

NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION FISHERIES

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ATLANTIC HIGHLY MIGRATORY SPECIES
ADVISORY PANEL

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MEETING

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THURSDAY
MARCH 31, 2016

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The Advisory Panel met in the
DoubleTree Hotel, Ballroom D, 8120 Wisconsin
Avenue, Bethesda, Maryland, at 8:35 a.m., Bennett
Brooks, Facilitator, presiding.

PRESENT

BENNETT BROOKS, Facilitator
JASON ADRIANCE, State Rep
PATRICK AUGUSTINE, Recreational
MARTHA BADEMAN, State Rep
TERRI BEIDEMAN, Commercial
RICK BELLAVANCE, Recreational
ANDRE BOUSTANY, Academic
BENJAMIN CARR, Environmental
ANDREW COX, Recreational
PAM DANA, Council Rep
MARCUS DRYMON, State Rep
MARTIN FISHER, Commercial
SONJA FORDHAM, Environmental
JOHN GRAVES, ICCAT Advisory Committee
RANDY GREGORY, State Rep
MARCOS HANKE, Council Rep
BEN HARTIG, Proxy for Anna Beckwith, Council Rep
DEWEY HEMILRIGHT, Proxy for Stephen Linhard,
Council Rep
RUSSELL HUDSON, Commercial
ROBERT HUETER, Academic
STEPHEN IWICKI, Recreational
WALLACE JENKINS, State Rep
MICHAEL KELLY, Recreational
DAVID KERSTETTER, Academic
JAMES LAWSON, Recreational
MARK LINGO, State Rep
ANDREW MARSHALL, Commercial
JEFF ODEN, Commercial
TIM PICKETT, Commercial
MICHAEL PIERDINOCK, Recreational
GEORGE PURMONT, Commercial
RICHARD RUAIS, Commercial
MARTIN SCANLON, Commercial
GREGORY SKOMAL, State Rep
DAVID STILLER, Commercial
SCOTT TAYLOR, Commercial
RICK WEBER, Recreational
KATE WESTFALL, Proxy for Valerie Miller,
Environmental
ROMULUS WHITAKER, Recreational
ANGEL WILLEY, State Rep

ALSO PRESENT

**KAREN ABRAMS, Branch Chief, Sustainable Stocks
and Ecosystems, National Marine Fisheries**

**RANDY BLANKINSHIP, Branch Chief, Southeast
Branch, Highly Migratory Species
Management Division**

**KARYL BREWSTER-GEISZ, Branch Chief,
Headquarters, Highly Migratory Species
Management Division**

**GUY DUBECK, Acting Branch Chief, Operations
Branch, Highly Migratory Species
Management Division**

**LAURA KEELING, Program Analyst and
Communications Coordinator, ERT/NOAA
Restoration Center**

**MEL LANDRY, Marine Habitat Resource Specialist,
NOAA Restoration Center**

**BRAD McHALE, Branch Chief, Northeast Branch,
Highly Migratory Species Management
Division**

**JAMES REINHARDT, Marine Resource Specialist,
ERT/NOAA Restoration Center**

**MARGO SCHULZE-HAUGEN, Division Chief, Highly
Migratory Species Management Division**

**EILEEN SOBECK, Assistant Administrator, NOAA
Fisheries Service**

C-O-N-T-E-N-T-S

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P-R-O-C-E-E-D-I-N-G-S

(8:34 a.m.)

1
2
3 FACILITATOR BROOKS: All right let's
4 get going here. We have a full morning so we're
5 going to get started. Before we do anything
6 else, let me just note, someone found this
7 Motorola by the elevators. It may not be ours,
8 but if it is, we just want to see.

9 (No audible response)

10 FACILITATOR BROOKS: No? Okay. We'll
11 get it to the hotel. Thanks.

12 So just a quick review of the agenda
13 for today. In a moment we will hear from the
14 NOAA Restoration Center on Deepwater Horizon
15 Pelagic Longline Project Update. We've got Mel
16 Landry who will be the presenter, but we have a
17 team of folks who will be up here, James
18 Reinhardt, Laura Keeling, and Randy Blankinship
19 as well.

20 After that update and discussion,
21 Eileen Sobeck will be in here for remarks on NOAA
22 Fisheries Leadership. And that will include
23 remarks and an opportunity for discussion with
24 the panel.

25 We'll take a break, and then we will
26 come back and hear from Karen Abrams with
27 Sustainable Fisheries on a series of Bycatch
28 related updates.

29 After that, Margo will have proper
30 comments. And then Margo and her team will do
31 their usual wrap up and synthesis of their main
32 takeaways of discussion and themes. So we'll get
33 you out of here by noon is the game plan.

34 And before I hand the mic off to Mel
35 and his team, I think you Margo have a few
36 updates.

37 MS. SCHULZE-HAUGEN: Sure, a couple of
38 real quick updates. The eBCD's Final rule, filed
39 20 minutes ago, and will publish tomorrow. So
40 that will, the 30 days we've made it. May 1, it
41 will be effective in compliance with the ICCAT
42 recommendation. Shana is somewhere doing a
43 gigue.

44 And also similarly filed today,
45 publishing tomorrow is a "Not warranted" finding
46 for listing common and bigeye thresher sharks
47 under the Endangered Species Act.

48 So we'll put all of these out on the

1 LIST SERV when we can. And the last note was the
2 seafood traceability proposed rule comment period
3 has been extended until April 12th. So you have
4 a little bit more time to get your comments in on
5 that. That's all, fresh off the presses.

6 FACILITATOR BROOKS: Okay, and as you
7 can see we're on the hand-helds, but the mics at
8 the tables may start working again. We'll figure
9 that out and thanks again for your patience with
10 this.

11 So at this point, I'll hand it over to
12 you and your team. Get out of your way. Please
13 work with us.

14 MR. LANDRY: All right. Figure out
15 where I've got to hold it.

16 FACILITATOR BROOKS: Yes, you can see
17 if that will work, you can try to --

18 (Off microphone comments)

19 MR. LANDRY: I'll turn, I'll hide
20 this. There it goes. Oh, just give me the other
21 one Randy.

22 MR. BLANKINSHIP: Okay, all right.

23 MR. LANDRY: So I'm Mel Landry. I'm
24 from the NOAA Restoration Center. I work out of
25 our office in Baton Rouge, Louisiana, born and
26 raised a Landry. I was going to open with a
27 Coonass, a doctor and a pregnant lady, welcome to
28 an AP meeting.

29 (Off microphone comments)

30 I'm joined here by Dr. James
31 Reinhardt, who also works for the NOAA
32 Restoration Center. Randy Blankinship who most
33 of you probably know with the Highly Migratory
34 Species Management Division. And Laura Keeling
35 who also works with us at the NOAA Restoration
36 Center.

37 And we're here today to present to you
38 again, thanks for having us back, on the Pelagic
39 Longline Bycatch Reduction Project. And update
40 where we are and what we've done since we last
41 spoke to you.

42 So a little bit of background on the
43 Restoration Center. Among other things, we're
44 charged with executing the restoration
45 requirements of Natural Resources Damage
46 Assessments. You might have heard of them
47 called, NRDAs or N-R-D-As.

48 Under that particular activity is

1 included the Oil Pollution Act, and also the
2 Comprehensive Environmental Response,
3 Compensation and Liability Act, or CERCLA, or you
4 may know it as Super Fund. We deducted our
5 liaison under both of those acts.

6 And the Restoration Center in
7 particular, coordinates the restoration confined
8 to what comes out of those. We'll talk a little
9 bit more about what's included otherwise, later.

10 We coordinate with our sister Line
11 Offices, in this case the HMS Division in
12 implementing those projects. A lot of our sister
13 Line Offices provide the expertise in
14 implementing these very complex projects that may
15 be a little bit outside our typical bailiwick.

16 Under Deepwater Horizon we will be
17 required to do a lot of direct resource
18 restoration where historically a lot of our
19 resources were restored through habitat
20 restoration. But we rely on our sister Line
21 Offices across the agency to provide the
22 expertise necessary to achieve those goals.

23 We also work with hundreds of partners
24 besides those within NOAA. And local citizens to
25 provide the science, communications, and policy
26 expertise to achieve restoration goals.

27 Here, for this project, the NOAA
28 Restoration Center is acting on behalf of the
29 Deepwater Horizon natural resource trustees. For
30 Deepwater Horizon that includes the five Gulf
31 States of course Florida, Alabama, and
32 Mississippi, Louisiana, and Texas, as well as
33 four federal agencies.

34 Normally there are only two, but here
35 we have four. It's the Department of Interior,
36 NOAA, the USDA, and Department of Agriculture,
37 and the Environmental Protection Agency or EPA.

38 We first presented this project to the
39 Advisory Panel back in September of last year
40 when the project was just initially proposed to
41 the public for consideration. That was under
42 Phase IV, early restoration. That plan was
43 finalized shortly after that presentation to you
44 all. It was finalized last September 23rd, 2015.

45 So for the past six months we've
46 worked with our team internally and somewhat
47 externally since then, now that it's public
48 project, to try and firm the location with a

1 planned public rollout of the implementation
2 component of the project sometime this summer
3 hopefully.

4 Some of the information you'll see
5 today is a repeat from the stuff you saw last
6 September. And that's to help any new AP Members
7 become more familiar with the project.

8 So a little bit of background on the
9 Natural Resources Damage Assessment ordinarily
10 processed. NRDA has three stages. It starts
11 with a pre-assessment where the trustees go out
12 and they collect data for the purpose of
13 determining whether or not you need to proceed
14 into restoration planning and injury assessment.

15 So we're going out there and we're
16 looking to see are injuries occurring and what
17 resources may be indicated? We then move into
18 the injury assessment and restoration phase where
19 we start to evaluate the extent, severity, and
20 the duration of injuries resulting from the spill
21 or release.

22 And then during restoration and
23 planning, we're starting to determine the
24 appropriate type and amount of restoration that
25 will be needed to compensate the public for those
26 injuries.

27 So there's two components. There's
28 how much injury, and then there's a time
29 component, to know how long. So a small injury
30 over a long period of time could result in
31 significant restoration needs, just as much as a
32 short duration injury over a larger area.

33 Finally, restoration implementation is
34 undertaken. And that's where we are in this
35 particular project. So the trustees are
36 responsible for working to ensure that the
37 responsible parties either directly implement --
38 in this case, it was BP was the responsible
39 party, the major responsible party, but then
40 there were a few others -- or fund implementation
41 which is what they're doing in this case,
42 activities that compensate the public for
43 injuries to those natural resources.

44 So April 21st, 2011, about a year
45 after the Deepwater Horizon rig exploded, the
46 trustees announced an agreement with BP under
47 which BP provided a billion dollars toward
48 implementation of early restoration. These early

1 restoration funds were put forth to help us begin
2 restoration before the damage assessment was
3 complete.

4 The funds were divided among the
5 trustees pursuant to an agreement, an allocation
6 agreement between the trustees with \$500 million
7 split equally between the states, \$200 million
8 split equally between the feds, which at that
9 time were only NOAA and DOI.

10 USDA and EPA were added later by
11 Executive Order. And then \$300 million for state
12 sponsored projects that were approved by the
13 federal trustees.

14 It provided us an opportunity to
15 implement projects prior to the completion of the
16 NRDA process as I stated. But it is not intended
17 to, nor did it fully address all the injuries
18 caused by the spill. The NRDA process continued.
19 The injury assessment continued while we
20 undertook early restoration.

21 And ultimately, EPA entered into a
22 settlement agreement in principle to compensate
23 the public for the entirety of the injuries. And
24 you may have heard more about that this past
25 fall. That has just been lodged with the court
26 and is under review by the court. And we are
27 awaiting response from the court on it, that the
28 settlement will be approved and finalized.

29 So the purpose of today's meeting is
30 to present to you all on the project that's been
31 developed to restore a portion of the pelagic
32 finfish injuries caused by the spill.

33 And to update the Panel since our
34 September presentation, on exactly what the team
35 has been working on to get us to implementation.
36 And something new to discuss with you guys, what
37 we see as the opportunities for participation in
38 the project in greater detail.

39 We're also working currently to
40 develop an agreement with an implementation
41 partner, which we'll speak a little bit more
42 about.

43 A little background, on the pelagic
44 longline fishery in the Gulf of Mexico, which
45 many of you are probably much more familiar with
46 than I will be. NOAA proposed the pelagic
47 longline project to address injuries to pelagic
48 resources resulting from the spill.

1 In the gulf, the pelagic fishery
2 targets yellowfin, tuna and swordfish which are
3 well managed fisheries. They're not considered
4 to be overfished, nor is overfishing occurring.
5 But the NRDA also interacts with non-target
6 species as well. These species are often
7 discarded dead, UTs or off regulatory
8 requirements or limited to outside value.

9 Pelagic longline fishery has limited
10 access to a fishery force of approximately 50
11 vessels operating in the Gulf of Mexico with
12 landings in every state, except for Mississippi.

13 These are just a short list of the
14 species that have been documented bycatch in the
15 project fishery in the Gulf of Mexico. So this
16 is the message that the size are target species.
17 All of these species were exposed to oil from the
18 Deepwater Horizon spill. So it's the breadth of
19 all these species that we are looking to help
20 restore at least partially in the implementation
21 of this project.

22 So you see certainly an important
23 commercial and recreational species are swordfish
24 and ecologically all species that aren't
25 necessarily commercially important, like
26 billfish, and ecologically important species that
27 aren't necessarily commercially important. In
28 addition to these, there will be some benefits to
29 protect resources such as turtles and dolphins.

30 (Off microphone comments)

31 So the Gulf of Mexico we have pelagic
32 longline landings documented at the ports
33 indicated on this map in Texas, Louisiana,
34 Alabama, and Florida.

35 As we stated it is a limited access
36 fishery and it is further restricted by
37 availability of Gulf of Mexico individual bluefin
38 quota, or IBQ, which must be on hand if there's
39 PLL gear. So all this was taken into account as
40 we devise the benefits we calculated for this
41 project for negotiations with BP.

42 There are approximately 15 permit
43 holders that are issued an IBQ in the Gulf of
44 Mexico, but current holders without Gulf of
45 Mexico IBQ can lease that from willing leasers.
46 The main ports of landing, significant ports of
47 landing are Dulac and Panama City.

48 So again the project, the goal is to

1 restore pelagic fish biomass through actions that
2 are expected to reduce fish mortality from
3 bycatch and regulatory discards in the portion of
4 the U.S. Atlantic pelagic longline, PLL, fishery
5 operating in the Gulf of Mexico.

6 The goal is to accomplish that through
7 three integrated actions of voluntary repose
8 periods, or cessation of PLL fishing by
9 participating fishermen. The provisioning of
10 alternative gears that continue to target yellow
11 fin tuna, swordfish. And monitoring to assess
12 project values.

13 We'll go into each of those in a
14 little greater depth, starting with the repose.
15 The repose is compensation based and voluntary.
16 It will be annual during the life of the project
17 which is expected to be six to ten years. And it
18 will be six months out of the year. It'll be the
19 first two quarters which is targeted to coincide
20 with the time of bluefin tuna spawning in the
21 Gulf of Mexico.

22 During the repose period,
23 participating fishermen could continue to fish
24 for yellowfin tuna and swordfish but using only
25 the provided alternative fishing gear types.

26 We'll also be provisioning those two
27 alternative gear types to the participating
28 fishermen. Those of greenstick gear and/or buoy
29 gear. Depends on what targets you
30 have, whether or not you can use greenstick gear
31 and buoy gear.

32 During the repose period the fishers
33 would be encouraged or incentivized. We're still
34 working out the details, to use those alternative
35 gears to harvest targeted species.

36 The objective here is to reduce
37 adverse financial impact to fishers and to help
38 maintain local economies during the
39 PLL repose period.

40 So our benefits from the project as
41 far as natural resources are concerned, are
42 derived exclusively from the repose period and
43 the alternative gears are largely included --
44 once had a value, is further evaluating their use
45 is some of that work has already been done. And
46 to ensure these fisheries are still going on,
47 buying fuel and ice, and employing a crew to help
48 maintain those local economies.

1 Technical extension services such as
2 research, outreach, and training on the use of
3 alternative gear types are also included as a
4 part of the project. And they will help provide
5 participants the education on the use of the
6 alternative gear and the tuning of that gear for
7 maximizing effectiveness in the Gulf of Mexico.

8 And here's just a couple of line
9 diagrams, of reputable depictions of those
10 alternative gear types. You see buoy gear on top
11 which would be used to target swordfish. And
12 greenstick gear on the bottom which would be used
13 to target bluefin tuna.

14 The third component is a detailed
15 Monitoring Program which is used to assess the
16 progress of the project in restoring natural
17 resources injured as a result of the spill.

18 The full monitoring plan has been
19 drafted and was included in the Phase IV of the
20 Restoration Plan, which was finalized just after
21 we spoke to you all. It can be found on line and
22 we'll provide a link later.

23 Monitoring largely capitalizes on
24 existing data collection and management systems
25 within the National Marine Fisheries Service ,
26 such as the Pelagic Observer Program, the Vessel
27 Monitoring System, and the Highly Migratory
28 Species logbooks.

29 And where we have some specific
30 project monitoring, it's largely expansion or
31 modification of those existing programs such as
32 expanding the data collect capabilities of the
33 Pelagic Observer Program to include data
34 collection for alternative gear types.

35 So to recap, the project is
36 restoration benefit based, and non-regulatory.
37 It aims to restore injured, pelagic fish bio-
38 mass, and does not institute or change any
39 regulations.

