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NATIONAL MARINE FISHERIES SERVICE
Sustainable Fisheries
Highly Migratory Species
1315 East-West Highway
Building SSMC-3, Room 13563
Silver Spring, Maryland 20910

ATLANTIC HIGHLY MIGRATORY SPECIES ADVISORY PANEL

5, 6 and 7 April 2011

at

Crowne Plaza Hotel
8777 Georgia Avenue
Silver Spring, Maryland 20910

(Day One Session)

Tuesday, 5 April 2011

Reported by:

Paul A. Gasparotti

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1 [10:05 a.m.]

2 WELCOME; INTRODUCTION OF FACILITATOR, ADVISORY
3 PANEL AND STAFF; AGENDA ADOPTION

4 MS. SCHULZE-HAUGEN: Thank you for taking
5 your seats. Great to see everyone, so welcome.
6 This is the spring 2011 HMS Advisory Panel meeting,
7 and so I wanted to thank you. I wanted to also
8 point out a couple of things before we get started.

9 Just so folks know, the bathrooms are down
10 the hall here.

11 We also have a change, we have Paul
12 Gasparotti, who is going to be a stenographer for
13 us, and will be taking notes in real time, and so
14 we should have higher quality and much more timely
15 transcripts with that, which I think will be of
16 benefit, in just a couple weeks instead of several
17 months. So I wanted to just let you know that
18 that's who the gentleman in the back is, and what
19 he's doing.

20 And so, I wanted to just remind folks, NMFS
21 is welcoming you to give us advice on HMS, FMPs and
22 FMP amendments, and we will have a very full
23 agenda.

24 I also wanted to introduce our facilitator,

1 Jonathan Raab, who is sitting in for Scott Bennett,
2 who you should remember from last time, so we
3 welcome them back in the fold, but they weren't
4 able to be here. But what I would like to do is go
5 through introductions, but first I wanted to give
6 Jonathan a chance to talk, and then we'll get
7 started.

8 MR. RAAB: Hi. Welcome everybody. Can you
9 hear me? I'm going to use this mike so I can walk
10 around a little bit.

11 So, I want to go over very briefly some of
12 the ground rules since we have some new panel
13 members here. We're going to do that, give you a
14 chance to introduce yourselves, and then take any
15 feedback on the agenda before we get started on the
16 first agenda item.

17 In terms of the ground rules for the
18 advisory panel, we recognize that this is a
19 consensus seeking body, we're looking for advice
20 and feedback. We have it structured that during
21 the course of the day we will be hearing from the
22 advisory panel members, there will be opportunity
23 each day at certain junctures for the public to
24 comment, for those of you sitting outside the

1 circle here.

2 We want to have a really focused dialog.
3 We want to go over a wide range of interest on
4 particular issues that are in the room, we'd like
5 the dialog be very constructive, we have a big
6 group and a lot of agenda items, so we want you to
7 really stay focused on the topics and the organized
8 questions for the agenda item at the moment. We
9 will ask you to be really succinct, be mindful of
10 sharing your time with others so that we can get
11 everybody who wants to have input on an issue to do
12 so.

13 We recognize that people are very
14 passionate about these issues, but we are also
15 asking that everybody will be fairly respectful in
16 their comments.

17 As Margo mentioned, the output of the
18 meeting will be a little bit different in that
19 there will be a transcript that we will be able to
20 get fairly quickly, plus as is customary, at the
21 end of the meeting, on Thursday at noon, Margo will
22 be giving a summary of what they heard over the
23 course of two-and-a-half days, so you can hear
24 right away what their takeaway is from the meeting.

1 Because it's a big group, I will be keeping
2 a queue during each agenda item where you want to
3 speak. So instead of just trying to flag me down,
4 just turn your card on the side, and I'll start off
5 the queue, okay?

6 Cell phones in vibrate mode. Try and keep
7 the side conversations at the table to a minimum so
8 that everybody can hear. For those of you who
9 haven't used these mikes before, we have the
10 sharing mikes, but flip this and the light is on so
11 we know you're speaking, and then be sure to turn
12 it off, because others can't speak while your light
13 is still on, okay?

14 So with that, I think I want to just head
15 around the room and ask everybody to introduce
16 themselves. Margo, did you have anything else?

17 MS. SCHULZE-HAUGEN: I would just ask new
18 members, if you could tell us a little bit about
19 yourselves, and if you are a proxy, if you could
20 also let us know who you're representing as well.

21 MR. RAAB: Do we have a question before we
22 go around the room?

23 MR. DEBERSIA: Yes. Is it possible to get
24 a list of all the AP members and who they

1 represent? We've had that in the past years, but I
2 didn't see one last fall or at this meeting.

3 MS. SCHULZE-HAUGEN: Yeah, that's easy
4 enough to do. The AP roster is on the website, so
5 we can work on getting you a copy of that.

6 MR. RAAB: Okay. Let's go around the room,
7 and if you are a new member, please tell us who you
8 represent.

9 MR. WEINER: Chris Weiner, bluefin
10 harpooner from Portland, Maine, ABTA.

11 MR. GREGORY: Randy Gregory, North Carolina
12 Division of Marine Fisheries.

13 DR. HUETER: Bob Hueter, Mote Marine
14 Laboratory, academic sector.

15 MR. JAMES: Steve James, Boston Big Game
16 Fishing Club.

17 MR. TWINAM: I'm Mark Twinam, I'm a new
18 member, a 35-year commercial fisherman, mostly on
19 pelagic longline.

20 MR. VAETH: Scott Vaeth, commercial shark
21 fisherman on the Florida Keys for about 20 years, a
22 new member.

23 MS. MILLER: Shana Miller, Tag-a-Giant.

24 MR. RUAIS: Rich Ruais, with the American

1 Bluefin and Tuna Association, also no longer with
2 Bluewater Fishermen's Association, and ICCAT
3 advisory member.

4 MR. PRATT: Ralph Pratt, bluefin tuna
5 fisherman.

6 MS. JOHNSON: Gail Johnson, Fishing Vessel
7 Seneca, fishing longline since 1974.

8 MR. JENKINS: I'm Wallace Jenkins from the
9 South Carolina Department of Natural Resources.
10 I've been working in fisheries since 1976 and I
11 don't look that old, but I am, and been doing
12 billfish and other associated offshore species for
13 the last five or six years.

14 MR. ADRIANCE: Jason Adriance, Louisiana
15 Department of Wildlife and Fisheries.

16 MR. CUPKA: David Cupka, South Atlantic
17 Council member.

18 MR. AUGUSTINE: Pat Augustine, Mid-Atlantic
19 Fishery Management Council, advisory committee for
20 ICCAT, and I'm probably the oldest guy in the room.
21 Thank you.

22 MR. BELLAVANCE: Rick Bellavance, president
23 of the Rhode Island Party and Charter Boat
24 Association, and we're primarily fishing charters.

1 MR. DEBERSIA: Tom DePersia, charter boat
2 fisherman from Massachusetts.

3 MS. GREGG: Lisa Gregg, Florida Fish and
4 Wildlife Conservation Commission.

5 MR. SCHRATWIESER: Jason Schratwieser,
6 International Game Fish Association.

7 MR. JOLLEY: John Jolley, with the West
8 Palm Beach Fishing Club, and I'm probably the
9 second oldest in the room.

10 MR. MCKEON: Sean McKeon, North Carolina
11 Fishery Association, commercial division.

12 MR. WHITAKER: Rom Whitaker, charter boat
13 operator out of Hatteras, and I'm also representing
14 Hatteras Charter Boat Association.

15 MR. ODEN: Jeff Oden, a commercial
16 fisherman from Hatteras for 35 years, pelagic
17 longline shark.

18 MR. GRAVES: John Graves, Virginia
19 Institute of Marine Sciences, and I'm here as chair
20 of the U.S. ICCAT advisory committee, which I've
21 chaired for the last 16 years, and I have about 30
22 years of research on highly migratory species as an
23 academic.

24 MS. ROBERSON: I don't think I can get away

1 with the age. My name is Julia Roberson, I'm proxy
2 for Gerry Leape, who is a new member. He is with
3 the Pew Environment Group, and Gerry is on our
4 international policy team that works on U.S. issues
5 related to the international arena.

6 MR. WEBER: Rick Weber, South Jersey Marina
7 and Tournaments.

8 MR. SAPP: Ed Sapp from Florida. I'm here
9 representing the Gulf of Mexico Fishery Management
10 Council.

11 MS. BEIDEMAN: I'm Terry Beideman and I'm
12 from Bluewater Fishermen's Association. I'm here
13 as a proxy for one of our directors, Vince Pyle.

14 MR. PALMER: Tim Palmer, buoy-gear sword
15 fishermen, Florida east coast.

16 MR. MONTELLA: Vincent Montella, pelagic
17 swordfish and tuna longline for about, I don't
18 know, 33 years.

19 MR. CODDINGTON: Ron Coddington, Swordfish
20 Club, and also an ICCAT advisory member. And I
21 just want to say real quick, I'm glad to be part of
22 HMS because if it wasn't for HMS, the way the South
23 Atlantic Fisheries Management Council is decimating
24 our \$1.6 billion a year recreational fishery, and

1 we would have nothing left if it weren't for HMS.

2 MS. KENNEDY: I'm Carrie Kennedy, I'm with
3 the Maryland Department of Natural Resources
4 Fishery Services.

5 DR. BOUSTANY: Andre Boustany, Duke
6 University.

7 DR. NEILL: Ken Neill, recreational out of
8 Virginia.

9 MS. GRIFFIN-WILSON: Elizabeth Griffin
10 Wilson, from Oceana.

11 MS. PEEL: Ellen Peel, The Billfish
12 Foundation.

13 MR. HOFFMAN: Bill Hoffman, Massachusetts
14 Division of Marine Fisheries, and I'm proxy for
15 Greg Skomal.

16 MR. PINEIRO: Eugenio Pineiro.

17 MR. RAAB: So, I think we want to start by
18 taking any feedback on the agenda before we get
19 into the first agenda item.

20 Okay. We're going to go around the back
21 and have everybody else introduce themselves as
22 well.

23 SPEAKER: (Inaudible) swordfish.

24 MR. FULLER: Andy Fuller, Sea Grant

1 Consortium.

2 MS. MOORE: Katie Moore, U.S. Coast Guard
3 Atlantic Area Command.

4 MR. CHAIBONGSAI: Peter Chaibongsai, The
5 Billfish Foundation.

6 LCDR CASAD: Gregg Casad, Coast Guard. I'm
7 the liaison officer to the NOAA Office of
8 Enforcement.

9 MR. DESFOSSE: Joe Desfosse, HMS.

10 MR. CONDIT: Chris Condit, University of
11 Maine grad student.

12 MR. LUGAR: My name is Jay Lugar, I work
13 with the Marine Stewardship Council.

14 SPEAKER: (Inaudible).

15 SPEAKER: (Inaudible).

16 SPEAKER: (Inaudible) sword fisherman.

17 MR. RAAB: A little louder, everybody.

18 MR. FAIRCLOUGH: Greg Fairclough, HMS
19 Southeast.

20 MS. DRAGOONIS: Katie Dragoonis, HMS
21 Southeast.

22 CDR PARKER: Brian Parker, Headquarters.

23 MS. STEPHEN: Diane Stephen, HMS
24 management.

1 MR. SILVA: George Silva, HMS Silver
2 Spring.

3 MS. ORTIZ: Delisse Ortiz, HMS
4 Headquarters.

5 MR. COOPER: Peter Cooper, HMS
6 Headquarters.

7 MR. PEARSON: Rick Pearson, HMS in
8 St. Petersburg, Florida.

9 MR. DURKEE: Steve Durkee, HMS
10 Headquarters.

11 MR. MCHALE: Brad McHale, HMS Gloucester.

12 MR. DIAZ: Guillermo Diaz, HMS
13 Headquarters.

14 MS. MCLAUGHLIN: Sarah McLaughlin, HMS
15 Gloucester.

16 MS. HOGAN: LeAnn Hogan, HMS Headquarters.

17 MS. TABIZS: Jennifer Tabizs, HMS
18 Headquarters.

19 MS. BREWSTER-GEISZ: Karyl Brewster-Geisz,
20 HMS Headquarters.

21 MR. BLANKINSHIP: Randy Blankinship, HMS
22 St. Petersburg, Florida.

23 MR. BECK: Gene Beck, HMS Silver Spring.

24 MR. CLARK: Mike Clark, HMS Silver Spring.

1 MR. RAAB: And our reporter?

2 THE REPORTER: I'm still Paul Gasparotti.
3 Speak slowly and into the mikes please.

4 MR. RAAB: Just to remind people when you
5 speak into the mike, please also state your name so
6 that the reporter knows who's speaking.

7 So, we're open for any feedback on the
8 agenda before we take off on the first agenda item.
9 Everybody is fine with the agenda as set for the
10 next two-and-a-half days? Okay.

11 OVERVIEW OF RECENT ACTIVITIES AND UPCOMING
12 ACTIONS/ISSUES

13 MR. RAAB: We're going to move into our
14 first agenda item which, Margo is going to be
15 giving an update on things that are going on, and
16 what we'll do is run through the presentations and
17 then take your questions and comments when she's
18 done. Okay?

19 MS. SCHULZE-HAUGEN: Actually before I get
20 started, I wanted to note, seeing Craig in the
21 doorway, we have a couple more staff that are
22 helping with people signing in, there's Craig
23 Cockrell, Jen Tabizs, and I think Othel Freeman are
24 also on the other side of the wall there.

1 So, what I'm going to go through is an
2 update on the activities that the division has been
3 working on since the last advisory panel meeting in
4 September. I'm not going to try to take too much
5 time on things that we have later on the agenda,
6 I'm going to at this point try and focus on things
7 that don't have a separate agenda item and make
8 sure that you have some awareness of those. So,
9 the list at the bottom here are things that we will
10 discuss, but just a little built later.

11 So, since September we've published four
12 proposed rules and two final rules. These include
13 the shark status, proposed and final; weak hook,
14 proposed and final; as well as the proposed bluefin
15 tuna 2011 quotas and the trawl rule.

16 We are continuing to work on and will be
17 talking about a number of issues continuing to stem
18 from our 2009 advanced notice of proposed
19 rulemaking. Work in the Caribbean also continues.
20 Working on the commercial fisheries data
21 improvement initiative for Amendment 4, and the
22 catch card pilot program is up and running in
23 Puerto Rico, and we conducted an additional 21
24 workshops.

1 So far in 2011 we've issued 25 exempted
2 fishing permits, scientific research permits or
3 letters of acknowledgement. This is a heavy season
4 for those, since they are issued on a calendar year
5 basis. We've registered so far 135 tournaments,
6 that list is available online, so if you're
7 interested in knowing what tournaments are
8 happening, you can see that now. We've got about
9 3,700 boats on our HMS list serve, this is the
10 e-mail distribution list where we send out updates
11 and actions for folks to be aware of, and have
12 recently announced that HMS fisheries are eligible
13 for reimbursement for vessel monitoring system
14 replacement, so that's some good recent news there.

15 In September we focused a lot on the oil
16 spill. At that point some of the seafood safety
17 sampling was underway or kicking off. There was
18 still large areas closed due to the spill. All of
19 those areas have been opened at this point except
20 for the immediate area around the wellhead, you can
21 see the little box around the star, and the Agency
22 is continuing to do seafood safety sampling and
23 permits have issued for that sampling, and that's
24 continuing this year.

1 One of the things we're going to spend a
2 little bit of time on now because we don't have
3 other time in the meeting for it is to focus on the
4 movement that we're working on for electronic
5 dealer reporting, and this is for reporting of all
6 the HMS except for bluefin tuna. The bluefin tuna
7 dealer reporting system will remain as is, but we
8 are moving towards an electronic system for all the
9 other HMS.

10 Currently those forms for the non-bluefin
11 are coming in via paper to the southeast fisheries
12 science center, they're required every two weeks,
13 but there's a lag from when the fishing actually
14 occurs to when the data is available, in order of
15 weeks for federal data, and sometimes on the order
16 of months for state data. So this has been
17 becoming an increasing challenge for us,
18 particularly since some of the quotas are quite
19 small, and so we are moving towards electronic
20 reporting to provide a more streamlined, more
21 timely sort of quota monitoring.

22 We're looking at category-specific time
23 frames, so we're looking at quota availability and
24 matching reporting frequency to increase frequency

1 with smaller quotas. This is, again, so that we
2 can really stay on top of things and close quotas
3 and nets, and not have high deficiencies.

4 We're also working to report through
5 already existing electronic systems in the
6 Atlantic, that's SAFIS, standardized Atlantic
7 fisheries information system, and then working
8 through an electronic system, the bluefin tuna and
9 Bluefin LLC in the Gulf, which most of the Gulf
10 states are using, so to minimize duplicative
11 reporting but still insure that we're getting the
12 data and the timeliness we need to manage
13 fisheries.

14 We have in the back an early system that we
15 can walk you through if you're interested, that, a
16 number of you have called to give us some initial
17 feedback, but we are continuing to refine that
18 system and developing proposed regulations to
19 match. We're expecting to have the proposed rule
20 out in May with the final rule by October, but with
21 a delay of implementation until January 2012, and
22 the two to three months there we're envisioning for
23 outreach, education, for folks to kind of get their
24 feet wet with the system before they're actually

1 required to use it in a mandatory way. And then if
2 you're interested in looking at the system, I would
3 point you to Brian Parker, who will be happy to
4 work you through that. And as I said, we're still
5 finalizing that, so any and all input is welcome.

6 To give you an update on recreational
7 swordfish landing, the 2010 findings are out, and
8 the 2010 landings are the lowest on record since we
9 started tracking this in 2003. This decreasing
10 trend of reporting continues to be a concern and
11 something that we continue to look at.

12 One of the rules that is now in place since
13 the last meeting is, we have brought roundscale
14 swordfish into federal management, that was a
15 change in the genus and species, and have updated
16 the scientific name for white marlin, and have
17 implemented regulations for the two as a complex
18 until such time as the data and reporting is
19 reported separately. And then the catch card
20 programs and online reporting system have been
21 modified now to accept roundscale per fish landings
22 separately.

23 In terms of landings for recreational
24 billfish, you can see the numbers here. We remain

1 well below our 250 white marlin annual landing
2 limit, and we are continuing to work on some of the
3 tournament reporting for sailfish. You can see
4 that the tournament numbers are here as well, 269
5 is our final catch for 2010.

6 The pelagic longline closed area research
7 which, I don't see Dr. Kerstetter here yet, but he
8 has promised us a report out of his results
9 tomorrow. As you recall, the goals of the research
10 here were to collect some baseline data in the
11 areas under current fishery conditions, evaluating
12 existing bycatch measures, and collecting some data
13 in order for us to evaluate the efficacies of those
14 measures. The areas here are the same ones that
15 you've seen before, and I'm looking forward to
16 seeing the results tomorrow.

17 We are also continuing to work with the
18 councils and the commissions on different issues,
19 specifically with the Mid-Atlantic council on our
20 proposed trawl rule for squid, trawl swordfish and
21 bluenose control, as well as continuing to work
22 with the Atlantic States Marine Fisheries
23 Commission on the interstate charter plan and its
24 intersection with some of the changes made, so the

1 federal management council, state plans and the
2 federal plan will work together.

3 The international bluefin trade tracking
4 system is under development.

5 The Greenstick gear study is now complete
6 and the data are being analyzed, and hopefully we
7 may have a report for you in the fall on that.

8 The careful catch and release brochures, we
9 worked with a number of AP members to finalize,
10 that's been finalized and distributed, we should
11 have some copies for you. If you have points of
12 distribution where you think someone may be
13 interested in it, please let us know, we'll be
14 happy to get you copies.

15 The trade reports, ICCAT is coming, and
16 then there's also a bluefin aging study in
17 commercial fisheries, and we will have an insert to
18 that.

19 The breakout of the exempted fishing
20 permits, you can see by type, and the exempted
21 fishing is different from scientific research on
22 board commercial fishing vessels versus research
23 vessels. Display permits are for sharks and is an
24 educational component, and shark letters of

1 acknowledgment, again, are for shark-specific
2 research, the agency acknowledges that research
3 which is not regulated research, and then we've
4 issued six related to oil spill sampling and
5 research, and likely we will continue to get more
6 requests, and these numbers will increase through
7 the year.

8 In terms of workshops, we're up to a total
9 of 109 projected species workshops and 56 shark
10 identification workshops, and just to note, we did
11 have to cancel and reschedule a couple of these due
12 to weather, and you can see the schedules for the
13 next couple of months. Just so you know, we do
14 look at current permit holders when their
15 certificates are due to expire and try to get a
16 distribution of workshops by region so that there's
17 workshops available for boats that need it.

18 In terms of the progress on the 2009
19 advanced notice of proposed rulemaking, again, it
20 continues. If you recall, in 2009 the situation
21 was a little bit different than it is now. Our
22 bluefin tuna landings were well below quota,
23 swordfish landings also well below quota. There
24 was very strong input from the advisory panel and

1 the ICCAT advisory committee to really look long
2 and hard at every regulation that could be
3 constrained, and trying to do what we could to get
4 landings up.

5 We also in that action tried to consider
6 permit structure, clarifications of potentially
7 creating new permits for swordfish, commercial hand
8 gear, as well as looking at the implications and
9 considerations of catch share type programs in the
10 HMS fisheries if that was appropriate.

11 Specifics for this meeting include the
12 trawl rule, a public hearing will go forward
13 tomorrow morning, swordfish revitalization tomorrow
14 afternoon, future of the shark fishery on Thursday,
15 and then bycatch and sort of continuing issues for
16 HMS fisheries overall.

17 Looking ahead, we're in the midst of a few
18 rules and we have a number of working their way
19 through the system, on the regulatory review
20 system. Specifically, 2011 swordfish
21 specifications based on the ICCAT 2010 measures,
22 there are a number of shark measures that John will
23 be giving us an update on in a few minutes, and
24 we're working on that proposal. There's also the

1 Shark Conservation Act, and I know there are issues
2 with the smoothhounds that will be coming out of
3 the proposed rulemaking. The E-Dealer, the
4 electronic dealer proposed rule where we're looking
5 at vessel monitoring system requirements and some
6 mandatory changes there, and Amendment 4.

7 It is easily attainable that some of these
8 rules may be proposed and finalized potentially
9 between now and the next panel meeting, and so we
10 really encourage you to watch your e-mails and
11 weigh in during the public comment period.

12 We'll also be working on final rules for
13 the tuna quotas as well as the trawl rule, and we
14 anticipate scoping for future of the shark
15 fisheries potentially this summer.

16 And then as I mentioned, the electronic
17 dealer reporting changes in the fall.

18 So what we try to do as well, is look back
19 at AP suggestions from previous meetings, and to
20 give you an indication of where we are, some things
21 completed, some things underway, some things are
22 still under consideration.

23 Some of the things that have been completed
24 include VMS reimbursement is available to HMS

1 fisheries, and we held a number of outreach
2 meetings with pelagic longline fishermen and the
3 shark fishermen, took out some of the ideas and
4 concerns related to vessel monitoring systems.

5 The careful catch and release brochure is
6 available. Primary research has been underway for
7 a number of years, and we'll have the results to
8 share tomorrow. We're trying to provide placards,
9 educational information to tournament directors as
10 part of registration.

11 And then the final rule for weak hook to
12 reduce bluefin incidental catch in the Gulf of
13 Mexico was actually published today, so we will
14 need to talk about that later as well.

15 Some of the things that are underway
16 include a FishWatch update as an ongoing activity,
17 the FishWatch site is actually going through a
18 redesign. We continued to look for input on the
19 HMS website in terms of increased usability, any
20 comments on that, we're always interested.

21 Improving dealer reporting, as mentioned. Adding
22 North Carolina data to the large pelagic survey
23 figures. Considering permit stacking,
24 species-specific quotas and catch shares for

1 sharks, that will be on for Thursday. Potentially
2 adjusting incidental catch limits for pelagic to
3 reduce discards. The possibility of allowing
4 removal of tail lobes under the tuna rule.
5 Modifying permits for swordfish retention in squid
6 trawls. And then also working with states on
7 recreational tagging programs; we have a funding
8 proposal to work with the Massachusetts Division of
9 Marine Fisheries for a pilot on recreational
10 tagging, we're waiting for that funding decision.
11 And then the pilot catch card program in Puerto
12 Rico is up and running.

13 Some of the things that we're still
14 considering and still looking for AP input on
15 include a number of program-related suggestions
16 that we have been talking about for some time in
17 terms of swordfish revitalization, renewing lapsed
18 permits, looking at use or lose requirements,
19 reopening entire areas for swordfish, or allowing
20 permanent leasing facilities that AP has given
21 comment on already, which is in some cases was
22 negative comment, which is why the Agency hasn't
23 officially moved out on that category.

24 Conducting research in the Mid-Atlantic

1 bottom longline closed area, that we are trying to
2 do through the shark research fisheries.

3 Charter and head boat limits remain under
4 consideration, as well as creating placards for, we
5 have that started right now for shark, but doing
6 that for other HMS.

7 Create billfish landings update, we will be
8 providing that here, and we're looking at doing
9 that for other species.

10 And then electronic monitoring
11 technologies, this is something that we talked
12 about in September on ways to use technology to
13 increase the coverage and to look at what that
14 might allow us to do if we had more monitoring,
15 what sort of management measures might be able to
16 be changed if we had that sort of monitoring.

17 And this is something that we've seen
18 before, I've tried to communicate kind of our goal
19 overall of no surprises. You know, one of our
20 goals is for advisors, AP members and constituents
21 to be aware of issues, informed and engaged in the
22 public debate and dialogue on what the Agency
23 should or shouldn't be doing, and that the Agency
24 likewise be aware of what the additional concerns

1 are, sharing feedback, engaged in the dialogue, so
2 that you're not surprised by what the federal
3 government is doing, and we're not surprised by the
4 impacts of what we're doing, and the two-way
5 communication street.

6 What we ask of AP members is to listen,
7 engage in the discussion, try to have an open mind,
8 share the discussions back with your constituents
9 that you're representing here, and then share with
10 us what your ideas are, your expertise and
11 knowledge. What we're trying to do is raise the
12 issues both with you and the public, listen also,
13 and engage in the discussions, and then make the
14 decisions based on the feedback.

15 I have to say that I think in the last
16 couple of weeks there have been some surprises
17 where I think some of the constituents have
18 expressed some surprise at what has been published
19 with the proposed rules for bluefin tuna, and to be
20 fair, I think we have been a bit surprised by the
21 reaction. These are issues that we have been
22 trying to discuss fairly explicitly for a couple of
23 years, and very explicitly for at least a year. So
24 I'm hoping as we go through the meeting and get

1 into some of these issues, we can have a very open
2 discussion on what the panel's advice has been,
3 what the issues have been, and we're going to spend
4 some time going back through where we've been and
5 try and get everyone on the same page, and try and
6 focus on solutions and where do we go from here. I
7 think everyone has a view on where we've been and I
8 think there's some divergence on where we should
9 go. So we're looking for a really good
10 constructive discussion of a number of issues and
11 looking for suggestions as we move forward.

12 And so just to wrap up, we're covering a
13 lot of ground, a lot of these issues are pretty
14 complex, there's a lot of history to them, and so I
15 think we're looking forward to the discussion. We
16 continue to have a lot of things going on from a
17 regulatory standpoint and the operational
18 management of fisheries and we, again, look forward
19 to the discussion, looking for your advice on where
20 we should go, more importantly where we shouldn't
21 go in HMS fisheries management, and we welcome your
22 input.

23 MR. RAAB: Now we're going to turn to
24 questions, and we recognize that a lot of issues

1 that Margo covered are going to be gone into in
2 greater detail in the points on the agenda, but we
3 want them definitely close enough for your
4 questions. Rich.

5 MR. RUAIS: Thank you, Jonathan, a pleasure
6 to meet you. On the VMS notice that came out
7 that's going to be available from HMS, does that
8 system allow for two-way communications basically,
9 reporting of catch data, for example, for rare
10 events to give an example, or is it even capable of
11 more detailed daily reporting of catch data back to
12 the Agency? And I don't know if that's a Coast
13 Guard question or a NMFS question. I was looking
14 at that specific thing, I think it's called the
15 E-MTU-BMA and is that state of the art that allows
16 that communication?

17 MS. SCHULZE-HAUGEN: Well, right now what's
18 currently required for HMS fisheries is the MTUs,
19 the mobile transmitting units that do not require
20 and do not support two-way communication. What we
21 are looking at is moving two systems that are
22 currently in use at other fisheries that do have
23 that capability and catch, landings information.
24 It also enables the two-way communication for the

1 Office of Law Enforcement folks that monitor the
2 vessels to let them know when they can stop
3 reporting, can let the vessels know if there's a
4 change in regulations coming on line. Or something
5 like the oil spill last year, we could have
6 communicated with folks that were at sea, and
7 without that capability we don't have any way to
8 communicate with them. And so that is something we
9 are looking at, for a variety of reasons.

10 MR. RUAIS: I have more, okay?

11 MR. RAAB: Why don't -- we have more
12 questions, but we'll come back to you. Let's let
13 everybody use their one question, and keep your
14 card up there. Pat, go ahead.

15 MR. AUGUSTINE: Thank you, Jonathan. Pat
16 Augustine. On slide number eight you talked about
17 the recreational swordfish issue, and there appears
18 to be a continuing downward trend since 2007. In
19 view of the fact that we've been trying to
20 concentrate, or we have concentrated on freezing
21 the commercial side, are there any on the charter
22 boat party boat side, charter boat in particular
23 folks, that can give us an idea as to why they're
24 not targeting more, or that slide is continuing

1 downward? You didn't mention anything at the time
2 and I haven't heard in previous meetings any of the
3 charter boats address that issue. It may be
4 another place where we can increase our harvest, so
5 we would ask some of those folks why they think
6 this trend is continuing downward, and it might be
7 helpful.

