and literally to other purse seine boats coming in,
22 where somebody with a smaller boat would have less
23 expenses and could take -- afford a downturn in the
24 market price that the purse seiners presently

1 couldn't with bigger boats, et cetera, et cetera.

2 It really wasn't quite clear to me.

3 RICHARD RUAIS: I'd just say that
4 they already have that capability, Joe, as Mark
5 mentioned. Within the category itself there could
6 be consolidation, they can transfer among
7 themselves. That's already established. What can't
8 happen is a sixth purse seine boat coming into the
9 fishery, as far as -- that would require removal of
10 the moratorium that was put in place in 1982.

11 MODERATOR CHRISTOPHER ROGERS: Okay.

12 Louis Daniel.

13 LOUIS DANIEL: Yeah, I don't have a
14 problem with the ITQ system if it can be done fairly
15 and equitably, but I don't know that the National
16 Marine Fisheries Service wants to get into the
17 auction process. There's not enough fish to go
18 around for everybody, and I would be much more
19 comfortable with the distribution of the quota being
20 fair and equitable and not to the highest bidder.

21 Also, not -- having a lot of these
22 quotas go unused, you know, there's a lot of debate
23 about carrying it over. And in some federal plans,
24 we can't carry over, and in some we can. I think we

1 need to -- there needs to be some consistency there.

2 But when we're -- we need to fairly distribute the
3 -- not only the quota, but the penalties associated
4 with going over these quotas.

5 And so I think a lot -- we need to
6 think more about transferring quota when quota's
7 available, rather than selling it to the highest
8 bidder.

9 MODERATOR CHRISTOPHER ROGERS: Glenn
10 Delaney.

11 GLENN DELANEY: I had a bit of
12 experience in this field, and I would just make the
13 editorial comment that in my business view of the
14 world, there is nothing more fair and equitable in
15 the distribution of fish than making it available to
16 the highest bidder. What becomes arbitrary and
17 capricious and inequitable is when the government
18 steps in and decides who's going to be winners and
19 losers. Let the marketplace determine that.

20 MODERATOR CHRISTOPHER ROGERS: Don
21 Nehls.

22 DON NEHLS: Chris, some of the stuff
23 that I've seen in different fisheries around the
24 world, a lot of times it seems like when they go to

1 that ITQ stuff out there, the actual -- the capacity
2 to overharvest leaves the fishery, especially in for
3 example the trawl fishery in the South Pacific and
4 stuff like that.

5 There was a lot of overcapacity to
6 produce that quota. As soon as the quota is opened
7 up, everybody goes and then there's these big
8 overharvests. But what they did is they put that in
9 the over -- I mean in the ITQ's, they actually cut
10 the number of boats in half to produce the same
11 volume.

12 Talking to the owners of those quotas
13 and stuff like that there, at the end of the year
14 that -- in some cases, it's much, much better
15 economically for them.

16 MODERATOR CHRISTOPHER ROGERS: Russ
17 Nelson.

18 RUSSELL NELSON: Thank you, Chris.
19 If the bluefin tuna fishery had begun and the
20 initial distribution of fish and allocations of
21 subgroups and subquotas had all been based on ITQ's,
22 it would -- a lot of the problems that we faced over
23 the last decade plus wouldn't have been there. I
24 agree with Glenn that the real advantage of an ITQ

1 system is the ability to make those shares
2 transferable and saleable and let the market deal
3 with all the problems that otherwise the managers
4 have to deal with. So, I think potentially this
5 fishery might be ripe for ITQ's, but I think trying
6 to come up with a construct in which you had ITQ's
7 within certain suballocations of the fishery and
8 open access in the others would defeat the purpose,
9 defeat most of the advantages you get from an ITQ
10 system.

11 If such a system were to be pursued,
12 I would strongly favor a system where all shares in
13 the fishery were openly available and to the highest
14 bidder.

15 MODERATOR CHRISTOPHER ROGERS: Thank
16 you. John Dean and Mike Leech.

17 JOHN DEAN: A lot of what Russ said I
18 -- and -- is consistent. I think the issue that we
19 would see is first off you're going to have to lay
20 out -- someone is going to have to lay out
21 qualification to get into the game from the first
22 place, and that's been a principal issue with any
23 ITQ is how do you qualify.

24 The second thing is if you're going

1 to talk allocation, you're going to have to have a
2 process in place that there is fair and equitable
3 allocation over the range of the fishery without
4 preconceived assumptions as to who has rights to
5 that fishery.

6 So, you're going to have to go back
7 to zero -- ground zero and rethink a lot of the way
8 things have been done. That's going to be traumatic
9 and it's probably not going to be resolved at this
10 table. But in the long term, I fully agree that
11 ITQ's are a good management tool.

12 MODERATOR CHRISTOPHER ROGERS: I had
13 Mike Leech and then Jim Donofrio.

14 MICHAEL LEECH: This is probably a
15 stupid crazy idea, and I'm not a big fan of ITQ's,
16 but if it's going to be a free market for the
17 quotas, then I don't see the big advantage other
18 than to the industry itself that already has the
19 permits to limit it to the people in that fishery.
20 Why could you not sell tuna quota to somebody
21 outside the industry? That way the people with the
22 quota that are selling it are going to get more
23 money, if it's going to the highest bidder, spread
24 it out and let it truly be a free market.

1 If PETA, for example, to take an
2 extreme, wanted to buy ten metric tons of the quota
3 just to save them so they wouldn't be hurt, why
4 couldn't they not do that? Why would you limit it -
5 - and next year you're going to have more fish in
6 the ocean because PETA didn't want some fish to be
7 hurt? What is the arguments against that?

8 MODERATOR CHRISTOPHER ROGERS: Well,
9 there are no arguments against it per se. I know
10 that's a concept with things like emissions trading,
11 that the EPA has brokered for air quality attainment
12 and the concern whether the power plants should be
13 able to trade the emissions rights or the
14 environmental groups can buy them up and thereby
15 shut the power plants down. So, there are concerns
16 about how open the trading can be.

17 Not being the resident attorney for
18 HMS, I think there might be some problems with the
19 way Atlantic Tunas Convention Act is written
20 regarding allocation of the quota as opposed to
21 retiring it through some reserve -- environmental
22 reserve.

23 So, we'd have to look into whether
24 Atlantic Tunas Convention Act would have to be

1 amended to allow that. But certainly in concept it
2 would be interesting as to how much would end up in
3 the conservation side of the ledger versus the
4 exploitation side. Jim Donofrio.

5 JAMES DONOFRIO: Chris, thanks.

6 Regarding the ITQ's, they seem to work, you know, in
7 the commercial sector and a good tool, our
8 experience -- you know, observing them. However, I
9 have two concerns when it comes to -- you know, this
10 tuna thing. I mean, I don't -- I think it's great
11 if they -- you know, the commercial industry can buy
12 and sell between each other and if you could even
13 sell some to the recreational sector, not a problem.

14 You know, we could use some fish, too.

15 My concern would be extreme
16 environmental groups being able to buy these quotas
17 and create their little petting zoos out there. And
18 secondly, what is the -- you know, the ramifications
19 for international trade. Because it's ICCAT, I mean
20 now does this go into the open market, where -- you
21 know, where other countries now can get the right to
22 bid on this quota? I mean I don't know that.

23 Anybody here know international law that well where
24 they can say that -- you know, that these quotas now

1 become fair game for our contracting nations, also,
2 because it's an ICCAT fishery? These are the things
3 you've got to consider. Because then it's a real
4 loss.

5 MODERATOR CHRISTOPHER ROGERS: I had
6 Bob Pride, then Rich.

7 ROBERT PRIDE: Thanks, Chris. On the
8 subject of ITQ's in general, I think we've found
9 that in fisheries that are exclusively commercial,
10 for example, red crab or surfclams or squid or
11 something like that, that ITQ's make a lot of sense,
12 because it allows the players to be economically
13 viable and doesn't harm other participants or other
14 user groups that are in the fishery.

15 When we start talking about ITQ's in
16 fisheries that have recreational components and
17 commercial components, it gets a little stickier.
18 And the only way that I think that could be dealt
19 with is to have a situation where all participants
20 in the fishery can buy -- you know, buy ITQ and the
21 recreational component becomes -- you know, an ITQ
22 for the recreational component and they could buy
23 additional shares from the commercial sector -- and
24 vice versa, somehow. I don't know how that would

1 work vice versa, because I guess you'd have to say
2 the recreational component's really a public
3 resource.

4 And but I really think we need to be
5 careful when we start talking about these shared
6 fisheries and how we set up ITQ's. If the
7 recreational participants can't buy the commercial
8 ITQ's, it's really not a very fair system. Thank
9 you.

10 MODERATOR CHRISTOPHER ROGERS: Rich
11 Ruais and then Glenn Delaney.

12 RICHARD RUAIS: I may have
13 misunderstood John Dean, but I don't agree at all
14 that we've got to go through another trauma over
15 moving towards transferability at this time. This
16 fishery has already been through that trauma of
17 establishing the shares of the quotas. I'm not
18 suggesting -- and will fight obviously any -- you
19 know, going back to square one and saying okay, now
20 all five categories have to fight for their share of
21 the fishery.

22 We did that. That's what the fishery
23 management plan was all about. That was a 20-year
24 fight leading up to 1998 and the result is the

1 shares that you see right here. What we're saying
2 is there are a couple of categories that are clearly
3 candidates to become transferable.

4 And to Mike, there was no intent to
5 make it only transferable to other commercial
6 entities. Obviously tournament operators are a
7 candidate, environmental groups are. I don't have
8 the philosophical problem Jimmy has with petting
9 zoos out there. That's fine. If the price is
10 right, make a zoo, it's okay.

11 The vice versa, I guess I don't see
12 it either, Bob. I agree with you. I don't see how
13 you would take -- if you've still got open access in
14 the general category in the angling category, those
15 -- there's no transfer -- there's nothing to
16 transfer, so it can't go the other way. But if
17 there is more need in the general and angling
18 categories and to other entities, whatever those
19 entities are, then transferability from sources
20 where quota is available and legally transferable is
21 a good thing for the overall value to the U.S.
22 fishery.

23 MODERATOR CHRISTOPHER ROGERS: Glenn
24 Delaney.

1 GLENN DELANEY: I have two comments,
2 one just to respond to Jim Donofrio's -- you know,
3 appropriate concern on the eligibility of recipients
4 or purchasers of ITQ's. And classically in ITQ
5 programs there are eligibility criteria for those
6 eligible to purchase and hold quota shares. And
7 certainly in the United States that -- those rules
8 restrict that eligibility to U.S. citizens. That
9 certainly could be the case in this case, and there
10 are other criteria, as well.

11 There's been a lot of discussions
12 about whether banks can hold -- you know, the people
13 that hold your mortgages and paper should be allowed
14 to hold ITQ's as a matter of collateral and things
15 like that, but those are all issues that need to be
16 addressed in the eligibility criteria in the design
17 of the program.

18 And I'd also just mention that in
19 terms of the sale or transfer of quota shares
20 between countries, you were concerned about -- you
21 know, a bluefin tuna entity from Europe, for
22 example, perhaps purchasing quota from the United
23 States. That's already a prohibited action under
24 ICCAT law or rules.

1 So, I think there's plenty of
2 opportunity to protect against a very legitimate
3 concern, but not a huge lift to protect ourselves
4 against that.

5 In response to Russ Nelson and John
6 Dean's suggestion, you know, ITQ's by definition
7 require the sharing of a total quantity of fish
8 among individuals within a category. And as I think
9 Rich was trying to explain, first step you need to
10 take is to limit the number of participants in that
11 category of fishery. And that is not the case in
12 the general category or angling category right now.

13 And then the next step, of course, is
14 to -- based on some formula, usually based on
15 historical participation over some period of defined
16 time that you want to say is your reference period,
17 you define what the individual percentages are going
18 to be of whatever the total finite amount of quota
19 is that's available to that category, and -- you
20 know, if your historical share is one percent, you
21 get one percent of whatever the TAC is in any given
22 year.

23 I think what Rich is correctly
24 pointing out is that some categories within the tuna

1 -- bluefin tuna fishery are at the stage -- at a
2 more advanced stage in that direction than others,
3 not advanced in a qualitative sense, but in terms of
4 just -- they've already made it limited entry,
5 they've already basically shared up the resource
6 individually. Really the only next step is to make
7 it transferable in a saleable sense to entities
8 outside of their category.

9 The general category and angling
10 category may want to get to that point someday, but
11 as you can see what I just explained, you've got a
12 lot of process to get to the point where you have
13 individual allocations on a person by person,
14 fisherman by fisherman basis, of a percentage of the
15 total allowable catch for that category.

16 So, you know, it sounds like there
17 may be some interest in exploring the concept within
18 the bluefin tuna fisheries and -- you know, maybe
19 because purse seine and -- I don't know, maybe
20 harpoon is at the point where they could consider
21 it, as well. This may be a good sort of experiment,
22 if you will, to see how this might work in the case
23 that the general and angling categories and other
24 categories want to pursue this sometime down the

1 road.

2 This could be a good test case to
3 allow the purse seiners to sort of conduct this
4 experiment, see how it goes, refine it, get the
5 warts worked out, and if other categories see that
6 as a desirable way to go, pursue it using that as a
7 model.

8 And you know, in many cases, in
9 ITQ's, the caution that managers or people on the
10 Hill use is to put sunsets on things. And you say
11 well, let's try it for a few years and see how it
12 works out. And if it works out, we'll continue it.

13 If not, scrap it and go back to where you were. It
14 might be a worthwhile experiment to see what other
15 sectors want to think about in the future.

16 MODERATOR CHRISTOPHER ROGERS: Okay.

17 We do have a lot of other topics to move to, but
18 just to wrap this up we'll have Russ Nelson and Rom
19 Whitaker.

20 RUSSELL NELSON: Thank you, Chris. I
21 guess we've wandered into sort of a philosophical
22 discussion of ITQ's and how their application -- you
23 know, should be. I agreed with your first comments,
24 Glenn, about the fact that the market can usually

1 divvy things up in a cleaner and more equitable
2 fashion than government.

3 The economists, I guess we don't have
4 here, who I have met with over the years and talk
5 about IAQ's, would espouse a pure ITQ system. We
6 often in incorporating ITQ's into our present
7 management plans have had to continue our
8 bureaucratic social engineering by determining how
9 initial shares should be distributed or stuff, but
10 in fact if you talk to the economists, they would
11 argue that the simplest, the best, the most fair and
12 equitable manner is simply to auction off even the
13 individual -- the initial allocation of shares much
14 like we do with other resources, mineral rights,
15 water rights some places, petroleum development,
16 much like this government sold off the airwaves to
17 cell phone rights. Simply any citizen of the United
18 States have the ability to enter an auction and a
19 lottery or an auction or whatever seems fair.

20 So, there are many, many ways to
21 distribute those initial rights. And they don't
22 necessarily have to be distributed within the
23 fishery.

24 Now, there are perhaps because of

1 professional reasons, reasons to require that the
2 application of an ITQ be limited to someone who is
3 licensed to do it in the proper fashion. In other
4 words, if my Aunt Jane in Iowa ended up with five
5 metric tons of bluefin tuna, one probably wouldn't
6 want her to go out and try to figure out how to
7 catch it. But she should certainly have the right
8 to lease her share which she owned to another
9 individual who did catch it.

10 So, I think that if this conversation
11 is to carry on and if we are to consider a plan
12 amendment to look at ITQ's, we shouldn't a priori
13 limit it to staying within the scope of the
14 allocation system that has evolved currently. The
15 initial discussion should at least include looking
16 at ITQ's in their truest form and all the variable
17 means in which they might be applied to the fishery.

18 MODERATOR CHRISTOPHER ROGERS: Real
19 quick and then Rom Whitaker and then we'll move on
20 to catch and release.

21 GLENN DELANEY: I apologize. You
22 know, that is a very purist view and one that
23 probably is not practical in the case of fisheries,
24 and I'm not aware of it being applied in the United

1 States, really for the main reason of protecting
2 people's existing investments. It would be
3 difficult if you had invested in a four million
4 dollar Viking charter boat -- I don't know if that's
5 a correct statement, but ball park, and didn't have
6 the opportunity for whatever reason -- I suppose
7 that's a bad example because I guess if you could
8 afford the four million dollar Viking, you could
9 afford to bid on the quota shares.

10 But if you're a fisherman that's made
11 an investment in the fishery and then to not -- to
12 be outbid by corporate America on speculation -- you
13 know, speculators coming in to the marketplace, you
14 basically are potentially completely disrupting the
15 entire fishery infrastructure that's developed over
16 time.

17 So, while I understand what you're
18 saying about a pure auction, let anybody who wants
19 to buy the rights for shares do so, from a practical
20 matter, management has gone in the direction of
21 looking at historical participation as the basis for
22 the initial allocations of quota share, not an easy
23 thing to do to come up with the right formula and
24 process for doing that. But from a practical

1 stance, Russ, that's -- you know, that's the way
2 it's done and going to be done in a fishery.

3 MODERATOR CHRISTOPHER ROGERS: Okay.
4 Rom Whitaker. Thank you.

5 ROM WHITAKER: Yes, thank you. And
6 maybe Rich could probably answer this for me, but I
7 was a little bit confused as to why we were here for
8 the ITQ's. I'm assuming it's because they're not
9 catching their quota or -- a minute ago you said
10 that maybe they were looking to maximize their
11 quota, and I was a little bit confused whether they
12 weren't catching it or whether maybe they saw more
13 value in their quota by being able to sell it to the
14 highest bidder. And I do support -- they have much
15 invested in there, have a due right to that quota,
16 but I was a little bit confused.

17 And my second point is if the shoe is
18 on the other foot, if the longline or the harpoon or
19 the angling or the general, whatever, had excess
20 quota, which we don't even seem to have, would the
21 purse seine be willing to buy ours? Rich, could you
22 answer that -- the first question?

