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ATLANTIC HIGHLY MIGRATORY SPECIES
ADVISORY PANEL

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INTRODUCTIONS AND ANNOUNCEMENTS

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3 MODERATOR CHRISTOPHER ROGERS: -- I
4 think that therefore we can take advantage of the 45
5 minutes, 15 of which have now been lost, to move
6 forward with the shark discussion.

7 As I said before, Bill and Rebecca
8 did want to come by for the billfish discussion.
9 So, if we can conclude our discussion on sharks --
10 actually, begin our discussion on sharks and perhaps
11 conclude that before the break, then we can get into
12 the billfish discussion. And we will try to take
13 bluefin allocation discussion forward at some point
14 today. I presume at this juncture we'll have to try
15 to get to that after our billfish discussion
16 concludes.

SHARKS

17
18
19 MODERATOR CHRISTOPHER ROGERS: So, at
20 this point I'll turn it back over to Karyl, who's
21 going to make some presentations on sharks. We did
22 have our HMS panel meeting specifically for the
23 shark situation with the FMP Amendment 1 last
24 September. We appreciate the discussions that we

1 had at that meeting, and now it's more of a next
2 look forward approach for this meeting, as opposed
3 to a look back on what was accomplished. Although I
4 do want to recognize the efforts of everybody on the
5 team who was able to put that amendment together in
6 record time. So, it's a new standard for the next
7 amendment. Try to beat the 14 months down to 12
8 months, right?

9 KARYL BREWSTER-GEISZ: Thanks, Chris.

10 As Chris said, we would like to move forward and
11 have this a forward-looking discussion. What we can
12 do to improve the current amendment. As amazing as
13 it might seem, there were some issues we did not
14 address in Amendment 1 that we would like to see if
15 we can move on on Amendment 2.

16 Regarding the quota and allocations,
17 there have been a number of comments whether or not
18 we should split the commercial quota between the two
19 permit categories. This would allow the incidental
20 permit holders to continue to land sharks
21 incidentally once the commercial directed fishery
22 was closed, and whether or not we still want to do
23 that.

24 There is also some discussion about a

1 reserve quota. And so we'd like some advice on
2 whether or not we want a reserve quota, how that
3 would be used, how we would set it up. Would we
4 continually add to that reserve every year? Would
5 it be set up once and overages and underages taken
6 out of it? We would like some information from the
7 AP regarding that.

8 Recreational quota and reporting
9 mechanisms. Currently there is no recreational
10 quota. There are no reporting mechanisms, unlike
11 the press release that we talked about yesterday.
12 The recreational quota -- or sorry, the catch and
13 the harvest however must be reduced by over 80
14 percent. We do have some studies indicating that if
15 recreational anglers comply with the current bag and
16 size limit that the catch and harvest could be
17 reduced by over 80 percent.

18 So, we were looking for advice on how
19 to improve compliance. We are hoping that the ID
20 guide that's making its way through the room will
21 help with some of that. But we are looking for the
22 AP for advice on that.

23 Quota adjustments. Currently the
24 quota is adjusted either the over or the

1 underharvest of the same season the following year.

2 While a few fishermen are not happy with that, the
3 majority seem to be pretty happy with that, from
4 what I can tell going on with Amendment 1. However,
5 there are some cases of large underharvest, for
6 example, in the pelagic shark fishery.

7 That fishery has not been closed, but
8 it has always gone under. We have not actually
9 added that on, because at this point there hasn't
10 been any point to it. Why keep adding to that quota
11 when they're not fully taking it anyway? But the
12 question is what do we do with that.

13 We also need to define large in terms
14 of the other fisheries, as well, the large coastal
15 fishery. If it's closed and there's 15 percent of
16 the quota, is that considered large? I don't know.

17 That's what we need to find out.

18 And if 15 percent is left over,
19 should we be reopening the fishery or not? In the
20 '99 FMP we said no, we would add that 15 percent
21 onto the following season the next year -- or the
22 same season the next year.

23 The large coastal shark trip limit
24 for directed permit holders. This is an ongoing

1 issue that we decided in Amendment 1 that we did not
2 have time to address, but we would consider it in
3 Amendment 2. The gillnet fishery, there are about
4 five vessels that actually direct with gillnet for
5 large and small coastal sharks.

6 In Amendment 1, we did not go forward
7 with the proposal to make this a strikenet only
8 fishery, and said we made the commitment to look at
9 ways to continue to reduce bycatch in this fishery
10 through gear modifications or other means. And so
11 we're looking for advice on how to accomplish that
12 and what we should be looking for in terms of gear
13 modifications or bycatch reduction.

14 And so that's where we're trying to
15 go forward to in the shark fishery.

16 MODERATOR CHRISTOPHER ROGERS: Okay.

17 So, any questions, comments or concerns about our
18 next steps in shark management, we'll go around the
19 room in the format that we have.

20 What I'd like to do is conclude the
21 discussion, if possible, by about 2:30, so we can
22 get back on the agenda with billfish. Joe McBride
23 and Louis Daniel, Merry Camhi. Tell you what. Why
24 don't we just -- after Joe McBride, we'll just go

1 around. It looks like we've got a lot of hands, so
2 it might be easier to just go in geographical
3 sequence.

4 UNIDENTIFIED (No microphone): Okay.

5 Let's go around the room this way then. Bob
6 Hueter.

7 ROBERT HUETER: Well, it's a lot of
8 different items. It kind of concerns me that once
9 again -- I know we did have a meeting on sharks in
10 September that was devoted to that, and we
11 appreciate that. But when it comes to tunas at this
12 meeting, we go through point by point by point. And
13 then we come to sharks and we've got to somehow deal
14 with five or six major things all at once.

15 So, in the interest of time, I guess
16 I will restrict my comments to one of these items,
17 which is this gillnet fishery bycatch issue. And I
18 know that I've spoken out about this before, and I
19 must sound like I'm picking on these guys. And I
20 really don't even know much about this fishery
21 firsthand other than what I read in these reports.

22 But if you look at the data that are
23 reported for this fishery, which comprises only
24 about five or six boats operating off north Florida

1 and Georgia, using gillnets, I mean this is just a
2 very unclean fishery, plain and simple, based on the
3 data that we have. And we had -- there was an
4 amendment proposal that was put forth in September
5 to modify the gear in this fishery and modify the
6 methods so that they only used a strikenet method as
7 opposed to a drift gillnet method. And by my
8 reading in this report, that was not adopted because
9 they're not catching that many turtles or marine
10 mammals, which are the protected species of concern.

11 So, the whole thing -- you know, is
12 okay, we don't really have that big a problem --
13 bycatch problem, so therefore we won't change this
14 fishery.

15 But if you look at the tables of the
16 bycatch in this fishery on the big report, Table
17 334, page 395, and look at the observed bycatch.
18 And it's very difficult to look at these data and
19 understand what the total is, because these are
20 observations which I think represent something at
21 this point seven percent of the fishery, my guess.
22 Certainly less than ten percent.

23 These five boats are getting bycatch
24 of things like little tunny, over -- by my

1 estimates, which may be very crude, over 11,000
2 little tunny every year. Over 5,000 king mackerel
3 in these five boats. Over 1,000 cobia. And the
4 king mackerel, by the way, cannot be retained, and
5 over half of them are discarded dead. Somewhere on
6 the order of over 50 sailfish, for you billfish
7 people, all of which were discarded dead. Over 300
8 tarpin. Over about three quarters of those are
9 discarded dead. About 400 red drum, and so on and
10 so forth.

11 So, yes, we don't have a turtle and
12 dolphin problem, maybe, but we still have a bycatch
13 problem in this fishery of only five boats. And my
14 understanding is -- in talking to Russell Nelson
15 earlier, is that there are no other fisheries that
16 are allowed to use this gear in the southeast.
17 Certainly Florida pushed this type of gillnet gear
18 out of state waters a long time ago.

19 And the mackerel fishery is not
20 allowed to use these drift gillnets. So, this is
21 like a loophole for these five boats that we're
22 allowing to exist.

23 And so I really can't understand why
24 this particular fishery persists at this point. And

1 I think that in the next amendment you need to go
2 beyond gear modifications and just get rid of this
3 gear type. Whether that involves buying out -- you
4 know, buying out these boats, buying back these nets
5 for these five boats, I'll leave that up to you
6 guys. But I just don't understand why this fishery
7 continues. The catch of sharks is very, very high.

8 If you look at the directed catch it's -- they're
9 catching lots of blacktips. And I would think that
10 the guys in the longline fisheries need to look at
11 this data and see how many animals that we're really
12 talking about that they're removing in this gear
13 type.

14 So, I don't want to start a war among
15 your different factions, but five boats, heavy
16 bycatch and it's a loophole in the allowed gear in
17 the southeast.

18 KARYL BREWSTER-GEISZ: I would like
19 to just clarify the observer coverage in this
20 fishery. It is 100 percent during right whale
21 calving season. That's November through April. And
22 then 50 percent the rest of the year. So, it's much
23 higher than ten percent.

24 MODERATOR CHRISTOPHER ROGERS: Merry.

1 MERRY CAMHI: Hi. I'm, too, a little
2 disappointed, although we had a meeting in December
3 that we're going to be rushing through these things,
4 and I think these are relatively disparate issues.
5 It would be I think better if we could take
6 discussion on each on a point by point basis, rather
7 than going around the table, because then -- you
8 know, we don't have a chance to comment once again
9 on some of these points.

10 MODERATOR CHRISTOPHER ROGERS: All
11 right. Well, we can go around several times on all
12 the points. If it's preferable for the panel to
13 take each one in turn, that's fine. Let's just
14 stick with the gillnet and go around the table on
15 the gillnet issue then.

16 MERRY CAMHI: Okay. So, you go
17 around the table or should we just take open
18 comments for the gillnets?

19 MODERATOR CHRISTOPHER ROGERS: We'll
20 go around the table with respect to anyone who wants
21 to comment on the gillnet issue, and then we'll
22 start again on the next one. No? You don't like
23 that style?

24 MERRY CAMHI: No, okay. I just

1 thought we were going to open up for comments on the
2 gillnet issue to anybody who had it and then move on
3 to next point, as we've been doing for each of the
4 other.

5 MODERATOR CHRISTOPHER ROGERS: That's
6 what I was suggesting, that we stick with the
7 gillnet issue and exhaust the discussion, and then
8 move on to the next issue. Is that an acceptable
9 approach? Hearing no objection. Merry Camhi, on
10 the gillnet issue.

11 MERRY CAMHI: I agree with Bob. I
12 think this is a problem that we have had for --
13 we've discussed for a long time. There are a number
14 of state issues and state concerns, and I certainly
15 think that we need to address this problem of
16 bycatch in this fishery and determine whether or not
17 -- you know, we need to do something more. But
18 we've been discussing this for a long time and
19 haven't taken action.

20 MODERATOR CHRISTOPHER ROGERS: Okay.
21 Sonja, on the gillnet issue.

22 SONJA FORDHAM: Sonja Fordham, the
23 Ocean Conservancy. I agree with my colleagues and
24 will keep it short in the interest of time, but I

1 would like to echo again we seem to be suffering
2 from shark shrift. And if we continue around this
3 way, I'd still like some -- I have some additional
4 next steps for the future on sharks that I'd just
5 like an opportunity to voice those at some point.

6 MODERATOR CHRISTOPHER ROGERS: Randy.

7 RANDY BLANKENSHIP: This is not
8 related to this gillnet fishery, but to the illegal
9 Mexican gillnet fishery that occurs in southern
10 Texas, which is still extremely active, not only
11 with gillnets, but also longlines, where they take
12 any and everything from sharks, including overfished
13 species, to finfish outside of established quotas,
14 and marine mammals and marine -- other marine
15 things. So, anyway, just don't forget that still
16 exists.

17 MODERATOR CHRISTOPHER ROGERS: Okay.

18 Next, Bill Utley. Anybody else on the gillnet
19 issue? John Dean or -- Mike Leech. Mike Leech and
20 then John Dean. Oh, you were going to -- I'm sorry,
21 Bill.

22 WILLIAM UTLEY: I don't really know
23 much about gillnets up in our neck of the woods,
24 because we've got so few sharks to deal with. I'm

1 more concerned about underharvest of large pelagics.

2 And I'll be back to that.

3 MODERATOR CHRISTOPHER ROGERS: Then
4 Joe McBride and John Dean.

5 MICHAEL LEECH: My only comment is
6 that we addressed this at the last meeting. I know
7 that elimination of those five or six, whatever it
8 was, drift gillnets was the preferred alternative.
9 And when I left the room, I thought that's what
10 would happen. And then when I read the final plan,
11 it wasn't there. I don't know what the final
12 decision-making process was. But I think it was a
13 consensus at the time that that was the preferred
14 alternative and I certainly support it.

15 JOSEPH MCBRIDE: Yeah, Chris,
16 actually I'm just trying to interject here to say
17 I'd like to go back -- and I don't know how you're
18 going to do it, because you've passed it, to the 80
19 percent reduction in recreational shark fishery, how
20 it came about, et cetera.

21 MODERATOR CHRISTOPHER ROGERS: We
22 will come back to that. We're going to try to take
23 -- rather than all the shark issues at once and
24 force you to respond on all, we'll take them each in

1 turn. So, right now we're focusing on the gillnet
2 issue.

3 JOHN DEAN: Thanks, Chris. The State
4 of Georgia clearly stated its concerns and its
5 objection, which are considered in the same light as
6 the remarks that have gone before, that this was the
7 preferred alternative on the amendment, and for some
8 reason it was removed, a dimension to this that --
9 and you got a very strong letter from Susan Shipman.

10 I want that. I would like to request that we have
11 that letter entered into the record in its entirety
12 and distributed to the members of the AP, if it has
13 not been so done.

14 KARYL BREWSTER-GEISZ: Excuse me.
15 Which letter from Susan is this?

16 JOHN DEAN: The December 5th, 2003
17 letter from Susan Shipman.

18 KARYL BREWSTER-GEISZ: Thank you.

19 JOHN DEAN: Which speaks to the
20 issues that have been laid out. And the South
21 Atlantic Council supports this position, as well.

22 But one of the things that has not
23 been raised is the administrative cost and the
24 enforcement cost, way out of scale, way out of

1 scale, for the achievement of the objectives of
2 Magnuson-Stevens relative to the other fisheries
3 that are involved.

4 And I shutter to think what we would
5 be doing with other fisheries if they had a bycatch
6 of the magnitude for the effort that we see in this
7 fishery. Thank you.

8 MODERATOR CHRISTOPHER ROGERS: Louis
9 Daniel.

10 LOUIS DANIEL: Yeah, I would just say
11 that before we go prohibiting gears and -- that we
12 look at the impacts of that fishery and the bycatch
13 on the species that were listed.

14 I mean, if we're serious about this,
15 we need to make sure that we reduce bycatch. But
16 how does it reflect -- how is it in an overall
17 impact statement? We dealt with those fishermen
18 down in the South Atlantic Council's area of
19 jurisdiction and trying to come up with ways to
20 eliminate some of that bycatch by allowing them a
21 higher bycatch allowance of king mackerel to address
22 that issue on a not overfished/not overfishing
23 resource.

24 So, if we're going to move in that

1 direction, I think we need to know as quickly as we
2 can so that we don't continue trying to address
3 these issues in the South Atlantic if it's no longer
4 going to be an issue.

5 MODERATOR CHRISTOPHER ROGERS: Rom.
6 Russ. Bob Pride on the gillnet issue, shark
7 fishery? Mark Farber. Ramon. Rusty.

8 RUSSELL HUDSON: Rusty Hudson of
9 Directed Shark. And it seems that I'm having to
10 address the most contentious issue to begin with.
11 Bob brought up some of the bycatch issues, and in
12 that same chart in Chapter 3 on page 94 and 95
13 you'll see that they kept certain of those species
14 that they were allowed to catch.

15 There had been a proposal at South
16 Atlantic Council to allow them to have more than
17 just the two recreational bycatch allowance of king
18 mackerel. That way they could have kept virtually a
19 hundred percent instead of -- in one case 41.7
20 percent, in the other case 75.3 percent, depending
21 on the amount of king mackerel.

22 As far as the situation with the
23 gillnet, I came here prepared to offer two
24 situations -- actually three that have been proposed

1 by the gillnet fleet. First off, this group needs
2 to differentiate between strikenet and gillnet. And
3 the strikenet bycatch is virtually nil. You'll see
4 that on page 96 of Chapter 3.

5 But going back to the drift gillnet,
6 we felt -- we the people that I represent in the
7 industry, the five or six boats that are targeting
8 with drift gillnet at times, they felt that like the
9 interaction with the leatherbacks a couple of years
10 ago led to some temporary closures and changes
11 there. And we felt like if we were to take the
12 driftnet and not have it in use during certain
13 months, that would begin to reduce some of the ESA
14 concerns and stuff over protected species.

15 At the same time, there could be
16 further gear limitations that could allow that gear
17 to be modified in such a way to become friendlier
18 with the environment, like the strikenet has a
19 tendency to be already.

20 Now, the other idea was with the
21 directed shark limited access permits and doing a
22 gear type endorsement. In other words, there's five
23 or six boats that have had some kind of consistent
24 history the last four or five years with the

1 gillnets. They'd have a gillnet endorsement.

2 They already have quite a bit of
3 observer activity, and this was the third idea
4 that's been batted around at Take Reduction Team
5 meetings for both the large whale and the bottlenose
6 dolphin. And that idea was the amount of money
7 being spent on the observers, the amount of impact
8 that you're going to have in those guys wallets by
9 eliminating them. You've got the gear that's going
10 to have to be eliminated replaced, or else buy the
11 boat.

12 And the Take Reduction Teams endorsed
13 the idea, as this AP could endorse the idea of going
14 ahead and purchasing the gear that seems to be most
15 contentious. The gear that's clean wants to stay.
16 The strikenet definitely wants to stay.

17 The small coastal sharks can be
18 caught usually two ways, hook and line or with a
19 driftnet that's set in the lower water column. That
20 could be modified so that the length of the gear,
21 the soak time of the gear and other types of things
22 could really reduce -- through observations, you'd
23 be able to -- you know, validate this, that amount
24 of impact everybody's worried about.

1 Those are the three ideas. I think
2 it was February and March right there towards the
3 end of the calving season that the leatherbacks came
4 through. And as it is with some of the operators
5 that are owners, they're more conscientious than
6 owners that stick operators on their boats. There's
7 a little bit of a mentality difference there.

8 So, the guys that have been able to
9 keep it cleaner, they would like to be able to have
10 a shot at still fishing small coastals at certain
11 other times of the year when like large coastals are
12 shut down and when the bycatch could be very
13 limited.

14 That's just an idea. You could buy
15 the gear, they could go ahead and switch to maybe
16 doing bottom longline part of the time, as well as
17 using strikenet. There probably wouldn't be a
18 problem there. But you really don't want to allow
19 anybody else to start jumping into the strikenet, I
20 don't believe, because you have to be very
21 experienced and then you're having to use planes and
22 other types of stuff, another boat, that type of
23 action and it can get expensive. So, I don't see a
24 lot of people wanting to get into that.

1 But that's an idea. I understand
2 Susan Shipman's position is to eliminate all the
3 gear. Now, I caution everybody at this table. When
4 you go and start eliminating just this half a dozen
5 boats, start thinking of who else uses drift gillnet
6 as you get up into the Mid-Atlantic and the New
7 England areas, and just figure that if you can just
8 go ahead and stomp them in the mudhole and those
9 guys and not buy out their \$20,000 nets and stuff
10 like that, and the amount of equipment that goes
11 with hauling that gear, then you're going to do the
12 same thing to a couple of hundred boats that are up
13 in the Mid-Atlantic and New England that use
14 different kinds of gillnets? That's something to
15 really keep in mind as a collateral impact, I
16 believe, by doing something unilaterally like this.

17 That's why I cautioned in my comments
18 that the NOAA Fisheries HMS AP should participate in
19 the TRT's a little bit more, the bottlenose dolphin
20 and Atlantic large whales, so they could see how the
21 discussions there -- they're a lot less -- let's say
22 conflict at times. Even though there's conflicts,
23 the people actually are trying to work together.
24 I'm really amazed at how well that's going over

1 there.

2 Over here, I have a different problem
3 because of science that's driving some of my further
4 comments a little later on, but that's sort of the
5 position that we have, that there was an idea that
6 you could go ahead and let's say January through
7 March, go ahead and have no drift gillnet, only
8 strikenet situations.

9 The VMS is already going to be a part
10 of their daily life starting this November. So,
11 those fellows are going to have to go spend \$3,000 a
12 piece and plus whatever it costs for the daily --
13 you know, use of that equipment.

14 And I think his name -- don't quote
15 me on this, Howard King? I think he's executive or
16 up there at New England Council or something like
17 that. He had been at the November meeting and
18 suggested using the VMS as a first line of defense
19 with the Homeland Security situation. I had made
20 also the same comment, never knowing the guy, in my
21 comments that were submitted to the HMS AP. And
22 that could be easily done with a sense of better
23 communications between Coast Guard, NOAA officials
24 and the person that has to use the VMS.

1 But basically speaking, if you're in
2 a hurry to go ahead and get rid of those five, six
3 boats worth of business potential, start thinking of
4 the fact that what could they make in three or four
5 years normal -- or three to five years normal
6 operating and then what it costs them for the
7 equipment, what it's costing the taxpayer, NOAA
8 Fisheries and whoever, for the observers to be able
9 to document all this stuff that -- John Carlson's
10 done some fantastic work. I wish our bottom
11 longline observer work was near what John Carlson
12 has done.

13 Since Steve Bransetter left there,
14 that's another issue we'll bring up. We would like
15 to see you think very clearly as to what you want to
16 do here and make sure that you're just not going to
17 just cause a collateral thing that's going to go up
18 in the line on all the guys with the monkfish, the
19 dogfish and whatever else. So, I'll just leave it
20 at that for the moment.

21 MODERATOR CHRISTOPHER ROGERS: Okay.

22 Thank you, Rusty. Willie Etheridge, on the gillnet
23 issue.

24 WILLIAM ETHERIDGE: Rusty more or

1 less laid it out. I guess he's speaking for them
2 guys. They want to do something about it. So, the
3 ball's in your court, Chris. And please do
4 something about it, because we see where this is
5 used against the commercial industry throughout the
6 whole world, and -- you know, if them guys want to
7 work with you in some way, you've got to take some
8 people from the office, you've got to get with them
9 and work with them and get this problem solved.

10 MODERATOR CHRISTOPHER ROGERS: Thank
11 you. Any other comments on the gillnet issue?
12 Henry Ans -- Rich Ruais, Henry Ansley and then Gail
13 Johnson.

14 RICHARD RUAIS: I'd just support what
15 Rusty was saying, and I think Louis was moving in
16 the same direction, and even Bill was suggesting
17 that we need to be concerned about full utilization.

18 And it sounds like there's some substantive steps
19 that can be taken to reduce the bycatch problem,
20 before we go radical and think about just banning
21 the gear, we ought to look at those efforts.

22 MODERATOR CHRISTOPHER ROGERS: Thank
23 you. Henry.

24 HENRY ANSLEY: Yes. I think from our

1 comments you can see that we have ongoing problems.

2 I agree with a lot of what Bob said. We look at
3 the bycatch problems. First of all, the
4 leatherbacks, but we also have a problem with the
5 gamefish. Bob mentioned there's red drum being
6 taken in this fishery. There's no take allowed in
7 the EEZ in other fisheries for red drum, and yet
8 this fishery can take these. That's supposedly a
9 fishery of great concern.

10 Enforcement has been a problem. We
11 don't allow gillnets in state waters. We've had
12 gillnets in state waters, they had a big case. This
13 is a tremendous workload for our enforcement people.
14 We've wasted a lot of resources -- public resources
15 enforcing this law and -- going after this fleet.
16 So, that's a problem.

17 We've had conflicts in the past with
18 vessel conflicts running over unattended gear. And
19 I know Rusty talked about possibly some of these
20 might have to do with trip limit things. But the
21 whole problem is it's not a new thing. It's -- I
22 mean it's like we say, this thing has been going on
23 forever and ever and ever.

24 And so if we're going to stall again

1 and say okay, well, let's make sure we've got the
2 data and all that, I mean I think we need good data,
3 but I think we need to get on with it and do
4 something about it. I mean, it's not a new issue.
5 And it's taken a lot of resources. It needs to be
6 resolved.

7 As far as the buyout plan, Rusty, I
8 just want to make sure what we're talking about
9 limiting gear, gear in certain times of year?
10 Replacing the gear during other times of the year?
11 I just wanted to get those -- I just wanted to get a
12 clarification on that.

13 RUSSELL HUDSON: To buy out the gear,
14 you should think in terms of the cost of the gear,
15 the cost to the business, the replacement in the
16 case of having to go to strikenet and/or having to
17 augment with bottom longline. Because the drift
18 gillnet is the primary gear that's used to catch the
19 small coastal sharks.

20 And the small coastal shark values
21 would have to enter into that equation as far as the
22 overall business, because if they're not going to go
23 and set bottom longline for small coastals, they're
24 not going to be able to catch any amount of small

1 coastals with the strikenet. So, basically
2 speaking, you're going to have a million pound quota
3 sitting out there doing nothing. And so on small
4 coastal sharks, as it's set up currently.

5 So, I would advise that you look at
6 three to five year business. I don't know how you
7 get the economics out of them boats. I believe that
8 you probably have a short route to that, but it
9 would probably be worthwhile -- you know, to
10 eliminate some of that problem. But just don't
11 stomp them in the mudhole and just figure that
12 they'll just go away like that. You know? I would
13 rather see you buy out the gear and allow them to
14 make the changeover.

15 Now, in the interim, we were
16 suggesting eliminating the use of the drift gillnet
17 during the whale season when the leatherbacks were
18 in particular coming through in February to late
19 January, March, whatever, down our way. But
20 furthermore, they're going to have to do something
21 else. So they're going to have to have that gear
22 type restriction. I felt like as an endorsement
23 would be useful so you wouldn't have any kind of
24 expansion.

1 There's another six or eight boats
2 that have had some history, I believe, since the
3 limited access started. And they always have the
4 potential of cranking back up. I just figured that
5 you should work with them so that they don't feel
6 totally loused up by our decisions here, but there's
7 a way to be able to spend the money, get the bang
8 for the buck, make their lives a little easier to
9 make the switchover. Because a lot of them are
10 going to have to learn how to bottom longline or
11 strikenet and they're going to have to replace the
12 gear that you're eliminating. So, it's just a
13 thought.

14 HENRY ANSLEY: Thank you. Did you
15 say that one thing that we had talked about was
16 possibly -- I understand this was an option in the
17 plan was year-round VMS? It's already being used
18 during the right whale closure -- or calving season,
19 I should say --

20 UNIDENTIFIED (No microphone):

21 (Inaudible.)

22 HENRY ANSLEY: Right. And we're just
23 thinking the VMS might be a possible answer or
24 assistance in enforcement issues? And plus the fact

1 if we're talking about the security arrangement, it
2 might fall right into that.

3 So, VMS ought to be considered, but I
4 think it's about time we just sort of get on and do
5 some sort of resolution to this, some -- because it
6 is a continuing problem for us. Thank you.

7 MODERATOR CHRISTOPHER ROGERS: Thank
8 you, Henry. Gail Johnson.

9 GAIL JOHNSON: Thanks. I'll make it
10 quick, because most of my questions have been
11 answered. I'm a bit sensitive to people who are
12 using a gear that is looked down upon for several --
13 one reason or another. And my questions were are
14 there regulatory discards? Apparently that's part
15 of the problem. Because the list of fish that were
16 discarded sounded pretty saleable. And then the
17 time of the interactions with all these species, it
18 sounded like a temporal kind of issue.