8 MS. SCHULZE-HAUGEN: Maybe we could try to
9 touch on that in the swordfish revitalization
10 discussion.

11 MR. AUGUSTINE: Okay. Otherwise -- now, we
12 have here a report out on that group anyway, but I
13 would like to have it on the agenda.

14 MR. RAAB: Ron.

15 MR. CODDINGTON: Ron Coddington, and I
16 probably can address that issue. First of all,
17 most of our charter boats in Florida who fish for
18 swordfish also hold hand gear permits so those fish
19 are showing up on trip tickets, not on recreational
20 recording, and it is legal on the hand gear permit,
21 and that brings up another issue. What probably is
22 more important for us to look at with swordfish
23 landings is weight, what is our total tonnage in
24 the recreational fishery, because there has been an

1 evolution in that fishery from a nighttime 75-pound
2 fish to a daytime 250 to 500-pound fish, so we may
3 see our tonnage similar.

4 And another thing that NOAA has to
5 recognize, we've said it before, but with either
6 zero or impossible enforcement, recognize that a
7 \$2,500 fish is going to find its way to market. So
8 I doubt seriously if you have any fish that are
9 hitting, that are being landed that aren't being
10 recorded, they're just making their way to
11 commercial trip tickets, and a typical recreational
12 fisherman that brokers his fish through somebody
13 with a permit is probably not going to call it in,
14 although in some cases we do see double reporting
15 where a fish is reported as recreational, and then
16 it is brokered in the markets as a commercial
17 caught fish and ends up on there twice. But you've
18 got to recognize, a \$2,500 fish is going to make it
19 to market, I don't care what you do. But then add
20 on top of that absolute zero enforcement, and
21 that's what will happen.

22 And we need to deal with that issue when we
23 talk about swordfish revitalization in some way.
24 One possibility may be to just allow what's

1 happening, either allow it at sea, or an on-land
2 transfer of these fish to a permit holder, call
3 them a dealer if you want, but allowing them to
4 sell the fish. That way there's some commercial
5 responsibility for the quality of the fish. But
6 I'm telling you, without enforcement, you can't
7 stop it.

8 MS. SCHULZE-HAUGEN: Well, I would just say
9 that we have an enforcement update next on the
10 agenda, so that may be a consideration.

11 MR. RAAB: Shana.

12 MS. MILLER: Shana Miller. I don't have a
13 comment to that question, but on the communications
14 issues, I think that there's been a really great
15 effort by HMS to call us when there's a rule coming
16 out, but at the same time it seems like those calls
17 are an hour or two before we get an e-mail, so I
18 guess I would suggest that either we get the calls
19 a week before or maybe, you know, not wait until
20 the time you send the e-mail with the rule and say
21 if you have questions, contact us, we're available,
22 versus calling everybody right before the e-mail
23 comes out. Thanks.

24 MS. SCHULZE-HAUGEN: We're happy to call

1 everyone. We call you when we can send a notice
2 around, and so we're not able to call you before
3 it's publicly released, so that's part of the
4 timing. If you don't want to be called, we might
5 take you off the list, but we found out, we know a
6 lot of people get a lot of e-mails, so we wanted,
7 you know, to do a little bit extra for the panel
8 members specifically, to give you a heads of up of
9 what's coming, that's what we were trying to do.

10 MS. GRIFFIN-WILSON: Slide 19 talks about
11 research in the Mid-Atlantic longline closed area,
12 and I was just curious as to what the purpose of
13 that research was.

14 MS. SCHULZE-HAUGEN: I think what's of
15 interest, given that that's a closed area, we're
16 continuing to get data from the area, and so the
17 research fishery is, that has been included as an
18 objective of the research fishery, amongst others,
19 for the last couple of years.

20 MR. RAAB: Richard, we're back to you.

21 MR. RUAIS: Thank you. You know, Ron's
22 answer was somewhat informative, and I would
23 suggest that right now that doesn't seem to be a
24 problem, that there might be double counting, but

1 at some point with the intent to revitalize, you
2 know, and the squid and incidental catches, and if
3 there is some enforcement some day of recreational
4 catches, that that 300-ton quota might start to
5 become an issue, and that's when you want to make
6 sure you filter out that double counting so you get
7 your true measure. So in the future it's going to
8 be a problem, but that wasn't my question.

9 Under the electronic dealer reporting, you
10 know, the suggestion or the implications of that
11 being on here is that we're currently experiencing
12 some difficulties in the lag time and think it can
13 be improved. What exactly is there in terms of a
14 lag time in terms of the pelagic lead right now
15 that we're experiencing, and why is that? Is it an
16 outdated electronic reporting system or is it
17 manpower, what are the reasons for the, for your
18 unhappiness with the current, or not total
19 satisfaction with the electronic data reporting?

20 MS. SCHULZE-HAUGEN: Largely it's been
21 driven by sharks where the quotas are quite small
22 and a two-week lag in -- so the way it is now is
23 that fish that are landed until, from the 1st to
24 the 15th have to be reported by the end of that

1 month, and fish from the latter part of the month
2 are due by the 10th of the following month, so
3 there is a ten-day lag from the end of that period.
4 So a fish that was caught in the beginning of that
5 period isn't due to be reported until almost three
6 weeks later. And then due to chronic late
7 reporting, quality control mechanisms, there may be
8 some delays there in terms of having an idea of
9 what was landed, and that's for the federal system.

10 For states, those times can vary
11 significantly, but sometimes it's on the order of
12 months later before we get QA/QC state landings,
13 and when you've got small quotas, that can be very
14 problematic. And so, you know, as many shark
15 fishermen can attest, there have been some fairly
16 extensive problems due to overharvests that have
17 occurred, in part because the monitoring wasn't in
18 real time.

19 And so when we were moving towards
20 electronic dealer reporting, it was driven largely
21 by sharks, but we decided to also include the other
22 species to facilitate our ability to know what's
23 going on in real time, and so we adopted the others
24 for consistency, and a lot of people are reporting

1 multiple species, and so we have for HMS a
2 consistent sort of method of getting information in
3 real time.

4 MR. RAAB: Are there any other questions
5 for Margo before we move on? Great. Okay. So
6 we're going to move on to the next agenda item,
7 which is the enforcement update. Our presenters
8 will come on up. Once again, we're going to run
9 through the whole presentation, it's not very long,
10 and then open it up for your questions.

11 ENFORCEMENT UPDATE

12 MS. MOORE: Good morning. My name is Katie
13 Moore, I'm with the U.S. Coast Guard Atlantic Area
14 Command. That area entails, it oversees the
15 northeast, which is District 1; Mid-Atlantic, which
16 is District 5; Southeast, which is District 7, and
17 it involves the Caribbean; and District 8, which is
18 the Gulf of Mexico. So I will provide the report
19 instead of having all the fisheries officers come
20 and do it.

21 Today we also have Lieutenant Commander
22 Gregg Casad in the audience. He's our new liaison
23 officer to the NOAA Office of Law Enforcement. He
24 comes from our headquarters office where he has

1 been serving for many years. He replaced
2 Lieutenant Commander Pat Barilli, who was here at
3 the last meeting.

4 The goal of this presentation is to tell
5 you what our presence is and some of our
6 accomplishments. Law enforcement is out there,
7 sometimes you don't hear exactly what's happening
8 in a real time way, and that's the purpose of this
9 presentation, to give you an update.

10 This reflects the first five months of
11 fiscal year 11. We had an active presence for our
12 living marine resources mission, that is one of
13 Coast Guard's 11 missions. As you can see here, we
14 used aircraft as well as a variety of surface
15 assets to do our domestic fisheries enforcement.

16 In terms of our boardings, we had 85
17 boardings through the end of February, addressing
18 both commercial and recreational sectors. You can
19 see a breakdown of those boardings by geographic
20 area as well as the different sectors.

21 Out of those boardings, we did have a
22 significant fisheries violation. This does not
23 capture all violations, just a significant
24 violation. That occurred in November in the

1 northeast. It was retention illegally of shark
2 parts, being one dorsal fin as well as a tail. The
3 catch was seized in that. The boarding was
4 conducted by one of our patrol boats.

5 Not only do we do domestic fisheries
6 enforcement but we're also engaged in making sure
7 that foreign fishing vessels do not come into U.S.
8 waters and take their catch. We do this in all our
9 districts but our most heaviest activity is in the
10 Gulf of Mexico, our District 8. Lately, you may
11 have read some press releases, there's activity
12 down there, it's something that we have a
13 persistent presence for. We're very active in
14 detecting, we've had 43 detections, that means we
15 either saw a vessel or saw gear in the water.
16 Interception is when we can actually see the
17 foreign vessel present with their gear and actively
18 fishing, we've had 34 of those cases. And when we
19 can be on scene with a surface asset interdicting
20 the vessel, then that is 11 cases. If we chase the
21 vessel and they go back into Mexican waters, that
22 is not considered an interdiction.

23 So in the interceptions, often times we
24 come across gear, we pull the gear and dispose of

1 it, and where possible we release the species.
2 Interdiction, same case, and sometimes we actually
3 take, the majority of the time actually we also
4 take the vessel. We work with CDP to work with the
5 illegal fishermen to get them back to Mexico,
6 working with the Mexican government, and we try to
7 keep track of what catch was there. Typically the
8 species are snapper as well as HMS.

9 In 18 cases we detected illegal catch. The
10 majority of the catch was, the majority of the
11 catch was not identified, or they involved non-HMS
12 species. However, we did have four cases where as
13 you can see here, there was almost 70 HMS species
14 that were caught. So this is a combination of our
15 small boat as well as our aircraft, and I want to
16 keep giving this type of data at future meetings.

17 Next steps. Beyond our current operations,
18 we continue to look at our deterrence, are we
19 working with the right performance measures, do we
20 have sufficient strategic goals. We have a
21 strategic plan in effect until 2014, which we're
22 working to revalidate. We also have commissioned a
23 deterrent study to see if we're having the right
24 effect on the water. Hopefully we're not just

1 interdicting vessels, but we're deterring them
2 along the way. And we continue our areas of good
3 partnership by giving you briefs, giving you
4 information on what's going on.

5 So I would like to open this up if anyone
6 has any questions about the information relayed and
7 then also, if there's other information that you
8 would like from the Coast Guard, we have four
9 missions that immediately affect you. This
10 presentation is in regards to our living marine
11 resources enforcement, but we have also have search
12 and rescue, commercial fishing vessel safety, we
13 deal with other law enforcement, foreign fishing
14 vessel incursion, and so if there's more
15 information you would like on any of those, we can
16 try to incorporate those into future presentations.

17 MR. RAAB: Great. We're open to questions.
18 Ralph, I think you were first.

19 MR. PRATT: Ralph Pratt. Just a question
20 on the HMS; is there a breakdown on the species
21 that we have. The reason why I ask, I had a little
22 concern that Mexico now has a 95-ton allocation of
23 bluefin tuna, and there's really no place for them
24 to catch it that I'm aware of other than traveling

1 to the open Atlantic beyond the Gulf of Mexico and
2 if I see that, it could be tied into that there,
3 but I don't really know that, you know.

4 MS. MOORE: We do hear a great deal of that
5 question when we actually have an interdiction, but
6 that is the lowest number. We have a great number
7 of interceptions as well. I worked with our
8 District 8 office and asked them that they take
9 better details on species ID instead of just
10 listing it just as shark.

11 MR. PRATT: Is it all shark, or is it tuna
12 also?

13 MS. MOORE: Actually it is for any catch
14 that was caught during those incidents, so it is
15 broader than that. The majority have been shark.

16 MR. RAAB: Yes, sir.

17 MR. ADRIANCE: Jason Adriance. Do your
18 patrol hours and boardings include the joint
19 enforcement agreements with states, or is that
20 strictly Coast Guard?

21 MS. MOORE: This is strictly Coast Guard
22 hours on our end.

23 MR. ADRIANCE: Thanks.

24 MR. RAAB: Ed.

1 MR. SAPP: Ed Sapp from the Gulf Council.
2 It sounds like there has been a recurring problem
3 with foreign fishing vessel activity in the Gulf of
4 Mexico, and specifically with snapper, can you
5 characterize what the issue is? Is it the
6 fishermen not being aware that they're fishing in
7 U.S. waters and that they're on the border, or are
8 they specifically coming in and targeting the red
9 snapper well within our EEZ waters?

10 MS. MOORE: The majority of these are
11 willful violations. We have caught small craft
12 that have drifted over and have stated that it was
13 inadvertent, it was an issue with their vessel, but
14 the majority of them are willful violations by
15 shallow hull vessels that are specifically
16 targeting species. Our species are doing fairly
17 well in our waters because we regulate them, and
18 the Mexican fishermen are seeing that.

19 MR. RAAB: Yes.

20 MR. WHITAKER: Rom Whitaker, with a charter
21 boat. In your enforcement, the guys that are doing
22 the enforcement, are they specially trained Coast
23 Guard, or do you do this in conjunction with NMFS?

24 MS. MOORE: We do joint operations, we work

1 very collaboratively, we engage on the intelligence
2 side as well with NOAA fisheries. We work closely
3 with EGT, they've actually been very helpful in the
4 Gulf of Mexico with some of these Mexican
5 incursions. We talked specifically about Coast
6 Guard assets, but we are engaged in joint
7 operations.

8 MR. RAAB: Richard.

9 MR. RUAIS: Just a follow-up to Ralph's
10 question. Another way of getting at his question
11 is you see the gear, but if it's illegal gear
12 that's set by a Mexican vessel in U.S. waters, I
13 assume if it's spot gear, you seize that gear.

14 MS. MOORE: The majority of the gear has
15 been gill net and longline, and we do seize the
16 gear. We don't want it to impact the ecosystem in
17 the Gulf, and it's also for law enforcement.

18 MR. RUAIS: Just one suggestion would be
19 maybe a breakdown of that, of the different gear
20 types that have been seized, and the amount or
21 whatever.

22 MR. RAAB: Thank you. Yes?

23 LCDR CASAD: Just to the gentleman's
24 question about the training aspect of this, I just

1 want to talk about that. We have five regional
2 training centers throughout the Coast Guard that
3 are specifically designed to provide the skill set
4 for those folks who do fish reporting, so we train
5 the people on the gear regulations, permit
6 requirements, and we provide those folks that
7 training. So those people who are stepping on your
8 vessel to do a fisheries inspection should have
9 received training for it, and we have the monies
10 and the quotas available for those folks to be able
11 to go and receive are that training. So for the --
12 I'm sorry, sir, you were out of Florida?

13 MR. WHITAKER: Out of Hatteras.

14 LCDR CASAD: So for the Mid-Atlantic, we
15 have folks come up from Charleston and down from
16 New England to provide training for those Coast
17 Guard units that operate in that area, and it's the
18 same around the Coast Guard, so those folks at our
19 Coast Guard stations, patrol boats, and our other
20 assets all do receive that training.

21 MR. RAAB: David, you were next.

22 MR. CUPKA: David Cupka. I wanted to ask
23 you a little bit about the deterrence study. Could
24 you give us a little bit more detail on that? Is

1 it in a specific geographic area?

2 MS. MOORE: I'm going to take that to our
3 headquarters, they actually contracted it out.
4 It's my understanding it's a national study.

5 LCDR CASAD: It absolutely is. So for
6 folks who have been in the room and seen some of
7 the performance metrics that the Coast Guard
8 manage, and one of our top level metrics for us is
9 the observed at sea compliance rate, which a lot of
10 people have a little bit of heartache about in the
11 sense of concerns about what that measure actually
12 tells folks. But what that's predicated on is the
13 fact that we have a deterrent effect, so people by
14 our activities aside, make a choice to comply with
15 the regulations, whether that's because of our
16 activities or an intrinsic appreciation for the
17 rules, they make that decision.

18 So what we're looking at is, we talk about
19 how much do we have to be there to convince people
20 to take a certain action, to act a certain way.
21 That drives resources, that drives how much does
22 the Coast Guard have to do, how many small boats do
23 we need, how many patrol boats do we need. All
24 that ties back into the deterrence study, and how

1 much time and effort do we have to be there to get
2 what is an acceptable level of compliance with
3 those fisheries regulations.

4 So on the scale question, it's a national
5 project. You will be seeing, it's been ongoing for
6 about six months now, we're in the process of
7 developing a, I will use the term survey, but for
8 those in the academic world it's not actually a
9 survey design perspective as much as it is we're
10 going to be opening a docket inside the Federal
11 Register to solicit comments, solicit input on what
12 the effect of Coast Guard operations are, to help
13 us understand what is the value of what we do and
14 then how much of it do we need to be doing.
15 Because if we're not doing enough, we need to know
16 that; if we're doing too much or too much in a
17 certain area, we also need to know that so we can
18 reallocate those assets. So that's the reason
19 we're doing this.

20 This study, the original model itself
21 started in the '90s, early '90s. We looked at it
22 again in about '99, so it's been a little over ten
23 years and it's time for us to look at it again, and
24 that's why we contracted the study.

1 MR. CUPKA: May I follow up?

2 MR. RAAB: Go ahead.

3 MR. CUPKA: Is there a completion date for
4 that?

5 LCDR CASAD: The contract runs through the
6 end of October, and we were also looking at, there
7 were some pieces of the puzzle that as much as I'd
8 love to say that we get robust funding for these
9 type of surveys and studies, it's not always the
10 case ways. We're also looking at some ways that we
11 can roll in some pieces of the puzzle that we
12 didn't get a chance to with our original contract,
13 but the contract ends October.

14 And that's going to be, once again, there
15 will be some of that that you will see come back to
16 you as an advisory panel talking about what the
17 Coast Guard's doing in response to that document,
18 and so that's where you will see it. And it takes
19 a little bit of time once we get those results in
20 to internalize them, figure out whether or not
21 there actually needs to be changes in our policies
22 and the way we operate.

23 MR. RAAB: Bob, then Sonja, then Rom.

24 DR. HUETER: Thank you. Bob Hueter, Mote

1 Marine Lab. What proportion of the violations in
2 the Gulf are happening right at the Texas-Mexico
3 border, is it all of them, most of them, some of
4 them?

5 MS. MOORE: I would say when you say right
6 at the border, I would say most are within 30
7 miles, they're happening there.

8 DR. HUETER: So all of the violations
9 basically that you provided last year are in that
10 area?

11 MS. MOORE: For the foreign fishing
12 vessels.

13 DR. HUETER: How many vessels does the
14 Coast Guard have at that location to monitor the
15 situation?

16 MS. MOORE: Essentially we have given the
17 direction to the operational commander to have the
18 presence, so really it's addressing the threat out
19 there, so they have the flexibility. I'm not going
20 to tell you exactly how many ships we have down
21 there, but I will say that it is a combination of
22 the aircraft, it is a combination of our station
23 assets, and that is their primary mission, so I
24 would say a persistent presence is down there.

1 DR. HUETER: And the last question is when
2 these vessels are seized and the catch is seized,
3 is the catch broken down by species, is it reported
4 to the Southeast Center to help with data and stock
5 assessment of what the leakage of this catch is
6 into Mexico.

7 MS. MOORE: The information we provide goes
8 through our process and definitely goes to the
9 Office of Law Enforcement. I'm not sure within
10 NOAA how much further it goes.

11 DR. HUETER: My comment will be it needs to
12 go to one of the science centers, because there's a
13 lot of uncertainty as to how much catch is going on
14 in this problem area, and if we can at least
15 characterize the catch by panga, do we know how
16 many pangas approximately do this every day or
17 every year, we could get a better assessment of
18 what that catch is. I know Karyl did a study of
19 this several years ago, so it would be nice to get
20 those data updated, because clearly that's a
21 problem that's probably gotten worse.

22 MR. RAAB: Karyl, a comment?

23 MS. BREWSTER-GEISZ: We did update those
24 numbers for the current stock assessment, so we are

1 working with the Coast Guard and we will work with
2 them to get the update.

3 MR. RAAB: Sonja.

4 MS. FORDHAM: Sonja Fordham, Shark
5 Advocates International. Just to follow on Bob's
6 point I was going to ask, has this problem become
7 worse? I remember back in like 2004, there was a
8 lot of tension between Mexican fishing and sharks,
9 and then recently there was a big Washington Post
10 story that what the Mexicans were saying is it's
11 worth it for us even if we get caught.

12 So I was just curious if you can say
13 anything about the trends in this kind of
14 enforcement and if they're up, if you have any more
15 specific information on how you plan to address
16 that particular problem.

17 MS. MOORE: We have a requirement that our
18 district look at this issue so they can determine
19 what their enforcement capabilities are now and
20 compare it to the past five years, so that's
21 helpful for us to insure they have the right number
22 of assets down there. We haven't gotten that
23 assessment completed. However, it is getting a lot
24 of attention. So I cannot tell you if there's any

1 truth to that, and the media isn't always accurate,
2 but that is something we have as a standing
3 requirement, to have a threat assessment so we can
4 be able to tell you with confidence, is it
5 increasing or not, but I can't tell you that right
6 now.

7 LCDR CASAD: What I'll say is from a
8 performance measures output perspective, what are
9 we seeing, how many detected incursions have we
10 seen, the trend is down, okay? When we started
11 looking back in the early 2000s we were seeing
12 somewhere around 200-plus a year where we were
13 putting eyes on either gear in our zone or a vessel
14 actively fishing in our EEZ. Last year I think the
15 number was in the low 80s, if I remember correctly,
16 so the trend is down, so I will be perfectly clear
17 on that.

18 That's not -- some people will always say
19 maybe you're not doing as much, maybe you're just
20 not looking. Not the case. We're still out there
21 on nearly a daily basis with either patrol boats,
22 small boats and aircraft looking for these vessels.
23 This is a violation of our sovereignty. We take it
24 extremely serious.

1 MR. RAAB: Ron.

2 MR. CODDINGTON: Yeah, Ron Coddington.

3 I've got a question about how you calculate
4 enforcement effort and boardings, because to me it
5 looks incredibly low. For instance off the coast
6 of south Florida where I'm from, I know you
7 certainly have days where you do 85 boardings in a
8 day not related to living resources. So my
9 question is, if you're on an enforcement effort,
10 does it have to be a specified living marine
11 resources enforcement effort to be included in this
12 calculation or in the boardings, or what if, for
13 instance, you're stopping every yellow boat that
14 comes from the Bahamas that day, because I've seen
15 that happen, my boat's yellow so I was one of the
16 ones that was stopped, and then they do a fisheries
17 inspection while they're there. They're obviously
18 not looking for fisheries, but they did a fisheries
19 inspection. So how is that balanced with these
20 boardings and how are they calculated?

21 MS. MOORE: Sure. This does reflect Coast
22 Guard domestic fisheries highly migratory species
23 boardings, so this does not reflect all fish
24 boardings. So if you were down there and your

1 major fishery was snapper or grouper, it is not
2 reflected in this count. These are only in the
3 major fisheries with highly migratory species. Now
4 if you were out and someone was doing recreational
5 boating and not yet having a catch, that would not
6 be an HMS boarding. So when we go out there we do
7 look for drugs, we look for warrants, we look for
8 fish, homeland security violations. If we do not
9 see fisheries catch on board, it's not a fisheries
10 boarding, even though it might have been a
11 fisherman.

12 MR. RAAB: Terry.

13 MS. BEIDEMAN: Terry Beideman. So, your
14 fiscal year starts when?

15 MS. MOORE: The first of October.

16 MS. BEIDEMAN: So this would reflect
17 everything from then, and I'm looking at your
18 table. If they weren't interdicted but they flee
19 into Mexico, where is that reflected, is that under
20 the detection, is that a difference there, or is
21 there any information on how many boats flee into
22 Mexico and escape, you know, essentially being
23 caught?

24 MS. MOORE: That is what interceptions

1 reflect, when we see them and they pursue them but
2 are not able to stop them, they appear there.

3 MS. BEIDEMAN: Thank you.

4 MR. RAAB: Rob.

5 DR. HUETER: Just a follow-up of where we
6 started. So Katie, a breakdown by HMS is helpful,
7 a breakdown by gear type would also be good
8 information, and the size of vessels I think is
9 important too.

10 MS. MOORE: For domestic and foreign
11 fishing vessels?

12 DR. HUETER: Just the foreign.

13 MR. RAAB: A comment from the back?

14 LCDR CASAD: It seems like there might be a
15 little bit of misperception about what we're
16 dealing with in the Gulf of Mexico. We're dealing
17 with the open hulled fiberglass launches, 25 to 30
18 feet with an outboard and a fish cooler on deck,
19 that's what we're dealing with, that's it. We're
20 not seeing shrimpers, we're not seeing water scale
21 longline vessels, we are seeing launches. So I,
22 folks, you know, that's what we're interdicting,
23 that's what we're seeing, that's what we're
24 intercepting, that's what we're interdicting. If

1 we do see something, it's very rare for us to see
2 some of those more industrial fishing vessels up in
3 our waters. I think it's been a couple of years
4 since we caught a Mexican shrimper in our waters
5 fishing illegally. So hopefully that sets the
6 picture of what that threat is and those numbers
7 are, launches.

8 MR. RAAB: I was just told that we have two
9 more presentations during this section, which I
10 didn't realize, so let's just take two more. Ron,
11 did you have another question? Let's take these
12 two, and then let's do the other presentations. I
13 thought we were doing great. Go ahead.

14 MR. JAMES: Just a quick suggestion, Steve
15 James here. I'm looking at your living marine
16 resources and the equipment, very intensive
17 hardware and so forth. I was going to point out to
18 you that perhaps the most productive method to
19 review the recreational and charter head boat might
20 well be a personal computer and access to the web
21 forms, and then to get off a lot of information
22 just by perusing through the websites, and it could
23 lend its credibility to the whole process here by
24 sending out resources after you've picked up some

1 feedbacks on these websites. I know there's an
2 awful lot of information that pertains to
3 inappropriate landings and so forth posted on those
4 forums, so it's just a suggestion for you.

5 MR. RAAB: Richard, and then the next
6 presenter.

7 MR. RUAIS: As I think my colleague John
8 Graves will recall, when we were first urged to
9 provide Mexico with an allocation of, or an
10 allocation from the U.S. tonnage of bluefin tuna,
11 we asked the question several times, how are you
12 going to catch it? And the answer came back that
13 they were going to transfer large longline vessels
14 from the Pacific into the Gulf of Mexico. So
15 that's part of the reason why, we're still waiting
16 for that promised development of activity of an
17 offshore capability that might take you further
18 away from the U.S.-Mexico border where we're
19 supposed to land where the pangas can get at it,
20 and where you could really prevent longline fleets
21 from operating from other Mexican ports inside the
22 Gulf of Mexico and the Yucatan.

23 MR. RAAB: Why don't we move to our next
24 presentation, by John Reghi.

1 MR. REGHI: Good morning, everybody. My
2 name's John Reghi, a special agent assigned to NOAA
3 enforcement headquarters, and I will be giving you
4 the HMS enforcement case highlights today.
5 Normally I present from the Southeast Division and
6 the Northeast Division.

7 During our last reporting period since the
8 last advisory panel meeting, the southeast
9 enforcement division has been wrapping up some very
10 complex criminal investigations, primarily dealing
11 with violations of the Lacey Act and other included
12 offenses under Title 18 of the U.S. Criminal Code,
13 so we don't have a lot of HMS specific things to
14 report from them for this meeting. However, I do
15 have case highlights from the northeast enforcement
16 division, and that's what my presentation will
17 focus on.

18 We have basically two swordfish cases that
19 were initiated during the last reporting period,
20 two bluefin tuna, two yellowfin, and one observer
21 investigation.

22 Our first HMS case deals with swordfish and
23 that was initiated up in Newcastle, New Hampshire
24 and the Maine Marine Patrol, as well as OLE. The

1 enforcement team intercepted three subjects from
2 Ogunquit, Maine. They were discovered to be in
3 possession of two Atlantic swordfish caught without
4 an HMS permit. It was also determined that they
5 engaged in prohibited barter or sale of the loins
6 to an unpermitted dealer. All the cases I'll be
7 presenting to you today are right now under review
8 by the Office of General Counsel and we do have
9 limited information available because it's pending
10 further disposition through our investigative and
11 enforcement process.

12 The next case was investigated by OLE from
13 our Portland, Maine office. It deals with a tuna
14 dealer who purchased swordfish without a valid
15 Atlantic swordfish dealing permit, and that
16 individual failed to report the purchase as well.

17 Also, we have two cases dealing with
18 undersized Atlantic bluefin tuna. One tuna
19 fisherman landed an Atlantic bluefin tuna in an
20 unauthorized form, that being fillets, and OLE
21 through their investigation was able to determine
22 that it was also undersized, and that case was
23 handled by our OLE Boston, Massachusetts office.

24 The second bluefin case, a tuna fisherman

1 landed undersized Atlantic bluefin tuna, which was
2 subsequently sold to a Massachusetts dealer, and
3 this case was detected by Maine Marine Patrol
4 officers operating under a joint forces agreement,
5 and that case was handled by special agents from
6 our Portland, Maine office.

7 Shifting to yellowfin tuna, we also had two
8 yellowfin tuna investigations during this last
9 reporting period in the Northeast Division. OLE in
10 Bellport, New York investigated a fisherman for
11 landing yellowfin tuna, he had them in fillets,
12 which is an unauthorized form.

13 And a second undersized yellowfin tuna
14 investigation, New Jersey Fish and Wildlife
15 officers working in conjunction with OLE conducted
16 an inspection of a fishing vessel, they located
17 three undersized yellowfin. During the dockside
18 offload to sort out the catch by species, the
19 vessel owner misrepresented the species to the
20 state officers, and there was an accomplice who
21 removed two of the yellowfin tuna from the scene.
22 Eventually the owner confessed to OLE regarding his
23 involvement in this.

