

UNITED STATES OF AMERICA

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC  
ADMINISTRATION

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THE HIGHLY MIGRATORY SPECIES  
MANAGEMENT DIVISION OF THE OFFICE OF  
SUSTAINABLE FISHERIES

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MEETING

+ + + + +

TUESDAY  
MARCH 13, 2007

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and Atmospheric Administration.

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HMS AP MEMBERS PRESENT:

BEVERLY SAULS - FFWCC, Fish and Wildlife  
Research Institute

CAROLYN BELCHER - Georgia Coastal Resources  
Division

DAVID NIELAND (Proxy for John Gold) -  
Louisiana Sea Grant College Program

DEWEY HEMILRIGHT - F/V Tar Baby

DON NEHLS - Lindgren-Pitman, Inc.

DR. ANDRE BOUSTANY - Nicholas School of  
Environment & Earth Sciences

DR. JOHN GRAVES - Virginia Institute of Marine  
Science

DR. MICHAEL BUHL - Deputy Director, NC  
Division of Marine Fisheries

DR. ROBERT HUETER - Center for Shark Research

EUGENIO PINEIRO-SOLER - Chairman, Caribbean  
Fish, Management Council

GAIL JOHNSON - Pocahontas, Inc.

JACK DEVNEW (Proxy for Glenn Delaney) - Marine  
Division Maury, Donnelly & Parr, Inc.

JAMES DONOFRIO - Recreational Fishing Alliance

JASON SCHRATWIESER - International Game Fish  
Association

JOSH LOEFER - SC Dept. of Natural Resources

KEN HINMAN - National Coalition for Marine  
Conservation

PAT AUGUSTINE - Mid-Atlantic Fishery  
Management Council

PUTNAM MCLEAN (Proxy for Peter Weiss) - East  
Coast Tuna Association

RICHARD B. STONE - National Marine  
Manufacturer's Association

RICHARD RUAIS - East Coast Tuna Association

RICK WEBER - South Jersey Marina

RITA MERRITT - South Atlantic Fishery  
Management Council

ROM WHITAKER - Hatteras Harbor Charter Boats

RONALD CODDINGTON - Southeast Swordfish Club

RUSSELL HUDSON - Directed Shark Fisheries

RUSSELL NELSON - Nelson Resources Consulting

SHANA MILLER - Tag a Giant Foundation

SHAWN DICK (Proxy for Terri Beideman) -  
Aquatic Release Conservation (ARC)

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HMS AP MEMBERS PRESENT: (continued)

SKIP SMITH (Proxy for Ellen Peel) -  
Charterboat Captain  
SONJA FORDHAM - The Ocean Conservancy  
THOMAS DePERSIA - President, Stellwagon Bank  
Charter Boat Association  
VINCE MONTELLA  
WILLIAM ETHERIDGE - NC Fisheries Association  
WILLIAM GERENCER - Marine Trade Center

ALSO PRESENT:

CHRIS VONDERWEIDT - Atlantic States Marine  
Fisheries Commission  
TIM PALMER - Buoy Gear fisherman  
PHIL KOZAK - Nationl Fishing Association

NMFS PERSONNEL:

BILL HOGARTH  
SAM RAUCH  
CARRIE SELBERG  
MARGO SCHULZE-HAUGEN  
KARYL BREWSTER-GEISZ  
MICHAEL CLARK  
JOE DESFOSSE  
HEATHER HALTER  
LeANN SOUTHWARD HOGAN  
SARI KIRALY  
CHRIS RILLING  
RONALD RINALDO  
GEORGE SILVA  
JERON STANNARD  
CARY WONG  
JACKIE WILSON  
MARK MURRAY-BROWN  
BRAD McHALE  
SARAH McLAUGHLIN  
RUSSELL DUNN  
RANDY BLANKINSHIP  
GREG FAIRCLOUGH  
RICK PEARSON  
FRANK SPRTEL  
CONSTANCE SATHRE  
STEPHANIE BOLDEN

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P R O C E E D I N G S

1  
2 MS. SCHULZE-HAUGEN: All right.  
3 Well, thank you. Welcome to our March 2007 AP  
4 meeting. I'd like to start with some  
5 introductions. We have a number of new panel  
6 members as well as some proxies. So I thought  
7 we would go around the room and introduce  
8 ourselves. If you could let us know what  
9 you're representing, and as well as if you're  
10 a proxy, who the AP member that you're  
11 representing is, that would be great. And  
12 then we'll go around, we have some new HMS  
13 faces as well, as well as one that is no  
14 longer with us. So I'll go through that in a  
15 minute.

16 Just for the record, can you hear,  
17 Randy? Is that--no? Okay. All right. Here  
18 we go. How's that? Better? Okay.

19 And so just to say, my name is  
20 Margo Schulze-Haugen. I'm the Highly  
21 Migratory Species Management Division Chief.  
22 With me is Alan Risenhoover, and Al, if you

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1 wanted to--

2 MR. RISENHOOVER: No, I really  
3 don't have anything to say, just welcome again  
4 and thanks for your attention over the next  
5 three days, and working with us to solve some  
6 problems. I talked to Bill Hogarth last  
7 Friday, he hopes to come for part of this  
8 meeting. I think we'll have Sam Rauch, the  
9 Agency deputy, for part of it, tomorrow  
10 morning, hopefully. But again, we're here to  
11 listen and to move forward on some issues.

12 MS. SCHULZE-HAUGEN: All right.  
13 Okay. And we have Jennifer Ise (phonetic)  
14 from the Office of Sustainable Fisheries here  
15 as well. She's going to give us a  
16 presentation on Magnuson reauthorization. Do  
17 you want to start here?

18 MR. PINEIRO-SOLER: Good afternoon  
19 Eugenio Pineiro, Caribbean Fishery Management  
20 Council.

21 MR. RUAIS: Rich Ruais with  
22 Bluewater Fishermens Association and East

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1 Coast Tuna Association, and I'm commercial.

2 MS. SAULS: Beverly Sauls, Florida  
3 Fish and Wildlife Commission.

4 MS. SCHULZE-HAUGEN: If you want to  
5 use the mike, that would be great. Thank you.

6 MR. GERENCER: Bill Gerencer,  
7 commercial, Portland, Maine.

8 MR. DICK: Shawn Dick, Aquatic  
9 Release Conservation, proxy for Terri  
10 Beideman, commercial.

11 DR. HUETER: Bob Hueter, Mote  
12 Marine Laboratory, academic.

13 MS. FORDHAM: Sonja Fordham, The  
14 Ocean Conservancy, conservation,  
15 environmental.

16 MR. CODDINGTON: Ron Coddington,  
17 the Southeast Swordfish Club, now called The  
18 Swordfish Club. We're a nonprofit  
19 organization. I'm recreational.

20 MR. SCHRATWIESER: Jason  
21 Schratwieser, International Game Fish  
22 Association, recreational.

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1 MR. NELSON: Russell Nelson with  
2 the Billfish Foundation and the Coastal  
3 Conservation Association.

4 MR. HUDSON: Russell Hudson,  
5 Directed Shark Fisheries, commercial.

6 MR. ETHERIDGE: Willy Etheridge,  
7 commercial.

8 MR. WRIGHT: Dewey Wright,  
9 commercial fishing.

10 MS. MERRITT: Rita Merritt, council  
11 member, South Atlantic.

12 MR. DePERSIA: Tom DePersia,  
13 Stellwagon Bank Charter Boat Association,  
14 recreational.

15 MR. AUGUSTINE: Pat Augustine, Mid-  
16 Atlantic Fishery Management Council.

17 MR. MONTELLA: Vincent Montella,  
18 South Florida, commercial.

19 MS. JOHNSON: Gail Johnson, pelagic  
20 longliner, Seneca, commercial.

21 DR. GRAVES: John Graves, here  
22 representing the ICCAT Advisory Committee.

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1 MS. BELCHER: Carolyn Belcher,  
2 Georgia Department of Natural Resources,  
3 Coastal Resources Division.

4 MS. MILLER: Shana Miller, Tag A  
5 Giant Foundation.

6 DR. BOUSTANY: Andre Boustany, Duke  
7 University, academic.

8 MR. HINMAN: Ken Hinman, National  
9 Coalition for Marine Conservation.

10 MS. SCHULZE-HAUGEN: Thanks. If we  
11 could go around the room as well, maybe  
12 starting over here. I guess you guys don't  
13 have mikes, but talk loudly.

14 [Introductions not recorded]

15 MR. WEBER: Rick Weber, South  
16 Jersey Marina, recreational.

17 MS. SCHULZE-HAUGEN: All right.  
18 Well, thanks everybody. We do have a couple  
19 members that I am expecting. A couple will  
20 not be able to make it. Ellen Peel had a  
21 family emergency last night and so she will  
22 not be attending, although I understand things

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1 are okay for the moment. But when they come  
2 in, we'll try and welcome them as well. And  
3 just one thing to note. In addition to the  
4 new faces on the advisory panel, we still have  
5 one open environmental seat, and so we have  
6 contacted a couple of folks but have not  
7 successfully filled that seat.

8 So if you have any recommendations,  
9 we are willing and happy to get them.

10 Just to point out some of the new  
11 staff for folks that may not know. Randy  
12 Blankinship, former member of the AP, is now  
13 on staff, as is Sarah McLaughlin, who is a  
14 former HMSer who has come back home, and we're  
15 glad to have her back, as well as LeAnn  
16 Southward Hogan is also a new staff member  
17 since last we met, and Heather Halter is our  
18 Sea Grant fellow. Sarah McTee, our former Sea  
19 Grant fellow, has moved on to, I believe the  
20 Department of State, so we may be seeing her  
21 in a different venue in the future. We wish  
22 her well.

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1           The first item on the agenda would  
2 be the standard operating procedures. We're  
3 going to be revising them as the panels are  
4 now merged, and so the two SOPS need to be  
5 combined as well, and there's also a SOPS  
6 provision in the Magnuson Act that we'll be  
7 reviewing. So I anticipate having revised  
8 SOPS for you at the next HMS meeting.

9           And so what we'll be doing, just to  
10 run quickly through the agenda, we'll be  
11 starting first with two presentations on the  
12 Magnuson Act, one on the domestic provisions.

13          We'll have a presentation with Q&A and then a  
14 presentation on the international provisions,  
15 with time for questions and answers as well.

16          And then after the break, I'll give  
17 an overview of some of the things that we've  
18 been doing since last October, and then we'll  
19 break for dinner and come back to an evening  
20 session on the shark, second and third season  
21 proposed rule. Tomorrow, we'll start with  
22 presentations followed by breakout sessions on

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1 Shark Amendment Two. We'll spend the morning  
2 on that. We have a number of things to talk  
3 about.

4 After lunch, we'll have a scoping  
5 meeting on the EFH Amendment One, followed by  
6 a presentation on the blue fin specs, and  
7 we've also had a request for a discussion on  
8 authorizing green stick gear.

9 And so I'm hoping that we have some  
10 time, Wednesday afternoon, to fit that in.

11 On Thursday, we'll start with the  
12 presentation on the recently issued proposed  
13 rule on circle hooks followed by a  
14 presentation on the white marlin status  
15 review. Then we'll have an enforcement  
16 update, a short discussion of some outreach,  
17 and then we'll close out the meeting with some  
18 presentation and breakout sessions on  
19 swordfish revitalization.

20 We've got a lot to talk about in a  
21 pretty short amount of time, so I'm hoping  
22 that we can stay on topic and have a good

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1 discussion.

2 At this point, I'd like to see if  
3 there are any comments or other suggestions  
4 for the agenda before we really get started.

5 [No response]

6 MS. SCHULZE-HAUGEN: Okay. Hearing  
7 none, I'll turn it over to Jennifer.

8 MS. ISE: Thank you. I just want  
9 to make sure--can you hear me? Is that  
10 better? Okay. So again, my name is Jennifer  
11 Ise, and I'm in the Office of Sustainable  
12 Fisheries in the Domestic Fisheries Division,  
13 and I'm just going to give some highlights of  
14 the domestic provisions in the 2006  
15 Reauthorization Act.

16 So first of all, the Magnuson-  
17 Stevens Act governs fisheries management in  
18 the federal U.S. waters in the EEZ. It was  
19 originally enacted in 1976, and since then,  
20 there's been two major reauthorizations, one  
21 ten years ago with the Sustainable Fisheries  
22 Act and then one just recently, called the

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1 Magnuson-Stevens Fishery Conservation and  
2 Management Reauthorization Act of 2006.  
3 However, it was signed into law in January of  
4 2007, so you might hear both years sometimes  
5 cited.

6 The goals of the 2006 amendments,  
7 broadly, were to end overfishing, promote  
8 market-based management approaches through  
9 limited access privilege programs, improve  
10 science and give it a larger role in the  
11 decision making process, and specifically to  
12 improve recreational data collection, that was  
13 very important, and enhance international  
14 cooperation, and I'm not going to touch on  
15 that in my presentation but Laura's going to  
16 go into great detail on that.

17 So with regards to ending and  
18 preventing--

19 MR. : Just a question. Will  
20 copies of this be available, or can we get it,  
21 see it online, or whatever?

22 MS. ISE: Yes. I don't have any

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1 with me today but we can make that available  
2 for you.

3 MR. : Appreciate it, cause I  
4 can't take notes quite that fast.

5 MS. ISE: Yes. We will have a  
6 version of it up on the MSA Web site and  
7 that's going to be on a slide, so you can copy  
8 that down, but we will definitely make it  
9 accessible to you.

10 So, first of all, the annual catch  
11 limits are one of the major ways that the Act  
12 tries to address ending and preventing  
13 overfishing. So annual catch limits must be  
14 set for each managed fishery. There are two  
15 exceptions, which I'll get to in a moment.

16 The catch limits must be set at  
17 levels such that overfishing does not occur.  
18 In addition, accountability measures are  
19 required to correspond with the annual catch  
20 limits for each fishery, and accountability  
21 measures could be something like end season  
22 management actions that prevent overfishing

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1 from occurring, or correction actions that  
2 address when overfishing occurs after the  
3 fact. So maybe something like deductions in a  
4 subsequent year.

5 With regards to the councils,  
6 councils may not set annual catch limits at  
7 levels that exceed the recommendations of  
8 their scientific and statistical committees.

9 By 2010, all fishery management  
10 plans must be amended to establish annual  
11 catch limits and accountability measures, and  
12 starting in 2010, and these are required for  
13 stocks that are subject to overfishing, and by  
14 2010, all other fisheries must also have the  
15 catch limits and accountability measures.

16 The two exceptions are fisheries  
17 with species who have annual life cycles,  
18 unless they're subject to overfishing, in  
19 which case the catch limits would have to be  
20 applied. And the other exception is unless  
21 otherwise provided for under international  
22 agreement to which the U.S. is a party.

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1 Right now, NMFS is in the process  
2 of scoping to create guidelines on the annual  
3 catch limits. We published a Notice of Intent  
4 to conduct an Environmental Impact Statement,  
5 and that was published in the Federal Register  
6 on February 14th, and there's a copy of that  
7 out there.

8 We've had three public scoping  
9 sessions. We had one here, in Silver Spring,  
10 last Friday, and other scoping sessions are  
11 scheduled around the country to coincide with  
12 the council meetings, and there's also a  
13 schedule of all of those meetings on a handout  
14 that I have out there, as well as on our Web  
15 site.

16 The Act also strengthens  
17 requirements for ending overfishing on  
18 overfished stocks or stocks that are  
19 approaching overfished status. The underlying  
20 text here indicates what was changed in  
21 section 304(e)(3). So starting in July 2009,  
22 management measures must be prepared and

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1 implemented to end overfishing immediately,  
2 within two years of notification that a stock  
3 is overfished or approaching overfished.

4 The Act also set up limited access  
5 privileged program requirements. So these are  
6 requirements for creating these LAP programs.

7 Councils may submit, and the Secretary may  
8 approve LAP programs for fisheries managed  
9 under limited access systems.

10 Privileges and shares may be  
11 revoked, limited or modified at any time, and  
12 if done, the holder's not granted any right to  
13 compensation. The LAP programs must  
14 contribute to rebuilding overfished stocks,  
15 reducing capacity, promoting fishing safety,  
16 conservation, and social and economic  
17 benefits.

18 The councils or the Secretary must  
19 specify program goals, and there would be an  
20 administrative program review required after  
21 five years, and then at least every seven  
22 thereafter.

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1           And fish harvested under an LAP  
2 program must be processed by U.S. vessels, or  
3 on U.S. soil, unless there's some historical  
4 precedent otherwise.

5           The cost of managing the program  
6 may be recovered by establishing a fees  
7 program to be paid by the permit holders, but  
8 the fees may not exceed 3 percent of the ex-  
9 vessel value of the fish harvested under the  
10 program.

11           And even though it's not required,  
12 this is not required by the new Act, but NMFS  
13 is developing guidelines right now. We'll  
14 release a technical report that will, that can  
15 guide fisheries managers in creating these LAP  
16 programs, factors to consider, goals,  
17 etcetera, and this technical report will be  
18 released in draft form next month for public  
19 comment.

20           Allocation of the privileges are  
21 required to be fair and equitable.  
22 Individuals, meaning U.S. citizens or

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1 permanent resident aliens, corporations,  
2 communities, and regional fishery associations  
3 may hold privileges as specified in the Act,  
4 and the initial allocations, again, must be  
5 fair and equitable and consider things like  
6 current and historic harvest, employment in  
7 harvesting and processing sectors, investments  
8 in, or dependence on the fishery, and the  
9 social and cultural framework of the fishery.

10 And the councils and the Secretary  
11 must ensure that excessive shares are not  
12 acquired by LAP holders. And another goal of  
13 the Act is to improve science and the  
14 fisheries management process. Some ways that  
15 it strengthens the role of science is by  
16 requiring improvement in the scientific  
17 information used for decision making. It  
18 authorizes the Secretary, and each council, to  
19 develop a peer review process for scientific  
20 information used in fisheries management, and  
21 hopefully I got this right, but I think Margo  
22 told me that HMS uses the international

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1 scientific community peer review, and for  
2 sharks, it uses the Southeast SEDAR process.

3 It requires each council to develop  
4 five year research priorities. It promotes  
5 the use of ecosystem approaches. It did not  
6 direct an ecosystem approach but it does  
7 authorize this use. Fishery management plans  
8 may include measures to conserve target and  
9 non-target species and habitat, considering  
10 ecological factors affecting fishery  
11 populations.

12 It authorizes development of  
13 regional pilot programs for ecosystem  
14 research, and it requires a study on the state  
15 of science for integration of ecosystem  
16 considerations in regional fisheries  
17 management.

18 It has new data requirements for  
19 improved decision making. With regards to  
20 recreational data, it requires a new program  
21 be established to improve the marine  
22 recreational fishery statistic survey or

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1 MRFSS. So throughout 2007, NMFS will be  
2 engaged in a public process to improve the  
3 recreational data collection and analysis.

4 There will be public meetings scheduled.

5 There are none scheduled yet, but they will  
6 be posted on our Web site, once they are  
7 scheduled. There is a development plan  
8 already created, that outlines a collaborative  
9 process, that will be used to implement the  
10 National Research Council recommendations and  
11 improving MRFSS overall.

12 To see this development plan, it's  
13 posted on the NMFS's Office of Science and  
14 Technology Web site and I can give you the  
15 exact URL, if you're interested, afterwards.

16 The Act requires a recreational  
17 angler registry be established, and this will  
18 be regionally based. It's required for  
19 individuals that fish recreationally in the  
20 U.S. EEZ, the continental shelf resources  
21 beyond the U.S. EEZ, and for anadromous  
22 species, and associated vessels may also be

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1 required to register. However, some fisherman  
2 and charter vessels may be exempt from this  
3 requirement, if licensed, permitted or  
4 registered with a qualified state program.

5 And this registry meets one of the  
6 goals of the President's Ocean Action Plan to  
7 improve data collection related to  
8 recreational fisheries.

9 With regards to commercial data and  
10 fishery moderate negligence plans, it requires  
11 that fish processing data and necessary  
12 economic information also be included in FMPs.

13 Previously, this only required data on  
14 commercial, recreational and charter fishing  
15 sectors.

16 Several research programs were also  
17 established in the reauthorization. The  
18 Bycatch Reduction Engineering Program is a new  
19 program. It encourages development of  
20 technology to minimize bycatch, seabird  
21 interactions, bycatch mortality and post-  
22 release mortality. It authorizes fishery

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1 management plans to establish incentives to  
2 reduce bycatch. For example, individual  
3 bycatch quotas might be one incentive.

4 It also requires that outreach and  
5 education are used to promote the use of  
6 technologies that are developed under this  
7 program. It established a deep sea coral  
8 research and technology program that will  
9 conduct research on the deep sea corals, map  
10 locations, monitor activities, and develop  
11 technologies to reduce impacts from fishing  
12 gear.

13 A cooperative research and  
14 management program was also authorized. We  
15 have already been doing cooperative research  
16 but the Act authorized this formal program in  
17 which research would be conducted in  
18 partnership between federal and state  
19 managers, commercial and recreational  
20 fisheries and scientists. So some other  
21 important provisions.

22 It requires the Agency to revise

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1 its procedures for compliance with the  
2 National Environmental Policy Act, or NEPA, to  
3 conform to the timelines for review and  
4 approval by fishery management actions--I mean  
5 of fishery management actions, and to  
6 integrate environmental analytical procedures  
7 and timeframes for public input with the  
8 procedures to prepare for sharing management  
9 actions.

