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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 Two Session)

Wednesday, 6 April 2011

Reported by:

Paul A. Gasparotti

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1 [8:31 a.m.]

2 PUBLIC HEARING: PROPOSED RULE TO MODIFY  
3 RETENTION OF INCIDENTALY-CAUGHT HMS IN ATLANTIC  
4 TRAWL FISHERIES

5 MS. SCHULZE-HAUGEN: Good morning,  
6 everyone, this is wonderful. We're at 8:32 and  
7 everyone is here, fantastic, so thank you for being  
8 so prompt. I hope everyone had a good night.

9 For those of you who did not stick around  
10 for the public hearing, just a quick update that we  
11 had a pretty robust discussion and had some  
12 difficult words, and a lot of passion in the room,  
13 but I think the discussion was full and certainly  
14 gave the Agency a lot to think about, a lot of  
15 things to consider, and so I wanted to thank  
16 everyone for that.

17 We're going to go ahead and get started, so  
18 if folks would like to take your seats, we have the  
19 public hearing, combination AP discussion for our  
20 trawl proposed rule, and so what we would like to  
21 do is go through the presentation, have the AP  
22 discussion, and then we have some time on the  
23 agenda for public comment. And then we have a  
24 short shark update. And then Eric Schwaab, the

1 interim Administrator for NOAA Fisheries, will be  
2 coming, and Sam Rauch, who is the deputy for  
3 regulatory affairs, will be presenting on coastal  
4 and marine spatial planning. We do need to watch  
5 our time so that, they're coming over for those  
6 times, and we want to make sure that we have the  
7 time for them, so we will be watching the clock  
8 this morning, okay?

9 So, I will hand it over to Rick and Steve.

10 MR. PEARSON: Thank you, Margo. Good  
11 morning. We're going to start today's meeting with  
12 a public hearing on a proposed rule to modify the  
13 retention of incidentally-caught highly migratory  
14 species in Atlantic trawl fisheries. This proposed  
15 rule considers modification to the permitting  
16 requirements for the allowance for  
17 incidentally-caught HMS in trawl gears, to reduce  
18 regulatory dead discards of HMS in trawl gears, to  
19 improve fishery data collection, to provide  
20 additional opportunities for the U.S. swordfish  
21 quota to be attained, and to accommodate  
22 traditional gears that occasionally capture North  
23 Atlantic swordfish and smoothhound sharks while  
24 maintaining landings at incidental levels.

1           The presentation is broken down into two  
2 issues. Issue A addresses the incidental catch of  
3 swordfish in squid trawl fisheries and Issue B  
4 addresses the incidental catch of smoothhound shark  
5 in all Atlantic trawl fisheries. I will be  
6 presenting the first issue and Steve Durkee will be  
7 presenting Issue B addressing smoothhound sharks.

8           The primary reason that we are proposing  
9 this rule is because trawl gear is not authorized  
10 for the retention of any HMS. Therefore, we need  
11 to create special exemptions to address the  
12 incidental catch of certain species, and today we  
13 are talking about swordfish in squid trawl  
14 fisheries and smoothhound sharks in all Atlantic  
15 trawl fisheries.

16           Since 2000, vessels must be issued three  
17 HMS limited access permits to land swordfish  
18 commercially. Those three permits are swordfish  
19 directed or an incidental permit, a shark directed  
20 or incidental permit, and an Atlantic tunas  
21 longline limited access permit. For the remainder  
22 of this presentation we're going to refer to those  
23 three permits that must be held in conjunction as  
24 the HMS permit triple pack. As I mentioned

1 earlier, trawl gear is not authorized for any HMS  
2 fishery; however, the current regulations provide  
3 for the incidental retention of up to 15 swordfish  
4 per trip in the squid trawl fishery provided that  
5 the vessel has been issued the HMS permit triple  
6 pack.

7 Under the current HMS regulations a vessel  
8 is considered to be in the squid trawl fishery when  
9 it has no commercial fishing gear other than trawls  
10 on board and when squid constitutes not less than  
11 75 percent by weight of the total retained catch.  
12 Now we were analyzing this proposed action and we  
13 determined that approximately five squid trawl  
14 vessels have been issued the requisite HMS triple  
15 pack. All other squid trawl vessels may not retain  
16 swordfish that are captured incidentally while  
17 trawling for squid, and to put that into some  
18 context, there are approximately 360 to 365 squid  
19 trawl vessels, both *Illex* and *Loligo* squid trawl  
20 vessels, and of those, only five actually have the  
21 permits to retain swordfish.

22 So now I want to present just a bit of  
23 background information. This pie chart represents  
24 data collected from the vessel trip report

1 database, HMS discards on squid trawl trips from  
2 2000 to 2009, so this is a 10-year period.  
3 Smoothhound is by far the most frequently discarded  
4 species. The second most commonly discarded  
5 species by squid trawl vessels is swordfish, with  
6 25 percent of the discards. Basking shark is  
7 disproportionately represented here because it's a  
8 large fish and they weigh a lot, so I just want to  
9 mention that these are pounds. And again, this is  
10 self reported data.

11           When we look at observer data, you can see  
12 that swordfish is by far the most commonly  
13 encountered species HMS by squid trawl vessels,  
14 followed by certain sharks, and to a much lesser  
15 extent the tunas, but you can see that swordfish by  
16 four to one, five to one, is the most commonly  
17 caught and discarded species by squid trawl  
18 vessels.

19           So recognizing this information, we  
20 recognized the need for action, and first and  
21 foremost is the fact that the swordfish stock is  
22 fully refilled, so this is a very important  
23 component that enables us to look at this issue.  
24 Swordfish are captured incidentally while trawling

1 for squid. The current HMS permit structure is not  
2 a good fit for squid trawl vessels and to  
3 illustrate that, they need the three permits. One  
4 of those permits is the Atlantic tuna longline  
5 permit. Squid trawl vessels neither fish with  
6 longline gear, nor are they allowed to retain tuna,  
7 so it's sort of an odd fit to require them to  
8 obtain these permits in order to land swordfish.  
9 Also, there is currently an allowance in the HMS  
10 regulations to retain 15 swordfish caught  
11 incidentally while squid trawling, but as I  
12 indicated earlier, few squid trawl vessels have  
13 been issued the requisite permits, and swordfish  
14 are frequently discarded dead by squid trawl  
15 vessels.

16 Finally, NMFS seeks to improve data  
17 collection and outreach through this proposed rule,  
18 so we came up with four alternatives: Alternative  
19 A1 is the no action alternative; Alternative A2  
20 would establish a new permit for Illex squid  
21 moratorium permit holders to retain up to 15  
22 swordfish, which is the current squid trawl  
23 retention limit; Alternative A3 would exempt Illex  
24 squid moratorium permit holders from current HMS

1 permitting requirements in order to retain  
2 swordfish. So essentially what that, the  
3 difference between Alternative A2 and A3 is that A3  
4 would not require the issuance of a permit, they  
5 would be, Illex squid moratorium vessels would  
6 simply be allowed to retain 15 swordfish. And  
7 finally, alternative A4 would establish either a  
8 new permit or an exemption, as applicable, for all  
9 of those squid moratorium permit holders to retain  
10 swordfish. And the as applicable there would  
11 depend upon what is selected amongst the first  
12 three alternatives. If for example Alternative A2  
13 were selected, then A4 would implement a permit for  
14 the Loligo vessels. If there was an exemption,  
15 similarly there would be an exemption for Loligos  
16 moratorium permit holders.

17 So, NEPA requires us to analyze the  
18 ecological, social and economic impacts of all the  
19 various alternatives. I'm going to quickly  
20 summarize the ecological impacts for all of the  
21 alternatives. We do not expect that the squid  
22 trawl vessel fishing effort would change due to the  
23 implementation of any of the alternatives;  
24 therefore, impacts on protected species, essential

1 fish habitat, targeted species and nontargeted  
2 species are anticipated to be the same under all of  
3 the alternatives.

4 That's not saying that the squid trawl  
5 fishing effort won't change, that's more dependent  
6 on squid prices and the actual squid quota that is  
7 determined by the Mid-Atlantic Fishery Management  
8 Council. What this is indicating is that it's not  
9 expected to change as a result of the  
10 implementation of any of these particular  
11 alternatives. That's because squid trawl vessels  
12 target squid and other small pelagic species, and  
13 incidental allowance for swordfish is not expected  
14 to alter current fishery practices.

15 Finally, swordfish mortality is not  
16 expected to change due to the implementation of any  
17 of these alternatives, due to the high swordfish  
18 discard mortality rate. Essentially we expect that  
19 the same amount of swordfish are going to die or be  
20 killed under any of these alternatives, regardless  
21 of whether they're allowed to keep the swordfish or  
22 they must discard them dead.

23 With regard to social and economic impacts,  
24 I would like to just present a little bit of

1 background information. In 2009, 76 vessels were  
2 issued Illex squid moratorium permits; of those, 18  
3 vessels reported landings or were active. In 2009,  
4 365 vessels were issued Loligo squid moratorium  
5 permits; 180 of those vessels were active. 75 out  
6 of the 76 vessels issued Illex squid moratorium  
7 permits were also issued a Loligo squid moratorium  
8 permit. Between 2000 and 2009, 26 different squid  
9 trawl vessels reported catching swordfish. As  
10 indicated earlier, of those, only five had been  
11 issued the requisite HMS permit triple pack needed  
12 to retain the swordfish.

13           The average -- this is all based upon  
14 observer data, this slide. The average number of  
15 swordfish discards per tow in the Illex squid  
16 fishery is 0.11. The average number of swordfish  
17 discards per tow in the Loligo squid fishery is  
18 0.01. The point I want to emphasize there is that  
19 Illex squid vessels are ten times more likely to  
20 encounter and discard swordfish than are Loligo  
21 squid trawl vessels. The observer data is  
22 calculated on a per tow basis. However, our trip  
23 limits are based on a per trip basis, so we needed  
24 to determine basically how many average tows occur

1 and then convert that discard rate into a per trip  
2 basis.

3           Essentially -- and there are in the squid  
4 fishery, there are basically two different levels  
5 of vessels. There are the large freezer vessels  
6 that stay out for two to three weeks at a time, and  
7 there are the smaller refrigerated seawater vessels  
8 that stay out for one to two days, so the average  
9 number of discards per trip is different for those  
10 two vessels. We calculated that there are 3.3  
11 swordfish discards per trip for the large Illex  
12 freezer vessels, and 1.2 swordfish discards per  
13 trip for the smaller Illex vessels. For Loligo  
14 vessels, we determined that there were 0.3  
15 swordfish discards per trip for the large freezer  
16 vessels and 0.13 swordfish discards per trip for  
17 smaller Loligo vessels. I just want to emphasize  
18 that this is average analyzed data. Swordfish  
19 catch by squid trawl vessels annually peaks during  
20 July and August, so obviously during those two  
21 months is when you may see higher levels of  
22 swordfish interaction in the squid trawl fishery.

23           So under the no action alternative, we  
24 anticipate no new or additional economic impacts.

1     However, this alternative contributes to a loss of  
2     potential income by squid trawl vessels that are  
3     not issued the HMS permit triple pack that must  
4     discard incidentally-caught swordfish. We  
5     calculated that amounts to approximately \$4,000 per  
6     year annually in unrealized income for the 13  
7     active *Illex Loligo* squid trawl vessels that are  
8     not issued HMS permits. Now I indicate *Illex*  
9     *Loligo* squid trawl vessels here because as I  
10    pointed out earlier, 75 out of the 76 *Illex* vessels  
11    also are issued a *Loligo* permit. This alternative  
12    also contributes to between \$355 to \$473 annually  
13    in unrealized income for the 162 active *Loligo*  
14    squid trawl vessels that are not issued HMS  
15    permits. Furthermore, this alternative may  
16    contribute to incomplete reporting, data collection  
17    and quota monitoring.

18           A little background information. Each  
19    swordfish trawl discard was estimated at \$296, or  
20    \$3.29 per pound dress weight. Our fisheries data  
21    indicates that the average swordfish discard in the  
22    Mid-Atlantic trawl fisheries was approximately 90  
23    pounds. We've had some earlier public hearings  
24    indicating that value of swordfish is a little bit

1 higher than \$3.29 a pound and that the swordfish  
2 are larger these days, so these values may skew up  
3 higher a little bit.

4 Under the preferred alternative, A2, this  
5 alternative could provide minor economic benefits  
6 to the U.S. squid moratorium permitted vessels.  
7 Again, similar numbers, approximately \$4,000  
8 annually in additional income for 13 active *Illex*  
9 *Loligo* squid trawl vessels, and there would be no  
10 change in economic impacts for *Loligo* permitted  
11 vessels. There may be a potential minor burden  
12 associated with permit application and fees because  
13 we would be issuing a new permit under this  
14 alternative for *Illex* vessels. And this  
15 alternative could improve reporting, data  
16 collection, quota monitoring and outreach.

17 Under alternative A3, which would be an  
18 exemption for *Illex* vessels, similar to alternative  
19 A2, it could provide minor economic benefits to  
20 *Illex* squid moratorium permit vessels in the area  
21 of approximately \$4,000 a year. There would be no  
22 change in economic impact for *Loligo* permitted  
23 vessels. However, this alternative would not  
24 improve reporting, data collection, quota

1 monitoring and outreach to the extent that  
2 alternative A2 would.

3           One of the things that we anticipate right  
4 now would be to continue allowing Illex vessels to  
5 report in the northeast VTR database. However,  
6 under alternative A2, if they were selected, if HMS  
7 felt that there was a need for these vessels to  
8 report in the HMS logbook, we would have to  
9 opportunity to request that of them. Similarly, we  
10 would have the opportunity to select these vessels  
11 to carry observers as well. However, currently  
12 right now, we don't expect any of that to change,  
13 they would continue reporting in the vessel trip  
14 report logbook and they would continue to be  
15 selected for observers based upon their  
16 participation in the squid fisheries. However, it  
17 just provides that opportunity for HMS to collect a  
18 little bit more additional information within these  
19 fisheries.

20           One other additional aspect is that it was  
21 very difficult for us to determine which vessel,  
22 which of the vessels that have the HMS permit were  
23 actually squid trawl vessels, and that's because  
24 they are issued exactly the same permit as longline

1 vessels have to have, so it was difficult to  
2 determine which vessels were squid trawl vessels.  
3 If they're issued their own separate permit, we  
4 would have that information readily available and  
5 we would be able to send out permit holder letters  
6 and communicate with these constituents in a better  
7 manner.

8           Finally, for alternative A4, this would  
9 establish a new permit more of an exemption for  
10 Loligo squid moratorium permit holders to retain  
11 swordfish. This could provide minor economic  
12 benefits for Loligo squid moratorium permitted  
13 vessels in the area of approximately \$355 to \$473  
14 annually in additional income for 162 active Loligo  
15 squid trawl vessels not issued HMS permits.  
16 Depending on if we selected a permit or an  
17 exemption, alternative A4 would or would not  
18 improve reporting, data collection, monitoring and  
19 outreach.

20           One thing that I want to emphasize here is  
21 that the Illex squid trawl fishery occurs primarily  
22 during the summer months in the offshore  
23 Mid-Atlantic canyons where swordfish may  
24 occasionally be foraging on those squid. The

1 Loligo fishery occurs more during the winter months  
2 and often times more inshore where swordfish are  
3 not as prevalent, so I just want to indicate that  
4 the Illex fishery is ten times more likely to  
5 interact with swordfish than the Loligo fishery is,  
6 so the Illex fishery we determined was where the  
7 real crux of this problem occurs, and that's why we  
8 are supporting alternative A2, which would issue a  
9 new incidental HMS squid trawl permit to all  
10 vessels that are currently issued an Illex squid  
11 moratorium permit.

12 So, now I would like to hand the microphone  
13 over to Steve Durkee, who will address the  
14 incidental catch of smoothhound sharks in all  
15 Atlantic trawl fisheries.

16 MR. DURKEE: Good morning. I'll handle the  
17 smoothhound portion of the HMS trawl rule. Just as  
18 a little bit of background, in Amendment 3 to the  
19 2006 HMS FMP, NMFS brought smoothhound sharks under  
20 federal management. During that Amendment 3  
21 rulemaking it was determined that smoothhound  
22 sharks were in fact a highly migratory species as  
23 defined by the Magnuson-Stevens Act.

24 Now when I speak of smoothhound sharks, I'm

1 referring to the two species, smooth dogfish and  
2 Florida smoothhound. Right now they are considered  
3 two separate species; however, some emerging  
4 molecular research has determined that they're  
5 actually one species, and therefore are being  
6 managed as one species and one stock, so for  
7 purpose of management, they're referred to as the  
8 smoothhound shark complex.

9           When we brought smoothhound sharks under  
10 federal management, our stated intent was to  
11 minimize changes in the fishery. What we wanted to  
12 do was permit the participants, start counting  
13 landings data, get an idea of the universe, how  
14 much they were catching, where they were catching,  
15 what type of gear they were catching with. In line  
16 with this intent to minimize changes in the  
17 fishery, we authorized a major gear type, which was  
18 gill nets. We did not authorize trawl gear, but we  
19 did explicitly state that we intended to  
20 investigate that possibility through another rule  
21 to allow trawl gear to retain incidentally-caught  
22 smoothhound, and that's what this rule is  
23 specifically for. Again in line with our intention  
24 to minimize changes, we delayed implementation of

1 the management measures until the fishing season of  
2 2012. That gives us time to reach out to our new  
3 constituent base in order to familiarize them with  
4 all the HMS management measures that are going on.

5 So, right to it, three alternatives. The  
6 first alternative, no action, would not allow for  
7 the retention of smoothhound sharks caught in trawl  
8 gear. Now there's a bit of a nuance with this  
9 language using no action. The status quo today,  
10 trawl fishermen are allowed to retain smooth  
11 dogfish, or smoothhound, rather. Under the no  
12 action alternative, though, when management  
13 measures come into place in 2012, it will be  
14 illegal. So when we talk about no action versus  
15 the status quo, we're comparing alternatives to the  
16 no action baseline, because the new reality in 2012  
17 will be that trawl fishermen cannot retain  
18 smoothhound.

19 Under alternative B2, we're going to allow  
20 a limited allowance for the retention of  
21 incidentally-caught smoothhound, and we will set  
22 that amount not to exceed 25 percent of the total  
23 catch by weight on board or offloaded from the  
24 vessel. This is the preferred alternative.

1           Alternative B3 contains the same language;  
2           however, it sets that threshold a little bit  
3           higher, 50 percent, and I have some graphics that  
4           will show this a little more clearer than just the  
5           language, for the alternatives. To start with on  
6           this graphic, what you will see, this is a  
7           trip-by-trip breakdown of the percent smoothhound  
8           catch relative to total catch in trawl gear. So  
9           for instance on a trawl trip that caught less than  
10          five percent smoothhound relative to the total  
11          catch, you'd go in that first column, if it was  
12          between six to ten percent in the second column,  
13          and then down along to a hundred percent. So you  
14          see the vast majority of trips are catching very  
15          low level of smoothhound sharks relative to the  
16          total catch. This is indicative of an incidental  
17          fisher, this is not a directed fishery.

18                 Now, a couple lines here. The first line  
19                 right here, this is the Alternative B2 line. This  
20                 kind of shows you where the cutoff would be for 25  
21                 percent. So if we look at that original graph that  
22                 had the historical catch of smoothhound in trawl  
23                 gear, that Alternative B2 line shows where that  
24                 cutoff would be under Alternative B2. What this

1 shows is that all of the historical trips to the  
2 left of that line would be legal under Alternative  
3 B2, and to the right of the line would be illegal  
4 under Alternative B2. What this allows is  
5 approximately 89 percent of historical trips to  
6 continue, and precludes about 11 percent of  
7 historical trips.

8 If you move along to the Alternative B3  
9 line, it's set a little bit higher, way up here at  
10 the 50 percent mark, and with this alternative  
11 about 97 percent of historical trips would continue  
12 to be legal and only three percent of historical  
13 trips would be precluded. So you can see that both  
14 of these alternatives pretty much incorporate the  
15 vast majority of historical smoothhound trawl  
16 trips.

17 Moving to the impact analyses, as I  
18 mentioned, the management measures will not be in  
19 place until the 2012 fishing season, so this gives  
20 some complication to comparing the status quo and  
21 no action. Under the no action baseline, the new  
22 reality of 2012 will be that it's illegal for trawl  
23 fishermen to retain smoothhound, so that's what  
24 we're comparing all of our alternatives to, the

1 impact relative to no action rather than the  
2 status quo, which is going to change again in 2012.

3 This is a further note. The primary trawl  
4 fisheries we're talking about that are interacting  
5 with smoothhound are the Loligo squid, summer  
6 flounder, croaker, silver hake, skate, scup, and  
7 other of the Mid-Atlantic mixed bottom trawl  
8 fisheries.

9 So, we'll start with ecological impacts.  
10 Under the no action alternative, it will be illegal  
11 for trawl fishermen to retain smoothhound sharks;  
12 therefore, fishing pressure will be reduced. All  
13 of these smoothhound will have to be discarded, and  
14 some of these will be live discarded, so fishing  
15 mortality rates and levels will be decreased.

16 Under Alternatives B2 and B3, however,  
17 there will be allowed some limited retention of  
18 smoothhound, and therefore that F rate and level  
19 will increase slightly, just to different degrees  
20 under B2 and B3, so we will suffer some negative  
21 ecological impacts on the smoothhound stock. I  
22 will note, though, that there has not been a formal  
23 smoothhound shark stock assessment; however,  
24 there's no indication that the stock is under any

1 trouble or can't sustain the current levels of  
2 harvest.

3 Let's talk about indirect impacts. Similar  
4 to the smooth, or to the swordfish portion of this  
5 rule, this fishery management is for the undirected  
6 species and unlikely would change ever. Therefore,  
7 if the trawl fishery doesn't change in its  
8 management measures, there will be no additional  
9 impacts on central fish habitat or protected  
10 resources, no increase in interaction rates or  
11 levels.

12 So to social or economic impacts, this is  
13 some background information. The average annual  
14 revenue across the entire trawl fishery for  
15 smoothhound sharks is a little under \$57,000 per  
16 year. This is using VTR data over the past ten  
17 years, that shows an average of a little over  
18 145,000 pounds of smooth dogfish. This also  
19 assumes an average ex-vessel price of 29 cents per  
20 pound for smooth dogfish meat, and a little over  
21 two dollars per pound for the smoothhound shark  
22 fins.

23 So with that in mind, the social and  
24 economic impacts for the alternatives are up here.

1 Under the no action alternative, it will be illegal  
2 for the trawl fishermen to sell incidentally-caught  
3 smoothhound. There will be a cost to the  
4 fisherman, an unrealized benefit that they could  
5 have had if they sold it, and that is hopefully  
6 some moderate negative social and economic impacts.  
7 Alternatives B2 and B3 would allow some retention  
8 of smoothhound sharks that could then be sold,  
9 resulting in some benefits to fishermen  
10 economically and socially that results in minor  
11 positive social and economic impacts.

12 Let's talk about indirect impact of  
13 supporting businesses, suppliers of bait and ice,  
14 et cetera. It's unlikely this rule will impact  
15 them, since trawl vessel levels will not change  
16 when we put a plan in place for an undirected  
17 species. Trawl vessel levels won't change, and  
18 therefore the suppliers probably won't see much of  
19 a change. For consumers and fish processors of  
20 smoothhound sharks, they can still obtain their  
21 products from the directed fisheries, the gill  
22 nets, et cetera, so they will still have product.

23 Just to wrap up, the proposed rule was  
24 published last year and the public comment period

1 ends on April 17th. We're here in the next to last  
2 public hearing. The next one will be next week in  
3 Annapolis, Maryland in conjunction with the  
4 Mid-Atlantic Council meeting. And as always, we're  
5 interested in your comments. We sent out through  
6 the normal methods, through the e-rulemaking portal  
7 at regulations.gov, via fax, mail, and of course  
8 comments are always welcome from AP members as  
9 well. One thing that helps us is if you note that  
10 the comments are in relation to this identifier,  
11 0648-BA45, that helps us know that it is in  
12 relation to this HMS trawl rule.

13 With that, I think we'll open it up for  
14 questions.

15 MR. RAAB: So, we have until ten, and we  
16 would like to do this in three parts. We're going  
17 to start with questions, clarifying questions from  
18 the panel, then open it up to comments from the  
19 panel, and then have our public comment, just so  
20 that we make sure that everything is taken care of  
21 by ten, and pace ourselves. Can we just get a  
22 sense from the public who's going to want to  
23 provide some comments on this rule, from the  
24 public, not from the panel. So we've got two,

1 good. Let's open it up now, and start with  
2 clarifying questions, and then we want your  
3 comments and feedback. So, first, Sean, go ahead.

4 MR. MCKEON: Sean McKeon. I just had a  
5 question. Why was trawl gear not authorized, is  
6 there a reason it was not?

7 MR. DURKEE: Yeah. Probably the biggest  
8 reason is would be that as we looked at Amendment 3  
9 for the rulemaking we looked at the directed  
10 fisheries first, and one of the conditions of  
11 bringing a new fishery under federal management is  
12 we have some ESA responsibilities, Endangered  
13 Species Act responsibilities. And so we actually  
14 go through a consultation and create a biological  
15 opinion that looks at the impact on these protected  
16 species relative to the directed fisheries. And  
17 since the trawl fishery isn't a directed fishery,  
18 it's undirected, we didn't go through that ESA  
19 process. So if we did make it an authorized gear,  
20 we would have to reinitiate an ESA consultation and  
21 go through a biological opinion.

22 MR. RAAB: Pat.

23 MR. AUGUSTINE: Thank you, Jonathan.

24 Steve, thanks for that clarification on the first

1 alternative. I did read all the fine print and  
2 realized that if we did not do Alternative B2 or 3,  
3 we were not able to retain.

4 On slide 24, this should be a colossal  
5 impact. You indicate that Alternatives B2 and B3  
6 would increase retention of smooth dogs, but you  
7 also talk here about live discard. Do we have any  
8 indication from the trawl folks what the live  
9 discard rate is? Are they all alive or are they  
10 half dead, is there any indication? I'm concerned  
11 about, a dead fish is a dead fish, and if it's  
12 alive, that's one thing, but if it's dead, then I  
13 would ask you why are we doing B2 as opposed to B3,  
14 and we're having 11 percent of the fish that would  
15 be out of the fishery, versus three percent, and we  
16 would capture 97 percent. Again, a dead fish is a  
17 dead fish, so, could you address that live discard  
18 rate versus dead discard?

19 MR. DURKEE: Absolutely. We get anecdotal  
20 letters telling us it's a pretty hardy fish, that  
21 there's a chance it could be released alive.  
22 However, the fact is, that's one of the real  
23 impetus for putting this under federal management,  
24 we don't know, there's no observer requirements,

1 there's no data reporting requirements so we just  
2 don't know. I can go on and on about things we've  
3 heard from fishermen, things we've seen, but I  
4 think when we actually turn some data in, we'll  
5 know for a fact. These are some initial management  
6 issues with a brand new fishery for us in the  
7 species management division, and we can fine tune  
8 it to get some better observer data and landings  
9 data.

10 MR. AUGUSTINE: Thank you for that. My  
11 follow-on question was, what does three percent  
12 amount to in numbers of fish? We're talking about  
13 three percent of the fish would be excluded from  
14 retaining smooth dog. What does that amount to, a  
15 guesstimate, do you have any numbers on that?

16 MR. DURKEE: Yeah, it would be a wild  
17 guess. At this point it's three percent of  
18 historical trips that would be precluded. So in  
19 theory, if a hundred percent of fisherman still  
20 retained smoothhound, it's just three percent of  
21 historical trips that would be precluded. So let's  
22 say a trip that ran into a large school of smooth  
23 dogfish caught a hundred percent smooth dogfish  
24 catch. That trip would be illegal. It looks like

1 it's about an average annual of 145,000 smoothhound  
2 sharks are caught, so take three percent of that  
3 and that would give you a rough estimate, but  
4 that's not really fair, but it may be a ballpark at  
5 least.

6 MR. AUGUSTINE: Just to follow on, and I  
7 don't mean to belabor the point, but it just seems  
8 to me to pick a number arbitrarily, 25, 50, or 95,  
9 whatever that number is, we are precluding some  
10 animals that could be brought to market. In view  
11 of the fact that we don't have a stock assessment  
12 to really hang your hat on, it just seems to me to  
13 be more restrictive now, 25 percent is more  
14 restrictive than 50 percent, 50 percent is more  
15 restrictive than 100 percent. It just seems to me  
16 that we should in this particular case allow for  
17 maximum retention, because as you indicate, we  
18 don't know how many of these animals are live or  
19 dead. Thank you.

20 MR. DURKEE: We'll let that question come  
21 back to you a little bit. Kind of the quest that  
22 we have when we're doing this rulemaking is how do  
23 we maintain the historical nature of the fishery  
24 while not encouraging a directed fishery that would

1 take the quota really quickly, and how do you  
2 maintain an historical fishery and make sure it  
3 stays within the directed levels that we've seen in  
4 the past.

5 MR. AUGUSTINE: Well, the response to it  
6 would be, I think, rather straightforward. Stop  
7 and think about whenever you put sidebars on a  
8 fishery, I don't care how small or how large they  
9 are, the fishermen is interested in economic value,  
10 that's just the way it is. So I think eventually,  
11 if you put a sidebar on any species of fish, the  
12 fishermen are going to fish to that maximum to get  
13 value out of it and I don't see, if I were a  
14 commercial fisherman, why I would be doing anything  
15 different. So in this particular case since we  
16 don't have enough hard data, it seems to me you  
17 might want to lean more toward B3 as opposed to B2.  
18 Remember, the Agency has the regulatory authority  
19 to throw in an emergency rule anytime they have to.  
20 And again, we don't have a clue as to when we're  
21 going to have a scientific assessment of this  
22 stock. So those are my two cents, and I don't want  
23 to belabor it, but I'd like others to speak to the  
24 issue.

1 MR. RAAB: Sonja.

2 MS. FORDHAM: Thank you. I have five  
3 questions but I'm sure they are all quick and easy  
4 to answer. You said in the Federal Register notice  
5 something about that the smoothhound dogfish  
6 complex has, said something about not showing signs  
7 of any trouble. What do you have to support that  
8 other than landings, and I think you said landings  
9 were stable. Do you have any other reasons to  
10 believe that the populations are stable?

11 MR. DURKEE: I believe it's more fair to  
12 say that we haven't had any indications that the  
13 stock is in trouble or not doing very well.

14 MS. FORDHAM: Okay. And then you said the  
15 impacts -- sorry, I've got to find the draft. In  
16 case anybody didn't hear, it's really early for me,  
17 so let me skip to my next question. You said with  
18 this historic fishery, so what are we talking in  
19 history, how many years has this particular  
20 situation been going on?

21 MR. DURKEE: When I said historical fishery  
22 I'm not talking about, you know, tens and tens of  
23 years ago, I'm talking about just recent past in  
24 the past ten years, what we've seen in the past ten

1 years.

2 MS. FORDHAM: Ten years, okay. So on  
3 graph, slide 24, it says that the reduced live  
4 discards are a result of minor negative ecological  
5 impacts. I'll speak to this later when we have  
6 comments, but I think, doesn't it also kind of  
7 depend on the survivorship of the animal and  
8 whether the quota is restricted or not?

9 MR. DURKEE: Yes, it does. However, when  
10 we're talking about that 145,000 fish, or pounds  
11 rather, compared to a quota that's about 1.5  
12 million pounds, we're talking about 10 percent of  
13 the fish are caught historically in the trawl  
14 fishery, so when you whittle that number down from  
15 10 percent of the quota down to just talking about  
16 live discard, then it becomes negligible compared  
17 to the quota.

18 MS. FORDHAM: And that leads me to my next  
19 question, which we discussed yesterday, but I just  
20 wanted to clarify that whatever allowance you go  
21 with will count against the overall quota.

22 MR. DURKEE: That's correct, and I had a  
23 huge note to mention that, and I forgot to, so  
24 thanks.

1 MS. FORDHAM: And my last question goes  
2 back to the historic fish presentation. Again, I  
3 fell asleep at the wheel, but there's a graph about  
4 shark bycatch and the trawl fishery, there's two,  
5 so you have graphs six and seven, and I'm just  
6 wondering, just out of curiosity, on graph seven,  
7 there is a huge bar for sandbar sharks taken in the  
8 fishery, and yet they don't show up in the pie  
9 graphs, and yet they look to be equal in number to  
10 swordfish. So is it because, are they a small  
11 percentage because this graph five is in pounds and  
12 those are, does that mean those are mostly juvenile  
13 sandbar sharks?

14 MR. PEARSON: Well, first of all, I would  
15 be reluctant to say they're almost equivalent to  
16 swordfish in this graph. These are sandbar  
17 discards, with swordfish you also see discards and  
18 the amount retained, so it's more than double the  
19 amount of swordfish, or the amount of sandbar that  
20 are encountered. What was the second part of the  
21 question?

22 MS. FORDHAM: Sorry, I take that point,  
23 that makes sense. So even with that large bar,  
24 they're not showing up in the pie graph, so they

1 fall under other, and does that suggest that  
2 because of its number, that those are mostly  
3 juvenile sandbar sharks?