23 RICHARD RUAIS: Yes. It is a fact
24 that they haven't caught their quota the last few

1 years, but that's happened in the past and then
2 there have been years when they could catch a lot
3 more than their quota. And their quota used to be a
4 lot higher than it is right now.

5 Marketing is tough for anybody,
6 whether you're in a general category, harpoon
7 category or purse seine category. And we know that
8 politically there are shortages of quotas in other
9 areas.

10 This would present another marketing
11 opportunity for more than just the purse seine five
12 boats. It presents an opportunity, as is if we
13 consider it for the harpoon category. There are --
14 this is one way that you can look at trying to
15 increase the overall value of a very limited United
16 States quota. And that's all it is. If this
17 doesn't move forward, Rom, they will continue to
18 catch their quota when it's possible.

19 MODERATOR CHRISTOPHER ROGERS: Okay.

20 Thanks. As I said, we do need to move on. But
21 just to sum up, there is a lot of issues related to
22 an ITQ program. We've got Rick Weber. Since you
23 didn't get to speak yesterday, we'll give you the
24 opportunity now. But this will have to sum up our

1 ITQ discussion.

2 RICK WEBER: Thanks, Chris. Sitting
3 here listening to the whole thing, I'm agreeing with
4 most everyone except I have a real problem with the
5 gifting of property rights. The idea that you can -
6 - you guys are currently managing those overages and
7 underages and people apply to shift, and I admit
8 that it would be easier for you to let the free
9 market sort it out, buy and sell it back and forth.

10 But that's giving someone something to sell. And I
11 come back to Russ that says let them buy it. If
12 someone wants to sell it, let them buy it. Other
13 than that, it's your job to shift it around and make
14 maximum use of it.

15 MODERATOR CHRISTOPHER ROGERS: Okay.

16 Thanks, Rick. Just briefly to sum up, we've heard
17 that there may be some merit in a broader scope of
18 an ITQ program within the HMS fisheries, but that
19 perhaps we need some incremental approaches on
20 perhaps an experimental basis to see how it works
21 and to understand better what advantages might be
22 achieved with an ITQ program. But certainly the
23 basic issues are does government do a better job at
24 allocating the limited resource, or can the market

1 do so?

2 And we would invite additional
3 discussions. If any panel members or any member of
4 the public wants to advance proposals to the agency
5 at any point, we'd be pleased to read them and
6 discuss them with you. But I think that at least at
7 this point in time there is -- there is no clear
8 consensus to move forward in a wholesale way on an
9 ITQ program for Amendment 2. Perhaps when we get up
10 into those double digit amendments, we'll be ready
11 for a larger scope of an ITQ program.

12 Mark was going to get into the tag
13 and release issue versus catch and release. I know
14 we had some questions particularly from our
15 constituents in North Carolina with respect to tag
16 and release program recently during that winter
17 fishery.

18
19 TAG & RELEASE VS CATCH & RELEASE

20 MARK MURRAY-BROWN: Thank you, Chris.

21 We've already touched on both of these, but briefly
22 taking them in order, the tag and release versus the
23 catch and release program, this is -- as a practical
24 matter, this perhaps is an artifact of when the

1 bluefin tuna was a research quota. And so tag and
2 release was the encouraged form of operation by
3 angling vessels, when quotas were closed, when there
4 was no fishery.

5 Now, this came to the floor this year
6 in particular, as Chris mentioned, of North Carolina
7 when the angling category closed November 17. We
8 got deluged with calls from folks that said well,
9 can I still go out and go catch and release? And
10 the answer was no, because that's targeting bluefin,
11 which is closed and prohibited under the regs.

12 We did, however, immediately offer
13 well, folks, you can go and tag and release. And we
14 provided the tag number, Doctor Eric Prince of the
15 Miami Science Center, folks got their kits and off
16 they went.

17 That started to provoke another
18 discussion about well, some of us aren't actually
19 very good at tag and release and there's some
20 mortality issues and discard concerns, and so we
21 wanted to raise this with you again and see -- well,
22 frankly, just open up this debate quickly as to
23 whether we should stick with tag and release, scrap
24 that, go to catch and release when quotas are

1 closed, mixture of the two, and so on.

2 MODERATOR CHRISTOPHER ROGERS: Okay.

3 And an important point to recall is that under the
4 Magnuson Act bycatch is not inclusive of fish
5 released under a catch and release program. So,
6 there is a need to maintain a formality of a program
7 with respect to release fishing for bluefin tuna.
8 But the central question before us is, is there good
9 cause to change the regulations from a tag and
10 release program to a catch and release program.
11 Louis Daniel, then Ron Whitaker, and Bob Pride.

12 LOUIS DANIEL: Yeah, I would
13 certainly ask that you get rid of the tag and
14 release provision. It created such a problem in
15 North Carolina this year. People were calling and
16 asking -- I mean the Federal Register Notice or the
17 notice closing the angling category said it was
18 illegal to fish for bluefin tuna, yet you could tag
19 them. And that created a tremendous confusion with
20 the public.

21 The effort that we went through to
22 try and get the tags out to the anglers so they
23 could go out and actually -- I mean most of them
24 didn't even have a tagging stick. And it was -- the

1 additional mortality that's imposed on those fish
2 creates a real problem for us. And I think with the
3 value of this fishery, the quick catch and release
4 is the way to go on this.

5 The other issue that came up was in
6 talking to some of the NMFS folks, was there was
7 confusion even within the agency on what the letter
8 of the law was on the tag and release program. And
9 in many of them, it's like well, if you're out there
10 fishing and you're targeting bigeye or yellowfin and
11 you just happen to catch a bluefin tuna, you need to
12 release it right away. That was the issue.

13 But in North Carolina, when you're
14 fishing for bluefin tuna, you're 30, 40, 50 miles
15 from the nearest other tuna. So, when you're
16 fishing 130's two miles off the beach, you know,
17 there's not really any doubt what you're fishing
18 for.

19 So, it created a real problem for the
20 agency, for North Carolina, concerned that the Coast
21 Guard or somebody would board a vessel and they
22 didn't have a tag or they didn't have appropriate
23 equipment and would get cited for fishing for
24 bluefin tuna, when the only thing out there other

1 than bluefin was striped bass. So, please go to the
2 catch and release and not the tag and release.

3 MODERATOR CHRISTOPHER ROGERS: Rom
4 Whitaker.

5 ROM WHITAKER: Well, Louis pretty
6 much covered everything, but the bottom line is
7 you're going to kill more fish tagging them than you
8 are not tagging them. So, if -- when you get
9 through all the confusion of whether we have got an
10 open season or a closed season, and I'm hoping that
11 you all found a way to have us an open angling
12 season from hereon out, being that we only seem to
13 catch 20 to 30 metric tons, but the bottom line is
14 let's just make it a catch and release, not a tag
15 and release.

16 I mean, if we go back -- hopefully
17 someday we go back to where we're tagging the 20, 30
18 fish a day, which certainly was many days back in
19 the late '90s higher than that. You know, it's
20 somewhat of a -- it's going to be a burden on you
21 all to provide the tags, number one. And it's going
22 to be much more of a burden on us and much more --
23 most importantly, a burden on the fish. Thank you.

24 MODERATOR CHRISTOPHER ROGERS: Bob

1 Pride. Bob Zales next.

2 ROBERT PRIDE: Thanks, Chris. I'll
3 just echo the comments that we heard from Louis and
4 Rom, but I'd also like to talk about the tagging
5 program that we run in Virginia for ASMFC species.
6 We probably tag between 3 and 5,000 fish a year, and
7 they're predominantly striped bass, speckled trout,
8 et cetera -- you know, and sea bass.

9 What we found very quickly was that
10 we had to train anglers to tag fish. So, for
11 anybody to tag a fish in that program, they have to
12 go through a half a day training class that's run by
13 the Virginia Saltwater Fishing Tournament and some
14 scientists, and that's proven to work pretty well.

15 And I would suggest that the agency
16 maintain a tag and release program and let anglers -
17 - you know, go through a training program, if they
18 want to. I also agree with the comments that making
19 that the blanket requirement is not really the way
20 to go. Thank you.

21 ROBERT ZALES, II: A question and
22 then a comment. What is the release mortality on --
23 rate on the bluefins?

24 MODERATOR CHRISTOPHER ROGERS: What

1 is the release mortality? I don't know that I have
2 an answer to that. There have been several studies,
3 and again it would depend on the handling. I know
4 there's a difference between the type of hook that
5 is used, the length of fight time and things like
6 that. And I don't know if you can sum it up in some
7 sort of average rate of release mortality, but if
8 any experienced anglers have any observations on
9 techniques that can be used to minimize post-release
10 mortality, that's certainly something that we should
11 strive for and adopt in our management program.

12 ROBERT ZALES, II: Okay. And then my
13 comment is I support what's been said here already,
14 because it appears to me -- and I know from my
15 experience you spend more time trying to tag a fish
16 than if you're just going to catch and release. So,
17 obviously time that you spend stressing that fish I
18 would suspect would increase that mortality rate,
19 whatever it is.

20 So, I would suggest that the tag part
21 be eliminated and just if this happens just allow
22 these people to catch and release them. And
23 obviously you've got concerned people that are
24 trying to do this, they're not out there trying to

1 rape the resource or do anything harmful to it. And
2 I suspect that you would have much more compliance
3 and probably a much better ethic than trying to
4 handle that fish, better to let him go in that
5 respect.

6 MODERATOR CHRISTOPHER ROGERS: Okay.

7 we had Glenn Delaney, Mark Sampson, Ken Hinman.

8 GLENN DELANEY: Thank you. I don't
9 have the Magnuson Act in front of me, but it seems
10 to me I recall working on an amendment to the
11 definition of bycatch, or maybe it was the
12 definition of bycatch in the Sustainable Fisheries
13 Act days, and there is some reference in there to
14 the definition -- within the definition of bycatch.
15 It relates to tagging programs.

16 And I'm just curious what
17 implications this might have. Does this then throw
18 this fishery into becoming a bycatch as opposed to
19 non-bycatch as defined under the Magnuson Act?

20 MODERATOR CHRISTOPHER ROGERS: That
21 was my concern, is that if we remove the tag and
22 release provisions without formally adopting catch
23 and release provisions, then it would be a bycatch
24 situation. But as the Act reads --

1 GLENN DELANEY: And therefore, the
2 law requires --

3 MODERATOR CHRISTOPHER ROGERS:
4 Bycatch shall not include fish released alive under
5 a recreational catch and release fishery management
6 program.

7 GLENN DELANEY: So, by implication
8 then, the other parts of the law, which are to
9 minimize bycatch -- I mean, are you sure you want to
10 ask for this is all I'm -- I caution you to consult
11 with a lawyer before you make that leap, because you
12 may cause yourself to be managed out of existence in
13 a catch and release fishery because it becomes
14 bycatch and the mandate of the agency is to minimize
15 bycatch, which could be interpreted as minimizing
16 your fishery. The other -- which in our experience
17 would certainly be the case.

18 The other thing I just -- I wonder
19 about is when we have a fishery that is catch and
20 release, is there any presumed mortality that's
21 assigned to that? This whole -- somebody raised the
22 issue of post-release mortality, and do we cover
23 that somehow in our quota management or stock
24 assessment or something?

1 MODERATOR CHRISTOPHER ROGERS: Yes,
2 we do calculate dead discards from information
3 reported during angler interviews. To the extent
4 that releases are recorded as alive or dead upon
5 release, that would be factored into the dead
6 discard estimates for bluefin tuna that are reported
7 to the Commission.

8 And to clarify the point, if it is a
9 formal catch and release program, and the fish are
10 released alive, it does meet the definition of the
11 term bycatch. But there would be a concern to the
12 extent that a catch and release program has some
13 component of mortality associated with it. That
14 would have to be considered bycatch that needs to be
15 examined and targeted for reduction. So -- the live
16 releases, no, but the release of dead fish would be
17 coming under a bycatch reduction program.

18 UNIDENTIFIED (No microphone):
19 (Inaudible.)

20 MODERATOR CHRISTOPHER ROGERS: Not if
21 it's a formal catch and release program.

22 UNIDENTIFIED (No microphone): Catch
23 and release (inaudible).

24 MODERATOR CHRISTOPHER ROGERS: Right.

1 We had Mark Sampson, Ken Hinman and Bob Hueter.

2 MARK SAMPSON: Yes. As far as the
3 tag and release, myself as many other sport
4 fishermen, very big opponent of -- or very much in
5 favor of tag and release and very involved in it.
6 One thing, though, that anybody who's done much
7 tagging I'm sure will agree with is that to properly
8 tag a fish does require a lot of advanced planning.

9 It requires some training, information and
10 education on identification of the different
11 species, not just talking about tunas, but the other
12 fish.

13 I mean, there's certainly a lot that
14 goes into properly tagging a fish, and certainly the
15 importance of properly tagging a fish and reporting
16 the data on that fish and all that is so important,
17 not only to the survivability of that fish, but also
18 I'm sure to the folks who are going to be using the
19 data that will be compiled from the tagging and
20 hopefully the eventual recapture of that fish.

21 So, I would be very careful about
22 trying to push people into being involved in a
23 tagging program of any type, only in that if they're
24 not a -- really looking forward to, if they're not a

1 willing participant, they might just be creating
2 more problems than they're solving. I would suggest
3 that an improperly tagged fish is certainly worse
4 than having the fish not tagged at all, so that --
5 again, whether it's tunas or sharks or whatever, as
6 you go along, please consider the fact that if the
7 folks are not trained and doing it right, you might
8 want to not consider having them doing it at all.

9 MODERATOR CHRISTOPHER ROGERS: Ken
10 Hinman.

11 KEN HINMAN: Okay. Thank you, Chris.

12 First of all, I apologize for being late. I had to
13 stay in my hometown and wait until the polls opened
14 so I could vote in our primary this morning, so --

15 I think if our concern is just --
16 with this is just additional fishing mortality, I
17 think it's clear that we should be encouraging
18 anglers to catch and then quick release the fish,
19 not to tag them. I think what I haven't heard is
20 the rationale of an outstanding need for the
21 information that would be gained by tagging. I
22 think if there is some additional mortality
23 associated with the tagging of the fish, you're
24 going to have to weigh that against the value of the

1 information you're going to get from that tagging.

2 And I would agree with Mark that if
3 you are going to go down that road and you do want
4 to get certain information that's only available
5 through tagging, that you use anglers that are well-
6 trained, that are best-equipped to do that in a
7 manner that's going to minimize mortality. But I
8 haven't really heard that discussion of what
9 information is out there that we really need to get
10 through a tagging program.

11 MODERATOR CHRISTOPHER ROGERS: Well,
12 certainly with the advent of the archival and
13 electronic tags, the need for massive quantities of
14 fish with the conventional tags is much diminished.

15 It's obviously always useful to get another data
16 point of a fish that was tagged at one point and
17 released at another and you have some sense of the
18 size and age upon release and upon recovery. But
19 the value of the information from the archival
20 tagging system is -- seems to be much more robust
21 and much quicker in its return in terms of
22 applicability for management.

23 I would argue that at least for some
24 fish, particularly some of these large highly

1 migratory species, it's probably more beneficial to
2 invest in the archival tagging research than the
3 conventional tags at this point.

4 We had Bob Hueter next and then Jim
5 Donofrio, then Mike Leech, Henry Ansley.

6 ROBERT HUETER: Thanks, Chris.

7 Actually Mark and Ken really made the points that I
8 was going to make. Let me go over the ground a
9 little bit again. I mean, I've been tagging for
10 about 30 years and personally have tagged over 5,000
11 fish myself. There's a right way and a wrong way to
12 tag a fish. We all know this. And too often
13 tagging is used as a sort of a conservation panacea,
14 you know, a feel-good activity when there is a
15 perceived problem in the fishery.

16 I'm not a big fan of massive
17 voluntary tagging programs, in which training is
18 minimal, where you're just basically handing out
19 tags. Never have been. Unless there are certain
20 circumstances in which you're trying to turn a
21 fishery around from -- like an all-kill fishery into
22 more catch and release.

23 So, I second what Mark and Ken said.

24 I would ask, though, that if you do go to a

1 strictly catch and release that you consider doing
2 certain things. One is to implement strict
3 guidelines as to how that catch and release is done
4 in terms of gear. There are ways to modify one's
5 gear so that catch and release -- you know, limits
6 the mortality of the fish, such as coercible circle
7 hooks, that kind of thing.

8 But the other concern I have is the
9 good side of tagging is you do get some data back.
10 Those data are often -- you have to put them in a
11 different category from data that are collected by
12 biologists, but they do say something. And I'd just
13 ask the question back to you, Chris. If you go from
14 tag and release, which hopefully we get a card back
15 on that fish, you know, something about where it was
16 tagged, if you go to an all catch and release, what
17 becomes of the data? Do they still have to report
18 those catches? And if not, let's put in some kind
19 of a situation where they would. They don't stick
20 the fish, but they still report in, send a card in
21 saying where, when, approximately how big, et
22 cetera.

23 MODERATOR CHRISTOPHER ROGERS: Well,
24 we still would capture the information on released

1 fish through the dockside surveys and there was some
2 brief discussion yesterday with our recreational
3 catch monitoring programs in where we need to go
4 with those, as to whether our direct reporting
5 system should be expanded. Right now they're
6 currently applied only to landed fish. Whether they
7 should be expanded to include released fish. And
8 certainly we'll have more of that discussion during
9 our Recordkeeping and Reporting for tomorrow.

10 We had Jim Donofrio, Mike Leech and
11 Henry Ansley.

12 JAMES DONOFRIO: Chris, thank you. I
13 know I brought this up in previous meetings over the
14 last couple of years, but there seems to be an
15 absurdity here, you know, regarding this catch and
16 release program. The word program. And the perfect
17 example is we've got the same boats, the same
18 equipment, the same type of angling skills. Glenn's
19 out fishing in a fishery with that boat. I'm on
20 another boat. He's in the program, I'm not in the
21 program. My fish are discards, his fish aren't.