19 So, after listening to Rusty and some
20 of the other questions and answers, I'll let it go
21 at that.

22 MODERATOR CHRISTOPHER ROGERS: Thank
23 you, Gail. Nelson Beideman.

24 NELSON BEIDEMAN: Yeah, I'd like to

1 support Rusty's comments. And the purchase of the
2 gillnet gear sounds -- at least on the face of it
3 sounds very reasonable, very practical. But from an
4 agency standpoint, are there mechanisms that would
5 allow that? You know, can mechanisms be found if
6 you decide to go that way?

7 MODERATOR CHRISTOPHER ROGERS: There
8 are no formal mechanisms under the HMS regulations
9 or the HMS plan. But there are avenues that the
10 agency could pursue. Nelson, you and I were both
11 participating with the Offshore Cetaceans Take
12 Reduction Team and that was one of the same
13 discussions that was had with respect to the pelagic
14 driftnet fishery.

15 And there was -- evidently -- I'm not
16 familiar enough with them to know the details, but
17 there was some discussion as to how funds could be
18 raised under Marine Mammal Protection Act to afford
19 a buyout, that there was a provision under the Act
20 for raising private capital, so to speak, and
21 coupling that with federal funds or appropriated
22 funds in order to orchestrate something like a
23 buyout.

24 So, there are mechanisms, I'm sure.

1 They may require some creative financing and some
2 cooperation and perhaps some infusion of private
3 sector funds. But it sounds like it could be done.

4 NELSON BEIDEMAN: It sounds like a
5 hundred percent of those that are gillnetting would
6 like to voluntarily -- you know, be bought -- you
7 know, have their gillnet gear bought out. Is that
8 true?

9 RUSSELL HUDSON: Rusty with Directed
10 Shark. Yes, they've been promoting that idea since
11 '99 at least, at the Whale TRT meetings. And it
12 came up and has been part of the endorsement of the
13 Bottlenose TRT meetings for the last couple years.

14 NELSON BEIDEMAN: If it's a hundred
15 percent and mechanisms can be found and -- you know,
16 then the gear for that area, you know, are prevented
17 from starting up again, you know, it sounds like a
18 pretty practical solution. I hope the agency
19 seriously considers it.

20 MODERATOR CHRISTOPHER ROGERS: Thank
21 you. Jim Donofrio.

22 JAMES DONOFRIO: Thanks, Chris. I'm
23 going to ask the hypothetical here.

24 UNIDENTIFIED: (Inaudible.)

1 JAMES DONOFRIO: No, did you have --
2 he called on me. I didn't know your hand was up.
3 I'm sorry. Anyway, the hypothetical. Let's say
4 this buyout occurs. That unused quota from that
5 fishery, is that going to be up for grabs for both
6 recreational and commercial?

7 MODERATOR CHRISTOPHER ROGERS: Well,
8 there's no recreational quota per se, so it is
9 available for other fishers.

10 JAMES DONOFRIO: All right. Well,
11 yeah, no quota, but -- so we're going to reduce our
12 catch by 80 percent. What are we reducing?

13 MODERATOR CHRISTOPHER ROGERS: Well,
14 the catch needs to be reduced and we are going to
15 speak to that issue. Right now we were discussing
16 the gillnet, trying to come to closure on that. But
17 arguably there is quota available in the commercial
18 sector that would not be taken by gillnet gear. So,
19 it would be available to bottom longline, or as
20 Rusty was suggesting, to allow continued use of
21 strikenet gear. So, it could be taken by strikenet
22 gear, bottom longline or commercial hook and line,
23 other gear types.

24 JAMES DONOFRIO: But not rod and reel

1 sportfishing?

2 MODERATOR CHRISTOPHER ROGERS: Rod
3 and reel sportfishing is also regulated under the
4 plan and regulations, by a catch limit and size
5 limit. So --

6 JAMES DONOFRIO: I understand --

7 MODERATOR CHRISTOPHER ROGERS: Small
8 coastals would still be available to the
9 recreational sector.

10 JAMES DONOFRIO: Yeah, I understand
11 that. But in your next thing you're talking about
12 reducing us, but if you're going to get rid of a
13 gear type and there's available fish, why can't they
14 be available to everyone that's a user?

15 MODERATOR CHRISTOPHER ROGERS: Okay.
16 Well, I see your line of inquiry now more clearly
17 is that rather than allow it to be taken up within
18 the commercial sector, to relax the required
19 reductions in the recreational sector. So, that
20 would be one way to balance it. Glenn, I'm sorry I
21 --

22 GLENN DELANEY: That's quite all
23 right.

24 MODERATOR CHRISTOPHER ROGERS: --

1 didn't see your hand up there. And then Ken Hinman
2 after Glenn.

3 GLENN DELANEY: Only thing worse than
4 a Commissioner is an ex-Commissioner. You know, I
5 just -- I don't see this as a shark conservation
6 issue, so I'm interested at the -- the zeal in which
7 it's being pursued by our shark friends over there.

8 And it seems like a bycatch issue, and I noticed
9 that -- I don't know a lot about the details of the
10 fishery, admittedly, and what Rusty was saying and
11 Rich followed up with a comment that I thought was
12 very poignant, which is -- you know, if we have a
13 bycatch gear issue that can be solved through
14 technology or design or -- we ought to be pursuing
15 all opportunities to achieve the optimum yield on a
16 shark assemblage, which it sounds like to me has
17 yield to be harvested, and that we should take the
18 opportunity to do that.

19 When those statements were made, you
20 know, I may have misperceived the smirks from the
21 shark community over there, but I'd be real
22 interested in hearing if the shark folks, Sonja and
23 Bob and Merry, are interested in working with that
24 fishery to solve their finfish bycatch issues so

1 that they can prosecute a shark fishery. Or is this
2 really just about getting rid of another shark
3 fishery, even though there may be a optimum yield of
4 shark there to be achieved?

5 And I know I'm not directing the
6 question at the agency, but clearly this is a
7 constituency that's spoken very stridently on the
8 issue, and the industry has apparently responded
9 with what sounds to me on its face to be at least a
10 reasonable suggestion on addressing the bycatch
11 problem, which is not a shark conservation issue.

12 So, what does the shark community
13 think about that? And maybe I'll put Bob on the
14 spot, because --

15 MODERATOR CHRISTOPHER ROGERS: Let's
16 let Ken speak on his concern and then we'll go
17 around again. We don't need to have a cross-
18 examination. As Rebecca often says, we do learn
19 from the debate, but let's try to depersonalize it.

20 GLENN DELANEY: I wasn't trying to
21 make it personal at all, please. They're the
22 experts in the shark field, so that's --

23 MODERATOR CHRISTOPHER ROGERS: Ken
24 Hinman.

1 KEN HINMAN: Okay. As Henry pointed
2 out, this is a problem that's -- the bycatch problem
3 with this gear has been around for a lot of years.
4 And people have been pointing to it and expressing
5 concerns about it and wishing something be done
6 about it. And I certainly concur with his sentiment
7 that it's really time to do something.

8 My fear is that -- well, it seems
9 evident that the people prosecuting this fishery
10 have not during this time with all this concern come
11 up with gear modifications to make these concerns go
12 away. So, I hope there is something substantive
13 that the agency is now aware of that can be done
14 with this gear that is going to make these problems
15 go away and that this is not just ok, we don't want
16 to prohibit this gear, so now we're going to look at
17 the option of gear modification.

18 The industry apparently has not been
19 able to make these modifications themselves, so I
20 hope there is something that somebody really has put
21 on the table that's realistic to deal with this in
22 the near future.

23 But I sort of noticed that it was
24 interesting that this whole discussion sort of

1 started out with keeping the gear in the fishery and
2 gear modifications and then sort of ended up on
3 talking about a buyout. And it seemed to me that
4 that was sort of telling me since it came from the
5 industry that they really don't have a way to
6 satisfy these concerns with gear modifications and
7 really would like a buyout. And I think that's --
8 if that's the issue, we should really just zero in
9 on that and not waste all our time on all this other
10 stuff.

11 If it's the gear has these problems
12 and the fishermen want to be bought out, and that's
13 something that people want to do, let's get right to
14 that and not -- you know, stall for years and let
15 the problems persist while we go after chasing a
16 fantasy of being able to adapt this gear and make
17 them go away. It doesn't sound like those things
18 are real.

19 MODERATOR CHRISTOPHER ROGERS: Okay.

20 Thank you, Ken. Do we want any response to the
21 question on bycatch reduction versus a shark
22 conservation issue?

23 ROBERT HUETER: Well, I guess my only
24 response is I thought I was sitting on the HMS

1 Panel. I didn't realize that I could only restrict
2 my views and my comments just to sharks. I'm really
3 speaking -- this is not so much a shark quota issue,
4 because that's a broader issue. I'm really
5 concerned about the bycatch, and I'm just speaking
6 as a marine biologist and ichthyologist who is
7 interested in sustainability of all of these
8 species.

9 So, when I see things like -- you
10 know, king mackerel being discarded dead -- and by
11 the way, the mackerel -- the commercial mackerel
12 fishermen are not allowed to use this gear type.
13 They have to catch their fish one hunk at a time.

14 The sailfish coming in -- and based
15 on what Karyl said, now I understand better what
16 these numbers mean. And some of the numbers I gave
17 you were probably inflated. But the one number that
18 wasn't apparently now based on what she said was
19 sailfish -- actually based on the coverage that she
20 said, that number would actually go up from what I
21 said. We're talking about 90 sailfish killed and
22 discarded dead in this fishery every year.

23 So, it's beyond a shark issue. And
24 I'm not trying to -- I'm not advocating eliminating

1 the gear type because I'm trying to reduce the
2 quota.

3 UNIDENTIFIED (No microphone):

4 (Inaudible.)

5 ROBERT HUETER: Not to reduce the
6 quota, no. I'm advocating getting rid of this gear
7 type because it's not a very clean fishery.

8 UNIDENTIFIED (No microphone):

9 (Inaudible.)

10 ROBERT HUETER: Well, modification of
11 the gear is possible. When you look at the
12 strikenet numbers, it is true that the bycatch is
13 far lower. So, if that can be done and it can be
14 enforced -- and that's another question, whether
15 enforcement then becomes a problem. Because when
16 you have a boat land with this -- with their catch
17 and they've got a similar kind of net, you don't
18 know whether they set it in a strikenet or a drift
19 gillnet fashion. If that's the case -- I'm not
20 saying it is, but if that's the case, then it goes
21 to an enforcement issue, which is a different
22 argument.

23 But no, you know, I've used gillnets
24 for 20 years in inshore waters. I know how

1 efficient they are. I use them, you know, for
2 scientific collecting. They catch a lot of things.

3 They're fantastic devices to -- you know, to see
4 what's out there.

5 So, firsthand I know the bycatch that
6 these -- this gear type is capable of. And it just
7 seems that this is not a gear type or a gear method
8 that we need -- we could eliminate some of these
9 bycatch problems.

10 And then on a different level -- two
11 other levels, it doesn't seem to me that it's a fair
12 application of gear types when those people who are
13 targeting some of those bycatch species aren't
14 allowed to use that gear themselves.

15 And then I guess I'm also speaking as
16 a Florida boy who -- you know, has concerns about
17 seeing Protected Species like tarpon and sailfish
18 come in in this fishery. So, that's where I'm
19 coming from.

20 MODERATOR CHRISTOPHER ROGERS: Okay.

21 Glen, did you have any thoughts on this point? We
22 passed on you the first time.

23 GLEN HOPKINS (No microphone):

24 (Inaudible) it's all been covered (inaudible).

1 MODERATOR CHRISTOPHER ROGERS: Okay.

2 Any more comments on the gillnet issue? Rom
3 Whitaker, Russ Nelson.

4 ROM WHITAKER: Well, this list -- and
5 it sounds like to me according to Rusty that the
6 guys want to be bought out, or some of them do. And
7 if you all have means to do that, let's save the
8 money on observers and buy them out.

9 MODERATOR CHRISTOPHER ROGERS: Okay.

10 Russ Nelson.

11 ROM WHITAKER: Oh, Louis -- excuse
12 me, Russ. He did want me to clarify that in our
13 area gillnets are used to catch -- are used to
14 directed catch for king mackerel. And so it can be
15 used very efficient. That's a very clean fishery in
16 our area.

17 RUSSELL NELSON: In looking at an
18 analysis of the public policy implications of this
19 decision, I think it would be befitting for the
20 agency to try to take a look at what the actual
21 profit to the fishery is versus what the cost to the
22 nation is in terms of the observer coverage, as well
23 as what the profit to the fishery is in terms of the
24 cost as best it can be calculated to the nation from

1 those finfish species that are taken and discarded
2 dead. Therefore, have ceased to be made available
3 to the other users out there.

4 It's a difficult gear -- it's a
5 difficult gear to control, but I think at a minimum
6 you need to do those sort of analyses.

7 MODERATOR CHRISTOPHER ROGERS: Okay.

8 We'll have to look into a fishing capital cost and
9 operating cost net profit, and again factoring in
10 the value of lost target catches, as well as the
11 value of lost finfish bycatch, so -- cost of
12 enforcement, administrative costs for observers.
13 So, it is an analysis that is not trivial, but we
14 can take a look at that, work with the five or six
15 vessels. Final thought on that, Rusty?

16 RUSSELL HUDSON: We also have
17 driftnet being used on Spanish mackerel. It's
18 usually only allowed to soak a short length of time.

19 They have a little bit of use of the king mackerel.

20 But because of regulatory rules from South Atlantic
21 Council, you're limited as to how many of those
22 kings that you can catch. We used to have the king
23 mackerel net fishery down our way. These same
24 people have mostly prosecuted their fisheries by

1 using that for 25 years. They just -- as I say,
2 make them an offer that is reasonable and prudent.

3 But to go and turn around and just
4 slam off and make them into a bad guy, this is a
5 fishery that's been around a long time and it shows
6 you a lot of things. The bonitas and things like
7 that, the barracudas, traditionally they always sold
8 that as a bait product that then bottom longliners
9 would turn around and utilize for their shark
10 fishing themselves, because those nets are used
11 nearshore where the blacktip is a species
12 predominates and some of the small coastal sharks
13 predominate like the Atlantic sharpnose and
14 blacknose.

15 Our bottom longliners are usually
16 much further offshore, traditionally targeting
17 sandbars. And the whole idea of eliminating a man's
18 right to prosecute his business, the normal way he's
19 done it for a quarter century, and most of these
20 people are already 40 to 60 years old, they're going
21 to want to have something for something.

22 So, you take their drift gillnet
23 away, you purchase it. Are you going to force them
24 to go and buy VMS and use it all year long and have

1 strikenets and bottom longlines and whatever else
2 you're going to have on there, there's a lot of
3 double-checks.

4 In the meantime, if you want to -- as
5 I said, shorten the time that you can use the
6 driftnet, if you shorten the length of the driftnet
7 and the time it's in the water, right now we've just
8 had the rule put on them by the turtle people in
9 recent years to run the -- up and down the net every
10 30 minutes to two hours and stuff.

11 And that doesn't count the fact that
12 when you set your gear, and if you happen to get
13 more than a trip limit, as I had mentioned to Henry
14 earlier, you have a dilemma. You either have to cut
15 your gear, which then brings up other legal issues,
16 leave the fish, go back, unload your 4,000 pound
17 because there is no tolerance in this system for
18 being a pound over, and then go back and get it
19 again, just like the bottom longliners have had to
20 do for a decade now, it's a ridiculous way to do
21 business. It marginalizes their profitability.

22 I believe that you can work out a
23 reasonable solution. That's all I'm asking for this
24 group of people to do is the same thing that the TRT

1 people for the whale and the dolphin are trying to
2 be reasonable.

3 MODERATOR CHRISTOPHER ROGERS: Okay.

4 I think we can perhaps move on to another issue on
5 sharks. Karyl presented several issues. Quota
6 adjustments under the new trimester and regional
7 quota system, and whether or not a reserve category
8 would help in dealing with underharvests and
9 overharvests in the suballocations, so that we'd be
10 dealing with under the new system. Does that sound
11 like a good next topic for discussion or did
12 somebody prefer something else?

13 Glen, you want to take a shot at
14 allocations and overharvest/underharvest issues
15 under the new regional trimester quota management
16 system?

17 _____
18 OVERHARVEST/UNDERHARVEST

19 GLEN HOPKINS: I'll try. Basically,
20 to me, all this is kind of a moot point anyway.
21 Amendment 1 pretty much cut my throat. But I'll
22 throw my two cents worth in here. The overages and
23 underage I feel like you really need to have some
24 kind of -- I mean like a 50 percent underage or

1 4,000 pound trip limit? And I'll be done talking
2 for the whole time maybe.

3 MODERATOR CHRISTOPHER ROGERS: We can
4 bundle the issues in terms of quota management and
5 trip limits. It's -- they are related in terms of
6 meeting that quota within any particular season.

7 GLEN HOPKINS: Okay. I don't have
8 the total answer to it, but what we have currently
9 with the 4,000 pound trip limit, I like it because
10 of -- like I said, low quota spreads the fishery
11 out, you know, instead of now we get a whopping six
12 weeks. You know, if we didn't have the trip limit,
13 we might only have two weeks of fishing. So, I like
14 that.

15 But from an enforcement standpoint,
16 and I've run into situations and other fishermen,
17 with the limit there's -- you know, you set -- it's
18 hard to guess how many fish you're going to catch on
19 a set. And this year there's a lot of fish. I've
20 actually had to make two trips each time I've set my
21 gear because I've been over 4,000 pounds. I guess.

22 You know, cut the line, go in.

23 We need to have something --
24 something maybe in a 48-hour period of landing or

1 something. Say if you got 5,000 pounds, allow the
2 boat to go ahead and bring those to the dock, but
3 take that next day off, if you follow my line of
4 reasoning. Just to kind of spread it with the
5 enforcement being so -- the penalties being so high,
6 it's really not doing anybody any good.

7 But if you took the next night off,
8 you know, it would be kind of the same thing. So,
9 something along those lines. And with VMS coming
10 in, that shouldn't be too hard to enforce. I guess
11 that's all I have to say.

12 MODERATOR CHRISTOPHER ROGERS: Thank
13 you, Glen. Bob Hueter.

14 ROBERT HUETER: Just to respond to
15 two of the things Glen said, the underages -- help
16 me understand. They're occurring because the
17 estimate as to when the quota's going to be reached
18 is inaccurate or imprecise. And so the fishery's
19 closed and they come in X number of pounds or so
20 underneath the quota.

21 It seems to me that the fair thing is
22 that that's penalizing the fishermen. You're trying
23 to reach a target, theoretically, that's based on
24 modeling and so on, as to where MSY should be.

1 Excuse me. The afternoon froggy voice. The
2 fishermen should not be penalized because the
3 estimates were off. You're trying to reach this
4 target, which is set according to estimates of what
5 the stock can handle. So, therefore, I -- you know,
6 I would think it would be reasonable to reassign
7 that quota back in some fashion to the fishermen and
8 allow them to get that.

9 The trip limit -- this is -- I mean
10 this is an economic issue that the fishermen have to
11 decide whether the break point is for them. But if
12 Glen is cutting off lines and -- you know, those
13 fish are being spoiled until he gets back out to
14 them, and that's clearly a waste. So, somehow that
15 has to be rectified.

16 MODERATOR CHRISTOPHER ROGERS: Merry?
17 Sonja? Anybody else on this side on the shark
18 allocations, quota management, trip limits?
19 Commercial fishery? Rusty. Oh, I'm sorry. Rom
20 Whitaker.

21 ROM WHITAKER: Well, I just support
22 what Glen said. And it just seems to me is it
23 broken down into three periods, Glen, or two?

24 GLEN HOPKINS (No microphone):

1 (Inaudible.)

2 ROM WHITAKER: Three periods, then
3 certainly the first two, they should be able to
4 maximize or catch somewhere real close to what their
5 subquota is and then adjust on the third period to -
6 - so they could utilize what little bit of quota
7 that's left. And I would like to see some means
8 where a guy doesn't have to leave his gear out
9 there. I mean, you've got weather to deal with.
10 You've got -- you know, gear out there you're going
11 to lose possibly. So, some type of means of giving
12 him some leeway there would seem like to me would
13 certainly help.

14 MODERATOR CHRISTOPHER ROGERS: Thank
15 you, Rom. Rusty.

16 RUSSELL HUDSON: Rusty Hudson with
17 Directed Shark. I just saw in the northeast they
18 just set up an electronic real-time reporting type
19 situation for most things. I didn't see coastal
20 shark listed on there for those fellas in that
21 sector. I'd like to see that.

22 I think that's possibly a solution of
23 some sort, because with the delays of the dealer
24 reports, the way the logbook is filled out and

1 doesn't have the weight corresponding with the
2 numbers of animals, things like that, I believe that
3 we have some holes in the way your data is being
4 gathered, and needs to be corrected.

5 As far as the trip limit, when you
6 wound up putting the trip limit on as an interim
7 measure in January in order of '94, the whole idea
8 was to eliminate derby effects that was visualized
9 in July of '93 when everybody could bring in 12,000
10 pounds a boat, and they caught the entire semiannual
11 quota in less than 30 days.

12 That was a big deal because it
13 marginalized a lot of the normal boats, the 35-foot
14 to the 55-foot boats that normally had prosecuted
15 the fishery.

16 And since then we've lived with 4,000
17 pounds, but the reality is that if you have a 40
18 pound carcass, you're going to be dealing with say a
19 hundred animals, yet you may have little variation.

20 You may have a 45-pound carcass, things like that.

21 And then of course you're running into the issue of
22 spoilage and stuff like that when you have to cut
23 your line, or else the guys bring it in, they're a
24 little over, and next thing you know you made them

1 away, the quota allocation issue squared away, I
2 know you locked us in to regional quotas, which we
3 told you your data has some problems as to how you
4 allocated that and that was an allocation and it's
5 going to shortchange a couple of areas, in
6 particular the North Atlantic, Virginia north, and
7 in the Gulf of Mexico on small coastals, large
8 coastals for the northeast.

9 And so we feel that you need to
10 revisit some of those numbers as this regional quota
11 stuff unfolds this year, especially in light of the
12 fact that we are still doing the biannual season as
13 we have now for quite a long time. And we're going
14 to trimesters next year.

15 And for years -- and this is where
16 the environmentalists, as well as academics with
17 shark and ourselves in the industry have always
18 noted that May and June are probably the two most
19 important months that you need to be able to reduce
20 any potential interactions with those females that
21 are going to dump their pups at that time.

22 And so we had suggested a long time
23 ago if you wanted to further divide it, which we
24 like the idea of it because it gave us a little bit

1 more time in the later part of the year that we
2 haven't been able to fish since before '93, divide
3 it into quarters and limit the people that are
4 fishing the second quarter that would start for the
5 April, May, June period, limit them to some point
6 offshore where they can't be really messing around
7 inshore. But the rest of the time, allow us to fish
8 in some fashion. That was the idea there.

9 The directed quota of 2.2 million
10 pounds that you gave us for large coastals this
11 year, and the one million pound small coastal quota,
12 based on it looks like our catch rates from industry
13 reporting, and you all said that you use catch rates
14 from January/February to figure out how you're going
15 to close our season this year, the east coast had
16 the biggest -- from North Carolina south to Miami
17 had the biggest quota allocation percentage-wise
18 based on your regional quota use of large coastals,
19 but they wound up giving us the shortest time to
20 catch.

21 And as Dewey and Glen and others can
22 tell you from the North Carolina area, and I can
23 tell you from our Florida areas, there's less people
24 fishing now for a variety of reasons. We've had

1 gluts because of different conditions. We've had
2 markets being affected by people campaigning about
3 mercury poisoning people all the time, and I'm sure
4 the tuna/swordfish guys feel some of the that
5 economic impact.

6 But I guess where I'm trying to go
7 with this is that there's still some things that
8 NOAA needs to do to clean up the way you've
9 allocated the stuff, the way you're setting up the
10 seasons, and the impacts that are going to come from
11 that.

12 As far as a reserve quota, I thought
13 I saw something with swordfish, it was something
14 around two percent or something like that? Two and
15 a half? Was that -- okay. You know, you could
16 figure that against whatever. I don't know what
17 that's going to get you, you know, honestly.
18 Because you know, we're not dealing with one species
19 here. We're dealing with 22 large coastal shark
20 species. We target two of them primarily, blacktip
21 and sandbar. They are no longer overfished based on
22 the best science that NOAA has offered.

23 The other 20 species have never been
24 individually assessed, and as a result you cut our

1 quota by 600,000 pounds over what we had been
2 getting since 1997. And that is having a big
3 impact, more than the 21 percent that you're
4 measuring, and that's going to also be further
5 augmented with this closed area that seems to just
6 put the burden totally on the North Carolina guys,
7 as Glen put it, slit our throat.

8 And yet these were the guys that
9 cooperated the most with the commercial shark
10 fishery observer program, which has done a really
11 poor job since Steve Branstetter was hired by NOAA
12 Fisheries in September of '98.

13 And unfortunately that contractor, as
14 I submitted a comment to NOAA Fisheries on Amendment
15 1, and you responded in Appendix 5 on page 75 on
16 Comment Number 19 that yes, you had asked the
17 contractor for the full series of data from 1994
18 through 2002 and he could not provide it.

19 And the same thing went back to the
20 2002 shark evaluation workshop. He came unprepared,
21 did not have the data. We got him to put together a
22 document that's Document Number 35 of the Shark
23 Bowl, as they like to call it, Number 2 there in
24 Panama City, and it's hard to follow.

1 But you can follow some things in
2 there and you can see that having relied on the
3 Burgess/Morgan paper from what you call 2003, dated
4 July 1st, 2002, that document is pitiful, so much
5 bad math I've got five different tables that none of
6 them jibe on the total number by animal of large
7 coastals.

8 And then you still have this 1.39
9 problem, as I call it. The State of North Carolina
10 has 2.0. They're the only ones that are realistic.

11 If you catch a whole shark, a sandbar or a blacktip
12 or whatever, you dress it out, you bring in the
13 fins, you're going to have roughly 50 percent weight
14 that's going to be weighed up.

15 Now, if I want to bring in my whole
16 shark, instead of a 4,000 pound dressed weight
17 limit, I want to bring in my whole shark, by law
18 using your 1.39 I can bring in 5,560 pounds of whole
19 shark, large coastal, to be in your minds equivalent
20 of 4,000 pound trip limit. The reality is 8,000
21 pounds. And then that way we could use all the
22 fins, the teeth, the skin, the liver, whatever. If
23 we wanted to go to that level of being able to make
24 more with less. And that's really what you've

1 burdened us with, because we were doing 20 million
2 pounds a year before the management plan. We're two
3 million pounds now.

4 The reason we're at two million is
5 because certain academics have drug their feet on
6 doing the science because they tried in '94 to turn
7 around and say sandbar suddenly matured at 29 years
8 of age, when it had been used at 15 -- or fixed at
9 15 for the female. And I have documents that show
10 anywhere between five and 13 could be utilized.

11 And so I'm afraid this is affecting
12 everybody. It affects the recreational allocation
13 on their supposed quota. It affects the commercial
14 on our quota. And it creates this idea that the
15 population is so much smaller. Change the 1.39.
16 Make the science better.