10 It seeks to reconcile requirements  
11 of NEPA and the fishery management process, to  
12 provide timely, clear, and concise analysis,  
13 reduce extraneous paperwork and involve the  
14 public. And the Secretary must work with the  
15 Regional Fishery Management Councils and the  
16 Council on Environmental Quality to revise  
17 these procedures within one year, and these  
18 will become the sole environmental review  
19 procedures on Magnuson-Stevens actions, and  
20 we're currently scheduling these regional  
21 listening sessions on this, and they're also  
22 posted on our Web site. So that will be going

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1 on for the next couple of months, and then  
2 we'll produce a draft document, available for  
3 public comment, in July of this year.

4 Now Margo said that you'd be very  
5 interested in the amendments to the buy-back  
6 program provisions regarding the industry,  
7 establishing programs under the industry fee  
8 system. So I added this slide.

9 The Secretary may conduct a  
10 referendum on an industry fee system and it  
11 eliminated the requirement that a council must  
12 request a referendum. Approval now is needed  
13 from at least a majority of permit holders in  
14 the fishery versus two-thirds, as what it was  
15 before, or 50 percent of the permitted  
16 allocation of the fishery.

17 An implementation plan is still  
18 required. The Secretary must propose  
19 framework regulations applicable to all  
20 programs under this section, and must  
21 promulgate regulations together with the  
22 framework regulations for each program. But

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1 before the regulations are promulgated by the  
2 Secretary, harvester proponents must provide  
3 the Secretary with a proposed implementation  
4 plan.

5           The Act eliminated the requirements  
6 that were outlined for public comment, for  
7 public meetings and comment periods, and it  
8 now requires that if a fair market assessment  
9 is not included in a program, then a reduction  
10 auction is required, and it outlines some  
11 steps to go through for the bidding process.

12           Some other important provisions.  
13 It strengthens the MSA conflict of interest  
14 rules. It requires disclosure of any lobbying  
15 or advocacy activity by council nominees or  
16 appointees. FMPs may designate zones to  
17 protect deep sea corals from physical damage  
18 from fishing gear.

19           It authorizes joint enforcement  
20 agreements between the Secretary and states  
21 for the request of governors, and when that's  
22 done, it requires enforcement data be shared

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1 with the states under the agreement, meaning  
2 that they would have direct access to  
3 information like vessel monitoring systems  
4 data, VMS, and it establishes a fisheries  
5 conservation and management fund, where monies  
6 would be available without appropriation or  
7 fiscal year limitation.

8 The monies would be used for  
9 specified activities such as data collection,  
10 improvement, cooperative research and  
11 analysis, new technologies, risk analysis,  
12 marketing and financial assistance. I'll  
13 leave it at that.

14 It also responds to the hurricanes  
15 that occurred in 2005. So there's several  
16 provisions that address hurricane disaster  
17 assistance but I won't go into that now.

18 There's several reports that are  
19 required from the Secretary to Congress.  
20 Again, I won't get into this now but if you're  
21 interested, we'll have the list available on  
22 the Web site. And just in summary, the Act

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1 really accounts for some of the experiences  
2 and lessons learned over the last ten years.  
3 Again, the goals were to end and prevent  
4 overfishing, provide expanded management tools  
5 available to managers, give a larger role to  
6 science in the fisheries management process,  
7 and Laura's going to address the international  
8 cooperation.

9 But the Agency's implementation  
10 priorities, the big ones right now, are  
11 developing the guidelines for annual catch  
12 limits, improving recreational data, and  
13 revisions to the environmental review  
14 procedures.

15 So here is the Web site. It'll  
16 have a copy of the law, the amended MSA, press  
17 releases, fact sheets will go up pretty soon,  
18 and it has a list of our implementation  
19 activities, and when we schedule SCOPI  
20 (phonetic) meetings, and so forth, so you can  
21 keep checking back to that Web site. And I  
22 guess with that, I'll open it to questions.

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1 MR. : Just a clarification.  
2 The end of overfishing, you said immediately,  
3 within two years? It's within two years?

4 MS. ISE: Once the Secretary  
5 notifies of a determination, then within two  
6 years of that notification, a plan must be  
7 developed and implemented, so that that plan  
8 ends overfishing immediately, once it's  
9 implemented; yes. That's how I understand it.  
10 I just want to make sure.

11 MR. : If you look at the Act,  
12 it lists several sources--appropriated funds,  
13 donations, quotas, set-asides, and some other  
14 things, and then those are divided among the  
15 councils, based on their priorities. So  
16 that's nothing we requested money under in 08,  
17 but I guess we can put a jar up outside. So  
18 that's where it envisioned that it's coming  
19 from.

20 MR. RUAIS: Rich Ruais. The  
21 provision to allow joint enforcement between  
22 the state and the Federal Government, there's

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1 been a long history of state and federal joint  
2 efforts to enforce. Is this something just  
3 much more specific than we've seen before,  
4 cause I know the programs have existed?

5 MR. : I'd just add some  
6 additional guidance. As you mentioned, that  
7 program, we've had funding for it for eight or  
8 ten years. This is just formal congressional  
9 authorization of that, with some other little  
10 guidance thrown in, but nothing entirely new.

11 MR. : Let me just wrap up one  
12 thing on this. Jennifer did mention it as we  
13 went through the presentation. But we're  
14 looking for public comments on two specific  
15 things right now. One on the development of  
16 annual catch limits and accountability  
17 measures in fisheries, that's that 2010  
18 deadline that may be more applicable to other  
19 fisheries than HMS, and then the second one is  
20 the environmental review procedures, how the  
21 Magnuson-Stevens Act relates to NEPA. We're  
22 also taking public comment on that, and we

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1 have notices of those out on the table and on  
2 the Web site. So please look at that and  
3 comment.

4 MS. SCHULZE-HAUGEN: All right.  
5 Thank you, Jennifer. As you can see, there's  
6 a lot in the Act, and so we'll be quite busy  
7 with a number of aspects that will be directly  
8 relevant to HMS. So stay tuned for more.

9 All right. So welcome, Laura.

10 LAURA CIMO: First of all, I  
11 apologize, because some of you have already  
12 heard this presentation before, so I apologize  
13 in advance. Some of this might be repetitive.

14 First of all, just before I begin,  
15 I just want to say that the Magnuson-Stevens  
16 Reauthorization Act pays an unprecedented  
17 level of attention to international fisheries  
18 issues. So in order to cover these  
19 provisions, just to warn you that there's a  
20 tremendous amount of detail in the Act. So  
21 just to give of give you fair warning.

22 So briefly, I'll give you an

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1 overview of the provisions of the Act that  
2 I'll be discussing in my presentation. The  
3 Act establishes many significant new  
4 requirements that seek to address  
5 international overfishing, to improve  
6 international monitoring and fishing  
7 activities and compliance.

8 And then one of the other--the  
9 provisions also seek to address legal,  
10 unreported and unregulated fishing, and the  
11 bycatch of protected living marine resources.

12 The Act seeks to address IU fishing  
13 and bycatch of protected living marine  
14 resources through definitions, the publication  
15 of a biannual report on international  
16 compliance, and the establishment of  
17 certification procedures, and these are the  
18 provisions that I'm going to go through in  
19 pretty extensive detail.

20 Then also I'll go through some of  
21 the provisions that are designed to strengthen  
22 regional fishery management organizations or

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1 RFMOs, maintain historical U.S. catch and  
2 participation, establish a new secretarial  
3 representative for international fisheries,  
4 and reauthorization of the Atlantic Tunas  
5 Convention Act, and then, briefly, I'll just  
6 mention a couple other provisions in the Act  
7 that affect international fisheries.

8                   The                   Magnuson-Stevens  
9 Reauthorization Act requires the Commerce  
10 Secretary, in cooperation with the Secretary  
11 of State, to immediately take appropriate  
12 action to end overfishing at the international  
13 level if the Commerce Secretary determines  
14 that a fishery is overfished or approaching a  
15 condition of being overfished, due to  
16 excessive international pressure, and if  
17 there's no international agreement in place  
18 with management measures to end overfishing,  
19 to which the United States is a party.

20                   So within one year after a  
21 secretarial determination, the Act requires  
22 the Regional Fishery Management Councils, or

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1 the Commerce Secretary, in the case of highly-  
2 migratory species, to develop recommendations  
3 for domestic regulations that address the  
4 relative impact of U.S. fishing vessels on the  
5 overfished stock.

6 The councils and the Secretary are  
7 also required, within a year of the  
8 secretarial determination, to develop and  
9 submit recommendations to the Secretary of  
10 State and to the Congress for actions to end  
11 overfishing and rebuild stocks at the  
12 international level, taking into account the  
13 relative impact, again, of vessels of other  
14 nations and the United States vessels on the  
15 overfished stock.

16 Under the Magnuson-Stevens  
17 Reauthorization Act, the Commerce Secretary is  
18 authorized to undertake activities that  
19 promote improved monitoring, compliance and  
20 surveillance for high seas or RFMO fisheries.

21 Specifically, these activities may  
22 include information sharing with relevant

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1 foreign law enforcement, and international  
2 organizations on harvesting and processing  
3 capacity in IU fishing, participating in  
4 global and regional efforts to help build an  
5 international network for monitoring, control  
6 and surveillance of high seas fishing, and  
7 fishing under international agreements;  
8 supporting efforts to create an international  
9 registry or database of fishing vessels;  
10 enhancing enforcement capabilities through  
11 remote sensing technology that locates and  
12 identifies IU fishing vessels; and supporting  
13 efforts to ensure that all large-scale fishing  
14 vessels on the high seas are equipped with  
15 vessel monitoring systems; and providing  
16 technical and other assistance to developing  
17 countries to improve their monitoring, control  
18 and surveillance capabilities.

19           Within three months after  
20 enactment, the Commerce Secretary is required  
21 to publish a definition of IU fishing for  
22 purposes of the Act. The definition is

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1 required to include fishing activities that  
2 violate conservation and management measures  
3 that are required under an international  
4 agreement to which the United States is a  
5 party, and this includes catch limits or  
6 quotas.

7           The IU definition must also include  
8 overfishing of fish stocks that are shared  
9 with the United States, for which there are no  
10 applicable international conservation or  
11 management measures, or in areas where there's  
12 no applicable RMFO or international agreement  
13 in place, as well as fishing activity that has  
14 adverse impacts on sea mounts, hydrothermal  
15 vents, and cold water corals beyond national  
16 jurisdiction for which, again, there are no  
17 applicable measures, and in areas where  
18 there's no applicable RMFO or international  
19 agreement in place.

20           In the Act, protected living marine  
21 resources are defined as nontarget fish, sea  
22 turtles or marine mammals that are protected

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1 under U.S. law or international agreement,  
2 including the Marine Mammal Protection Act,  
3 the Endangered Species Act, the Shark Finning  
4 Prohibition Act, or the convention on  
5 international trade in endangered species.

6 With the exception of sharks,  
7 protected living marine resources do not  
8 include those species that are managed under  
9 the Magnuson-Stevens Act, the Atlantic Tunas  
10 Convention Act, or any international fishery  
11 management agreement.

12 Within two years after the date of  
13 enactment, and every two years thereafter, the  
14 Secretary of Commerce, in consultation with  
15 the Secretary of State, must provide Congress  
16 a report on actions to end IU fishing and  
17 reduce bycatch of protected living marine  
18 resources.

19 This biannual report must include  
20 information on the state of knowledge, on the  
21 status of international living marine  
22 resources that are shared by the United States

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1 or subject to treaties or agreements to which  
2 the United States is a party, and a list of  
3 those fish stocks that are classified as  
4 overfished, overexploited, depleted,  
5 endangered or threatened by any authority with  
6 management or conservation responsibility over  
7 living marine resources.

8 The biannual report must also  
9 identify and list those nations whose fishing  
10 vessels are engaged, or have been engaged in  
11 the previous two years in IU fishing. The  
12 report must also indicate if the relevant RFMO  
13 has failed to implement effective measures to  
14 address the IU fishing activity, or if the  
15 nation is not party to, or does not  
16 cooperating status with the relevant RFMO, or  
17 if there's no RFMO that regulates IU fishing.

18 The Commerce Secretary must also  
19 identify and list those nations whose vessels  
20 are engaged, or have been engaged in the  
21 previous calendar year, in fishing activities  
22 or practices that result in bycatch of

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1 protected living marine resources in waters  
2 beyond any national jurisdiction, or the  
3 bycatch or protected living marine resources  
4 that are shared by the United States beyond  
5 the U.S. Exclusive Economic Zone.

6 The biannual report must also  
7 identify whether the relevant RFMO has failed  
8 to implement effective measures to end or  
9 reduce bycatch, or if the identified nation,  
10 again, is not party to or does not maintain  
11 cooperating status with the relevant RFMO, and  
12 if the identified nation has failed to adopt a  
13 regulatory program that ends or reduces  
14 bycatch, that is comparable to that of the  
15 United States.

16 In addition to these requirements,  
17 the biannual report must also contain a  
18 description of efforts by nations to comply  
19 with the Act, or any appropriate actions that  
20 have been taken to address IU fishing of  
21 bycatch, as well as an evaluation of the  
22 progress of these efforts, including steps

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1 that are taken by the U.S. to implement the  
2 Act's requirements to address IU fishing and  
3 bycatch, and improve international compliance.

4           Again, in the biannual report, the  
5 Commerce Secretary must include progress at  
6 the international level to strengthen the  
7 efforts of RFMOs to end IU fishing, and any  
8 steps that are taken by the Secretary of  
9 Commerce to adopt international measures  
10 comparable to those of the United States to  
11 reduce the impacts of fishing and other  
12 practices on protected living marine  
13 resources, if there's no international  
14 agreement on protected living marine resources  
15 to achieve such goal, or if the existing RFMO  
16 has failed to implement effect measures, and  
17 to reduce fishing impacts on these resources.

18           Within 60 days after submitting the  
19 biannual report to Congress, the Secretary of  
20 Commerce, through the Secretary of State, must  
21 notify those nations that are identified in  
22 the biannual report as having IU fishing

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1 vessels, and inform them of the Act's  
2 requirements regarding IU fishing.

3           The Secretary must also initiate  
4 consultations to encourage these nations to  
5 take appropriate corrective actions with  
6 respect to the offending activities of those  
7 vessels that are identified in the report, and  
8 notify any relevant RFMO of the actions taken  
9 by the United States to address IU fishing.

10           Upon the identification of nations  
11 whose vessels are engaged in fishing  
12 activities or practices that result in bycatch  
13 of protected living marine resources, the  
14 Secretary of Commerce, again acting through  
15 the Secretary of State, must notify these  
16 nations of the Act's requirements regarding  
17 bycatch of protected living marine resources.

18           The Secretary must also initiate  
19 discussions as soon as possible with these  
20 government for the purpose of entering into  
21 bilateral, multilateral treaties with these  
22 countries to protect living marine resources,

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1 and the Secretary must seek agreements calling  
2 for international restrictions on fishing  
3 activities or practices that result in bycatch  
4 of protected living marine resources through  
5 the United Nations, the Food and Agriculture  
6 Organization's Committee on Fisheries, and  
7 other appropriate international fishery  
8 management bodies.

9 And finally, the Secretary's  
10 required to initiate the amendment of existing  
11 treaties to which the United States is a  
12 party, in order to make these treaties  
13 consistent with the purposes and policies of  
14 the Act.

15 The Commerce Secretary is also  
16 required to establish separate procedures that  
17 certify to the Congress whether nations are  
18 taking appropriate actions to address IU  
19 fishing or bycatch of protected living marine  
20 resources. Each certification procedure must  
21 provide for notice and an opportunity for  
22 comment by nations, and identified nations

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1 will either receive a positive or a negative  
2 certification. A positive certification means  
3 that a nation has met the standards to address  
4 IU fishing or bycatch of protected living  
5 marine resources as outlined in the Act, and a  
6 negative certification means that a nation has  
7 not met these standards.

8           The Commerce Secretary may  
9 establish an alternative certification  
10 procedure on a shipment by shipment, shipper  
11 by shipper, or alternative basis under certain  
12 conditions.

13           And importantly, any nation that's  
14 identified in the biannual report as--or I'm  
15 sorry--that's negatively certified, or that is  
16 not certified, is subject to the sanction of  
17 the High Seas Driftnet Enforcement Act.

18           These sanctions do not apply to  
19 nations that receive a positive certification,  
20 sport fishing equipment or fishing products  
21 that are not managed under an international  
22 agreement.

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1 Under the IU certification  
2 procedure, the Commerce Secretary must certify  
3 to the Congress on a biannual basis whether an  
4 identified nation has provided documentary  
5 evidence that it's taken corrective action  
6 regarding the offending activities of its  
7 fishing vessels identified in the biannual  
8 report, or whether the relevant RFMO has  
9 implemented effective measures to end IU  
10 fishing by vessels of that nation.

11 Under the bycatch certification  
12 procedure, the Commerce Secretary must  
13 determine if nations that are identified in  
14 the biannual report as having nations that are  
15 engaged in the bycatch of living marine  
16 resources, have adopted a regulatory program  
17 governing the conservation of these resources  
18 that is comparable to that of the United  
19 States, taking into account different  
20 conditions, and the Secretary must also state  
21 whether they've established a management plan  
22 with requirements that assist in gathering

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1 specie-specific data to support international  
2 stock assessments and conservation enforcement  
3 measures to protect living marine resources.

4           And to the greatest extent  
5 possible, based on the availability of funds,  
6 the Secretary's required to provide assistance  
7 to nations that are identified in the biannual  
8 report, and the relevant RFMO, to help them  
9 qualify for certification and they must  
10 undertake cooperative research with these  
11 nations or RFMOs, where appropriate.

12           The Secretary must also encourage  
13 and facilitate the transfer of technology to  
14 the identified nations and RFMOs to assist in  
15 qualifying for certification and provide  
16 assistance to these nations and RFMOs in  
17 designing and implementing appropriate fish  
18 harvesting plans.

19           The Magnuson-Stevens  
20 Reauthorization Act also requires the  
21 Secretary of Commerce, in consultation with  
22 the Secretary of State, in cooperation with

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1 the regional fishery management councils and  
2 advisory committees, to take actions to  
3 improve the effectiveness of RFMOs in  
4 conserving and managing fish stocks that are  
5 under their jurisdiction.

6 Required actions by the Secretary  
7 include urging other nations, at bilateral,  
8 regional and international levels, to take  
9 steps necessary to prevent fish and other  
10 living marine resources, harvested by vessels  
11 engaged in IU fishing, from being traded or  
12 imported into their nation or territories.

13 Required actions also include the  
14 U.S. urging adoption of lists that are  
15 identifying fishing vessels and vessel owners  
16 engaged in IU fishing, that can be shared  
17 among other members and other RFMOs; seeking  
18 international adoption of centralized vessel  
19 monitoring systems to monitor and document  
20 capacity of fishing fleets in all nations that  
21 are under an RFMO's jurisdiction; urging an  
22 increased use of observers' technologies that

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1 are needed to monitor compliance with  
2 conservation and management measures that are  
3 established by an RFMO; and seeking adoption  
4 of stronger port stay controls in all nations.

5           Lastly and finally, the Secretary  
6 is required to urge RFMOs, to which the United  
7 States is a member, and its member countries,  
8 to adopt and expand their use of market-  
9 related measures to combat IU fishing.

10           These include import prohibitions,  
11 landing restrictions, and other measures to  
12 enforce compliance; measures to prevent trade  
13 or imported fish caught by vessels that are  
14 identified multilaterally as engaging in IU  
15 fishing, and catch documentation certification  
16 schemes through improved tracking  
17 identification of catch from vessels that are  
18 engaged in IU fishing.

19           Okay. Now I'll just briefly touch  
20 on some of the other provisions in the Act.

21           Basically, when establishing catch  
22 allocations under international agreements,

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1 the Commerce Secretary must ensure that the  
2 catch history associated with the U.S. vessel  
3 remains with the United States and is not  
4 transferred or credited, even if the vessel is  
5 sold or transferred to another nation or  
6 foreign owner, and the Act requires that the  
7 council or the Secretary take into account  
8 traditional U.S. participation in the fishery  
9 relative to other nations, when managing  
10 fisheries under an international fisheries  
11 agreement to which the United States is a  
12 party.

13 In January 2009, the Commerce  
14 Secretary must designate a Senate-confirmed  
15 senior official with NOAA to perform the  
16 duties of the Secretary with respect to  
17 international agreements involving fisheries  
18 and other living marine resources, including  
19 policy development and representation as U.S.  
20 commissioner under an international agreement.

21 As I mentioned, the Act  
22 reauthorized the Atlantic Tunas Convention

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1 Act, and specifically the Act authorizes funds  
2 to be appropriated to the Commerce Secretary  
3 to carry out the activities under ATCA and  
4 provides funds for the U.S. payment of  
5 commission's joint expenses, provided for in  
6 Article 10 of the convention.

7 The Act also establishes an  
8 Atlantic Billfish Cooperative Research Program  
9 based on the Southeast Fisheries Science  
10 Center, Atlantic Billfish Research Plan of  
11 2002, and it declares that it's a sense of  
12 Congress that U.S. commissioners seek  
13 inclusion of ecosystem considerations in  
14 fisheries management, including the  
15 conservation of fish habitat.

16 Finally, the Magnuson-Stevens  
17 Reauthorization Act implements two  
18 international fishery management agreements.  
19 The Western and Central Pacific Fisheries  
20 Convention, and the agreement between the  
21 United States and Canada on Pacific hake and  
22 whiting that was signed in November 2003.

