

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
 NATIONAL MARINE FISHERIES SERVICE
 OFFICE OF SUSTAINABLE FISHERIES
 HIGHLY MIGRATORY SPECIES DIVISION

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ATLANTIC HIGHLY MIGRATORY SPECIES
 ADVISORY PANEL

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SPRING 2015 MEETING

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WEDNESDAY
 MARCH 11, 2015

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The Panel met in the Grand Ballroom A-B,
 DoubleTree by Hilton, 8120 Wisconsin Avenue,
 Bethesda, Maryland, at 8:30 a.m., Suzanne Lea,
 Facilitator, presiding.

PRESENT

SUZANNE LEA, Facilitator
 JASON ADRIANCE, Louisiana Department of Wildlife
 and Fisheries
 PATRICK AUGUSTINE, Recreational Sector
 TERRI BEIDEMAN, Commercial Sector
 RICK BELLAVANCE, Recreational Sector
 ANDRE BOUSTANY, Academic Sector
 ANDREW COX, Recreational Sector
 JACK COX, Commercial Sector
 PAMELA DANA, Gulf of Mexico Fishery Management
 Council
 MARTIN FISHER, Commercial Sector
 SONJA FORDHAM, Environmental Sector
 ERNIE FOSTER (for ROMULUS WHITAKER),
 Recreational Sector
 WILLIAM GERENCER, Commercial Sector
 WALTER GOLET, Academic Sector

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LISA GREGG (for MARTHA BADEMAN), Florida Fish
and Wildlife Conservation Commission
RANDY GREGORY, North Carolina Division of Marine
Fisheries
RUSSELL HUDSON, Commercial Sector
ROBERT HUETER, Academic Sector
STEPHEN IWICKI, Recreational Sector
WALLACE JENKINS, South Carolina Department of
Natural Resources
SHAWN JOYCE, Recreational Sector
AMANDA KELEDJIAN, Environmental Sector
MICHAEL KELLY, Recreational Sector*
DAVID KERSTETTER, Academic Sector
MARK LINGO, Texas Parks and Wildlife Department
STEPHEN LINHARD, Mid Atlantic Fishery Management
Council
SHANA MILLER, Environmental Sector
VALERIE MILLER, Environmental Sector
JEFF ODEN, Commercial Sector
TIM PICKETT, Commercial Sector
GEORGE PURMONT, Commercial Sector
RICHARD RUAIS, Commercial Sector
MARTIN SCANLON, Commercial Sector
MICHAEL SISSEWINE, New England Fishery
Management Council
DAVID STILLER, Commercial Sector
SCOTT TAYLOR, Commercial Sector
RICK WEBER, Recreational Sector
ANGEL WILEY (for CARRIE KENNEDY), Maryland
Department of Natural Resources
MELISSA YUEN (for ROBERT BEAL), Atlantic States
Marine Fisheries Commission*

ALSO PRESENT

SAMUEL RAUCH, Deputy Assistant Secretary for
Regulatory Programs
KARYL BREWSTER-GEISZ
PETER COOPER
ENRIC CORTES*
DEAN COURTNEY*
GUY DUBECK
LINDSAY FULLENKAMP
DELISSE ORTIZ
WES PATRICK
MARGO SCHULZE-HAUGEN

*-present by teleconference

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

(8:44 a.m.)

1
2
3 FACILITATOR LEA: Right now we are
4 going to talk about the Magnuson-Stevens Action
5 National Standard Overview with Wes Patrick from
6 the Office of Sustainable Fisheries.

7 MR. PATRICK: Good morning, everybody.
8 So, I'll be giving a presentation on our proposed
9 rule on National Standard 1, 3, and 7. The
10 proposed rule came out January 20th and we will be
11 accepting comments through June 30th of this year.
12 Hopefully, you all received a notification earlier
13 this year and we will be giving a presentation,
14 several more in the coming months. We just
15 finished up some with the Council Coordination
16 Committee with the National SSC Committee and in
17 the coming months, we will be meeting with other
18 councils.

19 So, to give you all some background
20 about the National Standards, you all are probably
21 familiar that the MSA has two national standards.
22 And what this proposed rule is basically going to
23 be talking about is provisions that we made to the
24 National Standard 1 guidelines, which is to prevent
25 overfishing, while achieving optimum yield. But
26 it also makes some revisions to the general section
27 of the National Standard guidelines, which is,
28 basically, the introduction before you get to
29 National Standard 1 and then also makes revisions
30 to National Standard 3, which about managing stocks
31 as a unit throughout its range and also National
32 Standard 7, which is minimizing costs and
33 duplication of management measures.

34 The last time that National Standard 1
35 guidelines were revised were back in 2009 and that
36 was to, basically, in put all the annual catch
37 limits and accountability measures that were
38 required by the Magnuson-Stevens Reauthorization
39 Act.

40 But since 2009, we have been getting a
41 lot of experience with how this ACL framework works
42 and also have been receiving a lot of input from
43 the stakeholders on how the process and guidelines
44 could be improved. And so in 2012, we put out
45 advanced Notice of Proposed Rulemaking and also we
46 had a number of other large meetings that have
47 occurred since then, like Managing Our National
48 Fisheries. We also had a report from the National

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1 Research Council on rebuilding that came out in
2 September 2013, as well as a lot of other meetings
3 that went on.

4 The main thing you need to take away
5 from this presentation is that our proposed rule
6 doesn't establish any new requirements to have the
7 councils or HMS revise their current management
8 plans. Rather, it offers some additional clarity
9 and potential flexibility in how we can implement
10 these MSA mandates. You will see that I use a lot
11 of examples in our proposed rule of where councils
12 and HMS has already been doing things to address
13 these ACL issues and putting it in the guidance so
14 that it is nationally recognized.

15 We also, when we made these provisions,
16 we tried to basically keep everything within the
17 guide rails of MSA. So, we are not going to be
18 proposing these things that we couldn't do because
19 MSA already requires it, such as the 10-year
20 rebuilding requirement for overfish stocks. That
21 remains the same.

22 Also, we are still maintaining that all
23 stocks that need conservation management need to
24 have ACLs, and AMs, and other reference points.

25 And lastly, anywhere where we propose
26 flexibility, the National Standard 2 requirement
27 that best scientific information available still
28 applies.

29 So, we made a lot of revisions in this
30 proposed but the seven major elements that I will
31 be talking about here range from the first thing
32 here, which is the longest one on rebuilding
33 provisions, we look at things of how we can enhance
34 ecosystem approaches to management and apply
35 define depleted stocks.

36 So, this first one is kind of my longest
37 one. So, if you can hang in there and make it
38 through this section, we should be good to go for
39 the rest.

40 So, I have like five subtopics for
41 rebuilding here. The first of those is
42 calculating Tmax. So, currently, our current
43 guidelines have a provision that says when a stock
44 requires more than 10 years to rebuild, you
45 calculate Tmax as Tmin plus one Generation time.
46 And the way that you have to calculate Generation
47 time is sometimes a data-intensive process because
48 you have to know things like what is the age

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1 structure of the population, what is the age at
2 first maturity. What is the continuity of the
3 stock? And not all of our fish stocks have that
4 information.

5 And so, what the proposed rule does is
6 it provides two additional methods for calculating
7 Tmax to give some more flexibility in how we can
8 go about developing these rebuilding plans. And
9 the first method is simply two times Tmin, which
10 is the minimum time to rebuild, which is a fishing
11 mortality of zero. How quickly could it rebuild?
12 Multiply that by two.

13 And this is an unusual way of
14 calculating Tmax because we do know that like New
15 Zealand, for example, uses the same approach for
16 their rebuilding provisions.

17 The other method that we have is time
18 needed to rebuild, Bmsy, when fished at 75 percent
19 of MFMT, where MFMT is usually your Fmsy value.