4 MR. PEARSON: It might suggest that, I  
5 can't say for sure, but it is primarily, again,  
6 because this graph is presented in pounds and this  
7 one is presented in numbers, and again, these are  
8 totals for a ten-year period, on observed trips, so  
9 you can see it was, approximately 125 sandbar  
10 sharks were encountered on these observed trips  
11 over ten years.

12 MS. FORDHAM: Okay, thank you.

13 MR. RAAB: Chris.

14 MR. VONDERWEIDT: Chris Vonderweidt,  
15 Atlantic States Marine Fisheries Commission. I  
16 have sort of a two-part question. Was there a  
17 consideration of going with a poundage rather than  
18 a percent of total catch? And sort of a follow-up  
19 to that is when we deal with our law enforcement  
20 committees, they tend to prefer not having to weigh  
21 everything as a percent of total catch, and a lot  
22 of time it's almost unenforceable, versus weighing  
23 the 5,000 pounds or whatever, you know, that  
24 frequency distribution might be above the three

1 percent or the 11 percent, like the B2 or B3  
2 options.

3 MR. DURKEE: I think that's a great point.  
4 No, the alternatives only consider it relative to  
5 the total catch, allowing the fishermen to catch  
6 more smoothhound if they're on longer trawl trips,  
7 catching more, larger vessels, et cetera.

8 MR. RAAB: Bob.

9 DR. HUETER: Bob Hueter, Mote Marine Lab.  
10 I've got three quick questions. The first is, are  
11 any of the squid trawlers working in any of the  
12 pelagic longline closed areas? I'm not familiar  
13 with where they trawl.

14 MR. PEARSON: I don't know that  
15 information, but it could be.

16 DR. HUETER: Four questions, because my  
17 follow-up to that would be, wouldn't that retention  
18 of swordfish cause some angst with other members of  
19 the industry?

20 MR. PEARSON: Well, primarily, the Illex  
21 squid trawl fishery, as I indicated, operates  
22 during the summertime in the Mid-Atlantic offshore  
23 areas. The current pelagic longline closed area  
24 off the coast of Florida and DeSoto Canyon, we had,

1 based on anecdotal information, that is not where  
2 they're operating. Could it cause it? But what  
3 I'm saying is that legally, yes, they could be, and  
4 they could be because they're governed by the squid  
5 regulations, those are pelagic longline closed  
6 areas. So could it cause some angst, sure;  
7 however, the information that we have indicates  
8 that those are not the primary areas where the  
9 squid trawl fishery occurs.

10 DR. HUETER: Thanks. I guess that's more a  
11 question to the industry.

12 Steve, I think the graph in slide 22, I'll  
13 put this in the form of a question, is the  
14 Alternative B2 line in the wrong place? I think  
15 it's wrong, I think it should be shifted one  
16 position to the right to include up to 25 percent.

17 MR. DURKEE: Yeah, in the version that  
18 you're seeing, that's absolutely correct.

19 DR. HUETER: I think the version up there  
20 as well.

21 MR. DURKEE: Yeah, exactly.

22 DR. HUETER: And again, perhaps a comment,  
23 but I'll put it in the form of a question. All  
24 these assumptions of no changes occurring as a

1 result of these rules, is NMFS planning on  
2 monitoring the situation very closely to make sure  
3 that those assumptions were correct?

4 MR. DURKEE: Yes, absolutely. We are  
5 trying to minimize changes to the fishery, but we  
6 will be monitoring as the data comes in.

7 MR. RAAB: Chris, is your response on this,  
8 or another question?

9 MR. VONDERWEIDT: I had a follow-up to my  
10 last question, but you got to the next speaker  
11 before I had a chance, so if it's okay to sort of  
12 follow up or rephrase my question from before, was  
13 there any consideration for going with poundage  
14 during the development of this rule? If no, why  
15 not. And then, is there any leeway to modify the  
16 rule for some poundage rather than a percentage  
17 without taking it back out and going through the  
18 rulemaking process again?

19 MR. DURKEE: I would have to check with  
20 legal to see if we could change it that  
21 substantially without compliance, but that is  
22 definitely a comment that we'll consider. As far  
23 as your question, did we consider it initially, it  
24 was something that we considered. However, what we

1 were trying to model this on is the current  
2 swordfish trawl regulations which had a target  
3 catch requirement, and that was kind of the vein of  
4 the idea that we're trying to run down with this.

5 MR. RAAB: Elizabeth.

6 MS. GRIFFIN-WILSON: Yes. The EAs on the  
7 presentation are both very focused on the  
8 Mid-Atlantic region but this rule would apply to  
9 all Atlantic trawl fisheries, and the smoothhound  
10 can be caught in the New England trawl fisheries,  
11 they can be caught in the Gulf of Mexico shrimp  
12 trawl fisheries. This really could be a much  
13 bigger problem than what the EA makes it look like.  
14 I mean, just because some of these other fisheries  
15 haven't historically landed any smoothhound doesn't  
16 mean that they won't, which means that the quota  
17 could go very quickly. Does NMFS have any sense of  
18 the magnitude of smooth dogfish as well as other  
19 smoothhound catch in some of these other trawl  
20 fisheries that aren't addressed in the EA?

21 MR. DURKEE: The limited data that we have,  
22 most of the trawl, excuse me, the gear specific  
23 data comes from our VTR data, and what we see with  
24 that is that most of the landings are concentrated

1 around the New York area as well as the North  
2 Carolina area. So as far as your question on  
3 outside of that, no, I don't have data on that.  
4 And yes, if this does go final, it will be required  
5 of -- we will have better information on that.

6 MS. SCHULZE-HAUGEN: Just to add to that,  
7 the reason we have this data is because regulations  
8 for other fisheries require reporting of all  
9 species caught. There's no mandatory reporting now  
10 for smooth dogfish, so we only have it where  
11 there's an overlap with other fisheries regulations  
12 that are already in place. And so as we require  
13 reporting in the future, the status of the data and  
14 information we have maintained may change as a  
15 result of that, but right now we only have what we  
16 have because of other fisheries regulations.

17 MR. RAAB: I would like to make the  
18 transition now from questions to comments from the  
19 panel, and then we'll go to the public. So if you  
20 want to make some comments on this proposed rule,  
21 let's do that, starting with Richard.

22 MR. RUAIS: Rich Ruais. I caught the tail  
23 end of the Barnegat hearing on this, and I just  
24 want to make sure with Rick that I didn't miss that

1 there was any industry opposition to Alternative 2  
2 on the squid, Illex squid permit coming out. Was  
3 there any opposition to it?

4 MR. PEARSON: Which industry, the squid  
5 industry?

6 MR. RUAIS: I'm sorry, the squid industry.

7 MR. PEARSON: I wouldn't say that there is  
8 no opposition from, let's say for example Loligo  
9 vessels, but very little has been expressed. I  
10 think it's human nature to essentially want  
11 everything, but so far we've only received very few  
12 comments on line, there has not been any  
13 opposition. The overwhelming number of comments  
14 that we have had so far have been supportive of  
15 this. However, there was a Loligo owner who said  
16 that he would, you know, like to have the  
17 opportunity to land swordfish too. The point that  
18 I want to make is that the Illex squid trawl  
19 fishery is where the problem occurs.

20 MR. RUAIS: Okay. If I could, just a final  
21 question and I'm sorry, it's a question, I should  
22 have asked this one earlier. Any incidental catch  
23 this year falls within the 300 metric ton subquota  
24 on swordfish and other species, not the directed

1 larger quota, correct?

2 MR. PEARSON: That's correct.

3 MR. RUAIS: I would expect that provided  
4 that there's no opposition to this alternative from  
5 either the Cape May or the other area fishermen  
6 that they're supporting the alternative, because it  
7 clearly could help increase swordfish catches with  
8 minimal, I would think bluefin tuna, it looks like  
9 three to five fish, something like that over the  
10 course of time, so it's really insignificant, so it  
11 sounds like a way to increase revenues in those  
12 fisheries and not waste a true incidental catch in  
13 that fishery.

14 MR. RAAB: Further comments? I have Sonja  
15 and then Gail.

16 MS. FORDHAM: Sonja Fordham, Shark  
17 Advocates International. I have maybe fewer  
18 comments than questions, but I'm a longtime  
19 proponent for dogfish management, and I believe  
20 that quotas for next year as the first limits come  
21 on line, and as we talked about, getting more of  
22 this information, which I think is clearly  
23 essential for managing the fishery. I think I do  
24 need some more time to look at the specific

1 alternatives, but at first blush, a 25 percent  
2 fishery seems kind of high to me. I think Chris  
3 raised some good points about the poundage  
4 alternative. Overall, I think that it is obviously  
5 essential that whatever limit you put in count  
6 against the overall quota, but I'm very glad that  
7 that was clarified. And I think obviously that the  
8 problems, potential problems will come down the  
9 road if that quota turns out to be restrictive,  
10 whether they can be modified later if it turns out  
11 to be restrictive, and then you have these  
12 incidental catches as Elizabeth mentioned, that  
13 help to meet the quota quickly, and then we have  
14 situations of shutdown and allocations. So, I  
15 imagine you will be mindful of that and be  
16 preparing for that.

17 My probably bigger concern right now is the  
18 fact that we still don't have an assessment. There  
19 has been many hearings calling for assessment of  
20 smoothhound and dogfish to be a priority, and it  
21 seems that we still don't even have a plan for  
22 that. I understand that in NMFS is shorthanded  
23 with shark stock assessment scientists and there  
24 are many species in the queue. I think there are

1 still many reasons to argue that this species needs  
2 to be a priority, especially considering the more  
3 international stance that the U.S. has on shark  
4 conservation.

5           So to recap, I think the, it appears that  
6 this will be the only Atlantic shark fishery  
7 actively targeted with no limits, I understand that  
8 the limits are coming on line, but for the short  
9 term, and it appears to be the only shark species  
10 that will have a greater availability than might  
11 fall under the Shark Conservation Act, and that  
12 could open up a loophole for finning sharks, and as  
13 I've said many times before, it really is, I think,  
14 one of the best candidates for a sustainable  
15 commercial fishery that could serve as a model for  
16 the rest of the world, and I think we really need  
17 that, so I really want to see this management come  
18 on line and be successful.

19           So in the meantime, I will submit written  
20 comments on this. I do think there are many  
21 arguments to say that we need a cautionary  
22 approach, there are even arguments that this  
23 species shouldn't be fished when we have no idea,  
24 or maybe no idea, but we don't have firm ground on

1 the status of the population and what are the safe  
2 limits. So I'm urging NMFS to, and we will pledge  
3 support and cooperation in getting creative about  
4 how to get an assessment done, whether it's done  
5 through an independent body and then run through  
6 the NMFS process.

7 And I would also urge, again, not really on  
8 topic, but enforcement of the fishery in terms of  
9 the finning regulations once they come on line, and  
10 perhaps working with the Mid-Atlantic Council to  
11 look at reducing bycatch as described in that  
12 fishery.

13 And lastly, again, also getting creative  
14 about encouraging studies on the survival rate of  
15 the species falling within the fishery. Thanks  
16 very much.

17 MR. RAAB: Gail, you're next.

18 MS. JOHNSON: Thank you. Gail Johnson.  
19 Just for clarification, the swordfish that would be  
20 landed by the Illex trawling vessels who get the  
21 permit, those would be reported as usual by any  
22 dealers that bought them?

23 MR. PEARSON: Correct, just as they are  
24 now.

1 MS. JOHNSON: I don't see any problem with  
2 the Illex trawlers catching and landing to their  
3 limit on swordfish, that could only tend to help  
4 our quota situation. And as far as Loligo, I guess  
5 I wouldn't have a problem with them either, as long  
6 as you're following up on the reporting that you  
7 have to do and they have to do to make it happen.  
8 Thank you.

9 MR. RAAB: Elizabeth.

10 MS. GRIFFIN-WILSON: We're going to be  
11 submitting detailed written comments, but I did  
12 want to note that the EA talks about this being  
13 noncontroversial and that the AP was generally  
14 supportive, but things have changed quite a bit  
15 since the last AP meeting in September of 2010. We  
16 have now the passage of the Shark Conservation Act  
17 in December, and this was to be covered and there  
18 was to be an exemption written in there for smooth  
19 dogfish. NMFS is in the process of implementing  
20 regulations, but since those regulations aren't  
21 available yet, it leave a lot of questions as to  
22 how smooth dogfish caught incidentally would be  
23 counted under that law, and if they are allowed to  
24 be counted with the fins removed and at a 12

1 percent ratio, that would be a huge problem for us.  
2 So we think that NMFS should delay the  
3 implementation of these rules until they sort out  
4 the underlying regulations for the Shark  
5 Conservation Act, or that NMFS move forward with  
6 its rule but state that incidentally-caught dogfish  
7 are subject to the same measures. Thanks.

8 MR. RAAB: Sean.

9 MR. MCKEON: Sean McKeon, North Carolina  
10 Fisheries Association. We would support  
11 alternative A2, that's the preferred alternative  
12 with respect to Illex squid. I think we would like  
13 to see perhaps a consideration of more than 15,  
14 especially for the larger boats, but we would  
15 support that, alternative B3 for smooths.

16 I do want to address, exemption is not a  
17 loophole. Exemption was a carefully negotiated  
18 exemption for them because of the nature of those  
19 fish and I think that it was understood, very well  
20 understood by those that signed that piece of  
21 legislation that they were exempt for a reason,  
22 because there are many different species. This was  
23 not something that was just ironed out overnight,  
24 so referring to it as a loophole I think is

1 incorrect. I think it's an exemption, and an  
2 exemption that is purposely done in that fishery by  
3 the nature of those fish.

4 So I think that this is a very good way to  
5 move forward, and I certainly thought the  
6 presentation was work well done. On 50 percent, I  
7 just think, to Pat's point, we could go with either  
8 the 25 or 50, but I would take the 50 percent  
9 specifically to utilize that resource, but I just  
10 want to be very clear that this exemption for  
11 smooth dogs was purposely put into that law and  
12 purposely not put into the rest of the shark act  
13 after careful discussions and negotiations about  
14 the nature of those fish. Thank you.

15 MR. RAAB: Jason.

16 MR. ADRIANCE: Jason Adriance. This goes a  
17 little bit to Sonja's point with regard to  
18 assessment on the SEDAR website, SEDAR 29, and it  
19 says on shark to be determined, so you have an  
20 opportunity there.

21 MR. RAAB: Terri.

22 MS. BEIDEMAN: Terri Beideman. Our  
23 position basically would be that we don't support  
24 having to discard fish, particularly swordfish.

1 It's a good way to deal with the fact that you  
2 know, we have a nice healthy stock and they're  
3 seeing more of them while they're fishing. We do  
4 realize that there's the potential for more  
5 catches, and of course that will have to be  
6 monitored, but I think it's a step in the right  
7 direction. Thanks.

8 MR. RAAB: Okay. Bob.

9 DR. HUETER: Bob Hueter. I just thought of  
10 another question for Steve. Explain how this is  
11 going to work if we have this 25 percent, is it 25  
12 percent of the total catch cutoff? So smoothhound  
13 are coming in and the fishermen are accumulating  
14 them, some of those may be alive, some dead, and  
15 then you get -- this is total catch of all squid  
16 and everything else. So then they get to the end  
17 of their trip and they realize that they've got  
18 more than 25 percent, which is going to occur in a  
19 lot of cases. Are they just going to shovel them  
20 over the side, the overage then, before they come  
21 in?

22 MR. DURKEE: There's the potential for  
23 regulatory discards in most of these alternatives.  
24 However, the vast majority of trips will still be

1 legal, so I don't see any great problems there.

2 DR. HUETER: Well, I guess I still see that  
3 as an improvement over the current situation, but  
4 if research shows that a lot of these animals are  
5 alive when they come on board, and they're killing  
6 those animals, and then later on in the trawl  
7 they're just shoveling them over the side, it seems  
8 like something a little bit better could be  
9 provided, so I just want to know what the  
10 survivorship is in the trawl. So I guess I would  
11 just urge NMFS to look at this closely and get some  
12 better data on that, to see if there's a way to  
13 separate dead discards from live discards. But in  
14 general, I am supportive of not having dead  
15 discards if we can help it.

16 MS. SCHULZE-HAUGEN: Let me just jump in  
17 and add, there is an ability for folks to have an  
18 awareness generally of how much shark catch they  
19 have already, so at the time of haul back, they may  
20 be able to determine whether discards can be, you  
21 know, whether they can be retained at that point.

22 DR. HUETER: Okay. So you're saying  
23 they're actually tracking this as they go and  
24 making sure that they stay under the 25 percent, or

1 if they get a big trawl of smoothhound and fewer  
2 squid, aren't they allowed to just retain all those  
3 smoothhound for a while until the end of the trip  
4 and see where they are, and if they're over, then  
5 they put them back in the water? I mean, if it's  
6 25 percent as you go and it's on the vessel, as  
7 opposed to the end of the trip, then we could  
8 encourage the fishermen to release the live animals  
9 and kind of work that way, but otherwise I see the  
10 potential for killing animals that could have been  
11 released and then shoveling them over the side at  
12 the end of the trip.

13 MR. RAAB: Jeff.

14 MR. ODEN: Jeff Oden. I'd like to address  
15 the concern of the environmental community about  
16 finning of the smooth dog. I can understand on  
17 large coastals, you know, but many of us in the  
18 Mid-Atlantic, I mean, we don't even bother with the  
19 fin, we just take the carcass, cut them behind the  
20 head, the fins stay with the carcass and it goes  
21 over the side. Again, I can understand large  
22 coastals, but on a smooth dog, it's almost  
23 burdensome for a lot of us to even bother with the  
24 fin, and it also baffles me, the rationale for this

1 concern, and I just thought I'd throw that in.

2 MR. RAAB: Are there any other comments  
3 from the panel before we open it up to the public?  
4 Go ahead, Chris.

5 MR. VONDERWEIDT: Chris Vonderweidt,  
6 Atlantic States Marine Fisheries Commission. The  
7 comments about the discard mortality just made me  
8 think, or have another question. I think it was  
9 stated that the prohibition of incidentally-caught  
10 smooth dogfish, and we don't manage the other  
11 species so I'll try to focus on smooth dogfish, but  
12 it was to be consistent with other HMS species, was  
13 that kind of the main driver behind initially  
14 prohibiting retention of them and figuring out what  
15 to do before 2012, and if so, is there really an  
16 issue with allowing incidental catch on trawl  
17 fisheries as long as these are being counted  
18 against the quota? You know, there's going to be a  
19 quota in 2012 so that's going to close at a certain  
20 point, so is that going to mean that there's going  
21 to be more, like all discards from the trawl  
22 fishery at the end, or what is it trying to get  
23 after as far as the discard issue or why you  
24 wouldn't allow them as long as you know, we don't

1 have to really wrap it down in a quota, which I  
2 don't think we really have to right now, but if it  
3 goes any higher than the 2009 average? Thanks.

4 MR. DURKEE: Trawl gear isn't an authorized  
5 gear in the HMS fisheries, it never has been. For  
6 that reason, we've always looked at it as an  
7 incidental fishery to allow it, such as what exists  
8 now for swordfish in the trawl fishery.

9 MR. VONDERWEIDT: So that was the only  
10 consideration, was just being consistent with the  
11 way HMS species had been handled concerning the  
12 trawls?

13 MS. SCHULZE-HAUGEN: It's a model in terms  
14 of our regulations currently that has been working  
15 and hasn't been raising a lot of issues, so in  
16 terms of moving forward it is a model that we  
17 looked at.

18 MR. RAAB: Let's move to the public  
19 comments at this point. Why don't you come  
20 up right in the middle there where there's an empty  
21 seat, and state your name and then go ahead.

22 MR. DIDOMENICO: Thank you very much for  
23 giving me the opportunity, I will be as brief as  
24 possible, I know you guys have a lot of work to do.

1 My name is Greg DiDomenico, Garden State Seafood  
2 Association. I want to support both preferred  
3 alternatives that have been brought forward and  
4 analyzed by staff. I also want to thank the AP and  
5 the committee for their support of this issue for  
6 the Illex swordfish permit and the smooth dog issue  
7 under this rulemaking. More importantly, I want to  
8 offer our gratitude to the staff for their quick  
9 work and their very thorough and accurate  
10 characterization of the impacts, or the lack of  
11 impact on the environment and the positive impact  
12 to the Illex vessels and those who rely upon them  
13 for a living.

14 It's clear that when you have two species,  
15 in this case swordfish and Illex squid, they are  
16 both in a robust condition, they are managed  
17 strictly by quotas and have been for a very long  
18 time, and because of their biological  
19 characteristics and other associated predator-prey  
20 issues, they occur in time and space at the same  
21 time, in high availability sometimes, and the staff  
22 has been able to carefully understand that issue,  
23 and turn discards into landings, and landings into  
24 money, and without any real negative impact on a

1 different gear type constituency or quite frankly,  
2 the environment.

3 That approach is not just refreshing, but  
4 greatly appreciated when we continue to rebuild  
5 fisheries, have success, and then not to know what  
6 to do with success. This is a great example of how  
7 to continue to take advantage of the natural  
8 resources that we have, and staff had a word up  
9 there, potential. That is a great word to use in  
10 fisheries nowadays, because our members have to  
11 carefully consider and take advantage of the  
12 potential, given fuel prices and other things  
13 associated with going fishing, and the potential  
14 for this and the potential for having this fish  
15 available to us this summer, like I said, is  
16 greatly appreciated, and it's a very refreshing  
17 approach, and I appreciate it. Thank you very  
18 much.

19 MR. RAAB: Thank you. Next from the  
20 public? Sean was one, and was there one other from  
21 the public? Sean, were you going to? No. Okay.  
22 Does anybody else want to add any other comments on  
23 this?

24 MS. SCHULZE-HAUGEN: So, we want to be able

1 to take about a 20-minute break and get started a  
2 few minutes ahead of schedule. I'm looking to  
3 Karyl to see if we could use the extra time.

4 MS. BREWSTER-GEISZ: I don't think we need  
5 it, but we could still start early.

6 MS. SCHULZE-HAUGEN: So why don't we take  
7 maybe a 20-minute break and start back -- oh, Bob  
8 had a question.

9 DR. HUETER: It just came to my mind. I  
10 haven't heard in any of the discussions any talk of  
11 any excluder devices to get rid of the original  
12 problem of bycatch in these fisheries. Has that  
13 been played out fully or fully explored in these  
14 fisheries? I look at the shrimp trawl which was  
15 involved with all kinds of things, and are these  
16 guys just trawling without regard to any bycatch  
17 issues? I know nothing about this fishery, so that  
18 is the question.

19 MR. PEARSON: That's a good question. It's  
20 something that I gave consideration to in the very  
21 beginning with the swordfish issue. However, in  
22 this situation it wouldn't necessarily make sense  
23 to have a swordfish excluding device when we're not  
24 attaining our full quota.

1 DR. HUETER: But you're getting sharks too,  
2 they're not the only thing.

3 MR. DURKEE: That's not how these fisheries  
4 are managed, but we are working cooperatively with  
5 other councils that manage that, and that's  
6 something that you should address to them.

7 MR. RAAB: Okay. Let's break until five  
8 after ten.

9 (Recess from 9:43 to 10:12 a.m.)

10 MR. RAAB: We're ready for our shark  
11 presentation. Karyl.

12 ATLANTIC SHARK 2011 UPDATE

13 MS. BREWSTER-GEISZ: Hi everybody. For  
14 those of you who don't know me, I'm Karyl  
15 Brewster-Geisz, I've been with the HMS division for  
16 quite a number of years, mostly working on sharks.  
17 My presentation today is to give you an update on  
18 some of the rules, what we're doing with stock  
19 assessments, and give you an opportunity to comment  
20 on some of the things we should think about in  
21 those rules before they come out. These are all  
22 rules that are separate from the discussion we're  
23 going to have tomorrow, which is on the future of  
24 the shark fishery, so these are more recent or

1 upcoming rules.

2           So, the first thing I wanted to just give  
3 you a heads up on is our ongoing stock assessment  
4 of sandbar, dusky and blacknose sharks. The review  
5 workshop is coming up, fingers crossed, in two  
6 weeks, and we will be reviewing all the data  
7 workshop and assessment workshop results. Those  
8 assessment, the draft assessment reports were  
9 posted up on the web a couple months ago now, with  
10 a very short time period for people to review  
11 those. The analysts have reviewed those and are  
12 working on the final assessment reports.

13           All three of these species, sandbar, dusky  
14 and blacknose have been three of the species that  
15 have been discussed a lot in recent years by this  
16 panel. They all have rebuilding plans and measures  
17 in place. So if you remember, sandbar sharks were  
18 the ones that could only be taken from the research  
19 fishery, dusky sharks are prohibited under a  
20 400-year rebuilding plan, and blacknose sharks are  
21 the ones that have the small quota, and the small  
22 quota is one that we established with the  
23 understanding from the fishermen that they could  
24 avoid blacknose, but that quota is linked to the

1 small coastal fishery, so what happens to the  
2 blacknose affects all the small coastal fishermen.

3 The other assessment that I want to make  
4 sure everyone is aware of is the scalloped  
5 hammerhead shark assessment that was done by Hayes,  
6 et al., in 2009. In this assessment in the peer  
7 reviewed paper, it was, the paper determined they  
8 were overfished and gave an estimate of what the  
9 total allowable catch should be, and that would be  
10 2,853 sharks, that's not weight, that's a number,  
11 to allow rebuilding within ten years. We are  
12 currently reviewing that assessment and will be  
13 coming out with our determination on whether or not  
14 they are overfished shortly.

15 For both of these assessments, I just want  
16 to make sure it's clear to everybody that when the  
17 results come out, particularly for the sandbar,  
18 blacknose and dusky, we are expecting that would  
19 lead to amending the FMP, so we have started  
20 calling that Amendment 5. If we determine  
21 hammerheads are overfished or overfishing, they  
22 would be included in that Amendment 5.

23 As you know from John Graves' report  
24 yesterday, at the 2010 ICCAT meeting there were a

1 couple of shark recommendations. The Agency is  
2 reviewing these recommendations and we expect a  
3 proposed rule to come out shortly. Specifically  
4 the recommendations are, shall prohibit retaining  
5 on board, transshipping, landing, storing, selling  
6 or offering for sale any part or whole carcass of  
7 oceanic whitetip in any fishery. And then the  
8 other one, it shall prohibit retaining on board,  
9 transshipping, landing, storing, selling or offering  
10 for sale any part or whole carcass of hammerhead  
11 sharks taken in the convention area in association  
12 with ICCAT fisheries, so the hammerhead sharks do  
13 not include bonnethead sharks. We are expecting  
14 rules regarding those recommendations out shortly.

15 The other issue that has come up here and  
16 there in discussion is the 2010 Shark Conservation  
17 Act. This act requires that sharks be landed with  
18 fins naturally attached, and in the U.S. shark  
19 fisheries we took care of that in Amendment 2, we  
20 already have that in place for the shark fisheries.  
21 The main issue we're considering and trying to  
22 figure out how to interpret it correctly is the  
23 savings clause.

24 The savings clause, and I'm just going to

1 read it for you, the amendments made by  
2 subsection (a) do not apply to an individual  
3 engaged in commercial fishing for smooth dogfish in  
4 that area of the waters of the United States  
5 located shoreward of a line drawn in such a manner  
6 that each point on it is 50 nautical miles from the  
7 baseline of a state from which the territorial sea  
8 is measured, if the individual holds a valid state  
9 commercial fishing license, unless the total weight  
10 of smooth dogfish landed or found on board a vessel  
11 to which the subsection applies exceeds 12 percent  
12 of the total weight of smooth dogfish carcasses  
13 landed or found on board.

14 As you can see, that's quite a mouthful,  
15 there's a lot of implications in that savings  
16 clause, and we are considering it very carefully,  
17 and how that would impact the fishery.

18 One of the things that I will let you know  
19 right now, we have in place regulations that will  
20 go into effect in 2012 with smooth dogfish.  
21 Currently those regulations would require the fins  
22 be naturally attached, so we are trying to get  
23 something done before that goes into place to make  
24 sure that we are consistent with the Shark

1 Conservation Act.

2           Every year we do our annual specifications  
3 which establishes the quotas on, along with the  
4 opening dates for the shark fisheries, so we did  
5 that last year. We didn't have a proposed rule out  
6 by the AP meeting, so it went proposed and final  
7 since the AP meeting. The 2011 specifications have  
8 two measures in it that we thought about, flexible  
9 fishing season opening dates, the season for many  
10 of the species would not necessarily open on  
11 January 1st, we would take a look at the available  
12 quota and the participants in the fishery to try to  
13 set a season opening date to allow everybody in the  
14 fisheries some opportunity to fish on them. And  
15 also allow for flexible in-season shark trip limits  
16 to extend the season, so if the season opens and we  
17 notice it's going fairly fast, we could reduce the  
18 trip limits, slow the season down and extend it.  
19 We went final with those two measures last year.

20           And we are starting to think about, not too  
21 hard at this point, but it's definitely on our  
22 minds, about doing the 2012 shark specifications,  
23 it's a process that takes about six months for us  
24 to complete, so we definitely need to start it in

1 late summer or fall. Our main delay is actually  
2 the Atlantic fishery, the season opens July 15th,  
3 so until that opens and we know when and how fast  
4 the quota is going, we won't have a good sense of  
5 what's going to happen in 2012.

6 This table shows the species group, the  
7 regions, what the annual quotas are for 2011, and  
8 preliminary landings through February 28th, along  
9 with when the season opens. You will notice for  
10 non-sandbar large coastal sharks in the Gulf of  
11 Mexico we're currently at zero at this time, and  
12 you'll also notice that the season opened March  
13 1st. We won't know for a few more days what the  
14 landings were for March because of that delay in  
15 the daily reporting that we talked about yesterday  
16 with the e-dealer. So if you haven't thought about  
17 e-dealer or if you want to take a look at what the  
18 system is, we do have some of the early systems set  
19 up on the laptop in the back, and I would encourage  
20 everybody to take a look and provide us comments on  
21 that, because that would really help, and I would  
22 be able to tell you where we are with the Gulf of  
23 Mexico and the non-sandbar large coastal fisheries.

24 In Amendment 3 we finalized measures to

1 promote the live release of shortfin mako in both  
2 commercial and recreational fisheries. This was  
3 because shortfin mako are experiencing overfishing  
4 and this was our way of trying to reduce and  
5 eliminate overfishing. So we are in the process of  
6 setting up a shortfin mako web page with a lot of  
7 information for fisherman and anyone else who is  
8 interested. This is still in the beta version, but  
9 we do have that available in the back too, and if  
10 anybody would like to check it out, provide us with  
11 comments, we would appreciate that. Part of the  
12 web page would allow people to go in and put in  
13 data on where they released their shortfin mako, so  
14 we would love to have comments from people on what  
15 they think about the web page and how we can make  
16 it work.

17 That's all I have for upcoming shark  
18 actions other than tomorrow's discussion on the  
19 future of the shark fishery, so if there are  
20 questions or comments?

21 MR. RAAB: Questions or comments? Pat.

22 MR. AUGUSTINE: I'm not going to apologize  
23 on the record one more time, I will offer you a  
24 cupcake. A question on the stock assessment, I'm

1       sorry I didn't read that report, but was Hayes with  
2       the National Fisheries Service or ICCAT?

3               MS. BREWSTER-GEISZ: He was a student and  
4       it went through the peer review process, and was  
5       published in a peer reviewed journal.

6               MR. AUGUSTINE: Thank you very much.

7               MR. VAETH: I know in the Florida Keys down  
8       there the scalloped hammerheads are a deeper water  
9       fish. Ever since the sandbar has been closed,  
10      nobody even fishes in that deeper water, so they've  
11      already had probably four years of protection, and  
12      if we were to set out in four or five hundred feet  
13      of water down there, I could catch as many  
14      scalloped hammerheads as you ever wanted. I don't  
15      know if that applies to different areas of the  
16      state or not, but I know in the Keys scalloped  
17      hammerheads are still all over, just in deeper  
18      water.

19              MR. RAAB: Bob.

20              DR. HUETER: Yeah, Bob Hueter. Karyl, I  
21      think you said that you're studying whether to go  
22      ahead with Amendment 5 that would include  
23      protection for hammerheads; is that for all three  
24      species, even though we only have a stock

1 assessment for scalloped?

2 MS. BREWSTER-GEISZ: If we determine that  
3 hammerheads are experiencing overfishing then yes,  
4 we would include them in Amendment 5. The measures  
5 for that haven't really started getting through, to  
6 make the determination first.

7 DR. HUETER: So, are there any plans to do  
8 a stock assessment on the hammerhead anytime soon?

9 MS. BREWSTER-GEISZ: As I believe Sonja  
10 mentioned in the last discussion, we are very  
11 limited in analysts right now and we have a very  
12 long list of species that need to be assessed,  
13 including the hammerheads and the smooth dogfish.