40 The project is completely voluntary,
41 and we anticipate participation from six to ten
42 vessels per year. It's compensation based and
43 the participants will be compensated for their
44 participation in the project, for refraining from
45 PLL fishing in the Gulf of Mexico and to fish
46 with provided alternative gears.

47 And it's temporary. The project is
48 designed to last approximately six to ten years

1 dependent upon the level of participation to
2 achieve the restoration benefits outlined in the
3 Phase IV of the Restoration Plan for this
4 project.

5 A little more project information, the
6 total project budget is about \$20 million and as
7 stated, the participation level impacts how long
8 the project will last. So if there's greater
9 interest, we can execute the project over a
10 shorter period of time with more participants.

11 Or if we don't achieve interest as
12 great as we might expect, we can extend the life
13 of the project so that we still achieve the
14 resource benefits we're targeting over time.

15 So like I said, we anticipate six to
16 ten vessels per year, and we expect the project
17 to last six to ten years. So ten vessels over
18 six years, or six vessels over ten years is one
19 example of how it might play out.

20 The alternative gear types are not
21 anticipated to fully replicate the catch of
22 target species in the Gulf of Mexico. We don't,
23 we're not coming in here with that expectation.
24 We're not trying to convince you of that.

25 Notice that comments are included.
26 One, to at least partially offset economic
27 impacts to those activities that were occurring,
28 with purchases that were occurring, and continue
29 to occur, the fuel and the ice, the sundries.
30 And also to hopefully provide some fish to the
31 market that otherwise may not be there if go to
32 just a repose law.

33 And we hope to improve the efficiency
34 of that gear over the life of the project through
35 our investigation of the gear, and through the
36 continued use in the Gulf of Mexico.

37 So this is completely new to you all.
38 This is just a slight touch on where we're
39 thinking right now. We might have eligibility
40 requirements.

41 Again, we need to align eligibility
42 and participation with the natural resource
43 goals. This is not an economic compensation
44 focused project. So the implementation is
45 largely focused on the Gulf of Mexico.

46 Eligibility examples might include of
47 course, applicable permits for fishing pelagic
48 longline gear in the Gulf of Mexico. Gulf of

1 Mexico IBQ, having that on hand because that is
2 how we calculated benefits to bluefin tuna.

3 A recent history of fishing with
4 pelagic longline gear in the Gulf of Mexico, so
5 what we're going here is we're taking what would
6 have been. The use of pelagic longline gear in
7 the Gulf of Mexico, and the fish that would have
8 been caught. We're comparing that with, will be,
9 of them not using that pelagic longline gear and
10 fish not being caught. The difference between
11 that are the benefits we calculated.

12 We calculated over, for just one
13 generation the bio-mass derived from those
14 activities. So you have to be fishing in the
15 Gulf of Mexico and then, or have been likely to
16 fish in the Gulf of Mexico, then not fish in the
17 Gulf of Mexico for those benefits to actually be
18 realized.

19 And the TU anticipates at least
20 potentially that there may be more interest in a
21 given year than we'd like to have people
22 participate. Particularly for economic reasons.
23 We don't want, certainly don't want the whole
24 fleet to stay in with the impacts it would have
25 down the chain.

26 So in addition to the eligibility
27 criteria, we have additional prioritization
28 criteria. You might say, okay all of you are
29 eligible but we're going to rank you based on
30 your benefits to not fishing to the resources.
31 And we might prioritize a given year within that
32 ranking criteria.

33 We expect solicitation to go out this
34 summer for participation with those applications
35 evaluated and participants selected during the
36 fall of 2016. Then of course there would be
37 individual agreements with fishermen that outline
38 their participation in the projects.

39 Very likely that those participant
40 agreements will be with a third party so that you
41 will not be trying to execute agreements with the
42 federal government as individuals and have to
43 meet all the requirements of individual federal
44 government agreements. So those will be funded
45 through a third party, so hopefully it is
46 slightly less burdensome on the individual
47 participants.

48 We spoke about timeline a little bit

1 already, so this is the same timeline you saw
2 last time we were here. We were doing in the
3 middle of the Phase IV of the Restoration Plan,
4 it was draft, and it was out for public review.
5 That was finalized. And we had not yet started
6 working on our Implementation Plan.

7 Our Implementation Plan is now in a
8 draft final stage. It will be living document.
9 It will change over time basically, by folks like
10 you based on the input of the participants. And
11 change to adaptively manage the project to reach
12 those restoration goals.

13 This spring, summer, and fall we'll
14 start to institute the components of the
15 Monitoring Program. And that program is designed
16 to assess project benefits alone.

17 And then January of 2017, we expect to
18 implement the first repose period, the cessation
19 of pelagic longline fishing for six months. And
20 it will also include that alternative gear
21 component as well as monitoring.

22 You can find out additional details on
23 the project, on the gulfspillrestoration.noaa.gov
24 website. There's also the information on the
25 potential settlement on this website as well.
26 You're looking for Phase IV early restoration, if
27 you're looking for specifics on this project.

28 Of course you can reach out to us to
29 provide you direct links to the documents that
30 are available.

31 So that's all we have here. We
32 purposefully left considerable time for questions
33 and discussion, as we heard some great things
34 from the Panel in September. And we really value
35 that input. We actually got some more specific
36 input from some individual Advisory Panel Members
37 since then.

38 So we look forward to continuing the
39 work with you to try and maximize the benefits of
40 this project to the resources and the fish and
41 wildlife. So thank you very much.

42 I'll hand it back to you, and --

43 FACILITATOR BROOKS: Yes, great.

44 Thanks it looks like the mic system might be
45 working right now. I see George they're in the
46 queue and Bob, so we'll start with you guys.

47 MEMBER PURMONT: Good morning, thank
48 you very much for the presentation.

1 FACILITATOR BROOKS: George, will you
2 get the mic?

3 MEMBER PURMONT: I'll try this thanks.
4 I'm new at this.

5 (Off microphone comments)

6 MEMBER PURMONT: Thank you very much.
7 Good morning. Very nice presentation and I think
8 it's a great project. Where does the \$20 million
9 come from? Is this in any way response from BP
10 to help further understand and take
11 responsibility for this action?

12 MR. LANDRY: Yes, exactly. So BP
13 initially committed a billion dollars for
14 restoration for the injuries, before we actually
15 finished up, figured out what the injuries were.
16 That money was allocated to the Trustee Council.
17 And the Trustee Council came together
18 and developed a whole fleet of projects. Some
19 for birds, some for habitat, some for turtles,
20 and some for fish. And then this is part of
21 that. So of that billion dollars, that initial
22 billion dollars, which is now \$8.7 billion in the
23 settlement. This money, this \$20 million comes
24 out of that pocket.

25 MEMBER PURMONT: Thank you.

26 MR. LANDRY: You're welcome.

27 FACILITATOR BROOKS: Thanks, Bob.

28 MEMBER HUETER: This for me.

29 MALE PARTICIPANT: Yes, a recent
30 miracle.

31 (Off microphone comments)

32 MEMBER HUETER: Bob Hueter, Mote
33 Marine Labs. Mel, thanks for the very nice clear
34 presentation. I just want to mention briefly
35 that my laboratory did a two year study right
36 immediately following the blowout. Looking at
37 evidence of biomarkers, science of PAH exposure
38 in most of the species that you have on your
39 species list, during pelagic longline in the
40 eastern gulf.

41 And interestingly did not find much
42 evidence of any kind of exposure in the pelagic
43 species. Different story in shore, and I think
44 probably Marcus has a lot of work on the in shore
45 species.

46 But at least through our data, the
47 evidence was not compelling that these animals
48 had gotten a serious exposure to the anything

1 malignant. Still that was a fairly small scale
2 study, and most data, that data had been provided
3 to the central data base, so this is what we
4 have.

5 But I would say, this is a creative
6 use of Deepwater Horizon Restoration funding, put
7 it that way. And my question to you is how much
8 of that \$20 million is budgeted to go to the
9 fishing industry? Or just like to get a little
10 bit more detail on this \$20 million figure.

11 MR. LANDRY: We are finalizing the
12 budget right now. And our initial assumption
13 that we utilized about the project, about \$10
14 million of that, of the \$20 million was for the
15 repose element, which allows, Jamie about 2,
16 \$1.7, to \$2 million for the alternative gear
17 component.

18 So about \$12 million of that \$20
19 million, a large part that remain is the
20 monitoring component. We're anticipating a high
21 level of observer coverage so that we can
22 calculate the benefits of this project.

23 MEMBER HUETER: That's not the
24 question I had. I asked how much is actually
25 going to the fishermen themselves?

26 MR. LANDRY: Everything but that \$12
27 million is for the repose and the alternative
28 gear. All of that goes to, either directly as
29 participation agreements under the case of the
30 repose. Or in providing equipment in the case of
31 the alternative gear.

32 FACILITATOR BROOKS: Let's go to Tim
33 and then Marty. And Bob, I'll let you put your
34 card down if you would please.

35 MEMBER PICKETT: Okay, you know aside
36 from my comments, excuse me, last September which
37 had on it reintegrated, a couple of, going down
38 my list here, you know again, there was no
39 mention in this presentation of the
40 identification and you know injuries just like
41 you know were said over here.

42 And going down the list here, is how
43 you're planning on measuring the actual success
44 of the project? There wasn't, maybe I just need
45 some clarification as to the exact measures that
46 you're using to call this project a success, or
47 to call it a failure. Essential impact on the
48 fleet, when the project is over.

1 Is there any idea of compensation or
2 encouragement for the fleet's rebuild after the
3 project is over? Do you have maybe some
4 additional money set aside for upgrading, or
5 something like that within the fleet so that
6 whatever you're trying to figure out, you figure
7 out?

8 And it seems to be headed in the right
9 direction that everyone hits the ground running
10 that first step. Just some notes on that, but
11 that enough and I'm sure somebody could cover
12 that some other day, but that's my main concern.

13 FACILITATOR BROOKS: Okay, Marty. And
14 then over to Martin.

15 MR. LANDRY: Some of those were great
16 comments and some of those are things that the
17 information is there, we just don't have it in
18 the presentation in the time allotted.
19 Particularly related to the injuries and the
20 monitoring.

21 Under the settlement, we did not
22 finalize our injury assessment. But there is a
23 great deal of injury assessment information
24 available under the Programmatic Damage
25 Assessment and Restoration Plan released last
26 fall. It is on that website that I put up there
27 earlier. That was the science.

28 And we also have a pretty detailed
29 monitoring plan that sets out the performance
30 goals. That's included under the Phase IV Early
31 Restoration Plan. It's also on this site, or
32 Jamie actually, he brought a printed copy here.

33 Jamie may have some more to say on
34 that to address specific performance criteria, if
35 you want to touch on it. But if, and we could
36 speak a little more after, he can show you a
37 table, it's there we just due to time constraints
38 we didn't field everything.

39 FACILITATOR BROOKS: We're actually
40 fine on time right now. So if you guys want to
41 dive deeper in this --

42 MR. LANDRY: Okay. Just to give you
43 a sense of goals. There are some extra slides
44 here which weren't part of the our presentation.
45 We had to space some of this coming up in
46 discussion. These are the offsets that were
47 provided to BP in exchange for this project.

48 Because of the settlement, some of

1 this, the overall changes a little bit. The
2 needs or reached goals is a little different
3 under settlement than it was under early
4 restoration.

5 But essentially this is the calculated
6 benefits from the project. And our monitoring
7 plan is designed to assess whether or not we meet
8 these goals. Jamie, got some short comments
9 there?

10 DR. REINHARDT: Sure.

11 MR. LANDRY: Exactly what's in there.

12 DR. REINHARDT: Yes, so like Mel said,
13 we have a monitoring plan in more detail that
14 outlines what our performance criteria, our
15 metrics that would help us to determine whether
16 our project was successful.

17 In general we have two, breaking it
18 down to two objectives we're trying to measure as
19 part of the restoration plan. First, is a
20 reduction in discards within the Gulf of Mexico
21 pelagic longline fishery.

22 And the second, is to minimize
23 economic impacts, industry culture, and gears.
24 So and this is like I said, this is laid out in
25 more detail. In general our performance metrics
26 are based upon the participation rates. So we
27 want people to participate.

28 And we also are, anticipate nesting,
29 the quantities and disposition of bycatch and
30 discard despite the species. So we're looking at
31 basically discard rates, can determine whether or
32 not we are in fact reducing overall discards
33 within the Gulf of Mexico, pelagic longline
34 fishery.

35 And to do that, we compare discard
36 rates between our pelagic longline fishermen that
37 are using the pelagic longline gear, and then
38 discard rates when using the alternative gear
39 types.

40 As far as our, in general, our
41 performance criteria for minimizing economic
42 impacts, we are measuring things like
43 participation rates and the use of alternative
44 gear, and the frequency of use of those gears.
45 And as well as the understanding the catches and
46 the profits that are obtained when using those
47 alternative gears.

48 So in general those are the types of

1 criteria. They're laid out a little bit more
2 detail if you want to take a look at them on the
3 website.

4 MEMBER PICKETT: What are those units?
5 It's difficult to see that clearly.

6 MR. LANDRY: This kind of kilograms
7 and if you wanted to get this type of unit, it
8 has to do with the time factor, kilogram for a
9 dollar is worth more today, than it's worth five
10 years from now. But essentially it's kilograms.

11 (Off microphone comments)

12 MR. LANDRY: Yes, and for marine
13 mammals on the bottom, those are whole
14 individuals.

15 (Off microphone comments)

16 MR. LANDRY: Thanks, that's all folks.

17 FACILITATOR BROOKS: Anything else you
18 wanted to add?

19 MR. LANDRY: Yes, maybe if I get any
20 more questions about discounting, George is
21 somewhere in the room.

22 FACILITATOR BROOKS: Marty, then over
23 to Martin and then to Terri.

24 MEMBER SCANLON: My problem here
25 through the whole thing with Deepwater Horizon is
26 that if conditions stayed there, I don't see
27 where you people did anything, understanding what
28 was the effect on the HMS industry.

29 However I see a lot of work and I see
30 a lot of money divided up among states, but I
31 don't see any money directly you know given to
32 the HMS industry to understand what the effects,
33 the immediate effect, and what the long term
34 effects on the HMS industries are going to be in
35 there.

36 Also you've got this thing now limited
37 to 50 vessels in the Gulf of Mexico. I used to
38 work in the Gulf of Mexico and I, you know, and
39 not only are these fish highly migratory, but the
40 boats that work in those fish are highly
41 migratory as well for numerous reasons. You
42 know, economic, family issues, all of those
43 things.

44 But under the A7 process, if you look
45 at the charts there, most of the fleet now is
46 pretty much excluded from the Gulf of Mexico
47 under the A7 process. And I believe that under
48 the A7 process there is an underlying issue

1 basically to protect the long term effects of
2 what the Deepwater Horizon has done to pelagic
3 longline industry. And therefore we're excluded
4 from the Gulf of Mexico now.

5 There's plenty of bottom over there
6 that has nothing to do with bluefin interactions,
7 that we should have access to, to this day. But
8 now we're excluded. So I believe that Deepwater
9 Horizon has a responsibility to compensate those
10 vessels for being excluded from the Gulf of
11 Mexico. And we need to look and see what that
12 compensation should be.

13 MR. LANDRY: If I could specifically
14 address your first comment. And the second
15 comment is more from a regulatory sort of
16 perspective.

17 There are several components to
18 address seeking injuries and damages from a spill
19 such as this. Injuries or damages to any
20 industry itself would be economic damages. Those
21 are not covered under natural resource damage
22 assessments. Under natural resource damage
23 assessments we look specifically at the injuries
24 to the resources.

25 Now of course those have economic
26 impacts, but the one impact to the industry on
27 the front end, or help the industry on the back
28 end. But direct compensation to the injury is
29 not part of what we do. There was a component of
30 that in the Deepwater Horizon that I'm not
31 familiar with at all.

32 But the best I can do is direct you to
33 a web search that provides some links to some of
34 that stuff. I do believe some of these links
35 down here in
36 deepwaterhorizoneconomicsettlement.com, things
37 like that can provide additional information on
38 how BP is allowing from an economic perspective
39 for the damages to your industry.

40 It looks like you might have some else
41 to --

42 MEMBER SCANLON: Well I'd like to ask
43 but I'd like to also explain to you that if by
44 excluding those vessels from the area at this
45 point, you're not really going to understand what
46 the damage, what the overall effect is on the
47 pelagic longline industry. Because most of the
48 data that you would get that would pertain to the

1 pelagic longline industry are directly gotten
2 from those boats that the observer covers that,
3 they participate.

4 So you're limiting the amount of
5 feedback that you're going to get. And here
6 you're actually encouraging these guys not to
7 pelagic longline. But actually to alternate
8 methods of catching these fish, which you know I
9 think Dave Kerstetter in his study of the area
10 never did produce a paper that showed whether it
11 was economically feasible to do those altered
12 methods.

13 So I think that you're missing a point
14 here but excluding those vessels and not
15 continuing to collect that data that would be you
16 know easily obtainable through the work that we
17 do with NMFS.

18 MR. BLANKINSHIP: So I'll respond just
19 a little bit to that. Marty you bring up valid
20 points. One of the highlights and aspects of
21 this project that I think are relevant, one is
22 and not just specifically to this project, but is
23 the nature of the IBQ system. And of course
24 there's IBQ issued in the Gulf of Mexico.