22 I mean, just the word program. What
23 is the program? Is the program some training
24 session? I mean it's just the word program. Do you

1 call up Mark, okay, I want to be in the program.
2 Nothing else has been done. It is so absurd. It is
3 so absurd. I just don't understand this. Can
4 someone explain this to me?

5 MODERATOR CHRISTOPHER ROGERS: I
6 could certainly give you my view, but if there is
7 anybody in the room who worked on the legislative
8 process for this definitional change under the
9 Sustainable Fisheries Act, perhaps we can have
10 insight there. Glenn Delaney.

11 GLENN DELANEY: Unfortunately most of
12 my memory cells have been destroyed over the years,
13 but what I do recall was that there was some --
14 well, I'm responding to somebody who's not
15 listening, so -- well, anyway. Hey, Russ.

16 I think what I recall was that it was
17 trying to make some distinction between what others
18 have mentioned are just sort of wholesale public --
19 you know, hand out your -- hand out tags to people
20 who have no clue what they're doing, and the
21 government really doesn't even know where the tags
22 or who's distributing them and who used them until
23 they might get a card back someday, as opposed to a
24 program, I guess, which would have some -- you know,

1 maybe some nuance of training involved or education
2 of the user of the tag and some direct
3 accountability between the government and the user
4 of the tag as to when and where and knowing -- you
5 know, some accounting of the distribution of them
6 and the use of them and what fisheries and for what
7 purpose.

8 But you're right. I mean it's
9 certainly an ambiguous term and I don't know what
10 the agency -- I'm sure there's a guideline in there
11 somewhere that says this is what this means. So,
12 what does the agency define it as?

13 MODERATOR CHRISTOPHER ROGERS: Well,
14 with respect to Atlantic Highly Migratory Species as
15 embodied in our management plan and the implementing
16 regulations, the program is basically defined as
17 requiring a permit and requiring that there be some
18 accountability in terms of a reporting scheme. It's
19 not universal in the case of released fish, in terms
20 of a census type arrangement, but certainly
21 responding to surveys and for those in a charter or
22 headboat sector, in logbook systems to so indicate
23 released and whether they be live or dead.

24 So, in that sense, that's how we have

1 applied the definitional requirement in the Magnuson
2 Act. In defining a program such that we don't need
3 to consider the live releases as bycatch that need
4 to be minimized, but in fact can be fostered as a
5 legitimate use of the resource under the management
6 plan.

7 So, that's how we've defined program:
8 permitting and reporting. But it's universally
9 open to all participants, provided they get the
10 permit. Does that answer your question, Jim?

11 JAMES DONOFRIO: Yeah, I understand
12 that, and the problem I guess I have is that
13 basically I don't feel that fish that are caught on
14 a recreational vessel that are dispatched in a short
15 amount of time are bycatch anyway. So, it's just a
16 matter of -- it's this whole word game again, you
17 know? And we'll try to fix it next round.

18 MODERATOR CHRISTOPHER ROGERS: Okay.
19 We had Mike Leech, Henry Ansley and Bob Zales, and
20 then I think we'll need to move on to our next topic
21 before the break.

22 MICHAEL LEECH: Okay. Real quick. I
23 don't want to belabor this because I think you've
24 gotten a pretty good feel of the consensus, but IGFA

1 and other organizations have been promoting catch
2 and release since IGFA -- since the 1950's. And
3 we've always promoted it as a conservation measure.

4 And I've never understood why your agency would
5 prohibit catch and release after the fishery was
6 closed. It's something I think needs to be changed.

7 MODERATOR CHRISTOPHER ROGERS: I had
8 Henry Ansley and Bob Zales.

9 HENRY ANSLEY: I think we'd support
10 just going to catch and release. We actually had
11 some tunas show up off Georgia this year, or at
12 least people saw them this year. And we had some
13 people go out and target them. And thank God they
14 didn't land them.

15 But there obviously was a big
16 scramble going out there. Here we got a tuna
17 fishery, everybody thought was great, but it was
18 really confusing. It was something I had to deal
19 with because I had never dealt with bluefin off
20 Georgia or what to do, but then I found out about
21 the tags and I said oh, gosh, we've got to get
22 people tags and all that. So, I think it would make
23 it a lot simpler.

24 Also, is it true that you can't use

1 just any tag, you have to use the National Marine
2 Fisheries tags? And if that is the case, I could
3 use some practical help. Our tournaments are right
4 at the end of the season, so odd -- I mean, odds are
5 they -- they're catch and release, so we'll have to
6 be able to get those tags. And I was wondering how
7 quickly practically we can get these to boats or say
8 if you have a tournament and you have a boat coming
9 into a tournament, how quickly they could get them
10 to us. So, I could use some practical help on that.

11 Also I think the additional
12 mortalities everybody's talked about is possibly not
13 worth it. As far as a permitting system, a formal
14 program, I mean with the permit -- Bob, could you
15 require some sort of -- I know with migratory birds
16 you have a report -- I think it's a HIP type
17 program, where you have to report your catch and
18 stuff.

19 Some people in our states have -- the
20 anglers wanted to report catches. They've talked
21 about websites where they could enter and report
22 catches. So, it seems like that, along with the
23 education process for catch and release could be
24 your formal program.

1 That's about it. I support -- I
2 think catch and release is the way to go, but for
3 the interim we sure could use some help in trying to
4 find out how to get these tags and how to get them
5 quickly. Appreciate it.

6 MODERATOR CHRISTOPHER ROGERS: Okay.

7 Henry, to that point, the requirements were that a
8 NMFS approved tagging kit be used and that could
9 either be obtained from NMFS in the cooperative
10 tagging program in Miami or from other sources
11 provided they were approved by the director of that
12 program. And the criteria for approval was
13 basically access to the data on the released fish
14 and the recoveries, with the organizers of the other
15 tagging program in a position to make their data
16 accessible to NMFS for coordination with the other
17 ICCAT researchers in the tagging program.

18 So, again, if the rules are changed
19 to adopt a catch and release format post a closure
20 of the angling category, not to say that a tag and
21 release program wouldn't be continued. It just
22 wouldn't be required. So, those anglers who would
23 be interested or tournament operators interested in
24 continuing to participate with that cooperative

1 tagging program, they would be free to do so.

2 HENRY ANSLEY: Right. I'm just
3 talking about the short-term. We have some coming
4 up right away and we need to get some tags.

5 MODERATOR CHRISTOPHER ROGERS: Okay.
6 Bob Zales.

7 ROBERT ZALES, II: I just wanted to
8 hit on something that Bob Hueter said and I guess
9 Rom and Louis and some of the others that are able
10 to get a lot of these fish to where they're able to
11 tag them. I wish we could do it in the Gulf,
12 because we're lucky if we can catch one a year.

13 But I don't suspect that they would
14 have a problem reporting what they catch and
15 release, because I mean they're obviously reporting
16 what they kill. And I don't think that that's a big
17 burden, and I would much rather see the angler and
18 the people involved with it report what they're
19 doing, rather than depend on the dockside
20 interviewers. Because I have serious problems with
21 some of the dockside interviewers that are out there
22 trying to gather this information and how they put
23 it together.

24 MODERATOR CHRISTOPHER ROGERS: Okay.

1 We had Ken Hinman, Glenn Delaney and then Louis
2 Daniels. And then we'll move on to our next topic.

3 KEN HINMAN: Okay. I don't know if
4 my memory's any better with Glenn's, but I was
5 involved in the bycatch definition debates in '96.
6 And if it's helpful, I know that was one of the most
7 -- more difficult things about the Sustainable
8 Fisheries Act was actually coming up with a
9 definition of bycatch. And I suspect that probably
10 nobody is really happy with what's in there, but the
11 language that -- about catch and release fishing was
12 added because Congress wanted to make sure that it
13 was not inadvertently discouraging catch and release
14 fishing by including it in its bycatch definition.
15 In fact, it wanted to encourage catch and release
16 fishing.

17 And the addition of the word program
18 in there was more of trying to add some kind of
19 formality to it, or to make sure that this was --
20 catch and release was being done to further
21 management goals. But it was not ever defined as
22 what that program was. But I think the important
23 thing in there was that it was not meant in any way
24 to discourage, but actually to encourage catch and

1 release fishing in all fisheries, including HMS.

2 MODERATOR CHRISTOPHER ROGERS: Okay.

3 Glenn Delaney, briefly, and then Louis Daniels.

4 GLENN DELANEY: Just to -- not to
5 open old wounds, but that was a difficult
6 discussion. And what it comes down to, if you
7 liberalize it too much in the notion of catch and
8 release, what you hear people saying is you either
9 have a fishery -- a recreational fishery that is
10 either no quota or has already used up its quota and
11 then can go start catch and releasing.

12 Let's just take the flip to Nelson's
13 fishery, the longline. They could have a species
14 for which they have no quota or have used up their
15 quota. If they continue to -- let's just use an
16 example of bluefin tuna. They've used up their X
17 tons of bycatch -- incidental catch of bluefin tuna
18 and then they continue to keep catching bluefin
19 tuna, they have to discard them. Well, that's catch
20 and release. Does that cease to become bycatch?

21 That's -- you see what I'm saying?
22 You've got an exact analogy in two different sectors
23 -- two different economic sectors of the fishery
24 being treated completely different. And that was one

1 of the challenges that faced Congress in defining
2 bycatch is why would you make catch and release
3 bycatch for one fishery and not for another, or vice
4 versa.

5 MODERATOR CHRISTOPHER ROGERS: Okay.

6 Louis Daniel is going to sum up the discussion and
7 give us the answer.

8 LOUIS DANIEL: Well, Glenn's point's
9 a very good one, and I think if we -- it goes back
10 to what Bill Hogarth said yesterday in his
11 commitment to coming up with an appropriate and
12 practical way to account for the angling harvest.

13 And if we were able to adequately
14 manage the recreational fishery so that we didn't go
15 from say extraordinarily high bag limits to nothing,
16 then perhaps we wouldn't have this problem of having
17 to deal with a catch and release only fishery at
18 all.

19 But I think Bob's point I liked --
20 Bob Zales' point, and I think it would be very
21 simple for the agency to -- when you renew your HMS
22 angling permit or your HMS headboat/charter boat
23 permit to get a stack of pre-addressed release cards
24 just so that you could send that information in.

1 You'd probably need to send more to the
2 charter/headboats than you did to the private
3 anglers. But that would be a huge help in trying to
4 track the release segment of this fishery.

5 MODERATOR CHRISTOPHER ROGERS: Okay.

6 Thank you all for that informative discussion. We
7 do realize that there have been some problems
8 associated with the regulations as written with
9 respect to tag and release, and have had some good
10 feedback on how to possibly modify the program to
11 foster good catch and release fishing with avoiding
12 the bycatch discussion. Ellen Peel has the last
13 word on catch and release versus tag and release.

14 ELLEN PEEL: Chris, just to the point
15 that Louis raised, we do distribute cards, you know,
16 catch and release cards that are then sent back to
17 us and we share the data with Miami. We'd be happy
18 to share some of those cards, if you want to try to
19 duplicate that for yours.

20 And second, talking about the
21 approved programs, I do believe -- is there anyone
22 here from South Carolina? I do believe that they
23 are still distributing tags with the old tag heads,
24 the metal tag heads, which may not be getting you as

1 much data back. So, if those are part, you may want
2 to have them switch to the nylon heads. If they're
3 going to be used on tuna. John, was there a
4 problem?

5 MODERATOR CHRISTOPHER ROGERS: Yeah,
6 there were some concerns and we did get some
7 inquiries from South Carolina with respect to the
8 tag and release program and what is an approved tag.

9 And that was one of the concerns that was expressed
10 by Eric Prince, managing the cooperative tagging
11 program, that the old style metal-tipped tag inserts
12 were problematic.

13 So, I'm sure that as communications
14 are had with the cooperative tagging center, that
15 participants in tag and release programs would adopt
16 some of the new style tags that are less likely to
17 be shed or cause injury.

18
19 FILLETING AT SEA

20 MODERATOR CHRISTOPHER ROGERS: Our
21 next topic is filleting at sea. It's already been
22 raised earlier today by I believe Jim Donofrio and
23 perhaps Joe McBride. Several of the headboat
24 operators have petitioned the agency to allow

1 filleting at sea. Currently tunas may be headed and
2 gutted, provided that one pectoral fin and the tail
3 remain attached, so that we can make a proper
4 species identification and a size limit
5 determination at the dock.

6 And the concern that was expressed to
7 the agency -- I guess I'm stealing Mark's thunder
8 here. But Mark was going to present it, but I guess
9 I've had so many calls from some of the headboat
10 operators, it's sticking in my mind about how this
11 issue came to light is that with -- particularly
12 with the headboats you have anywhere from 20 to 30,
13 perhaps even 40 clients. And in probably some of
14 these overnight trips to Hudson Canyon, you have a
15 lot of fish being offloaded and it is a matter of
16 concern with the mates being able to keep up with
17 the filleting at the dock when their clients are
18 potentially very tired and wanted to get home and
19 get a shower.

20 So, there was a request to allow
21 filleting at sea in some of these cases. We were
22 trying to query our enforcement agents as to whether
23 or not they would -- this would present any problems
24 with respect to species identification and size

1 limit determination. So, that's the basis of the
2 request, and why this item was on the agenda. We'll
3 let those proponents of a fillet at sea provision to
4 speak on the subject. I have Joe McBride.

5 JOSEPH MCBRIDE: Thank you, Chris.
6 Again, the rationale for the filleting at sea,
7 initially -- it's the same rationale that the
8 commercial fisherman's allowed to head and tail:
9 space saving, time saving, preservation of the
10 quality of the fish, you can go on ad infinitum.

11 The concern was initially from the
12 agency's part that their dockside surveyors wouldn't
13 recognize a bluefin from a yellowfin because they
14 have yellow finlets, et cetera, et cetera. Well,
15 you know, I think you've solved that. Certainly
16 it's easy enough to solve.

17 But let me just give you a scenario -
18 - in any fishery. In New York state, for example,
19 striped bass, initially when it was under regulation
20 couldn't be filleted because people wanted to
21 identify them and so forth. Fluke, the same thing,
22 because they wanted to see shorts and longs, and
23 they didn't want to bother sorting out the caucuses.

24 Well, when you come in on -- let's

1 take a charter boat like mine. I leave the dock at
2 5:00 in the morning. I come back at 5:00 at night.

3 My mate then has to take anywhere from six to let's
4 say 12 tuna out -- or whatever category, start
5 working on them, quarter them up. Depending on the
6 individual -- he's there till 7:00, 7:30 at night.

7 And it's just -- there's no need for that, because
8 if you can bring the carcass in, as we do with
9 striped bass, as we do now with fluke, and you can
10 get a reasonable identification that you can -- you
11 know, even keep some of the fins, et cetera, et
12 cetera. And the fresh carcass, not last year's
13 carcass. It's not a big deal to identify the
14 carcass and the quality if the dockside people know
15 what they're doing. And that's not a problem of the
16 fishermen. That's a problem of the regulators.

17 So, I mean -- and it's not a problem
18 you can't solve, because I see more and more
19 youngsters involved with the surveys who know more
20 about the fishery than they did ten years ago. And
21 that's to your credit per se I assume, or to the
22 credit of the surveying agency.

23 So, it's just common sense. And in
24 fairness to -- you know, guys that work a long day

1 on the water, and the young fellows have families
2 just like everybody else, they like to get home
3 after being on the water for 12 some odd hours.

4 And they come back -- let's say in
5 our case in Montauk, it might be a three-hour ride
6 back to the dock. They can -- they sit there and do
7 nothing or they go grab a nap or something. And
8 they should be cleaning the fish to get off the boat
9 like gentleman and live a life. That's all. Thank
10 you. I hope that -- I don't see it to be a problem
11 anyhow.

12 MODERATOR CHRISTOPHER ROGERS: Jim
13 Donofrio.

14 JAMES DONOFRIO: Chris, yes, Ray
15 Bogan from the United Boatmen has asked me to go on
16 the record for this, and we urge the support here.
17 As Joe said, it's -- you know, these guys -- once
18 they're out on these 24-hour trips, they're just
19 anxious to get home and get in their cars. And when
20 they get delayed there for inspections, it presents
21 a problem for -- you know, for the person -- maybe
22 even book another trip.

23 So, they had -- Ray expressed to me
24 and some of his captains, Howard Bogan, Tony,

1 Francis and some of the other captains, that they
2 have no problem having observers. You can call them
3 anytime, put observers on those boats. They have
4 nothing to hide. What they want to do is have some
5 efficiency when they get back to the docks. So,
6 observers are not the problem, it's just a matter of
7 you giving a call and getting them on board.

8 MODERATOR CHRISTOPHER ROGERS: Nelson
9 Beideman.

10 NELSON BEIDEMAN: Joe brought up that
11 -- you know, commercial are allowed to head and
12 tail. We're not. Currently we're not allowed to
13 head and tail. And it's a tremendous problem on the
14 boats. It's not a good handling practice to retain
15 the head and the tail when you put that fish down in
16 the hold. It would help immensely if that
17 requirement were removed.

18 Now, there has been -- you know, on
19 and off, some discussion in the longline fleet about
20 processing on board. Current regulations would not
21 allow that. And I've seen no action -- actual
22 action from the fleet. But eventually if the
23 markets remain as poor as what they've been for the
24 past several years, there's going to be moves toward

1 being able to process on board for freezing or for
2 the CO-2, you know, smokeless, smoking, things of
3 that nature, because they would have to stay out
4 longer and have the ability to retain the catch for
5 a better market.

6 So, that's a possibility in the
7 future. But usually when a fishery goes to that
8 processing on board, it goes to full observer
9 coverage in lieu of keeping all those carcasses.
10 And you know, carcasses being brought to the dock
11 can be a problem -- can be a problem in the
12 communities, you know, whether it then goes in the
13 water or it gets carted back out to sea or -- you
14 know, it goes to a dump. You know, that can be a
15 serious -- you know, situation.