14 DR. HUETER: The other question I have, the  
15 exclusion for the smoothhound and the Conservation  
16 Act, I know that there were a lot of politics  
17 involved, I don't know all the ins and outs of  
18 this, and I don't know that this necessarily came  
19 from the Agency and it may not be fair to ask you  
20 this, but do you know what the basis is for the 12  
21 percent fin weight, if that's based on actual good  
22 research? And also, if someone can answer for me,  
23 and I heard a comment about this earlier, what is  
24 problem with leaving fins on smoothhound and why

1 are they problematic? I would think it wouldn't  
2 cause that much problem in packing them, but why is  
3 this such a contentious issue that they got this  
4 put in the law that was passed by Congress, to the  
5 extent that you can answer that? I don't mean to  
6 put you on the spot, I know that puts you in a  
7 difficult place, but if you could share the  
8 information that you have on those issues?

9 MS. BREWSTER-GEISZ: Obviously I don't know  
10 exactly the negotiations or discussions that went  
11 into it, I can just share with you what the Agency  
12 found when we did our outreach last fall, and maybe  
13 some of the fishermen who were more involved in the  
14 discussion could add to this. What we heard last  
15 year when we went out with those rules is that they  
16 often land more than five percent, five percent  
17 would not be appropriate. We had much higher  
18 levels than the 12 percent coming through those  
19 public comments, so I do not know where the 12  
20 percent came from, I do not know if any type study  
21 would have been done regarding the correct  
22 percentage, so I would be interested in hearing if  
23 there are any.

24 The problem with leaving the fins on the

1 smoothhound, once again, throughout the public  
2 comment period what we heard is if the shark is not  
3 processed properly and quickly, the meat can go bad  
4 and have sort of a greenish tinge, and the main  
5 market for smoothhound is a fresh meat market, and  
6 that is consistent with what we heard at a number  
7 of outreach trips to the fishermen. But I don't  
8 know if anybody around the table can help with this  
9 discussion. I would appreciate it.

10 MR. RAAB: Rom.

11 MR. WHITAKER: You're absolutely right as  
12 far as, you know, the product. It needs to be  
13 processed within two or three hours at best, and  
14 they do get, I don't know if it's the blood line,  
15 if you don't get that out of the product as quickly  
16 as possible, it can spoil. And you know, when you  
17 get in the fish there's usually a volume and some  
18 of it goes, some of the boats will, a two-day trip,  
19 they will have maybe 15,000 pounds, you know, and  
20 it's pretty labor intensive to start cleaning these  
21 things.

22 And the point I was trying to make, and I  
23 understood that Jackie came and she had a few  
24 questions there, I guess I wasn't clear enough, but

1 again, this fishery, this fish is so easily  
2 identifiable compared to a small coastal shark like  
3 a sharpnose or a blacknose, I mean, the difference  
4 is obvious. Enforcement would have no issues  
5 figuring out what the core, you know, the body, the  
6 carcass actually is. In five minutes they could  
7 learn it. The fins, as I said, some people do  
8 process the fins and in some case, 12 percent, the  
9 people who cut the fins off the smooth dogs, they  
10 get as much meat as possible, they try to get the  
11 meat too, and they will throw that in there, and  
12 they'll get about two bucks a pound. In my case,  
13 most of the people in my area, we don't even bother  
14 with the fins, we're not after them.

15           The same goes with the small coastal. I  
16 understand the concern in large coastal. You know,  
17 fins off a hammerhead or a sandbar could be worth  
18 25, 30 bucks a pound, but small coastal is minimal,  
19 and it's almost an aggravation to even bother going  
20 through the process of finning them. Some guys do  
21 it, you know, if they've got multiple guys on the  
22 vessel, but if you're two or three handed it's just  
23 not worth the aggravation.

24           So you know, I understand the concern

1 within the environmental community on finning  
2 sharks, I definitely agree with them, but on those  
3 smaller coastal species the concern is misguided  
4 and you know, you're right, politics had something  
5 to do with it, and I thank Congressman Jones for  
6 helping us with it, and I would hope that the  
7 Agency would understand that -- just come to the  
8 dock one day and watch us go through the process.  
9 We'll bring two or three in of each species, and  
10 you can see that law enforcement will have no  
11 issues identifying and it's just, you'll see what  
12 I'm telling you. Anyway, thank you.

13 MR. RAAB: Sonja, you were next.

14 MS. FORDHAM: Sonja Fordham, Shark  
15 Advocates International. I have a couple questions  
16 and comments.

17 So, mako sharks, I just wanted to point out  
18 that, and remind everybody that we have had advice  
19 concerning discard mortality on the Atlantic mako  
20 sharks and a determination that they were  
21 overfished for several years, and you proposed  
22 measures and then we decided to go the ICCAT route.  
23 So as John said yesterday, we made some progress at  
24 ICCAT for shortfin mako considering what we're up

1 against, and I'm pleased about that, but we don't  
2 have any binding limits or any other mechanisms to  
3 make sure that fish mortality through conservation  
4 is going to be reduced, so we still have an  
5 obligation to stop overfishing and with all due  
6 respect, I don't think the website does it.

7 So I guess my question is, will additional  
8 mako measures be back on the table for Amendment 5,  
9 and my comment would be I hope so, and then I have  
10 some other questions on hammerheads.

11 MS. BREWSTER-GEISZ: At the moment I wasn't  
12 thinking of including the shortfin mako in  
13 Amendment 5. We have been experiencing overfishing  
14 and we are still working on the international  
15 level, and I don't think we have anything new since  
16 we went forward with Amendment 3, but I will add it  
17 to the list to think about.

18 MS. FORDHAM: Thank you. And I just point  
19 out that at ICCAT we have this agreement that  
20 really, I don't think there's much hope of getting  
21 these binding measures until after 2013 when we  
22 start going to compliance and so forth, although I  
23 don't think it's a priority, I don't think it's  
24 realistic, certainly not for this year with

1 anything in terms of, that will really limit  
2 mortality, so thanks for that.

3 On hammerheads, you said the determination  
4 on whether they're overfished would be soon. Do  
5 you mean after you go through the stock assessment  
6 review process, or do you have the assessment and  
7 review, and based on all that process, you will  
8 officially determine whether they're overfished?

9 MS. BREWSTER-GEISZ: The review process is  
10 for sandbar, dusky and blacknose. The hammerhead  
11 review that we were doing is separate from the  
12 SEDAR review.

13 MS. FORDHAM: And is it further along?

14 MS. BREWSTER-GEISZ: Yes.

15 MS. FORDHAM: So the overfishing  
16 determination is coming soon and the proposed rule  
17 for the ICCAT hammerhead measures will be coming  
18 shortly. Do we know which one will come first?

19 MS. SCHULZE-HAUGEN: I think they will be  
20 about the same time.

21 MS. FORDHAM: Okay. Then my last question  
22 is, could it be that because of the ICCAT decision  
23 that you could do a proposed rule to make them  
24 prohibited species, and that could be in the short

1 term, but because of the -- well, because of the  
2 stock assessment, but also the high discard  
3 mortality, that as part of Amendment 5 there might  
4 be, you might be considering other measures to get  
5 at discard mortality, or going beyond the  
6 prohibition, is that like a combination or is that  
7 a possibility?

8 MS. BREWSTER-GEISZ: The combination of  
9 prohibiting hammerheads and ICCAT recommendation,  
10 and that is, the ICCAT recommendation is to  
11 prohibit them in association with ICCAT fisheries,  
12 so we are looking at the ICCAT recommendation for  
13 that rule. In terms of prohibiting it in the  
14 Amendment 5 or additional measures, that would  
15 definitely be on the table if that's what we  
16 determine.

17 MR. RAAB: Chris, you're next.

18 MR. VONDERWEIDT: Chris Vonderweidt,  
19 Atlantic States. My comment is on the shark  
20 specification that, specifically flexibility of the  
21 shark trip limits to extend the season, and I know  
22 that I've written you a letter, but I just want to  
23 get it on the record that Atlantic States has  
24 worked very hard to implement consistent

1 regulations, including a 33 large coastal shark  
2 commercial possession limit and as you're aware our  
3 states, a lot of our states, I would say about 70  
4 percent do not have the ability to make end season  
5 adjustments. So if HMS goes back to zero fish  
6 large coastal shark possession limit, that's going  
7 to result in inconsistent regulations between state  
8 and federal waters.

9 Our board is going to discuss that, it's  
10 going to review the states' abilities to make end  
11 of season adjustments and discuss whether or not we  
12 would like to use this as a management action. So  
13 hopefully before implementing any kind of zero fish  
14 possession limit, you will thoroughly consider the  
15 need for the closure versus the benefits of  
16 consistent regulations, and we will keep you  
17 updated on what -- well, you and Margo will be at  
18 the meeting, so hopefully we will end up being on  
19 that one way or another. Thank you.

20 MS. BREWSTER-GEISZ: Thanks, Chris, and I  
21 just wanted to clarify for those of you who heard  
22 the zero, yes, we did talk about this at the last  
23 AP meeting, and what we heard at the last AP  
24 meeting was that some of the Florida fishermen

1 wanted us to open the shark fishery in January and  
2 then reduce the trip limit to zero, and then reopen  
3 it essentially, so the July fisheries in North  
4 Carolina would have an opportunity. So we did look  
5 at that in the proposed 2011 specs. We did not  
6 move forward because we felt that with the lag we  
7 had in dealers, we would not be able to guarantee  
8 there would be anything left for North Carolina or  
9 any of the northern fisherman outside of Florida.  
10 And we also did consider the ability of ASMFC and  
11 other states to change with us, so we are  
12 continuing to look at that issue, so thank you,  
13 Chris.

14 MR. RAAB: Elizabeth, you're next.

15 MS. GRIFFIN-WILSON: I just wanted to  
16 respond to a couple of Bob's questions. The  
17 exemption, loophole, savings clause, whatever you  
18 want to call it for smooth dogfish, was the result  
19 of a political maneuver from one senator from North  
20 Carolina. As far as we can tell, the 12 percent is  
21 based on what his fishermen told him they wanted,  
22 there was no science behind it.

23 MR. RAAB: Steven.

24 MR. JAMES: A question and a couple

1        comments. How is the mako shortfin web page  
2        working out?

3                MS. BREWSTER-GEISZ: It is still in the  
4        beta version so it's not working out yet, but you  
5        can see it in the back, and we would appreciate  
6        your comments before it goes live.

7                MR. JAMES: Okay, thank you very much.

8                Just a couple of comments. I want to  
9        compliment your decision to push forward with the  
10       ICCAT regulatory changes and so forth, and to  
11       continue to push back on the issue of the mako  
12       management to ICCAT, rather than to continue to  
13       punish U.S. fishermen for what Canadians and the  
14       Portuguese and the Spaniards are doing in the  
15       directed fishery. I think it was a very  
16       appropriate choice, and to try to push the U.S.  
17       fishermen pretty much out of business over what  
18       other countries are doing, inappropriate. Thank  
19       you.

20               MR. RAAB: Just a reminder to everybody to  
21       say your name before, so the reporter can have your  
22       name before your comments. Pat.

23               MR. AUGUSTINE: Pat Augustine. So, have  
24       you communicated that information back to ASMFC,

1 that you did not incorporate the Florida request?  
2 I haven't seen it back. You were responding to  
3 Chris and his comment, and you came back and said  
4 Florida fishermen wanted to open in January, and  
5 that would have a negative impact on North  
6 Carolina.

7 MS. BREWSTER-GEISZ: We definitely  
8 responded to it in the final rule. We probably  
9 responded to it in a little more detail at the last  
10 meeting.

11 MR. AUGUSTINE: Thank you.

12 MR. RAAB: Any other questions or comments?  
13 Mark, go ahead.

14 MR. TWINAM: Mark Twinam, I'd just like to  
15 say on the hammerhead thing, to see what direction  
16 that's going with ICCAT, and just remind everybody  
17 that generally when we catch a hammer head it's  
18 dead, and right now I can use that meat for bait,  
19 sell the fins for a couple hundred dollars a fish,  
20 and the way I can see it coming here, you will be  
21 making that possibly a prohibited species or  
22 something where we will be forced to throw them  
23 back, and that little bit of Chinese money we get  
24 coming this way is a good thing, and what I'm

1 hearing is you're telling me that I'm wasting the  
2 resource. So, thanks.

3 MR. RAAB: Any other comments or questions  
4 on shark status?

5 MS. SCHULZE-HAUGEN: So, Eric Schwaab,  
6 Assistant Administrator for NOAA Fisheries, last I  
7 heard was still planning on being here at 11. We  
8 do have Sam Rauch here, but I would like to do a  
9 quick check-in, I think Eric's time is pretty  
10 limited, and I want to make sure we're ready when  
11 he is able to give us a time, so if you'd give me  
12 just a couple minutes to check in, and we'll go  
13 from there.

14 MR. RAAB: So just kind of stay close.

15 (Recess from 10:43 a.m. to 10:45 a.m.)

16 MS. SCHULZE-HAUGEN: So, the word is that  
17 Eric is physically walking up the hill and actually  
18 has to leave pretty close to 11:30, so what I would  
19 like to do is take a quick nature break, and we'll  
20 wait for Eric to arrive.

21 (Recess from 10:46 a.m. to 10:58 a.m.)

22 MS. SCHULZE-HAUGEN: All right. Thank you  
23 all for giving us a few minutes here. We have Eric  
24 Schwaab, the Assistant Administrator for NOAA

1 Fisheries here for a few minutes, and so I think  
2 he's ready to give us some remarks and take a few  
3 questions. And I know he's got a pretty full day  
4 ahead of him and so I would like personally to  
5 thank him for taking the time to come and talk to  
6 the panel.

7 NMFS REMARKS

8 MR. SCHWAAB: Thank you, Margo. Good  
9 morning to everyone. Despite the fact that things  
10 are busy, I am apologetic that I am air dropping  
11 into the middle of your meeting and into the middle  
12 of your agenda. I always regret in many of the  
13 places I have an opportunity to say a few words,  
14 regret the fact that I don't get more opportunity  
15 to sit with you, listen to the product of your  
16 discussions in the course of your discussions, but  
17 rest assured that I do get very complete recaps  
18 after the fact, and so while I can't be here  
19 personally for the duration of the meeting, that  
20 fact does not significantly impede our ability to  
21 take advantage of your advice. So, one of the  
22 things of course that's keeping us very busy right  
23 now is the prospect of a looming government  
24 shutdown. We're obviously not in a position to say

1 a whole lot about that, but clearly from our  
2 perspective, even the prospect is time consuming.

3 So, I do want to start by thanking you for  
4 your attendance at this panel meeting and your  
5 continued participation as a member of the HMS  
6 advisory panel. We certainly value your advice as  
7 we consider together the best way forward for HMS  
8 management. When I saw you last September, a big  
9 part of our focus was on the Gulf oil spill and  
10 balancing our response there with everyday  
11 operations of the Agency. In many respects that  
12 continues, as we are still involved in recovery and  
13 the restoration process for fisheries and habitat  
14 in the Gulf of Mexico. That obviously includes  
15 continued surveys for seafood safety, and testing  
16 for any impacts on many different species, and  
17 prominent among those of course are highly  
18 migratory species that depend on the region.

19 As I know, you are also well aware that  
20 domestic management issues continue to be  
21 challenging for us, I know that was a significant  
22 portion of your conversation yesterday and again  
23 last night at the public hearing, regarding the  
24 proposed quotas for this year. Obviously, as you

1 know, there continue to be comments coming in on  
2 the way, particularly the way we propose handling  
3 dead discards.

4 I do want to say this to that point. These  
5 comments and your perspective will be very  
6 important to us as we move toward final action on  
7 this topic, so please stay engaged with us, please  
8 recognize that the perspective that you're  
9 providing and the advice you're providing to us is  
10 important, particularly in this process.

11 Of course one of the comments prominently  
12 that we've heard is that the Agency has done  
13 nothing to address pelagic longline discards of  
14 bluefin tuna and as you well know, that is not the  
15 case. Our rules require weak hooks in the Gulf of  
16 Mexico. Mexico is squarely addressing this issue  
17 in the key area, and I am happy to say that the  
18 weak hook trial rule will be effective the  
19 beginning of May. We think this rule is a  
20 significant step but certainly not the final step  
21 towards reducing bluefin tuna bycatch in the  
22 pelagic longline fishery in the Gulf of Mexico.

23 I also of course understand that many of  
24 you are concerned about the consideration of

1 listing bluefin tuna under the Endangered Species  
2 Act. As I think you may already know, we are  
3 conducting a status review, which is a step in the  
4 process, and no decision has been made yet on this  
5 important listing decision. We do anticipate that  
6 the results of the status review will be out by  
7 late May.

8 For swordfish, landings continue to be well  
9 below our quota. Again, you know that. We have  
10 proposed a rule that would allow incidental catch  
11 in the trawl fisheries to be landed and counted  
12 against the quota, and we continue to look for  
13 other options to address this ongoing challenge. I  
14 also would ask you, however, to please keep in mind  
15 that the pelagic longline fishery continues to face  
16 restrictions due to bycatch concerns such as the  
17 bluefin tuna concerns that have been the subject of  
18 your discussion already, but also billfish, sea  
19 turtles and marine mammals in various locations.

20 The Agency continues to receive many many  
21 comments from interested constituents that the Gulf  
22 of Mexico should be closed to pelagic longline  
23 fishing to resolve some of these bycatch concerns.  
24 Again, I don't think that is news to you, but that

1 is of course a stark realization, and we understand  
2 that this action would reduce our swordfish catch  
3 and affect the international negotiations around  
4 swordfish quotas.

5 Thus, a challenge that we continue to face  
6 together are how to increase swordfish landings  
7 while continuing to reduce bycatch of other  
8 important species, and I believe on your agenda you  
9 will have significant opportunity later today to  
10 discuss that.

11 Also later today on the agenda, for all  
12 U.S. fisheries we are in the process of creating  
13 recreational action plans. Many of you are aware  
14 of Dr. Luchenko's and NOAA Fisheries particular  
15 focus on addressing some longstanding concerns with  
16 the recreational community that led to a  
17 recreational fishing summit almost a year ago now.  
18 Out of that summit came commitments to not only  
19 deal with some action planning issues on a national  
20 level but to deal with action planning issues on a  
21 regional level. Russ Dunn, who is my senior  
22 advisor on recreational issues, is here. Where are  
23 you, Russ? There he is back in the corner. I  
24 think a lot of you know Russ from some previous

1 lives that he has lived within the Agency, and some  
2 of you of course have been dealing with him more  
3 directly in his current position.

4 But as we work regionally to address  
5 recreational management plan concerns at the  
6 regional level, obviously we have to also create a  
7 mechanism to carve out a process looking at how HMS  
8 issues can particularly be address at the national  
9 level, so we look to you very much to assist us in  
10 that process, and that will be the subject of your  
11 discussion with Russ later on today.

12 Tomorrow you will discuss the shark  
13 fishery. Just as with swordfish, I would ask that  
14 you keep an open mind as we continue discussions on  
15 potential future management of shark fisheries.  
16 Last fall we held public meetings on the future of  
17 the shark fishery, we heard a number of comments  
18 including prominently focused comments on, from  
19 both proponents and opponents of a catch share  
20 program for the shark fishery. As I have noted to  
21 you in the past, catch shares do provide from our  
22 perspective an important fishery management tool in  
23 many fisheries. If we're going to go down that  
24 road, obviously that would be with significant

1 advice on your part, both as it relates to moving  
2 in that direction, but also in the design of a  
3 particularly effective program to create a  
4 sustainable shark fishery.

5 I didn't see Sam when I came in either, but  
6 after I open the floor for a few questions, Sam  
7 will also, Sam Rauch, who is our deputy assistant  
8 administrator for regulatory programs, will be here  
9 to discuss another very important issue that  
10 reaches across all fisheries, and definitely has  
11 implications for HMS fisheries. That is the  
12 concept of national ocean policy, and particularly  
13 coastal and marine spatial planning component of  
14 that ocean policy agenda. So, we obviously want to  
15 talk to you specifically about how the HMS  
16 community can be engaged in those deliberations as  
17 they unfold. They are obviously very much at the  
18 early stages, but early stages is the appropriate  
19 and best time to begin to reach out and obtain your  
20 perspectives. Sam has also been reaching out to  
21 fishery management councils around the same topic  
22 and I urge you to pay particular attention to what  
23 Sam has to share with you, and to think about what  
24 it might mean and how that process might be applied

1 prospectively and constructively for HMS fisheries.

2           So, let me just close with just a couple  
3 of, again, comments about your work. We recognize  
4 that these are particularly challenging times for  
5 many of the issues that we face. We recognize that  
6 there are in many cases very different perspectives  
7 with respect to appropriate pathways forward as it  
8 relates to any number of the management challenges  
9 that we face. Clearly that is true with respect to  
10 a number of these HMS issues. Case in point,  
11 again, the one that we have been focusing on and  
12 receiving significant and very diverse input on is  
13 this issue of how to deal with bluefin tuna, dead  
14 discards and quota allocation. We recognize those  
15 stress the system, we recognize that those issues,  
16 using that one as just one example, put many of you  
17 in the difficult position of, in some cases taking  
18 pretty strong issue with the person that might be  
19 sitting next to you or across the table, and let me  
20 just say this.

21           I don't think any of that is new for any of  
22 us who have spent any time in fisheries management.  
23 The important thing to us is there are really three  
24 important points to us. One is from our

1 perspective, we respect and take great advantage of  
2 the diverse individual perspectives that are  
3 represented around this table, so we appreciate  
4 that input whether it ultimately leads to consensus  
5 or not, that's an acceptable and important part of  
6 the process.

7           The second point, though, however, is that  
8 obviously consensus is great, and to the extent  
9 that you can reach consensus on in some cases very  
10 difficult issues, that is particularly helpful to  
11 us, and so to the extent that there can be some  
12 attempt to a greater meeting of the minds around a  
13 particular pathway forward, that's a good thing for  
14 us, and we won't obviously discourage you from  
15 seeking to move in that direction.

16           But obviously most important is in any case  
17 you know, open acknowledgement of our differences  
18 but in a respectful way is really important for us  
19 not only as we deal with any particular individual  
20 issue, but our ability to come on a regular basis,  
21 sit around this table and engage in meaningful  
22 dialogue not only with each other but with the  
23 Agency on issues of importance that span years and  
24 many iterations of management plans.

1           So let me just conclude by thanking you  
2 again for the time that you spend to come here and  
3 lend us your expertise. We know that comes at  
4 great personal and professional cost, we don't  
5 discount that at all, and we try as hard as we can  
6 to create a situation where your time can be most  
7 effectively spent when you come here, but we still  
8 recognize it comes at great cost to you as  
9 individuals and we do appreciate that. So let me  
10 stop there. I'm happy to open the floor to  
11 questions or comments that you think might be  
12 particularly important for me to hear. Thanks.

13           MR. RAAB: Why don't we go around, and  
14 again, make sure you say your name for the benefit  
15 of both Eric and the reporter.

16           MR. RUAIS: Thank you, Dr. Schwaab, for  
17 coming in --

18           MR. SCHWAAB: Mr. Schwaab.

19           MR. RUAIS: Mr. Schwaab, I'm sorry. I  
20 always find it safer to err on the side --

21           MR. SCHWAAB: I haven't even been awarded  
22 my honorary degree.

23           MR. RUAIS: We're always happy to have your  
24 presence, and hopefully we can get you for an

1 extended period of time at some point. But one of  
2 the major discussion points yesterday obviously  
3 both the public hearing on the proposed specs for  
4 next year, and earlier than that we talked about  
5 the issues in general, and it was a pretty lively  
6 discussion back and forth so far, and I will try to  
7 be quick because I know that there's others who  
8 want to speak and you don't have a lot of time.

9 But there's been three public hearings so  
10 far and I've attended -- well, there's been four  
11 and I've attended three of them so far, and by far  
12 the preponderance of the comments is an opposition  
13 to the notion that 160 metric tons of dead discards  
14 from the pelagic longline fleet should come off the  
15 top and be shared by the remainder of the users in  
16 the fishery. Whether you want to call what we have  
17 in bluefin tuna sector allocations or category  
18 shares, we think they are, sector catch share  
19 allocations is what they amount to, and they ought  
20 to be treated the same way as sector allocations  
21 are in terms of once those allocation shares are  
22 made, they are a promise or a commitment to the  
23 community on the other side that they will be  
24 respected and not willy-nilly traded off to make up

1 for inadequacies in other categories determined  
2 through monitoring and accounting for their  
3 responsibilities to meet and stay within and comply  
4 with their allocation.

5           So I wanted you to know that there's going  
6 to be continuing very significant opposition to  
7 that fact, and it really manifests itself from a  
8 problem that we should have recognized over the  
9 last few years it was developing, and that's the  
10 inability of the Agency on a realtime basis to  
11 monitor at sea discards and catch by the longline  
12 fleet. We just haven't. There is no mechanism in  
13 place, the trips are very long, there is no at sea  
14 capability to report in for the vessels on a  
15 four-week trip or a three-week trip or a seven-week  
16 trip to call in and say what number of discards,  
17 what number of bluefin tuna they've discarded on  
18 their trip so we have a running tally of where it's  
19 going, whether or not there needs to be in season  
20 restrictions.

21           And we were glad to hear at the same time  
22 yesterday that funds have been made available to  
23 the HMS fishery for these new VMS machines which  
24 have two-way electronic transmissions so that the

1 captains can readily send information from sea on  
2 catches, and we hope that the pelagic longline  
3 fleet is the primary recipient for that new  
4 equipment which could bridge a gap, you know,  
5 that's kind of extremely important to us right now.

6           So -- and we do recognize the additional  
7 work on weak hook, we discussed that extensively  
8 yesterday, I was involved in it wearing another  
9 hat, in watching that progress, and the industry  
10 was very supportive of it. I mentioned yesterday  
11 that the major players that were involved in that  
12 were supportive to the point where they made a  
13 transition to the weak hook before it was even a  
14 regulatory requirement, and we're looking forward,  
15 and that was one of our suggestions yesterday, that  
16 there ought to be, given the results of that  
17 research, we ought to be able to at least take off  
18 the longline category overage from last year. In  
19 terms of looking at the proxy estimate from 2009 to  
20 estimate the catches for 2011, that's how bad our  
21 monitoring capability is in the pelagic longline  
22 fleet today, and that we could make some  
23 improvements there. Thank you.

24           MR. SCHWAAB: Thanks, Rich. So, I will, I

1 suspect my presence here might rekindle your  
2 debates of yesterday, but I'm happy to hear a  
3 little bit of that, and obviously it will be  
4 something we will continue to focus on as this  
5 comment period continues.

6 MR. RAAB: Bill.

7 MR. GERENCER: Bill Gerencer. A brief  
8 comment, Eric, just an observation actually. I  
9 think it's interesting that while on the one hand  
10 we're taking a step towards listing bluefin tuna as  
11 endangered, and on the other hand we're struggling  
12 with the fact that we're looking at way too many of  
13 them being available to all gear categories, and  
14 how do we deal with that. Thank you.

15 MR. SCHWAAB: Right. So, you know,  
16 obviously the listing review is a process that is  
17 initiated by some basic level of information, and  
18 there's a wide with a range of potential outcomes  
19 of that process, and there are certainly  
20 infinitesimal examples of going through a list and  
21 review that doesn't lead to a listing proposal, but  
22 thank you for the comment in that regard.

23 MR. RAAB: Rick.

24 MR. BELLAVANCE: Thank you, Mr. Schwaab --

1 Rick Bellavance, sorry. In just a few minutes  
2 we're going to hear from Mr. Rauch in regards to  
3 marine spatial planning and ocean policy. I don't  
4 want to steal too much of his thunder, but I just  
5 wanted to hear from you your thoughts in regards to  
6 the BOEMRE leasing process that's also  
7 simultaneously taking place, and where do you think  
8 marine spatial planning and that leasing process  
9 may meet and intertwine, so we can have some good  
10 information when we decide to lease these waters  
11 out there.

12 MR. SCHWAAB: Thank you, Rick. So, my view  
13 is that first of all, in an ideal world where, had  
14 the CMSP process and regional planning bodies been  
15 up and running, that the BOEMRE process would have  
16 benefitted substantially from preexisting spatially  
17 based plans that effectively captured and  
18 articulated the range of activities that are  
19 competing for space out there in, you know,  
20 unfortunately what are increasingly crowded oceans.

21 One of the tenets when the Agency embarked  
22 upon this process of ocean policy and CMSP  
23 development was that, you know, it would proceed at  
24 a pace that was appropriate for an endeavor of its

1 magnitude and its importance, but it wasn't  
2 necessarily going to create a de facto moratorium  
3 on any activities in the interim. So clearly there  
4 was a disconnect of timing that prevented the  
5 BOEMRE process that is underway from taking full  
6 advantage of the ocean planning process that we all  
7 envision at the end of this effort, or at some  
8 point a little further down the road in this  
9 effort.

10           So that process will proceed. I think that  
11 to the extent possible, that process should proceed  
12 at least within the spirit of ocean planning, which  
13 seeks to capture and recognize many of the  
14 important and historical uses that are occurring in  
15 our oceans and coastal areas, and also the  
16 important habitats and other environmental  
17 information that we know will be an important part  
18 of any effective planning process. And at some  
19 point there will be, as the CMSP process matures,  
20 as the regional planning bodies get up and running,  
21 I think an opportunity for an emergence of the  
22 BOEMRE process as it relates specifically to energy  
23 development, backed with some kind of a more  
24 comprehensive regional planning process, but

1 clearly we're not there now, we would have to work  
2 in a parallel course in some fashion and do the  
3 best job we can.

4 MR. RAAB: Mark.

5 MR. TWINAM: Mark Twinam. I'd like to say  
6 that I just recently made three bottom longline  
7 landings of sharks and about once a week there may  
8 be a swordfish catch observer on the water, and I'm  
9 really encouraged by that. We've tagged a lot of  
10 sharks and the observer took a lot of the organs  
11 and the vertebrae off sharks to get information  
12 from that. And swordfish, I haven't had an  
13 observer out, it's going to be interesting to see  
14 what they're looking for in terms of bluefin, but  
15 right now it's encouraging, because I'd like to  
16 move forward to a time when every fish is reported,  
17 because when we have an observer on there, it would  
18 be much more discriminating if they could say this  
19 fish is dead, let's sell it.

20 MR. SCHWAAB: Great, thank you.

21 MR. RAAB: Ron.

22 MR. CODDINGTON: Hi, Eric. Ron Coddington,  
23 I'm a South Florida recreational sword fishery  
24 representative. I want to make sure you're aware

1 that the very resourceful sword fishermen in South  
2 Florida have developed two techniques that are very  
3 compatible to the ecosystem, the buoy gear and deep  
4 dropping handgear. In recent years the South  
5 Florida handgear sword fishery has produced as much  
6 as 140,000 pounds of catch. We just spent about an  
7 hour talking about getting a few more fish on a  
8 squid trawl, and for years at both IAC and here at  
9 this panel we've pushed for some kind of changes in  
10 the permit process that will allow the exporting of  
11 that great technology to other areas of the  
12 country.

13 The limited access permit program is  
14 broken. We seem to be protecting people that are  
15 parking permits, and of course this is a process  
16 that if taken forward can replace a good percentage  
17 of what's a very problematic history being applied  
18 to longline fisheries bycatch counts. So I would  
19 ask why the Agency has not tried to move forward at  
20 a faster pace in bringing those very compatible  
21 gear types to other areas by relaxing the permit  
22 requirements for something that will allow that to  
23 move out of the South Florida area where it has  
24 been dumped, and move to places like Texas and the

1 Atlantic coast, where in some cases it has already  
2 been tried in Texas and was immediately successful.

3 MR. SCHWAAB: So, thanks, Ron. I'm  
4 familiar with the gears that you're talking about  
5 and some of the opportunity associated there. I am  
6 frankly not familiar enough with the process to be  
7 able to speak intelligently to the why not in other  
8 places, so I could either defer to Margo or take  
9 that as a constructive rhetorical question.

10 MR. CODDINGTON: That's fine.

11 MR. SCHWAAB: Thank you.

12 MR. RAAB: Bob.

13 DR. HUETER: Hi, Eric. It sounds like  
14 you're about to face your second major crisis in  
15 less than two years if the government shuts down,  
16 probably more than that.

17 MR. SCHWAAB: I'm sure it has been more  
18 than two.

19 DR. HUETER: This is a small point but I  
20 think it's worth your time and the time of this  
21 panel to know about this. I'm asking you for some  
22 help in creating greater flexibility in research  
23 permitting. You mentioned the oil crisis of last  
24 summer. We're on the gulf coast and we responded

1 to the need for research in this immediate crisis,  
2 money was eventually released and we got out on the  
3 water the 1st of November. Our charge was to  
4 sample HMS and look for signs of contaminants from  
5 the oil discharge, not just sharks, but tuna,  
6 billfish and swordfish as well. Now much of the  
7 area that was impacted is in the DeSoto Canyon  
8 closed areas. The HMS staff did a tremendous job  
9 in getting us permits, getting our scientific  
10 permits and letters of acknowledgment, that sort of  
11 thing, but what they could not do at their level  
12 was they could not grant us permission to retain  
13 non-shark HMS that were caught anywhere in the  
14 closed areas. This forced us, unfortunately, to  
15 cut loose 30 swordfish that we caught that were  
16 just inside the closed area, about two-thirds of  
17 which were dead on the boat, but we were not able  
18 to take muscle, blood, nothing, and it represented  
19 a tremendously -- well, a real lost opportunity to  
20 sample and see what's going on.