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1           So, in summary, the Magnuson-  
2 Stevens reauthorization Act presents man  
3 opportunities and challenges for NMFS, the  
4 councils and--

5           [Start Tape Side 2A]

6           LAURA CIMO: [in progress] marine  
7 resources, and the Act will require a  
8 commitment toward strengthening RFMOs and  
9 helping nations develop the management tools  
10 and capacity. And finally, the Act recognizes  
11 the need for the United States to work  
12 multilaterally to address these important  
13 issues. Thank you.

14           MS. JOHNSON: Gail Johnson.  
15 There's some definitions that I'm wondering  
16 about. But I guess the biggest question is,  
17 for years, the ICCAT advisory committee has  
18 labored to identify some nations that are  
19 fishing not to the best interests of ICCAT's  
20 conservation programs, and I'm wondering what  
21 the process is, if it's streamlined, if it  
22 will actually happen, that we'll be able to

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1 identify vessels under this process.

2 LAURA CIMO: Actually, I might have  
3 to defer to Caroline to help give me an answer  
4 to that.

5 MS. PARK: Hi. Caroline Park. I  
6 just want to make sure I understand your  
7 question. It's about the process for  
8 streamlining to actually make this  
9 identification work; is that the question?

10 MS. JOHNSON: Well, I guess the  
11 crux of the question is will we be able to  
12 identify those vessels that, through the  
13 process of anecdotal information, the process  
14 of seeing more of some species come into the  
15 United States than this country was supposed  
16 to have been able to catch, will we be able to  
17 finally identify particular countries as  
18 being, acting like an IUU vessel, if not being  
19 an IUU vessel?

20 MS. PARK: Clearly, the Act  
21 envisions that we're going to set up this kind  
22 of identification process, and I think right

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1 now, MNFS's Office of International Affairs is  
2 going to be developing--pursuant to the Act,  
3 they have to do a rulemaking to establish the  
4 process under which they're going to be doing  
5 the certification process, and I think, you  
6 know, linked to that is the very good  
7 questions that you're raising about, well,  
8 what kind of information feeds into this  
9 process and everything.

10 So, clearly, the Act envisions that  
11 we're going to accomplish this, and we'll  
12 definitely want a lot of feedback from folks  
13 on the practical experiences of what has and  
14 has not worked in the past.

15 So that's probably all I can say  
16 for right now, yes, and there's the practical  
17 experience right there.

18 MR. GRAVES: John Graves. And I  
19 was taken back with one of the items in your  
20 slide where it say "in the previous calendar  
21 year," because that has been the crux of the  
22 problem between ICCAT and ATCA for as long as

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1 I've been involved in this process, and that's  
2 a pretty long time.

3           And the reason that we've never  
4 been able to identify a country is that when  
5 data are reported to ICCAT, ICCAT is about a  
6 year behind in terms of the data reporting.  
7 So in the previous calendar, it just isn't  
8 going to happen.       So it's basically a  
9 nonstarter.

10           I don't see, you know, other than  
11 if we can do it as Gail said, through  
12 importation, but through importation then you  
13 have to document whether those harvests were  
14 taken in that previous calendar year, and  
15 maybe weren't stockpiled.

16           So it doesn't seem to fix the  
17 problem, and I mean, believe me, I have an  
18 advisory committee full of people who would  
19 love to see some ATCA identifications.

20           And I don't see how this is going  
21 to help us get there.

22           LAURA CIMO:    I'm not necessarily

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1 sure that I can give you a response. I guess  
2 that's actually a very good comment, and we've  
3 had meetings--again, Caroline, maybe you want  
4 to add some comments--but there's been several  
5 meetings trying to basically determine what  
6 would be the best approach, because we realize  
7 those actually are very good questions, and  
8 unfortunately there's a logistical aspect to  
9 this.

10 I can just tell you right now, as  
11 Caroline alluded to, that we're basically--I  
12 think the Office of International Affairs is  
13 going to be looking for input on how best to  
14 implement this because so far, the same  
15 questions, and points that you're raising,  
16 have already been discussed and raised with a  
17 sense of frustration.

18 So it's not really clear how we're  
19 going to do that.

20 I don't know, Caroline, if you want  
21 to add anything.

22 MS. PARK: I think the only thing

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1 I'm just going to add is that definitely the--  
2 as Laura said, the continued input from folks.

3 We're going to be looking at this pretty  
4 carefully.

5 It's interesting cause the statute  
6 sets up two different timeframes. For the IU  
7 portion, it's during the preceding two years.

8 For the bycatch, it's the preceding year.

9 So we are going to be looking at  
10 that pretty closely and trying to link up our  
11 statutory mandate with the practicalities of  
12 what actually happens in these different fora.

13 MS. FORDHAM: Sonja Fordham, The  
14 Ocean Conservancy. Thanks for this, it's very  
15 interesting, and I think there's some promise  
16 maybe for sharks. But I wasn't able to keep  
17 up entirely, and I'm just wondering if you  
18 could talk a bit about how it might play out  
19 for sharks, and I'm thinking, in particular,  
20 sharks you said might be considered LMRs but  
21 they're certainly not protected LMRs unless  
22 we're thinking about domestic protection for

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1 some species. They don't have any  
2 international agreements specific to sharks.  
3 There have been some actions under the tuna  
4 RFMOs and some other RFMOs, but there are no  
5 international catch limits for sharks.

6 So I'm just trying to think this  
7 through and wonder if you can tell me how it  
8 might play out for perhaps U.S. proposals for  
9 RFMOs for sharks, and I'm thinking of two  
10 particular examples, with--the North Atlantic  
11 shortfin mako shark is the only shark I know  
12 of where RFMO has some scientific advice to  
13 reduce fishing pressure, from its own  
14 scientific body. So that might offer some  
15 promise.

16 But also we have species like the  
17 porbeagle shark, which is taken as bycatch in  
18 ICCAT fisheries, but there's no ICCAT  
19 attention. So we have a Canadian assessment  
20 that's pretty grim, and we have IC's advice  
21 for no fishing, and now we have a CITES's  
22 proposal that will be decided in June.

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1           So these are two very different  
2 scenarios, one probably now--probably both  
3 subject to bycatch but also directed fishing.

4       So I'm wondering if you can just give us some  
5 clue, how that might play out with this new  
6 process.

7           LAURA CIMO: Well, first of all,  
8 thank you for you comment, cause I'm afraid,  
9 I'm not sure that I can actually,  
10 unfortunately offer too much guidance. You  
11 know, it's one thing, in sort of theory, to  
12 see how the provisions are going to be  
13 implemented, and I'm not sure, at least so  
14 far, to be truthful, we're still sort of  
15 trying to piece out an interpretation of the  
16 Act and sort of how we're going to, frankly,  
17 how we're going to implement some of the  
18 provisions.

19           So I actually have yet to see what  
20 specific species were or are being  
21 contemplated under international agreements,  
22 that this Act would essentially apply to. So

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1 I'm afraid, from my own experience, and I  
2 don't know if the international office, if,  
3 frankly, we have really been kicking around  
4 how to implement the Act and not really focus  
5 sort of how, prospectively, what other species  
6 would be covered under these provisions, sort  
7 of in the future, in future agreements.

8 So I'm afraid I can't really add  
9 anything or answer your question. I don't  
10 know if anybody--Caroline, something you have  
11 to add or--

12 MS. PARK: Thanks, Sonja.

13 Caroline again. I think the points that  
14 you raised are definitely ones that we can  
15 definitely take back to the International  
16 Affairs Office. I'm not sure, strategically--  
17 I mean, once things are sort of lined up about  
18 how they're going to implement, then the  
19 question strategically for the different  
20 negotiators, as to how they're going to go  
21 before the RFMOs, that's something that I  
22 definitely don't know, but we can pass it back

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1 along to Rebecca and her shop.

2 MS. JOHNSON: Gail Johnson again.  
3 A couple of other questions. One of the  
4 things you talked about, about the RFMOs,  
5 going back to what Sonja was saying--if there  
6 is no particular RFMO for an international  
7 species, what then? That's the same problem  
8 that you're going to have with domestic  
9 species, right? trying to come with a--and the  
10 other question that is on my mind a lot is  
11 centralized VMS.

12 What would it be at the--I'm  
13 thinking ICCAT, and I can't think,  
14 provincially, like that. Who would have the  
15 oversight over all of the VMSes with all of  
16 these competing nations?

17 LAURA CIMO: Again, I just have to  
18 say this is obviously a very thoughtful group  
19 because you guys are asking really good  
20 questions. I think, to be frank again, when  
21 we've looked at the provisions, it's not  
22 clear, from the Act, who basically would have

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1 jurisdiction over a centralized system. One  
2 would guess that Congress would contemplate  
3 that the United States would play a leadership  
4 role, but again, frankly, with, I don't know,  
5 short of funds, and, you know, political will  
6 to do that, I don't necessarily know that that  
7 actually can or will be done.

8 So at this point all I can do is  
9 contemplate that that may have been Congress's  
10 intent but it's not clear that that's exactly  
11 what we'll be able to do.

12 MR. : My memory's a little bit  
13 foggy on it but John, maybe you can help me.  
14 I think we have the Eastern bluefin agreement,  
15 that actually talks about centralized VMS, and  
16 it envisioned the secretariat, that nations  
17 have to provide some sort of a link, and it  
18 goes to the secretariat, and the secretariat  
19 is the one that actually provides the reports  
20 of where each country's vessels have been. I  
21 think that's in the Eastern bluefin agreement.

22 Just another point. It is a little

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1 bit ironic that this reauthorization spent so  
2 much time on IUU. Addressing IUU fishing is  
3 something that ICCAT was actually out front on  
4 for many years in the U.S., and other parties  
5 were lagging, domestically. But there's  
6 probably no other agreements that take up more  
7 space in the compendium of agreements at ICCAT  
8 than addressing IUU.

9 It's easy when you're attacking  
10 nonmembers. It's trying to get member  
11 communities to do the right thing. That's  
12 hard.

13 LAURA CIMO: Good point; thank you.

14 MS. SCHULZE-HAUGEN: Okay. Well,  
15 thank you, Laura. I'm hoping that Laura and  
16 Jennifer can stick around for a little bit, at  
17 least until the break, so that if you have any  
18 followup questions, they can help try and  
19 answer those.

20 We are moving right along on the  
21 agenda, I guess I was expecting some more  
22 questions, and so let me move on, and give you

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1 the overview presentation of--kind of what  
2 we've been doing, and this was scheduled for  
3 after the break, and so I think we'll keep  
4 going, and then take a break after that, and  
5 we may have some time after the break, that we  
6 can talk about other issues, if you would  
7 like.

8 And so what I'm hoping to do here  
9 is just walk through some of what we've been  
10 doing in the last six months since we met, and  
11 give you a sense of what's on our plate.

12 From a rulemaking perspective, just  
13 as a listing of numbers, we've published three  
14 proposed rules and have two more in progress.

15 We've also published two final  
16 rules, issued, actually, I believe the number  
17 is 24 exempted fishing permits, scientific  
18 research permits or letters of authorization.

19 Letters of authorization are given for shark  
20 research. The Magnuson Act does not regulate  
21 research and so as sharks are managed solely  
22 under Magnuson at this point, when we get a

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1 request for acknowledgement, we issue those.  
2 Typically it's from research boats by bona  
3 fide scientists.

4 We have oversaw 19 workshops.  
5 These are the protected species handling and  
6 release, and the shark carcass identification.

7 These are being done by two separate  
8 contractors, including Shawn Dick, who's here  
9 with us today, and Rusty Hudson as well.

10 We've continued work on the EFH  
11 Amendment One and we'll have a presentation on  
12 that, conducted scoping and prepared the  
13 predraft document for Shark Amendment Two.  
14 That was distributed last week and we have  
15 hard copies here for folks that want to have  
16 those.

17 Prepared two administrative records  
18 for law suits and initiated implementation of  
19 ICCAT recommendations for bluefin tuna and  
20 swordfish.

21 And so what I'll be doing is going  
22 through and spending a little more time on the

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1 rules or the operational components, that we  
2 don't have specific presentations for, and  
3 just touching on the ones that we do have set  
4 times set aside later, and then we can have  
5 some time at the end for questions, if you  
6 have them.

7 A quick overview of ICCAT. This is  
8 probably the shortest, that we'll be focusing  
9 here on the aspects of recommendations that  
10 require domestic rulemaking implementation.

11 For bluefin tuna, the Western  
12 bluefin tuna TAC was reduced from 2100 metric  
13 tons, from 27 to 2100. The U.S. TAC, as a  
14 result, inclusive of dead discards, is now  
15 1190.12. This includes 25 metric tons set  
16 aside for the NED.

17 ICCAT established a carryover cap  
18 of 50 percent of the initial allocation. This  
19 is a similar measure you'll see for swordfish,  
20 although the wording is slightly different,  
21 and for the U.S., that means that about 595  
22 metric tons will be available to carryover.

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1           The transfer of underharvest to  
2 Canada and Mexico, 50 tons each year, in 2007,  
3 2008, for Canada, and 75, then a 100 for  
4 Mexico in those years.

5           There's also a transfer provision  
6 of up to 15 percent our TAC allocation that  
7 can go to another country that has a TAC  
8 allocation. That is about as specific as it  
9 gets. And there was also an increase in the  
10 school four year consecutive quota, from 8  
11 percent to 10 percent.

12           For swordfish, the North Atlantic  
13 swordfish quota was maintained at 14,000  
14 metric tons. One interesting point here is  
15 that a number of countries were given  
16 allocations, and if you add them all up, it  
17 does exceed 14,000 metric tons, even though it  
18 says the TAC is maintained.

19           The U.S. TAC was also maintained at  
20 3907 metric tons. A similar carryover  
21 provision, the phrasing here is 50 percent of  
22 the original quota. There's a transfer of 25

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1 metric tons to Canada as well as the same  
2 transfer provision of up to 15 percent of our  
3 allocation can be transferred to another  
4 country with an allocation.

5 For billfish, the provisions for  
6 the U.S. were maintained. There was a little  
7 language on artisanal fisheries, collecting  
8 information on that, but there's not a  
9 rulemaking implementation. Northern albacore  
10 also was rolled over. That I believe is up  
11 for assessment in 2007, so we can expect some  
12 additional recommendations coming out of the  
13 upcoming ICCAT meeting, and for South Atlantic  
14 swordfish, our quota is 100 metric tons for  
15 2007 to 2009, and we are allowed to carry over  
16 up to a 100 metric tons of any underharvest.

17 And I will ask John at the end if  
18 I've missed anything here.

19 One of the recent rulemakings  
20 published a final rule on February 7th, was  
21 the shark dehooking Caribbean SFA rule that  
22 requires additional sea turtle handling and

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1 release requirements for the shark bottom  
2 longline fishery. The design specifications  
3 were matched to the same as the pelagic  
4 longline fishery due to the degree of overlap  
5 between the fisheries.

6 We thought the consistency between  
7 the two would be the best. These requirements  
8 include short- and long-handled dehookers, a  
9 standard automobile tire, needlenose pliers,  
10 long-handled device to pull an inverted V,  
11 line cutters, bull cutters, mouth-openers, and  
12 a copy of the careful release protocols.

13 This rule also established  
14 complementary closures to the Caribbean  
15 Council essential fish habitat closures, these  
16 are for reef-dwelling species, and I've got a  
17 map of that on the next slide.

18 Also relevant to the kind a  
19 handling and release requirements is we have  
20 published a revised list of approved dehooking  
21 devices. Since the rule was originally  
22 published in 2004, there's been some

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1 additional research, and so there's some  
2 additional gear that is now authorized for  
3 use. That published February 15th.

4 And anything that I mention here,  
5 we should have copies of, and if we don't, we  
6 can get you them while we're here.

7 So here is a map of the areas,  
8 ignore the word proposed, they were  
9 implemented as proposed, and so they are  
10 final. They're fairly small areas but that's-  
11 -there was a backstop rulemaking for the  
12 Caribbean.

13 Moving on to swordfish  
14 revitalization, this was a topic of the last  
15 AP meeting. Just to recap, we held six public  
16 meetings or listening sessions in September  
17 with the idea to obtain recommendations on  
18 potential management measures to more fully  
19 harvest the U.S. swordfish quota.

20 We had a target to have a rule, in  
21 hand at ICCAT, demonstrating our intent to  
22 revitalize the fishery. We met that. The

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1 proposed rule published during the ICCAT  
2 meeting on November 28. We held seven public  
3 hearings in January, and to comment on the  
4 proposals to increase the retention limits for  
5 commercial, incidental, charter head boat and  
6 angling category permit holders, as well as  
7 easing pelagic longline vessel upgrading  
8 restrictions and eliminating the horsepower  
9 restriction.

10 The comment period closed January  
11 31st. We are analyzing the comments received  
12 and preparing the final rule. We expect that  
13 in April, and this will be something that  
14 we'll talk a bit about on Thursday.

15 For sharks, this was the 2007 first  
16 season rule. The proposed rule published  
17 October 5th, right at the conclusion of the  
18 last AP meeting, and the landings information  
19 that was available at that time, we proposed  
20 the South Atlantic would be closed due to an  
21 extensive overharvest in the first season in  
22 2006.

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1           The North Atlantic and Gulf large  
2 coastal fisheries were proposed to have a four  
3 month season, due to underharvests. No  
4 closure date was proposed for small coastals  
5 in any of the regions, and also we proposed  
6 that the shark bottom longline closed area  
7 would open in 2007 for July only, pending  
8 available quota, cause that's technically in  
9 the second season.

10           During the comment period,  
11 significant underreporting was discovered, and  
12 that changed the numbers to the extent that  
13 the large coastal Gulf and South Atlantic, as  
14 well as the small coastal Gulf quotas were  
15 exceeded, and for those of you that were not  
16 at ICCAT, this was heavy. For those of you  
17 that were, I guess I should say this was  
18 something going on while we were there.

19           The comment period was extended  
20 twice through November 17th, so that people  
21 could comment on the proposed rule in light of  
22 the new landings information, and then we

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1 issued a combination final emergency rule on  
2 December 14th that provided the Gulf a two  
3 week season from January 1st to the 15th. The  
4 North Atlantic was maintained at a four month  
5 season and the South Atlantic was maintained  
6 to be closed.

7           The small coastal fishery was open  
8 in all areas, and there was a quota transfer  
9 from the South Atlantic which has fairly  
10 consistent underharvests, to cover the Gulf  
11 overharvest.

12           Since then, the landings  
13 information from the Gulf for small coastals  
14 has indicated that quota has been met, and we  
15 published on February 14th a closure notice  
16 that was effective February 23rd.

17           [Coughing] Excuse me. I'm getting  
18 over a cold.

19           For the shark second and third  
20 season, we have a proposed rule that published  
21 last week and we'll be having a session on  
22 that later. We'd adjust the second and third

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1 seasons based on 2006 over and underharvest  
2 from the same, the corresponding seasons.

3           The largest coastal South Atlantic  
4 we're proposing to merge with--have a merged  
5 season between the two for a total of six  
6 weeks starting in August.

7           And for the Gulf, we're proposing  
8 to merge the seasons for a three week season  
9 starting in September. What this does is it  
10 combines the two quotas and would open it in  
11 time periods when the catch rate are slower,  
12 so that actually we have a longer opening than  
13 we would if we had separate openings between  
14 July and September.

15           The largest coastal North Atlantic  
16 season is proposed to be open for three weeks  
17 in July. For small coastals, we're proposing  
18 a transfer from the South Atlantic to again  
19 cover the overharvest, and because of the  
20 apparent changes in the fishery recently,  
21 we're proposing to revise the allocation to  
22 split the quota equally between those regions.

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1           The comment period closes March  
2 28th. It's a short comment period because we  
3 need to get the rule out and placed by May  
4 1st, the start of the second season.

5           Before the EFH Amendment One, the  
6 consolidated FMP, if you recall, was Phase One  
7 of the five year review as required by  
8 statute, and at that point we presented  
9 updated data, but did not actually propose any  
10 changes to the EFH boundaries, or any ways to  
11 minimize fishing impacts.

12           And so that is what Phase Two will  
13 do. That's what we're working on right now.  
14 And so we'll be having a presentation on that  
15 with kind of where we are, the kinds of data  
16 that we have, and then where we're going from  
17 here.

18           The Notice of Intent for that  
19 published November 7th. The comment period on  
20 it closed December 22nd, although we are  
21 having a scoping meeting here, so all of your  
22 comments here will go into that process.

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1 Shark Amendment Two, again, we  
2 talked a bit about this at the last AP  
3 meeting. The new assessments for large  
4 coastals, sandbar, blacktip and dusky sharks,  
5 in addition to the Canadian porbeagle  
6 assessment that actually Sonja mentioned,  
7 we've reviewed that and determine that it  
8 meets the needs for domestic management  
9 purposes. So we'll be moving forward based on  
10 that.

11 The notice of intent to repair the  
12 EIS also published last November 7th, and we  
13 held seven scoping meetings last January.  
14 These were in conjunction with the swordfish  
15 revitalization rule.

16 We have released the predraft and  
17 scoping comment summary last Monday, and we're  
18 looking for comments by the end of the month.

19 So we'll take all of your comments from the  
20 meeting here, and any written comments we'd  
21 request by March 31st. We expect a proposed  
22 rule in the summer, with the final rule

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1 following, late fall or early winter, and this  
2 will be a big part of the discussion tomorrow.