17 And the fin ratio of shark fin to
18 shark carcass has been codified by Congress at five
19 percent, under the Shark Finning Act that I
20 supported with Sonja Fordham and others, to be able
21 to get rid of the craziness out in the Pacific where
22 they were finning and discarding the carcass, and we
23 have not finned since '93 over here. It's been
24 against the law.

1 But do you see us used as an example?

2 Hardly at all. And that's the sadness of the
3 situation. So, we're figuring that somebody needs
4 to re-examine those 12 sandbars that were from 1992
5 that was utilized to be able to come up with this
6 five percent ratio, when in reality we had requested
7 six for sandbars strictly. And that's the truth.
8 You're going to come up with six percent without
9 going into the secondary fins.

10 So, how do you come up with a
11 solution? If we bring in the whole shark, we need
12 8,000 pounds to be the equivalent of a 4,000 pound
13 trip limit. But if we bring in 8,000 pounds whole,
14 live animals and dressed it out in front of the law
15 enforcement guy, he'll see we'll get 4,000 pounds
16 plus the corresponding 200 pounds of fins. But
17 guess what? He's going to be illegal, because by
18 law using your 1.39 conversion, we can bring in
19 5,560 times five percent. That will be the
20 additional fin. Which is going to be about 250 some
21 odd pounds. This needs to stop. This is poor
22 science.

23 The same thing with those 20 large
24 coastal shark animals, whale sharks. Congress

1 believes they're overfished and overfishing is
2 occurring. We never caught one. Bigeye sand tiger.
3 There's been three ever caught in memory of this
4 country, and yet they're overfished. Overfishing is
5 occurring to Congress.

6 Narrowtooth, known as copper shark or
7 whatever, bronze whaler in Australia, I have never
8 seen one from this northwest Atlantic. But the
9 reality is they're overfished and overfishing is
10 occurring. And because of that, you justified
11 cutting us down from a three million pound quota to
12 virtually a two million pound quota, and using catch
13 rates that aren't resembling what real life is,
14 especially under bad weather and situations like
15 that.

16 I'd almost have to support an IFQ or
17 something in order to for the guys to be able to
18 have a real-time access. You already have a limited
19 fleet. You've got 250 directed shark permits out
20 there. But you only have about 120 of them that
21 really catch any amount of sharks. And I'd say that
22 roughly 40 of those boats catch about half the quota
23 is what I've seen before.

24 KARYL BREWSTER-GEISZ: Rusty, can I

1 just clarify one thing on the report to Congress?
2 Based on your comments in the past, we did go back
3 and we looked through all the reports to see what
4 species had been included in the assessments. And
5 those species that we did not have any landings for,
6 we changed -- the most recent report, which I don't
7 think has been released yet -- from overfished to
8 unknown.

9 RUSSELL HUDSON: That helps me,
10 because at least I know since '97 we've been
11 reporting them as all overfished, all 22 of them up
12 until this year, which based on the 2002 shark
13 evaluation workshop we now eliminate blacktip and
14 sandbar. And that's a good thing, because that's
15 two thirds -- 67 percent of our catch based on your
16 numbers, and the reality is, is that that's what we
17 target. The other ones are incidental catch. And
18 yes, they have a market in most cases.

19 Nurse sharks, we don't have a market.
20 Fins are worthless. The meat may have value, but
21 nobody's marketing them. The population is
22 exploding. Yet they're considered overfished and
23 overfishing is occurring. And 99 percent of the
24 time they're alive and there's a live release.

1 These are things that need to somehow
2 -- we need to have marching orders for the Shark
3 Evaluation Workshop so when we get there people are
4 ready to do the work instead of trying to just go
5 home. That's what we face now all these times, and
6 quite honestly there's certain ways you can fix this
7 mechanism, and it starts with having a Shark
8 Evaluation Workshop this coming summer, to get them
9 to do the work I asked them to do in '96 and in '98
10 and in 2002. Look at all the animals that are
11 managed and make a real-time decision.

12 You can't individually assess them
13 all. We know that. I've already sat here and told
14 you certain rare event animals, we don't encounter,
15 you're not going to have landings data on. But
16 certain common ones you do have landings data on, in
17 particular the dusky shark.

18 And if you look at 2001 August
19 document from Burgess and Musick and Romine -- I
20 don't know how to pronounce his name -- they
21 actually talk about a linear increase in duskies and
22 stuff, and it appears that the guys up off of the
23 Carolinas are seeing the last couple years, April,
24 May and June, a lot of their tuna's getting ate up

1 by big duskies laying in there, wollering, just
2 having a good time.

3 And so somehow you're going to have
4 to get an idea of these population dimensions. We
5 share these animals with other people. And for the
6 first time we were able to incorporated the Mexican
7 numbers. Twenty percent, roughly, if you take out
8 the one year at liberty class, of the duskies tagged
9 off the Mid-Atlantic Bight were recovered tags in
10 Mexico. That's a pretty big indicator right there.

11 And I can go on about Venezuela and
12 lots of other stuff, but it doesn't matter. We're
13 sharing a Highly Migratory Species with several
14 countries and we have unilaterally led the way and
15 marginalized our people.

16 And in a lot of businesses around
17 this country, whether it's fishing or something
18 else, you lose five to 25 percent of your business,
19 you're probably going to go belly up. We lost half
20 our business in '97 when NOAA said we would have no
21 significant economic impact. We had to go to court.

22 The impact was then reexamined. In '98 NOAA said
23 yes, it would be very significant, just to put it
24 mildly.

1 know that there would be some difficulties, we've
2 experienced them with bluefin tuna, with
3 suballocations and different groups by sector and
4 we're sort of marching down that path with shark
5 management. The intent of the agency as expressed
6 in Amendment 1 was to try to segment the fisheries
7 by region and season, and guarantee a season for
8 marketing purposes.

9 If an IFQ system would do that
10 better, with less government interference, and
11 benefit the industry, so much the better. So, if
12 there is any progress that could be made on that
13 front, and any proposals that could be put forth by
14 industry, we'd certainly be interested in hearing
15 them.

16 RUSSELL HUDSON: That's some of your
17 thought that you had suggested last year in
18 Amendment 2. So, I believe that if that's going to
19 wind up having the OK of the industry, you've got
20 roughly half the directed permits that I believe you
21 also mentioned in Appendix 5, your responses to
22 comments, that you might consider taking the
23 inactive directed permits and giving them an
24 incidental shark permit, just because they qualified

1 back in '99.

2 But the other boats, they're the ones
3 that are going belly up or being really hurt. And
4 those are the ones that would have to decide if they
5 want to be active in it. But you know, that IFQ
6 stuff gets into some crazy stuff. You know, certain
7 people, you've got to have controls over who can
8 control how much, because that will louse up prices
9 just as bad as a derby will.

10 MODERATOR CHRISTOPHER ROGERS: Any
11 other comments? Gail -- or Willie Etheridge, then
12 Gail, Nelson.

13 WILLIAM ETHERIDGE: Are you going to
14 have some tapes of Rusty's statements available?
15 Maybe we could give them out to some of our academia
16 friends.

17 MODERATOR CHRISTOPHER ROGERS: We'll
18 make it available on the -- transcripts will be
19 posted on the internet. And if people want copies
20 of the tapes to get the full experience, we'll make
21 those available, too. Gail Johnson.

22 GAIL JOHNSON: Thanks. Karyl said
23 that pelagic shark quota is not rolled over. And
24 that makes sense right now. There are a couple of

1 things. Makos are a valuable item, but they're
2 never concentrated enough it seems to make a trip on
3 them. So, that's not a big deal.

4 I believe the reason for the pelagic
5 quota is the blue shark and discard issues. Well,
6 in my opinion the mortality of those things are
7 overestimated as witnessed by the number of blues
8 that come aboard with -- or are cut off beside the
9 boat, and they have a second bunch of teeth. I'm
10 exaggerating a bit, but they have -- they have
11 hooks. They're slow learners.

12 But my point is that don't just
13 ignore any rollover because as you know there are
14 good years and bad years. To us a bad year is when
15 you go up in June or even May and the sharks are
16 there, but the swordfish and the tunas are not. So,
17 on those oddball years, and I can't remember when
18 the last time was in there, they're few and far
19 between. But every once in a while there's a year
20 that comes along that the blues are just there. And
21 you can't get rid of them until they have passed
22 through or something. So, don't ignore it.

23 KARYL BREWSTER-GEISZ: I just want to
24 clarify that, that we do have a separate blue shark

1 quota made for that. And -- yeah, there is a
2 separate blue shark quota. And if the dead discards
3 or landings of blue sharks exceed that, then it's
4 taken off the pelagic shark quota, which is
5 separate.

6 MODERATOR CHRISTOPHER ROGERS:

7 Nelson.

8 NELSON BEIDEMAN: Karyl? I assume
9 that what we're working toward in ICCAT is to
10 standardize how overages and underages are used
11 across all ICCAT species. I would hope that what
12 we're working toward here would also be -- you know,
13 consistency and standardize how overages and
14 underages would be used across all of our HMS
15 species.

16 And I would hope that -- you know,
17 when we get to that, and there's all kinds of
18 different examples, you know, some of them are
19 similar, some of them aren't, but when we get to
20 that that we not be so overly restrictive that we're
21 disadvantaging, you know, our own fisheries.

22 One of the things that -- you know,
23 happened to us in the past is on bluefin tuna when
24 we had a north and a south category, and the south

1 started January 1, and by like May, you know, before
2 the north would even start interacting, you know,
3 the quota was over overfilled, you know, the
4 northern quota was gone, and we were stealing from
5 other categories of the reserve because -- it was --
6 it happened eight years in a row. Eight years in a
7 row.

8 And the only thing that solved it,
9 and solved it right quick, was making that region
10 accountable for its overages and underages in the
11 following year. And that's the same thing that I
12 would do with these trimesters is to make -- you
13 know, them accountable for their overages and
14 underages that trimester the following year. And
15 fix the problem, you know, like nothing.

16 The thing that Glen brought up is
17 important, and it's happening a lot. And it's --
18 you know, you can't gauge how much gear today in
19 this spot for exactly, you know, 3,999 pounds. I
20 mean you just can't do it.

21 And you know, either having to
22 discard or -- you know, make two runs in, it's
23 happening a lot. And I hope that -- you know, you
24 guys look into Glen's suggestion of a day off.

1 One other thing is when it comes to
2 the sharks, especially in the pelagic longline
3 fishery, because -- you know, most of our shark
4 catches are not wanted, and it's truly incidental,
5 they're not wanted. We of course market -- you
6 know, the makos, the porbeagles, the edible
7 varieties, but the move to circle hooks is going to
8 improve the bycatch situation across all the bycatch
9 species. And you know, once we move to circle
10 hooks, we're going to have to figure out all new --
11 you know, mortality rates, because it's going to
12 change dramatically to the better for everything.
13 It's going to be such an important move, you know?
14 And I thank you.

15 MODERATOR CHRISTOPHER ROGERS: Okay.

16 Thank you, Nelson. We had Jim Donofrio, Merry
17 Camhi and Louis Daniel.

18 UNIDENTIFIED (No microphone):

19 (Inaudible.)

20 MODERATOR CHRISTOPHER ROGERS: Nobody
21 puts Maumus on hold and gets away with it. Merry
22 Camhi.

23 MERRY CAMHI: Speaking to wanting to
24 think about things, how we're going to move forward,

1 I'd like to ask what your plans are for pelagic
2 sharks. It's something that we've talked about for
3 a long time. We had a quota put in the '93 FMP that
4 was not based on any assessment or any kind of
5 science. We've adjusted it in the '99 FMP to try to
6 address the bycatch of blue sharks and things like
7 that. But we have a lot of data right now that is
8 showing -- or studies, anyway, that are showing that
9 there are some very large declines in some of these
10 species. Oceanic white tips, just recently, some of
11 the -- we know mako sharks, thrashers. There are
12 declines going on and we don't -- I know we don't --
13 we have limited data to work with, but I think it's
14 time that we have a plan on how we're going to move
15 forward.

16 I'm aware that ICCAT is about ready
17 to do an assessment on mako and on blue sharks, and
18 I think that's great news. But as Ramon mentioned
19 yesterday, he's very concerned about the data that's
20 going to be available and whether or not we're
21 actually going to be able to do that assessment
22 there. We have to have a backup plan.

23 We have to be concerned right now
24 about porbeagles. We know that porbeagles are very

1 heavily overfished in the western Atlantic. They
2 were fished down to a collapse in the 1960's.
3 They've come back.

4 But right now Canada is managing the
5 fishery and still very concerned about overfishing.

6 Every year they ratchet down their quota and
7 continue to do so, and still feel that they're not
8 at a point where they're able to have a substantial
9 catch.

10 We have a relatively small quota
11 compared to theirs, the 92 metric tons, but we don't
12 really know -- you know, I think we should be
13 working together to determine whether or not this is
14 something -- can we do an assessment together.

15 I know our scientists participated in
16 the assessment that came out of the DFO, but I do
17 think that this is something that we have to very
18 much consider and be aware of these declines and
19 start thinking about it now. Because if the
20 assessment doesn't work, I don't want to hear that -
21 - you know, we don't have the data and we can't do
22 anything, when we know that we're experiencing 79
23 percent declines in some species in the last 40
24 years, and it may be ongoing.

1 MODERATOR CHRISTOPHER ROGERS: Thank
2 you. We certainly share your concerns. We've been
3 pushing ICCAT for a pelagic shark assessment for
4 several years, and we do have some concerns with
5 many species at ICCAT about the quality of the data
6 inputs to assessments. We'll have to see what
7 happens in Tokyo or -- somewhere in Japan, is it
8 Tokyo in June -- for that assessment. Again, that
9 would be for blue sharks and for makos. And at such
10 point where we do have an assessment that is usable,
11 we can move our basis for setting quotas towards an
12 MSY approach as opposed to a historical catch
13 approach that had been used in the past, for lack of
14 an assessment to base those quotas on.

15 So, that would be our approach to
16 continue support international assessments. As you
17 mentioned, we need to work with Canada on
18 porbeagles. As Rusty had mentioned, the need to
19 work with Mexico on other species within the
20 southern end of the ranges. We will continue to
21 push for multilateral assessments, continue to push
22 for multilateral submission of data, collaborative
23 research cruises, and any other types of fishery
24 independent research that can be brought to bear for

1 these assessments. So, that's certainly our intent.
2 What it really comes down to is how quickly we can
3 accomplish that, with the need for international
4 cooperation.

5 We were talking about the pelagic
6 quotas on -- basically we've strayed a bit from our
7 original topic, which was quota adjustments, given
8 our new trimester and regional approach to the large
9 coastals. But there was also a divergence into
10 pelagic shark quotas, as well. And trip limit was
11 brought to bear early on in the discussion. So,
12 that's also been part of it.

13 SONJA FORDHAM (No microphone):

14 (Inaudible.)

15 MODERATOR CHRISTOPHER ROGERS: What's
16 that? Yes, you can say something now.

17 SONJA FORDHAM: I do still have my
18 list of things to move forward, so I hope that we'll
19 have time for that. Just -- and so does Merry.
20 Just on the pelagic sharks, I agree with Merry, of
21 course, but we go one step further and say that
22 certainly a peer review paper that indicates a 99
23 percent decline in the species is real cause for
24 concern, and you may have some arguments with some

1 of the methods, but 99 percent decline is pretty
2 alarming. And I would think as a first step it
3 would be kind of a no-brainer to add oceanic white
4 tips and perhaps silky sharks to the prohibited
5 species list, along with the others where we don't
6 even have that kind of information. They're
7 prohibited.

8 And also just adding on to what she
9 said about porbeagle sharks, Germany has proposed
10 porbeagle sharks for Appendix 2 listing under CITES.

11 That proposal says that the Northwest Atlantic
12 stock is somewhere near 11 percent of baseline. So,
13 again I know we have a very small quota for
14 porbeagle, but it seems like another case of serious
15 depletion, where an important first step would be to
16 add them to the prohibited species list. And then
17 really take a hard look at bycatch for these species
18 and what we might do to turn this -- turn this
19 around.

20 And yeah, we agree that the circle
21 hook is a step in the right direction. But I do
22 have some comments on some other issues later.

23 Thanks.

24 MODERATOR CHRISTOPHER ROGERS: Okay.

1 Joe McBride, I saw your hand, and then --

2 JOSEPH MCBRIDE: I'm still waiting
3 for --

4 MODERATOR CHRISTOPHER ROGERS: --
5 Louis Daniels.

6 JOSEPH MCBRIDE: -- the appropriate
7 time. I hope you didn't forget recreational, that
8 80 percent stuff.

9 MODERATOR CHRISTOPHER ROGERS:
10 Recreational data. I'm sure there are several that
11 want to speak to that issue. Louis Daniel on shark
12 quotas and trip limits?

13 LOUIS DANIEL: Well, just a
14 recommendation, Chris, and that is a couple of years
15 ago Bill Hogarth helped us set up the Southeast Data
16 Assessment and Review -- I guess it would be
17 workshops down in the South Atlantic. And they're
18 now being used also by the Atlantic States Marine
19 Fisheries Commission.

20 I know you have the SEW, but it
21 doesn't work like the SEDAR approach does. And I
22 would suggest very strongly with the issues that
23 Rusty brought up, with the issues that a lot of the
24 North Carolina fishermen have brought up to me,

1 because North Carolina was the one hardest hit by
2 Amendment 1, that you strongly consider contacting
3 Nancy Thompson, who is now the Chairman of the SEDAR
4 Steering Committee, and try to get this shark
5 assessment vetted through that process, where you
6 have fishermen involved with the data, review and
7 the whole nine yards, and outside folks involved in
8 the assessment. And then a peer review with a
9 Center for Independent Experts chair to sort of lay
10 to rest all these issues and concerns about the data
11 and the results.

12 MODERATOR CHRISTOPHER ROGERS: In
13 fact, we've already had that discussion. Jack was
14 on the phone with Nancy several months back when we
15 were in the midst of our comment period on Amendment
16 1. And Nancy did agree that we should try to adapt
17 the shark assessments into that SEDAR framework.
18 Russ Nelson.

19 RUSSELL NELSON: I'll wait till we
20 want to talk about the recreational/commercial
21 allocations and changes in harvest levels and --

22 MODERATOR CHRISTOPHER ROGERS: Okay.
23 Well, it's time for our break, but before we break,
24 how about we can just get a sense of the list of

1 issues that Merry and Sonja had to discuss on shark
2 issues?

3 UNIDENTIFIED (No microphone):

4 (Inaudible.)

5 MODERATOR CHRISTOPHER ROGERS: Okay.

6 Let me just get the list to see what we're facing
7 when we come back from break. The additional issues
8 that you wanted to discuss on sharks, other than the
9 recreational/commercial issues -- allocation issues?

10 SONJA FORDHAM: Deep water sharks.

11 Something about sand tiger and night shark status
12 review. Closed area. The plan for the states,
13 particularly in terms of pupping and -- what's that
14 other thing they do? Nursery grounds. And sawfish.
15 And landings of prohibited species.

16 MODERATOR CHRISTOPHER ROGERS: Is
17 that comprehensive with respect to your list, Merry?

18 MERRY CAMHI: Pretty much so.

19 MODERATOR CHRISTOPHER ROGERS: Okay.

20 All right. Just to finish a few points on quota
21 allocations/adjustments, Nelson.

22 NELSON BEIDEMAN: Yeah, this goes to
23 Sonja's comments about assessments. Recently
24 there's been some pretty shaky studies that have

1 come out -- you know, very inflammatory, et cetera,
2 et cetera.

3 I would hope that if -- you know, we
4 could work toward a really good and accurate
5 assessment, one of the first things that needs to
6 take into account that -- you know, what I call
7 these flawed studies have not is that there is major
8 gear modification in U.S. pelagic longline fishery,
9 late '80s, early '90s, and we went from a hook with
10 a shank like that, to a hook -- you know, to a
11 gamefish hook with a shank like this. And lots of
12 sharks just biting them off, single strand, from a
13 nylon line to a single strand, et cetera, et cetera.
14 You know what I'm talking about.

15 But any study on sharks that does not
16 take those type of things into account is simply
17 flawed. It's simply not realistic. And there is of
18 course other things. I'm sure, you know, Rusty
19 would give you -- you know, an encyclopedia list,
20 because -- you know, there's things such as down in
21 the Gulf of Mexico we can no longer fish --

22 (GAP IN RECORDING/CHANGE FROM TAPE 7 TO 8)

23 MODERATOR CHRISTOPHER ROGERS: --
24 that there's a lot of discussion about past issues

1 that folks want to revisit -- revisit them in the
2 sense of advancing new management approaches would
3 be fine. But revisiting decisions that have already
4 been made and the basis for them, that was the
5 purpose of our response to comments in the documents
6 that were released with the Environmental Impact
7 Statement and Amendment 1.

8 So, let's again try to focus our
9 discussion on the next 20 minutes on forward-looking
10 issues for shark management. How can we take it
11 into the next level on Amendment 2? We had some
12 questions during the break about what was meant by
13 the recreational catch reductions. I'll let --
14 Karyl, you want to speak to that, or did I catch you
15 at a bad time with your granola bar?

16
17 HARVEST REDUCTION

18 KARYL BREWSTER-GEISZ: Thanks, Chris.

19 I just wanted to clarify that the harvest reduction
20 for the recreational catch is we can achieve this 80
21 percent reduction that is needed for large coastal
22 rebuilding, just by complying with the current
23 regulations.

24 So, if we can really get outreach out

1 there to get the current regulations out, the 80
2 percent is done. That's all we need to do.

3 MODERATOR CHRISTOPHER ROGERS: Yeah,
4 again, the concern I think on the part of some
5 individuals with that slide about 80 percent
6 mortality reduction, the current regulations on size
7 limits and catch limits for the recreational
8 fishery, if complied with, would achieve what is
9 necessary for the large coastal shark rebuilding
10 plan. It's just a matter of the fisheries sector
11 coming into compliance.

12 And certainly once we get these ID
13 guides that you've hopefully all had a chance to
14 take a look at out today, we would hope that that
15 would go a long way in helping the recreational
16 angler identify sharks correctly and realize which
17 are prohibited species and which sharks need to be
18 released.

19 And that certainly will go --
20 hopefully a long way towards achieving that 80
21 percent mortality reduction. And we would also
22 entertain any thoughts about how to improve outreach
23 in that recreational sector towards understanding
24 what is necessary for shark rebuilding and how to

1 comply with current regulations.

2 So, I have a lot of hands here. That
3 was one of the topics that was yet to be discussed,
4 the recreational harvest reductions needed under the
5 rebuilding plan. And there were several issues that
6 we heard from Sonja just prior to the break. She
7 wanted to talk about deepwater sharks, the closed
8 areas, sawfish -- I'll just make a note that we
9 don't manage sawfish under the HMS Plan. We do
10 recognize it's a listed species and has some bycatch
11 issues in our fisheries. And then the landings of
12 prohibited species. And again, we would hope that
13 the ID guide facilitates the correct identification
14 of species and would lead to some releases that
15 would be warranted under the prohibited species
16 listings.

17 All right. So, let's go around the
18 table on remaining shark issues, and I would again
19 ask folks to be brief, to the point, and to not tend
20 to revisit established measures, but only insofar as
21 offering suggestions for future management options.

22 Merry Camhi.

23 MERRY CAMHI: I just want to preface
24 this by saying Sonja and I are trying to reduce the

1 amount of time we speak, so I think we're speaking
2 for each other, and for both our backgrounds and
3 groups.

4 I just wanted to speak quickly to the
5 concerns we have about the excessive catch in the
6 rec community and dealing with the issue of
7 compliance there. We had raised in some of our
8 written comments the idea of possibly having
9 training workshops as a -- possibly almost, if you
10 wanted to get an HMS angling permit, you would have
11 to participate in some kind of training workshop.

12 I think the ID guide is a great idea,
13 but one of the concerns I have is that \$25 a pop, a
14 lot of people are not going to be out there buying
15 them. It's going to be hard to do outreach to them.

16 And there's got to be another way to get at all
17 these many, many thousands -- tens of thousands of
18 anglers, where we see still very high catches of
19 prohibited species.

20 We have 5700 dusky sharks were caught
21 by the recs in 2001. This is after they were
22 already prohibited for almost a year. And the same
23 thing, sand tigers, couple -- you know, 5, 6, 700.

24 So, the question I have to you is

1 what more can you do beyond the ID guide in order to
2 raise awareness among recreational anglers, both on
3 the catch limits that you've set, the bag limits, as
4 well as on species identification.

5 MODERATOR CHRISTOPHER ROGERS: One
6 thing we did think about and we're looking into the
7 feasibility of basically posting the ID guide on our
8 website, so that people could actually leaf through
9 it. That's not as useful as having it on the
10 vessel, and we realize that's the most important
11 part, and that's why we elected the added expense
12 for the waterproof card stock. And that does
13 contribute to the cost.

14 Yes, we do realize that \$25 is not
15 cheap, but it is a rather useful and hopefully
16 unique item that most people would feel would be
17 worth that amount of money.

18 We're certainly open to any and all
19 ideas. We have our outreach outlets that we use,
20 our fax network, the website, our information line -
21 - toll-free information line with recorded
22 information. The brochures that we distribute. We
23 are working with North Carolina Sea Grant next --
24 well, this month hopefully, if we can pull it off, a

1 meeting in New Bern with some of the area Sea Grant
2 extension agents to try to brainstorm approaches to
3 better outreach with the rank and file recreational
4 community.

5 And they will produce a report of the
6 workshop and a publication that we would distribute,
7 hopefully get a little bit wider distribution off
8 print of the Coast Watch magazine that North
9 Carolina Sea Grant does, highlighting HMS
10 recreational fisheries.

11 So again, we're trying on several
12 fronts and we're open to any and all ideas. As time
13 allows, we can send staff out to visit with clubs
14 and speak to HMS management issues and explain
15 regulations and things. But any and all ideas would
16 be welcome at any point in time, not just at this
17 meeting.

18 MERRY CAMHI: Can I add something,
19 Chris? I also wanted to point out that during
20 Amendment 1 we did have a lot of positive feedback
21 about the workshops. As we sat down to think about
22 it, we realized there are a lot -- a lot of
23 implementation issues and we do have a section -- a
24 session set up tomorrow to discuss some of those

1 implementation issues on the workshops.

2 MODERATOR CHRISTOPHER ROGERS: Okay.

3 Bob Hueter, then Irby Basco.

4 UNIDENTIFIED (No microphone):

5 (Inaudible.)

6 MODERATOR CHRISTOPHER ROGERS: Well,
7 he had raised his hand, but I was attracted to the
8 woman first, so --

9 ROBERT HUETER: Thank God. I'm so
10 glad you said that. That could have come out wrong,
11 very wrong. Real short. Just wanted to say that I
12 agree with all this, but before we obsess too much
13 over these recreational catches, I just want to make
14 the point that my confidence in those recreational
15 data is very low, and I think this goes back to the
16 whole discussion we had over the MRFSS system.

17 So, I think the bigger problem is to
18 fix that, is to -- you know, what we talked about
19 yesterday afternoon about fixing the way that the
20 recreational catch is determined. So, before you
21 obsess a whole lot over sharks.

22 MODERATOR CHRISTOPHER ROGERS: Okay.

23 Randy.

24 RANDY BLANKENSHIP: Thanks. Speaking

1 to compliance, and this is once again -- you know,
2 virtually the same statement that I made earlier,
3 and that is -- and it applies to this, it applies to
4 all -- every HMS species here with compliance.

5 People don't do what they don't have to do. And
6 they don't have to buy that HMS permit, because
7 there's no enforcement.