25 It's that Gulf of Mexico IBQ can be
26 transferred to other vessels and so the
27 exclusivity of the Gulf of Mexico is not whole.
28 That there are vessels that can actually access
29 the Gulf of Mexico if they have IBQ, or acquire
30 IBQ from the Gulf of Mexico. That's one aspect.

31 The other aspect is that this project
32 does not intend to have all the vessels with IB
33 coming into the Gulf of Mexico participate in the
34 repose. It only intends to have a portion of
35 those vessels, and so there will be participating
36 vessels still fishing in the Gulf of Mexico.

37 The second part of this that I want to
38 highlight, that the annual repose for those
39 vessels that are participating is only for the
40 first half of the year. And that there is
41 activity that would take place in the second half
42 of the year of each year of participation.

43 And I think that's rather important
44 when you think about the temporary nature of the
45 project.

46 FACILITATOR BROOKS: Thanks, Randy.
47 Mel if you have anything you want to
48 add, let me keep us moving here then. I've got a

1 few other people who want to get in the queue.
2 Let's go to Martin, then to Terri, then Rich,
3 then Scott, then Huey.

4 MEMBER FISHER: Good morning. Thanks
5 for the great presentation, Martin Fisher here.
6 So five years ago I was approached by some men
7 with Pew and met with, funded, administered by
8 Nova University and Dr. David Kerstetter. A very
9 similar project.

10 I'm really confused and stunned with
11 your throwing \$20 million at a technique that was
12 proven not to work in the Gulf of Mexico.

13 I fully participated in the swordfish
14 buoy gear and the greenstick initiative with the
15 pilot thing. And if we weren't subsidized, we
16 would not have been able to run it a second or a
17 third time. It's just not happening in the Gulf
18 of Mexico.

19 It's thought, you know in North
20 Carolina you've got a host of marigold stands
21 contribute to them welling up in certain areas.
22 And they are susceptible to the buoys in here.

23 In the Gulf of Mexico your investment
24 is to fish around the rig, so the fish are
25 smaller. You're pulling fish out of 85 to 90
26 degree water. It's very hard to maintain any
27 quality of the fish. You get a number one, or
28 you get a number two. The size of the fish is
29 generally smaller. I really don't understand the
30 point if you -- were you aware of the project
31 that our university did?

32 MR. LANDRY: So great points, Martin.
33 Let me start by drawing a little contrast between
34 what Dr. Kerstetter did what we're trying to
35 achieve here. Great work that happened there,
36 and we were aware of it. And it certainly makes
37 us confident in saying that we're not intending
38 to replicate "catch the alternative" here.

39 The larger portion of the funds and
40 the goal of this project related to natural
41 resource benefits were derived from the repose
42 period. So that's one major difference is that
43 during Dr. Kerstetter's project the goal was to
44 evaluate the alterative gears. There was no
45 requirement that they couldn't utilize pelagic
46 longline gear during that time.

47 Our goal here is to compensate people
48 to not use pelagic longline gear during the first

1 six months of every year during the course of the
2 project. So that the bycatch from those
3 activities that would have otherwise occurred,
4 using pelagic longline gear remains in the water.
5 And that's where the benefits of the project are
6 derived.

7 The alternative gears are included as
8 part of the project to further evaluate them so
9 you get a larger data set of exactly what's going
10 on out in the area. And perhaps we can see some
11 marginal improvement through some activities that
12 help evaluate and improve upon the gear. Maybe
13 we can.

14 But since we're already asking boats
15 to tie up, otherwise to tie up for the first six
16 months of the year. We thought it was valuable
17 to have some incremental funds that aren't nearly
18 as big as the funds we allocated for the repose,
19 to do a little bit of extra work.

20 So they are at least, they're still
21 burning fuel, they're still lying ice and
22 supplies from their docks and from their
23 suppliers. So that the economic impact in the
24 repose is not quite as great as it could have
25 been otherwise.

26 FACILITATOR BROOKS: Want to invite,
27 if David wants to jump in too, feel free to share
28 the --

29 MEMBER KERSTETTER: I'll wait until
30 after Terri.

31 FACILITATOR BROOKS: Okay.

32 MEMBER FISHER: I appreciate all that
33 great effort, great initiative, and I just have
34 to say this. There are species of sharks that
35 are burgeoning in population. They're creating
36 problems for the reef fishermen. They're
37 creating problems with longliners, for swordfish
38 and tuna.

39 And there are enough animals out there
40 to open up the season on those fish so that we
41 can prosecute those fisheries the way they used
42 to. Seems to me the \$20 million that you spoke
43 about prior, stops us.

44 We're looking at stock assessment of
45 the sandbar, but 2018, you know some of us are
46 going to be dead, or doing something else beside
47 going out there and being slammed against 50-foot
48 seas. So I'm really sorry being, you know,

1 negative but I just don't understand. Thank you.

2 FACILITATOR BROOKS: Terri, thanks
3 Martin.

4 MEMBER BEIDEMAN: Yes, I also hate to
5 be negative, but this primarily advocates for
6 research and particularly -- You know research
7 projects as you heard from me --

8 (Off-microphone comments)

9 FACILITATOR BROOKS: Terri, I turned
10 it off just so you could --

11 MEMBER BEIDEMAN: Story of my life.
12 Yes, I really do support research, particularly
13 on pelagic longline boats. I think I'm on time
14 with the moment in history that speaks for that.
15 But I do raise concerns about this, not just the
16 cost but also the project, but you know.

17 The general idea, you know like, I'm
18 not a scientist but I'm going to say that you're
19 going to find there was discarded. End of
20 discussion; you don't need to analyze it, that's
21 what happened.

22 I'm going to get to a little bit of
23 substance with regard to your presentation, and
24 on Page 7, of the presentation that you gave --

25 MR. LANDRY: Is that the discard
26 table?

27 MEMBER BEIDEMAN: Yes, it is. That
28 caused me quite a bit of heartburn I have to tell
29 you. You know seeing this triple long list which
30 covers pretty much everything we catch. I'm do
31 not considering them all bycatch. Yes, there
32 some cases, some of these species are discarded
33 but primarily these are target catch, a lot of
34 them.

35 And without some percentage showing
36 just how much of these are an issue, like I'd
37 want to know how many porbeagle sharks is there
38 in actually in the Gulf of Mexico. Did they
39 catch any in the Gulf of Mexico? I doubt it.

40 So anyway I think it's misleading, I
41 would like to , I know it makes for a nice big
42 slide, and it looks like it's a whole lot of
43 stuff. But percentage wise and number wise, two
44 different ways to look at it. Just a big old
45 long list that going to be bycatch is not fair.
46 It seems to define the longline fishery in a
47 light that it does not deserve to be placed in.

48 So if you would please revise that

1 slide, before you show it again, I'd appreciate
2 it. As I said before, I believe this is a
3 subsidy, no other way around what you call it. I
4 don't know if that runs afoul with any of our
5 international agreements.

6 I would certainly pay for research on
7 subsidies and kind of walk a little fine line
8 with some of our agreements with FAO, you know
9 programs. We're not supposed to subsidize these,
10 and this and that. And this is definitely a
11 subsidy.

12 Having heard from participants, in the
13 previous -- and you will hear the others, they're
14 huge problems with not only catching the fish,
15 but primarily selling the fish from the
16 alternative gears. Because the market for them
17 is minimal at best and you know kind of a waste
18 of time.

19 I do have to say that I believe that
20 there are huge periods of time particularly in
21 the Gulf of Mexico where you could look at data,
22 just do a data review, and following things like
23 Hurricane Katrina when those weren't fishing, and
24 we see a different between what was caught and
25 what wasn't caught.

26 You don't have to go through this, I
27 don't blame you for trying to get some HMS money
28 from BP, we'd like to have some. You know to
29 fund other projects too, but this particular one,
30 I think is you know -- I think a repose is tying
31 to the dock. I think they really wanted a buy-
32 out and that wasn't possible. So this is the
33 fallback.

34 FACILITATOR BROOKS: Thanks, Terri.
35 We have several speakers left. We've got ten
36 minutes left on the agenda on pelagic longline.

37 DR. REINHARDT: Okay. Thanks, Terri,
38 I appreciate all your comments, while it was spot
39 on, just to address the factual basis of the list
40 in front of you. This is all from the observer
41 data. So there are probably many things that
42 aren't observed, also.

43 And these are only the fish species
44 that are discarded. There are other things
45 discarded in the fishery as well in our catch.
46 And this is only from the Gulf of Mexico, this is
47 all in from the Gulf of Mexico during 2005 to
48 2009 regulation bar.

1 DR. REINHARDT: Thanks, that's helpful
2 verification.

3 MR. LANDRY: But we will take your
4 advise on, depicting this in a different way that
5 will clearly indicates with a percentage.

6 MEMBER BEIDEMAN: All right? Thank
7 you.

8 FACILITATOR BROOKS: So we have five
9 speakers left and again, ten minutes, so any
10 speed, hurry folks, I would appreciate it. Dave.

11 MEMBER KERSTETTER: Thank you, Ben.
12 I had conversations with you all, and I
13 appreciate that activity. Let me just say,
14 because of Marty's point, that the report is
15 available. Certainly the presentations that are
16 given to the HMS APs are on our online already.
17 Anybody that's interested in our results, I'm
18 more than happy to share those with you.

19 Certainly weren't trying to hide anything. It
20 just wasn't a peer-reviewed sort of publication.

21 I had to explain my project before
22 that I agree that this is kind of a waste of
23 money and time. Though best to you all. It may
24 be helpful to the AP to explain why we couldn't
25 use that \$20 million elsewhere. To do things
26 like a competitive RFP, or HMS funding or
27 something else that would have had clearly more
28 scientific value, at least from my perspective.

29 I've addressed before my concern that,
30 as Marty said, that there are other ports that
31 were included historically and has elements to
32 offer us. Not just talking a beach, because
33 others used to fish on the southern Gulf of
34 Mexico. But clearly, there was a port that had a
35 lot going for it, or Florida, Fort Meyers.

36 So the point about you excluded those
37 ports on your list, two other more specific
38 questions. If the whole point was to reduce
39 efforts, you know why have a repose? Why not
40 just fine the boats. Certainly would be more
41 cost effective. A lot of those fishermen want to
42 get out anyway. They're not economically
43 efficient. And it would have been surely the
44 longer term solution to where, they've done this
45 elsewhere, convert into smaller more fuel
46 efficient vessels.

47 And the final point is what happens to
48 the Gulf of Mexico IBQ and if they're not using

1 it for six months? And you sell it or otherwise
2 get value for it. Is that being included in the
3 compensation?

4 (Off microphone comments)

5 MR. LANDRY: Bunch of stuff there,
6 Dave. All really great stuff. I'll start with
7 the last one. IBQ, we're coordinating very
8 closely with HMS. They will not, as part of the
9 agreement to participate, will not behold that
10 IBQ. The IBQ cannot be sold during their
11 participation in the project and the right
12 conditions throughout the whole year is the way
13 we wrote it.

14 MR. LANDRY: Right and they can fish
15 with PLL during the second half of the year when
16 the repose is instituted, and they would need
17 that IBQ on hand to do that as well. But I do
18 want to make one thing as clear as I can make it
19 here. Maybe we talked about it with a few people
20 off line as well. We're coming to you probably
21 from a slightly different perspective than with
22 the typical conversations here are.

23 This is not a regulatory program. And
24 our requirements under the Oil Pollution Act and
25 natural resource damage assessments, say that we
26 have to have natural resource benefits. And
27 under early restoration further, it was
28 imperative that they be measurable.

29 So it's difficult for us to negotiate,
30 typically under early restoration, the measurable
31 natural resource benefits for things like data
32 collection. We are doing data collection here
33 but our intent here is not data collection. Our
34 intent is to get to the bottom line of it, is
35 those fish not being caught during the repose
36 period.

37 So that, and it was because of the
38 amount of data that was available due the
39 pelagic observer program, it made this a data-
40 rich approach to something we could bring forward
41 within the confines of early restoration.

42 Now we're getting into a settlement,
43 with a lot more flexibility and opportunity,
44 potential settlement. There is an opportunity
45 for everyone to submit projects through that
46 website, project ideas. Or if you have specific
47 ideas of how we might move forward, we're
48 certainly welcome to hear those.

1 Jamie has probably got the closest
2 connection to the group of folks that will be
3 working on that long term. So please bring those
4 for us and then through the website. We want to
5 continue to hear from you.

6 FACILITATOR BROOKS: Let me try to
7 move it over to -- Oh, Randy.

8 MR. BLANKINSHIP: Just want to quickly
9 address that now. The areas that are listed
10 there, this is intended to show some of the areas
11 where you know landings occur. But not all of
12 them necessarily. This map is of course subject
13 to the protocols for data verification, to
14 protect confidentiality, so that plays into this
15 as well.

16 FACILITATOR BROOKS: Thanks. Rich.
17 If you would start with a loud voice, and not
18 wait for the mic.

19 MEMBER RUAIS: Yes, pursuant to an
20 earlier conversation you had when taking your
21 rights to try to keep this brief, and say you
22 know, to Martin, Marty and Terri's comments. And
23 with the exception, I would not have a problem
24 expressing, letting you know that we feel very
25 disappointed and upset by the way this has
26 ultimately come down.

27 Does sound like a fair shake at all.
28 The only knowledge was the initial amount of
29 money that was shared, split up between the four
30 agencies, five --

31 (Off microphone comments)

32 MR. LANDRY: Seven.

33 MEMBER RUAIS: What was it --

34 MR. LANDRY: Five states, NOAA, and
35 DOI at this point. Now there are two more feds
36 as well.

37 MEMBER RUAIS: So they, split a
38 billion dollars and the pelagic longline industry
39 gets \$20 million out of a billion dollars. And
40 am I right, is that the math, the math worked out
41 basically?

42 MR. LANDRY: So just to add real
43 quick, that was only early restoration. There's,
44 this table if you can read it, these under open
45 ocean is \$1.2 billion that will come out of the
46 settlement, if the settlement is finalized. That
47 is still available for that type of work. So
48 this is by no means all of the work that will

1 occur to address these resources.

2 DR. REINHARDT: And specifically to
3 the fish and water column line, it's at 300 and
4 we're going to keep it like this.

5 MR. LANDRY: \$380 million. Yes, you
6 can't see that, it's --

7 DR. REINHARDT: So and I mean some of
8 that, and whether some of that goes to you know
9 to the fisheries of interest are dependent upon
10 people like you. So if you have any great ideas
11 for projects.

12 MEMBER RUAIS: And others, but well
13 okay I'll amend my remarks to say, I'm terribly
14 disappointed as are the representatives from the
15 pelagic longline industry that the initial
16 distribution, the initial proportion of their
17 share which is totally out of whack, with the
18 people who suffered the principle damage from it,
19 along with the resources.

20 And hopefully in that next round that
21 will be taken into account and keep in mind
22 Marty's point and Martin's point and David's
23 point that the fish have tails. And they swim
24 outside of that directly affected area, and carry
25 whatever damage might have been done to them by
26 the pollution to other areas.

27 FACILITATOR BROOKS: Thanks to you.
28 Scott.

29 MEMBER TAYLOR: So I guess, I'll use
30 this.

31 I understand if I hear you that you
32 all were constrained with this. And I will try
33 to be brief, but I would encourage you moving
34 forward that there's additional opportunity here.
35 That the most sophisticated voice doesn't
36 necessarily mean it's the best voice.

37 The industry isn't always the most
38 sophisticated voice. For those of us that were
39 involved with the first part of the alternative
40 gear workshops that took place in the gulf.

41 And the fact that what we're really
42 talking about here is not fishing on the bluefin,
43 potential slump in the Gulf. It's not hard to
44 understand whose fingerprints are on this
45 structure. And who had the loudest probably,
46 voice at how this particular project was
47 structured.

48 At the end there's a lot of problems

1 this industry has. And there's not a lot of
2 opportunity, money is always at the root of the
3 issue. I think there's a lot of other potential
4 ways for us who have gotten that.

5 Some of the bycatch issues which you
6 had to accomplish on this part of the flow of the
7 criteria, if you meet it. It might have a
8 duality of purpose. But we're not going to have
9 the opportunity at this point to see this money
10 used. \$20 million is a lot of money.

11 FACILITATOR BROOKS: Okay, Dewey.

12 MEMBER HEMILRIGHT: Thank you, Dewey
13 Hemilright. I just ditto what everybody else has
14 said and just you know, it don't pass the smell
15 test. I guess when you're giving out money, you
16 have a definition that you have to use it by.
17 Not the timeline, but just your criteria because
18 definitely the alternative gears if they're worth
19 a damn to catch any amount of fish, people would
20 be already using them right now.

21 So basically, it's just give away
22 money. You'll come up with your figures, and you
23 know proceed on. What they're you know -- I took
24 part in a few public comment meetings prior to A7
25 finalization about getting longline boats out of
26 the Gulf of Mexico. An extensive campaign by Pew
27 Charitable Trust to go around the country to
28 solicit comments for this.

29 So this is just kind of like a further
30 carryover of that. You know maybe the ultimate
31 goal when you're next round of funding goes, is
32 to do a buy out for the gulf to the people that
33 want it. Because it seems like this is just a
34 little snapshot, or a little window dressing to
35 this AP Panel and that to be furthered along.

36 Maybe by this you can say, hey, if
37 this amount of boats don't fish, we're going to
38 save this many bycatch or potential like that.
39 But you know something else is, the greenstick
40 gear and the drift buoy gear will not produce any
41 amount of fish that's going to feed this country.