3 For billfish tournament circle hook  
4 requirements--this was also a point of  
5 discussion at the last meeting--but the  
6 consolidated FMP, which was released last  
7 July, the EES portion of it, identified a  
8 preferred requirement for use of non-offset  
9 circle hooks in billfish tournaments when  
10 anglers aboard HMS permanent vessels deploy  
11 natural bait or natural bail artificial lure  
12 combinations.

13 We've received a lot of comment,  
14 after that was released for the first time, on  
15 the impacts to blue marlin fishing, and in the  
16 final rule that implemented the FMP, we moved  
17 forward with implementing the circle hook  
18 requirements but discussed a plan to issue  
19 exempted fishing permits to collect additional  
20 data on that kind of fishing for blue marlin

21 The comment coming back from the  
22 AP, as well as from billfish tournament

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1 directors, was that tournaments were not the  
2 places to collect data and do research, and so  
3 we published a notice that we would not be  
4 moving forward with EFPs February 1st but we  
5 would consider other strategies to mitigate  
6 those impacts.

7 In the meantime, the billfish  
8 tournament requirements became effective  
9 January 1, and one of those other measures  
10 that we've been working on is a proposed rule  
11 which filed yesterday, and we'll publish  
12 Thursday, so we'll have it "hot off the  
13 pressures" for you Thursday morning, and we're  
14 proposing to suspend the requirements until  
15 January 2008, to afford people one additional  
16 fishing season to become familiar with the  
17 gear, learn how to rig it and fish it, cause  
18 there is a difference in techniques before the  
19 requirement would come back online.

20 For bluefin tuna and the swordfish  
21 specs, these rules are not yet out. We have  
22 hoped to have the bluefin rule out, and we're

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1 close, but "no cigar." These rules would  
2 implement the ICCAT recommendations, the  
3 quotas, the increase for bluefin, carryover  
4 caps as well. We expect the proposed specs  
5 for bluefin towards the end of the month with  
6 the swordfish specs proposed rule, I expect in  
7 April. We will have a presentation on the  
8 bluefin measure because we are closer to that.

9 We do not have a proposal at this time or a  
10 presentation, I should say, no swordfish specs  
11 at this time, but we can talk about it if  
12 you're interested.

13 One of the other rules that's in  
14 the hopper is sawfish dehooking and sea turtle  
15 handling gear. For sawfish, the current  
16 biological opinions and regulations do not  
17 allow--in fact, they expressly say do not  
18 remove hooks, and in the meantime, there has  
19 been additional research and guidance  
20 developed that would enable the removal of  
21 hooks, and so the rule would update the  
22 regulations to allow the removal of hooks and

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1 other fishing gear in the long-line fisheries.

2 For sea turtles, previously, some  
3 of the handling gear was recommended but not  
4 required, and similarly, there's been  
5 additional research that shows it greatly  
6 improves the ability to remove the gear on the  
7 animal, and so we're considering requiring  
8 that gear.

9 We are expecting that rule in the  
10 summer, kind a as some of the other rules are  
11 out the door.

12 In addition to being a rulemaking  
13 group, we also have a number of operational  
14 components of what we're doing, and one of the  
15 major ones that follows from the FMP was the  
16 workshops, the handling, release workshops,  
17 protected species as well as the shark carcass  
18 identification.

19 These are required at different  
20 points. The protected resources, handling and  
21 release workshops, are required for pelagic  
22 and bottom long-line as well as shark gill net

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1 vessel owners and operators, and this is a  
2 requirement for permanent renewal in 2007.

3 If you recall, the permits, they  
4 expire on the owner's birth month, and so it's  
5 staggered throughout the year, and if you do  
6 not submit your certification with the  
7 application package, it will be deemed  
8 incomplete and will not be processed.

9 And so far we've held sixteen, by  
10 the end of this month, with a target of a  
11 total of forty-three, by the end of December.

12 For the shark carcass  
13 identification, this is required of shark  
14 dealers, and is required as of January 2008, a  
15 slightly different timeframe. For these,  
16 we've held three by the end of this month,  
17 with a total of ten by the end of December.  
18 Both of these also have the option for one on  
19 one training at the convenience of the  
20 contractor, in the case of an emergency or  
21 someone that needs an expedited process.

22 We look through the permit database

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1 and look for where permit holders are grouped,  
2 and try and target those. We're moving  
3 between kind of a northeast, a southeast, and  
4 the Gulf region, trying to get to each region  
5 almost every month, and in terms of outreach  
6 on the requirements, we did certified mailing  
7 to all permit holders when the rule is  
8 released, in addition to the press release.

9 We've done directed mailings to  
10 permit holders quarterly, with the schedules,  
11 cause they're published quarterly, and in fact  
12 we have a new schedule for the second quarter  
13 of this year that published today.

14 We have a dedicated workshops Web  
15 page, where people can go and find out  
16 information and get in touch with the  
17 contractors, as well as the ListServe notices  
18 and some factsheets.

19 We feel we've done quite a bit of  
20 outreach and wanted to just share with you  
21 that permit holders are still not fully aware  
22 of the implications of the requirements, and

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1 we've gotten some comments that the workshops  
2 themselves are very effective, very  
3 informative, but not everybody is aware that  
4 they need to plan in advance, identify the  
5 workshops that may be closest to them or most  
6 convenient to them, and get to them in advance  
7 of needing to submit their permit renewal  
8 application.

9           And so one of the things that I  
10 would ask of you is to share this information  
11 with your constituents, that their permits  
12 will not be processed without the  
13 certificates. So it is an important  
14 requirement.

15           Talking a bit about exempted  
16 fishing permits, and this also includes  
17 scientific research permits and the letters of  
18 authorization. We've issued a total of  
19 twenty-four, to date, and you can see the  
20 breakout here, and we are on track to meet the  
21 last two years. Thirty-two in 2005 and  
22 thirty-seven in 2006. One thing I'd like to

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1 note for these is they all require some level  
2 of analysis, some sort of NEPA analysis.

3 In many cases, we can rely on  
4 previous analyses. A good example of that is  
5 the shark display permits, which were  
6 initially established within a NEPA analysis  
7 in '99. Others that come in on a case by case  
8 basis, they do require analysis, and in some  
9 cases we indicate that we will put them out  
10 for public comment, and as you see at the  
11 bottom, the recent request that published  
12 today from Bluewater Fishermen's Association,  
13 this is one of the types of EFPs that we have  
14 indicated we will put out for public comment.

15 This is an EFP request to access  
16 some of the closed areas, and so we are  
17 looking for public comment as we move forward  
18 with considering it, and this I think will be  
19 something that we can also talk a bit, on  
20 Thursday, with the swordfish discussion.

21 Just to give you an update on  
22 litigation, where we are, not necessarily many

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1 of the details, but the Oceana circle hook  
2 requirements for turtles, that we were sued on  
3 in 2004, has progressed through the courts,  
4 and now is in appeal. Oral arguments are  
5 scheduled for Monday. And we were sued by  
6 Blue Ocean Institute for the lack of a closure  
7 on the Gulf of Mexico during the bluefin tuna  
8 spawning season, and we have submitted the  
9 administrative record in January. That record  
10 is being contested and we are, I think, close  
11 to finish with the briefing cycle on that  
12 specific, before moving to the briefing on the  
13 actual case.

14 And we were also sued on the first  
15 season shark rule, and the administrator of  
16 record for that was submitted last Friday.

17 And so before we move on, I just  
18 wanted to make a point, sort of let you know  
19 that our rulemaking schedule's quite full and  
20 our operational activities continue. Some of  
21 the others that we have include the bluefin  
22 tuna dealer database, the non-tournament call-

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1 ins for the billfish and swordfish, as well as  
2 the tournament registration.

3 So we do more than just regs. At  
4 this point I'd just like to make a point.  
5 We've received a number of requests, recently,  
6 that are asking for action within  
7 approximately 30 days, and that is a very  
8 tough timeline for us. A lot of our actions,  
9 if they would actually change the regulations,  
10 require notice and comment, proposed and final  
11 rulemaking, with opportunities for public  
12 comment.

13 And so preparing those, analyzing  
14 the comments, and then some of the statutory  
15 requirements due to other laws add time to  
16 that. And just so you know, things do take  
17 time when reg changes are involved.

18 And at this point I'd just like to  
19 say that your input is valued. We're looking  
20 forward to a good AP meeting. We've got a lot  
21 to talk about and I think we'll, you know, get  
22 into some of the issues shortly, and we would

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1 ask that you take the information from the  
2 meeting back out to your constituents and act  
3 as kind of a funnel back to us for feedback.

4 So we are always looking for that.

5 And that is it. So if you have any  
6 questions.

7 I guess I would ask that we not get  
8 too much into the things that we will get into  
9 later. But I understand if you have a couple.

10 MR. : Regarding the new 15  
11 percent transfer provisions for bluefin and  
12 swordfish, you mentioned that you needed some  
13 sort of domestic rulemaking now. Are you  
14 looking to set up a procedure for how that's  
15 going to be handled?

16 You envision a public process,  
17 prior to, for example, if somebody, if there  
18 was agreement to make a transfer to Canada or  
19 Japan or something like that, you envision a  
20 change to the domestic HMS regulations in  
21 order to do that? It's not going to get a  
22 letter type--I mean, the agreements are very

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1 simple; right? They just simply say tell  
2 ICCAT and make sure that the other country  
3 already has an ICCAT allocation.

4 But domestically, we've got more  
5 than that.

6 MS. SCHULZE-HAUGEN: Well, we have  
7 a couple of choices before us, where we have  
8 always, in the past, when we've done those  
9 transfers, have done them via public comment.  
10 They've been done through rulemaking.

11 And so if that's--you know, we  
12 have, I think, considered that some separate  
13 action would be required, and we're looking at  
14 possibly setting some quota into reserve. If  
15 we fully allocate all of that quota to the  
16 different categories, then taking quota away  
17 from them, to transfer to another country,  
18 would be a rule change. So there could be  
19 process--I don't doubt there will be process.  
20 We haven't quite figured all of that out.  
21 But that will be a discussion point in those  
22 rules.

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1 MR. : Let me just follow-up.  
2 For example, the Mexico transfer of 175 tons  
3 of bluefin tuna quota, that was underage and  
4 all of the swordfish was underage as well.

5 So it really doesn't have major  
6 implications, domestically, at this point in  
7 time. I mean, it's quota that we were going  
8 to lose because of the cap, in both cases.

9 So why would you want to spend the  
10 time--I mean, we don't envision that--  
11 hopefully, we don't envision that as a  
12 permanent, you know, annual option for us to  
13 be giving away quota into the future.

14 So I'm wondering, why would you  
15 want to spend a lot of time developing a  
16 pretty substantial domestic process to deal  
17 with it, when, hopefully, the objective is to  
18 phase it out, or, you know, by revitalizing  
19 and hopefully bluefin will come back.

20 MS. SCHULZE-HAUGEN: Let me  
21 clarify. When I was talking about needing to  
22 do some sort of separate action, it would be

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1 for the 15 percent, not necessarily the  
2 transfers that were part of the  
3 recommendation. What these rulemakings will  
4 do will be to implement the recommendation.  
5 Those transfers are embodied in the  
6 recommendation itself. The 15 percent  
7 transfer is a general kind of option, it's not  
8 specified in the recommendation in terms of  
9 what country, how much. And so when I say we  
10 would do some separate action, it would be,  
11 should there be a decision to transfer quota  
12 to someone that, at that time, we would do a  
13 separate action. But specific to the 15  
14 percent.

15 MS. JOHNSON: Gail Johnson. I just  
16 wanted to thank you, Margo, and your people,  
17 for "going the extra mile" with these  
18 certification workshops. Swordfish guys are  
19 notoriously hard to get hold of. So I can  
20 imagine that there are some that hadn't heard  
21 about it. It's not for lack of outreach.

22 But you've done your part, and

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1 we'll see if we can get them all. Thank you.

2 MS. SCHULZE-HAUGEN: Thank you.

3 MR. : Just two quick questions,  
4 Margo. One, I thought that there was  
5 something passed at ICCAT, maybe it fell apart  
6 at the end, but scheduling a working group on  
7 recreational fisheries for 2008, and secondly,  
8 given the postponement of the circle hook  
9 regulation, does the agency plan to hold any  
10 workshops etcetera, to try to, you know, do  
11 some technology transfer, to show folks how  
12 these circle hooks might be used during the  
13 course of this year?

14 MS. SCHULZE-HAUGEN: You're right  
15 about the recreational working group, I  
16 believe they did make it through, and I was  
17 focusing on things that required rulemaking  
18 implementation. There's a whole host of other  
19 things that happened at ICCAT. There's a  
20 capacity workshop, Compliance was very active,  
21 the Permanent Working Group. I mean, I'll let  
22 Shawn do that.

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1 MR. : [Off-mike remark]

2 MS. SCHULZE-HAUGEN: Yeah. Well,  
3 that's true too. And so I'm focusing on what  
4 we need to do back home.

5 MR. : I wasn't indicating you  
6 were remiss. I just wanted to refresh my  
7 mind.

8 MS. SCHULZE-HAUGEN: But yes, there  
9 was a recommendation that came through. I  
10 have them here, if you want to take a look at  
11 it. And your other question on workshops, do  
12 you mean domestically, or--

13 MR. : I mean domestically, in  
14 conjunction with tournaments or otherwise.  
15 You've suspended the circle hook requirement  
16 in order to allow people to have the year to  
17 adapt to it. I wonder if the Agency is  
18 considering scheduling, funding, conducting  
19 any workshops, or other things, to try to help  
20 people make that transition?

21 MS. SCHULZE-HAUGEN: And I think  
22 the answer to that is yes. We don't have a

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1 schedule at this point but if you have any  
2 suggestions for that, that would be very  
3 welcome.

4 MR. DONOFRIO: Thank you, Margo.  
5 Jim Donofrio, representing the RFA. I didn't  
6 see anything out there--I saw the proposed  
7 rule, the Federal Register, for the hooks, but  
8 I didn't see anything on the, comment period  
9 on the swordfish. Is that printed up yet? Is  
10 that out there?

11 MS. SCHULZE-HAUGEN: The comment  
12 period on the swordfish?

13 MR. : [Off-mike remark]

14 MR. DONOFRIO: EFP; yeah. Okay.

15 MS. SCHULZE-HAUGEN: It should be  
16 out there.

17 MR. DONOFRIO: Anyway, I know it  
18 went out today, we--you know. But I'm  
19 requesting, on behalf of our organization, our  
20 members, that the comment period be extended  
21 past 30 days. It's way too short a comment  
22 period for such a significant issue for us.

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1 You'll get something in writing. John is  
2 drafting up something right now in our office,  
3 but I'm requesting on the record here today.  
4 Thank you.

5 MS. SCHULZE-HAUGEN: Okay; thanks.

6 MR. CODDINGTON: Ron Coddington  
7 with the Swordfish Club. We'd like to also go  
8 on the record as requesting an extended  
9 comment period on the EFP to allow our  
10 organization to better response.

11 MS. SCHULZE-HAUGEN: Okay; thank  
12 you.

13 MR. MONTELLA: Vince Montella. On  
14 a tournament level, do you think it's  
15 necessary to spend funds on teaching them how  
16 to use them? I mean, these aren't guys that  
17 are just going out on the weekends.

18 MS. SCHULZE-HAUGEN: Well, fishing  
19 with a circle hook is a very different  
20 technique, and so we are definitely not  
21 opposed to helping anglers make that  
22 transition.

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1 MR. MONTELLA: All you have to do  
2 is pick up a Marlin magazine and Peter Wright  
3 will show you how to do it.

4 MS. SCHULZE-HAUGEN: Yeah. We've  
5 seen some of those, too, recently.

6 All right. We are moving right  
7 along. So why don't we--yeah--why don't we  
8 come back at 3:00, a 15 minute break, and we  
9 don't have anything specific to the agenda at  
10 that point, so maybe we can talk a bit about  
11 that.

12 [A 15 minute recess was taken]

3A 13 MS. SCHULZE-HAUGEN: [in progress]  
14 third season proposed rule. I think that  
15 means that you all will get to go have dinner  
16 and then continue on your merry way, instead  
17 of coming back tonight. We will be back here,  
18 just in case a member of the public comes, and  
19 so that we, you know, we've put that agenda  
20 out there. But for you folks, I think this  
21 will give you all the information you need to  
22 know.

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1 MS. SCHULZE-HAUGEN: And so with  
2 that, I'd like to introduce LeAnn Southward  
3 Hogan, our newest HMSer.

4 MS. SOUTHWARD HOGAN: Thanks,  
5 Margo. As I begin my presentation, you'll  
6 find that the presentation itself, and the  
7 proposed rule that was published on March 8th  
8 is coming around, so you can follow along with  
9 the presentation.

10 First of all, I'm going to just  
11 quickly run through the current regulations.  
12 If anyone can't hear me, let me know, and I'll  
13 speak louder. Hopefully, you're all well  
14 caffeinated and awake. So, right now,  
15 currently, the quotas are split between the  
16 regions and the trimesters based on historical  
17 landings, and these regulations were  
18 established in amendment one to the '99 FMP,  
19 and then modified in subsequent rulemaking.

20 Seasonal quotas are proposed in  
21 advance of the fishing seasons, and for LCS  
22 and SCS, the quotas for the second and third

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1 trimerster are adjusted to account for  
2 overharvest and underharvests in previous  
3 years.

4 So the next couple tables are going  
5 to quickly run through the estimated landings  
6 and the percent quota taken for the 2006  
7 second and third trimesters. So for LCS, over  
8 a 100 percent of the available quota was  
9 landed in both the Gulf of Mexico and the  
10 South Atlantic regions in the second and third  
11 trimester seasons.

12 For SCS, for small coastals, over  
13 200 percent of the available quota was landed  
14 in the Gulf of Mexico during the second  
15 season, as you see, and there were no  
16 overharvests of small coastals in the South  
17 Atlantic or in the Gulf of Mexico in the third  
18 season, and here is the third trimester  
19 landings and percent, quotas taken.

20 So the objectives of the proposed  
21 rule. One was to adjust the 2007 second and  
22 third season quotas based on the landings from

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1 2006, establish the fishing seasons for the  
2 second and third trimesters, and to also,  
3 while we were doing that, to consider  
4 ecological, economic and social impacts on the  
5 fishermen in all regions, consistent with the  
6 Magnuson-Stevens Act, and with the HMS/FMP.

7           So I'm going to quickly run  
8 through, briefly, the alternatives for LCS,  
9 and then I will explain each alternative for  
10 large coastals, and then I will go to the  
11 small coastal alternatives.

12           The first alternative for LCS is no  
13 action. We're maintaining the existing  
14 procedures for adjusting the 2007 quotas, and  
15 consistent with the first season, 2007 rule,  
16 opening the bottom long-line closed area for  
17 two weeks pending available quota.

18           The second and third alternatives  
19 are to merge the second and third trimester  
20 quota in the South Atlantic and the Gulf of  
21 Mexico, and in the South Atlantic that  
22 combined season would open on August 1st for

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1 six weeks. In the Gulf of Mexico the combined  
2 season would open September 1st, for three  
3 years.

4 So I'll go over alternative one,  
5 the no action alternative. Under this  
6 alternative, the Gulf of Mexico would be  
7 closed for the second season. There is a  
8 small amount of quota available; however,  
9 based on historic catch rates, this quota  
10 would be taken in two days. So to avoid Derby  
11 fishing conditions and safety-at-sea concerns,  
12 the no action alternative would close the Gulf  
13 of Mexico in the second season.

14 In the third season, the Gulf of  
15 Mexico would open September 1st and run  
16 through September 15th. In the North  
17 Atlantic, it would open July 6th through the  
18 31st, and the North Atlantic would be closed  
19 in the third season.

20 So the South Atlantic, for the no  
21 action alternative, would open July 6th and it  
22 would close July 20th, and in the third season

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1 it would open, again, September 1st, and close  
2 on the 22nd.

3 So, obviously, in the South  
4 Atlantic, the July 6 opening till the July  
5 20th, would open the mid Atlantic closed area  
6 for two weeks. I guess for the South Atlantic  
7 fishermen, they would have to rig their  
8 vessels twice because of those two short  
9 reasons, and there also may be some negative  
10 economic impacts associated with those, again,  
11 those two short seasons.

12 So moving on to number two. This  
13 is where we're merging the quota in the second  
14 and the third trimester in the South Atlantic.

15 As you can see, the available quota for the  
16 second trimester in the South Atlantic is  
17 going to be merged with the available quota in  
18 the third trimester for a proposed total quota  
19 of a hundred and sixty-three.

20 So this would allow--because we're  
21 moving the opening date to August 1st, there  
22 are slower catch rates in August than in July,

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1 so this allows the fishing season to be open  
2 for about a week longer than if the seasons  
3 were separate, a July opening and a September  
4 opening.

5 So it creates, essentially it  
6 creates a longer window for fishing and more  
7 efficient use of the resource, and potentially  
8 more market flexibility with the one longer  
9 season instead of two short seasons.

10 And very similarly, in the Gulf of  
11 Mexico, we are going to merge, proposing to  
12 merge the second trimester quota. That's the  
13 33.2 metric tons, that would be potentially  
14 taken in two days if we go to the no action  
15 alternative, and we would propose to merge  
16 that with the third trimester quota for a  
17 total of 83.1 metric tons.