21           You know, now as we go -- we're going out  
22 there again in about two weeks, we're getting  
23 further and further away from the actual event so  
24 it's going to be harder and harder to tie what we

1 find to the event. So I ask that in these special  
2 situations, emergencies, that the Agency find the  
3 means to cut through the precedence and the  
4 difficulties, and grant us and organizations like  
5 us permission to do what we need to do to get out  
6 there and evaluate the extent of this problem.

7 MR. SCHWAAB: Thanks, Bob. We did talk  
8 about this back in the fall and again after I  
9 visited with you. I do appreciate what the staff  
10 did to at least get us partway there, but why don't  
11 we, I don't remember where we left this last piece,  
12 so let us take another look at that and see where  
13 we are.

14 MR. RAAB: Terri.

15 MS. BEIDEMAN: It's a pleasure to meet you,  
16 and I appreciate your remarks. And as you  
17 mentioned, the pelagic longline fishery has been  
18 one of the more profitable fisheries in the United  
19 States in terms of coming to look at its issues and  
20 stepping up with research, we have a history of  
21 doing that.

22 My situation is that I'm just coming back  
23 and I'm just trying to, my transition was not that  
24 smooth and I wasn't aware of all these things, but

1 I have put in calls to the scientists to take a  
2 look at things. I don't think anyone at this table  
3 can deny that the longline fishery has stood up  
4 time and time again to take care of the issues,  
5 whether it's swordfish recovery or sea turtles, so  
6 I think it's disingenuous to suggest that we aren't  
7 willing to do that, and I believe we had strived  
8 for that.

9 And also that, when there was underharvest  
10 of quota, other categories were the beneficiaries  
11 of our underharvest, and they didn't have any  
12 problems with that in years gone by, so I would  
13 hope that we can work together to solve this  
14 problem again. And 30 years ago we were decimated  
15 whether we were fishing in the Gulf of Mexico or  
16 not, and we tried our best, but if the stocks are  
17 rebounding, then it's only logical that there will  
18 be more interaction and we need to find a way  
19 that's fair, because we're all out there fishing,  
20 so thank you very much.

21 MR. SCHWAAB: Thank you, Terri.

22 MR. RAAB: Gail.

23 MS. JOHNSON: Thank you. Gail Johnson,  
24 Fishing Vessel Seneca, a pelagic longliner who has

1 fished on the Grand Banks forever. Three things.

2 First of all, I have spoken to a couple of  
3 people about observer coverage on our vessel, we're  
4 making it available in June. We've taken observers  
5 each and every year for, I can't even think of how  
6 long along the Grand Banks, and it seems only  
7 logical if National Marine Fisheries Service would  
8 like to see what happens, it needs to be more than  
9 one year. 2009 was amazing, we never had it  
10 before, we hope it never happens again, at least  
11 until bluefins open.

12 Anyway, the Seneca has room for an observer  
13 and we'd very much like to take one this year in  
14 June, instead of September or October, when there  
15 are very few bluefin around, and most of us don't  
16 catch one at all.

17 Another thing is about the monitoring. A  
18 lot of vessels, and I can't speak for the close to  
19 shore ones, but all of the vessels that I know of  
20 that fish on the Grand Banks have e-mail. There is  
21 the capability to report these fish and we could  
22 have done so if requested where in the middle of  
23 2009 we were in the middle of a storm of bluefin  
24 before anybody thought of that.

1           And the last thing is, I'm glad to hear Ron  
2 talk about the good year and I'm glad it's a good  
3 year for that area, but I'm sure you realize that  
4 it's not compatible for a lot of areas. I can't  
5 imagine it way off shore on the Grand Banks, places  
6 like that, in order to make a trip up there, but  
7 I'm glad it's working down south. Thank you.

8           MR. SCHWAAB: Thank you, Gail.

9           MR. RAAB: I think we're at our hour,  
10 unless there's any remaining comments or questions  
11 from those who haven't asked yet. We'll take one  
12 more real quick.

13           MR. ODEN: Yes. My name's Jeff Oden, I'm a  
14 commercial longliner from North Carolina. There's  
15 a lot of people in the room who would like to throw  
16 a longliner under the bus and pick the car up at  
17 the front end. That's all fine and dandy, because  
18 you know, we've got issues just like every fishery  
19 out there. We've all got concerns with catch and  
20 release, with bycatch, you name it. But the simple  
21 fact is, you know, we not only supply swordfish,  
22 but yellowfin, bigeye, and you know, if we keep  
23 going down the road that we are, the only reason  
24 I'm a longliner now is because I got displaced by

1 the South Atlantic as a bottom fisherman.

2 At which point in time are we going to  
3 start putting our fisheries up here on a shelf, the  
4 mantle, and the import concerns that come from  
5 countries that could care less, you know? At which  
6 point in time are we going to level the playing  
7 field? I mean, you know, we're doing all we can to  
8 try to address it, I'm presently doing a hook study  
9 with Dr. Kerstetter on marine mammal issues in our  
10 area.

11 But you know, as has been said around the  
12 table here time and again in the last couple days,  
13 the bluefin fishery is showing all kinds of signs  
14 of recovery, be it the recreational fishery that  
15 just got quotas closed down in my area, the general  
16 category they've shaved and shaved, you can see,  
17 over the past years by great margin. And you know,  
18 across the board there's increases in the fishery  
19 and it's time to acknowledge that on your level,  
20 and hopefully at ICCAT. So anyway, thank you for  
21 your time.

22 MR. SCHWAAB: Well, thank you, Jeff. You  
23 actually, I think, opened the door for me to close  
24 with what I think is a very important point and

1 something that we've been talking a lot about  
2 lately. That 2010 and 2011 represent an important  
3 turning point for domestic fisheries in general,  
4 fishery management in the U.S. This is something  
5 that we have begun to talk a lot about, and that is  
6 that, you know, as we in close working relationship  
7 with the councils, and in the case of HMS with the  
8 advisory panel, put in place the required catch  
9 limits and accountability measures that are  
10 required by the Magnuson Act, that we really do  
11 have an important story to tell with respect to  
12 sustainable management of fisheries, and it's a  
13 story that is frankly not one that a lot of other  
14 countries can speak about.

15 And so, I was up in Boston at the seafood  
16 show, what is probably almost three or so weeks ago  
17 now, and we spent a lot of time talking about that  
18 point. We spent a lot of time talking about the  
19 fact that at this moment in time we do, I think,  
20 all bear a greater burden to tell that sorry  
21 effectively and to do what we can to fully utilize  
22 the sustainable resources managed so effectively  
23 under the standards of Magnuson, and under those  
24 firmer requirements for catch limits and

1 accountability measures that are established there.  
2 And as long as we continue to do that, and it will  
3 be a continuing process, that we should be proud to  
4 talk about what that represents.

5 So thank you, and I would just, you know,  
6 when you get to some of the international arenas,  
7 that becomes a little more complicated in some  
8 regards, but the domestic fishery management story  
9 is one that is showing just, has shown tremendous  
10 progress, has shown great promise and is something  
11 that we should, while we work hard to maintain it,  
12 also take credit for it. Thank you.

13 Thank you all.

14 MR. RAAB: I guess we're now moving to our  
15 next agenda item on national ocean policy for  
16 coastal and spatial planning. We'll run through a  
17 presentation and then take your comments and  
18 questions, and then break for lunch.

19 NATIONAL OCEAN POLICY - COASTAL AND MARINE  
20 SPATIAL PLANNING AND ATLANTIC HMS

21 MR. RAUCH: I have no idea what's going on  
22 with the presentation so while they're doing that,  
23 let's get started. I am Sam Rauch, I'm the deputy  
24 assistant administrator for regulatory programs,

1 Eric's deputy. I am in charge of the sustainable  
2 fisheries division, the habitat conservation  
3 division and the protected resources division in  
4 headquarters, and also over the regional offices.  
5 I also was one of the chief negotiators for NOAA on  
6 the national ocean policy and have been working on  
7 implementation.

8 So I'm going to talk briefly about the  
9 ocean policy, coastal marine fishery planning, I  
10 know that Eric mentioned it a little bit. In the  
11 interest of having questions, I'll go over it in a  
12 little bit more detail, but I want to save some  
13 time for questions.

14 In July of last year the President issued,  
15 after a lengthy process, an ocean policy. I'm  
16 going to briefly touch on what the policy says  
17 about the intergovernmental structure that it  
18 created, about the various objectives that the  
19 President has laid out for us, and then some time  
20 on the marine spatial planning issue.

21 As I indicated, the overarching goal was  
22 that, the overarching impetus behind the policy is  
23 that there are many federal agencies, many permits,  
24 many actors in the ocean and we do not in general,

1 or have not done a good job of talking with one  
2 another, and the goal of the policy was to, if  
3 nothing else, to put the federal agencies on a  
4 direction, to give them a vision, and to facilitate  
5 their communications and discussions, which is  
6 still a work in progress. We'll talk about the  
7 organizations that are starting up on that, and  
8 we'll talk about how that supports our joint  
9 mission for ocean stewardship and what we really  
10 mean by that.

11           These are some excerpts from the policy.  
12 The policy was not intended to set the oceans aside  
13 as marine protected areas but more to maximize all  
14 economic uses of the ocean, but it recognizes the  
15 importance of economic and social and environmental  
16 benefits that we get from the ocean, and that we  
17 cannot get those benefits without a solid ecosystem  
18 foundation and structure that provides all the uses  
19 that we get out of the ocean, we need to make sure  
20 that that connection is preserved, but we also need  
21 to bolster the economic uses we get out of it, the  
22 sustainable use of the land and the weather.

23           The policy recognizes that there's an  
24 important link between what happens on land and

1 what happens in the ocean, and throughout the  
2 policy and including the priority objectives, this  
3 linkage is highlighted. This is something in  
4 particular because while NOAA has a very profound  
5 interest in the ocean itself, many of the other  
6 signatories to this policy don't have that same  
7 type of interest, but they do have an interest in  
8 what goes on on land. And by using their  
9 facilities, like USDA or the EPA, you can make  
10 significant improvements in the ocean habitat  
11 health, and then that would in turn lead to  
12 improvements in all of the economic uses that we  
13 get from the ocean.

14 There's a part of the policy that talks  
15 about increasing our understanding and our  
16 education. It is not just an investment in science  
17 but is also an increase in ocean literacy so that  
18 people around the country, not just in coastal  
19 communities, will understand how important the  
20 oceans are to us, and how we can foster that  
21 educational opportunity.

22 In addition to the policies, the policy  
23 statement is supposed to guide the activities of  
24 the federal government in all of the things it

1 does. It also creates an interagency structure,  
2 it's called the National Ocean Council. It is a  
3 secretarial level structure with one exception,  
4 that exception being the head of NOAA sits on there  
5 with all the other cabinet secretaries. Their job  
6 is to look at the interagency issues that are going  
7 on and to try to work collaboratively, setting more  
8 specific direction, improving everything that we're  
9 doing under the ocean, and also to take input.

10 There is a governance coordinating committee that  
11 was recently created with representatives from  
12 states, local governments and tribal governments to  
13 provide direct input to the Council on whether we  
14 are proceeding in the right direction or not  
15 because of the ocean. This is a new structure and  
16 it is a recognition that the federal government  
17 does not dictate solely what happens in the ocean,  
18 but we need to work with partnerships with these  
19 other governmental entities who have significant  
20 jurisdictional responsibilities on their own.

21 There is an advisory panel which did  
22 preexist this structure but which we are trying to  
23 reinvigorate to increase representation of many  
24 different stakeholders, including fishing

1 interests.

2           There is the ocean science and technology  
3 interagency policy committee; that committee  
4 largely preexisted this structure and was working  
5 fairly well in terms of trying to get together the  
6 federal government in research directions in terms  
7 of the ocean, where should we spend our research  
8 dollars. The companion committee, the resource  
9 management committee, something like that did  
10 preexist this structure, but it did not have a  
11 mandate. This committee now does have a mandate,  
12 has specific duties and is charged with carrying  
13 out the ocean policy on the management side. NOAA  
14 is -- Eric is actually one of the NOAA  
15 representatives on that committee.

16           All right. So in addition to the structure  
17 and the overarching policy, the policy sets out  
18 nine priority objectives of two different types.  
19 One is objectives in terms of how we do business.  
20 We need to base our decisions on ecosystem-based  
21 management, something that NOAA believes it does  
22 very well but where we do not manage on an  
23 ecosystem-based management, it is not because we  
24 don't want to, it's because we don't often have the

1 science that allows us to do so. But this is  
2 something that NOAA strongly pushed for, that you  
3 look not just at the narrow activity under your  
4 analysis at the moment, but you look at all the  
5 activities that are going on in the ocean and what  
6 effect it has on the levels below and above, and  
7 the entire ecosystem, including the human ecosystem  
8 that interacts with it.

9 We'll talk in some more detail about  
10 coastal and spatial planning in a minute.

11 There are two better -- improving  
12 understanding and decision making, that gets at the  
13 fact that when we were developing the ocean policy  
14 we heard from many stakeholders that if you wanted  
15 to do something to manage it, it takes 22 federal  
16 permits to do that and they don't always work well  
17 together, and so we're trying to coordinate better  
18 on that one, we need better science and we need  
19 better understanding.

20 In addition to those how we do business  
21 objectives, there are five objectives dealing with  
22 areas of special interest that the President wants  
23 us to focus our collective energies on. The first  
24 one is climate change, but not into science as to

1 whether climate change is occurring, but rather how  
2 we can deal with what we see is occurring, how we  
3 can be more resilient in terms of not just the  
4 communities but also in terms of the industry.  
5 Climate change, in particular because it affects  
6 fish stocks and affects various species, those  
7 stocks may be perfectly healthy but just moving  
8 around, and in other areas they may be adversely  
9 affected, some stocks may be increasing. How can  
10 we as management entities adapt to those kinds of  
11 changes?

12           The second one is regional ecosystem  
13 protection and restoration. We have done as an  
14 agency fairly well on a small scale, dealing with  
15 isolated river systems or isolated things, where as  
16 an Agency we collectively have faced significant  
17 challenges that remain in these larger watershed  
18 bases, dealing with the Mississippi Delta,  
19 Chesapeake Bay, Puget Sound, the California  
20 Sacramento Bay, other very large systems that don't  
21 lend themselves to response by a single federal  
22 agency. The President has challenged us to take  
23 these on and to work on these restorations at that  
24 large scale.

1           One of the things I said at the outset was  
2 this important linkage between what goes on on land  
3 and what goes on in the ocean. NOAA is an  
4 important player in this but we're not leading this  
5 effort. This effort is being led by the  
6 Agriculture Department and EPA, agencies which have  
7 more significant roles in upland activities than we  
8 do, although we're very concerned about that, and  
9 we do believe that if we succeed in that area, that  
10 will create more habitat which will create more  
11 fish and economic opportunities in the ocean.

12           Changing conditions in the Arctic is an  
13 important area, we're not going to talk about that  
14 question right now, but it is an area where some  
15 very vulnerable ecosystems are up there, and also a  
16 lot of potential economic opportunities.

17           Then the final one is observation and  
18 mapping. We have for many years made investments  
19 from NOAA on coastal and ocean observation systems  
20 and we want those to continue.

21           The last thing I should say about that is  
22 that for each one of these, the President has  
23 created teams that will flesh out -- the policy  
24 itself provides some high level guidance on these

1 objectives, what we should be doing with these  
2 objectives. The President has said in the next six  
3 to 12 months we should be fleshing those out with  
4 strategic action plans to address more specific  
5 things. We are working very hard on those action  
6 plans right now, we expect them to be out for  
7 public comment, drafts of them, within the next few  
8 months. So look forward to those, there will be an  
9 opportunity for public engagement in each of those,  
10 and we do intend to move forward and put more  
11 specific actions under each one of those that are  
12 in the policy.

13 For the rest of the presentation I'm going  
14 to talk about coastal and marine spatial planning.  
15 As I said, one of the driving factors is that each  
16 agency when they approach something in the ocean,  
17 they tend to look at what is good or bad for that  
18 particular activity. NOAA is no different. We  
19 tend to look at fishing, fishing opportunities, and  
20 despite the fact that we try to look at and  
21 consider the broader ecosystem through cumulative  
22 effects and other kinds of things, we don't  
23 approach coastal transportation issues the same way  
24 that the Coast Guard would, we don't approach

1 national security issues the same way that the Navy  
2 would. So there is a need for all the agencies to  
3 get together and to look at these things more  
4 holistically, and on reflection that it's not just  
5 a federal ocean, it is a federal and a state ocean,  
6 and a local jurisdiction ocean, and we need bring  
7 in our partners and try to look at the ways that we  
8 can maximize benefits and minimize the conflicts in  
9 these various ocean activities, and that's what  
10 coastal marine spatial planning is all about.

11 There is a definition in the policy but the  
12 definition is broad, and it reflects the fact that  
13 different areas of the country are going to  
14 approach marine spatial planning in different ways,  
15 and that's okay. From the public perspective, we  
16 want this to be a bottom up approach.

17 These are the different areas. The  
18 President has required or mandated from a federal  
19 perspective that the federal agencies come up with  
20 a coastal marine spatial plan in each of these  
21 areas over the course of the next several years.  
22 The way that's going to happen is that there will  
23 be regional plans obviously created, they don't  
24 exist at the moment. The regional planning bodies

1 will be a mixture of federal agencies and any state  
2 or local partners that want to sign on, we won't  
3 force them to be part of the effort but the federal  
4 agencies will be bringing their authorities to the  
5 table, and we think that the states and localities  
6 will want to do the same.

7 In many of these areas, at least six of  
8 them, there are existing vibrant organizations that  
9 the states have already entered into, where the  
10 governments of some of the states have gotten  
11 together with their counterparts and agreed on a  
12 structure that deals with issues, and none of them  
13 deal with planning per se, but they do deal with  
14 specific issues, and a lot of these organizations  
15 have been very interested, and we would like them  
16 to become the regional planning bodies in some  
17 fashion. Most of them would have to change what  
18 they do in some fashion by allowing federal  
19 membership or other kinds of things, but we're very  
20 much trying to work in partnership with these  
21 existing organizations to create out of that a  
22 regional planning body, and I think that will  
23 happen over the next few months.

24 In the areas where there are not existing

1 regional planning bodies we will be working with  
2 the governors, working with other entities in the  
3 regions to try to create something like that. And  
4 we do have money in the budget, if we get a budget,  
5 \$20 million in grants that are available to the  
6 organizations that create regional planning bodies.  
7 There is, and this date is incorrect, this date has  
8 been moved, there is a national workshop for  
9 coastal spatial planning that is now in June, in  
10 which various federal, state and tribal leaders  
11 will be asked to attend, including representatives  
12 from the regional fishery management councils will  
13 be asked to attend. They will work at the national  
14 level on what kinds of things they would like to  
15 see, what are the unique themes that you would like  
16 to see, how would we craft that. As I said, we do  
17 not want the, either this workshop or the federal  
18 government coming in and saying you have to do it  
19 this way. What we want is for the regional people  
20 to determine how best it works in their area and to  
21 craft that.

22           There are some things we want to see,  
23 though. We want to see an open and transparent  
24 process in which all stakeholders are invited and

1 have a say. We want whatever comes out of it to be  
2 based on science. And we want there to be some  
3 degree of buy-in, and ideally we would like the  
4 states and local governments to be our partners at  
5 the table, although we can't force them to be  
6 there. So these are the kinds of things we'd like  
7 to work on and that's what the national workshop is  
8 going to work on.

9           Following the national workshop there will  
10 be a regional workshop in each of these regions to  
11 work on more specific issues with what would become  
12 the regional planning product. As I said, the  
13 planning bodies will be created in the near future  
14 after that workshop. The reason it was delayed  
15 somewhat is that we wanted to get particular input  
16 from that government coordinating committee which  
17 you recall from the slide I showed earlier, is a  
18 special advisory body of state, local and tribal  
19 that advises the secretaries directly. We wanted  
20 their input as to what this should look like, and  
21 so they did not get formed until this past month,  
22 so we got a little delayed in getting that input  
23 into the whole process, but we didn't want to start  
24 the process until we heard from them.

1           So, the planning bodies will be formed at  
2           some point out there, and I think in many areas  
3           there are good predicates that we will build on, in  
4           some areas we've got a lot of work to do, we're  
5           still working on how those issues will look.  
6           There's a role for the HMS AP in this, as there are  
7           roles for the fishery management councils. One of  
8           the things that is going to be on the table as  
9           we're talking about spatial planning and one of the  
10          big things we're talking about is fishing, the AP  
11          brings a lot of experience about fishing, brings a  
12          lot of science and knowledge about fishing, and  
13          also is a forum for constituent access.  
14          Constituents need to not just use the AP, but they  
15          need to interact directly. One of the things we  
16          want out of these regional planning bodies is  
17          direct access, but we certainly don't want to  
18          ignore the longstanding and vibrant participation  
19          of groups like this group here whenever we're going  
20          to talk about what should or should not be done in  
21          the ocean.

22                 Finally on this, we need to talk about  
23                 data, and one of the big impediments to planning  
24                 right now is the fact that many data sets are being

1 collected and they don't often talk to one another,  
2 and it's difficult for decision makers to have the  
3 full suite of information in front of them in a  
4 usable format. So the President has dictated that  
5 we work on guidance, work on a national information  
6 management system that can be used within the  
7 region and between regions. Within the next nine  
8 months we're going to have guidance on how that's  
9 going to be adopted, and then there will be a  
10 portal within two years for collection of data. So  
11 that is actually quite a difficult undertaking to  
12 do. I know many areas of the government often take  
13 a long time, and often times we tend to focus on  
14 what we define as the better decision making tools.  
15 There are a lot of very good tools, a lot of  
16 interesting things we could do here, but we also  
17 need to focus on the fact that the decision makers  
18 themselves, to make sure that they can make the  
19 decision once we give them the right tools.

20 All right. The budget. Assuming we have a  
21 budget, in both '11 and '12 we've got \$6.7 million  
22 within NOAA to help implement this program from our  
23 perspective, and \$20 million in regional grants for  
24 people outside of NOAA to other entities, mainly

1 those organizations that are going to participate  
2 in the planning bodies, but not necessarily so. We  
3 ran a grant process for that, we have applications  
4 in there, but we can't act on the grant  
5 applications until we get a budget. Even so, even  
6 if we don't get a budget, NOAA has had a lot of  
7 resources intrinsic to this effort, we've been  
8 working with all these organization, we work with  
9 organizations like the councils and other things,  
10 and we will continue on. This will make it easier  
11 to do in order to meet our deadlines, but we intend  
12 to continue on even if these budgets don't come  
13 through, but we're hopeful that they will.

14 We have a coastal marine spatial planning  
15 program within NOAA, this is the setup. We have  
16 regional contacts in each one of the regions that  
17 are working with their other regional counterparts  
18 on creating the team.

19 And that I think is that. I will be happy  
20 to take any questions.

21 MR. RAAB: Pat.

22 MR. AUGUSTINE: Thanks for the  
23 presentation. As you know, the Mid-Atlantic is  
24 moving along, and I think we're meeting about 80

1 percent of these objectives, I think we're still  
2 down about 20.

3 The question I have in the last slide, are  
4 we sure that if you do not get funding, this will  
5 not become an unfunded mandate that is laid on the  
6 councils?

7 MR. RAUCH: I don't think it will be laid  
8 on the councils. The council participation, as  
9 everyone else's, is voluntarily in this. We are  
10 hopeful that it will be a part of this. We have  
11 resources that are currently funded that we use to  
12 reach out to participate in these organizations,  
13 it's MARCO, and currently NOAA has funds that it  
14 will filter to enhance MARCO to help create that,  
15 and expect those funds will be continued. But we  
16 recognize that this planning that we're asking you  
17 to do is a significant new commitment and it would  
18 be very difficult to carry out without additional  
19 funds.

20 MR. AUGUSTINE: Thanks.

21 MR. RAAB: Any additional questions?

22 MR. JOLLEY: John Jolley. In the documents  
23 it referenced May 3-5 in D.C. for the workshop, and  
24 it was June, I think you said in your discussion.

1 Is that the delay you were referring to?

2 MR. RAUCH: Yes, that meeting has been  
3 delayed, in part because -- until June. I don't  
4 have the exact dates in June. We wanted to make  
5 sure, at least from my perspective, that as many  
6 council participants could go as possible, and the  
7 May date conflicted with the council. I don't know  
8 that that's why they moved it, I think it was more  
9 so that the governance coordinating committee had  
10 not met at that time, and they wanted to make sure  
11 that that organization had an opportunity to meet.  
12 Either way, it was good for, I think NOAA, in that  
13 fishing interests can be better represented at  
14 those meetings, but it is going to be in June.

15 MR. RAAB: Any additional questions?  
16 Thanks you very much, and I think we will adjourn  
17 until 1:30, where we will come back to talk about  
18 swordfish.

19 MS. SCHULZE-HAUGEN: We can verify the  
20 dates and get that out to the panel, so you know  
21 when the workshop is.

22 MR. RAAB: We will see everybody at 1:30.

23 (Luncheon recess from 12:00 to 1:37 p.m.)

24 MS. SCHULZE-HAUGEN: Great. Let's go ahead

1 and get started. I hope it's not as cold out as it  
2 was yesterday, but it is D.C. spring.

3 SWORDFISH REVITALIZATION OVERVIEW

4 MS. SCHULZE-HAUGEN: What I thought I would  
5 do is do a quick review of where some of the Agency  
6 actions have been over the last several years that  
7 have gotten us to a point of swordfish fishery  
8 revitalization and as we indicated yesterday, it's  
9 not vitalization, it's revitalization, and I need  
10 to walk through some of that largely for some of  
11 the newer members or folks that may have missed  
12 some of the previous discussion. I also wanted to  
13 introduce some of the reasons for the closed area  
14 research that is up next.

15 And so trying to describe it quickly, a lot  
16 of the larger issues have been discussed already  
17 although not in all the details, so this should be  
18 familiar ground for many of you. So in terms of  
19 swordfish fishery management, 1985 was the first  
20 FMP, this was led by the South Atlantic Council,  
21 with three of the other five Atlantic councils, and  
22 in '99 it was under secretarial management at that  
23 point, and it was in '99 consolidated with the  
24 tuna, swordfish and shark FMPs.

1           One of the primary measures relative here  
2 in that amendment were the limited access permits  
3 that had been previously open access, and there  
4 were over 2,000 permits prior, when we implemented  
5 limited access in a two-tier way based on landings  
6 and time period criteria. It also established  
7 special vessel monitoring requirements; although  
8 those weren't effective immediately, those issues  
9 were contained in the '99 plan. Dealer reporting,  
10 and that action also implemented the Northeast June  
11 pelagic longline closed area to reduce discards of  
12 bluefin tuna.

13           Shortly thereafter, and as sort of a  
14 continuation of some of the measures considered in  
15 '99, the Agency implemented a number of pretty  
16 large primary closures and live bait prohibitions.  
17 The areas that were implemented include, this  
18 should be pretty familiar, graph two, Florida East  
19 Coast year round, DeSoto Canyon in the Gulf of  
20 Mexico, the two big squares, as well as the  
21 Charleston Bump, which is a February, March and  
22 April closure. These were implemented to reduce  
23 discards of juvenile swordfish and a variety of  
24 other HMS, including sharks and billfish. The live

1 bait ban was specifically to reduce billfish  
2 bycatch and that was again, specific to the Gulf of  
3 Mexico.

4           Shortly after that we had a number of  
5 issues with sea turtle bycatch, and jeopardy  
6 determinations under biological opinions. A  
7 portion of the Northeast Distant fishing area, the  
8 big area in green here was closed in 2002, and some  
9 gear requirements came on line. At the same time  
10 the Agency worked extensively with industry to do a  
11 three-year research project in the Northeast  
12 Distant area to develop measures to reduce sea  
13 turtle bycatch as mitigation measures. The area  
14 was reopened and circle hooks, which were part of  
15 what the research found were effective, were  
16 implemented in July 2004. It was applied fleet  
17 wide. You can see it also required some bait  
18 requirements, careful handling and release tools,  
19 placards, some other things, pretty extensive  
20 requirements in place if you look at that section  
21 of the regs, it goes on and on and on. So it was a  
22 very intensive effort for the Agency and the  
23 industry to address sea turtle bycatch issues.

24           And then the 2006 FMP, continuing on with

1 some of the requirements from the opinion, we  
2 implemented mandatory safe handling and release  
3 workshops, these were in-person trainings for  
4 vessel owners and operators, and also included  
5 bottom longline vessels as well. They're issued on  
6 a three-year certification cycle and so those have  
7 been in place since then, and that was part of the  
8 compliance with the biological opinion.

9 Also in 2006 we authorized the use of buoy  
10 gear in the directed swordfish fishery for  
11 swordfish directed and handgear permits, and that  
12 was an attempt to, you know, promote some of the  
13 selective gears that we were seeing.

14 And so, what's been happening since then,  
15 and some of this is backdrop, is that landings have  
16 been well below our quota. The top line there is  
17 the quota and you can see that peak, which is  
18 similar to bluefin tuna, there was not a  
19 restriction on carry forward at the ICCAT level,  
20 and so we were just rolling under, and the quotas  
21 were blooming because of that. ICCAT implemented  
22 the 50 percent carryover and you can see that's why  
23 it dropped down, and it's been flat at that level  
24 since, ICCAT has maintained that carry forward at

1 50 percent for swordfish to date.

2 And then the middle line is the base quota  
3 and the landings are at the bottom, and you can see  
4 the differential that has been a big part of the  
5 discussion. And so if folks remember in 2006, it  
6 was also when this body and the ICCAT advisory  
7 committee in a very loud and very clear direction,  
8 said that the Agency needed to do something to  
9 increase swordfish landings, and we have  
10 essentially been on that path since, and have  
11 issued a number of measures since then that I will  
12 go through in a minute in order to address this  
13 problem.

14 This is a piece of the picture as well, the  
15 decline in the number of active vessels, those are  
16 the bars, and then the number of hooks fished is  
17 the dotted line there. Clearly effort has been,  
18 although for the last five years or so it has been  
19 relatively flat, there is a slight increase in  
20 trend.

21 And so when we look at the factors for the  
22 swordfish underharvest we can see conservation  
23 measures, it has been a factor for sure, not trying  
24 to hide that, but it's not the only factor.

1 Increased fuel prices, a lot of these boats are  
2 going pretty far off shore, fuel is a major factor.  
3 Low prices for swordfish, particularly relative to  
4 other species, means that people will be fishing  
5 for higher value species than swordfish. And then  
6 as a result, there's competition from imports that  
7 are cheaper, readily available and tend to undercut  
8 the ability of U.S. fishermen to market their fish.

9           So since this direction from the panel and  
10 the advisory committee, we've done a number of  
11 measures both regulatory and nonregulatory. In  
12 2007 we did what we called the revitalization rule.  
13 This was attempted to be done quickly in order to  
14 be able to have something to take to the previous  
15 ICCAT meeting. We had a proposal at that point as  
16 quick as we could do it, finalized that summer,  
17 amended, upgrading restrictions, eliminated the  
18 one-time upgrade restriction, and increased  
19 incidental and recreational retention. These were  
20 all things we thought we could do fairly quickly,  
21 and so we did.

22           The following year, just a little over a  
23 year later, having seen some of the permit issues,  
24 again following AP advice on looking at permit

1 modification schemes, that there had been a  
2 disconnect over time between longline permits in  
3 the swordfish and shark permits based on where they  
4 were issued and some of those operational factors.  
5 We eliminated the expiration date for longline and  
6 reissued them to the latest permit holder of  
7 record, so that mismatch of the required triple  
8 pack was removed.

9           Also, about a year later there was a  
10 pelagic longline take reduction, final rule. So  
11 those, the environmental issues have been going on  
12 in parallel through a slightly different process.  
13 And then in December of 2009 the permits were  
14 actually moved in their issuance to the same place  
15 for swordfish and shark. Again, the AP had advised  
16 us to do that, and we did.

17           Some of the nonregulatory things we have  
18 been working on include featuring swordfish at some  
19 of the prominent seafood shows, trying to get the  
20 word out, swordfish is rebuilt, sustainably  
21 managed, getting the news out on all of the  
22 measures that the fleet operates under. Developed  
23 a fact sheet for distribution. Met with industry  
24 representatives on some marketing ideas. Went to

1 Fish Watch, trying to provide information that's  
2 factual to those that are interested, and then also  
3 worked with industry on an industry brochure.

4 But as we've been talking about the last  
5 couple of years, including the last two days,  
6 bycatch issues remain a concern, including sea  
7 turtle bycatch issues. The proposed change of  
8 loggerhead from threatened to endangered, there's  
9 not been a decision yet, that comment period was  
10 actually extended until next week, and there's a  
11 decision expected in about six months. Depending  
12 on that decision there could be changes in our  
13 biological opinion if there's a change in status.  
14 And we also are tracking our incidental takes  
15 relative to our internal statement of limits, and  
16 you can see that we've under for loggerhead, but  
17 there's not tremendous margins. So when we look at  
18 increasing effort, things that may potentially  
19 increase interaction, it's cause for concern, we  
20 don't have that much room.