16 But as far as the -- you know, on the
17 recreational side, I would think that the top
18 priority would have to be the accurate reporting.
19 And if the accurate reporting problem can be -- you
20 know, overcome, and you have -- you know, accurate
21 reporting and monitoring in place that's determined
22 to be effective, then I see no problem at all with
23 the filleting, because it is a pain.

24 But I don't know how you're going to

1 get past what enforcement has told us is they have
2 to have the head and tail for identification. And
3 they've been very adamant about that, and we've
4 bucked heads, you know, for years and years about
5 it, because we do not think that you need the head
6 and tail for identification.

7 MODERATOR CHRISTOPHER ROGERS: Well,
8 the heads can be removed. It's the tail that must
9 remain on it. You need to be able to make a
10 pectoral fin measurement. I know the tail is an
11 issue and we could work with industry to see if some
12 effective keel-based measure could be obtained like
13 we have for swordfish.

14 I had Rom Whitaker and Frank Blount
15 and then Jim Donofrio, and then I think we'll take a
16 break. Our coffee and refreshments are available.

17 ROM WHITAKER: Thank you, Chris. I
18 think in our area we would be in favor of the
19 filleting. Of course we don't do much of it now,
20 but it would be a very time-saving issue for -- just
21 as Joe spoke about the mate staying at a dock till
22 late hours cleaning fish. But either way I guess
23 Nelson's talking about the carcasses are going to
24 end up at the dock whether they're clean on the boat

1 or whether they're cleaned at the dock. We still
2 got to get rid of them. So, we would be in support
3 of it.

4 MODERATOR CHRISTOPHER ROGERS: Thank
5 you. Frank.

6 FRANCIS BLOUNT: Yeah, thank you,
7 Chris. As you know, we've been working on this for
8 a while. Most of the boats that requested this last
9 year under the experimental program do have the
10 logbooks and are already reporting the catch and
11 we're already reporting our discards. So, that goes
12 back to the previous discussion. I mean, that's
13 something in the northeast that's already done.
14 Every trip we make for any species we go for, we
15 report catch and discards, whether they're -- you
16 know, that's already done. That's not a problem at
17 all.

18 The other thing is the racks. We'd
19 be very willing to bring the racks to shore, because
20 we have to do it already and we have to bring them
21 back out the next trip, the way we're currently
22 doing it. So, there's no problem bringing the racks
23 to shore to match up.

24 As far as identifying a tuna fish, I

1 doubt there's a person in this room that couldn't
2 tell a yellowfin, a bluefin or an albacore once
3 they're filleted. It's probably easier when they're
4 filleted to tell them apart if they're not a big
5 fish. They're totally different. So, the fact that
6 they're intact, the meat are so totally different I
7 bet there's very few people in this room that
8 couldn't tell it apart. And I find it hard to
9 believe that enforcement can't tell the difference
10 between those three species anyway. I mean, they're
11 just totally different meats.

12 Observers, we do take observers now.

13 We're very willing to take observers. We have no
14 problem with that whatsoever. And the tail -- I
15 mean, the tail, if that's just to take the
16 measurement of the fish, I'm sure there's a way to
17 take it -- I mean if you take the tail off.

18 We've been willing to do whatever the
19 Service has asked for and we haven't had a lot of
20 movement that way. And I'm glad Nelson's in support
21 of this and we'd be in support of the processing at
22 sea. It's just something that -- you know, it's a
23 very time consuming thing and if you're on a two or
24 three-day trip, the quality of your fish is going

1 down. We want to make sure that they're taken care
2 of. You know, right now we're using ice brines and
3 all kinds of stuff, but you want to give the highest
4 quality product that you can. And filleting at sea
5 would enable us to do that.

6 MODERATOR CHRISTOPHER ROGERS: Okay.

7 I have Jim, Bob Hueter and Bob Zales. But why
8 don't we go ahead and take the break first and then
9 we'll come back and you can be the final three on
10 this subject. I mean that, the final three on this
11 subject.

12 (Pause, off the record.)

13 MODERATOR CHRISTOPHER ROGERS: Okay,
14 folks, if we could take our seats. We're going to
15 try to finish up very quickly. Even though our
16 agenda said we'd be moving into swordfish after the
17 break, we did have some more tuna issues to discuss.

18 I wanted to quickly take three final
19 comments on the filleting at sea from Jim Donofrio,
20 Bob Hueter and Bob Zales. And then we're going to
21 touch on general category participation in
22 tournaments -- general category vessels.

23 Okay. We'd like three final and
24 quick comments on filleting at sea. We had Jim

1 Donofrio, Bob Hueter and Bob Zales.

2 JAMES DONOFRIO: Okay. Chris,
3 regarding this whole fillet issue here, here's one
4 of the things -- the way I'm looking at it is okay,
5 let's just take the situation where right now you're
6 not allowed to fillet at sea. Okay?

7 The fish come in, there's no one
8 checking you, let's say that day. No one -- no
9 enforcement people are there. The enforcement
10 people arrive ten minutes, five seconds, whatever,
11 after everything got filleted. Then what is the
12 difference? You know, what is the difference
13 between allowing them to fillet on the boat or not
14 getting intercepted the second that boat comes in
15 and you know there's not going to be an interception
16 every time. There's not enough people out there.

17 So, therefore, if they're allowed to
18 fillet, bring the carcasses in, and I can tell you I
19 agree with Frank. I mean, when I fished, I could
20 tell the difference between a bigeye, yellowfin and
21 a bluefin. If these people that's their job, if
22 they can't tell, then shame on them. I mean, we're
23 bringing in the carcass and this is their job to
24 know what these fish look like.

1 So, there's no damage done here.

2 It's just going to speed things up. It's going to
3 help us out. And I agree with Nelson. If you can
4 make their life easier for processing, go ahead and
5 do it, you know? They're trying to comply. They're
6 going to bring parts in or whatever they need to do.
7 Why slow this thing down, you know?

8 I think it's the only -- it's the
9 only fishery that NMFS -- and correct me if I'm
10 wrong -- it's the only fishery where we can't do any
11 of this processing or filleting. Everything else,
12 flounders, whatever, we can do whatever we need to
13 do, right, at sea? We can't do it with HMS. So, we
14 need to get this going for our charter and party
15 boats. Thanks.

16 ROBERT HUETER: Yeah, my only
17 observation is that this is very reminiscent of the
18 shark finning issue and the problem of allowing the
19 fishermen to cut the fins off. It's not only just
20 an ID problem, but we have a further problem --
21 nobody in this room, I'm sure -- of mixing and
22 matching species, discarding less desirable species,
23 keeping the fins and that sort of thing.

24 So, I'm listening to what both the

1 rec and commercial guys are saying. I'm not hearing
2 any concerns along those lines. I hear that fillets
3 are very identifiable, which is not true for sharks.

4 So, it sounds like an acceptable procedure, as long
5 as there's none of those shenanigans going on with -
6 - of course I don't think any tuna is ever thrown
7 away. But if less desirable tunas were retained --
8 the carcasses were retained and try to match up with
9 more desirable fillets, then you'd have a problem.
10 But if you don't have a problem like that, then it
11 sounds okay.

12 MODERATOR CHRISTOPHER ROGERS: Okay.

13 If I recall, 50 CFR Section 635.71A32 says
14 shenanigans are prohibited. So, that shouldn't be
15 an issue. Bob Zales, final word on filleting at
16 sea.

17 ROBERT ZALES, II: Yeah, and I'm
18 going to support this and unlike Jim, in the Gulf to
19 my knowledge everything that we catch down there has
20 to be retained. You can gut, but you can't fillet.

21 And unfortunately for those of us in
22 Panama City -- because Panama City is the only place
23 that I know of that I've traveled that has anything
24 to do with -- in the for-hire fishery to where we

1 can't do it because we have to bring our fish to the
2 dock and fish houses clean them. We don't clean the
3 fish. We're the only people that don't do that.

4 But everybody else in the Gulf of
5 Mexico that I know of for sure, people clean fish on
6 the boats. And since they've created these
7 regulations, it's created a hardship, because when
8 the guys get to the dock after fishing 12 hours, the
9 deck hands are there for another three or four
10 hours, and in some cases people have had to hire
11 extra people just to clean the fish. And in some
12 places they have boat cleaners, because deck hand's
13 got a good job. He doesn't clean the boat, he just
14 cleans the fish and fishes.

15 So, it would I think expedite a lot
16 of stuff, make customers a lot more happy, because
17 you also in the process of doing this when the
18 customer when he got in off a 12-hour trip within a
19 matter of probably a half hour to an hour, he was on
20 his way back to the hotel or home or wherever he was
21 headed, and now he's got to wait another three or
22 four hours hanging around there to pick his fish up.

23 I don't see the problem that they've
24 tried to regulate in the Gulf with filleting fish

1 because in matching fish up if you retain the
2 carcass and you retain the two fillets, in my mind
3 it's fairly easy to match them up. I don't think
4 that there would be a problem in taking one species
5 that was not necessarily wanted and try to match up
6 a fillet from a good species with that one. And I
7 just don't see the big problem with it.

8 So, I would suggest that -- and I
9 suspect that in the Gulf of Mexico you would have
10 probably unanimous support to allow filleting, and I
11 don't see any problem with retaining the carcass
12 with the fillets for identification purposes and for
13 enforcement when you get to the dock, but I think
14 you're not only going to make the boat operators and
15 owners extremely happy, but you're also going to
16 make the customer much more happy than what he is
17 now.

18 MODERATOR CHRISTOPHER ROGERS: Okay.

19 Thank you. Louis, we've got to move on.

20 LOUIS DANIEL: I know it. I just
21 urge you to keep in mind that the result of this
22 will -- could be an extraordinary increase in
23 harvest, particularly on something like yellowfin
24 tuna where the holds on these boats are limited.

1 And many of these boats can't handle but three or
2 four fish. And if you start filleting at sea and
3 you're able to chunk those fish up and put them in a
4 cooler, you know, you could take the full bag limit
5 when otherwise you'd be limited to your cooler
6 space.

7 MODERATOR CHRISTOPHER ROGERS:

8 Thanks. Our next topic will be -- we're going to
9 move on to something we hope we can deal with rather
10 quickly. This was general category vessel
11 participation in tournaments and rulemaking we
12 undertook last year to address that issue. I'm
13 turning it over to Mark, who headed up that
14 rulemaking project.

15
16 GENERAL CATEGORY PARTICIPATION

17 MARK MURRAY-BROWN: As you may
18 recall, it wasn't the last Advisory Panel, it was
19 the panel before, there was a generous debate about
20 the angling category regulations, where we divided
21 the angling and the general category into different
22 permits, and redefined the two -- the two
23 categories.

24 And one of the pieces of fallout that

1 was most visible after that regulation was the fact
2 that general category permit holders, who until that
3 split had been allowed to fish on recreational
4 fisheries were now recreational species, and the
5 sharks, billfish and swordfish, were now no longer
6 able to do so.

7 And the real lightning rod, the real
8 catalyst, where there really was just a significant
9 impact that we wanted to address directly and
10 immediately was the tournaments. The general
11 category permit holders had been allowed to
12 participate in tournaments and they were closed out
13 of that opportunity.

14 So, during the development of the
15 final rule, the final specifications actually for
16 bluefin tuna last year, we worked on a provision
17 that was implemented in October 2nd, and we want
18 some feedback from you now as to how that's going.

19 And the regulation basically was
20 revised to now allow general category permit holders
21 to participate in registered tournaments and abide
22 by the general category regulations for tunas, which
23 meant that they were restricted still to the large
24 bluefin, but they could now also go -- as always,

1 they could go after the yellowfin and bigeye, that
2 they could also participate for billfish, sharks and
3 swordfish in that registered tournament.

4 And it was a fix that we implemented
5 after listening to you, listening to a lot of
6 different voices over the course of that year. And
7 we would like to hear some feedback, pros, cons, how
8 it's working out. Thank you.

9 MODERATOR CHRISTOPHER ROGERS: I have
10 Joe McBride.

11 JOSEPH MCBRIDE: That was a major
12 point at least year's meetings, and I think, if my
13 memory is correct in this, that it was an oversight
14 -- a crack in the foundation, so to speak, when you
15 developed the plan, and you were going to correct
16 it. And we discussed correcting it administratively
17 and you said no, you might have to do a rule change
18 -- you know, some complications that didn't seem to
19 be so necessary administratively but you know -- you
20 guys are running the agency, we're not.

21 You didn't correct it last year, and
22 a lot of tournaments were hurt last year, or people
23 -- I don't even know if they were fishing illegally.
24 For example, in Montauk, the very large Star Island

1 Tournament shark -- these are shark tournaments, by
2 the way, I'm referring to -- a lot of people
3 wouldn't take a chance on fishing that -- by a lot I
4 mean 40 to 50 boats allegedly, according to the
5 tournament directors. And it was a big economic
6 impact in the harbor of Montauk.

7 The same thing with our association
8 runs a shark tournament which we give shark -- we
9 give scholarships out to basically fishermen's kids
10 in the east end of Montauk. We lost at least 20 to
11 25 boats, again with this fear of the conflict. And
12 there was -- at the beginning of this year, I had
13 some people in the general category call me, has it
14 been resolved. I said I think it has, when I go to
15 this meeting, I'll get an official -- you know, one
16 way or the other. And I think now I -- it's a big
17 help. It has absolutely no value other than
18 oversight here, and why can't a guy in the general
19 category tuna fishery go into a shark tournament
20 wherever? I don't see what the conflict ever was.
21 I think we agreed upon that last year.

22 So, thank you very much for a late
23 rectification of the problem, and hopefully it will
24 work out to everybody's benefit this year.

1 MODERATOR CHRISTOPHER ROGERS: Any
2 other comments on that rule change? We do recognize
3 that it came late in the season for many
4 tournaments, but if there are any tournaments who
5 had benefited later in the season or will benefit in
6 the spring and summer as we move along, we certainly
7 hope that it works as it was intended, to allow
8 participation of general category vessel -- general
9 category permitted vessels in those tournaments.
10 Henry Ansley.

11 HENRY ANSLEY (No microphone):
12 (Inaudible.)

13 MODERATOR CHRISTOPHER ROGERS: Rich
14 Ruais.

15 RICHARD RUAIS: Just so you hear more
16 than one voice, ditto to what Joe said, and do you
17 see a downside for making that change?

18 MODERATOR CHRISTOPHER ROGERS: No, we
19 don't see a downside. It was a concern of the
20 agency insofar as the recreational regulations and
21 commercial regulations were becoming increasingly
22 complex and to some extent divergent, that there was
23 a need to separate commercial activity from
24 recreational activity.

1 But to the extent that this
2 compromise works and serves the purpose of allowing
3 participation in those tournaments, obviously that's
4 what we proposed and have gone final on in that
5 rule, and we got positive comment on it. So, we
6 just wanted to get the pulse of the panel, so to
7 speak, as to whether this was an appropriate fix and
8 whether it serves the intended end.

9 UNIDENTIFIED: And Chris, the charter
10 permit boats never got caught up in it; right?

11 MODERATOR CHRISTOPHER ROGERS: That's
12 correct, because the charter permit --
13 charter/headboat permit is for all HMS. I have Bob
14 Zales and Rick Weber.

15 ROBERT ZALES, II: This is a general
16 comment. Because from what you were just saying the
17 explanation on there, when you're talking about the
18 recreational/commercial conflict or whatever you
19 would call it, I don't know, this seems to be an
20 agency thing and a big agency concern as to trying
21 to distinguish between recreational and commercial
22 activity.

23 And in many times and in many cases,
24 especially in the Gulf of Mexico, you have

1 recreational people that will fish commercially.
2 You have commercial people that will fish
3 recreationally.

4 And in this day and age, many of us
5 see clear distinctions between the two operations.
6 And it seems to be some of the concern is that
7 somebody that is fishing recreationally may be
8 trying to circumvent a commercial regulation or vice
9 versa.

10 And I just don't see that, because in
11 commercial fisheries today not only do you have
12 fishery regulations and permits, but you've got
13 serious Coast Guard regulations and requirements.
14 And in my particular business, I've got two
15 certified -- U.S. Coast Guard certified vessels.
16 Both of them are permitted to fish commercially.

17 I have to have -- when those boats
18 are fishing commercially, I have to have two life
19 rafts, I have to have two separate sets of flares
20 and various other things. So, there are ways around
21 it.

22 So, I don't see this as a serious
23 problem with dealing with the permits. I think it's
24 more simple than what you're trying to make it. And

1 I think the agency needs to keep that in mind.

2 MODERATOR CHRISTOPHER ROGERS: Rick
3 Weber.

4 RICK WEBER: Yeah, honestly, Mark, I
5 can't comment on how it's going to work yet, because
6 with an October change, you know, I will hope that
7 the impact Joe discussed comes back, you know?

8 I guess I would ask as you renew
9 permits or even as we do the angling permits we do
10 some type of inclusion to get the word out for the
11 tournaments that says general category is once again
12 permitted to, so that it is clear that there has
13 been a change, including the fact that in tuna they
14 still have to comply with that permit rule.

15 Let's make things really clear to
16 them so that we get them back into the tournaments
17 fishing the events. Thank you.

18 MODERATOR CHRISTOPHER ROGERS: Thank
19 you. We'll have to get some postings to the website
20 as people start hitting the website to renew those
21 permits. We expect that to start up shortly. Joe
22 McBride.

23 JOSEPH MCBRIDE: One brief comment to
24 go along with what Rick just said, you could utilize

1 sometime in the spring, or whenever they start -- I
2 keep saying the spring because we start in the
3 spring, but it could be earlier down south, and get
4 on the weather channel as you do with closures and
5 openings of different commercial fisheries or
6 recreational fisheries, particularly the bluefin,
7 and announce that this change is in effect and --
8 you know, feel free if you're in the general
9 category to join a tournament for sharks, et cetera.