20 And this one should be familiar to you
21 because we have currently in our guidelines that
22 if you are in a rebuilding plan and you reach the
23 end of it and still haven't rebuilt, you can
24 continue on fishing the Frebuild or 75 percent of
25 MFMT until the stock rebuilds.

26 So, if you are wondering how these three
27 different methods of calculating Tmax align with
28 each other, I have here a graph. Let's see if this
29 mouse pointer works. Yes.

30 So, on the x axis here I have a measure
31 of productivity of the stock, where a value of one
32 is a very fast growing species. So, you will have
33 like tunas over here on the 1, on the x axis, and
34 you will have sharks further down here on the 0.1
35 x axis. And then on the y axis here, I have Tmax
36 in years.

37 And you see that all three different
38 methods of calculating Tmax overlap at some points.
39 For faster growing species, Tmin plus 1 Generation
40 time is slightly higher than the other two
41 calculations; whereas, whenever you get to the
42 slower growing species, the 75 percent of MFMTs is
43 a little bit less conservative than the other
44 values.

45 The next subtopic under rebuilding is
46 about adequate progress. How do we measure
47 adequate progress? The Magnuson Stevens Act
48 requires that the Secretary determine if adequate

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1 progress is being made toward rebuilding at least
2 every two years. And in the current guidelines,
3 we don't even really talk about how you define
4 adequate progress or what you need to do to monitor
5 progress every two years.

6 In the past what we have been doing,
7 before ACL measures came into place, where you
8 basically updated your stock assessment every two
9 years or so but whenever in 2009 when annual catch
10 limits came into place, we have been allowing
11 councils and HMS to use ACLs as a way to monitor
12 catch on an annual basis, rather than having to wait
13 for the next stock assessment.

14 And there may be other appropriate
15 measures in there that you could use to monitor the
16 status of your stock in rebuilding. We left that
17 open for interpretation. For example, one method
18 that comes to mind is like in New England, they have
19 a skate complex that every year they use catch per
20 unit after data that comes from a fishery
21 independent survey. And that may be an example of
22 a non-catch limit related measure that you could
23 use.

24 We also define when adequate progress
25 is not being made. And that, basically, is when
26 catch is continuously exceeding Frebuild or the
27 associated annual catch limit for that F rate, and
28 that your accountability measures are not
29 affected. And so the key here is that you are
30 continuously exceeding that rebuild. If you
31 exceed your ACL in the rebuilding plan one time,
32 that may not warrant inadequate progress but if you
33 were to continually exceed ACL and your
34 accountability measures aren't working, then
35 inadequate may be defined.

36 That is for one approach. The other
37 approach is if you are in a rebuilding plan and you
38 get a new stock assessment and you have a
39 significantly different understanding of the
40 status of the stock. So, your reference points
41 dramatically change. What you thought the biomass
42 of the stock was was actually much lower or much
43 higher. Will that significant change, again,
44 really affect your rebuilding plan? And you may
45 deem that is inadequate progress and want to
46 restart your rebuilding plan.

47 So, the next subtopic, that is kind of
48 related to the last one, is interim measures. The

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1 Magnuson-Stevens Act provides that under
2 circumstances that interim measures may be
3 implemented to reduce but not necessarily end over
4 fishing. And we have only used this a couple of
5 times, I think, in the Northeast and the South
6 Atlantic here in the last five years. And,
7 basically, this measure is used for usually
8 whenever you have a stock that has never been
9 assessed before and you have assessed it and all
10 of a sudden, you find that it is severely overfished
11 and that the reduction in any catch that you will
12 need to do will cause significant harm to the
13 fishing community.

14 And like I just said in the slide
15 before, maybe you are already in a rebuilding plan
16 and you get a new stock assessment. You find that
17 your reference points for biomass levels are
18 significantly off. That may also, that would
19 trigger your inadequate progress and you can,
20 potentially, use these interim measures.

21 But since we have only used this a
22 couple of times, what we wanted to do in the
23 proposed rule is try to codify the guidance we have
24 been giving the regions already, which is that
25 these interim measures should rarely be used and
26 that to use them there are three criteria that
27 should be met. One is that there is an
28 unanticipated and significantly changed
29 understanding of the stock status; that ending
30 overfishing immediately would result in severe
31 social and economic impacts. And that whatever
32 you do you during that interim measure that the
33 biomass must be increasing during that measure.
34 So, you may not have to reduce or end overfishing
35 but you do need to try to have the biomass
36 increasing during that period.

37 The next subtopic for rebuilding was
38 extending timelines of rebuilding plans. So,
39 basically our proposed rule looks at how we go about
40 modifying rebuilding plans. Some councils set
41 their Frebuild and leave it until the end, while
42 other councils may readjust the rebuilding plan
43 every time they get a new stock assessment.

44 And basically what this proposed rule
45 does related to timelines is that we are trying to
46 use guidance that we got from the National Research
47 Council Rebuilding Report that says we have been
48 putting too much emphasis on trying to manage the

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1 biomass of the stock that, even though it has
2 fishing component, environmental factors can be a
3 big influence on how well a stock will rebuild, such
4 a recruitment.

5 And so, instead, what the report and
6 what NOAA Fisheries is proposing here is to try to
7 focus more on maintaining your fishing mortality
8 rate below your rebuilding fishing mortality rate.

9 So, basically, we are trying to
10 emphasize that you don't need to revise your
11 Ttarget and Tmax and Frebuild every time you get
12 a new stock assessment and that your primary
13 objective is to maintain F below Frebuild. Also,
14 this might cut down on some of the workload issues
15 that come about whenever you do these new stock
16 assessments and fill in the need to revise these
17 reference points.

18 And the last subtopic under rebuilding
19 is about discontinuing plans. So, current what we
20 do in rebuilding plans is that once you have
21 received notification that the stock is
22 overfished, you have up to two years to develop a
23 rebuilding plan. And within those two years while
24 you are developing that plan, if you were to get
25 a new stock assessment and show that the stock
26 really isn't overfished, as you originally
27 thought, well you can stop working on a rebuilding
28 plan and continue on with your normal management
29 measures.

30 But once that two-year period ends
31 and you start your rebuilding plan, even if you get
32 new science that shows that the stock was never
33 overfished, our current guidance is that you
34 continue in that rebuilding plan until you have
35 rebuilt the stock to Bmsy. And that could be a
36 difficult sell, since often rebuilding plans come
37 with much lower Frebuilds and you know that maybe
38 your stock was never really overfished in the first
39 place.

40 So, this is even highlighted in the
41 National Research Council Rebuilding Report where
42 they showed that biomass estimates are often some
43 of the most uncertain outputs you get from stock
44 assessments, at least relative to fishing
45 mortality rates and that whenever they reviewed our
46 U.S. rebuilding stocks, they found that 30 percent
47 of them were found to have never been overfished
48 when they looked at a new stock assessment later

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1 down the road.

2 And so in our proposed rule, what we are
3 doing is we are proposing that a rebuilding plan
4 can be discontinued if the following two criteria
5 are met. One, that the Secretary determines that
6 stock was never overfished, as originally thought,
7 and that the current biomass of the stock isn't
8 overfished.

9 So, we have made it through rebuilding.
10 It should be good to go now. So, here is our next
11 major element is about improving management of
12 data-limited stocks. And basically what the
13 proposed rule is doing here is trying to clarify
14 how alternative approaches can be used to set
15 status determination criteria for a stock. So,
16 setting overfished and overfished definitions for
17 data-limited stocks.

18 The problem has been in the past is that
19 a lot of the methods that we have for setting
20 MSY-related reference points for data-poor stocks
21 don't exist. They don't actually calculate what
22 maximum sustainable yield is because there is not
23 enough information to do that.