24 There was one HMS observer refusal that was

1 investigated and sent to general counsel, and that
2 dealt with a pelagic longline vessel that refused
3 to carry an observer, and our NOAA OLE Falmouth,
4 Massachusetts office handled that matter as well.
5 Any questions?

6 MR. RAAB: Ron.

7 MR. CODDINGTON: Ron Coddington. Without
8 mention of the vessel names or the specific joint
9 investigation between FWC and the Southeast
10 Division of NOAA Law Enforcement, at some point the
11 swordfish community in south Florida would like an
12 explanation of how a vessel with commercial fishing
13 buoys had ten swordfish on board and had no
14 swordfish permit on that vessel. However, one of
15 the mates apparently had a swordfish permit on
16 another vessel. And quite honestly, until the
17 recreational and commercial swordfish community
18 gets an explanation of that in Florida, whether it
19 be here or offline, privately, or whatever, you
20 lost all cooperation from the recreational and
21 commercial swordfish community in south Florida.
22 You don't get any more tips, you don't get any more
23 help in enforcement, because action was taken, the
24 vessel was caught, and we still haven't been told

1 why the vessel wasn't fined.

2 MR. REGHI: And I don't know the immediate
3 facts regarding that case, but I might talk with
4 you offline about that, either during lunch, but I
5 will try to get some additional information and get
6 back to you.

7 MR. CODDINGTON: Great, thank you.

8 MR. RAAB: Any other questions for John?
9 All right.

10 MS. ENGELKE-ROS: I'm Meggan Engelke-Ros,
11 from NOAA Office of General Counsel for
12 Enforcement, and while I pull up my presentation, I
13 just wanted to briefly expand on a couple of the
14 comments that were made by the Coast Guard
15 presentation. The first one is that in addition to
16 the fisheries boarding and training at the
17 fisheries training centers that the Coast Guard do
18 generally, we do quite a lot of collaboration with
19 them specifically related to HMS. They participate
20 in the periodic HMS law enforcement working group
21 meetings and calls, and their own instructors
22 participate in our training sessions so they can
23 adhere with HMS about changes in regulations.

24 And the other one was that with respect to

1 the Mexican launch issue, in addition to dealing
2 with it at sea, NOAA routinely raises that during
3 periodic bilateral meetings that we have with the
4 Mexican government, so we are addressing it on a
5 number of fronts.

6 I know that there are probably a few people
7 who are new to the AP who may not be familiar with
8 how NOAA enforcement works. My office, the Office
9 of General Counsel for Enforcement, handles
10 administrative enforcement cases that are referred
11 to us by the Coast Guard, our state joint law
12 enforcement partners, and the Office of Law
13 Enforcement.

14 Most of this really brief presentation is
15 going to focus not on how our office works, I'm
16 happy to answer questions about that either at the
17 end or off line sometime during the next few days,
18 but most of it is going to focus on some changes.
19 For those of you who are familiar with NOAA
20 enforcement, you may have been following some of
21 the changes that we've been undergoing over the
22 last year, mostly focused on responding to various
23 reports that were devolved by the Department of
24 Commerce and Inspector General, and most of the

1 changes are focused on trying to improve
2 transparency, consistency across the nation, and
3 perceived fairness, as well as actual fairness.

4 The first change that I'm going to focus on
5 is public access to charging and settlement
6 information. We've also had changes to the
7 procedural regulations that NOAA has that govern
8 our administrative process, both the assessment of
9 fines and permit sanctions, as well as forfeitures,
10 changes in how we process cases, including HMS
11 cases, and the development of our penalty policy.
12 More information about all of these things is
13 available on the GCEL website, which is on the
14 bottom of this slide, but I'm also happy to discuss
15 them with you or to send people additional
16 information if that would be helpful. A lot of it
17 is quite detailed.

18 Starting this past September for the first
19 time, GCEL began posting on the web enforcement
20 charging information that includes numbers of cases
21 charged, total penalties assessed and cases
22 settled. It only goes back to March of 2010 at the
23 moment, but it will be continuously updated, I
24 think there are two reports up there right now, and

1 I did notice when I was getting ready for this
2 presentation that it doesn't get into specific
3 regulations necessarily, so there may be some HMS
4 cases that are described as cases charged under
5 Magnuson Act, and that may be something that we may
6 want to fix in the future just for additional
7 clarity.

8 Another important change is that last June
9 we published a minor change in terms of its size,
10 but a major change in terms of its effect to our
11 procedural regulations governing administrative
12 hearings, specifically to remove the requirement
13 that administrative law judges in NOAA hearings
14 provide good cause for deviating from the penalty
15 recommendation of NOAA, and to clarify that it is a
16 de novo review of the penalty assessment, which had
17 the effect of eliminating any presumption in favor
18 of the government.

19 Changes in our case processing,
20 unfortunately a lot of these changes that we've
21 made over the last year to our policies and
22 procedures have dramatically decreased the numbers
23 of cases that were handled by my office this year,
24 but we are seeing an uptick in the number of cases

1 processing now that these policies are in place.

2 One of the things that was put in place was
3 a formalized process for upper level review in the
4 Office of General Counsel, actually at the General
5 Counsel level, for charging and settlement
6 decisions. We expect that at some stage now that
7 some of the more formal policies are in place, that
8 will be delegated down, but it will no longer be
9 delegated down to the enforcement attorney level.

10 And to deal with the number, the volume of
11 cases particularly on the east coast, all HMS cases
12 will currently and into the future be handled out
13 of Silver Spring, as opposed to being handled in
14 the regional offices.

15 And finally and perhaps most significantly,
16 NOAA has always had penalty schedules that set
17 penalties based on various regulations under each
18 of our statutes. They were mostly broken down by
19 region, although not necessarily for HMS. We have
20 gone to a unified nationwide penalty policy and
21 penalty schedule that is available on our website.
22 It has much greater specificity in terms of what
23 now are our ranges in terms of what kinds of
24 penalties are assessed for various violations, with

1 the intention of creating a more consistent
2 approach to violations across the country.
3 Basically it sets a calculation that will be
4 reflected in the charging document that assesses a
5 base penalty that reflects the seriousness and
6 particular circumstances of the violation, mostly
7 related to whether or not it was intentional or
8 inadvertent, not the seriousness of the particular
9 circumstances, but it's the circumstances that are
10 laid out in the Magnuson Act relating to gravity of
11 the harm, et cetera, so it's a base penalty that is
12 set out in the schedule plus the proceeds from the
13 unlawful activity, which is for example the
14 proceeds from the sale of any illegally harvested
15 fish, as well as any additional economic benefit,
16 which would mostly be expenses that were avoided by
17 violating the regulation. For example, if you had
18 to have VMS and you didn't have it, so you had some
19 operational savings there, or if you didn't comply
20 with the modification requirements, those kinds of
21 things.

22 So, I asked John to stay up here since our
23 work is so closely related, in case you have any
24 more questions related to either of our offices.

1 MR. RAAB: Any questions? Pat.

2 MR. AUGUSTINE: This might be a dumb
3 question, but that won't be considered if you don't
4 have an answer.

5 The cost of living differentials across the
6 country are so different, east, west, north and
7 south, when I was in the corporate world, if we
8 moved people from the south up to New York, we
9 always allowed a cost of living differential. And
10 would that not be a consideration in a particular
11 case for additional penalties? This would be very
12 complicated, but to treat a person who uses the
13 wrong gear, whether it's Mississippi or New York,
14 should be constant, but then the rest of the
15 penalty, it would seem to me the effect on the
16 product that goes to market, to sell that product,
17 maybe it's not, but I do think there would be some
18 consideration. Is that too complex for part of the
19 formula to consider.

20 MS. ENGELKE-ROS: Not at all, and it's not
21 a stupid question in the least. The comment that
22 you made that the penalty assessed for the basic
23 type of violation should be the same across the
24 country is at the heart of what these changes were

1 aimed at, because the regions had been handling
2 similar violations quite differently. And in fact
3 it's a little complicated in terms of how we handle
4 it, because frequently we don't have that detailed
5 information at the charging stage.

6 But what's been happening and one of the
7 reasons we need to sort of get our feet under us
8 with this new process, it's taking a little while
9 to move through cases especially as we, you know,
10 try to coordinate up the chain of command within my
11 office. We are looking post charging at sort of
12 the settlement stage, at very detailed information
13 about ICE costs, and all kinds of operational costs
14 like that, so those difference itself are being
15 taken into account.

16 MR. AUGUSTINE: Thank you.

17 MR. RAAB: Any other questions? Okay.
18 Thank you. We will move on to our next agenda
19 item. John. And again, we're going to run through
20 the entire presentation and then open it up for
21 your questions and comments.

22 ICCAT UPDATE

23 DR. GRAVES: Well, I was relishing the
24 opportunity not to sit up in front of this group

1 for a while, but I guess I have to pay my dues
2 somewhere along the line. I apologize to all of
3 you ICCAT advisory committee members that have
4 heard this presentation, it's what I gave at our
5 meeting last month, with the exception that Margo
6 did ask me to pull one slide, which I did.

7 So, what I would like to do first in
8 talking about the meeting is to recognize that we
9 did have participation from the ICCAT advisory
10 committee on the U.S. delegation. In fact our
11 recreational commissioner, Ellen Peel had a lot of
12 work on her hands, and we also had Chris -- from
13 the recreational side; Chris Weiner, who has
14 disappeared for the moment, for the commercial
15 side; we had Sonja from the environmental side, and
16 then we also had Eugenio, who was on our
17 delegation, so I'm going to talk about them while
18 they leave the room. And then of course we had a
19 lot of support from NMFS, Margo was there, LeAnn,
20 Sarah, and also John, so I hope I got everybody.

21 So what I'm going to present are my, is my
22 interpretation of what happened at the meetings,
23 and for those of you who were at the presentation
24 last month, nothing has changed since the meeting

1 was in November of last year.

2 For the new people here, what's important
3 to realize as we go through the ICCAT process, we
4 have an advisory committee meeting in the fall
5 where we try to come to consensus on certain areas
6 for what U.S. priorities should be at the meeting.
7 Considering the range of constituencies which are
8 represented, we don't always come to consensus, but
9 surprisingly in terms of international issues, we
10 do have quite a bit of consensus.

11 And so looking at the, at our priorities --
12 and then once we develop our priorities within the
13 ICCAT advisory committee, there are the some
14 position setting meetings where I go and I present
15 the, where the committee had consensus, and I also
16 talk about what the range of views were on areas
17 where we didn't have consensus, the Agency presents
18 their ideas as to what our priorities should be,
19 and then at a higher level the priorities are set,
20 and the U.S. delegation is informed of the U.S.
21 position at our first real delegation meeting at
22 ICCAT, so that's how the process works.

23 And again, we are an advisory committee and
24 so even though generally when we have consensus,

1 that has been followed up all the way, but when we
2 don't have consensus, that obviously gives a little
3 bit of leeway, and at times we have had consensus
4 and the Agency has had a slightly different
5 interpretation.

6 So this year, or last year actually, the
7 priority items were bluefin, in terms of eastern
8 bluefin we wanted to see the cuts that had been
9 made in the east continue, we would like to see
10 further reduction, and most importantly, making
11 sure that the compliance, there's many issues that
12 were associated with eastern bluefin tuna, to
13 looking at monitoring, surveillance, and compliance
14 with all of those were in fact kept in the plan and
15 were being followed tightly.

16 In the west we had some divergent opinions.
17 We had some people that based on the new stock
18 assessment that showed things were a little better,
19 maybe through the incorporation of a different
20 maturity schedule, some people wanted to see an
21 increase in the TAC for the west, and of course
22 there were others that wanted to see the whole
23 fishery shut down, so there was no consensus on
24 that issue.

1 The swordfish, the committee was very
2 strong on wanting the United States to retain its
3 historical share of the swordfish fishery. We also
4 wanted to see a slight drop in the TAC for north
5 Atlantic swordfish from 13.7 to 13,000, just to be
6 a little more in line with the science and again,
7 give a little breathing room, not fishing it to the
8 max at this time.

9 Bigeye tuna -- and in the case of
10 swordfish, there wasn't a new assessment. For
11 bluefin, both east and west there was, but in
12 swordfish we just had a measure that was expiring
13 for the north, so we had to have something else in
14 place.

15 Bigeye tuna, there has been an assessment
16 for those, and there was an interest in bringing
17 down the TAC for that. There was also some concern
18 with what's happening in the Gulf of Guinea with
19 the increased surface effort and purse seining,
20 especially with boats coming into the Indian Ocean
21 due to piracy, coming back into the Atlantic,
22 increasing the effort on the surface fishery in the
23 Gulf of Guinea, which is primarily a skipjack
24 fishery, but also takes small yellowfin and bigeye

1 from that fishery. Thus small yellowfin and
2 bigeye, if they survive that gauntlet, many of the
3 fish that come can enter our fisheries.

4 The marlins, ICCAT had a resolution for
5 many years, or actually a recommendation which
6 required the live release of blue marlin, and that
7 measure expired at the end of the year, so we were
8 interested in continuing it and maybe even
9 increasing the effectiveness of that.

10 Sharks, we had a whole issue of sharks
11 going into ICCAT, various sharks, and getting those
12 sharks that are carried into ICCAT fisheries, to
13 afford them some protection, but also just to
14 collect basic data on them.

15 And then of course in ICCAT, the major
16 thing is compliance. We can have a lot of rules,
17 but it's up to each nation to be enforcing those
18 rules, and so at the commission level, we want to
19 make sure that people are doing the right thing.

20 So, what did we achieve at ICCAT? Well,
21 tongue in cheek here, we saved turtles, sharks and
22 trees. We certainly got a lot of measures on
23 sharks, we have been hammering at ICCAT on turtles,
24 to get a measure for, I don't know, probably at

1 least half the time I've been chair of the ICCAT
2 advisory committee, we've put in something, and
3 it's just, the adage that if you hit a brick wall
4 long enough with your head, eventually the brick
5 wall moves, so we did accomplish that. In terms of
6 saving trees, ICCAT has gone paperless, or will be
7 almost paperless at the next meeting, which is also
8 why I did not give Brian a copy of my talk to
9 print, I wanted to save a few trees just in respect
10 to the commission's wishes, but this presentation
11 will be posted on the HMS website.

12 But at an annual ICCAT meeting, they
13 generate more than 600,000 copies, they print more
14 than 600,000 copies which are distributed, and what
15 they produced going to now is that the heads
16 themselves plus two will get copies and everything
17 else is going to be wireless, so at least we did
18 something.

19 ICCAT's broken into panels. Panel one --
20 actually, the panels will be changing a little bit
21 later on. Panel one, though, for right now will
22 stay the same with tropical tuna, so that would be
23 your bigeye, your skipjack and yellowfin tuna. The
24 bigeye was a rollover of the measure that was in

1 place, it was only a one-year measure anyway. The
2 TAC is still at 85,000 metric tons. There's a
3 limit for developing coastal states to 3,500 metric
4 tons, and for minor harvesters, there's no limit to
5 that, but it's not anticipated that minor
6 harvesters are suddenly going to get a huge bigeye
7 fishery. But when we do look at this next year,
8 actually this year in November, that's something
9 that when we get a bill, another measure in place,
10 I would like to make sure that we have TACs for the
11 minor harvesters as well as the coastal states.

12 The carry forward cap of 30 percent was
13 continued. That's important in some respects for
14 those of you who are interested in swordfish.
15 Japan is in a similar situation with bigeye that we
16 are with swordfish, so they want to be able to, and
17 they have moved their bigeye quota to other
18 countries, and so they do understand a little bit
19 of the problems that we're having and they have
20 been somewhat supportive in doing that.

21 In terms -- there's an effort limitation
22 for the yellowfin fishery, effective fishing
23 numbers to '92 or '93 levels, which is sort of a
24 very fuzzy limit, so surface vessels that left the

1 Atlantic and went into the Indian Ocean, and came
2 back from the Indian Ocean now, we had a hard time
3 tracking those but we do have, many of the
4 countries, especially Taiwan, is a party that has
5 vessels coming back, longline vessels. They wanted
6 to move 16 vessels back, we allowed them to bring
7 seven back, but they haven't had a commensurate
8 increase in their quota, so they still have the
9 same quota, they're just going to be fishing more
10 vessels. But interestingly, there was some
11 concerns with the bigeye fishing of Taiwan inasmuch
12 as their size distribution of animals did not
13 correspond to the size distribution of animals from
14 some other nations fishing in the same area, and so
15 they seem to not be reporting some of the smaller
16 bigeye, and these are smaller longline bigeye as
17 opposed to the tiny bigeye that are caught with the
18 pursing.

19 The United States has been pushing for an
20 increase in the time/area closure in the Gulf of
21 Guinea. That essentially closes down fishing on
22 FADs or fishing in the high area, just naturally
23 producing effort over periods of time when it could
24 have gone either way. We have been pushing this to

1 get back to the bigger time/area closures that we
2 once had, we were almost there this year, but
3 eventually it broke down simply on the basis of
4 observers, that if you're going to be fishing on
5 FADs, you need observers on the boat, and some
6 countries just didn't want to put the observers on
7 the boat. So in the end the EU, that had been
8 pushing for this measure, said no, we can't do it,
9 and hopefully we can go back and address it this
10 year.

11 Panel two is the temperate tunas, the
12 northern temperate tuna in this case, so that would
13 be bluefin tuna east and west, and also northern
14 albacore. Western bluefin tuna, ESP Canada was the
15 voice of conservation at ICCAT, that's changed
16 dramatically, they're anything but that now. We
17 had very difficult negotiations with Canada. The
18 United States official position was for a slight
19 reduction in the TAC of western, Canada wanted an
20 increase, but they weren't willing to put it on the
21 paper, that would have been politically incorrect,
22 so essentially just in bilateral talks, not on the
23 floor, they indicated that they wanted an increase,
24 and of course the United States wanted a slight

1 decrease, so that set up tension, and actually
2 Japan and the EU were also supportive of the United
3 States position.

4 But Japan started attacking our
5 recreational fisheries, and for the recreational
6 sector out there, you should realize that Canada
7 when they were attacking that, wanted to reduce, to
8 actually apply a post release mortality of fish
9 that are released alive in the recreational fishery
10 and subtract that from our quota, so that's
11 something that's on the radar. And so, and of
12 course they wanted to use their numbers, so it
13 might be a good idea to get some of own numbers to
14 know what we're actually looking at.

15 I mentioned that we had a decrease in the
16 TAC from 1,800 to 1,750. Importantly, though,
17 Mexico and France with respect to their overseas
18 territories and the United Kingdom overseas
19 territories, were actually included in the
20 allocation fee this time, they hadn't been
21 previously. It still allowed a quota transfer from
22 Mexico to Canada, and monthly reporting of
23 provisional catches was agreed upon, so we will now
24 have to send monthly provisional catches to Madrid.

1 The EU thought they were, you know, really putting
2 something onerous on us at that time, and Canada
3 reported, well, we can give you provisional catches
4 on a daily basis, would you like that?

5 Eastern bluefin tuna, again, a one-year
6 measure. The TAC was slightly reduced, from 13.5
7 to 12.9, and it's going to stay there until
8 changed. There were overage paybacks, the EU has
9 an overage payback and so does Tunisia. With those
10 paybacks they won't be catching their allotted
11 quota because they have to pay back. The catches
12 for the next couple years should be under 11,500
13 metric tons.

14 There was a new allocation key agreed upon.
15 Algeria wasn't around early on and it got kicked,
16 and so Libya, Turkey and Egypt gained out of that.
17 There has been some concern by various countries
18 that this was not done particularly transparently
19 and there has been I guess an objection, Algeria
20 filed a formal objection about that.

21 And there's increased monitoring and
22 control measures. We spent a lot of time
23 discussing these issues, but now we're getting
24 observers on the towing vessels, so you have the

1 purse seiners, the purse seiners are offloading to
2 the towing vessel, the towing vessel takes it to
3 places, so we're trying to get observers on that
4 all the way through. And then each of the
5 countries in the east asked to have a capacity
6 reduction plan approved so that their capacity in
7 their fishery was commensurate with what their
8 quota was, and we went through on that.

9 It was sort of arbitrary, at least how
10 things were settled. Believe it or not, Libya, the
11 Libyan delegate would sometimes says well, no, I
12 just don't do that, just to be heard, and
13 eventually came back, and we adopted them all.

14 Panel four, currently that would be
15 swordfish, billfish and smaller tunas, as well as
16 all of the pike head species, so it was a big
17 panel.

18 In the case of northern swordfish,
19 surprisingly, I thought we were going to be handed
20 our lunch this year, but we weren't. We did not
21 lose our historical quota, even though we are
22 certainly not coming close to filling our quota,
23 and that, my hat's off to our commissioners for
24 doing that, that was a tough issue, and we were

1 able to do it. We were not able to reduce the TAC,
2 it remained at 13.7. Some developing nations which
3 had been getting underages given to them were now
4 included into the hard TAC, so they have an actual
5 allocation, but all parties are to submit fishery
6 management and development plans, and that will be
7 something the Agency will be working on certainly
8 over the next several months ahead. And the idea
9 here is that if there is going to be a
10 reallocation, we want to make sure that those
11 parties that are getting it have the ability to
12 actually manage the fishery and that they have a
13 plan for doing so, and of course for us when we're
14 looking for a quota, we want it to be sort of
15 conservation neutral, we don't want to all of a
16 sudden increase the bycatch of turtles or any
17 mammals, or even juvenile swordfish, that our
18 fisheries have been highly regulated with, I mean,
19 transferring that quota to be a net ecosystem loss.

20 The goal was to develop a multiyear plan at
21 this year's meeting, but tongue in cheek, if we're
22 having an assessment in 2012, there is probably a
23 likelihood we could get a rollover, but we should
24 be prepared to have a multiyear plan, and that's

1 sort of the biggest problem that we have here,
2 we've been looking at preserving our allocation.
3 If we fight tooth and nail to preserve our
4 allocation, and get into the situation where all of
5 a sudden a group of countries decides to write
6 their own management measure which cuts us out, and
7 all we can do is object or just go along with the
8 vote, or we can proactively try and identify those
9 countries that are developing fisheries that are
10 well regulated and work with them to possibly look
11 at transferring some of our quota. It's a
12 difficult decision and it's one that the committee
13 has wrestled with for many years, but we were able
14 to preserve our share of North Atlantic swordfish
15 for another year.

16 In terms of billfish, as I said, the blue
17 marlin and white marlin measure was coming up to be
18 renewed. We had a hint from the meeting the year
19 before that there might be some pushback on that,
20 but regardless of that, Brazil wanted to actually
21 increase the measure, the stringency of the measure
22 for blue marlin. When it came to white marlin, the
23 reduction was to be a two-thirds reduction from the
24 level of white marlin landings, and only 50 percent

1 for blue marlin. Brazil wanted to increase the
2 blue marlin reduction to 67 percent so it would be
3 the same as white marlin. That was not adopted.

4 And Brazil also, with the United States,
5 put out a measure that would have live release of
6 sailfish from the pelagic longline fisheries, and
7 included at least 95 percent release from
8 recreational fisheries, and that did not pass, that
9 got a lot of pushback, and the reason for the
10 pushback is that the sailfish, there's a very large
11 artisanal fishery for sailfish in those countries,
12 that is not a well-reported fishery and it's not
13 well managed. So because the pelagic longline
14 fleet does report well and is fairly well managed,
15 why should they have to take the cuts when in the
16 case of sailfish, a large fraction of the catch is
17 actually coming from artisanal fisheries that are
18 not regulated at all. And that's, we're looking at
19 that fight coming down the road.

20 In the end, we did continue to roll over
21 the measure for white marlin and blue marlin.
22 There will be an assessment of blue marlin this
23 year, hopefully later this month, and there will be
24 an assessment of the white marlin hopefully next

1 year, although there's some issues with historical
2 catch series for white marlin and we don't know
3 much about those proportions.

4 All right, sharks. We made a lot of
5 progress on sharks. We have retention prohibited
6 for oceanic whitetip sharks, and also mandatory
7 reporting of dead discards and live releases. Just
8 going back to billfish, that's been a problem.
9 Where we did get mandatory live release of blue
10 marlin and white marlin, many of the countries were
11 doing that but they weren't recording the live
12 releases, so your catch series for some of these
13 animals that have been landed, and now you don't
14 have that factor, and that's one of the things that
15 those that are doing the blue marlin are wrestling
16 with.

17 Hammerhead sharks. Retention prohibited in
18 ICCAT fisheries for all species except the
19 bonnethead shark. There was some cry from some of
20 the developing nations in the Caribbean, a similar
21 plea was made by them for billfish actually, that
22 they rely upon these species for food, and so in
23 the case of the hammerhead sharks, that's why these
24 parties are not supposed to increase their catches,

1 and also, that no parts of these animals are to
2 enter international trade, so if it's a local
3 subsistence fishery, that's fine, that's where they
4 stay.

5 Shortfin mako shark. The United States had
6 put in a proposal that had catch limits that was
7 not adopted. We started out with the entire
8 Atlantic, went to the North Atlantic, and then
9 ended up having to give it up. The measure that
10 was eventually adopted was very much watered down
11 and it didn't do more than really restate some of
12 the things we had already adopted, except that now
13 it requires reporting on actions, that those have
14 to be reported to the compliance committee, so
15 parties will have to report to the compliance
16 committee on the actions that they've taken, so
17 hopefully next year we'll be able to have that, at
18 least that discussion, but certainly not as far as
19 we wanted to go.

20 Fins attached, we had tried to push that
21 originally on all sharks. That was revised to
22 fresh products, and we didn't get consensus there,
23 so it is thwarted until next year, and I'm sure
24 Sonja can talk more about that. There have been

1 discussions within the EU. The EU always likes to
2 get their ducks in a row and for them to think that
3 they're driving ICCAT, they hate to be driven by
4 ICCAT, but I think they put off their discussions,
5 so I'm not sure we will be able to get them to
6 participate much in the discussion of this next
7 November.

8 Porbeagle shark, the EU had pushed for
9 prohibition on retention but Canada has a fishery
10 for porbeagle, and essentially the U.S. wasn't
11 willing to compromise to give Canada an out for
12 their fishery, so that just died in the water.

13 The EU put forward a measure for release of
14 thresher sharks, common thresher sharks. There was
15 no scientific basis for that, so it really didn't,
16 it was not one of the species that was considered
17 in the environmental risk assessment that was
18 highly at risk, so that didn't go any further.

19 And then turtles, what had originally been
20 a U.S. proposal, but then we acquired Canada,
21 Brazil, Belize, some of the greener nations, and
22 now it has turned into a cast of thousands when
23 people realized it was going to pass, okay, we'd
24 better jump on.

1 So, purse seine vessels are to avoid
2 encircling sea turtles and those that are supposed
3 to be released, and also to go ahead and release
4 those that are tangled in FADs, and there was some
5 discussion, as well as it's not our duty when we
6 see one that we have to go out of our way to go in
7 and release it, but do what you're going to do.

8 And pelagic longline fishermen must be
9 trained in safe handling and release of sea
10 turtles, they must carry and use the equipment.
11 And mind you, in this recommendation, those three
12 items are set, so they must be trained in the safe
13 handling, they must release them, and they must
14 carry the equipment, and then they must use the
15 equipment. You know, in ICCAT you have to be very
16 very specific when you're telling these people what
17 to do, but that was adopted.

18 Turtle interaction, each party is required
19 to report their turtle interactions, but of course
20 the SCRS will use this to look at an impact
21 assessment, they won't be doing a full impact
22 assessment of sea turtles, but looking at what the
23 impact of ICCAT fisheries on sea turtles are. And
24 then just following some capacity building, which

1 are movements of technology and ideas, information
2 between countries.

3 Compliance committee. The United States
4 chairs the compliance committee, Chris Rogers,
5 there he is, larger than life. We had many
6 sessions; in fact the meeting started two days
7 early to accommodate all the compliance committee
8 meetings and we have, we went over all the
9 reporting requirements, all the quotas for each
10 party, and of course in 2009 almost all parties got
11 letters, either letters of identification or
12 letters of concern regarding some violations that
13 they had. And so we came back this year in
14 November and looked over them, some of those
15 parties had continuing violations along the same
16 lines, some had new violations, some had
17 continuing.

18 And so what does one do with those repeat
19 offenders? And so, the trouble of making these
20 sanctions, Chris felt very uncomfortable being
21 chair of the committee, having to come up with, you
22 know, his own sanctions, but it also doesn't do
23 much for the United States to be the one saying
24 okay, our person is deciding what's the appropriate

1 sanctions should be. So they're still wrestling
2 with that and we'll see what happens, but Chris,
3 the onus was on him, and after deliberation, it
4 resulted in 23 letters of identification. Now
5 these letters of identification can be serious,
6 because they result, it's the first step in a
7 process that can result ultimately in trade
8 sanctions, so it's not trivial.

9 And then 23 letters of concern. The United
10 States once again received a letter of concern,
11 this time it was for something different than we
12 had the year before, it was with the implementation
13 of our swordfish statistical document program.

14 And then the compliance committee agreed to
15 have an intersessional meeting in February that was
16 mainly focused on the eastern bluefin compliance
17 and SCS measures, and it was also hoped that they
18 would be able to discuss some of the more
19 substantive measures about how we actually assess
20 penalties in the compliance committee, but it
21 didn't get to that part, it mainly focused simply
22 on the eastern bluefin tuna.

23 PWG, the permanent working group, the
24 United States actually chaired that when Dr. Lent

1 came in, we were there for Thanksgiving turkey, not
2 Rebecca. And so Rebecca, who had been our acting
3 commissioner, lead commissioner, U.S. commissioner
4 for two years, came back. The elected chair of the
5 PWG from South Africa took another job so there was
6 a vacancy, and so Rebecca got elected by the
7 commission for that position. And so the United
8 States was in a unique position of holding the
9 chairs of both the permanent working group which
10 lists the compliance of nonmember nations, as well
11 as chair of the compliance committee which lists
12 the compliance of member nations.

