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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 Three Session)

Thursday, 7 April 2011

Reported by:

Paul A. Gasparotti

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1 [8:31 a.m.]

2 MR. RAAB: I think we will start on sharks,
3 and at the break we will recalibrate a little bit
4 to make sure we get out by 11:30, okay? Karyl.

5 FUTURE OF THE SHARK FISHERY

6 MS. BREWSTER-GEISZ: Good morning,
7 everybody. I hope you had a good night's sleep and
8 hope you don't fall asleep this morning. Pat, do
9 you have your coffee? All right.

10 This presentation is all about the future
11 of the shark fishery, it's something that as you
12 know from last year, I'm very excited about, and
13 I've been looking forward to doing it for a number
14 of years. So, I'm going to give you a little bit
15 of background and remind you where we were, how
16 this got started, then give you a quick summary of
17 some of the comments that we heard during the
18 public meetings last fall, followed up with some of
19 the data analyses we've done since then. I know
20 that we're pressed for time so if you're bored,
21 whatever, jump up, give me a message and I will
22 move on faster.

23 So, going on to where we've been. Last May
24 is when we first brought this up, and we had a

1 shark working group and we talked about some of the
2 problems and issues that have been going on in the
3 fishery for a long time, and thought about where we
4 should go from there. As a result, last summer,
5 actually September, we issued an advance notice of
6 proposed rulemaking, or ANPR, and we held six
7 public meetings.

8 And the first one was here, the advisory
9 panel meeting, where we actually invited a number
10 of shark fishermen to join in the working group
11 discussion. So we had a lot of great feedback, and
12 we were looking at trying to address just some of
13 the management problems we've had in the fishery,
14 such as concerns over the changes in quotas, the
15 short seasons, trying to both improve the status of
16 some stocks and maintain the status of others,
17 improving the marked factors, along with exploring
18 methods of allowing us to have more flexible
19 regulations to adjust to changing conditions,
20 whether that's changing stock status, changing
21 market, maybe the seasons.

22 And the main question we were asking
23 everybody throughout this whole process, and still
24 asking everybody, is what should the shark fishery

1 look like, what do you want it to look like in five
2 years, in years, what does somebody else want it to
3 look like, and how do we get those visions to
4 match.

5 So in the advance notice of proposed
6 rulemaking, we were looking at three specific types
7 of changes. Quota structure changes, these would
8 be species specific quotas. Complexes, changing
9 species between complexes, all of those issues that
10 go in with quota structures, regions, all of it.

11 We were looking at permit structure
12 changes. The big idea that came out of the May
13 meeting was permit stacking, and this would be
14 where a boat with one permit could buy another
15 permit and stack both those permits on the boat,
16 and catch double the shark limit. There were a lot
17 of questions about that. There was a permit
18 structure, also ideas for use or lose, where either
19 you use your permit or you lose it, and how would
20 that affect the fishery.

21 The last idea of course being catch shares,
22 there's a big NMFS policy now on catch shares,
23 there has been for about a year. They're looking
24 at IFQs, sectors, and are they appropriate for the

1 shark fishery.

2 So that's sort of where we were about a
3 year ago, about six months ago, and all the
4 comments we heard. Out on the back table if you
5 haven't already gotten it, they do have the
6 document summary of all the comments that we heard,
7 along with the list of who submitted written
8 comments, but we did have a lot of people come to
9 the six public meetings we had.

10 What I am going to present is not going to
11 go through all of them, it's sort of a smattering
12 so you can see the range of comments. We did try
13 to mark off both in the comment summary and in this
14 presentation if we heard something from an advisory
15 panel member, which comment that was. Sometimes we
16 heard it from more than just the advisory panel
17 members, we'd hear it from the general public as
18 well, other times it was asking something that we
19 heard just from the advisory panel.

20 So in regards to the quota structure
21 changes, there were a lot of comments. Yes, we're
22 aware they should be species specific, but be aware
23 that stock assessments can't be done quickly enough
24 for all the species. Monitoring numerous quotas

1 could be difficult. Changes to the complex, maybe
2 make a medium coastal shark complex, or maybe just
3 have small coastals be the complex and then
4 everything else be split up, so a lot of different
5 ideas there.

6 A lot of ideas about structuring the quotas
7 and opening dates to regional availability,
8 specifically that the State of Louisiana should be
9 allocated its own quota and everybody else should
10 go on different quotas. Implement bycatch caps to
11 lose interactions with protected species, and then
12 changes to the regional administration at the
13 close. So this would be going back to where we
14 have a North and South Atlantic quota, maybe an
15 East and West, Gulf of Mexico quota, ideas like
16 that.

17 Permit structures changes. We actually got
18 the majority of these on either permit stacking or
19 use it or lose it. So starting with permit
20 stacking, a lot of people felt that the quota would
21 be harvested even faster because all those latent
22 permits would be sold to active vessels who would
23 then be more efficient in going out and catching a
24 lot more sharks at once if all those latent permits

1 would now be used. Because they would be more
2 efficient, there would be economic benefits to the
3 fishermen. Some people suggested you buy three
4 permits and you get two trip limits, or some
5 variation of that buy more permits to have a
6 certain number of trip limits. It could even
7 increase pressure on the shark stocks, and that's
8 because of the harvesting faster. It should not
9 apply to incidental permits. And of course, a lot
10 of questions on what permit stacking would mean in
11 terms of upgraded restrictions.

12 Going on to use it or lose it, there was
13 also a concern here that the latent permits would
14 now become active because people wouldn't want to
15 lose their permits. There was agreement here as
16 well that it should not be implemented for the
17 incidental permits, it should focus on directed.
18 Questions about whether or not control dates, or
19 have we considered a buyback. A lot of people,
20 including the AP, thought seven to ten years was a
21 reasonable period of inactivity. In fact, some
22 people said if you haven't used the permit for
23 limited access, you should lose it. Other people
24 thought the inactive permit should be transferred

1 to a reserve pool that would be available for new
2 entrants later on. And then, it could lead to more
3 economically efficient outcomes because you would
4 be limited to those active vessels.

5 Catch shares, as I'm sure you all expected,
6 had a lot more comments than either the closed
7 structure or permit structure. There was a large
8 range, so there's a couple slides on that. They
9 ranged from NMFS should not implement catch share
10 to NMFS should implement catch shares. A lot of
11 questions such as whether or not there should be a
12 referendum for the shark fishery. Concerns about
13 the initial allocation, and that was something
14 we've heard here and I think at pretty much every
15 other meeting, where people were saying we don't
16 know if we want catch shares and we won't know
17 until you show us what the initial allocation is
18 going to be.

19 If there's a catch share sectors in the
20 gillnet fishery, cap the number of vessels, so that
21 was specific to the gillnet fishery, which is
22 focused off of Florida.

23 There was a lot of support for a Gulf of
24 Mexico pilot program, an IFQ program, suggesting

1 that the red snapper IFQ would be a good model to
2 use. There was some concern than non-fishing
3 interests might buy those catch shares and keep
4 them from being used. General concern that dealers
5 can't handle market gluts in the derby fishery.
6 Voluntary sectors should be implemented. Quite a
7 clear signal from the North Carolina fishermen that
8 they are opposed to catch shares, and that the goal
9 of catch shares should be year-round fisheries.

10 So as I said, that was what we heard. Some
11 of the comments referred, to give you an idea of
12 the range and the thought processes, there was a
13 lot more detail, a lot more information in the
14 document, where you can go through if you're
15 interested in that.

16 I think even starting here at the advisory
17 panel, we have heard a lot of comments from people.
18 They need to see more data. They need to see what
19 it looks like, not just in terms of the catch
20 shares and the initial allocations, but just all
21 around, what does the data look like, what is it
22 showing us for the fishery. So we did start to
23 look at the output, and I'm going to take a few
24 minutes here to make sure you understand what we're

1 dealing with when we're looking at this.

2 We have a number of logbooks where people
3 can report, so I would say the majority of the
4 fishery, 70 or 80 percent all report in what we
5 call the coastal logbook. This is a logbook that
6 most of the South Atlantic and Gulf of Mexico
7 fishermen use, they use it for king mackerel, they
8 use it for sharks, they use it for snapper. It is
9 a trip logbook, it's reported in weight.

10 We also have a good number of people using
11 our HMS logbook. This is the logbook that most of
12 the pelagic longline fishermen use, the swordfish
13 fishermen use. Shark fishermen are also welcome to
14 use this. It's a set logbook, it's reported in
15 numbers of fish.

16 And then there's the vessel trip report
17 that the Northeast fishermen all use, it's also
18 very different than either one of the other
19 logbooks.

20 So when we did these, these are purely
21 preliminary. At the moment what I'm showing you
22 will be just from the coastal logbook, since as I
23 said, that will be the majority of the shark
24 fishermen, but certainly not all the shark

1 fishermen. And what we're hoping for in this, do
2 you like some of these analyses, do you want to see
3 similar ones for the other logbooks? Also, we
4 haven't yet incorporated the dealers, so what type
5 of analyses do we need to use for the dealer data
6 itself?

7 So we're looking generally at participation
8 through the fishery, the vessel activity, the
9 vessel characteristics, and then the distribution
10 of landings and species in those landings.

11 This slide should be very familiar to all
12 of you, we presented it back in May and presented
13 it again in September. It's showing that there was
14 a slight decrease in the number of directed permits
15 and a larger decrease in the number of incidental
16 permits. And these are just numbers of permits,
17 these do not indicate activity in the fisheries,
18 just who's keeping the permit.

19 Using the coastal logbook, we went in to
20 figure out who is reporting sharks, and there has
21 been a decrease over time. In 2003 we had 112
22 directed permit holders reporting shark landings in
23 the coastal fisheries logbook, in 2009 we had 68,
24 so it's quite a decrease. For incidental permit

1 holders, in 2003 we had 76, in 2009 we had 23. Our
2 fishermen are decreasing, the number of fishermen
3 he have that are active is decreasing. I don't
4 think that should come as a surprise to anybody,
5 but I just want to make sure you understand that
6 that's what I'm seeing from this chart.

7 We also looked at landings and numbers of
8 trips, so on the left-hand axis you have the
9 landings, on the right-hand axis you have the
10 number of trips. The blue columns are the landings
11 by year, the red line is the number of trips. So
12 you're seeing a lot more landings from 2003 to
13 2006. I would like to point out that 2006 was the
14 year where we had the huge overharvest for some of
15 our fisheries, so that overharvest directly
16 affected what happened in 2007 because the quotas
17 were so much lower. 2008 was when Amendment 2 went
18 into place, we had the large coastal fishery closed
19 until July of 2008, so in 2009 you do see the
20 landings increasing a little bit as you recover
21 from those overharvests and the opening of the
22 season. The number of trips, fairly indicative of
23 the landings that are going on.

24 I want to point out, we did look at the

1 gear types with this as well. Primary gears for
2 landing sharks were longline with about 80 percent
3 of the total landings, and gillnet incorporating
4 about 20 percent. There's also a small portion
5 using hand line.

6 Now this is an interesting chart that I did
7 not want to provide to anybody without explaining
8 it, so I have a feeling people are going to be
9 confused by it. When we were looking at the
10 analyses we needed to pick some years to use, so we
11 picked 2003 to 2009, seven years of worth of data.
12 We were trying to find some way of looking at that
13 to help us, so we he ended up splitting those
14 years, those seven years into two three-year
15 periods, with 2006 in the middle. So we looked at
16 things from 2003 to 2005 and then 2007 to 2009.

17 One of the reasons we did that was because
18 we heard throughout the comment period, I'm a
19 fishermen, I used to fish in the shark fishery all
20 the time, I cannot make it on the 33-trip limit,
21 and I stopped fishing. Would I be affected by
22 catch rate? And then we heard it the other way
23 around. I'm a fishermen, I'm a new entrant into
24 the fishery because I know how to make the 33-fish

1 trip limit work for me. Would it be affected by
2 the catch share? And we had those two groups
3 asking what would it mean, so we wanted to try to
4 split it and look at the older fishery versus the
5 newer fishery, what's happening. This is one way
6 that we found to look at the effort in the fishery
7 and what it means.

8 So on the bottom of the chart you have the
9 number of the years in the fishery, so whether
10 you've fished for one year, two years, three years,
11 four years, all the way up to seven years. And
12 then along the left-hand side is the number of
13 vessels in each year period. I'm going to start
14 with 2006, because that's pretty obvious. There
15 were about three vessels that fished only in 2006,
16 that did not fish in any other year, so let's just
17 get that one out of the way. The light blue
18 column, and they don't look like blue on the
19 screen, they look kind of gray, so I'm going to
20 point them out, all of this color going across.
21 Those are people who fished in both time periods,
22 so they fished in that early time period and they
23 fished in the later time period. And as you can
24 see, we had some vessels that fished two years, so

1 they fished one in the early time period and one in
2 the later time period. We had other vessels that
3 fished five years across the whole span, six years
4 and seven years, so we do have a number of vessels
5 that have been in the fishery the whole time.

6 The -- well, it shows bright blue on mine,
7 more of a purple color here, these ones. Those are
8 the vessels that fished in the early years but did
9 not fish in the later years, so as you can see,
10 there are a number of them that fished only in one
11 year and it was only in the early years. And then
12 the column in the middle, the one that I didn't
13 point out, those are the boats that fished in the
14 later time period but did not fish in the early
15 time period. So once again, you have sort of a
16 decrease, where there are some boats that fished
17 only one year, some in two, some in three and some
18 in four, the fourth being 2006. So what you can
19 see here is we have some boats that fished
20 throughout the time period, a lot of boats that
21 fished in the early time period, and then a smaller
22 number, but still a distinct group that fished only
23 in the later time period. So we were trying to do
24 this as a result of the comment that people fished

1 only in one time period or the other and we found
2 that yes, that is true, but we also have fishermen
3 that have fished throughout.