10 MODERATOR CHRISTOPHER ROGERS: Okay.

11 Thank you for those comments. On our tunas area of
12 the agenda, we did deal with the spotter aircraft
13 discussion last night. We had listed developments
14 for commercial dealer reporting, and we think we'll
15 move that on the agenda to our Recordkeeping and
16 Reporting discussion for 10:30 tomorrow, so we can
17 get back on track this morning with swordfish and
18 sharks.

19 That would leave under tunas the
20 bluefin tuna allocation discussion, which we
21 recognize will probably take much more time than we
22 could have if we truly intended to discuss swordfish
23 and sharks before lunch. So, we'll have to move
24 bluefin tuna allocations to another point in the

1 agenda, perhaps this afternoon prior to our
2 conclusion, or depending on the amount of public
3 comment right after lunch, we could squeeze it in
4 there.

5 But basically, we just wanted to
6 review what the FMP has embodied with respect to
7 allocations by category and to see how some of the
8 ongoing allocation discussions could be brought to
9 bear on those allocations by sector and by category
10 and whether or not any changes or revisiting of
11 those allocations is warranted as we proceed with
12 Amendment 2.

13 So, again, we realize it's an
14 important discussion. We're not trying to give it
15 short shrift, but just to get on with our agenda for
16 swordfish and sharks, I propose we'll move that into
17 right after lunch depending on the amount of public
18 comment and/or just after our billfish discussion
19 before the end of today. Rick.

20 RICK: Well, I might suggest you take
21 an initial pulse of the panel to see if this issue
22 is going to be as big as you think. I mean it's not
23 big in my view. I'm prepared to move on it fairly
24 quickly. I don't know. And I haven't heard a lot

1 of sentiment that this is an issue we want to see
2 reopened in this panel. And those of us that have
3 lived through the battle certainly aren't anxious
4 for that root canal exercise again.

5 And I'm not -- I hope there isn't
6 anybody entertaining fantasies that there's going to
7 be major league restructuring at this time. Because
8 Jimmy's going to do what he has to do. I'm going to
9 do what I have to do. Ray's going to do what he has
10 to do. Nelson's going to do what he has to do. And
11 we're going to end up pretty close to where we are
12 right now. That's not the solution to inadequate
13 quota supply in the various fisheries right now.

14 And the North Carolina situation can
15 be addressed within the subquota redistribution or
16 distribution as opposed to -- as opposed to thinking
17 about reopening -- reopening the percentage shares.

18 But maybe I'm wrong. But I don't see that as a
19 real time-consuming issue, for me anyways.

20 MODERATOR CHRISTOPHER ROGERS: All
21 right. Well, I think just taking the pulse would
22 take more time than I had wanted to spend, since
23 we're already at quarter to 11:00 and we did have
24 swordfish and sharks.

1 So, how about we'll take the pulse
2 right after the lunch break and then then we'll see
3 how much time further on the agenda we'll need for
4 it. Louis Daniel. To Rich's point?

5 LOUIS DANIEL: Sure. Just from the -
6 - yeah, just from the agenda, to make sure that that
7 is covered today would be great.

8 MODERATOR CHRISTOPHER ROGERS: All
9 right. We'll move on to our Swordfish discussion
10 and then sharks and take our lunch break. And we
11 will make sure that the bluefin allocation
12 discussion -- or at least the pulse is taken today.

13
14

15 SWORDFISH

16 MODERATOR CHRISTOPHER ROGERS: With
17 respect to swordfish, we had several issues we
18 wanted to discuss with the panel. Quota
19 allocations, similar to bluefin, swordfish is
20 distributed amongst incidental, directed categories.
21 We did establish a reserve in the past. And there
22 is an increase in recreational activity. So, we
23 thought that that might need to be revisited as
24 currently embodied in the regulations. So, Karyl
Brewster-Geisz is going to give us an overview of

1 several swordfish issues.

2 KARYL BREWSTER-GEISZ: Well, rather
3 than what we did with tunas, which I think was very
4 good in getting comments on each individual bullet,
5 in order to bring us up to speed I'm just going to
6 run through both slides and then we can take
7 comments on all the bullets at once.

8 So, starting with the quota
9 allocations, I'm sure you all know we get a TAC from
10 ICCAT. From that TAC, we take 300 metric tons and
11 put that in the incidental category. And the rest
12 of the TAC goes to the directed category. And those
13 -- the 300 metric tons is split between both the
14 recreational and the incidental permit holders.

15 So, directed and handgear permit
16 holders get cut before the 300 metric tons, and then
17 the 300 metric tons is just the incidental and any
18 recreational landings.

19 We were wondering if we should move
20 to something more like tunas, where we have
21 different categories getting different percentages,
22 some sort of allocation scheme. And that might even
23 include splitting the directed category into
24 directed versus the hand -- commercial handgear

1 permit that we have. Something to think about, and
2 how we would want to go about creating such an
3 allocation scheme.

4 We do have the reserve category,
5 which was set up originally a few years ago in order
6 to transfer some tonnage over to Japan, which we did
7 and Japan didn't use it all. And we have it
8 proposed to I think 25 metric tons to Canada each
9 year for the next three years is what's proposed.

10 So, there's still going to be reserve
11 quota left, and the question is -- you know, there's
12 never been a methodology set up to put more quota in
13 there. Do we want to keep this reserve category?
14 How do we want to use the category in the future?
15 Is this the only thing we want to use it for is to
16 transfer to other countries?

17 The quota adjustments, as you know
18 under ATCA we do, and per ICCAT, all the
19 overharvests and underharvests are rolled over each
20 year. Recently, as you are all aware, the quota has
21 had large underharvests, and how do we want to deal
22 with those underharvests? I've heard some comments
23 that we should reopen the handgear category for --
24 the commercial handgear category for that, but that

1 is open to discussion. How we want to handle it.
2 Obviously we don't want to keep underharvesting to
3 the amount that we have.

4 The recreational bag limit was brand
5 new, one swordfish per person, up to three per
6 vessel per day. Should we have the authority to
7 change this throughout the season? We don't at the
8 moment, but we haven't set it up. We would have the
9 authority to do that, but should we do it? Is there
10 a reason to do it? At the moment we're not getting
11 -- as you've heard from Russ yesterday, we're not
12 having very many reports right now. And that could
13 have implications -- the lack of reporting can have
14 implications regarding if we decide to go up toward
15 the quota allocations and how we allocate to each
16 recreational category.

17 So, those are some of the issues that
18 we're thinking of maybe trying to address in
19 Amendment 2, and we would like your feedback on how
20 to address it. And as I said before, we are open to
21 other ideas, like opening up the swordfish handgear
22 category again in the limited access.

23 The directed category -- just to
24 remind everyone, the directed permits you can use

1 handgear with those. They are not just pelagic
2 longline. They are pelagic longline, handgear, any
3 of the authorized gear types.

4 So that is an option, and there are
5 other issues that we are dealing with with limited
6 access, if you take a look at the back of the
7 agenda, that whole list of issues of going maybe
8 gear-based versus species-based. So, please keep
9 all of that in mind.

10 MODERATOR CHRISTOPHER ROGERS: Okay.

11 To these swordfish management points, I had Gail
12 Johnson, Jim Donofrio and Glenn Delaney.

13 GAIL JOHNSON: Thanks. Just a
14 question before we get in on discussion. And when
15 you say handgear, is that one line, one hook? Or
16 can it be all of the strange and wonderful devices
17 that come out of bluefin handgear? So -- I'm not
18 clear on how you define that handgear.

19 KARYL BREWSTER-GEISZ: Handgear is
20 the whole gear type, the rod and reel, handline,
21 harpoon, bandit gear. That's the definition of
22 handgear. So, it's all-encompassing. As opposed to
23 rod and reel, which is just the one hook and one
24 line.

1 GAIL JOHNSON: So, it is -- it can be
2 the same kinds of arrays that are used in other HMS
3 fisheries?

4 KARYL BREWSTER-GEISZ: Yes.

5 MODERATOR CHRISTOPHER ROGERS: Okay.
6 Jim Donofrio.

7 JAMES DONOFRIO: Thanks, Chris.
8 Couple of comments. One regarding the recreational.
9 I don't see any need for the three per vessel here.
10 We're not catching our quota anyway.

11 And what I find concerning to me is
12 that when other commercial categories are not
13 catching their quota, we'll -- like say for bluefin
14 tuna, we go from one fish a day to three to allow
15 them to catch their quota. And you know, we don't
16 see that -- we don't see that same advantage towards
17 us. Not catching our quota of swordfish, let us
18 catch them. Let us catch them.

19 There's plenty of party boats that
20 can catch more than three swordfish out there in the
21 canyons at night in the fall. I can assure you of
22 that. And they would like to get them for their
23 customers. They're a fine eating fish.

24 And if anybody says well, they're

1 going to sell the fish, that's an enforcement
2 problem. You know, that's not -- that's not the
3 issue here. If enforcement can't do their job,
4 that's their problem. You know, we've got to create
5 opportunity for anglers, and that's what my job is
6 to try to make that happen for them. If there's an
7 enforcement problem, then fine, bust the people that
8 are doing it, you know? We don't condone sale of
9 illegal fish.

10 So, that's not the rationale to not
11 open this up and allow people to have more
12 opportunity to catch a fishery that is being under
13 quota right now, caught under quota or fished under
14 quota. So, that's where we're at with that.

15 Secondly, regarding opportunities to
16 -- and we have members that are general category
17 fishermen that participate in bluefin fisheries and
18 they're members of my organization and they want the
19 handgear permits for harpoon, handline and rod and
20 reel for swordfish opened up to them so they can --
21 and we brought this up at ICCAT, and you told me to
22 bring it up here.

23 And they want that opportunity when
24 they go lay overnight and they're catching bigeye

1 and yellowfin or they're green-sticking out there,
2 if they lay overnight, they want the opportunity to
3 get a permit so they can catch swordfish and bring
4 them back to the dock and sell them legally. And I
5 think we need to do that so we can maintain that
6 quota.

7 And the quota is not the monopoly of
8 one type of gear. We have to allow everybody that
9 equal access to that. Thank you.

10 MODERATOR CHRISTOPHER ROGERS: Okay.

11 Thank you, Jim. I had Glenn Delaney, Nelson
12 Beideman and Randy Blankenship.

13 GLENN DELANEY: Well, actually, Gail
14 asked most of the question I was going to ask, which
15 was how do you define handgear. And just to
16 clarify, the distinction of recreational is non-
17 sale?

18 KARYL BREWSTER-GEISZ: Yes.

19 GLENN DELANEY: And that's the only
20 distinction. And what is incidental?

21 KARYL BREWSTER-GEISZ: They're the
22 two permit categories in the -- well, three permit
23 categories: the directed, which allows you to
24 direct towards swordfish.

1 GLENN DELANEY: But what would be the

2 --

3 KARYL BREWSTER-GEISZ: The handgear -

4 -

5 GLENN DELANEY: -- circumstance of an
6 incidental catch of swordfish?

7 KARYL BREWSTER-GEISZ: An incidental
8 permit allows you to catch swordfish incidentally,
9 and you can only keep two for a pelagic longline and
10 five for the other gear types.

11 MODERATOR CHRISTOPHER ROGERS: That
12 would cover the squid trawlers who have a bycatch of
13 swordfish, as well as longliners targeting yellowfin
14 or bigeye have a bycatch of swordfish.

15 GLENN DELANEY: I get you. Nelson's
16 next? Because I was going to give it to him.

17 NELSON BEIDEMAN: Several -- several
18 things. First off, as far as the categories and the
19 incidental, I think the incidental is fine as it is,
20 the 300 per rec, that's fine. I don't know what to
21 say about the reserve, because the reserve is really
22 unnecessary at this point. The split seasons are
23 really unnecessary at this point. You might want to
24 keep them in place, you know, for the future if

1 indeed this fishery is going to be revitalized, but
2 if it's not, then the split seasons are no longer
3 necessary.

4 As far as -- you know, taking the
5 quota, we're just getting to reopening the NED.
6 Canadian ports are going to start being open to
7 American -- you know, U.S. vessels starting this
8 year. It's going to take about a year to get the
9 infrastructure in place so that by '05 hopefully
10 there'll be a lot more U.S. flagged vessels using
11 Canadian ports to go in and out of -- you know, to
12 the Grand Banks during the production season.

13 We're not interested -- you know,
14 what we're interested in is trying to revitalize
15 this fishery, this existing fishery, to utilize its
16 full quota. We're not interested in creating new
17 fisheries and giving our quota away to new
18 fisheries.

19 As far as the incidental limit of
20 two, I think we've had the discussions many, many
21 times at this panel that -- you know, that limit of
22 two should be raised, at least to the 15.

23 As far as the bag limit, for the life
24 of me I can't see the need for more swordfish unless

1 you want to sell, unless you want to sell. And
2 there is a tremendous black market, illegal
3 recreational sales taking place in Florida, whether
4 some folks at this table want to recognize it or
5 not. I'm sure Don will probably comment further on
6 that, because he knows it firsthand.

7 And they do use garden spools to put
8 out many longlines and attach them to the cleat, and
9 they think that that makes it not a longline because
10 they're not -- it's not drifting alone. It's
11 nonsense. It's illegal, it's taking place and NMFS
12 has been trying to get their arms around it, but
13 they haven't -- you know, quite done that yet. And
14 I think raising the bag limit would only promote
15 more illegal activity.

16 As far as the reopening, you know,
17 for a handgear, as soon as any fishery is put under
18 a limited access system, there's others outside the
19 circle that immediately -- you know, want to get in
20 it. I'd like to have a halibut license, you know?
21 But if I really want a halibut license, I have to do
22 the research and find out what's available and
23 purchase a halibut license. It's the only way I
24 could get in the halibut fishery. And that's the

1 way it is, that's the nature of limited access.

2 It took over ten years of discussion
3 working up to three very intense years of developing
4 the limited access program. And again, you know,
5 we're not -- we're interested in revitalizing this
6 existing fishery the way it should be revitalized,
7 not in creating a new fishery.

8 MODERATOR CHRISTOPHER ROGERS: I had
9 Randy Blankenship, Mike Leech, Frank Blount, Bob
10 McAuliffe, Ken Hinman and Bob Zales, Russ Nelson,
11 then Don Nehls. All right. Randy Blankenship, Mike
12 Leech and Frank Blount next.

13 RANDY BLANKENSHIP: Thanks. My
14 comment is related to recreational swordfish
15 landings and it's kind of combined with the comment
16 that I had but I didn't get to make yesterday
17 regarding recreational reporting.

18 You know, the reporting can be
19 improved, as Russ mentioned yesterday, through a
20 little bit of law enforcement. And that goes a long
21 ways. So, my suggestion is a little bit of law
22 enforcement there can help with swordfish and other
23 HMS, as well as possibly even looking at a reward
24 program could be beneficial, as well. And how that

1 might be worked out, I don't know, but there might
2 be sources of independent money that might help
3 along those lines for a slight reward program.

4 I also have another suggestion
5 regarding enforcement, and that is that -- this is a
6 suggestion, when you go to your -- if you do your
7 formal ATCA review, that the provision that some
8 states have for billfish to be reported to NOAA
9 under their state regulations could be applied to
10 all HMS species. That might aid you a little bit in
11 enforcement.

12 But in the case of state enforcement,
13 anglers would certainly need to have some kind of
14 documentable evidence that they reported that state
15 law enforcement could see on a regular basis to be
16 able to enforce that law. So anyway, there's a
17 practical suggestion for you.

18 MODERATOR CHRISTOPHER ROGERS: Okay.

19 Thank you, Randy. Mike Leech, Frank Blount.

20 MICHAEL LEECH: The reported or the
21 estimated recreational landings in 2002 from your
22 agency I think was 20 metric tons. Whether that's
23 accurate or not, I don't know. My personal feeling
24 is it might be high.

1 I was able to get the handgear
2 landings for 2002, which dress weight were 17,000
3 pounds or some such. Whole weight would have been
4 22 metric tons or some such. So, there's -- and it
5 came from 11 handgear fishermen down there in South
6 Florida. So, you've got 11 handgear commercial guys
7 catching more swordfish than all of the recreational
8 industry combined.

9 I have no idea what it was for 2003.

10 I tried to get those numbers. But I could not get
11 the handgear landings because they hadn't been
12 analyzed yet. I can tell you that the recreational
13 landing catch rate was down about a third from the
14 year before. In the swordfish tournaments, in 2002,
15 the catch rate was .7. In 2003 it was .27 or about.
16 You'd have to make four -- you'd have to make 12
17 trips to catch three swordfish on average. It
18 doesn't mean that a boat can't go out and maybe get
19 lucky one night and catch three, but it would be
20 extremely rare.

21 The swordfish tournament landings in
22 2003 were 36. I think there might be some double-
23 counting in there, because unless there was more
24 than the seven tournaments I know about, that was 30

1 swordfish were weighed in. Called in were 51, total
2 of 87 swordfish in the recreational industry under
3 this new mandatory reporting system.

4 And I know that through the Southeast
5 Swordfish Club that is getting more and more
6 accurate landings that they were at 144, I think,
7 for the -- is the number they had. But it's still
8 infinitesimal compared to the overall quota.

9 I don't understand why we would like
10 to be able to catch our quota and yet you're
11 restricting one of the fisheries that has no
12 bycatch. It's a very clean fishery. There are
13 probably not too much post-release mortality on the
14 undersized fish compared to the longline caught
15 fish. And it seems like we're regulating just for
16 the sake of regulating in a fishery that should be
17 encouraged to expand, not restricted and stifled.

18 We're giving away more of our quota
19 to a foreign country than the entire recreational
20 fishery will probably ever land. I think the worst
21 thing we could do is open up swordfish to additional
22 handgear. If 11 handgear fishermen can land more
23 than 20 metric tons, then it could be disastrous.

24 In the straits of Florida now that's

1 closed to longlining you've got a small number of
2 handgear people. It's a limited entry type of
3 thing. So, it probably is not going to expand too
4 much. But if you open it up, it can expand very
5 rapidly.