42 So you know the, enough said, thanks.

43 FACILITATOR BROOKS: Thanks, good.

44 All right we'll go to one final comment. Okay,
45 let's go.

46 MEMBER PIERDINOCK: Okay, as you
47 indicated, the purpose of the NRDA is to assess
48 the injury to the resource. The fact this is the

1 bluefin's spawning grounds is still be met as
2 part of this process, if you would assess injury
3 to the spawning, the injuries to the juvenile
4 survival rate, and such.

5 And as part of that assessment, you
6 would also be conducting actual monitoring or
7 studies to determine that impact. Pretty sad for
8 anything discussed of that sort, whether that
9 funding will occur and research will occur to
10 assess injury to the resource.

11 MR. LANDRY: Yes, real input on that
12 I can't answer in great depth, but we are the
13 restoration participant from that process. That
14 we'll be people and skills necessary for
15 assessment. And toxicology are much different
16 than the skills we possess.

17 As far as what has occurred, there has
18 been research on the impacts of exposure to
19 toxicity to bluefin tuna and dermatological
20 tissue flushed up some of those, fear of new
21 publications that came out of that.

22 And as far as future monitoring, this
23 line right across which I understand is very hard
24 to see. But parts, the allocations of funding
25 for monitoring it got to management, so there is
26 a commitment to continue to monitor the gulf and
27 to ensure that what we're doing is affecting the
28 gulf positively.

29 There's also a column for unknown
30 conditions here that will allow us to spend
31 additional monies on things that we have not yet
32 seen occur due to the spill.

33 MEMBER PIERDINOCK: I have to assume
34 that these results in the plume and remains under
35 the sediment, and how that impacts the water
36 column and could impact the survivability of the
37 young and the juveniles, that that would be a lot
38 more resources and critical.

39 MR. LANDRY: It just requires money,
40 we learned that today. It doesn't seem to be
41 hidden and there's a lot of money out there, but
42 it would use some money in order to get the
43 information we need to see that things are still
44 well out there.

45 So this presentation is focused only
46 on this particular project, so I can't say
47 whether or not that actually is a priority but
48 certainly we could hope to bring some more

1 information back to you all at some point in
2 time. From the folks there are actually doing
3 that work --

4 MEMBER PIERDINOCK: Once again, the
5 purpose of the NRDA is injury to the resource.

6 MR. LANDRY: We are not all of the
7 NRDA. We are the pelagic longline project.

8 MEMBER PIERDINOCK: All right. Thank
9 you.

10 FACILITATOR BROOKS: All right, well
11 let me thank Mel and his team for coming here.
12 Mel, you eluded to earlier the potential for some
13 offline conversations. I think we're hearing
14 around the table that's there's a lot of interest
15 and a lot of discussion still to be had here.

16 So could you try to get that as
17 something you're able to engage in given the
18 timeline? It sounds like there's some issues
19 still to talk about and think through together.
20 So, thank you all very much.

21 MR. LANDRY: Thank you, thank you for
22 the opportunity.

23 FACILITATOR BROOKS: All right, at
24 this point I believe the administrator is here.
25 So I'm going to hand the microphone off to Eileen
26 Sobeck for leadership remarks and then
27 conversation with the panel.

28 And in case you haven't figured it
29 out, we are having some microphone issues.

30 MS. SOBECK: Oh, okay.

31 FACILITATOR BROOKS: But we have a
32 working one up there for you.

33 MS. SOBECK: Okay, thanks very much.

34 Great, so good morning everybody.
35 Thank you for making time on the agenda for me.
36 Usually, I make my remarks at the beginning of my
37 meetings saying it looks like you have a package
38 in, and I think you made progress on upgrading
39 download.

40 I'm still going to say that, and I
41 haven't really gotten into your topdown line
42 right now. It's been dying the last couple of
43 days. But as usual, you do, it did look as if
44 you had a very packed meeting agenda of pelagic
45 related work issues.

46 And I just want to make sure that you
47 know that before each one of your meetings, I do
48 get a briefing. I do get a good opportunity for

1 input, meeting with Margo and her staff. And we
2 also get downloads to afterwards, so these are
3 not pro forma meetings from my point of view. We
4 take our obligations to work with you guys
5 seriously. And your input is very important.

6 I wanted to start with just input, a
7 general observation which is, and I'm not sure
8 that he's sick of hearing me now, it's the 40th
9 Anniversary of the Magnuson Act coming up in the
10 next month.

11 And I really do think that in the
12 conservation world, it's an overlooked success
13 story. And that a lot of my friends in the
14 conservation and management world, when they
15 think of conservation statutes, they think of the
16 major species and some other fish and wildlife
17 conservation statutes. And I think they really
18 overlook the accomplishments of the Magnuson Act.

19 And I wanted to make sure that in the
20 next few months as I talk to groups that have
21 been laboring under the regulatory obligations of
22 the Magnuson Act that I do pass along my thanks
23 for your neck aches, and prior support and
24 dedication to issues, conservation and
25 management.

26 And I think that the success of the
27 Magnuson Act in rebuilding in many, many stocks,
28 and yet also preserving the economic benefits of
29 many of our fisheries, and the fact that it's
30 increasing the economic benefits that that is
31 recognized as A, an accomplishment, and B, an
32 accomplishment that actually had a quite a
33 significant cost, and continues to have cost even
34 though it does have some benefits.

35 So even though I'm sort of saying this
36 in a general way, I think everybody who has been
37 part of, either a small part or a long part, and
38 I recognize that some of us are relative
39 newcomers, and many new here and have been
40 involved since the early days, that you really do
41 take pride.

42 And we are really, trying to tell the
43 story better. About the sacrifices, but the
44 successes that have resulted. And I think that a
45 lot of the success, that the challenges, and
46 successes in the fisheries that you all are
47 concerned about are a big important chapter of
48 that story.

1 We are trying to make sure that we
2 capture those stories and make sure that they're
3 communicated during this year. You know
4 anniversaries are a good way to capture that.
5 We're really trying to get this administration,
6 which is looking for its sort of legacy. To try
7 to see, story, to sort of own the successes of
8 the Magnuson Act.

9 But along that line with owning the
10 continuing challenges, and I don't want to
11 pretend that there aren't challenges. And so I
12 recognize that a lot of what you all have been
13 talking about during this meeting have to do with
14 the, how implementation of Amendment 7 is going.

15 I think that's incredibly important
16 and transitions and implementation years are
17 often quite difficult. And you know I've been,
18 and others on my management team, have been
19 getting frequent updates on how it's going.

20 I know there have been some bumps in
21 the road, but it seems as if overall we're making
22 a lot of progress. And I'm actually really
23 excited about how the VMS systems have been up
24 and running, and the video is coming in and being
25 analyzed. And that we're going to be learning a
26 lot from this.

27 And I think it is going to be a good
28 thing overall for the fisheries. We are, and I'm
29 sure you are, concerned about the recent lower
30 catches of species like swordfish. And I hope
31 that some of the discussions today have sparked
32 some thoughts and ideas about how to figure out
33 what's about. And what we can do to address
34 that.

35 So and I think that is an important
36 function of bodies like this, is to, you know we
37 -- I'm sure you know this -- we in the agency do
38 not have all the ideas. Do not have all the
39 answers. This is some kind of forum that is
40 really important for you all to generate ideas
41 and thoughts to bring to us to help us with a
42 menu to think through how we're going to solve
43 some of these challenges.

44 So we are dedicated to working through
45 those challenges with you. Hopefully by helping
46 to work through solutions you all are proposing.

47 I know many of you said this, the only
48 challenges that there are, that are other

1 challenges that are also on the agenda including
2 managing of domestic shark species, and I know
3 that you all have a lot of good ideas on that as
4 well.

5 I was interested in the other topics
6 that you're getting updates on. I think it's
7 really great for you all to have a, for us all to
8 have a better understanding of what's going on
9 the gulf with Deepwater Horizon.

10 There is a lot of money in play. And
11 a lot of, you know over the next two decades.
12 Your part of this is important, but it is a small
13 piece of a huge set of interlocking plans. The
14 agency is really being stretched to its limits.

15 We have Deepwater programs, we have
16 protective resources programs, we have coastal
17 restoration programs, we have to coordinate those
18 programs with projects and programs. And
19 research that is being run by many other federal
20 agencies. And by the six gulf states.

21 And then there are substantial funds
22 that are actually also being, foundation pans got
23 several billion dollars from them to spend in the
24 gulf.

25 So there are a lot of moving pieces
26 and again, that's why I'm not trying to say that
27 the part you all are concerned about is
28 insignificant. It's huge, but we are having a
29 sense of totally being overwhelmed by s some of
30 our gulf responsibilities.

31 And we just want to make sure that we
32 don't drop the ball, that we work hard on making
33 sure that every single piece of the Deepwater
34 restoration puzzle is responsible and
35 implemented. But there is a lot depending on it
36 as I'm sure you know.

37 And then did you get a briefing on the
38 IUU task force? Yes, we have, we're currently in
39 the middle of the comment period for the
40 traceability regulation.

41 It is, you know, this a type of lab
42 that you all got a specific briefing on this. It
43 is a big priority for this administration. But
44 it, when you just say we have a regulation
45 implementing in traceability system, that doesn't
46 actually tell you very much about type of
47 content.

48 And I think some, there was a lot of

1 debate while this was being formulated about how
2 far down the supply chain, and to what species,
3 and in what timeframe it was going to apply. So
4 I think it's really important for everybody who
5 has a stake in this to understand what it is and,
6 also importantly, what it is not going to be.

7 I do think that overall it is going to
8 be a regulation that is good for international
9 species, fisheries conservation, and I think it's
10 going to be a good tool for leveling the playing
11 field and making sure that domestic fishermen who
12 have been under a lot of regulatory restrictions
13 and obligations are not disadvantaged in the
14 market place by having only low or fraudulent
15 product coming into the country.

16 So I hope that that is the push back
17 activity that you all are going to take from that
18 rule. That being said, it's a you know it's a
19 long complicated new responsibility for us. And
20 we welcome any input and comment into the rule.

21 We are on a pretty strict time table
22 to move that rule forward. As everybody knows it
23 gets harder and harder to move rules and
24 regulations through the system at the end of an
25 administration.

26 This is a White House priority because
27 it's the product of a Presidential Task Force on
28 IUU Fishing and Seafood Fraud. And so we would,
29 if this had been a totally bottom's up agency led
30 initiative, this is the kind of thing that we
31 probably would have spent years slaving over.
32 Last time it happened here.

33 So we are going to move this forward
34 very aggressively and really move forward with
35 implementation on a pretty accelerated time line.
36 That being said, I really understand how this
37 huge new implementation is going to be a
38 challenge for us. So we really, really want to
39 do it right. And so we want your comments.

40 And I think with that, I will just
41 stop and thank you all once again for your
42 participation in this process. And I'm sure this
43 has been a productive meeting, and I'm looking
44 forward to reading a readout.

45 FACILITATOR BROOKS: Thank you, and I
46 want to open it up to the AP Members for any
47 questions for comments they have. I think before
48 I do that, if there are questions, see if you

1 want to add anything by way of comments?

2 (No audible response)

3 FACILITATOR BROOKS: Okay, then let's
4 move to AP Members. And Scott. If you could
5 please wait for a microphone and hold it very
6 close.

7 MEMBER TAYLOR: Scott Taylor, Dayboat
8 Seafood. We're a commercial longline company.
9 We are adjusting to the implementation of
10 Amendment 7. It's been a process for you know
11 the crews and the fishermen that on the boat.

12 And it has been another piece of the
13 puzzle for us, and a problematic pattern that
14 we've been seeing in our inability to meet the
15 ICCAT allowable numbers for swordfish. There was
16 a lot of discussion around the table and during
17 this meeting about potential solutions to that.

18 The joint Amendment 7 process, I think
19 that there were a lot of things that happened
20 that sort of set the table for potential and
21 future opportunities and I would just encourage
22 you as your staff and the people you know, brief
23 you on potential ideas and ways to move that
24 forward, that there be given real consideration
25 this time to industry expertise in solving some
26 of those issues specifically.

27 And because some of those things will
28 be contentious to various issues or groups. But
29 this industry is in trouble. And it really needs
30 the help, and I think that it demonstrated, at
31 least I hope it's demonstrated its ability to be
32 flexible in the way that's it's adapted. Both to
33 this new electronic component, and it's really
34 unprecedented level of sacrifice and
35 accountability.

36 MS. SOBECK: Yes, thanks. Message
37 received.

38 FACILITATOR BROOKS: All right,
39 already down to the corner. Is that Terri if you
40 will. And again if each speaker would say a name
41 and organization.

42 MEMBER BEIDEMAN: Hello, Eileen.
43 Terri Beideman, I'm a commercial fishermen,
44 longline fishery, pelagic longline, Bluewater
45 Fishermen's Association. I just really wanted to
46 thank you for coming and for your interest, and
47 to kind of underscore exactly what Scott just
48 said.

1 That particularly the large catches of
2 commercial Asian fisheries are done by and large
3 by longlines and they appear shrinking before our
4 very eyes. And we do want five regulations and
5 we defer about the issues but we also all need
6 help.

7 So we've presented over the years, and
8 getting this medium some ideas that may very well
9 be controversial, but it really will be a
10 decision. We want the longline fleets, in the
11 United States or not, as I see it. And so for
12 that reason I appreciate your interest and
13 concern. And you know if you have any questions
14 that there's a number of us you can call on and
15 thanks again for coming.

16 MS. SOBECK: Okay, I appreciate that.

17 FACILITATOR BROOKS: Great, and if
18 would move up to a mic, please.

19 MEMBER PIERDINOCK: Thank you. I'm
20 Captain Mike Pierdinock, Massachusetts Chair of
21 the Recreational Fishing Alliance. And Board of
22 Directors Stellwagen Bank Charter Boat
23 Association. What we have before us, proposed
24 national monuments, canyons, off shore,
25 Massachusetts, Rhode Island, Connecticut and the
26 New York beach, whether it's commercial, whether
27 it's recreational, whether it's charter boat
28 captains.

29 About a week ago, capital was taking
30 them off the books to be designated. We're
31 disappointed because these people, well, United
32 States Council under a public process entered
33 into by all parties. It's going to be a
34 significant economic impact, recreationally
35 charged folks that weekends go out to the canyons
36 during the season by the hundreds. As well as
37 the commercial people.

38 One thing that I think needs to be
39 taken into consideration by this panel is the
40 fact that we use the pole or we don't get back.
41 And if those areas do get shutdown, there
42 presently won't be commercial fishing. How that
43 would occur. And so I just have to say on behalf
44 of the members that I represent, we are adamantly
45 against this. Presently being managed, this area
46 is presently being protected and what can we do
47 to get your assistance to have the Obama
48 administration not with a stroke of the pen, to

1 have this area designated as a national monument?

2 MS. SOBECK: Great, thanks for your
3 input. As you know monument designation is done
4 through the Antiquities Act and that's an action
5 that the president takes directly. And as a
6 general matter, right. I support monuments. I
7 think they are very important.

8 I think that the question of what's in
9 a monument and what's plowed in a monument is
10 very important and we had out there, was a public
11 meeting to get public input on that. And there's
12 still an opportunity to make comment. I think I
13 mentioned that to this group last time I was
14 here. I can't remember exactly.

15 I will say that there are a lot of
16 monuments out there where recreational
17 activities, aren't allowed. It's not
18 recreational activities within the monument, it's
19 not unusual. So that kind of input is important
20 to get before the president is deciding about
21 whether, an option, designated monument, and so
22 what the scope of that monument will be.

23 I was very glad that the head of the
24 Council for Environmental Quality which is part
25 of the White House staff did go up to New England
26 last week and spent a couple of days meeting with
27 the program, meeting folks, NGOs, members of the
28 fishing community.

29 Our regional administrator, John
30 Bullard was with her and her staff for most of
31 that visit. And I think you know John Bullard,
32 you know that he provided robust running
33 commentary on the importance of fishing interests
34 up there. So I feel pretty confident that the
35 interests and impacts of potential alternatives
36 within the monument have been presented in both
37 representatives.

38 I get that in the absence of a
39 monument, fishing activities are going to be
40 regulated by the councils and they make the
41 council, both the Atlantic council and New
42 England council have done a lot of great things.

43 Considering the researchers in the
44 canyons and balancing the fishing opportunities
45 with the needs for protection for certain
46 resources, but it is true that there are a number
47 of potential overlapping management initiatives.
48 Monument designation is one of them. So that's

1 an ongoing discussion and I would just urge you,
2 anybody who has views, I will take your views and
3 pass them along in the process.

4 But I would urge you to independently
5 provide them through the website or letter or
6 whatever. Because what you say matters. If you
7 don't say it, and I appreciate you are
8 communicating that to me. I will communicate it
9 on. But more is better.

10 MEMBER PIERDINOCK: And we have.

11 MS. SOBECK: Good.

12 FACILITATOR BROOKS: Thank you, Rich.

13 MEMBER RUAIS: Thank you, Ms. Sobeck.

14 Rich Ruais --

15 FACILITATOR BROOKS: Mic, please, you
16 need to be real close.

17 MEMBER RUAIS: Rich Ruais, the
18 Executive Director American Bluefin Tuna
19 Association and I just wanted to thank you for
20 making this anniversary of the, 40th anniversary
21 of the Magnuson Act a primary, one of the primary
22 focuses being for the public education of the
23 improvements in the fisheries that are taking
24 place under the Magnuson Act.