21 For leatherbacks, we still had a little bit  
22 more room potentially for the last three-year  
23 period, but in the first three-year period, which  
24 included six months before circle hooks, we

1 actually went over. So we went through a process  
2 that determined that the ITS was valid and so we  
3 didn't make changes there, but you know, again, the  
4 concerns remain.

5 I'm not going to spend a lot of time on  
6 bluefin tuna, except that the TAC is a pretty  
7 dominant concern right now. And so we have a  
8 rebuilt stock, you know, but we're not landing our  
9 full quota, opportunities are limited, but we  
10 continue to have to look at a lot of the things we  
11 have been talking about for several years now in  
12 terms of bycatch and rebuilding, or other species.  
13 So the challenges continue, and the need for  
14 advisory panel advice and direction remains, and in  
15 ways that are workable for us.

16 Some of the ideas that we've been looking  
17 at so far, we've taken action on some of them,  
18 conducting the research in the closed areas, and  
19 you'll have the results this afternoon. Swordfish  
20 marketing, we've done some assistance, it's not the  
21 Agency role to do marketing, but we've assisted in  
22 trying to provide the facts and some assistance  
23 where we can. We looked at permit renewal and  
24 reissuing expired permits. We've had lots of

1 detailed discussions with the panel on some of  
2 these issues and how they may have both pros and  
3 cons associated with them. We've reviewed upgrade  
4 restrictions and we've relieved some of them.

5           Permitting for swordfish retention in squid  
6 trawls, hopefully you remember this morning. The  
7 general commercial handgear permit, this was a  
8 question raised earlier, why haven't we moved out  
9 on it. Well, what I remember of the AP discussion,  
10 there was not a lot of strong support, in fact not  
11 maybe much support at all. So if that's changed, I  
12 would love to know it. Individual bycatch caps,  
13 again, things that have come up in this meeting as  
14 possibilities, things we could explore, and  
15 electronic monitoring as a way to get at some of  
16 the monitoring issues, so I feel like we've  
17 collectively been talking about a lot of this for  
18 some time.

19           Some of the other ideas, whether some of  
20 the pelagic longline closed areas should be  
21 reopened. Whether incidental swordfish permit  
22 holders should be allowed to use buoy gear. Look  
23 at some more of the upgrade restrictions for  
24 handgear, you know, if more buoy gear should be

1 allowed to be used by handgear permit holders.

2 Permanent leasing and increased reporting.

3 So a lot of things on the table, a lot of  
4 things that have been talked about at different  
5 times continue to be possibilities for us moving  
6 forward and you know, so just to recap in total, a  
7 lot of the issues that have been at play continue  
8 to be the ideas. We have been able to move out on  
9 some, some more remain options that we could  
10 pursue, and then you know, most important for the  
11 next agenda topic is the closed area research and  
12 if you remember, this was an extensive process for  
13 us, started in 2008. There was a fair amount of  
14 opposition, if you recall, to doing even the  
15 research that's been done. So we did it and  
16 proceeded with it, we thought it was important to  
17 do it, and now I'm happy to turn it over to  
18 Dr. Kerstetter to actually present the results of  
19 that. Are there any questions?

20 MS. PEEL: Are we taking comments now?

21 MS. SCHULZE-HAUGEN: We can. I was just  
22 trying to set it up, but if you want to ask your  
23 questions right now, that's fine.

24 MR. RAAB: Any quick questions for Margo

1 before we get to Dr. Kerstetter? We'll have time  
2 at the end to open it up for questions.

3 MS. PEEL: Okay, I'll wait.

4 MR. RAAB: So we can go right to the  
5 research, and then open it up.

6 PELAGIC LONGLINE CLOSED AREA RESEARCH -

7 FINAL REVIEW

8 DR. KERSTETTER: Thank you, Margo, for the  
9 setup. As John liked to say, I have a day job, and  
10 it's actually not to sit here in advisory panel  
11 meetings but to actually work as an instructor in  
12 marine science down in Fort Lauderdale. So if  
13 there's no objection, I'm going to stand and just  
14 speak loudly, I think better when I'm not hiding  
15 behind a laptop anyway. All right, thank you.

16 So as Margo implied, this is a long time  
17 coming. What we thought was going to be a fairly  
18 simple one-year project turned into a two-year  
19 project, turned into a three-year project. So  
20 thank you all for your patience as we've been  
21 working on this data for a while, so let's go ahead  
22 and jump in.

23 We all know the current time-area closures  
24 that apply to the longline fishery, a number of

1     them scattered around the Gulf of Mexico and the  
2     Mid-Atlantic as well as the FEC. We focused  
3     primarily on the Florida East Coast and Charleston  
4     Bump time-area closure, and the Charleston Bump  
5     time-area closure is actually a seasonal closure.

6             Now we were talking about doing this  
7     project going all the way back to 2006, so the  
8     discussions for the project started back in 2006.  
9     Bluewater was an instrumental part of this whole  
10    project. They had an original proposal promoted by  
11    Bluewater to put 13 vessels into the time-area  
12    closure. As you know, that ran into a little bit  
13    of opposition and eventually that EFP application  
14    was denied. We continued on with the discussions  
15    because we believed that this research was  
16    important, NMFS agreed and cooperated with us, and  
17    eventually we got the permit to allow two vessels  
18    into these time-area closures with a third on  
19    standby, and that environmental assessment was  
20    published by NOAA in 2007.

21            I put this slide up here because I think  
22    it's important to recognize what the original goals  
23    of this project were. They weren't to decide after  
24    this project whether we still had any fish there,

1 it was to find out what was going on inside that  
2 time-area closure. The first of these goals was to  
3 compare the catch rates of target and nontarget  
4 species in the open and experimental portions of  
5 the closed area, because again, we could not get  
6 into the entire area that was closed as part of the  
7 primary closures, only a small portion of them.

8 We also were going to look at historical  
9 and contemporary catch rates as well as historical  
10 and temporary catch rates with various hooks. Now  
11 I've got those in Italics, because I want to return  
12 to that at the very end. So we had a bunch of  
13 subcategories under each of these general goals.  
14 Obviously the catch rates was probably the priority  
15 one. We also wanted to look at bycatch reduction  
16 potential from using non-offset 18/0 circle hooks  
17 as opposed to the industry standard ten grade. We  
18 wanted to look at the effectiveness of line cutters  
19 and de-hookers as part of the ongoing NOAA  
20 fisheries process that started up in the NED and we  
21 were using all this equipment down here.

22 We wanted to look at the spatial and  
23 temporal relationship within both the open area and  
24 the portions of the time-area closures that we were

1 allowed to fish. We wanted to look at the  
2 immediate mortality of these non-offset 18/0 hooks,  
3 and when I say immediate mortality I'm referring to  
4 the mortality at haul back, you know, is the fish  
5 when it comes to the side of the vessel alive or  
6 dead. Finally, we wanted to look at the bycatch  
7 reduction potential for the bycatch species.

8 As you might imagine too, the EFP process  
9 was a fairly lengthy one and understandably so.  
10 All the vessels and captains involved had to go  
11 through an occasional and lengthy background check  
12 for prior violations. There were several vessels  
13 and/or captains that were interested in  
14 participating but were unable to do so. Again, the  
15 original proposal called for 13 vessels, we  
16 eventually got that to two with one on standby, and  
17 the names of the participating vessels did change  
18 somewhat over the course of the three years. All  
19 of the vessels had either a pelagic observer  
20 program, POP contractor, and actual observer  
21 employee, or a fisheries observer, one of my  
22 graduate students as well as myself, that were  
23 trained to observe the program. They can't  
24 officially call us certified for some legal reason,

1 but we were effectively pelagic observer program  
2 observers. We used all their forms, all their  
3 protocols, and so I think it's important to  
4 remember that the data collection was standardized  
5 to the data collection for the rest of the pelagic  
6 longline fleet.

7 The original experimental areas closed by  
8 this work are in pink, it doesn't show up very well  
9 on there but it's the darker of the gray colors  
10 there. There's an upper portion inside the  
11 Charleston Bump and then there's a lower portion  
12 within the Florida east coast. In trying to fish  
13 this lower part, there were concerns raised by a  
14 couple of the captains that because of the way the  
15 current operates in that area, because of the way  
16 the captains like to anchor one end of the gear,  
17 that this was actually too small of an area to  
18 effectively fish, and so a small experimental area  
19 over on the left-hand side was added, it's actually  
20 ten minutes west, was added in 2009.

21 There were four main points for this, port  
22 controls; probably Pompano Beach and Cherry Point,  
23 South Carolina were the primary ones. I think it's  
24 important to remember that this project did not

1 have any compensation to any of these vessels, they  
2 even had to provide their own hooks. The only  
3 benefit that they got out of this was to keep  
4 whatever retainable catch they had. So there were  
5 a number of requirements, and I thought it  
6 important to list them here so that you understand  
7 what each of these vessels that participated had to  
8 go through to participate. It's directly from the  
9 proposal, which is why it's all in future or  
10 present tense.

11 So the vessel operator obviously was  
12 required to maintain safety in the vessel, the  
13 captain agreed to work with the observer to make  
14 sure that animals were able to be measured. They  
15 had to adhere to all gear requirements and other  
16 HMS regulations. They, again, could keep their  
17 harvest for sale. And they were required to take  
18 precautions to reduce either gear and/or fishing  
19 grounds conflicts. The concern was that in the  
20 southern part of the FEC area that we were allowed  
21 to fish, that we may run into interactions with  
22 some offshore recreational vessels.

23 The gear was fairly standardized. Branch  
24 lines, the leader had to be 110 percent of float

1 line length, that's an HMS requirement for sea  
2 turtle bycatch. The hook spacing had to be uniform  
3 within the set. Each vessel according to the EFP  
4 was allowed to pull in 500 hooks per set within the  
5 area closures that we were allowed to fish. If it  
6 was an open area set they were allowed to fish more  
7 than that; however, the observer still had to be  
8 provided access to any catch caught on those  
9 additional hooks. Vessels, as would all the rest  
10 of the pelagic longline fleet, had to use line  
11 cutters, de-hookers, gags and so on, and release  
12 all bycatch species alive if possible.

13           So I have when targeting swordfish, but all  
14 the vessels in this project were either targeting  
15 swordfish or mixed, they were required to use a  
16 non-offset 18/0 circle hook. There have be leaded  
17 swivels on every leader. It was five hooks per  
18 basket or between floats, seven or 10,000 buoy  
19 drops and 12,000 leaders, uniform within a set.  
20 And so we attempted with this requirement to  
21 provide the vessels a small bit of flexibility, but  
22 not too much to affect the results.

23           The vessel had to assist the observer in  
24 collecting all sorts of data, as the observers

1 normally do, this was nothing onerous to the  
2 vessels, the same thing with the accurate number of  
3 hooks, and to provide access at the point of sale  
4 to collect weights. These are all part of the  
5 normal observer process.

6           So the vessels were conducting normal  
7 longline operations inside and outside of the  
8 time-area closure. Outside includes any area  
9 within the SAB and FEC areas, even outside the U.S.  
10 EEZ. Now vessels would attempt where practical,  
11 and certainly with weather conditions, the way the  
12 water sets up and so on, to divide fishing effort  
13 on each trip between the outside and inside of  
14 those closures.

15           So, for the results, we had 34 trips that  
16 were completed, 14 in 2008, 13 in 2009, and seven  
17 in 2010. There were 192 sets completed, 39 were in  
18 the Charleston Bump closed area, 53 in the FEC  
19 closed area, and one in the remaining open areas.  
20 There were five participating vessels in the entire  
21 project; however, the vast majority, 73 percent of  
22 those were on the Kristin Lee, which is based out  
23 of Pompano Beach.

24           We originally called for 256 experimental

1 sets over one 12-month period, and the original  
2 proposal was 18 months, and we did this to acquire  
3 what we thought was sufficient statistical power to  
4 have the results actually make sense. We used the  
5 power estimation tool software I'll get to later  
6 and historical CPUE data for these variants. So  
7 with the 256 experimental sets, we would have had a  
8 minimum power of about 09.9, generally about 0.8  
9 for statistical power is considered good, so we  
10 actually provided ourselves a little extra in that  
11 256-set extrapolation.

12 So again, we had 192 final sets, 60 within  
13 the closed areas and the rest within the open areas  
14 and/or open seasons. Ten sets were not fully  
15 observed. In one case it was due to one of my  
16 graduate students getting a bad ear infection,  
17 another one there was another observer that was  
18 sick, so those were not included in the catch rate  
19 analyses, although they certainly were out to sea.

20 Now folks, these colors don't show up  
21 particularly well, my apologies on that. So we  
22 have the closed area up on top, the open area down  
23 below, and this is up here because 46 percent of  
24 the catch within the closed area was swordfish, 19

1 percent of that was Mahi. Within the open area 29  
2 percent were tunas, 29 percent were swordfish, and  
3 I know there was some concern when the project  
4 originally was proposed that vessels would only cut  
5 into the closed area, particularly the northern  
6 part of the FEC closure, just so they could fish  
7 for tuna. And while that may have been a valid  
8 concern at the time, that's certainly not what the  
9 results bore out.

10 The other thing I wanted to mention here  
11 was the large portion of the dusky, night shark and  
12 silky sharks that we encountered inside the closed  
13 area, and very little inside, or outside of those  
14 in the open area, and I will return to that  
15 shortly.

16 I did a number of comparisons in terms of  
17 swordfish length. For total swordfish we had 1,156  
18 swordfish caught from the open areas, 994 inside  
19 the closed areas. There was a six-centimeter  
20 difference in length between those two; however,  
21 because of the numbers, it was statistically  
22 insignificant. Swordfish in the open areas are  
23 significantly larger, and it should not be a  
24 surprise. Bigeye tuna, yellowfin tuna, same sort

1 of results. It was a somewhat larger difference  
2 for bigeye tuna and yellowfin tuna than it was for  
3 the swordfish, but again, for both species the  
4 individuals outside of the closed areas were  
5 significantly larger than those inside the closed  
6 areas. Bluefin tuna, no one caught one during all  
7 three years of field work inside the closed areas.  
8 They caught one in the open area during 2010 and it  
9 was a 220-centimeter four-point fish and yes, it  
10 was retained. For Mahi, we had 116 of those caught  
11 in the open area and a whopping 731 caught in the  
12 closed area. A lot of those were caught inside the  
13 Charleston Bump time-area closure, and there was  
14 actually a significantly different length for Mahi  
15 as well, with those in the open area being  
16 significantly longer.

17 For bycatch species mortality, so, we've  
18 got the Charleston Bump time-area closure, the FEC  
19 closure and extension there, and you can see where  
20 the bycatch species occurred. So we caught 84 blue  
21 marlin total, 19 of those were discarded dead, 65  
22 were released alive. During the original  
23 environmental assessment, the EA, it predicted over  
24 that one-year course of the project to have 14 dead

1 and 10 alive, so we had significantly more released  
2 alive than released dead, and based on these  
3 analyses there was an assumption of a 50 percent  
4 chance of being alive at haul back.

5           So for white marlin, we only caught 11  
6 total, the original EA predicted 22. Of those,  
7 four were dead, seven were alive. For sailfish, we  
8 caught 187 total, the original EA predicted 31. 56  
9 of those were discarded dead, 131 were released  
10 alive, and again, that was a significant difference  
11 as well. In the FR notice and the EA, under the  
12 worst-case scenario they estimated two leatherback  
13 and six loggerhead interactions during that  
14 one-year period; during the three years we  
15 encountered three leatherbacks and two loggerheads,  
16 all of which were released alive, with no trailing  
17 gear. Not surprisingly for this part of the FEC  
18 and SAB, we didn't have any seabird interaction  
19 during any part of this study.

20           For silky sharks, night sharks and tiger  
21 sharks, for silky, a count of 377 of those total,  
22 175 dead, 201 alive. For night sharks, 595, 394  
23 dead, only 196 alive, and that was a significant  
24 difference. Most of the night sharks were

1 encountered during the seasonal time-area closure  
2 in the Charleston Bump, and we had an extremely  
3 high bycatch rate of those. For anybody that's  
4 been out pelagic longlining, we caught 160 tiger  
5 sharks, there's one included on there that was  
6 lost, that's why it doesn't total 160, but only  
7 three of those were dead, 156 were released alive.  
8 Especially off shore, tiger sharks can be very big  
9 and very alive.

10 Now this is not in your packet, so don't  
11 look through pages looking for it, but I wanted to  
12 have an aside here about statistical errors. When  
13 we generally present scientific results, we  
14 generally worry about type one errors. In this  
15 example which is from Wikipedia, so anybody that  
16 goes down there can immediately find exactly what I  
17 have on the board here. If you were to assume a  
18 hypothetical that a null hypothesis, which is that  
19 the patient doesn't have HIV, but the alternate  
20 hypothesis is that the patient does, if you reject  
21 that null hypothesis when it is in fact true, you  
22 have the type one error, a false positive. And so  
23 we generally have, report statistical sets that are  
24 based on an alpha level of 0.05, so we have a 95

1 percent chance of not encountering a type one  
2 error. We have, if we don't reject that null  
3 hypothesis when we actually should, we have a false  
4 negative or a type two error. So again,  
5 statistical significance says, we generally report  
6 as scientists, we're generally concerned about type  
7 one error. Now, for projects with statistical  
8 power such as type two, and statistical power is  
9 generally affected by sample sizes, and so we have  
10 low statistical power when you have experiments  
11 with fairly low samples.

12 I know there's a lot of concern when  
13 apparently we weren't going to achieve that 256  
14 sets as originally proposed, that we would no  
15 longer have the statistical power to accept these  
16 results, that we would in fact be committing type  
17 two errors. And so when it went through for the  
18 results that I'm going to be presenting on CPUE,  
19 that I actually did evaluations for statistical  
20 power, and I included those actually in convenient  
21 color coding for everybody.

22 So for these catch rate comparisons, CPUEs  
23 are all based on catch per thousand hooks, so most  
24 of these sets were 2,500 hooks even if they were

1     inside the open area. CPUEs tend to be  
2     non-normally distributed, so all of them were given  
3     the log (x + 1) log transformation, and we assessed  
4     area and quarter effects using SAS, a statistical  
5     model. I computed statistical power post hoc for  
6     all comparisons by calculating the Cohen's D, which  
7     then went into a program that's available for free  
8     distribution called G Power. Again, just a  
9     reminder, power values of greater than 0.8 are  
10    generally considered adequate to avoid type two  
11    errors.

12           Now, just a side note here. The Charleston  
13    Bump time-area closure is seasonal, so any sets in  
14    that area during the open season are considered  
15    open areas for the purpose of these analyses.

16           Catch rates for swordfish for all years,  
17    all quarters, so these are all swordfish, retained,  
18    dead discards, live releases. CPUEs were 36.8  
19    inside the closed area, so almost 37 swordfish per  
20    thousand hooks inside the closed area, although  
21    broad broad ranges within each of these. For the  
22    open areas, 20 swordfish, 19.7. For the GLM, the  
23    modeling results, we saw significant effects for  
24    area, so inside or outside of that closed area, and

1 area quarter interaction effect. The power of this  
2 analysis is 0.86, suggesting that we did in fact  
3 avoid a type one or type two error in this case.  
4 For retained swordfish, somewhat lower power;  
5 however, again, larger fish, or sorry, greater  
6 percentage of fish, higher CPUE inside the closed  
7 areas as opposed to outside those closed areas in  
8 the open region, again, not a particularly  
9 surprising result. There was a significant area of  
10 quarter interaction effect but I'm willing to  
11 discount that based on the power.

12 High statistical power, however, in the  
13 case of swordfish discards. Inside the closed  
14 area, 11.1 fish per thousand hooks reported;  
15 outside the closed areas, 4.3 fish per thousand  
16 hooks. Again, somewhat smaller range in the open  
17 area, but still fairly large ranges for both of  
18 those. For the modeling, again, highly significant  
19 area effect and also an area in calendar quarter  
20 effect, as well as quarter effect, so big goings on  
21 there.

22 For billfish, because I know part of the  
23 concerns in this whole project were about billfish,  
24 so I tried to take extra certain concern to present

1 results of these analyses. So for billfish  
2 bycatch, I will go through them individually. For  
3 all years all quarters, slightly higher blue marlin  
4 bycatch rates within the closed areas. However,  
5 the modeling results were affected by the sheer low  
6 numbers of blue marlin caught as a result of this  
7 project, and so there's little to no statistical  
8 power to say anything about these results.

9 For sailfish, however, and this was a  
10 result that really surprised us, CPUEs for sailfish  
11 significantly higher outside of the closed areas as  
12 opposed to inside them, and not particularly broad  
13 ranges of CPUEs. Generally a fish, or a sailfish  
14 was encountered on almost every set, although  
15 again, most of those were released alive. Highly  
16 significant area and quarter effects, not  
17 necessarily so for the area quarter effects.  
18 Sailfish down here are in these little yellow dots,  
19 so you can see a pretty broad distribution of  
20 sailfish all across the top of that region. And  
21 again, it was fairly good statistical power for  
22 this analysis.

23 For all billfish combined, again, higher  
24 numbers so higher statistical power, in large part

1 driven by the sheer numbers of the sailfish  
2 encountered during this project, significantly  
3 higher catch rates outside of the closed areas, and  
4 again, significant results for area and quarter  
5 effects.

6 Shark bycatch is something that I really  
7 wasn't expecting to see too much interesting about,  
8 actually we did. For silky shark, all areas all  
9 quarters, CPUE inside the closed areas, 38.1 silkys  
10 per thousand hooks; outside those closed areas,  
11 1.3. Again, driven in part by that large range and  
12 the fact that almost all of those during, in the  
13 closed areas were encountered -- sorry, not for  
14 silkys, but for nights, I'll get to that, but a  
15 very broad range. Highly significant GLM results  
16 for both area quarter and area and quarter  
17 combined, with a fairly high power.

18 For night sharks all years all quarters,  
19 again, a much higher catch rate inside those closed  
20 areas than outside. This was the one that I was  
21 actually referring to a second ago in error. A lot  
22 of night sharks were actually encountered inside  
23 the Charleston Bump time-area closure. And again,  
24 significant results during the GLM modeling for

1 both area, quarter and area, quarters interaction  
2 effect, a very high statistic power on that  
3 analysis.

4 So, some general conclusions for this  
5 project. Because of the requirements for the EFP  
6 permitting there were relatively few participating  
7 vessels. Several more, probably not many, that was  
8 a bit of an exaggeration, but several more  
9 certainly were willing but didn't qualify. There  
10 was a general unwillingness or inability because of  
11 the EFP restrictions to conduct year-round sampling  
12 in the Charleston Bump, so we did results in the  
13 open area, certainly in the SAB, but there were  
14 zero interactions during any part of this work with  
15 any recreational vessel, even in the fairly  
16 congested parts of the FEC closed area that we were  
17 allowed to work in.

18 Overall billfish mortality was minimal, not  
19 surprising given the fairly large non-offset circle  
20 hooks. We've seen time and time again, in study  
21 after study, and we'll see more at the circle hooks  
22 symposium in May, that large non-offset circle  
23 hooks tend to have fairly low mortality rates in  
24 longline, as was, sea turtle bycatch was minimal,

1 and bluefin tuna, again, was one fish, and that was  
2 outside the closed area in the open. We had  
3 significantly higher catch rates of all swordfish  
4 and swordfish discards within the closed areas.

5 Now, we have somewhat of a question here  
6 about the effects of using these non-offset 18/0  
7 versus the industry standard offset 18/0 or the  
8 non-offset 16/0 circle hooks, especially by vessels  
9 operating in the open portion and the FEC.

10 So, I have a couple last things to do. I  
11 actually do have data to make comparisons of  
12 historical and contemporary catch rates, although I  
13 do have some issues here. I thought it interesting  
14 that Terri was the one that actually brought up  
15 yesterday that you have apples and oranges  
16 comparison with these, and I will certainly run  
17 them and I certainly will present the results, but  
18 if you have significantly changed the terminal here  
19 in terms of J hooks, I really wonder what the  
20 results of that comparison between J hooks and  
21 fairly large circle hooks are really going to tell  
22 you. The underlying baseline of that CPUE, I feel,  
23 has really changed. Most of the available data on  
24 hook types are based on sets using a single hook

1 type within all gear deployment. Most of the time  
2 in peer reviewed studies on comparisons of hook  
3 types, the alternating hook methodology, circle  
4 hook, J hook, circle hook, J hook, or 16, 18, 16,  
5 18, encounter the whole range of depth  
6 distributions within the baskets, and they have an  
7 equal probability of encountering the same  
8 underlying population of fish, when you start doing  
9 single hook comparisons with gear, I don't feel  
10 like the results are nearly as valid.

11 As a last concern, standard observer  
12 program protocol is only to record the animal's  
13 disposition, so in this case alive versus dead, not  
14 other potentially useful information such as hook  
15 location. That's occasionally recorded for  
16 experimental work, it was recorded in the NED work,  
17 it's reported in all my work, it's reported in any  
18 other NMFS approved experimental pelagic longline  
19 operations, but it is not part of the normal POD  
20 program. So some of those, I really wish that they  
21 would start collecting those data. I got into  
22 several very long conversations with Larry  
23 Beerkircher about that.

24 Next steps, and this is not necessarily for

1 this project, but just in general for this sort of  
2 research. I think it's worthwhile to review the  
3 comparisons of hook type, to look at the impact of  
4 non-offset versus offset 18s. There's very little  
5 available data, in the public realm at least, for  
6 examination of these experimental data. The FRI  
7 project, the NED project, those large experiments  
8 that were either run by NMFS or at least in  
9 cooperation, these data are not publicly available  
10 and are in fact still being mined for papers and  
11 other publications. Some of these data, however,  
12 Congress willing, are going to be presented by NMFS  
13 employees at the circle hook symposium next month  
14 in Miami.

15 This is the only slide up here that I have  
16 about management considerations, and deliberately  
17 so. It's not my place as director of these  
18 particular research projects to make these, but  
19 they are, I think, food for thought for those of  
20 you as we go forward and discuss the results of  
21 this work inside the context of swordfish  
22 rebuilding and so on. So, I thought it interesting  
23 that the locations of the catch and bycatch  
24 species, they might provide a basis to provide more

1 specific area targeting for closed areas, and a  
2 significant interaction between the area and  
3 quarter might allow more time specific targeting.

4           Again, there's the concern that NMFS has  
5 that any of these options or suggestions be  
6 considered with the consideration that bycatch  
7 levels of a number of species cannot be increased,  
8 in the case of sea turtles not without triggering  
9 ITS, so it's going to provide some problems  
10 potentially to do those.

11           I also thought it important to just put a  
12 slide up here that talks about some of the other  
13 research that occurs. Certainly enough people out  
14 here were concerned about the catch rates and the  
15 other catch results within the projects, but by  
16 having graduate students out there and by having  
17 access to some of these species, there were a  
18 number of other research projects that were able to  
19 be completed because of this work, not only the  
20 diet, the life history, and I can go through  
21 important bycatch species that are also very poorly  
22 known. A graduate student ended up doing a lot of  
23 work on cetacean habitat. She's now working with  
24 Lance Garrison at the Southeast Fishery Science

1 Center.

2 And also, an awful lot of conventional  
3 tagging. Swordfish, white marlin, blue marlin,  
4 sailfish, and 74 various shark species, two of  
5 which have already been encountered, a shortfin  
6 mako captured off Massachusetts. Another night  
7 shark that was tagged off Charleston Bump was  
8 captured off Havana, so we're seeing some results  
9 there too.

10 A lot of people to thank. Not only my  
11 graduate students that helped both in this  
12 presentation and with the FC field work, Cheryl for  
13 the GIS assistance. But certainly the pelagic  
14 observer program staff, not only for the training,  
15 but the support, all these data after each trip  
16 were submitted to the pelagic observer program, who  
17 worked with us to make corrections as necessary and  
18 to enter those into the final database. Certainly  
19 HMS staff has been supportive, especially regarding  
20 the EFP and working with us on getting vessels  
21 added. Bluewater has been there in support of this  
22 research although they did not actively  
23 participate, there were no, in the sense that there  
24 were not Bluewater people constantly over my

1 shoulder, they took a very hands-off approach. And  
2 finally, the captains and crews of the  
3 participating vessels. So it was short, but I  
4 think some good points.

5 I will be happy to take any questions now,  
6 if you haven't gotten the word.

7 MR. RAAB: Ron.

8 MR. CODDINGTON: Ron Coddington, and I'm  
9 going to be brief here. One quick comment that  
10 maybe generates a question. In the Federal  
11 Register, which I presume came from the  
12 environmental impact statement, we had two  
13 calculations of bycatch, one is a worst case  
14 scenario, which you compared to up there, and the  
15 other one was apparently a projection based on  
16 circle hook use. Am I looking at that correct,  
17 because I do see two sets of numbers, one on the  
18 prediction of bycatch and one called the worst case  
19 scenario, again in the Federal Register, and I've  
20 got two quick questions like that.

21 MS. SCHULZE-HAUGEN: What I'm going to have  
22 to say is that EA was written some years ago, and  
23 the details of it I would have to review before  
24 giving you a competent answer.

1           MR. CODDINGTON: I'll go onto the next one,  
2 but a quick comment is there's significant  
3 differences between the prediction for circle hooks  
4 in the Federal Register versus the prediction for J  
5 hooks, and even though we went over the prediction  
6 for J hooks with blue marlin.

7           The next question is on bluefin tuna.  
8 Presumably interaction with bluefin tuna in that  
9 area would be very time specific. Do we know how  
10 many sets were made early -- I guess that's two  
11 questions. Do we know when we would expect to see  
12 bluefin tuna to be there presumably when they're  
13 moving out of the Gulf and migrating to the north,  
14 maybe, and if we know when we think they'd be  
15 there, did we have a number of sets, an appreciable  
16 number of sets during the time period when we  
17 expect the greatest interaction with bluefin tuna?

18          DR. KERSTETTER: All the sets were not only  
19 targeted but set for mix. We did have  
20 representative numbers of sets throughout the year  
21 in that part of the open area of the Florida East  
22 Coast area, so presumably, and I'm not a bluefin  
23 person, but a fairly rare event to catch a bluefin  
24 even in those upper parts of the FEC. But

1 presumably we would have had a boat out there when  
2 such interactions would have occurred, and yet we  
3 only had one.

4 MR. CODDINGTON: Does that mean that you  
5 had a good time distribution, effectively did all  
6 the months? Because I realize there are times when  
7 that area is more active than others, but did you  
8 have a good cross-section there?

9 DR. KERSTETTER: I feel that we do. I can  
10 show you off line what the month-by-month  
11 distribution of those sets were, but we fished at  
12 least one or two sets per month throughout most of  
13 this project.

14 MR. CODDINGTON: Okay. One final question,  
15 and that is short compared to me, I'm certain.  
16 What's the statistical significance of the fact  
17 that you did do all the sets in the open zone, more  
18 or less, that were predicted, but you only did  
19 about half the scheduled number of sets in the  
20 closed zone? And when you answer that, remember  
21 that we went through a lot of blood, sweat and  
22 tears in meetings over fishing that closed zone.  
23 So to me it's a little disturbing half the sets in  
24 the closed zone, when we all beat ourselves up

1 across this room over the closed zone, we don't  
2 care when they're going to fish the open zone.

3 DR. KERSTETTER: Certainly that could  
4 present a form of bias in the results. I have not  
5 gone through and tried to quantify that potential  
6 bias, so I don't want to provide any more of an  
7 answer than that. I don't want to speak before I  
8 actually do the analysis. However as a qualitative  
9 thing, I would say with all that tooth gnashing  
10 that we went over, and I was here for a large chunk  
11 of that, the fact that not as many sets were  
12 conducted in the closed areas could actually be  
13 considered by some people to be a good thing.

14 MR. RAAB: Guillermo, did you want to add  
15 to that?

16 MR. DIAZ: No, I want to ask a question. I  
17 had a question. Dr. Kerstetter, where did you get  
18 your example of type one and type two errors?

19 DR. KERSTETTER: It's right off Wikipedia,  
20 so anyone can go to the website and look at it  
21 themselves.

22 MR. DIAZ: The research here shows that we  
23 are catching more swordfish inside of the closed  
24 areas, and they also caught swordfish that are

1 smaller and they're discovering more of them. So  
2 my question is, do you have for us to share now a  
3 proportion of swordfish in numbers, to the total  
4 catch, that were discarded in the open and closed  
5 area? And also, do you have a catch rate in weight  
6 of marketable swordfish? Basically my question is,  
7 even though they caught more swordfish in the  
8 closed area, were they able to land more swordfish  
9 or not?

10 DR. KERSTETTER: I don't have those results  
11 to be able to present you in five minutes.  
12 However, I could get those results to you by  
13 tomorrow morning.

14 MR. DIAZ: Thank you.

15 MR. RAAB: John.

16 MR. JOLLEY: Thank you. Am I right, you  
17 were fishing most of the time sets of 500 hooks per  
18 set, and about how long would that be in terms of  
19 miles roughly?