13 And they were able to finally adopt a
14 minimum observer coverage of five percent by
15 effort, that means by steps or by days at sea, not
16 by having an observer on the vessel for one day and
17 saying that that vessel had an observer on it,
18 which was the way some of these things had gone.

19 There was also progress on electronic
20 bluefin catch document system, and it was hoped to
21 have it fully operational by 2012, but if I were a
22 betting man I would say that's not going to happen,
23 but hopefully soon.

24 Then the plenary session, what we did was

1 we ended up almost but not quite restructuring the
2 panel. We got all the way through everybody
3 adopting it, and then Japan said well, since we
4 don't have elections for another year, why don't we
5 just wait and adopt this next year. But the panel
6 one will be tropical tunas, panel two the temperate
7 tunas, so that would include both east and west
8 bluefin, north and south albacore. Southern
9 bluefin is in there, but of course we have our own
10 RFMO, regional fishery management organization to
11 take care of southern bluefin. But importantly,
12 we're moving southern albacore from panel three and
13 putting it in panel two. That gives us an empty
14 panel which can now be sharks and bycatch species,
15 and then panel four will simply be swordfish and
16 billfish, and there's a pretty good likelihood that
17 that will be adopted at the next commission
18 meeting, which will be in Istanbul in early
19 November, so those of us that are there should be
20 home for Thanksgiving this year. Thanks.

21 MR. RAAB: Okay. We're at our lunch break,
22 so we'll take a few questions. Pat.

23 MR. AUGUSTINE: He was so good, I'm going
24 to pass. Thank you, Dr. Graves.

1 MR. RAAB: Ralph.

2 MR. PRATT: I spoke to a fellow in New
3 England last week who told me that several traps
4 that he buys fish out of, bluefin out of Morocco,
5 20 tons to 80 tons, and then they took the buoy
6 traps out of the water. In Italy, the dealer that
7 he does business with over there had five purse
8 seiners and they had one left, four of them, I
9 guess bought by the EU, and a similar change
10 occurred in Spain also. So that's just some
11 anecdotal feedback that's trickling back to the
12 fishermen.

13 John, I wish Russell was here, because the
14 next question should have been directed toward him,
15 but in 2008 in the ICCAT agreement, we provided
16 Canada with some of the U.S. underages and also
17 some transfer fish from Mexico, and then in 2010 we
18 did the same thing with 85 tons, we made a special
19 arrangement so far with Mexico to provide 85 tons
20 to Canada. Why can't U.S. fishermen share in the
21 underages by other nations? It seems like today
22 it's a policy of encouraging Canada to sign the
23 ICCAT agreement on the backs of U.S. fishermen, and
24 I just don't see that that's fair if that is the

1 case. Thank you.

2 MS. SCHULZE-HAUGEN: Russell indicated he
3 may be here this afternoon, so you may have the
4 chance to pose your question directly to him.

5 DR. GRAVES: Saved by the bell.

6 MR. RAAB: Richard.

7 MR. RUAIS: Rich Ruais. I'm sorry this
8 comes so close to our lunch break because I really
9 do think it's a very important agenda item, in fact
10 I think it's a critical agenda item where it almost
11 should be on the agenda twice, at the beginning of
12 the meeting to report, and then at the end of the
13 meeting to talk about just exactly how are we going
14 to coordinate what we agree are domestic objectives
15 into the international component, because I think
16 there has been some letdown there of the
17 international group that goes over and tries to do
18 the negotiations, losing sight or not having the
19 complete awareness of what the advisory panel, on
20 those items that we agree upon is necessary for
21 domestic management, is being precluded by the
22 actions being taken at ICCAT.

23 A more glaring example couldn't be seen
24 more than the swordfish and bluefin situation that

1 took place in Paris this year. So I am suggesting
2 at some point, I don't know the real good solution,
3 whether you need a committee, a subcommittee after
4 the fact, before the fall meeting of the ICCAT
5 advisory committee, but some way there's got to be
6 a better way to build in the domestic advice into
7 the formation of the international objectives that
8 take place in the fall. It's not happening now,
9 and it's holding us back.

10 Just a few other points. One is a real
11 quick question and then a couple of points. If the
12 Taiwanese were not achieving their objective, or
13 are achieving their quota, why do they need seven
14 additional vessels? They weren't achieving their
15 quotas?

16 DR. GRAVES: No. They wanted to move their
17 vessels from the Indian Ocean. They have their
18 quotas. Japan has been transferring some bigeye
19 quota to Taiwan on an annual basis, you know, it's
20 an approved transfer of underage, they've done that
21 for several years. What Taiwan was asking was to
22 move, they had a cap on the vessels that they could
23 have in the Atlantic Ocean, so they were simply
24 transferring the vessels from the Indian Ocean to

1 the Atlantic Ocean for safety purposes, but you
2 know, they have not had an increase in their quota,
3 so the vessels will be catching less fish, but they
4 will still be able to.

5 MR. RAAB: Very succinctly, because we have
6 lunch, and a few other people.

7 MR. RUAIS: Yeah, I do, and they're fairly
8 important. One is, I think this committee needs to
9 know that there was a little note on one of John's
10 slides that said, and one of his comments about the
11 Canadians being the most conservation oriented
12 group at ICCAT, and seemed to have shown, to have
13 moved on that paradigm somewhere down to a less
14 conservative view. I think many people would take
15 a different point of view, that their scientists
16 have been involved from the very beginning of the
17 ICCAT process and the stock supports for bluefin
18 tuna, and maybe just also have very strong views
19 that they were on board with the rebuilding
20 objectives that were originally set in 1998, and
21 saw the U.S. analysis in light of that, and were
22 pretty firm on their policy of that, so that's just
23 one point.

24 The second was, on the transfer of 85 tons

1 from Mexico to Canada, there's was a note on there
2 suggesting that that was a caveat saying if
3 available. Well, don't anybody be fooled, there is
4 no -- the transfer is going to happen. It was a
5 quid pro quo deal and the expectations were not
6 going to be that if -- the Mexicans had no plans on
7 immediately shifting some longline vessels into the
8 Atlantic, so they couldn't deliver on that, and
9 they got there squid before they left the meeting,
10 and they had to deliver the 85 tons to this year's
11 fishery to make sure that the Canadians were whole,
12 and whatever increase or whatever reductions the
13 United States wanted to see. I'll stop there, but
14 you know, I have more points on these issues, but
15 I'll defer.

16 MR. RAAB: Thank you. Shana.

17 MS. MILLER: There's been reports in the
18 media about if the fighting goes on, for Libya to
19 not have a fishery next year, and I just wanted to
20 know whether that opinion is factual, whether it's
21 a detraction to the secretariat, and whether the
22 U.S. is getting involved in that debate.

23 MS. SCHULZE-HAUGEN: What I know is that we
24 have been aware of that and have had discussions

1 about it, but I don't know if there has been a U.S.
2 position taken, or involvement. That may be
3 something we can ask Russell as well.

4 MR. WHITAKER: Ron Whitaker. I thought you
5 were saying that now Canada was, and maybe Japan,
6 I'm not sure, I know it was Canada, was wanting
7 dead discards or mortality discards, I guess, in
8 the angling category and you know, it just seems
9 kind of crazy. But I know the U.S. has got a lot
10 of research they've done in that mortality, and I
11 think it's very low, and I'm just wondering what
12 Canada has done.

13 DR. GRAVES: Actually, the U.S. hasn't done
14 any directed post-release mortality research for
15 bluefin, not a major project. It's been
16 incidentally associated with a lot of the major
17 tagging programs that have gone on, you know,
18 Bart's program, all these programs. But there's
19 also high grading of the fish in those programs,
20 because they're not necessarily going to put their
21 tag into a fish that's not in great condition, so
22 it's not a true estimate of post-release mortality.

23 And Canada actually did a study and it
24 hasn't been peer reviewed or published that way,

1 but the results have been out and it's in the news.
2 I think there was a total of 59 fish that I think
3 they released, and they had, oh, four or five, or
4 three mortalities. Very low. But what they were
5 suggesting in a draft recommendation that, it
6 didn't go, but a draft recommendation that they
7 gave to the United States to consider, of using
8 sort of these metaanalysis of post-release
9 mortalities. Alan, what was it, eight or nine or
10 10 percent? Yeah, 11 percent as post -- release
11 mortality, but then of course you'd have to
12 stratify those catches by size, class and weight,
13 and you know, if you start doing that and you
14 figure what the total U.S. releases are, we could
15 lose our entire quota possibly. I don't know if
16 it's quite that big, but it's a big number, and you
17 know, and getting good information on releases is a
18 bit problematic.

19 MR. WHITAKER: Yeah. I was involved in a
20 lot of studies on the other one. But you know,
21 just the way you have to do it, the process you had
22 to insert the tag in the old style was I thought
23 pretty stressful on the fish, and it showed a very
24 low rate of mortality. Anyway, my point is that I

1 hate to see us give up any more of a quota that in
2 essence has been there all the time, why do we have
3 to all of a sudden give up more of it.

4 MR. RAAB: Lisa.

5 MS. GREGG: Lisa Gregg. John, you had on
6 your slide, it was a proposal or a measure that
7 was, that Brazil did about live release in sailfish
8 pelagic longline, and 95 percent in recreational
9 fisheries, and it wasn't adopted, but on the slide
10 you said that it was Brazil, when you were talking
11 you said it was Brazil and the U.S. I'm just
12 curious, is that something we supported even though
13 it did not pass? I mean, what exactly would it,
14 would the impact have been on the U.S.?

15 DR. GRAVES: Sure. It was written, I'm not
16 sure whether we officially cosponsored it or not,
17 but I certainly know that we wrote it with Brazil,
18 because I penned a lot of it, but the -- and it
19 went through, and we were very comfortable with, if
20 you look at 95 percent live release, that our
21 fishery is much more stringent than that, that
22 would not have had an impact, and we were sure of
23 that in doing so. Yeah, we were very mindful of
24 our recreational fishery, but we just didn't want

1 that to be the sticky wicket that had the whole
2 thing crumble, and so if other countries would vote
3 on 95 percent release of their recreational
4 fisheries in sailfish, we're on.

5 MR. RAAB: Thank you, John. I think we're
6 at our lunch break. We're running a little bit
7 late, so I think what we'll do since we recognize
8 that people have to go offsite for lunch, but we
9 have a really packed afternoon, to focus on bluefin
10 tuna and our public hearing, so we're going to
11 reconvene at 1:40.

12 (Recess for lunch from 12:15 - 1:40 p.m.)

13 MS. SCHULZE-HAUGEN: Let's go ahead and get
14 started. We do have a full afternoon, so we should
15 move on. Just a couple of notes, that we have the
16 2010 bycatch reduction that's in today's program
17 report in the back, as well as the World Wildlife
18 Fund smart year competition information materials
19 in the back for those of you that are interested.

20 UPDATE ON WEAK HOOK RULE TO REDUCE BLUEFIN
21 TUNA BYCATCH IN THE GULF OF MEXICO PELAGIC
22 LONGLINE FISHERY

23 MR. BLANKINSHIP: Welcome back from lunch.
24 For our next presentation, looking at the final

1 rules to require the use of weak hooks on pelagic
2 longline vessels in the Gulf of Mexico. My name is
3 Randy Blankinship, I work in the St. Petersburg,
4 Florida office of HMS.

5 There is, this final rule published this
6 morning, there are copies of the final rule and
7 some of the other materials that go along with it,
8 HMS notices and compliance schedules out on the
9 table out there if you've interested in picking one
10 of those up.

11 So just as a little bit of a reminder, some
12 of you were not here for our fall presentation,
13 research related to weak hooks. Weak hook for
14 purposes of this rule is a circle hook that meets
15 NOAA fisheries current size and offset
16 restrictions, and it's constructed of round wire
17 stock that is a thinner gauge than the currently
18 required hook. That gauge for purposes of this
19 rule is no larger than 3.65 millimeters in
20 diameter. The research on the weak hooks in the
21 Gulf of Mexico showed that it can allow
22 incidentally hooked bluefin tuna to escape capture
23 because the weak hook is more likely to bend and
24 potentially straighten when a large fish like a

1 bluefin tuna is hooked. This is important because
2 the mortality rate on bluefin tuna that are caught
3 on longline gear and brought to the vessel is
4 pretty high, and this has the potential to be able
5 to release fish earlier after they're hooked and
6 allow them to survive.

7 Just a quick summary of the research, some
8 of the highlights of some of the research that was
9 done on weak hook. This was conducted by the
10 National Marine Fisheries Service Harvesting
11 Systems and Engineering Branch in Pascagoula,
12 Mississippi. The two lines here at the top related
13 to results that were statistically significant with
14 a 95 percent confidence interval that bluefin tuna
15 catch was reduced by 56.5 percent, wahoo catch was
16 reduced by 26.6 percent, and then not statistically
17 significant but worth noting, were that yellowfin
18 tuna retained for sale was reduced by seven percent
19 and swordfish retained for sale was reduced by 41.2
20 percent. Also interestingly, for white marlin and
21 roundscale spearfish combined, the catch increased
22 actually by 52.7 percent. However, this was not a
23 statistically significant finding, although it was
24 close to statistically significant.

1 MS. GRIFFIN-WILSON: That's a fine line
2 there.

3 MR. BLANKINSHIP: The weak hook rule and
4 several steps, the proposed rule published January
5 13th of this year. We held three public hearings
6 and one conference call with the advisory panel
7 that also had public participation as well. We
8 received over 57,000 comments from the public, many
9 of them were from a public comment campaign from
10 different organizations. The final rule published
11 this morning, you can see the Federal Register
12 citation there, and it becomes effective on
13 May 5th, 30 days from now. The final rule requires
14 vessels with pelagic longline gear on board at all
15 times in all areas of the Gulf of Mexico to possess
16 on board and use only circle hooks meeting current
17 size and offset restrictions, as well as being
18 constructed with only round wire stock that is no
19 larger than 3.65 millimeters in diameter.

20 There are a couple of examples of currently
21 manufactured hooks that meet this requirement,
22 those are listed here. One is made by Mustad and
23 the other is made by Eagle Claw. Other hook
24 manufacturers may offer models that meet the

1 requirements of this rule, and NMFS does not
2 endorse any make or model.

3 To assist fishermen with complying with the
4 weak hook requirement, the National Fish and
5 Wildlife Foundation has developed a weak hook
6 voucher program that is currently in place.

7 Atlantic tuna longline permit holders using pelagic
8 longline gear in the Gulf of Mexico may obtain an
9 initial supply of weak hooks through this voucher
10 program. The National Fish and Wildlife Foundation
11 will mail vouchers to Atlantic tuna longline permit
12 holders that used pelagic longline gear in the Gulf
13 of Mexico in 2009 or 2010. Atlantic tuna longline
14 permit holders that have not received the National
15 Fish and Wildlife Foundation voucher in the mail by
16 April 12th and are planning to fish with pelagic
17 longline gear in the Gulf of Mexico this year, may
18 request a voucher by contacting Mary Beth Charles
19 with the National Fish and Wildlife Foundation
20 contact information that you see on the screen and
21 in your handout, and the same information is
22 available in the HMS news notice that went out, and
23 in the final rule that was published today. I will
24 point out also that Mary Beth Charles is here

1 today, she's back in the back over there, and we're
2 glad to have her here, and certainly glad to have
3 the voucher program that they have developed. Weak
4 hook vouchers are for hooks that will be used in
5 the Gulf of Mexico and related to requests for the
6 hooks, the National Fish and Wildlife Foundation
7 will consider requests for those vouchers on a
8 case-by-case basis.

9 So, this final rule is necessary to achieve
10 domestic management objectives under the Magnuson
11 Stevens Act, and to implement the 2006 consolidated
12 HMS FMP, including goals to rebuild stock and in
13 order fishing. There were several objectives to
14 the rule that include enhancing bluefin stock
15 rebuilding, and in particular by increasing the
16 survival of spawning bluefin tuna in the Gulf of
17 Mexico, and particularly the 2003 year class of
18 bluefin tuna. Also, an objective was to minimize
19 negative ecological impacts on nontarget and
20 protected species. Also, an objective was to allow
21 the pelagic longline fleet to continue to
22 participate in directed fisheries for yellowfin
23 tuna and swordfish year round with less risk of
24 fishery interruption due to insufficient incidental

1 quota availability. And then also, an objective
2 was to reduce the need for bluefin tuna subquota
3 reallocation from directed fisheries or the reserve
4 to cover pelagic longline bluefin tuna bycatch.

5 There were three alternatives that were
6 considered in this rule. They include status quo
7 or no action alternative, where existing
8 regulations would continue in the fishery.

9 Alternative two was to require pelagic longline
10 vessels fishing in the Gulf of Mexico to use weak
11 hooks, this was preferred as the proposed rule and
12 the final rule. And alternative three, which was
13 to consider additional time/area closures in the
14 Gulf of Mexico and to analyze this, NMFS
15 incorporated by reference the time/area closure
16 analysis in the 2006 consolidated HMS Fisheries
17 Management Plan.

18 So now I will shift in to going through a
19 brief overview of the comments that we heard and
20 just a brief synopsis of NMFS response. The full
21 list of the summary of comments and NMFS's
22 responses are found in the final rule and you can
23 take a look at those. One comment that we heard
24 was support for implementation of weak hooks in the

1 Gulf of Mexico pelagic longline fisheries year
2 round and prior to the spawning season. NMFS
3 agrees with the intent of this comment. The final
4 action provides protection for the 2003 bluefin
5 tuna year class and reduces the impact on the Gulf
6 of Mexico pelagic longline fleet on western bluefin
7 tuna. It also reduces the likelihood of pelagic
8 longline fishery interruption due to longline
9 category exceeding bluefin tuna subquota.

10 Another comment that we heard, and this was
11 a comment, the previous one and this one were
12 comments we heard from some AP members. This one
13 was that weak hooks are unproven in reducing
14 bluefin tuna mortality. The research showed that
15 the catch of bluefin tuna could be reduced by 56.5
16 percent with the use of weak hooks. However, there
17 was limited information about how long a bluefin
18 tuna would actually stay on the hooks before
19 they're straightened. NMFS expects that there
20 should be reduced post release mortality because
21 bluefin tuna have the highest level of energy
22 available when they are first hooked, and are
23 likely to straighten the hooks relatively quickly.
24 NMFS intends to conduct additional research with

1 weak hooks using hook timers and time/depth
2 recorders, to determine the length of time that the
3 fish remain on the hook.

4 Another comment that we heard was that NMFS
5 should only implement weak hook seasonally when
6 bluefin tuna are present. However, bluefin tuna
7 are also present in the Gulf of Mexico outside of
8 the spawning season, but in lower numbers. Also,
9 enforcement of the weak hook requirement is made
10 easier through the year-round application, and in
11 addition from an economic standpoint, research
12 showed that higher catch rates of yellowfin tuna
13 with weak hooks in the later months of the study,
14 later in summer and early fall, may indicate a
15 lower economic impact if weak hooks are used after
16 the bluefin tuna spawning season. So this was
17 something to kind of, we're going to come back to
18 this point a couple of times in some of the other
19 responses, so I want to develop this a little bit
20 more.

21 During the weak hook research, the first
22 two years in particular, most of the sampling that
23 occurred and the data that were collected were
24 during the bluefin tuna spawning season. Last year

1 in 2010, some additional data was collected later
2 in the summer and into the fall. During that later
3 sampling it was noticed that yellowfin tuna catches
4 increased that late, it is not known why, but what
5 the researchers, Stan Foster and Charlie Bergman,
6 Stan gave a presentation back in the fall, what
7 they said was that if there were additional data
8 that were collected later in the year, in the other
9 years of the study, that the overall results of the
10 study might not have quite shown quite as much of a
11 decrease in yellowfin tuna catch as what the
12 overall study did report and what we have reported
13 with that seven percent reduction. So that is the
14 point that is made with this last one and we will
15 come back to that a couple more times.

16 Another public comment that we heard was
17 that weak hooks in the Gulf of Mexico pelagic
18 longline fishery will have negative economic
19 impact. NMFS anticipates negative economic impact
20 in the short term. This is partially due to the
21 potential reduction in revenue due to reduced
22 target catch, and also initial compliance costs.
23 Once again, we point out what I just said, which is
24 that higher catch rates of yellowfin tuna with weak

1 hooks occurred in the late summer months and may
2 indicate a lower economic impact than what was
3 assessed in the environmental assessment. Also,
4 NMFS researchers have found that fishermen tend to
5 improve their performance with new technology over
6 time. And as mentioned, we have the National Fish
7 and Wildlife Foundation voucher program which will
8 assist with the fishermen acquiring the initial
9 supply of weak hooks.

10 Another comment that was heard, in order to
11 comply with the weak hook requirement, fishermen
12 need a reasonable amount of time and an adequate
13 supply of weak hooks. NMFS agrees with this, and
14 there is a 30-day period before the weak hook
15 requirement goes into effect on May 5th. NMFS is
16 and has been investigating hook manufacturer and
17 distributor inventories and believes that the
18 supply of weak hooks will be sufficient to supply
19 the Gulf of Mexico pelagic longline fishery, and
20 the National Fish and Wildlife Foundation voucher
21 program is available to assist with initially
22 supplying those weak hooks.

23 Another comment that we heard was NMFS
24 should reduce mortality of the 2003 bluefin tuna

1 year class in other domestic and international
2 fisheries. The 2010 SCRS report noted that ICCAT
3 may wish to protect the 2003 year class, but in
4 addition to that, they also said that maintaining
5 catch at 1,800 metric tons may offer some
6 protection, and in fact ICCAT recommended in
7 Recommendation 10-03, the reduction of the TAC to
8 1,750 metric tons for 2011 and 2012, which may
9 offer further protection. Implementation of weak
10 hooks in the Gulf of Mexico pelagic longline
11 fishery is expected to reduce the mortality of
12 spawning age bluefin tuna including the 2003 year
13 class. And so, this is an effort that's not just
14 meant to concentrate on the 2003 year class, but
15 also to have benefits for all adult large spine
16 bluefin tuna.

17 Another comment that we heard was NMFS
18 should conduct education and outreach programs for
19 the Gulf of Mexico pelagic longline fleet, and NMFS
20 intends to conduct this outreach, and also
21 educational workshops throughout the Gulf of
22 Mexico, to help fishermen learn the benefits of the
23 use of weak hooks and the techniques used to fish
24 with them.

1 Another comment heard was NMFS should
2 continue to conduct and expand research on weak
3 hook technology to answer questions about increased
4 white marlin and roundscale spearfish catch, and to
5 determine effects on interactions with sea turtles
6 and other species. NMFS intends to continue weak
7 hook research, to collect information through the
8 pelagic observer program, so there's two different
9 ways, one is continued research with our
10 scientists, but then also collection of data
11 through the POP, to among other things, better
12 understand the effect of weak hooks on black
13 marlin, roundscale spearfish, sea turtles and other
14 species, and NMFS may conduct subsequent rulemaking
15 to address management needs in the future.

16 Another comment that we heard was that with
17 weak hooks, the number of swordfish retained may
18 decrease, as fishermen may increase their fishing
19 effort to make up for lost revenue, resulting in
20 increased bycatch. Related to this, NMFS will
21 continue to monitor fishing effort and catch, and
22 existing bycatch mitigation measures will continue.
23 Also, fishermen may not experience reduction in
24 targeted catch; thus, the incentive for increasing

1 fishing effort may not be realized. Some
2 fishermen, case in point, during the weak hook
3 research, experienced increased targeted catch and
4 are voluntarily using the weak hooks and have for
5 the last couple of years. And then once again, as
6 I talked about before, higher catch rates of
7 yellowfin tuna with the weak hooks in late summer
8 months indicate potentially lower economic impacts.

9 Another comment that we heard was that
10 enforcement will be difficult because weak hooks
11 look much like the standard hook. This certainly
12 is the case; however, NMFS intends to fully enforce
13 the weak hook requirement along with the U.S. Coast
14 Guard and state joint enforcement partners, and one
15 of the tools that will be used for enforcement is
16 the weak hook gauge, which was a proven tool used
17 during the research, this is the gauge, that the
18 observers on board that participated in the
19 research used, and they could check a lot of hooks
20 within a short period of time to make sure that the
21 protocols of the research were followed.

22 So I'm going to pass this around. Don't
23 jab yourself with the circle hook. This gauge is
24 measured, it measures a gauge of wire that is 3.65

1 millimeters in diameter or smaller. So you have a
2 standard hook and the weak hook on this piece of
3 fishing line. The gauge will go smoothly over the
4 weak hook, and it will not at any place on the
5 standard hook, and so that is how that works. It's
6 like a reverse spark plug gap, if you're familiar
7 with that. Those gauges are being produced and
8 distributed to enforcement representatives and
9 agents around the Gulf of Mexico.

10 Another comment that we heard was weak hook
11 research shows an increase in white marlin or
12 roundscale spearfish catch by 52 percent, which is
13 concerning given the poor health of white marlin.
14 One thing to point out related to this finding was
15 that the difference between the hooks related to
16 white marlin and roundscale spearfish catch was not
17 statistically significant, although it was close.
18 NMFS does not believe that this increase, if it
19 occurs, is likely to have population or ecosystem
20 effect, and part of that is related to putting into
21 perspective and in relation to the amount of
22 increased catch that might occur in relation to
23 international catch, and that is that the predicted
24 increase in white marlin dead discards is less than

1 0.8 percent of the total international white marlin
2 catch in the North Atlantic. However, this is an
3 important issue, and white marlin are not in good
4 shape. NMFS will continue weak hook research and
5 monitoring to try and see what the continued
6 impacts are with weak hook use, and NMFS may
7 conduct subsequent rulemaking and address
8 management needs in the future.

9 Another comment that we heard was that if
10 yellowfin tuna catches actually increase overall as
11 a result of weak hooks, increased yellowfin tuna
12 fishing mortality may be detrimental to the
13 yellowfin tuna population. It's worth noting that
14 the ICCAT yellowfin tuna stock assessment, the last
15 one in 2008 found that yellowfin tuna were not
16 overfished, and overfishing was not occurring.
17 Yellowfin tuna are managed by ICCAT, which has
18 adopted a limit on effective fishing effort, but
19 not adopted a total allowable catch for individual
20 country quotas. If the catch of yellowfin tuna in
21 the Gulf of Mexico increases due to weak hooks, the
22 negative impacts on yellowfin tuna population are
23 expected to be relatively minor. This is once
24 again, kind of putting it in context, U.S. Gulf of

1 Mexico longline catch is about 7.7 percent of the
2 total Western Atlantic longline catch, and NMFS
3 will continue to collect information on yellowfin
4 tuna and other species caught on pelagic longline
5 gear to better understand the effect of weak hooks.

6 Another comment that we heard was that NMFS
7 should reexamine the use of the final environmental
8 impact statement for the 2006 consolidated HMS FMP,
9 or the 2004 BiOp for the pelagic longline fishery,
10 as support for the finding of no significant impact
11 in the environmental assessment. NMFS believes
12 that the above documents remain applicable and
13 support this final action. The closure analysis in
14 the 2006 consolidated HMS FMP still reflects the
15 likely impacts considering redistribution of
16 fishing effort. Also, related to weak hook
17 implementation, this action is not expected to
18 alter current fishing practices or bycatch
19 mortality rates, and this action should not have
20 adverse impacts on protected species or further
21 impacts beyond those considered in the 2006
22 consolidated HMS FMP.

23 Another comment that we heard was support
24 and opposition to implementing weak hook in the

1 Atlantic pelagic longline fisheries outside of the
2 Gulf of Mexico. It's worth noting that NMFS
3 research was conducted to evaluate the efficacy of
4 16/0 weak hooks for reducing bluefin tuna catch in
5 the Gulf of Mexico yellowfin tuna fishery, that's
6 where the research took place, and the purpose of
7 the research. The benefits of weak hooks may not
8 be the same outside the Gulf of Mexico pelagic
9 longline fishery given differences in catch
10 composition, in other words, for bluefin tuna, that
11 catch composition is usually on larger fish in the
12 Gulf, versus a wider ranging size of fish in the
13 Atlantic. And then also given the way, the
14 different gear configuration of pelagic longline in
15 the Atlantic where fisherman fish often times in
16 the gulf stream or in and around other currents.

17 There is research underway looking at weak
18 hooks in the Atlantic, some of it related to marine
19 mammal bycatch, so that may answer some questions
20 related to weak hook application in the Atlantic,
21 but further research is needed to determine the
22 applicability of weak hooks outside of the Gulf of
23 Mexico, and the impact on targeted catch, bluefin
24 tuna, marine mammals and other incidentally caught

1 animals.

2 Another comment that we heard was that NMFS
3 should prohibit pelagic longline gear in the Gulf
4 of Mexico or should implement a seasonal closure
5 for pelagic longline during bluefin tuna spawning.
6 During the analysis, as I mentioned earlier, of the
7 2006 consolidated HMS FMP, time/area enclosure was
8 incorporated by reference in this rule. In 2006
9 NMFS did not prefer new time/area closures, because
10 no closure would reduce the bycatch of all species
11 considered, consuming redistribution of fishing
12 effort. NMFS believes that the closure analysis
13 conducted in 2006 remains the best available
14 science. Therefore, NMFS does not prefer
15 alternative or additional time/area closures in the
16 Gulf of Mexico for the same reasons as described in
17 the 2006 consolidated HMS FMP. The 2006
18 consolidated HMS FMP established criteria for
19 considering the implementation of new time/area
20 closures, or modification of existing primary
21 closures. It's not and has not been feasible to
22 conduct extensive new analyses per these criteria,
23 and to meet the objectives of this action, which
24 includes rapidly implement weak hooks to increase

1 the survival of spawning bluefin tuna in 2011 in
2 the Gulf of Mexico, and particularly to provide
3 protection for the 2003 year class.

