

ATLANTIC HIGHLY MIGRATORY SPECIES
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2 _____
3 MODERATOR CHRISTOPHER ROGERS: Okay.

4 Folks, on our agenda, we pretty much caught up to
5 10:30 this morning. So, that's where we are.
6 Recordkeeping and Reporting is our next agenda item.

7 _____
8 RECORD KEEPING AND REPORTING

9 MODERATOR CHRISTOPHER ROGERS: We did
10 address at length the recreational data collection
11 issues, so I don't know that we need to revisit
12 those at length unless there are any great new ideas
13 that have come forth in your sidebar discussions
14 during the breaks. But it's certainly something
15 that the agency has received a lot of input on at
16 this meeting, as well as from several other venues
17 and we're going to have to come up with a
18 recreational data collection plan similar to what
19 we've done with the Bycatch Reduction Implementation
20 Plan insofar as targeting specific activities and
21 time frame.

22 Streamlining the reporting process.
23 We did hear a lot of comment about logbooks. In
24 some cases -- I think Bob Zales referred to them as
mini-logbooks or sort of catch reporting forms. We

1 do have several existing logbook programs within the
2 agency. Some are handled out of the Regional
3 Offices in support of Council plans, and by
4 association some of the HMS fishers are looped into
5 those logbook systems.

6 So, we certainly are interested in
7 avoiding duplication in any logbook system. We will
8 be in discussions with our colleagues in Science and
9 Technology who run the MRFSS survey and see where
10 logbooks can be used to either supplement or replace
11 some of the systems they have for the telephone and
12 dockside intercepts.

13 One thing that we did want to mention
14 -- Mark, did you want to briefly touch on your
15 contacts with the Northeast Region on electronic
16 reporting? There's initiatives through the
17 Northeast Region to consolidate a lot of the
18 reporting functions into an electronic reporting
19 system. And certainly it would be advantageous if
20 bluefin tuna dealers, to the extent that they were
21 also dealing with Northeast Multispecies, summer
22 flounder, black sea bass and scup, and are already
23 tuned into those reporting schemes, could also
24 report the highly migratory species through that

1 system.

2 Currently dealers do report at
3 various places, and an electronic scheme could
4 facilitate that interaction. Some of the pieces of
5 the information go through the Southeast Region and
6 some through the Northeast Region. So again, an
7 electronic system that could be accessed over the
8 web could consolidate those two systems and probably
9 get the information to us a lot quicker for quota
10 monitoring.

11 So, I'll let Mark -- as soon as
12 they're ready -- have a brief presentation on the
13 initiatives in the Northeast Region for electronic
14 reporting for dealers.

15 Then we wanted to get into a
16 discussion on observer coverage. As we noted in our
17 Bycatch Reduction Implementation Plan, some of our
18 data collection with respect to releases and post-
19 release mortality will be dependent on some observer
20 coverage for independent corroboration, as well as
21 enforcement and monitoring of current regulations on
22 -- I shouldn't use that term enforcement.
23 Observers do not do enforcement activities, but
24 certainly monitoring the effectiveness of such

1 things like handling and release of Protected
2 Species, whether that seems to be working or not.

3 And given the need for probably
4 higher levels of observer coverage in the future, we
5 wanted to at least get some input from the panel on
6 paying for observer coverage, whether that could be
7 effectively developed as a cost sharing experience
8 between the vessel operators and the agency. So,
9 Mark, are you ready to go on electronic reporting?

10 MARK MURRAY-BROWN: Sure. Actually,
11 I really only have two slides. One of these is from
12 yesterday, which was under bluefin at that time.
13 And to the extent that it's sort of old news,
14 because it's bluefin tuna reporting, but as Chris
15 has said, this is an initiative that we're
16 coordinating -- we're dovetailing with the Northeast
17 Region on -- with, and then I'm going to go to
18 another slide that brings us back to today to talk
19 about logbooks.

20 But just briefly, what's going on in
21 the Northeast, for those of you that may know this,
22 there's some mandatory dealer reporting -- mandatory
23 electronic dealer reporting initiative going on, and
24 on the face of it it's exciting. What it's doing is

1 also dovetailing with all those other -- to my
2 understanding, and Frank, you may know more about
3 this, but it's dovetailing with all of those big
4 initiatives that you heard about, the ACCSP, the
5 FIS, the -- all these sort of visions, these dream
6 desires to connect all these databases into one
7 database and make all of that electronic.

8 And to the extent that there's this
9 momentum, and frankly this rather massive
10 initiative, that I have the luxury of being poised
11 to come drifting behind it, plus I have -- we have
12 the requirements really spelled out very well for
13 bluefin tuna dealer reporting.

14 So, what I'm trying to do is think
15 about the way we do bluefin tuna dealer reporting
16 just in that small universe, a little bit better,
17 and expand it, dovetail it, integrate it with --
18 behind the northeast's work. And I'm working with
19 counterparts in the reporting program, as well as
20 the IT department, and actually would value some
21 feedback.

22 But basically the -- in the slide
23 here there are two columns. On your left-hand
24 column there's the current reporting requirements,

1 and on the right is what I've sketched out as
2 developing. And the -- well, the observation is
3 this, that there are three pieces of paper that a
4 bluefin tuna dealer, he or she would have to report.

5 We don't do vessels. We don't do vessel reporting.

6 All our data comes from the dealers.

7 And the first requirement right out
8 of the gate is a 24-hour report for quota
9 monitoring. The key need there, the requirement
10 there, is that we get the tags from every single
11 fish. And that comes from a fax that comes in every
12 24 hours under the current -- just, if you could,
13 focus on the left.

14 There's a lot of additional
15 information that's included on that report, in
16 addition to that primary need for the quota
17 monitoring. Every two weeks, we then require all
18 dealers to summarize on a biweekly report additional
19 information about that -- each fish, the tag, the
20 sale and in addition add some economic and some
21 quality information about each fish. And so that
22 gets added and builds onto the existing database
23 from the first -- the first card.

24 And then a dealer is required -- if

1 they're exporting a fish, to send that Bluefin
2 Statistical Document that many of you are familiar
3 with, and it relates a little bit to the COE that
4 you've talked about. But this is the mandatory
5 ICCAT Bluefin Statistical Document. It's the
6 passport that has to accompany each fish in transit
7 internationally.

8 That's the existing system, and
9 frankly there's a lot of information that's
10 repeated, a dealer has to write on each of those
11 forms in triplicate. They write it on the quota
12 monitoring report, they write it on the biweekly
13 report and they write it on the Bluefin Statistical
14 Document. And so it's redundant, it's repetitive.
15 The quality control is done with the biweekly form.
16 The dealer enters it, mails it to us and then our
17 staff enter it again.

18 So, the vision is to move somewhere
19 to the right where we have -- we reduce that first
20 step to something much simpler, much more
21 streamlined to really zero in directly on the
22 immediate need for the quota monitoring, whether
23 that be done through a phone or through the web. It
24 could be a dealer with a password and an ID number

1 just plugging in a tonnage of fish that he or she
2 landed that day across the dock.

3 And if it could be broken out by
4 quota category, that would be great. In fact, that
5 would be essential so we can do our quota
6 monitoring, and that's it. That's it. There's one
7 bit of data, passport, with a password.

8 The second form then becomes --
9 because that's our requirement. The second form,
10 the report, the summary report, becomes something
11 that's a little bit expanded biweekly and becomes a
12 lot like what the Northeast is doing for their
13 biweekly reporting. It's got all the information
14 from all the fish that we would need in one quality
15 control form that would come through on that
16 database. And it could be used to verify a little
17 bit of the quota monitoring information.

18 So, that's where the heart of the
19 data comes in. It could come in over the web on a
20 form -- fillable form. To the extent that most
21 dealers are familiar with the web, I need to flesh
22 that out. To the extent that some don't, what other
23 tools could we use?

24 And then the fun comes in when you go

1 to the Bluefin Statistical Document because now
2 potentially if you hit -- if the dealer was to mark
3 on the form, the biweekly report, an export, that he
4 or she exported that fish, perhaps it could
5 prepopulate a lot of the information that's required
6 on the Statistical Document. He or she fills out
7 the remaining data, hits a button, two things
8 happen: Prints out the form and automatically
9 generates a new -- that number that you need --
10 number that the thing needs, and then inserts the
11 rest of the data into the database automatically
12 back to us.

13 So, we'll become much more in the
14 quality assurance/quality review, rather than
15 quality data entry mode. I can stop there. The
16 point is that it's nothing potentially new under the
17 sun. It's a way to look at the requirements a
18 little bit differently, shifts the -- hopefully
19 reduces the burden for everybody and just brings us
20 into the 21st century.

21 It's implications could be pretty
22 significant, because if this -- this one's tight,
23 this one we know what we want to do, the
24 requirements are tight. But the implications for

1 other programs coming down the pike, the bigeye
2 tuna, the swordfish, even billfish, possibilities
3 start to expand a little bit. But at least this one
4 we supposedly know what we're doing, so we can grip
5 it a little bit tighter.

6 So, that's that initiative that we're
7 hoping to develop further. And I would like to pick
8 up on those comments -- Bill, you were really
9 helpful earlier with some leads to dealers that
10 would amenable to working with the web. So, I can
11 either take comments, questions or go to the next
12 slide with the logbooks.

13 MODERATOR CHRISTOPHER ROGERS (No
14 microphone): (Inaudible) logbooks and we'll take
15 comments on both topics.

16 MARK MURRAY-BROWN: Great.

17 MODERATOR CHRISTOPHER ROGERS: They
18 are interrelated insofar as the agency does use the
19 two systems to cross-check each other, insofar as
20 logbooks for the most part are reporting numbers of
21 fish and it's for the dealer reports that you get
22 weight, but they can match the two databases
23 together and make sure there's not any
24 discrepancies, so to speak, and calculate average

1 weights and a lot of the information we would use
2 for reporting to ICCAT.

3 So, you can think of logbooks as the
4 vessel side of the ledger and the dealer reports as
5 the -- on the first receiver side as the check at
6 the dock. And the two systems are both used in
7 terms of developing catches and landings information
8 for the Commission, size composition, that kind of
9 thing.

10 MARK MURRAY-BROWN: Thank you. So,
11 this brings us to the vessel side. And there's been
12 lots of discussion throughout few days about what we
13 could and should do with logbooks. There were two
14 catalysts for this graph. One was -- well, ongoing
15 discussion. We know longline reporting, a hundred
16 percent logbooks. HMS does not have its own logbook
17 program. From time to time we've been in front of
18 you and talked about various ideas that we have.

19 But at the very least what we did
20 this time -- and again, I want to thank Brad and
21 counterparts in the Northeast and Southeast, what we
22 did here was we -- well, before I tell you what we
23 did, the second catalyst was in the bluefin
24 amendment that we published at the end of last year,

1 we recognized that this ongoing discussion about the
2 tolerance limits that we talked about for harpoon
3 vessels and for purse seine vessels -- to the extent
4 it would be great to get more data as to what
5 exactly is going on, and there are various ways you
6 can attack that, logbooks or observers or both, we
7 thought we would do a quick reconnaissance and
8 download our database, the HMS permit database, for
9 charter boats and harpoon vessels and for purse
10 seiners, just the five of them. And then give those
11 home numbers to the Southeast, give those home
12 numbers to the Northeast, and ask them to line up --
13 give us the data back and show us which of these
14 home numbers also appear in your database and
15 trigger logbook requirements from the Southeast,
16 which is all of them.

17 If it appears in their permit
18 database there is a logbook requirement for all of
19 them -- in the Northeast there isn't. For lobsters
20 and for surfclams there isn't necessarily a trigger
21 of a logbook. So, we ask to filter that out.

22 The point is those comparisons were
23 made pretty simple, line up of hull numbers and then
24 over here on the figure I wanted to show you just

1 the data that shows that making the point that there
2 is some data collection going on for a percent of
3 these vessels across the board. And the sense after
4 the -- we have about nearly 4,200 charter boats in
5 our fleet for HMS charter boats right now, and about
6 12 of those -- 12 percent of those are reporting
7 already through the NERO system, and about 20
8 percent through the Southeast. And a lucky minority
9 manage to do both, two percent.

10 Harpooners, you can see the numbers
11 there, 47 percent, almost half of them are already
12 reporting in the Northeast, which is where most of
13 the harpooners are located. But we still have a few
14 that are doing it through the south.

15 All five purse seiners already have
16 another Northeast logbook, and so they're already
17 reporting. Some -- there already will be triggering
18 some reporting mechanism through the Northeast by
19 virtue of having a Northeast permit.

20 So, that's just a broad-stroke set of
21 data to show you that these vessels are -- probably
22 confirming what you already know, that these --
23 there are these other reporting mechanisms in place.

24 So, to the extent that we need to be aware and

1 either build on those or if we're going to duplicate
2 them be aware of that, and be very specific about
3 what it is that we want in addition to the data
4 that's being collected. So, I just wanted to share
5 that data with you. And to the extent again that we
6 can build on it, add to it, and/or streamline it.

7 MODERATOR CHRISTOPHER ROGERS: Okay.

8 I think that's one of the key points that Mark just
9 raised, is that sometimes from the HMS perspective
10 we can look at these databases from these other
11 logbook systems and say well, there are three key
12 elements that are not collected in that logbook
13 system that would be of interest to HMS management,
14 or timing. So, it's either the quality of the data
15 in terms of substantive pieces of information or the
16 timing, or potentially just access. Well, access is
17 pretty much an internal problem that we need to
18 overcome, but sometimes with timing, whether you
19 submit immediately upon termination of a trip or on
20 a quarterly basis or something like that, we just
21 can't march into the other system and say well, this
22 is what we need for HMS, turn your system around to
23 suit our needs.

24 So, we are in a situation where we

1 need to work cooperatively with the other programs,
2 particularly insofar as they're implementing
3 programs under Council managed plans, and we're not
4 going to alter the terms of those other systems
5 without acknowledgement by the Councils.

6 So, we are concerned about getting
7 what we need on a timely basis for HMS management
8 without duplicating completely the other logbook
9 systems. So, what we'd like to do now is get any
10 comments with respect to either the dealer reporting
11 or the logbook schemes as to what might be more
12 efficient ways of getting the information that we
13 would need.

14 As Mark mentioned, sometimes catch
15 landings -- or not so much landings, that's pretty
16 effectively monitored, but release or discard
17 information or real-time information on interactions
18 with Protected Species is not recorded in all these
19 systems, or not accessible on the time frames that
20 we need them.

21 So, anyone with experience in the
22 logbook systems, we certainly would like to hear
23 from you especially. Anybody with thoughts on how
24 things can be improved or go electronic, facilitate

1 it to avoid duplication, and we could certainly work
2 these new schemes into any future plan amendments.

3 So, let's start with Bob Zales. I
4 saw your hand. And then Rusty.

5 ROBERT ZALES, II: A question. I'm
6 assuming this Northeast Regional Office logbook and
7 Southeast Regional -- I'm playing with
8 charter/headboats now -- are those the -- because
9 the only logbook I know of in the Southeast is the
10 headboat logbook, and in the Northeast I assume it's
11 the same thing. Is that what you're talking about
12 when you talk about 20 percent of the
13 charter/headboat HMS permits have been picked up in
14 a logbook?

15 MARK MURRAY-BROWN: In the Northeast
16 I'm talking about the VTR, the Vessel Trip Report
17 form that's required from the Northeast permit.
18 From the Southeast, there are a variety of different
19 logbooks that they send out, depending on the
20 trigger of the permit that they're asking for. Say
21 if it's a snapper/grouper permit, they'd be getting
22 reports for snapper/grouper logbook.

23 ROBERT ZALES, II: I mean I'm not
24 talking about the commercial part. I'm talking

1 about the charter/headboat. With the
2 charter/headboat permit, unless a charter or a
3 headboat in the Southeast has dual -- has commercial
4 permits, such as me, then you're not going to get a
5 commercial -- the only logbook that would play with
6 charter/headboats specifically that I know of is the
7 Beaufort Headboat Logbook. Other than that, it's
8 done with the for-hire survey, which is not a
9 logbook. That's the random dial thing of -- that we
10 currently are finding problems with.

11 And so that's my question is where
12 that is. Because from a commercial standpoint, even
13 though I have charter -- HMS charter/headboat
14 permits on the boats, I also have the
15 charter/headboat charter permits, and also
16 commercial permits for various fisheries. And so
17 the logbooks that I have on the commercial side, I
18 don't put any information about HMS on there because
19 that doesn't have anything to do with my HMS charter
20 permit. And so that's -- where you talk about 20
21 percent reporting, that's -- I'm trying to get where
22 that number came from and what logbook system that
23 came out of.

24 MARK MURRAY-BROWN: Again, thank you.

1 That -- helping clarify that. The question I asked
2 Southeast was we've got -- here are the home numbers
3 that we have from the HMS charter/headboat permit.
4 Tell me simply if they appear in your database under
5 any of the reporting permits. So that could have
6 been and was likely -- and it was beyond the charter
7 boat permits in the Southeast that they issue. It
8 could have been any of the commercial permits that
9 they issue, in the Southeast.

10 ROBERT ZALES, II: Okay. I would
11 suggest then, because I don't think that that's a
12 fair representation of what's being reported,
13 because with my commercial logbook, and anybody else
14 because -- I mean obviously as involved as I am in
15 all this, I had no idea you were looking for that --
16 because it doesn't say that. It's specific to the
17 logbook itself. So, it would be good, I think, to
18 ask the Center with the Beaufort part of it, because
19 that's the only logbook that's there. Other than
20 that, you would have the for-hire survey.

21 And I would submit that for those
22 boats in the Southeast, that especially in the Gulf
23 that are dealing with the for-hire survey now,
24 charter/headboats specifically, because that's what

1 it's for, any of us that have those HMS permits we
2 would be asked questions about that. And the
3 problem therein lies is going to be your dockside
4 interview, because it's still going to be a rare
5 event thing, which is then going to screw the
6 numbers really up. But at least that would give us
7 an idea as to what portion of the permits you're
8 capturing.

9 MARK MURRAY-BROWN: To take a point
10 one step further, what all this data is showing is
11 that the 20 percent of the HMS charter boats that
12 are captured in the Southeast are reporting in some
13 kind of logbook. But the point is that it may not
14 be the kind of information that we need. It may be
15 just what you're saying, another fishery for another
16 point, which kind of raises the stakes of the
17 dilemma for us a little bit higher. Because now we
18 potentially would be approaching a charter boat
19 skipper who's saying listen, I report already. Now
20 you're giving me a whole nother logbook for your HMS
21 needs.

22 So, you can use this data in a couple
23 different ways. You can say oh, good, they're
24 already reporting. But wrong, they're reporting for

1 a different purpose for a different fishery. So, it
2 gets back to Chris's point, how do we streamline
3 that? And I understand what you're saying. The
4 headboat survey out of Beaufort can address some of
5 that.

6 ROBERT ZALES, II: And not to take up
7 all this time, but this is where I suggested in the
8 past day or two that a logbook be created for HMS as
9 a start. And something along that line. Because
10 even though I've got the logbooks that I fill out
11 for the commercial fishery, when I commercial fish I
12 fill those logs out, when I'm not fishing I have to
13 send the log in with no activity. So, I've got to
14 send that log in regardless of what's going on.

15 So, but that in no way ties in to
16 HMS. So, to look for HMS under the charter boat
17 activity, and due to the fact that I would submit
18 that the for-hire survey is not going to pick up a
19 lot of that HMS activity due to the fact that it's a
20 rare event in the overall scheme, that -- and it
21 shouldn't be much of a burden because it's not
22 something -- I don't HMS fish every day. So, it's --
23 -- you know, that's a small percentage of what I do,
24 even though I do do it. And the vast majority of

1 charter boats that I know of in the Gulf would be
2 the same way. And obviously from listening to Frank
3 and some of them, it's not predominant business for
4 them.

5 So, but in respect to the headboats,
6 and especially in the Northeast, where I understand
7 where they've had logbooks on their headboats for
8 many, many years, that information should be able to
9 be captured because I would assume any headboat
10 that's filling out that logbook probably has an HMS
11 permit and it's probably part of that 4,000. So,
12 that information could be coordinated.

13 Because I see -- what you're telling
14 me, I see a problem in that coordination. Because
15 what they've done in the Southeast, they've listed
16 somebody like me that has a commercial permit and
17 saying yes, Bob does fill out a log, but it in no
18 way plays with HMS.

19 MARK MURRAY-BROWN: Thank you.

20 MODERATOR CHRISTOPHER ROGERS: Thank
21 you, Bob. I had Rusty, Bob McAuliffe, Nelson
22 Beideman, Joe McBride, Frank Blount, John Dean.

23 RUSSELL HUDSON: Rusty Hudson with
24 Directed Shark. I guess I've got three short

1 questions. With the dealer real-time reporting in
2 the Northeast, that's a daily basis. Does that
3 extend down to North Carolina and does that include
4 coastal sharks, large and small coastals? And will
5 the Southeast Science Center be able to go to real-
6 time dealer reporting in short order, if we could
7 somehow influence that?

8 MARK MURRAY-BROWN: Three questions.

9 Okay. First, yes, but it's going to be -- let me
10 take the second one. All I showed you was for
11 bluefin tuna dealer reporting, the current bluefin.