4 I'm hoping this chart is a little easier to
5 understand. We had vessel length along the bottom
6 and the number of drafted vessels along the
7 left-hand side. And once again, this is split
8 between the periods so you can see who fished only
9 in the earlier time periods of 2003 to 2005, who
10 fished only in the later time periods of 2007 to
11 2009, and those who fished across both time
12 periods. Most of the vessels are less than 40
13 feet, is what this shows.

14 This is a very similar chart but instead of
15 having the number of vessels on the left-hand side,
16 we have the number of vessel trips, once again the
17 early time period versus the later time period
18 versus both. What we're seeing here is that there
19 is a change. If you look at the chart, the 20-foot
20 or 30-foot area, you will see that the earlier time
21 period is lower, so this early time period is lower
22 than the later time period, so there were fewer
23 trips with the shorter boats in the early time
24 period. And when you switch, going 40-foot and up,

1 there are more trips happening in the earlier time
2 period with the larger boats than there are now; in
3 other words, the larger boats are not as active now
4 as they were in the early time period.

5 Of course hearing all the comments about
6 regions, we felt we needed to go back and look at
7 regions, so we did split North Atlantic, South
8 Atlantic, Gulf of Mexico. One of the problems in
9 the slide that I'm about to show you is because we
10 are focusing on that coastal logbook, there aren't
11 a lot of North Atlantic trips being reported in
12 that coastal logbook so you're not going to see a
13 lot for the North Atlantic, but you can get an idea
14 for the South Atlantic and the Gulf. These didn't
15 show up well on the screen at all.

16 Once again, early time versus the later
17 period, and species composition. So if you're
18 going along in the early time period you have
19 sandbar being 28 percent, blacktip 20 percent,
20 sharpnose 11 percent, blacknose eight percent, bull
21 eight percent, and then it goes along to the other
22 species. There has been a change in the newer time
23 period, which we would expect given Amendment 2
24 where we made sandbar research only, so sandbar is

1 a much lower portion of that, blacktip remains
2 about the same, Atlantic sharpnose has gone up from
3 11 to 19, blacknose has gone up from eight to 11,
4 bull has gone up from eight to ten, and hammerheads
5 have gone up. And I think another big one to point
6 out would be bonnetheads, they were five percent in
7 the early time period, they're 11 percent now.

8 This is one of the regional charts. Along
9 the bottom you have all the different species and
10 juts so you're aware, we did end up grouping the
11 hammerheads so when we're talking about hammerheads
12 it is all the hammerheads that were reported, not
13 just one particular species. Going along the
14 left-hand side is the percent occurrence in trips.
15 For each species you will see two bars; the first
16 bar for each species is the earlier time period and
17 the second bar is the later time period. I think
18 changes that I see are for blacktips becoming more
19 predominant, or were more predominant in the Gulf
20 and now are more predominant in the South Atlantic
21 landings. Silky as well, big change in the percent
22 occurrence in trips between the Gulf and the South
23 Atlantic, and then tiger. So those are the big
24 once that crop up out of that.

1 We wanted to give you a little bit better
2 idea of how that looks, so this is not by region
3 but it is by year, once again by species, and this
4 slide and the next two slides are very related. So
5 you have the species along the bottom and the
6 percent occurrence and trips on the left-hand side.
7 This is all years, and then we have the earlier
8 time period pulled out so you can see better, and
9 then the later time period. I don't think there's
10 really anything I wanted to point out other than
11 there are changes as you go through the years for
12 each species.

13 This is another very complicated table. It
14 is something we wanted to look at to see if you
15 land one species of shark, are you more likely to
16 land another species of shark. So along the
17 left-hand side, that first column, you have the
18 species. So if you take the first row with
19 blacktip, you would have had to have at least ten
20 percent of blacktip in landings to be considered in
21 this blacktip row. What we see in the early time
22 period is if you landed blacktip, at least ten
23 percent blacktip, you also landed for the other
24 species at least 42 percent sandbar, six percent

1 hammerheads, 20 percent bull, and going across.
2 What we did is we highlighted anything that was
3 over 15 percent, so you see that blacktip, if you
4 land blacktip you're going to land 42 percent
5 sandbar and 20 percent bull. If you landed bull
6 sharks, you go down that first column and you take
7 in bull sharks, you landed 18 percent of lemon.

8 There are a couple of squares that are
9 highlighted, and this is for the early time period,
10 keep your mind on that pattern of highlights, for
11 when I switch over to the current time period, the
12 2007 to 2009, there is quite a switch if you just
13 take a look at that pattern between the early time
14 period and the later time period. So that tells me
15 that the species they're landing now are different
16 than species they were landing before, and they're
17 landing them in different species compositions in
18 the trips. Part of that might be because we
19 removed sandbar, it might also be because you have
20 different fishermen fishing now than you had
21 before, they are not all the same. There might be
22 market forces. I don't know. There could be lots
23 of different reasons why this species composition
24 has changed.

1 So those are all the analyses that we've
2 done that we're ready to show, but we've done a lot
3 more playing with the data. There's a lot of
4 things we can look at, but we did want to give you
5 and idea of what things we are looking at, and this
6 is sort of the big picture or overview. There are
7 fewer fishermen now than there were before, there
8 are different groups of fishermen and they're
9 catching different species, and even the vessel
10 fleet itself has changed. So we are hoping to look
11 at the dealer information, as I said before, we'll
12 look at the other logbook information, and we're
13 asking you what other analyses would you like to
14 see, do you think we should do as we move forward
15 in this.

16 So, we did pre scoping last fall, we're
17 hoping based on the comments we hear from you on
18 where we should go, that we'll have an idea of
19 where we should go, and go out with scoping this
20 summer or fall, followed by proposed and final
21 rules. I do want to point out that last year I
22 said that I thought if we went forward with some of
23 these issues like catch shares, it could take five
24 years or maybe more to implement, so we're now one

1 year into the process. I do expect we'll probably
2 continue having shark conversations in the AP
3 meetings for the near future.

4 So then, we do have some specific questions
5 for you to consider in your discussion. What
6 options should we pursue now that you've seen some
7 of the comments that we had on those three ideas,
8 quota structure, permit structure and cap share, if
9 you have a preference on where we should go. If
10 so, depending upon that preference, we might need a
11 control date, so what would be your suggestion for
12 a control date. If you think we should be looking
13 at regions, let's get in a little more detail, what
14 regions should we be looking at. And then as I
15 mentioned before, there are lots of analyses we can
16 do. If you have specific things you would like to
17 see, let us know, and we'll do what we can to make
18 sure we get that out to you.

19 My whole team is working on this, so I'm
20 working on it, LeAnn is, but she will be gone for a
21 couple of months pretty soon. Guy', Pete, Delisse,
22 Mike and, Jennifer Pudney is our new team member
23 who just started with us. They're all around the
24 room, so feel free to catch up with them during the

1 break or after the meeting if you haven't already.
2 There's also Jackie and Steve, who are on the team
3 but are not located here in Silver Spring, but we
4 have given you their phone numbers so you can talk
5 to them if you don't catch up with them at the
6 meeting.

7 So that's all I have. If you have specific
8 questions about the presentation, the analyses,
9 things I've said, I think we can take them now.

10 MR. RAAB: So, we will leave those four
11 questions up so you can start thinking about your
12 comments in relation to those, but let's start with
13 clarifying questions since a lot of new data was
14 presented, and then we'll move to a broader
15 discussion. Pat, you were first.

16 MR. AUGSTINE: Yes, thank you. By the way,
17 Karyl, you did a great job, no one fell asleep. I
18 looked around the room in great detail.

19 Question. Is the scientific community
20 looking at possibly an expansion of -- is there
21 more being caught further up along the coast or is
22 it that more have been landed and the reporting has
23 changed? You indicated there has been quite a
24 change and difference. It looks like an expansion

1 for blacktip.

2 MS. BREWSTER-GEISZ: I'm not sure it's an
3 expansion. This is occurrence in trips, so if you
4 take a look at the earlier time period, you have it
5 happening in about 60 percent of the Gulf trips and
6 about 40 percent of the South Atlantic trips, if
7 you look at the later time period it switched, so
8 it's probably about 35 percent in the Gulf trips
9 and a lot more in the south Atlantic. So that's
10 what I was trying to find out, if that's the switch
11 there.

12 MR. AUGUSTINE: Thank you.

13 MR. RAAB: Gail.

14 MS. JOHNSON: Thank you. Gail Johnson,
15 Fishing Vessel Seneca. In your charts, the
16 comparison of recent versus past effort, it's
17 interesting to watch the switch. Are these all
18 directed only or incidental, and do you know if
19 these people still have their permits?

20 MS. BREWSTER-GEISZ: Yes, they are directed
21 only, and I don't think we have looked yet to see
22 if these specific vessels still have permits, but
23 we could do that.

24 MS. JOHNSON: I was just wondering, because

1 our vessel is a directed shark but it's North
2 Atlantic, and when you were talking about
3 longliners having 80 percent, I think that's how
4 you said it, 80 percent of the permits or landings,
5 and there are a slew of us that just by virtue of
6 landing mako when they bite on the line have
7 directed sharks, although our boat has never made a
8 directed shark trip.

9 MS. BREWSTER-GEISZ: Right, so your boat
10 would also be in the HMS logbook, so that's why we
11 need to incorporate the HMS logbook into these, but
12 have not yet.

13 MR. RAAB: Ralph.

14 MR. PRATT: Most of the slides I guess are
15 based on logbooks. Have you done any work on
16 dealer landing slips and things like that, is there
17 any variance in catches with that, or do you have
18 that?

19 MS. BREWSTER-GEISZ: We have only just
20 started doing it, so I don't have an answer for you
21 yet, but it's in the works.

22 MR. PRATT: All right. Just I guess in
23 general, you've had, HMS had several tools in the
24 past, IFQs, limited access, catch shares, things

1 like that, and in my eyes they all go toward
2 protecting historical fishermen in limited
3 situations, and I just think that's important.

4 MR. RAAB: Scott.

5 MR. VAETH: Scott Vaeth. I'm just
6 wondering if you have a difference on how many
7 vessel are fishing in the Gulf and how many are
8 fishing in the Atlantic, of the active fishing
9 vessels.

10 MS. BREWSTER-GEISZ: I remember we looked
11 at that but I don't remember the results of it. I
12 can get that to you at a later date.

13 MR. VAETH: And I have one more question.
14 I don't know if this would pertain to you or
15 pertain to Jason, but how many actual vessels are
16 fishing out of Louisiana state waters?

17 MR. ADRIANCE: Jason Adriance. Actually
18 that was going to be part of my question/comment
19 about the presentation. This doesn't account,
20 speaking of historical fisheries, it doesn't
21 account for Louisiana state permits, and that
22 number is greater than the directed permits.
23 Actively fishing, I can't answer. There are over
24 400 state permits, not all of them fish actively.

1 So this is good information, but it does not
2 characterize the Louisiana fishery.

3 MS. BREWSTER-GEISZ: This information does
4 not incorporate state permitted vessels, it's just
5 federal permitted vessels.

6 MR. RAAB: Bill.

7 MR. GERENCER: Bill Gerencer. Slide 16 has
8 the number of trips versus landing. Are all the
9 trips the same length, is this the average length
10 of a trip, or do you have any data showing sort of
11 days fished versus trips?

12 MS. BREWSTER-GEISZ: We do have it. I
13 don't have any charts about that. From my memory,
14 trip length has gone down dramatically. Where they
15 used to go out for several days to a week on a
16 directed shark trip, it's now less than a day,
17 because of that 33-trip limit.

18 MR. GERENCER: Thank you.

19 MR. RAAB: Bob.

20 DR. HUETER: Bob Hueter, Mote Marine Lab.
21 Great work, Karyl, great work. It's probably
22 something that your team is working on, but what
23 about economics of the fishery? Dollars ultimately
24 drive all of this. Do you have any preliminary

1 results of what's happened to the value of the
2 fishery throughout this period?

3 MS. BREWSTER-GEISZ: That would be
4 something we look at with the dealers, because
5 that's where we would get the real value of the
6 fishery. When I presented it last year and we had
7 looked, the ex-vessel price had not changed,
8 meaning it was 25 cents ten years ago and it's 25
9 cents now, so it has not changed, it has not been
10 adjusted for inflation. This means the value of
11 the fishery has gone down.

12 MR. RAAB: Lisa.

13 MS. GREGG: Lisa Gregg. Just a quick
14 question, Karyl. All of the items that you're
15 looking at, are they going to fit in with
16 Amendment 5, or what's the schedule in relation to
17 this?

18 MS. BREWSTER-GEISZ: Right. Amendment 5
19 would be more related to needing to rebuild or stop
20 overfishing, whereas this is more looking at the
21 fishery as a whole and trying to figure out once we
22 set a quota, how is that quota split between the
23 species, between regions and between fishermen. So
24 they are related but they are not the same thing,

1 so Amendment 5 would not incorporate anything here,
2 unless there was something quick and easy people
3 wanted to go into Amendment 5.

4 MR. RAAB: John.

5 MR. JOLLEY: John Jolley, with the West
6 Palm Beach Fishing Club. Nice work, very
7 interesting. Have you done anything yet with catch
8 per unit effort, are you planning to look at that
9 like catch per thousand hooks or something like
10 that?

11 MS. BREWSTER-GEISZ: I think we could. We
12 haven't yet started that.

13 MR. RAAB: Terri.

14 MS. BEIDEMAN: Terri Beideman. Along the
15 same line, could you show slide 21, and this shows
16 the percentage of landings, correct?