4 NMFS intends to review primary closure
5 analyses in light of recent events over the past
6 few years, such as hurricanes and the Deepwater
7 Horizon BP oil spill, and may do so in the near
8 future. At that time NMFS will consider other
9 methodologies that have been proposed to consider
10 effects of effort redistribution, such as some of
11 those that have been published in the recently peer
12 reviewed articles.

13 There was some other comments that were
14 received that were more general in nature. The top
15 two bullets here were not within the range of
16 alternatives, although they are good ideas and have
17 in fact been the subject of discussion here at AP
18 meetings in the past. They include promoting more
19 selective gear for yellowfin tuna and swordfish,
20 and implementing bycatch caps for species of
21 concern in the Gulf of Mexico.

22 In addition, another comment that was
23 heard, due to the oil spill, NMFS should err on the
24 side of caution in implementation of fishery

1 management measures. NOAA continues to conduct
2 research on the impacts of the Deepwater Horizon BP
3 oil spill on natural resources. The impacts of the
4 oil spill and effects on Atlantic HMS are difficult
5 to determine at this time. However, with
6 implementation of this final action, NMFS is taking
7 a precautionary approach to act consistently with
8 the SCRS recommendation and ICCAT to provide
9 protection for spawning bluefins and for the 2003
10 year class as it matures and contributes to spawn.

11 The last comment that we present here is
12 allowing the pelagic longline fleet to continue to
13 fish will cause the bluefin tuna to become extinct.
14 Related to this, on May 24, 2010, NMFS received a
15 petition from the Center for Biological Diversity
16 to list bluefin tuna as threatened or endangered
17 under the Endangered Species Act, and NMFS is
18 currently conducting a status review of bluefin
19 tuna, with the intent to publish the determination
20 of that review by May 24, 2011.

21 With that brief overview of the comments
22 and responses, we can open it up to questions and
23 comment.

24 MR. RAAB: Do you want to start, Jim?

1 MR. JAMES: I just wanted to point out to
2 you that the rule that is coming out, I believe
3 finalized today, one of the things we discussed
4 briefly at lunch, and that was that the savings on
5 the pelagic longline fishery here in the Gulf of
6 Mexico should be incorporated into our pelagic
7 longline dead discard for 2011, so let me just
8 throw an arbitrary number at you. If we just saved
9 somewhere in the neighborhood of 35 metric tons on
10 this Gulf of Mexico weak hook program, it should be
11 refunded into the 2011 quotas for bluefin tuna on
12 the pelagic longline dead discard. Thank you.

13 MR. RAAB: Jason.

14 MR. SCHRATWIESER: Jason Schratwieser.
15 Randy, thanks for the presentation, and forgive me
16 if I missed this, but I'm a little confused in the
17 order of things. It's unknown based on the sample
18 size we had what the true effect of this new
19 technology is on white marlin, and we still don't
20 have any idea of what it will do to the mortality
21 of bluefin, and we need more research on the
22 subject, but you went ahead and made a final rule
23 instead of doing more research and then making a
24 final rule, so I'm a little confused about that.

1 MR. BLANKINSHIP: Well, first of all,
2 research related to bluefin tuna and post release
3 mortality, our NMFS researchers felt like it was
4 logical, as I presented in the response, that
5 bluefin tuna are most likely escaping rather
6 quickly from weak hooks because of the amount of
7 energy that they have early on in their fight, and
8 NMFS expects to follow on with that research to try
9 and see how long they actually do stay on those
10 hooks. As we stated, we will based on the findings
11 of that research, we have the potential to be able
12 to go back and adjust management measures if they
13 need to be adjusted.

14 Related to white marlin, it's much the same
15 answer, except that the findings of the research
16 indicated the increase, although it was not
17 statistically significant for white marlin and
18 roundscale spearfish. That is something that could
19 not easily be explained by looking at the data. It
20 was certainly something that was unique within the
21 findings of the research. There were not increases
22 in blue marlin, there were not increases in
23 sailfish, and so based on the continued interest in
24 white marlin and roundscale spearfish and concern

1 about that, we expect to pay very close attention
2 to what's happening with those catches as time goes
3 on, through the observer data comes in, but also
4 the continued research that the scientists are
5 going to conduct.

6 And then once again, we have the ability to
7 go back and address management measures and change
8 some of them if they're needed, if in fact white
9 marlin catches are elevated as a result of weak
10 hook use.

11 MR. SCHRATWIESER: I'm just surprised that
12 you wouldn't want to do the additional research
13 first before you put something in place, but I
14 guess what this is is basically a race to reduce as
15 much bluefin bycatch as you can this year.

16 MS. SCHULZE-HAUGEN: Guillermo, did you
17 have something on that point?

18 MR. DIAZ: Guillermo Diaz, HMS. Jason, to
19 that point, this was a discussion that was
20 conducted over three years, it was not something
21 that was done just in a couple of months, and in
22 the case of bluefin tuna, it was a clear
23 statistical decrease in the catch rate, 56 percent,
24 so this is not something that was just pulled out

1 of the hat and we went ahead.

2 MR. SCHRATWIESER: I understand catch
3 rates.

4 MR. DIAZ: We recognize that, you know,
5 some people might think that, but this was a very
6 carefully designed research and as I said, it went
7 three years. Now we're moving to the next stage,
8 which is let's see if we can find when this fish
9 escape from the hooks, and things like that. With
10 respect to white marlin, no, we're not hiding, we
11 realize that there was an increase in the catch
12 rates; however, they were not significant, but we
13 will continue the research.

14 MR. BLANKINSHIP: And related to time frame
15 and moving fast on this, it's important to point
16 out that an objective of the rulemaking was to
17 rapidly implement in order to provide protection,
18 particularly -- well, for bluefin tuna spawning
19 season, but particularly for the 2003 year class as
20 it matures and begins to contribute to spawning,
21 and that was a major driver.

22 MR. RAAB: Ralph, you were next, and then
23 we're going to open it up for some discussion
24 around future research.

1 MR. PRATT: Randy, you had indicated there
2 was some amount of voluntary implementation prior
3 to this rule, and I'm curious if you any kind of
4 measurement of that voluntary participation. The
5 reason why I ask is that in 2009 the numbers were
6 still fairly close, and with a 54 percent reduction
7 rate, if it was any reasonable level of voluntary
8 participation, I think those numbers would have
9 dropped off right away. Do you know how many
10 vessels did that?

11 MR. BLANKINSHIP: There were six vessels
12 that were used over the course of the three-year
13 period for research. Not all of those participated
14 in the early years and I'm not the conductor of the
15 research now, but from my recollection in talking
16 with Dan, there were a couple of the vessels, two
17 or three I think, that were, that felt like the
18 results that they had with weak hooks were very
19 good, and so they continued to use them. So you
20 know, two or three vessels, so just a few of them
21 that started to use them year round.

22 MR. RAAB: Richard.

23 MR. RUAIS: Thank you. I thought maybe
24 Ralph was going to make this point, but I think

1 Steven James' first comment, I think the number is
2 actually closer to a 60-times adjustment and I have
3 the same feeling, that even though it couldn't have
4 been, because there wasn't a proposal on the table
5 at the time the public hearings started, maybe it
6 was appropriate not to formalize it into the text
7 of a table, but it might have been alluded to that
8 this work was very promising, and that the
9 potential reduction in the amount of discards for
10 2011 then coming out of the Gulf would have greatly
11 reduced tuna by 12.5, but if you go up to about 60
12 percent, it's close to 111, which I guess it is in
13 2009, so that would have been a significant factor.

14 The final point, which is just a comment,
15 that I'm a little unclear as to why there would be
16 any hesitation to move forward given that the
17 results were done by National Fisheries Service,
18 they were very pleased with the cooperation of the
19 fleet in the Gulf of Mexico for doing that work.
20 Heading up that task group, Charlie Bergman, a
21 well-known respected scientist in this arena, and
22 we support it a hundred percent. Thank you.

23 MR. RAAB: Ellen, you were next.

24 MS. PEEL: Hi, Ellen Peel. A couple of

1 questions, and perhaps it could be called a
2 suggestion. Starting with the yellowfin tuna and
3 white marlin, they are so closely linked, you said
4 that there was no -- well, it wasn't significantly,
5 it wasn't statistically significant, the 52 percent
6 increase in white marlin. When you decide
7 something is insignificant, was there any
8 consideration or should there be any consideration
9 given to the status of that stock? White marlin
10 are severely overfished, we know that. Fortunately
11 last year was a fabulous year, we hope that's
12 showing a rebounding on the stock. But when you
13 say it's statistically insignificant when a fish is
14 in such bad shape, perhaps there should be greater
15 weight given to assigning that label to it.

16 Second, with yellowfin, since there has
17 been research and papers written delineating the
18 different life history characteristics between
19 yellowfin and marlin, still it's in the yellowfin
20 tuna fisheries where most of the marlin mortality
21 occurs, your concern was that even if we catch more
22 yellowfin tuna, it is thought that the impact on
23 yellowfin, again, would be negligible or
24 insignificant. However, the more yellowfin tuna

1 you increase on longline gear, the more mortality
2 of marlin you're adding to it, and both blue and
3 white marlin are severely overfished.

4 So I would like to ask as the research
5 continues, and maybe Guillermo can answer this,
6 could there not be a segment added to it that looks
7 at white marlin both from being a bycatch species
8 and essentially being a directed species by the
9 increased catch rate? Thank you.

10 MR. RAAB: We're going to take some more.
11 Terry.

12 MS. BEIDEMAN: Terry Beideman. On page 19
13 of your slide presentation you say that the
14 predicted increase in white marlin dead discards is
15 less than 0.8 percent of the total international
16 white marlin catch in the North Atlantic and
17 reported bycatch, right? We know there's some
18 issues with reporting, so we just what they put on
19 the table, that's what we know. So I would suggest
20 that you add the word reported to ICCAT in there.
21 That wasn't really a question, so here is my
22 question.

23 On your 23rd page of your slides, you made
24 a reference to a recent peer reviewed article to

1 determine time/area closure analyses and I would
2 like to see them, I don't know what they are, or
3 who did them, and are they available and can I get
4 some of them? Thank you.

5 MR. BLANKINSHIP: The one that just comes
6 to mind is Joe Powers and, in 2009 had one. We can
7 get you the reference, it's in the EA.

8 MR. RAAB: Ron.

9 MR. CODDINGTON: Ron Coddington. The most
10 important assumption that was made in all this
11 research is the assumption that the reduced post
12 release mortalities is expected because bluefin
13 tuna have the highest level of energy when they are
14 first hooked. Without that assumption being
15 correct, none of this means anything. So my
16 question would be, do we know from research when
17 that hook failed, was anything recorded so that we
18 know that there was a tug on the line during
19 haulback or no, it was already gone? Then that
20 leads you to the next very simple calculation,
21 because I understand the great scientists involved
22 here, and I already asked the engineering question
23 once before, how did you test the hook, and it was
24 a fairly standardized procedure for testing the

1 pull of the hook. But did anybody do something
2 like that, an engineering analysis, a hydrodynamic
3 analysis of at what speed or what acceleration of
4 that fish moving through the water produces 175
5 pounds or 200 pounds of pull, a fairly simple
6 calculation. We can estimate the diameter of the
7 target fish that we're trying to save and we can do
8 a hydrodynamic analysis of what the pull is on that
9 line at a given speed or acceleration when that
10 haulback starts.

11 So have we looked at that, did we do that
12 kind of engineering analysis, and if not, isn't
13 this entire process suspect if we don't know if
14 there really is post release mortality?

15 MR. BLANKINSHIP: Well, I think with the
16 question that you asked Dan, like back in the fall,
17 which was related to that, the answer would still
18 be the same, because that research was wrapped up,
19 or wrapping up around that time. The science
20 center out of Pascagoula is continuing to look at
21 those issues, and in particular looking at
22 gathering data using hook timers, and looking at
23 being able to do that research soon.

24 Related to the engineering question, I can

1 pass that along to Dan and see if he has any
2 additional analyses that he wants to include, or
3 testing that he would like to include related to
4 that.

5 MR. RAAB: Bob.

6 DR. HUETER: Bob Hueter, Mote Marine Lab.
7 Randy, the research was done in the Gulf of Mexico,
8 is that correct? So I would assume there would be
9 some catch of sharks in the course of the research.
10 Do we know what the effect was on the shark CPUE by
11 the use of those hooks?

12 MR. BLANKINSHIP: First of all, for the
13 results I can point you to in the appendix, in the
14 EA where the full interim report is available.
15 That provided some species, and overall for some
16 large sharks there was a reduction in catch,
17 although it was not statistically. For others, it
18 was inconclusive. There were very small
19 interaction numbers with sharks, but there is some
20 information there to look at.

21 MR. RAAB: Chris.

22 MR. WEINER: I just have a question, and
23 comment. How could it possibly, you know, it's not
24 really my issue, weak hook possibly increase

1 landings of white marlin? You know, I know that in
2 this study it sounds like there were more of them,
3 but to me as a fisherman, that would have to be
4 almost bad luck as much as anything, because how
5 would a weak hook catch more fish if it's the same
6 hook, it just breaks easier? I'm just curious.
7 Every time I hear that, I just wonder. Like I
8 said, I have no experience in this fishery, but I
9 don't understand how it could possibly happen.

10 MR. BLANKINSHIP: Well, it's a very
11 interesting and perplexing result from that study,
12 because you had similar species where you didn't
13 see an increase in the catch or a decrease in the
14 catch, at least not statistically significant, and
15 that is an outlier, it doesn't really fit with some
16 of the other things.

17 And in addition, we asked Dan to look at in
18 different ways to determine if there was anything
19 about the sampling that took place that would
20 explain some of that, whether it was one vessel,
21 whether it was a certain year, whether it was a
22 certain location, and he did look at that, and he
23 could not find anything that would explain what was
24 going on. And so one just take from that that

1 while it's not statistically significant, it's a
2 real finding of the study, and it means that we
3 need to continue to look at it very carefully.

4 MR. RAAB: Ron.

5 MR. WHITAKER: Ron Whitaker. Just to help
6 you out there, Chris, I think the increased catch
7 is coming from a thinner hook. I know in our white
8 marlin fishery and our sailfish we hook them much
9 better with thinner hooks, and that's why I think
10 it's hooking better.

11 But my question is, exactly when is the
12 spawning season for the Gulf, and I assume this is
13 the only spawning area that we know of.

14 My next question would be, I know some of
15 these 2003 year class should be reaching maturity,
16 it's time for them to spawn. Do our tag studies
17 show that they are in reality going to the Gulf?
18 Thank you.

19 MR. BLANKINSHIP: First of all, related to
20 season, the spawning season is generally considered
21 to be from April to mid June in the Gulf of Mexico.
22 Related to the 2003 year class, that probably
23 depends on who you're talking to, but I think
24 general consensus is they're beginning to mature

1 this year, and potentially contributing to spawning
2 this year.

3 MR. WHITAKER: Okay. My question, do they
4 show that they are going to the Gulf?

5 MR. BLANKINSHIP: Actually, Guillermo may
6 be able to speak to that very think, I don't know,
7 but you know, the spawning area for western bluefin
8 tuna is known to be the Gulf of Mexico and
9 therefore you would expect that they would be
10 there, because that's where spawning occurs.

11 MS. SCHULZE-HAUGEN: I would just say that
12 there is some information that perhaps not all you
13 spawning bluefin go to the gulf every year, as
14 evidenced by some mature fish not being in the Gulf
15 of Mexico during the spawning season, but we would
16 expect some of those spawners to be in the Gulf.

17 MR. MONTELLA: Like Ron said, a lighter
18 hook gets more fish, but that would have been
19 across the board, it would have been sailfish,
20 bluefin, marlin, as well as white marlin,
21 yellowfin. Chris is right. Sitting here looking
22 at these two hooks, I'm not as ornery as I used to
23 be, but there's not enough going on there to change
24 the catches. And what samples are we looking at?

1 Did we go from six-point marlin to nine, did we go
2 from two to three to increase 50 percent? I mean,
3 how big a sampling are we looking at here? And
4 just, you know as a fisherman, there's not that
5 significant of a difference here between those two
6 hooks to say it's going to catch more white marlin
7 as opposed to more sailfish or more blue marlin,
8 and you know, the results would have been across
9 the board.

10 MR. BLANKINSHIP: The exact information,
11 once again, we need to refer, I looked to see and I
12 didn't bring the EA with me up here, but in the
13 appendix it shows what the number of interactions
14 were for white marlin, roundscale spearfish, I want
15 to say it was on the order of around, you know, in
16 the vicinity of a hundred fish total.

17 MR. MONTELLA: Over three years?

18 MR. BLANKINSHIP: Over three years. That's
19 not a quote, so don't quote me on that, but it's in
20 that vicinity.

21 It's lower than that?

22 DR. GRAVES: Yeah. If you did the power
23 analysis to have that difference, you're talking at
24 a much lower sample size, so you're not talking

1 about a large number of fish. So you could have
2 that result simply by chance, flip the coin enough
3 times, sometimes you're going to have --

4 MR. BLANKINSHIP: 96 fish combined. I was
5 off by four.

6 MR. MONTELLA: I mean, really, I think
7 we're wasting time here. If it shows an increase
8 in sailfish, marlin, everything across the board,
9 you know, the fact that it showed it on white
10 marlin over these three years for, I think it was
11 60, we're wasting our time with this issue with
12 marlin so let's move on. We're saving bluefin
13 tuna, you know, and if we want to add those bluefin
14 tuna back into another quota somewhere, you know,
15 we should start talking about dead discards
16 counting, things like that, and it would be more
17 productive here than beating a dead horse. If you
18 want to save white marlin, you know, close down the
19 white marlin open in Ocean City.

20 MR. RAAB: Mark.

21 MR. TWINAM: Mark Twinam. This state
22 report for 2010 for highly migratory species, this
23 is the first time I ever looked at it today, and I
24 was just curious. Table 4.1, I think on page 43

1 has a U.S. catch. Is that, are discards included
2 also?

3 MS. SCHULZE-HAUGEN: I would have to look
4 at it with you to make sure. I don't remember page
5 43 off the top of my head.

6 MR. TWINAM: For instance, you have landed
7 swordfish and you have U.S. catch at 2,697 fish.
8 Is that all the swordfish that were caught?

9 MS. SCHULZE-HAUGEN: Can I look at that
10 with you maybe off line? Without having it in
11 front of me, I don't want to comment.

12 MR. TWINAM: The point I'm getting at, on
13 the Atlantic bluefin tuna, it has the U.S.
14 percentage of bluefin, total Atlantic bluefin is
15 right about five percent, and I was curious as to
16 how much of that five percent came out of the Gulf
17 of Mexico, what would the Gulf of Mexico share of
18 the total land catch be, two percent, one percent?

19 MR. RAAB: Why don't we move on and let
20 them do a little bit of research and get back and
21 answer your question. Ellen, you were next.

22 MS. PEEL: Ellen Peel. I certainly agree
23 that the positives on the weak hook are good and we
24 need to move forward with that. I think in light

1 of the different statuses of other species, more is
2 needed, but we should not hold up the circle hook
3 rule for that. With yellowfin and white marlin, I
4 would just ask that that be looked at as well.
5 Thank you.

6 MR. RAAB: Ralph, and then Jason.

7 MR. BLANKINSHIP: Ellen, going back to your
8 comment related to yellowfin tuna and white marlin,
9 and you were talking about the potential relation
10 there and I agree with you, that in some respects
11 they are similar.

12 MS. PEEL: No, they're not. They're
13 different.

14 MR. BLANKINSHIP: And one of the things I
15 was going to point related to the analysis that was
16 done was, you know, there were a couple ways that
17 was looked at. One was with yellowfin tuna if you
18 had, potentially if there was an increase in the
19 catch of yellowfin tuna with the use of weak hooks,
20 it didn't necessarily state that there would be an
21 increase in effort to catch those more yellowfin,
22 okay? So it was potentially catching more
23 yellowfin but not necessarily making the case with
24 more effort, and it would be more effort for

1 increasing white marlin, so that's the one
2 follow-up I wanted to make to what you said.

3 MS. PEEL: Thank you.

4 MS. SCHULZE-HAUGEN: To Mark, Table 4.1 is
5 total catch including dead discards, so those
6 numbers do include that.

7 MR. TWINAM: And when you get down to the
8 marlins and the sailfish, the United States total
9 catch, Atlantic catch for the Atlantic blue marlin
10 was one-fifth of one percent. On the Atlantic
11 white marlin it was-three quarters of one percent.
12 The sailfish is, one-tenth of one percent is the
13 United States catch. Are those numbers correct?

14 MS. SCHULZE-HAUGEN: This is what we
15 reported to ICCAT, and comparing U.S. reported
16 statistics to all the other countries reported
17 statistics.

18 MR. TWINAM: So if the U.S. gave up all
19 pelagic longline, we would reduce the total catch
20 by one percent of the marlins.

21 MS. PEEL: Less than that. We aren't
22 arguing about that.

23 MR. TWINAM: I just wanted to make sure I
24 understood that, thank you.

1 MR. RAAB: Ralph.

2 MR. PRATT: Has the Agency made any
3 estimates on what the effect of the weak hook
4 implementation will be for the 2011 season in the
5 Gulf?

6 MS. SCHULZE-HAUGEN: Well, not at this
7 point. The rule published today, so we now know
8 the effective dates for when the rule will be
9 required, and so before knowing that, it would be
10 very hard to predict what the reduction would be,
11 but we have a little more information now.

12 MR. RAAB: Jason.

13 MR. ADRIANCE: Jason Adriance. My point is
14 somewhere along the lines of Mark's, a dead fish is
15 a dead fish. This is intended to protect them once
16 they get into the Gulf, but what has been done to
17 protect these fish before they got into the Gulf
18 along the east coast?

19 MS. SCHULZE-HAUGEN: There's a variety of
20 other measures. I'd be happy to walk through the
21 complete suite of bluefin tuna management measures
22 for the United States. I should also not that
23 there are other countries fishing bluefin tuna, and
24 I'm not intimately familiar with what their

1 regulations are.

2 MR. RAAB: I see we've got about another 15
3 or 20 minutes, and I think what we'd like to do is
4 get some more of your direct feedback on what would
5 make this a more successful implementation as we're
6 moving into the implementation phase, and many of
7 you have commented on supplemental research, so
8 other ideas for things that should be put on the
9 research agenda for this going forward. Okay?
10 Guillermo, do you want to make a couple of
11 comments, and everyone can think about that.

12 MR. DIAZ: Thank you. I just want to
13 address some of the comments that were made about
14 this issue. First of all, Ellen she asked in
15 assessing the significance of the reduced catch
16 rate of white marlin we took into consideration the
17 fact that the population of white marlin is
18 depleted. The significance of particular estimates
19 of the catch rate is a statistical issue that's not
20 related to the status of the population. In this
21 case we say that they increased and we estimated
22 it's nonsignificant, and the result because it's
23 nonsignificant is because the sample size is small
24 if you start off adding caught 96 fish. You know,

1 if we would have caught 960 or, you know, 10,000
2 fish, then those numbers would have become
3 significant. The fact that it is not significant
4 is more due to the probability associated to the
5 catch size, and the low sample size. So it is a
6 technical issue that is not related to the status
7 of the population.

8 I want to again, emphasize the fact that a
9 total expected increase in the catch of white
10 marlin by using the big hook is less than 0.8
11 percent, and as Terry said, these are based on the
12 reported catches to ICCAT. We believe that those
13 reported catches may actually be under reporting,
14 which means that if those are under reported, then
15 the 0.8 percent would be even lower, and because we
16 estimate that that increase is negligent to the
17 total catch of white marlin, that's why we went
18 ahead with this regulation, because we believe the
19 impact would be minimal or nonexistent.

20 With respect to when the bluefin longline
21 with the weak hooks, we do have one observation
22 that was, that happened like three years ago at the
23 beginning of this research that we used a hook
24 timer, and that bluefin tuna escaped in 28 seconds.

1 That's why we believe that bluefins are not able to
2 escape at the very minute when they are caught. Of
3 course we need more data and that's why we will
4 continue with hook timers, but that's what we
5 believe. Actually, we looked at, in the haulback,
6 and that hook gets bent and it can release it. So
7 that whole thing was taken into consideration, but
8 for the technology we need more data.

9 With respect to the hydrodynamics, there
10 are many issues that we need to think about with
11 respect to the force asserted by moving tuna to
12 bend the hook. It's not just the hook itself,
13 remember that when that fish is dragging line, it's
14 dragging a lot of weight and line and other hooks.
15 The other thing that we know that can affect the
16 results is the computation of the longline that is
17 being used.

18 One more thing. There was a question about
19 why we are just doing something to protect the 2003
20 year class, but remember that the advice from ICCAT
21 about protecting the 2003 year class just came out
22 late last year, and was the first time that even
23 though we knew that it was this much in trouble
24 coming from the fisheries, last year was the first

1 time the assessment models were able to identify
2 that year class and we were able then to quantify
3 it and make, give the advice that we need about
4 protecting that year class.

5 MR. RAAB: Ellen, you had a follow-up
6 question?

7 MS. PEEL: Yes. Guillermo, what is the
8 percentage of the overall Atlantic landings of
9 bluefin tuna that is estimated to be saved with
10 implementing the hook? What percent are we saving
11 of bluefin overall if we're going to talk about
12 overall impacts and not just U.S.?

13 MR. DIAZ: I need to look at the numbers,
14 but if you consider that we have around 1,800
15 metric tons for bluefin tuna, and the catch last
16 year in the Gulf of Mexico were about 111 metric
17 tons, of which I think around 70 metric tons were
18 bycatch, so I'm saying maybe 40 metric tons
19 approximately.

20 MS. PEEL: And what percent is that of the
21 whole?

22 MR. MONTELLA: 40 out of 1,800.

23 MR. DIAZ: But the other thing we have to
24 acknowledge is we have this year class coming to

1 the Gulf of Mexico and it's going to be interacting
2 with the longline fishery, so the numbers that we
3 are moving to now might not be as relevant because
4 the number of interactions that we're going to see
5 from now on will increase. So it's not so much how
6 many, what's the percentage of the U.S. compared to
7 the entire stock, this is just about protecting a
8 year class that is important to the fishery.

9 And also, remember that in the case of
10 bluefin tuna, we have this dichotomy between the
11 improvement potential hypothesis. The only way we
12 know if we have higher improvement or lower
13 improvement potential hypothesis is going to be by
14 letting the biomass increase and see what happens,
15 and one way to do that is to protect the 2003 year
16 class. As those fish grow and become spawners and
17 increase their spawning biomass, if we protect
18 them, then we can with time find out if it's going
19 to increase or not, and it's going to help us to
20 figure out exactly if you have higher improvement
21 or lower improvement and as you know, the
22 implications of higher improvement or lower
23 improvement are very very different.

24 MS. PEEL: Absolutely. Thank you. But the

1 point I was trying to make is we obviously don't
2 have that percentage in mind of what the bluefin
3 tuna savings would be. I certainly concur with
4 what you're saying on the positive. The point I
5 was trying to make was on one hand we can't talk
6 about insignificant U.S. fisheries because it is
7 such a miniscule percent of overall, i.e., marlin
8 fishing, it's huge for the U.S. support fishing
9 industry, and on the other hand, not acknowledge
10 that what we do in the U.S. is small.
11 Unfortunately, we have to keep doing it all, but it
12 is a small amount, I'm sure overall, but we should
13 keep moving forward.

14 MR. RAAB: Shana.

15 MS. MILLER: I have a few comments. Just
16 quickly to Mark and Ellen's comments about the
17 percentage U.S. contribution to bluefin mortality,
18 when we're talking about protecting bluefin in the
19 Gulf of Mexico, we're talking about fish that we
20 know are all western fish, versus the five percent
21 Atlantic wide, so you're counting a much bigger
22 population and fishery in the East Atlantic, so
23 just to point that out.

24 As far as the research, I was happy to here

1 Randy say that time/depth recorders are going to be
2 used for the research as well, but eh Federal
3 Register noted, and these slides do all say hook
4 timers, and my understanding is that hook timers
5 won't give you the full answer, so I was happy to
6 hear that.

7 And then I would also urge folks at the
8 Pascagoula lab to extend the geographic
9 distribution of the research. From the map that
10 I'm sure we recall, it missed that area in the
11 northwestern gulf that we know to be a major
12 spawning spot for bluefin.

13 And I'm just, also, I agree with a lot of
14 people in the room that it's great that NOAA has
15 pushed this rule through and will get it
16 implemented within the 2011 spawning season, but as
17 far as trying to estimate some sort of reduction in
18 bluefin mortality, you know, keep in mind that
19 bluefin have been in the Gulf since January, or
20 even December, so we did miss a lot of 2011.

21 And lastly, a question to Guillermo and
22 maybe John as far as protecting the 2003 year
23 class. My understanding is that we all think that
24 they're western fish, but that the eastern

1 population also showed a spike in the 2003 year
2 class, and the jury is still out on whether those
3 fish will even be migrating to the Gulf of Mexico
4 to spawn.

5 MR. DIAZ: Yes. I mean, we know there is a
6 contribution, a high contribution of eastern origin
7 fish in the January classes, the so-called Russian
8 cohort, and we know that when we start picking up
9 the signals with the catch rate, we start seeing it
10 at age two, three and four and so on. But the
11 thing is, we have seen also increases now in the
12 number of fish in the commercial fishery, and those
13 fish are large enough that even if they were from
14 the eastern ocean they should have disappeared by
15 now, but we still see them around, so there's a
16 good chance that a huge proportion of those fish,
17 if not all of that size, are all western fish.