24 And so there were some kind of
25 consternation between our scientific groups about
26 how can we say MSY-related like overfishing limits
27 if we don't know what MSY is. And so what the
28 proposed rule does is try to clarify that we do
29 allow these alternative data-poor methods to be
30 used to specify catch limits for these stocks, even
31 though they may not be MSY based but we do want to
32 make sure that they promote sustainability. This
33 may not be maximum sustainable yield.

34 Councils have already been doing this
35 in a lot of different places. Some examples are
36 like in the Southeast they have been using Only
37 Reliable Catch Stock methods or, on the West Coast,
38 they often use Depleted Correction-adjusted Catch
39 methods. Those might be familiar. But this isn't
40 just the only methods that can be used, just some
41 examples.

42 We also wanted to highlight that
43 data-limited stocks still require to have ABCs and
44 ACLs and that, where practical, identify
45 overfishing and overfished limits with them.

46 And lastly, we put some more emphasis
47 on how stock complexes can be used for data-limited
48 species. In the past, we had some conflicting

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1 language in our guidelines. In one place, we said
2 that stock complexes can use indicator stocks to
3 help manage these data-poor stocks. So, indicator
4 species is basically an assessed stock that you
5 would leave in your complex and help you monitor
6 the status of the stocks in the complex.

7 But we also had language in there that
8 says when you can manage a stock limit individual
9 basis, you should. And so that has led some
10 councils to, what they have assessed the stock
11 limit in the complex, they would take that assessed
12 stock and manage it on its own and then leave the
13 rest of stocks in the complex that were all
14 data-poor.

15 We wanted to emphasize in this proposed
16 rule that we would prefer to have indicator stocks
17 left in those complexes to help better manage those
18 stocks. So, what we did is we deleted the old
19 guidance that says, when possible, you should
20 manage those stocks on an individual basis and then
21 reemphasize the use of indicator stocks.

22 The third major element of the proposed
23 rule is stocks that are looking at what stocks
24 require conservation and management. So, you all
25 are probably familiar that we have a lot of guidance
26 that is spread across the National Standard
27 Guidelines. We have guidance on what stocks
28 require conservation management in both National
29 Standard 1, National Standard 3, and National
30 Standard 7. And we have also been sued here
31 recently with river herring in the northeast. If
32 we have guidance for what stocks need conservation
33 and management in the National Standards, that is
34 something that we should be evaluating every time
35 we do an FMP amendment. And that doesn't really
36 align with what the purpose of National Standard
37 guidelines are for, which is you have already
38 identified that you have a fishery management plan
39 and whatever amendments you are doing, you are
40 looking at the National Standards to see how well
41 they meet these new amended measures you are
42 recommending.

43 And so what we have done is taken all
44 that different guidance we have for what stocks
45 need conservation and management. We
46 consolidated it all and we put it all into the
47 National Standard general section, which I told you
48 earlier is the introduction of the National

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1 Standard. So, it is not part of the NS2 or 3 or
2 7. It is the preliminary part that kind of tells
3 what the National Standard guidelines are used for.

4 And basically, the main thing that we
5 have done in the proposed rule is that stocks that
6 require conservation and management are those that
7 are predominantly caught in federal waters; and are
8 overfished, subject to overfishing, or likely to
9 become so. So, if you meet those two criteria,
10 well, then your stock that needs conservation and
11 management; you should be included in the fishery
12 management plan, and be managed with all the
13 different provisions that fall into that like
14 having annual catch limits and MSY and OY and things
15 like that.

16 There are, however, a lot of other
17 different factors that a council with an HMS could
18 consider when trying to figure out what stocks
19 should be included in the FMP and for what reasons.

20 So, this slide basically has ten other
21 factors that were already in the guidelines. Most
22 of these came from National Standard 7. And it is
23 things like is the stock caught by the fishery. Is
24 it a target of the fishery? Is there a need to
25 resolve competing interests and conflicts among
26 user groups? And so this list of factors, if you
27 meet one of these criteria doesn't mean that you
28 are automatically in need of conservation and
29 management. It is up to the Council and the
30 Secretary to figure out what reaches some threshold
31 of putting that stock into a fishery management
32 plan and having annual catch limits for it.

33 So, this is a list of ten but the
34 councils and the Secretary are open to look at other
35 factors as well.

36 So, with this consolidation, we kind of
37 have three new categories or not new but just three
38 categories for what stocks are in a fishery
39 management plan. We have stocks that require
40 conservation and management. Those are the ones
41 that need status determination criteria, ACLs and
42 AMs and it is the equivalent to what we already in
43 FMPs stocks in the fishery.

44 The next category is stocks not in need
45 of conservation and management but they still need
46 those ACLs and AMs and they are equivalent to
47 ecosystem component species.

48 And then this third category is called

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1 other managed stocks. And these are stocks that
2 are primarily called a 1 FMP but occur as bycatch
3 in another fishery that is managed by different
4 FMP. And so there has been some confusion about
5 well, we have it in two FMPs, do we need to specify
6 reference points in both of them or just one of
7 them. And we clarified in the guidelines that you
8 only need to specify the SDCs and the MSY and things
9 like that in the primary FMP and then in the bycatch
10 or secondary FMP just have management measures that
11 are consistent with a primary FMP.

12 The main thing I wanted to point out,
13 too, is that even though we have these new
14 categories, we didn't anticipate the councils or
15 the Secretary needed to revise their FMP to use
16 these new terms. So, you can continue to use
17 stocks in the fishery and ecosystem component
18 species.

19 The fourth major element of the
20 proposed rule is trying to include ecosystem
21 approaches to management and optimum yield
22 guidelines, where possible, into the National
23 Standard 1 guidelines.

24 We didn't do too many things here. The
25 main thing we did was we clarified that the concept
26 of aggregate maximum sustainable yield can be used
27 in fisheries management and what aggregate MSY is
28 basically, rather than setting MSY for individual
29 species you basically put all the stocks within the
30 complex or all the stocks within the fishery into
31 the model, look for these multi-species
32 interactions and set an overall MSY for the
33 fishery. That is often usually like 75 percent of
34 the sum of individual MSYs. So, it is a more
35 conservative MSY estimate.

36 We also noted that the use of aggregate
37 MSY could be helpful for specifying optimum yield
38 for a fishery, which is somewhat similar to what
39 the North Pacific does for their Bering Sea,
40 Aleutian Islands groundfish fishery. They have an
41 OY TAC for their fishery that is lower than the sum
42 of their individual MSYs. And they go through this
43 tradeoff analysis every year about what species
44 they are actually going to be catching that year.

45 We also wanted to clarify in the
46 guidance how OY relates to our ACL framework. The
47 last time when we revised the National Standard
48 guidelines, we talked about how OFL is sort of the

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1 analyzed expression of what MSY is but we never
2 really talked about what optimal yield was in this
3 ACL framework. And so here we have clarified that
4 the annualized expression of optimum yield is the
5 equivalent to your annual catch limit. And the
6 reason I am saying annualized expression is because
7 MSY and OY are often referred to as a long-term
8 average. And so if you are trying to look at it
9 on an annual basis, this is how it fits in with this
10 ACL framework.

11 And lastly, under the optimal yield
12 section of the guidelines, we are looking at trying
13 to analyze and specify optimum yield. Our
14 guidelines, for at least the last 20 years, have
15 always said that you need to do quantitative
16 analysis to look at these economic, social, and
17 ecological factors that may reduce optimum yield
18 from maximum standard yield. However, you all
19 know that you may have a lot of information about
20 the biology or ecology of our fisheries and
21 ecosystems but often we are missing some of the
22 socioeconomic information to do these analysis.