17 MS. BREWSTER-GEISZ: Correct.

18 MS. BEIDEMAN: And you had restrictions on
19 certain species in the later years; is that
20 correct?

21 MS. BREWSTER-GEISZ: Right. The
22 restriction was, the main change there was on the
23 sandbar.

24 MS. BEIDEMAN: It would be helpful for me

1 to see the numbers. Was there a marked change? I
2 know in some of the categories there was an
3 increase, or there appeared to an increase in
4 species, but was that numbers or was that just
5 because the percentage of when sandbars or whatever
6 was reduced, it would of course make a larger
7 percentage of the landings? Did you notice any
8 marked increase in the ones that increased?

9 MS. BREWSTER-GEISZ: We will look at that,
10 thank you.

11 MR. RAAB: Ron, I don't know if you're
12 still up from yesterday.

13 MR. CODDINGTON: That's from yesterday,
14 sorry.

15 MR. RAAB: Jeff.

16 MR. ODEN: Jeff Oden. On the economic
17 analysis of it, 25 cents sounds pretty low to me,
18 but secondly, why are fins kind of left off this
19 analysis? I mean, you know, it would certainly
20 reflect quite a bit more if you couple that in on
21 the economic end of it as well. I mean, it would
22 certainly be considerably less now without the
23 sandbar fishery, which means we're targeting
24 blacktips, with much smaller fins. But anyway, I

1 was just curious why the economic analysis does not
2 include the whole aspect of the fishery.

3 MS. BREWSTER-GEISZ: It does. If you look
4 back at the chart we presented last time, the fins
5 are on there, and their price.

6 MR. RAAB: Jason.

7 MR. ADRIANCE: Jason Adriance. I wanted
8 to, just a little information to add to this slide
9 on the trips. On the trips, the state permits in
10 Louisiana are actually a little more restricted
11 than the federal permit. Those guys can only make
12 one trip a day, as opposed to multiple trips. As
13 far as the economics, just to give you an idea,
14 this year shark meat in Louisiana we're close to
15 getting about 45 cents a pound, and fins about 15
16 dollars a pound.

17 In the species composition, the louisiana
18 catches primarily are blacktip, spinner and bull.
19 I noticed your increase in hammerheads. I'm not
20 sure, but I'd bet that increase is probably more
21 over towards Florida is where those catches are
22 coming from, but that's what I have to say.

23 MR. RAAB: Any other clarifying questions?
24 And then we're going to open it up for discussion.

1 Scott.

2 MR. VAETH: My question is for Jason. I
3 know you say that they're allowed 33 per day, but
4 isn't it true that each vessel is towing
5 multiple vessels behind them?

6 MR. ADRIANCE: Not that I'm aware of. I
7 just know that it's trip and possession, and the
8 trip is defined as one vessel.

9 MR. RAAB: Could you go back to the
10 questions that you have? So everyone, I will open
11 it now for your feedback on these questions and
12 other related questions that are of interest to
13 you. So let's open it up. Go ahead, Ralph.

14 MR. PRATT: Considering the probability
15 that you're going to be doing some sort of action,
16 wouldn't it be appropriate for a control date to at
17 least let fishermen know that the Agency is
18 considering action, and after a certain date you
19 may not continue to be allowed in the fishery?

20 MS. BREWSTER-GEISZ: We can certainly do a
21 control date. Do you have any suggestions? My
22 concern is we've done so many changes in the
23 regulations and to the fishery and the fishermen
24 involved, I want to make sure that we have an

1 appropriate control date and we don't just pick one
2 out of a hat.

3 MR. RAAB: Ralph, do you have any thoughts
4 on that?

5 MR. PRATT: No. I know very little about
6 the shark fishery. It was just that in comparison
7 to other fisheries, I see that process and just
8 think it's appropriate.

9 MR. RAAB: Jason.

10 MR. ADRIANCE: Jason Adriance. As far as
11 one option to pursue, I think we should look into
12 either Louisiana having its own quota, or that
13 regional split in the Gulf. As far as control
14 dates, if it goes to catch shares or something of
15 that nature, those state permit holders need to be
16 factored into that equation, because I believe the
17 state of Louisiana only has two federal permits,
18 which is not at all what the fishery is.

19 MR. RAAB: Terri.

20 MS. BEIDEMAN: Also, the data was all taken
21 from, not the highly migratory species logbook, so
22 if we're going to manage sharks, maybe breaking it
23 into regions, I would really like to see all of the
24 data, I would like to see Louisiana's data, I'd

1 like to see everybody's data so we can know what
2 we're doing before we do it. Just getting a
3 partial view, you know, you can jump to a
4 conclusion that may be incorrect and I would
5 rather, I don't know, I was encouraged and I like
6 what I saw, but I would have liked to have seen
7 more, including other data. That's just a comment,
8 thanks.

9 MR. RAAB: Rick.

10 MR. WEBER: Rick Weber. Karyl, to begin
11 with, the co-occurrence table, does it work in both
12 directions? You know, in that you only chose to
13 fill in half, it implies that it is reflective as
14 well, sandbar leads to -- well, let's go with one
15 that's right there. Hammerhead leads to lemon, but
16 does lemon lead to hammerhead equally?

17 MS. BREWSTER-GEISZ: I believe so. That's
18 why we didn't want to fill in the bottom part,
19 because it's confusing enough to look at as it is.

20 MR. WEBER: So ten percent on the left
21 leads to ten percent on the top, not merely just
22 occurrence, but over ten -- didn't you say it would
23 take over ten percent to appear in the box?

24 MS. BREWSTER-GEISZ: Correct.

1 MR. WEBER: All right. Secondly, with this
2 control date question, I feel like I just listened
3 to Ralph say something that implied that you want
4 to give fair warning to people who are entering the
5 fishery now, which would imply almost a right now
6 control date. What I think I heard Karyl setting
7 up is a historical control date that may go back
8 numbers of years, so you would have people in the
9 fishery already that she is not proposing, but
10 certainly making various cases for. There is a
11 case in your mind for a historic control date that
12 would already preclude people that have entered the
13 fishery in good faith.

14 MS. BREWSTER-GEISZ: I definitely want to
15 consider that possibility. I don't want us to just
16 assume it has to start now and not go back, but I
17 also don't want us to assume it has to go back, it
18 could start now, but I want to have that
19 discussion, so thank you, Rick, for interpreting
20 me.

21 MR. WEBER: Just finishing that out, I'm
22 sure there are other fisheries that have been
23 through a control date process, and how has anyone
24 felt about when they set a control date? Because I

1 haven't had to deal with it, I'd be interested in
2 hearing from people who have been setting control
3 dates.

4 MR. RAAB: Does anyone want to comment on
5 that before we move on?

6 MR. WEINER: Chris Weiner. Do we have any
7 shark fishermen in the room? That's who I would
8 want to hear from on that issue. Control dates in
9 general, I mean, there's a lot of pain associated
10 with those, so I would like to hear from the people
11 involved.

12 MR. RAAB: Lisa, you were next.

13 MS. GREGG: I just want to go ahead and
14 bring up the issue. Karyl, I don't know when you
15 would like to address it, but Scott Vaeth has come
16 up with some options that are directly related to
17 the questions that you had for the AP. And it had
18 to do with, you know, the question you asked was
19 what option should we appreciate in terms of
20 importance, and I think a lot of people are aware
21 that they focused on the catch share issue. And
22 they put together a document, and there are issues
23 in there that they've addressed like control dates
24 and regions and those type of things, those are

1 some of the other questions you were asking from
2 the AP. I don't know if you want Scott to go ahead
3 and go through this. I know we've got the document
4 and it is available to pass out to anyone.

5 MS. BREWSTER-GEISZ: Scott is welcome to
6 talk at any time on that issue, just like the rest
7 of the panel members.

8 MR. RAAB: It seems like this would be a
9 good time, so people have something to respond to.
10 While they're passing it around, Terri?

11 MS. BEIDEMAN: Terri Beideman. I'm
12 confused. Don't we have limited access permits for
13 sharks, so generally when they put in control dates
14 and people go about getting a permit, sometimes
15 when it's being discussed they'll say you may not
16 be assured of being in the fishery, you're able to
17 get a permit now but we're not going to guarantee
18 it. But we do have limited access permits now; is
19 that right?

20 MS. BREWSTER-GEISZ: That's right.

21 MS. BEIDEMAN: And I don't know, are you
22 talking about removing some of those limited access
23 permits which, if I followed your things, seems to
24 be very few participants actually in it right now.

1 Am I remembering things wrong? I'm sorry.

2 MS. BREWSTER-GEISZ: No, it wouldn't be
3 control dates to necessarily remove anyone from the
4 fishery now. It would be a warning to new
5 entrants, if there are new entrants, somebody who
6 wants to come back into the fishery. We do have
7 slides showing that there are people who are
8 fishing now who weren't before, and if we are going
9 to move forward with something such as catch
10 shares, that could impact anybody coming into the
11 fishery, or even people in the fishery, to make
12 sure that they're aware of what's going on.

13 MS. SCHULZE-HAUGEN: I want to add one
14 point on control dates. They can be used to
15 indicate a particular direction that may be under
16 consideration but they're not binding, we can
17 change them, we can do new ones, we can not use
18 them at all. It's often just a notice, but isn't
19 binding for us in terms of future actions.

20 MR. RAAB: Vince.

21 MR. MONTELLA: Vincent Montella. Is there
22 currently any protocol for you guys to issue new,
23 if you're doing a permit transfer, to notify the
24 new recipient of the permit that there is a control

1 date, you know, prior to purchasing it or at the
2 transfer time? Some of us aren't so bright and we
3 might have bought a permit after a control date was
4 already set, we never were notified during transfer
5 that there was a control date set, found out
6 afterwards. So, do you guys take the initiative to
7 let somebody new know that?

8 MS. SCHULZE-HAUGEN: Certainly that could
9 be something that would be provided to people as
10 they're going through the transfer process, but we
11 don't often know who's interested until we get the
12 application, and that's often after the sale has
13 already been completed. So I mean, we would go
14 through the normal avenues of public notice and
15 things we normally do, but I'm sure we would miss
16 people and we wouldn't know who we missed until
17 they've already been somewhat committed, so ideas
18 on how to do that would be very welcome.

19 MR. MONTELLA: Yes, but after that permit
20 was issued, I mean, there should be some
21 responsibility, even though the transfer was
22 already made financially or whatever, to notify the
23 new permit holder that hey, by the way, there was a
24 control date set a year ago, you know, even though

1 it's after the fact. Because me personally, I
2 bought a kingfish permit just after a control date,
3 and to this day I've never been notified until the
4 Gulf Council sent me a memo saying by the way,
5 you're probably going to lose your permit during
6 catch shares.

7 MS. SCHULZE-HAUGEN: I can certainly add
8 that to the materials that are sent to new permit
9 holders.

10 MR. RAAB: Scott.

11 MR. VAETH: Okay. Myself and some other
12 shark fishermen out of the Gulf, we just wanted to
13 present the idea of catch shares. I don't know if
14 everybody knows what's going on in the Gulf, but
15 the 33-head trip is just not working for us, it's
16 turned into a total derby fishery where everybody's
17 just running and gunning as fast as we can go.
18 Even though it's 33 fish, we're still setting the
19 same amount of gear. Sometimes we get multiple
20 head sets, I've had as many as 300 fish on a set,
21 and with the 33-head trips, it's taking us days to
22 get back. I mean, even though we're running 50
23 miles, we're just running around the clock, and
24 there's a lot of fish being wasted.

1 I mean, we just don't believe that the
2 catch share program, you know, if we could just
3 pick it all up at once and bring it home, we'd be
4 done with it. We're burning a lot of fuel,
5 expenses are very very high, it's turned into more
6 of a derby fishery. Like last year, we had a
7 five-week season. We don't know who to blame, we
8 don't know, sometimes we accuse Louisiana for their
9 state water fishery that's causing all the
10 problems, and this year I guess there was 400
11 permits sold, as he said, out of Louisiana state
12 waters, and so we were scared to death, we thought
13 our season would be possibly two weeks long. And
14 even though it's still open right now, it just
15 seems like the -- he says that there's not as many
16 boats fishing, there's not the full 400 boats
17 fishing, but nobody knows. We don't know whether
18 our season is going to be closed tomorrow, next
19 week. We don't know.

20 And just the catch share program, if
21 everybody is issued their allocation from the get
22 go, we think that the actual, the guesswork will
23 all come out of it. There's probably only, like we
24 asked, I think there's maybe 15 or 20 of us left in

1 the Gulf of Mexico that are fishing under federal
2 permits. So far we haven't had much resistance
3 from anybody for the catch share program idea, and
4 we just think that that's the way to go.

5 I don't know if anybody has any questions.
6 I will feel free to answer them.

7 MR. RAAB: So if we have any questions for
8 Scott, and then we're probably at our break time,
9 and then following up on the rest of these
10 questions.

11 MR. ADRIANCE: Jason Adriance. You
12 mentioned there's only about 15 of you all. I just
13 want to know, how do you justify cutting that
14 amount of fishermen out of this fishery? Our
15 fishery is primarily state waters, within three
16 miles. This derby fishing, the landings go
17 quickly, the sharks are there, it's not the derby
18 you make it out to be. Those are short trips,
19 they're one trip, they're very close to shore.
20 It's not this, you know, boats just running out,
21 5,000 boats going out and harvesting sharks.

22 I just don't see how you can justify making
23 this federal shark permit holders. If that were
24 the case, that should have been addressed when the

1 federal permit was established, it should have
2 incorporated the Louisiana fishermen and it wasn't
3 done, for what reason, I don't know. You just cut
4 out a big part of the fishery when you do that and
5 I understand why you want to do it, it benefits you
6 guys. That's what I have to say.