18 MR. RAAB: Ron.

19 MR. CODDINGTON: Again, I'm disturbed by
20 the assumptions that are made here, and I think I
21 heard another one that's even more important than
22 the one that I already read, and that is that the
23 hook timer showed that a bluefin tuna escaped in 28
24 seconds. If he escaped, how do we know what it

1 was?

2 MR. BLANKINSHIP: I have heard Dan describe
3 that again, and I can't recite the way he described
4 it, but my understanding is they weren't for sure
5 what fish species it was, but there was, and I
6 don't remember exactly how he defused it, but there
7 was a pretty strong possibility that it was a
8 bluefin tuna, but they can't for sure, they can't
9 be positive that it was a bluefin tuna.

10 Unfortunately, I can't recite what he says about
11 it, but I've heard him talk about it. I'm sorry I
12 can't offer much more to you about that.

13 MR. RAAB: Richard.

14 MR. RUAIS: Further to that point, you can
15 certainly limit the number of alternatives to this,
16 whether it's a killer whale or a real big powerful
17 swordfish, that's what you're limiting it to, and I
18 assume you wouldn't mind if it was a big swordfish
19 that came off that longline either.

20 MS. PEEL: Or a blue marlin.

21 MR. RUAIS: But the other thing, I wanted
22 to expand on one of Shana's points. In terms of
23 expanding the area of research, I'd go a little
24 further than she would go and say it's time to move

1 that research into the Atlantic as well and maybe,
2 this has probably already been thought of and is
3 probably already being done, but it should be
4 preceded by some data mining probably, through past
5 logbooks, to find out the areas where the last
6 longline fleet was fishing where catches were
7 predominantly below, for example on the swordfish
8 and yellowfin and bigeye, below 250 pounds, so
9 you're losing as little catch as possible while
10 releasing with the weak hook a 400-pound,
11 500-pound, 600-pound bluefin tuna, so I would
12 already be considering doing that.

13 In terms of Shana's comment about not
14 knowing yet the impact on 2011, she's probably
15 correct, but there's a couple things to consider.
16 One is that the vessels that were participating in
17 the research, we know had already volunteered prior
18 to the rule, I think a lot of people are familiar
19 with this, that they volunteered to switch over to
20 that weak hook and use it because it's just a much
21 more convenient hook to use in the Gulf of Mexico,
22 because if you get a bluefin who can't escape your
23 gear, you lose a lot of time and you lose a lot of
24 money, and you can't land them anyway, so there's

1 no sense doing it.

2 And second, regardless of the hook, is the
3 Deepwater oil spill, where a big part of the
4 longline fleet has been completely inactive in 2010
5 and '11 on advice of attorneys, that they can make
6 more money that way, by staying inactive rather
7 than fishing, so they're doing that.

8 There was another point, but I lost it.

9 MR. RAAB: I'll come back to you if there's
10 time. Ralph.

11 MR. PRATT: I guess this is more for John
12 Graves. John, if this things pans out and it works
13 with weak hook, is that something you would do at
14 ICCAT maybe because Mexico is fishing in the Gulf
15 also? To me it seems to make a little bit of
16 sense.

17 DR. GRAVES: Supporting information
18 technologies is something that the U.S. has been
19 very proactive in at ICCAT, and if this works in
20 the Gulf of Mexico, we would hope to get something
21 like that tied in there. Now the Gulf of Mexico is
22 a special place, there's a big size differential
23 between your target species and your bycatch, so
24 it's not applicable necessarily to a lot of other

1 areas, although it has been used in Hawaii with
2 marine mammals. So yes, we do export it, that's
3 the whole idea.

4 MR. RAAB: Bob.

5 DR. HUETER: Bob Hueter, Mote Marine Lab.
6 I followed Randy's advice and I looked up the table
7 in the EA to answer my question about sharks. I
8 can see that the number is fairly similar, and the
9 confidence levels were too low to judge them as
10 significant. It looks like there's a possibility
11 of reduction with sharks. But something that
12 jumped out on me and I feel a need to share this is
13 that the numbers we're talking about in the case of
14 yellowfin tuna, we're talking about thousands of
15 fish in both the control and experimental
16 treatment, in other words, between the regular
17 circle hooks and the weak hooks.

18 The bluefin tuna, although it's judged to
19 be statistically significant, and I understand what
20 that means as a scientist, we're talking about in
21 the control group 23 and in the experimental group
22 10, so that's your 56.5 percent reduction. So
23 you're hanging your hat on pretty small sample
24 sizes, even though it is statistically significant.

1 And if nothing else, this cries out for this
2 research to be expanded and continued. White
3 marlin is, went from 19 in the regular circle hooks
4 to 30. So really you've got more data, you know,
5 more numbers in the white marlin than you do in
6 bluefin tuna, but the statistical significance is
7 stronger there for the bluefin tuna rather than the
8 white marlin.

9 So, a couple things. One is, this research
10 needs to be expanded to know what you really have
11 to deal with. Secondly, just a piece of advice, at
12 a scientific convention if something isn't
13 statistically significant, don't report the number
14 change, the reduction, because the fact is that
15 number is not statistically significant. So rather
16 than putting this number on this chart about 52.7
17 percent increase in white marlin, if it's not
18 statistically significant, you should put not
19 significant and don't even report that.

20 But I'm a little bit, my confidence is
21 shaken a little bit by the fact that we're dealing
22 with such low numbers, and pretty much equal
23 numbers of bluefin and white marlin, but I'm not
24 sure I would hang my hat on a sample size this

1 small.

2 MR. RAAB: Andre.

3 DR. BOUSTANY: Andre Boustany. Just a few
4 follow-up points and then a quick question at the
5 end in regards to some things that Guillermo said.
6 From our tag net in regards to when fish go back to
7 the Mediterranean to spawn, from the tagging data
8 when I was doing more of that stuff, we never saw
9 fish return to the Mediterranean until about age
10 nine or so, which is about how old these fish are.
11 So we should not make the assumption that fish that
12 are going to the Mediterranean to spawn have gone
13 to the Mediterranean already. With recent genetic
14 data, we see that there are multiple populations in
15 the Mediterranean, and there's a good possibility
16 that they have different maturity loop schedules
17 and fish that come out into the Atlantic, the ones
18 that are interacting with our fisheries, may be of
19 greater age diverse reproduction, later age than 50
20 percent maturity, so it's a little bit premature to
21 say that they're most likely all western fish, but
22 we will probably know in the next few years, and I
23 know there's some other studies ongoing in regards
24 to that.

1 Another thing in regards to when they might
2 be going to the Gulf of Mexico, there has been a
3 few studies, including one of your own, that shows
4 that they start going at around age eight or nine,
5 but the vast majority of them, where you start
6 getting the 50 percent maturity, don't go until
7 about age 12 or 13, depending on growth rates that
8 you're using. So, you shouldn't assume that these
9 are all going to be going to the Gulf of Mexico any
10 time soon, because the majority of them won't go
11 for about five years or so.

12 And I'd just like to reiterate the last
13 point, this is a small sample size, and the ongoing
14 research would be greatly appreciated.

15 And with regards to my last point there, if
16 we have time at the end, I would like to hear about
17 what the proposed research is in more detail.

18 MR. RAAB: Did you want to comment on the
19 proposed research?

20 MR. DIAZ: A couple of things I wanted to
21 comment on. One is, the nature of the small sample
22 size for white marlin and bluefin tuna, that the
23 numbers are relatively similar but in the case of
24 bluefin tuna we have a statistically significant

1 difference and not in the case of white marlin.
2 And the reason for that is you have to appreciate
3 the results. In the case of bluefin tuna, even
4 though the sample size is small, almost enough
5 cases, the quick hook showed a lower rate than the
6 regular round hook, that's why even though the
7 sample size is perhaps small, the difference is
8 significant. In the case of white marlin that was
9 not the case. There were cases in which the quick
10 hook got a higher catch rate, and in some cases the
11 regular hook got a higher catch rate. So the catch
12 rate of the quick hook was 56 percent or so higher
13 for white marlin than the other hook, but because
14 of the variability in how those hook types
15 performed, that's why the result is not so
16 significant, and we see the significance in the
17 bluefin tuna. So it's a combination of both things
18 that we need to look at, not just the sample size,
19 but also the variability in the results in the
20 catch rates.

21 Andre, he just brought up the issue of when
22 the fish are going to enter the Gulf of Mexico with
23 regard to the age of maturity and so on. One thing
24 is that at this time the hundred percent age of

1 maturity is at, least assumed by scientists as nine
2 years old. Yes, there are estimates that say that
3 that could happen much later. As a matter of fact,
4 I wrote a document that said it could be as late as
5 16 years old. But the document also says that
6 those results are based only in size samples
7 obtained in the Gulf of Mexico, samples from the
8 pelagic longline fishery. So we don't know, if our
9 sample is from the pelagic longline fishery,
10 without sampling all the size classes that are in
11 the Gulf of Mexico.

12 The other thing that is within our
13 knowledge is that going just to the Gulf of Mexico
14 and try to obtain a maturity schedule based on
15 what's in the spawning grounds is like the meeting
16 here, and you using it to come up with an idea of
17 what type of people are interested in fisheries in
18 the U.S. Clearly you're going to have a very high
19 result if instead of looking at the entire universe
20 of people, you just look at the people that come to
21 this room. So, the same thing seems to happen with
22 the maturity of the fish. If you want to see at
23 which age fish mature, you have to look at the fish
24 everywhere to know those are the mature fish.

1 So, my point is that the age of maturity of
2 the fish, we don't have a straight answer, it's an
3 open question, we have ongoing research to try to
4 solve it, we have done a lot of sampling, taking
5 samples in more fisheries, and we will have an
6 answer soon, but at this point the assumed age of
7 maturity that we are using is nine years old.

8 MR. RAAB: We'll take Jeff and then Terry,
9 and then we're at our break time.

10 MR. ODEN: To the point of Rich bringing up
11 studies in the Mid-Atlantic or whatever, in
12 conjunction with Dr. Kerstetter I'm doing a study
13 now with the weak hook, I don't know how many, 10
14 or 15, something like that, in that range. Anyhow,
15 I'm mainly targeting yellowfin, bigeye, that's the
16 hope at that time, hopefully a swordfish, but I'm
17 not seeing much chance of catching a decent
18 swordfish with a hook. I've seen yellowfin
19 straighten a hook on a leader and you know, it's a
20 concern the way we fish, which is differently than
21 they do in the Gulf, we've got a lot shallower
22 drops and are fishing a lot harder, our gear is
23 stretched out tighter, and it's going to, you know,
24 I'm hoping to do a compromise hook, we're looking

1 at that. And in our area, you know, it's just
2 different the way we do it, especially off Hatteras
3 in the spring, but we are working to that point, if
4 somebody wants to talk about it.

5 MS. BEIDEMAN: Terry Beideman, and I also
6 wanted to say along the lines of everyone else,
7 that this is pretty young research and that we
8 don't really know. We have a fleet that wasn't
9 fishing pretty much during 2010 in the Gulf of
10 Mexico, a lot of them, and also, they had to fish
11 in places where they maybe don't normally fish on
12 account of oil spills and things, so it was a
13 fairly unusual period of time. And perhaps there
14 may be unintended things that happen when it
15 becomes more commonly used.

16 My comment would echo those of others that
17 we have to keep an eye on this and reexamine it and
18 conduct another review, because it may not yield
19 what we think, but right now it looks promising, to
20 be honest with you. Having been around when the
21 concept was discussed by my husband of breakaway
22 hooks, I looked at him with disbelief that
23 fishermen would want to use them, so I'm very glad
24 to hear there are some that are happy to use them,

1 and it seems promising.

2 As far as moving to the Atlantic, the same
3 issues that Jeff brought up. It's a totally
4 different mix of fish, it's a different way of
5 fishing, it needs to be looked at thoroughly. It
6 may in fact have a possibility, but we have three
7 years of a little bit of research to try to do this
8 in a spawning area, and we have a lot of different
9 areas up and down the Atlantic Coast from the Grand
10 Banks down to, you know, Florida, and all of them
11 fish a little bit different and catch a little bit
12 different, and many in fact need different types of
13 hooks, so despite the fact that it looks like an
14 easy fix, it may not be.

15 And to that point, I have to say two
16 things. That we have to look at some possibility
17 of allowing people to get into fishing areas that
18 are more productive that maybe don't have bluefin
19 tuna. Our circle hook use should give us the
20 opportunity, I understand we'll get some results of
21 some research done in closed areas now, but
22 potentially some of these areas may be able to be
23 trimmed or relaxed to allow people to fish in areas
24 where there's fewer bluefin tuna.

1 And also, every time we monkey with the
2 longline, we are messing with an index of abundance
3 that we have been using for a long time, and when
4 we close areas and when we change hook styles from
5 J hooks to circle hooks to now breakaway hooks or
6 bendable hooks or whatever you want to call them,
7 weak hooks, we're changing that index, and as far
8 as I was told, a pretty necessary component of our
9 scientific analysis is having a good index, and
10 longline has been fishing for a long time.

11 So I would say that although it's all very
12 promising, that it has very serious consequences
13 every time we do this, and it has to be done in a
14 cautious and deliberate way, and fisherman need to
15 fish, and there's no reason why we can't find
16 something that will work. I know that the pelagic
17 longline fleet has been very supportive of trying
18 to get research that will actually deal with the
19 problems that we all know, and all of us catch fish
20 that we can't land, and all of us are in a
21 situation where, you know, with regard to bluefin
22 tuna, that we're so close to being back to where we
23 were 30 years ago that it's not even funny. And
24 it's a shame that we're in a position in this

1 country with all of us being so conservation minded
2 that we are, you know, painted into the small left
3 corner. That's not right after 30 years. There
4 should be recovery and there should be, you know,
5 benefits back to us, and for whatever reason, we
6 just keep getting less and less and less.

7 So, I know that's a little off topic and
8 I'm glad that the rule will at least be tried, and
9 I'm really glad that the fishermen think it's a
10 good idea, but we'll see what happens with the
11 science.

12 MS. SCHULZE-HAUGEN: Okay. I think these
13 are all some really good comments. I know that the
14 research will continue and a lot of the issues I
15 think you brought up are good ones. I know
16 specifically they're looking at the time/depth
17 recorders. I know that there's also interest to
18 continue other research, calibration for stock
19 assessment purposes, and so what we'll do is check
20 and see if at one point we can share the research
21 plan for the research that will continue, I can
22 distribute that to those that are interested. And
23 this was a really good discussion, so thank you.

24 MR. RAAB: We're going to take a 15-minute

1 break and then continue talking about bluefin tuna.

2 (Recess from 3:07 p.m. to 3:23 p.m.)

3 MR. RAAB: I just wanted to clarify the
4 rest of the afternoon for everybody so you know
5 what we're all in for. We're now going to do the
6 presentation on bluefin tuna, the 2010 review, 2011
7 outlook, and we'll take your comments, your
8 questions, if there's time we will have a bit of
9 discussion on this. Then we reserved 15 minutes
10 from the public on anything that we've talked about
11 today, so we've got 15 minutes for that before we
12 break at five. At 5:15 we'll begin a formal public
13 hearing on the proposed rule on 2011 bluefin and
14 Atlantic fisheries management, so we will save the
15 public comments on that for the formal public
16 hearing at 5:15, okay? So we'll go ahead and
17 start.

18 BLUEFIN TUNA: 2010 REVIEW AND 2011 OUTLOOK

19 MR. MCHALE: Welcome, everyone. My name is
20 Brad McHale, working in the Highly Migratory
21 Species Management Division out of our Gloucester
22 office, acting branch chief for that team,
23 primarily working on tuna issues. I know most of
24 the folks around the table and I've seen some of

1 you quite frequently over the last few weeks.

2 Essentially what I was planning on trying
3 to accomplish during this specific presentation was
4 to kind of go through how the 2010 season played
5 out, discuss some of the issues that we were
6 contending with then, some of the discussions that
7 we've had here both at the advisory panel meetings
8 and more specifically, some of the breakout groups
9 that we've had discussing some of the issues, and
10 also start to look forward, although I don't want
11 to steal Sarah's thunder with the proposed rules.
12 But I think some of the discussion today, whether,
13 some of it came up during the weak hook, some of it
14 came up during the ICCAT summary, that there still
15 are a number of bluefin tuna issues that
16 collectively we need to clear our way forward on to
17 start to solve some of these issues, versus
18 continuing just to discuss them.

19 So in a nutshell, what I would like to
20 start off with is just to give folks a very brief
21 process update on how the petition to list bluefin
22 tuna is proceeding. Second, I would like to get
23 into how the recreational fishery was managed last
24 year. Folks recall both in 2008 and 2009, although

1 our commercial harvests of bluefin tuna were down,
2 we had some very large recreational harvests, and
3 so some of the actions we took to address some of
4 the availability, availability both of the quotas
5 as well as in the fish and the actual angling.

6 I'll briefly touch on how the commercial fisheries
7 played out, a little less drama there, but when it
8 comes to filling quotas, I have some good numbers
9 to report there. And then the end results of what
10 are some of our management actions resulting in at
11 the end of the year.

12 So I think, as all folks around the table
13 as well as in the gallery are aware of this, that
14 the Agency has received a petition to list bluefin
15 tuna by CBD back on May 24th. Some folks have
16 discussed this a couple times as well in the
17 progress of determining whether or not to move
18 forward with reviewing those petitions. In other
19 words, sometimes the bar is set somewhat low.

20 And so therefore, we had a finding that to
21 review the petition was warranted, back in
22 September. And from that point there were a number
23 of different actions the Agency has taken, some of
24 them were soliciting input from members of the

1 general public, as well as internal parts of the
2 Agency, as well as conducting a number of listening
3 sessions up and down the coast, and additional
4 sessions were added to get at some of, and I hate
5 the word anecdotal, but to get some of the
6 information that fisherman had readily available
7 based on their observations and time in the water
8 that may not necessarily always come through when
9 you're just looking at straight data.

10 So, where are we at in the process? The
11 scientific review team essentially, you know, put
12 together a report with all that information that
13 was collected, and that gets presented up through
14 fisheries. That report is then disseminated for
15 peer review and in this particular instance, the
16 Center For Independent Experts is actually
17 conducting that review. At the conclusion of that
18 review, the report is returned back to the Agency,
19 at which point in time a deliberation takes place
20 in determining what the final outcome of that
21 report as well as the petition may be. And based
22 on the time lines associated with that, we're
23 looking at May 24, 2011 as when the 365-day clock
24 ticks in regard to that time line.

1 So in regards to possible outcomes, one is
2 if the Agency were to determine that's not
3 warranted, we will publish a Federal Register
4 notice, we'll definitely call Shana, and let you
5 know that this is the end of the process, hopefully
6 about two hours after that you get a notice, and
7 that's kind of the end of this process. It would
8 have been a long road, but that would be the quick
9 response, that listing is not warranted, and
10 therefore the Agency would consider the matter
11 closed.

12 The second level of determination is if it
13 was determined that the species is threatened and
14 in that case, as well as the next slide where if it
15 is to be proposed to be endangered, a whole
16 secondary rulemaking process continues. I'm not
17 going to get into the whole nitty-gritty, but
18 there's proposed rules, there's final rules,
19 there's steps that need to be taken to address
20 those listings to get bluefin on the right track,
21 we're all familiar with that subject matter given
22 the 30-plus years of experience some of the members
23 have at the table.

24 And so, those same comments would apply

1 again if it was to be proposed as endangered, a
2 public rulemaking process, you're all familiar with
3 that, and then the need to take appropriate
4 actions.

5 So that's it in an oversimplified nutshell.
6 The key things that I wanted to tell you is that
7 we're looking towards the end of May, to hearing
8 what the next stages will actually become, and also
9 to acknowledge that while this petition process is
10 underway, that we're also just continuing to manage
11 the bluefin fishery, both underneath FMSA as well
12 as ADCA, running in parallel. And so there isn't
13 any, at this point in time, any direct correlation
14 to how the two tracks work.

15 So, to segue into the retroactive look at
16 how 2010 played out, I figured I would put up one
17 slide that kind of showed what we were contending
18 with in 2009, what was our most recent experience
19 as we went into 2010. So here on the left-hand
20 side we have our FMP, landings, allocations by all
21 the various quota categories, and on the right-hand
22 pie chart is actually how the landings then played
23 out for 2009. And as you can see within that, the
24 recreational fishery was a substantial component of

1 our landings. Now granted, the numbers behind
2 these slides as far as reported overall landings,
3 there isn't an apple to apple match in that
4 dynamic.

5 So staying on the recreational fishery, I
6 selected a slide that I dream about, quite frankly.
7 It goes back to 2004, when you actually had a very
8 proper recreational fishery as I would look at it,
9 where you have a bell curve kind of working through
10 the fishery. There's pressure both on the various
11 size classes, relatively uniformly distributed, and
12 it is somewhat easier to manage when providing
13 fishing opportunities in these situations.

14 However, and I know that we continue to
15 roll this slide out each spring, each fall, I'm not
16 sure if it gets as much air time at the IAC, but an
17 item that we've been struggling with managing for a
18 number of years now that we refer to as a marching
19 cohort. And I know some of the detail, especially
20 in the handout, won't come through just because the
21 font will be so small, and I must apologize that
22 normally I would modify these to show where the
23 minimum size of a 27-inch fish is, the 47, all the
24 various size classes, but apparently omitted that

1 this go-round.

2 But going through all the various years of
3 recreational catch, we struggled with managing,
4 whereas this marching cohort was moving through the
5 fishery, so we were actually seeing relatively same
6 numbers of fish being landed, but the weights
7 associated with those same number of fish started
8 to really add up, which made managing the
9 recreational fishery somewhat more complicated than
10 it normally is in trying to provide those
11 opportunities but without trying to exceed quotas.

12 And there in 2010, you can see how we were
13 responding, or the results of how we were trying to
14 respond to some of those prior year harvests by
15 implementing some slot limits that I'll get into.

16 Essentially the table here is representing
17 the final 2010 specifications. A couple points
18 here that I wanted to highlight is that the size
19 class of bluefin tuna that we have been contending
20 with is that large school, small and medium in the
21 recreational fishery, and going into 2010 we had a
22 quota of about 123 metric tons to work with.

23 Another item that I know has received no
24 attention is how the Agency handled the discards

1 during the 2010 specifications, and that item can
2 be highlighted in the longline category there, and
3 you'll see some of the variables that led us to get
4 to that point, and then Sarah will elaborate more
5 this evening or this afternoon on how we're
6 tackling those same issues in 2011.

7 Let's jump back to the recreational side.
8 I think we were actually at this meeting, although
9 it wasn't quite spring, at least not in New England
10 anyhow, last year, where we were actually getting
11 some of our North Carolina, or the most readily
12 available recreational numbers primarily out of
13 that winter fishery, to try to do an assessment of
14 where are we at, what size classes are we looking
15 at, are we still seeing signals that that marching
16 cohort was still going to be a big player in our
17 recreational fishery. And thankfully, I think Ron
18 Salz, who's joined us this afternoon, was actually
19 able to turn on a dime and work with some of
20 Randy's folks and actually get at some of the live
21 data that was going into the census program.

22 And at that point, we started to -- we
23 already had it in the back of our mind that these
24 fish were starting to add up in a weight that we

1 were going to have a struggle with how to manage
2 the fishery. We had a number of different
3 discussions. I know that we had some follow-up
4 phone calls with panel members that were
5 advertised, and discussed a few options, and the
6 option of how to regulate the recreational fishery
7 is what I have posted here.

8 Essentially from January through June,
9 there was the default limit of one fish, you know,
10 a daily retention of one fish up to 73 inches, and
11 then the trophy. When we started to assess the
12 spring information we realized that the trophy
13 category had been attained, and trying to manage
14 both the private vessels as well as the charter
15 head boat vessels and still providing opportunities
16 to book charters, for folks to go out and continue
17 to have opportunities to go out and land a bluefin,
18 we decided to put in a slot limit that prevented
19 the retention of bluefin between 59 and less than
20 73 inches, and that's kind of where that cohort was
21 in 2010, and it was really becoming a struggle to
22 manage.

23 And then likely, the trophy category north,
24 we did a subsequent closure there on July 19th, so

1 essentially just less than 59 inches became the
2 largest size of bluefin that was allowed to be
3 landed recreationally, and we got a lot of various
4 feedback from that, some positive, some not so
5 positive. I know I spoke with a lot of tournament
6 directors at that time about where this really put
7 a wrench into their gears of how they manage their
8 respective tournaments when, you know,
9 58-and-a-half, 58-and-three-quarter fish were all
10 going to be coming to the dock, and that's how the
11 prize structure was designed.

12 There were a number of issues of how are we
13 managing the charter head boat sector different
14 from the private sector, or should it be equal
15 across the board, as well as trying to manage so we
16 didn't have excessive overharvest in the angling
17 category, so kind of some mixed results, not
18 necessarily an easy decision, but retroactively I
19 think it was the correct decision.

20 And in coming to that conclusion, what we
21 here is the annual report that we sent out over
22 List Serve, I'm not sure we called everybody in
23 regards to this one, but we did modify it ever so
24 slightly in the sense that instead of just

1 reporting out numbers of fish, tonnage, and
2 comparing that to what was available on the quota,
3 we also added a few columns here in regards to what
4 percent of those weights equated to our base quotas
5 at the time as well as our adjusted quotas at the
6 time. And we can see in the angling category
7 collectively, we came just shy of that quota where
8 in previous years, you know, we were a couple
9 hundred percent over that target. So although I
10 know that the recreational retentions were
11 restrictive, in essence they did their job and we
12 didn't actually have to experience any flat out
13 closures where there was zero opportunity to catch
14 any fish.

15 And we'll see that has played out also here
16 in 2011 looking at the numbers, looking at the
17 availability of size classes for the recreational
18 fleet, that we've actually implemented those same
19 retention limits as we move forward here, actually
20 I think they went into place on Saturday, and as we
21 continue through the 2011 fishery we will be
22 monitoring our large flight of survey landings, the
23 census programs, and see how we're doing there.

24 Again, along the same theme of beginning to

1 look backwards before we can actually look
2 forwards, I know I've presented this pie chart once
3 already, but I wanted also to rearticulate some of
4 the changes over time that have occurred in regards
5 to how we allocate the bluefin tuna. Essentially
6 these allocations were formulated during our 1999
7 fishery management plan or in our fishery
8 management plan and at that point in time, which is
9 different from how we're operating now, is that
10 there was actually an ICCAT recommendation that
11 spoke directly to dead discards, and we actually
12 had to set aside quota to account for that to the
13 tune of 68 metric tons regarding the U.S. fishery,
14 and that recommendation was in place all the way
15 through 2006.

16 Starting at 2007, however, the ICCAT
17 recommendations changed and now our total allowable
18 catch is virtually inclusive of dead discards, so a
19 definite sea change there from where we were at
20 in '99 setting up those allocation percentages, and
21 definitely a wrinkle that we as managers, and you
22 all sitting around the table as our advisors have
23 had to contend with, and definitely not necessarily
24 and easy issue to contend with that.

1 Continuing with more of the retroactive
2 look, again, we roll this slide out quite
3 frequently. It is essentially the contributions of
4 all our various permit categories or quota
5 categories and how they contribute to the overall
6 U.S. landings. And so we can see from, starting in
7 about 2002 all the way down to 2007, where I was
8 getting very tired of calling it the worst year on
9 record for commercial landings, because I'd used it
10 the prior three years, that we all started jumping
11 to recreational landings. And I think we all
12 remember some of the discussions that came out of
13 this downward trend.

14 It also led to the advancement of proposed
15 rulemaking that was touched on earlier, I'll touch
16 on it in a little more detail, but where we were at
17 in 2009. And some of the recommendations we were
18 hearing from around the table were actions that the
19 Agency needed to take and the various reasons why
20 we needed to take those. And since that time we're
21 starting to see a slight uptick here in these
22 commercial landings, and still have some of the
23 same issues on the table that are proving difficult
24 to manage, that being, discards being one of them.

1 Similar to the previous slide, although
2 with a little less detail, this is just a
3 comparison of our United States landings in
4 comparison to our quotas, whether they be baseline
5 as well as adjusted. The one item I wanted folks
6 to take away from this particular slide does tie
7 back into some of the ICCAT recommendations for
8 managing tuna, and that in particular is how
9 underharvest is addressed.

10 Again, going retroactively, there was a
11 time when the United States was allowed to roll
12 over 100 percent of its underharvested quota, even
13 if that was still on the books, and over time a
14 recommendation -- a good example there is probably
15 2006, and from the domestic perspective at one
16 point in time, I believe it was the purse seine
17 category, where they were rolling over, rolling
18 over, at one point we were having categories that
19 could potentially have the same amount of quota
20 available to them as the entire U.S.

21 I know we implemented some rollover
22 management controls here domestically, as well as
23 how ICCAT has brought them into their
24 recommendations, and so it's migrated from where it

1 was 100 percent, and then we operated at 50 percent
2 for quite some time, all the way up until actually
3 this year, and this year as a result of the 2008
4 ICCAT recommendation, that is now capped at 10
5 percent of our underharvest that can be rolled over
6 to calculate our quotas, not the actual
7 underharvest allotment.

8 So I kind of mentioned, you know, a couple
9 of these issues, and then last year we actually had
10 a bluefin tuna breakout group where we actually
11 were trying to tackle two specific issues, at least
12 last year, and both of them were areas that we
13 didn't necessarily have realtime data to manage.
14 In our commercial fishery we had about a 24-hour
15 turnaround time from when a fish was landed and
16 sold to when we actually have a report show up in
17 our office. We didn't have that same luxury on the
18 recreational side, as well as on the discard side.