25 In particular it's helped us
26 specifically on bluefin tuna. We're ABC as a
27 result of your initiative, substantially revised
28 FishWatch and brought it up to date. We
29 currently have another request into you to help
30 us with Wikipedia, which also has 9 year old
31 information. And hopefully we can make some
32 progress there.

33 And the other point I wanted to make,
34 Mike actually stole the show on that one, there's
35 another anniversary. It's the National
36 Antiquities Act is 110 year old now, and it seems
37 as though it's trying to take the place or usurp
38 some of the authority that the Magnuson Act,
39 which is the baby I guess compared to the
40 Antiquities Act.

41 But it lacks the focus and the
42 transparency in the public processes that were
43 well thought out and designed by Congress over a
44 long period of time, and amended by Congress to
45 further improve that Act to be responsive to all
46 stakeholders and to make sure that it was based
47 upon the best possible science.

48 And it's a fine passing of the normal

1 process, where it's being used right now. I
2 anticipated in the Boston meeting with Kristy
3 Goldfish last week, and frankly we don't get a
4 strong sense that the industry considerations,
5 this is going to have tremendous impact, gives it
6 the end in the area.

7 And we can't possibly see how most of
8 the big gear types that are out there, whether
9 it's a boat full of rods on the back trolling
10 through the water or longlines, and pelagic is
11 going to have an impact on that. And the
12 councils are already addressing the sea coral
13 issues and the other issues through their own
14 habitat type of coral initiative.

15 So what's transparent to us, about the
16 only thing that's transparent to us in the
17 process is that it's a political payoff if you
18 will. Back to some of the environmental groups,
19 more a trophy oriented thing than really an
20 effective regulatory vehicle.

21 Because we already have a vehicle in
22 place that was duly processed and this is not
23 something that's very legitimate. We don't even
24 know how to fight this. We don't know what to
25 fight, who it is. We're fighting CEQ. There is
26 no NOAA proposal on the table. There's no
27 comment period.

28 You know three meetings and one in
29 Boston, one in New Bedford, two in Providence
30 Rhode Island, hardly constitutes a public process
31 for the extent of the areas that were talking
32 about to be closed. And without knowing exactly
33 which gear types.

34 I don't even know if they're talking
35 about the sea stocks, you ask the question, the
36 answer's oh, that's yet to be determined. That's
37 the answer you get. This area analysis, well
38 today we see a National Geographic cover, but for
39 the first time it's, there's analysis.

40 When you quickly look through it, it's
41 all stuff that's been taken from the councils.
42 So what's the point, the councils have already
43 done it and only the New England council's deep-
44 sea coral protection remains to be implemented in
45 2017.

46 So I think you know, this is likely to
47 get done. We don't have any false impressions on
48 that. But it's going to be a lasting legacy.

1 Some might interpret it as a positive one.
2 Others might not think so. And we're dead set
3 against the precedent it's having. So anything
4 you can do to help us keep Magnuson at the
5 forefront of major fishery initiatives like this.
6 We'll appreciate it. Thank you.

7 MS. SOBECK: So actually thank you,
8 well thank you for that comment and I will keep
9 that in mind. And I think making sure that
10 everyone understood the council's full and
11 management of a catchless area make a difference
12 in this process. And I agree it's not
13 transparent.

14 As you said it's 110 years old. This
15 is a power that the president has had for a very
16 long time and this is a statute that been upheld
17 by the courts. So it's a different process.
18 It's still a legitimate process. You're right
19 it's much less public involvement, there's you
20 know almost nothing has as much public
21 involvement frankly as the Magnuson Act.

22 And the flip side of that as you guys
23 know it's very slow, it's very slow. And I have
24 to tell you we sat through a lot of meetings
25 where we've gotten you know the finger shaking
26 treatment, or why does everything take so long,
27 why do you have to do so much analysis? Why do
28 you have to look at things a hundred and ten
29 times? So you know there are sort of opposite
30 extremes of the spectrum.

31 I do respect that. I do think that
32 input is having an effect on where we're going to
33 probably end up on the monument so I don't think
34 that it is, I don't think that, I think there is
35 a process and input matters.

36 And I do think that you know on the
37 industrial side, there have been monuments for a
38 really long time. Some of them the most iconic
39 places and in the country, the Grand Canyon and
40 Death Valley and grand Syracuse, that's when
41 monuments started out as monuments. And there
42 was a lot of controversy when they were
43 established. I get it.

44 We really I think part, part of the
45 public process and input from agencies is to make
46 sure that the current uses and potential impacts,
47 and the economic consequences of designation are
48 well understood when a decision is made. And

1 that's what we're really trying to do.

2 I forgot, so I forgot I wanted to say
3 something you didn't ask me about, Mike, but you
4 prompted me, which is we're, I don't want to say
5 at the end, because that implies that we're not
6 going to have a continuing discussion and dialog.
7 But we had a multi-year process to have a greater
8 recognition of the need to think about direct
9 fishing consequences and think pods.

10 And I think what through all of our
11 fishery processes from soup to nuts, not just
12 coming out with a final proposal, and saying hey,
13 rec fish folks what do you think? We have a rec
14 fish summit three years ago. Then we had a
15 national rec fish policy that we've had, well,
16 that Pat commented on.

17 And we had a national implementation
18 plan and so at the last formal piece, is that we
19 are about ready to go final on the next couple of
20 weeks on regional, recreational fishing
21 implementation plans. So laying out what each of
22 our fisheries regions, the goals and some
23 proposed actions in the rec fishing arena will
24 be.

25 And that is not to call out rec
26 fishing as being any more important, but the
27 point is that it is as important. And sometimes
28 being able to articulate and point out what we're
29 doing and keep us accountable to being responsive
30 to recreational fishing, means an opportunity and
31 how, and in place so we aren't, haven't always
32 thought through until the end of a process.

33 So it's really to, in my view, to
34 either change the NOAA fisheries culture to take
35 more overtly rec fishing needs into account, or
36 for us to articulate the ways in which we already
37 do that. You know my view is that I think that
38 we actually, that our current corporate culture
39 does do that.

40 But not, you don't always acknowledge
41 it, or see input at all. We don't take advantage
42 of all the opportunities we have. So I did want
43 to just point that out, call that out, and look
44 for those final plans if you're entrusted in the
45 next month or so.

46 And we'd be, those aren't, you know
47 this is a kind of a plan that's not regulatory,
48 it's not required. It's aspirational and it can

1 be added to, subtracted to, that I just want to
2 acknowledge that that's been a multi-year effort
3 for the agency.

4 FACILITATOR BROOKS: Thanks, I'm
5 mindful that it's 10 o'clock, but we have two
6 more commenters, do you have flexibility?

7 MS. SOBECK: Yes.

8 FACILITATOR BROOKS: Okay, great. So
9 we'll go to Sonja and then down to Rick.

10 (Off microphone comments)

11 MEMBER FORDHAM: Sonja Fordham, Shark
12 Advocates International. Thank you for coming,
13 we really do appreciate you sharing your thoughts
14 and higher level vision with our panel.

15 I wanted to make sure we didn't go
16 through this session without talking about
17 sharks. And yesterday, we had a lot of
18 conversation about sharks. And particularly the
19 need to do new and update an assessment for shark
20 populations.

21 And as you can imagine, some people
22 are worried that the vulnerability and depletion
23 of some shark populations wasn't being
24 documented. And other people were worried that
25 recovery under all the regulations that we've had
26 isn't being documented, that things might be
27 better.

28 So mixed opinions. But I think that
29 there was a lot of agreement that shark
30 population assessments should be a priority. And
31 I think we all also appreciate that there's
32 limited capacity, both in terms of resources and
33 qualified personnel to conduct those type of
34 assessments. So we appreciate that.

35 But I just thought I would mention
36 that there's a lot of interest in that. And we
37 would encourage a high priority in that area.
38 And encourage you to also not only dedicate ample
39 resources to that effort, but continue this
40 creativity that you've demonstrated, in terms of
41 working with experts outside the agency to get
42 that work done.

43 And then there was some talk about the
44 Endangered Species Act. And there's certainly
45 been a lot of petitions for the sharks in the
46 ESA. And without very much success.

47 But because I'm going to a sawfish
48 meeting in St. Pete next week, I just wanted to

1 again, I think I brought this up before. But
2 mention that we have seen some really encouraging
3 results from the 2003 listing of the smalltooth
4 sawfish under the ESA. It's really great work.

5 But we have seen a decrease in the
6 funding initiative, and particularly important
7 work to educate the public about safe handling,
8 and the rules for sawfish. So just one more plea
9 to consider increased resources going to the
10 sawfish recovery grant. Thank you.

11 MS. SOBECK: Great. So thanks for
12 those comments. Just two quick responses. One
13 on stock assessments. You know, we are trying to
14 be more, to have a more rational system of
15 prioritizing our stock assessment needs, and to
16 articulate what criteria we're using in
17 prioritizing stock assessments.

18 We, on the one hand, our fishery
19 science budget, and the stock assessment budget
20 line have been pretty robust, compared to some of
21 our other budget lines. But there's never enough
22 to do the needed work.

23 So I would just encourage you to
24 follow the stock assessment prioritization
25 process. Because, you know, there are winners
26 and losers. And we're trying to be pretty open
27 about what we're basing that on and, you know,
28 what the various factors are.

29 On, you know, on the opposite end of
30 the scale, our budget's not hammered on
31 endangered species, protected resources, both for
32 recovery and for, you know, Section 7
33 consultation.

34 So I would love to tell you that we're
35 going to spend a lot more time on outreach and
36 effort, and recovery. I feel as if there have
37 been some great ESA milestones, you know, short
38 of recovery. Recovery is really a long term goal
39 for many species.

40 And it's, we think, we succeeded in
41 taking a few species off the list. But I think
42 that it is important to both spend time and
43 effort to make some real gains so that, and then
44 to communicate those, so that people don't get
45 the sense that the ESA is one way street, and
46 species get added, they never get taken off, and
47 they never, we never turn around or address the
48 stressors or problems that got them on the list.

1 That being said, that was really hard
2 to do when our budget is being starved on the
3 protected resources side. And when you think
4 that there are protected resources that are a
5 bottleneck for other, or commercial exploitation
6 of other species, it's not going to help us if we
7 don't the money to turn the species around.

8 I will tell you that, I'm not going to
9 spend a lot of time on this. But that we have
10 targeted a handful of species that are at the
11 worst state and said, we're going to spend our
12 precious recovery dollars.

13 And we're going to work with partners
14 to raise money to try to turn that animal species
15 around, and get it going in the right direction,
16 and set a precedent that you can get species on
17 the road to recovery.

18 At the moment we've got eight species
19 on that list, smalltooth shark. Sawfish is not
20 on that yet. That doesn't mean we're not going
21 to do good things for other species. Hopefully
22 it can be a model for how to make a difference.

23 So, we're going to, we'll help you
24 work on that. I guess I just want to be
25 realistic. Unless we get some more support for
26 our protected resources budget we're in kind of a
27 battle.

28 So we, again, I'm a great believer in
29 the Endangered Species Act. But also, but the
30 recovery part, not just sending all this time,
31 this money to petitions, but actually trying to
32 report them. So, next.

33 FACILITATOR BROOKS: Rick.

34 MEMBER BELLAVANCE: Thank you, Ms.
35 Sobeck, for taking the time to come to our
36 meeting. Appreciate it. My name is Rick
37 Bellavance. I'm a charter boat operator out of
38 Point Judith, Rhode Island, and president of my
39 own party charter boat association.

40 During our review of Amendment 7,
41 which had a lot to do with, excuse me, a lot to
42 do with the pelagic longline fleet, we also
43 learned that one of the provisions within the
44 amendment that calls for an increased reporting
45 with some of the other categories, the general
46 category and charter head boat category.
47 Compliance on that reporting was pretty dismal.

48 And so, as someone who prosecutes

1 those fisheries, sorry about that. The other
2 stakeholders were really concerned. And I just
3 wanted to take a second to advocate more on a
4 broad agency perspective the need for a one stock
5 reporting system that we can use across all
6 fisheries.

7 Because a lot of them fish on
8 different fisheries throughout the day. We're
9 not specific to the HMS. That's a one day that
10 is specific to groundfish. They may prosecute
11 several fisheries in the state fishery on the
12 same trip.

13 And so, as I see all these reporting
14 requirements going forward, I think there's a
15 good tool available that we could use to, for one
16 stop shopping for our reporting.

17 I'd like to advocate that different
18 agencies kind of communicate with each other, and
19 work to build that tool. And I think that would
20 help with the compliance of the work. Thanks.

21 MS. SOBECK: Great.

22 FACILITATOR BROOKS: Thanks. I know
23 there are three or four more people who want to
24 get into the conversation. But at this point
25 we're about ten or 15 minutes over. The
26 administrator's all out of time. And we need to
27 let her move on to her other responsibilities
28 today.

29 I do think actually the questions and
30 comments that you just got gave you a great scan
31 about the kind of issues we've talked about over
32 the last two days. So, I want to thank you for
33 your time, and thank everyone.

34 And perhaps those of you that didn't
35 get to pose a question can sort of head to the
36 door before she heads out. All right. Thank
37 you. We're going to go to break. And we will
38 reconvene at 10:25 a.m. Thank you very much.

39 (Whereupon, the above-entitled matter
40 went off the record at 10:13 a.m. and resumed at
41 10:29 a.m.)

42 FACILITATOR BROOKS: If we can get
43 folks seated we'll move into the final
44 presentation here.

45 All right, so we're going to move into
46 our final speaker for the morning and then the
47 public comment and wrap-up. We have Karen Abrams
48 with the Office of Sustainable Fisheries here to

1 talk about bycatch related updates.

2 I'll hand the mic to her in a second.
3 Before I do I just want to see if anyone wants a
4 hard copy of her presentation Tommy has got some
5 hard copies, about a dozen or so, and he'll come
6 around and bring them to folks.

7 So with that, Karen, I will hand the
8 mic to you, and it does have to be held close to
9 be heard.

10 MS. ABRAMS: All right. Is this good
11 enough?

12 FACILITATOR BROOKS: Yes.

13 MS. ABRAMS: All right. All right,
14 well thank you very much. I am Karen Abrams, I
15 am with the Office of Sustainable Fisheries here
16 in Silver Spring and I am here talking to you
17 about a few national-level bycatch efforts that
18 are underway right now and we'll have some time
19 for questions from you as well.

20 So bycatch as you all know is a really
21 important topic for a lot of different reasons.
22 It's also a really complex area and just -- I was
23 listening into the discussion today and the
24 complexities of bycatch were coming through in a
25 number of the discussions, whether ecological or
26 economic, it really is a complex issue.

27 It's defined under the
28 Magnuson-Stevens Act, but the agency also has
29 responsibilities to address bycatch through the
30 Endangered Species Act and through the Marine
31 Mammal Protection Act.

32 So it really is a broad topic that
33 covers several statutes and it's an area where
34 the agency and the councils and the stakeholders,
35 you, have done a tremendous amount of work over
36 the last 40-plus years and I really want to
37 acknowledge that there has been a tremendous
38 amount of work at HMS.

39 Again, listening to the presentations,
40 which reminded me how on the cutting edge and
41 forefront of these issues you have been.

42 With that being said, we still have
43 work to do nationally and we realize that in
44 order to do that it is helpful to be as
45 coordinated as possible, with clear goals, and to
46 make sure that we have opportunities for
47 meaningful stakeholder engagement.

48 So to that end I want to talk to you

1 a little bit about a few things that we are
2 working on related to communications related to
3 an updated draft National Bycatch Strategy and a
4 proposed rulemaking that's out right now, both of
5 which are out for public comment. Just tell me
6 if you can't hear me.

7 FACILITATOR BROOKS: Are we good in
8 the back?

9 (No audible response)

10 MS. ABRAMS: All right. So on the
11 communications front the agency is again
12 recognizing the amount of work that's already
13 underway to address bycatch, that it's really
14 important that we clarify the work that's been
15 done, the accomplishments that already have been
16 made, and make it easy for all us to be able to
17 access that information.

18 We have recently launched a new
19 website, a bycatch landing page, it's right here
20 on the screen, and it's a portal to help all of
21 us access ongoing work, past work, and make it
22 easy, kind of a one-stop place for all of us to
23 go to find out the latest issues that we are
24 working on together on bycatch and what our
25 latest thoughts are on bycatch and how we are
26 doing there. And you can access it, if you
27 Google NMFS bycatch this is what will come up.

28 One of the additional communication
29 products that we have produced in conjunction
30 with this portal is a page related to bycatch
31 breakthroughs which is addressing the over
32 40-plus years of work that has been done on
33 bycatch providing a snapshot of some of the key
34 breakthroughs.

35 Under MMPA, ESA and MSA, it includes
36 things that are relevant to HMS, circle hooks and
37 unique hooks, and provides just an overview that
38 evolution of the agency and the councils and
39 stakeholders approach to dealing with the complex
40 issue of bycatch.

41 We also in working on this portal
42 recognized that because of the complexity of the
43 bycatch issues there is a lot of different
44 perspectives on what the problem is and what
45 needs to be done.

46 And so we also created a page called
47 Bycatch Bites where we have interviewed several
48 folks from a diverse range of backgrounds to get

1 their perspectives and capture those as well, and
2 we welcome additional input from you all if there
3 are additional perspectives that we need to
4 include we hope to hear from you and look forward
5 to including those on the website.