18 So that combined season would open  
19 September 1st and remain open until the 22nd  
20 of September.

21 Again, this merging in the Gulf of  
22 Mexico allows the fishermen to fish for that

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1 small amount of quota that's available for the  
2 second season, that they potentially wouldn't  
3 get to fish if we went with the no action  
4 alternative.

5 Also, the delay of this merged  
6 season until September, we're trying to  
7 accommodate comments that we've received, that  
8 fishermen potentially would like to have the  
9 Gulf of Mexico open at a different time in the  
10 South Atlantic, and also this potentially  
11 provides, again, more market flexibility with  
12 one longer season.

13 Okay. So now I'm going to switch  
14 to small coastals. Again, we have number  
15 four, alternative number four, is the no  
16 action alternative. This maintains the  
17 existing procedures for adjusting the 2007  
18 quotas, and with that no action alternative,  
19 the Gulf of Mexico would be closed during the  
20 second season.

21 The alternative five, it would be  
22 to transfer 41.2 metric tons of the South

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1 Atlantic 2006 underharvest to cover the Gulf  
2 of Mexico overharvest that occurred in the  
3 second season of 2006.

4           Number six of the small coastal  
5 alternative would also, would be to again  
6 transfer that 41.2 metric tons that was the  
7 amount of overharvest in the Gulf of Mexico  
8 but also to provide the Gulf of Mexico with an  
9 additional quota, and so essentially their  
10 base quota in the Gulf of Mexico would be 30.2  
11 metric tons.

12           And then finally, the preferred  
13 alternative, number seven, is to reallocate  
14 the regional quota percentages in both the  
15 South Atlantic and in the Gulf of Mexico, and  
16 you'll see here the change in percentages in  
17 the South Atlantic. It would change from 87  
18 percent to 49 percent, and in the Gulf of  
19 Mexico from 10 to 28. In this alternative, we  
20 are also proposing to transfer the amount of  
21 overharvest from the Gulf of Mexico by  
22 transferring that amount from the South

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1 Atlantic to the Gulf of Mexico.

2 Oh, I'm sorry. Okay. So there's a  
3 mistake, as Margo pointed out, in number  
4 seven. Actually, the 10 percent is going to  
5 48 percent, and that is correct in the  
6 proposed rule. Sorry about that.

7 Okay. So real quickly, running  
8 through the no action alternative for small  
9 coastal. As I said before, the Gulf of Mexico  
10 would be closed the second season, and it  
11 would open on May 1st for the third season.

12 In the North Atlantic, both opening  
13 in the second and third season, on May 1 for  
14 the second season and September 1st for the  
15 third. Same for the South Atlantic. It would  
16 open May 1st for the second season and  
17 September 1st for the third season.

18 Just a quick note. If alternative  
19 four, the no action alternative for small  
20 coastals is implemented with alternative one,  
21 which was the no action alternative for large  
22 coastals, that would mean that both LSC and

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1 SCS would close for the entire 2007 second  
2 trimester season.

3           Okay. So alternative five was to  
4 transfer the South Atlantic underharvest to  
5 the Gulf of Mexico. So that would give the  
6 Gulf of Mexico their base quota, which is 15.1  
7 metric tons, dress weight. And then all  
8 regions would open May 1st. This alternative  
9 would eliminate the economic impact of a  
10 closure. However, it may not provide enough  
11 quota to prevent future overharvest in the  
12 Gulf of Mexico, based on the landings from  
13 2006.

14           Very similarly, with alternative  
15 six, we are proposing to transfer the South  
16 Atlantic underharvest but also to give the  
17 Gulf of Mexico an additional 15.1 metric tons.

18           So they would have a quota of 30.2, and then  
19 all regions would open May 1. Again, it would  
20 eliminate the impact of the closure and  
21 potentially not provide enough quota to  
22 prevent future overharvest in the Gulf of

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1 Mexico.

2           Okay. I got it right on this  
3 slide. So alternative seven is to reallocate  
4 those percentages in both the South Atlantic  
5 and the Gulf of Mexico. In the South Atlantic  
6 from 87 to 49 percent and in the Gulf of  
7 Mexico from 10 to 48.

8           So that would give the Gulf of  
9 Mexico additional quota, and their quota for  
10 the second season would be 72.6 metric tons  
11 and 80.4 metric tons for the third season.

12           This alternative would, by  
13 reallocating the percentages, and hopefully,  
14 you know, more equitably splitting the quota,  
15 it would hopefully prevent future overharvest  
16 in the Gulf of Mexico while not leading to an  
17 overharvest in the South Atlantic.

18           Like I said, it would provide  
19 greater equity and future-based quota  
20 allocations, and obviously there was economic  
21 benefits associated with this from allowing  
22 the Gulf of Mexico to open instead of having a

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1 closure for the 2007 second season.

2           So what I just described verbally,  
3 I've put up in chart form, and you have those  
4 both in the proposed rule, these tables are  
5 there, and for the presentation.

6           And it just goes over, first, large  
7 coastals in all three regions, and the  
8 proposed opening dates with the merged--  
9 obviously, the North Atlantic, there will be  
10 two separate reasons. We're not proposing a  
11 merge in the North Atlantic. So it'll open  
12 July 6 and it'll closed, actually, for the  
13 third season.

14           Okay. So this is the small  
15 coastals, opening of May 1st, and opening as  
16 long as the available quota is there. And the  
17 same with the third season in the small  
18 coastal fishery, opening September 1st and  
19 then, you know, available quota with closures.

20           And here are--I haven't talked too  
21 much about pelagic sharks, and porbeagle and  
22 blue sharks, but they will also have two

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1 seasons, second and third season opening May  
2 1st and September 1st.

3 Okay. We are going to be holding  
4 two public hearings. The first public hearing  
5 will be on March 22nd in Orlando, and the  
6 second public hearing will be March 28th in  
7 Manio [ph]. So as mentioned before, the  
8 comment period for this proposed rule closes  
9 on March 28th, and you can submit your  
10 comments by mail, or by fax and e-mail, and if  
11 you want any information further, you can  
12 contact myself or Carol.

13 And that is it, and we will take  
14 questions and comments. Thank you.

15 DR. HUETER: Bob Hueter, Mote  
16 Marine Lab. I just want to say first, that  
17 from the biological perspective, I would say  
18 that the concept of the combined seasons is a  
19 reasonable solution that makes sense to me,  
20 and the other thing that I see in that, the  
21 other advantage is that it actually--because  
22 the season doesn't open until August or

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1 September, would then provide better  
2 protection for the pregnant females and allow  
3 them to have their pups, which helps,  
4 obviously helps the stock.

5 Two questions. First, on LCS, we  
6 wouldn't need to go to these somewhat drastic  
7 measures, if there hadn't been such a gross  
8 overharvest in 2006. What is the explanation  
9 for going over the quota by essentially two  
10 times for the last year? Or what is your best  
11 guess as to why that occurred?

12 MS. SOUTHWARD HOGAN: It's  
13 interesting. We've looked pretty extensively  
14 at the data and gone back and doublechecked  
15 all the numbers and triplechecked all the  
16 numbered, and there did not appear to be any  
17 one place or any one species that just came  
18 out of the woodwork. It seemed to be fairly  
19 distributed, that everybody had a pretty good  
20 year, and just it totaled up to a higher  
21 number. So I don't have a good guess.

22 MR. : Well, I guess I would be

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1 very interested in the commercial industry's  
2 perspective on that. The other question I  
3 have is for the small coastals. By  
4 transferring the underharvest from last year  
5 to this year, have you given any thought to  
6 what this might do to the fine-tooth shark  
7 stock? This is a species and a stock that's  
8 overfished and where we're kind of dragging  
9 our feet to do anything about it, and that  
10 unfortunately still is in the small coastal  
11 group, and with the underharvest transferred  
12 to this year, it kind a opens up a situation  
13 that continued to take those in even greater  
14 numbers.

15 What is your assessment of what the  
16 impact would be on the fine-toothed shark?

17 MS. SOUTHWARD HOGAN: Well, I  
18 think, you know, we're basing management at  
19 this point on the aggregate, and--I'm sorry.  
20 The moderate negligence is based on the  
21 aggregate at this time, and so the other  
22 species are apparently based on the 2002

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1 assessment, not overfishing. The point is  
2 well-taken, that overfishing is occurring for  
3 fine-tooth sharks. We are continuing to look  
4 at that and are looking forward to the small  
5 coastal assessment that is underway, to  
6 looking more at fine tooth, and then we'll be  
7 waiting for the results of that.

8 So, I mean, it's a good point, it's  
9 something we should look at, and thank you.

10 MR. AUGUSTINE: Pat Augustine.  
11 Margo, is it possible that late reporting may  
12 have had some contribution to being able to  
13 catch up on what was happening with the  
14 harvest? Or is the reporting period, that the  
15 dealers have to report, too long between times  
16 that they have to report? I'm thinking about  
17 how do we address that kind of a situation?

18 Did we see this collision coming  
19 sooner, and could it have been headed off by  
20 virtue of different reporting schemes?

21 MS. SCHULZE-HAUGEN: Possibly.  
22 Late reporting I think was a factor. It has

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1 certainly been a factor in the later periods  
2 as well. The dealers report twice a month, in  
3 two week periods, and so that's something we  
4 are looking at in the amendment, is how best  
5 not to repeat this.

6 MR. HUDSON: Rusty Hudson, Directed  
7 Shark. I'd like to take a moment of  
8 explanation as opposed to asking questions,  
9 for the benefit of the people in the room.

10 Last October, we had a dealer in  
11 the Gulf of Mexico that noted that a large  
12 percentage of the catch wasn't being recorded.

13 He was able to recognize that through this  
14 own reports, his own landing totals, and stuff  
15 of that nature.

16 Under the rules for the last  
17 decade, every two weeks you have to submit as  
18 a dealer, a report. In the past, back in the  
19 '90s, when this all started, if somebody  
20 missed a report, somebody would make a phone  
21 call and say you've missed a report or two.

22 In this particular case, last year,

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1 whereas the five years before we had had 250  
2 dealer permits from Maine to Texas, last year  
3 we increased to 336 or 337, I believe. So  
4 that's an increase of about 80 or 90 dealer  
5 permits.

6 And there was, apparently, with the  
7 shift of some of the bean counters down in  
8 Miami, the crash of the computer system down  
9 in Miami, that recorded all these landings in  
10 the spring of last year.

11 The overruns I guess were caused by  
12 people not reporting, and then some of them  
13 even claimed they never knew that they had to  
14 report besides to the state level.

15 And so as a result, when we started  
16 having NMFS investigate this in October, they  
17 wound up finding that this one shark dealer,  
18 who had reported in the past that some of his  
19 stuff was missing, and when he saw that this  
20 underage in the Gulf of Mexico, and then we  
21 started adding in all the large coastal, small  
22 coastal, because of developing fisheries over

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1 in the northern Gulf, they wound up seeing  
2 that the magnitude of landings was way beyond  
3 anything NMFS had recorded in the database.

4 Steven Turner had told me this  
5 phenomena actually goes back in time to 2005,  
6 but I don't think there's been a real hard  
7 look at that. I've submitted comments, I'm  
8 still waiting on responses to comments, but  
9 obviously some of that, and scoping stuff, and  
10 some of the other stuff with the first  
11 trimester, I'm just not able to really get my,  
12 you know, self around what is the problem,  
13 what is the solution.

14 But I can tell you this. There's a  
15 lotta people that did report, as they were  
16 supposed to, and some a the people that  
17 claimed that they did report, if the stuff got  
18 lost somewhere between the computer crash  
19 and/or what other mechanisms, between fax or  
20 e-mail, or whatever, certified mail, all of  
21 this could be a contribution to the entire  
22 problem.

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1           And so what has occurred is that  
2 these people that did report are financially  
3 devastated this year.

4           I mean, this is an economic  
5 disaster that is basically management made,  
6 because they're in charge of our business and  
7 all we can do is our business. You know,  
8 individual boats and dealers don't monitor the  
9 quotas and it's really up to our handlers, so  
10 to speak, to do that, and so really, the  
11 devastation is more than people realize, this  
12 year.

13           And the fact that we're down to, if  
14 you add in the two weeks for the Gulf of  
15 Mexico in January, and you add in the three  
16 weeks they're proposing under the combined  
17 situation, and you add up the six weeks  
18 they're going to give the Atlantic cause we  
19 were closed in January, that's a month, month  
20 and a half of fishing, when traditionally, we  
21 were four to six months.

22           Now you can see that that impact is

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1 going to cause some migration into your  
2 mackerel, into your other fisheries, that have  
3 available quota, and already the South  
4 Atlantic Council and others are worried about  
5 the migration from the grouper, snapper guys,  
6 and the tilefish guys, and stuff, that have  
7 took a hit too, in this past year, but NMFS  
8 doesn't monitor the collective impact on the  
9 highly migratory species level, only if it's  
10 an HMS, not if it's a Council issue.

11 And this is where NMFS is also  
12 failing us. They need to, economically and  
13 socially understand, that these people are  
14 multi-permitted, particularly since the shark  
15 plan went into effect and closed us down six  
16 months out of the year starting in '93, and  
17 it's continued on that way. These people had  
18 to diversify. Now that the shark is impacted  
19 the way it is for 2007, they're hurt. We've  
20 got people that are going to go "belly up."  
21 And I don't see the calvary. I don't see any  
22 mechanism to save them. I've done the

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1 analysis with the buyout, and stuff like that,  
2 through the foundation, an industry  
3 foundation. It took us three years to do  
4 that.

5 It was based on a 3 million pound,  
6 largely coastal quota, but in 2004, we got  
7 shifted under amendment one to a two--I'm  
8 sorry--a 3 million pound quota went down to a  
9 2 million pound quota, and it's become a  
10 situation, that even when I brought up that to  
11 Dr. Hogarth on January 9th, 2004, I said this  
12 reduction in quota is going to make some of  
13 the analysis moot, that we're doing, and that,  
14 you know, the ability to have a fee or a tax  
15 against the industry's resource availability,  
16 still, under the 3 million pound, won't buy  
17 enough boats, active, in particular, might buy  
18 some of the inactive stuff, and now with it  
19 reduced down to two, that makes it even  
20 tougher, and then back to if this amendment  
21 two goes in, with this--where we have problems  
22 with the science on the sandbar and stuff like

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1 that--then it's down to a million some pounds.

2 That basically means that it's  
3 going to take private or public funding, just  
4 like it says in the buy-back analysis, and  
5 there are people that want to be bought out,  
6 but there's other people that want to continue  
7 fishing.

8 And I'm saying that, you know, this  
9 is a management made issue, we should have had  
10 some kind of status quo with our availability  
11 of fishing this year. We're not. We're going  
12 to have people that are possibly going to lose  
13 their boats, maybe their homes. I know  
14 what it feels like to lose my livelihood and  
15 it's almost like losing your life. And so the  
16 people that really matter, out of 250 directed  
17 permits, there's only a hundred and some odd  
18 boats with landings, and probably fifty of  
19 them that roughly catch over half the quota.

20 And so these are people that are  
21 truly being hurt, and some of them definitely  
22 don't want to be bought out, and some of them

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1 are just tired of it. They are frustrated.  
2 So, basically, it is a situation that I feel  
3 that there should be a little bit more real-  
4 time reporting, and that if a person, on a  
5 dealer level, misses one or two periods, you  
6 don't come out, you know, charging millions of  
7 dollars or something. You just simply say:  
8 Hey, where's the landings total? so that we're  
9 able to then get a better grip on what's going  
10 on, to really monitor the catch. And so  
11 that's what's kind of gone on, got us in this  
12 boat.

13 It's not like some of these people  
14 purposely try to cheat the system, or anything  
15 like that, because what's to gain? I mean,  
16 the quota's the quota, it's a hard quota, and  
17 I've said for a long time, reporting every two  
18 weeks, and then a ten day period to be able to  
19 report in, and then you figure they might miss  
20 one, you're already a month and something  
21 behind.

22 And so with this trimester thing,

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1 this could be a relic of the three region,  
2 three season scenario, where we had been at  
3 one region and two seasons. We could stay  
4 with three seasons and one region, that would  
5 be okay, or we could go back to the two  
6 seasons, one region.

7 But the three region thing, with  
8 the obscurities of situations like guys that  
9 are dealers, big dealers on the East Coast  
10 that are ending boats over to the West Coast,  
11 and then their stuff's getting counted on the  
12 East Coast, because as a dealer, your port  
13 city had bought this stuff, even though the  
14 East Coast is closed.

15 And so this is the type of stuff  
16 that NMFS needs to kind a take a hard look at  
17 how it all came about, how it won't happen  
18 again, and then how do you solve the disaster  
19 that has been unleashed on these people,  
20 because, quite honestly, they're hurt, and I  
21 know, because I'm sort of--anything that I do  
22 as Directed Shark is entirely dependent on the

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1 fishermen. Without fishermen, we don't have  
2 market structure, we don't have the need for a  
3 consultant, an advocate, any of this stuff.  
4 And this is the type of stuff that, right now,  
5 we're--as I said last October when we were  
6 meeting--I said that we're basically being  
7 asked to leave the room.

8           And this is a straddling stock that  
9 we share with Mexico, and stuff like that, and  
10 this type a thing where Dr. Hueter and stuff,  
11 I've tried to engage a sense of cooperation  
12 for years, and there's a couple things going  
13 on between shark academics and the industry  
14 that needs to stop yesterday, and I know I'm  
15 dealing with you, Mr. Augustine, with regards  
16 to the Atlantic States fishery management plan  
17 that we're trying to put together with the  
18 shark, on the coastal sharks, that all got  
19 delayed because of litigation, and so this  
20 whole thing's "up in the air."

21           Anybody's guess as to what can be  
22 done. But I know what Bill Hogarth told me in

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1 January 2004. He knew that we probably  
2 couldn't get the money from a fee. He said:  
3 Don't worry about it. I'll find the money.

4 You know, and that's just to be  
5 able to fit the fleet to the available quota.

6 But if you sit there and do the math at a  
7 4000- pound trip limit, and then go look at  
8 the available quota, there's not many boats  
9 can stay and play, and, in reality, we know  
10 that the population of sharks is a lot bigger  
11 than what they say.

12 We know that where they're saying  
13 80 percent of the sandbars we're catching are  
14 immature, when we're looking at the shark fins  
15 on the dealer level for a decade, plus  
16 decades, and we see that the majority of it is  
17 mature. And so something's wrong with the way  
18 the modeling is affecting us. But sandbar  
19 sharks is half of what we catch, and if you  
20 wind up looking at this whole convoluted mess,  
21 it needs to be cleaned up, we need to get the  
22 bull's eye off the back a the shark industry,

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1 commercial shark industry, because it's been  
2 going on since before '93, and it's got to  
3 end, unless of course the end is the end of  
4 us, and then it ends.

5           So that's kind of, to sum it up, I  
6 don't really want to blame the industry for  
7 this particular issue of the overruns. I  
8 think that it's a management issue. It's a  
9 scenario that could have and should have been  
10 prevented last year, at an early stage, maybe  
11 even in 2005, if this phenomenon is a relic of  
12 the "three region, three season" things,  
13 because U.S. One is a kind of a fuzzy line,  
14 especially out with the Tortugas 70 miles west  
15 of Key West with no U.S. One. But if you're  
16 on the south side you're in the South  
17 Atlantic. If you're on the north side of the  
18 Keys, you're in the Gulf of Mexico. And that  
19 is possibly part of the problem of the mixing  
20 of the different stuff.

21           So back to one region, two or three  
22 season, that might be part of the solution.

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1 But the other part is that they've got to be  
2 able to have real-time reporting in a way that  
3 they know they can get their hands around the  
4 catch rates, because I don't believe that  
5 Haley Meigs [ph] really understands the catch  
6 rates, and as we get into the fall, once those  
7 sandbars and other sharks start their  
8 southerly migration, much as like when they're  
9 in the March period, as they're coming up from  
10 Mexico, then we're in a situation where  
11 they're on northerly migration, and in a lot  
12 of these periods, we're not actually fishing  
13 in anymore.

14 The pupping season thing was almost  
15 a thing that we've said, for the whole time,  
16 we should not be fishing for large coastals in  
17 April, May or June, or something to that  
18 effect, because it allows these animals that  
19 have nine month plus gestation periods to be  
20 in the last trimester, whatever, of their  
21 pregnancy, to be able to have their pups, and  
22 to be able to put them wherever they need to

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1 be. And I believe that there's a lot that can  
2 be done; but it needs dialogue. It needs a  
3 scientist working with the industry and not in  
4 opposition to the industry. It needs the  
5 management to be able to understand that we're  
6 not in the bull's-eye anymore. We're simply  
7 part of who you have to manage, and it's our  
8 business life that you have done.

9 I mean, back in '97, when you said  
10 a quota cut, 50 percent, wouldn't hurt  
11 anybody, I lost my business, all my employees.

12 Mark Harrison wound up losing all his  
13 employees and his original location, and it's  
14 the sharkfin that is basically the driving  
15 monies, and the rest of the world is not going  
16 to give up their sharkfins, and yet we've been  
17 utilizing the meat, and we have tried to  
18 utilize the meat since back in the early '80s.

19 And so we thought we were trying to  
20 do what's best, but now, all of a sudden,  
21 we've been criminalized, we've been penalized  
22 in the press, and at some point this whole

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1 thing needs to stop and NFMS needs to use  
2 what's left of the industry, once it can  
3 stabilize it, because we're going to collapse,  
4 right now, big time.