8 Every group that I've spoken to about
9 fisheries management issues in Texas that have been
10 related to Gulf fishing over the last year I have
11 mentioned to them that there is an HMS permit
12 needed. I've kept that in mind, like you asked us
13 to be your mouthpiece. I have yet to find anybody
14 that knows about that permit that I didn't already
15 tell about it beforehand. And that includes just
16 recently, last week I had a meeting with the board
17 of the Lower (inaudible) Fly Fishing Association,
18 which does -- they do a lot of fishing offshore that
19 includes HMS. Not one of those board members knew
20 about it.

21 So, they're not getting the message.

22 If you have some law enforcement, doesn't have to
23 be probably a whale of a lot of it, but I think the
24 word would get out that you've got to have it.

1 You could also have a reward, a
2 positive -- you know, incentive, as well. I don't
3 know how that would work. But anyway, the key book
4 is wonderful. You did a great job. And I think
5 there'll be a lot of demand for it.

6 Karyl, you mentioned that there might
7 be a sign-up sheet out here for ordering them? Did
8 I hear you say that earlier?

9 KARYL BREWSTER-GEISZ: There were
10 some order forms on the table out there.

11 RANDY BLANKENSHIP: Okay. I didn't
12 see any when I looked.

13 KARYL BREWSTER-GEISZ: Well, it looks
14 like a brochure on the front, and on the back
15 there's a little -- we only have a limited number,
16 so --

17 RANDY BLANKENSHIP: And they're
18 already gone.

19 KARYL BREWSTER-GEISZ: -- if they're
20 gone --

21 RANDY BLANKENSHIP: What's the
22 website again for ordering this?

23 KARYL BREWSTER-GEISZ: It's on the
24 Rhode Island Sea Grant website. I don't have the --

1 I don't know exactly what it is, but you can find it
2 by searching for Rhode Island Sea Grant.

3 RANDY BLANKENSHIP: Thank you.

4 MODERATOR CHRISTOPHER ROGERS: Irby
5 Basco.

6 IRBY BASCO: Thank you, Chris.

7 Echoing what Randy says, I spoke to an enviro group
8 over in the Houston area that had like 60 or 70
9 people there, and no one there was aware of a
10 federal permit -- HMS permit. But at any rate, the
11 other thing I wanted -- is it now a time to bring up
12 Louisiana's request about a seasonal change or
13 something? Do you have that information? I had a
14 letter, I do not have it. Is it to bring it up now?

15 MODERATOR CHRISTOPHER ROGERS: Yes,
16 we have received that letter. We've had some direct
17 communications with the state folks in Louisiana and
18 yeah, that was part of our discussion that we were
19 having on quota adjustments under the new regional
20 trimesters and regional subquotas.

21 For those who are not familiar with
22 the issue, Louisiana had requested that their
23 closures may not coincide with our regional and
24 trimester system, and were requesting that we modify

1 accordingly to support their state level programs.

2 So, we'll have to look into exactly
3 how we could do that. We did get that comment
4 during the -- was it after the comment period
5 closed?

6 KARYL BREWSTER-GEISZ: Yeah, it's
7 after the comment period, and that is built into the
8 plan that we can consider things like that. Just
9 clarifying what Chris was saying, we have a letter
10 from --

11 UNIDENTIFIED (No microphone):
12 Council?

13 KARYL BREWSTER-GEISZ: No, from the
14 Commission I think it is, saying that they were
15 going to ask the Council to make the suggestion.
16 But we haven't gotten one from the Council yet.

17 IRBY BASCO: Okay. One other
18 question about that. Is that within the framework
19 of the regulation? Can that be done, the change of
20 date?

21 UNIDENTIFIED (No microphone):
22 (Inaudible.)

23 IRBY BASCO: Okay. Thank you.

24 MODERATOR CHRISTOPHER ROGERS: Going

1 down the table in this direction. Joe McBride.

2 JOSEPH MCBRIDE: Thank you, Chris.

3 Two things. Let me go into some positive things
4 that are simpler, first of all. The ID. I think I
5 mentioned this last year. Certainly I've mentioned
6 it in the past. For years, Jack Casey and the shark
7 tagging program out of Narragansett have been
8 distributing a little pocket booklet with shark ID,
9 a little blue-colored paper booklet, gave them out
10 at requests. You might want to call Jack. There
11 might be tons of them left up in their offices up
12 there. Call Nancy or somebody up in that area. And
13 you can give them out free. And any association can
14 probably duplicate them for pennies and give them
15 out. You know, you send a couple to each
16 association that requests them and leave it up to
17 them and save you some money if you don't have
18 money. And you know, they're not as nice, of
19 course, but it's a handy little booklet and it
20 identifies all of the sharks that are involved in
21 their program -- or certainly most of them. That's
22 number one.

23 I'm not a statistician nor a

24 biologist, so you have to forgive my ignorance here.

1 And I want to thank Karyl. She relieved my heart
2 condition which was coming on when I saw an 80
3 percent catch in the recreational -- 80 percent
4 reduction, rather, in the recreational catch. And
5 you limit it to large coastals, basically sandbar
6 and blacktips.

7 The reason I'm concerned about it,
8 and I'm sure others will say the same, probably a
9 third of our season in the Montauk area, Connecticut
10 and Rhode Island very similarly, is shark fishing,
11 June and July basically is almost all shark fishing
12 out of our roughly six-month season. You know,
13 there are some inshore trips mixed in there, but
14 that's what the prime target was. It was even more
15 years ago. And it's a very important fishery to us,
16 and so forth and so on.

17 Now, each year I hear that the
18 sandbars have recovered. Each year I go on the
19 record and say I'd like to know where they've
20 recovered. I'm sure they're wherever you say they
21 are. But they're sure as heck not where they were
22 at one time, which was our July fishery, our August
23 fishery in the northeast, certainly from
24 Massachusetts down into the New York/New Jersey

1 area, was the sandbar shark. They're not there.

2 Now, they might have recovered by
3 whatever statistics you measure them by, and I'm
4 sure that's true, but they're not -- certainly not
5 geographically where they were historically for the
6 last I'm going to say at least ten years.

7 Thirdly, on reductions, if I may --
8 and Karyl, maybe you could help me out on this. If
9 I'm looking at your large coastals in the SAFE book
10 here, I'm on page 31. In the year 2001, the total
11 was 134,089 fish. And it's reduced in the year 2002
12 to 70,000. That's almost a 50 percent reduction in
13 catch on those fish -- on the recreational end. Am
14 I interpreting them correctly there?

15 KARYL BREWSTER-GEISZ: There was a
16 reduction in 2002.

17 JOSEPH MCBRIDE: A 50 percent
18 reduction almost, right?

19 KARYL BREWSTER-GEISZ: Yes. And from
20 reading through Enrique's paper where he estimates
21 the number, part of that is because of the new
22 process done with the MRFSS data.

23 JOSEPH MCBRIDE: All right. Now --
24 however, okay, I'm not going to -- with the new

1 methodology in the MRFSS data, okay. The second
2 thing is now are you asking for an 80 percent
3 reduction on that 70,000, down to 14,000 fish landed
4 for the recreational community?

5 KARYL BREWSTER-GEISZ: The 80 percent
6 was based on the estimated landings from 2001 and
7 through the past. So, it's based --

8 JOSEPH MCBRIDE: Prior to 2001?

9 KARYL BREWSTER-GEISZ: Right. It's
10 based on arriving at MSY on a percentage of what the
11 commercial fishermen are landing, what the dead
12 discards are, and what the recreational. If you
13 split the MSY into those three categories,
14 commercial, dead discards and recreational, the
15 recreational part of that needs to be reduced by 80
16 percent to ensure large coastals --

17 JOSEPH MCBRIDE: So, you're saying
18 that --

19 KARYL BREWSTER-GEISZ: -- increases.

20 JOSEPH MCBRIDE: -- 80 percent of
21 roughly some sort of an average, and from 2001 back
22 for X amount of years, let's say -- let's say 2000,
23 2000 to 2001, is that -- what years are you using
24 for this average -- to accumulate this average?

1 KARYL BREWSTER-GEISZ: The stock
2 assessment looked all the way back I think through
3 the '80s, so -- you're talking about a long time
4 period.

5 JOSEPH MCBRIDE: You'll have to
6 forgive me because, as I say, I really -- you know,
7 I know what you're saying, but I'm not really up on
8 --

9 KARYL BREWSTER-GEISZ: As Bob Hueter
10 pointed out, as well, the numbers in the SAFE Report
11 are preliminary and do not include all the -- 2002,
12 sorry, are preliminary and do not include all the
13 estimates.

14 JOSEPH MCBRIDE: But I can safely say
15 you're not looking for an 80 percent reduction on
16 70,000 fish?

17 KARYL BREWSTER-GEISZ: No.

18 JOSEPH MCBRIDE: It's on more than
19 70,000 fish?

20 KARYL BREWSTER-GEISZ: Yes.

21 JOSEPH MCBRIDE: All right. That's
22 number one. Now, I don't know what the number is,
23 and I've heard numbers thrown about here, what are
24 the numbers of permitted commercial fishing boats,

1 and let's say in large coastal categories? Roughly.

2 You can just -- you don't have to --

3 KARYL BREWSTER-GEISZ: It's in the
4 SAFE Report in Chapter 9. I don't have one right in
5 front of me.

6 JOSEPH MCBRIDE: Well, is it a
7 hundred? Is it 500? Is it 60?

8 KARYL BREWSTER-GEISZ: Rusty, I'm
9 sure you have the numbers right --

10 RUSSELL HUDSON: It's about 250 on
11 the directed permits and 350 on the incidental. It
12 varies year to year on who removes, when they
13 remove, et cetera. They do two different measures,
14 usually October and March --

15 JOSEPH MCBRIDE: Okay. So, anywhere
16 from 4 to 500 fish, and a good portion of them say
17 are active fishermen. They just don't hold the
18 permit they're using --

19 RUSSELL HUDSON: Roughly half of the
20 directed guys are active in some way. The
21 incidental guys are subject to a bag limit, as you
22 know.

23 JOSEPH MCBRIDE: Okay. Well, however
24 -- I'm not going to pick a little bit here, but I

1 want to know -- here's something that bothers me,
2 and I'm not knocking to knock a fishery. You have
3 70,000 large coastal fish -- sharks, rather, for the
4 recreational fishery which might go up to a million
5 or better anglers involved in this fishery, if and
6 when you ever get that on the recreational part.

7 Now, on the -- I'm on the wrong page
8 here. On the large coastal sharks in the commercial
9 fishery, the landings for -- you know, relatively
10 smaller number of boats is 4,114,000 in the year
11 2002 under the new methodology. I'm on page 33.

12 KARYL BREWSTER-GEISZ: The commercial
13 fishermen aren't on the new methodology for MRFSS.
14 MRFSS is recreational only.

15 JOSEPH MCBRIDE: Oh, okay. So, this
16 is -- whatever way you normally count them, they've
17 gone up about -- almost a million fish, 600,000
18 fish?

19 KARYL BREWSTER-GEISZ: Right. If --

20 JOSEPH MCBRIDE: Or better.

21 KARYL BREWSTER-GEISZ: I can read off
22 numbers for you if you wanted to. For large
23 coastals only.

24 JOSEPH MCBRIDE: Large coastals only,

1 yes. The total.

2 KARYL BREWSTER-GEISZ: Right. I'm
3 reading this off of Enrique's paper, where these
4 numbers came from. Large coastals only, the
5 commercial landings in 2001 are estimated at 95,700
6 fish, and 130,200 fish in the recreational. So, the
7 recreational in 2001 caught a lot more fish than the
8 commercial.

9 JOSEPH MCBRIDE: Well in my
10 ignorance, what am I reading here in the SAFE --

11 KARYL BREWSTER-GEISZ: That -- in the
12 SAFE Report it's the total, total numbers is what
13 you're reading.

14 JOSEPH MCBRIDE: Okay. I'm reading
15 the total -- let's try it again, if I may.

16 KARYL BREWSTER-GEISZ: And in pounds
17 for commercial. I'm telling you numbers.

18 JOSEPH MCBRIDE: This doesn't say
19 pounds. This says numbers.

20 UNIDENTIFIED (No microphone): What
21 page (inaudible).

22 JOSEPH MCBRIDE: I'm only page 33.
23 Oh, in pounds, okay. In pounds -- I'm sorry, it
24 does say pounds.

1 KARYL BREWSTER-GEISZ: The commercial
2 is in pounds and the recreational is in fish.

3 JOSEPH MCBRIDE: Oh, we're doing the
4 apples and oranges comparisons, okay.

5 KARYL BREWSTER-GEISZ: Right. Which
6 is why I'm reading out of his paper, which is in
7 numbers for you, so you can compare.

8 JOSEPH MCBRIDE: All right. That
9 makes it a little -- it doesn't make it sensible and
10 when you make those analogies between one and the
11 other and you ask for an 80 percent reduction, what
12 are the guidelines unless I have available, which I
13 don't, those figures that you translated the caught
14 fish into pounds of fish, et cetera, et cetera, or
15 vice versa.

16 All right. But my point being there,
17 however you look at it, they're close enough in
18 final catch figures that a relatively few boats
19 catch a heck of a lot of fish as vis-a-vis the
20 public or the recreational fishery. That's a fair
21 statement to make for the record?

22 KARYL BREWSTER-GEISZ: The commercial
23 landings do have fewer fish and fewer boats than the
24 recreational.

1 JOSEPH MCBRIDE: Fewer fish?

2 KARYL BREWSTER-GEISZ: They catch
3 fewer fish than the recreational in most years.

4 JOSEPH MCBRIDE: Yeah, but fewer by
5 like two fewer, a million fewer? I mean I wouldn't
6 want to leave anyone with the wrong impression that
7 the recreational was catching the great majority of
8 the fish. But certainly in the numbers, what you
9 just read out quickly, in fish landed they were
10 fairly close; am I correct again or --

11 KARYL BREWSTER-GEISZ: Yeah, about a
12 little under a hundred to 130.

13 JOSEPH MCBRIDE: Tons or pounds.

14 KARYL BREWSTER-GEISZ: No, the number
15 of fish landed.

16 JOSEPH MCBRIDE: The fish, okay.
17 Then we're fairly close for -- when you're talking
18 about 500 users vis-a-vis perhaps a million users,
19 it bothers me when you're contemplating that -- on
20 fisheries -- fish such as the sandbar and the -- I
21 don't know the blacktip, that's a southern fish as
22 far as we're concerned -- but it isn't a
23 recreational fishery putting a big hurt on these. I
24 mean they're taking a share of the fishery. It's a

1 relatively small number of boats that have a big
2 impact on the fishery, even if the fishery's
3 recovered. I think that's a fair statement for a
4 lay person to make looking at these figures.

5 KARYL BREWSTER-GEISZ: One thing to
6 note about the recreational fishery is the average
7 size is more like ten pounds of fish compared to the
8 commercial fishery. And the latest stock assessment
9 does say we need to protect the juvenile sharks.
10 So, there --

11 JOSEPH MCBRIDE: But that isn't what
12 you're saying on -- I mean I could be -- I'm not
13 arguing with what you're saying, Karyl.

14 KARYL BREWSTER-GEISZ: Well, the
15 recreational fishery has that minimum size of four
16 and a half feet --

17 JOSEPH MCBRIDE: Yes, right.

18 KARYL BREWSTER-GEISZ: -- in order to
19 protect the juvenile sharks.

20 JOSEPH MCBRIDE: Okay.

21 KARYL BREWSTER-GEISZ: And what I'm
22 saying is the 80 percent if that four and a half
23 size -- size limit was complied with, that 80
24 percent would be taken care of. And that would also

1 eliminate and increase the minimum size that's
2 caught in the recreational fishery.

3 JOSEPH MCBRIDE: Okay. Now you're
4 saying or inferring that perhaps the regulations
5 aren't adhered to in this fishery for the sandbars
6 and for the blacktips -- sandbars particularly?

7 KARYL BREWSTER-GEISZ: Yeah, the
8 sandbar and blacktip, and the other large coastals.

9 JOSEPH MCBRIDE: Okay. Well, let me
10 just again for the record state that in the
11 northeast, in our geographic area, nobody, unless he
12 wants to be laughed out of a harbor, or if not cited
13 by the New York State DEC brings in fish less than
14 four and a half, and for the most part there's no --
15 even though the sandbar's an edible fish, it's never
16 been a priority fish for eating in the northeast,
17 and very few are landed for food fish, even -- you
18 know, for a recreational fisherman.

19 And as I said, the blacktip we don't
20 deal with. And I'm just trying to -- I don't want
21 to bore everybody to death. Rusty told me not to
22 talk too much, and I want to make this short. But
23 in any case, what I'm saying -- I'm looking for a
24 rationale to cut back 80 percent of the recreational

1 fishery. Now, you added something not denoted on
2 the board that might have a factor, but it's
3 something that believe me, I would be looking at
4 very closely if I were a recreational fisherman
5 dealing primary with sandbars, with large coastals,
6 overall. It concerns me.

7 You know, to use a conservation ethic
8 that goes on the back of the people who are doing no
9 greater or worse than a small handful of commercial
10 fishermen. And I wish them no harm, nor am I
11 looking to cut their fishery, but I sure as heck
12 don't want mine cut back 80 percent for the benefit
13 of a relatively small number of fish -- fishermen.

14 KARYL BREWSTER-GEISZ: I'm happy to
15 meet with you later to try to explain where the 80
16 percent came from.

17 JOSEPH MCBRIDE: If you would, Karyl,
18 thank you.

19 MODERATOR CHRISTOPHER ROGERS: Okay.
20 To backtrack one person, we'll go to Frank Blount.

21 FRANCIS BLOUNT: Yeah, thank you,
22 Chris. If I heard correctly, you said it was the
23 new methodology that was probably responsible for
24 the cut in landings in the recreational?

1 KARYL BREWSTER-GEISZ: No, the reason
2 that in 2002 the numbers are low is due to the
3 change in the methodology from MRFSS, and because
4 the -- this is a preliminary estimate which doesn't
5 include all the numbers yet.

6 FRANCIS BLOUNT: Okay. So, that's
7 the same methodology that said the bluefin tuna went
8 way up said the shark landings went down. My
9 question is there, does that bring into question --
10 and it's back to the MRFSS discussion of prior to --
11 prior years, if the new methodology had been used,
12 are those landings too high, and then you don't need
13 an 80 percent reduction.

14 If the new methodology is what we're
15 moving to and those are probably the actual
16 landings, or once they get reviewed here and
17 finalized, that the prior years were probably too
18 high. And that's a statement more than a question,
19 I guess.

20 MODERATOR CHRISTOPHER ROGERS: Well,
21 we would need to examine the species composition and
22 size composition and sort of ferret out what was
23 attributable to the change in methodology versus the
24 change in operation of the fishery, given the new

1 regulations that came into effect. So, there are
2 probably some elements of both that we'll need to
3 take a look at. John Dean.

4 JOHN DEAN: I want to go back to Bob
5 Hueter's point that really the issue here is the
6 quality -- the data quality of the mechanism, as we
7 just heard, on landings. And so if you look at this
8 and you see that the simple statement recreational
9 catch must be reduced by over 80 percent, and we've
10 heard some of the rationale for that. And then you
11 look up and it said there is no recreational quota
12 and no set reporting mechanism. So, how are you
13 going to get the data to know if you achieved your
14 objective?

15 So, the real key to all of this -- to
16 this issue and so many others is a really good data
17 reporting, collection and analysis system. And I
18 would only quarrel with fix it. I think it is in
19 case the thing is broken. Discard it, design a new
20 one and do it right.

21 UNIDENTIFIED: Well, my only comment
22 -- and shark in our area is not a big issue, but I
23 hear Joe talking and it is a big issue there, but --
24 and I guess we fall under the same guidelines, and

1 that's one large coastal shark per day per vessel
2 over 54 inches. So, if you cut that 80 percent,
3 what are we going to do, cut them in half or just
4 shut them down completely? I think it needs to be
5 looked at a whole lot closer.

6 MODERATOR CHRISTOPHER ROGERS: Well,
7 again, it's compliance with that requirement. You
8 still have the same catch and size limit. It's the
9 compliance with that. As Karyl noted, the
10 preponderance of fish landed are below that minimum
11 size and the species composition may not be
12 appropriate if some individuals are landing large
13 coastals, thinking they're small coastals, so to
14 speak. And that's why we had the uniform minimum
15 size applied.

16 So, again it's compliance with the
17 existing limit, not lowering of the existing limit,
18 that we need to address. Bob Pride. Mark. Ramon.

19 RAMON BONFIL: Thanks, Chris. I just
20 want to move a little bit out of what we've been
21 discussing for the last 10 or 20 minutes in regards
22 to the recreational allocation and move more into a
23 couple of other things.

24 I have basically one question and one

1 proposal. The question is in the document you
2 distributed, the SAFE Report of 2004, Table 451 on
3 page 32/33, lists the commercial landings of large
4 coastal sharks in pounds. And I notice that this
5 series of prohibited species that have been caught
6 in relatively large numbers in 2001 to 2002, and
7 just to briefly point a few ones. Duskie. There
8 were 1800, approximately 1800 pounds in 2001, when
9 it was already prohibited. 16,000 lbs in 2002. The
10 same happens with longfin makos, sand tigers, even
11 small amounts of white sharks.

12 The question is how is it that these
13 fish are being landed when they are prohibited? I
14 mean what's going on? What's wrong here?

15 KARYL BREWSTER-GEISZ: They're not
16 prohibited in all states. This table includes state
17 landings, as well.

18 RAMON BONFIL: Then you're implying
19 that they are protected only federally, but not --

20 KARYL BREWSTER-GEISZ: That's
21 correct.

22 RAMON BONFIL: So, there's loopholes.
23 Great. Okay, thanks. I think we need to address
24 that. I'm sure that you have tried to do that, but

1 -- I mean it's basically this table demonstrates
2 that all our efforts and the efforts of other states
3 that are complying are worthless if somebody -- one
4 of the players is not playing together with the rest
5 of the team. Things are not going to run.

6 The other thing I wanted to go back a
7 little bit to the discussion we were having very
8 briefly before the break in regards to that recent
9 paper that came out pointing out these huge declines
10 in oceanic sharks. And I'm not going to go into the
11 debate of whether this is a defensible paper or not.

12 I haven't even read fully the paper. I know
13 briefly about the results of it.

14 But I think it's very easy to dismiss
15 any kind of science that we don't like just by
16 saying this is shaky science, this is not science.
17 What I would like to see is that people that don't
18 agree with any studies present the same data
19 analyzed in the way you think is the correct way, or
20 be a bit more proposing in what is specifically
21 wrong, rather than just saying oh, I dismiss that
22 because it's bad science.

23 I mean, this is a peer reviewed
24 journal. I assume that some people -- some

1 scientists reviewed this paper. I'm not defending
2 it. I'm not saying it's correct or it's wrong.
3 What I'm saying is I think the statements that were
4 thrown here are a very quick draw of the gun and
5 just shooting without really thinking a bit more
6 carefully.

7 And in particular, the issue here is
8 that there were ganions with some types of hooks and
9 some types of materials used 50 years ago and a
10 different type in the last five years. I think we
11 should make as a panel a recommendation -- because
12 this is very useful data at the end of the day if
13 this -- this information from 50 years ago that
14 shows some abundance of all these species that are -
15 - almost clearly are not. It would be very simple
16 to set up a new experiment in which the same boat
17 that was used for those things, which I believe is
18 the Oregon, which is a National Marine Fisheries
19 Service boat, who is doing surveys for sharks in the
20 Gulf of Mexico these days, the next time it goes out
21 in the same season that 50 years ago was being
22 fished and use exactly the same gear that was used
23 50 gears ago, which would be not very difficult to
24 be done.

1 Do this for the next two or three
2 years and then you're going to have fully comparable
3 data sets, 50 years apart, and then you can solve
4 the problem. That's positive proposing and
5 criticism and not just basically saying oh, this is
6 bad science because I don't like it and throw it
7 away. So, that's it. Thank you.

8 MODERATOR CHRISTOPHER ROGERS: Okay,
9 Rusty, very briefly. We're going to have to move on
10 to billfish in a few minutes.

11 RUSSELL HUDSON: Two things. One, to
12 remark to Joe, we went from 2,256 permits in '99,
13 we're down to less 600, of which only half of those
14 have any type of landings. We went from 20 million
15 pounds before '93. We're down to two million to
16 three million pounds last seven years. That's as a
17 catch.

18 Furthermore, when you look at the
19 recreational catch, 1983 is a peak year in the total
20 numbers of animals landed. I'm sure they could
21 reference that if they wanted to, but I bring
22 attention to page 31, Table 4.4.4. And if you look
23 at the blue shark totals in number of fish for the
24 year 2002, I cannot possibly believe that there is

1 no blue sharks ever been landed that last two years
2 ago.

3 Furthermore, if you look at your
4 small coastal shark totals on the top of page 32,
5 you'll see -- and using 2001 as a guide because
6 really 2002 Enrique Cortez says is incomplete for
7 everything. And you had 200,000 animals there
8 alone, just from small coastals. And then you go
9 and lay that with your 135,000 large coastals for
10 2001. So, that gives you a better idea.

11 Furthermore, to take up the second
12 part of what Ramon just finished talking about with
13 regards to page 33, you will notice on another
14 prohibited species for the year 2001 a Caribbean
15 reef. But this is dressed weights in pounds. I
16 have never seen a one-pound Caribbean reef shark in
17 my entire life. Even if it was a -- born, you know,
18 maybe that was it. But otherwise, you get down here
19 for the great white shark in 2001 and you got a 26
20 pound dressed weight. I'm afraid I've never seen
21 one that small either, unless it just came out of
22 the mother. But that's the end of my comment.

23 MODERATOR CHRISTOPHER ROGERS: Okay.

24 Bob Zales.

1 ROBERT ZALES, II: A couple of
2 questions. First, did I understand when Irby asked
3 a question about the letter from the guy from
4 Louisiana, you all said that the Council can dictate
5 the season for HMS sharks in the Gulf of Mexico?

6 MODERATOR CHRISTOPHER ROGERS: The
7 Council can request the adjustments to the season,
8 just like we are requesting cooperation with the
9 states with respect to prohibited species and
10 opening and closing of the commercial fisheries.
11 Likewise, the Councils and the states and the
12 commissions can request coordination with us.

13 ROBERT ZALES, II: Okay. That's what
14 I thought. The next -- when I hear this new
15 methodology for 2002 in the recreational fishery, I
16 know of the for-hire survey that's been done since
17 2000 in the Gulf and now it's been implemented a few
18 months ago, I guess, in the Atlantic. What new
19 methodology are you talking about that's played here
20 with the shark numbers in the recreational fishery?

21 KARYL BREWSTER-GEISZ: I'm not sure
22 of the exact methodology. I know when I was reading
23 Enrique's thing to find out why the numbers were
24 low, he did say that they used a new methodology for

1 MRFSS with the sharks.

2 ROBERT ZALES, II: Okay. Because the
3 reason why I asked that question is the only one
4 that I know of is in the for-hire fishery, not in
5 the recreational fishery. And I would suspect that
6 your shark landings probably are higher in
7 recreational than in the for-hire. I may be wrong.

8 The other thing I want to do is make
9 a suggestion, because I've heard this, where if
10 you're in compliance, this 80 percent of the
11 recreational side is taken care of.

12 In the State of Florida, and there's
13 obviously some severe lack of communication between
14 HMS and the Florida Fish and Wildlife Conservation
15 Commission -- in the State of Florida, there is no
16 size limit regulation on sharks. I watch sharks
17 every day when I'm fishing from this size, whatever.