12 So, to the extent that what I showed you was just
13 tailored to the bluefin, no, the sharks aren't
14 included. For that matter, nor are the BAYs, nor
15 are the yellowfin for bigeye.

16 Geographic extent, from Maine through
17 the Gulf. We would get data from all of the
18 Atlantic and Gulf states.

19 Third question was -- remind me?

20 RUSSELL HUDSON: Well, basically I
21 saw an announcement from the North Carolina
22 Fishermen's Association talking about spiny dogs
23 being listed and stuff like that, and I assume that
24 meant North Carolina was going to be folded in with

1 the people up north of there for that everyday
2 reporting on the dealer level. And how could we get
3 the Southeast to report every day electronically on
4 the dealer level? Because it sure would be a lot
5 easier to monitor our shark catch that way.

6 MARK MURRAY-BROWN: North Carolina
7 reports to the Southeast; correct? Right? Right.
8 The dividing line is the North Carolina border, so -
9 - and that -- therein lies the heart of an issue
10 that we're all quite familiar with, the coordination
11 between the data that's reported to the states north
12 of North Carolina to the northeast, data that's
13 reported to the south, and the coordination of those
14 two data sets. And that is part of the impetus
15 behind what we're trying to slipstream behind this -
16 - the Fishery Information System, this FIS, ACCP
17 initiative. So, I don't know if that helps.

18 RUSSELL HUDSON: I guess in short I'm
19 just trying to see how do we get the sharks in there
20 and the shark dealers.

21 MODERATOR CHRISTOPHER ROGERS: We'll
22 have to check with the Southeast. I'm not familiar
23 if they have the same initiative. At least they're
24 not as advanced as the Northeast in terms of

1 rulemaking. I don't mean advanced in a pejorative
2 sense, but I know the Northeast -- it's ongoing,
3 it's been proposed and they've done a lot of work on
4 it.

5 To the extent that we can try to
6 adapt the Northeast system eventually to include the
7 sharks and BAYS, that might be one route. But we'll
8 have to see to what extent the Northeast and
9 Southeast systems are converging, so to speak, as
10 they move to electronic reporting. And HMS, we
11 might have to try to make a choice. Are we going
12 with the Northeast completely or the Southeast
13 completely, or can we effectively continue to work
14 with both systems and integrate it?

15 MARK MURRAY-BROWN: Actually, Rusty,
16 just to clarify something. HMS, the Division Chris
17 is responsible for, is only responsible for
18 collecting one data set, and that's the bluefin tuna
19 dealer data set. We rely on the Northeast and
20 Southeast to do everything else.

21 RUSSELL HUDSON: I guess my goal is
22 to try to get real-time reporting from my dealers.

23 MARK MURRAY-BROWN: Gotcha.

24 MODERATOR CHRISTOPHER ROGERS: That

1 means we share the same goal, so -- we had Bob
2 McAuliffe next.

3 ROBERT MCAULIFFE: Yeah, the
4 Southeast Center in the last year sent out two
5 inquiries as to whether we would be willing to
6 participate electronically in the logbook reporting.

7 And that's all we've gotten is the inquiry, no
8 information, nothing on it. But what we're doing
9 there is using -- under a swordfish dealer permit,
10 it covers all the HMS. So, we're getting that
11 information into them. But we're also getting all
12 of your Atlantic tuna permits that are in our area
13 are reporting through us.

14 Now, right now you're just getting a
15 token to show that it does exist and they're
16 willing, but we'd like to see that electronic thing
17 be fully utilized and properly. It would make it a
18 whole lot easier for us. And you would get a lot
19 better data a lot quicker. You could put more data
20 in there. Because right now on the tuna permits,
21 all's we report is the boat, the day it was landed,
22 and the number of fish and total poundage, which
23 really doesn't tell you a hell of a lot. And that's
24 just for the tunas, but it covers sharks and all

1 other fishes caught that would normally be caught on
2 a longliner. So, it's pretty complete in the spread
3 of fish, but it should be utilized a lot better.
4 And it could be easily converted to electronic.

5 I don't know a whole lot about
6 computers, but I think even I could put something
7 together that would work. And I just -- I just
8 can't believe that the government hasn't gotten that
9 in place yet.

10 MODERATOR CHRISTOPHER ROGERS: Nelson
11 Beideman.

12 NELSON BEIDEMAN: Put Gail on your
13 list. She just had her hand up. Concerning the
14 dealer reports, it seems like you've got a good
15 start into the electronic age and hopefully, you
16 know, it will do just what Bob's saying, is make
17 things easier and more accurate down the road.

18 In the past there's always been a
19 problem that there's been no provision for east of
20 45 degrees or in the bound -- you know, in the
21 vicinity of the boundary. Please make sure that
22 there's a provision for that reporting on the
23 dealer, and at some point when the pelagic longline
24 logbook gets any changes, it should also go into the

1 longline logbook.

2 On the logbooks, my first question is
3 where's general, because I don't see the general
4 category at all.

5 MARK MURRAY-BROWN: Fair enough. No,
6 I tried to allude to that badly at the beginning.
7 The focus of the discussion started with just trying
8 to get the harpoon and the purse seine for the --
9 apropos of that bluefin amendment and then I looked
10 at charter/headboat for various reasons to do with
11 some permitting issues.

12 If I'd done a comprehensive job,
13 which I should have done, I'd have put up all the
14 permits here. I didn't include general.

15 NELSON BEIDEMAN: Do they have any --

16 MARK MURRAY-BROWN: Yes.

17 NELSON BEIDEMAN: -- logbooks

18 (inaudible).

19 MARK MURRAY-BROWN: I would have to
20 ask -- I would have just rerun the inquiry, and we
21 could do that pretty easily, get all the permits for
22 all the vessels, share it with the Northeast and
23 Southeast and do something similar. But for -- and
24 I should have done for this. It was a different

1 purpose I looked at these three.

2 NELSON BEIDEMAN: I would agree with
3 Bob Zales, that, you know, what we really need to do
4 is get into an HMS logbook, you know, and it
5 wouldn't -- I don't think that you would want an HMS
6 logbook to replace the pelagic longline logbook,
7 because I mean you got to have lots and lots of
8 details in the pelagic longline logbook. I don't
9 think a general HMS logbook would have to be so
10 detailed. But it would have to have all the
11 species. It would have to have fish kept, fish
12 discarded or released, you know, et cetera. But I
13 think that's where it's moving to, the quicker the
14 better.

15 MODERATOR CHRISTOPHER ROGERS: So are
16 you suggesting a handgear logbook, so to speak, for
17 handgear fishermen, whether they be commercial or
18 recreational?

19 NELSON BEIDEMAN: Suggesting an
20 overall HMS -- you know, logbook that would pick up
21 all these fisheries that are currently not, you
22 know, reporting and having reporting problems, both
23 recreational and commercial.

24 MODERATOR CHRISTOPHER ROGERS: So, a

1 logbook for everything other than the pelagic
2 longline, which is covered by the pelagic longline
3 logbook?

4 NELSON BEIDEMAN: Well, if you wanted
5 us to do a simpler, less complex logbook, I'm sure
6 we'd love to. And as far as duplication, of course
7 you do everything -- you know, to try to prevent
8 duplication. But if there's no preventing it, then
9 it's a responsibility of having a permit to do the
10 proper reporting.

11 And right now we've got, you know,
12 duplication, you know, in our fleet big time. I
13 mean, you know, guys are doing New England
14 groundfish logbooks, they're doing snapper/grouper
15 logbooks, they're doing pelagic longline logbooks,
16 and you know, the state comes around with other
17 things. You know, it's part of the responsibility.

18 MODERATOR CHRISTOPHER ROGERS: Okay.
19 I had Joe McBride, Frank Blount, John Dean, Gail
20 Johnson.

21 JOSEPH MCBRIDE: Thank you, Chris. A
22 couple of things. Nelson just got the answer to
23 one. I was wondering where the general category was
24 in. I thought perhaps that they didn't do anything

1 other than giant tuna fishing, which didn't make
2 sense, but it was just an oversight or whatever, the
3 appropriate way to do this.

4 Those of us in the northeast who use
5 the NERO VTR's have a comprehensive exactly --
6 almost exactly what Nelson's talking about. Does
7 everybody know -- ever seen a copy of this log, the
8 VTR from the Northeast Region? Anybody in the South
9 or the Gulf, anybody not familiar with it?

10 Well, it has everything on it. It
11 has groundfish, it has HMS, it has commercial, it's
12 a monthly logbook that has to be submitted at the
13 end of the month. It can easily be verified by
14 sporadic dockside boardings, and we have in our
15 state both the National Marine Fisheries Enforcement
16 and the local DEC. And I think that happens in
17 other states, they work together and whoever boards
18 you, you better have your logbook, and it better
19 coincide with the X amount of HMS species or bass or
20 bottomfish, whatever you record in there better be
21 right.

22 They don't do every boat every day,
23 but enough so that you don't play around with that.

24 And the fine is relatively severe on the state

1 level in New York for not having the federal permit.

2 But that's another story.

3 Now, some of the information that
4 you're looking for, Chris, I believe you want -- the
5 phone reports of bluefin tuna, et cetera, et cetera.

6 Well, if you're doing that category of fishing and
7 -- one other factor before we get into specifics of
8 reporting, who are the boats to get this? Anybody
9 with an HMS AP license, north, south, east, west,
10 wherever. Caribbean. I don't care where they are.

11 If they have an HMS A -- HMS A -- HMS license of
12 any kind, they would get a copy or a similar copy to
13 the Northeast VTR.

14 Now, it almost seems that there's
15 like a turf war between the Southeast and the
16 Northeast regarding whose form's better or -- I mean
17 the less duplication of forms it has to be better
18 for the agency administratively, as far as I can
19 see. And I don't know if you -- well, obviously
20 Brad's seen the Northeast form, but it's a very
21 comprehensive form. It's a pain in the neck, but
22 it's a lot better than doing two or three forms. I
23 mean, if one's bad, two or three in the Southeast
24 are worse.

1 And as Bob said, the information is
2 not consistent because on one day he'll be let's say
3 tuna fishing, next day he's bottom fishing, and he
4 might have two different forms he's reporting, but
5 we also want to show things like -- if we go out
6 tuna fishing and catch nothing, or we caught
7 something and it gets released, that's all showing
8 on this form. I mean, things you're discussing and
9 want to find that type of information on.

10 And if you have to make a timely
11 report for data processing or for closures or for
12 seeing where the status of a stock at a given time,
13 let's take in our case the school bluefin, very
14 limited and you want to stay on top of the figure so
15 you don't let an overage happen and have to take it
16 off next year, et cetera -- unless of course you
17 manipulate the figures by going back to it, but I
18 wouldn't say that, that's neither here nor -- you
19 can mandate in a case of say bluefin tuna a phone,
20 electronic or a fax survey, you know, for immediate
21 reporting on a daily basis when you come in.

22 And by the way -- well, I don't want
23 to get into the phone survey. That's another pain
24 in the neck that's bad because it takes you so long

1 at the end of a day it discourages people from
2 answering. If you had a fax survey, you could throw
3 it in the machine with the information you want and
4 while you're eating supper, I mean, just to expedite
5 that type of thing, and have better compliance, at
6 least from the charter boat industry.

7 Because during the summer months, I
8 mean, it's a long day. I get up at 3 o'clock in the
9 morning, I try to get to bed by 8:00, and I say -- I
10 mean our industry in the northeast, and you have an
11 hour, an hour and a half to say hello and so the
12 wife can yell at you why are you in this stupid
13 business, and why didn't you get a regular 9:00 to
14 5:00 job or something.

15 Anyhow, and that could be done --
16 that could be done for everybody up and down the
17 coast, certainly on the east coast all the way down
18 into the Gulf and so forth. And I think it would
19 simplify your job. And you know, you'd tweak the
20 form so it fits all the shoes, so to speak. So, I
21 hope that's some help. I don't know if it is not.

22 MODERATOR CHRISTOPHER ROGERS: Thank
23 you, Joe. Frank Blount.

24 FRANCIS BLOUNT: Okay. I would have

1 to agree. I mean, I might be a little biased, but
2 I'm one of the one that falls under the two percent
3 there, and I have a stack of logbooks -- I can't
4 even tell you what half of them are for that I get
5 out of the Southeast Region. I really don't know
6 what they're for. The Northeast logbook is nice and
7 simple. It's a lengthy form, but it has party boat,
8 charter boat, commercial. It divides it out. It
9 divides out when you leave, when you return, how
10 long you fished, type of gear you used. You know,
11 what you caught, what you discarded. So, I think
12 it's got its flaws, but it's a very good logbook.
13 And I think it's something that could be looked at
14 for the HMS, because as you can see, there's a
15 pretty good percentage that's using it. It's the
16 way -- I think it's the way to go.

17 Also, you know, with the Northeast,
18 something else we've looked at up there, we're going
19 with the electronic reporting. They're also going
20 with the trip identifier, which is going to identify
21 the fish hopefully from the vessel to the end user.

22 So, the Northeast is -- we take a lot of criticism,
23 but I think we're moving ahead, you know, in this
24 area with the electronic and the paper trails.

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

3 JOHN DEAN: Thanks, Chris. A lot of
4 what I would comment on has been said and I support
5 -- especially from the point of view of
6 enforcement. And the issue that Bob raised -- you
7 know, one of the things that we're seeing is it's
8 very important to be able to track vessels between
9 fisheries. And this is possible under this system.

10 One of the things that fishermen object to most is
11 multiple recordkeeping, especially if the records
12 then seemingly are not used in the management
13 decision-making.

14 So, I think if you can look at this -
15 - and I see the beginning of this, of not taking the
16 same track twice, taking advantage -- a lot of the
17 Councils, not just on this coast, but look at what
18 the different Councils have in fact done with
19 logbooks and where the negatives come out and
20 address that issue. The less we can duplicate the
21 better. Comprehensive book that could be done in a
22 good fashion and there are now numerous
23 demonstrations I think available on electronic
24 reporting from the boat and the dealers.

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

3 GAIL JOHNSON: Thanks. Conceptually,
4 the electronic logbooks, go for it. Because
5 practically speaking, the Southeast logbook is a
6 pain in the neck. It's physically too big to fit
7 where you need it to be to make it out, so you have
8 to make a special trip to where there's a table big
9 enough to lay it out. That sounds like a really
10 small thing, but it's important.

11 And also practically speaking, the
12 electronic logbook -- conceptually, I like it.
13 Practically speaking, there are malfunctions on a
14 boat sometimes and I really wouldn't want to be
15 hauled up on a big violation if our data is late or
16 -- because there are times like the last set of the
17 experiment, it took five days to get the gear back.
18 It was that rotten weather. And so there wouldn't
19 be a logbook, but enforcement might not quite
20 understand that process.

21 So, conceptually wonderful.
22 Practicality, please check with us as you go along.
23 Thanks.

24 MODERATOR CHRISTOPHER ROGERS: Okay.

1 Any other comments on logbooks or dealer reporting?

2 Don Nehls.

3 DON NEHLS: Just real quick. The
4 electronic stuff is really good. I've seen that in
5 different countries are the world that -- for
6 example, Chile, you know, their whole system is
7 electronic now. They know everything, where the
8 boats are, if they're going to be in port how many
9 days, their expected time in. Unbelievable. Very,
10 very good with that.

11 And I also think at different points
12 in the Hawaiian longline fishery they tried that, or
13 it was an option you could do it electronic or paper
14 with that. Most of the boats as far as the pelagic
15 longline boats all have computers and Inmarsats on
16 them anyway, so they could actually during that six-
17 day ride back to the dock from the banks there, you
18 could have all of it done before they even hit the
19 dock, aside from actual --

20 MODERATOR CHRISTOPHER ROGERS: In
21 Chile, is that submitting through the VMS system?

22 DON NEHLS: On the Chilean system
23 that they use there, they have VMS on board the
24 boats that records the positions of the boat, but

1 it's up to the boat operators -- before there's any
2 movement of the boat -- it's two separate things.
3 The VMS is one issue, but their logbook also is
4 basically a VMS. They say okay, that the boat is in
5 port now, it's discharging at this time, we've
6 completed discharging, this is what we've
7 discharged. Our next anticipated departure on the
8 next trip is this time. Very, very slick. Very,
9 very slick setup that they have with that stuff.

10 The Spanish also use a similar type
11 deal, but the Chilean stuff that I just saw in
12 November worked really good and the guys were happy
13 with it.

14 As you know, in South America, there
15 it's the land of rubber stamps and carbon paper.
16 So, they got rid of all that and they just go to a
17 website. They put in their vessel number. They
18 could even go and just verify -- the group that I
19 was with had multiple boats. They could go and
20 verify in that same website, it was tied in and they
21 could see where the VMS stuff was showing up in
22 there. And it kind of was a double check to make
23 sure that the captains were telling the owners where
24 they were at. Very, very cute setup.

1 MODERATOR CHRISTOPHER ROGERS: Do we
2 have a bilateral with Chile this year? Do you know?

3 UNIDENTIFIED (No microphone): We do.

4 MODERATOR CHRISTOPHER ROGERS: So,
5 we'll have to make a point of getting --

6 UNIDENTIFIED (No microphone):
7 October.

8 MODERATOR CHRISTOPHER ROGERS: --
9 that on the agenda in October, having a demo of
10 their system.

11 UNIDENTIFIED (No microphone): In
12 Juneau.

13 MODERATOR CHRISTOPHER ROGERS: In
14 Juneau? So they're coming here. They'll have to
15 bring the system with them then.

16 UNIDENTIFIED (No microphone): You
17 should change it, Chris, and go down there.

18 MODERATOR CHRISTOPHER ROGERS: Go
19 down there and see how more developed a lesser
20 developed country is; right? Bob Zales.

21 ROBERT ZALES, II: Yeah, this is the
22 last quick couple of thoughts. The ideas from Joe
23 and Frank about their logbook, I haven't seen their
24 logbook, but it sounds like theirs is probably a

1 little better coordinated than what we have in the
2 Southeast, because they're correct. I mean we've
3 got 15,000 different logbooks in the Southeast.
4 You've got a bycatch and the whole bit. So, to get
5 those coordinated and try to get, you know, a simple
6 form for everybody would be kind of nice.

7 And the electronic part of this stuff
8 for HMS charter boats in some cases is going to be
9 difficult. One of my boats is a 52-foot open boat.

10 So, weather's going to be a key factor in
11 electronic logbook.

12 The other thing is when you're
13 talking about VMS and all this other electronic
14 stuff, I think that you need to keep in mind and try
15 to stay coordinated with the Coast Guard. Because
16 anybody that's on the water today knows that because
17 of Homeland Security the AIS system, Automatic
18 Identification Systems, are being pushed by Coast
19 Guard and in many cases some of these boats are
20 going to be required to carry them.

21 Fortunately, we were able to convince
22 the Coast Guard for some of us not to carry them at
23 the moment, but I'm certain that that's going to be
24 revisited and in the future it could be.

1 So, rather than having 15 different
2 kinds of identifiers and electronics on your boat to
3 try to get coordinated into like one little system,
4 kind of do what everybody wants, you all being the
5 Fisheries Service, Coast Guard, and their agencies.

6 So, you know, you might think about some of that.

7 MODERATOR CHRISTOPHER ROGERS: We'll
8 make a point of photocopying a page out of the
9 Northeast VTR and send it to you in the mail, and
10 you can take a look and see how that stacks up to
11 the Southeast program. Joe McBride. John Dean.

12 JOHN DEAN: Are you saying the entire
13 committee, the Advisory Panel, so that we all have
14 that?

15 MODERATOR CHRISTOPHER ROGERS: We can
16 certainly send it to the Advisory Panel. If you
17 want, we could try to do it the reverse, as well, to
18 show how the other half lives by getting copies of
19 all the Southeast logbooks and the Northeast
20 logbooks and ship them all out. If anybody wants to
21 see that much paper. Otherwise -- Bob said he was
22 interested in seeing the VTR. Is there anybody else
23 who wants to see -- Bob Pride, Rusty.

24 UNIDENTIFIED (No microphone):

1 (Inaudible.)

2 MODERATOR CHRISTOPHER ROGERS: What's
3 that?

4 UNIDENTIFIED (No microphone):

5 (Inaudible.)

6 MODERATOR CHRISTOPHER ROGERS: Okay.

7 So, we'll get some copies together, but we'll
8 perhaps try to give you a call and see if you really
9 want all that paper dumped on you. How's that?
10 We'll take a poll of the AP members. Joe McBride.

11 JOSEPH MCBRIDE: Yes. One other
12 feature of the Northeast VTR which is very handy
13 perhaps for some of the state representatives is
14 that there's a copy -- a personal copy for the
15 fisherman and the boat, whatever, it's all under the
16 boat's name, and a copy goes to the state. So, when
17 you do one, if you have to report, as we do in New
18 York, it's mandated, reporting to the state, also,
19 we send a blue copy to the state once a month and a
20 white copy to Gloucester once a month.

21 And much as I curse and scream,
22 mostly because my wife won't do it. I don't
23 understand why she won't. But any case, I have to
24 do it myself. And it's a lot better than -- as bad

1 as it is, it's a lot better than doing some of the
2 other things, really.

3 MODERATOR CHRISTOPHER ROGERS: Any
4 other comments on logbooks or dealer reporting?

5 (No response audible.)