23 And so, even though we may not have a
24 quantitative data to do it, there is still room for
25 a qualitative analysis to look at these
26 socioeconomic impacts. And so what we have done
27 is clarified in the guidelines that if you don't
28 have the quantitative data to do that, qualitative
29 analysis could be done. So like through the use
30 of like expert opinion.

31 The fifth major element is another big
32 component of our proposed guidelines, which is to
33 try to provide some more stability in our
34 fisheries. We have heard, over the last couple of
35 years that this ACL framework has caused some
36 instability in our fisheries where when you get new
37 stock assessment information, often our catch
38 limits move in lock step with the new assessments,
39 which can sometimes result in some dramatic
40 increases or decreased in catch levels that can
41 destabilize your markets.

42 And so, the three things that we are
43 basically going to be talking about under this
44 theme is introducing multi-year fishing
45 definitions, which is trying to address how we make
46 status determinations in fishery management plans.
47 Then, I will talk about phase-in approaches for
48 stock assessments results. So, that is how do we

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1 react to results of the stock assessment. And then
2 also I will talk about carryover provisions and
3 that is really looking at how do we look at
4 assessment projections and think about how well we
5 are utilizing annual catch limits.

6 And the reason that we are introducing
7 some of these provisions is because we recognize
8 that there is a lot of uncertainty in our fisheries.
9 For example, you all are probably familiar with
10 retrospective bias, which basically, in this
11 example I am showing, is for the biomass of some
12 theoretical stock. And we know that when you get
13 a new stock assessment, often the most recent year
14 or the terminal year in the assessment is usually
15 the most uncertain. And that the further you look
16 back in the time, the more that all these additional
17 models converge onto what we think the true
18 biomass, in this case, of the stock would be.

19 And so a lot of times whenever we make
20 status determination criteria or trying to
21 implement catch limits, we are using this terminal
22 year data that is the most uncertain. So, we are
23 trying to think of ways how we don't react so
24 dramatically to this new information. And this
25 graph basically shows ten stock assessments being
26 done every three years and how the latest ones
27 usually have the most uncertainty in them.

28 Another reason is that between stock
29 assessments, we get a lot of noise about what is
30 the actual reference points for a stock. Like,
31 what is the Fmsy, what is the Bmsy or maximum
32 sustainable yield for fisheries. Every time we do
33 a stock assessment, what we get out of that is some
34 ballpark estimate of what these reference points
35 are. And as you get a new assessment, this
36 reference point is going to change.

37 For example, here what I did is I looked
38 at three stocks from the West Coast and they do
39 stock assessments every two or three years. And
40 I documented how different the Fmsy, Bmsy and MSY
41 estimates change from assessment to assessment.
42 And down at the bottom you can see that, on average,
43 between assessments, these stocks have an average
44 percent difference of 22 percent, at least for Fmsy
45 but, overall, around 20 percent across the board.

46 And so if you are thinking about 20
47 percent differences in these reference points,
48 those more or less correlate to differences in how

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1 your catch limits would be set, too.

2 So, jumping back to our subtopic 1 under
3 this category, stable fisheries, is multi-year of
4 fishing. What is the proposed rule talking about
5 here? Well, as you all know, normally what we do
6 when we get a new stock assessment, we are going
7 to listing what the status determination is for the
8 species and we are going to use that last data year,
9 terminal data point in the stock assessment and
10 make that determination. However, as I just
11 showed you, that often has a lot of uncertainty
12 associated with it. And some councils have
13 already been identifying this issue and I will show
14 you in a minute an example of it.

15 But what we want to try to do is minimize
16 the false negatives and false positives that come
17 from these stock assessment findings that label
18 your stock as possible overfished or overfishing.
19 And so what the proposed rule does is we provide
20 the option to use a multi-year overfishing
21 definition that may not exceed three years. And
22 if you were to use this approach, we would like the
23 FMP to document how the approach will not
24 jeopardize the capacity sought to produce MSY.

25 So, there will need to be some thought
26 about whatever approach you use to do this
27 three-year average. It is still conservative and
28 will maintain the capacity of the stock.

29 An example of what this might look like
30 comes from the South Atlantic snowy grouper
31 fishery. And they just recently got a stock
32 assessment and they know that they have some
33 uncertainty associated with the terminal year.
34 And so what they have been doing is using the mean
35 for the last three years for this stock. And so
36 you can see if they just use the terminal year data,
37 they would label this stock as overfishing. But
38 because they know that is uncertain, they have used
39 a three-year average and the three-year average is
40 only 0.9. So, this is one method of doing it. I
41 think they used geometric mean but you guys can
42 figure out whatever you would like to use.

43 The next subtopic under stable
44 fisheries was phase-in approaches. And this comes
45 under our ABC Control Rule section of the proposed
46 rule. And basically what this is is a tool for
47 minimizing dramatic shifts in catch that result
48 from the new stock assessment outputs. This isn't

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1 a new idea. The International Pacific Halibut
2 Commission and the European Union have been using
3 these types of control rules in the past and we have
4 put some limits on how we can use these phase-in
5 approach because it does put the stock at a little
6 bit more risk of overfishing. So, just like
7 multi-year overfishing, we are saying that you may
8 use a phase-in approach that may not exceed three
9 years. And again, we are a little bit more robust
10 in this analysis is that you must provide a
11 comprehensive analysis of how the phase-in control
12 rule prevents overfishing and when the control rule
13 can and cannot be used.

14 For example, in the Pacific Halibut
15 Commission, they don't use their control rule
16 whenever the stock is in a declining trend. And
17 so we need to think about looking at like management
18 strategy evaluations or other types of analysis
19 that look at the viability of the phase-in approach
20 you use.

21 So, here is an example of what a
22 phase-in approach might look like. This is a very
23 simple example. Basically, what I have here is
24 what would normally happen with a stock that is
25 assessed every three years and then you set a static
26 OFL and ABC, rather than having some projections
27 about the status of the stock.

28 And basically what you can see here is
29 that in the year 2014, the ABC control rule, which
30 is 75 percent of the OFL, they got a new stock
31 assessment and it says they need to reduce their
32 catch. The ABC would have gone from 500 metric
33 tons down to 360 metric tons, which is quite a big
34 decrease. But if they were to use a phase-in
35 approach, well, they could actually just take
36 around -- reduce it by 50 metric tons in the first
37 year. They will be down by 100 metric tons by the
38 second year and then be down to their normal level
39 in the third year in 2017.

40 And you will notice that, in this
41 example, I have also been able to keep the ABC, the
42 phase-in ABC below the overfishing limit. So, we
43 are still preventing overfishing but in this
44 particular year, we are trading that off for an
45 increased risk for overfishing. So, normally, you
46 have this 25 percent buffer between ABC but with
47 the phase-in approach, you are increasing this
48 risk.

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1 And this last subtopic under stable
2 fisheries is using the carryover in our ABC control
3 rule section of the proposed rule.

4 So, carryover provisions are something
5 that has been common in catch share fisheries.
6 They have been really good at addressing safety at
7 sea issues, where people with individual fishing
8 quotas, in the past, have wanted to go out on their
9 last week of fishing, regardless of what the
10 weather conditions are because they didn't want to
11 forego any of that fishing year's yield. But
12 whenever we introduced carryover provisions, it
13 allowed those individual fisherman to carry over
14 their portion of the quota to the next year so they
15 wouldn't have to fish in bad weather.

16 And so since then, though, the idea of
17 carryover has moved from catch share fisheries into
18 non-catch share fisheries. In catch fisheries,
19 the amount of carryover is normally like one, two,
20 three percent, something like that. But in
21 non-catch share fisheries, the carryover can be
22 much higher because it is not an individual basis.
23 It is on the fishery basis. And so you can look
24 at overages or carryovers of 15, 20, 25 percent.
25 And in the past, that has even led to some legal
26 issues where we have lost that recent case in New
27 England where the amount of carryover actually
28 exceeded the ABC recommendation of the SSC and, I
29 believe, also the overfishing limit. And so from
30 that court case what they said is that you can do
31 the carryover, as long as it doesn't exceed the
32 SSC's or Advisory Panel's recommendation of what
33 the ABC is.