18 Minimum size means nothing to anybody.

19 They do have a one shark per person
20 limit, but on the east coast you have three miles
21 for state and on the west coast you have nine.
22 Where I am, you can catch a shark outside nine
23 miles, but you're not going to target one out there.

24 We fish in the bay. We fish off the beach. You

1 fish -- you're fishing state waters. So, right
2 there I suspect -- because I suspect there's
3 probably in this information a good many shark
4 landings coming out of the State of Florida. So,
5 that to me is a significant problem.

6 So, if you get coordinated with the
7 state and ask them to do what you all are doing,
8 that might help solve the problem. And I would
9 encourage you to give them a serious letter for
10 that; because otherwise because of a state
11 regulation you're going to be penalizing
12 recreational fishermen not only in Florida but in
13 other areas of the Gulf of Mexico, plus up and down
14 the east coast.

15 And other than that, I just want to
16 make one more statement about the data. And
17 Rebecca, I'm not jumping on you all again. I'm just
18 kind of reiterating what I've heard here. In a
19 major organization that I represent, I've got 20
20 other board members from Alaska to Maine. Every one
21 of them has a problem with recreational data coming
22 out of MRFSS. You've sat at this table. You've
23 heard most everybody here make the same statement.
24 Everywhere I go -- it's just like Doctor Hogarth,

1 everywhere I go that's the number one problem.

2 We've addressed this, and I'm sorry
3 that it feels like I'm jumping on you, but we have
4 brought attention to the Fisheries Service -- it's
5 like I've said yesterday, I've got documentation
6 from 1987. It's time for a change. Everybody here
7 is asking for it. We see all the numbers in all
8 these booklets on every species that's here plus
9 everywhere else.

10 We need to do something different.
11 We're willing to work with you to do it. Let us
12 work with you and let's get something fixed and get
13 it done better. Thank you.

14 MODERATOR CHRISTOPHER ROGERS: Thank
15 you, Bob. Mark Sampson. Anybody else before Mark?

16 (No response audible.)

17 MODERATOR CHRISTOPHER ROGERS: Okay.
18 Mark Sampson.

19 MARK SAMPSON: Thank you. This is
20 just -- it seems to be a reiteration of what we went
21 through I think last year at this time when we were
22 discussing the recreational catches and everybody
23 seemed to agree again that it was simply the public
24 being unaware of the regulations, and that because -

1 - if they were in compliance there would be no
2 problem.

3 So, I believe that you all have a
4 great -- you make great strides in your brochures
5 here that are going to be distributed, and certainly
6 myself and I'm sure a lot of other people will help
7 to distribute these. The booklet's great. I can't
8 wait to get my own copy of it, and actually help to
9 put that out.

10 One thing, too, the price of the book
11 at \$25, I see that there is a price break if you
12 purchase more than ten, and then again if you get
13 more than 25 of them. In fact, if you get over 25,
14 the price drops down to like \$10 a piece I think.

15 I wonder if there couldn't be such --
16 as much of a quantity discount. Why couldn't
17 fisheries buy a whole slew of them and then
18 distribute them at a more -- you know, discounted
19 rate, or something. Or I know that through some of
20 my own organizations I'll work that angle myself, to
21 try to get those out.

22 Something, too, if you're going to
23 put this on your website, if you have that option, I
24 would suggest too that maybe you -- if it can be

1 formatted in such a way that it could be copied by
2 people from their home computer, so that they could
3 make their own copy of it to take on the boat. It
4 wouldn't be the waterproof version, but at least
5 they would be able to do that. That would be --
6 again, the main thing is to get it in as many
7 people's hands as possible. I'm sure not so much to
8 make a profit on it, just get it out there.

9 Again, this shouldn't be, though,
10 such a problem. You know, it's just some -- a
11 marketing thing. Really. I mean we have to educate
12 the people. It's education and marketing. And I
13 would suggest, too, that it's going to take a lot
14 more than the identification book and this brochure
15 to get the word out to all the anglers, because
16 again correct me if I'm wrong, but I think that the
17 assertions that are being made is this 80 percent
18 overage is primarily being caught by people not
19 outlaw fishermen who are out to evade the law and do
20 what they want. It's just people who don't know.
21 They're throwing -- it's probably mostly an
22 accidental catch of recreational fishermen who are
23 fishing for snappers, groupers, whatever. They're
24 catching these small fish. Rather than turning them

1 loose, they throw them on the cooler and being as
2 there's a lot of recreational fishermen out there,
3 the numbers add up.

4 Am I off track in that? I mean is
5 that pretty much a snapshot of the average illegally
6 taken shark in the recreational fishing -- fishery?
7 Okay. So, if that's the case, again it's just a
8 matter of letting these people know.

9 Again, last year we went over the
10 same thing, so I don't want to go any longer on it,
11 but you have a lot of people who are -- you know,
12 the shark heads of the community, a lot of them are
13 sitting here at this table -- or at least one of
14 them's sitting at this table, who would be very
15 happy to -- we'd love to get involved -- in fact, we
16 are involved in a lot of public outreach and
17 education, and to be able to help on a situation
18 like this, which in the big scheme of things would
19 help the fishery and the resource and everything --
20 you know, we're here.

21 But obviously it's a bigger matter
22 than just what we can take care of. The agency
23 needs to I think really step out -- and this goes
24 right along with what everybody's been saying, and

1 we all -- you know, kind of unanimously agreed on
2 yesterday is better reporting, better information,
3 getting out there, the whole thing.

4 So, again, my hope is certainly that
5 -- number one, to accommodate this 80 percent
6 overage. I think you've already attested to the
7 fact you're not going to look to making any kind of
8 recreational cuts. That's not -- would not be
9 appropriate and we certainly would not support that.

10 We would support a dramatic increase in public
11 outreach on this and better reporting on catches.
12 Thank you.

13 MODERATOR CHRISTOPHER ROGERS: Okay.

14 Let's give Sonja the last word on shark before we
15 move onto our billfish discussion.

16 SONJA FORDHAM: Sonja Fordham, the
17 Ocean Conservancy. Thank you. I appreciate the
18 opportunity. I know this has gone on, but I hope
19 you appreciate that I'll try to be concise, and I've
20 been very patient.

21 The first -- the only thing that
22 you'll think I'm harping on but really is looking
23 towards the future, I have to say something about
24 deepwater sharks and the move to take them out of

1 the management unit into data collection only.

2 I think this signals a move away from
3 the precautionary approach. And if deepwater
4 sharks, some of the most slow-growing species in the
5 ocean, are not considered by NMFS to need a
6 precautionary approach, then I'm very worried about
7 the entire direction.

8 And it says in the FMP, the final
9 FMP, that -- you know, again, that they're not
10 fishing them and that you think that you could do an
11 amendment in a timely fashion. And I just don't
12 have that confidence.

13 And if no one's fishing them, I don't
14 know why we have to loosen the protective framework
15 for some of the most slow-growing species that no
16 one apparently is fishing.

17 And also concern is the note that you
18 say well, it's not really HMS fishermen that might
19 be involved, so therefore we need to involve the
20 Councils. To me that adds several years to get to a
21 management plan. It's a deep concern to me.

22 So, I would urge you to consider
23 putting them back, or adding them, as we suggested
24 before, to the prohibited species list. I don't

1 think there should be a fishery on something so
2 slow-growing. So, I hope you'll reconsider and
3 correct that mistake -- we see it as a mistake.

4 I had a question. I just learned
5 that the status reviews for -- that NMFS was
6 conducting some research on sand tiger and night
7 sharks, and that the funding just got caught sort of
8 midstream. And I haven't been able to figure out if
9 that was Congress or NOAA internally, but I wonder
10 if there is: A, any hope that you can shuffle some
11 resources so that those studies can continue; and B,
12 if there's -- if you're putting that into the budget
13 for next cycle? I'm not done. That's just a
14 question.

15 MODERATOR CHRISTOPHER ROGERS: Well,
16 the budget is still being examined internally. We
17 only got the omnibus spending bill signed by the
18 President -- my understanding is that there was a
19 lot of shifting in terms of line item
20 appropriations. And to the extent that certain line
21 items were eliminated and new line items appeared,
22 it's a matter of shifting things around internally
23 within NOAA to actually decide what can be funded
24 and what needs to be cut.

1 So, I'm not sure that that's the
2 final word on those two projects for the status
3 reviews, but keep in touch with us and we'll find
4 out as each of the divisions and offices gets their
5 allowance advices, as we call them internally, under
6 the new budget. And we'll find out for sure whether
7 those projects are being cut.

8 SONJA FORDHAM: Okay. Particularly
9 for the sand tiger, what we know about its biology,
10 really vulnerable ESA candidate.

11 I had a question about the finetooth
12 shark, we had supported protecting it until you
13 could come up with something, but you're not doing
14 that. So, it's still classified as overfished, and
15 will there be a rebuilding plan as part of Amendment
16 2?

17 KARYL BREWSTER-GEISZ: Finetooth
18 shark are -- overfishing is occurring. It's not
19 overfished.

20 SONJA FORDHAM: Overfishing is
21 occurring. Is there a plan to address to stop
22 overfishing?

23 KARYL BREWSTER-GEISZ: We can
24 certainly work on that.

1 SONJA FORDHAM: Okay. Thanks. And
2 the close -- the proposed closed area that went
3 through. There was some shrinkage in the final
4 stage of the closed area. And I guess we would just
5 say was there an analysis to -- that goes along with
6 that? And is that in here and I can't find it, or -

7 KARYL BREWSTER-GEISZ: It's a very
8 detailed analysis that's in the amendment, yes.

9 SONJA FORDHAM: Okay. Well, I would
10 just urge you to keep a close eye on that. The only
11 thing I wanted to say about sawfish is that the
12 numbers of sawfish caught as bycatch in the bottom
13 longline fishery are really quite large, considering
14 how small the population is, and that we are -- we
15 are going through a recovery plan under the ESA.
16 And I'd just hope -- I don't know that you're not
17 doing this, but I would just hope that Fisheries is
18 working closely with the Protected Resources in this
19 endeavor.

20 And I think lastly -- on the state
21 business. I had the same concerns that Ramon did
22 about all these landings of prohibited species, all
23 the ones he mentioned right down to all of a sudden
24 an upturn in angel shark landings. So, if it really

1 is state landings, I wanted to say that this
2 document that you put out about the state
3 regulations is much improved since the last time we
4 got it, much more detail. It's much easier to
5 understand. I appreciate that.

6 What would help us would be if people
7 really are landing species like sand tigers and
8 these other protected species, which states are
9 landing those? That would help us go to those
10 states immediately and try to address that.

11 But also I think that we talk about
12 this every time, but the idea that we need a
13 strategy to coordinate with the Atlantic states to
14 make this a more cohesive effort. And I think now
15 that -- I can't really say it's done, but I'm
16 hopeful that dogfish is at a stopping point for a
17 little while at the ASMFC. It's taken up a lot of
18 the time of that board. Maybe they have some time
19 now. If you could encourage that, we would really
20 appreciate that. We certainly will. And I also
21 think that some of the states have taken measures,
22 and that's good, and the feds are taking off the
23 state landings. That's good.

24 So, I think there should be a focus

1 on matching the prohibited species. And also on EFH
2 and the pupping and nursery grounds that are in
3 state waters and your HAPC's. So, we're again
4 willing to help move this forward, but we really
5 need a plan now that things are a little more
6 stable, I think.

7 Did you want me to add to that? You
8 can do that tomorrow. Merry will do the rest
9 tomorrow. Thank you.

10 MODERATOR CHRISTOPHER ROGERS: Thank
11 you so much. We're going to have to call the shark
12 discussion, at least for today, closed and move on
13 to billfish much belatedly. Something you don't
14 like about sharks? Biting off all those hooks,
15 ain't they?

16
17 BILLFISH

18 MODERATOR CHRISTOPHER ROGERS: All
19 right. Billfish. We have a brief presentation by
20 Russ Dunn as to the status of regulations and
21 management for billfish. And again I did explain
22 yesterday hopefully to -- not -- I won't venture to
23 say everybody's satisfaction, but at least to
24 everybody's understanding what occurred with the

1 marlin numbers and as they were changed and updated,
2 reported to ICCAT with the application of the
3 scaling up factor by using the MRFSS data. And that
4 certainly changes the context in which we view the
5 need for ongoing billfish management. And certainly
6 our data collection programs.

7 So, take it away, Russ. Up here from
8 beautiful St. Petersburg, Florida, enjoying the ice
9 and cold of our nation's capital.

10 RUSSELL DUNN: All right. I wanted to
11 just quickly go over the marlin 250 fish rule, sort
12 of where we are with that, what we heard during that
13 process. And as everyone knows, ICCAT imposed a cap
14 of -- an annual landings limit of 250 recreationally
15 caught white and blue marlin combined, that the U.S.
16 now has to abide by. And that was -- that limit
17 stems from ICCAT Recommendation 0013, and the rule
18 also incorporated portions of Recommendation 0014,
19 which dealt with rollover of underage and overage.

20 And to address these ICCAT
21 recommendations, the agency put forward a Proposed
22 Rule that published on September 17th. We held five
23 public hearings that you can see on the board.
24 Public comment closed in October and the status of

1 the rule is under review.

2 Within the rule, as published, it was
3 intended to establish or codify the landings cap of
4 250 blue and white marlin recreationally caught, to
5 establish carry-forward procedures for overharvest
6 and underharvest of the landing limit, to implement
7 compliance mechanism to ensure compliance with that
8 cap, which we would codify within the rule, and to
9 clarify -- do a technical correction clarifying the
10 reporting requirements for Highly Migratory Species.

11 While we did our public hearings and
12 during the comment period we received a number of
13 comments, and these are sort of the big picture
14 themes that we received. The first one was -- the
15 first two clearly were don't use estimated fish to
16 manage the fishery, use actual fish. Don't shut us
17 down based on estimates. It was the chorus that we
18 heard most often.

19 Next was definitely that we need to
20 renegotiate the 250 fish back at ICCAT. We heard
21 frequently that the economic data was inaccurate.
22 We had suggestions of alternatives to achieve our
23 landing limit of increasing the minimum size year-
24 round, rather than what we had as proposed

1 alternative, which was to increase the minimum size
2 when we achieved 80 percent of the annual landings
3 cap, to increase it just for the remainder of that
4 fishing year.

5 We also had suggestions of using body
6 tags or landings tags to allow only tournament
7 landings. I was surprised to hear that we had a
8 good number of calls for the agency to increase
9 regulation of tournaments themselves, including in
10 those requests were to ban kill tournaments, only
11 have catch and release tournaments; to continue to
12 encourage, as the agency is now through Bill Price
13 and others, the use of circle hooks or even to
14 mandate use of circle hooks in tournaments, or to
15 increase the tournament minimum size well above the
16 current billfish minimum sizes. And then we also
17 received a fair amount of comment that a lot more
18 marlin are being landed in the Caribbean than are
19 being reported.

20 So, given that the rule is under
21 review pending the outcome of the panels that Chris
22 talked about, their review of the new methodology
23 and its implications, the agency is examining -- re-
24 examining a number of different issues to ensure

1 compliance. And that would include the preferred
2 alternative in the proposed rule, which is to
3 increase the minimum size at 80 percent for the
4 remainder of that fishing year -- when 80 percent of
5 the landings limit is achieved. To increase the
6 minimum size year-round, some call for. There have
7 been a number of suggestions to look at tournament
8 landings only, for tournaments to go to catch and
9 release, to look at landings tags or to circle
10 hooks, and we are certainly open to suggestions of
11 other mechanisms that the panel feels may be useful.

12 Certainly intertwined with this
13 issue, given the landings cap that we are under and
14 the -- the severely overfished nature of white
15 marlin with the upcoming ESA listing review for
16 white marlin, the agency needs to address landings
17 and mortality in the fishery. And you can see there
18 are a number of potential avenues for doing so. We
19 can focus on the angler -- looking at catch and
20 release issues or increase the minimum size. We can
21 look at tournament formats, kill versus no-kill,
22 gear restrictions, handling and release issues,
23 working with tournaments to continue trying to
24 reduce mortality through the use of circle hooks,

1 and as some people suggested during the public
2 comment, to have the agency delve further into
3 tournament regulation.

4 And I guess at that point this is a
5 good place to stop and get some feedback before I
6 move on to sort of tournament registration and
7 reporting issues. So, if we could go around the
8 table and get input on really how the panel sees --
9 or suggestions the panel may have on helping reduce
10 landings, address the landings issue and the
11 mortality issue, that would be helpful.

12 MODERATOR CHRISTOPHER ROGERS: I
13 expect there'll be a number of persons who want to
14 comment, so why don't we just go around the table in
15 this direction. Or should we start in the middle
16 and split it? How about we go this way for now.
17 So, Eugenio.

18 EUGENIO PINEIRO: Yes. Good
19 afternoon, everyone. I am the Chairman of the
20 Caribbean Fishing Council. I am also a commercial
21 fisher, and unfortunately what is said in here is
22 the truth. There is more -- we're not talking about
23 250, we're talking about a thousand marlin at least,
24 that have been caught illegally. Commercial fishers

1 in there are not allowed to catch one single marlin.

2 The recreationals, the people who go to
3 tournaments, neither. They are very respectful of
4 the law, and we have no problem with that
5 whatsoever.

6 But unfortunately, there is -- what
7 we call the hybrids, people who do not have a
8 commercial license nor a recreational license and
9 they're weekend warriors and they are catching tons
10 of marlin, all the time.

11 I'd suggest no-kill tournaments at
12 all, mandatory use of circle hooks, because usually
13 one of the excuses given is that oh, he's about to
14 die, I'm not going to throw that away, it's going to
15 be a waste. And that's excuses. And that's going
16 against the law.

17 And I wanted to talk to John, who
18 isn't there, because perhaps we can -- if we don't
19 have enough enforcement to deal with this in the
20 water, perhaps through the use of DNA we've got to
21 prohibit the sale of this product. Because these
22 guys usually what they're going to do, they're going
23 to do it for a profit.

24 And they're going to go sell it to --

1 not a fish house, but to restaurants. And through
2 any kind of DNA testing, we should be able to
3 identify if it's an American marlin or -- they
4 usually buy av50 pound marlin from Peru or South
5 American country, and then they -- if they say
6 Peruvian passport -- American marlin. And they are
7 getting away with that, and that has to stop.

8 If we don't have enough manpower to
9 do the enforcement, the second best thing is to get
10 the marlin out -- leave them in the water, just no
11 take. And that's --

12 One more thing. The amount of marlin
13 has increased dramatically. Usually -- I fish
14 almost three or four times a day commercially and at
15 this time of year we're not supposed to see marlins
16 at all, and we've seen them all the time, big ones.

17 We just let them go. But there are places that it
18 has -- the reduction plan has been a success because
19 there's more marlin now than ever before.

20 RUSSELL DUNN: So you mean you're
21 seeing more marlin in the water, as opposed to not
22 more marlin on the dock, by these hybrid guys. You
23 mean you're seeing more fish in the water --

24 EUGENIO PINEIRO: Yes, yes,

1 definitely. And bigger -- bigger fish, bigger fish
2 and more in the water. The thing with this kind of
3 people do this kind of fishing is that they go on
4 weekdays or they don't -- they don't participate
5 when -- in tournaments. They don't participate in
6 tournaments because they are not -- they're not the
7 quality of people who participate in tournaments.
8 They are not going to abide by the rules. They do
9 their own tournaments on the side. You see?
10 Tricky. That's the tricky part.

11 RUSSELL DUNN: And are these folks
12 taking those fish home for personal consumption?
13 Are they selling those fish? Are they just
14 recreational guys not reporting? What in your
15 understanding -- what's happening with all these
16 fish?

17 EUGENIO PINEIRO: All of the above.
18 All of the above. Everything that you mentioned
19 before. But mostly they do it -- they do it to --
20 usually it's young people, young kids. Their dad is
21 not going to use the boat for the weekend and they
22 take it out, or they -- in Puerto Rico there is
23 50,000 boats. So, it's easy to do it. But mostly
24 they do it for a profit, either it be beer money or

1 whatever. Because you can go and buy marlin at --
2 you know, a store.

3 MODERATOR CHRISTOPHER ROGERS: Okay.

4 I missed Ken's hand up there.

5 KEN HINMAN: Well, I just want to
6 follow up on Eugenio's remarks. And it seems that
7 this plethora of marlin that's being landed in the
8 Caribbean, I guess in particular Puerto Rico, you
9 know, you can call it a hybrid fisherman, but it
10 seems like these fish don't belong under either of
11 our traditional categories. There is no commercial
12 fishery for marlin and these would not come under
13 our 250 recreationally caught cap. But they are
14 rather IUU fish that we're talking about here, and I
15 think they need to be dealt with in that respect.

16 MODERATOR CHRISTOPHER ROGERS: Bob.

17 Bob McAuliffe.

18 ROBERT MCAULIFFE: Just to reinforce
19 what Paynyo said, the amount of marlin in the
20 Caribbean now has gotten to the point that it's a
21 nuisance fish. It's disturbing. It's upsetting our
22 tuna fishery in that they drive -- when they're
23 fishing for tuna, they drive the tuna deep and under
24 the boats. When the tuna are brought up, they're

1 run through by the marlin. They come up with their
2 bill holes right through them, several times on many
3 of them. And it's become a real nuisance.

4 And our local fishermen cannot
5 harvest them because the penalties are more severe
6 and enforcement more strict within the islands than
7 is drug running. It was be easier for them to bring
8 in a bail of marijuana and get away with it than to
9 try to bring in a marlin.

10 But part of that is due to the fact
11 that their predators, the sharks, we can -- we do
12 harvest. Of course they're all caught within three
13 miles because of regulation, but we can market those
14 on the street. And so they're all taken. But if
15 you get caught on the street with a marlin, it's
16 automatic handcuffs.

17 And there is a tremendous increase in
18 the marlin population within the Caribbean. And
19 I've been repeating this -- well, for several years
20 now. And it's continuously increasing. Marlin has
21 become a nuisance.

22 RUSSELL DUNN: If I can ask one
23 question. I've certainly heard a lot from around
24 this table and when we were in Puerto Rico that one

1 of the big problems is that enforcement is not
2 adequate, and it seemed to be what you were just
3 saying is that enforcement is pretty strict. That
4 if you step off the boat with a marlin, you're going
5 to get busted. And that is pretty contrary to what
6 I've heard, and I'd just sort of like to flesh this
7 out a little better.

8 ROBERT MCAULIFFE: No, I'm saying
9 that if you get caught. I'm not saying that you're
10 going to get caught. But the threat is there. And
11 now that Special Agent O'Brien has made a reputation
12 for himself, the fellas at least on our island are
13 beginning to pay attention. But all our local
14 enforcement officers are deputized, and I've seen
15 marlin sold right in front of them on the street.
16 So, our local enforcement really is inadequate, but
17 I personally go around when I find one of the fellas
18 selling marlin and explain to him how strict Agent
19 O'Brien is and that it's automatically loss of the
20 boat, loss of the truck, the whole bit. He does not
21 play around. We need more of him. Even though I
22 don't often agree with him, I work with him a lot,
23 sometimes we have serious differences, but we do
24 need more of that within the region. And he's

1 understaffed.

2 EUGENIO PINEIRO: To that, that's
3 correct. Nowadays, the Coast Guard is doing most of
4 the enforcement. But due to the violent situation
5 down in the Dominican Republic, every day the Coast
6 Guard is arresting 3, 400 illegal immigrants. So,
7 it's like a war zone in there. So, they have --
8 still with their hands full. So, they do -- they do
9 enforcement, but only when there's not an emergency
10 like that. But we need more NOAA enforcement for
11 sure.

12 MODERATOR CHRISTOPHER ROGERS: Okay.

13 Glenn.

14 GLENN DELANEY: Sure. I'll take a
15 shot at a different issue. I saw up there last
16 screen, and it was discussed yesterday, about going
17 back to ICCAT to renegotiate the 250 fish limit.
18 And obviously I was fairly involved in that
19 negotiation in Morocco, and take responsibility --
20 dubious distinction.

21 But it was based on a number that I
22 was given to by -- essentially, you know, taken from
23 NMFS data on what the historical landings have been.

24 And you know, to the defense of everybody involved,

1 including the recreational community who agreed to
2 that number and gave it to the negotiators to go
3 negotiate, you know, it was the best available
4 science at the time. And I understand there's going
5 to be a review in March, March 15th is an ongoing
6 review. But I think there's going to be a
7 conclusion of that review on the -- both the bluefin
8 and marlin methodologies behind the landings
9 reported to ICCAT.

10 And if indeed NMFS produces a new
11 result and a new number for the marlin species, then
12 I think -- you know, basically what we negotiated
13 was wrong, and somehow it needs to be corrected
14 because we were basing it on a methodology that was
15 incorrect and assumptions that were incorrect, and
16 we took the best information we had available to us
17 and went forward and got the best deal we could.

18 But frankly, in my opinion, in that
19 negotiation the number could have been a very
20 different number if that's what the data had
21 supported. And so you know, I have no problem
22 supporting that. Fortunately, Bob's going to have
23 to take responsibility for this one. But I think
24 that NMFS should seriously consider revising or

1 revisiting the numbers that went to ICCAT during the
2 time series that we based that decision on at the
3 time and see what can be done with ICCAT. You know,
4 there's nothing magic. There was nothing magic
5 about 250 fish, other than the fact that that's what
6 was supported by the data that we were given at the
7 time. And you know, I have no problem with seeing
8 that being corrected.

9 Having said all that, however, we
10 have since gone to great lengths to be aggressive
11 with other nations in trying to get them to take
12 measures to reduce their mortality, you know, most
13 specifically in their longline fisheries. And we
14 don't have a heck of a lot of leverage in any
15 respect in that negotiation. And to go forward with
16 an initiative to change the number for ourselves has
17 to be handled in a way that will not undermine our
18 credibility and ability to successfully negotiate
19 future conservation at ICCAT for billfish.

20 So, that just -- again, that's Bob's
21 problem. And it's a big challenge to do that. But
22 I think we can achieve both if it's done right and
23 supported by the science. So, that's really just a
24 comment.

1 MODERATOR CHRISTOPHER ROGERS: Okay.

2 Thanks for that comment. I know people have a lot
3 of views on the 250 limit, how we got there, whether
4 it was right, wrong, indifferent, or just the best
5 we could do at the time. And that is obviously a
6 good discussion point, but I guess from my
7 perspective in what can this division do in moving
8 forward with marlin management, it's a discussion
9 best left for the ICCAT Advisory Committee when that
10 meets in March, as to how we would go about
11 renegotiations.

12 So, again to try to focus on what can
13 we do currently to improve data collection, to
14 improve management, to improve conservation for
15 marlin under our domestic agenda. It would be most
16 helpful.

17 GLENN DELANEY (No microphone):

18 Strike that from the record.

19 MODERATOR CHRISTOPHER ROGERS: No, we
20 don't need to strike it from the record, but -- I'm
21 sure a lot of folks share your views. So, it's a
22 point well-taken. Nelson, do you have something?

23 NELSON BEIDEMAN: Yeah, as far as the
24 tournament registration goes, I think it's up to the

1 fishery to -- you know, most -- you know, find the
2 best methods, most efficient methods, you know, for
3 the fishery's benefit, while still complying. But I
4 don't know if people are ready for no-kill
5 tournaments or exactly what you guys would want to
6 go to. But I think compliance is very important.