20 DR. KERSTETTER: 11 or 12 miles maybe,  
21 ballpark.

22 MR. JOLLEY: Was there any tending of the  
23 line on any of the sets?

24 DR. KERSTETTER: No. And most of these

1 sets were also what -- you know, the pelagic  
2 observer program and I disagree on what exactly is  
3 a reverse haul back, but most of these sets,  
4 generally the last hook deployed was the first one  
5 that was hauled back.

6 MR. RAAB: Elizabeth.

7 MS. GRIFFIN-WILSON: I was curious whether  
8 you had an indication of the CPUE for sea turtles  
9 inside and outside the area.

10 DR. KERSTETTER: I could calculate those  
11 out for you, but with five sea turtles caught over  
12 the 192 sets, I don't think the number is going to  
13 be very meaningful. I will get that for you this  
14 afternoon if you would like, for whatever it's  
15 worth.

16 MS. GRIFFIN-WILSON: Yes.

17 MR. RAAB: Pat.

18 MR. AUGUSTINE: Pat Augustine. I want to  
19 ask a hard question. You've done all this research  
20 and you still haven't put anything up there that  
21 has me jump up and down and say whoa, we're going  
22 to have pelagic longline, hopefully in a closed  
23 area. And so having said that without asking a  
24 question, the question is, how much more research

1 do you believe from your conducting this research,  
2 how much more analysis would it require you to do  
3 for this group to come up with a consensus that  
4 makes sense to open up the Charleston Bump on a  
5 limited basis, or not at all?

6 Another question, but it's probably related  
7 to the same question. Have you conducted enough  
8 research to reach some kind of, to help us reach  
9 some kind of conclusion that it makes sense or  
10 doesn't make sense? And then I'll have a follow-up  
11 question.

12 DR. KERSTETTER: Okay. Pat, I think what  
13 you're ending up with is really a policy question,  
14 and let me qualify that a little bit. One of the  
15 reasons that I had up there, the stated goals of  
16 the project was that one of those goals was not  
17 exactly that sort of determination, it was to  
18 compare the catch rate, it was to look at bycatch,  
19 and then present those results for what they were.  
20 When you start asking questions about should we do  
21 X, that is inherent with all sorts of value  
22 assumptions, you know, what is an acceptable level  
23 of tuna bycatch, for example, what is an acceptable  
24 level of sailfish bycatch, and those are all

1 questions that are going to vary with each  
2 individual.

3 MR. AUGUSTINE: My follow-on would be, Ron  
4 asked for a very direct question, that we had more  
5 longline trips out in the open area, yet only about  
6 half of those, that number was in the closed area,  
7 so we need to get a better feeling. Based on the  
8 analysis that you gave us, there is very little  
9 difference between open and closed, very little, or  
10 in many cases insignificant. Mortality rates in a  
11 couple of the species had difference, but generally  
12 speaking it didn't matter, really didn't matter.

13 I would also be interested in seeing during  
14 the various lumping of seasons if there would be  
15 any more variability there. If not, everything  
16 you've done so far leads one to believe that  
17 someone has made a policy decision, and the policy  
18 decision, if that is the valid information, would  
19 leave one to believe that it doesn't make any  
20 difference whether you fish in these open areas or  
21 closed areas, nothing that significant. I would  
22 like to see a follow-on and as Ron pointed out,  
23 maybe to send out a few more of those pelagic  
24 longliners onto trips in the closed area, even for

1 validation purposes only.

2 But from what you've presented, if this  
3 information were peer reviewed, I'd take the hit,  
4 me. I'd take the hit and say everything you've  
5 said so far would lead one to believe that we  
6 really should start, or consider using a limited  
7 pelagic longline in those closed areas, and use it  
8 on an experimental basis tracked very closely by  
9 HMS to see what the results are, so see over a  
10 period of year, and we could pick the number of  
11 vessels or pick the number of permits, but over a  
12 period of a year or two, to determine if the catch  
13 rate remains about the same, or if the catch rate  
14 goes up on turtles or some of the more valuable  
15 species that we are trying to track.

16 We are at the point in time when this group  
17 has been discussing this for a long time and if  
18 there is any significance difference, I think we as  
19 a body should recognize it, and HMS needs to take  
20 the next step. Thank you.

21 MR. RAAB: Jason.

22 MR. ADRIANCE: Jason Adriance. Thanks for  
23 the presentation, that was good. Could you back up  
24 to slide 19, I have a question, or 20, either one.

1 That's good. You're talking about not as many sets  
2 in the closed areas. I also have a question  
3 regarding the distribution of sets in the closed  
4 area. It looks like a very limited portion of the  
5 closed area was used for sets. Is there a reason  
6 for that, is it in the report? I would like to see  
7 more distribution within the closed areas.

8 DR. KERSTETTER: Well, a couple thoughts.  
9 First of all, this map is showing us the location  
10 where bycatch occurred, primarily sea turtles,  
11 marlin and sailfish, so this kind of mirrors  
12 overall distribution but it's not exactly that,  
13 these don't represent all the sets. That being  
14 said, there were significant portions that were not  
15 heavily fished, or fished at all. In a perfect  
16 world, there would have been compensation for the  
17 vessels to fish in representative areas. That  
18 would have required a significant increase in  
19 budget because a lot of those areas have fairly low  
20 catch rates, so they would essentially be fishing  
21 for that compensation, and that was not part of the  
22 process, and so the captains had their choice to go  
23 wherever they wanted to, and generally went to  
24 where the fish were. So I think the distribution

1 effort is a valid point; unfortunately, we were not  
2 able to adequately capture completely within the  
3 scope of this project, though.

4 MR. RAAB: I have Bob, Rick, Ron, then  
5 Steve.

6 DR. HUETER: Bob Hueter, Mote Marine Lab.  
7 Dave, I'm just interested in the dusky shark  
8 component of the catch. On the pie chart you have  
9 duskys, nights and silkys lumped together, and then  
10 later you have information for sharks without  
11 mentioning duskys again. So, can you tell us  
12 anything about the dusky catch, the size and  
13 numbers?

14 DR. KERSTETTER: I can get those dusky data  
15 for you. For the purpose of those pie charts, we  
16 caught very few carcharhinus, as well as the other  
17 large species, but I can get you those data, but  
18 relatively few in number, I think less than ten  
19 total. Mostly all the large carcharhinus we  
20 spotted was silkys and nights.

21 MR. RAAB: Rick.

22 MR. WEBER: Rick Weber. Dave, I just went  
23 back to the spatial distribution as well. You  
24 know, I hear this conversation quickly becoming the

1 open zone versus the closed zone, and just looking  
2 at the graph it doesn't look representative of all  
3 of the open zone or all of the closed zone, even  
4 percentage distribution between the Bump and the  
5 FEC, you know what I mean? What is your feeling as  
6 a researcher about that extrapolation, what does  
7 this say about the whole open zone, or the whole  
8 closed zone, sorry?

9 DR. KERSTETTER: Thank you. That would be  
10 a quite different statement. As I alluded to over  
11 here with Jason, I would have loved to have had the  
12 ability to do essentially a fisheries independent  
13 survey of these closed areas that we were allowed  
14 to fish. Unfortunately, that was simply not  
15 possible. I think you can make some inferences,  
16 however, by where the fisherman did choose to fish,  
17 and they chose to fish I where the fish were,  
18 generally because they hear from other captains in  
19 the fleet where they're fishing and catching, or  
20 not catching, and adjust accordingly.

21 You might be able to make an inference that  
22 this portion of the FEC closed area has fairly low  
23 CPUEs, or fairly high CPUEs of nontargeted species.  
24 I don't know. That were be an inference that you

1 might be able to make, but I don't have any basis  
2 to support it.

3 MR. RAAB: Back to Ron.

4 MR. CODDINGTON: My next comments are more  
5 to the points of the presentation Margo made, so  
6 maybe you can come back to me at the end after  
7 people talk about any questions they have of Dave.

8 MR. RAAB: Yeah. Steve.

9 MR. JAMES: Just a quick observation  
10 question. With all the exhaustive testing that was  
11 done here, it strikes me as being perplexing that  
12 you came in contact with just one bluefin tuna over  
13 this three-year period. And not to have a  
14 one-track mind, but somebody is coming in contact  
15 with it to come up with 160 metric tons of dead  
16 discard somewhere along the line, but how is it  
17 that you avoided them and the guys that do this on  
18 a regular basis can't?

19 DR. KERSTETTER: I'm not sure how much of a  
20 question it was. I'll take a stab at it and then  
21 let Margo step in. Historically catching bluefin  
22 tuna in this part of the Florida Straits is  
23 generally pretty low. You start seeing more  
24 bluefin bycatch the further you go off shore for

1 whatever reason that is, I'll let tuna experts  
2 speak to that. I know from having been out there  
3 as an onboard observer during a chunk of that work  
4 that while we were out here in this area, we did  
5 hear of vessels in the area encountering bluefin.  
6 The captain was, shall I say rather displeased,  
7 that we did not. Now what the magic touch by that  
8 captain was to avoid them, I wish I had an answer  
9 for you.

10 MS. SCHULZE-HAUGEN: A simpler point, that  
11 when the analysis was done for the original EFP  
12 permit, bluefin was not a dominant portion of the  
13 catch, so this actually corroborates that in my  
14 mind that for whatever reason, it did not happen  
15 either.

16 MR. RAAB: Ellen.

17 MS. PEEL: Ellen Peel. In light of the  
18 fact that there were fewer sets on the inside of  
19 the closed zone, the fact that you still caught  
20 more blue marlin, I think is significant, so I  
21 respectfully disagree with Pat's observation. Blue  
22 marlin have not been as readily available to  
23 anglers in South Florida as they were years ago,  
24 and some of the tournaments and some of the

1 individual trips are, you know, recording a lot  
2 more interest now that they are interacting with  
3 some of these marlins right in our own back yard,  
4 so I think the fact that you have far more blue  
5 marlin inside is significant. I'm glad to see  
6 outside they were far less.

7 White marlin, there weren't many numbers.  
8 Sailfish, though you had a wide distribution of  
9 catch, but still you had significantly more inside  
10 the closed zone, which I think -- you're shaking  
11 your head?

12 DR. KERSTETTER: No. Go ahead.

13 MS. PEEL: I think you had 65 alive in the  
14 closed zone and 19 dead outside for the blues, and  
15 131 sails in the closed zone, 56 out.

16 DR. KERSTETTER: Yeah, there was  
17 significantly greater catch of billfish outside.

18 MS. PEEL: My apologies, but blue marlins,  
19 you know, king of the marlins, interest in the  
20 Atlantic, Caribbean and Gulf, it is quite  
21 significant that there were more blue marlin caught  
22 inside, and the South Florida fishing community and  
23 all folks who are in line to spend money are very  
24 excited about the fact they can interact with the

1 blue marlin. So I would respectfully disagree with  
2 what Pat had suggested, that this might indicate  
3 that we should encourage longliners back in that  
4 area.

5 DR. KERSTETTER: If I could, just a quick  
6 reminder, that I was talking about statistical  
7 significance, and to remind everybody that the  
8 power of this analysis was very very low because we  
9 had very very few numbers. So, whereas I think  
10 Pat, and not trying to put words in Pat's mouth,  
11 but I think he was talking more in a qualitative  
12 sense of significance than a scientific one.

13 MR. RAAB: Rom.

14 MR. WHITAKER: Rom Whitaker. I'm not  
15 versed as well on swords. I just want to express  
16 to Margo and her staff that I think this one large  
17 table setup is much better than the small tables,  
18 and you get a lot more individual comments. I  
19 think some people may have been intimidated,  
20 whether some people are stronger personalities than  
21 others, but I think it's a better setup.

22 The second thing, I think Rom made a great  
23 comment about, you know, it's best to compare  
24 apples to apples and that, you know, what exactly

1 is the marketable fish in the closed area versus  
2 the marketable fish in the open area. And then,  
3 you know, that would help me make the decision as  
4 to, you know, if the bycatch was the same, that  
5 would make me much better, help me to make a  
6 decision. Thank you.

7 MR. RAAB: Terri.

8 MS. BEIDEMAN: First of all, I want to say  
9 thanks to Steve for doing all this hard work, and  
10 thanks to the HMS people for actually letting it go  
11 forward. And what I would like to try to draw to  
12 everyone's attention is when these boxes were  
13 closed, we had J hooks, and we had CPUEs based on J  
14 hooks, and without being able to compare what the  
15 CPUE of circle hook is, notwithstanding the status  
16 of stock changes in the past 12 years, it's very  
17 hard to -- it's not a surprise to me that we had  
18 more small swordfish inside these boxes, because we  
19 always did. But it would be interesting to see  
20 what observation benefit we're going to get from  
21 using circle hooks, and we can't tell that strictly  
22 from this with swordfish.

23 And most of these species that are  
24 migratory, they move from place to place, and part

1 of what I'm not seeing first of all, is where all  
2 the steps were taken, okay? These particular  
3 graphics show where things were caught, and so I  
4 think that would be important to see. But given  
5 the limited amount of effort and the fact that we  
6 certainly would love to have more, I want to see,  
7 you know, where it relates to, our CPUE and all  
8 those things. What we were looking at in 1997,  
9 '98, '99, when these boxes were put in place, and  
10 have we found a better technology. Maybe we'll  
11 still catch in those boxes more smaller fish, but  
12 is it less? Is it less so, because of the style of  
13 the hook? So I'm just going to leave it there, but  
14 those are my questions. I look forward to having a  
15 conversation with you about how we can take a look  
16 at what this really means in terms of what we've  
17 achieved, and not to ignore anyone's concerns with  
18 what is being caught, but the question is, you  
19 know, do we need big boxes?

20 I know folks that are fishing on the  
21 outside corner there, they can't fish near that box  
22 because the current is going to take them into it.  
23 Is there a reason to keep those outside edges shut,  
24 you know? If there isn't, let's see what we can do

1 about it. Anyway, thanks for your work, Dave, I  
2 appreciate it.

3 DR. KERSTETTER: Yeah. Most of that wasn't  
4 related to this, so I'll wait for the AP as a  
5 whole, so I'll let that lie. I will say, though,  
6 that I'm drawing a blank right now whether it's  
7 Jerry Scott or Joe Powers, or perhaps both, back in  
8 the time that we went to circle hooks at the  
9 fishery, and the primary enclosures for the FEC  
10 were in place, that there be maintained a certain  
11 number of sets every year to continue that  
12 effective inspection going forward, and that of  
13 course was not adhered to, but that was an idea  
14 that I still think has a lot of validity.

15 MS. SCHULZE-HAUGEN: I guess I'll take a  
16 little exception to the of course there. In fact  
17 the experience here has been a big driver in why we  
18 were justified and felt like going back in to get  
19 some of that baseline data, but also taking a  
20 different approach in what is basically a shark  
21 research fishery and wanting to maintain time  
22 series, and it was in part driven by the experience  
23 here.

24 DR. KERSTETTER: My only comment with the

1 of course, was that in doing so would likely run  
2 into an awful lot of juvenile swordfish and other  
3 undesirable bycatch so it would have driven a lot  
4 of concern. It was not a derogatory statement.

5 MR. RAAB: So, there are several of you who  
6 have spoken already that still have your cards up,  
7 and I'm not sure if they're up for the second  
8 round. Okay. So, I think we should open it up  
9 now, we've got another 15 minutes, to really  
10 anything in this whole area of swordfish  
11 revitalization. We'll start with Ron and then open  
12 it up. Ron.

13 MR. CODDINGTON: Ron Coddington. First of  
14 all, a comment to point on what Ellen said. This  
15 weekend is to my recollection in recent time the  
16 first blue marlin specific tournament in the South  
17 Florida area. It's an interesting tournament, it's  
18 a broad blue tournament, it will be blue marlin  
19 specifica from six a.m. to noon, and broadbill  
20 swordfish specific from noon to six p.m. It's kind  
21 of interesting that it's happening because we're  
22 seeing more blue marlin than we've ever seen.

23 I've been trying not to say anything I've  
24 ever said before at an AP meeting, and that's not

1 easy. A point on swordfish revitalization.  
2 Please, everyone, recognize that it's swordfish  
3 revitalization, not pelagic longline revitalization  
4 that we're talking about here. 1994 was the last  
5 time the U.S. pelagic longline fleet caught their  
6 quota. I realize there's abundance issues that  
7 relate to this.

8           However, in 2009 our landings reached the  
9 landings that existed prior to the closed zone and  
10 prior to the circle hooks. Abundance had a lot to  
11 do with it but our fishermen are very resourceful,  
12 they learned how to fish better. And remember,  
13 that's done with a 30 percent reduction in the  
14 number of pelagic longline boats on the water, so  
15 our longliners today are catching more fish than  
16 they have anytime in recent history with less hooks  
17 in the water, so our CPU is way up.

18           A couple things that are going on with the  
19 revitalization issue with respect to buoys. There  
20 was a comment that came from I believe the South  
21 Florida commercial swordfish guys asking for more  
22 buoys. Keep in mind that if you look at the buoy  
23 gear success, you will see that we peaked a long  
24 time ago at a lower number of buoy permit holders

1 than we have now. So increased numbers of buoy  
2 permit holders did not result in an increase in  
3 landings. So that would imply that an increased  
4 number of buoys per boat would not increase  
5 landings and remember, if you increase the number  
6 of pieces of gear that are used by a buoy boat,  
7 then you may significantly change the results that  
8 Dave Kerstetter had in his buoy gear research which  
9 showed it to be such a clean fishery. If it's  
10 fished like longline gear it's longline gear that's  
11 just not hooked together. If it's fished like buoy  
12 gear then it's fished like a rod and reel, so keep  
13 that in mind.

14 When we talk about revitalization, of  
15 course everyone knows at this table that if we  
16 increase pelagic longline effort we will catch less  
17 swordfish. Lots of other issues going on with  
18 that, probably the worse being the incidental take  
19 statement on turtles. But remember that we don't  
20 need to catch our quota to have this incentive  
21 we're looking for at ICCAT. Unless things have  
22 changed, we still think we have an unofficial, kind  
23 of a 75 percent rule, and this is from open  
24 session, so it's not something we can't talk about,

1 kind of if we get 75 percent of our quota, there  
2 seems to have been a consensus in previous years  
3 that if you reach 75 percent, you can keep all your  
4 quota, and that allows a fishery to not target  
5 their quota as their target catch, but stay  
6 somewhat under that for conservation purposes.

7 Another point that was made in Margo's  
8 presentation, there was no support for general  
9 category permits. Well, look around the table.  
10 For swordfish representatives here, you have one or  
11 two comments, you either have pelagic longline  
12 representatives for swordfish or you have South  
13 Florida representatives. Pelagic longlines have  
14 said before that they want any increase in catches  
15 to go to them because the pain was taken on their  
16 backs. I agree with what they're saying there but  
17 that's to me why they're not supporting anything  
18 about the general category permit or the other  
19 permits out there.

20 From the South Florida perspective, the  
21 reason the South Florida delegation doesn't  
22 typically support additional permits is we want to  
23 make sure the additional permits have some  
24 geographic specificity, we can't take any more

1 buoys in our area. But again, like I said before,  
2 more buoys in our area aren't going to do anything  
3 to landings, we don't think from what we've seen in  
4 past data. General category, some of the best  
5 arguments that came from the commercial sword  
6 fishermen in Florida besides the impact, which is  
7 just more fishermen on the species, was the way it  
8 gave them a jump, a stepping stone to go into  
9 things like kingfish permits, and currently control  
10 rates on kingfish permits make them basically  
11 useless in many cases to go after a kingfish  
12 permit, so that argument basically went away.

13 But still, the South Florida delegation  
14 typically recognizes that we have pretty much maxed  
15 out on what goes on in our sword fishery because  
16 it's such a small narrow area. Remember, about two  
17 miles wide, it's about 20 miles long, and that's  
18 really our target area, so that's a very small  
19 piece of water. Yet, we're contributing at times  
20 as much as ten percent to the overall landings in  
21 certain periods, monthly periods. Overall, we're  
22 contributing between four and six percent, we've  
23 hit some lows of only 1.6 percent at times, but  
24 we're contributing our share towards the quota.

1           So when you don't see support for general  
2 categories or bumping up permits, I think that's  
3 why you're not seeing support, because the two  
4 groups, neither of them are particularly interested  
5 in them, but incremental increases in our landings  
6 that can come about from buoy gear in the Gulf, or  
7 buoy gear up in the Mid-Atlantic, or rod and reel,  
8 we know right now that the deep dropping for  
9 swordfish is exportable. We recently had a  
10 seminar, one of our guys from Florida did a seminar  
11 in Texas, and immediately they started catching  
12 fish deep drop in Texas, and one of the reports we  
13 saw on the Internet was a boat that went five for  
14 six on three trips, or three days of fishing on one  
15 trip, or whatever it was, so it's exportable. Now  
16 is it totally exportable, we're not sure.

17           But keep that in mind, that more permits in  
18 other areas is good, and incremental increases will  
19 give use the ammunition we need to go into our next  
20 ICCAT negotiations.

21           MR. RAAB: Pat, you're next.

22           MR. AUGUSTINE: Thank you. Looking at the  
23 area where all this fishing went on, I need to know  
24 about, what is the length of the brown area, of

1 that closed area. If we take it between the two  
2 black lines on the lower part, it still gives them  
3 the closure of the two sections above that. And  
4 then when I look at the green area, it just seems  
5 to me that if we can attack the problem of  
6 increasing harvest of swordfish in any other way  
7 other than, as Ron suggested, and I think a great  
8 idea, and I think we should do that in terms of  
9 getting that gear exposed to other areas.

10 In the meantime, we're looking at this  
11 overall closed area. Is it possible to think in  
12 terms of reducing that, staying away from the  
13 critical area that Ellen suggested, but ultimately  
14 having pelagic longline or any other pressure on  
15 the marlin down there might be worth looking at.  
16 Again, I have no idea what's going on with the next  
17 two blocks above on the left chart, how long it is.  
18 Looking at the scale at the bottom it looks like  
19 what, maybe 30 or 40 miles?

20 (Discussion off microphone.)

21 MR. AUGUSTINE: But I'm not thinking about  
22 the buoy here, I'm thinking in terms of where could  
23 we harvest more swordfish by doing something  
24 different, I'm sorry for this, but thinking inside

1 the box and go in that direction. But the top  
2 portion, or two thirds, I really think we have to  
3 have, Margo can take a look at the viability of  
4 seeing what species of fish might be bycatch of a  
5 pelagic longline fishery to increase swordfish in  
6 those areas. There may be a very good reason not  
7 to have them go up there because they will be  
8 interacting with grouper, I don't know what the  
9 other species of fish are up in that area, but we  
10 don't have many viable options at this point in  
11 time, so I really think we have to take a hard look  
12 at it.

13 MS. SCHULZE-HAUGEN: To that point I would  
14 just like to ask Dave, boats didn't fish there when  
15 access was granted, they stuck with the southern  
16 area, and that was because that was the traditional  
17 fishing area, or can you expand on that again?

18 DR. KERSTETTER: The question is in that  
19 lower portion, why didn't any of those vessels fish  
20 there?

21 MR. AUGUSTINE: No, the upper part.

22 DR. KERSTETTER: Again, as I alluded to  
23 before, vessels had their choice of where they  
24 wanted to fish, and they fished where they thought

1 the fish were. And these vessels, all the captains  
2 I believe, have each been fishing longline here for  
3 well over 15, in some cases 20, 25 years, so they  
4 have historical knowledge where those fish are,  
5 which leads me to think that there are no fish  
6 there, or there are not sufficient numbers in there  
7 to justify the extra fuel and time to get there.  
8 Greg.

9 MR. GREGORY: We were looking at where  
10 there were catches of turtles and other things, and  
11 in looking at that gear or sort of the longline  
12 that we have in sort of a team effort, were most of  
13 the boats fishing and anchoring right on the  
14 boundary, on the south area of the experimental  
15 zone, and what we're seeing is that's about where  
16 their gear drifted to, is that what we're seeing  
17 there? So they basically went as far south as they  
18 could, anchored, and then ran that gear back up?

19 DR. KERSTETTER: Generally that was the  
20 case. The current in that southern part of the  
21 closed area that these vessels were allowed to  
22 operate, the current is fairly strong, so we tried  
23 to get the locations of these bycatch as close to  
24 the actual -- because this was an experimental

1 project we actually had for each of the ends of the  
2 section high fliers and beaver buoys throughout the  
3 course of this data, so we were trying to get as I  
4 close to those traditional longlines as we could.  
5 But you're right, we are seeing where the fish were  
6 observed at haul back, rather than necessarily  
7 where they were caught.

8 MR. RAAB: We've got a little bit under ten  
9 minutes, so if everybody could try to be pretty  
10 succinct, we've got John, then Richard, then Ellen,  
11 then Ralph, then Rick, then Jeff.

12 MR. GRAVES: I was just going to say, so  
13 what we're seeing is when they weren't fishing in  
14 the Charleston Bump area, when they were given a  
15 choice, they ran as far south as possible to start  
16 their trip.

17 MR. KERSTETTER: I think that that's a  
18 different -- no. Any of the vessels that were  
19 fishing the Charleston Bump primary closure were  
20 actually out of Cherry Point, South Carolina and  
21 they did not run down to the FEC.

22 MR. GREGORY: I meant the vessels that  
23 weren't fishing in the green area more or less, the  
24 boats that were fishing in the brown area, when

1 they went, they went south.

2 DR. KERSTETTER: Correct.

3 MR. RAAB: John.

4 MR. JOLLEY: Thank you, David. I agree  
5 with Terri Beideman, I would like to see a chart of  
6 distribution of effort, that would be helpful to  
7 me. Also, I think I would like to see you do this  
8 again, I would like to see this doubled, maybe  
9 tripled, I don't know if that's practical but I  
10 would like to see this repeated, I think it makes  
11 good sense to do it and go from there.

12 MR. RAAB: Richard.

13 MR. RUAIS: I hesitate to jump into this at  
14 all, but I think my conscience would bother me if I  
15 didn't say anything at all. But a little over  
16 three years ago, Bluewater spent the last political  
17 capital and managed to get this off the ground in  
18 cooperation with Dr. Kerstetter and it was the  
19 highest priority at the time, trying to finally  
20 show that with circle hooks and the other measures  
21 that were already in place, you could use the crude  
22 measure of broad vast areas, closing an open area  
23 to fishing and try to modify those concentrations,  
24 and allow the pelagic longline fleet more area to

1 fish. And so I think maybe the wrong people are  
2 here right now to not, to miss that burning fire  
3 within Bluewater, very active people at the time  
4 who were pressing this research as the primary  
5 number one project to get done, and then to use  
6 this as a launching board to look at other areas at  
7 the same time.

8 And now it's, you know, not really the time  
9 to be thinking about let's repeat this and try it  
10 in three or 12 different ways. Especially from the  
11 perspective of Bluewater, I would think that you  
12 look at the conclusions, you have the big answer,  
13 the big picture that you asked for. And there are  
14 arguments there that can be made to move in the  
15 direction that Bluewater initially intended by  
16 seeing this kind of research. Can you keep  
17 billfish mortality minimal, sea turtle mortality  
18 minimal, and bluefin tuna due to incidental catch  
19 minimal by moving into what are now closed areas  
20 and were closed areas for that reason.

21 And the answer at least initially would be  
22 with a little better explanation of the data and a  
23 little bit more detailed data, that some of these  
24 areas probably could be trimmed. And this is a

1     fertile area for Bluewater to continue to move  
2     within the past, but this is going to get buried  
3     real fast, because it took an incredible commitment  
4     on the part of Assistant Administrator Dr. Bill  
5     Hogarth defying an awful lot of people and getting  
6     an awful lot of bruises and bumps along the way to  
7     let it go from 13 boats to two little boats.

8             We gave our instruction to Ron Coddington's  
9     great group in South Florida, a very special  
10    peaceful minded group with an open mind on  
11    billfish, and then just keep that straight on  
12    swordfish. But anyway, that's the crowd we're up  
13    against trying to get this thing up off the ground  
14    and it would be a shame to let it fall. Let's try  
15    it again four or five more times.

16            MR. RAAB: Ellen.

17            MS. PEEL: Ellen Peel. Rich used the term  
18    fire, burning passion or something like that, and  
19    you're absolutely right. I agree that the  
20    recreational fishing community, especially that in  
21    South Florida, but I think the folks from Virginia  
22    Beach and North and South Carolina also share that  
23    passion, the passion that even the commercial  
24    fishery has for catching bluefin or swordfish, our

1 catching marlin and releasing them is as great, so  
2 keep that in mind.

3 I want to speak to revitalization, because  
4 another burning passion is when you get to ICCAT,  
5 there is nothing worse felt by the members of the  
6 delegation, and there are some in this room, and  
7 the staff, and they have other nations take,  
8 squander, deal, get in any way they can, U.S.  
9 quota. Swordfish, you know, was threatened greatly  
10 last year and will be threatened greatly this year.  
11 Tunas, which we're not talking about now, but  
12 recreational fishing for juveniles will be cut.

13 But back to swordfish. I missed because of  
14 my mother's death the May meeting when the issue of  
15 general category permit came up last time for  
16 swordfish. I know there are economic concerns for  
17 those who have expended resources on some of the  
18 permits. But I think it's our duty as Americans  
19 who want to protect all of the American fisheries,  
20 to figure out a way, and it may take some creative  
21 management, whether under an exempted fishing  
22 permit or under a size permit that would have a,  
23 say, five-year sunset period, where we could allow  
24 the general category hand permit to be given to

1 sword fishermen to fish widespread.

2 I think what Ron suggested also on buoy  
3 gear in other areas in the Gulf of Mexico, of the  
4 east coast, I think we have a commitment. No one  
5 here, regardless of the industry, do I think wants  
6 to bring harm to the other. We may not  
7 particularly embrace your gear or style of fishing;  
8 however, we all want to insure that those fish stay  
9 in the U.S., they don't go to Canada via Mexico,  
10 Africa or anywhere else. And I think, although  
11 there was some hesitation, I've learned, from that  
12 May meeting, I think it's incumbent on us to figure  
13 out here and give Margo an indication if that  
14 general feeling towards the United States fisheries  
15 is held, some strong endorsement that she can go  
16 forward, and come back to us with some options on  
17 general category and moving buoy gear out.  
18 Otherwise, those fish are likely to go to Canada or  
19 elsewhere, and they're going to come back yet on  
20 our market, as they are already, and cause more  
21 problems for the U.S. economy, especially the  
22 fishing industry. That's all I have to say. Thank  
23 you.

24 MR. RAAB: Ralph.

1           MR. PRATT: First, I guess we are  
2 complicated by boat style in any of the permits. I  
3 was going to suggest a possibility of an incidental  
4 harpoon gear only permit be allowed on general  
5 category boats and harpoon boats. Yesterday we  
6 heard that it's obvious we're seeing those fish in  
7 our neighborhood, but nobody has the permit to take  
8 them. Yesterday also, Ron mentioned that there was  
9 a similar problem down off of the Florida coast  
10 with the possibility of that being transferred and  
11 sweeping things under the rug.

12           So I would suggest that we consider a  
13 harpoon only gear permit for harpoon and general  
14 category boats. This gear typically would be  
15 limited to the Northeast. I understand that  
16 swordfish don't really show on the surface down off  
17 the coast of Florida, so we wouldn't have to worry  
18 about overcrowding an area down there that folks  
19 tell us commercial fishermen are trying to make a  
20 living for themselves, and if we decide to extend  
21 that opportunity and follow a general category  
22 handgear permit, I think we really have to look at  
23 other opportunities for landing swordfish, because  
24 if you don't, someone is going to land them and no

1 one is going to report them. Thank you.

2 MR. RAAB: Rick.

3 MR. WEBER: Rick Weber. Ralph just hit on  
4 most of what I was going to say, was, you know,  
5 part of what the HMS AP and your office can do is  
6 give the IAC, give Russ opportunities to, even if  
7 we don't know if the harpooners are going to catch  
8 this year, even if we don't know that the general  
9 category is going to be effective, it is something  
10 that we can provide to our negotiators to give  
11 credible and quite possibly -- you know, I mean,  
12 since we did see in the enforcement that there were  
13 swords showing up, and that might be the beginning  
14 of something, so I was going to say the same thing.

15 Dave, when we were talking spatially  
16 before, you said there were other trips but they  
17 were not graphed, and this was just the bycatch.  
18 If I put that together, there were perfectly clean  
19 triples further north that had no billfish bycatch?

20 DR. KERSTETTER: No. Every set had at  
21 least one bycatch species, they may not all be  
22 graphed on there, but each trip did encounter some  
23 level of bycatch. Now it may not have been a  
24 billfish bycatch or blue marlin or turtle, but

1 there were no sets that were completely clean.

2 MR. WEBER: I didn't say that, I said  
3 billfish.

4 DR. KERSTETTER: Okay.

5 MR. WEBER: So there were sets that, just  
6 putting together what you said, that there were  
7 trips further north, and that this is the graph of  
8 all billfish bycatch. The implication when I put  
9 those two things together is none of the trips  
10 further north had any billfish bycatch?