6
7 OBSERVERS

8 MODERATOR CHRISTOPHER ROGERS: Okay.
9 Observers. We wanted to touch on observers. The
10 observer program funding comes from several sources,
11 and sometimes there is a mandate from Congress in
12 Appropriations as to what it's for, whether it's a
13 particular fishery or a particular region. But
14 there's obviously a lot of discretion in terms of
15 how the agency funds observer coverage in the
16 various observer programs.

17 All HMS permitted vessels are
18 eligible for observer coverage under our
19 regulations. For the commercial permits, it's a
20 mandatory coverage. For the headboat and private
21 angler section, it would be voluntary.

22 One of the recent developments in
23 observer coverage -- the concept of how much of the
24 fishery does one need to observe, there was a

1 workshop out in the -- was that, Seattle, Sari, that
2 workshop you had gone to on observer coverage --
3 looking at the issue of how much is enough.

4 Sometimes it's mandated -- let's say in our ICCAT
5 program, five percent for those vessels fishing on
6 ICCAT species. And the question becomes well, is
7 five percent enough? And the answer to that
8 question depends on what your real question is, how
9 much is enough for monitoring let's say swordfish
10 dead discards is a different level than for let's
11 say sea turtle interactions. And it really depends
12 on the region.

13 So, the purpose of this workshop was
14 to look at applied statistical methodologies that
15 one could use to determine what the appropriate
16 level of observer coverage is. And again, it comes
17 down to the hypothesis one is testing. If you have
18 an Incidental Take Statement says that this fishery
19 is authorized to interact with 500 turtles, your
20 question might be well, how much observer coverage
21 is necessary to know with 90 percent probability
22 that you're either under or over that Incidental
23 Take Statement?

24 If there's a particularly acute

1 situation, like right whales, the question might be
2 how much observer coverage is necessary to know
3 about every right whale interaction? And the answer
4 might be 100 percent, but really depending on the
5 fishery and how you might stratify the fishing
6 effort relative to where the right whales are. In
7 particular seasons it might not be 100 percent as
8 required throughout the fishery, but only in certain
9 zones. So, there's a lot of questions and analysis
10 that can go into the level of observer coverage.

11 Since I can't see the slide without
12 turning -- but one of the other questions and
13 concerns we had was research fishing and exempted
14 fishing activities as to whether observer coverage
15 is required in those cases. For the most part, we
16 do require observers in exempted fishing situations,
17 particularly if it involves going into a closed area
18 or using a prohibited gear type or for the retention
19 of prohibited species. Recent experience with the
20 Northeast Distant research fishery for sea turtle
21 bycatch mitigation was a hundred percent observer
22 requirement.

23 Additional concerns are the different
24 types of gears and the nature of the interactions.

1 In other words, is it necessary to have a high
2 degree of observer coverage on certain fisheries
3 versus others with respect to the gear type and/or
4 the area of operation.

5 For those familiar with the Marine
6 Mammal Protection Act there was a system developed
7 with categories of fisheries, Category 1, Category
8 2, and so forth. They were developed based on the
9 expected frequency of interactions. And then you
10 would have different thresholds of observer
11 coverage, anywhere from zero to a hundred percent, I
12 guess, depending on the nature of the fishery and
13 the nature of the interactions.

14 So, a lot can go into the question of
15 how much observer coverage is enough. And there are
16 many different research or informational questions
17 that we would ask in managing the HMS fisheries that
18 would lead us to probably different conclusions,
19 whether five percent is enough here to answer this
20 question, but 53 percent I think is what the
21 calculation came out to with the southeast driftnet
22 fishery, and that was for right whale interactions,
23 if I recall. That was the -- is that the question
24 that was asked?

1 UNIDENTIFIED (No microphone):

2 (Inaudible.)

3 MODERATOR CHRISTOPHER ROGERS: The
4 turtles, okay. That was the question that was asked
5 on what level of observer coverage in the southeast
6 driftnet fishery would be sufficient to accurately
7 determine the number of turtle interactions. The
8 statistical answer was 53 percent. I guess in the
9 right whale situation it's 100 percent coverage is
10 required under the Biological Opinion.

11 So, you can see that even in that one
12 fishery at different points in different areas, the
13 level of observer coverage could be very different
14 from 50 percent to 100 percent.

15 So, I'm not asking for anybody to sit
16 down here and do a statistical analysis to tell me
17 what we need for observer coverage in any particular
18 fishery, but just to raise that as an issue, that in
19 the future as more and more of these questions are
20 asked, more concerns, terms and conditions of
21 Biological Opinions, Incidental Take Statements,
22 where we need to monitor and answer questions, are
23 we under or below the incidental take -- authorized
24 incidental take, can we guarantee that no turtles

1 were killed or taken -- interacted with on a
2 particular trip, they will affect the statistical
3 basis for the level of observer coverage.

4 And I think it's fair to say that we
5 probably wouldn't have enough money -- if we asked
6 all these questions and we had the statisticians
7 apply themselves, we'd probably be given answers at
8 much higher levels of observer coverage in many
9 different sectors of our HMS fisheries than we
10 currently have.

11 And that gets to the next point we
12 wanted to raise, was paying for it. Insofar as we
13 do have several different appropriated line items
14 for observer coverage that may or may not be
15 earmarked for certain fisheries in certain regions,
16 and we also have discretionary funds that are
17 applied on an annual basis through our National
18 Observer Program spending plan, it's probably fair
19 to say that we do not currently and are not likely
20 in the future to have sufficient observer coverage
21 to answer all the questions we might have.

22 And that does lead us to ask the
23 question about paying for it. Should it be entirely
24 appropriated funds or should there be an appropriate

1 approach to cost-sharing? I know there was a
2 program in Alaska with respect to some of the
3 groundfish catcher/processor vessels that had
4 bycatch limits for certain species, and they were
5 concerned that the observer information was
6 insufficient to characterize that actual bycatch
7 fraction and it resulted in what the industry
8 believed were premature closures that because the
9 extrapolations were that the bycatch limited had
10 been reached. They wanted to augment the observer
11 coverage and developed a system where the industry,
12 the processing vessels, would pay into a fund that
13 would pay for an increased level of observer
14 coverage.

15 I understand that the sea scallop
16 closed area in the northeast, you can fish in the
17 closed area -- I'm not familiar exactly with all the
18 details of the regulation, but if there is a
19 mechanism -- there had been a mechanism set up where
20 the industry can pay into a fund to get observers so
21 that they can fish in the closed area and monitor it
22 that way.

23 So, there have been pilot programs or
24 experiments, I guess you could say, in industry

1 cost-share programs and we'd certainly be interested
2 in your thoughts on not only the level of observer
3 coverage, but also in mechanisms for enhancing
4 observer coverage, whether they be cost-share or
5 perhaps even avoiding the human element entirely and
6 going through electronic systems, like enhanced
7 reporting. I know at some of the ICCAT meetings
8 there were references to digital video cameras and
9 things like that that could be mounted on the
10 vessels and report automatically through the VMS
11 programs, or through the VMS system.

12 So, with that I'll open it up for
13 discussion. I had Don Nehls and Frank Blount.
14 Henry. Okay.

15 DON NEHLS: One thing, I think,
16 Chris, you know as well as I do, now that the
17 Newfoundland and all that stuff has opened back up,
18 We go there this summer fishing, normally the U.S.
19 never sent an observer outside the U.S., or they
20 didn't leave from a foreign port. You could bring
21 them back to a foreign port, but it didn't happen
22 like that. If that's the case, is there any
23 discussion on that one there as far as them leaving
24 from a foreign port, or do we stop in east coast

1 U.S. someplace, pick up the observer, and we'll
2 bring them home in October or --

3 MODERATOR CHRISTOPHER ROGERS: That's
4 a logistical issue insofar as foreign travel
5 requires a higher level of justification than
6 domestic travel does, levels of approval. And
7 obviously it's more expensive, as well. So, that
8 was an issue of just the available resources being
9 able to deploy or retrieve observers from foreign
10 ports. It's not a technical issue, per se, just a
11 cost issue, and timing for approvals.

12 DON NEHLS: But I mean with that I
13 don't know that as far as a group, as a whole or
14 whatever there, but I mean I would think if you
15 could get the same observer that's going to fish the
16 whole season there -- while the boat's in or
17 whatever there, that would be the most economical
18 way to do it, where they just commit to -- you know,
19 three or four trips or something like that there,
20 and then you just fly them back to wherever he's
21 from.

22 MODERATOR CHRISTOPHER ROGERS:
23 Basically suggesting cost savings by longer term
24 assignments perhaps?

1 DON NEHLS: Yeah. I mean, if you
2 could do that, you know, with that whole show there.

3 Or if there's no observers, you know, from talking
4 to Dennis and those guys in Miami, they're saying
5 that they have a very small number of observers in
6 the first place. And if we go to a hundred percent
7 observer coverage and an increased number of boats
8 on the banks due to the fact that you can discharge
9 in Newfoundland there, you know, first off Dennis
10 has to get up to speed for more observers because of
11 that stuff. And then also the issue of this foreign
12 port -- or foreign port origin of a trip there.

13 MODERATOR CHRISTOPHER ROGERS: Frank
14 Blount.

15 FRANCIS BLOUNT: Thank you, Chris.
16 Yeah, in the groundfishery it's paid for, you know,
17 by the Service. And we've had a lot of discussions
18 and presentations on what you just mentioned and
19 whether you want precise or accurate, and we've had
20 -- you know, at the Council level quite a bit on
21 that, exactly what it is you need. But on the
22 scallop program, how it works is in the closed areas
23 they're allowed X amount of pounds, you know, they
24 have a trip limit. And to pay for the observers

1 they're allowed an extra 400 pounds per day, and
2 that's what pays.

3 So, if you had a 10,000 pound trip
4 limit and you're there for ten days you'd have to
5 extra -- it's 400 a day, so it would be an extra
6 4,000 pounds. And then out of that -- I mean at
7 \$4.00 a pound there's enough to pay for the
8 observer, for the grub and whatever.

9 So, like in an HMS, if there was trip
10 limits like -- I'm not sure how many of them have
11 trip limits, but I know -- in the shark fishery I
12 think there was. So, if there was a way to increase
13 that trip limit to cover the cost of the observer,
14 it's paid for by the vessel, but it's -- it doesn't
15 come out of their own pocket. So that way it's kind
16 of a plus for both. It's a way to get the observers
17 without NMFS having to come up with the extra money,
18 without the boat having to put out the money.

19 It does -- there's some objection to
20 it in the scallop fishery, because it is extra work
21 for the crew, shucking the extra scallops and -- but
22 it gives them the advantage of getting into the
23 closed areas, and that's how they do it.

24 MODERATOR CHRISTOPHER ROGERS: Okay.

1 So one extra giant bluefin will pay for a lot of
2 observer coverage, right? Gail Johnson.

3 GAIL JOHNSON: Thanks. I just wanted
4 to kind of get a different aspect here. We feel
5 like we already do pay a fair amount. We don't pay
6 the per hour or whatever contract they have with
7 NMFS or the contracting agency that supplies to
8 NMFS, but we pay the groceries and the insurance,
9 which is not inconsiderable, as you know, because
10 you used to pay it.

11 The fisheries that you mentioned, the
12 fisheries in Alaska that pay for the observer, they
13 pay into a fund, and the scallopers -- I didn't
14 quite realize that they had the ability to catch
15 more product. It's very nice that they feel
16 confident that they can get that extra product to --
17 yeah, but just a couple of years ago, maybe a little
18 bit longer than that, if you had asked a scalloper
19 to pay for an observer they could not have done it.

20 They were financially on their knees.

21 We are struggling up from our knees.

22 We are in no way in good enough shape to support
23 the entire cost of observers. As we go along, we
24 can talk about it. But I don't foresee any big

1 profits here in the next few years. You were going
2 to talk about overcapitalization. That's something
3 that needs -- we need to capitalize our fleet. I'm
4 sorry if I'm going out of turn, but in case we don't
5 get to it, we have ancient boats, our boat is 33
6 years old.

7 MODERATOR CHRISTOPHER ROGERS: Henry
8 Ansley and then Nelson.

9 HENRY ANSLEY: I think you know that
10 the State of Georgia's had a monitoring agreement
11 with NMFS for two to three years, something like
12 that. And basically what the states offered to do
13 is do the observations I think on the fleet while
14 it's operating off Georgia. The state was paying
15 for it.

16 I think we had observers twice on
17 these boats in two to three years. And we know
18 they're out there because we caught them once right
19 after they dropped the observer off. And this is
20 not so much NMFS's problem, but the industry --
21 there's definitely a conflict and that might be part
22 of it. I don't know.

23 But some of the fishermen seemed like
24 they avoid putting our observers on board. They

1 change their mind when they get outside the channel.

2 We -- in fact we had an observer go down one time
3 when they were going to fish off Georgia, the
4 observer showed up and they decided not to go.

5 So, I mean here we are, we're
6 offering to pay -- we were offering to help out on
7 that and so there's something the industry's going
8 to have to do and NMFS is going to have to help on
9 that. An again, this is a small fishery, it takes a
10 lot of -- there's a lot of observation going into
11 that, a lot of expense. And it certainly would
12 help, I think, resolve things if we can get --
13 convince industry to take these people along, that
14 would start to give us a little more confidence in
15 what's happening and -- you know, actually see
16 what's happening. And that might help out.

17 But what's happening there's a real -
18 - there's a rift or something there, and it's not
19 going. And it's been kind of a disappointment. But
20 that's the way it has been done, but if that could
21 be resolved, you could save certainly a lot of money
22 that you could use elsewhere for observation
23 programs.

24 But -- and the other thing is

1 regarding exempted permits. I would certainly think
2 that you would want continual observer coverage in
3 that, 100 percent, and I would think that the --
4 whoever's got the permit would have to pay for it.
5 It makes reasonable sense.

6 MODERATOR CHRISTOPHER ROGERS: Nelson
7 Beideman, then Bob Zales.

8 NELSON BEIDEMAN: Our area -- the
9 Distant Water fishery has certainly appreciated the
10 hundred percent observer coverage we've had in the
11 last three years. Before that point, you know, the
12 fishery was -- you know, had all kinds of crazy
13 perceptions about what takes place out there. And I
14 think we learned an awful lot. I think the
15 researchers learned an awful lot, and they'll be
16 analyzing these data for years to come. I'm sure
17 we're going to learn more.

18 So, that's one thing. In the NED
19 model of having a problem closing it, putting it
20 under research, research does require a hundred
21 percent observer coverage, no questions about it --
22 at least this type of research. And then -- you
23 know, trying to find whether or not there are
24 solutions to the problem. That's worked real well

1 in this case.

2 And such things, we're hoping that
3 ultimately there will be an understanding of rare,
4 random events as compared to rare, random, clustered
5 events, et cetera, because -- you know, there's
6 always been a perception that -- you know, we put
7 our lines out and we catch all kinds of this and
8 that. And it isn't true. The number of fish is --
9 you know, average is very low. The number of
10 disaster sets on bycatch does occur, such as on
11 turtles, but you're talking like -- you know, one or
12 two a year, you know, for the entire segment -- you
13 know, stuff of that nature. And we're really,
14 really glad to have had 100 percent observer
15 coverage to finally put an end to some of those
16 perceptions.

17 As far as the issue that Don brought
18 up, it's my understanding that the international
19 travel will be no problem for the Johnson Controls
20 segment of the observer program. The NMFS segment
21 of the observer program would be that longer -- you
22 know, have to clear -- you know, detail.

23 And as far as the level going forward
24 here, you know, we really think that we need a high

1 level for implementation of these technologies, but
2 we think we need a phasing down to what should be a
3 standard in this fishery, what should be a standard
4 in all HMS fisheries, and we really feel that the
5 highest priority of the HMS Division should be to
6 obtain a minimal amount of coverage across all the
7 HMS fisheries, especially the hook and line
8 fisheries.

9 And as far as the observer program
10 over here in the Atlantic, I agree with some of the
11 statements that were made. You know, I forget who
12 it was. It might have been Don. But they need to
13 have more training sessions. There isn't the
14 problem of availability of observers in the Pacific.

15 And I'm told they have two, three training sessions
16 a year with -- you know, groups of -- you know, 30
17 and 40.

18 And over here, you know, they want
19 one training session a year with a smaller group and
20 it just doesn't seem to work, because then when you
21 need the availability of observers, they're not
22 there, aside from -- you know, the money. You know,
23 we need more observers trained, and better
24 coordination I think between the Atlantic and

1 Pacific programs.

2 And as far as paying for, good luck.

3 If you think you can squeeze anything more out of
4 this fishery, good luck. You know? We certainly
5 have been trying and failing.

6 MODERATOR CHRISTOPHER ROGERS: Bob
7 Zales.

8 ROBERT ZALES, II: Thank you, Nelson.
9 Question on the recreational side. I know several
10 years ago when we had this discussion one of the
11 concerns from the recreational charter fleet was for
12 the six-passenger vessel, that seventh person being
13 an observer and how the Coast Guard looked at that
14 as far as carrying passengers for hire. Did you all
15 ever get an answer from the Coast Guard on what they
16 considered that observer to be?

17 MODERATOR CHRISTOPHER ROGERS: I
18 don't recall seeing anything in writing from the
19 Coast Guard. I remember having some conversations.
20 They don't count the mate as a person under that
21 six-pack license. That's correct?

22 ROBERT ZALES, II: In other words, on
23 an uninspected vessel, if you're carrying passengers
24 for hire, all you're legally required to have as far

1 as a license would be a license to operate, plus
2 your safety equipment, all that kind of stuff. And
3 it has been discussed that you could possibly carry
4 an observer as a crewman. But then that opens up
5 the door for Jones Act liability. And that's pretty
6 serious itself.

7 But I would think that an official
8 government observer, so to speak, that obviously is
9 going to have some kind of idea, whatever, that
10 there should be a relatively easy way for the Coast
11 Guard and you all to work out something to where --
12 obviously this person isn't paying, he's not part of
13 the party. This person's out there to observe. And
14 that it should be something easy to do.

15 So, if you haven't got anything,
16 could you look into that and maybe check with
17 headquarters and D.C. and see what they've got to
18 say about that for us?

19 And then in other respects, another
20 problem was -- and obviously if you're looking at
21 this voluntarily, there must be some kind of
22 statistical way that you all worked out to use that
23 observer data as official information.

24 So, another concern that we had a few

1 years ago that some of us have come up with now we
2 think can solve this problem, if you ever get to the
3 point to where it's going to be a required observer
4 program, and one of the arguments that myself used
5 and some others was that sometimes a party may
6 object to carrying an observer on the vessel.

7 I know that in the site selection
8 situation with MRFSS, they generally will have two
9 or three different sites other than the one
10 selected. So, we would think that there would be a
11 way to work out something there so that if I'm
12 selected on a particular day and my party objects to
13 it, that there's another vessel or two in that same
14 area that that observer could go to and I just kind
15 of fall back into the pool that when I have a party
16 that's more amiable to the situation, so that I
17 wouldn't have a problem with permits or anything
18 like that.

19 MODERATOR CHRISTOPHER ROGERS: That's
20 certainly reasonable. And again as a reminder,
21 currently it's set up as a voluntary program on the
22 part of the charter/headboat sector.

23 With respect to the passenger on the
24 headboat survey, those instances where we have

1 placed an on-board observer, we've actually paid the
2 fee. So the --

3 ROBERT ZALES, II: For a boat that
4 carries more than six, unless you met the -- you
5 know, whatever their certificate's for, 25, a
6 hundred or whatever -- unless you were outside that
7 limit you would still be okay because it wouldn't
8 make any difference. But the problem comes in with
9 that six-passenger, because you can't legally carry
10 a seventh person without having a certificate of
11 inspection, so on and so forth.

12 MODERATOR CHRISTOPHER ROGERS: Okay.
13 Joe McBride.

14 JOSEPH MCBRIDE: I'm certainly no
15 expert in this, and I don't want to contradict Bob,
16 but we did make inquiries because sometimes for
17 public relations purposes, especially when I was
18 president of the association, we got a press
19 reporter who wanted to do an article on Montauk or
20 shark fishing, whatever the story was. And you
21 know, we had to inquire, and we were told that
22 legally you can have two mates on a six-pack boat.
23 Number one.

24 Number two, in some situations if you

1 have canyon fishing, after 12 hours you have to have
2 a second captain on the boat. I mean, I don't have
3 it in writing, don't -- I'm not a lawyer, but these
4 are truisms I was told by the Montauk Coast Guard,
5 and the former commandant there is a very good
6 personal friend of mine, and -- no, he isn't setting
7 us up wrong.

8 So, but don't ask me for where to
9 find this information. I couldn't tell you. But it
10 should be -- you know, you should get an
11 interpretation, Chris, very easily from the Coast
12 Guard. I don't think it's a big deal.

13 MODERATOR CHRISTOPHER ROGERS: Any
14 further comments on observers programs?

15 (No response audible.)

16 MODERATOR CHRISTOPHER ROGERS: I
17 think we're much diminished in numbers.

18 UNIDENTIFIED (No microphone):

19 (Inaudible.)

20 MODERATOR CHRISTOPHER ROGERS: All
21 right. Well, then rather than take a break, do you
22 want to go into workshops real quickly?

23 MODERATOR CHRISTOPHER ROGERS: Karyl,
24 are you prepared to present something on workshops

1 or Heather? Okay, Heather. Heather will present
2 something on workshops. These are becoming an
3 increasingly useful concept for many reasons.
4 Obviously any performance-based measures for live
5 release or handling do require some outreach and
6 training. So, workshops, whether they be tag and
7 release workshop or a safe turtle handling workshop
8 will be beneficial. So, here we go, Heather.