5 As an example, the rest of the  
6 world. The rest of the world is where the  
7 problem is, and when we're sharing this stock  
8 with other people, like Mexico, etcetera, high  
9 sea fleets, you know, whether you're talking  
10 duskies or whatever, they, they're not going  
11 to shut down their fleets. I mean, it's  
12 pretty plain and simple.

13 So how do you go about stabilizing  
14 this fishery here and then go around and start  
15 convincing the rest of the world. Australia's  
16 easy, New Zealand's easy, Canada's easy, but  
17 those Third World countries are not easy.  
18 Mexico's a big problem.

19 MR. HEMILRIGHT: Dewey Hemilright.

20 Could you put the slide back up there where  
21 it shows the percentages of quota that was  
22 caught. Okay. Does it appear like the

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1 problem or the reporting stuff is in the Gulf  
2 of Mexico? Yeah.

3 MS. : I think it's both.

4 MR. HEMILRIGHT: Both sides,  
5 there's reporting problems. How do you all  
6 plan to rectify the reporting problems in the  
7 future? What steps have you taken? Like  
8 Rusty said earlier, you all are the keepers of  
9 the numbers, and if somebody's not reporting  
10 the dealers cause it takes a couple years for  
11 you to use the log books, so what steps have  
12 you all taken, or implemented what type a  
13 program to see that people are reporting?  
14 That's one. And the second thing is, when you  
15 look at these combined seasons, off North  
16 Carolina, it's kind a ironic, you choose  
17 August 1st through September 15th, cause it's  
18 the slowest period.

19 Well, the reason why it's the  
20 slowest period is cause there's no sharks  
21 around. And then you put in the northern  
22 area, you can't go above Virginia, so

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1 basically you've got me in a shoe box to go  
2 nowhere and catch nothing for that period a  
3 time, unless I want to travel south or  
4 somewhere else.

5 Is there ways or alternatives you  
6 could look at to where it's where the fish is  
7 landing, and let you go fishing wherever you  
8 want, similar to the flounder quotas where  
9 there's a flounder quota given to a state, and  
10 that boat can go to Maine and go catch  
11 flounders and come back to North Carolina and  
12 land. I just use that for instance. Because  
13 basically you've cut us off in North Carolina.

14 This season, from August 1st to  
15 September 15th, is pretty much crumb fishing,  
16 meaning that when you go set your long haul,  
17 you'll probably catch a few crumbs. And you  
18 all have known this for a while, you continue  
19 to do it. You all have come out with this  
20 landing data but until something is looked at  
21 about the science and about the data of our  
22 observer program that show that we're not

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1 catching 80 percent juveniles and 20 percent  
2 adults, it's about the opposite, I mean, we  
3 just continue to get the shaft.

4 And it does affect a lotta people's  
5 livelihood, it has over the last few years,  
6 I've watched my, what used to be a percentage  
7 of going shark fishing decrease down to about  
8 next to nothing. But it's not that the sharks  
9 aren't out there. I guess it's the data  
10 that's accumulated into the model doesn't show  
11 that.

12 But my one question, and I'll shut  
13 up, is what type a programs are you all  
14 implementing to see that reporting's done,  
15 cause it's obvious you didn't do a very good  
16 job the last go-around here.

17 MS. SCHULZE-HAUGEN: Well, the  
18 Southeast Science Center is taking a closer  
19 look and doing more monitoring of that and  
20 they are developing a program of tracking and  
21 notification, and a series of steps that think  
22 they're still working through, but they are

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1 working on that, including calling and sending  
2 letters, and things to that effect.

3           So I believe they are taking steps  
4 and I can get more details on it. But to  
5 rectify, the problem on our end, late  
6 reporting by dealers, is, you know, on the  
7 dealer's end, so there needs to be changes on  
8 both sides, and I believe that they are  
9 looking in the long term to establishing an  
10 electronic-based reporting where not only will  
11 the monitoring be done that way but dealers  
12 may be able to access their own reports and  
13 see what we have for them, so they can  
14 doublecheck that we've received all the  
15 reports. I think that's something they're  
16 looking at developing within the next year.

17           MR. HEMILRIGHT: I've got one more  
18 question. With the small coastal sharks, it  
19 appears--I guess you set the quotas from  
20 previous catch histories for small coastals.  
21 In the Gulf of Mexico it must have been--I  
22 don't remember what it was. Very small.

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1           But now we're seeing that you're  
2 going to take from the South Atlantic, or want  
3 to, your proposed, and split it up to give  
4 some more back to the Gulf. It appears like  
5 the Gulf's having increased fishing and how  
6 are you all going to wrangle that in to where,  
7 all of a sudden, you might be taking all the  
8 quota from the South Atlantic to give to the  
9 Gulf on these new fisheries over there  
10 developing?

11           How is that going to work out?

12           MS. SCHULZE-HAUGEN: Well it does  
13 appear there are fishery changes, and so this  
14 proposed rule that would split the quota is an  
15 attempt to try and kind a account for that.  
16 The South Atlantic quota has hardly ever even  
17 been approached, and so they have substantial  
18 amounts of underharvest that they're caring  
19 for, and so even with moving it forward at  
20 this point with an equal split, they still  
21 have ample quota, and should this continue,  
22 should this be insufficient, I think it's

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1 something that we can also discuss and revisit  
2 in amendment two, if it continues.

3 MR. : Earlier this year, you  
4 had put out a notice about the small coastal  
5 shark landings and stuff, large coastal shark  
6 landings. That was, anyway, back, February  
7 16th. And it says right here: "The landings  
8 estimates include landing reports received as  
9 of January 26, 2007. At this time there is  
10 still a significant number of shark dealers  
11 that have not reported." So it's obvious now,  
12 they're starting to scrutinize the 337 odd  
13 permits and yet there's still people that  
14 aren't reporting every two weeks like they  
15 should. So it seems to me like there should  
16 be some emphasis put on to those dealers to  
17 make sure that their stuff's getting there,  
18 because it's still a problem following us into  
19 2007, it looks like.

20 MS. FORDHAM: Sonja Fordham, The  
21 Ocean Conservancy. Given the recent  
22 assessments, I can't help but think that this

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1 is "fiddling while Rome burns," but I think,  
2 in general, the merging of the seasons does  
3 make sense, like Dr. Hueter said, for  
4 biological reasons, to provide more protection  
5 for the pregnant females.

6 So I just want to second that, on  
7 principle, and I know we'll talk more about  
8 the large coastal shark situation tomorrow. I  
9 do appreciate the analysis that has gone into  
10 this and the attempts to address the overage  
11 problems.

12 I don't have strong feelings about  
13 the allocation issues. But I would echo what  
14 Bob said about the continuing concern for the  
15 overfishing of fine-tooth sharks, and just  
16 make a general plea. Clearly, you have both  
17 economic and ecological reasons to be really  
18 careful about monitoring these landings, and  
19 pressing on the dealers to be prompt, and to  
20 close fisheries when it looks like their  
21 quotas are going to be reached.

22 So I would just urge you to make

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1 that a bit more of a high priority, so we can  
2 avoid these serious overages. Thank you.

3 MR. : Just a question for  
4 Margo. You did mention some of the things  
5 you're doing to fix the problem, the data  
6 reporting problem in the future, like moving  
7 towards electronic reporting. What about  
8 going backwards, and trying to find out if  
9 there was any redundancy in landings, if  
10 you've double-counted because of boundaries  
11 and fisherman shifting across regions.

12 Is there any way of doing that? I  
13 mean, Rusty might know whether or not, you  
14 know, there's anything that can be done by  
15 surveys of fishermen, to find out you know,  
16 what is the extent of double counting.

17 MS. SCHULZE-HAUGEN: Well, we  
18 looked, like I said, when the numbers first  
19 came in for 2006, we did exactly that. We  
20 doublechecked and triplechecked them. So I  
21 don't think we have doublecounting there. In  
22 terms of historical, you mean further back?

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1 MR. : Yes.

2 MS. SCHULZE-HAUGEN: It's not  
3 something that I think we're considering at  
4 this time; but we could.

5 MR. : Do you think it's a  
6 serious problem, Rusty, doing back into the  
7 late '90s, and the last ten years, was it  
8 likely that there was a lotta doublecounting?

9 MR. HUDSON: You know, that's a  
10 tough one because the doublecounting comes in  
11 two ways. We have a certain amount of state  
12 landings that never enter into the quota  
13 monitoring system, that's then somehow fleshed  
14 out of the canvas stuff for the states, and  
15 then the biggest problem that I see is the  
16 greatest reports are the ones that come from  
17 the boat, and that would be a way to compare,  
18 you know, what they're getting from the  
19 dealers. But the stuff from the boat usually  
20 sits for a year or two before it's even looked  
21 at.

22 And so I'd say that there's some

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1 issues with the way the monitoring of the  
2 quotas, the hard quotas are doing, and we  
3 still have some of the scenarios, like in  
4 Louisiana and Virginia, where you've got folks  
5 that are landing stuff, and then we have the  
6 other situation I brought up a year or two ago  
7 to Pat Kerkel [ph] about Virginia north. I  
8 mean, it's like it's a whole different world  
9 there, when it comes to monitoring sharks  
10 versus everything south.

11 So as far as doublecounting, some  
12 of the problems, like I tried to say earlier,  
13 are things like guys that have trucks in  
14 multiple places and then they go over to  
15 different venues, and then that stuff somehow  
16 gets backtracked into the wrong area because  
17 the dealers' reports come from that area.

18 But honestly, we're catching the  
19 sharks, we're seeing the sharks, we're seeing  
20 some of the greatest catch rates, you know,  
21 from these boats and stuff, and some large  
22 sharks.

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1 I mean, I don't know how to  
2 emphasize it but I'd say that NMFS should  
3 consider themselves heroes, in the sense that  
4 they have, in our opinion, rebuilt the stock,  
5 and that there is a lot of benefits that we're  
6 starting to see. But instead, we keep on  
7 getting cranked down to the point where we're  
8 virtually going to be a nonexistent business  
9 by the end of this year.

10 MS. : There' been a lot of  
11 discussion, right now, about doublereporting  
12 and what we're been trying to do, and I just  
13 want to try to bring more information in front  
14 of, put more information in front of you.

15 There is, as Rusty was saying, the  
16 problem with, particularly in Florida, dealers  
17 on the East Coast that send a truck over to  
18 the West Coast to pick up the sharks, and then  
19 those sharks are counted in the East Coast.

20 So if you look at the landings  
21 update we released today, 35 metric tons were  
22 landed in the South Atlantic. It's quite

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1 possible that those actually came from the  
2 Gulf of Mexico.

3           So we're trying to go back and look  
4 at the log books that have been sent in and  
5 that we actually have, although that data has  
6 not been quality control checked yet.

7           So there's not a lot we can do; but  
8 we are looking at that. In terms of the  
9 number of dealers that are reporting late, one  
10 of the factors that we discovered last  
11 October, when as Rusty said, one of the  
12 dealers noted some large reportings, is  
13 there's a whole 'nother data set that has  
14 always been used in the assessment but we have  
15 not used for quota monitoring, and that's the  
16 data set that dealers report to the states.

17           And what we found is the same  
18 dealer, in some cases, are reporting different  
19 numbers to us than they are reporting to the  
20 state. So we're trying to come to terms with  
21 that.

22           Right now, in those cases, we've

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1 started using the larger number, because they  
2 should be reporting everything to both places.

3 So we're using the larger number. There are  
4 also some dealers that apparently didn't  
5 realize they were supposed to be reporting to  
6 us and only reported into the state landing  
7 system, and so that was a large portion of  
8 these harvests, that we didn't know existed.

9 So we're trying to make sure that  
10 those dealers have permits, if they need to,  
11 and that we're including that in.

12 Some of the steps we're also taking  
13 is we're taking a close look at how has  
14 reported each reporting session and there is a  
15 very significant number of dealers that are  
16 not reporting. But they're also not reporting  
17 in the state landing system.

18 So we're wondering if they're  
19 actually taking in any sharks at all. So we  
20 need to get with those dealers, to figure that  
21 out. In the meantime, the dealers that have  
22 always reported, we're keeping close watch to

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1 make sure that we're getting their reports, or  
2 if they always report in the LS, we're trying  
3 to work them into our system.

4 So we're working with those  
5 dealers. The Southeast Center, in the long  
6 term, as Margo said, is working toward the  
7 electronic system--

8 [Start Tape Side 4A]

9 MS. : [in progress] we have  
10 over 300 dealers, so this is not a quick and  
11 easy solution. But we're fairly confident  
12 that the numbers we have now should encompass  
13 everything, unless we come up with more under-  
14 reports.

15 MR. MONTELLA: Hi. Vince Montella.

16 Do you have a system for matching up dealer  
17 reports with VMS data? You're talking about  
18 where the vessels are operating or where these  
19 fish are coming from. All HMS vessels are  
20 required to have VMSes on board. Do you ever  
21 look at--a dealer report obviously reports the  
22 vessel that the fish came from; right?

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1 MS. PARK: [?] This is Carol again.

2 The dealers do put on the back of their form  
3 what vessels they get the sharks from. They  
4 do not--we don't have on the form how much  
5 they get from each vessel, which is a  
6 problem, but most shark, bottom long-line  
7 vessels, are not required to have VMS. Only  
8 those operating near the Mid Atlantic shark  
9 closed area, and also the gill net vessels  
10 during Right whale calving season, are  
11 required to have VMS. It's only the pelagic  
12 long-line vessels that are required VMS.

13 MR. AUGUSTINE: Pat Augustine.  
14 Margo, is there any thought about having shark  
15 vessels--or those folks who fish for shark to  
16 also fall under the mandatory VMS ruling?

17 MS. SCHULZE-HAUGEN: You mean all  
18 vessels everywhere? Well, right now, the VMS  
19 is based on the area closure, and so it's  
20 vessels in the vicinity of the closure. I  
21 think we have used VMS as an enforcement tool  
22 for closures. Pelagic long-line, there are

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1 lots of closures, lots of places, so the fleet  
2 is pretty mobile. That is not the case at  
3 this point but I suppose it's something we  
4 could consider.

5 MR. WHITAKER: Rom Whitaker. I  
6 don't have a "dog in this fight" but just  
7 looking at it from an outsider, and I have  
8 been shut down by a quota closure, so I know  
9 how it feels, both recreationally and  
10 commercially.

11 But I know the bluefin tuna, they  
12 almost know, to the pound, every week, what  
13 we've caught, so maybe you need to call Brad  
14 and get some suggestions from him, because  
15 they seem to keep a very good count on exactly  
16 what's happening in that fishery.

17 And my only other observation is I  
18 know the shark fishermen are given a very  
19 reduced, set time period, and if they're  
20 catching 200 percent of the quota in that  
21 short time period, then maybe there's more  
22 there than what's being counted.

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1 MS. SCHULZE-HAUGEN: Well, just to  
2 respond to that, part of the reason we know,  
3 to the pound, about bluefin is that every  
4 bluefin tuna is tagged and reported within 24  
5 hours, and that would be I think a pretty  
6 major change, although it's not necessarily  
7 beyond the consideration for shark fishermen  
8 and how that fishery typically operates.

9 So just so everyone knows, there  
10 are some pretty major differences in the  
11 fisheries.

12 MR. WHITAKER: Okay; thank you.  
13 Maybe you need to look at it.

14 MS. : Also, just in follow up,  
15 Pat, we do have a consideration of mandatory  
16 VMS. Okay. So if other people are  
17 interested, it's on page 49 of the predraft.

18 MR. HEMILRIGHT: Dewey Hemilright.  
19 Obviously, there can't be--I think Rusty was  
20 saying there's 325 dealer permits or  
21 something. 330. Obviously, there's not 330,  
22 landed any major amount of sharks. I would

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1 just venture to say there's probably less than  
2 fifty with any amount of poundage. I'm not  
3 talking a 1000 pounds, or 50 pounds, but any  
4 amount, a great amount--probably less than  
5 that. It would be too hard, probably, on the  
6 back of a envelope, a calculator, and a  
7 telephone, to figure some a this stuff out, so  
8 we don't have these type of debacles, or  
9 something like this, because this is--I mean  
10 it's not that hard--it'd be different, if you  
11 had 330 landing any amount a fish.

12 But when you have just a very  
13 limited, probably less than fifty with any  
14 amount a poundages in all the regions, I  
15 wouldn't see why a telephone call, a  
16 calculator, and a pen or a pencil, you could  
17 get these numbers. I mean, this is just--we  
18 live in a time where we shouldn't be having,  
19 this should not be happening, and electronic  
20 reporting, the fisherman's log books, you take  
21 a year or two to figure that stuff out, so  
22 that's pretty much useless.

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1           So I think it'd be a lot better if  
2 you just got somebody that'd say, hey, we're  
3 going to make some phone calls and figure this  
4 out. Then you'd make up a plan closer to  
5 that, cause there's probably not a whole bunch  
6 a people packing a lotta sharks.

7           MS. SCHULZE-HAUGEN: Just to that,  
8 not all dealers are reporting major amounts of  
9 sharks. Some dealers are not reporting any.  
10 It is a smaller universe of the major dealers.

11 But just one point. We discovered, in  
12 looking at the state landing system, that  
13 there were major dealers that weren't  
14 reporting to us at all. So it's something we  
15 do need to keep an eye on and things change,  
16 dealers pick up and drop off, so we need to  
17 keep an eye on all of it.

18           MR. HEMILRIGHT: If the dealers are  
19 fishing in state waters, and all their fish  
20 are coming from state waters, the dealers  
21 don't have to report to National Marine  
22 Fisheries, they just have to report to the

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1 state; is that correct?

2 MS. : No. If they have a  
3 federal dealer permit, they need to report all  
4 of the fish, whether it was landed in state  
5 waters or landed in federal waters, by  
6 whoever. They need to report all their sharks  
7 to us.

8 MS. SCHULZE-HAUGEN: Was your point  
9 state dealers buying from state boats only?

10 MR. HEMILRIGHT: Yeah. My point  
11 was the state fisherman, that's fishing in  
12 state waters, with no federal permit, doesn't  
13 have to report to National Marine Fisheries,  
14 and the dealer doesn't have to report to  
15 National Marine Fisheries.

16 MS. SCHULZE-HAUGEN: Correct. What  
17 does happen, though, is they report to the  
18 state and we get the information from the  
19 state.

20 [Start tape 4A]

21 MR. HEMILRIGHT: Just as a quick  
22 followup on the small coastal shark. Rusty

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1 Hudson, Directed Shark. With regard to the  
2 small coastal shark, I've been on record about  
3 the Gulf of Mexico and their allocation having  
4 been so small, and I need everybody to  
5 recognize that the Atlantic large whale plan  
6 has reduced the shark yield net fleet down on  
7 the East Coast of Florida, that has basically  
8 changed the entire structure of the gillnet  
9 shark fleet, in the first place, reduced its  
10 numbers.

11 Second off, with the emergency rule  
12 this year and the situation that kicked in  
13 last year, those fellows have been pushed  
14 south of my home inlet, Ponce Inlet, and so  
15 technically they're not they're not fishing in  
16 the places that they had been between November  
17 and March, and actually extending into April  
18 now.

19 And so with that small coastal  
20 shark allocation, it keeps rolling over and  
21 over and over, year after year after year, and  
22 we did, this past, for the first trimester,

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1 carry some of the overage over to the Gulf of  
2 Mexico to help compensate for that massive  
3 overrun.

4 But that 33,000 pounds that they  
5 had allocated for the Gulf of Mexico was so  
6 very small, and there has been an increase of  
7 fishing there.

8 The last thing I need to note is  
9 that having participated in the small coastal  
10 shark data workshop in February, the  
11 assessment workshop is coming up during May  
12 7th to the 11th, and at that stage, we're  
13 going to be able to say if NMFS has managed to  
14 acquire better numbers on like fine-tooth, to  
15 be able to--I believe it's recognize as  
16 overfish but no overfishing occurring, or  
17 whatever it was, that was generalized.

18 But basically with the fine-tooth,  
19 some of those same gillnet boats were part of  
20 that group that was responsible for catching  
21 them, and we've already run into some glitches  
22 with some of the fine-tooth data at the data

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1 workshop, so we're going to have to see how  
2 the assessment goes, because before, they  
3 didn't have the discards in there, and stuff  
4 like that.

5           Now they're going to have that when  
6 they do the assessment this time around. So  
7 it could be saying that, you know, fine-tooth  
8 are fine, and some of the people, like Glen  
9 Ulrich, there, in South Carolina, and stuff,  
10 has seen just remarkable amounts of fine-tooth  
11 adults, and stuff, being seen in North  
12 Carolina by the guys where they did the  
13 proclamation, they opened up the near-shore  
14 areas.

15           And so fine-tooth and adult  
16 blacknose, that was under the general  
17 discussion of the 2002 assessment as saying,  
18 you know, there's some data glitches here, and  
19 that's some stuff that needs to be corrected.

20           Now it's five years later and we're  
21 hoping that, you know, that'll flesh itself  
22 out at the assessment workshop and go from

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1 there, and see if we can have greater  
2 confidence in what's going on with them.

3 But as far as sharpnose and the  
4 bonnethead, well, bonnethead, we don't have  
5 anybody able to fish in state waters where  
6 they predominate off Florida, so, in  
7 actuality, they're untouched in some ways by  
8 our federal guys, and then with the sharpnose,  
9 they seem to be abundant as flies everywhere,  
10 and so there's no doubt that they're going to  
11 catch a lot of them.