34 And so, what we did is we put this into
35 a control so that if you did have a carryover amount
36 that did exceed ABC, that means you would have to
37 recalculate what your ABC is so that it is never
38 exceeding it. And sort of the science behind this
39 is that when you think about stock assessments,
40 especially those that have projections for like
41 three years out into the future, what they often
42 assume is that you are going to catch your ACL
43 perfectly. And so in forward Year 1, you can catch
44 amount. And if you catch all of your ACL, well
45 then, in the second year, we expect you to be able
46 to have an ABC of X. Well, if you don't catch all
47 of your annual catch limit in that first year, some
48 of that unused population or catch limit will carry

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1 over to the following year and add to the biomass
2 and it should bump up your ABC and your OFL a little
3 bit.

4 So, one way that you can try to account
5 for this carryover, I have put together this simple
6 table but there is a lot of different ways that this
7 could be done. But basically in my example here,
8 we have an OFL that was 200,000 pounds and they have
9 an ABC that is 170,000 pounds. But in that
10 particular year, they only caught 169,500. So,
11 they had 500 pounds left over from their ACL.
12 Well, you can carry that 500 pounds over to the
13 following year but I am going to account -- it is
14 not going to be a one-to-one carryover. I am going
15 to account for some natural mortality to have
16 occurred between years. So, I am going to say that
17 it is only 410 pounds that you carry over to the
18 following year. So, what ends up happening in
19 this, in the second year, OFL had been specified
20 at 205,000 but now the new one is 205,410 pounds.

21 So, some other ways that this could be
22 done is that I understand that when we do stock
23 assessments that there is a way to create this
24 matrix table that shows what your overfishing and
25 ABC amounts would be, giving different levels of
26 annual catch limits being taken or actual catch
27 being taken. I am sure there is much more
28 sophisticated ways of doing it from this table base
29 that I have and considering other parameters other
30 than just natural mortality. But hopefully, this
31 illustrates the point.

32 The sixth major element is about
33 finding depleted stocks. I think this is
34 something you all have been hearing for probably
35 a decade or more in that the way that we currently
36 define stocks that fall below their minimum stock
37 size threshold, we call them overfished. And we
38 know that sometimes these populations fall below
39 that threshold, not because of the fishing effort
40 but because of environmental conditions that has
41 maybe caused the populations to fall below but yet,
42 we still call that overfished and put the onus on
43 the fisherman to rebuild these stocks.

44 And so, in this proposed rule, what we
45 are doing is introducing this new term called
46 depleted which says you can kind of use it in two
47 different ways. The first one is that if your
48 stock falls below your minimize size stock

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1 threshold but hasn't been experiencing any
2 overfishing at any point over the last two
3 generation times of the stock, you can be called
4 depleted.

5 And if you are already an overfished
6 stock in a rebuilding plan, this is the second case,
7 if you are already in a rebuilding plan and you have
8 been keeping or mortality rate below Frebuild
9 throughout recent history and you are back to your
10 targeted time to rebuild and the stock still hasn't
11 shown any significant signs of growth, well, then
12 you can redefine the stock that is depleted.

13 And the reason that we have put some
14 boundaries on what period you are be looking at
15 overfishing is because we wanted to remove some of
16 the issues that may come up with stock assessment
17 scientists trying to tease apart why did this
18 population decline because of environmental
19 conditions or was it for overfishing. So, we put
20 in this time period where overfishing is occurring
21 and makes that decision about overfish versus
22 depleted much easier to do.

23 The main things about depleted stocks,
24 though, is that they still require rebuilding
25 plans. But what you do for a depleted stock is
26 probably going to be a little bit different than
27 what you do with an overfished stock. So, for
28 example, one of the first things you do for a
29 depleted stock is reevaluate your reference points
30 and make sure they are accurate. Is this a
31 short-term or long-term issue with the
32 productivity of the stock? You may also want to
33 focus more on some mitigation issues like looking
34 at habitat improvement and things like that to try
35 to rebuild the stock, if overfishing isn't the
36 issue.

37 And then the last major element of the
38 proposed rule is about improving the routine review
39 of FMPs. So, these provisions come in at the
40 National Standard General Section, not in any of
41 the NS1, 3, or 7 guidelines. And basically what
42 it says is that we have included a statement that
43 says reassess the objectives of your fishery on a
44 regular basis to reflect the changing needs of the
45 fishery over time. For example, you might think
46 about allocation issues being something that may
47 change over time but you need to reevaluate. There
48 is also all these other economic social and

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1 ecological objectives that you would want to
2 reevaluate for your fishery management plan. But
3 we realize that doing such analysis can eat up a
4 lot of your all's time. And I know, for example,
5 in the Southeast I think it took them two or three
6 years whenever they did this last time.

7 And so we put in a regular basis with
8 an undefined limit. It could be three, five,
9 seven, ten years, whatever seems appropriate for
10 your all's group. But the main thing is that it
11 sets up a schedule. It is a more transparent way
12 of letting your stakeholders know hey, we are going
13 to be reevaluating your goals and objectives of
14 this fishery in X year. So, that it is not being
15 brought up every time you have council meeting and
16 taking up time that you could be dedicating to other
17 issues.

18 And so this regular basis basically
19 means the Council or HMS Secretary will set up a
20 schedule for when these issues will be reevaluated.

21 We also have some similar but different
22 guidance that is related to stocks in need of
23 conservation and management. We say that we
24 should be periodically reviewing your plans to
25 determine which stocks are in need of conservation
26 and management. That isn't something that you
27 would probably do on a scheduled type of time line,
28 it is more of as scientific information becomes
29 available you might want to reevaluate which stocks
30 should be included in the FMP.

31 By reevaluating your goals and
32 objectives, it also sets up a better way of
33 analyzing the optimum yield for fishery because you
34 will have a better understanding of what your
35 social, economic, and ecological factors are.

36 So, to summarize, the main things that
37 we are doing with guidelines is trying to improve
38 and clarify, streamline these guidelines, where
39 none of these proposed rules that we have in here
40 have requirements to immediately go through and
41 revise through FMPs. We are trying to stay within
42 the guide rails of the MSA. And we hope that we
43 have addressed most of the concerns that we have
44 heard from you over the last five or six years.

45 And if you need any additional
46 information, we do have a redline version of some
47 frequently asked questions on our website. And
48 that is it. Thank you.

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1 FACILITATOR LEA: Thanks, Wes.

2 All right, so I see a couple of people
3 with questions. So, Rusty, I saw yours first, so
4 I will start with you.

5 MR. HUDSON: Thank you, Wes. Rusty
6 Hudson.

7 OFL with a lot of our data-poor stocks,
8 at council level anyway, we cannot set an OFL. And
9 for some of these data-poor stocks, we are actually
10 approaching it as third highest landing streams and
11 stuff like that.

12 Second off, we have a great shortage of
13 analysts down in the Southeast Science Center. It
14 affects our highly migratory species, particularly
15 sharks on a domestic level, as well as numerous
16 council stocks because we have a large volume of
17 different species down our way. We actually have
18 a lot of them clumped together in complexes, just
19 like we had done with some of the sharks at a certain
20 point, in order to deal with deal with data-poor
21 situations. And we are not getting the frequency.
22 I mean I see your catch share example, three years,
23 stuff like that. It would be great if we could do
24 that but we are not seeing that.