10 WORKSHOPS

11 HEATHER STIRRATT: Well, I think it's
12 fair to say that throughout this week I've been
13 sitting in the peanut gallery and I've heard
14 workshops come up more times than not for just about
15 every issue that we've discussed here, whether it be
16 training and outreach type sessions or whether it be
17 an actual workshop to look at safe guidelines for
18 handling and release and bycatch instances.

19 So, with that said, as Karyl
20 mentioned when she was talking about sharks, we
21 first started looking into the option of workshops
22 when we were going through the process of Amendment
23 1. And specifically, the most recent Biological
24 Opinion relative to the shark Amendment 1 requires

1 us to hold workshops before the end of this year.

2 So, with that in mind and with it
3 also in mind the number of times that workshops have
4 come up throughout this discussion and the fact that
5 they pretty much span across all species and all
6 fisheries, the issues to which workshops can
7 address, we need to get input back from the Advisory
8 Panel on the scope, the purpose, the timing and a
9 number of other issues.

10 So, just to start out with, the first
11 question that we've started to ask is: What would
12 be the purpose of these types of workshops? It
13 could be from trying to enhance the accurate ID --
14 identification of HMS species and/or protected
15 resources. It could be to enhance understanding and
16 compliance with current regulations. It could be to
17 look at release and safe handling guidelines. It
18 could be all of the above.

19 So, to the extent that you all may
20 have suggestions as to how we should focus these
21 workshops in terms of the purpose and scope, that
22 would be very helpful.

23 Also we're wondering should we be
24 holding combined workshops for both commercial and

1 recreational sectors of the fishery? Should we be
2 separating those out? Should we be involving
3 enforcement agents in these workshops? Should the
4 workshops themselves be mandatory or voluntary?

5 Certainly if we were to hold a
6 mandatory workshop, there would have to be some type
7 of -- for lack of a better word, compliance
8 mechanism. What would be done for noncompliance of
9 not attending these workshops?

10 If it was voluntary, we've had a
11 number of different comments through the public
12 hearing process indicating that voluntary workshops
13 simply have not been effective, we've not had good
14 turnout at voluntary workshops. So, the question
15 then becomes if you hold or plan for a voluntary
16 workshop, what types of incentives can you create to
17 help the targeted public or targeted group that's
18 supposed to be in attendance to come to these
19 workshops and be active participants?

20 UNIDENTIFIED (No microphone):

21 (Inaudible.)

22 HEATHER STIRRATT: More
23 implementation issues. Again, who should be going
24 to these workshops. One of the questions that we

1 struggled with when we first started talking about
2 this with sharks in Amendment 1 was -- you know, if
3 we make it mandatory, do we make it mandatory for
4 the vessel owner, the captain, the operator, the
5 crew members? I mean, who should be going to these
6 meetings? Where and how should they be held?

7 There are a number of different
8 mechanisms we could use for holding these workshops.

9 We could hold them at a site location where it's a
10 face to face meeting. However, if we do this, we
11 would have to hold them obviously in multiple
12 regions to try and get the word out to the targeted
13 group, and these could be quite costly for not only
14 the agency, but also for those individuals who were
15 trying to get to attend.

16 If we were to consider something like
17 a video conference, where we would say okay,
18 targeted group, we would like for you to all convene
19 at a certain site where you can view a monitor and
20 everything will be given to you in that format, this
21 is certainly more cost effective, but it is -- it
22 does raise a lot of questions about -- you know,
23 does the agency pay for folks to be able to get to
24 and from that location where they can view the video

1 conference? It certainly raises questions about
2 where we transmit this information to, are those
3 areas where we have video conferencing systems
4 available -- are they within the regions that we're
5 looking to target the groups?

6 We also have another option, which
7 would be some type of web-based training program. I
8 know that within the agency we have a number of
9 different training options that we as federal
10 personnel have to attend and have to get
11 certifications, little certificates of having
12 completed XYZ training. And this would be an option
13 that maybe we could look into. Certainly this is
14 probably one of the more cost effective means for
15 everybody involved.

16 The question here is how would the
17 material -- would the material be understood? And
18 by holding some type of a web-based training
19 situation, you don't have that one to one
20 interaction where folks can necessarily ask
21 questions. So, we would need to come up with some
22 kind of an interface for that. And again, that may
23 be at a higher cost.

24 So, these are the types of questions

1 that we're asking relative to when and how. It
2 doesn't necessarily address the timing, which is
3 from a compliance perspective how often should these
4 workshops be held? Should we be holding these types
5 of workshops say every quarter of the year?
6 Annually? Every three years? The question becomes
7 one of turnover.

8 If we're targeting say the
9 recreational community, recreational fishermen --
10 you're going to have new participants every year,
11 but typically those that have been active in the
12 fishery continue to be active over time. Whereas in
13 the commercial fishery, if you're talking about crew
14 of a specific sector of the fishery, specific gear
15 type, those folks may turn over at a higher rate.
16 So, the question becomes one of how often should we
17 hold these types of workshops.

18 Another question that comes up
19 relative to compliance is will the fishermen or will
20 the targeted group be using the skills that are
21 taught to them? And how would we be enforcing this,
22 if at all? I think this is a very broad issue, one
23 that perhaps you all have suggestions about, but
24 certainly from our end, we are open -- open to any

1 suggestions that you may have.

2 And back to the mandatory versus
3 voluntary perspective, if we do require a mandatory
4 workshop, should the requirement be tied to
5 something such as issuance of permits? You know,
6 again there needs to be some means to ensure that
7 folks would be attending or to ensure compliance
8 with the mandatory workshop. And not everyone I'm
9 sure would support something like it being tied to
10 permits, but it is an option.

11 The other question relative to
12 mandatory workshops would be should everyone on the
13 vessel be required to participate or only a
14 percentage? And if so, this links back to who
15 should go.

16 And I mentioned already -- you know,
17 the link back to making it mandatory, should it be
18 tied to permits. If in fact it is mandatory and if
19 in fact we're targeting one specific person, we have
20 to keep in mind who the permits are actually issued
21 to. So, it's just something to keep in mind.

22 And with that, Chris, I'll just open
23 it up to discussion.

24 MODERATOR CHRISTOPHER ROGERS: That

1 last point that Heather made is key, because
2 particularly if the owner is not the captain or the
3 vessel operator, it obviously makes more sense for
4 the operator of the vessel to participate in the
5 workshop than the owner who wouldn't necessarily be
6 in a position to apply the skills acquired at the
7 workshop. So, let's --

8 HEATHER STIRRATT: One more comment,
9 if I can, before we get started. It is important to
10 note that we do have currently about 40,000 permit
11 holders, and that's just vessel owners. So, if you
12 can imagine what we're talking about in terms of
13 cost here, it could be quite large.

14 MODERATOR CHRISTOPHER ROGERS: Okay.
15 Let's go in this direction. I see Randy, Merry
16 Camhi.

17 MERRY CAMHI: Obviously this is a
18 very complicated issue and I haven't given a lot of
19 thought as to how to do it. I mean, I think that
20 we've probably put out there to try to get a
21 compliance at least with some of the shark
22 regulations and what's been going on with the rec
23 fishery, a lot of catch of small fish, et cetera,
24 workshops would be helpful -- species identification

1 workshops would be helpful. But this is obviously,
2 you know, very complicated.

3 I think from an economic perspective,
4 you know, and as a first shot, web-based kind of
5 programming where you could target it to maybe
6 different sectors, have specific ones -- you know,
7 specific programs targeted to different sectors,
8 that may or may not have kind of interactive
9 component to be able to ask questions, to be able to
10 get feedback and response, to be able to actually
11 determine whether these people -- you know, actually
12 followed through and did it.

13 And I do like the idea of trying to
14 tie it to permits. You drive a car, you have to
15 take a test. You have to get a license. You know,
16 fishing is a privilege for everyone. There is
17 responsibilities tied to that. And I do think that
18 that's one way to ensure that people will, you know,
19 participate in this, if there is some kind of hook
20 there.

21 MODERATOR CHRISTOPHER ROGERS: Mike -
22 - Randy, then Mike, then Joe McBride.

23 RANDY BLANKENSHIP: Thanks. I was
24 going to make the same suggestion that web-based

1 workshops might be effective. I know that within
2 the state EEO, you know, Equal Employment
3 Opportunity and sexual harassment type stuff, we
4 have to take training online, which has an
5 interactive process, which -- you know, is -- might
6 be beneficial here.

7 I wonder if -- you know, it seems to
8 me that one of the exact purposes of your Sea Grant
9 folks is to do workshops and facilitate workshops.
10 You may want to see about getting their involvement
11 in facilitating localized workshops, especially if
12 they're for a small group. They also may be able to
13 facilitate groups going through an interactive
14 internet type of a workshop, you know, if not
15 everybody has access.

16 And the last thing -- those were two
17 kind of practical suggestions. The last one is if
18 you make it mandatory, how can you expect people to
19 comply if you can't even get them to get the permit?

20 That's a negative incentive to get the permit if
21 you have to take training to get it. There's still
22 no reason to get the permit if they don't have to
23 have it. So, you still need the enforcement aspect.

24 Thank you.

1 MODERATOR CHRISTOPHER ROGERS: Mike
2 Leech.

3 MICHAEL LEECH: I think Heather has
4 raised a lot of interesting questions here. And in
5 the first part, why would you have the workshops? I
6 think all of the above for species ID, for proper
7 release, for -- become more familiar with the
8 regulations and all that.

9 As far as making it mandatory, I
10 don't see how that could possibly work. If you have
11 40,000 permit holders and they would be the ones
12 that would -- never mind all the people that go on
13 boats that don't have permits. You would have
14 39,000 excuses why they couldn't possibly take the
15 workshop course, whether it was on-line or whatever.

16 I can picture making Rusty go to a workshop to
17 learn how to identify sharks.

18 We have had very good luck with our
19 certified observer program. It's not mandatory.
20 It's voluntary. We've had people come from
21 neighboring states to take the course because they
22 want to learn more, they want to get themselves up
23 on a little higher level. We make it fun for them.

24 And granted, it's not 40,000, but

1 we've done 400 up and down the coast. I think you
2 should -- if you're going to have workshops, and I
3 think it's a great idea because the average
4 recreational guy has no clue, there's hammerheads
5 and non-hammerheads and they don't know how to
6 release fish.

7 If you're going to do it yourself, I
8 think you're going to have -- again, a credibility
9 problem and people are going to think of a lot of
10 reasons why not -- why they can't do it. If you
11 contract it out to some outside organization, I
12 think you'd probably have a better response and it
13 may be a lot easier for you people to do that. That
14 way you've got a set -- this is how much it costs
15 per workshop.

16 I don't think you can charge the
17 people for going. It should be -- or maybe a little
18 bit so they've got -- say bought into a little bit.

19 But certainly a very reasonable fee.

20 But we've had very good luck with the
21 workshop type things, and they're fun and people
22 enjoy it and they get a little certificate when
23 they're done. And it has worked and it can work.

24 MODERATOR CHRISTOPHER ROGERS: Thank

1 you, Mike. I had Joe McBride, Bob Hueter, Rick
2 Weber.

3 JOSEPH MCBRIDE: Very quickly.
4 Heather, with all due respect, the issues are very
5 important, but pragmatically you haven't got a
6 chance to get 40,000 plus people if everybody gets
7 themselves permitted to go to any of these things on
8 a voluntary or a mandatory basis.

9 My suggestion would be somewhat
10 similar to what the other ones here were. A website
11 that provides information regarding -- whatever you
12 want to bring to the public's attention. The
13 obligation from that website would be for whomever
14 is going to go fishing is responsible to learn the
15 information pertinent to whatever the regulations
16 are for that fishery.

17 Secondly, in a sort of site specific
18 geographic situation, for example, if you were going
19 to protect let's say blacktip sharks, you might want
20 to have a face to face seminar -- I'm only making
21 this species up, it's irrelevant -- in the south
22 somewhere at a recreational boat show, many of whom
23 I've attended, where the producers of the show would
24 be delighted to have you come in there with a

1 saleable point for having people attend their show.

2 Now, this happens in -- you know,
3 fishing methodology and stuff like that, at -- when
4 I used to go to the boat shows, and I did for many,
5 many years in the off season, it would be great for
6 the show producer to be able to say Joe Blow is
7 going to speak on Issue A, B, C or D.

8 And probably at no cost to the agency
9 other than sending a person to this particular show,
10 if it was in Florida or New York, wherever it may
11 be, depending on what you want to get across or what
12 your problem may be. And then you could have a face
13 to face.

14 And the third thing I might suggest,
15 just as I pointed out to you in years past from the
16 shark program -- Jack Casey's shark tagging program
17 in Narragansett, the little blue book -- paper book,
18 doesn't cost a lot of money. And if a person's
19 interested in rules and regulations, or whatever you
20 want to promulgate as a priority, make available to
21 them at minimum expense, a dollar, two dollars,
22 whatever it costs to produce a paperback copy of
23 nothing extravagant, and send it to them. And then
24 the onus is on the participant to know the

1 regulations. You're covered in that you made an
2 attempt to give everybody a chance to know them, and
3 no one could tell the agency that gee, I didn't know
4 that such and such a rule applied, you never told
5 me.

6 You know, I'm being very brief about
7 this, but I think that -- I'm assuming some of these
8 things I'm saying are some of your purposes to
9 inform people. I don't know if there's a legalism
10 involved here that if you find somebody and he says
11 what do you mean there's a rule change, I can't take
12 a turtle? I've taken turtles all my life and no one
13 told me that it was illegal, and so forth and so on.

14 So, you know, ignorance of law is not
15 an excuse, but humanity being what it is, you
16 probably have an obligation to educate the public,
17 certainly in the case of recreational fishermen who
18 are not professionals, and secondly to maintain a
19 situation where people can go to you for information
20 about regulations on a basis. And you know, you
21 could promulgate where these things are going to be
22 when you give out permits.

23 MODERATOR CHRISTOPHER ROGERS: Thank
24 you, Joe. I had Bob Hueter, Rick Weber.

1 ROBERT HUETER: Thanks, Chris.

2 Heather, on your list of subjects for the workshop,
3 I agree all of the above. It's not up there right
4 now, but all of the above, absolutely. And you
5 know, some things -- some of these educational
6 issues are taught fairly well through books. The ID
7 guide is a wonderful, wonderful book that I saw, a
8 great start. But some things require one on one and
9 be able to interact. And for those interacting
10 outreach components, I would suggest you utilize Sea
11 Grant -- your Sea Grant agent network for that, as
12 well as private contractors. I know that we would
13 love to this kind of thing at Mote Marine Lab, for
14 example.

15 Species ID, by the way, I just want
16 to say that the tuna and billfish people may be
17 saying well, what's the big deal on that? But it's
18 a huge, huge problem with sharks. It remains a big
19 problem throughout the fishery and even the dealers
20 could be educated there. So, that's -- I would urge
21 that that be given a lot of attention.

22 Some of the -- I think some of the
23 practices, including species ID, could be done
24 effectively through videos or DVD's. I don't think

1 web-based platforms are quite there yet for this
2 kind of application. I may be wrong about that, but
3 I think a video or DVD tutorial on some of these
4 things would work very well.

5 And as to -- like Merry said, I would
6 tie it to permitting in some way, where you're
7 dealing with a permit situation.

8 But as to how to ensure that they use
9 the information, I was thinking about a year and a
10 half ago I got a speeding ticket. The first one I
11 got in 20 years. And in lieu of going to those
12 horrible classes, so I didn't get points, I went to
13 Blockbuster Video and rented like a two-hour video
14 for 40 bucks. We had this in Florida. I don't know
15 if any -- if your states have this. And you have to
16 -- you register online with the service and then you
17 begin watching the video, and you watch it like at a
18 half-hour clip. And at the end of the half hour you
19 go back online and take a little test to make sure
20 that you saw it.

21 And it's very interesting because
22 they don't allow you to take the next part of the
23 test for another half hour, so to make sure that you
24 actually do view the whole tape.

1 And they even throw in little
2 questions like what was the woman in the red sports
3 car wearing, to make sure that you just don't --
4 anyway, it was kind of an interesting device. It
5 worked very well. And it made me compliant after
6 watching that tape, so -- it's things like that are
7 available, so you might consider that.

8 UNIDENTIFIED: Did you pass, Bob?

9 ROBERT HUETER: Yes, thank goodness.

10 And I'm -- I haven't been speeding since then. It
11 really worked.

12 MODERATOR CHRISTOPHER ROGERS: The
13 down side is he's been late to meetings ever since;
14 right? Rick Weber.

15 RICK WEBER: In the name of brevity,
16 I'll just agree with what Joe McBride said here.
17 Voluntary is really the way. You know, regulations
18 out there with penalties and leave the onus on the
19 fishermen to learn what they need to learn. I think
20 if you can't get buy-in to get them there or you're
21 forcing to get them there, you're not going to
22 change the hearts and minds in a workshop anyway.
23 You've got to get them there pretty much on their
24 own in order to really teach them much.

1 MODERATOR CHRISTOPHER ROGERS: Thank
2 you, Rick. Nelson Beideman, then Gail Johnson.

3 NELSON BEIDEMAN: Speaking about
4 commercial only, okay, because I don't think it
5 would be good to -- you know, mix the two groups in
6 a workshop setting. It would be interesting. And
7 if you want to incentive to get people to go
8 voluntary, it's got to be a party. We've done it.
9 It works.

10 But commercial only, and speaking of
11 commercial, I would definitely make it mandatory. I
12 wouldn't bother trying to have, you know, additional
13 voluntary workshops for anything that's important
14 enough that it's got to get to -- you know, at least
15 one or two on that boat. It needs to be mandatory.

16 I would tie it to a certificate. I
17 would not lift a vessel's limited access permit that
18 basically represents their entire history in the
19 industry, you know, for this. I would tie it to a
20 certificate. And I'll even stretch my neck a little
21 bit here. If this web-based works out, I would--
22 you know, possibly even tie it to passing a little
23 review test at the end. I mean, we've got training
24 videos for the different equipment, et cetera. I'm

1 sure a lot would have to be put into -- you know, a
2 professional type website. But at the end of it in
3 order to get your certificate, you know, I
4 personally think that a little review test, simple
5 thing, you know, just making sure that they have
6 gone over the salient points, you know, would be
7 required.

8 HEATHER STIRRATT: Could I ask you a
9 quick question?

10 NELSON BEIDEMAN: Sure.

11 HEATHER STIRRATT: Or actually two
12 quick questions. You said mandatory and I was
13 wondering if you meant mandatory for the permit
14 holder or mandatory for the crew. And also the web-
15 based. One of the questions I have regarding like
16 the turtle release equipment, you know that much
17 better than I do, can that be taught effectively
18 without somebody actually holding it in front of
19 them and trying it out?

20 NELSON BEIDEMAN: We've already done
21 it. We've already done it. Each year we held a
22 mandatory captain's workshop prior to, you know,
23 starting the program. Each year there's been one,
24 sometimes two, captains that are -- you know, in

1 Africa or cannot be there, or -- you know, for some
2 reason cannot be there. And each time we've
3 recorded the meeting and, you know, we've provided
4 that recording -- you know, we've had somebody from
5 the National Marine Fisheries Service come down and
6 the guy sits in a chair and watches what we did in
7 the meeting, he goes over the stuff, asks questions,
8 et cetera. I mean, that type of circumstance can be
9 done, so I think it can be done on the web.

10 Our original thinking on this, you
11 know, was that well, for the first round, you really
12 need in person, mandatory workshops. And then after
13 that, you know, for follow-up and continuous,
14 perhaps the web would work. But what I've heard
15 from Chris, what I've been hearing here, you know,
16 it's convinced me that -- you know, the web may well
17 work.

18 And for enforcement, because you're
19 going to need enforcement, you know, if it's going
20 to be required -- you know, it needs to have a
21 certificate, then there needs to be a decision made.

22 And one or two of those certificates must be on
23 board for that boat to be out there. That's about
24 all I have on the commercial.

1 As far as the recreational, I think
2 it's better if -- you know, they deal with that.
3 And the billfish group has done a phenomenal job
4 when it comes to the catch and release, if that's
5 any example. However, there are lots of instances
6 where the U.S. government requires one heck of a lot
7 more than 40,000 people to do this and that to
8 qualify for -- you know, this and that type of
9 thing. You know, First Aid, FCC radio license, you
10 know, the list is endless.

11 So, I don't think that it's not --
12 you know, it could be done. But I do agree with you
13 as a recreational fisherman myself, it would be
14 quite a nuisance.

15 MODERATOR CHRISTOPHER ROGERS: Thank
16 you, Nelson. We have Bobbi Walker, Bob Zales,
17 Rusty.

18 UNIDENTIFIED (No microphone): You
19 had Gail Johnson (inaudible).

20 MODERATOR CHRISTOPHER ROGERS: Okay.
21 Gail, sorry. Gail --

22 GAIL JOHNSON: You did have me after
23 Nelson.

24 MODERATOR CHRISTOPHER ROGERS: Then

1 Bobbi, then Bob, then Rusty, then Russ, then Ramon.

2 Three R's. Then back to a Bob.

3 GAIL JOHNSON: Okay. From a
4 provincial pelagic longline perspective here, we
5 absolutely have to have the owners involved, because
6 the captains -- in our case the owner is the
7 captain, but that's not always the case. If the
8 owner's there, he can make sure that the captain --
9 if he had to replace, gets an update, you know,
10 takes the training.