12 So I'd say that with the small  
13 coastal shark, we're going to have to sort a  
14 hold on, hold our horses, and wait until we  
15 get this assessment done, and then get it  
16 reviewed in August and see where we stand at  
17 that point.

18 MR. WEBER: Rich Weber. Carol,  
19 like Rom, I don't really have a dog in this  
20 fight, but picking up where Dewey just left  
21 off, you said if someone reports more to the  
22 state than they report to you, you're using

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1 the higher of the number.

2 Now Dewey just gave you a really  
3 logical reason, why someone might have a  
4 higher report to the state than they reported  
5 to you. Correct, or no?

6 MS. PARK: [?] No. If they report  
7 to us at all, they should be reporting all the  
8 sharks, whether they were sharks landed by a  
9 state fisherman or sharks landed by a federal  
10 fisherman. The only exception would be if a  
11 dealer only has a state dealer license. They  
12 can only take sharks from state fishermen, in  
13 which case the state fisherman and the state  
14 dealer does not have to report to us. They  
15 only report to the state. So we do have some  
16 people who only reported in the state database  
17 and we are trying to go back and make sure  
18 that--they should be reporting there, and they  
19 should not also be reporting to us.

20 MS. SCHULZE-HAUGEN: All right.  
21 Well, we have some additional time on the  
22 agenda scheduled for today. One option would

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1 be to take up green sticks at this point. We  
2 were hoping that an additional member that was  
3 interested would be able to be here for that  
4 discussion. We were thinking Michael Buehl  
5 [ph] from the state would be coming. Has  
6 anyone heard from him? No.

7 Michael Buehl. Louis Daniel's  
8 deputy.

9 [Off-mike remark]

10 MS. SCHULZE-HAUGEN: Okay. Well, I  
11 guess we can recap for him. I guess I'd put  
12 it out to you. Do you want to? And one  
13 option would be, we could open up for public  
14 comment. I'm not sure I see any members of  
15 the public here. We could continue on with  
16 green sticks. We may not have a lot of time  
17 to get into a detailed discussion of that at  
18 this point, but we could follow up again,  
19 tomorrow afternoon.

20 MR. : Is this discussion about  
21 the green sticks?

22 MS. SCHULZE-HAUGEN: Well, we have

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1 a short presentation, just to kind a educate  
2 folks that may not be familiar with the issue,  
3 and so why don't we do that. Randy will be  
4 giving that. Before Randy starts, thank you,  
5 LeAnn, for her first presentation to the  
6 panel. Good job.

7 So thank you, Randy, for being  
8 ready at the drop of a hat.

9 MR. BLANKINSHIP: Greetings. It's  
10 good to see you all from this side of the  
11 table. Interesting perspective, I'll say.  
12 This is a issue related to green sticks, may  
13 need a little bit of introduction for some of  
14 you that are new to the advisory panel. For  
15 others, I know that it doesn't need much of an  
16 introduction. It has been a topic for, I  
17 guess, a couple of years now, or so.

18 First of all, this presentation  
19 will be very brief, but I do want to go over  
20 just a brief description of what the gear is.

21 This is a gear that is generally used, and ha  
22 been used in the Atlantic tuna fishery,

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1 according to some Sea Grant publications, it's  
2 been used since the mid '90s.

3           It is a actively trolled gear that  
4 has two different configurations. It's a  
5 little bit difficult for you to see them here,  
6 but basically behind, or from a vessel that is  
7 towing the gear, the green stick is a very  
8 long pole attached to the vessel, generally  
9 about 35 feet in height, or so, and has a main  
10 line that goes back to a bird that is towed  
11 behind that vessel. The main long is quite  
12 long, generally somewhere between 600 to 800  
13 feet long or so, and then in the two different  
14 configurations, one of which has hooks that  
15 are directly attached to the main line, that  
16 dangle at the water surface as it's trolled,  
17 and then the main line is hauled back all at  
18 one time when tuna are caught.

19           The other configuration is where  
20 you have multiple lines going from poles, from  
21 fishing rods to the main line, attached by  
22 clips, and then go down to individually

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1 trolled baits dangling at the water surface  
2 once again, and so when a tuna hits that, then  
3 it disconnects from the main line and it's  
4 fought on individual rods.

5           Generally speaking, the two  
6 different configurations are referred to as  
7 the commercial configuration, which is where  
8 the hooks are attached to the main line and  
9 hauled back all at once, and then also, the  
10 other configuration is usually called  
11 recreation, although it is not only a  
12 recreational gear, where the individual poles  
13 are attached to the main line.

14           One distinction between the two,  
15 between commercial and recreational, or quote,  
16 unquote, recreational, is that the commercial  
17 rig, generally speaking, has three hooks or  
18 more on the line, that hang down, and then the  
19 quote, unquote, recreational configuration has  
20 no more than two hooks per line.

21           So, in other words, when you have  
22 those individual rods going up, each one could

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1 have two hooks or less.

2           And like I said, that one is  
3 sometimes referred to as recreational but can  
4 also be used under commercial definition. It  
5 means the hand gear definition.

6           During the development of the  
7 consolidated, highly migratory species fishery  
8 management plan, in the draft form, there was  
9 an alternative to authorized green stick gear  
10 for the commercial harvest of Atlantic-based  
11 tunas only. That alternative was not  
12 preferred in the final consolidated, highly  
13 migratory species fishery management pan.

14           What did occur in that transition  
15 from draft to final was that there was an  
16 effort made to respond to what appeared to be  
17 a considerable amount of confusion about how  
18 the gear was defined, how it could be used  
19 under current regulations, and things along  
20 those lines.

21           And so in the final fishery  
22 management plan, the effort was made to

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1 clarify how the gear could be used under the  
2 current gear definitions.

3           Since the finalization of that  
4 fishery management plan, there have been  
5 continued comments related to gear  
6 authorization for the tuna fishery, and has  
7 come from several different sources including  
8 South Atlantic Fishery Management Council, in  
9 North Carolina, and several other entities.

10           In continuing to consider this  
11 issue the National Marine Fisheries Service  
12 intends to further consider how this gear  
13 should be considered in relation to  
14 authorization or in relation to current  
15 regulations, and it intends to have a series  
16 of public meetings through the summer to  
17 discuss this topic further.

18           The purpose of having this agenda  
19 item--it's actually not an agenda item but one  
20 that was added at this meeting, was to kind of  
21 begin that process. We plan to, as a course,  
22 through these public meetings, to be able to

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1 discuss within the Agency, and then also  
2 gather these public comments, to help us make  
3 a decision about what might be done with this  
4 gear authorization issue, and we plan to have  
5 some kind of an indication available by later  
6 summer, perhaps in conjunction with the  
7 advisory panel that may be scheduled for late  
8 summer or early fall.

9 That is kind of the timeline under  
10 which we are considering this issue. Today,  
11 we want to, in particular--I forgot to change  
12 slides here. Today, we want to, in  
13 particular, as I said, kind a start that  
14 process, and here, your opinions, as they  
15 relate to these questions: What do you want  
16 changed with green stick use in HMS fisheries?

17 And what should the National Marine Fisheries  
18 Service keep in mind about green sticks when  
19 considering a change in authorization of this  
20 gear?

21 Now I say this because we're  
22 really, in particular wanting to try to focus

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1 what we're hearing from folks on this issue,  
2 because they have been wide ranging and they  
3 have changed, over time, from two years ago,  
4 from what we heard then, to what we've heard  
5 within the last few months.

6 So, in particular, if you could,  
7 please direct your comments towards these two  
8 questions, and we want to move this process on  
9 down the road of trying to see what we can do  
10 as we consider this gear. And with that, we  
11 can open it up to some questions. Shall I do  
12 it? Or Paul? How do you want to do it.

13 MR. DONOFRIO: Thank you, Randy.  
14 Jim Donofrio, representing the RFA. Nice  
15 presentation. I'm perplexed by this whole  
16 thing, because I knew Sea Grant, I read this  
17 thing of Sea Grant years ago. A great study  
18 on the gear, very simple, it's been around al  
19 on time.

20 But I'm perplexed that we drag this  
21 out this in this advisory panel for the last  
22 couple years, like it was some kind a strange

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1 thing that landed from Mars. It's great gear,  
2 it's well-defined in the Sea Grant study, has  
3 clean, efficient way for commercial fisherman  
4 to target HMS species, with no or little  
5 interaction with marlin.

6 I mean, you want a safer gear to  
7 displace areas where the long-lines can't go,  
8 you know, use green stock gear. Get your HMS  
9 species. I mean, my God, it's a no-brainer,  
10 get commercial fishermen out there catching  
11 the bay fish with gear that's clean. I mean,  
12 we support that a 100 percent. And yet this  
13 committee, you know, no one knew what green  
14 stick gear was, or somebody did a good job a  
15 sweeping it under the table here at NOAA  
16 fisheries, where no one understood it.

17 I mean, I can't believe no one  
18 understood the gear. Take a ride down to  
19 North Carolina, use it all the time, there's a  
20 couple guys use it up in the Vineyard, and I  
21 wish he was here today. But we're fully  
22 supportive of getting this gear developed.

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1 It's a good clean fishery with very little  
2 interaction with the species that we have to  
3 protect.

4 MR. HEMILRIGHT: Dewey Hemilright.

5 I'm probably gonna rehash a lotta old stuff  
6 here. A couple years ago, Brad McHale [ph]  
7 gave a presentation, I believe it was with  
8 bluefin, or about the green stick, and about  
9 bluefin tunas, and at that time it was acted  
10 like National Marine Fisheries knew nothing,  
11 that bluefin tunas were being landed with a  
12 green stick.

13 And that kind of, I guess cause  
14 nobody had said they landed it with green  
15 stick gear, fishing more than six hooks, and  
16 at that time it just kind a hit me, you know,  
17 where are they going with this? Since that  
18 time, I believe since we've been carrying on  
19 here for the last couple years about the green  
20 stick gear, the definition of green stick  
21 gear, this isn't long-line gear floated in the  
22 columns of the water.

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1           It's something that is trolled  
2 around on the surface. I think it's pretty  
3 explainable, your definitions, and different  
4 things with this. But what's happening right  
5 now, there's a law that says if you have more  
6 than two hooks on a line, it's considered to  
7 be long-line gear.

8           So come this April or May, when  
9 fishermen in North Carolina who've been  
10 fishing this gear, landing yellowfin tuna,  
11 that's been getting the tunas for the  
12 consumers, and for shipping, and economics in  
13 North Carolina, it is illegal right now for  
14 them to go out and fish.

15           So we're going to drag this out  
16 more, and more. You know, why can't something  
17 be done a lot sooner, so that when fishermen--  
18 you know, you're going to see a reduction here  
19 in the tuna fishing, because guys are going to  
20 go out there and take a chance, might take a  
21 chance on facing the wrath of National Marine  
22 Fisheries enforcement with this definition.

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1 I don't understand--and I brought  
2 this up about two weeks ago when I called  
3 Chris and Margo, I mean, you know, and I  
4 called Louis Daniels from North Carolina--I  
5 said why can't something--this is a no-  
6 brainer, simple issue. The National Marine  
7 Fisheries can't even get this right. I said  
8 why can't we--you know, I brought this up to  
9 get attention because these guys are going to  
10 go fishing, and all of a sudden, we've been  
11 landing these tunas, and he can't go no more.

12 I mean, so what's going to be done?

13 Are we just going to put the people outta  
14 business because somebody can't get the stuff  
15 straight? And I mean, this really has effect  
16 on people, and yet we're going to sit here and  
17 draw it out for a couple more years probably.

18 I mean, why can't something be done sooner?

19 The consensus around the table, or  
20 around the room--I haven't heard too many  
21 objections over the last couple years. Is it  
22 gonna take National Marine Fisheries to come

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1 down and ride out on somebody's boat to take a  
2 look at? I mean, what in the hell is the  
3 holdup, why sumpin' can't be done to get this  
4 thing fixed?

5 MR. BLANKINSHIP: Related to that,  
6 a couple a points. One is--and Dewey, I  
7 appreciate your comments, and, you know,  
8 you're consistent in those comments that we've  
9 heard, you know, over time. One is is that  
10 the bear can be used currently, under two  
11 differently configurations, legally, and with  
12 the permits that are associated with those  
13 configurations. Secondly, you know, as far as  
14 moving quickly on authorization, there are a  
15 number of things that are on the Agency's  
16 plate currently, and even if this was, you  
17 know, something that we were beginning right  
18 now, it's not a process that could be done  
19 extremely quickly.

20 It is a process that takes a while  
21 with all the public involvement. Related to  
22 that, though, what I did outline was a

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1 timeframe under which we could begin the  
2 process of considering this gear, and that we  
3 will do. And related to that, these two  
4 questions are something that I'm really  
5 interested in hearing from you about.

6 And those are: What do you want  
7 changed with green stick use and HMS  
8 fisheries? And what should we keep in mind  
9 about the green sticks when we consider that  
10 change? So if you could, I'd like to hear  
11 that right now, if you don't mind, if you  
12 could, you know, turn that on. Of if you're  
13 not ready right now, we could come back to  
14 you.

15 MR. HEMILRIGHT: Just come [audio  
16 drops out]

17 MR. WHITAKER: Rom Whitaker, and I  
18 guess I am a dummy, because you just said  
19 there were two ways they could use that gear  
20 right now, that they've been fishing with for  
21 ten years. How can they use it, that's legal  
22 right now? And then I want to ask you exactly

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1 what you're asking with that first question.  
2 But go ahead and answer that question, if you  
3 can.

4 MR. BLANKINSHIP: Legally, under  
5 the two configurations that we talked about,  
6 that it can be used, under the definition  
7 where it has three or more hooks attached to  
8 the main line, it can be--it is defined as a  
9 long line and can be used under long-line  
10 associated permits. All right.

11 Under the other configuration,  
12 where you have individual lines going out, and  
13 each individual line has two hooks or less on  
14 it, it meets the definition of hand gear and  
15 can be used under permits that allow hand gear  
16 use, and that would be both recreationally and  
17 commercially.

18 MR. HEMILRIGHT: Well, gosh. Don't  
19 come to Hatteras, because there are a lotta  
20 people down there fishing illegally, both  
21 recreationally and otherwise. But put it back  
22 on your question again, and you did a great--

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1 your presentation's great. I mean, you all  
2 know what it is and you know how it works, and  
3 everybody in here basically says it works  
4 great.

5 But I mean, what do you want  
6 changed of green stick use in HSM fisheries?  
7 Well, nothing, other than let 'em use it.

8 MR. : [Off-mike remark]

9 MR. HEMILRIGHT: Well, I guess you  
10 got to change the two hook rule. You've got  
11 to say--

12 MR. : [Off-mike remark]

13 MR. HEMILRIGHT: --from long-line  
14 gear to whatever category you want to put it  
15 in. HMS. Just like rod and reel category,  
16 green stick category, and you can pull up to  
17 eight line dangling from a fixed gear. I  
18 mean, many guys here can tell you exactly what  
19 to put in the language.

20 But we've been discussing this five  
21 years. We should a been way beyond this. And  
22 the second question. The gear's already

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1 there. I don't see how you cannot authorize  
2 it. I mean, it's good gear, it's clean  
3 fishery, it's--you know--let's get it  
4 authorized, let's get it defined, let's go  
5 through these public hearings and get it done  
6 as quick as we can. Thank you.

7 MS. SCHULZE-HAUGEN: Just to  
8 respond to a couple of points. We are going  
9 to look for the draft definition from the FMP  
10 and distribute that as a possible jumping-off  
11 point. But one of the points as well is that  
12 the request for this has changed, over time,  
13 and that has been one of the points that has  
14 slowed us down.

15 Where, initially, we proposed to  
16 authorize this for the bay's tunas, i.e., non-  
17 bluefin, when we went out for public comment  
18 we got lots of comment, often after the  
19 hearing had closed, that they use it to target  
20 bluefin.

21 And so that raised another set of  
22 issues for us. Stock status of bluefin,

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1 current regulations, it wasn't being reported  
2 this way. And so when we went to look at it,  
3 the available information for bluefin wasn't  
4 really there. And so now we seem to be kind  
5 of back full circle, looking for this for  
6 yellowfin.

7 So I guess one of the questions  
8 that we have is what exactly is requested. Is  
9 it bays and bluefin? Is it yellowfin? And so  
10 these are some of the issues that we've been  
11 struggling with as well as, you know, the  
12 requests that have been changing.

13 MR. : Just quickly, just to  
14 refresh your memory, that the draft  
15 alternative in the FMP was to authorize green  
16 stick fishing gear for the commercial harvest  
17 of Atlantic-based tunas, and I don't have the  
18 definition as it was described under there. T  
19 his is in the final.

20 MS. SCHULZE-HAUGEN: Okay. We'll  
21 get the reg text. Greg, you want to speak to  
22 it?

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1 MR. FAIRCLOUGH: Yeah, I can  
2 probably come up with language that was pretty  
3 close to what we had. We had a "spot on"  
4 definition, and I remember the discussion  
5 really cooked around bluefin tuna and concerns  
6 over bycatch of billfish. I remember those  
7 two comments, here, at the AP, specifically,  
8 and the bluefin tuna seemed to be a real  
9 stopping point.

10 Where we got, we worked with  
11 certain individuals who import the gear,  
12 people who set up the gear, we came up with  
13 costs for outfitting vessels, we looked at all  
14 sorts of aspects of the gear, and we limited  
15 it to ten hooks. Most guys were fishing fewer  
16 than ten.

17 But we had a line that was elevated  
18 above the water surface, actively trolled,  
19 suspending no more than ten hooks or gangeons,  
20 and came up with a whole bunch of different  
21 deployment restrictions. We were very close.

22 We had a very good definition.

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1           Like I said, it seemed like the  
2 stopping point was the species, not the  
3 definition of the gear. I think if you in the  
4 draft FMP that we went out with--

5           MS. SCHULZE-HAUGEN: That was 2005.

6           MR. FAIRCLOUGH: --a while ago,  
7 you'll find a very nice definition in there  
8 that's probably tidy, it's probably what you  
9 want, but what you really need to look at is  
10 what species are you looking at wanting to  
11 keep.

12          MS. SCHULZE-HAUGEN: We'll try and  
13 pull that, just so everyone has, can take a  
14 look at it.

15          MR. HUDSON: Rusty Hudson, Directed  
16 Shark. I guess my question's to Randy.  
17 Basically, how many pelagic long-lines are  
18 actively trolled, and that seems to be a big  
19 pivot point in this whole process.

20                 Second off, hypothetically, if I'm  
21 fishing with "bandit reels," anchored up,  
22 using a double A-frame, using rat gear on each

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1 end of the double A frame with five hooks a  
2 pop--that's ten hooks--for small coastal  
3 sharks, am I suddenly a pelagic long-liner,  
4 even though I'm anchored up, using rat gear  
5 with ten hooks? You know, that seems to be  
6 the same thing here. Trolling and anchoring  
7 are features of situations that aren't  
8 necessarily pelagic long-line, and so that's,  
9 I guess, what I'm trying to say.

10 This is something that's actively  
11 trolled, just like you said, Randy, and  
12 pelagic long-line floats in the water column,  
13 and so there is the fundamental difference.

14 Now as to species comp, that again  
15 comes back to the fact that we're talking  
16 about Haley Meigs, and these fellows have been  
17 catching bluefin and bays tuna. So I would  
18 say that you should allow them to catch them  
19 both.

20 MR. DONOFRIO: Thanks, Randy. Jim  
21 Donofrio representing RFA. I agree with  
22 Rusty. I mean, it's clearly--there's a

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1 difference in the pelagic drift long-line  
2 gear, it's drifting with buoys. This is a  
3 troll fishery. Hook definition, the amount of  
4 hooks, that has to be changed. I mean, this  
5 is not a long-line. This is a troll fishery,  
6 you're moving, probably moving probably better  
7 than 5 knots to 8 knots, depending on what  
8 species you're looking for. Obviously a  
9 little slower if you're looking for bluefin.

10           And of course you're going to have  
11 different setups. Worrying about bycatch on  
12 marlin? The guys that I know that use this  
13 gear with 130's, you're probably going to  
14 release a marlin within 30 seconds, a white  
15 marlin. I mean, he's going to be to the boat  
16 so quick, he won't even know he's hooked. So  
17 it's not like you're soaking him all night.

18           I would not worry about an  
19 occasional white marlin that's going to jump  
20 on. Bluefin should be allowed. It's  
21 presentation, it's a manner of presenting a  
22 bait to a species, to make it look more

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1 presentable. It should be usable gear, it's  
2 good, clean gear, and I urge the Agency to  
3 move forward with this and allow it.

4 MS. MERRITT: Thank you. Rita  
5 Merritt, South Atlantic Fishery Management  
6 Council. I think Margo mentioned the fact  
7 that the South Atlantic Council has asked HMS  
8 to look into new rulemaking regarding allowing  
9 green sticks. However, I think the one thing  
10 I didn't hear was to allow it in the general  
11 category, for the general category permit  
12 holders.

13 And I guess what we haven't said is  
14 to use it in the general category as it's been  
15 traditionally used, and going back to the  
16 other gentleman, I'm sorry I forgot his name--  
17 Greg. To his point regarding when this  
18 started being discussed, my recollection is  
19 that it wasn't discussed with species, it was  
20 discussed exactly as some of these other  
21 people have recalled, that it had to do with  
22 the difference between long-lining tuna versus

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1 other methods.