11 DR. GRAVES: That's the area. Are you  
12 talking about the open area?

13 MR. WEBER: No, I'm not. I was asking  
14 about further north in the closed zone. I thought  
15 Dave said that there were trips that were not on  
16 here further north in the closed zone.

17 DR. KERSTETTER: Not in the southern part.

18 MR. WEBER: Not in the southern part, okay.

19 MR. RAAB: We're right at the edge of our  
20 time here, so let's try to be succinct, at least  
21 get to people who haven't spoken yet and then  
22 decide what we're going to do. Jeff.

23 MR. ODEN: Our main reason for coming here  
24 was actually the revitalization effort. In our

1 area there are a few of us that have, I'm not sure  
2 how much sentiment I'm going to get towards this  
3 effort, even within the industry, because it  
4 potentially, it has the potential to devalue  
5 somebody else's permit. I'm one of three  
6 incidental permits in my county, there's 73 of us  
7 in the fishery, you know, in the Gulf all the way  
8 to Maine, I guess. There are six in my state, I  
9 don't know who, but there are.

10           Personally I probably won't benefit from it  
11 because I don't target swordfish much, but there  
12 are a few guys in my area that do. Right now it  
13 would be a blood bath if we went out front and set  
14 up. What we do at this point in time, cross the  
15 stream to the other side, a hundred miles or so,  
16 and they're doing well with swords, you know,  
17 there's six or eight boats lined up out there,  
18 there can be two more from my area, and now there's  
19 no incidental bluefin in the fishery, you know.

20           I know we're going to have to be  
21 constrained with the bycatch issue, but to me that  
22 seems like a very viable way to open up a few more  
23 people to access this fishery. It's kind of hard  
24 go to a hundred miles for, you know, you can do it,

1 make a few bucks, but there are other ways to make  
2 a few dollars a lot closer to home, and a lot  
3 better weather than we're getting this year anyway.

4 But you know, one way you could structure  
5 it would be directed, an A permit and a directed B,  
6 and the D would be the incidental, at which time  
7 there was an issue with the fishery, you could  
8 always bump it back on the incidental. But you  
9 know, if you could open, you know, the incidental  
10 permit holders up to a more directed capability,  
11 then you know, as long as we're abiding by the  
12 bycatch issues and hopefully mitigating that, I  
13 would hope that that effort can go forward.

14 I know a few guys, as I said, within my  
15 area who would say I don't know, say for instance  
16 Florida, they've got 35 incidental permits there.  
17 I don't know how many of those are latent effort or  
18 constrained by the closures there or maybe fishing  
19 the gulf, I don't know, but anyhow, it could be  
20 looked into as a possibility. Thanks.

21 MR. RAAB: Bill.

22 MR. GERENCER: Thanks. Bill Gerencer. I'd  
23 just echo the three previous speakers, and I'll  
24 also say there's an opportunity here, funding

1 issues aside, to enhance that work both spatially  
2 and seasonally, and I think that if a few ways can  
3 be found to take it, it should happen.

4 MR. RAAB: Tim.

5 MR. PALMER: Tim Palmer. First off I  
6 wanted to start by thanking you, Dave, for your  
7 study and all your hard work, a lot of good  
8 information there.

9 Also, I would like to start out by saying  
10 that I kind of agree with what Ron and Ellen were  
11 saying about the need, we've got to think a little  
12 out of the box. I can see the need for having  
13 maybe some EFPs to allow some boats in the Gulf to  
14 maybe try fishing buoy gear, boats that might be  
15 involved in another fishery, I don't know, but we  
16 need to kind of test the feasibility before just  
17 giving out general category permits to everybody  
18 about maybe opening up, allowing some permits to  
19 fish off the Carolinas, I could see that could work  
20 there, the Gulf of Mexico, possibly allow the  
21 retention of more than just swordfish, because  
22 you're going to have a higher yellowfin catch in  
23 the Gulf of Mexico, that's something to look at,  
24 possibly dolphin.

1           You know, I do have a list of things, it's  
2 more than the time I have here. I'm going to have  
3 a lot of written comments about this, but maybe  
4 that we should think about possibly having an  
5 experimental fishery in the Gulf to check out the  
6 possibility of catching enough swordfish to make a  
7 profitable trip out there, and if that's the case,  
8 maybe offer geographic permits. As Ron said, as he  
9 implied, we don't need any more permits off of  
10 Florida. If you were to have an open, like a  
11 cattle calling on the general permits, your phone  
12 lines would get clogged, everybody in the state  
13 would want one. It would essentially go from a  
14 recreational fisher to a commercial fishery in a  
15 matter of hours. We're already pretty much  
16 saturated. We do get along down there, we don't  
17 want to change that.

18           You know, there's other things we would  
19 have to look at if we were fishing, you know,  
20 further north with buoy gear, like say maybe in the  
21 Carolinas or in the, you know, in the northern  
22 canyons, a possibility that buoy gear might have a  
23 few more marine mammal interactions. I don't think  
24 it's -- I mean, I'm not saying it's not possible.

1 From what I've seen in my area, I really haven't  
2 had that problem, but that's what I think a study  
3 might be able to show us.

4 Also, a possibility may be allowing the  
5 incidental permits who are already out there, just  
6 to go ahead and let them fish buoys. We're talking  
7 about maybe opening up another 15 or 20 permits  
8 that really can't do anything other than day drop,  
9 you know, just go ahead and allow those boats to  
10 fish with the buoys. It's just an idea, we'll be  
11 talking more about this later, but anyway --

12 Also, what Ralph said I thought was really  
13 a great idea, it's actually one of the things I was  
14 writing down, and he said it. Swordfish are  
15 starting to show up, as we know from our fishery  
16 rebounding it seems since 2000, especially that big  
17 year we had in 2009. I'm hearing of and I myself  
18 have seen more swordfish on the surface up north.  
19 You know, unfortunately a lot of the permits that  
20 we had up there all moved to the South Florida  
21 region. Why can't we have another harpoon fishery?  
22 We already have the boats up there, they've got the  
23 pulpits, they've got the crows nest, they've got  
24 the eyes on board, they've got good arms for

1     throwing.  Go ahead and give those swordfish  
2     permits, and they may account for just, you know, a  
3     couple of tons a year.  Right now we're just  
4     looking for anything.  That's pretty much all I  
5     have to say.

6             MR. RAAB:  Let's go with Terri and then  
7     we're going to take our break.

8             MS. BEIDEMAN:  Terri Beideman.  On the  
9     issue of revitalization, the ideas that several  
10    people have posed about incrementally opening up  
11    permits, various kinds of permits, whether harpoon,  
12    there's certainly history there.  The worst thing  
13    that can possibly happen is for us to save  
14    swordfish to give it away to places that don't care  
15    about turtles, don't care about billfish, only want  
16    all the bluefin tuna, that's the worst nightmare.  
17    That's the perversion of our management system  
18    here.  And despite the fact that there will be  
19    people, and there are people in Bluewater that are  
20    not crazy about the concept of allowing more  
21    access, the pendulum has swung too far back.  A  
22    limited access is showing that we don't have  
23    opportunity.  People have lost permits that should  
24    get them back.  People that have permits that want

1     them and lost them for administrative reasons, they  
2     should get them back. That's ridiculous, you know,  
3     they didn't file a report five years ago. And any  
4     new ideas are worth a discussion. We're on the  
5     verge of losing it, we should be making these  
6     decisions.

7             But before we go in to just doing permits,  
8     let's don't forget about trying to get access,  
9     because a lot of the smaller boats can't go off  
10    shore. That's why they went out in the first place  
11    to the closed areas. So if we can't trim them and  
12    make them more discrete, we have the ability with  
13    VMS, we have a lot of things available to us now  
14    that we didn't have when we got stuck with big  
15    closures. And we now have, you know, the ability  
16    to try to do that in a responsible way, with circle  
17    hooks as our main type of gear. Let's do what we  
18    can do that would reinvigorate everybody, you know,  
19    all the boats.

20            But I know that, my feeling is that some  
21    incremental opening of permits is a good thing, and  
22    on that issue, just really quickly, not to do with  
23    the squid trawlers, but we're going to ICCAT and we  
24    have to present them this year with a swordfish

1 management rebuilding plan, all the countries are  
2 supposed to come with one. We'd better darned well  
3 have one for not just our management, but some  
4 proposals to rebuild. And if it is that we're  
5 going to discuss an open permit, then we need to  
6 allot a certain amount of fish for that. And I did  
7 the math and I could be wrong, but somewhere in the  
8 neighborhood of -- even though the squid trawl  
9 boats probably won't catch fish every time they go  
10 fishing, every single boat, if we're going to allow  
11 them the possibility to do that, then we'd better  
12 have enough set aside so we can cover it, so that  
13 we're not right back at it again with not enough  
14 fish. So, my math was somewhere around 535 metric  
15 tons to cover that, just to be sure that if for  
16 some reason they manage to do it, we aren't in a  
17 box, because we're already in a box with enough  
18 stuff.

19 But we have to find things to do that will  
20 make it better, and one of them is trimming those  
21 areas back, and I'm not saying setting on the beach  
22 and I'm not saying setting off of Miami, but  
23 there's got to be some way to make it so that  
24 people have areas to fish. As long as we're

1 discussing the possibility of opening permits, I  
2 don't want that to get lost either. I know it  
3 takes a lot of research. Thanks very much.

4 MR. RAAB: I think we need to go to a  
5 break, so Margo, do you want him to say anything,  
6 or should we just go to break?

7 MS. SCHULZE-HAUGEN: Super fast, Pat.

8 MR. AUGUSTINE: Thank you, Margo. I  
9 believe it was the South Atlantic Council that  
10 delineated those two tangents and if so, I'm  
11 wondering if we could find out from South Atlantic,  
12 I don't know about the other one, whether it would  
13 be possible to find out from them for our group at  
14 our next meeting why have they been as big as they  
15 are? One of the things is it's been identified as  
16 a nursery area, but the question is, does it have  
17 to be that big?

18 And this is in response to Terri's point,  
19 maybe just a small area, but it's a start, and I'm  
20 focusing on this swordfish revitalization,  
21 considering marlin and all the problems that faced  
22 us in the South Atlantic, or out of Florida and  
23 along the Florida coast, but that seems to be a  
24 critical area, I look at that big green area and

1 that large brown area. I know we have the canyons  
2 in the Mid-Atlantic which are protected only  
3 because of cold water coral. We were very clear on  
4 how we defined the width and length of those  
5 canyons, and we were very careful not to put them  
6 in the national MPA system, though we did get them  
7 into the MPA system. These are no longer  
8 considered GRAs, gear restricted areas. We have  
9 gear restricted areas that we find now have been  
10 placed for four or five years that are not very  
11 useful. So I do think, maybe a revisit to the  
12 South Atlantic to determine the factual  
13 considerations for the size of both those might be  
14 helpful, or it might help on that one.

15 MS. SCHULZE-HAUGEN: Yeah. These are not  
16 council-based actions. These were closure areas  
17 determined based on an analysis done by the Agency  
18 for HMS fisheries.

19 MR. AUGUSTINE: And how long ago was that,  
20 Margo.

21 MS. SCHULZE-HAUGEN: 2001.

22 MR. AUGUSTINE: 2001. Well, with shifting  
23 habitat and conditions in the water, shifting  
24 locations and that sort of thing, maybe it's time

1 ten years later to take a look at it to see if  
2 these are still the right size to be, and take it  
3 into consideration.

4 MS. SCHULZE-HAUGEN: That's part of the  
5 research.

6 MR. RAAB: I thank everybody for their very  
7 thoughtful comments. Let's take a 15-minute break.

8 (Recess from 3:31 p.m. to 3:46 p.m.)

9 MR. RAAB: We're going to talk about vessel  
10 monitoring systems and then we'll have some public  
11 comment if there is any on what we talked about  
12 today, and we'll get to the recreational fisheries.

13 VESSEL MONITORING SYSTEMS -  
14 UPDATE AND NEXT STEPS

15 MR. FAIRCLOUGH: My name is Greg  
16 Fairclough, I work for the Highly Migratory Species  
17 Management Division in St. Petersburg, and next to  
18 me is Michael Clark, who works up here at  
19 headquarters. Michael has been working in Japan  
20 for the last year, and we're happy to have him  
21 back. He's been working with me on some things  
22 here that we'd like to update you on.

23 During the last AP Pat O'Shaughnessy from  
24 the Southeast Office of Law Enforcement gave us an

1 update on the enhanced mobile transmitting units,  
2 or as they call them, E-MTUs. Mike and I would  
3 like to provide you with a short update on some of  
4 the VMS requirements in HMS fisheries and potential  
5 modifications being considered now.

6 Currently some HMS vessels are required to  
7 use the old mobile transmitting units. That  
8 includes all pelagic longline vessels, some bottom  
9 longliners, and our shark gill net fleet. The  
10 newer enhanced units send and receive information.  
11 This information could allow NOAA to send critical  
12 fishery information to vessels at sea, and this  
13 clearly became obvious to us during the oil spill  
14 disaster in the last year. E-MTUs are currently  
15 required in all council managed VMS monitored  
16 fisheries. We're the one fishery that does not  
17 require the E-MTUs.

18 Currently there's no requirement or  
19 capability to report HMS target species or gear  
20 types possessed on board with the old style MTUs.  
21 This limits the VMS technician's ability to  
22 determine the applicable HMS regulations, it's very  
23 difficult for them to understand or know if the  
24 vessel is fishing pelagic longline, bottom

1 longline, gill net, and what different closed areas  
2 apply.

3           The E-MTU units allow operators to report  
4 target fisheries and gears possessed on board.  
5 Among other things, this function could allow law  
6 enforcement to reduce boardings and to determine  
7 actual activity without having to leave the office.

8           Here are a few regulatory modifications  
9 that are currently being considered. NMFS is  
10 considering a regulatory change requiring VMS  
11 vessels to shift to E-MTU VMS units. NMFS is  
12 considering requiring that only qualified marine  
13 electricians install the enhanced units. And NMFS  
14 is considering creating a declaration system that  
15 provides gear types, target species, and a hail out  
16 and hail in for each fishing trip.

17           Currently HMS fisheries are eligible for  
18 reimbursement when upgrading to enhanced units.  
19 Now these funds are on a first come first serve  
20 basis and this is not an endless fund. Right now  
21 the number that we have been given is approximately  
22 \$3,100 per vessel, one time. We're also  
23 considering a delayed effective date to provide  
24 time for vessel owners to meet the new requirement

1 and this would allow HMS vessel operators to  
2 purchase, install and be trained in the new  
3 software. We want your thoughts on these potential  
4 regulatory changes and we've had several meetings  
5 during, I guess it was the weak hook rule and I  
6 think the Bluewater meeting, where the potential  
7 changes have been discussed.

8           There have been a few questions and  
9 concerns. One of the first things that came up was  
10 a concern about contracts with existing VMS service  
11 providers. We discussed that with the Office of  
12 Law Enforcement and it's our understanding that  
13 there's basically two types of contracts, one is  
14 pay per ping or pay per transmission, so when  
15 they're at the dock and the unit is off, there is  
16 no cost. And there's another type of service where  
17 you pay for bundles, sort of like cell phone usage,  
18 where you pay a monthly fee.

19           We were also asked about the maintenance  
20 costs of the E-MTU VMS units, and we asked OLE.  
21 There is no, the reimbursement money is not allowed  
22 to go towards that. However, they insured us that  
23 these units are virtually maintenance free. Much  
24 of the updating of the software can be done by

1 downloading through applications or by service  
2 providers without removing the units from the  
3 vessels like you had to do with the MTU. With the  
4 MTUs they need to be removed from the vessel, sent  
5 to Sweden or wherever it was that it was made, and  
6 then wait for it to come back after being serviced,  
7 and then reinstall it, fill out the certification  
8 and installation software or notice, and then you  
9 could proceed to fish again. The E-MTUs can  
10 basically be repaired instantly.

11 Folks asked how we define a qualified  
12 marine electrician, and qualified came from us  
13 wanting to be consistent with the reef fishery regs  
14 we had with reef fisherman, and they used  
15 qualified, when they required E-MTUs, they provided  
16 a list of electricians that had experience with the  
17 units in a lot of the ports where they fish for  
18 reef fish, and provided that in a combined set, and  
19 we would attempt to do the same.

20 We were also asked if laptop computers were  
21 a viable alternative to two-way communications with  
22 NOAA OLE and they said no, as any E-forms would be  
23 located in the actual VMS unit and they would only  
24 be able to be sent from it, so a laptop would not

1 be able to send the declaration reports that we're  
2 considering requiring.

3 Do you have any additional questions over  
4 and above the ones we received while we were on the  
5 road?

6 MR. RAAB: Gail.

7 MS. JOHNSON: Thank you. Gail Johnson,  
8 Fishing Vessel Seneca. Are there going to be  
9 qualified technicians in Canada, for example,  
10 because there are -- yeah.

11 MR. FAIRCLOUGH: I don't think so. I think  
12 the E-MTU is a satellite tool, and it would be a  
13 standard issue for the entire fishery.

14 MS. JOHNSON: The other thing is, I don't  
15 know about laptops, but most of the boats that I'm  
16 familiar with where we fish have computers of one  
17 sort or another, and they are able to receive Adobe  
18 files that can be sent back and forth that you  
19 would just fill out and send back. I don't know  
20 why you would need a specific machine other than  
21 just a computer.

22 MR. FAIRCLOUGH: I'm not really a gadget  
23 person. I think this is more like a PDA or -- I've  
24 not actually held one, but those forms are created

1 by OLE and used by their technicians and they would  
2 want them standardized, so I think they were pretty  
3 straight with us and really did not want any  
4 exceptions to that. If we were to move away and  
5 into two-way communication, they want E-MTUs.

6 MR. RAAB: Vincent.

7 MR. MONTELLA: Currently only vessels that  
8 carry longline gear are required to have the VMS on  
9 board. Is that going to change? And I mean, if  
10 fit does, how watertight are these things? A small  
11 boat similar to mind, something like that that's  
12 out in the open, will it be required later for buoy  
13 fishing vessels, or across the board? If a boat  
14 currently has a pelagic longline or LAP attached to  
15 the vessel but no longline gear on board, is it  
16 still required?

17 MR. FAIRCLOUGH: The requirement for VMS is  
18 for vessels with PLL gear on board and our HMS  
19 permits, with bottom longline gear and shark  
20 permits in the vicinity of the bottom longline  
21 closure, and for shark directed permits that have  
22 gill net gear on board. So no, currently you're  
23 not in that web. But these are waterproof units,  
24 they're not something that's easily damaged.

1 MR. MONTELLA: Am I eligible to get one,  
2 using me for an example, now, and save \$3,100 the  
3 next near when you require it on a vessel that has  
4 an LAP but doesn't have the longline gear on board?  
5 If you change the reg that it is required, will I  
6 still be eligible, or will I miss out because  
7 there's no funding left?

8 MR. FAIRCLOUGH: That I can't say. Right  
9 now you wouldn't be eligible because you're not  
10 required to upgrade to the E-MTU, you're not  
11 required to have VMS on your vessel. I don't know,  
12 the funds are not bottomless and it's not only for  
13 HMS fisheries, this is a nationwide thing, this is  
14 administered by, it's off the Pacific coast, it's  
15 the Pacific States Fisheries Commission, I believe.

16 MR. MONTELLA: So a permit like I just  
17 sold, which is on a vessel now that's not carrying  
18 longline gear but has a tuna longline permit, sword  
19 and general shark, would he be eligible for that  
20 with no gear on board, but he has a permit?

21 MS. SCHULZE-HAUGEN: I think that the  
22 reimbursement is based on the requirement. If  
23 they're not fishing pelagic longline even if they  
24 have the permit, then whether they would do that

1 potentially eligible, if the pelagic longline is  
2 going to be fished, there is a potential there.

3 MR. MONTELLA: So it's the LAP that would  
4 qualify you as having the gear on board?

5 MS. SCHULZE-HAUGEN: Yes. In terms of  
6 administration, the Pacific States Commission is  
7 the one that's administering the fund, but this is  
8 a national program.

9 MR. RAAB: Mark.

10 MR. TWINAM: Thank you. I currently have  
11 two VMSs on my boat, one the old style that I got  
12 with my sword fishing permit, and the newer style  
13 for reef fishing. With the old style you could  
14 e-mail back and forth, and the new style you can  
15 e-mail back and forth, and they have declarations  
16 for the Southeast, I don't know if they work, I  
17 mean, I call in my declarations, we're already  
18 calling in our declarations at least in our area.  
19 So will I need an additional VMS replacing the ones  
20 I have, or is the three that I have good enough?

21 MR. FAIRCLOUGH: If you're participating in  
22 the reef fisheries you have one of the currently  
23 approved VMSs, your new one. You will be required  
24 to send your -- it depends on what we go out with

1 in the proposed rule, but under what we're  
2 thinking, you would not phone it in under our  
3 regulations. The current way we're looking at  
4 things is only the electronic transmission of  
5 reports, you would designate your fishery and gear  
6 types on board, it would just be an application  
7 like you've seen on your VMS right now, say  
8 swordfish, pelagic one line, and then would do your  
9 hail out, and then you do a hail in.

10 Right now we're considering two hours prior  
11 to departure for consistency purposes with our  
12 regs, right now we have a two-hour power up for  
13 VMS, right now before departure you have to power  
14 up your VMS two hours prior to departure. So the  
15 way we're looking at the regulation is declare your  
16 hail out two hours prior to departure, and then for  
17 consistency's sake with the other fisheries in the  
18 Southeast that have hail ins for the VMS techs  
19 three hours prior to landing.

20 MR. TWINAM: And what would be the reason  
21 for your -- I understand before you're landing the  
22 three-hour notice, but when you're leaving, that's  
23 what I'm most likely to forget about. I'm most  
24 likely to remember it as we're going out through

1 the bridge and settling back in, and what am I  
2 going to do now, I'm undeclared. It seems very  
3 inconvenient to do it three or four hours  
4 beforehand, of course I would if you demanded it,  
5 but why?

6 MS. SCHULZE-HAUGEN: It's not a declaration  
7 of catch, it's a declaration of the fishing gear  
8 you're going to be fishing with, so declaring on  
9 your way back in --

10 MR. TWINAM: No, I mean on my way out. My  
11 VMS stays on all the time, I never shut it off, and  
12 I want to declare on my way out, not two hours  
13 before I leave.

14 MR. FAIRCLOUGH: That's something we will  
15 think about, it wasn't the way we were thinking  
16 about it under the old rules with the VMS, which  
17 was power up so the technicians knew the vessel was  
18 getting ready to become active and head out, that  
19 way we were in tune to what was going on. We  
20 wanted to maintain the two hours for consistency  
21 and that way the techs still had two hours prior  
22 notice that the vessel was leaving, and they would  
23 know what fisheries you were going to be fishing in  
24 and what gear was going to be on board. That way

1 as you're proceeding to your trip or transiting  
2 areas, you know, as what to watch for, what sort of  
3 patterns to look for. They can see if you're  
4 setting gear, hauling gear, this and that. But  
5 especially if you're transiting areas, they know  
6 then, you know, not to meet you at the dock when  
7 you come back.

8 MR. RAAB: Lisa.

9 MS. GREGG: Lisa Gregg. Greg, can you  
10 check and make sure. With the new capabilities of  
11 the new systems I'm assuming they probably need  
12 software. I know that states that had joint  
13 enforcement agreements with NOAA had just  
14 incredible difficulty in getting access to VMS  
15 data, and I don't think we even got it until about  
16 a year, year and a half ago, or had any access to  
17 it. So I'm a little concerned with moving to a new  
18 system, how long is it going to take before our law  
19 enforcement officers which, we have joint  
20 enforcement agreements with you guys, are going to  
21 be able to have access to that data in order to do  
22 enforcement?

23 MR. FAIRCLOUGH: I would imagine if your  
24 boats currently are able, or have an agreement with

1 the Southeast Office of Law Enforcement to get reef  
2 fish information, what this would do is basically  
3 bring VMS up to speed with what they've got in the  
4 southeast fisheries, what all the other fisheries  
5 monitored out of the southeast, or all other  
6 council-managed VMS monitored fisheries currently  
7 do.

8 MR. GREGORY: Okay. Greg, can you just  
9 check on that?

10 MR. FAIRCLOUGH: Yeah.

11 MR. RAAB: Jeff.

12 MR. ODEN: My question is, the VMS has  
13 proven problematic in my area, most guys have been  
14 training with them and been tied to the dock and  
15 not allowed to leave. Do we get to keep the ones  
16 we've got, does IMH still continue to service the  
17 ones that I have for instance, will they be the  
18 provider, and I guess that question first.

19 MR. FAIRCLOUGH: That I can't tell you. I  
20 would have to default to Pat and his staff as to  
21 which units and which service providers would be  
22 authorized.

23 MR. ODEN: Furthermore, for instance, in  
24 the system we have now, you know, the first 14,000

1 characters out of 20 go toward the VMS coverage,  
2 and we're allowed to use the 6,000 for e-mail and  
3 whatever, the remaining 6,000. What about the  
4 declaration, is that, do you have any idea of what  
5 kind of service is going to be allowed, are we  
6 going to get 20,000 characters, 30, now that we're  
7 going to be declaring when we go or come, the 6,000  
8 is going to be -- do you understand what I'm  
9 saying?

10 MR. FAIRCLOUGH: I'm waiting to come up.  
11 Yes. My understanding as they're developing forms  
12 for us, they're going to be very much like what is  
13 in use in the reef fish fisheries, and it is  
14 basically a drop-down menu and you select, you  
15 click and add, you're not having to type in a whole  
16 lot of information, if you do, it's going to be  
17 very short words.

18 MR. RAAB: Ralph.

19 MR. PRATT: I'm not sure if I got that  
20 right. You said someone has to declare in three  
21 hours before the boat leaves the dock, is that what  
22 you're suggesting?

23 MR. FAIRCLOUGH: Two hours before leaving,  
24 starting the trip, and then three hours prior to

1 landing.

2 MR. PRATT: I don't understand the two  
3 hours. In the fisheries we've had VMS for a long  
4 time and we declare when we get to the boat and we  
5 leave, and two hours, I think, would be a  
6 tremendous inconvenience for the fishermen. In my  
7 own case I live 35 miles from my boat, so I'm going  
8 to drive 35 miles, declare I'm fishing, and wait  
9 two hours for my crew to show up, you know. If it  
10 is not for any other special reason, you know,  
11 electronically transmitted, whatever takes so long,  
12 I can't understand the two hours. So, thank you.

13 MR. FAIRCLOUGH: Currently, does your VMS  
14 run 24-7, 365?

15 MR. PRATT: Yes, it does, while sitting at  
16 the dock.

17 MR. FAIRCLOUGH: Okay. My concern there  
18 was if it's not, then you would have to power up  
19 two hours prior to. That's something we will take  
20 into consideration as we're moving forward.

21 MR. PRATT: In our fishery we're not  
22 allowed to power down at all.

23 MR. RAAB: Any other comments in terms of  
24 VMS and rolling it out before we move on? Gail.

1 MS. JOHNSON: I'm wondering if a further  
2 use of this is going to be perhaps daily reporting  
3 of some species, and if that is so, will it be  
4 constrained to only certain fisheries or gear types  
5 or will everyone be reporting? I mean, we know  
6 that things happen, and it would be good to get  
7 information in real time. I don't know what kind  
8 of a burden that will be on our boat. It's kind of  
9 hard sometimes if it's rotten weather and they've  
10 actually got a lot of fish, but that is something  
11 to consider. Not to whine or anything, but it  
12 seems like the burden has fallen upon us to be the  
13 leaders in reporting and observing and stuff like  
14 that, so let's share the wealth and the pain.  
15 Thanks.

16 MS. SCHULZE-HAUGEN: Yeah. We have been  
17 considering some things that do not include a catch  
18 reporting requirement, but these units are capable  
19 of doing that and are being used for catch  
20 reporting in other fisheries, so I think the  
21 potential for that is certainly there.

22 MR. FAIRCLOUGH: And also to follow up, the  
23 last couple of APs, Office of Law Enforcement VMS  
24 technicians have been here, and the VMS supervisor,

1 and he has been giving presentations, and you all  
2 have been giving him presentations on bringing HMS  
3 fisheries up to speed, it's not that HMS is getting  
4 out in front of everybody else in the VMS realm,  
5 this is one area where we're trying to get caught  
6 up.

7 MR. RAAB: Any other comments or  
8 suggestions on this topic? So we want to just find  
9 out, is there anybody in the public who wants to  
10 make any comments on anything that we've talked  
11 about today since the public comment period earlier  
12 this morning? Anybody? Okay. Seeing no  
13 additional public comments, we're going to go back  
14 to our last agenda item for today.

15 ATLANTIC BILLFISH, TUNA, SHARK AND SWORDFISH  
16 RECREATIONAL FISHERIES ACTION PLAN

17 MR. DUNN: I know most of you and for the  
18 rest of you that I haven't met in the past, I am  
19 Russ Dunn, and as Eric mentioned this morning, I am  
20 the newish, not so new anymore, policy advisor on  
21 recreational fisheries. And today what I wanted to  
22 do is just very briefly run over why I'm even here  
23 in the first place and then touch, really initiate  
24 a discussion with you all to help inform the

1 development of what's called an HMS recreational  
2 action plan.

3         So, my position was created almost exactly  
4 a year ago and it stems from Dr. Lachenko's  
5 recreational engagement initiative, which was  
6 really a recognition that there were significant  
7 problems in the relationship between NOAA and the  
8 recreational community. And as she kicked off this  
9 effort, she made a number of initial promises which  
10 are up on the screen, including identifying some  
11 stuff, internal regional recreational coordinators  
12 within the Agency, adding a recreational fisheries  
13 working group to MAFMC, and they're not actual  
14 MAFMC members, but they provide input to the MAFMC  
15 recreational subcommittee, developing this position  
16 of national recreational policy advisor and holding  
17 a saltwater recreational summit, which we did last  
18 year. And then from that summit, gather what we  
19 call the national recreational saltwater fishing  
20 action and agenda.

21         So, a little more reason that, as you can  
22 see, most of those activities happened earlier last  
23 year, the action agenda came out in October. It  
24 was a little later than we anticipated because the

1 oil spill pushed us back a few months because we  
2 were all fairly tied up during that. So more  
3 recently we've had a number of actions which have  
4 taken place in furtherance of improving data,  
5 primarily recently.

6 So we have under the MRIP program, the  
7 annual catch limit workshop, which was really a  
8 technical workshop looking at the data necessary to  
9 support annual catch limits. The recreational data  
10 timeliness workshop in March, which examined  
11 tradeoffs, well, mechanisms to accelerate the  
12 collection and analysis of data as well as tradeoff  
13 in differing techniques for accelerating data  
14 acquisition. In January of this year starting with  
15 Wave One, a new estimation methodology began to be  
16 applied to the data that's collected through the  
17 MRFSS system. And MRIP should not be thought of as  
18 a wholly new and unique entity from MRFSS, it  
19 should be thought of more as a MRFSS 2.0 so to  
20 speak, it is an improvement on the existing survey  
21 system.

22 Most recently there was a catch estimation,  
23 a catch re-estimation workshop, and essentially  
24 what that was, we sat down with a number of experts

1 from around the country and explained the  
2 methodology that is being applied now to the MRFSS  
3 data. And then in Atlanta last month, we also had  
4 what was called a recreational barotrauma workshop,  
5 which is obviously a little bit less of an issue  
6 for HMS species, but it really focused on what is  
7 the current state of knowledge with regard to  
8 barotrauma in recreational fisheries and how can we  
9 improve post-release survivorship of recreationally  
10 released fish, and a lot of the workshop focused on  
11 getting fish back down to depth to minimize that.

12 So as I mentioned, part of what came out of  
13 the saltwater summit was the action agenda, and  
14 there were really sort of five overarching goals,  
15 each of which has tangible objectives attached to  
16 it. Essentially they boiled down to improving  
17 recreational fishing opportunities, improving rec  
18 catch and effort data as well as stock status data,  
19 improving socioeconomic data, communications, and  
20 then what we refer to as institutional orientation.  
21 That one really includes things such as insuring  
22 that recreational perspective is given due  
23 consideration in documents like the NOAA strategic  
24 plan, the fisheries strategic plan.

1           But part of this whole effort is to develop  
2 regionalized action agendas which reflect local or  
3 regional priorities, not just from a national  
4 perspective, and that is sort of where we are in  
5 the process now, and I am treating HMS as its own  
6 region for this, for the purpose of developing a  
7 regionalized action agenda.

8           So essentially, where do we stand now? And  
9 there are multiple activities that HMS has either  
10 ongoing or is pondering that really fit within  
11 those five goals which were just laid out, and in  
12 the next couple of slides, which were really  
13 provided by HMS, I'm going to touch on a number of  
14 these activities which are on ongoing or have been  
15 accomplished already. And then at the end of this,  
16 what we're really trying to do is obtain your input  
17 or at least start you thinking about what actions  
18 you all see as appropriate to include in an effort  
19 to improve working with the recreational community  
20 on HMS issues.

21           So under improved recreational fishing  
22 opportunities, obviously rebuilding of North  
23 Atlantic swordfish, a number of these are  
24 crosscutting, so they're not specific to HMS.