11 Crews, please don't include the
12 crews. In our case we have some H2B workers from
13 Brazil, and they don't have a clue. Charlie has to
14 explain to them what to do in their own language.

15 Web training sounds really good,
16 especially after the first go-around. When we first
17 started with the in-person with the sea turtle
18 thing, that was a great workshop. It was a huge
19 hassle to get everybody there, because trips don't
20 neatly end when they're supposed to sometimes. So,
21 you do have to have a fallback. It's not for lack
22 of trying that some of these guys didn't make that
23 required meeting.

24 And if there are ever face to face

1 meetings for anything that comes up in further
2 research or something that absolutely needs face to
3 face, please do include enforcement people in those
4 particular workshops, because I think the
5 interaction between the enforcers and the people who
6 are working on things, who have to comply with
7 regulations, it's invaluable, the interaction
8 between these two sectors.

9 I presume that you are not going to
10 include all the fisheries in one grand web thing.
11 Is that right? I mean you wouldn't put
12 recreational, sharks, everything together?

13 HEATHER STIRRATT: No, that's not the
14 intent. We're simply trying to get some direction
15 from the AP, but in that regard, we would separate
16 them out.

17 KARYL BREWSTER-GEISZ: And one of the
18 reasons we thought of web in the first place was
19 because of the tuna permits. You can get them
20 online and we were thinking well, that might be one
21 way to link the permit to them, but the other
22 permits aren't online and you also have the issue of
23 a lot of the fishermen don't seem to have computers.
24 And even though it is available in the library,

1 would the library be wanting somebody to go in for a
2 two, three-hour course?

3 GAIL JOHNSON: Well, I think you're
4 onto something, and however we can help, you know,
5 you have all our phone numbers.

6 MODERATOR CHRISTOPHER ROGERS: Bobbi
7 Walker, then Bob Zales.

8 BOBBI WALKER: Thank you, Chris. I
9 agree with Mike that for the recreational (no
10 recording) good idea about you participating in boat
11 shows to reach local private recreational fishermen.

12 As a representative of the charter boat sector,
13 most local areas have charter boat organizations who
14 hold regular meetings. A video that could be played
15 at one of their meetings and you could do two things,
16 you could have Sea Grant there to answer questions,
17 or the association or organization itself could
18 forward questions to you if there were any questions
19 that came out of the video.

20 And one of the incentives that I
21 thought of that you could give to those people who
22 take the time to come and go through the training
23 would be a free permit.

24 And then possibly -- if you do the

1 website, not all fishermen and recreational
2 fishermen have access to the website. Probably you
3 know that by the percentage of people who go online
4 to get tuna or HMS permits as opposed to how many
5 are there. But you still could use the website to
6 have it for those that have access to the web, and
7 also be able to have a frequently asked questions
8 section, you know, once you start getting questions
9 in from the video or something. For what it's
10 worth, that's my --

11 MODERATOR CHRISTOPHER ROGERS: We'll
12 have to consider the free permit. Actually, I was
13 thinking you enter them into a drawing for free
14 attendance at an AP meeting. In Silver Spring in
15 the middle of winter. Rusty Hudson. Oh, Bob.

16 ROBERT ZALES, II: All-expense paid
17 vacation to Silver Spring in the winter. Yeah, I
18 agree with what Bobbi said. One thing I would like
19 to add here is -- and this is one thing that they do
20 pretty good in the Southeast, is whenever they send
21 me a permit I get a copy of the regulations that
22 apply to that permit. And online I think you could
23 -- because I get my HMS stuff off line. So, when I
24 register, it automatically kicks in send Bob a copy

1 of the regulations for HMS.

2 If somebody calls in or if they do it
3 mail, you just automatically -- if you send them
4 that permit by mail, you send the copy of the
5 regulations with it. Along with that, you also --
6 once you develop your website, add that on there in
7 a piece of information. Say go here and this will
8 give you information that you all are trying to
9 disseminate and get out here.

10 And where Bobbi talked about the
11 different associations and whatnot, you could get
12 with the national associations also that do this
13 kind of thing, so they could disseminate the stuff
14 to their members that play with HMS and -- you know,
15 at meetings that they have for that kind of stuff,
16 you could do the same thing. So, thank you.

17 MODERATOR CHRISTOPHER ROGERS: Thank
18 you, Bob. Now Rusty.

19 RUSSELL HUDSON: Thank you. Rusty
20 Hudson with Directed Shark. I have to concur with
21 both Nelson and Gail on what they had to say. I'd
22 like to further the thought that with mandatory for
23 the commercial shark guys, the permit holder, if he
24 is not the operator, I want to make sure that the

1 operator, the captain, is there at the workshop.
2 And that if he has to be replaced as a captain, that
3 you should have some mechanism that facilitates the
4 certification of the new captain in a short order,
5 so that the vessel can always be in compliance, so
6 to speak.

7 Afterwards, after the people get
8 familiar with the workshop routine, maybe it's the
9 first meeting, maybe it's the second one, I don't
10 know, but it seems to me the web, videotapes, things
11 like that could augment that certification by giving
12 them any further information they may need so they
13 don't have to be constantly going every year or
14 every couple of years to a workshop.

15 I figure that once you get it into
16 them, they're going to understand it and then
17 they'll have the field experience to go with it.
18 I'm for it and I think it should be mandatory. And
19 definitely during the off-season.

20 RUSSELL NELSON: With the
21 recreational angling community, you've got problem -
22 - you've got to get -- try to persuade people to go
23 out and get their permits. And that -- going back
24 to the reporting thing, a lot of people don't get

1 permits because they don't land things. So, they
2 really don't feel they need them. But you've got to
3 persuade people to get their permits. You need to
4 get information into a format which they can use,
5 utilize, incorporate and understand. And there's
6 got to be an incentive to look at that information.

7 All these things everybody's already said.

8 Why not create a DVD, utilize the
9 talents of some of the world class expert anglers
10 that people read in the magazines and do other type
11 things, have the DVD not just be a preaching DVD
12 about all this information that -- how to -- but
13 give them other information. Make it general. Give
14 them a reason to look at it, because we're going to
15 get Captain Bouncer Smith show us how to rig circle
16 hooks and fish them on this kind of bait to achieve
17 your best results, and at the same time that you're
18 giving -- you know, have somebody else showing how
19 to tie this knot, how to do these rigs. Give the
20 people a practical kind of information that they
21 might want to have, that they'll want to look at,
22 and weave into this the information that we want to
23 give them, too, about how to properly release, how
24 to use a dehooker, all this other stuff.

1 Once you've paid to have a DVD like
2 that produced, and make it entertaining so that
3 people want to see it, it's dirt cheap to dub them.

4 You know, a couple bucks a piece or less. Simply
5 send one out to everybody when they get their
6 permit.

7 You've given them the information in
8 a format that they might be most -- might be most
9 conducive to them absorbing, and you've also created
10 an extra incentive for people to go get the permit,
11 because they're -- I'm going to get something that
12 could be of value, or at least might be of interest
13 to me.

14 You've got to have I think -- and
15 somebody else mentioned it -- Nelson said make it a
16 party. You've got to do -- you've got to give
17 people an incentive. This last year, last spring,
18 at the invitation of a lot of captains and a fishing
19 location, a resort in Costa Rica, TBF went down and
20 presented a seminar on the use of circle hooks. And
21 they sent me down to be the dry scientist and talk
22 about oh, there is this study showed this, and this
23 study shows this, this is how hook -- you know,
24 blah, blah, blah.

1 The resort put out free beer and
2 hamburgers and stuff. But they also brought in Ron
3 Hamlin, who is one of the legendary billfishing
4 captains in Central America. And he told people
5 about the practical use of them, how to rig them and
6 how -- you know, and it was very successful because
7 there was the incentive to come. People got
8 information that they had a reason to sit there and
9 listen to. It was presented in a format that at
10 least half of it was entertaining and interesting to
11 them. And it was quite successful.

12 Let me mention for Ellen, too, that
13 they do have videos out on the proper tagging
14 techniques, proper use of circle hooks, and other
15 things, which have been distributed in English and
16 Spanish to a fairly wide audience that have been
17 successful, because they've basically been built
18 along these same lines.

19 MODERATOR CHRISTOPHER ROGERS: Thank
20 you, Russ. Ramon.

21 RAMON BONFIL: Thanks, Chris. I
22 think that the idea of having all these workshops is
23 an excellent idea, but I think we're going a bit too
24 fast. I think that we're talking at least of two

1 different kinds of workshops here.

2 I don't think that is a very good
3 idea to try to put all those three or four different
4 items in a single type of workshop. Identification
5 of sharks and how to use equipment are one kind of
6 things that are practical, hands-on. And current
7 regulations is something that is slightly different.

8 Because of this, I think that the
9 media that can be used for passing this information
10 is essentially different. I've been working
11 personally on identification of sharks for 20 years,
12 and have personal experience also in preparing
13 workshops, preparing identification guides and
14 training people in this. And let me tell you,
15 there's nothing that you can do effectively with a
16 video or a DVD or a book.

17 If there is no live specimens that
18 can allow you to show people how to look at the
19 different characters, and how to apply a guide like
20 the ones that you guys prepared, the level of
21 effectiveness is going to be very, very low.

22 So, just because of that, I think
23 that the approach has to be different. And maybe we
24 should be thinking in those terms, having maybe

1 online, web-based or DVD approaches for regulations,
2 but also the other type -- the more practical type
3 of workshops, I think they have to be live, with
4 specimens of sharks and all kinds of materials --
5 audiovisual material. Maybe if you cannot get
6 specimens, at least get very good photographs of
7 each character for each different species. And in
8 that sense, we can also help.

9 And I don't want to compete at all
10 with my friend and colleague from Mote, but we also
11 at WCS have considerable resources to help with that
12 -- knowledge to help with that. But the point is I
13 think you have to separate the two different issues
14 of what you're aiming with these workshops and then
15 follow on that sense.

16 The other thing is this seems to be a
17 debate here whether to do these voluntary or
18 mandatory. My gut feeling would be that it should
19 be mandatory. But if it is not possible, at least
20 the idea that Bobbi mentioned of having real
21 incentives to bring people to do that, I think it's
22 the only way. Because if we leave it completely
23 voluntary, we know nobody, neither commercial or
24 recreational fishermen, are going to come and spend

1 time to go to a workshop just because of the fun of
2 it. So, my recommendation is do it mandatory or at
3 least put a very good incentive for that type of
4 workshop.

5 MODERATOR CHRISTOPHER ROGERS: Thank
6 you, Ramon. Bob McAuliffe.

7 ROBERT MCAULIFFE: Again, we're a
8 little bit different in the Caribbean. I agree with
9 Russell on the DVD aspect. That's excellent. But
10 it's virtually impossible to get more than two or
11 three fishermen in one place at the same time. So,
12 I would suggest that we use that DVD basis for the
13 material, contract it out to a private contractor,
14 and everything we need done we do through the
15 cooperative because the fishermen trust us. You
16 would train one of the members of the board of their
17 cooperative and let us spread it out over a period
18 of time. If you want a workshop to have it work in
19 our region, it would be spread -- you may have ten
20 sessions of the same thing. Because it would take
21 that many sessions to get to everybody.

22 It was suggested that you use Sea
23 Grant. Sea Grant in our region is run out of Puerto
24 Rico, out of the University of Puerto Rico. Most of

1 our fishermen are Puerto Rican, and none of them
2 will go to a Sea Grant function. So, Sea Grant
3 doesn't really work in our area for dealing with
4 fishermen. They simply don't trust them. They've
5 been surveyed by Sea Grant for various things and
6 then the information turned on them. So, they don't
7 want to have anything to do with them.

8 RAMON BONFIL: What about organizing
9 either a baseball game or a salsa night? Maybe they
10 will come?

11 ROBERT MCAULIFFE: Well, we'd do
12 that, but we'd do that through the cooperative
13 because they -- you know, you have to have the
14 respect and the trust of the fishermen, and you're
15 not going to get it out of a government entity. But
16 the material can be put together and can be
17 presented by us to the fishermen on some nominal
18 contract basis. Because obviously it's going to be
19 stuff that they need to know, and we can get it
20 across to them. But for you to go in there and
21 demand a workshop or require a workshop and actually
22 expect anybody to show up, you're wasting your time.

23 But we can make the incentives and we
24 can convince the fishermen that they need to come to

1 these things, and even with us doing it, we wouldn't
2 be able to do everybody at once. It would have to
3 be spread out, like everything else -- all the
4 things that we've trained our guys to do down there,
5 sometimes it's spread out over a year before we get
6 the information into everybody's hands. But we are
7 improving and that's why I'm always here fighting
8 for them to get -- to make it better for them, make
9 their livelihood better.

10 But I really like the idea of the
11 video or DVD. DVD is easy because you can drop it
12 in the mail. I can punch it into my computer and
13 duplicate as many as I want for guys that want to
14 take it home. It's very cost-effective for the
15 material. But you still need somebody that's
16 trusted firsthand to answer questions and go over
17 the material with them.

18 MODERATOR CHRISTOPHER ROGERS: Thank
19 you, Bob. I have Bill Gerencer and then Rusty.

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

22 MODERATOR CHRISTOPHER ROGERS: A
23 process question.

24 UNIDENTIFIED (No microphone):

1 (Inaudible.)

2 MODERATOR CHRISTOPHER ROGERS: Okay.

3 Well, let's finish with Bill and Rusty and then
4 we'll investigate the number of public comments we
5 would expect to receive.

6 WILLIAM GERENCER: Thank you. Most
7 of what I'm going to say is kind of redundant, but
8 I'll go down the list here. I think the purpose --
9 those three at least, all of the above. Species
10 identification, regulatory knowledge and especially
11 release equipment, mandatory at least for
12 commercial, captains and owners, or both -- one and
13 the same. I'd like to see the recreational folks
14 come up with some way to find a way to make it
15 mandatory for their folks. I'm under the impression
16 that if you're going to take out -- at least for the
17 for-hire captains, if you're going to take out
18 people for hire, you have to have a certain level of
19 confidence and be able to -- competence and be able
20 to prove it and have a license.

21 We find ways to license everybody
22 from drivers to youth sports coaches -- not license,
23 but train them. And they have to pass tests and be
24 certified. And so there's certainly ways to try and

1 do that.

2 The DVD or the web-based mode. I
3 like what Doctor Hueter had to say. I thought that
4 was pretty interesting about being able to avoid
5 going to a live workshop but doing it yourself
6 online, but they had a nice way of making sure you
7 complied with it. But you should also make the in-
8 person ones available, because not everybody wants
9 to do it online. And it would certainly be nice to
10 see DVD's that you could just pass out, that people
11 could use to train themselves. And I think that's
12 all I had. Thanks.

13 MODERATOR CHRISTOPHER ROGERS: Thank
14 you, Bill. Last remark, Rusty.

15 RUSSELL HUDSON: Down in the
16 Caribbean there is no directed shark permits at all.
17 And I would assume since most of the directed shark
18 permits are found either in Florida or a couple of
19 the other states, like North Carolina and stuff, New
20 Jersey, et cetera, it kind of makes it easy to focus
21 on your areas a little bit for the shark guys.

22 Ramon mentioned about like using
23 release equipment and applying it real-time with
24 live animals. Now, I know --

1 RAMON BONFIL: Not live.

2 RUSSELL HUDSON: Not live? Okay. I
3 was just checking.

4 RAMON BONFIL: Real animals.

5 RUSSELL HUDSON: Real animals, okay.

6 Well, we used to originally practice the dehooking
7 routine with dead animals that had already been
8 commercially caught. I know in Maryland they did
9 live hookups with striped bass and then taught the
10 guys the right technique to be able to release
11 there, and that was a decade ago. So, there's ways
12 to be able to use something besides a box or
13 something like that. So, I didn't think Bob would
14 appreciate us going to Mote and hooking up a bull
15 shark and doing that, but -- anyway.

16 ROBERT HUETER: Give me an offer.

17 RUSSELL HUDSON: I don't think the
18 bull shark will like it.

19 MODERATOR CHRISTOPHER ROGERS: Thank
20 you, Rusty. One last comment on workshops.

21 NELSON BEIDEMAN: When it comes to
22 the careful handling and you know, dehookers, et
23 cetera, those schools, et cetera, we do have -- you
24 know, ARC that's been every step of the way and --

1 you know, they've helped provide training and
2 demonstrations, et cetera, et cetera. Plus they've
3 got a bunch of stuff on their website for training,
4 too.

5 MODERATOR CHRISTOPHER ROGERS: Okay.

6 Thank you, Nelson. As a matter of procedure, we
7 did have some coffee and refreshments put out, but
8 it seemed to me that there was a general drift in
9 that direction and people returned to the table.
10 So, if we don't need to have a formal break --
11 except for staff people? All right. Staff may take
12 a break, but the rest of us will press on.

13 Remaining items on our agenda for our
14 dwindling panel were exempted fishing and public
15 display permits, but just out of deference to the
16 members of the public who may have been anticipating
17 making comments 15 minutes ago, do we have any
18 public comments that folks want to make?

19 UNIDENTIFIED (No microphone):

20 (Inaudible.)

21 MODERATOR CHRISTOPHER ROGERS: Shawn

22 Dick, did you want to make a public --

23 UNIDENTIFIED (No microphone):

24 (Inaudible.)

PUBLIC COMMENT

1
2
3 MODERATOR CHRISTOPHER ROGERS: All
4 right. Why don't you step up to -- Nelson's
5 offering you his mike. That will be fine. Just
6 speak into the mike so we can get it on the tape.
7 Shawn Dick from Aquatic Release Conservation.

8 SHAWN DICK: Yes, and I have released
9 shark down at Mote Marine -- successfully, too.
10 I've been working three years with the sea turtle
11 observer program, and we've been doing these
12 workshops. And a lot of the comments that were said
13 around the table were absolutely true. You're going
14 to need a suite of tools to make this work.

15 The one on one will always work the
16 best, but it's not practical to teach 40,000 people
17 one on one. At IGFA, at Mote Marine, those are
18 great, at the clubs for the recreational is a
19 perfect, perfect way to send somebody in, teach them
20 to certify other people to certify other people.
21 That way it bleeds down. One person if they have
22 like identification skills, they can teach the next
23 person who can teach the next person.

24 In the initial stages, one on one is

1 the best way to do it, but not necessarily to the
2 end user. You would do one and one, and one person
3 would teach a suite of teachers who would teach then
4 another level of teachers and then eventually
5 augmented with the website and the videotapes and
6 the DVD's, which is always good.

7 In the commercial sector, everything
8 is always mandatory, so I agree it should be
9 mandatory. It's a smaller group to deal with.
10 Sometimes some of the training's a little bit more
11 of a safety at sea issue, and there can be injuries
12 if the releasing is not done correctly, and that's
13 where my expertise is is mainly in releasing and
14 equipment.

15 In the recreational sector, I've
16 always found out that the user group usually knows
17 the best way to get the information to their people.

18 I would never go to a commercial group and tell
19 them how to fish or how to train their people or how
20 to train their crews. Nor would I ever go to a
21 recreational group and tell them, you know, how to
22 do or how to disseminate the technology to their own
23 people. They usually know best, and their people
24 will listen to what they say. And I found this by

1 being at IGFA before, working with the Bascos in
2 Texas with the Youth Groups and disseminating the
3 technology over there.

4 I think it's really good. IGFA does
5 have this incredible observer program starting to be
6 set up. If you could contract or subcontract with
7 these people who are professionals, they already
8 have the people that are in place, they'll listen to
9 them, they're respected. They could bring in -- I
10 heard a suggestion over here about bringing in some
11 of the icons in the fisheries, making it fun,
12 teaching them other techniques. You need the suite
13 of tools to get this information across.

14 It's not -- workshops are a very
15 complicated situation, but the benefits that you get
16 from them are extreme. So, a lot of effort could go
17 into it without a great cost being incurred. The
18 cost could be augmented maybe slash Sea Grant slash
19 the agency slash maybe a small charge, the incentive
20 of giving the license to the person after they
21 completed, or maybe a sticker -- compliance sticker
22 is really good.

23 The owner of the vessel, the
24 responsibility of the person who has the permit, has

1 got to be responsible for making sure that if that
2 operator leaves that situation, that the next
3 operator maybe on an annual, biannual basis, has to
4 come in and go through that course. And perhaps
5 once the person's taught how to do it, then they
6 could do it through a web type situation.

7 As the technology gets better, you
8 can have this interactive web teaching. It will
9 work. I mean you can put enough -- as Hammer says,
10 the guys that missed the workshops that we did over
11 these three years, they were able to -- you know,
12 disseminate the technology correctly by watching the
13 video. It maybe not has been as good as the one on
14 one, but it was better than having nothing at all.

15 So, everything I heard on the table
16 here seems to work. I mean, I've been at Mote
17 Marine. They have incredible training seminars,
18 great facility. If you want to do identification --
19 I don't know about Ramon. I'm sure they're equally
20 as good. Although I'm a little biased towards Mote
21 Marine.

22 Like I said, I've actually caught and
23 released shark there unharmed, and it was really a
24 great experience. I'm from Florida, also, so I'm a

1 little bit biased.