7 MS. SCHULZE-HAUGEN: Jason, could I ask you
8 a question? Our authority is for federal waters,
9 and so I just wanted to ask what were the ideas for
10 how we should have, in your view, taken into
11 account state fishermen? Right now, to manage the
12 stock as a whole, we account for all sources of
13 mortality, including state landings, all states,
14 but don't have the authority to regulate that. And
15 so in designing a federal management plan, what
16 would your ideas be on how we account for folks we
17 don't have the authority over in that system?

18 MR. ADRIANCE: I think you bring up a key
19 point, that you don't have the authority over it,
20 and I don't know how I would have designed that in
21 the beginning, but it exists there, and I can't
22 speak for our political powers, but I think if this
23 went through, I very seriously doubt the state of
24 Louisiana will disenfranchise those 400 permit

1 holders, but I don't know. It's a tough question
2 to answer.

3 I don't know how you would have designed it
4 except for a quota to begin with that counts
5 against the federal quota, that we have control
6 over, and we set that season. Our fishermen want
7 that season at that time in year. It's between
8 fisheries, it's when people are hurting for money
9 over the winter, it's when they need it, and that's
10 when they want to fish it, that's when the sharks
11 are there. We have two major river systems
12 draining off the coast, the Calcasieu and the
13 Mississippi, and that's where the resource is.

14 MR. RAAB: Ed.

15 MR. SAPP: Thank you. Ed Sapp, from the
16 Gulf Council. It seems to me like the shark
17 fishery is certainly a candidate for an IFQ system
18 or a catch share system of some sort. In the Gulf
19 of Mexico we've got a little bit of experience with
20 catch shares. We're coming up on the five-year
21 review of our red snapper IFQ program that we
22 implemented and you know, we set up some, a list of
23 things that we hoped to accomplish with it, and as
24 we delve into this five-year review process, I

1 think it's probably unanimously agreed that we
2 accomplished all of the goals of that IFQ.

3 We've eliminated the derby race for the
4 fish problems. We've got consolidation and
5 professionalization of how to actually fish within
6 that IFQ program. But just as a caution, there are
7 some problems that we created when we implemented
8 that program, and I don't think any of us
9 anticipated it at the beginning. And I think that
10 there are hopefully some real parallels between the
11 red snapper situation and what's going on with
12 sharks.

13 With the Gulf of Mexico red snapper, we had
14 generations ago a fishery that existed all along
15 the continental shelf of the Gulf of Mexico, it was
16 all the way from the Florida Keys through to Texas.
17 We over those generations fished those fish down to
18 the point that they really only existed in a
19 concentrated area off of the panhandle of Florida,
20 Alabama and Louisiana. There's some fish in the
21 other places, but not like they were historically.
22 We through a series of circumstances have recovered
23 those fish, and some people would say that there's
24 been an explosion in the red snapper population out

1 there right now. But what has happened is they are
2 reoccupying all of the areas that they used to
3 occupy historically, so we've got red snapper that
4 are all the way down off the west coast of Florida,
5 we've got them in shallower waters in the Gulf of
6 Mexico than they've been for the last two or three
7 decades probably. And the way that we, what we did
8 when we initiated this catch share program was we
9 awarded the shares to those guys that had
10 historical catch history, and the guys who had the
11 historical catch history are obviously the ones who
12 reported in that little localized area where those
13 red snapper were.

14 And as we've got the expansion of these
15 fish, we've got fish now available to get to guys
16 all the way along the west coast of Florida, and
17 the only way they can get shares of those fish so
18 that they can catch them is to buy them from the
19 guys that we awarded the shares to. And the fish
20 are popular, they're expensive, and therefore the
21 shares are expensive. It has cost about, I think
22 the average has been about four dollars a pound to
23 lease a share or a pound of fish for a year, and to
24 purchase the rights to those fish from the

1 fishermen that were granted those rights costs 20
2 or \$25 a pound to purchase, so it's not
3 economically practical for those guys that want to
4 enter the fishery to do it.

5 And the reason I hope that we have the same
6 situation occurring with sharks is I would hope
7 that as we manage these sharks for recovery, we're
8 going to have the same situation where there are
9 once again enough sharks in enough different places
10 that we can expand this fishery so that more people
11 can participate. So we're just now beginning to
12 deal with how do we address these problems of
13 allowing access for people that now want to enter
14 the fishery and that we did not allow to enter the
15 fishery with the way that we set up that IFQ
16 program historically, so you know, just some
17 challenges that I think we need to face if we
18 decide we want to go forward with it.

19 And the other thing that I would say is you
20 know, we've got, catch shares is controversial in
21 the Gulf of Mexico as think it is throughout the
22 country, and I would think that it would be
23 inappropriate for us to even consider going forward
24 with it in HMS fisheries unless you've got buy-in

1 from all the fishermen that would be participating
2 in it. It sounds like we've got to it to a certain
3 extent, but that's something I think you ought to,
4 I don't think we will be in a position to cram it
5 down anybody's throat if they don't want it, but if
6 we've got a buy-in from industry, I think we ought
7 to do everything we can to accommodate them.

8 MR. RAAB: Karyl, did you want to comment?

9 MS. BREWSTER-GEISZ: Thank you, Ed, I
10 really appreciate that, and Scott, I appreciate
11 your handout here. I want to make sure it's clear
12 to everybody at the table what Scott and the Gulf
13 fishermen are suggesting, and that is that we have
14 a pilot program for the Gulf of Mexico, an IFQ
15 program that would be worked into the same
16 infrastructure as the Gulf Council is using for
17 their fishery.

18 So Scott, Angela Boehm, and all of them,
19 actually Scott didn't come up last Friday, but I
20 understand he was involved as well, came up and
21 presented to the Agency their IFQ plan, it was
22 actually quite detailed and it helped me a lot as I
23 followed up about how to handle certain questions
24 that came up. So I would encourage everybody

1 through the break to, one, read through the plan,
2 maybe talk to Scott and some of the others, I
3 thought there were other people in the room, I'm
4 not seeing them, who are interested. Angela is
5 there and I see David in the back, so to talk to
6 them, to talk to Ed about what goes on in the Gulf
7 and their IFQ program, and Lisa and Jason, I would
8 really appreciate thoughts from you on how such a
9 program would impact your state water fishermen or
10 your states at all in the regulations. I would
11 also really like to hear from other fishermen and
12 people around the room on what they would think if
13 we moved forward with a catch share program that
14 was just in the Gulf of Mexico and not the whole
15 fishery, or if we should try to expand it to the
16 entire fishery off the coast.

17 The other thing, some of the issues that
18 they thought about were what species. They were
19 thinking, correct me if I'm wrong, large coastal,
20 sandbar for the time that it's rebuilt, and we
21 don't have the research on that fishery, and also
22 including small coastal, so they are not thinking
23 pelagic sharks at this time in the Gulf of Mexico.
24 But I really would encourage you to read it and

1 talk to them about the details so when we come back
2 we can have a really good discussion on that.

3 MR. RAAB: So why don't I suggest we take
4 our break now, I've got Pat and Jeff first in the
5 queue when we come back.

6 (Recess from 9:46 a.m. to 10:04 a.m.)

7 MR. RAAB: So before we get started on our
8 final step here, if I could get everyone's
9 attention, I wanted to just check before we launch
10 back into our shark conversation, how many folks
11 from the public are interested in commenting during
12 the public comment period, just so we can pace
13 ourselves, anybody from the public? Okay, so I
14 will assume that there's maybe one or two.

15 So, we have just to pick up with where the
16 conversation left off, we have Karyl's more broader
17 and encompassing questions and then we have a
18 specific proposal from the Gulf of Mexico, and we
19 can pick up wherever you want to go, on either
20 specific proposals or else on the broader
21 questions. I think Pat put his sign down, so Jeff,
22 you're next. Oh.

23 MR. AUGSTINE: Pat Augustine. Good points
24 about how successful they were in the Gulf on the

1 red snapper fishery, but it sounds like you do have
2 some areas that have to have a little more
3 attention as you go forward with this proposal for
4 the whole Gulf of Mexico, so that will be
5 considered a region, or is that for the state of
6 Louisiana? I understood it was for the state of
7 Louisiana.

8 MS. BREWSTER-GEISZ: It would be the whole
9 region of the Gulf of Mexico.

10 MR. AUGSTINE: That answers a whole bunch
11 of questions. Is there a state-federal
12 relationship there similar to what we have at ASMFC
13 and HMS, and Mid-Atlantic?

14 MS. BREWSTER-GEISZ: There is a Gulf State
15 Commission but it does not have the legal authority
16 that ASMFC does, so they don't make mandatory
17 plans.

18 MR. AUGUSTINE: However, do they
19 participate in the development of this, so you
20 would have some consideration given to the folks
21 who are, in the case of Louisiana, 400 state
22 resident fishermen, do they have some right, and I
23 say right, do they have the opportunity to sit at
24 the table and air their views and concerns if we

1 went forward with dividing -- more to the catch
2 share program, would they be actually aced out of
3 the fishery?

4 MS. SCHULZE-HAUGEN: To your question about
5 the Gulf Commission, just like the Atlantic States
6 Commission, they do have an ex officio seat at this
7 table.

8 MR. AUGSTINE: No, interjurisdictional,
9 state and federal.

10 MS. SCHULZE-HAUGEN: Well, they have the
11 opportunity to come, just like all the coastal
12 states, the Gulf and Atlantic States Commissions
13 have ex officio seats at this table. Beyond that
14 I'm not sure what you're asking in terms of the
15 relationship between the two, but certainly the
16 issues that we're talking about here are ones they
17 need to consider as we move forward.

18 MR. AUGUSTINE: Okay. I guess my concern
19 with that, do you have any group in particular that
20 has a history of fishing, whether it's state waters
21 or federal waters, in this case state waters, that
22 they do have their views aired and that the catch
23 history that they have had is put on the table as
24 part of the analysis that I assume that you will

1 eventually do to verify, justify and make sure that
2 they do have some consideration, and I think most
3 importantly, they have the opportunity to comment
4 on it, and then things will shuffle out.

5 I guess the other thing is as far as dates
6 are concerned, be aware that the feds, HMS or
7 whoever it happens to be, in our case it was joint
8 plans, once you have a fishery that reaches 80
9 percent, I don't know what it will be with sharks,
10 HMS will be able to put out an emergency rule and
11 shut you down, so I think the state folks that are
12 involved with this need to have a fairly good
13 handle on the depth and breadth of what they're
14 looking to do, and whether this might be the right
15 sector, it may very well be from the way it's been
16 described.

17 Then a further point, because of hard times
18 boats who were in it historically who are now out
19 of it, their decision to leave, whether it was
20 their decision to leave or not, they're out of it.
21 And I noticed, Karyl, when you put up your chart,
22 I'm not sure what number the chart was, you were
23 comparing the earlier group to the later group, and
24 the number of vessels that are now permitted and

1 actual. If we were to go forward with this, it
2 would seem to me that an analysis of the known
3 people who are no longer in it, whether or not they
4 should be considered to be re-upped or have a
5 one-year time frame to renew their permit or some
6 such thing, but a series of options that would
7 allow them to consider coming back in.

8 And secondly, or in addition to it, if we
9 open it up to new entrants, no matter what the
10 control date is, we already have a limited number
11 of fish out there, a limited number of quotas that
12 are going to be available, and as far as I can see
13 for the long time that I've been here, the
14 populations of most sharks declined, and have
15 continued, they're not rebuilding, 30 years, 40
16 years, 50 years, a hundred years. So I would think
17 a lot of serious thought should go into possibly
18 opening up to new entrants into that, other than
19 the fact that they have been in the Gulf, they can
20 be transferred or sold. And those are my thoughts
21 on it. It just seems to me as we pursue this that
22 we really have to look at the big umbrella, and one
23 of the outcomes that you don't expect by doing
24 this, and I'm sure you're going to address all

1 those issues. Thank you.

2 MS. BREWSTER-GEISZ: We'll try to. I will
3 say that in the plan that was presented to us by
4 the fishermen, they did talk about the permit
5 history and made a suggestion, if I remember
6 correctly, that the permit history would go to
7 whoever now owns that permit. So anybody who has
8 sold their permit, it would go to the new owner, so
9 that was what their proposal was.

10 MR. AUGSTINE: Thank you.

11 MR. RAAB: Jeff.

12 MR. ODEN: I too am concerned about
13 historical participation, and anyway, it has been
14 noted that North Carolina is not for catch shares.
15 Actually, that is not true. I mean, we would be
16 more than happy to have a state catch share system
17 to where each state's historical landings were
18 taken into account, and if Louisiana wants to allow
19 400 fishermen to enter their fishery, that's fine,
20 and let them do that within the constraints of
21 their historical landings.

22 But in our case, right now there's an issue
23 that's concerning us, and it's over the small
24 coastal. It's my understanding that now in lieu of

1 the recent closure on the golden tile fishery off
2 of Florida, a few of the longliners are now
3 targeting small coastal, and our fishery permits go
4 out in the summer and fall, and it's our
5 understanding that it could be jeopardized with
6 what's going on in Florida.

7 And so for that reason, I think when you
8 need to look at reasons, you need to be a little
9 bit more specific, and in our case we would be more
10 than happy to go with our state allocations.

11 Historically and prior to the box, which now locks
12 us out until, well, we're consistent with the shark
13 fisheries now, but in the past we weren't. I mean,
14 we were closed out of the shark fishery for a few
15 years. So anyhow, that's my feelings on that.

16 MR. RAAB: Sonja.

17 MS. FORDHAM: Thank you. Sonja Fordham,
18 Shark Advocates International. I just have some
19 questions about the model IFQ program. I don't
20 know much about these fisheries, so I'm just
21 curious. We heard from the Gulf Council about the
22 reef, the red snapper plan being a model, and then
23 this also talks about re-fishing in some places for
24 grouper and codfish, I don't know if these are the

1 same or these are two or three different programs,
2 so I would just like to know about which one is the
3 main model, and then also, what the relationship is
4 between the violations and losing the permit under
5 these programs.