25 And the last thing, and it is near and
26 dear to my heart is the snowy grouper example, that
27 is some bad science that is driving that entire
28 situation from the earlier science to the current
29 science. It did not involve anybody on a physical
30 level for a benchmark or a standard. So, with
31 things like that, we are having a tough time.

32 Our sandbar shark, which is extremely
33 important to us here that are in the shark fishing
34 business, that population is exploding. We have
35 a definite problem with predator prey
36 relationship, where they are just affecting a lot
37 of our council managed stocks. And so, how HMS
38 gets together with the councils on this issue from
39 Texas to Maine is going to be an important feature
40 into the future. But the best scientific
41 information available, there should have been a
42 minimum standard of the efficacy of the science
43 before you designate anything that really impacts
44 fishing communities. Hopefully, Magnuson might
45 get that right with these guidelines and stuff.
46 There is a lot of things that are good there and
47 that we depend on.

48 But again, Wes, I appreciate you coming

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1 and making the presentation and look forward to
2 submitting a comment to you before the deadline.
3 Thank you.

4 MR. PATRICK: Thank you and I
5 appreciate those comments.

6 FACILITATOR LEA: Lisa.

7 MS. GREGG: Just some questions with
8 regards to how these National Standards or if these
9 National Standards are going to apply to
10 HMS-managed species or is it just council-managed
11 species.

12 MR. PATRICK: They apply to HMS
13 fisheries also.

14 MS. GREGG: So, I mean what parts of it
15 or how does it apply? Because we don't have SSCs
16 and we don't have ACLs and AMs and all of those
17 things.

18 MS. SCHULZE-HAUGEN: Actually, we do
19 have ACLs and AMs for some of our stocks that are
20 not covered by the international exception.

21 So, there is some difference for stocks
22 that are internationally managed, some differences
23 there. But for stocks that are domestically
24 managed, these provisions apply.

25 And for NSSC, right, we don't have a
26 formal SSC. What we do is we work with the stock
27 assessments scientists and experts within the
28 agency to develop what these levels would be. That
29 is how we have been proceeding for several years
30 now. So, that wouldn't change.

31 FACILITATOR LEA: Jason.

32 MR. ADRIANCE: Thanks. Jason
33 Adriance. Just a couple, two, three, four
34 questions.

35 Back on slide 14, I believe, where you
36 were talking about the assessed indicator stock,
37 who ultimately decides what is an indicator stock
38 for a complex? I think it can be a good thing but
39 it might also be of concern, if that indicator stock
40 is not a very mixed fishery within a complex and
41 it ends up overfished and causes a complex to be
42 shut down. I'm just curious about that.

43 And then the unused ACLs, would that
44 apply to all sectors of all fisheries, commercial,
45 recreational, et cetera? That's all I have.

46 MR. PATRICK: So, with the first
47 question, let's see here. So, wait. What was the
48 first question?

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1 MR. ADRIANCE: Indicator stocks.

2 MR. PATRICK: Yes, so indicator
3 stocks, basically, where practical, you can use
4 indicator stocks. And we do have some kind of
5 guidelines and that. The indicator stocks should
6 represent the average or most vulnerable species
7 within the stock complex so that, hopefully, they
8 cannot allow overfishing for the complex overall.
9 If you are going to make it the least vulnerable,
10 that might happen.

11 And as for who decides that, I am used
12 to SSCs working on that but I'm not sure how that
13 works in HMS.

14 MS. SCHULZE-HAUGEN: Well, it would be
15 the same approach that we would work with the
16 internal scientists to make that determination.

17 FACILITATOR LEA: Shana. Oh.

18 MR. PATRICK: So, the unused ACL for
19 carrier provisions, those could be applied to all
20 sectors of the fishery but they are optional for
21 use.

22 MS. SHANA MILLER: Thanks, Wes, for
23 being here.

24 You know I think, overall, there are --
25 I work with The Ocean Foundation, an environmental
26 group. And no, I think the NMFS has had a really
27 good and the councils have had a really good track
28 record of ending overfishing and rebuilding
29 overfished stocks over the last several years.
30 And I think there are a lot of concerning changes
31 in this rule that might give too much leeway and
32 reverse some of that recent progress.

33 But following up on Lisa's question to
34 get more at some of the internationally-managed
35 stocks issues, there were a couple of areas in your
36 redlined version that I wasn't quite sure what the
37 intent of the proposed changes were. If I could
38 just read those and maybe you could speak to them
39 a little bit.

40 The first, there is a section that says
41 for internationally-managed stocks, fishing
42 levels that are agreed upon by the U.S.
43 international level are consistent with achieving
44 OY. And so the question there is does that mean
45 that the U.S. is supposed to advocate for catch
46 levels consistent with OY or that whatever the
47 catch level set by the RFMO would then be defined
48 as OY by the U.S. And of course, the latter is

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1 concerning.

2 And in the second area related to MSSTs,
3 the proposed changes in the case of
4 internationally-managed stocks, the council may
5 decide to use the SDCs defined by the relevant
6 international body. And already there is a
7 conflict there. As you probably know, RFMOs will
8 sometimes designate a stock as overfished but under
9 the U.S. definition of the MSST, that stock does
10 not get defined as overfished domestically. It
11 has been the case for Pacific bluefin, Western and
12 Central Pacific bigeye in the past. And so you
13 have a case that the U.S. is supposed to be
14 rebuilding the stock at the RFMO level, but
15 domestically, they are not overfished.

16 And so I would hope that through this
17 review, this revision, that you would take the RFMO
18 definition of overfished as the MSST. But it
19 doesn't seem that that is what the proposal is here.

20 So, if you could just speak to those two
21 areas a little bit, that would be great. Thanks.

22 MR. PATRICK: Sure. So, the first one
23 was about ultimate yield. And as you all know,
24 domestically, when we calculate OY, it is equal to
25 or less than MSY but in some international
26 fisheries, that same concept may not apply. So,
27 their optimal yield or equivalent value might be
28 something higher than MSY.

29 And so what we were trying to do is
30 saying that when we are in those type of agreements,
31 that rather than put the U.S. fisherman at a
32 disadvantage by making them set an optimal yield
33 that is lower than MSY when the rest of the foreign
34 nations are setting it at something higher is that
35 optimum yield will mimic what is done in the RFMO.

36 Does that answer your question for that
37 one?

38 And then the second was on MSST. And
39 so in the past, in our current guidelines what we
40 have is it says that basically MSST should be
41 calculated as one-half the MSY or the time needed
42 to rebuild a stock to the MSY when fishing at MSY.

43 And then there is also technical
44 guidance out there from Restrepo that says well,
45 you can use one minus natural mortality as your
46 minimum stock size threshold.

47 And so, councils and HMS use a variety
48 of different ways of doing that.

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1 On top of that, we have international
2 fisheries that use those, I think it is the tuna
3 fishery, I don't remember which one, though, that
4 has like a MSST that is anything below Bmsy. And
5 so these things don't mesh.

6 And so what we tried to do is make our
7 guidelines more flexible. And we basically said
8 MSST can range between one-half Bmsy to Bmsy to make
9 it open to any interpretation. We put some caveats
10 on helping councils and the Secretary determine
11 what is the most appropriate and then we put in that
12 caveat that we recognized that there is
13 international reference points that may not align
14 with this. And hopefully, our flexibility covers
15 that.

16 So, does that help? We are trying to
17 get domestic and international all in one.

18 MS. SHANA MILLER: Yes, I mean I think
19 that answers the question. But I mean there is a
20 conflict there and I don't know if the proposed
21 language really addresses that conflict but thank
22 you.

23 MR. PATRICK: I would be happy to see
24 some recommendations for that.

25 FACILITATOR LEA: All right, so we have
26 a few more people in queue but we are a little
27 limited on time. We are firm at 10:00, so that is
28 a firm time that he has to come. So, I would ask
29 folks in the queue to be mindful of time.