19 So some of these issues we have been
20 discussing, struggled with continuing to seek out
21 solutions, and what we're really starting to do is
22 start to feel out things this particular year,
23 although we have been trying to figure out ways to
24 manage these over the last few and a lot of

1 discussion, but no true solution has really reared
2 its head just yet. And that's where, once I'm done
3 with the presentation, I would really like the
4 discussion to go in that direction.

5 Here was a graphic of one of the issues
6 especially with regard to discards, that we were
7 trying to paint the picture of what we were going
8 to be up against this year. I think my
9 initial attempt in 2009 failed, probably due to
10 user error in my graphic capabilities in Excel or
11 any other program to actually paint the picture
12 that spoke a thousand words, it spoke one word,
13 huh? Where, getting feedback from folks where we
14 realized that the message didn't come across as
15 strongly as it could have, we went back to the
16 drawing board, and we thought this graphic kind of
17 painted the picture.

18 And the numbers are almost irrelevant as
19 far as what they directly correlate to, but it does
20 paint the picture of the management struggle that
21 we've had contending with discards, needing to
22 account for them underneath our TAC, and having
23 some of the other ICCAT recommendations curtail
24 some of the tools that we've used in years past to

1 manage that.

2 On the left-hand side you can see where we
3 have our likely box, our longline catch numbers for
4 example, and you can see just to the right of that,
5 longline quota usually are on par. Go figure.

6 Those quotas were established based on landings, so
7 you don't expect to have that result. However,
8 when you start to account for discards, you can see
9 that cumulative interaction doesn't have a chance
10 of being covered by the quota landings themselves,
11 and it was no designed to initially back in '99.

12 And so based upon the performance of the
13 fishery over the past few years, we have been able
14 to carry forward some of the previous years
15 underharvest to the tune of, in the box on the far
16 right there, 50 percent, so we have been able to
17 balance the books to some degree, whether it be
18 angling category fishery, whether it be some of the
19 discards, we have been able to manage that within
20 that rollover capability, and some of those
21 luxuries of being able to balance the books in that
22 fashion are now by the wayside. We're actually
23 seeing some of the commercial fisheries come back,
24 we're seeing them perform to the point where

1 they're attaining their quotas, which is a good
2 sign, and we're also seeing some production out of
3 the recreational fishery combined as well, and so
4 that with also the limited capability of carrying
5 forward quotas from the previous year, it kind of
6 puts us in a little bit of a bind of how we're
7 balancing the books as we move forward from 2011
8 onward.

9 And so looking back to the spring, and some
10 of the comments we received during this advanced
11 notice of proposed rulemaking, again, this is just
12 a year, just about a year ago now actually, and how
13 some of the dynamics of this bluefin tuna fishery
14 can change quite dramatically. We experienced it
15 from, you know, the late '90s into the 2000s with
16 the drop-off, and now we've had a sea change as
17 well from, comments that we received two years ago
18 may differ very considerably from the comments
19 we're receiving now, for example, converting
20 discards into marketable product.

21 You know, we all heard comments that
22 putting the dead fish back isn't in anybody's
23 advantage, but we're also trying to balance our
24 landings to the quota allocations, and you know,

1 that's something that is just a byproduct of how
2 we're managing tuna fisheries. The fact that, you
3 know, additional retention of bluefin tuna versus
4 discard could make those trips more profitable, and
5 all of a sudden with that profitability, that would
6 be a trigger to have vessels conduct more swordfish
7 trips, again, in an effort to revitalize that
8 swordfish fishery with all the external items that
9 we have been managing now, whether it be turtle
10 interaction, billfish interaction or bluefin
11 action, that balancing act of trying to manage
12 bluefin interactions with the target species. But
13 with that all said, we need to reinvigorate some of
14 the swordfish fishery on some of the trips that are
15 conducted.

16 We also heard numerous comments opposing
17 some of the things we had outlined in the advanced
18 notice of proposed rulemaking, for instance closing
19 the Gulf of Mexico, whether year round or in a
20 seasonal fashion. Concerns whether or not
21 additional access to bluefin would cause the target
22 fishery to be, obviously the CITES and how that had
23 played out. The fact that we should be managing to
24 eventually make the quota limited and that seems to

1 be the case now, and again, some of those issues
2 with bycatch that we have already highlighted.

3 And so just looking back to the fall when
4 we actually had some of the breakout groups, again,
5 struggling to address some of these issues, both
6 looking backwards and looking forwards, that
7 continue to this day to be a struggle. First and
8 foremost is the revitalization of the swordfish
9 fishery when we're having interactions with
10 bluefin, and how do you manage that. We heard
11 comments from around the table that, you know, as
12 interactions increase, and this applies to all
13 fisheries, not just bluefin, but you know, if and
14 when we go to that, we would expect higher
15 interactions to occur with it, whether it be
16 turtle, whether it be bluefin, and how do you
17 manage to that.

18 We all experienced the implications of the
19 Deepwater Horizon spill, and what that had to do
20 with longline effort and some of the potential
21 impacts we may feel down the road that are
22 currently being researched by the Agency, based on
23 some of the EFP and SRP numbers that Margo had
24 highlighted earlier, and so there's a certain

1 amount of effort analyzing what are some of the
2 impacts of that event.

3 The weak hook research looked promising as
4 we moved to the final rulemaking, go figure, and we
5 will continue to look at that for all the reasons
6 that were discussed in the previous session.

7 Again, the marching cohort, that has been
8 mentioned a couple of times, and we have seen that
9 play out in some segments of the commercial
10 fishery. The general category for one, actually
11 met its quota for the first time in a number of
12 years, which is good to see.

13 The problem with dead discards regardless
14 of where they're coming in from, regardless of gear
15 type, is something that we'll continue to have to
16 manage, both on the domestic front, and I think
17 John had mentioned it, that you know, Canada was
18 looking at this issue pretty closely last year, and
19 all signs are that it will continue to look at it
20 as we move forward. The limitation of some of the
21 management tools we've used in the past, that carry
22 forward provision where that has been reduced, and
23 I think that kind of covers the full gamut of some
24 of the issues that we have been discussing.

1 And so coming out of these discussions,
2 we've kind of highlighted a few things. One is how
3 we've been conducting our bluefin tuna
4 specifications. We probably wouldn't be able to
5 conduct it in the same manner, and although at this
6 time, this is September, this was prior to ICCAT,
7 we didn't have all the final numbers of what we
8 would be managing to, but we definitely saw and
9 discussed in this forum some of the issues that
10 were coming down the tracks at sort of high speed.

11 We discussed reimplementing some of the
12 target requirements in the northeast distant area
13 for a variety of purposes, and weak hook, and
14 again, all these are really starting to, trying to
15 tackle how we handle the issue of dead discards
16 given the new parameters that we were operating
17 under.

18 In this particular table, it just kind of
19 shows some of the details of everything I've spoken
20 to so far, and it's probably a little easier to go
21 through that more offline than chewing up time
22 where we really want to get into the discussion
23 points versus just presenting them, because that's
24 really where the fruit is going to come to bear, or

1 the fruit will bear. But an oversimplified view is
2 now that we've come back from ICCAT, we've had
3 those numbers solidified, just to highlight a
4 number of places where we are managing here
5 domestically.

6 We see a slight reduction in TAC and then
7 how that ripples through to the U.S. allocation,
8 and then the key component of the recommendation
9 that reduced the carry forward, and then just to
10 have a ballpark number there from the order of
11 magnitude quarter we had available, and under the
12 50 percent provision versus how we're managing
13 things now here in 2011 underneath that 10 percent
14 provision.

15 I had already touched on this. Just kind
16 of looking forward, a couple of the items is on the
17 recreational limit, we've implemented essentially
18 the identical limit that went into place last year.
19 However, it was put in a few months earlier this
20 go-round, and we will continue to monitor those
21 fisheries to see what sort of impact this has on
22 landings, especially combined with that marching
23 cohort.

24 And in regards to the commercial hand gear

1 fishery, currently the fishery is closed, set to
2 reopen on June 1st. During the January opening we
3 had a two fish per day limit, which has been
4 relatively consistent for the last two years. The
5 default is, starts at one fish, so if the Agency
6 would take no action, there's the default
7 potential, but over the last number of years we've
8 actually started with the three fish per day per
9 vessel limit, taking into account a whole variety
10 of variables: One, quota availability; two, how
11 the fish respond there in early June, whether or
12 not they're more available to, say, harpoon gear
13 type versus hook and line gear type; the amount of
14 effort. So we will be going through those same
15 deliberations over the next month plus, and then we
16 will also be coming out with a notice outlining
17 what the commercial daily limits will be prior to
18 that June 1st start date.

19 So, what's next on the horizon? Well, as I
20 mentioned prior, Sarah McLaughlin will actually be
21 presenting the presentation on the proposed 2011
22 bluefin tuna quota rule, and there's also some
23 Atlantic tuna management actions included in that
24 rule as well, and because that hearing is actually

1 set, I want to say for 5:15 this afternoon, if at
2 all possible I'd like to forgo some of that
3 discussion for actually that time slot, and
4 actually try to elevate some of the issues that
5 we've been discussing for the last number of years
6 in an effort to seek out and to explore some
7 longer-term solutions, at least within the
8 parameters that we're managing in the domestic
9 fishery.

10 You know, I would be blind to not
11 acknowledge that the international versus the
12 domestic components go hand in hand, but what folks
13 also know, that when we have the HMS advisory panel
14 meeting and we do get down to when we actually meet
15 to manage the fisheries domestically, we need to
16 manage to those recommendations, so those are some
17 of the parameters that we need to manage to. As I
18 mentioned throughout the presentation, some of the
19 allocation percentages that have in the fishery
20 management plan are somewhat out of sync with
21 what's actually taking place in the fishery and how
22 some of the ICCAT recommendations have changed over
23 time. What does that mean? I know that we have a
24 regulatory amendment out on the street, and it

1 continues to remain out on the street. I think
2 that came out of the advanced notice of proposal
3 and making a lot of the feedback we received during
4 that, and I think at this point how -- we're
5 staying tight on that until we kind of see how that
6 petition process really plays out, before we make a
7 final determination on how to move forward.

8 What other regulatory amendments should we
9 the Agency be exploring to address some of these
10 issues that continue to come back year in and year
11 out? I know we've discussed them at length, and
12 unfortunately we're not just being paid by just the
13 discussion, you know, word for word, at some point
14 we need to try to figure out how to solve some of
15 these issues, and I know we as the Agency can't
16 necessarily do that on our own. We will need the
17 advice and expertise in the fisheries that are
18 impacted, whether directly or through a ripple
19 effect on how some of those fisheries operate.

20 Lastly, you know, one of the key items that
21 has been discussed the last number of years is more
22 falls within the camp of implementation and
23 operation, and a key component of that is
24 monitoring. I know that we have spent previous

1 sessions discussing the recreational fishery, that
2 we went through a number of different census
3 programs, that we through the Agency research are
4 trying to get at the timeliness dynamic of that
5 data, and we found it very fruitful, I know that
6 throughout some of those discussions. One is that
7 we have been able to minimize the lag time once we
8 get our large pelagic survey results by about a
9 month, which is a benefit because we get to see
10 numbers a little earlier than we have in the past.
11 The second effort that's underway is that we have
12 launched a proposal for a pilot project in the
13 Commonwealth of Massachusetts to actually check on
14 the feasibility of whether or not a census program
15 would work there, given the different geographic
16 and fishing dynamics that play out in the
17 commonwealth versus, say, in North Carolina or in
18 Maryland, where the census programs currently exist
19 now. And one of the other goals of that particular
20 project is to start to explore how to have self
21 validation, so are the numbers you're looking at,
22 you know, how on the mark are they, to assess any
23 sort of bias. And monitoring in general, whether
24 they be discards, whether they be mortality,

1 whether they be, the full gamut, there's a number
2 of issues wrapped up in these secondary bullets
3 that I know folks around the table have plenty of
4 expertise to share. And you know, actually that's
5 where I look forward to actually getting into some
6 of the discussion and getting some of those
7 thoughts across. I know some of the, quote, elder
8 veterans of the bluefin tuna fishery over the last
9 few months, you know, have shown hypotheticals, in
10 your 80-plus years, what would you do, and the
11 feedback is very interesting. And so one of the
12 reasons we're all here today is to throw that same
13 question back out to you all with all your various
14 hats, and some of the bluefin tuna issues we've
15 been struggling with, what would you do? What
16 guidance have you given us prior that maybe we
17 haven't heard properly? What ideas have been
18 circulating, haven't necessarily flushed out, that
19 need some air time? But that's kind of really
20 where I would like to spend the next hour, hour
21 plus, or as long as we have, to get into those
22 sorts of items.

23 MR. RAAB: So why don't we open it up for
24 your questions, and then let's quickly move into

1 the conversation of the longer-term solutions to
2 managing the domestic bluefin tuna. Tom, I think
3 you were first, and then Pat, and then Mark.

4 MR. DEPERSIA: Can we start by putting the
5 2011 recreational slide up there? Okay. I'm going
6 to start with a little scenario. Last year at the
7 2010 April HMS AP meeting, Ron Sauls made us aware
8 of the catch in North Carolina, I believe it was
9 something over 25 percent of the annual quota had
10 already been caught, and there was concerns by
11 everybody in the angling category as to how that
12 was going to affect our season. Subsequent to
13 that, we had our discussions here and installation
14 of the slot limit where we weren't allowed to keep
15 fish more than 59 inches up to 72 inches.

16 Then in our September 2010 HMS meeting, at
17 the bluefin tuna working group presentation, many
18 of the AP members indicated major concerns that the
19 North Carolina catch could take a major portion of
20 the angling category in early 2010, and there was
21 major concerns over that, and the comment from HMS
22 was, we'll keep an eye out.

23 January came along and all of a sudden a
24 notification of the default rule, angling

1 categories allowed to catch one fish 27 inches to
2 72 inches. Also in January, three of us in the New
3 England area e-mailed Margo with concerns that
4 those of us in New England and other areas had to
5 suffer with the slot limit all last year and that,
6 you know, how come North Carolina was allowed to
7 catch these fish, and Margo said we'll keep our eye
8 on it. Okay.

9 All of a sudden now, the notification comes
10 out here near April 1st, and the total quota of
11 small and mediums has been caught I understand,
12 that's what my understanding is, so the proposal
13 now is no retention of 59 to 72-inch fish for the
14 remainder of 2011, and this is the second year in a
15 row that North Carolina was allowed to keep these
16 fish from 59 to 72 inches, and New England has not
17 been allowed to keep them. I guess that's my
18 April's fool joke. I'm outraged that we're not
19 going to be allowed to keep them this year.

20 And you know, earlier today Margo
21 mentioned, you know, we want good communication, no
22 surprises, and this is a total surprise. Who was
23 watching the store here? Nobody has been watching
24 the store, and all of a sudden we come out with a

1 rule that says we're not allowed to keep these fish
2 for another year? So we have to go back and fight
3 a fish for two hours, a 72-inch fish, bring him up
4 to the boat, measure him 20 times to make sure he's
5 not 73 inches, and let him go again? This is
6 outrageous, and anybody who's not going to be able
7 to catch these fish this year should be outraged
8 also. You know, what's the explanation, how did
9 this happen?

10 MR. MCHALE: Thanks, Tom. A couple things
11 were embedded in there, and I'll see if I can get
12 them out. Watching the store, we're paid to watch
13 the store. This concept that the North Carolina
14 fishery had adversely impacted, or shall I say any
15 winter fishery, that that fishery in and of itself
16 has adversely affected bad news in New England, I
17 would actually say is false, and here's why. The
18 managed quota in the recreational fishery, and
19 there's large school and small and medium sized
20 ones, and they're managed collectively.
21 Predominantly in North Carolina, they're accessing
22 those small to medium, to the larger end of the
23 scale, and they actually have a south quota. We
24 split the large school and small-mediums that both

1 have a southern components as well as a northern
2 component.

3 And so when we're, in your words, watching
4 the store, we were watching what the weather was in
5 January, it was abysmal. There were very minimal
6 landings in January, it didn't warrant taking an
7 action at that point in time. When we finally get
8 February information, that's usually the lag time
9 of a number of weeks, so you don't get that until
10 probably in March or so, and that's when we started
11 to see the signal come through that the fisheries
12 were very productive, as well as monitoring
13 informally through chat boards and all the like
14 that I do also for the recreational fishery.

15 So to get back to that north-south split,
16 when we look at the numbers from last year, when we
17 had this slot limit in place, the north, which is
18 actually north of Great Egg Inlet, New Jersey, we
19 actually exceeded our quota with that slot limit in
20 place, to the tune of 80 metric tons. And so even
21 by prohibiting the retention of fish that were 59
22 to less than 73 inches, fisherman operating north
23 of Great Egg Inlet, New Jersey, we still met our
24 quotas on those smaller size classes, those large

1 school.

2 So as I was explaining this to a few other
3 fishermen, both at the Gloucester hearing last
4 Friday, and when the proposed rule had come out,
5 they really need to get into the detail to
6 understand the action the Agency is taking and the
7 information we're using that's leading up to those
8 actions. The misperception that what takes place
9 in the winter months down in the Mid-Atlantic has a
10 direct impact on what takes place in the northeast
11 isn't always the case, and quite frankly is not the
12 case in this situation.

13 So we were monitoring the store very
14 closely, more so than just the data and the records
15 of fishermen, seeing that Orca whales are down
16 there setting up a buffet line outside Oregon
17 Inlet, so we do pay attention to multiple data
18 feeds, and not all of them is formal to report back
19 on. But what we proposed and then what we've
20 implemented here is for the same reasons we did it
21 last year. We saw that that fishery in the north
22 could fill its large school small-medium quota just
23 on those large schools, and if we were to allow
24 access to the small-medium, then we're really

1 starting to look at flat out closures where the
2 opportunity to fish and land a fish potentially
3 needs to be taken away, and that's something that
4 we try to avoid and balance throughout the season.

5 MR. RAAB: Yes?

6 MR. DEBERSIA: May I make a comment to
7 that?

8 MR. RAAB: Go ahead.

9 MR. DEBERSIA: A couple comments. One,
10 that north-south designation, I was part of, I
11 don't know, probably eight years ago, something
12 like that, and we did that in Cape May with the
13 Recreational Fishing Alliance at the time, and you
14 know, at the time I argued that at the time that
15 the northern fishery was coming back strong, and
16 the feeling prior to that was the guys up in New
17 England, they don't really care about small fish,
18 all they care about is giants, and I could see
19 these fish come back year after year stronger and
20 stronger. So first of all, you know, I think that
21 designation, I think it gives more fish to the
22 south and less fish to the north. I think if you
23 look at the figures, excluding last year and this
24 year, because we haven't been allowed to keep those

1 big fish and they have, but I think if you look at
2 it, the trend has been we're catching more of those
3 fish than they are in the south.

4 And let me make another comment. I have
5 nothing against the North Carolina people or the
6 people fishing down south, I'm just concerned about
7 New England. We're not being allowed to catch
8 these fish and they have, as far as I'm concerned.

9 MR. RAAB: Pat.

10 MR. AUGUSTINE: Pat Augustine. Along the
11 lines that Tom was speaking, the difference between
12 north and south is 53-47?

13 MR. MCBRIDE: I believe that's correct.

14 MR. AUGUSTINE: It just seems, and I've
15 been reviewing the science and the same data that
16 Tom has, and we're experiencing the same situation
17 on Long Island, we won't get a shot at the bigger
18 fish again this year. I would hope that you and
19 your staff would go back and take a look at the
20 catch rate for the last three or four years, or
21 maybe further back, say a ten-year cycle, to see if
22 it's not time to take another look at those
23 numbers, the 53-47 break, and possibly look at
24 going back to 50-50, or 49-51, but just a few

1 percentage points will make the difference.

2 The other part of it is, starting the
3 bluefin tuna season January 1st, it will allow that
4 group down in North Carolina and that area to land
5 a hell of a lot more fish. So my concern would be,
6 is there any way of sliding that back a little bit
7 further into January, and possibly extending the
8 April date to later on as those fish start to move
9 up along the coastline. It just seems to me the
10 way we are right now, two-thirds of our charter
11 boats are out of it, they're not going to go
12 fishing for bluefin tuna, and that's always been a
13 staple. I understand the reduction in overall
14 quota and that sort of thing, but look at what
15 happened in 2010, and I think maybe you're dealing
16 with the wrong category. It appears that we
17 started, the angler, and when I say we, I consider
18 myself recreational although I've been in
19 commercial a long time, that the weight we had was
20 about, baseline was 187 metric tons, and then the
21 actual quota adjusted to 225, so we actually had a
22 TAC of 95 percent of the total base quota, and when
23 you look at the adjusted, we're back down to 79,
24 and that's okay.

1 But the other thing I was interested in
2 looking at was chart number 23, and chart number 23
3 showed the -- and I'm not against the longliners
4 either -- it showed the longliners in the last
5 three years went from what appeared to be a
6 relatively low number -- which one had the
7 longliners over the last three or four years, is
8 that the one?

9 MS. SCHULZE-HAUGEN: This is the total 2010
10 landings. It shows the breakout between the
11 different angling quotas, both adjusted and then
12 the base.

13 MR. AUGUSTINE: I'm sorry, I'm looking at
14 22, I'm sorry, 22. And I'm looking at what are
15 available in the longline, and it looked like the
16 numbers raise the question. So when I looked at
17 that information compared to what we had in the
18 angling category, the break between 53 and 47, the
19 lack of fish in the Mid-Atlantic in our case, and I
20 represent all seven states, the New Jersey portion
21 of our range, they do very well, the other states
22 don't do very well at all. So there's a question
23 that I'm going to have to answer when I get back
24 home. I just feel like I don't have any more

1 detail, and I'd like to hear comments around the
2 table.

3 I am concerned with this payback and how
4 the sharing of the mortality rate is going to be
5 shared amongst the longliners and the recreational,
6 just so I'm clear on that.

7 MS. SCHULZE-HAUGEN: Well, we weren't
8 necessarily into that discussion yet.

9 MR. AUGUSTINE: How about you, Tom, do you
10 want to hit that point?

11 MR. MCBRIDE: Just to jump in here, if I
12 hear you correctly, Pat, it sounds like some of
13 that discussion is probably a little more right for
14 the presentation that Sarah is going to be doing
15 later on.

16 MR. AUGUSTINE: That's find, so let's not
17 muddy up the water. Going back to my point, can we
18 at least look at what the catch rate has been in
19 the last, I want to say ten years, north versus
20 south, a comparator to see what the trend has been,
21 and if in fact the north continues to go over,
22 whatever that percentage is. And there will be a
23 delta, I'm sure. Should we not be looking at what
24 that might mean if we went back to a 50-50 or a

1 closer number, as opposed to 47-53?

2 MR. MCBRIDE: We could go back and look at
3 those numbers. Going back just one year, just
4 because I had the information readily available,
5 and you and Tom have made the same point, they can
6 catch that fish, we can't. Obviously I will start
7 off with catch and release, we all have access to
8 that. But again, looking at the large school
9 small-medium size in the recreational fishing,
10 looking back to 2010 landings versus 2010 quotas,
11 in the north our quota was just about 58 metric
12 tons, we landed about 80 with that slot that was in
13 place last year. This is coming right out of the
14 annual report, you know, that got circulated. In
15 the south the quota was just about 64 metric tons,
16 and their landings were just about 59, and so there
17 are different size classes that are available
18 depending where you're operating from. Just
19 because the specific slot, one geographic region
20 hit it and on geographic didn't, you still filled
21 your quota within those slots.

22 MR. AUGUSTINE: I understand filling the
23 quota. I also understand relative to the fish that
24 when you look at when the fish are more available

1 in the north, it's usually a delay of two, three,
2 four months before they're up there and available,
3 and I may be off by a month or two, but the fact of
4 the matter is sitting in the Gulf of Mexico and
5 their species of sharks, their season now doesn't
6 open until later in the year, as opposed to opening
7 January 1st, because they typically would catch
8 their whole quota for the shark family. So when I
9 look at that and say the availability is one thing,
10 but access to catching them is another thing, and
11 if you started the season, I'm just going to throw
12 a date out, if you started the season in North
13 Carolina on March 1st, what impact, what would be
14 the difference in impact as compared to January
15 1st, and how many of those fish would still be
16 available in that size class in those areas as to
17 when those fish start moving north?

18 So maybe it's too complicated, I don't
19 think it is, I think the start date is going to be
20 a very large control as to what species, or not
21 species, what size of fish those fishermen are able
22 to catch. And I don't want to eliminate the North
23 Carolina winter fishery. However, it's been
24 created as a result of this group, and a group

1 meeting that we had in New Jersey saying yeah,
2 let's talk about them having fisheries during that
3 period of time. So letting them having a fishery
4 during that period of time and not enforcing a full
5 blown quota, a full blown business down there, in
6 fact it's affecting the northern states, and that's
7 my concern.

8 MR. RAAB: Let's get a few more people into
9 the conversation. Mark, you were next.

10 MR. TWINAM: Do you want to put the number
11 eight slide up? The allocation for the longline is
12 eight percent and actual landings 12 percent, and I
13 can see that, you know, it's a problem with the
14 bigger fish in the Gulf of Mexico, but it seems
15 like all the focus is trimming the longline. The
16 longline is a bycatch fishery, and the direct
17 effect if you shut that down, you're shutting down
18 bluefin catch, you shut down the longline fishery,
19 you're shutting down those bluefin plus hundreds of
20 thousands of swordfish on top of it, and if the
21 fishery is closed to longliners, then it doesn't
22 cost them any more bait, any more fuel, if they
23 still go out and focus on the 12 percent, as far as
24 shutting somebody down.

1 MS. SCHULZE-HAUGEN: If I can just jump in
2 a little bit, last year -- this was 2009 landings
3 and was the subject of the discussion last spring,
4 just about a year ago, when there was far more
5 attention actually paid to controlling the
6 recreational fishery, and actually we got some very
7 concrete clear advice from the advisory panel on
8 how to constrain the recreational fishery so that
9 they were not taking so much quota as to affect
10 other categories. So part of the discussion here
11 on the slot limits was designed last year to
12 constrain the angling category two allocations.
13 Those same considerations are at play this year in
14 the decision for the size limit receptions. So in
15 addition, longline landings as well as discards
16 have been part of the same discussion, but last
17 year there was a heavy focus on the recreational
18 fishery, just a point of information.

19 MR. TWINAM: Thank you.

20 MR. RAAB: Richard, you're next.

21 MR. RUAIS: Thank you. This is kind of
22 difficult with the bouncing around all over the
23 place here, but when you first started your
24 presentation, Brad, I was going to suggest that you

1 really ought to start and have dreams about bell
2 shaped curves, and it's time to think about
3 intervention or vacation or something like that
4 before it gets too late. Also, we really don't
5 have anecdotal anymore, we now call it community
6 based, so you have to get with the new lingo there.

7 But one of the points that you made that I
8 really was a little disturbed about was that you
9 noted that the shares in the fishery are now out of
10 sync with the fishery, and that really scares me
11 when that's how the Agency is looking at this
12 issue, because that's not what the problem is right
13 now. It's the fishery, or the lack of control over
14 the fishery, lack of monitoring over the fishery
15 that's causing it to become out of whack with
16 shares. Shares have long been established, since
17 1981, and in guiding the fisheries, it's the
18 Agency's responsibility to do that, and you have
19 done it quite clearly, we could cite example upon
20 example. For example, in the 1990s the general
21 category got out of control and was taking and the
22 angling category was out of control, and dramatic
23 actions took place, both international and national
24 actions, to rein both of them in. We went to

1 seasonal quotas, we went to the possibility of days
2 off, we started reducing the bag limit, in the
3 angling category we went in to national and said
4 put a 10 percent limit, or eight percent limit,
5 remember the eight percent limit, and that got it
6 under control.

7 Well, today the longline issue, and this is
8 directly to Mark's point, the reason why there's so
9 much focus on it is not just the 12 percent
10 landings. What's before us right now is the
11 shifting of the share with the discards to 27
12 percent of the total U.S. mortality on bluefin
13 tuna, and that's a direct result in our view of the
14 Agency's -- well, there's a couple things. One is,
15 it's nobody's responsibility except that the
16 bluefin tuna are increasing, so therefore there's
17 interaction that's being caused with the same
18 amount of effort, and somebody suggested that there
19 was increased effort in the swordfish fishery and
20 I'd be surprised to see some evidence of that, I
21 think it's strictly a bluefin increase issue that's
22 happening.

23 But nonetheless, the fishery is way out of
24 whack with the quota that has been provided, and

1 it's because the Agency has no realtime monitoring
2 of what the interaction is with bluefin in terms of
3 discards. Right now we're operating -- for the
4 2011 fishery if you look at the proposed rule,
5 you're looking at a proxy of the 2009 estimate of
6 discards of 160 metric tons, it could be higher, it
7 could be lower. The Agency can't possibly
8 implement a cap on swordfish, on discards of
9 bluefin, because you have no knowledge in season or
10 even, what is it now, 15 months after the season is
11 completed, and you still don't have the numbers to
12 provide to ICCAT, and I think you're required by at
13 least July to come up with some number, and I
14 assume you're going to provide the proxy for 2009.

15 So the point is, you know, I think it's
16 not, people shouldn't be looking at let's go and
17 change the shares now because the Agency and the
18 resource aren't quite cooperating to allow the
19 fishery to operate within the limitations of the
20 Agency's control over it and match the shares, no.
21 You have to modify the Agency's actions and
22 regulations to make sure that the shares are
23 implemented. That's what the historical shares in
24 the sectors and categories are for, and there is

1 precedent here, this is what your IRR fails to
2 recognize, and we're going to talk about that more
3 specifically.