1 North Atlantic swordfish is rebuilt, so that  
2 provides us additional recreational opportunities.  
3 The way bluefin tuna is managed, it provides  
4 opportunities for anglers across the regions and  
5 throughout the year. The bluefin tuna -- I'm  
6 sorry, the marlin 250 limit is structured in a  
7 manner that intentionally, if we really approach  
8 the 250 limit, will allow the season to continue as  
9 long as possible to maximize fishing opportunities.  
10 And the way the division recently handled  
11 roundscale spearfish, including it into the  
12 management unit, and in such -- in a manner that is  
13 consistent with the way regulations for white  
14 marlin have been codified, so there were no changes  
15 to the fishery.

16 With regard to improved catch and effort  
17 data, that data, obviously there's a tournament and  
18 non-tournament reporting that's been ongoing for a  
19 long period of time. The tournament registration,  
20 an ongoing device. Billfish and swordfish  
21 reporting, both phone and Internet. There  
22 apparently, I'm not sure what this alludes to in  
23 particular, but the cooperative research efforts in  
24 South Florida with the rec fishery, their efforts

1 to improve the timeliness of bluefin landing  
2 reports and estimates, and they've got a bullet on  
3 that saying that that will be primarily in  
4 Massachusetts. And then there is, you'll see at  
5 the bottom, additional funding for assessment work.  
6 The Agency has gotten some noticeable amounts of  
7 additional funding from Congress, a lot of which  
8 has been sent to the Southeast Fishery Science  
9 Center. They are the science center for the Agency  
10 that handles ICCAT assessments and it is allowing  
11 the addition of six more staffers to work  
12 specifically on assessment work, not all in HMS,  
13 but it will allow I think maybe 12 or 13 additional  
14 assessments to occur.

15 Overall, we're significantly ramping up our  
16 assessment capability in the Southeast from about  
17 five a year to, it will get up to about 14 a year  
18 in 2013, which is important given the issues with  
19 annual catch limits.

20 So, some additional efforts that are  
21 underway, and thanks to Ron Salz for these bullets,  
22 so the national angler registry exemption for HMS,  
23 you know, allowed anglers not to have to come onto  
24 the national registry, they were automatically

1 interested included within the national registry  
2 system. The HMS for-hire survey, this is for a  
3 pilot study which, we anticipate the final report  
4 will be out relatively soon. There's an MRIP catch  
5 card pilot program in Puerto Rico for billfish,  
6 which has just been kicked off in the last few  
7 months. There's, as I just referenced, the  
8 Massachusetts rec bluefin tuna landings census  
9 pilot project, but as with a lot of projects,  
10 dependent on what happens with the budget. Same  
11 thing for trying to modify the LPS survey, as Brad  
12 just mentioned. And then there are for-hire  
13 logbook studies in the Gulf of Mexico and Puerto  
14 Rico. So those are really the recreational  
15 projects that will impact HMS.

16 With regard to social and economic data,  
17 overall within the Agency there is not great rec  
18 economic data, and that is a problem throughout the  
19 Agency in every region, including HMS. One of the  
20 tools that we have just kicked off for this year is  
21 the 2011 marine recreational expenditure survey.  
22 This is a follow-on to a 2006 expenditure survey  
23 which will pick up economic impacts, expenditures  
24 of fishing, expenditures on durable goods, by

1 state, by region, as well as nationally. And that  
2 is a major effort, it's going to take an entire  
3 year to collect the data, and so we probably won't  
4 see the data from that until I would say late '12,  
5 maybe early '13 at the earliest. You can see the  
6 results of that, of the previous one from 2006  
7 right now if you look at the Fisheries Economics of  
8 the U.S., 2008, that came out a few months ago.  
9 That uses the results from the 2006 survey. It's a  
10 pretty detailed document.

11 There is a for-hire cost and earnings  
12 survey of the Mid-Atlantic and New England, and I  
13 think actually that's supposed to say data  
14 collection through 2011, not 2010.

15 They just completed a ten-year economic  
16 survey for for-higher boats in the Southeast, all  
17 of which will capture to some degree HMS fishing  
18 activity.

19 So under goal four, improved communication,  
20 obviously regular advisory panel meetings help us  
21 to communicate with you the constituents. The HMS  
22 newsletter that is sent out electronically on a  
23 regular basis. The recently developed catch and  
24 release brochure. Participation of HMS staff at

1 boat shows and recreational activities. Work with  
2 press outlets to get the word out there when  
3 there's something significant going on, such as the  
4 kayak fishing. We have relatively recently gotten  
5 the tournament registration lists available on  
6 line, which is something that folks have asked for  
7 for a number of years. And then of course, the  
8 staff is always available to answer your questions.

9 I didn't put the institutional orientation  
10 on here because there wasn't, it wasn't really  
11 appropriate to pin that on HMS as a responsibility.

12 So in short, the discussion or the input  
13 from you all is integral to developing a quality  
14 recreational action plan for HMS, and what they  
15 really need to hear from you is where do you see  
16 priorities that should be included in this. I  
17 would look at it as a way to focus on priority  
18 needs, to work with HMS to say these are our  
19 priorities and let's put them in a plan to figure  
20 out how to get these done, so you can see there  
21 below are the five goals which are there.

22 We took a few minutes to put together a few  
23 just brainstorm type ideas on the sort of things  
24 that may be included, you may want to include.

1 Again of course, what often comes right to the top  
2 is socioeconomic data. You can see that the  
3 billfish socioeconomic data, that the benchmark  
4 study is beginning to get a little dated, so that  
5 may be an area. The tuna fishery, for years we  
6 have heard, I heard that there needs to be a better  
7 accounting for the yellowfin tuna fishery, that  
8 socioeconomically they have a much larger impact  
9 than the Agency may recognize. Albacore fishery.  
10 Human dimensions is work that NOAA has done, it's  
11 relatively limited, that may be an area you're  
12 interested in. And blackfin tuna, there is really  
13 no management; is that something that should be  
14 considered for management, is there a significant  
15 enough impact either biologically or  
16 socioeconomically where there should be some  
17 consideration of adding that. Now again, this is a  
18 brainstorm set by NMFS, it's not something that  
19 Margo is considering doing at this point, so I  
20 don't want to leave her with the impression that  
21 I'm trying to foist any of this.

22 So again, what we really want to hear now  
23 is your ideas, and I would direct your responses  
24 really more towards Randy and HMS, so they can sit

1 down and chew over your thoughts on what are your  
2 priorities in terms of putting this action plan  
3 together, and then eventually what will happen is  
4 it will be consolidated with the other regional  
5 action plans and publicly available. And with the  
6 national ones, I'm sort of held accountable to that  
7 estimate as sort of as my roadmap for work, and so  
8 I spend my days looking at the national one and say  
9 okay, where are we going with this, what have we  
10 done with this, so I hope this can help HMS move  
11 forward with some of your priorities.

12 With that, I'll turn it over to you all,  
13 and Brad.

14 MR. BLANKINSHIP: Well, what we were just  
15 talking about here is that this is actually -- how  
16 Russ's job, and of course he mentioned earlier  
17 right up front that recreational coordinators have  
18 been designated among the regions, and for HMS  
19 we've got two, and Brad is -- Brad McHale is the  
20 Northeast recreational coordinator, and I'm the  
21 Southeast recreational coordinator.

22 MR. RAAB: Tom.

23 MR. DEPERSIA: Russ, you had mentioned the  
24 New England expenditure survey. I haven't actually

1 done it but I did get a call from somebody, and  
2 they said they were going to do a survey of  
3 New England. However, they asked the question, how  
4 much of your business is related to HMS species,  
5 and if you said more than 50 percent, then they  
6 said well, we're not doing it for HMS, we want only  
7 local cod fishing and striped bass and stuff like  
8 that that relates to New England inshore waters.  
9 Is that the same one you're talking about?

10 MR. DUNN: I believe it is.

11 MR. DEBERSIA: Then why aren't they dealing  
12 with HMS species?

13 MR. DUNN: I don't know. I will check with  
14 the office that oversees that, they have  
15 participated in the cultural and socioeconomic  
16 analysis, but let me check on it.

17 MR. DEBERSIA: Yeah, because a lot of  
18 charter boats really complained about it, I heard  
19 it several times, you know, they don't want to know  
20 about our expenditures and, you know, it's not  
21 going to be a complete survey if you didn't take  
22 the data from us on HMS. There's been a lot of  
23 guys in our area that really concentrate on tuna.  
24 That's one question. I have another one.

1 You mentioned where, the things you should be  
2 looking at for the recreational industry. One  
3 thing I see in New England, there's a lot of  
4 federal money, we've had disastrous cod fishing  
5 regulations up there, we actually cannot fish for  
6 cod, our major fish in our area, five-and-a-half  
7 months out of the year. We can't possess cod from  
8 November 1st all the way this year to April 16th,  
9 and it's killed us. By Christmas years ago there  
10 used to be, you know, lots of fishing in November  
11 and December and March, in the beginning of April,  
12 we had tons of cod trips, and now we can't fish at  
13 all, or we can't keep these fish, and people really  
14 don't want to go ground fishing without keeping  
15 these fish. We can fish for some other ground  
16 fish, but we can't fish cod, and that's the major  
17 targeted fish. However, it's been a major economic  
18 loss for all of us, and you read the newspapers and  
19 there's all this federal money dumping into the  
20 commercial industry, you know, economic disaster  
21 relief for the commercial people, but there's very  
22 little relief for the recreational.

23 Now I was able to get some money several  
24 years ago, they had a program in Congress that

1 dedicated \$13.2 million or so for Massachusetts  
2 fishermen and I was able to get into that, and get  
3 money for the charter boat industry for losses  
4 under Amendment 13. However, we need somebody here  
5 in Washington to be watching, you know, if there's  
6 disaster relief for fishermen being dumped out for  
7 commercial, what about the recreational people that  
8 have been injured by this, and so I would like to  
9 see somebody here watching that kind of thing. If  
10 you see a headline that comes out and says, you  
11 know, Congress dedicated \$15 million, the  
12 question's got to come up from somebody here saying  
13 what about the guys that are being affected that  
14 are recreational, and I don't see that right now.  
15 We'd like to have somebody looking over us.

16 MR. DUNN: Yeah, and that's certainly the  
17 sort of thing that falls under my purview, so if  
18 you have an inkling that something like that is  
19 occurring, whether HMS related or not, please let  
20 me know. I mean, I certainly played that role with  
21 regard to obtaining disaster monies in the Gulf as  
22 things were coming apart there and we were getting  
23 appropriations from Congress. We made sure that  
24 there was money funneled also, not only towards

1 commercial issues but recreational as well. I can  
2 talk to you more non-HMS wise off line.

3 MR. DEPERSIA: You'd prefer that I do that  
4 off line, but the reason I'm going on right now  
5 actually, the Commerce Department is looking into  
6 various harbors in New England, I know Bedford,  
7 Gloucester, a couple others. I'm not located in  
8 any of those harbors but I'd like to see, you know,  
9 Green Harbor and some of the other smaller ports  
10 also considered in what's going on right now. It  
11 just was announced within the last week, I believe,  
12 that there's a big program from the Commerce  
13 Department to assist fisherman, and we want to be  
14 part of that whole thing.

15 MR. DUNN: Okay, I'll look into that.

16 MR. RAAB: Gail.

17 MS. JOHNSON: Thank you. Gail Johnson,  
18 Fishing Vessel Seneca. This is just hard to define  
19 the universe. Kayak fishing? My goodness. But at  
20 any rate, harkening back to one of the things that  
21 Margo was saying, no surprises is a big deal, and  
22 to that end, my high priority on your list here is  
23 the information on landings, on discards, on  
24 anything that might affect us in an international

1 arena first, and in domestic second. Thank you.

2 MR. RAAB: Yes.

3 MR. SCHRATWIESER: Jason Schratwieser. I  
4 think a lot of us here would like to see an update  
5 on the Gulf fishing permit, that study really needs  
6 to be updated, especially for a fishery that  
7 doesn't have any commercial value at this point, so  
8 we need to highlight as best we can the  
9 recreational value.

10 MR. RAAB: John.

11 MR. JOLLEY: Just to reiterate, we had a  
12 brief discussion about it at lunch today, but I  
13 would think that a number one priority is still  
14 getting accurate catch data in the recreational  
15 fishery. We've had people crying for this for  
16 decades, I might add, and I think that is the  
17 number one concern. Just think of the impact, and  
18 I want to do it, get the fishery on the record  
19 today, and that might be priority one. We need to  
20 get that data, we don't have it, and this will be  
21 more important as we go forward.

22 MR. DUNN: That tends to be the number one  
23 wherever I go, whatever fishery. And you know,  
24 we're making strides, we are certainly not there,

1 but I think you can see the sort of priority the  
2 Agency is putting on it through our budgetary  
3 commitment, which has risen from three million  
4 towards MRIP when it kicked off four years ago, to  
5 this year at 12. Who knows what we'll get given  
6 the current budget, but it's risen steadily each  
7 year.

8 MR. RAAB: Steven.

9 MR. JAMES: Steve James. Just, I guess I  
10 will ask this question. What are you going to do  
11 with the economic data from the recreational  
12 assessment in terms of what your plans are overall  
13 with that knowledge?

14 MR. DUNN: So, the data is incorporated  
15 into the analysis, the regulatory analysis, so it  
16 is essentially used in the decision making  
17 processes, but before it's in final form, through  
18 the analysis in terms of what would the impact of a  
19 certain regulation be or not. It's put in front of  
20 the quote-unquote decision makers, the accountants  
21 for the council, the regional administrator, and at  
22 HMS it would go before Margo and whatnot within the  
23 EISs, or EAs or whatnot, to be factored into the  
24 decision making process.

1           MR. JAMES: Okay, thanks. I guess one  
2 thing I would point out on that note specifically  
3 is as you encompass the overall scope of the  
4 recreational fishery, there are things such as the  
5 decision to buy a 25-foot cod boat or a 52-foot  
6 Viking. Those are not decisions that are made upon  
7 trying to get a bigger cod, they're made upon a  
8 decision to try to get yourself an HMS specie, so  
9 as you kind of look at the picture of impact where  
10 we have changes or modifications to our rules, that  
11 impacts our bluefin tuna fishery, our sword  
12 fishery, our Barlow fishery, so that you consider  
13 the fact that you've got, and I think you hit upon  
14 it previously, that if the boat builders are also  
15 involved in this, and that the Gloucester sales  
16 that can take place as a result, the changes that  
17 go through your office can have far reaching  
18 consequences that reach into those million and  
19 \$2 million vessels that are not being sold. That's  
20 one point, you don't have to comment, but just a  
21 point.

22           The next one I want to bring forth is that  
23 I have had a chance to chat with the gentleman, the  
24 economist up in Wood's Hole that is actually

1 coordinating the economic survey for the for-hire  
2 industry, and as Tom DePersia points out, he  
3 doesn't intent to include the HMS species largely  
4 because of economic constraints, and also for the  
5 fact that the HMS species are managed out of this  
6 office specifically. So what you end up with is  
7 surely a skewed perspective when you don't include  
8 the big game fishing charters that are taking place  
9 off the eastern seaboard, you're just grabbing the  
10 low life, and that will give you a skewed  
11 perspective of the value. I think as everyone  
12 recognizes, big game fishing can make a lot more  
13 money than your typical small game or ground  
14 fishery, and therefore I would encourage you to  
15 advise the gentleman, the economist up in Wood's  
16 Hole that he way may want to broaden the scope of  
17 that research. Thank you.

18 MR. RAAB: Rom.

19 MR. WHITAKER: Rom Whitaker. I have a  
20 couple questions and then I have some comments.  
21 But my first question is, I know, and I commend you  
22 on getting better information, because we certainly  
23 have been screaming about it for ten years, and the  
24 MRFSS program wasn't working, and I'm glad it's

1       been updated.

2               But my question is, annual catch limits,  
3       exactly when are they going to come into play? And  
4       as a charter boat fisherman who's been shut down  
5       out of the fisheries in the South Atlantic here  
6       recently, this, excuse me, but it looks like a  
7       quota, and it scares me really tremendously. And  
8       if these annual catch limits are going to be a hard  
9       line that we're coming up against, when exactly are  
10      they going to come into effect?

11             MR. DUNN: I will be happy to answer, and  
12      then I'll kick it over to my compadres here. For  
13      non-HMS species the annual catch limits are either  
14      in place or well on their way. For the species  
15      that were undergoing overfishing, they were put in  
16      place, there was a 2010 deadline. For the  
17      remaining species they are to be in place by, I  
18      think it's July of this year. So the South  
19      Atlantic, Gulf and Caribbean councils are working  
20      on their final ACL amendments or plans for the  
21      upcoming round of council meetings in June,  
22      May-June. So they are well on their way and in  
23      place for a number of species already.

24             For HMS, I'll turn it over to you all.

1 MS. SCHULZE-HAUGEN: So, ACL has been  
2 implemented for sharks already, so that's already  
3 in place. For some of the ICCAT managed fisheries,  
4 there's an international convention. However, many  
5 of our management measures already include the ACL  
6 component, technically we're not calling it that,  
7 but in essence they would like hard quotas,  
8 paybacks, things that are in place already.

9 MR. WHITAKER: Okay. I was just referring  
10 to the bluefin tuna, but okay.

11 My second question is, naturally my first  
12 thought is I may be shut out of the Gulf tomorrow.  
13 Is there going to be any type of money available to  
14 us guys that are going out of business because of  
15 this?

16 MR. DUNN: That is up to your Congressman,  
17 I would say. It is not something that is in HMS's  
18 budget or discretion without an authorization from  
19 the Hill.

20 MR. WHITAKER: Okay, thank you.

21 Just a few comments. I am glad to see that  
22 you all are expanding the catch card program to  
23 more states. I really wish all states, I feel like  
24 all states should be participating in this program.

1 You know, I can give you data on exactly what's  
2 been caught in North Carolina, certainly Randy can  
3 too, in the bluefin tuna longline category and the  
4 Atlantic swordfish catches, I think we have a  
5 record of them.

6 As far as the economic survey, North  
7 Carolina does have a survey they did for the  
8 for-hire industry from Sea Grant that's available  
9 for '08 and '09 that would certainly give you some  
10 great input on your research.

11 As far as logbooks, I know you were talking  
12 about requiring or going out with the program for,  
13 you didn't mention the Southeast Atlantic, but I  
14 would be more than willing to participate in that  
15 program and probably have some cohorts that would  
16 also.

17 As far as yellowfin tuna, I think it's  
18 pretty obvious that that fishery has really gone  
19 downhill the last three years, and we've missed an  
20 excellent opportunity to get some landings back  
21 when we really were catching a lot of them. So it  
22 concerns me that -- we need to start somewhere and  
23 now is a great time, but I think our landings are  
24 going to way understate what we were catching three

1 or four years ago.

2 And as far as blackfin tuna go, I think  
3 yes, there definitely needs to be some type of  
4 management. I would like to see some kind of  
5 research done that would give me an age of  
6 maturity, you know, a minimum size to let that fish  
7 spawn at least once, maybe twice. But there are  
8 many days we make our day on blackfin tuna. I know  
9 the Florida East Coast has some good blackfin  
10 fishing too, but I feel like there needs to be some  
11 type of plan in place.

12 MR. DUNN: That actually, I'm glad you said  
13 that. One of the things that I often overlook  
14 because I know it in my head and I don't think  
15 about it, the regional action agendas and the  
16 regional recreational coordinators, we have a  
17 recreational coordinator in each region. It's  
18 somebody who's already there, it's not a new  
19 dedicated person, it's someone like Randy or Brad  
20 who has a day job and then this was added on top.  
21 We also have a similar person in each of the  
22 science centers. And so as these regional plans  
23 are being developed, it's not just the sort of  
24 regulatory side of the house, or policy side, it's

1 also the science center. So they will be combining  
2 in the regional ones that I get both the science  
3 focus as well as the policy focus. So I'm glad you  
4 mentioned that, because it certainly is important  
5 as you all think about it and provide input to  
6 Randy and Brad, whether it's today or in an e-mail  
7 down the road, if there are science questions which  
8 you think are wholly appropriate, send them in. So  
9 don't limit yourself to just policy things or how  
10 do I improve this catch and effort data.

11 MR. RAAB: Pat, you were next.

12 MR. AUGUSTINE: The first thing I want to  
13 talk about is HMS. If we're going to improve  
14 recreational fishing for HMS, it appears to me that  
15 it's going to be quite difficult. We have smaller  
16 and smaller quotas, we're squeezing the sideboards  
17 in on every single species, so I don't see -- I  
18 wish I knew where there would be continued  
19 opportunities to increase recreational  
20 opportunities for HMS.

21 As a member of ASMFC and our 15-state  
22 compact, we have other issues to deal with. Here  
23 we're dealing with single species management. The  
24 overall direction that fisheries seem to be going

1 was eventually ecosystem management. The problem  
2 with that is now in both council and the commission  
3 we have this technical screening, particularly in  
4 the council process. And the difficulty is, doing  
5 single species management for us, you find yourself  
6 in building stocks up to a point where you want to  
7 be above the threshold, you want to be above the  
8 target. And in single species management the ASMFC  
9 has not learned to manage success, and I'll cite a  
10 perfect example.

11           SSC, when they're doing a workup on  
12 something like sea bass, one of three primary joint  
13 venture species with the Mid-Atlantic, we find the  
14 problem is that those three species, in particular  
15 striped bass, or not striped bass, but summer  
16 flounder, striped and black sea bass, all three of  
17 them predate on some of our lower species of fish  
18 in the chain. It so happens that lobster is on the  
19 verge of going up, call it extinct. So there's a  
20 movement on behalf of conservationists, I will say  
21 that with quotes, to help put the lobster fishermen  
22 out of business, which has a direct effect on what  
23 do we do economically. On the recreational side we  
24 have recreational lobster people, you get a permit

1 and you can get five lobsters at a clip.

2 But I guess my question to you would be, is  
3 it impossible in your interaction with the science  
4 center, SSC in this particular case, to take a look  
5 when you have single species management, and a  
6 species has been allowed to go above and beyond the  
7 target, striped bass has been over since the  
8 late '90s. Spawning size biomass, which is the  
9 driving factor for every species, is the driver.  
10 The question is, I would ask you to ask the science  
11 center, how far above the target does the spawning  
12 size biomass have to be before you can increase the  
13 quota?

14 And I'll cite you to striped bass and then  
15 drop it and go on to something else. In striped  
16 bass we had a push by the recreational folks, 2,100  
17 letters came in to ASMFC, screaming emotion, you  
18 managers are managing striped bass to extinction.  
19 The fact of the matter is the spawning stock  
20 biomass for striped bass is 183 percent above the  
21 target. So if you follow the sacred cow in not  
22 being able to increase the commercial quota or the  
23 recreational quota, you find yourself with this  
24 species that eats out the food chain. So we have

1 that reported, which is now 203 percent above the  
2 target, and yet the availability or the likelihood  
3 of the SSC allowing the quota to be increased is  
4 basically nonexistent.

5 The word uncertainty is used on an ongoing  
6 basis. Black sea bass is fully rebuilt. We find  
7 that we're going from a 25-fish bag limit down to  
8 maybe a five to seven bag limit. We find the  
9 season having been year round, and now it's  
10 July 1st to December 31st. So in a species that  
11 are being rebuilt in single species management, we  
12 need someone at your level to talk to the SSC and  
13 say hey folks, what is the impact on these other  
14 species of fish while we're allowing these certain  
15 levels of species to continue above and beyond. It  
16 goes to winter flounder, it goes to other fish.

17 So when I look at the phrase up there,  
18 improved recreational opportunity, it seems there's  
19 a much much larger picture and I'm not sure, it  
20 might have been Steve, mentioned the fact that when  
21 we're talking about socioeconomic data, and the  
22 second part is when we talk about improvement of  
23 economic data, we have a sense where recreational  
24 folks are going on this. I do know that there's a

1 very very strong movement in the Mid-Atlantic in  
2 two or three states to go after and attack the  
3 commercial quota with one of the species. And the  
4 problem with it is, I believe, and I would like to  
5 hear your response on it, as they improve the  
6 social and economic data, and the cry from, please  
7 bear with me, the cry from one sector is that our  
8 sector put more money in the economy than the other  
9 sector, how -- do you folks look far enough ahead  
10 as to how you're going to address that cry, and if  
11 so, I would like to hear it.

12 MR. DUNN: There certainly is, as you say,  
13 there has been an outcry from the recreational  
14 community for better socioeconomic data with the  
15 unspoken but clear underlying premise of if there's  
16 better economic data and we can show we have a  
17 bigger input, the decisions will go our way, and  
18 that is a bit of a false premise. The answer is  
19 that economic benefit is one factor among many in  
20 allocation decisions, and there is an explicit  
21 prohibition about using economic allocation as the  
22 sole criteria for making an allocation decision.

23 So, will it provide decision makers with a  
24 more complete view of the reality of a decision, or

1 the impact of a decision? Absolutely. Will it be  
2 the sole factor on which decisions are made,  
3 absolutely not. We're expressly forbidden from  
4 doing that. It will simply be one more piece, a  
5 more informed piece of the pie than it has been  
6 traditionally.

7 And sort of building on that a little bit,  
8 the one action that the Agency is taking, and it's  
9 not specific to recreational or commercial,  
10 however, is an examination of allocation in all  
11 fisheries across the country. And to this point  
12 what has happened is the Agency has retained George  
13 LaPointe, the former commissioner for Maine and for  
14 the Mid-Atlantic States Fisheries Commission, to  
15 essentially put together a plan to begin to look at  
16 how allocation issues can be addressed, and so he  
17 is, he's got sort of a multiphase plan that he's  
18 developing. He will first interview a whole lot of  
19 people about how allocation decisions have been  
20 made in the past. So I would suspect in the next  
21 year to two years, the public will hear much more  
22 about this as this goes forward.

23 MR. AUGUSTINE: Thank you for the honest  
24 answer, Russ.

1 MR. RAAB: Rick.

2 MR. BELLAVANCE: Rick Bellavance. Russ, I  
3 just had a comment, and maybe a suggestion on your  
4 first bullet, improve recreational fishing  
5 opportunities, I thought it would be important to  
6 start to maybe shout out and recommend that you  
7 think of the folks that live in the middle of the  
8 country, or necessarily don't own boats or have  
9 access to the water on their own, and how they may  
10 continue to have opportunities to enjoy the  
11 resources that we have, and typically that's  
12 through the for-hire industry. I think it's  
13 important to protect and preserve that industry as  
14 we move forward with all the different regulations  
15 that you have, and define that actual industry  
16 participants and so on.

17 And so, I don't see a lot of people in that  
18 demographic coming to advisory panel meetings or  
19 things like that, but I would sort of lobby for  
20 them a little bit and make sure they have a  
21 platform. Thanks.

22 MR. RAAB: About two more comments from  
23 Randy and Ron, and then my understanding is we're  
24 going to officially adjourn, but they're going to

1 stay here for some more informal conversation if  
2 anyone wants to do that, so Randy?

3 MR. GREGORY: I want to echo a couple of  
4 things that Rom touched on. We need to not, in  
5 these meetings, we need to forget about yellowfin  
6 tuna. We can probably all ride the backs of  
7 yellowfin tuna in here a lot more than we discuss  
8 it, but I'm sure it's very important to the  
9 Mid-Atlantic states and in the Gulf, and very  
10 important to recreational fisheries there as well.  
11 In the recent years, especially in the Southeast  
12 with the lack of yellowfin tuna downstream catches,  
13 blackfin tuna has been very important, and we do  
14 need to gather information on that species and take  
15 a good look at it.

16 The catch card system works very well, it  
17 has worked very well for us in North Carolina and  
18 has provided HMS with a lot of data, and has been  
19 very timely in North Carolina, and I would  
20 encourage the use of that in collecting  
21 recreational data that somebody talked about  
22 before, but probably the quick action that was just  
23 taken, a lot of that, we gathered that information  
24 from that, and I think we can improve that and use

1 it in other areas.

2 Believe it or not, we just went out with  
3 some stuff to our for-hire guys in North Carolina  
4 and one of the things that we proposed to them was  
5 the use of logbooks, which we all thought they  
6 would yell, scream, say we hate it. Actually, they  
7 all came out with things going on with annual catch  
8 limits, limits in the Southeast, and with things  
9 like the HMS species, they were very open to the  
10 use of logbooks in the for-hire industry, so I  
11 would encourage you all to look into that as well.  
12 I know there are inherent problems with logbooks,  
13 but it could be something to combine with your  
14 survey to get at the recreational catch and the  
15 for-hire catch, which the last gentleman, Rick, you  
16 know, said, the for-hire industry is a very  
17 important part of the recreational industry because  
18 it does get these people out there that don't have  
19 boats.

20 MR. DUNN: Can I ask one question? Did you  
21 all establish a logbook, or you began conversations  
22 about potentially establishing it?

23 MR. GREGORY: We just began conversations  
24 about that, but it was very well received in all

1 the meetings that we've done so far, and you know,  
2 and these guys at the beginning said well, wait a  
3 minute, we need to document what we're catching.  
4 We had snapper grouper guys that, the recreational  
5 snapper grouper fish, they're out of business right  
6 now, and yet they don't have any, their catches  
7 aren't documented very well. It's a very small  
8 fishery, Rom's part of it. I mean, we've got one  
9 guy down in Morehead City, that's all he does, and  
10 he hadn't realized that he was out of business yet.  
11 But anyway, it's very important so we can document  
12 those catches.

13 MR. RAAB: Ron.

14 MR. CODDINGTON: Yes, this is a quick one.  
15 Russ, I just wanted to say thanks to National  
16 Marine Fisheries for creating your position. Thank  
17 you for the way you're doing it, your accessibility  
18 is great. HMS is very accessible all the way  
19 around, but your new position is really good and we  
20 really like the way you're doing it. And in the  
21 recreational community outside of HMS, there's not  
22 a great perspective on National Marine Fisheries,  
23 they're not looked at very kindly, and your  
24 position is doing a lot to change that. And that's

1 not the case in HMS, but in the other fisheries,  
2 you're doing a lot to change that. Thanks for the  
3 hard work you do and your accessibility.

4 MR. DUNN: Midyear reviews are coming up.

5 MR. CODDINGTON: Got you.

6 MR. MCHALE: Just kind of one comment. One  
7 of the comments I've heard and conversations I've  
8 had with folks around the table is the concern with  
9 blackfin tuna, and I know that we in the Highly  
10 Migratory Species are managing the other tunas and  
11 blackfin isn't necessarily part of that same  
12 component, and all that heads back to ICCAT, and  
13 the mandatory quotas that we have. And so I  
14 definitely would not to get into that conversation,  
15 because at least in my own research I found zero  
16 regulations on that species, and this may not be  
17 the only forum to discuss it, as Russ had mentioned  
18 that there are also regional coordinators, so as  
19 part of that overall discussion, I would also  
20 highly recommend folks bring it up to them as well  
21 before, you know, any home is found, bring up  
22 blackfin management as that discussion carries  
23 forward, so just please don't isolate those  
24 discussions to this forum.

1           MR. DUNN: And just to echo that, you can  
2 always call me and I am handling, doing the  
3 national picture, but if I can't get you the  
4 answer, the interaction, I will direct you quickly  
5 to the region or the person who can. So if there's  
6 an idea that affects either HMS or non-HMS, I can  
7 steer you to the right people to initiate the  
8 issue, maybe by merely starting the dialogue and  
9 then stepping away, as I can't be the expert on  
10 every fishery, but if you have a question, feel  
11 free to give me a call anytime.

12           MR. RAAB: There are two more cards going  
13 up, so let's take those comments and then  
14 officially close, but again, they are going to  
15 stick around for some more informal conversations.

16           MR. JENKINS: Wallace Jenkins, from South  
17 Carolina, and this would probably be my first and  
18 last meeting if I didn't echo what Randy said about  
19 yellowfin. We've seen our catches go to zero in  
20 South Carolina in tournaments, and we used to catch  
21 500 or so each summer. We want that to be on HMS's  
22 radar.

23           In addition, on blackfin tuna, we had  
24 tournaments won last year with blackfin tuna this

1 big. People weighed them in and won \$10,000. So  
2 you know, something needs to be done because people  
3 are harvesting them. In tournaments, I don't know  
4 if they were embarrassed, but 10,000 bucks is  
5 10,000 bucks. So we need to do something about it.

6 And then the last thing is, evidence has  
7 shown that yellowfin tuna are the most highly  
8 sought after species in charters, and again, in  
9 South Carolina we don't have them anymore.

10 MR. RAAB: I just wanted to thank everyone  
11 for your thoughtful comments throughout the day.  
12 Again, Randy, Brad and Russ are going to stick  
13 around for some informal conversation. We're going  
14 to start right at 8:30 tomorrow morning, talk about  
15 sharks, and then circle up at the end back to  
16 figuring out what your priorities should be going  
17 forward. That will end it for today.

18 (Whereupon, the meeting adjourned at 5:03  
19 p.m.)

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1 STATE OF MARYLAND SS:

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

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

13 As witness my hand and notarial seal this  
14 21st day of April, 2011.

15 My commission expires

16

17 September 3, 2011

Notary Public

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