7 Where, when, do -- are we to talk
8 about marlin research? Would that be under bycatch?

9 MODERATOR CHRISTOPHER ROGERS: That
10 would be an appropriate -- what we want to do at
11 this juncture is talk about management measures.
12 But marlin research we can look at the bycatch
13 reduction. We'll be doing a presentation on what
14 we've achieved in bycatch reduction, what we need to
15 move forward on. So, that would certainly include
16 research components, part of that bycatch reduction
17 plan. Henry Ansley.

18 HENRY ANSLEY: Yeah, Russ, I just
19 want to get on record. We sent you a letter about
20 allowing more -- the possibility like under Magnuson
21 for the application of more stringent state
22 regulations in state waters over the federal. I
23 think we put that in there. Under our law, it's all
24 release for marlin, although I don't know how well

1 that would hold up. And that's about it.

2 MODERATOR CHRISTOPHER ROGERS: Thank
3 you. Rich. Bob Zales.

4 ROBERT ZALES, II: Yeah, a couple of
5 things. To what Glenn was stating, I would agree
6 with him a hundred percent, and for you I would
7 suggest that what he said -- one thing that you
8 could do with HMS is be more cognizant and
9 responsive to information that you get from members
10 of this panel. And I'm going to refer back to when
11 these panels were first created, and Mau Claverie,
12 who's not here, stated several times -- and I backed
13 him up about the information available in the Gulf
14 of Mexico about billfish and tunas with the work
15 that was done by the Science Center and the lab out
16 of Panama City.

17 And those books that Mau referred to
18 I think from my memory of them, and I've got a stack
19 of them at home, clearly indicated that a 250 level
20 was way, way low. So, it was almost like that
21 information was just completely discarded. So, I
22 would suggest that you listen to us a little bit
23 more.

24 In respect -- or to the public

1 hearings. Due to the fact that the information that
2 went to the public at those public hearings that
3 shortly after those hearings we found out was not
4 adequate, I would suggest that your comments that
5 you're currently reviewing are not what you would
6 have as comments based on the information that
7 should have been presented at the time.

8 So, I would suggest to you that you
9 either consider having more public hearings or at
10 least resend these comments out with an explanation
11 of the difference in the information to get an
12 update on the comments. Because I would suspect
13 that the comments would be significantly different
14 than what you've got.

15 And looking at the comment review
16 that you have up there, because I was at the Destin
17 meeting and I think -- and Russ can correct me if
18 I'm wrong, there were 20 some odd people there and
19 it was pretty good attendance for that kind of
20 thing. But every person that commented made a
21 comment that I don't see there. And that was on the
22 issue of banking. Because there was a couple of
23 years where we showed extremely low levels of
24 harvest, and the comments were made that okay, if

1 we've been under 250 for X number of years, if we
2 ever get to the situation -- at that time we assumed
3 we were not there, that if we ever get to over 250
4 that we could say okay, well, two years ago we were
5 50 under, so we can add it. Not that anybody was
6 wanting more than 250, but to say if we got out of
7 compliance you could use that.

8 So, I would think that you should
9 consider something along that line, that if you can
10 take away, you should also be able to add.

11 In respect to the marlin management
12 of this thing, an increase in size limit I think is
13 a consideration. I don't know how far. The kill
14 tournament I think at the moment -- the no-kill
15 tournament I think is not a viable option in the
16 area that I'm from anyway. I think that tournaments
17 are moving to tag and release in their venues and
18 are making concerted efforts to do that.

19 I know in the Gulf of Mexico -- I was
20 telling somebody yesterday that I can't tell you the
21 last time that I saw a white marlin brought to the
22 dock dead in any tournament. It's been many years
23 since white marlins were considered as a trophy in
24 tournaments. It's strictly blue marlin only.

1 And in the past several years, the
2 level of blue marlin that were killed in tournaments
3 has been extremely low, because most tournaments
4 have an extremely high minimum size. So, I think we
5 need to keep that.

6 Obviously -- and I'm not going to
7 belabor this data thing anymore, data is a critical
8 component to this whole thing. And obviously you're
9 getting tournaments to give you information.

10 Obviously you've identified more tournaments that
11 are there so you should be getting a little better
12 information.

13 This gets right down into it again
14 that it's possible as a requirement of my HMS
15 charter permit and you could consider that all the
16 way down into the recreational angling permit, some
17 type of logbook, if it's just for the HMS species,
18 for me to send you that information when I get out
19 there, which would also include discarded fish that
20 I catch and release, to give you better information
21 there.

22 And other than that, I'll get off the
23 subject and let somebody else take it. Thank you.

24 RUSSELL DUNN: If I can just add one

1 thing and ask one question. On the minimum size
2 issue, the one size limit that comes to mind that
3 was mentioned frequently for blue marlin was most of
4 the tournaments -- or a number of tournaments have
5 gone to 110 inch minimum size. So, that was the
6 number that was thrown out by a number of -- at a
7 number of hearings. Big Rock down in North
8 Carolina.

9 And on the logbook issue, one of the
10 things that you raised a number of times was the
11 inaccuracy of the economic data, and as part of that
12 logbook is there a willingness to go forward with
13 the reporting of the cost earnings data submission?

14 ROBERT ZALES, II: On the size limit,
15 Big Rock -- I mean there's a significant difference
16 I think in the Atlantic over what we do in the Gulf.

17 I mean we've had -- what, 3,000 pound fish I guess
18 caught in the Gulf now since the middle '70s. 110
19 inch fish would probably be large. Most tournaments
20 to my knowledge are around 103, 104 inch size limit.

21 So, it would be somewhere in there would be the
22 recommendation.

23 On the logbook information, the
24 economic part of it I think should be considered and

1 I think it needs to be seriously considered and
2 studied. I think in development of that information
3 you should have some of us involved in the
4 development of that.

5 And I want to reference one thing
6 that I recently sent out an e-mail -- a couple weeks
7 ago now I guess it was. Recently the Fisheries
8 Service, through I guess MRFSS, has developed --
9 back in November they developed a new economic
10 survey for commercial and charter permit holders.

11 I learned of it in January at the
12 Austin Gulf Council meeting, the first I'd ever
13 heard of it. Nobody that I know of had ever heard
14 of it before then. And it's kind of like this whole
15 thing was developed without any input from anybody
16 in either sector.

17 And we've had this problem before and
18 we've had this discussion before with the people at
19 MRFSS that when they develop any kind of survey that
20 they should use the people in the sectors to give
21 them information on how these things should be
22 designed, the questions to be asked, and be able to
23 do outreach from us to other constituents that are
24 out there and around us to broadcast it, to let

1 people know.

2 Because generally if you just send
3 something out to people, they're so upset with
4 government today they throw it in the garbage. You
5 don't get any response. We would like to help with
6 that, because we see the need for it. So, we would
7 encourage you to do that.

8 MODERATOR CHRISTOPHER ROGERS: Thank
9 you, Bob. Just a point of clarification. The
10 carry-forward was an issue that was presented in the
11 Proposed Rule. In fact, it was part of our
12 presentation to the Compliance Committee at ICCAT in
13 terms of an adjusted quota. And it perhaps wasn't
14 clear on the slide, but that was one of the comments
15 received about applying carry-forward of
16 underharvest to provide some flexibility in the
17 management.

18 And certainly we do take your point
19 on the context in which the Proposed Rule was
20 presented. We have considered options, including
21 revising the background documents in the new context
22 and reopening the comment period, as well as
23 revising the rule to include other options that we
24 intend to discuss more here at this table. Bobbi

1 Walker.

2 BOBBI WALKER: Thank you, Chris. I
3 could support an increase in size limit, but not 110
4 inches. And I would hope that you would consider
5 the mortality associated with release of these fish
6 before you put an arbitrary size limit on them.

7 I would oppose catch and release
8 tournaments only. I don't think the agency has the
9 infrastructure to regulate tournament rules. I
10 would recommend that you eliminate MRFSS in
11 calculation of the recreational harvest.

12 I also agree with Bob Zales that you
13 need to hold additional public hearings with the new
14 information and the harvest data. Your comments are
15 going to be totally different than what they were at
16 the last public hearing.

17 And one question that I wanted to
18 ask, how are other countries expected to deal with
19 IUU fish? Will they be counted against our quota of
20 250 fish? I know I heard someone comment earlier
21 that because they are illegal, unreported,
22 unregulated, they would not be included in our
23 quota. Is that a true statement?

24 MODERATOR CHRISTOPHER ROGERS:

1 Obviously the U.S. is responsible for reporting all
2 information on its catches and landings to the
3 Commission, with contributions to the stock
4 assessment for total mortality. That's what's
5 important for the stock assessments.

6 With respect to IUU, the way the
7 Commission has tried to deal with that would be to
8 control the markets for that product, and basically
9 shut off the supply through the statistical document
10 programs.

11 They would only cut off the supply in
12 international trade. So, obviously the Commission
13 would expect contracting parties to deal with
14 domestic trade in IUU product within its own
15 management purview. And that's what we will need to
16 do here.

17 It's an open question as to how we
18 would deal with this new information to the
19 Commission. We did agree that per the 250 fish
20 limit that it was clearly identified as recreational
21 landings. If we were to conclude that these were
22 illegal commercial landings, argument could be made
23 that it's not subject to the 250 limit. But
24 certainly there would be an expectation that we deal

1 with the problem expeditiously and characterize them
2 for what they are and shut it down.

3 BOBBI WALKER: One more question.

4 And I know you said that you didn't want to address
5 renegotiating the 250 fish, that the ICCAT Advisory
6 Panel would do that. But there are a lot of people
7 around this table who are very interested in whether
8 or not NMFS and our Commissioners would renegotiate
9 that 250 fish.

10 And I guess my question to you is has
11 any country, whether it be the United States or any
12 country, come back to the table and said we have
13 better science now and it's changed and we want you
14 to look at the allocation that was given to us? And
15 if that has happened in the past, were they
16 successful?

17 MODERATOR CHRISTOPHER ROGERS: Yes,
18 it has happened, in many instances in the past.
19 Sometimes they were successful over the objections
20 of the United States. It really comes down to how
21 reasonable the revisions of catch histories are and
22 revisions to allocation schemes based on those catch
23 histories.

24 So, in some cases we have supported

1 changes because they were transparent and seemed to
2 be reasonable. In other cases, we have objected to
3 these requested revisions of catches and landings,
4 knowing that they would have implications for future
5 enforcement and compliance, yet we didn't feel that
6 there was enough substance to the revisions that
7 were put forward.

8 So, it was and will continue to be a
9 double-edged sword. If we're going to hold other
10 contracting parties to a high standard for revisions
11 and renegotiations, obviously we need to hold
12 ourselves to that standard, as well.

13 As a Commissioner and negotiator --

14 GLENN DELANEY: No, just further
15 clarification of the explanation. It's not
16 something that's considered on the floor of ICCAT.
17 It's something that has to go past the scrutiny of
18 what's called the Scientific -- SCRS, Standing
19 Committee on Research and Statistics. Thank you. I
20 haven't used that full phrase in years. But SCRS is
21 the scientific body of ICCAT and its international
22 renowned HMS statisticians, population dynamicists,
23 biologists, from around the world who are the
24 scientific body of ICCAT. And these are serious

1 people. And when a country wants to submit a
2 revision to its task one data, for example, what
3 your landings were in a particular category of
4 species, you have to submit that to the review of
5 the ICCAT SCRS body.

6 So, it's not like -- it's not a
7 political decision where the countries get around
8 and decide well, we kind of believe you or we don't
9 believe you. It's really a scientific and
10 statistical analysis that goes into it and try to
11 evaluate the credibility of it. And only with the
12 recommendation of SCRS to the full body of ICCAT do
13 we really seriously consider whether or not to
14 accept that revision.

15 What I was suggesting earlier is that
16 if we have adopted a new methodology, that we should
17 apply that revised methodology retrospectively back
18 to the time series that we used to make the decision
19 on 250 fish and revise those figures and then
20 perhaps present that whole time series revision
21 rather than just prospectively. And use that as an
22 argument to go to SCRS to get that number revised.

23 Again, we've fallen back into that
24 issue. I apologize.

1 MODERATOR CHRISTOPHER ROGERS: Bob
2 Hayes, the one who will -- has been given the task
3 by Glenn to renegotiate all this stuff.

4 BOB HAYES: The reality is that the
5 250 fish limit is in a specific recommendation.
6 That recommendation would have to be changed, as
7 Glenn suggests, by the plenary session, have to go
8 through a panel, which is essentially a subcommittee
9 if you will. And then it goes to the full floor to
10 change.

11 But Glenn's absolutely correct. The
12 scientific basis for change is not that complicated
13 or difficult to negotiate if the facts support the
14 argument you're making. And so that -- you know,
15 this idea of going back and renegotiating the 250
16 fish limit, that's not an impossible non-starter,
17 and you shouldn't think that.

18 Let me suggest another course of
19 action, though, which we need to think about here.
20 We have at the moment information which we never had
21 when we negotiated this number. I can tell you
22 there wasn't a single person in Morocco who thought
23 that we were landing a thousand marlin a year in
24 Puerto Rico. In fact, I don't ever remember that

1 discussion ever coming up. And so we have a fact
2 which we have found out which significantly alters,
3 I believe, our view of that 250 fish.

4 So, forget about what we -- the
5 methodology that's been applied, the 276 and all of
6 those numbers. We have legitimately a significant
7 problem here.

8 And the reason that we have a
9 significant problem is that for ten years the United
10 States has pounded on the table at ICCAT that
11 nations had to control their fishermen, that you had
12 to agree to specific scientifically based
13 conservation measures and you had to enforce them
14 domestically.

15 We have a situation, it would appear,
16 that that is not happening. Now, how that's going
17 to play out in ICCAT, we'll leave that all to an
18 ICCAT discussion. But that's a problem, and we
19 ought to all recognize that that's a problem. And
20 it is not going to be something which we can easily
21 walk in and say well, we didn't know about it, we
22 just found out about it and we just got to change
23 the number kind of thing. I don't think that's
24 going to be a response that's going to work.

1 I think we're going to have to take a
2 very principled, a very proactive and a very
3 positive enforcement response in the United States.

4 And frankly, I think there's no one at this table
5 who objects to that. But we need -- that I think is
6 going to have to be the domestic reaction here.
7 With respect to what that does to the 250 fish,
8 frankly Bobbi, I think it's hard to predict today as
9 to what that does.

10 I want to raise one other thing about
11 the 250 fish, which everybody ought to understand.
12 We're making all of this discussion based on a
13 resolution by ICCAT that expires in 2005. We're
14 talking about an activity here in which we are going
15 to go through for the next 18 months.

16 And so -- and I'm not now telling you
17 that -- I don't know if I'll even be the ICCAT
18 negotiator at that point, and so I can't tell you --
19 and I certainly am not going to predict what kind of
20 advice we're going to get, but at least what I have
21 heard to date suggests to me that the general
22 consensus of opinion in this room and in the
23 community at large is that a specific number
24 probably doesn't make a lot of sense, and that what

1 we ought to be thinking about in 2005 is negotiating
2 clearly some restriction on the number of landings.

3 But that restriction ought to be not
4 quantified in the specific number, but possibly a
5 minimum size for both white and blue marlin, that's
6 just as an example, which we could then go ahead and
7 report what those landings are.

8 So, that -- I just -- I'm just trying
9 to sort of set out for you what I see longer term
10 are the big problems here. The 250 fish is a
11 problem, these actual numbers and the accounting,
12 and I think some people have some good remarks about
13 that in a minute or two. I think that's something
14 we need to deal with.

15 I think this problem in Puerto Rico
16 is something -- or in the Caribbean, I think, we
17 just call it the U.S. Caribbean, would that be an
18 accurate way to describe it? That's a problem.
19 That's a real problem. And the fact that we know
20 about that problem means that we're going to have to
21 go out and address it.

22 And then lastly, I think we need to
23 think about not -- you know, sort of beating up the
24 Fisheries Service too badly here over the 250 fish

1 or Ellen or I, who absolutely -- and Glenn, who both
2 negotiated and agreed to it, you know, four years
3 ago. I don't think that's a real problem. I think
4 the real problem, frankly, is where are we going to
5 go in 2005 with billfish management,
6 internationally. That's our real problem.

7 So, again I don't want everybody sort
8 of -- you know, sort of beating their navel up here.
9 There's larger things -- there's larger problems
10 out there. Thanks.

11 MODERATOR CHRISTOPHER ROGERS:

12 Thanks, Bob. Willie. Willie Etheridge.

13 WILLIAM ETHERIDGE: Chris, I always
14 wonder what would have happened if you'd have
15 started a conversation the other way. But it's good
16 to hear an ex-ICCAT member and a present ICCAT
17 member both state that they think that we can go
18 back and renegotiate this.

19 I don't see where it could be too bad
20 of a problem, because I believe all the other member
21 countries of ICCAT sell marlin. I don't -- that's
22 not going to be surprising to them that we actually
23 sold some fish in the United States. So -- I mean I
24 know that it's real tough negotiating there, and the

1 United States is singled out and we have a real hard
2 time getting our way there, but I think we need to
3 be honest about it and we need to go there. And my
4 advice to you as an Advisory Panel member for marlin
5 is we need to try to get this thing straightened
6 out.

7 The thousand fish that the guy says
8 were sold, they were all sold illegally. If we can
9 get that law -- if we can get that stopped, that
10 won't happen next year, but how about all the years
11 past? You know, it certainly should have a
12 resounding effect on the status of billfish.

13 I mean, you heard Bob say that
14 they're seeing more than they've ever seen. You
15 heard the guy from Puerto Rico saying that they're
16 seeing more than they've ever seen. So, that's
17 really -- that's encouraging. You know, it's not
18 really all bad. And my advice to you is that we
19 need to try to renegotiate that number and we do
20 know that all of them were sold illegally. So, I
21 mean, it's not like -- you know it's not like it's
22 something that we knew and we didn't write tickets
23 for it or something like that.

24 So, maybe it won't be as bad as we

1 all think it is, and a year from now our faces won't
2 have to be as long as they are. Thank you.

3 MODERATOR CHRISTOPHER ROGERS: Okay.

4 Rusty, billfish? Okay. Bob Pride.

5 ROBERT PRIDE: Thanks, Chris.

6 Question for Russ before I make any comments. Russ,
7 in the number of fish that have been calculated, are
8 they broken out by state in any way? In other
9 words, would you know what Virginia landings were
10 reported to be for 2002?

11 RUSSELL DUNN: I can tell you that
12 for call-in. We can get that from the Science
13 Center for the tournament landings. So, I couldn't
14 give you the total breakdown right here, but we can
15 get that, absolutely.

16 ROBERT PRIDE: If you do decide to go
17 back out for public comment, I think it would be
18 appropriate to break down those numbers by state, or
19 at least by region if you can't do it by state, so
20 we can bounce it off the local knowledge and see --
21 you know, what people think of the numbers.

22 I did make a call a while ago and
23 found out that according to our State Director of
24 our year-long trawler fishing tournament that's

1 recreational only that he's not aware of any landing
2 of a white or blue marlin in Virginia the last two
3 years, and we don't have any tournaments with
4 landings for marlin. So, that's why I wanted to ask
5 the question. So, it seems like maybe our census
6 with a few cards turned in would be appropriate for
7 marlin counting. So, anyway.

8 Speaking of tournaments without
9 landings and with landings, we have a little
10 controversy going on in Virginia right now. As I
11 mentioned, we have no marlin tournaments that allow
12 landings at this time. I think there are two
13 release tournaments and there is a proposal on the
14 table from a group that wants to start a new
15 tournament that has landings.

16 Obviously with this issue of the 250
17 fish up in the air, many people think that's very
18 ill-advised. I'm not going to say the words that
19 I've heard. It's quite controversial. We feel --
20 and I say we meaning most recreational fishermen in
21 Virginia, feel that a new tournament with landings
22 could jeopardize the existing historical tournaments
23 who've been in business for 20 plus years by forcing
24 the agency to do some rulemaking that we don't want

1 to see next year.

2 And the question becomes for the
3 group -- and I'm not here proposing this or not
4 proposing it, but I think we need to talk about
5 whether we need an emergency rule that deals with
6 whether we should allow new tournaments for marlin
7 with landings or not. And I think it's a discussion
8 we need to have, a conversation to determine whether
9 or not that would help the agency with its mission
10 and protect us against any serious repercussions
11 next year.

12 The third item I'd like to mention on
13 the tags. I think the tags would be a great idea.
14 The problem that I see is the awareness that we've
15 already talked about, and the second problem would
16 be even worse, and that's logistics, for -- you
17 know, outside of tournaments, you know, a few fish
18 that get landed, how many tags will we have to
19 produce and how would they have to be distributed
20 and -- you know, I love the idea, but when I think
21 about the practicality, I think it just isn't going
22 to work, especially in the short-term. If we were
23 talking about a 25-year program, yeah. But you
24 know, for something for a couple of years, till we

1 know where we're going in 2005, I don't think it's
2 that important.

3 I do think that the carry-forward of
4 over/underharvests should be considered in
5 rulemaking. And I do think that we ought to reopen
6 the comment period with revised data. Thank you.

7 MODERATOR CHRISTOPHER ROGERS: Thank
8 you, Bob. Phil Goodyear.

9 PHIL GOODYEAR: Yeah, just one quick
10 remark with respect to what Glenn was talking about.

11 The estimates for white marlin -- historic
12 estimates for white marlin had been revised and
13 submitted through the ICCAT process through the
14 SCRS. And at least I believe that now those revi --
15 revised -- can't even talk -- revised estimates
16 constitute the white marlin catches for the United
17 States in that database --

18 UNIDENTIFIED (No microphone): All
19 the way back.

20 PHIL GOODYEAR: All the way back. It
21 actually doesn't go all the way back. It goes back
22 to the mid '80s. There haven't been any revisions
23 to blue yet. They haven't been submitted. The blue
24 marlin --

1 UNIDENTIFIED (No microphone): White.

2 PHIL GOODYEAR: White's been
3 accepted, yes.

4 MODERATOR CHRISTOPHER ROGERS: Ellen
5 Peel.

6 ELLEN PEEL: I wonder if we're back
7 to what Bob Zales said, his reference to Mau. I'm
8 not sure what time period Mau was referring to that
9 maybe 250 wasn't enough, but certainly I don't think
10 -- I know in recent history since the '80s that we
11 certainly don't kill 250. But Mau is not here, but
12 he always -- you know, put forth the Gulf of Mexico
13 reporting system that had been instituted at the
14 Panama City lab back in the late '60s and '70s, and
15 echo what Mau says. It's a very good system. Don't
16 discount it. I know you're trying to add to that
17 through the reporting system.

18 And to that point, if you're asking
19 how to improve management, I think we have a
20 monitoring system in place, a census. I think you
21 need to make efforts and put your energy into
22 tightening that up. We've talked about the
23 possibility of electronic reporting. At the public
24 hearings it was brought up under the 250 rule the

1 importance of if you're going to get the word out to
2 anglers to have permits, to know they have to phone
3 in, or electronically report or however, that
4 perhaps a greater burden should be placed on the
5 contractor for the money they are receiving to get
6 e-mail addresses or fax numbers so that this sort of
7 information when you change rules or modify rules or
8 increase size limits in the middle of the year could
9 be part of that, so that you better information your
10 constituency. You did have 47,000 brochures handed
11 out or printed, but you have to have a more direct
12 reach out and touch system, I think.

13 As far as tournaments are concerned,
14 you now require tournaments to be registered. From
15 a legal standpoint, I don't know if you can -- you
16 know, whether it would be better to take it to a
17 permit system so that if they don't comply you then
18 can hit them with a citation. And they know they
19 may not be able to have the event next year or they
20 know they have a large financial penalty to pay.

21 From a statistical standpoint,
22 certainly probably keeping up with the numbers,
23 having landings only in tournaments has some
24 advantages, yet I have concern for the charter boat

1 industry and others who might land a few outside.

2 Body tags. Can you have a
3 combination of landing 200 in tournaments or maybe
4 230 in tournaments, the balanced handled through
5 body tags outside? Again, you have distribution
6 considerations, but I think we can certainly --
7 we've got the monitoring system that may be what's
8 going to serve us best also at ICCAT. Let's tighten
9 that up.

10 There's nothing wrong with
11 encouraging circle hooks. There's always a
12 continuing debate on degree of offset, what gauge
13 wire you're using, and none of us around the table
14 know for certain what that should be. But certainly
15 encouraging circle hooks, particularly non-offset,
16 is a positive thing.

17 On size limit, maybe some increase,
18 but there are tournaments out there in certain
19 regions who don't have benefit of fish that would
20 exceed the current minimum size by much. Then I
21 would say ask scientists from keeping the largest
22 females in the water how valuable that is. I don't
23 know.

24 Puerto Rico, we do, it seems, have

1 some concerns. I would disagree with Bob, but it
2 sounds like a fantasy. We'd like to think there's
3 so many marlin in the water that they could become a
4 nuisance. I can't imagine. But to the gentleman
5 from the Council, he says there is a problem and I
6 think we all now accept that perhaps there is, but
7 let's -- let's not go to ICCAT and say we've got a
8 huge problem, maybe we killed as many as a thousand
9 fish, when in fact you have one law enforcement
10 officer there. You need to determine if these are
11 illegal sales, bust folks, put -- you know, a whole
12 team of guys in there, bust a bunch of them for a
13 while. You'll make an example.

14 You need to get a system in place in
15 collecting data, but don't go in making an
16 assumption that these fish are caught by the
17 recreational community. They could be artisanal
18 using rod and reel and consuming them or they're
19 illegally sold.

20 Last -- in earlier discussions in the
21 week, we talked about -- week. It's been a long two
22 days. We talked about bycatch in the sea turtles
23 and all the good work that's being done there.
24 That's great. We've got to continue looking at

1 technology to reduce bycatch across the board and
2 putting money into that, so research can be done.
3 But I would be interested in having the scientists
4 look at some of the Gulf of Mexico statistics that
5 was done on billfish bycatch in that far western
6 Gulf, and if there's overlap with the sea turtles.

7 Of course with your bycatch turtle
8 reduction research, interested in knowing what
9 impacting changing mackerel, squid and those sorts
10 of things in warm waters might have on marlin.
11 That's all. Thank you.

12 MODERATOR CHRISTOPHER ROGERS: Thank
13 you, Ellen. Russ Nelson.

14 RUSSELL NELSON: Not to beat a dead
15 horse, but those who say that the people who refuse
16 to be students of history are doomed to repeat the
17 failures of the past. Probably over ten years ago,
18 the Billfish Advisory Panel suggested a very
19 plausible, workable scheme for issuing body tags,
20 back at a time when there were no limits on the
21 number of billfish that could be taken. It was
22 proposed that they simply be put out there to
23 establish the universe, to let us know really how
24 many were being killed.

1 And at the time it was mentioned that
2 they could -- if ever there was a reason in the
3 future to limit the number of kills, that would give
4 you a tool that would already be in place. But we
5 don't have that now, and so we're still in the data
6 conundrums.

7 I, too, am concerned about the
8 anecdotal information on the record about the
9 illegal sale of marlin in the Caribbean. Chris, did
10 we find out anything conclusive about the -- what
11 some of us thought was the artisanal exception
12 within the original billfish plan?

13 MODERATOR CHRISTOPHER ROGERS: In
14 terms of the artisanal exception in the original
15 billfish plan, again I don't have the plan with me.