6 And then this is just a very small issue,
7 but I notice in the first part it talks about that
8 you could do away with trip limits, eliminate trip
9 limits, size, closed seasons and so forth in that
10 last bullet on the first section, and I just want
11 to clarify that if there were scientific advice
12 that depending on the manner of the fishery and the
13 species, that there was scientific advice for a
14 size limit, that that would still be a
15 consideration under this program. Thank you.

16 MS. BREWSTER-GEISZ: So, yes, we could
17 still consider size limits. We do not have a size
18 limit in the commercial fishery now, but if the
19 science says we should, we will definitely consider
20 that. As far as the Gulf IFQs, Ed, if you could
21 answer that one.

22 MR. SAPP: There are two separate programs.
23 The original one, five years ago now, was for red
24 snapper. We've got a second one for grouper and

1 tilefish, and it's about two years old now, and
2 there are some real minor differences, I don't even
3 remember what they are, but they are virtually the
4 same program in structure. One of the things that
5 the council is considering is to take all of the
6 remaining fish that are in our fishery management
7 plan as part of the re-fish plan and put them into
8 an additional third separate IFQ and, you know, the
9 request from the industry is that we structure it
10 and make it the same basically as what we've got
11 for red snapper and grouper now, but there is no
12 program in place at this point for all those other
13 re-fished species.

14 MR. RAAB: Jason.

15 MR. ADRIANCE: Jason Adriance. During the
16 break in speaking with Scott, I guess I
17 misunderstood the plan a little bit. It does
18 address the issue of accounting for historical
19 state landings, so I think that does smooth things
20 out a bit. My concern was that the entire quota
21 would be split between the permit holders and then
22 state landings would be negated in that, but that's
23 it.

24 MR. RAAB: Rick.

1 MR. WEBER: Rick Weber. Terri, I'm going
2 back to, over the break I had a bit of a
3 conversation to clarify a little bit on, when I was
4 saying control date, I was actually thinking of
5 people entering the fishery, but we hear a lot of
6 talk about catch history, and I think the control
7 date is also very relevant in terms of when we say
8 catch history, do we mean this year or the people
9 who were forced out of it. And at some point I,
10 again, would like to hear input from people on what
11 is the fair date to look at for catch history just
12 for Karyl's own benefit. But I don't think it is
13 so much who can get in and get out, but what is
14 that all-important catch history and how that's
15 calculated.

16 On a second conversation, and I would like
17 to hear again from Ed, who's quickly becoming the
18 resident expert on IFQ and their implementation. I
19 have always sort of sat back and watched the shark
20 specs come through and all of that, and they didn't
21 directly relate to the recs, because we had our
22 size and bag limit. And over the break it was
23 brought up that that's not necessarily true as we
24 go into IFQ. Is there any thought on how you

1 handled down there, Rick, you know, when you put in
2 your IFQ was it a commercial only IFQ, or is there
3 in any other council precedence on what does the
4 rec world look like under IFQ?

5 MR. SAPP: So, in the Gulf of Mexico for
6 the fisheries that we've gotten under IFQ
7 management, that management is specific to the
8 commercial sector. We have, what the council is
9 required to do when we've got mixed fisheries like
10 that, to do allocations between the recreational
11 and the commercial sector. And at each point when
12 we implemented the commercial IFQ programs, we
13 failed to go in and do an allocation review, so
14 what we did in effect was we took historical
15 allocation percentages and kept those in force, and
16 they've stayed in force all the way for five years
17 for red snapper and two years for grouper.

18 Now we've gotten real strong guidance, I
19 guess you would say, from NOAA and from national
20 that we need to do regular allocation reviews as
21 part of our process and the council has just begun
22 the process of beginning to review, and I think
23 we're going to start with red snapper. But we have
24 developed within the council principles and

1 guidelines for allocation that tell us specifically
2 what measures are appropriate to consider when we
3 do the allocation review, so that's part of what we
4 will be doing in the future, not just for red
5 snapper and grouper, but for all of the fish that
6 we've got under management.

7 And the council has got the right to come
8 in and change those allocations, so even though
9 we've set up an IFQ program for red snapper that
10 gives them basically 50 percent of the fishery, we
11 can come in and change that to 20 percent if that's
12 what the council thought was appropriate, and it
13 would affect their share levels when and if we did
14 that, so that's something that will be happening in
15 the future.

16 MR. RAAB: Mark, you were next.

17 MR. TWINAM: Mark Twinam. I'm personally
18 in favor of catch shares, and for sharks, I know a
19 lot of guys in our area, our main concern is going
20 to be as always the initial allocation. And when
21 they did the grouper IFQ, I think it was from '98
22 to 2004, a lot of the grouper fishermen in that
23 area that got their IFQ shares, but a lot of
24 grouper fishermen got shorted because they spent so

1 much of that time shark fishing, so when this comes
2 up, they're going to be wanting their share of the
3 grouper, and it goes all the way back to 1998, so
4 it's all going to come down to when they're
5 implemented for the both.

6 But our area, as Ed was talking about, they
7 missed out on the red snapper because the snapper
8 were gone for a long time, and now that they're
9 back our guys are having to pay three dollars for
10 red snapper and selling it for four dollars, so
11 making a dollar a pound is better than throwing it
12 away and it is better with snapper, but I'm afraid
13 you're going to be worried about hitting the same
14 situation with sharks, especially sandbars, because
15 the grouper fishermen catch sandbars every day,
16 fortunately most all alive and they let them go,
17 but I'm certain that the grouper fishermen just by
18 bycatch could catch the sandbar quota many times
19 over if they had the shares. So it will be
20 interesting to see how it plays out, and regarding
21 the control date, why not April 17th, 2011?

22 MR. RAAB: So now that everybody is in the
23 room and again, just so I can pace the
24 conversation, how many folks from the public wanted

1 to comment during the public comment period,
2 anybody? Okay, two, thanks a lot. Rom, you were
3 next.

4 MR. WHITAKER: Yes. I'm not in the shark
5 fishery, but there was some interesting points in
6 regards to catch shares, IFQs, and Ed pointed out
7 some really good things about it and he also
8 pointed out some things that didn't sound so good
9 to me. I guess the first thing, you certainly have
10 to have stakeholder agreement that that's what they
11 want and that's something that will work for their
12 industry. I don't think I'm hearing that on a
13 coast-wide basis, but maybe selected areas.

14 In my case, and I'm just going to bring up
15 groupers and tilefish, which I have caught a lot of
16 over the last 25 years, but I don't have any
17 documentation of it other than a very few dockside
18 surveys, and so here I'm going to be precluded from
19 a fishery that's going to be very important to me
20 because I have no history, so I certainly think
21 that has to be considered in there.

22 And you know, I guess I'm not sure our
23 state could even show, you know, the recreational
24 commercial, I'm not sure, but that's a point that

1 worries me.

2 Also, new entrants being able to get into
3 that fishery, you know, is it going to be
4 affordable, you know, what about if my son wants to
5 come in there and the fisheries really returned,
6 how does he get in? And affordability of quota, if
7 I'm paying three dollars for a fish that sells for
8 four, or if I'm trying to pay three dollars a pound
9 for a fish that my charter can take home, that's
10 ridiculous, and I can't do that. Anyway, thank
11 you.

12 MR. RAAB: Bob.

13 DR. HUETER: Bob Hueter. First I have a
14 question. In trying to understand this Louisiana
15 situation, the state landings in that system would
16 be accounted for in a quota that would be set for,
17 just dealing with the Gulf of Mexico region, so
18 that would be part of the information gathering, to
19 set the limits, but those Louisiana state fishermen
20 would not be actually purchasing a share in this
21 system, is that right, since they're taking only
22 from state waters?

23 MS. BREWSTER-GEISZ: I think depending upon
24 how we set up the program they could be eligible to

1 buy shares in those, participate in the federal
2 fishery, but if they do not and are only in state
3 waters, they would not fall under the share
4 program.

5 DR. HUETER: Okay. This is very
6 complicated, but I don't see any impediment to
7 figuring this out with Louisiana and figuring out
8 what their allocation would be, and their share,
9 and it would be something that would essentially be
10 negotiated, because there is some federal authority
11 over what they can, their limits in state waters.
12 So I want to encourage NMFS to move ahead with this
13 in the Gulf of Mexico, since there seems to be
14 consensus there. South Atlantic, an encouraging
15 comment that was made, so maybe there's consensus
16 there as well, so that needs to be tested.

17 But I think there is in the Gulf of Mexico,
18 I think the system lends itself to this, and since
19 the fishermen have come forward with this, that's
20 strong motivation to move ahead, so I would like to
21 encourage NMFS to develop this system and start it.

22 Now the only thing, and I hope I don't get
23 in trouble with Scott, because I've said things in
24 the past that have broken the wrong way and I will

1 probably do it again in the future, but in terms of
2 the rules that he has laid out, I would want NMFS
3 to have, and those of us also outside of NMFS, to
4 work with the fisherman to look at the size limit
5 issue, I think Sonja pointed this out. My concern
6 would be for subadult sharks and the pregnant
7 females, and I think instead of a size limit, we
8 look at something like a slot limit to protect the
9 animals that are approaching maturity and the ones
10 that are in their first couple of reproductive
11 cycles, because that's the, as you all know since
12 she did that for her Ph.D., those are the most
13 vulnerable stage for affecting this stock.

14 And as far as the closed seasons, I would
15 examine the possibility of closures in certain
16 areas during the pupping season, and Jason told me
17 that Louisiana does this, that they close their
18 state waters to shark fishing during those, I think
19 it's three important months of pupping, so that's a
20 good idea.

21 One of the things that I think is a
22 misconception is that it's really bad to catch
23 little sharks, the young juveniles of the large
24 coastals for example, and that's not necessarily

1 the case because the little ones have the highest
2 natural mortality, so substituting fishing
3 mortality for natural mortality at that stage is
4 not so bad. In face when you look at some of the
5 Mexican fisheries that have gone on for
6 generations, they fish on young juveniles and it
7 continues, but it's that slot right around maturity
8 stage that is important. We have never had slot
9 limits in any of our shark fisheries, so I would
10 encourage us to, as this program is developed, to
11 work very collaboratively with the fishermen on
12 those kinds of ideas. Let's develop a model system
13 that's the envy of the nation if not the world, so
14 let's move ahead.

15 MR. RAAB: I have Ellen, then Scott, then
16 Ed, and then Pat, and then we'll go to public
17 comment if there's nothing else pressing. Get them
18 up there if they're not there, and we'll take a
19 shot at getting done by 11:30. Ellen.

20 MS. PEEL: Ellen Peel. One question
21 answered by Ed, I was curious how the private
22 non-charter boat recreational anglers were handled
23 in the IFQ, but I would encourage Karyl to
24 certainly in your scoping process to include one of

1 those sessions in conjunction with one of the Gulf
2 Council meetings, because I think it's an excellent
3 place where you have a good cross-section of all
4 interest groups there, but I would certainly say
5 that's a must.

6 MR. RAAB: Scott.

7 MR. VAETH: This was to Rom about being
8 able to afford getting into it. In the original
9 proposal we heard talk about leasing caps, you
10 know, the price of leasing caps. If you could come
11 up with shark, say, at 25 cents a pound, to make it
12 more of a fishing industry instead of an investment
13 industry, that was part of the better proposal that
14 we had here.

15 And then to Bob also, I don't think that
16 you would get any resistance from the shark
17 fishermen for closing pupping seasons, or possibly
18 even a slot size.

19 MR. RAAB: Ed.

20 MR. SAPP: So, I threw out some of the
21 issues that the council is having to deal with as
22 we go through this review process, and I can't
23 speak for the council because I certainly don't
24 know what the outcome is going to be and how we're

1 going to decide to move forward as we go through
2 it, but I can share some of the suggestions that
3 we've heard, and I will share those suggestions
4 without commenting on whether I think they're good
5 or bad ideas, because each of them have got some
6 proponents and some detractors.

7 One of the things that's in the proposal
8 and Scott just mentioned it, and that is that we've
9 created a situation where guys can't afford to get
10 into the fishery, and in the Gulf of Mexico we are
11 in the process of moving forward with a federal
12 program to provide loan assistance to these guys.
13 So you know, the obvious thing is to -- so we're
14 going to have another publicly paid for federal
15 program that's subsidized so that we can allow
16 fishermen to enter a fishery so that they can pay
17 other fishermen that we've given rights to that's a
18 public resource. That brings up the argument that
19 we're hearing from all kinds of folks and that is,
20 was it really ever appropriate to give the rights
21 to these fish to the fishermen that we gave the
22 shares to. So, that's one end of the spectrum,
23 we've given away these shares.

24 In a few, you know, we've asked the

1 question about what constitutes ownership or
2 property rights, and when we ask the questions we
3 get different answers from our staff economists and
4 from NOAA general counsel, so it's kind of a
5 nebulous issue to start with. But basically what
6 we've done is we've given the right to these fish
7 to these guys that have fished for them in the
8 past, and nobody has any objections to them being
9 the ones allowed to go out there and harvest these
10 fish and profit from that harvesting, but there is
11 concern that it was appropriate for us to allow
12 them to sell those rights, and that's what they do.
13 We've created a situation where some guys
14 literally, it doesn't make any sense for them to go
15 fishing because they've got shares that are so
16 valuable, all they've got to do is lease them out
17 on a yearly basis.