30 So, I have Mike, Andre, David, and then
31 Pat. Mike?

32 MR. SISSEWINE: Okay, just quickly on
33 the Magnuson Act and the international laws. I
34 mean I actually don't think there is that much of
35 a divergence of general policy between the law of
36 the sea and most international treaties that are
37 based on MSY and the Magnuson Act. I think there
38 is often a very large divergence in terms of the
39 actual practice within those international
40 agreements but that is an aside.

41 First of all, I compliment the agency
42 on this effort to learn from experience with this
43 National Standard 1 Guidelines or National
44 Standard Guidelines, including National Standard
45 1 into advanced. From basically what we have
46 learned in our experiences, it is very appropriate.
47 It is a very positive effort.

48 Having said that, though, I think there

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1 are a lot of issues that still are unresolved and
2 not necessarily addressed by what I have seen or
3 what I understand is in the document today. I
4 mean, for example, the issue of rebuilding time for
5 stocks that cannot rebuild in ten years, it is fine
6 to have a couple of more options but none of those
7 options address the issue of a discontinuity that
8 was described by the National Research Council in
9 its report.

10 The document still doesn't address the
11 complexity and the importance of the mixed stock
12 problem that is the issue of how you deal with
13 bycatch in mixed stock fisheries. It doesn't
14 really provide any additional guidance on how to
15 deal with risk decisions or uncertainty in science.
16 We still just say you have some sort of a hedge
17 between ABC and ACL and between OFL and ABC but what
18 the magnitude of that is, and what the basis for
19 deciding whether it is 25 percent or whatever
20 number, we haven't got any further guidance.

21 Slide 27 that deals with the depleted
22 stock issue seems to me to fail to recognize that
23 one of the reasons for some of those situations that
24 are being described as depleted is that probably
25 the biomass reference point is incorrectly
26 calculated. It just makes the assumption that
27 something else is happening.

28 So, I am not particularly satisfied
29 with the way that issue of depleted versus
30 overfished is handled. It seems to be handled as
31 a semantic discussion, rather than a more
32 substantive discussion about the science behind
33 the reference points that are driving it.

34 Having made those comments, I have a
35 couple of quick questions. One of them deals with
36 ecosystem approach. And I think this is a very
37 positive step to have attempted to address the need
38 to move forward with an ecosystem approach. So,
39 I compliment the agency on that and also the
40 identification that it is appropriate to use models
41 that deal with trophic interactions and so forth.
42 What is unclear to me is whether that actually means
43 that ABCs and OFLs and all these other things, MSY
44 estimates still have to be done at the individual
45 species level or they can be done for an aggregation
46 of species. I wonder if you can just clarify that
47 point.

48 And then one other question I have is

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1 in developing these guidelines, was there any
2 simulation testing done to see how any of these
3 things perform. There are numerous statements
4 made internal to the guidelines that could be taken
5 as just arbitrary. Why average three years,
6 instead four or two? And those are the sort of
7 things that scientifically ought to be tested in
8 simulations to see how they perform. I mean, that
9 is just one trivial example but there are many
10 others.

11 So, anyway, my questions are: Does the
12 ecosystem approach actually allow the reference
13 points like FMSY or MSY or biomass targets be set
14 at a multi-species or ecosystem level or do they
15 still require the single species and has there been
16 any simulation testing?

17 MR. PATRICK: So, with regard to
18 aggregate MSY, our main thinking was that you would
19 set that as an overall reference point that still
20 use individual-based MSY reference points to
21 manage within that limit. But I would have to
22 check with Rick Methot to see if the other approach,
23 basically where you set it for the complex instead
24 of set it on an individual basis. But I can get
25 back to you on that.

26 And your other question was on
27 simulation testing. So, we were working on at
28 least one simulation test about using indicator
29 species and stock complexes but that is still going
30 on. It has been taking a while.

31 But we didn't do any other simulation
32 tests for those three-year requirements. We did
33 have a lot of discussions about what the
34 appropriate number of years should be but because
35 we wanted to put some kind of limit in there, we
36 went with three years and we had caveats in there
37 that basically put the onus on the councils and HMS
38 to do the simulation analysis to make sure that it
39 prevents overfishing and maintains the ability of
40 the stock to produce MSY.

41 FACILITATOR LEA: David.

42 MR. STILLER: Yes, ma'am. Thank you.
43 In recent years, like whenever you do a stock
44 assessment, it comes back as unknown or overfished.
45 Well, a year or two later, we find out that well,
46 maybe it is not, it is a whole other species. I
47 was just wondering, is there going to be, is this
48 going to help change anything like where we can get

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1 back to it quicker or address that situation a lot
2 quicker instead of it waiting another three, four,
3 five years, for another stock assessment on that
4 species again?

5 MR. PATRICK: I'm not sure I totally
6 follow you.

7 MR. STILLER: Okay. Well, like on one
8 type of shark, you know finally be able to fish in
9 one region and unknown in another region. Then,
10 we find out a couple of years later that all that
11 overfishing that we are doing by shrimp boats or
12 whatever the deal was, we find out oh, it is another
13 type of shark.

14 And now that we have found that out, we
15 have that information, we were told that we can't
16 do anything about it until we have another stock
17 assessment like on the blacknose. Do you know if
18 we still have to wait? Will this change anything,
19 like for any other fishery for that matter where
20 new updated information would change things a lot
21 quicker or would we still have to wait a few years?

22 MR. PATRICK: So, these guidelines
23 wouldn't address anything with the frequency of
24 stock assessments. That would still be a
25 prioritization discussion that needs to be had.
26 But I do know that NOAA Fisheries is working on
27 trying to come up with a prioritization scheme to
28 try to identify which stocks should be assessed on
29 a more frequent basis.

30 MR. STILLER: Well, like on updated
31 information, like you get new updated information
32 that pertains to one stock, well, they may not be
33 overfished. We may have messed up.

34 MR. PATRICK: So, we do have provisions
35 about discontinuing rebuilding plans in here. So,
36 if you did find that the stock was overfished and
37 you have developed a rebuilding plan and had been
38 in it, you get a new stock assessment, whether it
39 is an update, or standard, or benchmark assessment,
40 and it shows that the stock was never overfished
41 as you originally thought, well, then, you can
42 discontinue that rebuilding plan if the Secretary
43 approves it and you can show that currently the
44 stock isn't overfished.

45 FACILITATOR LEA: Pat.

46 MR. AUGUSTINE: Thank you. Mike was
47 very eloquent in describing what I was going to try
48 to ask questions to and address here. It looks

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1 like the whole thing is being cleaned up somewhat
2 but it is still these concern about, for instance,
3 I got over here to the area that talked about
4 control rules and beyond the control rules where
5 we talked about the actual assessments and
6 uncertainties that the scientific committee
7 usually puts forth. It gives us some further
8 direction as to what uncertainty consists of,
9 except when you are in action and then you are
10 sitting at a council and you get feedback from the
11 SSC. You will get a series of ranges of quota that
12 you can harvest to stay within MSY and so on. And
13 you always end up saying well, why, asking why has
14 that stock been classified, and the answer always
15 comes back as uncertainty.

16 And what we have here in this document
17 is further definitions of what uncertainty is.
18 And I am not sure that this document is one that
19 should, I would say guide the SSC as how they could
20 reduce the uncertainty. It is very informative
21 and I am not sure of where we get more attention
22 put out or more money scientific SSC people to do
23 more physical analysis, to do more stock
24 assessments but I am not confused. It is foggy as
25 to how we move and get more clarity in what the SSC
26 presents, where they don't constantly come back and
27 fall on that term "uncertainty."