2           So therefore, I would like to  
3 suggest also that we go to allowing green  
4 stick for the general category, in whatever  
5 configuration that they have used it in the  
6 past. Thank you.

7           MS. JOHNSON: Yeah, I'd like to  
8 echo--Gail Johnson. I'd like to echo what  
9 Rusty said about definitions, and also Rita,  
10 because long-lines, they are static in the  
11 water column. You cannot tow a long-line.

12           I have a question. I'm kind of  
13 ignorant about coastal fisheries, our boat is  
14 quite a ways offshore, so I don't know if  
15 there's ever any conflicts with pelagic long-  
16 line gear. Also, if they catch bluefin, and  
17 we're not catching that many bluefin as a  
18 country. Let's keep them. And the other  
19 thing, gee, I'd hate to see it in just the  
20 general category, cause if our boat can go  
21 fast enough, I'd like to try it.

22           MR.       : The first thing I'd like

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1 to see you do before I go answering your two  
2 questions is, What's a "bird"? You didn't go  
3 there. I mean, some people might think we're  
4 really towing a bird back there. I mean, if  
5 you've ever seen this gear work and you have  
6 any knowledge at all about long-lining, you  
7 know that it--we just are amazed, that anybody  
8 could ever consider it to be long-line gear.

9 Just like just about everybody's  
10 talked about, you gotta tow it or it don't  
11 work. You gotta tow it fairly fast or it  
12 don't work. The bird is back there to excite  
13 the fish, thinking that it's another fish  
14 chasing fish, and that's the way the thing  
15 works. So you have to troll it and you have  
16 to troll it pretty fast, and, you know, as  
17 somebody who's had quite a bit of problems  
18 with the law, in violations and stuff like  
19 that, if you're going to write violations for  
20 people using this to catch elephant tuna and  
21 bluefin tuna, you need to get out there and  
22 let the public know, because I think there's

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1 probably two or three hundred of these things  
2 out here on the East Coast now.

3 But to answer the two questions,  
4 you've got to go back and find out in the  
5 world was this ever declared long-line gear,  
6 and you've got to change that. I mean, for  
7 some reason--and I haven't missed many of  
8 these meetings, I know it's been discussed on  
9 numerous occasions, and I just like fell over  
10 when I find that this gear was declared long-  
11 line gear. I mean, this is far from being a  
12 long-line as anything that there is fishing  
13 out there.

14 I've fished for grouper, dropped a  
15 hook, just in the last year, five hooks on the  
16 line. I mean, is that long-line gear? The  
17 striped bass fishery that's just grown, I went  
18 out on a charter boat, and they had a damn  
19 bait they towed behind the boat, it must a had  
20 at least six or seven baits hanging from it  
21 with hooks in 'em. Is that long-line gear?

22 Again, you know, from the long-line

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1 industry, we just feel like we get picked on  
2 all the time, and this is just another real  
3 good example of us, from the commercial side,  
4 thinking that we're getting picked on again.

5 I owned three long-liners, I now  
6 own two, I had green sticks on all three of  
7 those long-liners, and used 'em when I was  
8 going back and forth from long-lining. But  
9 trust me, if I'd a just set it out in the  
10 water it would a never caught anything.

11 And you need, you just need to go  
12 back and figure out how this thing was  
13 declared long-line gear and whatever they used  
14 to do that, you need to change that to start  
15 out with, because there's a lot of other  
16 fisheries out there, types of fisheries that  
17 certainly are using more than two hooks per  
18 line.

19 MS. SCHULZE-HAUGEN: Just to  
20 respond to that, the reason that, in our  
21 definition, that this falls into a long-line  
22 category, is one of the key foundations in the

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1 regs, that establishes long-line, is more than  
2 two hooks. So anything more than two hooks  
3 falls under the definition of long-line. That  
4 is throughout the regulations. It's not that  
5 we think this is fished like a long-line, and  
6 we understand that there's a difference in how  
7 this is fished, and that may be a basis that  
8 we can look at for a definition.

9 But it's the number of hooks that  
10 kicks it into the long-line definition and as  
11 far as other fisheries' regulations are  
12 concerned, I'm going to have to beg off on  
13 that cause I'm not familiar.

14 MR. : So anybody that's  
15 fishing in U.S. EEZ, I mean anybody that's  
16 using more than two hooks on a pole is long-  
17 line fishing?

18 MS. SCHULZE-HAUGEN: If you're HMS-  
19 permitted, the HMS regs apply.

20 MR. : Okay. If you have a HMS  
21 permit, and you go snapper/grouper fishing,  
22 are you long-lining?

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1 MS. SCHULZE-HAUGEN: If you have H-  
2 -

3 MR. : You can have an HMS  
4 permit and have a snapper/grouper permit or  
5 have different types of permits.

6 MS. SCHULZE-HAUGEN: There's a  
7 definition for pelagic long-line and if you  
8 have that gear on board, you have HMS permits,  
9 you meet the definition.

10 MR. : So how about if you have  
11 a recreational tuna permit? Is that the same?

12 MS. SCHULZE-HAUGEN: No; that's  
13 different. I mean, that's two or less. It's  
14 one of the distinctions throughout the  
15 regulations. When you have more than two  
16 hooks, it kicks you into a long-line  
17 definition.

18 MR. : What you need to do then,  
19 to answer these two questions, you need to  
20 change that cause you can't--I mean, you can't  
21 have a green stick operation without having  
22 more than two hooks. It's just not--it's not

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1 possible to have it. It won't work.

2 MR. BLANKINSHIP: Hang on a second.

3 I wanted to come back to that, and we get  
4 back on schedule with taking comments.  
5 Related to--and Rom said this too--changing  
6 the two hook rule. And Rita mentioned that  
7 the comments from the South Atlantic Fishery  
8 Management Council were related to  
9 authorization in the general category permit.

10 To Rom, and now to Willy, I guess, in  
11 relation to that two hook rule, what I'm  
12 hearing you say is change it and allow it,  
13 then, is what you're asking for in something  
14 general--I mean different than general  
15 category; correct?

16 I don't want to put words in your  
17 mouth but I want to hear what it is that  
18 you're wanting there.

19 MR. WHITAKER [?]: Yes, I  
20 definitely think you need to change it for all  
21 categories, and I think Will brought up a very  
22 good point. I do have people, recreational

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1 fishing on my boat with three and four drop  
2 bottom rigs. So I didn't even realize that I  
3 was long-lining with them, but I guess I am.  
4 So I don't think anybody will tell you that  
5 they long-line with less than ten hooks.  
6 Would that be a fair assessment?

7 MR. : They've got something  
8 going on in Florida now that--

9 MR. WHITAKER: But anyway, I guess  
10 you need to change the definition for a long-  
11 line to be more than whatever it--five, ten  
12 hooks, something to--cause I mean--and the  
13 striper rigs too. There are many boats that  
14 fish with three and four hook striper rigs,  
15 that would also--well, I guess they're not in  
16 the EZ, so maybe they'd be exempt.

17 MR. HEMILRIGHT: Dewey Hemilright.  
18 I think that Greg had it right, I mean "right  
19 on." There's something here that is a  
20 "sticking point." They said ten hooks or  
21 more, everything was fine. But the sticking  
22 point is you used to catch blue--you caught

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1 bluefin tunas with it, and it seemed like  
2 that's what the problem was here, the reason  
3 why the Agency did not go forward with ten  
4 hooks or more. Their definition. I think  
5 Greg did a lotta work last year on talking  
6 with the dealers about the stuff, trying to  
7 set up a definition.

8 But the Agency did, in good faith,  
9 go along with that, because something about  
10 catching bluefin tunas. People fishing the  
11 green sticks have caught bluefin tunas. I  
12 don't know how they got reported or under what  
13 definition, and National Marine Fisheries knew  
14 they were catching bluefin tunas with six--  
15 with more than two hooks, and have, you know,  
16 been happening for 10 or 12 years, or  
17 whatever.

18 But it seemed like all of a sudden,  
19 when it got out to the public pretty good,  
20 that they were catching bluefin tunas last  
21 year, using more than six hooks, they didn't  
22 want to go to ICCAT and tell them all of a

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1 sudden, they authorize a gear that would catch  
2 bluefin tunas, and the U.S. called it long-  
3 line gear, so therefore they would be  
4 sanctioned, go and catch a bluefin tuna with t  
5 gear. That's probably the main problem here.

6 As far as the thing, you need to go  
7 back and look, you know, the more than ten  
8 hooks, or ten hooks. Less than ten hooks  
9 would be fine, have it the general category,  
10 and, you know, it's like you all want--what's  
11 a new definition? One of the things to come  
12 5A up with; you know. What you all  
13 need--and I guess these are the questions  
14 asked, right here. What do you need to get  
15 this going along and what would be--more than  
16 two hooks, you need to change that definition  
17 to more than two hooks, and change your  
18 definition of long-line to actually fit  
19 reality and not--you know, it sounds like to  
20 me everybody's long-lining, if you got more  
21 than two hooks on everything.

22 So somehow, you know, Randy talked

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1 about this is going to take six months, or a  
2 year, or two years. You know, most a the time  
3 it takes National Marine Fisheries four, five,  
4 six years to do something. So if you all  
5 could get this done as quick as possible, it  
6 would be, you know, a great help. But you all  
7 had it right the first time, when you had ten  
8 hooks or less. Greg had it right. But  
9 somehow, somebody didn't like the fact that it  
10 caught bluefin tunas, and that was a real  
11 sticking point and the reason why I believe it  
12 didn't go through.

13 MR. BLANKINSHIP: A point of  
14 clarification here. On the time schedule that  
15 I was talking about, which Dewey, you're  
16 correct, I mean, in what you said. But I want  
17 to point out that the timeline that I  
18 mentioned there was under consideration of the  
19 issue, wasn't to undertake rulemaking by the  
20 end of the summer; okay? Just to clarify,  
21 that we're going to consider the issue over  
22 the course of this summer, hopefully coming up

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1 with something by the end of the summer, or  
2 early fall.

3 MR. : Yeah, just to support the  
4 use of green sticks for both the bays and the  
5 bluefin fishery. I think, as Dewey said, your  
6 definition before was okay.

7 MR. : For all gear types.

8 MR. : For all gear types.

9 MR. : I certainly don't think  
10 we need to belabor this issue anymore, but I  
11 mean, I find it curious, and I've been a  
12 member of this group, and the ICCAT advisory  
13 panel, both since their inception, and I've  
14 never seen an issue discussed that had pretty  
15 much unanimous agreement. That the commercial  
16 guys think it's an efficient gear they can  
17 use, and the conservation community, the sport  
18 fishing community, sees it as a more selective  
19 alternative to other gear types and think it's  
20 a good thing to use, and we're having this  
21 difficulty in getting it across. It's just  
22 curious.

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1           In my tenure on a couple councils,  
2 I have seen many instances where the Agency  
3 has come back to a council, and asked for an  
4 interpretation, because for one reason or  
5 another, the rules, when they were drafted,  
6 had an inconsistency like this. They didn't  
7 exactly reflect the intent of the council, and  
8 in those cases, the rules were--the  
9 definitions were administratively changed to  
10 make them more accurately reflect the intent  
11 of the council's action.

12           I can see where you all might have  
13 a problem, because you'd have to be saying you  
14 all didn't understand your own intent. But  
15 there might be a way to do this in a quicker  
16 fashion than going through rulemaking, by  
17 looking at adjustments to the definition, just  
18 based on the fact that they did not reflect  
19 what they were supposed to reflect, and you'll  
20 have to talk with your general counsel's  
21 office. Maybe you could say the general  
22 counsel screwed up the writing of it and they

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1 didn't understand what you all thought. So  
2 that's the reason for changing.

3 MS. SCHULZE-HAUGEN: Well, part of  
4 that, we would need to look back at our record  
5 as well, and look at all of the pieces of it.  
6 So we can talk with our attorney.

7 MS. MERRITT: Thank you. Rita  
8 Merritt, South Atlantic Fishery Management  
9 Council. I'm probably going over covered  
10 territory but I did want to say that so much  
11 of the conversation that I'm hearing here is  
12 identical, or actually at greater length in  
13 our December council meeting, and it was a  
14 consensus that we should actually encourage  
15 the use of green stick when it comes to  
16 bluefin and yellowfin tuna.

17 Just because of it is so  
18 ecologically positive, and so many of our  
19 people have been using it just in general,  
20 over the years.

21 But I did want to add one more  
22 thing that I haven't heard, and that is the

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1 possibility of problems with enforcing,  
2 especially recreational people who are using  
3 green sticks. How do you really count the  
4 number of hooks that are being used? And I  
5 just see it as an enforcement problem.

6 MS. SCHULZE-HAUGEN: Rita, I'm  
7 sorry. I don't quite understand that. It's  
8 an enforcement problem with things now, or  
9 it's an enforcement concern where you need to  
10 keep moving forward? I didn't quite follow.

11 MS. MERRITT: Just in general. You  
12 know, how does law enforcement really  
13 determine how many hooks are on it, and when  
14 you consider that recreational people are  
15 using the green sticks as well, you know, how  
16 do you tell who's got two hooks versus who has  
17 three? That actually goes beyond this.  
18 That's just in general. Thank you.

19 MR. : Just for my own  
20 information. Obviously everybody's agreeing  
21 on it. I've spent my whole life chasing  
22 pelagic species around the world, and I've

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1 heard the word "clean" on both sides of the  
2 room, and from Pat. With Northeast bluefin  
3 tuna, I could see that in cold water. There's  
4 hardly anything else to catch there. But in  
5 regard to yellowfin--I mean marlin--trolling  
6 is the most effective way to catch marlin.  
7 I've heard of white marlin being caught in 30  
8 seconds at eight knots. I don't know what the  
9 survival rate would be of that marlin.

10 I have nothing against this type a  
11 gear. I'm just raising some questions, that  
12 kind a--you know, I guess that's what we're  
13 here for. I don't see the clean effect of  
14 this gear, in regard to marlin. I mean, it's  
15 Northeast bluefin tuna fishing in 50, 60  
16 degree water. Okay. No marlin there.  
17 Everybody else, Gulf of Mexico, Florida,  
18 there's marlin where you're catching  
19 yellowfins.

20 So, yeah, if Dewey or Don, or  
21 somebody, could just let me know, because I've  
22 been out there my whole life trolling stuff

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1 behind a long-liner, and we catch marlin all  
2 the time on our rods and reel behind a boat.

3 MR. HEMILRIGHT: I think the  
4 difference--Dewey Hemilright--is most times,  
5 when you're marlin fishing your bait's in the  
6 water. I don't know of too many marlins that  
7 jump outta the water after the bait. When  
8 these baits are trolled, three-quarters of the  
9 time they're outta the water, they're just  
10 flapping the thing, so there's not--you know,  
11 I would say pretty much 99.9 percent of the  
12 people actively marlin fishing, the baits are  
13 in the water. They're not outta the water.  
14 So therefore your bait's trolling--you know--  
15 we don't see the white marlins or blue  
16 marlins. It's all actually trolled pretty  
17 much above the surface, touches the surface,  
18 and comes up.

19 MR. : None of 'em's ever won a  
20 marlin tournament.

21 MR. HEMILRIGHT: Yeah. Well, none  
22 of em's ever won a marlin tournament using

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1 green stick.

2 MR. : I've fished every blue  
3 marlin tournament from Bimini to St. Thomas,  
4 and the most productive bait we've ever had  
5 has been a Spanish mackerel flapping on the  
6 surface. So I don't know, I mean, not  
7 everybody catches 'em with a swimming mullet  
8 or--so I mean, there's--I mean, hundreds of  
9 lures designed to stay on the surface,  
10 including a ballyhoo, for God's sakes, a basic  
11 of all baits. You know, like I say, I have  
12 nothing, you know, pro or con against green  
13 sticks, but I'm just raising a question for my  
14 own clarity, how this gear could be so clean  
15 when you're trolling it, you know, in tropical  
16 waters, for one. The only place I see where  
17 it would be, you know, clean gear, is in green  
18 water off a Gloucester.

19 MR. : I'll just tell you: Don't  
20 fish no marlin tournaments and use a green  
21 stick. Don't fish marlin tournaments and use  
22 a green stick.

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1 MR. : [Off-mike remark] Then  
2 Rich and then Jason.

3 MR. AUGUSTINE: Thank you. Pat  
4 Augustine. It seems to me that we have  
5 agreement, as the gentleman over here had  
6 said, between recreational, commercial,  
7 environmentalists and conservationists, that  
8 this appears to be a viable piece of  
9 equipment, and I don't see how NMFS can, in a  
10 very short period of time, change the  
11 definition of long-line or go through the  
12 process of getting that aired to the public.  
13 I would see me, at 73 now, I'll be 93 by the  
14 time you get it out to the public for  
15 comments, and my lifetime's over, so I'm not  
16 going to benefit from doing this. But I would  
17 suggest maybe we just go ahead and create a  
18 separate gear category by itself, called the  
19 green stick, with the definitions that you  
20 come up with, with the analysis that's  
21 represented in its viability as a tool, if you  
22 will, and then go forward with it that way.

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1           It seems like it's been clearly  
2 described, it's been clearly illustrated, it's  
3 been vetted, as I understand it, for several  
4 years now, at least the last two, and again,  
5 folks around the table all agree with it.

6           So it would seem to me the most  
7 logical way to do it would try to be, to  
8 change it into a gear category type by itself,  
9 with specific purposes as have been  
10 identified, whether it's for all HMS, or  
11 whether you decide you want to use it strictly  
12 for blues and bays. I'm not sure which. But  
13 rather than limit it to one gear category by  
14 itself, I think we then create another monster  
15 for ourselves. So I would say for general  
16 purposes, for HMS. Thank you.

17           MR. WEBER: Rick Weber. I'm half  
18 terrified the next slide's going to start  
19 bringing up spear guns again. Just to be  
20 clear, the recreational with the breakaway is  
21 legal now; yes? There is no problem with that  
22 green stick, even though it is a green stick.

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1 All of this discussion comes down to where  
2 there is a single main line with multiple  
3 gangeons. Just wanted to be clear on that.

4 And that was really all that I had,  
5 other than personally, part of that  
6 cleanliness comes down to soak time, always  
7 has for me. A trolled bait is responded to  
8 quickly. You know, whether it's a rec trolled  
9 bait or one of these on the green stick.

10 MR. SCHRATWIESER: Jason  
11 Schratwieser, IGFA. I think my comments echo  
12 Rick's somewhat. I don't doubt that green  
13 sticks could catch some other types of fish  
14 but because it's a tended gear instead of a  
15 passive gear, I would have to believe that the  
16 survival of released species would be higher.

17 So I think that we're in agreement with that.

18 MR. CODDINGTON: Ron Coddington  
19 with Swordfish Club. I purposely waited till  
20 the end because my comments is more of a  
21 general nature than a specific nature on the  
22 green stick. I'd like to see more consistency

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1 in the way this panel works, in the way NMFS  
2 makes decisions. This gear--I've only been to  
3 two AP meetings. This is my second one. This  
4 gear has been "talked to death" in the last  
5 meeting, and again this time. This gear is  
6 obviously clean gear based on a soak time.  
7 You can move faster, and the one thing I'd  
8 like to say as a representative from the  
9 Swordfish Club, is we wish, desperately, that  
10 you had given just a fraction of this time to  
11 the buoy gear when you authorized and defined  
12 it.

13 Buoy gear is an unattended gear, a  
14 J-hook fishery that you stuck in the closed  
15 zone. If you'd given it a fraction a the time  
16 you gave this--this is one that should have  
17 moved forward. It should have moved forward  
18 years ago. The buoy gear should a been talked  
19 about. But don't tell me this can't be done  
20 fast, because buoy gear came from nowhere and  
21 became a regulation in record time.

22 MS. SCHULZE-HAUGEN: Just to

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1 clarify, the buoy gear was part of the  
2 consolidated FMP, which was a multiyear  
3 process. So there was lots of consideration  
4 and time on that as well.

5 All right. Well, if we have all  
6 the comments on that--okay; beat it to death.

7 Good. Sure.

8 MR. NIELAND: Dave Nieland. I'm  
9 speaking from total ignorance. I've never  
10 even heard of this gear. Down in the Gulf of  
11 Mexico, if somebody saw you trolling around  
12 this green stick gear, you'd get laughed off  
13 the water, cause it's odd, you know, if you've  
14 never seen it before. I can imagine that it  
15 works very well. I can imagine that it is a  
16 clean gear.

17 You know, talking again from  
18 complete total ignorance of this gear, I can  
19 see only upside on this whole issue. You've  
20 got me convinced. Thank you very much.

21 MS. SCHULZE-HAUGEN: Okay. At this  
22 point, I'd like to see if there are any

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1 members of the public that would like to say  
2 anything. I'm not sure we have any members of  
3 the public.

4 MR. : [Off-mike remark]

5 MS. SCHULZE-HAUGEN: All right.  
6 Well, I think maybe we can wrap up for the  
7 day. We will be back here at 7:00, if you  
8 want to come back. We'll be here in case any  
9 member of the public does come and wants to  
10 talk about the shark rule. But thanks very  
11 much for all your comments and we look forward  
12 to a bright and early start tomorrow, 8:00  
13 a.m. So we'll have lots of time to talk  
14 about sharks.

15 [Whereupon, the meeting adjourned,  
16 to reconvene the following day, Wednesday,  
17 March 14, 2007, at 8:00 o'clock a.m., at the  
18 same place.]

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