6 I know there's at least one licensed
7 commercial guy down there that is setting -- he's
8 got high flyers with one float on it and two hooks,
9 and he's got a whole string of them. I don't know
10 how many he's got, but it's not a longline because
11 it's not connected. And I don't think that's going
12 to be a huge impact down there. I don't think it's
13 a problem. But it could be a problem if you open up
14 to more handgear permits. So, I would be very
15 cautious on that.

16 My comment on do you need to
17 subdivide the incidental catch, I don't think so,
18 certainly not at this time. Maybe if we get to some
19 point where the swordfish have recovered to the
20 point where we're bumping up against that quota,
21 then take a look at it. But right now I would say
22 no.

23 MODERATOR CHRISTOPHER ROGERS: Okay.

24 Thank you, Mike. Frank Blount and then Bob

1 McAuliffe.

2 FRANCIS BLOUNT: Okay, thank you.

3 Well, I've got quite a few concerns here. One is
4 the fact that the recreational catch is tied to the
5 incidental catch. I mean, if the incidental catch
6 is all taken by other areas, does it mean the
7 recreational catch is going to have to be reduced?
8 And I don't think they should be tied together at
9 all.

10 I have very serious concerns that we
11 give more fish to Canada than we give to the
12 recreational and we're concerned about the
13 recreational catch increasing. Something just isn't
14 correct there, especially -- I like the word
15 significant better, but when we got the presentation
16 today we said there was a large underage in the
17 quota. Well, large underage means that we should do
18 something to promote the fishery and not to be
19 discouraging it.

20 The fact that the three fish per
21 vessel -- maybe that sounds like a lot of fish. But
22 on an inspected vessel that's going out for two or
23 three days and you have 35 to 40 people on board,
24 three fish is not a lot of fish. I mean, you go to

1 divide that up -- you don't divide it up, the person
2 that caught the fish, it's his fish. It doesn't go
3 to somebody else. So, if you're going to be out
4 there for the next two days, that's -- it's just
5 wrong.

6 We're not catching the quota and we
7 have an arbitrary number that was put in there. It
8 did not take into consideration the offshore
9 vessels. It's a very different fishery in the
10 northeast with the two or three-day trip compared to
11 -- you know, a several hour trip down in the straits
12 of Florida.

13 And as far as the illegal sale of
14 fish, it's not recreational fishermen that are
15 selling their catch. They're unpermitted commercial
16 fishermen that are selling their catch, and that's
17 what people have to realize.

18 You want to bring somebody into
19 court, if it's a recreational fisherman that's
20 selling his catch, the judge says that's nice. If
21 it's an unpermitted commercial fisherman, you can
22 make it stick. And that's the term that should be
23 used. We have unpermitted commercial vessels. And
24 that's plain and simple. If you're selling your

1 catch, you're a commercial fisherman and you're
2 doing it illegally.

3 And as far as -- you know, not having
4 an open fishery, I mean if you look -- not that the
5 northeast is a shining example, but the scallop
6 fishery, which is probably one of the wealthier
7 fisheries on the coast, doing very, very well, there
8 is a general category permit in there for some type
9 of limited participation in the fishery. It's a way
10 for people to get their foot in the door. It's also
11 in the groundfishery, you know, limited access,
12 there is an open access handgear permit. So, I
13 think that's something that has -- you know, should
14 be looked at here.

15 We're way under the quota. We're not
16 obtaining it. And as far as being a new fishery, a
17 lot of the people that traditionally fished in this
18 fishery in the past, if you go out to the harpoon
19 boats out of Montauk, Nantucket, anywhere in the
20 northeast, they didn't qualify for the permits for
21 the moratorium.

22 Most of them do not have permits now.

23 And as far as the handgear permits that we do have
24 -- I might be a little off with the numbers, but I

1 think there was about 114 a few years ago, and it's
2 down to 94, 95 now. And I can name two people at
3 this table, and I'm one of them, that between us we
4 have almost ten percent of the fishery. And that's
5 just wrong.

6 I mean, it's -- you didn't have to
7 land any swordfish to qualify for that permit. It
8 was done on if you had any income -- I forget what
9 income qualification was, but it was a very low
10 income attributed to commercial fishing.

11 So, most people that have a history
12 in the fishery didn't qualify for the limited access
13 and for some -- I don't know why, they didn't get
14 the handgear permits. It's just -- and that number
15 continues to shrink. It's something that should be
16 looked at.

17 But you know, I want to go back to
18 the -- that three-fish bag limit. It's just wrong.

19 If it's one fish per person, I don't know if that's
20 the right number either, but I can tell you that
21 three fish on a three-day trip for 35 people
22 definitely isn't the right number. Thank you.

23 MODERATOR CHRISTOPHER ROGERS: Let's
24 go through the list I've already identified and --

1 I'll put you on the list. Just remember the point.

2 Bob McAuliffe and then Ken Hinman.

3 ROBERT MCAULIFFE: I've brought this
4 up every time I come up here, and I keep pushing it.

5 We need to reopen handgear permits for the
6 artisanal fisheries within the Caribbean. I'll give
7 you a little bit of background and try not to be too
8 lengthy about it.

9 When they started the Council system,
10 there was an artisanal fishery for marlin. The
11 Councils agreed that that should continue. I just
12 found out now that it is in fact still on the books,
13 but it is enforced like it is not on the books. The
14 fishermen are told you cannot take them, you cannot
15 sell them. But -- I just called back to Puerto Rico
16 and in fact you guys need to check on it.
17 Apparently we are permitted to take marlin
18 commercially for the artisanal.

19 We also lost swordfish, which was
20 included as an artisanal sector, long after
21 longlining went in. But that was removed with no
22 notification to the industry. And we cannot have a
23 swordfish on an artisanal boat within the Caribbean.

24 We had the same problem with sharks.

1 You now have to have a federal permit to take
2 sharks outside the three-mile limit. And to make
3 that even worse, the listing of most of our common
4 sharks is prohibited under the shark plan. They're
5 a prohibited species. Rusty can speak more on that,
6 because that's his field.

7 But we have an HMS recreational
8 fishery and permits. Recreational are permitted to
9 take all the things that the people that have to
10 feed their families by fishing cannot. I don't see
11 the fairness there. And there's no limits to what
12 they do and we do have boats that have come down
13 from Florida that have caused a problem in Florida
14 that are fishing for swordfish and selling them on
15 the market, because a visiting boat has no need for
16 swordfish that are 2 and 300 pounds. And right
17 after they hit the dock, they're being served in
18 restaurants. There's got to be some exchange of
19 funds there.

20 We also have a problem in the
21 Department of Interior, has taken our richest area
22 and simply closed it for the protection of whales
23 and turtles and dolphins and coral. They've
24 overstepped the bounds and jurisdiction of this

1 agency, and there's been no fight back from the
2 agency in that their function has been completely
3 nullified. They've gone into state waters and
4 closed out our richest fishing grounds on the
5 pretext of protecting fisheries, which they have --
6 supposedly have no jurisdiction over. But the
7 agency does not protect our fishermen. We have a
8 similar situation in that we have a treaty with the
9 BVI, a reciprocal fishing treaty. Our boats are
10 being arrested and fined and confiscated, but the
11 Department of State is not protecting our fishery.

12 Homeland defense now has come in and
13 closed areas of state waters out to the three-mile
14 limit, no fishing whatsoever. Again, our fishermen
15 are being shortchanged.

16 We have EPA. They have made
17 exemptions to the Clean Water Act, closing off vast
18 areas of our state waters in order to produce that
19 lovely rum I brought down. Fishermen are
20 shortchanged and not compensated.

21 Now NMFS wants to close the deepwater
22 snapper complex within our area simply because they
23 lost record of some four million pounds a year. If
24 they would ask any of us that have been in the

1 fishery for any length of time, we can tell them
2 where the four million pounds disappeared to. They
3 never came from the EEZ. They were from outside the
4 EEZ, simply landed in Puerto Rico, but because that
5 fishery has been closed, our fishermen are being
6 penalized.

7 We need to have some fairness in this
8 within our region, and we need to open up these
9 things to the fishermen so they can make a living.
10 We're being told to get out of the state waters for
11 many different reasons, but HMS does not give the
12 fishermen permits to fish them. We need to make it
13 legal for our fishermen to fish. What you've done
14 is make pirates of all our fishermen. They all have
15 to fish illegally in order to make a living, and
16 this is not right. You're here to facilitate it,
17 not penalize us.

18 MODERATOR CHRISTOPHER ROGERS: Thank
19 you, Bob. Just one point of clarification. There
20 was no exemption for sale of billfish for the
21 artisanal fisheries. I know that was a request
22 during the development of the Billfish FMP when the
23 South Atlantic Council had the lead on that, and
24 there was to my understanding an intent to follow up

1 after the fact with how an artisanal exemption might
2 be crafted and at least as far as I'm aware, that
3 was never -- never followed through on through the
4 Council system. And when the Secretary was handed
5 the responsibility for the plan in 1990, basically
6 adopted it, that provision remains that it is a no
7 sale species.

8 So, I know there was a request and a
9 lot of discussion at the Council level about an
10 exemption for that artisanal fishery, but to my
11 knowledge that was not embodied in any final
12 regulations and does not exist under the
13 consolidated HMS regulations.

14 ROBERT MCAULIFFE: I've just been
15 made to understand that it is in fact still on the
16 books. We need to investigate that and clarify it.

17 MODERATOR CHRISTOPHER ROGERS: You
18 and I can discuss that off-line and see what book
19 you're reading from, so we'll figure that out. Next
20 I had Ken Hinman, then Bob Zales.

21 KEN HINMAN: Thank you, Chris. Yeah,
22 I wanted to speak in support of both of Jim
23 Donofrio's recommendations that were I think very
24 articulately supported by Frank's comments. We're

1 on record from the beginning opposing the limits on
2 the recreational swordfish fishery, feeling that
3 they were a perfect example of an unnecessary
4 regulation that brought no conservation benefit, but
5 probably a lot of regulatory burden.

6 As far as -- we also support
7 reopening the commercial handgear categories, for
8 some of the reasons that have already been stated.
9 The limited entry system that restricted that
10 category was imposed at a time when the resource was
11 considered seriously overfished and there was
12 overcapacity, certainly in the number of permits
13 that were out there in all categories.

14 That resource is now in a recovery.
15 We have large underharvests. And we should be
16 making a transition into a sustainable swordfish
17 fishery. And I think it's incumbent upon the
18 National Marine Fisheries Service and Amendment 2 to
19 the HMS plan to give the public an opportunity to
20 comment on options of what that sustainable fishery
21 should look like for swordfish. I think there is a
22 lot of interest out there in the commercial sector
23 for getting back into the swordfish fishery in the
24 handgear category.

1 Nelson talked about not wanting to
2 give our quota away. I was presuming he was talking
3 about speaking to the longline share of that quota.

4 There is no ITQ's in this swordfish fishery, and
5 there's certainly no guarantees of a particular
6 share to any category, certainly not 98 percent,
7 which is for the current system really set up to
8 give 98 percent of that quota to one category.

9 You know, talking about ownership in
10 this fishery, and new fisheries -- bringing new
11 fisheries, I think as Frank was alluding to, we've
12 got -- what we're talking about here is creating
13 opportunities for handgear categories, really to get
14 back into a fishery that was taken away from them by
15 overfishing. And I think again it's incumbent upon
16 NMFS to take this to the public. This should be a
17 public debate about the use of a public resource.
18 It's not something that's owned by the people who
19 happen to have been catching most of it in recent
20 years. And we have to look at what is the most
21 sustainable method to harvest swordfish commercially
22 and recreationally into the future. And the
23 handgear category has demonstrated in the past that
24 it can land large numbers, large amounts of

1 swordfish for the commercial market in the U.S. and
2 in Canada, and it has demonstrated it can do that in
3 a very sustainable way. It's clean. There's no
4 bycatch. There's not the juvenile mortality that
5 really started this whole growth overfishing and the
6 decline of swordfish in the beginning.

7 So, yeah, I very strongly endorse
8 taking that to the public and getting comment on
9 that option. Thank you.

10 MODERATOR CHRISTOPHER ROGERS: Thank
11 you, Ken. Bob Zales, then Russ Nelson.

12 ROBERT ZALES, II: Yeah, I've got a
13 quick question and several comments. Do you -- if
14 you sell swordfish commercially, do you have to sell
15 them to a federally licensed dealer?

16 MODERATOR CHRISTOPHER ROGERS: That
17 is correct.

18 ROBERT ZALES, II: Okay. My comments
19 are -- and with all due respect to Nelson and some
20 others, because I hear this all the time in the
21 state of Florida about king mackerel. And to be
22 honestly and frank here, I'm really getting tired of
23 hearing about the illegal recreational sale of fish.

24 It's not just recreational anglers that are

1 illegally selling fish. It's commercial people out
2 there illegally selling fish. And illegal sale of
3 fish, it's like Frank said, it's an illegal -- it's
4 a sale of fish by an unlicensed federally licensed
5 person. It's an enforcement issue. And it's a
6 problem that all of us, I think, acknowledge and all
7 of us want to see stopped.

8 In the state of Florida, I think last
9 year -- it was last year or the year before that the
10 State of Florida finally adopted regulations --
11 compatible regulations for swordfish to help in that
12 effort. It's a state enforcement problem. It's a
13 federal enforcement problem. And the fact that
14 people fish recreationally and harvest swordfish and
15 -- is not indicative of their intent to sell them.

16 The three fish per vessel limitation
17 I think from what I'm hearing here, and from what
18 I've heard about this fishery, and from what little
19 bit I know about this fishery, is not warranted,
20 it's not a necessary thing. I'm not so sure about
21 the one fish. I could almost be convinced to
22 eliminate the one fish bag limit. But the three
23 vessel limitation definitely should be eliminated.

24 The part about the quota being kept

1 in in the incidental part I think should be
2 separated. I think that the recreational sector
3 should have their own allocation of this fishery,
4 and if you're going to monitor it that way and it
5 not be dependent on an incidental catch if it's
6 going to be harvested somewhere else.

7 One thing -- another comment about
8 the enforcement is when enforcement happens here,
9 it's not just in the sale of the fish. It's like I
10 said earlier. There are Coast Guard requirements on
11 commercial vessels. And if you sell any fish
12 commercially, you're supposed to comply with that.

13 So, I mean enforcement in my mind has
14 a multitude of tools to get at people in several
15 different ways. And once you start making a couple
16 of cases and you really hit people hard with stuff,
17 eventually it's going to stop.

18 But you not only have to go after the
19 person selling the fish, you need to go after the
20 purchaser of the fish. It's like drugs. If you
21 don't stop the buyer, you're not going to stop the
22 seller. So, it's a combination of all of it.

23 One suggestion that some of us have
24 discussed with other fish in the Gulf of Mexico,

1 especially with federally permitted dealers, you
2 might want to consider the requirement of
3 maintaining that federal permit to buy fish, a
4 requirement to report an individual that comes to
5 that fish house with the intent of selling of fish
6 without a permit.

7 And that would help stop it. That
8 would kind of get places. I mean most everybody --
9 I would assume that most everybody at this table and
10 most everybody in the business are legal and try to
11 do their best to stay legal in what they do. And in
12 my mind they shouldn't have a problem. If somebody
13 comes to me and they want me to take them fishing
14 and catch an illegal fish, I don't do it. Simply
15 tell them it's against the law and I'm not going to
16 go through the problem.

17 If I was a fish dealer I would
18 probably tell them the same thing. I'm not going to
19 buy your fish and I'd get on the phone and call
20 somebody, this guy's trying to sell fish. Because
21 it impacts -- it negatively impacts the commercial
22 group of people.

23 So, those kind of things need to be
24 taken into consideration and I would really hope

1 that we stop trying to peg this problem on
2 recreational fishermen because it's a universal
3 problem that needs to be fixed.

4 MODERATOR CHRISTOPHER ROGERS: Okay.

5 We have Russ Nelson, Don Nehls, Jim Donofrio.

6 UNIDENTIFIED (No microphone):

7 (Inaudible.)

8 MODERATOR CHRISTOPHER ROGERS: You're
9 on the long list.

10 RUSSELL NELSON: First of all, Chris,
11 I think going into the discussions this afternoon
12 where we may be -- we will be talking about
13 billfish, I would like to see us get a definitive
14 answer as to the question.

15 I was on two Councils at the time the
16 original Billfish Plan was passed. It's my
17 recollection that one of those actions specifically
18 allowed for the possession/sale of billfish on the
19 artisanal handline vessels fishing in the Caribbean,
20 in the Virgin Islands and Puerto Rico.

21 I think it's in the plan as published
22 and approved. Now perhaps it was in and then was
23 removed from the regulations, I don't know. But
24 certainly we're right here in the belly of the beast

1 and we can get an answer to that question from your
2 offices. I think it would be helpful.

3 Second, I never saw a rationale -- a
4 legitimate rationale for establishing a recreational
5 bag limit. There was an argument that we want to
6 keep the recreational fishery from increasing. At
7 the time it was established, nobody had an estimate
8 of what the catches were, what size it was, what the
9 potential effort was, none of the information that I
10 am used to seeing going into such decisions before
11 it's made.

12 And now we seem to be shifting into
13 the idea of okay, what about allocations? I mean,
14 that's a lot like the ready, shoot, aim approach to
15 management. I mean, we're going to first restrict
16 one sector and make an a priori discussion that we
17 need to limit one sector, and then later open up the
18 question of allocations to the decision-making and
19 policy-making process. I don't think that's an
20 appropriate order of entertaining those ideas.

21 Last year I think Nelson at the same
22 time said we had this huge problem with illegal
23 sales of fish in Florida. Up until a little over a
24 year ago, I think there was a problem and it was a

1 problem -- the fault of the State of Florida because
2 they had never adopted the requirement that to sell
3 a sailfish you needed a federal license. So, in
4 Florida at that time it was legal if you had simply
5 the state saltwater products license, which anyone
6 could buy for \$50, it was absolutely perfectly legal
7 to sell a fish under state law.