18 So, we've also got weighing in on this
19 issue, there was a task force that was put together
20 to make recommendations for catch shares and we got
21 a report from that task force, and one of the
22 things that they recommended to the council is that
23 when we set up new IFQ programs or when we do the
24 five-year reviews of our existing programs, that we

1 at least consider collection of resource rents.
2 And what resource rents would be, these guys would
3 actually be paying somebody, presumably National
4 Marine Fisheries Service or whoever would
5 administer for HMS, the rights for the shares for
6 the fish that they want to harvest. So you know,
7 they have to pay 50 cents a pound or whatever
8 amount was established. So that's kind of the
9 other end of the spectrum. Instead of giving it to
10 them and allowing them to sell it, let's charge
11 them for it. That way, if you want to continue to
12 fish you can continue to pay the fee to the Agency
13 for administration of the program, or for research
14 or whatever they deemed was appropriate, as opposed
15 to not collecting any money for this public
16 resource and allowing them the right to sell it.

17 It seems like the common ground might be
18 somewhere in the middle there. Instead of charging
19 them for it, instead of giving it away to them,
20 let's come up with something that will allow these
21 guys to fish for these fish that they've always
22 caught. If they don't want to continue to fish for
23 them, don't let them sell it to somebody else and
24 profit from the sale, instead let them revert back

1 to the Service so that the Service can somehow
2 provide these shares to people who want to enter
3 the fishery or want to increase their catch totals.

4 So you know, those are issues that we're
5 grappling with. I don't think anybody has got any
6 good ideas for what's right and what's not right.
7 I know we're not going to do something as drastic
8 as going and saying okay, we've given you these
9 shares, you guys have built business models around
10 the ownership of them, we're not going to come in
11 and take them away from you. So one of the things
12 that we've heard suggested is that as we increase
13 the total allowable catch within this red snapper
14 fishery because that's what we're dealing with
15 right now, you know, let's take all of the
16 additional pounds of fish that we've got available
17 to these commercial guys, and instead of allowing
18 them to sell and own those, let's make these
19 available to new guys that want to get into the
20 fishery. So, you know, there's some middle ground
21 that we might find that might offer some solutions
22 for what's the best way to set this thing up if we
23 ultimately got in that direction with the shark
24 stuff.

1 MR. RAAB: Thank you. Pat, you're next. I
2 want you just to be thinking how to be very
3 succinct, so that we have a fighting chance for
4 11:30.

5 MR. AUGUSTINE: Thank you, Jonathan, for
6 not talking about me being succinct. Relative to
7 slot size, I think we need to, in your scoping
8 documents, Karyl, consider what the vessel-side
9 mortality rate would be, and that's one major
10 concern because we're trying to reduce discards and
11 turn them into a marketable product. And then the
12 other is, we haven't talked about gear, and from
13 what Scott said, those folks are still using their
14 full allowance of gear out there, whether it's
15 1,500 up to 15,000, whatever the number is, it just
16 seems to me you might want to take a look at that
17 as part of the scoping document recommendations,
18 and talking to Scott and you folks, what would be
19 more amenable. Are you seeing day trips or are
20 they three-day trips, or week trips? If they're
21 all day trips, you might want to look at maybe not
22 so much the number of hooks but how effective can
23 you be in pulling those lines back and retracting
24 them to find out what's live and dead and what you

1 can return back in terms of smaller fish.

2 The idea of closed areas is very very
3 important and I think we have to look at that very
4 closely, at other species of fish that they're
5 catching as bycatch at the same time. It may be
6 just a week's difference whether it's a three-month
7 closure, maybe two months, a week maybe, and try to
8 be as tight as we can without putting you folks out
9 of business, where you still can make a good living
10 at it. Those are my thoughts. Thank you.

11 MR. RAAB: Thank you, Pat. Terri, you were
12 next.

13 MS. BEIDEMAN: Terri Beideman. My
14 experience with having these types of programs
15 seems to be, and everyone else knows about the
16 examples we have a lot of times with consolidation
17 of permits, in changes the whole complex of the
18 fishery to a more corporate view rather than small
19 family run businesses, which is what the bulk of
20 them are, and that's a little disconcerting
21 sometimes, people forget that the guys with the
22 boots on the deck don't realize sometimes the
23 ramifications of moving this way. I'm just kind of
24 reiterating the points and if we're going to move

1 in this direction we need to hear from all the
2 fishermen, not just the ones that can make it up
3 here, that can make it to D.C., and recreational
4 fishermen and commercial fishermen. It's a big
5 thing because once it's done, it's very hard to
6 undo, and the issues raised by that are good,
7 because when the stock recovers, you do have to
8 deal with what do you do now.

9 And I can only share my experience with
10 control dates. It's funny that you should mention
11 that, and talking about tilefish, our boat caught a
12 lot of tilefish, you know, off of New Jersey in the
13 '80s and the '70s, and you know, the fish got
14 smaller, and we tried to lay off of them, and we
15 went to go to sword fishing and tuna fishing.
16 Meanwhile, other people continued, and they kept
17 racking up, you know, lots of landings, and the
18 fish got smaller and smaller, and eventually they
19 made their way to the top of the list for the
20 Mid-Atlantic Council to finally do something about
21 it, and they put in a control date.

22 And despite the fact that, you know, a good
23 amount of the actual commercial market from those
24 fish over time was started by my, not my boat, but

1 my husband's when he was fishing for other people.
2 We did not qualify even though we had plenty of
3 history. So you know, it's a little troubling when
4 people do the right thing and shift to other
5 species, which is how fishermen generally survive
6 over time, when you change species and fall out of
7 the fishery because you think it's a good thing to
8 do for the fish, that you wind up getting penalized
9 by getting cut out.

10 And just off topic just a tad, while we sit
11 here, you know, and we remember that everybody does
12 it that is involved in fisheries that, you know,
13 whether you do it for pleasure or you do it for a
14 paycheck, you know, that this is a serious
15 business, peoples lives are on the line and that
16 for me, you know, just as an issue, the Fishing
17 Vessel Terry Lee sank 18 years ago today, and
18 people live and die to go out there and go fishing.
19 So I know that we take it serious, and I'm glad
20 that we do. Thanks.

21 MR. RAAB: Elizabeth.

22 MS. GRIFFIN-WILSON: I just wanted to raise
23 one point completely off topic. At the last AP
24 meeting we spent a lot of time talking about a

1 variety of things, catch shares being one of them,
2 and it's sort of unfortunate that a lot of those
3 things haven't been covered, I know we touched on
4 some of them, but one of the things that we heard
5 from a lot of different AP members was the need to
6 go towards more species specific management. There
7 seem to be some fishermen that are concerned, but
8 there are also fisheries where the fishermen think
9 are doing well and they can be fishing more for,
10 but we don't know what those species are because we
11 don't have stock assessments for them. And so I
12 think it's very important that we start figuring
13 out what these species are so we can help the
14 fisheries manage those species, and for any species
15 that don't fit in that category, move those species
16 to the prohibited species list. Thank you.

17 MR. RAAB: Rick.

18 MR. BELLAVANCE: Thank you. Rick
19 Bellavance. Just a quick comment on catch share in
20 general, and I pretty much recognize the business
21 benefits to catch shares, the flexibility and
22 predictability as applied to the individual
23 participants, and biological benefits to the stock
24 by reducing discards and so on. Where we always

1 seem to run into a pickle is with social concerns
2 about operating the catch shares. I just think
3 that we need to continue moving forward to develop
4 catch share programs that address the social issues
5 and continue an open forum of conversation where we
6 can work out solutions to all the different
7 problems that we've heard addressed today. I feel
8 pretty confident that those concerns can be
9 addressed with the proper amount of time spent and
10 a lot of hard work addressing those social issues.
11 That's just my two cents there.

12 MR. RAAB: So we have Jeff and Randy, and
13 we will then take public comment.

14 MR. ODEN: A brief comment on Mr. Hueter's
15 mention of slot limits. Are we not trying to cut
16 down on the regulatory -- should we not be trying
17 to cut down on regulatory discards rather than
18 create them? And in this instance shark fishermen
19 invariably, you know, target the largest shark. I
20 mean, that's the -- with the exception of small
21 coastals where fins are a nonissue, I mean, the
22 largest shark is where you also add the bonus of a
23 fin. So I mean, we're trying, you know, we're
24 always trying to catch a larger shark, but if we

1 don't end up catching, you know, if we do catch a
2 small one underneath the slot limit, should we not
3 be utilizing it and putting it into the data system
4 rather than throwing it overboard and wasting it?

5 MR. RAAB: Randy, and then I guess Bob, if
6 you want to respond, and then we're moving to
7 public comment.

8 DR. HUETER: Randy has yielded his time to
9 me, or maybe not, but I'll be quick. I appreciate
10 that comment and this may be the idealistic view of
11 a scientist, but catch share systems promote
12 stewardship of a resource, it really changes the
13 equation from one of kind of a wild west attitude
14 of racing out there to beat the other guy to
15 starting to take care of your share, take care of
16 the resource. And my hope is that fishermen,
17 knowing this and armed with this, will begin to
18 engage in practices such as release of live fish
19 that are in a certain slot size.

20 I'm not sure that regulations will be
21 appropriate, because if they're alive, it's nearly
22 unenforceable, but my hope is that in a
23 collaborative effort in designing this fishery
24 under a catch share fishery, the fishermen will

1 begin to voluntarily engage in these practices that
2 have been developed together, that we have all
3 agreed is good for the future of the fishery. This
4 is a discussion of the future, it's not a
5 discussion of micromanaging the next regulation
6 that's coming in, and that's where we've been, and
7 I think we're trying to move to a different place
8 with this program.

9 MR. GREGORY: Randy Gregory, North Carolina
10 Division of Marine Fisheries. I know the guys in
11 North Carolina, you hear the stories from the Gulf
12 about folks sitting at home where they're just
13 selling their catch shares, and I think what Jeff
14 was saying earlier is we might be more interested
15 in the regional sectors or states as far as that in
16 allowing the fishermen in a small region to be able
17 to use their quota in that way, and that way it
18 doesn't give a lot of value to one fishermen as to
19 a large amount of catch. I think that's, that may
20 be one thing that we would like to see if we're
21 going to start throwing plans up there as examples
22 of what we might go for. That might take some of
23 the scariness out of this for the fishermen that
24 have no idea what this is going to look like coming

1 down the road.

2 MR. RAAB: Thank you all for your
3 thoughtful and productive suggestions and comments.
4 Why don't we start with, we have two or three
5 public comments, if you could move maybe next to,
6 between Rick and Lisa over there where you can get
7 a mic. Don't be bashful. We need to move this
8 along pretty quickly, so just start with your name.

9 PUBLIC COMMENTS

10 MR. KREBS: Good morning, Mr. Chairman,
11 thank you. David Krebs from the Gulf of Mexico
12 Reef Fish Shareholders Alliance, and member of the
13 Gulf red snapper IFQ advisory panel that designed
14 the system. Unfortunately, Ed Sapp and I will
15 continue to have disagreements about an attempt to
16 reallocate a commercial industry to the
17 recreational sector, which is a personal agenda
18 that he has, but we're not going to get into that.

19 The things that we're moving towards in
20 catch shares ultimately is effort management. It
21 will give the fishermen an opportunity to discard
22 fish that are alive if they need to in a slot limit
23 like Bob is saying, rather than leaving gear on the
24 bottom. It will change the dynamic. And right now

1 with your control date, the need to set a control
2 date, we have inactive permits already, you don't
3 want to have an effort shift, a continued effort
4 shift that people all of a sudden say we're going
5 to go to a catch share or some other limitation in
6 the future. By establishing a control date now,
7 that doesn't change your qualifying history,
8 whether you want to go back seven years, ten years,
9 15 years from '11 or whatever control date you
10 pick. There is a big difference between control
11 dates, which is the cutoff time of which you're
12 going to accept landings history, and the
13 qualifying years of which you're going to use it to
14 distribute that fishery. From what I could hear, I
15 think there's a little bit of misunderstanding
16 about what we thought about it in the Gulf of what
17 a control date meant. It just stopped a new race
18 for fish. If somebody said we're going to have a
19 control date of '13 and we're going to use
20 landings, all of a sudden your inactive permit
21 would not become active and then you're going to
22 have an effort shift in your landings.

23 Again, I think a big point here, when we
24 talk about catch shares we're talking about the

1 commercial industry, we're not telling the
2 recreational sector what to do with their fish,
3 they need to be accountable. And everybody thinks
4 that when you talk catch shares you're putting the
5 recreational fishery in a box. All you're doing is
6 continuing to enforce the commercial sector and
7 they're willing to step up to the plate with the
8 vessel monitoring systems, the database is already
9 in place for the IFQ in the Gulf, it's a plug and
10 play, you can add every species that you want to
11 without any additional cost of design, and it just
12 gives so much more flexibility.

13 And the concern about armchair investors
14 and all this stuff, over 80 percent of the Gulf red
15 snapper fishery is caught by the participants.
16 They have to. You've got, I think six people have
17 over three percent, and that goes into the bycatch
18 fishery to cover grouper discards. People don't
19 have to buy them if they don't want to, they don't
20 have to lease the fish, we don't have a full
21 retention rule in the Gulf, but those fish are
22 available. It's all market driven, nobody is
23 setting these prices, it's just the commercial
24 industry itself; the fishermen would rather catch a

1 fish for a dollar or a dollar and a half than throw
2 it overboard, so at the end of the day it's always
3 the market that's going to drive these values.

4 And I think that Scott is, they are very
5 forward thinking, and the biggest lesson to learn
6 from this is whether you look at your grouper
7 tilefish IFQ in the Gulf, or the red snapper IFQ or
8 the British Columbia groundfish, they're all just
9 ideas of what a catch share looked like in there
10 area. Every catch share that's designed in the
11 future should be designed specifically for that
12 fishery by those fishermen with the problems that
13 they can identify and the pitfalls, and none of
14 them should look the same, they should continually
15 evolve to look better and include things as set
16 asides.