2 I've been at IGFA. They have
3 incredible facilities. And they do, they make it
4 fun, they give you a certificate, they have a youth
5 -- and the most important thing in the recreational
6 industry is maybe not so much the old guard, but
7 it's the youth anglers that are going to come in for
8 the next generation and the next generation, and
9 these guys have literally been working with the
10 youth a long, long time before we thought it was
11 politically correct to do this.

12 And they have many techniques above
13 and beyond just the tools that we're using that work
14 better sometimes in their fishery. And I'd give
15 them a little bit of flexibility there. They may
16 have something better.

17 Just like when we worked with the
18 Blue Water group. We started out saying here's the
19 basic tool, but it was actually Blue Water who
20 created the devices. All's we did was take their
21 comments, listen to them, apply them in the shops
22 and then back to them, remodify them until they
23 worked perfectly. We didn't create the tool. We
24 just made it better.

1 And we found that by working with the
2 fishermen, the cooperative effort between the
3 agency, the NGO's and the industry, seems to work to
4 be the best combination. That way everybody feels
5 like they're participating in it, they're trading
6 ideas, they find out what's good, what works, what
7 doesn't work. And it seems to be the best procedure
8 to do so.

9 As far as the recreational industry,
10 I wouldn't tell them what to do at all. They seem
11 like they've been doing a pretty good job of it, at
12 least on the end of teaching their own group and
13 their own youth anglers to get involved.

14 They have a really strong contingent
15 of people and they're very well respected, and they
16 have these people that are extremely knowledgeable
17 and that have a draw. They can actually say this
18 person's going to be here. Maybe like -- what is
19 it, Guy Harvey. I mean, he's a great draw. Anytime
20 that he's there, people will attend just to see, you
21 know, this gentleman present.

22 And so the suite -- to sum it up
23 really quickly, it's the suite of tools that's going
24 to work, not just one thing. I think that

1 everything that I heard at the table is correct.
2 The important thing is the identification and the
3 correct release and handling techniques, and of
4 course the regulations. You know, in some areas it
5 should be mandatory, because if it's not mandatory -
6 - it's been voluntary for a long time, it won't
7 work. And usually everything that's commercial is
8 mandatory anyway, so they're used to it.

9 In the recreational area, if they can
10 get a better draw by making it voluntary, then let's
11 see if that will work. You know, maybe they do get
12 a better draw voluntary than mandatory. If it
13 doesn't work voluntary, then -- you know, it's up to
14 the AP to decide if that's not a good situation.
15 I'd be glad to answer any questions if there are
16 any.

17 MODERATOR CHRISTOPHER ROGERS: Bob
18 Hueter.

19 ROBERT HUETER: I just want to
20 respond to something Shawn said. This is a big
21 country, and in Florida alone I think we'll need
22 three or four of these workshops to reach everybody.

23 So, there's no need for competition between Ramon
24 and me. I mean it just --

1 RAMON BONFIL: I agree with that. We
2 have a great facility, also. The New York Aquarium
3 is ours. So, we have pens and sharks and -- I'm not
4 saying that I'm going to get approval to go and play
5 with them live, but it could be a possibility.

6 ROBERT HUETER: So you're going to
7 need a lot of different partners involved.

8 MODERATOR CHRISTOPHER ROGERS: Thank
9 you, Shawn. Any other members of the public? Nils,
10 did you have any comment to make? Nils Stolpe.
11 What's your current affiliation, association? Are
12 you calling yourself Fisheries Research Institute or
13 --

14 NILS STOLPE: I am the communications
15 director for Fisheries Research Institute and I do a
16 few other odd jobs for various fishing groups, too.

17 Yeah, I think -- I do a couple of websites. I do
18 primarily an electronic newsletter. And when you
19 guys have a little more direction with what you want
20 to do and how you want to do it, we'll be more than
21 willing to spread the word as far as we can. Just
22 have to ask through Nelson or get somebody directly
23 or whatever. Thank you.

24 MODERATOR CHRISTOPHER ROGERS: Thank

1 you, Nils.

2 _____
3 EXEMPTED FISHING/SCIENTIFIC RESEARCH/PUBLIC
4 DISPLAY PERMITS

5 MODERATOR CHRISTOPHER ROGERS: Okay.

6 Last item on our agenda was Exempted Fishing,
7 Scientific Research and Public Display Permits. I
8 noted that although I dismissed the staff for a
9 break, they didn't leave. Do you need a break or do
10 you want to just press on?

11 UNIDENTIFIED (No microphone):

12 (Inaudible.)

13 MODERATOR CHRISTOPHER ROGERS: She
14 needs a break. All right. Five minute break.
15 How's that?

16 (BREAK/GAP IN RECORDING.)

17 UNIDENTIFIED: -- getting the coastal
18 states on board with us to try to put together a
19 coordinated federal/state quota and reporting system
20 for HMS collected for public display. And just
21 basically to get an idea as to how many animals are
22 actually being removed.

23 And the ASMFC did go to the states
24 and we did receive an overwhelming positive response

1 on this. We have not been able to make too much
2 more headway since ASMFC has had some other
3 priorities in the meantime. We're hoping to either
4 revitalize working with them on this issue, or
5 perhaps just ourselves go ahead and see if we can
6 deal directly with each of the states. But we think
7 it's an important move to take up again.

8 Also, there is the issue of should
9 the same aquarium be allowed to harvest the same
10 species of HMS every year? And this stems from the
11 fact that year after year the aquariums send up the
12 same application with the same number of animals
13 requested. And this of course ties in with our
14 final point, which is should HMS be monitoring --
15 our Division be monitoring the status of HMS
16 collected under an EFP or a display permit once it
17 is at an aquarium. Because indeed if -- these
18 animals are being requested year after year, I mean
19 the aquarium can only hold so many animals. What's
20 happening to them?

21 So, these are some of the issues that
22 we've been tossing around and put out for comment,
23 so if you would like to express any comments on
24 this, please do.

1 MODERATOR CHRISTOPHER ROGERS: Ramon
2 and then Bob Zales, Gail.

3 RAMON BONFIL: I think that the
4 proposal to have all these series of requirements is
5 commendable. I fully agree with having the
6 facilities that are going to be holding these sharks
7 approved by AZA and to the standards of AZA. It's
8 the way to go from my point of view.

9 I just basically want to express
10 support for that. I don't know if it is worth going
11 point by point. I think that it's also -- going
12 towards the last points, I think it is -- we should
13 and the agency should keep monitoring what is
14 happening to those animals. There is no point on
15 granting the same aquarium permits for eight species
16 of sharks year after year. They're either not being
17 able to keep them alive and they're dying after six
18 months old then that is not acceptable. It
19 shouldn't be acceptable. They have to demonstrate
20 that they have the ability to maintain these animals
21 alive for long periods of time, ideally for the life
22 span of the animal. And if they cannot do -- maybe
23 we can implement a rule that says okay, you're going
24 to get three years in a row a chance. If three

1 years in a row you failed to keep these species
2 alive and it keeps dying on you you're going to have
3 a five-year period of waiting until you do your
4 background work, you improve your facilities, you
5 learn how to do it and maybe after five years we
6 give you a new chance. Something like that. I mean
7 I don't want to go into the details of three, five,
8 whatever. But I think something should be
9 implemented to make sure that the facilities do the
10 best they can to assure the fact that the animals
11 are going to be alive.

12 And also the other thing is it could
13 be used as a loophole to sell animals to those
14 places we don't want to end up seeing, like casinos
15 in Las Vegas or bars and grills all over the
16 country, which I think it's something we should not
17 allow to do so.

18 I just want to agree with most of the
19 proposals that have been laid out. And I don't know
20 if these -- if there's going to be any other
21 opportunity later on to be more specific about what
22 things should be implemented and how, or you just
23 need a general vote of confidence in saying yeah,
24 that's the way to go and that's all you're seeking

1 now.

2 MODERATOR CHRISTOPHER ROGERS: Well,
3 there would be another opportunity if we actually
4 propose a rule in a rulemaking process to comment on
5 that, but certainly if you have any further views
6 that you want to communicate either send us a
7 letter, give us a phone call or an e-mail. Don't
8 want to belabor it too much now, since folks want to
9 get on the road.

10 RAMON BONFIL: Yeah, I know, I agree.
11 Will do that.

12 MODERATOR CHRISTOPHER ROGERS: Okay.
13 Bob Zales, Gail, Rusty, Russ, then Bob Hueter.

14 ROBERT ZALES, II: Why would permits
15 have been issued for like hundreds of sharks? Why
16 would the Fisheries Service have issued a permit?
17 It's just something that you never had a reason not
18 to, or --

19 SARI KIRALY: Unless we have a
20 specific reason, such as a prior federal violation
21 regarding collection, we have no reason not to issue
22 this permit. That 60 metric ton quota is a very,
23 very huge quota. And even though we do get
24 requests, sometimes 2, 300 animals, we don't have

1 all that many permittees asking for animals under the
2 display quota. So, even though we may get 2 or 300,
3 it doesn't amount to more than several hundred max
4 in the best year. This is still only a small
5 percentage of a 60 metric ton quota once we convert
6 the metric ton -- or the metric ton into -- tons
7 into actual numbers of the animals.

8 ROBERT ZALES, II: Okay. Well, I
9 would suggest that you look at limiting that,
10 depending on the need, I guess, in there somewhere.

11 And then if you're having a problem with some of
12 these people taking and then reselling these animals
13 to places where they're not supposed to be, you may
14 ought to consider -- and I guess in a Proposed Rule
15 if you can't do it otherwise -- making it illegal
16 for them to do that.

17 SARI KIRALY: The collectors are in
18 the business of collecting for aquariums, basically
19 all over the world. It's their business. And the
20 aquariums who collect for themselves, I haven't
21 heard where they are -- they may trade animals from
22 -- you know, two different aquariums, but they're
23 not in the business of collecting to sell to other
24 aquariums.

1 ROBERT ZALES, II: Okay. And the
2 only other thing I would say, and this goes along
3 with another set that I've got, there seems to be a
4 big disconnect between HMS and the states. And this
5 goes back to the HMS permit and it's almost like
6 there wasn't any communication at all.

7 And even though I hate for the
8 federal government actually to be in charge of
9 everything, when you're dealing with state and
10 federal waters and you're dealing with fisheries
11 that you're regulating and not, somebody needs to be
12 boss of that area. And whether or not -- I would
13 suggest that the best way to do it is to get with
14 the state and see if you can cooperatively work out
15 who's going to be boss and who's going to regulate.

16 Because if you're going to regulate
17 an HMS species, but you're going to tell me in the
18 state of Florida you're not going to worry about
19 state waters, I've got nine miles. I can play with
20 that. If the state doesn't do anything, you're not
21 doing anything at all. And that's a problem. So --
22 and asking the Interstate Fishery Commissions to
23 take up that task, I'm not so sure that's a wise
24 idea either. My experience with Gulf States in the

1 Gulf of Mexico, they meet twice a year. So, they're
2 not very speedy at what they do. And they tend to
3 kind of stretch things out -- for whatever reason,
4 they like to create work, I guess.

5 So, I would suggest that the agency
6 itself contact the various state resource agencies
7 and work directly with them. Because you don't
8 really have that many up and down the east coast and
9 the Gulf. It might seem like a lot, but in reality
10 it's not. And I would think it's a reasonable thing
11 that you could work out.

12 SARI KIRALY: Well, actually that's
13 what we're talking about doing. And as I mentioned,
14 we had started this effort with ASMFC a while ago
15 through the Shark Board. We thought they were a
16 good vehicle to kind of pull the states together and
17 initiate the idea and you know, see where it went
18 from there. And the states did like the idea and as
19 I said, other priorities precluded getting a major
20 meeting together, financial reasons, otherwise; and
21 we think that it would be good for us if the ASMFC
22 can no longer facilitate that effort, then we would
23 look to do this ourselves independently with each
24 state.

1 MODERATOR CHRISTOPHER ROGERS: Gail
2 Johnson.

3 GAIL JOHNSON: Thanks, but
4 everybody's asked the questions that I wanted to
5 ask.

6 MODERATOR CHRISTOPHER ROGERS: Rusty
7 Hudson.

8 RUSSELL HUDSON: Yes. I submitted
9 comments about this before and I agree almost
10 entirely with what Ramon had to say as far as
11 following a certain protocol, with one caveat. The
12 example I can make is Mandalay Bay has just gotten a
13 great hammerhead that they show to the people in Las
14 Vegas, starting in November. It's a younger female,
15 but by the time it outgrows the facility, if it
16 lives for its lifetime in that place, that thing
17 could be enormous. And then comes the other angle.

18 What are you going to do with it at that point?

19 Most of the animals that they tend to
20 show, nurse sharks, sand tiger, sandbar, bull
21 sharks, stuff like that, are relatively robust
22 animals. There's other ones. But usually when they
23 get them, they're a lot smaller. Some probably
24 juveniles or whatever, and then they bring them

1 there, they grow up. And Baltimore Aquarium's had a
2 habit of releasing some of their animals back into
3 the wild, I believe, I was told, sandbars, stuff
4 like that, when they're starting to get -- you know,
5 they grow very rapidly when they're young,
6 especially in perfect, ideal conditions.

7 On another scenario with the
8 conditions -- and so that's why I'm saying this 60
9 metric ton whole weight quota works out to over
10 130,000 pounds. And I think that's quite excessive.

11 You could go and take like the three-year average
12 of what you've done as far as actual animals being
13 taken, and then if it looks like -- you know, the
14 aquarium's collectors need more -- because I'm sure
15 they can go to other places in the world and get
16 them without all this trouble, but I was at Epcot
17 recently and they used to have some sharks there.
18 But when I went and looked at that, it was milky
19 looking and there wasn't hardly a shark in the
20 place. So, that really concerned me. So, there
21 definitely should be a follow-up through the entire
22 life of the animal, and they should be accountable
23 where that stuff goes, because I've seen Atlantic
24 sharpnose in aquariums and surf shops and things

1 like that. So, I don't know how you handle it, but
2 it all comes under this, so --

3 MODERATOR CHRISTOPHER ROGERS: Thank
4 you, Rusty. Russ Nelson.

5 RUSSELL NELSON: I agree with Rusty,
6 Sari. I think that in the least -- I don't know if
7 you could do it for the collectors, but for the
8 aquaria, to require that they report on the fate of
9 the sharks collected in a previous year with any
10 application for new collections. In other words,
11 did the sharks -- are they still being maintained?
12 Did they die or were they traded or whatever?

13 And just out of curiosity, to my
14 knowledge no one has ever been able to successfully
15 keep a billfish on display, and I think the same is
16 true for swords, I'm not sure. But do you know
17 different? Has anybody done it? Are they trying to
18 do it?

19 SARI KINALY: No, they have not
20 successfully been able to keep billfish. Apparently
21 they impale themselves against the sides of the
22 tank, et cetera. However, our scientist -- our
23 billfish scientist, Eric Prince, in the Southeast
24 Center, is working with -- in conjunction with one

1 of the collectors who indeed would like to try to
2 maintain billfish in captivity, and also someone
3 from -- is it the University of Miami, Chris, the
4 other fellow he's working with? In a bona fide
5 research program to look into how they might be able
6 to maintain these animals in captivity. But so far
7 it has not been successful.

8 RUSSELL NELSON: I believe they're
9 working with juveniles -- post larvae and juveniles,
10 aren't they?

11 SARI KINALY: Yes.

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

14 ROBERT HUETER: I'm strangely torn on
15 this issue. Because the big picture issue in my
16 mind is what is the mission of National Marine
17 Fisheries Service? Do you guys really get into
18 issues of animal care when it comes to captive
19 environments? And you know, yes, I think that some
20 ethical guidelines need to be -- you know, in place,
21 and you guys need to be watching what's happening
22 here. But I would hate to see an overreaction in
23 terms of regulation to what's really been a result
24 of a couple of bad eggs in the private collector

1 side of things.

2 And I think, you know, by and large
3 aquariums do a fantastic job in trying to educate
4 people and display these animals. Certainly there
5 are good and bad facilities.

6 But AZA, for example, is a very --
7 that's a very tough certification to get, and not --
8 be surprised at some of the major and regional
9 aquariums that don't have AZA certification.

10 So, like I say, I'm kind of torn
11 about how far you should go with this. And on top
12 of that, I just have always been kind of amused at
13 the idea of a quota for this category when we're
14 talking about a fishery that is landing hundreds of
15 thousands of fish, 330,000 sharks and we're talking
16 about, you know, some kind of a micromanagement of a
17 quota for several hundred animals or whatever it is,
18 or less than 1,000 animals, so --

19 UNIDENTIFIED (No microphone):

20 (Inaudible.)

21 ROBERT HUETER: Well, not -- no. I'm
22 again speaking from the shark standpoint, which I
23 think is probably about 95 percent of the issue in
24 this case, but -- maybe someday with billfish. Who

1 knows?

2 So, I don't know. Yes, I think you
3 should mind the store and see that -- certainly on
4 the collecting side that people are doing the right
5 thing. And I like -- I very much like the idea of
6 only permitting the facilities and not the private
7 collectors. I think that's going to help. You
8 know, I think you've done that already. That's
9 going to help a lot.

10 But to get too deeply into the
11 facilities, questions, and how long they can live in
12 captivity and certifying their animal care
13 guidelines and all that, I think that's -- it's a
14 big can of worms and I'm not sure you all went to
15 get into when you've got all these other problems.
16 I'm not sure it's a part of your mission, and I
17 think there's probably other agencies that can
18 better handle that. So, strange. I'm strangely
19 torn, like I said.

20 MODERATOR CHRISTOPHER ROGERS: Thank
21 you, Bob. That is a good point in that under
22 Magnuson Act we really don't have the same authority
23 as the agency would have under an ESA or an MMPA
24 display permit for let's say a sea turtle in an

1 aquarium or a dolphin or a killer whale or something
2 like that. So, we don't have that same regulatory
3 authority as we would have under ESA or MMPA.

4 But to your point about micromanaging
5 with respect to a quota, one of the issues at play
6 here is that a large interest pertains to otherwise
7 prohibited species. So, that's why we do have a
8 concern in limiting it. They are prohibited from
9 retention in both the commercial and recreational
10 sector. So, it sort of begs the question as to how
11 much take should be authorized of these species if
12 no other person is allowed to participate in the
13 harvest of that species.

14 So, again, recognizing the value of
15 public display and education, we do try to make a
16 limited access to those particular species. We had
17 Nelson Beideman and then Ken Hinman.

18 NELSON BEIDEMAN: Yeah, what I have
19 is on a different EFP topic. Ken, are you still on
20 this one, display stuff?

21 KEN HINMAN (No microphone):

22 (Inaudible.)

23 NELSON BEIDEMAN: Well, do you want
24 discussion on the research part of EFP and the

1 international chartering part of the EFP or --

2 MODERATOR CHRISTOPHER ROGERS: We are
3 scheduled to go till 5 o'clock, so my staff will
4 remain here till 5 o'clock. We can take comment on
5 the research aspects, as well as what we were
6 talking about with display quotas, as well. At
7 least some of my staff, I guess, are prepared to
8 stay till 5 o'clock.

9 NELSON BEIDEMAN: Well, in
10 particular, you know, there's a lot of different
11 research that -- you know, really needs to be done
12 in HMS fisheries, especially bycatch reduction
13 research. But in particular I hate another meeting
14 to go by and there's really no firm action moving
15 ahead on marlin bycatch reduction research. And
16 time just keeps ticking by and we know we've got all
17 this stuff hanging over our heads, and quite
18 frankly, you know, I'd like to think that the United
19 States is going to show some leadership in this and
20 get some research done and find out if any solutions
21 are or aren't available, I would hope in
22 coordination with the real hot spot area, which is
23 Brazil. I think you've got to involve them. And
24 then of course there's other research, but we could

1 talk about it all day long.

2 When it comes to the charter,
3 international agreements, folks are just going to
4 have to realize that -- you know, there are some
5 ICCAT recommendations and overarching international
6 regulations and whatnot that pretty much guide what
7 can or can't be done on those situations as far as -
8 - you know, a vessel having to go by another
9 nation's regulations.

10 But -- and as far as this display
11 stuff, I think that -- you know, the HMS Division
12 has been doing a very good, very cautious job, and
13 basically that's what I've heard for years coming
14 out of this panel is that -- you know, okay, but
15 cautious and -- you know, limited. I think you've
16 been doing very, very good on that.

17 And as far as the monitoring and
18 enforcement, as we saw with the NED research
19 program, we worked it out so that the EFP was for
20 the individual vessel. So if there's any kind of a
21 problem whatsoever, you had something that -- you
22 know, could be lifted, and you know, and the problem
23 by individual vessel tout de suite.

24 I know I probably stirred the pot

1 just enough for Ken to keep us on this issue for a
2 while, so maybe I'll have some more comments.

3 MODERATOR CHRISTOPHER ROGERS: Okay.

4 Ken Hinman.

5 KEN HINMAN: I'm not sure you did.

6 UNIDENTIFIED (No microphone):

7 (Inaudible.)

8 KEN HINMAN: I know. I think you
9 succeeded. Display -- before I lose that thought I
10 had before. I originally had my hand up, I was
11 going to say what Russ really recommended. I'll
12 just reinforce that in the context of what Bob was
13 asking about is what the role of NMFS in this whole
14 thing is. But it seems at a minimum a condition of
15 a permit should be status report on achieving the
16 goals of the previous permits that were authorized.