8 The state has now -- it's been over a
9 year, has adopted the same requirements that they
10 have -- that you have to have all the state
11 permitting and the federal permit to sell, and you
12 have to be able to sell to a federal dealer.

13 I agree with what a number of people
14 have said. It's not recreational sales of fish. If
15 one were to come to Florida, go out on a boat, a
16 private boat that did not have a federal HMS
17 recreational angling permit, that person did not
18 have a State of Florida fishing license and he were
19 to go out and catch a sailfish and bring it back
20 home, fillet it and take it home with him, that
21 would be illegally recreational fishing. He would
22 have fished on a vessel without the required federal
23 permit and he wouldn't have had the required state
24 license.

1 If one is going out and fishing
2 without a federal permit, on an unpermitted vessel,
3 fishing with rod and reel, handline or longline
4 gear, landing swordfish, bringing them in and
5 selling them illegally, that is clearly illegal
6 commercial sales.

7 In fact, I would suggest, Nelson,
8 that if it is a tremendous problem, and I in good
9 faith have not seen that, we have lots of illegal
10 sales in Florida, trickles in here and there, it's
11 been going on forever. But if it is in fact a
12 tremendous problem, then I suggest that the United
13 States has a tremendous problem with the illegal
14 unlicensed and unreported sales of a species managed
15 under the ICCAT. And if it is that tremendous, then
16 we should perhaps consider whether it is -- we are
17 required to go to ICCAT and report that we have a
18 problem with IUU vessels operating and landing in
19 the United States and accept the consequences of
20 that action.

21 MODERATOR CHRISTOPHER ROGERS: Okay.

22 Thank you, Nelson. I guess we do need some
23 clarification on that sale of billfish issue. But
24 again, to my knowledge of the current regulations

1 under the Secretarial authority, there is no
2 provision for artisanal fisheries sale of billfish
3 in the United States.

4 Don -- I had Don Nehls, then Bill
5 Gerencer, Jim Donofrio, Nelson Beideman, Glenn
6 Delaney, Gail Johnson and John Dean.

7 DON NEHLS: Chris, most of the stuff
8 I have I guess it's kind of towards you, but back --
9 I mean I don't have a problem with the handgear
10 permits and things like that there in an area that
11 isn't deemed juvenile fish and all that kind of
12 stuff there.

13 But with this whole thing, if you
14 take and the effort is increased in the handgear
15 fishery and also in the recreational fishery of this
16 thing, when it comes time to do a stock assessment,
17 how are you going to midstream -- if that effort
18 increases, calculate those numbers on our next stock
19 assessment? Or how do you put that effort in there?

20 Because it was never in there before, if you use
21 the same --

22 MODERATOR CHRISTOPHER ROGERS: Well,
23 certainly you'd have to develop a time series for
24 any new gear type that you're applying and -- just

1 based on conversations with our colleagues at the
2 Southeast Fisheries Science Center, it would
3 typically be three to five years before you would
4 consider a time series useful for stock assessment
5 purposes.

6 So, you'd want to gather sufficient
7 data over a course of several years and then figure
8 out how to standardize that effort to make sure
9 there's not any concerns with different fishing
10 methods or techniques, or different fishing areas,
11 and then discern the trends over time.

12 So, it's not like the addition of a
13 new type of gear or fishing element or sector can
14 immediately change a stock assessment. You'd have
15 to collect data over at least three to five years in
16 order to be useful, in terms of time series
17 information.

18 DON NEHLS: Right. But on your
19 management fiscal year '04, continue analysis,
20 time/area closures, this, that, the other thing.
21 Now all of a sudden you've got more effort in those
22 areas there. It's not really a true read.

23 MODERATOR CHRISTOPHER ROGERS: So,
24 your question is less on stock assessment but the

1 efficiency of bycatch reduction. That's what the
2 area closures were designed for is bycatch
3 reduction, not in terms of strictly conservation,
4 although there would be conservation elements to it
5 or swordfish rebuilding elements for those closed
6 areas designed to protect juvenile swordfish.

7 So, your concern is the benchmark, so
8 to speak, for assessing the efficiency of area
9 closures. Well, that would be relative to the gear
10 that was prohibited in those areas. What we would
11 need to do is assess the bycatch, if it occurs,
12 under any new gear that would not be prohibited in
13 those areas. We'd have to take a close look at what
14 was being caught, what was released, and of those
15 released what the dead discards were.

16 And if we were to conclude that the
17 effectiveness with respect to eliminating one gear
18 from fishing that area is being undermined by the
19 addition of another gear, we'd have to make those
20 corrections.

21 DON NEHLS: All right. That is my
22 point on that whole thing. As far as our U.S.
23 unharvests on this stuff, we know with the distant
24 water boats can go to Newfoundland or Nova Scotia to

1 discharge those boats there. If you just do rough
2 numbers and things like that there, we would spend
3 six travel days each direction, so you lose 12 days
4 a month roughly steaming back and forth. To get to
5 the end of the thing there, we would get about 60
6 sets in there for the Grand Banks season, which is
7 obviously the most productive.

8 Now, rough calculations, you're going
9 to get about 80 sets in there if the boats discharge
10 in Newfoundland. We've been fighting with the
11 turtle stuff, this, that, the other thing, and
12 finally have gotten to the point where the few of us
13 that have stuck in this thing and survived all the
14 legal bills that it is going to be I think a
15 profitable fishery.

16 Like I said, with the handgear
17 permits and stuff like that there, if it's in an
18 area that there isn't a problem with bycatch or
19 other stuff, I don't have a problem with it. But
20 what Chris clarified is that -- like for the straits
21 of Florida and all that stuff there, when they go
22 back and do another stock assessment there, it will
23 be curious to see how that works, or if you get a
24 true reading, because right in -- just on this panel

1 this year, when you look at your management --
2 fiscal year '04, continue analysis of time/area
3 closures, just to make sure that that gets done
4 correctly. Thanks.

5 MODERATOR CHRISTOPHER ROGERS: Thank
6 you, Don. I had Bill Gerencer, then Jim Donofrio.

7 WILLIAM GERENCER: Thanks. I don't
8 have a huge issue with recreational boats looking at
9 ways to take more fish, but I mean the real problem
10 here is the underharvest. And I see it as a
11 problem, because sooner or later we'll lose that
12 quota if we don't start utilizing it. And I think
13 if we relied on just recreational handgear, we'd
14 have to have such a huge increase to utilize that
15 quota that we'd run into a whole lot of problems
16 that we probably wouldn't even be able to think
17 about in this room today.

18 And it's no surprise to me that we're
19 not catching our quota because we've continuously
20 restricted or closed commercial fisheries. And I'd
21 like to see us find more ways of doing that. You
22 know? And now that the bycatch project up on the
23 Grand Banks is finished and appears to be
24 successful, there's an avenue there.

1 But I really think we need to find
2 better ways to utilize these fish with the
3 commercial fleet and get back to commercial fishing
4 on swordfish more.

5 And a final thing, I just want to
6 underscore what other people have said. I don't
7 view the -- I view the unpermitted commercial
8 fishermen issue as an enforcement problem. There's
9 already laws to take care of that. If that in fact
10 is going on, then it just needs to be enforced.
11 Thanks.

12 MODERATOR CHRISTOPHER ROGERS: Thank
13 you, Bill. Jim Donofrio.

14 JAMES DONOFRIO: Thanks, Chris. I
15 think there's a way to maybe accommodate my good
16 friend Mike Leech from the IGFA -- because he's got
17 a better handle on what's going on in Florida than I
18 do -- with these permits.

19 If you were to open up these permits
20 to other commercial fishermen, maybe what you could
21 do is zone. I mean, you could say that the straits
22 of Florida are off limits to these permits because
23 of the high juveniles in that area, but allow the
24 fishermen, you know, in the northeast, even from

1 North Carolina up, to have that access to that
2 fishery so you could -- you know, you can access
3 that quota. So, you may want to consider, you know,
4 those kind of options in there. I mean, not just
5 one size fits all.

6 And so, you know, we agree that --
7 you know, there's people that have more knowledge of
8 that than we do. But I think you need to try to
9 opportunize this fishery.

10 Secondly here, restaurants. I know
11 that when it comes to wild game restaurants, because
12 of the Highly Migratory Bird Act and things like
13 that, they can't sell ducks and geese that are wild.

14 Isn't there some kind of a regulation that -- I
15 know Florida's got that products thing where a
16 restaurant really by law is not supposed to accept
17 fish from an unlicensed commercial fisherman or a
18 buyer.

19 Why can't there be some kind of a
20 regulation process? I don't know how it works here,
21 but can't the National Marine Fisheries Service put
22 in something with all the restaurants where they
23 have to have some type of a permit to accept these
24 fish? And if they don't, enforcement goes right

1 into those restaurants.

2 I know in New Jersey, Fish and Game
3 will go into a restaurant when the -- let's say the
4 tautog season's closed, and if they see tog in their
5 tanks, they bust them. And it would be the same
6 thing. I mean, you could enforce it on that end,
7 too, on the sale end right there. And that would
8 discourage these people from bringing fish illegally
9 to these markets by having that highly migratory
10 permit with all the restaurants in the country that
11 sell those species. I think that may be a solution
12 there, I don't know. You'd have to look into that.

13 And as far as going back to Nelson,
14 with the bag limit, I agree with Russell. This bag
15 limit here was not justified. I don't see the three
16 fish going away on the under six in the sportfishing
17 vessels, but I think you really need to consider
18 boats like Frank's, Ray Bogan's fleet. They go
19 offshore for a night or two. Three fish, not enough
20 sometimes. I know there's nights there when they've
21 had five and six fish and had to release them. For
22 what reason? These guys are going out there for
23 meat. That's why they make these trips. They go
24 out there to bring meat home. That's why they pay

1 \$250 a person to go out there. They want to bring
2 fresh tuna and swordfish, whatever they're allowed
3 to catch, back home. And we're not giving them that
4 opportunity.

5 So, I think -- you know, you've been
6 considerate before when it comes to -- you know, the
7 bluefin regulations with the inspected fleet. They
8 have a whole different -- you know, marketing
9 technique there, that consider maybe opening up to -
10 - you know, more fish on those inspected vessels.
11 Thank you.

12 MODERATOR CHRISTOPHER ROGERS: Thank
13 you, Jim. Nelson Beideman, Glenn Delaney, Gail
14 Johnson.

15 NELSON BEIDEMAN: Yeah, I wanted to
16 speak to Frank's point and -- you know, the point
17 that Jim just brought up. And last year we had
18 extensive discussions on this, and I think -- you
19 know, it's safe to say that there was a full
20 consensus that charter boats/headboats, that it be
21 one per person, you know, give the people incentive
22 to go out there and pay the money that they pay --
23 you know, for charter and headboat fishing.

24 And I think the only reason that that

1 wasn't in the rule was because the rule was already
2 done by the time we had that discussion. And it
3 only makes sense. But I think there was a full
4 consensus -- you know, on that last year. And I
5 believe you'd probably find that, you know, remains
6 the same -- you know, this year.

7 As far as some of the scientific
8 aspects, I was figuring that we would discuss them
9 under that agenda item, and as far as the closure
10 itself, I was figuring that we would discuss that
11 under that agenda item.

12 GLENN DELANEY: Thank you. Nelson
13 mentioned one thing I was going to suggest is that -
14 - you know, I personally would be supportive of a
15 one fish per man limit on the headboat scenario that
16 Frank describes. You know, I grew up on one of
17 those meat fishermen on headboats in Rhode Island,
18 and that was what it was all about.

19 But you know, I think that we do need
20 to be cautious about going beyond that at this
21 point. I think that -- one thing I can't imagine is
22 what happens when you have a swordfish hooked up on
23 a headboat with 40 fishermen fishing. I mean, I
24 remember when you got a big bluefish, you know, 30

1 people landed that bluefish. Can't imagine with a
2 swordfish. I guess you just tell everybody lines up
3 and watch for an hour while the guy fights the fish.

4 Anyway, we can talk about that later.

5 But I think that seems reasonable. If you guys can
6 pull that off and have multiple catches on the boat,
7 but one per man, that's a huge deal. Go for it.

8 On the other hand, I have a real
9 problem with opening up handgear opportunities in
10 the bycatch sensitive areas. I mean, to close the
11 vast area of ocean to longlining, you know, what's
12 the difference between a thousand boats out there
13 fishing the same hooks, you know, a thousand boats
14 fishing ten hooks and ten baits as opposed to -- you
15 know, 40 small dayboat longliners fishing 250 hooks
16 a night.

17 You've got 10,000 of those exact same
18 hooks in the water with the exact same baits, and
19 somehow miraculously the thousand ten-hook boats --
20 it's a clean fishery. I'm sorry. That doesn't --
21 that don't -- who likes to say that around here?
22 That dog don't hunt? Somebody over there use to say
23 that. Mau? Mau. You know, I really object to
24 that.

1 I also think that it's extremely
2 premature to be reopening swordfish fisheries in the
3 fish -- in the face of the impending reopening of
4 the NED. We just went through an extraordinarily
5 expensive experimental fishery, both for the
6 American taxpayer as well as for the longline
7 fishery that was regulated into that situation, in
8 order to solve a situation that's extraneous to
9 swordfish conservation. It was a turtle
10 conservation issue. It was wildly successful in
11 that context, and I think we could anticipate over
12 the next few years a -- you know, a substantial
13 redevelopment of that fishery.

14 Not reopening the handgear fishery
15 now doe snot take anything away from anybody that
16 they have right now. It just opens up new
17 opportunities to people that don't have that
18 opportunity.

19 Reopening the handgear fishery now
20 before the NED fishery has a chance to re-establish
21 itself, having solved its turtle problems, reopening
22 the handgear in the face of that may well take
23 something away from a fishery that has a long
24 history of operation in the United States.

1 And I think that -- you know, it was
2 the longline -- despite the suggestion I hear, you
3 know, in some of the speeches around the table that
4 -- you know, swordfish conservation and rebuilding
5 is still a problem, what are we at, 94? The last I
6 heard I think we're over a hundred percent of MSY
7 now. A hundred and four percent of MSY on
8 swordfish.

9 And it was the American longline
10 industry that fought for that. It was American
11 longline industry that made the sacrifice through
12 quota reductions over the years to achieve that
13 rebuilding.

14 Another equity argument is to give
15 them the opportunity to rebuild themselves and catch
16 up with the rebuilding of the stock and utilize
17 that. It wasn't a handgear category that made the
18 sacrifices to rebuild the swordfish stock over the
19 past ten or 12 years. It was the longline fishery.

20 And they should be given a chance to catch back up
21 to the resource.

22 I don't think they should be the
23 victim of other fisheries capitalizing on the fact
24 that they had sea turtle problems in the longline

1 fisheries and moving in before the longline fishery
2 has a chance to re-establish itself.

3 So, for a number of equity reasons,
4 at a minimum, and also conservation reasons in terms
5 of the closed areas on small fish bycatch, I think
6 it's -- we should be very, very cautious, proceed
7 very cautiously on reopening any swordfish
8 categories until we see what happens with the
9 longline fisheries that are just on the verge of re-
10 establishing themselves offshore, and see how that
11 goes first and then see what's left on the table and
12 consider where appropriate changes can be made. I
13 feel very strongly about that.

14 MODERATOR CHRISTOPHER ROGERS: Thank
15 you, Glenn. Gail Johnson, then John Dean.

16 GAIL JOHNSON: Thank you. There is
17 an issue of fairness with looking at quota
18 allocations and all this. The pelagic longline
19 fishery, we're fewer than we used to be, and some of
20 our ranks have been diminished just because of the
21 regulations. And some of us have really struggled.

22 There's also an issue of fairness
23 about the harpooners. And Frank, I don't know what
24 to say about the guys that didn't renew their

1 permits or whatever, but absolutely, they have every
2 right in the world to go -- you know, participate in
3 the rebuilt stocks. And I also wanted to say that
4 anybody who makes their living fishing, if you can't
5 make the living with just three swordfish per boat,
6 then yeah, you need to do what you have to do. The
7 one man -- one fish per person on the boat seems
8 totally reasonable.

9 What I don't want to do -- to see is
10 reopening the whole limited access issue right now.

11 You know? Maybe years come if that might be
12 necessary, but for the foreseeable future, I don't -
13 - I don't see that as necessary or really the right
14 thing to do.

15 And not meaning to sound disingenuous
16 here, but remember we have international issues with
17 what we do with swordfish. It affects the ability
18 of the United States to make changes at ICCAT.
19 ICCAT seems to slowly be recognizing recreational
20 fisheries and the realities of it economically,
21 mortality, all kinds of different ways.

22 But again, for the foreseeable
23 future, it is the commercial fisheries at ICCAT,
24 most of them with the power of their large corporate

1 owners, and years past, probably still, with the
2 power somewhat of their governments behind them that
3 make the rules that we're trying to change.

4 Obviously the United States longline
5 fleet does not fit in that category. I don't know
6 of any corporate owners that are huge and I can't
7 say as we've been terribly supported by our
8 government, at least domestically. And in fact, the
9 rec guys -- the billfishermen are getting a taste of
10 the awful frustration that we've faced since the
11 1980's trying to get our point across that there's a
12 problem with swordfish, guys, and -- oh, no, no, we
13 have to study this. Or well, we have regulations,
14 but nobody's adhering to them. So, hang in there.
15 It will probably happen for you.

16 And the last thing on this issue of
17 illegal sales, let's just call it that. This is
18 totally reprehensible and in some cases unhealthy
19 behavior on the part of some people, and let's call
20 the fish selling illegal. There's too much heat and
21 bad feelings involved with labeling it recreational
22 or commercial or whatever. The problem is illegal
23 sales, and let's address the problem and let's not
24 get all hepped up about the nomenclature. Thanks.