17 We had in the Gulf for red snapper, we had
18 set asides built into it, after it rebuilt, nine
19 million pounds. We're only at seven million pounds
20 right now and we're already going to fight with our
21 council about trying to put the commercial fishery
22 on hold at seven million pounds, so the council did
23 not accept the recommendations of the AP for a lot
24 of these forward thinking ideas that these guys

1 have already included. So give the guys a chance.
2 I think it's a good opportunity for fishermen and
3 stakes to have the flexibility, and for the
4 scientific community to get the data they need.
5 Thank you for your time.

6 MR. RAAB: Thank you.

7 MS. BOEHM: Angela Boehm. For those of you
8 who don't me, my husband Peter is a commercial
9 sword and shark fisherman for 25 years, I help run
10 the business, and we run it likes a business. We
11 have to. You can't go fishing and not do that.
12 Louisiana has definitely increased our landings,
13 our seasons have gotten much shorter. I can't tell
14 you how many holidays and different things we have
15 missed and can't replace.

16 Our expenses are absolutely crazy, diesel's
17 at \$3.56 a gallon. I mean, fishing for 33 fish at
18 a time is not working, if you put a line in the
19 water, you're not going to take that line up until
20 it's done. So if the weather turns bad, he's out
21 there.

22 Last weekend in Key Largo we had some
23 commercial fishermen do an outreach, called a lot
24 of guys in the Gulf, and we decided to sit down and

1 bring something to HMS that we thought would work.
2 We thought of people that fished before the 33, we
3 went back a long way, all the things I've heard all
4 you guys address, we thought of. There wasn't one
5 thing I heard in here, it was like got that, got
6 that. And I'd also welcome you to talk to me and
7 be happy to definitely take your suggestions and
8 work with you guys as we continue. I know we
9 provide reports to HMS, I spoke to the gentleman
10 from Louisiana there, I think we can all sit down
11 together and work together, and this is definitely
12 the way we need to go, and we need to do it
13 quickly.

14 The discards, the guys that I know, the
15 discards disgust them, they disgust me. And we
16 want sustainability, we want a healthy fishery.
17 It's our livelihood.

18 MR. RAAB: Thank you. Did we have one more
19 public comment?

20 MR. STILLER: David Stiller, commercial
21 shark fisherman from Alabama. I don't know where
22 to start. All right. We have no idea from week to
23 week as fishermen, whether it be gillnetters or
24 longliners, whether we're going to make a paycheck,

1 you know. With the weather factors and quotas and
2 restrictions, limits and everything else, and
3 season to season the quota gets shorter and
4 shorter, the season gets shorter and shorter. I
5 had no idea Louisiana was going to land as many as
6 they did last year, and the quota only went for six
7 weeks. The quota is too small anyway.

8 I mean, blacktips and spinners are taking
9 over the Gulf. Anywhere you drop a hook, there's a
10 shark or a snapper, and everybody says those are
11 the two things that are overfished. Well, I mean,
12 it just seems like maybe we can give Louisiana some
13 more of a blacktip or spinner quota since that's
14 mainly what they catch, correct?

15 I just, kind of like last year when the
16 guys were taking blacknose sharks when they should
17 have just left them alone, and it shut down the
18 fishery for two months, and near the end of the
19 year we couldn't really touch it. Newcomers are
20 coming into the industry and some of the old timers
21 that have been in it most of their lives, I had 33
22 years, they're out. You might as well hang it up.
23 These little guys and little boats get permits,
24 that's why some of these graphs are showing more

1 smaller boats over the last few years. You can
2 make it on 33 if you're not running too far, and it
3 just seems like we are just being pushed and pushed
4 and pushed until there's nothing left.

5 I wasn't for IFQs at all. If you have a
6 public resource, let the public use it, I don't
7 think you should really monitor fish or stock,
8 whoever. Yeah, we're the ones who have done it for
9 20 years and stuck with it, you know. I think for
10 seven months out of the year there is nothing I can
11 catch during the winter months, other than shark.
12 Out of the 13 or 14 permits I have, that's the only
13 thing I can really catch, and now they've been shut
14 down for quite a bit over the last two years. It
15 just gets harder and harder to make a living, and I
16 think I'm jumping on the catch share bandwagon, as
17 long as we put enough thought into it and make it
18 right for everyone, work it out for as many peoples
19 advantages as possible. I think it would be a good
20 thing if we work in the right direction.

21 I've probably got a lot more to say but
22 I'll just shut up for now. Thank you.

23 MR. RAAB: Thank you very much. So, we're
24 going to now turn to the summary of the last few

1 days and what the potential next steps will be, and
2 we need feedback on that, okay?

3 HMS ADVISORY PANEL PRIORITIES AND NEXT STEPS

4 MS. SCHULZE-HAUGEN: Okay. So for those
5 for those of you who haven't been to panel meetings
6 before, this is something I started doing a couple
7 years ago. It's a live fire summary of the
8 meetings as we have been taking notes and trying to
9 capture the big takeaway messages and things that
10 we've heard. It is -- these are some of the
11 caveats. It's only a summary. We have the
12 transcripts that will be coming where you can get
13 the word-for-word discussion if you want to relive
14 the meeting. It is not intended to capture every
15 single point that has come up that would be
16 possible in a very short presentation. This is the
17 first time I'm seeing it with you, so we'll see how
18 good staff have been at capturing the comments.
19 And what I think we're looking for is kind of an
20 affirmation that we've got the major takeaway
21 points here; if we've missed something significant,
22 please let me know. If we missed a smaller point,
23 this is not what that's trying to capture, so
24 that's the idea.

1 Indeed, we do need continued funding from
2 the government, yes. We are reading the papers
3 with the rest of you and we'll see how things shake
4 out.

5 So if we're looking tuna, again, high level
6 priorities. Sentiments from the panel,
7 geographically equitable recreational
8 opportunities, realtime monitoring for landings and
9 discards, PLL bycatch reduction. We've got the
10 weak hook implementation with continued research.
11 We're still looking at bycatch caps.

12 Better alignment of domestic and
13 international policies, a lot of the comments here
14 have a number of international implications so we
15 will work within NMFS and NOAA with Russell Smith
16 and other folks on some of the comments that we
17 heard and potential next steps for the agency.

18 So for the shark updates, concerning
19 inclusion of mako in Amendment 5, measures brought
20 up there. A number of questions on status of
21 hammerheads and scalloped hammerhead assessment.
22 Amendment 5 and ICCAT rules and how all of those
23 pieces are fitting together. Questions regarding
24 the savings clause in the Shark Conservation Act,

1 and there will be more on that soon as we work
2 through the implementing regulations.

3 For swordfish revitalization, general
4 support for the preferred alternative for swordfish
5 and squid trawl, but more concerns about the
6 alternative on smoothhounds and all trawl
7 fisheries.

8 And then looking at permitting
9 alternatives, regional commercial handgear, buoy
10 gear, all in the larger context of South Florida.
11 There were repeated comments we've heard over
12 multiple meetings that that area is maxed out, so
13 looking to other areas for some different
14 regulations.

15 In recreational fisheries, we will continue
16 the HMS recreational action plan development.
17 Please don't hesitate to get in touch with us for
18 specifics with regard to spatial landings, effort
19 and economic data.

20 Consider HMS fisheries in Northeast,
21 economic survey, we've started to follow up on
22 that.

23 The importance of bluefin, you know, that
24 has been something that we've heard and the decline

1 in the fishery in the Mid-Atlantic and South
2 Atlantic is a real cause for concern, and has
3 motivated us to pursue measures at ICCAT to address
4 some of the spawning grounds, and continuing to
5 need to focus on that.

6 And new concerns on blackfin, seeing the
7 people are starting to focus on them, there's no
8 management that we know of, what are the next steps
9 there.

10 The future of the shark fishery. Thank
11 you. I guess what I heard is support for pursuing
12 catch share type programs, certainly in the Gulf,
13 maybe look at other options in other areas, but
14 lots of things to look at, lots of analyses to look
15 at. Initial allocations are really critical, lots
16 of ways to do it. So I think we will continue to
17 work on that and move out on that, and I think
18 certainly there will be a lot more discussions with
19 you all as we move forward.

20 So maybe we'll just stop here. Have we
21 missed anything big, anything we want to touch on?

22 (Discussion off microphone.)

23 So looking ahead, we've got sword bluefin
24 tuna quota hearings the end of the month, comments

1 due April 28th. We've got end season management,
2 notices likely coming with the management
3 throughout the year possibly as an exception to the
4 final rule. We've got the trawl rule hearing next
5 week at the Mid-Atlantic Council hearing, those
6 comments are due the 17th. The ESA determination
7 for bluefin is expected at the end of May. The
8 e-dealer proposed rule will be coming soon.

9 The national coastal and marine spatial
10 planning workshop we know is in June; we will
11 likely send out -- I think we have the dates. What
12 I would like to do is get some more information on
13 that and then send that out to the AP, so you've
14 got something in front of you to work from.

15 VMS proposal also coming soon. Loggerhead
16 sea turtle ESA determination in the fall. National
17 ocean policy, strategic action plan, public comment
18 in the summer. Looking at a fall AP meeting in,
19 wow, I think also here.

20 You know, we touched on it earlier, but
21 there is the shark ICCAT rule that's coming,
22 swordfish spec rules, and a number of these likely
23 will, as I said earlier, come and go between AP
24 meetings, so we'll call you, we'll let you know, we

1 will get your e-mails too. And I guess I would
2 offer up, if there's a lot of interest in having an
3 AP conference call, that we can try and do. We do
4 have to put those out for, make them publicly
5 available, so if you're interested in that, let us
6 know as soon as you can so we can include that
7 process as well, and we'll likely have a busy fall
8 meeting. So with that, we wanted to go back
9 through the issues.

10 MR. RAAB: Let's go to bluefin tuna and
11 maybe take some comments on whether, again, this is
12 accurate in the way it's captured, of if there's
13 anything very important that you've heard come up
14 over the last few days that you think should be
15 added, and we'll do the same thing for swordfish
16 revitalization and shark. Richard, you've been
17 silent all day, so go for it.

18 MR. RUAIS: I thought what was missing from
19 your summary was the, not vehement, but maybe the
20 strength and the emotion of several committee
21 members that were strongly opposed to the existing
22 proposed rule for how to deal with the discard
23 issue right now, the 160 metric tons off the top.
24 It was not only shared by some of the committee

1 members but when you opened it up to the public,
2 you had at least two people that traveled from New
3 England to come down here to again express adamant
4 sentiment against that proposal and the search for
5 alternatives.

6 And then when we went back to committee,
7 actually I was the third person that spoke as a
8 public comment person, and I provided you with
9 three specific alternatives, and I think there were
10 more in the wings that can be shared in other
11 forums as well, not necessarily this one, which is
12 a bit more public, and I didn't see any reflection
13 of that in the summary. So maybe it wasn't
14 intended to be that level of detail of the comments
15 on that proposed rule, but I would hate to think
16 that you leave this AP meeting with the sense that,
17 you know, there's general acceptance or that
18 there's, the AP is not at all concerned about that
19 proposed rule, because we took it beyond just the
20 proposed rule and it was, you know, not our good
21 fortune to have Mr. Eric Schwaab present at the
22 time to hear that we were trying to suggest that
23 there's some national implications to the national
24 agenda as we seek cap sectors as one tool of many

1 to solve fishery management problems across the
2 country and that this rule, this proposed bluefin
3 rule potentially undermines that one very
4 fundamental precept of that, and that's the
5 sanctity that once the initial allocation is made,
6 that that share is made, that that remains
7 inviolate throughout the life of the plan. So
8 anyway, I thought we made some pretty significant
9 points there that are not reflected, and at a
10 couple more public hearings you'll hear them again.

11 Anyway, that's my comment there, and I know
12 you don't necessarily agree with the implications
13 on the national policy right now. I would ask you
14 to review that issue with superiors, with the
15 people at the top level of the Agency, because we
16 plan on sharing it with them to find out whether or
17 not there is insensitivity to that issue that we
18 don't want policies being made, including annual
19 specification policies, down at the lowest rank of
20 rulemaking having impacts upon national policies,
21 that the Agency have some consistency there. We
22 can tell you don't agree with everything I say.

23 MS. SCHULZE-HAUGEN: Befuddled doesn't mean
24 I disagree. The national policy that I think

1 you're talking about is the catch share policy?

2 MR. RUAIS: Correct.

3 MS. SCHULZE-HAUGEN: So, I guess, I think
4 the issues that you've brought forward here,
5 pelagic longline bycatch reduction is captured on
6 the slide. In terms of the specific comments on
7 the proposed rule, no, I think this looks like this
8 is at a higher level. One of the big comments that
9 I have, I believe from your group also, is the need
10 for realtime monitoring of landings and discards,
11 which is reflected here. So at a high level we're
12 not going to go through every single comment on
13 proposed actions, so that wasn't what that was
14 trying to do. Believe me, we've heard you and
15 we've heard the other comments around the table as
16 well, so this is going to be a priority for us as
17 we move forward, absolutely.

18 MR. RUAIS: Thank you.

19 MR. RAAB: Ellen.

20 MS. PEEL: My comments are very similar to
21 Rich, but looking at the other side. On
22 specificity of the 166, it has become certainly a
23 most contentious issue and we'll send in written
24 comments, but look, perhaps more explanation to the

1 public may be helpful in drafting some things, but
2 I will get with you afterwards on that.

3 MR. RAAB: Pat.

4 MR. AUGSTINE: Thank you. Pat Augustine.

5 I am in agreement with all this, and I think you
6 captured the items that we wanted, recreational
7 folks have specifically asked that you address the
8 issue of recreational opportunities, and I think
9 you captured that. I thought we did a very good
10 job on the PLL. My thought is there was some good
11 comments around the table and it looks like we're
12 moving forward with that.