17 What is the status of those animals, and presuming
18 that the permits are requested and authorized with
19 some kind of purpose in mind, if it's educational or
20 scientific, that -- you know, how they've achieved
21 that.

22 And it seems to me that's what the
23 role -- that's why NMFS would be doing this, I
24 guess, is because you believe that these animals can

1 be allocated for the purposes of public education
2 and for science and those kind of things. I mean
3 it's -- and I think you have a legitimate role in
4 that area, and then you have a responsibility to
5 make sure they're really used for that.

6 Otherwise, I guess it would just be
7 another commercial allocation where institutions
8 could get animals from you, sharks in most cases, in
9 order to attract the public -- the paying public to
10 their facilities. And since you're going through
11 all this rigmarole, that's not really what you want
12 to get into of just supplying them with the source
13 of animals to attract the paying public for -- you
14 know, for entertainment, but there is some kind of
15 educational purpose here. So, I think you have a
16 right to ask for what they are doing with the
17 previous authorizations.

18 Yeah, no, I really don't have
19 anything to say about what Nelson said. There are -
20 - other than there are a lot of research EFP's out
21 there that seem to be requested. And I would say
22 that a year ago at this time we were -- we became
23 aware of some permits that were being requested for
24 some particular research.

1 And it seemed to us that -- and I
2 know Mike was involved in this, and I'm sure Ellen
3 and Russ probably were, it seemed to us that the
4 research was going to be approved without really the
5 public having any involvement in whether this was
6 good research, bad research, whether it could be
7 done a different way, whether it could be improved,
8 et cetera.

9 And I know the actual issuance of the
10 EFP's has to go out to the public, but it seemed
11 that the process was going to go right up to that
12 point where the scientists and the Service were
13 going to say yeah, this is a good project, you know,
14 we like this, whatever. Then they apply for it. It
15 seemed to us at that point it's already a done deal.

16 So, I would just ask, and I think a
17 lot of people have asked, that these things be done
18 in a very open manner from beginning to end so that
19 we do have a chance to look at what research is
20 going to be performed. I think in a lot of these
21 cases observers and probably in most cases a hundred
22 percent observer coverage is going to be required,
23 especially if they're in closed areas. We just saw
24 that there's an awful large demand for observers and

1 there's very little money for those things. So,
2 those are all kinds of considerations that we just
3 want to make sure -- I think everybody in the
4 community is involved in from beginning to end, so
5 that they -- so that they are what they say they're
6 going to be and that they really achieve some
7 purposes that we really want to achieve.

8 I'm trying to avoid getting into
9 talking about any particular research at this point,
10 too, because that could probably go on for a long
11 time. And it probably is not the time or the place.

12 If it is, I'll comment.

13 MODERATOR CHRISTOPHER ROGERS: Just a
14 point of clarification. What Ken and Nelson I think
15 are just talking around at this point -- there was a
16 two-step process in the agency's view, is -- in that
17 situation. It was a cooperative -- solicitation for
18 cooperative research projects. And at first there's
19 a scientific review as to the merits of the
20 research, the perceived benefits of the research, as
21 well as the soundness of the scientific or
22 statistical design and the reasonableness of the
23 budget.

24 So, once that review is undertaken,

1 yes, it could be recommended for funding. But there
2 is a regulatory requirement throughout the agency
3 that any Exempted Fishing Permits be issued only
4 after public comment. And I do understand the
5 concern that well, if you've already made a decision
6 to fund the project, then you've already made your
7 decision.

8 Because of that question last year,
9 and this pertains to throughout the agency now,
10 there's been a dialogue with our National
11 Environmental Policy Act coordinators throughout the
12 regions as to whether funding decisions actually
13 should invoke the NEPA process of getting public
14 comment and looking at alternatives.

15 And it's not necessarily appropriate
16 to wait for the issuance of permits to engage in a
17 NEPA type analysis of doing an Environmental
18 Assessment, that that process needs to be engaged in
19 at the point you're making the funding decision.

20 And this is implications far beyond
21 just Exempted Fishing Permits, because any of the
22 cooperative research moneys or even internal
23 research within NMFS that involves an expenditure
24 for funding, even though Magnuson exempts scientific

1 research from fishing regulations.

2 The question is well, NEPA doesn't
3 exempt scientific research. So, just because you're
4 exempt under Magnuson doesn't mean that you don't
5 need to at least pay attention -- at least make a
6 finding of no significant impact prior to issuing
7 funds for any particular program.

8 So, is it an ongoing dialogue as to
9 how to incorporate the National Environmental Policy
10 Act and the required analyses in funding decisions
11 for research.

12 KEN HINMAN: Yeah, I would not want
13 to have inadvertently dragged NEPA into something
14 where we were seeking transparency and public
15 involvement. I don't know -- I think that is
16 probably bringing out a machine gun to -- you know,
17 kill a mouse. I don't think -- if our interest was
18 killing all these projects with bureaucratic red
19 tape, that would be a good idea. But that's really
20 not what we're after. But probably there's some
21 middle ground here that you could pursue.

22 MODERATOR CHRISTOPHER ROGERS: Gail
23 Johnson.

24 GAIL JOHNSON: Yeah, thank you. That

1 raised my blood pressure considerably, having to go
2 through a NEPA process. That is exhaustive and
3 exhausting, and just nothing would happen.

4 Having said that, please keep in mind
5 as we all dance around this thing that do we really
6 want to be depending on Spain and by extension the
7 EU and Brazil with all of the clouds and rainstorms
8 and things that come with that for our best
9 scientific information available. Thanks.

10 MODERATOR CHRISTOPHER ROGERS: I
11 didn't mean to be alarmist. We in the agency think
12 NEPA is a good thing. And having been through
13 several rounds of litigation throughout the agency,
14 and all the oceans, on NEPA issues, we've learned
15 that it is a good thing.

16 A NEPA process doesn't always involve
17 the production of Environmental Impact Statement and
18 public comment periods and cooling-off periods. It
19 can be quite simple in a particular project of
20 determining that there's no significant impact and
21 making that finding with an Environmental Assessment
22 or even determining that there's no impact
23 whatsoever, or part of the NEPA process could
24 involve making a determination that is called a

1 categorical exclusion, that this activity is
2 categorically excluded from the analytical
3 requirements under the National Environmental Policy
4 Act, and that could be because in these funding
5 decisions, it might be giving a grant to do an
6 outreach workshop. And knowing that this outreach
7 workshop is not directly affecting the taking of any
8 species, let's say in an outreach workshop on
9 handling and release of sea turtles. Knowing that
10 the workshop itself is not contributing to the
11 taking of any turtles, but would have some positive
12 environmental impact in the end you would hope by
13 educating people on proper release techniques, you
14 should make that no detriment finding or no
15 significant impact finding, and could go on with
16 funding the workshop.

17 But you know, certainly a big multi-
18 year project, like the NED experiment, would require
19 a little bit more scrutiny as to the number of
20 animals that would be taken, particularly protected
21 species, and giving the public an opportunity for
22 review.

23 I think I had Ramon and then Russ and
24 then Mike.

1 RAMON BONFIL: I hope I'm just a bit
2 confused of -- the history of these permits or why
3 people are proposing it. But I'm a bit worried of
4 hearing the possibility -- and this is the way I am
5 interpreting things, that if I propose next year to
6 do a project on -- I don't know, whatever shark
7 species in these waters, I would have to go not only
8 through the hassle of finding a grant from NSF or
9 whoever, which will imply usually a very detailed
10 process of peer review of my proposal, my research;
11 and once I get the funds and I'm ready to do it, I
12 will still have to go all the way again through
13 another process in which I don't know who -- the
14 public comment would be, but as I interpret it now
15 there would be a public opinion on whether my
16 research is good research or bad research or
17 research the public wants to see done or not.

18 That idea worries me a lot. So, I
19 hope I'm misinterpreting what was said or what --
20 how things are happening. But if that is the
21 proposal, indeed to me it is extremely worrying.
22 Because then science is not going to happen at all.

23 I mean it's going to take me two years to get the
24 funding and then another two years to get approval

1 from somebody to do things. Maybe by then my
2 research is irrelevant, or somebody else has done it
3 already.

4 So, I would just like some
5 clarification as what has been so far the process
6 for getting these permits; and secondly, what is
7 being proposed now as to be the new way to do this
8 thing?

9 MODERATOR CHRISTOPHER ROGERS: Well,
10 the process that we in HMS have used -- I won't
11 speak for the whole agency, because I don't know
12 exactly what is happening in each of the Regions and
13 Centers, but I do know that there are nationwide
14 regulations that are currently under review for
15 Exempted Fishing Permits, and there's -- there will
16 be a Proposed Rule on the subject that folks can
17 comment on.

18 But the process that we use is we
19 look at the -- we are required to take public
20 comment. We do issue an annual notice early in
21 December each year that tries to consolidate all the
22 routine requests that we get from year to year,
23 particularly those Public Display Permits, the
24 Exempted Fishing Permits for observers, NMFS

1 approved observers on board vessels to retain
2 prohibited species and things like that, for
3 researchers that we know will be continuing.

4 So, we consolidate those requests
5 that we know are coming for the next year under this
6 annual notice. But any other projects we would be
7 issuing a receipt of the request and taking public
8 comment on it separately.

9 And yes, there may be situations
10 where members of the public do not like the idea
11 that this experiment would be conducted, but we
12 would have to weigh the value of the research, the
13 soundness of the scientific approach, the public
14 good, in other words, that would come out of the
15 research against the potential environmental
16 effects.

17 At that point it's not a popularity
18 contest of whether the public likes it or doesn't
19 like it, but we would have to conclude that there
20 would not be any detrimental impact on protected
21 species, there would not be any adverse effect on
22 rebuilding programs for the affected target species,
23 that it -- the mortality has been accounted for
24 under existing quotas, so it's not outside the

1 existing management regimes. And again, weigh the
2 costs and benefits, so to speak, of the research in
3 making that final decision.

4 RAMON BONFIL: So, if I understand
5 correctly, this is a very punctual process after
6 December when you gather all this information, you
7 go to a specific site and place and have public
8 comment in a very short period and then it is the
9 agency who makes the final decision or is it the
10 public? That's what --

11 MODERATOR CHRISTOPHER ROGERS: It
12 certainly is the agency that makes the final
13 decision. It can be expedient. And what I
14 mentioned that the December notice is a consolidated
15 notification of usual requests that we get. Again,
16 that's to avoid having to put out a Federal Register
17 Notice when we get a request from the South Carolina
18 Aquarium to collect sharks, the New York Aquarium,
19 Epcot Center. So we're consolidating these usual
20 requests, these recurring requests.

21 Any new item that hasn't been
22 explored before, hasn't been proposed before, we
23 would put out a separate Federal Register Notice on.
24 Depending on the need for analysis, we might have a

1 two-week comment period or a 30-day comment period,
2 really depending on the scope of the activity.

3 It might result in the production of
4 an Environmental Assessment, in which case we would
5 want to release that to the public during the
6 comment period, give them an opportunity to see what
7 the agency feels are the benefits of this research
8 and the possible effects on protected and managed
9 species and the environment.

10 A good example might be when we had
11 an experiment with the pelagic pair trawl. They
12 worked through MIT Sea Grant to see if they could
13 effectively fish tunas in the Mid-Atlantic region
14 while avoiding turtles and mammals. And we did a
15 project with them. We did an Environmental
16 Assessment and we took comment on that.

17 It wasn't a popular experiment, and
18 in the end we decided not to authorize the gear.
19 But nonetheless, there was scientific merit in the
20 research, so we ended up approving it.

21 We also issue Letters of
22 Acknowledgement in those particular cases -- as I
23 had mentioned, Magnuson Act excludes scientific
24 research from regulations. But in order for the

1 agency to facilitate such research, we have a
2 process of requesting -- and it's voluntary --
3 requesting researchers to submit their research
4 plans.

5 And then the agency would issue a
6 Letter of Acknowledgement, basically acknowledging
7 that yes, this is bona fide scientific research
8 exempt from Magnuson Act regulations. And the
9 advantage of seeking and receiving a Letter of
10 Acknowledgement to the researchers, particularly if
11 the researchers are chartering a commercial vessel
12 or something like that, and working in a closed
13 area, would be that if they're boarded by the Coast
14 Guard. You know, what are you doing here? Well,
15 we're scientific research. How do I know? Well,
16 here's a letter from NMFS, we're acknowledging it.

17 So, there are Letters of
18 Acknowledgement, there are Exempted Fishing Permits,
19 and another style is the Scientific Research Permit.

20 And in all cases, there is a -- well, not
21 necessarily in the Letter of Acknowledgement, but in
22 the Scientific Research Permit and the Exempted
23 Fishing Permit we do have provisions for public
24 comment.

1 RAMON BONFIL: So, I don't want to
2 take too much time. Just to clarify then, there's
3 three different mechanisms that are not necessarily
4 -- I don't necessarily need to get three of them.
5 There's alternatives. Okay. I'll get the details
6 from your staff later. Thanks.

7 MODERATOR CHRISTOPHER ROGERS: It
8 depends on the circumstances and the extent of the
9 activities and exactly what regulations one might be
10 violating in the conduct of those activities, and
11 whether or not the Magnuson Act or Atlantic Tunas
12 Act pertains to the activities.

13 So, it can get complicated. We would
14 recommend anybody conducting research to notify us
15 and we will determine what you need and get it to
16 you, and then take public comment when necessary.

17 I had Russ Nelson and then Mike
18 Leech.

19 RUSSELL NELSON: One of the problems
20 here is that because of the peculiar and unique
21 aspect of Atlantic HMS management. In the case of
22 all the other fisheries in the country, EFP permits
23 are presented -- applications are presented to the
24 relevant Fishery Management Council for their

1 But I think those things -- but I
2 think your main problem here is just trying to come
3 up with some equivalent to what the Councils offer
4 on a regular basis throughout the year for any of
5 these EFP's to be brought before the public.

6 MODERATOR CHRISTOPHER ROGERS: Okay.
7 Thank you, Russ. I had Mike Leech.

8 MICHAEL LEECH: Yeah. Most of us are
9 in favor of research, particularly billfish,
10 bycatch, that type of thing. And I know the intent
11 is probably somehow to conduct the research in
12 restricted areas where -- that are restricted to
13 that type of gear. Otherwise, they could just go
14 out and do it. Longlines are already allowed in
15 areas where white marlin are concentrated at certain
16 times of year. Longlines are allowed in areas where
17 there's still a lot of juvenile swordfish.

18 And we're all for doing the research
19 in areas like that, where there aren't any
20 restrictions on the type of gear that will be used,
21 where we're strongly opposed to allowing
22 experimental fisheries in areas that are closed to
23 that type of gear.

24 We commented last year, we commented

1 this year. And I'd like to comment a little bit
2 about last year's process. We started hearing early
3 in the year from longliners in Florida that they
4 were going to be longlining in the straits of
5 Florida again. Can't be, you know? We hadn't heard
6 anything about that. They were even telling us what
7 boats were going to be allowed. There was obviously
8 some kind of back room deal that had been made
9 somewhere along the line.

10 I called up your office, not you
11 personally, and talked to a person that absolutely
12 flat out denied there was any kind of anything like
13 that pending. And a few months later we read that
14 there was something that was under consideration to
15 allow longlines back into the straits of Florida.
16 And it went on and on and on. And we kept -- we
17 were calling about weekly to find out the status of
18 it, and it was like a top secret thing.

19 And that's what I object to, and a
20 lot of us object to, and where you lose a lot of
21 trust and credibility from the fishing community
22 that -- what seems to be secret deals go on up here,
23 and it's very hard to get any information on it.

24 And we commented on the thing that

1 just came out, I think that deadline was January
2 24th or whatever, but we're commenting blind because
3 we don't know what applications are going to be
4 made. So, we're just making general comments,
5 whereas if we knew what kind of permits had been
6 requested or were going to be requested, or were
7 able to get copies of permit requests, we could
8 comment on them specifically, which would be a lot
9 more helpful instead of just reading about it one
10 day in the Federal Register.

11 MODERATOR CHRISTOPHER ROGERS: Two
12 points. With respect to last year, I could see
13 where there was some confusion on whether there was
14 a deal. Under the Cooperative Research Program,
15 it's required for a solicitor or a proposed
16 researcher to have an agency partner. That's why
17 it's cooperative research. In other words, you seek
18 somebody within the agency in the scientific realm,
19 Science Centers in particular, to partner with a
20 project, to help with the design and make sure that
21 the project is responsive to the priorities
22 identified in the solicitation. It's a Federal
23 Register Notice saying that National Marine
24 Fisheries Service has money for cooperative research

1 in the Southeast Region. The priorities this year
2 are bycatch reduction.

3 So, if you have a proposal, you
4 approach the agency, you find a partner to work with
5 to come up with a project. In other words, NMFS is
6 commenting on the science and it is cooperative
7 research fund -- this was designed by Congress that
8 commercial and recreational vessels in the fishery,
9 in the private sector, be used in these cooperative
10 research.

11 So, again there is a partnership per
12 se in the development of the proposal and the
13 research design. That doesn't mean it's guaranteed
14 to be funded. Then it goes into the hopper for
15 consideration, where a different group of scientists
16 and the agencies reviews each project. Is it
17 responsive to the priorities identified? Is it
18 valuable research? Is it cost effective research?
19 Is it worthy of funding?

20 Once those decisions are made, then
21 we as HMS would expect to receive from the
22 applicants a request for an Exempted Fishing Permit,
23 if the proposed activity would otherwise be
24 prohibited by our regulations. At that point we

1 would publish a Federal Register Notice that say we
2 were in receipt of an Exempted Fishing Permit
3 application for the following activity. We would
4 describe it.

5 If we concluded that it should not be
6 issued an Exempted Fishing Permit, then obviously
7 the agency wouldn't disperse the money to fund the
8 project, and that money would go back in the hopper
9 and they'd take the next one down that didn't make
10 the cut.

11 So, that's how the process works, and
12 I'm not sure who you spoke with, but perhaps the
13 denial was with respect that we have not received
14 any Exempted Fishing Permit applications on this
15 subject at the time.

16 Again, we didn't know at that point
17 whether the program was going to be recommended for
18 funding or not, and we did not have any application
19 for that project.

20 Gail Johnson and then Ellen Peel.

21 GAIL JOHNSON: Thanks. I'm going to
22 step into muddy waters here because I'm -- like I
23 said, I'm provincial, I'm from New England. But
24 what did happen it seems like is just a huge -- from

1 a little piece of hail, a great snowball grew on
2 both sides.

3 We do perceive the need for some real
4 numbers to continue the index of abundance,
5 especially on juvenile swordfish. And we figured
6 out, you know, we know now how to go through the
7 hoops on how to proceed with this kind of request
8 for research.

9 In the meantime, some of the Florida
10 boats heard about it and were -- even though it is a
11 very small universe of sets, therefore a very small
12 universe of boats, everybody got really excited, and
13 then you guys heard about it and you got really
14 excited.

15 So, here we are left -- I don't know
16 where it stands right at the moment, but from what
17 all I know is that whatever needs to be done to
18 continue this index of abundance, so we can kind of
19 keep a handle and keep the whole process honest in
20 the stock assessment, I believe -- I hope I'm not
21 talking out of turn with the lab, but I think --
22 last I knew they were working very hard on a
23 scientific design so that there are no more sets
24 than necessary for this number and that we're out of

1 your face, that being seemingly the most important
2 part of it. No?

3 MODERATOR CHRISTOPHER ROGERS: Ellen
4 Peel and then Mike Leech on that point. And then
5 we'll need to wrap up.

6 ELLEN PEEL: I just wanted to
7 acknowledge, since we haven't moved on in the
8 presentation, I'm not sure if it's going to be here,
9 but this is a three-part consideration. I mean not
10 only do we have the display and scientific part, but
11 -- research, but we also have the international
12 aspect of allowing exemptions outside of the U.S. by
13 boats. And I think -- certainly you have our
14 written comments, but we don't want -- we hope the
15 public has responded to that, as well, but have
16 stated our concerns and urge you to certainly read
17 those.

18 MODERATOR CHRISTOPHER ROGERS: --
19 reference by Nelson and I believe Gail, as well, and
20 again the concern there would be if a vessel -- U.S.
21 permitted and flagged vessel is under charter in a
22 foreign nation in their EEZ, the rules that would
23 apply to that vessel under the chartering
24 arrangement may be different from U.S. regulations.

1 In other words, some countries have a
2 no discard rule or something like that, species that
3 would not be authorized for retention under U.S. law
4 might be required to be retained, landed and logged
5 in, whether or not they're sold or used for research
6 in those countries. So, that was the concern there.

7 ELLEN PEEL: Specifically an example
8 would be blue marlin, white marlin, can't be landed
9 in the United States. But if a U.S. vessel was
10 chartered in another country and that country didn't
11 allow discards, those fish could come in. So, U.S.
12 capacity or effort would be facilitating the
13 retention of fish that we legally do not allow here,
14 which are overfished.

15 So, I think -- you know, we need to
16 reevaluate whether we should be encouraging to move
17 U.S. effort elsewhere to take these fish.