4 When you're looking at advancing sector
5 allocations or sector shares nationwide, you have
6 to look at each fishery that you're dealing with in
7 the sectors, and whether you like to acknowledge it
8 or not, in bluefin we had sector allocations before
9 it was popularly called sector allocations, they've
10 been around since 1981. And if you start trying to
11 tinker with them now, you undermine the most basic
12 trust that the fishery has in using that as a
13 management tool by willy-nilly looking at couple
14 years performance and saying we have to go back and
15 change the shares, and take from some users to
16 provide for overages in other categories, that is
17 problematic from a compliance standpoint.

18 There was a point as well where you said we
19 took measures to, during the period of time about
20 2004 to 2008 or so, when the bluefin tuna catches
21 were down, you took measures to try to, or at least
22 try to improve U.S. catches, and we certainly
23 appreciated the public hearing process and the
24 documents that went along with that, but the bottom

1 line was, both in the swordfish fishery and
2 directly in the bluefin tuna fishery. I dare you
3 to point to a single measure that was implemented
4 in the fishery that increased the catch of bluefin
5 tuna.

6 You rejected the proposal to go to five
7 fish a day, with the bag limit for the general
8 category. You rejected the notice to increase the
9 trip limits in the swordfish fishery to as much as
10 five fish a day based on the lowering to make it
11 more consistent for the directed fisheries, and
12 what happened was the resource just came back, or
13 availability of the resource, whether it was a
14 dramatic decline in Eastern Atlantic Mediterranean
15 catches, or an influx, once again, a resumption of
16 an influx of Eastern Mediterranean fish swimming to
17 the Western Atlantic, making the fish available to
18 increase our catch rates, or just simply
19 improvement of the Western Atlantic itself. That's
20 what was really responsible for the U.S. getting
21 closer to achieving its catch.

22 Which brings me to my last two points that,
23 we had mentioned, I wish Commissioner Russell Smith
24 were here and --

1 MS. SCHULZE-HAUGEN: He's right here.

2 MR. RUAIS: I know. I'm very glad, that's
3 a poor way of introducing him, but thank you for
4 being here, Russell, we certainly appreciate it.

5 We were talking earlier about how important
6 it is that the domestic and international, domestic
7 program and international objectives for the future
8 for any given year really have to be closely
9 coordinated, because the international obviously
10 leads the domestic program, and if there are
11 certain circumstances at home that can't be met by
12 an international objective, then some indication
13 has to be given to that factor, and two specific
14 major measures and people can take, you know, bones
15 of contention with this.

16 You know, I would suggest, one, we wouldn't
17 be in this problem if we didn't have this reduction
18 to 10 percent rollover cap right now, and we never
19 supported that. We always thought in highly
20 migratory it was a good argument, a biologically
21 sound argument to always allow a 100 percent cap
22 but never allow it to go more than 100 percent of
23 either the total quota or any individual user's
24 quota, not to allow buildup so as Brad points out,

1 a similar category could actually have a hold over
2 the entire U.S. TAC, but the point is, it was 100
3 percent. Reducing it to 50 percent and then 10
4 percent is absolutely going to be almost impossible
5 without an incredible disruption to the fishery and
6 an enormous fight among user groups who shouldn't
7 be fighting over how we're going to comply with
8 that in the upcoming seasons.

9 The second major action, and this will be
10 my last comment, I know I'm taking a lot of time
11 here, the second major one would be the
12 discretionary decision to not follow the, in my
13 view, the 1998 consistent rebuilding policy
14 following the two line, and not going for the
15 modest increase of 2,250, as opposed to shooting
16 down it down to 1,750, a 500 metric ton swing, of
17 which the United States has to eat 57 percent just,
18 again, it makes it impossible with an increasing
19 availability, rapidly increasing catches in the
20 Unites States on the angling side, the interaction
21 with longlines, and the general category coming
22 roaring back, we're supposed to be living with all
23 these things that have taken place as a result of
24 an overly ambitious program on the international

1 side, having those long-term repercussions to a
2 very successful domestic management plan since
3 1981.

4 MS. SCHULZE-HAUGEN: Thanks, Rich. A
5 couple of points just for clarification. The 2010
6 estimate is fully on track to be available for the
7 ICCAT reporting at the end of the month.

8 And people are starting to talk about how
9 we have percentage shares both for categories and
10 sectors, and there's a very specific definition of
11 sectors in its application that is quite different
12 from what we have. We do have categories, we do
13 have allocation schemes, but in terms of sectors
14 with a lot of what's being done in New England with
15 plans that are reviewed, and monitoring within the
16 category of, say, pursing would meet that, although
17 that's technically not what we've been calling
18 that, but in the other categories the Agency is
19 doing the monitoring, it's not the fishermen doing
20 the monitoring, it's not the fishermen closing the
21 fisheries, it's the Agency. So although there are
22 some similarities, I don't want folks to get
23 confused that we have sectors in the New England
24 sense, in the HMS fisheries.

1 MR. RUAIS: To that point, I just want to
2 respond to that point. That's splitting hairs, we
3 would call that. It's definitely a model and sure,
4 you could even go further in your sector
5 allocations and say that harpoon is a general
6 category, and go down to fishing locations, and
7 give Perkins Cove a share of sector allocation of
8 the harpoon category, or give Green Harbor a sector
9 allocation of the general category. We could get
10 to that level within the constraints of the plan,
11 we just haven't decided to do that. But it is
12 still a sector category and it's interchangeable,
13 and to me it's just a question of how minute or how
14 detailed you want to get in making that allocation.
15 But we have made that historical allocation, which
16 is the hardest part, NOAA balances this all the
17 time whenever you're trying to develop both limited
18 entry and sharing plans. The biggest obstacle to
19 overcome is the historical sharing of that total
20 TAC, and we've done that in the bluefin fishery,
21 and we've repeatedly solved it, and for people to
22 be going back to it because one category failed to
23 develop the capacity to control it and/or monitor
24 it on a realtime basis is not reason or

1 justification to be looking at the shares
2 themselves.

3 MS. SCHULZE-HAUGEN: Thanks, Rich. So what
4 I'm hearing is that they failed, from their
5 perspective, on the FMP allocations, so from an FMP
6 perspective that is a useful comment, thank you.

7 MR. MCKEON: Sean McKeon. It's always hard
8 to talk after my friend Rich, but I want to go all
9 the way back to page one, I just have a quick
10 question on page one. And that was, I thought I
11 heard you say with respect to listing, I thought I
12 heard you say that there was a low bar in the
13 Agency, the use of a low bar, and I was wondering
14 if you could elaborate on that. If I heard you
15 incorrectly, I apologize.

16 MR. MCHALE: Yeah, probably an
17 oversimplified term to use, but I don't have the
18 exact threshold of what information needs to be
19 supplied to the Agency for the Agency to actually
20 accept a petition and review it. My overly
21 simplified understanding is that, you know, that
22 for example, an environmental impact statement
23 doesn't need to be presented for the Agency to
24 review it, so that's what I was referring to. It's

1 not the actual deliberation on whether it is or is
2 not warranted, but to review the petition itself.

3 MR. MCKEON: Just a quick follow-up. I
4 appreciate that answer. I certainly appreciate Pat
5 Augustine's comments and his concerns. I can tell
6 you that North Carolina has been on the receiving
7 end of that disenfranchisement by virtue of where
8 you live on many many many occasions, and it's not
9 a comfortable place to be. I also remind my
10 friends that we are in the Mid-Atlantic, and it's a
11 horrible place to be. We get in there with respect
12 to large coastings, dogfish, we have been there a
13 lot of times and it's not a good place to be, and I
14 can certainly sympathize with your predicament.

15 MR. RAAB: Tom.

16 MR. DEBERSIA: As far as the 24-hour
17 reporting for bluefin, I think in my 41 years, I
18 don't think reporting has taken much longer than a
19 week in the worst case, and that's one of the
20 reasons why we've never been a requirement for a
21 share allocation, because we finish our control
22 based on our reporting which is very very timely,
23 and 24 hours is pretty quick.

24 Regarding the slot limit in the

1 recreational fishery, we were talking to Andre
2 earlier, and I don't want to speak for him, but you
3 know, based on the tagging information we see down
4 in North Carolina, many of these fish are already
5 over the legal size, and the implementation of the
6 slot limit up in our area is going to cause, I
7 believe cause a transfer of fishing effort from
8 recreational to commercial. And given the fact
9 that we are at historically low and subcategory
10 quota levels regardless of the general category,
11 and I think it's entirely feasible we're going to
12 see an early closure on top of that, lots of
13 sharing of the 160-ton discard with someone else,
14 we're going to end up with a very disastrous
15 season.

16 MR. RAAB: Christopher.

17 MR. WEINER: Just to make a couple of
18 points. First of all, this marching cohort of the
19 2003 year class, there's nothing that bugs me more,
20 this thought implying that there's one amazing year
21 class out there. Tell that to people like myself
22 or anyone else in New England who spent hours
23 seeing little fish, and by little I mean from 30
24 inches to 50 inches, 50 inches to 70 inches. And

1 the other thing is, it blows my mind that these
2 don't show up, because in our fishery every year
3 for the last five or ten years, the commercial
4 fisheries, well, except for the down years, the
5 real down years, there has been enormous amounts of
6 72-inch fish every year. And unless tuna stop
7 growing at 73 inches, which I don't think anyone
8 has proposed yet, that means that those are
9 different year classes every year. And I think if
10 you went back and started looking at the data, at
11 the catch data, and just making some base
12 calculations, you would see that there's lots of
13 73-inch, 74-inch, 75-inch fish caught every year in
14 the New England fishery.

15 So the way we see it, and part of the
16 problem is there's also 65-inch, 66, 67 and 70-inch
17 fish around every year too, and there's nothing
18 that frustrates us fishermen more, because those
19 are just out of our range to the point that we have
20 to leave the area, but every year they're there,
21 every single year.

22 And the only year in the last few years
23 we've seen them come back the next year bigger was
24 2009 when for some reason, whatever the rules that

1 were working in the hand fishery baiting for the
2 last decade, but other than that every year there's
3 no fish around after they get above 73, 74, you
4 don't see them come back. When we get a little
5 bait, we do. The bottom line is, there's plenty of
6 year class out there, and I don't know what it's
7 going to take for that to show up in any data.

8 I think part of the problem is that the
9 recreational fishery is very targeted to very tiny
10 locations, most of it happened in Cape Cod Bay or
11 Outer Chatham. The fishermen don't spread out, and
12 Ralph's a pilot, he could tell you there's a lot of
13 fish that are way offshore. I don't know what it
14 is, but come out with us any day and you'll see a
15 many little ones as you want. So I just, you know,
16 all the talk about the 2003 year class scares me,
17 because I don't want to say I wish it was bad, but
18 I can guarantee you that there's nothing more
19 frustrating when we go out all the time and see
20 40-inch, 50-inch, 60-inch fish everywhere we go.
21 They drive the big ones away. It's frustrating and
22 maybe it's not showing up, but the bottom line is
23 that they are and I don't know what it's going to
24 take to show it, but maybe more accurate surveys,

1 independent review, you know. We're not really
2 advancing our methods of assessment right now, and
3 I think if you did that, you'd find them.

4 My second point is more related to the
5 rule, and that I felt from that presentation that
6 you're implying that this, that us bluefin
7 fishermen on this panel are perfectly okay with
8 what you did this year, by implying that this was
9 discussed the last two or three years at meetings.
10 The bottom line is, there's 500 tons of rollover
11 last year, so nobody was sitting here thinking oh,
12 well, let's tighten the screws on recreational, or
13 I guess I could give you that, but we weren't
14 thinking, oh, this is a disaster right now, let's
15 tighten the screws on the longliners. Everyone
16 understood the fact that we had a lot of rollover
17 and that there was more urgent issues when we faced
18 CITES, ICCAT and ESA within about a year, so maybe
19 our first priority in coming here wasn't let's put
20 the screws on the other part of the fisheries. The
21 bottom line is that it's a totally different
22 scenario this year. We have our lowest quotas ever
23 right now, and all of us, I personally have said it
24 many times, I want to see the swordfish fishery

1 revitalized, but that doesn't translate to the
2 point of decimation of our fishery. I think there
3 needs to be a balance struck there.

4 And for example, in our harpoon category,
5 we had 32 tons this year. I would love to go to
6 twice that, you know, I'd love to go three times
7 over that, but the bottom line is we're going to be
8 shut down before we get to that point, so I think
9 there's a difference between us supporting or
10 talking about revitalizing fisheries and letting
11 things go. I mean, everyone in the room understood
12 that there was so much tonnage, nobody was going to
13 catch it, and to imply that these same feelings are
14 the same now when we're basically what, 500 tons,
15 600 tons less than we were last year, and so we
16 have been put in a terrible position by the Agency
17 where we have to, the longline fishery and our
18 fishery are now butting heads on this, and it's too
19 bad. But I just don't know how it could be implied
20 that -- you know, there was surprise on our part
21 and I'm surprised that there was surprise on your
22 part when we were --- I'm surprised that you were
23 surprised that we were surprised. I know it sounds
24 complicated but if you follow me, that's the bottom

1 line. And so, you know, I don't know how we go
2 forward from here, but as Rich said, talking about
3 changing quota shares, that's scary, one of the
4 bullet points is opening up the quota share
5 discussion, and that just blows my mind.

6 I think the main issue that most people,
7 the 200 guys or whatever that showed up in
8 Gloucester were telling you is that there's tough
9 rules in place on all parts of the fishery now, and
10 it's hard to understand how we should be somehow
11 cutting others while letting one part of it run
12 wild, and it stinks that we have to get to that
13 point. I just don't want to sound like we've been
14 here the last few years supporting what you did
15 this year, because we weren't. Thank you.

16 MS. SCHULZE-HAUGEN: If I could just
17 respond to that, I mean, I don't think we were
18 trying to say that we thought you were all
19 supportive of everything we've every done, I heard
20 a pretty good chuckle there, but I think the point
21 that we're trying to make is that these were issues
22 that we did see coming, and we rely and look for
23 input from the panel, and we've been on the path
24 since 2009 that is the opposite of reducing

1 landings, you know? And so when we now hear well,
2 why haven't you done something about this yet, what
3 that says to me is given how long rulemaking takes,
4 to be in a position today to do something about the
5 discard problem in the longline fishery, we would
6 have had to have started that probably two years
7 ago, at the time when the panel advice was actually
8 totally the opposite, do everything it took to get
9 bluefish tuna landings.

10 And so if we had started in 2009 in the
11 face of that panel input, and instead said no,
12 we're going to go a different direction to
13 constrain landings, I don't know what the panel's
14 advice would have been, but I don't imagine that it
15 would have been well received. And so one of the
16 challenges that we have continuously is how long
17 rulemaking takes. We need to be looking, all of
18 us, out into the future, the next couple of years,
19 but if you want something big done in 2017, we need
20 to start now. So, it's -- and when the advice is
21 changing that much in that amount of time, it's
22 very difficult for us to adapt and to change. We
23 just, it just takes too long to get to the point of
24 the proposed rule and then to a final rule.

1 So this is one of the challenges that we're
2 looking at, and part of the reason that we're
3 trying to share when we see these things coming is
4 that it takes us so long to do something about it,
5 so that if you wait until it's here, our options
6 are much more limited. So it's not that we're, I
7 don't know, I'm trying to give a little context to
8 why we've presented things the way we have. It's
9 to put some of the context around where we have
10 been and how we've been trying to be responsive,
11 and I agree, we do need some solutions, absolutely,
12 but we need to know how long it takes to make those
13 changes.

14 MR. RAAB: Sorry, but we have a very hard
15 start time on the 5:15 public hearing that we can't
16 change. So I'm going to take Ron, who has been
17 patient, and then we need to find out if others in
18 the audience want to do some public comment, and
19 then obviously we'll pick up our conversations
20 again tomorrow, sorry about that, but because it's
21 an announced public hearing, we have to start on
22 time. So Ron, go ahead.

23 MR. WHITAKER: Ron Whitaker. Brad, thank
24 you for your presentation. Anyway, from what I'm

1 seeing out there, your job is to going get a lot
2 harder, because the fishery seems to be really
3 robust, the best that I've seen for 25 years, so
4 that means that if bycatch is going up, your job is
5 going to get a lot tougher, that's the bottom line.

6 At any rate, Tom, to your point, I can feel
7 your pain. I have been at the other end of that
8 spectrum and it's not good. And you know, one fish
9 a day doesn't seem like much, but one fish is the
10 difference between booking a charter and not
11 booking a charter in our area, so when we were shut
12 down or if we weren't allowed to catch any, it
13 certainly made a difference. And as Sean pointed
14 out, we have been at the other end of the stick
15 quite often, so I feel his pain.

16 But -- and I'm sure you all have them too,
17 but I got the numbers from North Carolina. They
18 have recorded every fish we ever catch through our
19 program, so our longline bluefin tuna have pretty
20 much in our opinion been recorded and up to date, I
21 think March 18th was about the last update on it,
22 and I think that pretty well wrapped it up. But we
23 caught 318 fish and probably, I'd say, I'm not sure
24 exactly about shark, I've got some data if you want

1 to look at it, but some of that were definitely
2 trophies. But if you were just to take the 318 and
3 multiply it times 180, and somebody might want to
4 check my math, but I think that would come out to
5 about 26 metric tons, and maybe I'm doing something
6 wrong, I don't know. But in the category, I think
7 we're looking at 33 and 37, so it would be a total
8 of 70, so it seems to me there's still some there,
9 but maybe Brad can tell me where I'm wrong.

10 But at any rate, also, just to let you
11 know, that there are a lot of days that the fishing
12 is so good that you go out there and you may hook
13 four or five bluefins wham, right off the bat, and
14 they be 50, 55-inch fish, and my chart reflects
15 some of those sized fish. But when fishing's good
16 we let those fish go and we target the accept
17 70-inch fish, so that table the going to be skewed
18 towards a 70-inch fish.

19 So I agree with Chris, you know. I feel
20 like there's a lot more than one year class out
21 there, and we see anywhere from a 50-inch fish to
22 an 80, 85-inch fish, not on a daily basis, but
23 about every two times I go, I'll catch fish in that
24 size range, so it's certainly more than once a

1 year.

2 My last point is, I kind of agree with Rich
3 on the 10 percent carryover. I know that's coming
4 from ICCAT, but it seems like the U.S. has worked
5 mighty hard to have an underharvest, and we should
6 be able to use it more than ten percent. Thank
7 you.

8 MR. RAAB: I thank everybody for their
9 feedback. Let me just turn to the public over
10 there and say, is there anybody who wants to make a
11 comment on something from today that would not be
12 part of the 5:15 conversation on bluefin quota?

13 Okay. I've got three people, so why don't
14 you take two minutes each, and if you could all
15 maybe come up to the table in the corner there, and
16 announce yourself.

17 PUBLIC COMMENT

18 MR. SHALIT: My name is David Shalit, and
19 I'm a commercial bluefin tuna fisherman in New
20 England. I would like to address the concept of
21 the artisanal fishery. For those of you who are
22 unfamiliar with the term, artisanal fishery as
23 defined by the UN FAO and separately by ICCAT
24 refers to a commercial fishery in which fish are

1 caught by hand using methods such as hand line,
2 harpoon, and rod and reel. An artisanal fishery
3 does not use modern industrial fishing methods such
4 as purse seine or longline. Further, participants
5 in an artisanal fishery must follow a business
6 model of sole proprietorship or individual vessel
7 ownership. Therefore, no corporations or entities
8 that own multiple vessels can be allowed into an
9 artisanal fishery unless those vessels use hand
10 gear.

11 The bluefin general category and harpoon
12 category meet the definition of artisanal fisheries
13 as defined by the FAO and ICCAT. It might be
14 arguable also that the charter head boat category
15 in the bluefin fishery under certain circumstances
16 would meet these requirements as well.

17 Recreational fishing is not included in this
18 definition simply because artisanal fishery as
19 defined only pertains to commercial fishing.

20 Our commercial bluefin artisanal fisheries
21 are characterized by the fact that we are limited
22 by our fishing methods to catch one fish at a time.
23 There is no possibility of bycatch and discards.
24 The fishery is comprised exclusively of small

1 vessels, mostly between 35 and 42 feet in length.
2 Since fish are caught one at a time, the fisherman
3 has complete control over the size of the fish
4 retained and is able to release any fish not
5 allowed by regulations. In this fishery there are
6 no problems with compliance regulations and
7 reporting of catch is well controlled, as we've
8 heard.

9 Our fishery is the most highly regulated
10 bluefin fishery in the world. We are only allowed
11 to take a maximum of three fish per day maybe,
12 within the length of catch that is 73 inches.
13 These regulations are vastly more stringent than
14 any found elsewhere in the world. It's my
15 impression that many people in the U.S., the
16 public, the media, environmental organizations and
17 many in government are completely unaware of the
18 fact that the commercial bluefin fishery in the
19 U.S. is an artisanal fishery. This perception
20 needs to change, and the best way to influence that
21 change is that the fishermen should refer to their
22 fishery as an artisanal fishery. These two words
23 essentially explain who the fishermen are and how
24 they fish. General category doesn't explain

1 anything.

2 Artisanal fisheries work well in the
3 context of fishery management systems in countries
4 that support policies focused on conservation. In
5 the European Union, bluefin artisanal fisheries are
6 protected and receive tremendous support from
7 government, environmental organizations and the
8 public. Bluefin artisanal fisheries exist in
9 Spain, Italy, France and Greece. Maria Damanaki,
10 the European Union Commissioner for Maritime
11 Affairs and Fisheries stated specifically in
12 connection with bluefin, and I quote, I am
13 convinced of the need to preserve artisanal
14 fisheries, these are undertaken in a sustainable
15 manner with limited impact on the stock and are of
16 social importance to many of our coastal regions,
17 unquote.

18 Leclerc, I don't know if you've heard of
19 it, they're a French owned giant supermarket chain
20 with over 600 superstores in five European
21 countries, and they announced recently that they
22 will cease to purchase bluefin caught by purse
23 seine, and will hereafter only purchase bluefin
24 from artisanal fisheries.

1 MR. RAAB: You need to wrap it up in a
2 minute, please.

3 MR. SHALIT: Okay. Greenpeace in Europe
4 has made numerous statements in support of bluefin
5 artisanal fisheries.

6 Last month members of the European Union
7 artisanal fisheries from Spain, Greece, Italy and
8 France met in Catalonia, Spain, actually it was in
9 February, to launch a European Association for
10 Mediterranean Artisanal Fishermen, and to agree on
11 common principles for sustainable fisheries
12 management in the Mediterranean. They claim that
13 the artisanal fishing sector represents a majority
14 of fishing jobs around the Mediterranean, using low
15 impact gears and practices that yield high price
16 product. This meeting was sponsored by the World
17 Wildlife Fund. I would also mention that Oceana,
18 another large environmental organization, has made
19 statements in support of artisanal fisheries in
20 Europe. Thanks.

21 MR. RAAB: Thank you very much. Next.

22 MR. FITZPATRICK: My name's Robert
23 Fitzpatrick, I'm a bluefin tuna dealer and a former
24 panel member. Just a couple of quick things and

1 then I'll reserve most of what I have to say for
2 the public hearing. I said this to Brad the other
3 day, and I'm terribly troubled by this sort of aura
4 that's created, and Rich has said this, and most
5 people probably know it, but I just want to make
6 sure. The ICCAT boogeyman did not put us in the
7 handcuffs and push us over the rail, our government
8 did, on a consistent basis for the 20 years that
9 I've been here. There were a couple of years where
10 we had some glimmers of light, but mostly we get
11 burned.

12 And instead of the international component
13 that needs to work closely with the domestic
14 components, rather than bringing home even a little
15 bit of bacon when the science says we can have
16 some, one hand instead of washing the other, cuts
17 the fingers off the other. And then believe it or
18 not, the Department of Commerce sends economic
19 teams to ports in New England and asks us why, you
20 know, they're here to help us. It just seems like
21 cut after cut over five or six years, and the
22 rollback on the overage, we were the only country,
23 we were the only country not catching our quota.
24 Yet our government cut it to 50 percent and then

1 cut it to 10 percent. Why? And you act as if the
2 Europeans sort of pushed us down the road to do
3 this, and the truth is they just didn't.

4 You know, we collapsed the herring fishery
5 in New England, we had dogfish up to your eyeballs,
6 and the bluefins swam away. If you look at the
7 size composition landings in Canada, there are
8 fish. They left. If you look at the uptick on the
9 tail end of one of those graphs the last three
10 years, ironically it just happened to coincide with
11 the midwater trawlers being removed from the Gulf
12 of Maine. The first summer they were gone, it got
13 better, the next summer it got even better, and
14 last summer it got better, and this summer it's
15 going to get better, but we don't have enough quota
16 now because sanity never prevailed in the science
17 side of things. Nobody had the logic that said
18 fill the ocean with dogfish, collapse the herring
19 fishery, tow on these fish with 120 and 30-footers
20 in pairs at six-and-a-half knots 24-7, you chase
21 the apex predator off its feeding grounds and it
22 relocated to Canada, and you can see the size
23 composition change in Canada as the fish left here.

24 Nobody has ever looked at it in Miami, I

1 don't think, I don't quite understand why, because
2 I can see it. I can look at a very small amount of
3 data, and just from talking to Canadian dealers
4 over the years and from buying fish there some
5 years, it's blatant what happened. And we took
6 cuts, we took a hundred tons, a hundred tons, 50
7 tons, we just get, you know.

8 And now we give the Mexicans 95 tons.
9 Where are they going to fish for that, on the Grand
10 Banks? I don't think they have boats that can go
11 to the Grand Banks. You know, they're going to
12 fish, eventually they're going to fish in the Gulf,
13 and I don't think they're using weak hooks.
14 They'll use cable. Thank you.

15 MR. RAAB: I think we have one more.

16 MR. S. WEINER: Hi. My name is Steve
17 Weiner, and I am a fisherman from Maine. I have
18 probably a lot of comments to make, but following
19 this is the hearing. I was in Gloucester last
20 week, last Friday, and there were 200 people there
21 on a snowy Friday at one o'clock with very little
22 notice. People are outraged by the proposal, but
23 I'll talk about that later.

24 The first thing I get out of this

1 conversation is we don't have to worry about ESA
2 because there's too damned many tuna. They're not
3 going extinct, and we're actually catching too
4 many, the longliners are catching too many, and the
5 scientists are saying we don't know whether they're
6 eastern fish or they're western fish but the
7 reality is, the scientists don't know either.
8 There's a lot of tuna fish around.

9 Secondly, I really do take some offense to
10 being put in the position that I'm somehow a
11 Neanderthal. I don't attend these meetings, I'm
12 not a member of the panel, I only come when I kind
13 of feel I have to, and there are two colliding
14 fisheries here. You know, we've been fighting the
15 bluefin fishery's ICCAT problems, we've been
16 fighting some ESA issues, and let me tell you,
17 that's a handful for a group of volunteers. And
18 that's what we are, other than Rich, who somehow
19 suffered through this for 20 or 25 years. The rest
20 of us are doing this out of love, out of passion,
21 out of principle. And if you're saying, Margo,
22 that somehow this panel and the people here were
23 aware that these colliding fisheries were coming,
24 you should have said something about it, and now

1 it's too late because it takes two years to do a
2 proposal.

3 I guess what offends me the most is, you
4 guys are the managers, you're supposed to be
5 looking into the future, you're supposed to take
6 the emotion away from it, you're supposed to see
7 that we've got a bluefin fishery this year and a
8 sword fishery that we're trying to revitalize, and
9 they're on a collision course, because
10 revitalization of the sword fishery, everyone in
11 this room knows it, has always been on this
12 collision course because of the bycatch of bluefin.
13 So if you are looking into the future and you saw
14 that well, maybe bluefin is going to collide, and
15 now you've got this sword fishery you're trying to
16 revitalize and now you have this collision, I mean,
17 I really, I would be glad to be more involved in
18 the management.

19 But you guys are the managers and you
20 really have to look into the future. You knew this
21 was coming, you saw this coming, you should have
22 been prepared for it. And to say that the fix is
23 we're going to take it off the harpoons, or the
24 anglers or the general categories, the purse seine

1 category who have been staying within their rules
2 and staying within their allocations is just wrong,
3 it's just unfair, and you can't do that. You can't
4 do it.

5 I could sit here and talk about how we've
6 been let down at ICCAT and our government has sold
7 us out for years and years and years, because the
8 reality is that you guys have to manage the future.
9 Russell's group and your group have to talk more,
10 and it's almost like two worlds, either that or I'm
11 not giving you enough credit, because either
12 there's a heck of a conspiracy or there's a
13 disconnect. And the people who depend on it aren't
14 going to take it anymore. I don't know what we do
15 about it, because we have been fighting like crazy
16 all these years, and now we're pitted against the
17 longline fishery, which none of us likes, but the
18 reality is we're going to fight them too if we have
19 to, because they're coming after us too, they're
20 taking our fish and you're giving them to them, and
21 it's just not right.

22 MR. RAAB: So, we're going to adjourn the
23 panel for the day and reconvene at 8:30 in the
24 morning.

1 (Whereupon, the meeting adjourned at 5:08
2 p.m.)

3

4 STATE OF MARYLAND SS:

5 I, PAUL A. GASPAROTTI, a Notary Public of
6 the State of Maryland, do hereby certify that I
7 attended the foregoing meeting, and the
8 proceedings were recorded stenographically by
9 me, and this transcript is a true record of the
10 proceedings.

11 I further certify that I am not of counsel
12 to any of the parties, nor an employee of any
13 party, nor related to any of the parties, nor
14 in any way interested in the outcome of this
15 meeting.

16 As witness my hand and notarial seal this
17 18th day of April, 2011.

18 My commission expires

19

20 September 3, 2011

Notary Public

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