1 MODERATOR CHRISTOPHER ROGERS: Thank
2 you, Gail. John Dean.

3 JOHN DEAN: Thanks, Chris. I think
4 that Russ and Bob laid it out quite nicely, that we
5 do have a chain that you can follow for enforcement
6 with permits. Last week we had a meeting of the
7 South Atlantic Fishery Management Council Law
8 Enforcement Committee and our Advisory Panel. And
9 we discussed a lot of this in more detail than we're
10 discussing today.

11 And clearly it is that if you hold a
12 commercial permit -- you have to have a commercial
13 permit to sell a fish. And if you hold a commercial
14 permit, you also have a king mackerel permit, a
15 snapper/grouper permit, an HMS permit.

16 Florida solved a lot of the problems
17 for us relative to what are presumed recreational
18 sales with their revision of their law a year ago.
19 This is a hot topic. We cannot get documentation --
20 substantive documentation that this is going on.
21 And they're working very hard at it.

22 The other thing that I would say --
23 do we have anybody from NOAA Enforcement with us
24 today?

1 MODERATOR CHRISTOPHER ROGERS: We do
2 have several individuals from NOAA Enforcement with
3 us.

4 JOHN DEAN: Okay. They were -- they
5 of course serve on our AP and are the ones that are
6 looking into this in great detail. One of the
7 things that came out at that meeting, and frankly a
8 lot of things we talk about here the perception and
9 the approach we're taking, we say we've got to have
10 more enforcement. One of the things that we learned
11 and heard discussed extensively is that it isn't
12 just writing the ticket. There has to be follow-
13 through. There has been to be prosecution.

14 The prosecution pathway is another
15 game altogether. And a lot of times the field
16 agents will write tickets and NOAA General Counsel
17 chooses not to prosecute, or they negotiate it down
18 and so forth. The second part of that is that it
19 was the consensus -- absolute majority -- no,
20 absolute unanimity that one of the things we need on
21 enforcement is a conspicuous, well-planned, good
22 strategy outreach program on enforcement. Unless
23 people know what's happening, they aren't going to
24 respond.

1 Two things. One, the most cost
2 effective enforcement is voluntary. Enforcement
3 people tell us at multiple levels that it's only
4 about three to five percent of the anglers,
5 fishermen, et cetera, that cause 95 percent of the
6 problems. Get them off the water. Permits,
7 revocation of permits is the thing that works.
8 Fines are a cost of doing business.

9 So, the point I want to make here,
10 and I'm not going any further is that in fact there
11 are enforcement mechanisms, a lot of the things that
12 we're talking about, there's a lot of anxiety and
13 angst on the part of the people at the table, and
14 one of the things we need to do is work with NOAA
15 General Counsel and the enforcement, and they claim
16 a resource limitation, as all the rest of us do.

17 Second thing is in relationship to
18 the issue on swordfish that we're discussing. I'm
19 really troubled. I look around the table and I see
20 a number of people that went through 1988, '89, '90.

21 And we're hearing the same discussion that we went
22 through and struggled through at that time.

23 This is not productive for us, and I
24 will say, as I've said before, during the passage of

1 the first Billfish Plan, there was absolute -- you
2 know, and remember that plan required five Councils
3 to concur, five Councils. And we did it. And there
4 was absolute concurrence that the recreational
5 fishery would not be penalized when the fishery
6 recovered. Because the recreational fishery, by the
7 time the plan went into place, had in fact already
8 been disenfranchised, so that they didn't have any
9 fish to play with. And that's part of the basis for
10 the discussion and part of that history to date.

11 So, they should have an opportunity
12 and the establishment of the quota, however you want
13 to discuss it, and -- but there is no disagreement
14 that those are not fish for sale. Thank you.

15 MODERATOR CHRISTOPHER ROGERS: I had
16 Willie Etheridge, Mike Leech, Bob Zales, Bob Pride.

17 WILLIAM ETHERIDGE: Yes, sir. The
18 first thing, Chris, one step you could take and you
19 should take immediately is to increase the number
20 for the incidental category. The two fish is just
21 totally absurd. You know it's absurd. Just about
22 everybody that's in your department up there knows
23 that it's absurd.

24 Guy's got a permit to be out there

1 fishing for tuna, and all you're doing is causing
2 him to have to discard swordfish. And something
3 needs to be done.

4 I know -- I've talked to your people,
5 you know it needs to be done, you need to go ahead
6 and do it. You don't need to wait another two or
7 three years to get it done.

8 And I'm definitely not one of the
9 people here that likes to hear himself talk. So, I
10 try to listen, I try to hear. Sometimes it's a
11 little bit of problem for me hearing, and
12 comprehension has always been a problem for me, and
13 that's why I'm no more education than I am.

14 But I believe yesterday the question
15 about swordfish not being reported in Florida, Mr.
16 Dunn made a statement that there was an arrest -- a
17 citation given. And in the next two days, he got 54
18 reported catches. And prior to that he had only had
19 three. Was I off on that, Russ?

20 RUSSELL DUNN: The numbers are a
21 little off, but the gist is right, yeah.

22 WILLIAM ETHERIDGE: Okay. So, you
23 know, when I hear -- I don't even want to call them
24 my friends, because I really don't think that

1 they're my friends, but when I hear people sitting
2 at this table that are just promoting and doing
3 everything in the world they can to open up the
4 recreational fishery in Florida -- and personally I
5 don't have a thing in the world against it. I just
6 have a problem with the people that are promoting
7 it, because they're the same people or their
8 organizations were the same people that were out
9 here working their butt off to get it shut down to
10 the longline industry.

11 And the National Marine Fisheries
12 just shut down the coast of Florida and a large
13 percentage of the Gulf of Mexico, just shut it down.

14 And now those same people that were instrumental in
15 seeing that you people did it, that we putting the
16 pressure on you, are now here trying to get you to
17 open it up. I think I heard some gentleman from
18 Florida, Russ I believe it was, said that there's
19 two and a half million recreational fishermen
20 fishing the salt water in Florida. And you want to
21 open it up there. I mean, there's just -- it just
22 irks me that people that could take something from
23 somebody that was feeding their family with it and
24 promote the same thing for somebody to have pleasure

1 out of. It just -- I just have a real serious
2 problem rationalizing with it. I just can't
3 understand what would make people be that way.

4 And I know that it's getting a little
5 far-fetched, but your position -- I told you this in
6 Virginia Beach that night. I don't know how in the
7 world that you sit up there and you see the
8 arrogance that comes from different people. I just
9 absolutely totally wouldn't be able to do it.

10 I just hope that you take that in
11 consideration. I would advise you -- I would advise
12 National Marine Fisheries Service if we're not
13 catching our quota up that's given to us by ICCAT,
14 you need to take steps to see that we do that. I
15 think that it will come back to haunt us if you
16 don't, and if it's letting one person catch one
17 swordfish or whatever the deal is, you need to do
18 it. But what's going to happen when they start
19 catching -- the recs start catching more than they
20 can catch, I'm sure they're going to be coming after
21 ours and trying to get that.

22 So, you know, that's sometime in the
23 future -- hopefully a right good ways in the future.

24 But I personally do not have a problem with people

1 selling their fish, as long as they're obeying the
2 same -- if a recreational guy wants to sell his fish
3 and he can obey the same laws as a commercial guy
4 can, you know, there is other people going to get to
5 enjoy that resource.

6 And that resource out there doesn't
7 belong to the commercial fishermen, it doesn't
8 belong to the recreational fishermen. It belongs to
9 the citizens of the United States of America. And
10 each one of them are supposed to have equal access
11 to it. And you know, that has to fall into your
12 line -- your job -- you know, you need to look out
13 for that. And certainly when you -- when the lion's
14 share goes to the commercial industry, it does give
15 a lot more people an opportunity to use or enjoy
16 that resource. I hope that you would consider that.

17 And I've got to go back to you've got
18 to do something about that incidental category only
19 being able to catch two fish. I mean Glenn has
20 talked about it the last two meetings that we had.
21 It's just -- it's a foolish regulation and it needs
22 to be done away with. And you know, two years ago
23 it should have been done away with, three years ago.

24 And it hasn't, and I don't know what it will take

1 to get it done this year, but please try to get that
2 done.

3 MODERATOR CHRISTOPHER ROGERS: Thank
4 you. We're about five minutes after 12:00. I had
5 Mike Leech, Bob Zales and Bob Pride. And then maybe
6 we'll -- Glen Hopkins.

7 GLENN DELANEY (No microphone):
8 (Inaudible.)

9 MODERATOR CHRISTOPHER ROGERS: You
10 want to clarify a point? Very briefly? Do you want
11 to do that at the end? Okay. So, we had Mike
12 Leech, Bob Zales, Bob Pride, Glen Hopkins, Glenn
13 Delaney.

14 MICHAEL LEECH: Very briefly. I'm
15 going to add my two cents to the artisanal sale down
16 in the Caribbean. But I want to assure you we're
17 not going to have two million people going after
18 swordfish. The largest tournament was 54 boats, the
19 smallest was 18 boats. So, don't panic. I don't
20 think we'll wipe them out.

21 WILLIAM ETHERIDGE: Excuse me. I
22 have to answer that. There is more people that fish
23 than tournaments, Mr. Leech.

24 MICHAEL LEECH: I understand. I

1 understand. I think in 1988 when the Billfish Plan
2 -- I think that's when it went into effect, one of
3 the hangups at the time was Puerto Rico and the
4 Caribbean Council, which had to agree with the other
5 four Councils to the plan, had a hangup with their
6 artisanal people wanting to sell and historically
7 being able to sell the fish. And I think at the
8 time it was agreed to get the plan moving on and
9 agreed to that the artisanals would be able to sell
10 the fish, but first they had to identify the
11 artisanal fishery, which they either couldn't do or
12 never did do. And that's why there was no sale
13 allowed. But there was going to be a sale if they
14 had ever identified the artisanal fishery. I think
15 that's what the confusion was.

16 MODERATOR CHRISTOPHER ROGERS: Yes,
17 that's my understanding, that there was an intent
18 for some follow-up on the part of the Caribbean
19 Council in terms of identifying that sector and
20 characterizing it and then recommending appropriate
21 controls. And for whatever reason, I don't know
22 what happened or didn't happen. But certainly the
23 regulations to my knowledge are quite clear that
24 there's no sale.

1 Bob Zales, Bob Pride, Glen Hopkins,
2 Glenn Delaney.

3 ROBERT ZALES, II: Just a couple of
4 real quick points. Number 1, to something that Jim
5 said about permitting and whatnot. In the State of
6 Florida, while Russell was in charge of marine
7 fisheries, the state passed a law that put
8 restaurants at risk of buying illegal fish. Because
9 now in the State of Florida if a restaurant -- if a
10 restaurant owner buys a fish from an unlicensed
11 dealer, he is subject to lose his state restaurant
12 license, basically put out of business. So, I don't
13 know that you can do this on a federal level, but I
14 would suspect that the Fisheries Service could
15 encourage the various state marine resource agencies
16 to work with their state legislature to enact
17 something similar to help put a stop to this illegal
18 sale of fish.

19 And to something that I disagree
20 with, Jim, about where he said possibly leaving the
21 three fish on vessels that are not certified, the
22 uninspected vessels, I would think that it needs to
23 be across the board, one fish per person. Because
24 we're not like they are in South Florida either. In

1 the Gulf we're kind of like you all are. We've got
2 to run a hundred miles and spend a night to catch
3 fish. So -- and some of us have six-pack vessels
4 and stuff like this.

5 So, it also would be easier for the
6 regulatory part of this, enforcement and whatnot, is
7 just if you're going to do it, do it across the
8 board.

9 MODERATOR CHRISTOPHER ROGERS: Bob
10 Pride. Do you have a working microphone there?

11 ROBERT PRIDE: Yes, sir. I sure do.
12 Thank you. The Mid-Atlantic Council would
13 certainly support the increase in the incidental
14 catch limit on swordfish. There's no question.
15 We've had that discussion.

16 I suspect that we would also support
17 -- although I can't say this for sure -- the
18 opportunity to open up the handgears to swordfish
19 fishing. I mean, we have a lot of fishermen right
20 now that are being displaced, and they might welcome
21 that opportunity to enter that fishery.

22 I know the Council has taken a
23 position that -- on a number of occasions to say
24 that the charter boat limits and the recreational

1 limits should not be different. There's no reason
2 to have a different limit for the taxi than you do
3 for the average citizen. So, I know we've taken
4 that -- there have been some exceptions for
5 experiments, but for the most part that has been the
6 Council's position.

7 Get off the Council for a minute. We
8 do have no sale of fish in Virginia unless you have
9 a harvester's permit or a landings permit issued by
10 the state. So, a restaurant owner is supposed to
11 check for licenses.

12 The fine for that is relatively small
13 on the restaurant owner's side, it's not very well
14 enforced, but it is on the books. And I think that
15 it could be a significant deterrent if the
16 enforcement people would go after just a little bit
17 more. A couple of restaurant owners get a pretty
18 hefty fine, it would probably slow things down quite
19 a bit.

20 Finally, on a thousand boats with ten
21 hooks being equal to 10,000 hooks on one boat, I
22 think if they're fished the same way, that is true.

23 But the thinking in my mind would be that if you
24 had ten hooks in the water, you'd know when the fish

1 was hooked and you'd tend to harvest it much quicker
2 and the soak times would be less and the bycatch
3 would be less. So, that would be my argument for
4 more handgear and less longlines. Thanks.

5 MODERATOR CHRISTOPHER ROGERS: Glen
6 Hopkins.

7 GLEN HOPKINS: I just basically want
8 to get on the record of supporting the increase in
9 incidental catch. And every year we talk about it
10 and everybody shakes their head, good idea, simple,
11 but yet it still hasn't been done.

12 And the other point I want to get is
13 -- you know, if anybody's really that hepped up
14 that they really want to go catch a lot of
15 swordfish, there's directed permits out there. I
16 mean that's -- I got hepped up, I wanted to catch
17 swordfish, I went and bought a directed permit from
18 somebody. So, they are there and if that helps your
19 business, make the investment.

20 MODERATOR CHRISTOPHER ROGERS: Okay.
21 Glenn Delaney.

22 GLENN DELANEY: I just really wanted
23 to clarify that -- you know, I said it very
24 stridently that I didn't want to see the handgear

1 category reopened until we have a much better idea
2 of what's going to happen in developing the longline
3 fisheries, particularly in the NED.

4 Having said that, I've done my own
5 little bit of research, if you will, down in the
6 Caribbean area, and want to respond to Bob's
7 comments, as well. The fisheries down there are
8 truly a different category, and I think we need to
9 respect artisanal fisheries that may predate
10 everything that we're talking about here about our
11 own fisheries.

12 These guys have been down there
13 trying to eke out a living for a long time, and if
14 you had any appreciation of the economy and the
15 scale and the scope of what they're talking about, I
16 think you'd have a little more sympathy for what
17 their plight is down there.

18 And also the degree to which our
19 government and frankly Council system in the past
20 has sort of let them down in taking recognition of
21 the special case that they represent down there.
22 And they should be accommodated as much as possible.

23 There's not any significant conservation concern at
24 all.

1 That's all I wanted to say, except
2 that I -- Bob, I think we need to sit down and work
3 on that math. You know, soak time -- people put
4 hooks in the water all night to fish for swordfish
5 and then they pull them out in the morning. It's
6 the same thing. And they're going to catch small
7 swordfish.

8 MODERATOR CHRISTOPHER ROGERS: All
9 right. The last comment, Jim Donofrio.

10 JAMES DONOFRIO: Chris, I'll make it
11 quick here. I just want to clarify to Bob. I
12 didn't think we were going to get that kind of
13 support for one fish. You know, I'd say it was
14 highly unlikely. But it's great. I'm glad that
15 everybody's supporting that one fish per person.
16 That's the way to go there.

17 I have a question regarding this
18 incidental. Is the reason why it's not supported,
19 are people afraid that some of these boats are going
20 to just direct swordfish? Is that what that's
21 about?

22 MODERATOR CHRISTOPHER ROGERS: That
23 incidental catch limit was based on the criteria for
24 limited access. In other words, when we looked at

1 the differentiating boats that would qualify for the
2 directed permit versus the incidental permit, we
3 looked at catch and landings history and set the
4 thresholds for qualification for each. And on
5 average, two fish per vessel was appropriate for
6 that group that we had identified that qualified for
7 the incidental permits.

8 Since then we've gotten a lot of
9 comment that it is insufficient. It's not truly
10 reflective of the actual incidental catches. And it
11 may have been a reporting problem in the past in
12 terms of the records that we were using for the
13 limited access. But nonetheless, we can and will
14 reexamine that issue and address that in the next
15 rulemaking.

16 JAMES DONOFRIO: Well, obviously if
17 there's some waste going on, then you need to
18 accommodate that, because you want them to not throw
19 them overboard, but bring them in, use them.

20 MODERATOR CHRISTOPHER ROGERS: Okay.
21 We're at 12:15 which was our scheduled lunch break.
22 So, in that sense we're on time. In another sense,
23 we're well behind because we had an hour of sharks
24 planned.

1 For those members of the public who
2 are with us today and would like to speak, as we
3 come back from lunch at our public comment period,
4 please come up and see me immediately --
5 immediately, and we'll get a list together to see
6 how much time we'll need for that. And then we'll
7 take up sharks directly after lunch and touch on the
8 bluefin allocation I believe after the billfish
9 discussion. We'll see how that goes.

10 I know that Rebecca and Bill did want
11 to rejoin us this afternoon for that billfish
12 discussion. So, if we take up the sharks
13 immediately and give Rebecca and Bill a chance to
14 get back over here from headquarters.

15 So, right now go enjoy your lunch.
16 We'll be back here in one hour, 1:15. And those
17 members of the public who would like to speak during
18 the public comment period, please --**

19
20 (Lunch Break.)
21
22
23
24

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 12th, day of October, 2004.

PAUL T. WALLACE. Notary Public
My Commission Expires

October 3, 2008

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