6 So those are some examples of some of
7 the communications work we've been doing
8 recently. Shifting over to one of the products
9 that is available through this new portal and out
10 for public comment through June 3rd is an updated
11 draft National Bycatch Reduction Strategy.

12 So back in June of last year we had
13 kicked off and processed to get public input on
14 our priorities for addressing bycatch and for
15 thoughts on how we should address those issues.

16 We had a bycatch strategy in place,
17 that was in 2004, it's obviously quite
18 out-of-date at this point, it was pre the 2007
19 Magnuson-Stevens Act re-authorizations and we
20 actually had completed many of the actions in
21 that 2004 strategy.

22 So it was time to do an update and we
23 wanted a product that we would be able to use to
24 help guide us that would reflect stakeholder
25 input and coordinate our efforts to reduce
26 bycatch and bycatch mortality at a national
27 level.

28 One of the things that we heard in the
29 input that we received from that initial June
30 kickoff from you all, from the public, but also
31 internally we worked very closely with all of our
32 regional offices, science centers, and the public
33 to get input to feed into this draft strategy, is
34 the need to be very clear about what our goals
35 are and to be clear about the scope of the
36 issues.

37 So the goal that we are proposing is
38 to have a goal to guide and coordinate NOAA
39 fisheries efforts under the MSA, MMPA, ESA, and
40 other relevant mandates to reduce bycatch and
41 bycatch mortality, encourage utilization of
42 discards to maintain sustainable fisheries while
43 conserving and recovering protected species.

44 So you are going to recognize many
45 things that are familiar here that we are already
46 working on that are already underway.

47 We also are increasingly seeing an
48 opportunity to consider how we can more encourage

1 full utilization of species or stocks of fish
2 that would otherwise be discarded, and we see
3 that as kind of a new opportunity area to explore
4 through the strategy.

5 The other comment that we heard
6 through the initial input starting last year was
7 on the importance to be clear about what bycatch
8 actually is.

9 So bycatch in this strategy, again, we
10 are looking at it very broadly across the full
11 scope of our responsibilities across multiple
12 mandates.

13 So we're talking about it in terms of
14 unintentionally caught fish, discarded fish,
15 unobserved injury and mortality or interaction
16 with living marine sources.

17 When we talk about reducing bycatch
18 what we are referring to is the broad scope of
19 efforts that involve minimizing bycatch itself,
20 but also minimizing the mortality or serious
21 injury of bycatch that can occur.

22 So we want to be clear that that's
23 what we mean by reducing bycatch and that also
24 includes this concept of encouraging the
25 utilization of fish that might otherwise be
26 discarded.

27 So as I said earlier the idea behind
28 the strategy is really the importance of
29 recognizing the very effective and important work
30 that's already gone on and we're building on that
31 success and recognizing that where we had success
32 and effectiveness there has been very good
33 communication across several key program areas.

34 And the six program areas that we
35 landed on in this strategy are efforts around
36 monitoring and estimating, research, the
37 implementation of management enforcement,
38 evaluation and improving, and then connected
39 through all of that is effective communication
40 and that really there they feed into each other
41 and working on these in isolation is less
42 effective than if we understand that we're doing
43 research to actually inform management, that
44 management works when we have an understanding of
45 how well it's being implemented and enforced.

46 So this concept of, this logic model
47 is really an overarching driver for the proposed
48 draft National Strategy. The strategy includes

1 six objectives that relate to those six program
2 areas that I just showed you.

3 The first objective relates to
4 monitoring the data collection. We have got to
5 have, we need to monitor and collect data about
6 bycatch in order to assess it and assess the
7 mortality.

8 We recognize there is a wide range of
9 methods to collect that data, whether it's new
10 observers or log books or electronic
11 technologies, and we want to develop and invest
12 in ways and new technology to help us do that
13 better.

14 We also have an objective related to
15 research, so we have a long track record and a
16 history of supporting research and innovative
17 technologies to help us reduce bycatch.

18 We want to continue to do that and
19 continue to find creative solutions to doing that
20 better.

21 A third objective relates to improving
22 estimates of discards and take. So those are
23 important areas that we need good estimates on
24 that use the data that we have collected from the
25 monitoring programs and we need those to help us
26 inform protected fishery management and the
27 protected species management.

28 The fourth objective relates to
29 improving management measures. Reducing bycatch
30 is obviously critical in commercial and
31 recreational fisheries.

32 This is an area we apply what we
33 learned, that you all are doing right now. We
34 want to create incentives, this is an area where
35 we think there is an opportunity for working with
36 stakeholders and creating incentives for
37 fishermen to fully utilize their catch.

38 So in the draft strategy when you go
39 online you will see under these objectives a
40 number of different strategies that illustrate
41 how we think we could implement these objectives
42 nationally.

43 A fifth objective relates to law
44 enforcement. Obviously, effective law
45 enforcement is critically important, that when we
46 put the management measures in place they are
47 trackable and enforceable and that we have
48 sufficient coordination across our enforcement

1 entities.

2 And then the last objective is, of
3 course, communication and engagement, and we have
4 already started working on that with the portal
5 that I just showed you that we're going to
6 continue to grow and expand on and we look
7 forward to getting your input on that and ideas
8 and stories from you that we could amplify
9 through that web portal.

10 So the Bycatch Strategy, like I said,
11 is out for public comment right now. The comment
12 period closes June 3rd.

13 We're looking for your input on, it is
14 at the national level, cutting across multiple
15 mandates, so we're looking for your input on are
16 there any areas that are really missing that are
17 important or that are completely off base or that
18 you think are really important that we should
19 emphasize even more.

20 So we are really looking for your
21 input on that because once the strategy gets
22 finalized what we are planning to do is work with
23 you on the development of regional implementation
24 plans, and that's where we hope to see the more
25 regional-specific actions being developed in
26 concert with stakeholders and councils to really
27 articulate how to implement this strategy
28 effectively at the regional level.

29 And that will be happening after the
30 strategy gets finalized, which we expect to be
31 later in 2016. We want to make sure with the
32 development of the regional implementation plans
33 that there is adequate time for stakeholder
34 engagement.

35 So we are working out right now the
36 process and it looks like we're in the middle of
37 meeting those implementation plans, we're looking
38 at a number of other efforts.

39 I talked about the rec fish
40 implementation plans, I mentioned the science
41 strategy implementation plans, and learn from
42 those about how to best make sure that we get the
43 right kind of level of stakeholder engagement and
44 adequate time for that.

45 So that will be coming up later on in
46 2017, so you can submit comments to the
47 nmfs.bycatch@noaa.gov website, so we're looking
48 forward to hearing from you on those.

1 The other topic that we wanted to
2 touch on today with you all is another
3 national-level action. This one is a Proposed
4 Rulemaking for Standardized Bycatch Reporting
5 Methodology.

6 This is a ruling and it's very
7 specific to the Magnuson-Stevens Act Requirement
8 Section 303(a)(11) that requires FMPs to
9 establish standardized bycatch reporting
10 methodologies, so it is very specific to the MSA.

11 The agency has never issued
12 regulations before or a formal guidance
13 interpreting that particular provision in the
14 Magnuson, that part of that provision in the
15 Magnuson-Stevens Act.

16 And in the absence of interpretation
17 there have been some litigation and court
18 decisions have focused on fairly fact-specific
19 elements of the issues, allegations, and very
20 specific elements of the SBRM requirements and we
21 have not done a comprehensive interpretation of
22 how SBRM relates to the MSA requirements overall.

23 So the purpose of this rulemaking is
24 to really provide that interpretation and
25 articulation of the basic requirements for
26 implementing SBRM and the goal there is also to
27 promote a transparency and consistency because
28 while we have offland keys that are all in place
29 right now that are consistent with the MSA and
30 the SBRM requirements there is quite a bit of
31 variability in how those FMPs are adhering to
32 those requirements, so this rulemaking will help
33 to provide that baseline basic understanding of
34 our interpretation of the SBRM requirements and
35 MSA.

36 So the rule contains several
37 components, it's a relatively short rule, if you
38 haven't already looked at it. It addresses some
39 definitional issues, what does the -- How do we
40 define standardized reporting methodology?

41 It clarifies the procedures for
42 establishing, documenting, and reviewing SBRMs
43 under the Magnuson-Stevens Act and we also in the
44 proposed rule clarified some mechanisms to ensure
45 that there is some operational flexibility but
46 that we also are clear that the implementation of
47 these SBRMs has to be done within available
48 budget and funding.

1 So on definitions the proposed rule
2 addresses a definition for standardized bycatch
3 reporting methodology. It recognizes that there
4 is a diverse range for approaches for collecting
5 data on bycatch that include log books,
6 electronic monitoring, observers, and there is
7 not necessarily a one size fits all approach to
8 doing that.

9 We also -- And we recognize that there
10 can be a lot of variation between fisheries on
11 how one may want or need to collect data on
12 bycatch.

13 However, standardized does mean that
14 there needs to be a consistent approach for
15 collecting and reporting and recording the high
16 catch data for each fishery and that that be done
17 consistently within the fishery.

18 We also want to clarify with this
19 rulemaking that the requirements for standardized
20 bycatch reporting methodology pertain to the data
21 collection, reporting, and recording of bycatch
22 data that are distinct but related to the
23 methodologies used to actually estimate and
24 assess bycatch.

25 The purpose of SBRM as we are
26 proposing in the rule is to inform the assessment
27 and the amount and type of bycatch occurring in
28 the fishery.

29 So we want to be clear that the
30 requirement to collect bycatch data under SBRM is
31 not for the sake of just data collection, but
32 that it really pertains to a broader management
33 purpose which is to assess bycatch and have that
34 information to help inform conservation and
35 management measures to actually address bycatch
36 as required in Magnuson.

37 So the rule does not require that a
38 particular precision standard or performance will
39 be achieved, but it does clarify that the
40 reporting done in a way to address the overall
41 purpose of assessing bycatch and in performing
42 the development of conservation and management
43 measures to address bycatch.

44 The rule identifies some required
45 contents in FMPs, so basic things like the FMP
46 needs to describe what the standardized reporting
47 methodology is and why that methodology would be
48 appropriate to the overall purpose of SBRM and

1 recognize that there may be, there is a lot of
2 existing policies out there, a lot of work that's
3 already been done that can be incorporated by
4 reference.

5 The rule identifies some required
6 factors. These are the factors that we would
7 like councils and HMS to consider in reviewing
8 and developing and establishing SBRMs, things
9 like yes, they are useful and meeting the purpose
10 of the data collection, are we considering the
11 conservation and management objectives related to
12 bycatch for the fishery, are we considering data
13 quality, are we considering the bycatch
14 characteristics of the fishery.

15 And we also have to consider the
16 feasibility, including the cost, technical and
17 operational perspectives of implementing those
18 methodologies.

19 Consideration of those factors are key
20 policy choices that the councils and the agency
21 need to make and it is important for stakeholders
22 and the public to understand how those factors
23 are being weighed or considered, and that's one
24 of the things we hope this proposed rule helps
25 clarify how those factors are being considered in
26 the development and establishment of SBRMs.

27 The rule also identifies some
28 additional factors you may want to consider
29 including the overall magnitude or economic
30 impact of the fishery, scientific methods and
31 techniques available to improve bycatch
32 estimates.

33 The rule also includes a section, or
34 the proposed rule also includes a section talking
35 about adaptable implementation of the SBRM
36 recognizing that things change, the landscape
37 changes, sometimes we need to make adjustments
38 and the intensity and frequency, for example, of
39 applying a particular methodology.

40 If we think we are going to need to
41 have to apply that flexibility the rule is
42 proposing that we identify in advance the process
43 for how we would consider making those
44 adjustments.

45 Again, the spirit of transparency and
46 clarity about how we had planned to implement the
47 SBRM and we need -- The proposed rule is also
48 suggesting that there is going to be a point at

1 which that adaptability, there is a limit to how
2 adaptable we can be and that we identify and
3 clearly state what those limits are, again in the
4 spirit of transparency and clarity.

5 The rule also recognizes that in order
6 to continually improve our data collection
7 methods for bycatch we need to be ready to review
8 the procedures and methodologies we had laid out.

9 We are proposing that our review be
10 done of the existing SBRMs within the next five
11 years for consistency with this proposed
12 rulemaking.

13 Again, I just want to be clear that
14 all FMPs right now have SBRMs that are in place,
15 this is a requirement that has been in the MSA
16 for a while, but encouraging a review of those
17 rules as they relate to the, those SBRMs that
18 relate to this proposed rule in the next five
19 years.

20 There should really be a periodic
21 review of the SBRMs about once every five years
22 that can be done in conjunction with other
23 reviews that councils and the agencies do.

24 So the expected effect of this rule
25 is, again, the SBRM requirements have been in
26 place for a while, so there are SBRMs in place.

27 We hope with this rule to get some
28 increased clarity and transparency of what the
29 basic requirements are, some of these
30 definitional issues that there has been a little
31 bit of confusion about, and some greater clarity
32 about the policy choices that the councils and
33 the agencies are making with the established
34 SBRMs and to make that clear and transparent on
35 to the public and our stakeholders.

36 So that's the slide on the SBRM
37 proposed rule. That rule is out for public
38 comment. You can access it through the web
39 portal that I showed you, nmfs.bycatch@noaa.gov
40 and that public comment period is over April
41 25th.

42 So there is a number of other
43 bycatch-related activities that we have been
44 emphasizing and rolling out over the last few
45 weeks, so I just wanted to do a shout out to
46 those.

47 We've got an action plan for fish
48 release mortality science. There is a number of

1 products out related to bycatch reduction
2 engineering, that's the \$2.5 million grant
3 program that we run to develop innovative gear
4 technologies, and there is an online update for
5 the National Bycatch Report, and, again, you can
6 get all of those through the bycatch web portal.

7 So that's it and I would welcome any
8 questions you might have.

9 FACILITATOR BROOKS: Thanks, Karen,
10 very much. Let's see what questions or comments,
11 let's have Pat.

12 MEMBER AUGUSTINE: Thank you. That
13 was a great report.

14 (Simultaneous speaking)

15 MEMBER AUGUSTINE: The question I have
16 is that what are we doing about real bycatch that
17 is thrown back and not utilized, both inshore and
18 offshore?

19 I know through the FMP and the
20 councils what we have to do in terms of
21 reporting, but at the end of the day we still
22 have all the millions of pounds fish being
23 returned to the ocean and I understand this
24 National Bycatch Update and what the reduction
25 strategy calls for based on the definition, it's
26 to reduce bycatching, but it doesn't say what to
27 do to utilize bycatch and I think there needs to
28 be, we've mentioned it before, Martin brought it
29 up the other day, I mentioned it over the past
30 years, when are we going to take and set aside a
31 group that addresses bycatch and use it?

32 If Alaska was one of the places that
33 had food banks and it worked then I think we need
34 to at least start down that road unless we assume
35 or the scientists assume that all the bycatch
36 that goes back in is used for food for the other
37 animals that are left in the water.

38 And I'm not picking on you, I'm just
39 saying I think somewhere that this group has to
40 elevate that as a concern to let's do something
41 about it and talk about the millions of people
42 that are starving and the loss of all this it
43 just doesn't make sense.

44 At least in pelagic longline they're
45 able to bring in dead discards to a degree, but
46 we're still discarding and it just seems to me we
47 need a national effort and this might be the best
48 place start, from the is advisory plan. Thank

1 you.

2 Again, the presentation was clear, it
3 looks like there is a definite plan as to how we
4 can reduce through mechanical purposes to enact,
5 to design, and to closure and all of that.

6 But that's only part of the quotient
7 and I think the other part that's most important
8 is to get some of these millions of pounds that
9 are being discarded on the table. Thank you.

10 MS. ABRAMS: Thanks for that comment
11 and that is actually an area that we hope through
12 this strategy we will encourage more activity.

13 So under the goal for the National
14 Bycatch Strategy -- Oops, I don't know what I did
15 here.

16 (Off microphone comments)

17 MS. ABRAMS: Yes, there we go. We
18 specifically identified increasing and
19 encouraging utilization of discard.

20 So I don't have the answers to your
21 questions, but through this strategy that's
22 definitely in the area that we want to encourage
23 more thought, activity, and as we get into the
24 implementation planning process, and, actually --
25 and comments on the strategy, looking for
26 comments on that topic and many others.

27 But through the implementation plan
28 that would be an opportunity to address that
29 further.

30 MEMBER AUGUSTINE: Okay, thanks.

31 FACILITATOR BROOKS: Let's go over to
32 Mike and then over to Rusty.

33 MEMBER PIERDINOCK: The development of
34 the recreational quotas of select species we
35 constantly run into the fact that there is more
36 data as a result of, which results in that
37 bycatch and dead discards estimates of 50 percent
38 and they don't know if it impacts our quota for
39 the next year.

40 I would hope that there could be
41 possibilities to do more research that could be
42 associated with different hook types, you can
43 catch them with these types and so on for
44 different species then you could hopefully then
45 reduce the dead discard mentality that -- We
46 mentioned the other day we see a 50 percent in
47 many cases and when, you know, the agency doesn't
48 seem to know when it should be, they say it

1 should be 50 percent.

2 But we have be able to see that move
3 with other species when we have adequate research
4 and data to do that.

5 So are there any plans to do such
6 research with like, you know, assessing treble
7 hooks, you know, j hooks, circle hooks on
8 different species and then different release
9 methods that would then reduce the dead discards
10 rate for different species?

11 MS. ABRAMS: So the agency is working
12 on that issue. We've got a couple of grants that
13 we funded through the Bycatch Reduction
14 Engineering Program.