16 I'm going by recollection. And I will try to find
17 it and bring it over here tomorrow morning.

18 The final plan acknowledged the
19 debate about an exception for artisanal fisheries in
20 the U.S. Caribbean, but went forward with the final
21 plan and the final regulations with an absolute
22 prohibition on sales of marlin, with a request for
23 the Caribbean Council and the respective islands to
24 provide information on the scope, context and

1 operation of the artisanal fisheries in order to
2 characterize them so that an exemption, if
3 warranted, could be formulated. And to my
4 knowledge, there was no follow-through on that
5 information collection that was a requirement of
6 revisiting the issue.

7 RUSSELL NELSON: Thank you. Thank
8 you, Chris. I do think that given the serious flaws
9 in data that was used in preparing the EIS or the
10 SEIS and presenting to the public during the hearing
11 process that the agency is in a delicate position
12 and should certainly try to revise those documents
13 and go back to the public for a series of public
14 hearings on these rules and the proposed issues.

15 One thing that was touched on here
16 was the issue -- and Chris, you did say oh, we did
17 have in the options the idea of carrying forward
18 underages. The concern that I heard at the hearing
19 I was at was that the preferred option was that any
20 overages would automatically be deducted from the
21 following year. But in order to carry forward an
22 underage, rulemaking would have to be undertaken.

23 And those I heard suggested that if
24 we were automatically going to deduct an overage,

1 then we should similarly automatically carry forward
2 an underage, and not have to rely on the discretion
3 of the agency and the time involved in initiating
4 rulemaking. So, I did like to at least straighten
5 that out from the perspective of what I heard.

6 Thank you.

7 MODERATOR CHRISTOPHER ROGERS: Just a
8 point of clarification on that is -- I believe what
9 we tried to present -- maybe there's a
10 miscommunication, was that the ICCAT recommendation
11 regarding carry-forward of overharvest and
12 underharvest says that overharvest shall be deducted
13 in the subsequent year or the year thereafter.
14 Underharvest may be carried forward. So, we were
15 just trying to present that it wasn't cut and dry
16 with respect to implementing the ICCAT
17 recommendation. There was some discretion and we
18 wanted comment on the use of that discretion.

19 RUSSELL NELSON: To that point, the
20 many voices -- the many voices I heard said given
21 that may is a permissive piece of language, which
22 allows the agency to do what it wishes, that the
23 agency should in addition to automatically deducting
24 an overage, should automatically carry forward an

1 underage.

2 And I do have one other point. I
3 don't know if it's the place to make it, but I do
4 know Bill has pledged to have -- he's got a review
5 team looking at the estimators for the estimates of
6 marlin.

7 Some years ago, through the Gulf
8 States Commission and the Gulf states, a project was
9 undertaken to look at new means of estimating
10 charter boat effort that had previously been
11 estimated through the MRFSS survey. That was a very
12 successful project. That new methodology has now
13 been adopted and is being used.

14 And the conclusion that was reached
15 by the study -- the three-year study, was that under
16 the old estimating procedures, inshore effort --
17 nearshore effort for charter boats was being
18 underestimated. Offshore effort was being
19 overestimated.

20 The procedures that were used, I
21 haven't seen them. To my knowledge they have not
22 been made public, the calculations that brought us
23 the new numbers. But if they did not look at
24 adjusting previous year's MRFSS estimates of

1 billfish catch, those estimates would have been
2 influenced by the effort estimators for offshore
3 fishing multiplied simply by what you catch per trip
4 from the intercept.

5 So, if they used the old estimates of
6 offshore effort, which according to the study that
7 was done are admittedly overestimates of effort,
8 then those estimates of catch were overestimates of
9 catch and it is likely that the ratio work that was
10 done to try to correlate ratios between known
11 tournament landings and sort of running average of
12 MRFSS estimates may be wrong and may be biased high.

13 And I don't know if that's the case.

14 Perhaps everybody adjusted all those numbers, like
15 some would think they should have. But I just want
16 that issue to be I think thoroughly explored during
17 the work that's coming up.

18 MODERATOR CHRISTOPHER ROGERS: It
19 certainly will be explored. We had an initial call
20 and some of those issues were presented as items
21 that needed to be discussed. I think Bill may have
22 to leave shortly. Did you want to make any comment
23 at this point?

24 WILLIAM HOGARTH: You're trying to

1 get rid of me?

2 MODERATOR CHRISTOPHER ROGERS: I'm
3 not trying to get rid of you. We'll take you as
4 long as you have time for us.

5 WILLIAM HOGARTH: -- trying to get
6 rid of me. There is one statement that I think as
7 the U.S. Commissioner, one of the U.S.
8 Commissioners, I think I'm really concerned about is
9 that if we know that that data is wrong and -- you
10 know, I think we have to make sure that we go to
11 ICCAT and report it. We cannot wait until 2005,
12 2006. So, I think if we -- we must go in 2004.

13 But I think in addition we need to go
14 forward with that 250 marlin cap fully implemented.

15 And we have not implemented the 250 cap. It's not
16 been implemented domestically. And so therefore, we
17 have been there to ICCAT, beating on other
18 countries, and we have not done it internally.

19 So, I think we're going to have tough
20 negotiations, particularly with Japan and the EU, if
21 we go forward and don't do what we're supposed to be
22 doing domestically. And so I encourage this group
23 to seriously consider and talk about these measures,
24 because I feel like I'm obligated to implement the

1 caps for the 250 fish. So, we need to really have a
2 good discussion and try to as a group decide where
3 to go.

4 MODERATOR CHRISTOPHER ROGERS: Thank
5 you, Bill. Rom Whitaker.

6 ROM WHITAKER: Yes. First of all, I
7 think we've been working on this with some of the
8 smartest people in the industry for ten years and we
9 fine-tuned and amended this Billfish Plan to where I
10 think is excellent. I think it's doing the job that
11 we want it to do.

12 As far as the 250 fish, I was talking
13 with Rick Weber, and maybe he'll point out these
14 numbers in a minute, but things have changed
15 drastically in the last ten years. And you know,
16 ten years ago people were keeping marlins to have
17 them mounted, and for other reasons. I was talking
18 with Mark Sampson. I fish out of Hatteras. I
19 probably witness thousands of trips a year, you
20 know? I fish a couple hundred days. I say 20, 30
21 boats at least every day.

22 We're talking amongst ourselves. We
23 are not seeing any marlin being brought in, at all,
24 period, zero. If somebody's bringing a marlin in,

1 it's coming in at night, and you can believe that
2 that guy is not going to call up and tell somebody
3 he caught that marlin.

4 But it's just not happening. So, if
5 your data is not showing any marlins, it's because
6 nobody's killing them. So, I feel like the 250
7 number is good. Let's go back and -- you know,
8 these guys worked hard for that number. I feel like
9 it's a good number.

10 So, you know, when we're not seeing
11 it, with the exception of a few big blue marlin
12 brought into Oregon Inlet, I don't think I've seen
13 one in the Hatteras area in three or four years with
14 the exception of some tournaments.

15 On that note, I think it's unfair to
16 put a kill tournament out of business. These folks
17 started a long time ago. We've established the
18 record for them. Let's let them continue. They
19 create millions of dollars for all kinds of good
20 causes. Let's let them continue.

21 As far as the minimum size, 99 inches
22 is going to be about a 300 pound fish. Most
23 tournaments on the east coast are 400 pounds or 110
24 inches. A 400 pound fish could be as low as 103

1 inches. So, let's not penalize what we've already
2 done. Let's leave it like it is. It's working.
3 Let's leave it like it is.

4 That's about all I had to say, except
5 I hope we get to the bluefins.

6 RUSSELL DUNN: Can I ask just one
7 question, Rom? When you say leave it like it is,
8 you mean the minimum size?

9 ROM WHITAKER: Yes, yes. I think the
10 minimum size is fine.

11 MODERATOR CHRISTOPHER ROGERS: We
12 have 5:20 now, and I asked the question this morning
13 whether we wanted to go on till 6 o'clock like last
14 night. And I anticipated that we would need to. I
15 propose that we continue on till 6:00 and try to sum
16 up the marlin discussion in ten minutes and then try
17 bluefin for one half hour. So --

18 UNIDENTIFIED: I'll pass then.

19 MODERATOR CHRISTOPHER ROGERS: On
20 marlin, okay. Rick Weber.

21 RICK WEBER: I passed yesterday. I
22 won't do that again. Russ, looking at what numbers
23 Mike Leech presented me with, I'm looking at 127 to
24 date for 2003, total blue marlin and white marlin,

1 between tournament landings and call-in. Is that
2 still accurate?

3 RUSSELL DUNN: That's higher -- let's
4 see. Looking at what I have, I've got 70, 90 --
5 I've got 98 in front of me. I've got 70 blue marlin
6 from tournaments, 20 -- from RBS. 20 white marlin
7 from the RBS, and that's -- those numbers are from
8 the Southeast Fisheries Science Center as of either
9 Wednesday or Thursday. And then as of Thursday
10 call-ins, we had seven blue and one white. So, that
11 in aggregate is 98.

12 RICK WEBER: And can you refresh my
13 memory on what the new model is projecting for blue
14 and white marlin total?

15 RUSSELL DUNN: No, I don't -- my
16 understanding is they can't do projections. They
17 have to wait until all the data --

18 RICK WEBER: I'm sorry. For 2002.
19 What did we submit for 2002?

20 RUSSELL DUNN: For 2002, I believe we
21 had a total -- hold on. I have it. 279, I believe.
22 I have the breakdown there somewhere.

23 RICK WEBER: That's what I thought.

24 RUSSELL DUNN: Yeah, we had -- 2002

1 we had 191 white and 88 blue reported to ICCAt, for
2 a total of 279.

3 RICK WEBER: Fine. As Rom mentioned,
4 we have surveyed the room fairly extensively among
5 the recreational reps. I can't find more than 15
6 non-tournament landings. I don't -- I think your
7 numbers are on. So, what I would propose we do,
8 rather than fighting over readjusting 279 -- and I
9 want to keep everyone's hands strong with the 250,
10 though I strongly oppose the 250 number at all, it
11 appears that we can survive under the 250 if we will
12 walk back into ICCAT in 2004 and when we report our
13 2003 landings, we simply report them as off-census
14 now. That we have changed methods. That this is
15 more accurate. And that these are our numbers.

16 It will bring us back below 250 and I
17 truly believe it is the truth. Feedback, Russ,
18 Chris?

19 MODERATOR CHRISTOPHER ROGERS: Well,
20 obviously that would affect our negotiation stance
21 in the future. So, I would leave that to the
22 Commissioners and the ICCAT Advisory Committee as to
23 how we would go forward with our discussion that
24 would affect our presentation to the Compliance

1 Committee and renegotiation. But certainly it's a
2 possibility. But I would defer to the ICCAT
3 Advisory Committee and the Commission as to develop
4 support for that approach.

5 RICK WEBER: Bob, we discussed this
6 earlier. I'd like to get your feedback or thoughts
7 or John's, or any of those people. It seems to me
8 like we should be -- if we can walk in in 2003 and
9 announce a new model from 2002 back, we should be
10 able to walk in in 2004 and present them with Russ's
11 census. Because I feel it is far more accurate than
12 any model.

13 Is a census perfect? No, it's not.
14 But the -- what do you all call them, confidence
15 intervals or some such thing? The belief that I
16 have in our census is far stronger than my belief in
17 any model I have seen to date.

18 BOB HAYES: Let me speak to the
19 census concept. What we have is two things, as I
20 see it. We have an illegal fish problem, and that's
21 partially the Caribbean problem and it may be
22 partially people that are landing fish outside of
23 tournaments that aren't reporting them. And I
24 assume that's what this census was designed to do.

1 Because we have in place an obligation to report
2 every billfish that's landed. I don't care how you
3 land it.

4 So, if you are landing it and you are
5 not reporting it, that has to be an illegal
6 activity. So, no question, the United States has
7 got at least -- I don't know what the magnitude of
8 it is, but there is some suspicion out there that
9 there is an illegal landing of fish that's going on,
10 we have to address that.

11 The most accurate count we have of
12 the fish that are being landed illegally is whatever
13 that census says. And my suspicion is that that
14 census is substantially below that 250 minimum -- or
15 maximum. That would be my suspicion. And you know,
16 I don't have any problem going to ICCAT and saying
17 we've discovered a problem and whatever program we
18 put together to address that problem, this is the
19 program we're putting together to address that
20 problem.

21 At the same time, here's a number
22 that's absolutely crystal clear. We know we landed
23 these fish. You know, I don't think that's an
24 illegitimate way to proceed at all. And I think

1 frankly other countries will perceive it as a
2 legitimate thing.

3 Now, there is a downside to the
4 appropriate. And you know, Glenn's seen this a
5 dozen times. We, the United States -- I'll tell you
6 the United States -- there's no other country over
7 there pounding the conservation and the compliance
8 table like we are.

9 So -- and we'll discuss this sort of
10 the ICCAT Advisory Committee meeting, but we have to
11 be responsible, we've got to understand that our
12 objective is to provide for enforcement and
13 compliance, and we've got to really have a program
14 in place that does it.

15 And we're going to have to push that
16 whole program in and say this is what we're doing.
17 But frankly, going and admitting that that's what's
18 going on and telling them exactly how many fish
19 complied with that 250 fish number, I'm not
20 uncomfortable with that approach.

21 RICK WEBER: One second. That was
22 really just a beginning. The rest of it -- because
23 my belief is we are still well under the 250. And
24 the whole idea of being brought in here to discuss

1 reduction in landings or changes in tournaments I
2 believe we're under the 250, I don't think we should
3 be talking about any of this stuff till we're
4 looking at the 250. You know? I mean it's
5 voluntary reductions beneath where we're already in
6 the clear.

7 And yes, Nelson, you knew your turn
8 would come. If we must find mortality, according to
9 the SAFE Report I've got here, white marlin only,
10 the ratio commercial landings to recreational
11 landings was 23 to one, and that just flies in the
12 face of the billfish management plan which states an
13 objective of quote maintain the highest availability
14 of billfishes to the U.S. recreational fishery by
15 implementing conservation measures that will reduce
16 fishing mortality.

17 That is U.S. law and doesn't have
18 anything to do with landings. You are to reduce
19 fishing mortality. Now from there.

20 MODERATOR CHRISTOPHER ROGERS: John
21 Dean.

22 JOHN DEAN: Yeah, anything I have has
23 been covered. I think it is important to go back
24 out, as recommended. And Chris, if you would take a

1 look in the original fisheries management plan on
2 billfish approved May '88, page 60 -- I'm doing
3 Rusty's stuff now -- Management Measure 5, there's a
4 rod and reel handline exemption for the Caribbean.
5 You need to look at the details of that, but it was
6 specifically in the plan and it was approved.

7 MODERATOR CHRISTOPHER ROGERS: Jim
8 Donofrio.

9 JAMES DONOFRIO: Chris, thank you.
10 Our records from the Recreational Fish Alliance have
11 been submitted to the agency. Only thing I want to
12 add is that one of our members had asked about
13 potential fines for violation of minimum size. And
14 as you know, that one fish that was brought in the
15 Gulf last year, that was a professional captain.
16 And I got to tell you something, he is just not too
17 well-liked right now in our industry. He should
18 know the law.

19 What we want to see is -- I know you
20 have a fine structure for violations in the bluefin
21 fishery, which range from 5 to 25,000. Just make
22 those fines consistent with all HMS. Make them all
23 the same. Apparently you got a \$500 fine. Well,
24 you know, that's a cost of doing business. It's not

1 worth it. You've got to put the fine where it's
2 going to be substantial and his boss is going to
3 look at that.

4 MODERATOR CHRISTOPHER ROGERS: Okay.

5 Thank you. Joe McBride.

6 JOSEPH MCBRIDE: Yes, thank you,
7 Chris. Just for the record, in our particular port,
8 which has a good number of shark tournaments
9 particularly, there have been no landings in the
10 tournaments or in any other manner that I know of,
11 and I'm pretty well certain I'm speaking with
12 complete accuracy, of white or blue marlin.

13 And even when they're incidentally
14 caught when you're trawling for tuna offshore,
15 they're released, and I've never seen one or heard
16 of one coming in dead as such. So, I think that we
17 have a very good record and a lot of it -- even if
18 they're legal size, they just don't bring them in
19 because of the paucity of the other fish and the
20 need for them to breed and so forth.

21 So, I think the recreational
22 community should be commended for those endeavors,
23 which are put upon themselves, so to speak.

24 MODERATOR CHRISTOPHER ROGERS: Frank

1 Blount.

2 FRANCIS BLOUNT: Yes, thanks, Chris.

3 On the circle hook issue, I know I've said this
4 before, but we don't fish for marlin, we never have.

5 We do catch them. They're always incidental. And
6 I just want to make sure if we move forward with
7 something on a circle hook that it's not -- like I
8 said, it's a 100 percent release fishery. But I
9 don't want to see somebody who is not using a circle
10 hook, if that becomes law -- I mean the biggest
11 marlin I ever caught I was codfishing on a clam.
12 Second biggest one I was bluefishing on a diamond
13 jig. So, I mean it's just -- if somebody's going to
14 be found illegal, we've got to have something there
15 to say that there are exceptions to that.

16 And just on a quick note, I've got an
17 enforcement meeting at the Northeast Regional Office
18 on Thursday and I think I'll bring up to the agents
19 if anybody wants to transfer to Puerto Rico to check
20 with that. I'm sure some of the agents from the
21 northeast with the zero degrees that we've had
22 lately would be very happy to go to Puerto Rico for
23 a while.

24 MODERATOR CHRISTOPHER ROGERS: Okay.

1 Mike Leech.

2 MICHAEL LEECH: Yeah. We made a bad
3 deal at ICCAT in 2000 and we created a compliance
4 monster, and now we're told that the other parties
5 are not complying with their part of the deal.
6 That's all history.

7 We now have a new counting regime,
8 22,500 people in the recreational community went out
9 and spent 22 dollars. That's over five million
10 dollars down a black hole. We have a mandatory
11 reporting requirement. The result was 98 marlin in
12 2003.

13 My question is what's the problem?
14 Why are we talking about all these possibilities of
15 doing this and that? And if we're not going to
16 accept this number that we've created, let's not
17 make the recreational community waste another five
18 million next year and the year after.

19 We've created the system, good or
20 bad. I think personally it's quite accurate. We're
21 going to tweak it maybe a little bit each year as we
22 go along. But it's the system we've got and what's
23 the problem? It's 98 marlin. And let's say it's
24 way off and it's 190 marlin. It's still -- we're

1 still way under the 250.

2 Now, with the strong support of NOAA
3 Fisheries, IGFA has created in the last year what we
4 call the IGFA Certified Observers Program that
5 should help this program to some extent. We are
6 having one-day training sessions. We've had them in
7 Puerto Rico. We've had them up and down the
8 Atlantic coast. We're going shortly into the Gulf
9 of Mexico. We have it planned even in California to
10 train observers.

11 The trained observers, we now have a
12 corps of about 450 of them around the United States
13 and in Puerto Rico. It gives the tournaments that
14 are offering big money for marlin that have up till
15 now required dead fish on the dock. It gives them
16 the option of going to an observer type tournament
17 with confidence, with trained people. We're not
18 cramming it down anybody's throat, but it's an
19 option.

20 Some of the tournaments have maybe
21 not gone to a hundred percent release, but they have
22 now created a release format, which is an optional
23 division of their tournaments, which gives the
24 people that don't want to kill fish the option of

1 still fishing for money with confidence that the
2 rules are going to be complied with.

3 This program is growing. We have 450
4 people now trained. We went from three or four
5 tournaments the first year to I think 14 tournaments
6 this coming year. And those were tournaments that
7 were mostly killing fish before that now will go to
8 a much higher release ratio or in some cases a
9 hundred percent release. So, we appreciate the
10 support that NOAA has given us, and we're going to
11 continue that program.

12 MODERATOR CHRISTOPHER ROGERS: Pam
13 Basco. For Mike Leech?

14 RUSSELL DUNN: It's not necessarily
15 for Mike. It's just sort of something that I need I
16 guess your help in reconciling. The first -- or
17 yesterday we heard basically across the board that
18 people aren't reporting because they don't trust the
19 agency. Now we're hearing that everyone believes
20 that the count is accurate, the call-in numbers are
21 accurate.

22 And I'm not -- I'm not trying to ask
23 or point the finger at anyone in particular, but
24 what I need from you all is how does the agency

1 reconcile those two statements?

2 MODERATOR CHRISTOPHER ROGERS: Mike
3 Leech.

4 MICHAEL LEECH: If I could, I think a
5 lot of the discussion yesterday of the people not
6 calling in was on swordfish, not on billfish. No
7 question there's being swordfish caught that are not
8 being called in because of mistrust, and nobody
9 knows if it's going to work against them or not work
10 against them. Should they be trying to build up
11 numbers for future quota or should they not?

12 They're totally confused. And I think most of the
13 discussion yesterday was on swordfish, not billfish.

14 I just don't believe there's a lot of people out
15 there killing billfish just for the sake of bringing
16 them in. They're too well-educated now. And any
17 noncompliance I think is very small.

18 MODERATOR CHRISTOPHER ROGERS: Pam
19 Basco.

20 PAMELA BASCO: Talking about all of
21 those marlin that are out there, I think the next
22 time that I go marlin fishing I'm going to feel like
23 a cartoon character where every time I turn around
24 there's a thousand marlin behind me, but I just

1 can't see them every time I turn around. So, I
2 don't know where they are. I'm not catching them.

3 The San Juan Club Nautico Tournament
4 celebrated their 50-year anniversary tournament back
5 in September. It's the longest consecutively held
6 billfish tournament in the world. They went to an
7 all-release format this year -- or last year. And
8 in four days of fishing there were approximately 120
9 something boats, 120 something fish caught, and over
10 400 anglers in four days of very hard fishing. Not
11 a lot of fish for that much effort.

12 These were some of the finest boats
13 in the world, with some of the finest captains and
14 some of the finest deck hands and anglers. And so
15 we're not -- as recreational anglers, we're not
16 seeing those fish out there, and there's a lot of
17 other tournaments that I fish that are the same way.

18 I don't know what we're doing wrong, but there's a
19 lot of us that are doing something wrong that we're
20 not catching these fish.

21 I agree with so many things that have
22 been said around here, and just to repeat them would
23 be redundant. I just feel that the truly dedicated,
24 conservation-minded, recreational anglers are

1 complying.

2 Statewide, countrywide, worldwide,
3 the fishing community is a very small community when
4 you get right down to it. Just about everybody
5 knows what everybody else is doing. And Ellen
6 pointed this out yesterday. It is a small
7 community. And we know. So, we are self-regulating
8 to ourselves. And as a result of that, we are
9 trying to regulate our peers that maybe are not as
10 conservation-minded.

11 I think a lot of our tournaments have
12 been going towards these changes for a long time,
13 and I don't think a lot of them need any more
14 regulations, because I think the tournaments are
15 self-regulating and are becoming more so now because
16 of the education that they're getting.

17 I think outreach is a definite
18 problem in not so much reaching those really
19 dedicated conservation anglers, but the weekend
20 warriors, as we talked about yesterday. And that is
21 changing, as well.

22 So, the outreach is a problem. You
23 mentioned yesterday about adding something like --
24 or sponsoring tournament workshops. I think that

1 would be a fabulous idea. What we've done at IGFA
2 with the certified observers program is just
3 phenomenal. That needs to be expanded into other
4 areas, maybe other clubs, other organizations that
5 could take over on that. So, I think that's a
6 wonderful idea.

7 I would like to see the comment
8 period reopened and more locations added to make it
9 more accessible to people to get to, and make a
10 concentrated effort to contact tournament directors
11 and the boards of those tournaments. You know, and
12 they should know when the comment period is open and
13 where to go. Some of them can't get to it. So,
14 just to see more locations added and to do more
15 outreach with other organizations.

16 Oh, and Jim, you were laughing about
17 Mau trying to call you. I've had three voice mail
18 messages from him.

19 MODERATOR CHRISTOPHER ROGERS: Irby
20 Basco.

21 IRBY BASCO: Okay. Thank you. Well,
22 well said. Everything that I was going to say has
23 been covered. There's a couple of things that -- of
24 course I really wish that we had a problem with

1 marlin being a nuisance in the Gulf of Mexico, as
2 well as up and down the Atlantic.

3 But at any rate, I do not support an
4 increase in size because of the release mortality.
5 I think that maybe we should be comfortable with the
6 numbers we've got right now. If we can go back to
7 ICCAT without causing a kind of an embarrassment of
8 us going back and saying well, you know, we did it
9 wrong, we need some more fish, or we really do need
10 more fish. Well, that might be a situation. But I
11 think somehow -- I think we're complying. And as
12 far as a white marlin -- I'm sorry, as a blue marlin
13 being caught, it's a real rare event.

14 There was one landed in Louisiana
15 here last year that -- of course it was a sizeable
16 fish, but he even got to be on the international
17 news. Everyone knows about it. And like in my area
18 in Texas, if a billfish is encountered we know about
19 it, we hear about it. There's scuttlebutt all over
20 the place. A real small community, like was being
21 said. And I don't know -- I think -- I really don't
22 know of any billfish that are landed outside of
23 tournaments personally with exception of that one
24 that was reported. But at any rate, that's what I

1 had to say. Thank you.

2 MODERATOR CHRISTOPHER ROGERS: Thank
3 you, Irby. Bill Utley.

4 WILLIAM UTLEY: Everything I possibly
5 could have said has been said several times over.
6 It's been 30 years since I've even seen a marlin on
7 the water, so I'm looking forward to bluefin tuna.
8 Thank you.

9 MODERATOR CHRISTOPHER ROGERS: Bob
10 Hueter, anything on marlin? Okay. John Graves?
11 ICCAT Committee Chairman, I think you've seen the
12 precursors of an interesting discussion in March.

13 JOHN GRAVES: Yeah, just a couple of
14 comments, because I really do want to get -- let
15 Rich get to his item. But first of all yeah, we can
16 discriminate between Atlantic and Pacific billfish.

17 So, if enforcement gets there, this is not an
18 issue. They can be busted. We can't -- not every
19 individual fish, but with blue marlin, 40 percent
20 chance of identifying an individual without
21 misclassifying a Pacific fish. The same thing, 80
22 percent of Atlantic sailfish without misclassifying
23 one. And white and striped marlin are very closely
24 related, but again two-thirds of the whites we can

1 identify without misclassifying a Pacific fish. So,
2 and we have held this up in court. Never have we
3 had an identification challenge. So, a piece of
4 cake.

5 Ken Hinman's suggestion about IUU
6 fish, reporting those fish, the hearsay fish --
7 which we have no record of them being caught in
8 Puerto Rico, by the way, so it would be kind of
9 stupid to go to ICCAT and fall on our sword for
10 something we think might be happening. But it
11 wouldn't be unprecedented, I guess.

12 What I would do with IUU fish, I mean
13 we -- that would set a precedent for every nation
14 out there that has a problem in reporting or an
15 overage or something to say oh, these were IUU fish.
16 That would be crazy. That -- you know, that would
17 be a nonstarter, because you're going to give every
18 other party there an out. And for the last seven or
19 eight years we've been doing our best to ensure
20 compliance.

21 As we're also looking at possible
22 catches in Puerto Rico, Puerto Rico boats are
23 notorious throughout the Caribbean as kill boats,
24 and those boats are also going to other countries,

1 other tournaments. We have no records -- you know,
2 it's all supposed to be self-reporting.

3 In addition, U.S. boats are fishing
4 in Brazil, Venezuela, Mexico, the Bahamas, even
5 Bermuda, where they occasionally do land fishes, we
6 don't have very good records of those and that's
7 something -- you know, again when you're looking at
8 census, as we're doing, that's a monitoring
9 nightmare. So, looking at other ways of achieving a
10 similar reduction might be worthwhile.