18 MODERATOR CHRISTOPHER ROGERS: Just a
19 point of clarification. Those marlin -- blue marlin
20 would not be eligible for entry into the United
21 States because they'd still be excluded as coming
22 from the management unit -- Atlantic management
23 unit. And they would have to be logged and reported
24 by the chartering nation and reported to the

1 Commission.

2 If we concluded that that was not
3 likely to occur, i.e. that they would not be
4 reported to the Commission, we would obviously
5 conclude that's IUU, unreported. And obviously
6 would have to consider -- rather negatively -- the
7 issuance of an EFP in that case.

8 ELLEN PEEL: IUU like the Puerto Rico
9 situation that we're working with. But certainly
10 the fact that it's a matter of accounting, or who
11 reports or doesn't. The fact is that you would be
12 acknowledging and making an exception to U.S. law to
13 allow U.S. vessels to facilitate further mortality
14 on a fish of which species that we're working very
15 diligently to try to recover, or at least a minimum
16 level off the decline.

17 So, I think the timing of continuing
18 these sort of permits, we should give them strict
19 scrutiny.

20 MODERATOR CHRISTOPHER ROGERS:

21 Certainly strict scrutiny. Final word, Mike Leech?

22 MICHAEL LEECH: I just still want to
23 express our extreme concern with experimental
24 fishing in areas that are closed to a particular

1 type of gear, when there are so many other areas --
2 we heard of a longliner about two months ago that
3 was setting down in the Gulf, perfectly legal, had
4 55 swordfish on one set, 50 of them had to be thrown
5 back because they were undersized. So, there's
6 plenty of areas to experiment on young of the year,
7 without being in our face in the conservation
8 community. Just a comment.

9 MODERATOR CHRISTOPHER ROGERS: Okay.

10 Well, thank you. That will wrap up our final
11 discussion. I appreciate all those who could -- one
12 more slide?

13 UNIDENTIFIED: Yes, we were going to
14 ask for this -- the short discussion on where you go
15 from here, what the timing is, and what the future
16 AP involvement will be.

17 MODERATOR CHRISTOPHER ROGERS: That's
18 right. There's a prize for whoever has the hand on
19 the table last in the AP meeting.

20 UNIDENTIFIED (No microphone):

21 (Inaudible.)

22 MODERATOR CHRISTOPHER ROGERS: The
23 prize is you get to be the moderator of next AP
24 meeting. How's that? My hands are off.

WRAP-UP

1
2
3 MODERATOR CHRISTOPHER ROGERS: Well,
4 we certainly do appreciate those who could hang in
5 here till the very end. We did want to have the
6 wrap-up. A lot of good discussions that we heard,
7 and as I said in the introduction to the meeting,
8 this will certainly help us in our deliberations.

9 We had published the Notice of Intent
10 for Amendment 2 to each of the plans. One of the
11 items that we absolutely need to do is our EFH
12 revision, Essential Fish Habitat revision. That
13 requires a five-year update.

14 So, if there was nothing else that
15 warranted change, we would issue amendments for
16 that. But we do feel that we've heard sufficient
17 discussion that there are a number of issues that we
18 will need to address in the plans: Bluefin tuna
19 allocations to accommodate the developing fishery in
20 the southern reaches in the wintertime. Certainly
21 improvement for recreational catch monitoring and
22 catch statistics, including releases. Reporting
23 systems for commercial vessels, as well. The
24 billfish and bluefin tuna estimation processes.

1 That may not exactly be an item for a plan
2 amendment, as much as an internal process for NMFS
3 to come to closure on the best means of estimating
4 catches.

5 Likewise, heard a lot of concerns
6 about whether surveys should be used or logbooks
7 should be favored. So, again, any amendments that
8 would be required relative to recordkeeping and
9 reporting would be embodied in the plans.

10 Some definitional concerns we'll need
11 to address, defining tournaments, defining longline
12 gears as pelagic versus bottom longline gear.
13 Observer programs. Artisanal fisheries. That
14 evidently is something we definitely need to follow
15 up on. And if it merits a specific treatment in the
16 plan, that would be dealt with in the amendment.
17 Otherwise it will be discussed and we'll have to see
18 how that goes.

19 Some concern about permit categories
20 and whether or not we need a restructuring. Some
21 comment on reopening the handgear category for
22 swordfish for that limited access program. Limiting
23 the number of gillnet vessels that could operate in
24 the shark fishery.

1 So, we have a number of items for
2 consideration on how we structure permits and
3 continue with that limited access program. Working
4 with the states and the Councils regarding
5 regulations in areas of federal jurisdiction.

6 I'm not sure that we heard a lot of
7 comment for or against, but certainly we'll pick up
8 this concept of recreational swordfish fishery and
9 whether or not a specific quota is warranted for
10 that fishery, as opposed to just logging it against
11 the incidental catch.

12 Certainly a lot of discussion about
13 improved enforcement, particularly in cases of
14 illegal sale. And incidental trip limits for
15 swordfish. ITQ's, we did have some comment in
16 favor, at least of a step-wise approach towards
17 expanding ITQ's in the HMS fisheries. But certainly
18 didn't hear a support for a wholesale investigation
19 into ITQ's for all species in both the recreational
20 and commercial fisheries. So, we'll have to
21 deliberate on that, whether ITQ's can and should be
22 expanded.

23 Some concern about swordfish
24 underharvest and whether we can rework the

1 management plan. Again, one of the items mentioned
2 might be reopening the limited access handgear
3 category, to take care of that, or adjusting
4 incidental catch limits for those not targeting
5 swordfish.

6 Recreational catch limits, some
7 concern about adjusting those and being able to
8 change, particularly with swordfish, to a system
9 similar to that which we have for bluefin, where you
10 can do in-season adjustments to bag limits depending
11 on availability in the quota. Certainly adjustments
12 relative to the headboats versus the six-pack
13 charters.

14 Some discussion on the gillnet
15 fishery, so we'll certainly have to revisit that in
16 Amendment 2 -- shark gillnet fishery. Trip limits
17 for sharks were also mentioned as something in need
18 of modification. And some concern about the pelagic
19 shark group, as ICCAT undertakes its assessment this
20 summer, and whether or not we can modify the quotas
21 accordingly in that management group.

22 Strengthening the Billfish COE
23 program. We certainly heard a lot of comment about
24 that. And again, recordkeeping and reporting

1 discussion. Logbooks. And outreach and workshops.

2 Again, some of that may be embodied in the plan. A
3 lot of it may be stuff that we already have the
4 authority to do under the plan. Just need to get
5 started with it.

6 So, all in all it was a lengthy and
7 productive, at least from my perspective,
8 discussion. I appreciate the comments that we
9 heard. And always good to get together with the
10 members of the panel and -- well, Ken's still here.

11 Don left and Merry has left, so -- I was going to
12 re-welcome our newest members, but they've for the
13 most part -- couldn't hang with us this long.
14 They're not used to it yet.

15 KARYL BREWSTER-GEISZ: Do you want me
16 to go through possible timing of Amendment 2 or --

17 MODERATOR CHRISTOPHER ROGERS: Yes,
18 timing of Amendment 2. Since Karyl's had the most
19 recent experiment -- experience, having spearheaded
20 the efforts for Amendment 1, in I would say record
21 time, so that's our new standard. That took what,
22 about a 14-month process for the plan amendment,
23 with all the development of documents and public
24 comment period and the AP meeting and the like. So,

1 14 months is our new standard to shoot for; right?

2 KARYL BREWSTER-GEISZ: Yeah, we will
3 not be meeting the 14-month, I'm afraid. Especially
4 since that's from Notice of Intent, which went out
5 last summer. Already up there.

6 But the next step that we're going to
7 be looking forward to is drafting the Issues and
8 Options paper, which will go from a lot of the
9 discussion we had here the past few days, going into
10 scoping, using that Issues/Options Paper. We'll
11 probably spend a few months in scoping. I'm
12 expecting it to be April/May/June type time frame.

13 UNIDENTIFIED (No microphone):

14 (Inaudible.)

15 KARYL BREWSTER-GEISZ: As a span of
16 scoping. And aiming hopefully, fingers crossed, for
17 Proposed Rule Draft Amendment sometime in
18 September, with at least a 60-day comment period,
19 probably longer. But as with Amendment 1, we will
20 be trying to get to all of the Councils and the
21 Commissions as possible, so we will be having to
22 look at their calendar.

23 The problem is with EFH we do need to
24 get that done -- or at least started this year,

1 because we are up on that five-year time frame. And
2 then the Final Rule wouldn't happen until early '95
3 -- '95 ha ha -- 2005. Ten years behind time.

4 MODERATOR CHRISTOPHER ROGERS: You
5 just took ten years off my life. You had a comment,
6 Russ? We're working too fast or not quick enough?

7 RUSSELL NELSON: Much as I feared,
8 you left out a step, which I think is pretty vital.

9 A year ago we met and we went through a meeting
10 like this, where we discussed a wide and diverse
11 array of issues without focusing narrowly on any,
12 giving you a broad perspective. And you went
13 forward with rulemaking on some regulatory
14 amendments and -- note that the rule is still not in
15 effect and is sort of wallowing.

16 I would strongly ask, and I would ask
17 if anybody on this Advisory Panel disagrees, that
18 when you finish scoping and you have put together
19 your paper, an options paper with proposed
20 alternatives, preferred alternatives and other
21 issues, that this body be reconvened to give you
22 direct comment on those proposals before you issue a
23 Proposed Rule.

24 I think that's an appropriate use of

1 us, and I think in the end it can be not -- more
2 time-consuming, but it might be more time-saving.
3 And I think that's a good approach and I'd ask if
4 anybody on the Advisory Panel thinks that that's not
5 a good approach.

6 MODERATOR CHRISTOPHER ROGERS: We are
7 certainly not averse to using the panel as it was
8 intended. I would just note in the shark case,
9 because we were under some pretty significant
10 deadlines and needed to proceed, sometimes it's
11 difficult to convene this body, given the
12 involvement of so many people on up to five Councils
13 and other activities.

14 So, it's certainly something that we
15 strive to accommodate, to find the time to have an
16 Advisory Panel meeting at significant points along
17 the way. And we'll consider that suggestion in high
18 regard and strive to meet that.

19 RUSSELL NELSON: Well, actually I was
20 looking for something more than a commitment to
21 thinking about it. I was looking for a commitment
22 to saying that yes, you will bring this Advisory
23 Panel back after the scoping meetings to review your
24 options paper and the alternatives and the impacts

1 and give you our advice at that point before you
2 proceed with the Proposed Rule.

3 I know it's a lot of us here and it's
4 difficult to get together, but I certainly -- nobody
5 called me up and asked me which date I wanted. I
6 was given a date. So, I assume that if you do that,
7 the majority of the panel will end up. And so
8 that's what I'd like to hear from you, that yes, you
9 will do that.

10 MODERATOR CHRISTOPHER ROGERS: Well,
11 again it comes down to expediency in areas where
12 there are regulatory amendments versus plan
13 amendments. Technically under the authority under
14 Magnuson, the panel is to be convened to assist the
15 agency with respect to plan development and plan
16 amendments.

17 Certainly we like to include the
18 panel in the discussions on regulatory amendments,
19 as well, and we will continue to strive to do so.
20 But if there's an overriding need to move forward
21 with the rulemaking, sometimes we cannot commit to
22 waiting to a point where we can actually convene the
23 panel.

24 RUSSELL NELSON: Are we not talking

1 about a plan amendment here? This is Amendment 2?

2 MODERATOR CHRISTOPHER ROGERS: Well,
3 yes, we are talking about a plan amendment. And in
4 that regard I'm saying yes, I'm taking your point.
5 But there are certain items on this list that we
6 just went over for the wrap-up that can be possibly
7 addressed as regulatory amendments, and may need to
8 be addressed sooner than the time frame that Karyl
9 mentioned; in other words, a Final Rule before next
10 January.

11 RUSSELL NELSON: Okay. I will just
12 suggest again that you went through this process
13 last year, you came up with regulatory amendments to
14 achieve certain goals. Those amendments -- those
15 regulatory amendments are not in place right now.
16 And I suggest had you taken more time to get more
17 focused advice on the specifics you came up with
18 from this panel, you may have had more success in
19 implementing those amendments. And I and perhaps
20 others will pass that information on.

21 MODERATOR CHRISTOPHER ROGERS: Thank
22 you. I have Ellen Peel, Bob Zales and then Bob
23 Hueter.

24 ELLEN PEEL: Several points. I think

1 what I'm hearing Russ say and what I heard from the
2 docks all summer at various tournaments and club
3 meetings was you had -- you had public gatherings
4 where people came and gave comments, and then all of
5 a sudden things were final.

6 In some cases, as Russ had said
7 yesterday, you want us to be your mouthpieces. And
8 when it's not too dangerous, we try to do that.
9 Thinking at times we're guiding the public or
10 letting them know where we think you might go, only
11 to find on some of these regulatory amendments you
12 didn't go that way.

13 I think at a minimum you should
14 provide each member of this panel with a list of
15 what you're going to cover under regulatory
16 framework amendment before you make the final
17 decisions so we can alert the public that what
18 you're going to do and what you're going to address
19 under the -- as an amendment itself.

20 In looking at the schedules, I mean
21 you guys have incredibly bad timing. I mean you
22 seem to hit boat show weeks just dead on, whether
23 it's ICCAT, whether it's this meeting. But we have
24 tournament season coming up and there are others

1 here -- some who run tournaments, some who have
2 charters, if you start scheduling these things in
3 the middle of -- you know, tournament season, which
4 is the end of May clear through September, you're
5 not going to have much participation.

6 So, some reasonableness in working
7 with us and trying to identify places and times
8 might get you some better support. But certainly
9 we'd like the list on regulatory and then let's look
10 at what you're going to tackle for the plan
11 amendment.

12 MODERATOR CHRISTOPHER ROGERS: Thank
13 you, Ellen. Bob Zales, then Bob Hueter.

14 ROBERT ZALES, II: I agree with
15 everything Russell said and also what Ellen said,
16 and I would suggest to you that in this process --
17 because I'm assuming part of the problem is the
18 regulatory part with having the notice in the
19 Federal Register when this thing meets and all that
20 kind of stuff, but I would suggest that you could go
21 ahead and you could kind of set all that up and
22 notice it, and then if it didn't work out, you'd
23 simply cancel it.

24 But that way you don't have to have

1 the thing well, if we're not there, we don't have
2 time to notice or anything like that. You do that
3 as part of your pre-planning for the process.

4 But I'm just going to reiterate what
5 Russell said and kind of what Ellen said. The
6 public, especially when it comes to this Advisory
7 Panel and those people that know some of us who are
8 on this panel, have serious concerns about that.
9 Because it appears like that you kind of bring us in
10 after the fact rather than before the thing gets
11 started.

12 So, if you're going to make a plan
13 and go through the scoping process, I think it's a
14 wise thing, especially when it comes to outreach and
15 public support, to bring us in to go over that
16 before you put it into a Proposed Rule. Because
17 everything may stay in there. But then again you
18 may have overwhelming support from this panel and a
19 good argument to pull something out or even to maybe
20 add something to it, too. So, I think Russell's got
21 a good idea.

22 ELLEN PEEL: Because if there's
23 underwhelming support by this panel, we certainly
24 want to distance ourselves from being your

1 mouthpiece.

2 MODERATOR CHRISTOPHER ROGERS:

3 Understandable. Another consideration, Russ, is --
4 why I'm a little bit less committal than you would
5 like me to be is funding is always a concern. The
6 ICCAT Advisory Committee does have appropriated
7 funds to conduct its business. This panel does not.
8 And one or two meetings a year can break the bank,
9 depending on our funding situation for the year.

10 So, I can't at this meeting commit to
11 having the funds available to convene another
12 meeting at any point. I haven't even seen our final
13 budget for the year, so --

14 RUSSELL NELSON: Chris, in the
15 Council process, the Council convenes, holds a
16 series of issues to discuss what their next
17 amendment or regulatory amendments will be. Open
18 meetings, and they get input from the public and all
19 the intelligent, experienced people sitting on the
20 Councils. They then go out to scoping. They come
21 back from scoping, consider what they've heard in
22 scoping, put together an options paper, with
23 preferred alternatives usually and rejected
24 alternatives and the rationale.

1 They then take this options paper out
2 to public hearings, the scoping being here's a wide
3 variety of issues, what does anybody think we should
4 do. The second round being a proposed amendment
5 specifically focusing on what they intend to do, and
6 get those influence, and then that comes back to the
7 Council and they are able to make their final
8 decisions and recommendations to NOAA based on a
9 real good scrutiny.

10 I understand that you guys aren't
11 funded very well, but I don't think that that should
12 be an excuse to using a process that many view as
13 not being transparent, but more to the point, is
14 leaving you in a position over and over where you're
15 coming up with ideas that are not being well-
16 accepted, where there could have been alternatives
17 that might have worked better. And for the most
18 important thing, things aren't getting in place in
19 time to do the conservation impact.

20 So, in regard to the funding, I'll
21 commit to doing something. I'm going to communicate
22 with the members of the Advisory -- the HMS Panel.
23 Maybe I'll ask Ellen to do the same. We'll write a
24 letter to Bill emphasizing that, for all those

1 members who agree with me, that we would like to be
2 more involved in this process, that we would like to
3 have the opportunity to come back once you have
4 whittled down your recommendations for regulatory
5 amendments and the plan amendments, to have the
6 opportunity to give you our advice at that stage
7 before you launch into a Proposed Rule. And maybe
8 if Bill sees that there's support for that idea,
9 you'll get some help in your funding.

10 KARYL BREWSTER-GEISZ: One other
11 thing I do want to point out is in the shark
12 amendment after scoping we did release a pre-draft
13 to all members of the AP and all our consulting
14 parties and asked for comments. We got very few
15 comments back from anyone.

16 RUSSELL NELSON: And I rest my case.
17 It's much better to bring us here where our
18 collective expertise can be exercised, where we can
19 bounce ideas off each other, where diverse views and
20 opposite sides of the issue can come to mix and to
21 mesh and perhaps come up with compromises that make
22 things easier. That's difficult to do when you ask
23 a wide range of individuals to send in their single
24 comments.

1 MODERATOR CHRISTOPHER ROGERS: Okay.

2 Thank you, Russ. Bob Hueter.

3 ROBERT HUETER: I certainly agree
4 with the mechanism that's been proposed by Russ, but
5 in defense of the agency, I think that this is the
6 mechanism that you followed last year with respect
7 to Amendment 1, unless I'm missing something. I
8 mean I'm looking and trying to recall the history.
9 You put a scoping document out in January. We had a
10 combined HMS and Billfish AP meeting in February to
11 consider that. Then you went back and you had a
12 Draft Amendment 1 that was produced. Then we had an
13 HMS only meeting in September to consider that draft
14 amendment.

15 ELLEN PEEL (No microphone):

16 (Inaudible.)

17 RUSSELL NELSON: That was Amendment
18 1, Bob.

19 ELLEN PEEL (No microphone): That was
20 the amendment (inaudible).

21 RUSSELL NELSON: Last year were just
22 this series of regulatory amendments which --

23 ELLEN PEEL (No microphone): We had
24 only one (inaudible).

1 RUSSELL NELSON: -- are still out
2 there as Proposed Rules with some hangups. So,
3 yeah.

4 ROBERT HUETER: Okay. So, with
5 respect to Amendment 1, they followed that
6 procedure?

7 ELLEN PEEL (No microphone): Right
8 (Inaudible.)

9 ROBERT HUETER: Then in November
10 came, you know, the Final Amendment 1.

11 KARYL BREWSTER-GEISZ: And we're
12 going to be following the same type of procedure.
13 The only --

14 ROBERT HUETER: The point is, I
15 guess, you did follow it. You can follow it. It's
16 doable. We're amenable to -- you know, meetings
17 twice a year to follow this. So --

18 KARYL BREWSTER-GEISZ: The only
19 difference at this point is we had the AP meeting
20 now before any of the scoping meetings, whereas --

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

23 KARYL BREWSTER-GEISZ: No, before we
24 had just released the Issues/Options and then at the

1 AP meeting we discussed the Issues/Options Paper.
2 We are going to be creating the Issues/Options Paper
3 now based on this AP meeting. That's where the
4 difference is.

5 ROBERT HUETER: I repeat the
6 statement I made when we opened up the meeting,
7 which is why not meet in February somewhere down
8 south? Have the September meeting or the fall --
9 late fall meeting here. That's fine. Consider
10 bringing us together somewhere else in February.

11 MODERATOR CHRISTOPHER ROGERS: Mote
12 Marine Lab, would that help?

13 ROBERT HUETER: Anytime.

14 MODERATOR CHRISTOPHER ROGERS: Okay.

15 ROBERT HUETER: You know we're always
16 there to do that.

17 MODERATOR CHRISTOPHER ROGERS: All
18 right. Well --

19 ROBERT HUETER: We will provide many
20 incentives for people to --

21 MODERATOR CHRISTOPHER ROGERS: We're
22 25 minutes over the limit. The hotel's going to
23 evict us. I thank you all for your comments and
24 your steadfast participation. And whoever has the

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last hand on the table gets to take all the candy dishes home with them.

WHEREUPON:

THE MEETING WAS CONCLUDED.

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF NORFOLK

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

In witness whereof, I have set my hand and Notary Seal this 15th, day of October, 2004.

PAUL T. WALLACE. Notary Public
My Commission Expires

October 3, 2008

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