15 I also want to highlight the fish
16 release mortality action plan from my last slide
17 that the agency just released, and that's a plan
18 to help address, identify, prioritize and
19 identify the priority species where we really
20 need to invest more research to get at exactly
21 that issue.

22 And so that is a focus area already
23 that the agency is putting some attention on
24 right now, and so as we implement that action
25 plan and identify those priority species that
26 need additional research it will help us
27 prioritize those research dollars even further.

28 MEMBER PIERDINOCK: Do you have all
29 the species that that's focused on, the rules and
30 methods, also?

31 MS. ABRAMS: The plan, the Discard
32 Release Mortality Action Plan sets up a process
33 to help identify what those species would be.

34 MEMBER PIERDINOCK: Okay.

35 MS. ABRAMS: So the implementation of
36 that plan will be to that.

37 MEMBER PIERDINOCK: Great, thank you.

38 FACILITATOR BROOKS: Let's go over to
39 Rusty and then down to Martin.

40 MEMBER HUDSON: Thank you. Rusty
41 Hudson. I enjoyed working my way through the
42 presentation. The next to the last slide you had
43 a hyperlink there that wasn't active. It says
44 "not found" whenever you click on it, but I went
45 on to it anyway by my own efforts.

46 That's the June 3rd deadline for that
47 comment. The standardized bycatch reporting
48 methodology comment that was in the February

1 Federal Register that one's due April 25th.

2 MS. ABRAMS: Okay.

3 MEMBER HUDSON: Both are very
4 important together and I have to concur with what
5 Pat said about the early efforts back in the
6 1980s, early '80s, late '70s, after Magnuson was
7 created, to utilize underutilized species, and a
8 lot of times the concept of the bycatch is really
9 a secondary market catch or whatever, that's how
10 sharks came in to being encouraged as a
11 utilization by NMFS and Sea Grant at that time.

12 Right now like on the shark rules for
13 pelagic longline versus the bottom longline we
14 have a 95 percent/5 percent ratio rule.

15 So that almost encourages, just like
16 agreements with ICCAT on hammerheads because of
17 sightings and stuff, discards of stuff that had
18 formerly been utilized, which then creates a
19 bigger bulls-eye on everybody's back.

20 And I am sure that on a council level
21 we're going to be dealing with stuff with the
22 standardized bycatch reporting methodology. We
23 have one amendment here, fortunately it's got
24 multiple subjects involved, including numerous
25 sharks and billfish, tunas, et cetera, so there's
26 a lot of work there.

27 And the last comment on the website
28 regulations.gov where the Standardized Bycatch
29 Reporting Methodology information is for comment
30 through April 25th, our colleagues from the
31 conservation community have already put in a
32 short comment requesting an additional 60 days.

33 I concur because this is a massive
34 effort and what the New England and Mid-Atlantic
35 Council just finished doing last year with the
36 Omnibus Bill, we're all going to have to do some
37 similar type thing and be very comprehensive, and
38 it's a lot of work.

39 And so between now and the next Fall
40 meeting there's going to be a lot of other
41 thoughts around the table. So thank you very
42 much.

43 FACILITATOR BROOKS: Thanks, Rusty.
44 Let's go down to Martin and then I think I see
45 Tim's card there, too.

46 MEMBER FISHER: Thank you for a very
47 well thought out and well done presentation. I
48 hope I'm not out of line, Margo, is it possible

1 to ask for something like this to put on the
2 agenda for the next meeting and if it's true that
3 there is an effort in Alaska that's been
4 successful with the food bank perhaps.

5 If we could get somebody from over
6 there that's actually, you know, created a
7 program like that and come speak to us or at
8 least give, at least have some kind of
9 presentation so that we have some meat to put our
10 teeth into and maybe we can have a breakout
11 session next time and work on it. Thank you.

12 FACILITATOR BROOKS: Thank you. Tim?

13 MEMBER PICKETT: This is just kind of
14 a general comment. You know, one thing that I
15 see lacking is the advertising of successes in
16 bycatch reduction that the industry has gone
17 through.

18 I mean massive, massive, massive
19 through the history of the whole industry
20 reductions in bycatch, that's very rarely
21 highlighted.

22 Still you can, you type in pelagic
23 longline in your Google and the first pictures
24 that come up is a longline of sharks and whales
25 and the horses and whatever else --

26 (Laughter)

27 MEMBER PICKETT: And, you know, but
28 it's really also a success story for a lot of
29 bycatch things. I see you mentioned the project
30 in Washington State with the shark fishery and
31 reducing the bycatch requirement.

32 The LED lights they use are aug lights
33 and that's really a spectacular success story,
34 but still, you know, you just, you know, I don't
35 know if it's through social media or through, you
36 know, the engagement of the public, the tone of
37 discussion is almost always negative, that, you
38 know, the mountain we need to climb we've just
39 started, you know.

40 And I think it needs to be emphasized
41 the sacrifice that the industry has made,
42 particularly the longlines industry in terms of
43 how clean it is versus how clean it may not have
44 been before and that, you know, this is a
45 progressing industry and not in, you know, and
46 we're not regressing, getting worse, which is the
47 general tone of a lot of things that you see out
48 there, so I just wanted to know what you make of

1 that.

2 FACILITATOR BROOKS: Scott?

3 MEMBER TAYLOR: This is an issue that
4 obviously is central on just about every front
5 that we can discuss having to do with pelagic
6 longline fishery.

7 I understand that the National Bycatch
8 Strategy encompasses a lot of different
9 fisheries. I think that the real challenge in
10 coming up with meaningful solutions here is going
11 to be a way to solicit the support of industry in
12 a way that we believe that they're really going
13 to be incorporated into the solution.

14 I can only speak personally, and I
15 know that a lot of people during the Amendment 7
16 process, which was probably the most
17 substantiative bycatch reduction issue that we
18 had on our table, didn't feel like that, while
19 there was a lot of accountability that there
20 wasn't a lot of things that were structured
21 within seven that ultimately affected the goal,
22 which was bypass reduction.

23 Now the jury is out on that. I mean
24 there is not enough data to determine whether or
25 not, it's ultimately agency's decision effective
26 the result that you were looking for, which was
27 the one that you're starting, but I think that
28 that is the biggest challenge that you fight,
29 that you're going to find in this process.

30 I think there is a lot of us that
31 really know how to reduce bycatch issues sort of
32 feel disenfranchised, you know, in that process,
33 and I don't think that I'm alone, you know, in
34 that perspective.

35 So, you know, I just would go with,
36 ask for you to be cognizant of that, that on our
37 part maybe a little cynicism goes a long way,
38 because at the end of the day that is really the
39 central issue for these fisheries.

40 So, you know, if we kind of get it on
41 both sides here, meaning that the discarding
42 associated with the bycatch has become regulatory
43 and if we are forced to discard and then we get
44 blamed for the discarding but yet there has not
45 been a lot that we've been able to add into the
46 input to really make a substantive to change to
47 the way that we fish in order to be able to do
48 that, other than certainly circle hooks, there's

1 some examples of some things that have happened.
2 So that's really more of a comment
3 than it is of a question.

4 FACILITATOR BROOKS: Thanks, Scotty.
5 Interesting, interesting comment and I think it
6 underscores Martin's request that this get added
7 to the agenda as a focused topic.

8 Terri, I think I see your card up down
9 there.

10 (Off microphone comments)

11 MEMBER BEIDEMAN: Can you hear me?
12 Okay. Yes, maybe at first my quick review of the
13 document showed that some of the people that were
14 participating in the original drafting of the
15 2004 document were very aware of the types of
16 reporting and bycatch methodology as the process
17 of pelagic longline in this particular room go
18 through and we're pretty clear but for the most
19 part we meet the bar if not exceed the bar to
20 which other fisheries may or may not even come
21 close.

22 So my takeaway was although there is
23 always room for improvement that our reporting
24 methodology has been steadily improving in this
25 particular fishery, thanks in part to the
26 scientists down at the Southeast Center that, you
27 know, have been tweaking on it for a number of
28 years, so I would welcome seeing that from other
29 fisheries. So, thanks.

30 FACILITATOR BROOKS: Scott, do you
31 want to get back in?

32 MEMBER TAYLOR: No.

33 FACILITATOR BROOKS: Anybody else care
34 to comment or ask questions on this?

35 (No audible response)

36 FACILITATOR BROOKS: Okay. So just a
37 couple of things that I am hearing, one is I
38 think there is a call for a sort of a refrain a
39 little bit, which is there have been a lot of
40 successes over the years and that message needs
41 to be central and put out there so it's not just
42 a sense of there is bycatch and we are not making
43 progress, but this pathway and we're on it and
44 we're moving along.

45 Similarly, I think, you know, Scott's
46 comment on partnering in the industry is also
47 refraining that you've got fishermen out there
48 who need to be integral to this effort.

1 Secondarily, I think comments around
2 we need to learn more, we need to know more. You
3 know, Mike's comment around the dead discard
4 decedent, we need to sharpen the pencil on that
5 and not just that particular set is kind of the
6 fallback, we need to know more.

7 And then down to Marty's -- I'm sorry,
8 Pat's comment that others around, we need to get
9 smarter and better around utilizing dead discards
10 which also then ramifies back to the frame,
11 right, to where if the dead discards are getting
12 used better that also takes a different picture.

13 And then, finally, is the comment from
14 Rusty around need more comment time. So I think
15 those are the main things that came up. Again,
16 any final questions or comments on this one?

17 (No audible response)

18 FACILITATOR BROOKS: All right. Thank
19 you, Karen, very much.

20 MEMBER PICKETT: Can I say something?

21 FACILITATOR BROOKS: Yes, Tim?

22 MEMBER PICKETT: Yes, just a quick
23 thing, now in terms of the verbiage of everything
24 that goes down in discards and things I got
25 included a couple of letters and stuff like that,
26 I think it's essential to highlight when there is
27 a regulatory dead discard that it's a regulatory
28 dead discard in any literature that might go out
29 or anything like that so that we can delineate,
30 because people think, when they hear dead
31 discards a lot of the general public, and a lot
32 of my comments were around the general public's
33 perception of what goes on in the commercial
34 fishing industry.

35 So they hear dead discards, they
36 think, you know, beat it in the head and then
37 throw it away, you know, but a lot of it, it's
38 all in the communication of public perception.

39 So that's just, you know, I think
40 that's a good point that needs to be made.

41 FACILITATOR BROOKS: Yes, thank you.

42 MS. ABRAMS: So if I could just speak
43 to that, we agree. I mean this is one of the,
44 these are these complexities and nuances about
45 bycatch that we recognize that really complicate
46 and sometimes confuse the messaging from the
47 agency and can overshadow some of those
48 successes.

1 So the bycatch portal that I mentioned
2 earlier we just put that together, that is a
3 place where we can put a lot more stories that we
4 want to start populating with your stories.

5 The bycatch strategy is, we do try to
6 recognize, but if there ways that we can do that
7 more clearly, these different sort of flavors of
8 bycatch to really be able to clarify where those
9 nuances are and where those successes are,
10 because you are right, an economic discard is
11 very different from a regulatory discard and the
12 methods and the approaches you use to address
13 them are very different, whether if it's a
14 protected species that's going to be a different
15 kind of situation completely than a fish discard.

16 So we agree with you that that is an
17 area that is ripe for clarity and the more we can
18 do on that front we welcome your comments on
19 that.

20 FACILITATOR BROOKS: So I've got two
21 more people who want to get into the
22 conversation, I've got Rom and I've got Michael,
23 and I want to do just a quick time check.

24 Do we have any members of the public
25 who would like to comment this morning?

26 (No audible response)

27 FACILITATOR BROOKS: Okay, thanks.

28 Rom?

29 MEMBER WHITAKER: Okay, thanks. Rom
30 Whitaker, and I have a shark boat. I'd just like
31 to reiterate what Pat said about utilizing dead
32 discards.

33 I do some commercial fishing when I
34 was offshore, with some of the charter boats
35 also, too, but I do want to point out, but we're
36 not near scrutinizes longline fleet that we do
37 have some discard issues and that we do take
38 measures to try to reduce or minimize our
39 discards that sometimes I think we're not
40 recognized for.

41 The latest being, as I mentioned, the
42 shark population has gotten so prolific in places
43 around where I fish that I don't even go there
44 anymore because I know my discard of sharks can
45 be tremendous.

46 I just want to add that we do have
47 that problem also and if we could try to reduce
48 them either by, sometimes we have to because of

1 closed areas and sometimes we do because we don't
2 want to give a fish we can't use. Thank you.

3 FACILITATOR BROOKS: Thank you.
4 Michael?

5 MEMBER KELLY: Thank you. Michael
6 Kelly. The Strategy has mention of advancing
7 bycatch practices, regulations at the
8 international level.

9 I am curious to know how that will
10 come to fruition through this national strategy
11 and the regional plans.

12 MS. ABRAMS: So the national strategy
13 doesn't have a special section for international,
14 but we recognize that there is a lot of
15 international bycatch work that's already going
16 on and that feeds into those six program areas
17 and as we develop the implementation plans we'll
18 be working, we're working closely with our Ops of
19 International Affairs and we'll be using those
20 implementation plans to identify what those
21 specific international actions are that we would
22 need to highlight.

23 So that is part, the international
24 aspect of it is part of this National Strategy.

25 FACILITATOR BROOKS: Rom, do you want
26 to get back in or is your card leftover?

27 (No audible response)

28 FACILITATOR BROOKS: All right. Well
29 thank you very much. I appreciate the time and
30 conversation.

31 MS. ABRAMS: Thank you.

32 FACILITATOR BROOKS: So with that let
33 me just make one last check. Is there anyone who
34 wanted to make any public comment?

35 MEMBER ODEN: We are going to have a
36 discussion after this or what?

37 FACILITATOR BROOKS: So after this is
38 going to be the wrap-up by Margo.

39 MEMBER ODEN: Well I would like to
40 comment some then. I mean --

41 FACILITATOR BROOKS: Please.

42 MEMBER ODEN: I mean on the observer
43 covers, and, you know, I thought we were going to
44 get around to actually discussing what's going on
45 there, and just a perspective from one who --

46 FACILITATOR BROOKS: Jeff, hold on for
47 one second.

48 (Simultaneous speaking)

1 MEMBER ODEN: I can talk louder.

2 (Laughter)

3 FACILITATOR BROOKS: I think it's
4 okay.

5 MEMBER ODEN: Okay. Anyway, four
6 times the mandatory observer covers is required
7 starting December of this year and in the case of
8 those of us in Dare County off North Carolina
9 who, especially we've got our own crews through
10 the Mid-Atlantic requirement as well.

11 Anyway, in four trips this year I was
12 compromised due to this requirement with an
13 observer that we have to give five days' notice
14 prior to them, you know, show it possibly, we've
15 got to give the observer program that much
16 notice.

17 Sometimes they are there in a day or
18 two, sometimes they're not. In the very first
19 instance I told, you know, Tiffany, the lady,
20 that I was probably going to go that day, but,
21 you know, five days out I can't predict the
22 weather and you all obviously can't either
23 because it changed.

24 So, anyhow, I mean that just goes to
25 show the problem of this and the real kicker to
26 it is the bluefin hadn't even showed up.

27 You know, I could understand this
28 observer requirement when the bluefin are in our
29 area, but when they are not even there and they
30 haven't shown in our area until the middle of
31 February the last few years.

32 So subsequently in my case I've got a
33 drop a crewman because I don't have a life raft
34 with more than four men. I've got three crewmen
35 usually, so I've got to drop a crewman, both life
36 raft and bumps and, again, that goes back to the
37 vessel upgrade restrictions that were implied
38 there, or instituted years ago.

39 But, anyway, on another instance I had
40 to bring an observer in. I take him out, a
41 beautiful day, I thought 15 to 20, well he didn't
42 think so, and, you know, I said well how many
43 times have you been offshore? He said "I've only
44 been out one time on a sailboat."

45 Now I mean here you train these
46 individuals and put them on our vessels and it
47 got to the point where in the second day after
48 the, you know, it blew maybe 25 that night, and I

1 literally got to feeling concerned for the
2 individual and I kiddingly asked him if he wanted
3 me to call a Coast Guard helicopter and he said
4 "Yes, yes, would you?"

5 So, you know, with 25 to 30 coming
6 into shore blowing that next night and it was
7 going to be over early, I finally brought him in
8 and I mean that's what we're putting up with and,
9 you know, it's beyond reason.

10 And it's one thing, it's like a friend
11 of mine said, he made a good analogy, I mean
12 we've got to carry observers, you know, for
13 instance right now I've got a requirement
14 starting April 1st, this quarter, I've got to
15 carry one on top of this mandate, which, again, I
16 was going to go down below the line and hopefully
17 I can get away from that, but nonetheless I've
18 already got the certified letter in the mail I've
19 got to carry one for that.

20 But I quit fishing in the middle of
21 January because it was so aggravating. First
22 off, I mean we had short weather windows, I
23 wasn't able to get the guy there in time on four
24 occasions as mentioned and it's, you need at
25 least, if you're going to insist on this get an
26 observer, a highest in the area, rather than --

27 One guy came from Pascagoula -- No,
28 Biloxi, Mississippi, or somewhere down in there,
29 one came from, two from the East Coast of
30 Florida, and flew up there, one drove.

31 But I mean it's a whole lot cheaper
32 for you to just wait on the highest in the area
33 than a guy going and having to put up with all
34 that, rent a car from the airport, fly up there,
35 I mean you all got to use some logic in this.