11 I'm okay with the existing kill
12 tournaments, but considering that we are trying to
13 reduce mortality and rebuild populations of blue
14 marlin and white marlin, I don't think we need to
15 sanction any more kill tournaments. I mean this is
16 I don't think terribly different than limited entry
17 for the pelagic longline fishery. You know? You
18 grandfather those people who were there, but you
19 don't want to increase the mortality on these
20 animals.

21 Furthermore, I'm very much in support
22 of circle hooks for directed marlin fisheries using
23 live or dead baits. There is a huge difference in
24 post-release survival between fish that are caught

1 on circle hooks and on J-hooks.

2 And finally, we're doing more in our
3 recreational monitoring than most ICCAT countries
4 probably do for their commercial. We're held to a
5 higher standard. But if we are going to lead for
6 conservation proper management at ICCAT, we're going
7 to have to do that. So, we're under the magnifying
8 glass at ICCAT, but -- you know, I think the numbers
9 that we present there are good. And we need to
10 continue to do the best job we can in monitoring
11 these. And I'll shut up.

12 MODERATOR CHRISTOPHER ROGERS: Okay.

13 Thank you, John. We missed a few folks here. I
14 presume that you were away from the table because
15 you had heard what you wanted to say said by
16 somebody else. So, we did want to get onto the
17 bluefin tuna discussion. I see two hands.
18 Certainly to make very brief points. Russ Nelson
19 and Bob McAuliffe.

20 RUSSELL NELSON: In response to Russ
21 Dunn's question, my comment certainly yesterday
22 about the reporting were based on swordfish, because
23 where I live in my area, as has been said, very few
24 marlin are taken.

1 Now, I would suspect there's some
2 sailfish being brought ashore that aren't being
3 reported. But the swordfish fishery is very
4 different in character. It's most -- most of the
5 boats that go out there are going to take a fish.
6 Very few of them take more than one, even though the
7 boat limit is three. But they do tend to take a
8 fish, and they don't tend to make a lot of trips.
9 If they catch a fish, that's a lot of -- you know,
10 even a hundred pound swordfish can produce a good
11 bit of meat. So, I do think that there is a problem
12 with swordfish reporting.

13 I take somewhat exception to John's
14 comments that the Puerto Rican boats are notorious
15 as kill boats. I suspect that there is a problem
16 with some fishing as has been described here and
17 fishing for sale. And I don't know how we get a
18 hand on that unless it comes through recent MRFSS
19 estimators off the dock or whatever of things being
20 brought. But the boats that I've worked with in
21 Puerto Rico, especially the boats that travel a long
22 way and fish in tournaments, tend not to kill fish.

23 I mean, I've seen records of those
24 boats and how many they -- and as Pam pointed out,

1 the international in San Juan this year went to an
2 entirely release format. So, I would be somewhat
3 careful about characterizing a class of people as
4 being kill boats.

5 MODERATOR CHRISTOPHER ROGERS: Okay.

6 Bob McAuliffe, last word.

7 ROBERT MCAULIFFE: Yeah, in response
8 to your not being able to see those marlin, I'll
9 give you a little more information so you'll
10 understand. Fish and Wildlife installed five FAD's
11 around the island, all in deep water, thousand
12 fathoms plus. Now, they are working extremely well
13 and they're attracting tunas of all size and the
14 marlin are hanging on there feeding on them. The
15 fishermen fish on them with live bait, but the
16 marlin get so thick feeding on all that stuff that
17 they drive the larger fish down. And that's where
18 they have become a nuisance. And they are in fact a
19 nuisance. And there's a lot of them and they're
20 very large fish.

21 So, if you want to come down there
22 and go out and fish around one of those FAD's, come
23 on down. We'd gladly have you drive them away.

24 MODERATOR CHRISTOPHER ROGERS: Okay.

1 Well, thank you all for your comments on marlin.
2 It's rather late and we do want to get on, because
3 we know some individuals can't be with us tomorrow
4 and were interested in the bluefin tuna discussion.

6
7 BLUEFIN TUNA - CONTINUED

8 MODERATOR CHRISTOPHER ROGERS: What
9 we left off this morning was one of the bluefin tuna
10 items, with respect to allocations. As was
11 recounted by Rich Ruais, this was a significant item
12 that was discussed throughout the early days of this
13 panel in the formulation and development of the
14 original consolidated HMS FMP.

15 What we have adopted in the plan and
16 through regulations Mark now has on the screen, was
17 a means of allowing adjustments based on what ICCAT
18 recommends for quotas each year, or several years.
19 Obviously we're in a 20-year rebuilding plan, but
20 it's subject to adjustments along the path. The
21 idea being that we take the numerical quota from
22 ICCAT and then allocate it according to the
23 percentages embodied in the fishery management plan
24 and the regulations. And there have been some

1 issues regarding allocations, transfers between
2 categories, carryover of underharvests, significant
3 amounts from some categories.

4 So, there were some issues that have
5 been raised and we thought at least we needed to
6 bring up the topic for discussion and see what the
7 panel views as any problems with the current
8 allocation scheme before we embark on Amendment 2.

9 If you had any further comments on
10 that, Mark?

11 MARK MURRAY-BROWN: No. No, in the
12 interest of brevity, there are two catalysts for
13 this discussion. One, as Chris has just said,
14 generally, it's been five years since we did the
15 FMP. It was fun, has been described as surgery at
16 that time. What are your thoughts and feelings
17 about revisiting it? So, this is the time. Think
18 about it.

19 This kind of stuff can only be
20 changed, modified, during FMP amendment process.
21 This cannot be changed by reg amendment. So, to the
22 extent this is -- you know, the chance, the big
23 deal, this is the opportunity. That's the first
24 general point.

1 And the second point, very
2 specifically, you know -- you've heard it mentioned
3 a few times there is a specific proposal -- in fact,
4 the second proposal potentially floated regarding --
5 the first proposal on the table is the petition from
6 North Carolina to specifically have some quota
7 allocation for a fishery in the general category,
8 which I'm sure we'll hear about. And then of course
9 we also heard about -- tied up with the spotter
10 planes and allocation schemes there.

11 So, there are some specific elements
12 in the works that this -- that this would address
13 potentially, as opposed to -- in addition to a
14 general.

15 The slides, there are two of them.
16 The first slide is straight out of the FMP. It's
17 the percentages. And probably the visibility from
18 the back is almost as poor as the handout, and I
19 apologize for that. But it just reflects the
20 percentages in the FMP.

21 I want to thank Brad McHale, who's
22 not here, for doing this, and he helped subdivide
23 some of the math to show how the angling category
24 plays out in terms of percentages.

1 And the second slide is applying
2 those percentages to the baseline adjusted tonnage
3 from '02 ICCAT. And the numbers that are in there
4 are metric tons in the middle column. And then Brad
5 -- I asked him just to come up with some -- the
6 rough approximate numbers, equivalent -- rough
7 general ball park numbers of what those fish in our
8 terminology when we talk about giants and large
9 mediums, we lose track of the fact that the size
10 range is pretty significant between these fish. And
11 so when you get down into the angling category, the
12 size -- the metric tonnage and numbers start to mean
13 something quite different. So, I tried to just
14 portray that. And we used average weights from the
15 2002 fishing year for you, just to share some data
16 with you.

17 So, I can leave -- why don't I leave
18 the percent slide up, because that's the slide
19 that's most pertinent. And stop talking. Why don't
20 we -- do you want to go roundtable or do you want to
21 target people this time?

22 MODERATOR CHRISTOPHER ROGERS: Why
23 don't we have a show of hands of folks who would
24 like to speak -- panel members who would like to

1 speak on this subject, just to get a sense of how
2 much -- we've got Glenn, Rich, Ray Kane. All right.

3 Why don't we reverse direction this time and we'll
4 start over here. Joe McBride.

5 JOSEPH MCBRIDE: Thank you, Chris.

6 Very briefly, with all the discussion of marlin and
7 possible requests for reallocation, I'll make my
8 annual request for our delegates to ICCAT to see if
9 they can get back when we talk about the 250 and how
10 it came about, and whether it was good, bad or in
11 between or a mistake by the Commissioners, I think
12 that we have a very good case in regard to the
13 angling category quota historically how it came
14 about. I won't go into it tonight. But I think
15 that should be possibly revisited and a more
16 pragmatic and an equitable quota for the angling
17 category in the school size -- school size fish and
18 the school size category.

19 Without getting into a long debate,
20 but I respectfully request that it be discussed. I
21 don't see Bob here. I just see Glenn. I don't know
22 who else -- and John Graves is gone -- that that be
23 brought up and see if that could be rectified,
24 because in negotiations for at least ten years there

1 has been talk between ourselves and Rich that
2 perhaps we could do this or we could see Canada or
3 see Japan. And so the potential is there for a
4 readjustment if the will is there, in my mind.
5 Okay? Thank you.

6 MODERATOR CHRISTOPHER ROGERS: Thank
7 you, Joe. Louis Daniel.

8 LOUIS DANIEL: Thank you, Chris. We
9 appreciate -- you know, the panel's discussion on
10 this issue for the last couple of years. And just
11 want to remind everybody first that the North
12 Carolina petition to National Marine Fisheries
13 Service to set up a general category fishery off
14 North Carolina December 1 through January 31st, just
15 this past December we were successful in getting the
16 regulatory amendment through to extend the season to
17 January 31st. And we certainly appreciate HMS and
18 National Marine Fisheries Service getting that done.

19 That was really the first part of our
20 petition, was to get that accomplished. The second
21 part of our petition was to have a specific
22 December/January subquota category in the general --
23 I mean subquota allocation in the general category.

24 What North Carolina petitioned for

1 was ultimately 150 metric tons into that subquota
2 period. We did -- were able to observe -- got some
3 fish this year. We fished for about 10 or 11 days
4 in December and two days in January. The prices
5 were very strong. We had a lot of interest in the
6 fishery in the South Atlantic, not only from South
7 Atlantic fishermen, but from New England fishermen,
8 as well, as well as a lot of dealers that came down
9 from New England. And everybody seemed to benefit
10 and really liked the opportunity to fish in that
11 winter fishery off of North Carolina.

12 We also had during the January
13 fishery some fish even landed in South Carolina and
14 actually had some fish seen off of Georgia. So,
15 we're starting to see that extension really provide
16 a lot of benefits to the South Atlantic.

17 So, the South Atlantic is clearly on
18 the record, and North Carolina obviously is on the
19 record, of supporting this regulatory amendment to -
20 - I mean this plan amendment to have a
21 December/January subquota period to have a specific
22 set date and time and an allocation for our
23 fishermen and those general category permit holders
24 who want to participate in the fishery in the South

1 Atlantic.

2 You know, historically we've gotten
3 the crumbs. That's why we always get nervous when
4 we start hearing about transferring quota or even
5 selling quota shares. When you're kind of dependent
6 on the leftovers, you get a little nervous when you
7 start hearing talk about that. But I think this
8 opportunity to completely satisfy the North
9 Carolina/South Atlantic petition would satisfy our
10 needs and give us an opportunity to continue.

11 I think this past year -- Rich will
12 certainly agree, we've really worked with East Coast
13 Tuna general category to work on the ICCAT issues,
14 which we really tried to get involved in this issue
15 and help them in the good work that they've done for
16 the U.S. allocation.

17 The one big concern that came up last
18 year from several folks was the permitting issue.
19 And that has been resolved to everyone's
20 satisfaction. So, we have the means and methods in
21 place for folks to get a license to land and sell if
22 they don't want to fish in state waters, or a non-
23 resident license if they do want to come into state
24 waters. And so all of the problems with permitting

1 we discussed last year have been resolved to
2 everyone's satisfaction. We've heard no complaints
3 from anyone, not from Florida or Massachusetts,
4 about being able to get a permit when they need one.

5 So, as you all know, this is a
6 tremendously important issue to North Carolina and
7 the South Atlantic, and I hope we can have the
8 support of the panel here to move forward. And I
9 guess specifically recommend that perhaps that
10 October/November time period be slipped in with the
11 September time period, so that basically you would
12 have a September through November, and then a
13 December/January subquota.

14 That way -- and I still think that
15 closing it on November 15th worked really well
16 because it gave the agency the opportunity to sort
17 of catch up and see where we were. That way if
18 there are any fish left over, maybe they could be
19 general category fish left over, maybe they could be
20 carried over into December.

21 But for the fishermen to be able to
22 know exactly how much fish is available and when
23 it's going to start is paramount to us. And my
24 assumption would be that if we're successful in this

1 plan amendment that we would be able to work closely
2 with the agency to set up any kind of restricted
3 fishing days or anything like that we needed to do
4 in order to hopefully have that fishery extend for
5 as long as a period of time as whatever quota is
6 available allows us to fish.

7 But thank you for the opportunity,
8 and anything we can do to help process this
9 amendment, we'll be glad to help in any way.

10 MODERATOR CHRISTOPHER ROGERS: Just a
11 point of clarification. You're recommending or
12 suggesting that the time period subquotas be
13 realigned into a September to November and then a
14 December to January. You had mentioned 150 tons was
15 the substance of your petition for rulemaking. Did
16 you have any sense of how that 150 would be applied
17 entirely to that December/January period or party
18 into the September-November? What are you
19 specifically recommending relative to reallocation?

20 I guess a broader question would be
21 whether you would see shifting entirely within the
22 general category as addressing the situation with
23 new time period subquotas, or would the execution of
24 this plan require some augmentation of the general

1 category allocation?

2 LOUIS DANIEL: Well, you put me on
3 the spot now. And we had an agreement last year.
4 We left this room, the additional fish -- much of
5 the additional fish that came from ICCAT was
6 allocated to the South Atlantic fishery. I
7 certainly feel like that would be the seed stock
8 from our December/January subquota request.

9 Any additional fish that are
10 available, we'd love to have them. Our intent and
11 hope would be that that -- whatever amount is
12 allocated to that December/January subquota period
13 would be a percentage of the general category. And
14 hopefully with our renewed alliance to work with
15 ICCAT, if we get a percentage -- if we get an
16 increase from ICCAT, whatever percentage that
17 December/January quota is allocated, we'd get that
18 little bit from whatever comes from ICCAT, so that
19 we share that equitably amongst the general category
20 folks.

21 My intent -- my idea is that we are
22 working towards developing a very good, stable and
23 solid South Atlantic fishery, not necessarily that
24 it has to all come at once. But I think we had a

1 very -- we had an agreement with the general
2 category folks last year. I'd like to hold to that
3 agreement. Any additional fish would be awesome.
4 But recognizing that there's a lot of work involved
5 in getting tuna. And like one person was telling
6 me, some guy came in here to you all and wanted to
7 go spearfishing for them. And he wanted one fish
8 and couldn't even get one fish.

9 So, I understand how valuable these
10 fish are. One fish means a lot. But I'm going to
11 tell you it wasn't just a South Atlantic fishery
12 this year. There was a lot of folks from all over
13 the region, all over the east coast, came down to
14 North Carolina and the guys from New England loved
15 it. Because they were -- they left the dock at 4
16 o'clock in the morning and they were back at the
17 dock tied up with their fish processed and done for
18 the day at 8:00 in the morning.

19 So, I mean, there was a lot of
20 benefits to all the general category permit holders
21 and I think even some of the guys up in New England
22 got word that that was a great opportunity and a
23 good fishery that they'd like to see continue.

24 So, I don't think there's a lot of

1 objection, I hope there's not, to doing what we're
2 asking. Certainly we're going to quibble over the
3 numbers and the tonnage, but the December/January
4 subquota period and some allocation to that is the
5 key. Did I answer your questions, Chris?

6 MODERATOR CHRISTOPHER ROGERS: For
7 the most part. I'll just do a follow-up question,
8 just for clarification.

9 You had mentioned the increase that
10 we receive from the ICCAT process, which subtracting
11 the 25 metric ton which was earmarked, so to speak,
12 for the longline incidental catch in the central
13 Atlantic, was about 70 tons. So, you're suggesting
14 that that 70 tons be applied to this new
15 December/January subperiod and then any additional
16 quota would just come from the normal reallocation
17 process, as we undertake each year with in-season
18 transfers to see what was caught in each category?

19 LOUIS DANIEL: That's right. I'm not
20 trying to take any additional fish away from general
21 category. The 70 tons fish left over be -- if there
22 are fish left over from general category or any
23 redistribution, if those fish are available in
24 December, great. You know?

1 But then I also see that if -- you
2 know, if we get an extra 500 tons, then you know, it
3 becomes equally distributed throughout all these
4 various categories that you've got up there. And
5 then when the general category comes up, if the
6 North Carolina allocation is ten percent of general
7 category, we would get an additional ten percent of
8 whatever new general category quota becomes
9 available, in this partnership.

10 MODERATOR CHRISTOPHER ROGERS: Okay.

11 Thanks. Rom Whitaker.

12 ROM WHITAKER: (Pause.) Okay. Sorry
13 about that. I think Louis did an excellent job of
14 asking for what North Carolina -- the southern
15 region wants as far as the general category's
16 concerned. I think last year of course there was
17 some extra that came from ICCAT, and we felt like
18 the consensus was that most of the people -- or
19 pretty much everybody felt that that would be a good
20 start for North Carolina.

21 Of course keep in mind the two years
22 prior to that, we ended up just by virtue of being
23 left over quota, in the neighborhood of 60, 70
24 metric tons in the general. So, that would be a

1 little -- that's where we were hoping -- that's
2 where he's coming up with the 150.

3 But this particular year, of course
4 November we were looking at still 150 metric tons
5 left in general, and I think 70 some left in
6 reserve. So, we were really looking at a stocks --
7 I mean a possible 230 metric tons be caught, and of
8 course November 17th all of a sudden we were kind of
9 blindsided by the fact that not only was all the
10 general used to take care of an angling understated
11 count in 2002, so not only did we lose all that
12 general, but we closed the angling down.

13 And my feelings are, looking at the
14 angling categories, and if you look at the large
15 school small medium for the southern region -- I
16 can't quite see it up there, but I think it's around
17 50 percent -- I'm really looking forward to seeing
18 these revised numbers on these counts, because North
19 Carolina's counting their fish. Maryland's counting
20 their fish. So that means Virginia must have had a
21 heck of a year there somewhere in 2002 for us to be
22 shut down because we're over.

23 And hopefully we can solve this
24 counting problem. I'm hoping that it is a problem

1 that can be solved. And we can continue to fish on
2 the regular southern angling category. If not, then
3 I think we need to further develop the plan to make
4 sure that we are covered during our December through
5 March angling season, which according to our tail
6 tag program has only taken about 20 to 30 metric
7 tons in the last few years.

8 So, I would certainly hope you would
9 address that if we're looking at a new management
10 plan. Thank you.

11 MODERATOR CHRISTOPHER ROGERS: Thank
12 you, Rom. Other speakers? Rich Ruais.

13 RICHARD RUAIS: Louis is right. We
14 had an agreement. But when the Patriots beat the
15 Panthers, all bets were off; right? Actually, you
16 know, the agreement is still there.

17 I know that in talking to Peter and
18 Ray, we're still supporting it. But it doesn't
19 require reopening the allocation percentages at all.

20 He's right. We can change the subperiod quotas in
21 this amendment or regulatory amendment -- in the
22 plan amendment or the regulatory amendment,
23 whichever you want.

24 We don't want to see a combining of

1 September and October. There are real distinct
2 reasons for keeping them separate, the way we've
3 had. But I think we'd have to revise October to be
4 October to November 15th, and then you would have
5 your December through January and your choice how
6 you want to run it. So, there's no agreement there.

7 Chris, the number -- the increase in
8 ICCAT quota was 77 tons, and the agreement that we
9 had was for 70 tons. And the way we're looking at
10 it is the general category with the percentage it
11 gets, it gets about 38 tons of the new quota. And
12 what we're looking to do is -- obviously was to try
13 to minimize the impact to the general category.

14 And we recognize that there's New
15 England fishermen that are going to go and benefit
16 from the North Carolina fishery. A few did this
17 year, and as it becomes regulatized or regularized,
18 whatever the word is, more will go. So, you know,
19 it's -- there's also 36 tons in the reserve and
20 there's a history of the agency taking -- doing in-
21 season transfers of uncaught quota into the general
22 category.

23 So, we don't see -- we don't see an
24 impact to the general category on this one. And

1 we've always said when new quota is available,
2 that's when you have to consider new area fisheries
3 and we appreciate the fact that -- you know, there
4 is some moderation here and we appreciate that we
5 have to build up. We all have to do that, and we're
6 anxious to see more quota for our fisheries, as
7 well.

8 So, the short of that is we don't see
9 a reason to reopen the allocation percentages for
10 the North Carolina situation.

11 In terms of the other point that Mark
12 was making, the spotter pilot, this agency is not
13 being asked to address that issue right now. It is
14 still an experiment. It's a gentlemen's agreement.
15 That's how we want to do it. We're not looking for
16 a plan amendment that adds to the harpoon category
17 permanently right now.

18 There is a desire to keep it a
19 gentlemen's agreement until there is a few years
20 experience that it is the way we want to go. Then I
21 assume the principals will come back to the agency
22 and say now we want to look at permanentizing this,
23 and hopefully there'll be events that intervene in
24 the meantime, like changes to the management

1 structure and new stock assessments that will help
2 out.

3 So, there's just simply not a reason
4 right now to revisit the allocation percentages,
5 which I think would be a fairly fruitless exercise
6 anyways, because we'd all just gear up to protect
7 what we've got. And it just isn't -- you're not
8 going to see anything major change from that. So,
9 that's what I've got.

10 MODERATOR CHRISTOPHER ROGERS: Any
11 others? Nelson Beideman.

12 NELSON BEIDEMAN: First off, I'd like
13 to support Rich's remarks concerning remaining with
14 status quo. If we open up the allocation battles,
15 we're all going to get bloodied. It's probably
16 going to take about five years to get it closed.
17 And we'll probably be right where we're at.

18 I really think that we need to focus
19 on the rebuilding so that we can bring home more
20 quota for everyone. I have a question concerning
21 the central Atlantic. You know, in the area of the
22 boundary. The 25 metric tons from '03 was
23 implemented late. So, I would imagine that there's
24 a carryover to that for '04, which would probably be

1 a good thing for the first year of implementation.

2 And lastly, the table has the old
3 north/south longline split. That's not the new
4 stuff. That's it.

5 MODERATOR CHRISTOPHER ROGERS: The
6 rule that adjusted the incidental catch target --
7 target catch requirements, we did revisit the
8 north/south subdivision.

9 UNIDENTIFIED: We flipped it, right?
10 We switched them?

11 MODERATOR CHRISTOPHER ROGERS: We
12 moved the boundary more southerly and then
13 reapportioned.

14 UNIDENTIFIED: It wasn't a switch.

15 UNIDENTIFIED: Correct.

16 GLENN DELANEY: Chris, I won't
17 belabor this. I'll just -- you know, actually Rich
18 and Nelson --

19 MODERATOR CHRISTOPHER ROGERS: State
20 your name so we get it on the tape.

21 GLENN DELANEY: Glenn Delaney.

22 MODERATOR CHRISTOPHER ROGERS: Glenn
23 Delaney?

24 GLENN DELANEY: Glenn Delaney. Glenn

1 Delaney. See how little it takes to distract me
2 from these important thoughts. I was going to
3 basically say what Rich and Nelson said, but -- and
4 I appreciate what North Carolina is suggesting,
5 which -- and I think there's definitely a way to
6 accommodate what their interests are without having
7 to necessarily reopen the whole -- with a plan
8 amendment and open up that Pandora's Box. But I
9 think that we certainly appreciate the spirit of
10 honoring the agreement and there was indeed a lot of
11 blood spilled.

12 I have to say personally not just in
13 negotiating with other countries to get that extra
14 quota, but within our own agency to have the ability
15 and permission and the position to be able to go
16 forward to negotiate that. It was remarkable. And
17 I think Rich explained that well enough.

18 I would also just note that there's
19 just going to need to be some way that NMFS can
20 really effectively monitor the rate of harvest
21 there. It's an extraordinary situation. And you
22 know, even with the 70 tons, I think it went over
23 150 percent or something in a remarkably short
24 amount of time, which is a wonderful thing. But at

1 the same time, we're going to have to figure out a
2 way to monitor that fishery pretty carefully so we
3 don't end up in a problem with having overages.

4 But again, thanks to the spirit of
5 cooperation that seems to be being maintained among
6 the two industries.

7 MODERATOR CHRISTOPHER ROGERS: Okay.

8 Any more panel members wish to speak on bluefin
9 tuna allocations? Louis Daniel.

10 LOUIS DANIEL: I just want to make
11 sure I understand not reopening the allocations, but
12 that still would allow the agency to go in and
13 create a specific December/January subquota period;
14 correct?

15 MODERATOR CHRISTOPHER ROGERS: That's
16 correct. The plan embodies two levels of
17 allocation, the first and foremost by each major
18 fishing category: angling, harpoon, purse seine and
19 general, et cetera. But then the plan also embodies
20 allocations within the general category in terms of
21 time period subquotas. Both changes would require a
22 plan amendment.

23 What we're hearing here, I believe --
24 I haven't heard any contrary opinions, was that the

1 situation for addressing the North Carolina fishery
2 should be accommodated within a plan amendment to
3 change the general category and its time period
4 allocations, but not necessarily revisiting the
5 category allocations.

6 LOUIS DANIEL: That was my
7 understanding. And I just also wanted to just --
8 because Rom brought it up after I did, and I failed
9 to mention the issue with the angling category. And
10 perhaps having an -- you know, a further allocation
11 or something down south for -- to make sure that
12 that angling fishery doesn't get shut down again.
13 We're perfectly happy in North Carolina with that
14 one fish per vessel limit and would certainly urge
15 the agency and all the other states involved in this
16 fishery to go back to their state directors and
17 encourage them to contact either me or Doug Mumford
18 of our staff in North Carolina to try to set up this
19 tail tag program, this census for bluefin tuna that
20 we've done successfully.

21 So, hopefully we won't have to run
22 into these counting problems again in the future.
23 Because it really had a significant economic impact
24 on our charter/headboat industry, the recreational

1 fishery, as well as the communities in North
2 Carolina when that fishery shut down.

3 So, I think there's -- I know there's
4 a way that the agency can come up with an adequate
5 solution to that problem that we had this year.

6 MODERATOR CHRISTOPHER ROGERS: Okay.

7 Any other further comments? Rom Whitaker.

8 ROM WHITAKER: Well, just one, maybe
9 the last. But when the agency does something this
10 year, please do it in a timely manner rather than
11 four -- three to four days before -- well, I don't
12 want to know November 24th whether I'm going to be
13 able to go fishing December 1st. Try to do it in a
14 timely manner. And that's for not only my state,
15 but certainly guys like Ray that are coming down
16 hundreds of miles and have to get a slip in advance
17 and everything else. It needs to be managed in a
18 timely manner.

19 And I realize there may be some last-
20 minute -- you know, leftover quota or something that
21 has to be addressed, but as much that can be put up
22 front and let us know in a reasonable amount of
23 time, certainly helps. Thank you.

24 MODERATOR CHRISTOPHER ROGERS: Thank

1 you, all. Everybody ready for dinner? See you back
2 here at 8 o'clock in the morning, refreshed and
3 ready to go. Appreciate your patience and thank you
4 for the discussion.

5 WHEREUPON: THE MEETING WAS SUSPENDED
6

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF NORFOLK

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