13 Again, there's always been concern about
14 the long-term domestic and international policies,
15 and I'm not sure it's policy, maybe it is policy,
16 it's where at ICCAT we perceive, we think, we know
17 that we're only getting a small piece of the pie
18 compared to the other countries sitting around the
19 table, but we do carry a relatively big stick but
20 the bottom line is, there's a perception that the
21 U.S. gives away. I was there once, I didn't see us
22 giving away, I know deals have to be cut and that
23 sort of thing, so whatever you can do to convince
24 our public that we are doing through communication

1 all we can do based on what our ability is to move
2 forward and protect our fisheries.

3 And then a final request, may I have about
4 two minutes at the end of the meeting for my go
5 away?

6 MS. SCHULZE-HAUGEN: Sure.

7 MR. RAAB: Anything else on bluefin tuna?
8 Do you want to move on to the swordfish
9 revitalization? Yes, Terri, then Ron.

10 MS. BEIDEMAN: I don't see any discussion
11 or mention in the review, preliminary or not, of
12 the results of David's work, and I think there was
13 a variety of opinions, but in general that most
14 people recognized that it's promising, that there's
15 potential there, that we might be able to
16 revitalize by trimming perhaps some areas. And I
17 was thinking in talking with a couple people last
18 night just on that, the issue of what we're
19 catching inside of the closed areas is of course an
20 issue, but in the large scheme of things, should
21 Americans be catching swordfish, doing the best
22 that we can, or shall we give to it Senegal or some
23 other place that cares very little?

24 So that's really -- you know, we either

1 revitalize it or we give it away, so if we can
2 figure a way. I thought there was some support for
3 continuing on, either doing research or perhaps
4 opening some areas and seeing what happens, so
5 thanks for that.

6 MS. SCHULZE-HAUGEN: I would agree that we
7 should put a bullet up on the closed area
8 suggestion, it is a priority and will warrant
9 further review. Exactly what that review will
10 result in, I think that's more detailed.

11 MR. CODDINGTON: Ron Coddington. I want to
12 thank you for recognizing our suggestions on the
13 word regional when talking about commercial
14 handgear. Also, please recognize that when you're
15 looking at the regional aspects of commercial
16 handgear or buoy gear or permits, that you also
17 need to consider that in the same way that you
18 consider the buoy aspect in the Caribbean. If
19 commercial handgear and buoy gear is moved to other
20 areas of the country, it may require an adjustment
21 in the allowable landings on that gear, for
22 instance yellowfin tuna, mahi-mahi, et cetera.
23 That may be appropriate in other areas and may even
24 be appropriate for consideration in some parts of

1 Florida, but it certainly recognize that that needs
2 to be looked at, not just regionalizing the permit,
3 but regionalizing the landings that are available
4 to take under that permit.

5 MS. SCHULZE-HAUGEN: That's a good point.
6 Just to note, we do not regulate mahi-mahi.

7 MR. RAAB: Elizabeth.

8 MS. GRIFFIN WILSON: I think it would also
9 be good to capture up here the fact that there were
10 several comments made that as we work on trying to
11 revitalize the swordfish fishery, we have to pay
12 attention to the impact that could have on bluefin
13 tuna, mako, blue marlin, and other species that are
14 caught as bycatch in the swordfish fishery.

15 MS. SCHULZE-HAUGEN: I think I have made
16 that point a number of times, but thank you.

17 MR. RAAB: Richard.

18 MR. RUAIS: Just to follow up on Terri's
19 very good point, I think we should toss out of the
20 English dictionary the word give away U.S. quota of
21 any sort, there are at least some things in return
22 for getting that quota. In this case, if the
23 swordfish quota or share is going to be reduced in
24 part of the United States, it should be reduced for

1 the purpose of solving a domestic problem that the
2 PLL fleet has, or another use group along those
3 lines, and that ought to be the guide. This is
4 again, the point where the domestic and
5 international go hand in hand, you can't do one
6 without the other. So let's just keep that in
7 mind.

8 And to Ron's point, I'm fully supportive,
9 as I heard Terri was fully supportive yesterday, of
10 looking at some of these alternatives, whether it's
11 buoy gear or other types of fishing in the areas
12 where they are appropriate, of exploring them
13 further, and for the help in that area.

14 MR. RAAB: Jeff.

15 MR. ODEN: Jeff Oden. I was -- I do not
16 see the incidental female inclusion that I was
17 hoping to see there yesterday, maybe that's on
18 purpose, I don't know, maybe you all do not want to
19 consider it. But I would still hope that you could
20 possibly, you know, analyze the potential, and
21 hopefully we can save a few tons that we don't have
22 to give to another country. Anyway, thanks.

23 MS. SCHULZE-HAUGEN: Yeah. We haven't lost
24 that comment, it's just that we're trying to

1 summarize, so we've got it.

2 MR. RAAB: Mark.

3 MR. TWINAM: In the swordfish
4 revitalization, people don't see it the same way
5 that I do, but in the research fishery there they
6 had five turtles that were caught and released, all
7 alive, they had 150-some-odd tiger sharks that were
8 released. I mean, how turtle positive do you want
9 to be? If you want to be more turtle positive, you
10 know, think about how many of the 150 sharks we
11 should have killed. Tiger sharks eat turtles. I
12 went shark fishing the last three weeks, and I
13 caught a turtle, and we got the lookout, and he
14 swam away with no blood. And I released 56 live
15 tiger sharks out of 1,800 hooks just in the bottom
16 shark fishery.

17 So I just can't see why turtles are brought
18 up and up and up. I just don't. You know, we can
19 help you.

20 MS. SCHULZE-HAUGEN: You're raising some of
21 the unique challenges of ecosystem management. Not
22 to make light, but I think you're raising some of
23 the challenges of addressing multiple species in
24 fisheries and objectives of having all of them, so

1 it's a valid point.

2 MR. RAAB: Anything else on swordfish? So
3 why don't we move to sharks, even though we just
4 had that conversation, and see if anybody wants to
5 add anything on sharks. I realize it's what we
6 just did. Sonja.

7 MS. FORDHAM: Thank you. Sonja Fordham,
8 Shark Advocates International. I just wanted to
9 add something about the discussion we had about
10 smooth dogfish, but most important is the fact that
11 the assessment be made a priority. Thank you.

12 MR. RAAB: Rick, go ahead.

13 MR. WEBER: No, not future shark, next
14 panel meeting, but nonetheless, I'll throw it to
15 you now. You've asked us to provide you really
16 early input for things that would take a long time.
17 You and I have been working on an issue off line
18 but it's probably time to move it a little more
19 towards the panel, and that is better working
20 relationship between what we write here and how it
21 is enforced.

22 Speaking specifically of the Sea Tile, a
23 lower issue, and your inability, or our inability
24 to provide enforcement with any type of intent

1 statement. That once we dot our Is and cross our
2 Ts, there is zero wiggle room going forward, even
3 if we make a mistake in what is written. There's
4 no ability for you to interpret, there is no
5 ability for the panel to make clear what we meant.
6 And it's well into October and beyond, because I
7 know you don't have the tools to fix it right now,
8 but I would like to bring it up and have you work
9 in that direction over the long term.

10 MS. SCHULZE-HAUGEN: So, the background on
11 this is, the circle hook and billfish tournaments
12 requirements that if there is an artificial natural
13 combination, that has to be used with a circle
14 hook. Sea Tile is a company that has developed a
15 lure that takes a fish head, I believe, which is a
16 natural component, and completely encased it in
17 plastic. And so what they have asked is that we
18 issue them a letter saying that this is essentially
19 okay, it needs to be the intent of the regulation,
20 because the natural component is completely encased
21 in plastic and so it is not available in a sense
22 sort of way to the billfish.

23 In the discussions that Rick is alluding to
24 is that we've said that we don't really issue

1 letters of intent what we meant by the regulations,
2 the regulations stand on their own. What, Rick, I
3 think you're asking, is that we undertake a
4 regulatory process to accommodate the Sea Tile
5 lure.

6 MR. WEBER: It's much higher than that, I'm
7 not talking about the Sea Tile, I'm just talking
8 about the fact that in your response to Sea Tile,
9 Sea Tile could be folded and gone by the time this
10 can possibly work its way through the system. What
11 the Sea Tile issue brought forward to me is the
12 boundaries that you have in directing and that
13 there is, perhaps by design, very little ability
14 for you to affect enforcement later on that says
15 that's not really what we wrote, that there is this
16 divide, that what we create here and what you
17 finally put your stamp on, is then left to loose or
18 strict interpretation by someone else. I was
19 hoping that as we go forward as a body, that there
20 would be an ability, that there would be some type
21 of link. Sea Tile, like I say, is one lure
22 manufacturer and it's not about that. I thought it
23 exposed a weakness that in the long run you could
24 address.

1 MS. SCHULZE-HAUGEN: I just want to respond
2 that we do have discussions with enforcement on a
3 regular basis, and so how we write the regulations
4 is very important. There's always discretion in
5 individual cases. I don't dictate that. Their
6 charge is to enforce the regulation, so the
7 regulations need to be written in a way that would
8 match the intent. We can't always envision every
9 possible scenario that an enforcement officer will
10 encounter in the water, and so that is a challenge
11 for sure.

12 But I guess I would like to take this
13 point, given that introduction, to emphasize how
14 important the communication is between the panel
15 and the Agency. We really look to you for that
16 expert advice as we're developing regulations,
17 preferably before they're final, you know, than
18 after, although, you know, sometimes that happens
19 and we need to revisit rules after we're done with
20 them, that's always a possibility. I have made a
21 very concerted effort to try to listen to the panel
22 over the years. I remember any number of comments
23 over the years, and I have been with HMS for a
24 while, where we hear the comment, the Agency

1 doesn't listen, the Agency doesn't listen. So you
2 know, within my ability, I have tried to really
3 listen, and sometimes we're better able to do that
4 in some circumstances than others, but we're always
5 listening. And so as positions evolve, as comments
6 change, we do try and adapt as best we can, and so
7 you know, this has come up in a couple of contexts
8 throughout this meeting where the advice from the
9 panel has undergone some change about an issue in a
10 short amount of time compared to our ability to
11 respond with regulations.

12 You know, I want you to know, though, that
13 we do really listen, and to the extent that you can
14 look forward and see whatever the time that it
15 would take to implement a regulation, what the
16 advice would be, not only for today, but what you
17 would like to see in the year or two years, you
18 know, I think that will help us all, help me get,
19 you know, regulations in place that are meeting the
20 intent and the desire for the fisheries and also
21 meet your needs as well. So I really encourage you
22 to think to the future, think about what that means
23 for today and you know, keep those lines of
24 communication open.

1 MR. RAAB: Any final next steps to do that
2 you didn't see up there? Vince.

3 MR. MONTELLA: Just a comment. While I'm
4 sympathetic to the shark fishermen and I understand
5 how long it takes to impose a rule, I can't help
6 thinking while we're sitting here that there's two
7 or 300 sharks sitting on the bottom now on the
8 longline waiting to be harvested at 33 at a time.
9 You need to move on this, or you need to do
10 something to stop that until you come up with some
11 type of rule. But for somebody who sets a pelagic
12 longline, to know that they're going to catch 300
13 sharks, and to have it harvested once or twice a
14 day at 33 and 66 until he gets 300 in three days
15 from now, and we've been there three days, and
16 those fish are hanging.

17 MR. RAAB: So, we're going to turn to Margo
18 for some closing comments.

19 MS. SCHULZE-HAUGEN: Just a couple of
20 announcements. Please get your receipts in,
21 hopefully we will be in the office Monday and we
22 can start processing them. If not, we'll get to
23 them as soon as we're back. If you could also sign
24 in when you leave, that would be fantastic, so we

1 have the record of who is coming, who isn't.

2 And finally, Pat, it's your last meeting,
3 but also Eugenio, so I just wanted to take a moment
4 to acknowledge the extended time you have been with
5 us, that we have appreciated your presence and all
6 of your comments, and certainly wish you well, so
7 thank you.

8 (Applause.)

9 MR. AUGSTINE: I have to have the last
10 word. Thank you all. I'm not good at making these
11 go-away speeches, but I've been in it for a long
12 time, I've been on the council for nine years now,
13 and I'm going to sit out for a year and hopefully
14 come back another time, but this is an outstanding
15 group. I look around the table, and the people are
16 excellent. And the thing you have to remember,
17 don't walk away from this opportunity to share your
18 experiences with other folks who are trying to help
19 the fishermen. The staff has tolerated me. It's
20 just wonderful the way you've embraced me on the
21 outside. I have a pretty direct style, I'm very
22 black and white, I don't know how else to be. And
23 again, thank you, members, for being so
24 accommodating also.

1 And we went to Charleston, South Carolina
2 for the Atlantic States Marine Fisheries Commission
3 and I didn't know what else I could do, and my wife
4 didn't either, so she said I found this shirt for
5 your going away speech, wherever it is, and this is
6 what it is, and that's all I have to say about
7 that.

8 (Applause.)

9 MS. SCHULZE-HAUGEN: Thanks, Pat. Eugenio,
10 any final words?

11 MR. PINEIRO: Let's go downstairs, I'll buy
12 a drink.

13 MS. SCHULZE-HAUGEN: You're on. All right.
14 Thank you everybody. We will be sending out the
15 summary and a few bullets based upon the comments.
16 Please leave your tent cards and your nametags
17 because we will reuse them. And thank you very
18 much. Please don't hesitate to be in touch.

19 (Whereupon, the meeting adjourned at
20 11:30 a.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 me,
6 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 in
11 any way interested in the outcome of this
12 meeting.

13 As witness my hand and notarial seal this
14 25th day of April, 2011.

15 My commission expires

16
17 September 3, 2011

Notary Public

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