36 And I mean we're being impacted enough
37 with it, I mean at least compromise with us, you
38 know, and don't make this as burdensome as
39 possible, you know, which is what it seems like
40 you are doing.

41 As a friend said it's one thing with
42 the quarterly observer requirement where 8
43 percent or whatever it is, you know, that's kind
44 of like a mother-in-law coming for a weekend, you
45 know, we can live with that.

46 But when she moves in with us, I mean
47 that's another story, and that's essentially
48 what's happening here and believe me, again, you

1 know, the bluefin haven't even been here and
2 we're still forced to do this.

3 So, anyhow, I just wanted to, you
4 know, voice the concerns of the fleet and,
5 anyway, I thank you for your time.

6 FACILITATOR BROOKS: Thanks, Jeff.
7 We're going now to --

8 MALE PARTICIPANT: Good point though.

9 FACILITATOR BROOKS: Scott, do you
10 want to weigh in on it?

11 MEMBER TAYLOR: No, just -- I can talk
12 pretty well, so I'll go ahead and talk being as
13 we have a couple of minutes that was allotted for
14 the public comment I would just sort of like to
15 make a general comment if I could.

16 In my tenure in here I have got to see
17 quite a few things, you know, change in general
18 for, you know, our industry all for the more
19 restrictive that there's lots of different
20 examples depending on who and what area you are
21 talking about that you could, that we could weigh
22 in on.

23 I would just ask in general for the
24 group as we move forward to really take two
25 things away from this meeting, which is is that
26 there is genuine problems here for this industry
27 that some of it may think that it's healthier
28 than others.

29 I happen to think that we're in pretty
30 dire straits and that it's kind of hard to tell
31 the soldiers on the battlefield that they are
32 winning the war when they are looking at the
33 blood all around them.

34 And the industry has got to take
35 responsibility at this point and to recognize the
36 parameters with what we can work with and try to
37 come up with solutions and that it's ultimately
38 the people that represent all of the different
39 user groups that are in here that will either
40 work to make some reasonable things possible or
41 to oppose them moving forward.

42 We talked about, you know, several
43 different alternatives that may improve the
44 ability for the U.S. fleet to catch its
45 swordfish, but ultimately it's my belief that we
46 have to move towards a more dynamic ability to be
47 able to mitigate some of these different bycatch
48 issues as well as being able to target the

1 swordfish which has to include time and area
2 considerations and how we incorporate the
3 accountability, which I think is what Jeff was
4 speaking to.

5 It's going to be a process that we're
6 going to continue to refine. So, you know, the
7 technology is there, we're putting those things
8 in place, and we would just ask for
9 understanding, help, and at least at the very
10 minimum dialogue to solve the problems as they
11 present themselves moving forward.

12 FACILITATOR BROOKS: Thanks, Scott.
13 All right, we need to move to the summary, if we
14 can. Marty, if you can keep the comment focused
15 that would be helpful.

16 MEMBER SCANLON: Yes, okay. I'm just
17 going to note, just to add a little bit to what
18 Jeff has to say there about what we have in as
19 far as moving forward with the observer program
20 here.

21 I think that one of the things that we
22 should need to do is have these observers better
23 prepared to be put on these boats because it's
24 definitely in an infringement on the vessels and
25 on the crews, and especially on the captain.

26 I mean the ultimate, the captain is
27 responsible for the health and well-being of
28 everybody on that vessel and, you know, you're
29 putting them in a very bad position by sending
30 these observers that are not really sea ready,
31 key word, that's a big issue.

32 The other thing is what I put up the
33 other day there is is that if we are going to
34 continue to have these observers act as
35 enforcement agents on enforcement issues then
36 they need to have the same training that those
37 uniformed enforcers have.

38 They don't need the uniform portion of
39 the training, but they need the other 14, or I
40 believe it was about another 18 weeks of training
41 on enforcement issues.

42 If you're going to have them do that
43 then they should be trained just like those guys,
44 okay, and we'll drop that issue. Because right
45 now, as I've spoken privately that what's
46 happened is a lot of a very good, experienced
47 observers have left us and they've gone on to
48 observe other things because they don't want to

1 deal with that, so that's a major problem.

2 And now they're trying to fill in those
3 voids with inexperienced people that are not
4 capable of doing their job on these boats. So I
5 would like to see that happen, but other than
6 that that's about it.

7 FACILITATOR BROOKS: Okay. Thanks,
8 Marty. So at this point I'd like to hand it off
9 to Margo. Her staff has pulled together a
10 synthesis of the meeting over the last 2-1/2
11 days. Margo, it's all yours.

12 MS. SCHULZE-HAUGEN: Okay. So we took
13 a slightly different approach so that we could
14 move straight to this.

15 If you remember in previous meetings
16 we were trying to take notes on stuff today and
17 then quickly jam it in and load it up.

18 That seemed to interrupt the flow so
19 what we are doing this time is -- Today's
20 discussions aren't reflected. I took some notes,
21 takeaways, so this will be a recap of the last
22 two days, so we can move quickly and get you guys
23 on the road, because we're starting to drop as it
24 is.

25 So, again, this is intended to be kind
26 of major themes, recap, not everything that was
27 said, that's what the transcripts are for, but
28 kind of high-level takeaways that is useful for
29 us I think, for the public that is interested in
30 knowing what happened, maybe doesn't read all the
31 transcripts, and then I think some of you have
32 expressed that it's useful for you when you go
33 back home and talk to folks.

34 So Day 1, this is the list of things
35 we talked about. Opening remarks, some AP
36 members would like to participate in all breakout
37 sessions when they occur.

38 I think we're going to try and work
39 with Bennett on ways to kind of respond to that,
40 have the ability to have the more detailed
41 discussion, because I can tell you the breakout
42 sessions are much more in depth and detailed and
43 informative for us moving forward than four hours
44 of plenary, which I think is what it would have
45 taken to hit all of the issues that we were able
46 to cover in an hour and a half.

47 With that said, I hear you that you
48 want to be able to participate and feel like you

1 are missing things, so I'm going to take Bennett
2 and his word that there are some technologies
3 that are available and we will try and make it
4 work.

5 Also, we started to further discuss
6 the management of dolphin. Ben has sent me the
7 Council's document that I can send out to you all
8 as well, so I'll do that hopefully later today.

9 And then you'd like to see swordfish
10 landings updates by permit type and comparisons
11 of IBQ data and swordfish landings.

12 So we are going to continue to keep an
13 eye and look at things, these kinds of
14 suggestions on how to utilize and see the
15 information are very helpful. We can work on
16 that moving forward.

17 For ICCAT, concerns about activities
18 in the Gulf of Guinea, impact on bigeye and
19 yellowfin, absolutely we are totally with you on
20 that, support for independent review of the
21 impact, so I think this is front and center for
22 SCRS and obviously continuing focus of ICCAT and
23 us.

24 And just to reiterate for those of you
25 that may not recall, I haven't seen this either,
26 so this is the staff's emphasis on -- I'm kind of
27 reading this as I go.

28 For law enforcement, would like to see
29 observers trained in law enforcement since they
30 are documenting violations. Also, want to see
31 investigation into restaurants potentially, you
32 know, the backdoor sales and ability to identify
33 fish source.

34 Concerned about IUU, small boats from
35 Mexico, the launch issue, and encouragement for
36 trying to get at this.

37 On the FAO Billfish Project, Caribbean
38 Billfish Project, questions on rights-based
39 fishery management, doubt that there is less
40 mortality by commercial fishermen compared to
41 high numbers of rec fishermen.

42 Charter boats pay cooperatives not to
43 fish so the concept has potential. The workshop
44 in Panama stressed the importance for improving
45 data collection, but then also concerns about
46 implication for domestic implementation if WECAFC
47 becomes an RFMO. So we'll certainly be paying
48 attention to that as well.

1 On eBCD we met the goal, we published
2 by April 1st, and then public conference calls
3 late April, dates are here.

4 So we are going to be doing a real
5 push to get folks that need to know the system,
6 get them trained, get them into the system, user
7 name and passwords, so that when May 1 comes they
8 are prepared, everyone knows what they need to do
9 and things move smoothly.

10 Day 2, bluefin tuna, retention limits
11 and seasons, angling category, a lot of interest
12 to increasing the limit for private vessels to
13 two-school, one large school, small medium, and
14 interest in increasing the limit for charter
15 headboats to three and one, announce soon to
16 allow planning/trip marketing, so we are doing
17 what we can to make that come.

18 Interest for general category increase
19 to five fish for June through August and allow
20 fishing of the January's subquota until it's met
21 versus hard closure on the 31st, which is today.

22 Harpoon category, interested in
23 maintaining the default limit of two large
24 mediums, and then for all categories manage
25 fishery by quotas only not via season open/close
26 days.

27 Purse seine, fishery start date do/ do
28 not open sooner later than July 15. There was a
29 good discussion there. Understand that other
30 factors, factors other than purse seine landings
31 affected the price, and then continue general
32 support of issuing the EFP for data collection
33 and biological samples.

34 On bluefin tuna catch reporting,
35 commercial handgear, suggest requiring online
36 reporting with the confirmation prior to sale
37 with a dealer to get at compliance, work towards
38 one-stop shop reporting tools, keep focusing on
39 the outreach, and I think this is something that
40 you all can help us with as well, suggest changes
41 to the permit shop customer service hours, and
42 then interested in seeing percentage compliance
43 for 2015 once the quality review is complete, so
44 we can do that.

45 Consider a category's compliance prior
46 to making in-season quota transfers, conversely
47 recognize this is the first year of requirements.

48 Often as new measures come online and

1 the requirements change we focus on education and
2 outreach before, you know, bringing the hammer
3 down, but, obviously, we will do that if we need
4 to.

5 Recreational, interested in seeing
6 percentage compliance for angling and charter
7 headboats so we can work on getting that
8 information.

9 For bluefin tuna dead discard
10 estimate, interested in seeing the preliminary
11 2015 estimate when it's ready, absolutely.
12 Preliminary data appeared to indicated 2015
13 estimate will be lower than '14 given
14 implementation A7.

15 On the IBQ system, fundamentals of a
16 system are working, permit holders are finding
17 each other. Concerns remain regarding pricing
18 and availability of IBQ, and that bluefin revenue
19 is not making it to the crew, it's held to lease
20 more IBQ.

21 There's a lot of concerns about the
22 allocation scheme, quotas should be for the
23 active vessels and we should consider changing it
24 to a quarterly or a semi-annual accounting and
25 allow some use of Atlantic IBQ in the Gulf of
26 Mexico for certain time periods.

27 On electronic monitoring, technical
28 issues remain, quality of hardware, interference
29 issues, concerns about contractor knowledge and
30 future costs of replacement and repairs.

31 We should evaluate whether we need to
32 have every trip, the hard drives and backup
33 during a trip, and given electronic monitoring,
34 considering relaxing some restrictions using
35 technology for more than bluefin tuna discards,
36 and then continue to use all of the available
37 communication means that we have.

38 For the 3-year review revisit A7 goals
39 and objectives and evaluate IBQ allocation
40 schemes, revisit the effectiveness relevance of
41 closed areas given A7 data, pursue the EFP and
42 scientific research, and look at various new
43 entrants, examine attrition in the fishery.

44 And then under other comments, pursue
45 cooperative research in the Slope Sea, interested
46 in seeing where fishery is currently occurring
47 and associated bycatch, and look at relaxing the
48 regulation that limits demersal species to less

1 than 5 percent of indicator species.

2 Turning to economics, so the
3 determinants clarify the two different surveys,
4 operators and the tournaments, do more outreach,
5 incorporate "Terminal Tackle" into the Tactical
6 and Durable Equipment Expenses section, make sure
7 the gear examples in the tackle section reflect
8 typical HMS gears, and then for trip expenses
9 recognize that they are listed in relative order
10 for purchase, and then passcodes, we were
11 encouraged to provide unique passcodes for each
12 team to avoid multiple responses from a single
13 team.

14 Amendment 9, reviewed it. Question
15 from AP about determining final market for
16 smoothhounds. We'll look at it.

17 On shark management for blacknose,
18 questions regarding gears used and area where
19 fisherman catch blacknose sharks, shark support
20 for a year-round fishery, support for Alternative
21 3C, which would be eight blacknose per trip,
22 concern about 100 percent blacknose shark landed
23 trips, and need to update the blacknose stock
24 assessment, that mackerel fishermen should be
25 allowed to retain small coastals.

26 And then turning to the Caribbean, we
27 should reconsider allowable sharks in the
28 Caribbean, the Caribbean sharpnose and Caribbean
29 reef sharks should be prioritized, the upcoming
30 FAD rule could change the way a fisherman catch
31 sharks, and then offshore they may be mostly
32 silky shark.

33 On the EFH Draft Amendment 10, early
34 2016 commercial industry and community came
35 together to find resolution on the issues off
36 Florida, commercial fishermen avoid the area and
37 the grassroots avoidance initiatives can resolve
38 problems without regulations in the short term,
39 that we should clarify how EFH and HAPCs are
40 used, what are the internal agency processes
41 triggered to develop fishery management
42 regulation, or changes, and heard concerns about
43 designating an HAPC or other special management
44 area.

45 Appreciate Dr. Carlson's summary that
46 NMFS should provide state landings separate from
47 federal landings in our updates, that they should
48 show lemon shark data out of South Florida, there

1 is a disconnect between what the fishermen see
2 and what the agency sees regarding shark
3 abundance, but that was more general than just
4 lemon sharks, but NMFS should prioritize a
5 sandbar shark assessment in the discussion of
6 some other assessments that need to be done on
7 continuing the struggle to assess all of our
8 sharks.

9 So the comments from the public, the
10 additional lemon shark research provided, concern
11 regarding the protection of a unique lemon shark
12 aggregation, unique behavior, localized
13 population decreases be seen, that we should
14 revisit the shark opening date, which we do every
15 year, NMFS needs to prioritize enforcement
16 actions to address illegal sales of Atlantic,
17 HMS, and IUU fishing.

18 And then our recap on swordfish
19 permits, mostly supported with some exceptions,
20 remove swordfish directed upgrade restrictions,
21 increase swordfish incidental retention limits,
22 increase swordfish general commercial retention
23 limits, and mostly opposed this increasing the
24 swordfish general commercial retention limits in
25 Florida, that special management area.

26 Public comment periods, "Local Fish in
27 a Great Mood Today," I don't know what that is.

28 FACILITATOR BROOKS: The local fish
29 are in a great mood today.

30 MS. SCHULZE-HAUGEN: The fish are in
31 a great mood, okay. We don't have any open
32 comment periods at the moment. The traceability
33 regulation comment period closes April 12th.

34 And a thank you, a special thank you
35 to Pat for the cookies to keep us going.

36 MEMBER AUGUSTINE: You're welcome.
37 (Applause)

38 MS. SCHULZE-HAUGEN: Yes, so just let
39 us know if there are important topics we covered
40 that are not captured in every word, the title of
41 the thing, please send in your travel receipts by
42 the 8th.

43 We will reuse table tent cards and ID
44 badges. We really do read the evaluation forms,
45 so please fill those out.

46 And I would like to give a big thank
47 you to HMS staff for the meeting, it be valiant,
48 the repeated attempts to get the microphones to

1 work. We will certainly be looking into that
2 before the next meeting.

3 So thank you to everyone in the room.
4 Marty, you had something?

5 MEMBER SCANLON: Yes. I just want to
6 make one quick comment to clarify something you
7 had up there. Not all of the boats and not all
8 of the, you know, vessel owners here do not pay
9 to accrue for the bluefin that they catch.

10 We don't go by that policy there. I
11 know Scott explained how he does it, but as far
12 as I know none of the other boats and none of the
13 other owners keep back the bluefin that we sell
14 them, they get to buy that within the trip, you
15 know.

16 MS. SCHULZE-HAUGEN: Okay. So we can
17 clarify that, okay.

18 MEMBER SCANLON: If we have to acquire
19 bluefin, we acquire it and then we take it off,
20 whatever it is on that particular trip, all
21 right.

22 MS. SCHULZE-HAUGEN: So we'll clarify
23 that. Russ?

24 MEMBER HUDSON: Is there any idea of
25 when we may have the Fall meeting, September,
26 October?

27 MS. SCHULZE-HAUGEN: The Fall meeting
28 dates, often we slip into to that Labor Day week,
29 have the shorter 2-day meeting. You know, Monday
30 would be Labor Day, travel Tuesday, on Wednesday,
31 Thursday maybe or Thursday, Friday.

32 I don't know exactly, but if you could
33 those open that would be helpful.

34 MEMBER HUDSON: Okay. I just wanted
35 to mention that the ACCSB annual meeting might
36 wind up needing to be looked at also besides this
37 Atlantic Council Meeting for September.

38 MS. SCHULZE-HAUGEN: We always try to
39 fit the council meetings --

40 FACILITATOR BROOKS: Hang on. Folks,
41 hold it down just for a second.

42 MS. SCHULZE-HAUGEN: -- but we'll do
43 our best.

44 FACILITATOR BROOKS: All right. I
45 just want to add my thanks to folks. I hope I
46 did some stuff up here that was helpful, but I
47 really do try to manage the meetings effectively,
48 so if there is feedback on the evaluations please

1 let me know how I can do it differently or better
2 for the next meeting, so thank you all very much.

3 MS. SCHULZE-HAUGEN: Thank you
4 everybody, safe travels.

5 (Applause)

6 (Whereupon, the above-entitled matter
7 went off the record at 11:40 a.m.)

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