28 So, based on uncertainty, we are going
29 to do the following, whether it goes back to better
30 data collection, I'm not sure what it is.

31 And I am trying not to ramble on but
32 those are the concerns that I see come out of it.
33 It is further explanation as to what some of these
34 things are but does it get at the root of the problem
35 as to how we address those items.

36 Do you follow what I am saying?
37 Control rules and that sort of thing.

38 MR. PATRICK: Yes, I think I
39 understand. You are talking about the
40 transparency between stock assessment information
41 and how that is incorporated into your ABC control
42 rule.

43 We do some of that. It wasn't in my
44 major points but we did clarify. We had this in
45 the preamble of the 2009 guidelines. But councils
46 and the Secretary can develop an ABC risk policy
47 that kind of outlines the types of risk that they
48 are willing to take in their ABC recommendation

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1 from the SSC. And that is supposed to be used by
2 your science groups to develop those ABC
3 recommendations. And we also expanded that. In
4 the past, we just talked about scientific
5 uncertainty but we also heard that this discussion
6 shouldn't be limited to scientific uncertainty but
7 should also consider other economic and social
8 considerations in that risk.

9 So, that is in there. I just didn't
10 cover it in the presentation.

11 MR. AUGUSTINE: Just one follow-on.
12 When we get the stock complexes, well, we decided
13 that we are going to go ahead and deal with the stock
14 complexing, you will end up with choke species and
15 whatever happens in there. Again, we are dealing
16 with a lot of uncertainty with certain stocks that
17 may be in that complex.

18 And so the question would be we have got
19 it in here. We have described what you would do
20 with a stock complex but it doesn't reduce the
21 amount of uncertainty. So, when a scientific body
22 or an SSC comes forward and says well, the stock
23 complex consists of 15 subspecies within a family,
24 we are uncertain about this stock here but we think
25 it is going to have a negative effect on the rest
26 of them, so we are going to shut the whole thing
27 down. So, that is a concern when I read that part
28 of the document. Can you address that in any way?
29 Is there any more clarity you can bring to that
30 point?

31 MR. PATRICK: It's a good comment and
32 I think, basically, this is where the real
33 practical part comes in to using indicator stocks
34 for stock complexes. If it doesn't make sense, you
35 probably don't want to use them.

36 FACILITATOR LEA: And Bob, I see you
37 but I inadvertently skipped over Andre. You had
38 put your card down so I thought maybe your point
39 was addressed. I apologize for that.

40 MR. BOUSTANY: No. Yes, just a quick
41 comment about the phase-in approach. This is
42 going to have an effect of setting the catch limits
43 less conservatively for stocks that are declining
44 and more conservatively for stocks that are
45 increasing, which is the opposite of what you would
46 want to do under an ideal situation. And I know
47 you have some wording in there that either way you
48 are not going to go over the OFL.

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1 A lot of these stocks where you are
2 seeing large increases or decreases between stock
3 assessments are usually the most data-poor and the
4 ones with the most uncertainty around them. So,
5 knowing where that OFL is going to be for those
6 stocks is going to be the highest uncertainty of
7 any of the stocks that you are looking at. So, your
8 chance of going over that OFL are actually going
9 to be much higher than they would be for most other
10 stocks. So, just something to think about there.

11 And if I was more of a cynic, I would
12 also say that when those revised stock assessments
13 show a large increase and suggest a large potential
14 increase in the catch limits is possible, I think
15 there is going to be a tremendous amount of
16 political pressure to get those bumped up as soon
17 as possible, just based on what I have seen in past
18 assessments; whereas, that pressure is not going
19 to be there on the down side and so you are going
20 to end up with this ratchet effect when setting
21 those phase-in approaches where it is going to be
22 phased in on the way down but not on the way up.

23 MR. PATRICK: Thank you. And I
24 understand your concerns and I am sure that could
25 potentially happen.

26 I think with our phase-in approach what
27 we were trying to do was basically allow the
28 fisheries to basically have the trade-off of rather
29 than having dramatic shifts in catch, they prefer
30 to have more stable catches for, say, marketability
31 reasons or something like that or then this might
32 be an approach that will be useful.

33 And for example, you talk about
34 political will, in the Pacific Halibut Commission
35 example, what they did there was they actually had
36 a full down, so they used and made the whole, they
37 brought down the entire catch whenever there was
38 a declining trend. And then whenever it was an
39 increasing catch, that is when they did a one, two,
40 or three-year phase-in approach there.

41 So, the example I gave was one-third
42 each year up or down but you can create these
43 phase-in approaches any way you like, based on the
44 analysis you do.

45 FACILITATOR LEA: Finally, Bob.

46 MR. HUETER: Yes, I also want to
47 compliment the Agency. This appears to be a very
48 systematic and objective analysis and assessment

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1 of the issue.

2 But just as Andre just said, I am also,
3 I have got some nervousness about how this is going
4 to affect the more at-risk species, the more
5 at-risk stocks and, in particular, the three-year
6 phase-in. The plot on slide 25 is kind of
7 interesting as looking back historically. But I
8 think that if we could view this as a forecasting
9 tool, kind of along the lines of what Mike said,
10 run a simulation. You have to understand that all
11 the lines would jump if fishing actually proceeded
12 along the black dotted line. So, I think we need
13 to be careful about how we apply this.

14 My question is if these criterion comes
15 into place of using three-year assessments, is this
16 going to put more, or is this going to cause a
17 greater commitment on the part of the Agency to do
18 stock assessments of overfished stocks every three
19 years, so that we can apply this in sort of a
20 universal way to assessing overfishing.

21 MR. PATRICK: It would not require the
22 Agency to do stock assessments every three years.
23 You know we do have like on the West Coast they
24 update their assessments every one or two years.
25 And in those cases, a phase-in approach probably
26 wouldn't make a lot of sense because they are
27 updating them so often.

28 For those stocks that are assessed
29 every three, four, or five years, for example, this
30 phase-in approach could still be used. But
31 instead of phasing it in over a five-year period
32 if that is the frequency of your assessments, you
33 could phase-in only the first three years of the
34 assessment. And then the last two years would be
35 at your normal ABC control rule.

36 This phase-in approach doesn't require
37 you to have a three-year frequency for your
38 assessments.

39 Does that help?

40 MR. HUETER: Yes, I understand it
41 doesn't require. But perhaps the agency could
42 think about committing itself to more frequent
43 stock assessments, in the case of those stocks that
44 are not assessed but once every five, seven, ten
45 years. We have some stocks out there like that or
46 stocks that haven't been assessed at all, which
47 they are very sensitive to overfishing.

48 So, I am just saying by building this

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1 in, it kind of also turns the table on the
2 requirement to do assessments on a more regular
3 basis because we have lost a little bit of our
4 wiggle room in making a mistake with these more
5 at-risk species of fish.

6 MR. HUETER: Thank you.

7 FACILITATOR LEA: Thank you so much for
8 being here, Wes. And I see that the Deputy
9 Assistant Administrator Rauch is here. So, we are
10 going to move to his comments. And then we will
11 hold the smoothhound stock assessment update for
12 after we get a chance to hear from you. Welcome.

13 MR. RAUCH: All right. Thank you very
14 much for having me to talk to this group again. I
15 tend to do this fairly frequently. I am not sure
16 that I have done this in my new old capacity. I
17 think the last time I was talking to you I was still
18 the Acting Administrator. But I am back to where
19 I have been for a long time, so that is good.

20 And thank you, as always for coming and
21 participating in this body. This whole process
22 couldn't work without the time and effort that you
23 guys spend coming here, participating, being
24 constructive. So, thank you. It does mean a lot
25 to us.

26 We have been working hard. There is a
27 number of presentations that you have heard that
28 are of particular interest. We have been working
29 on Amendment 7, trying to get that out. That is,
30 in many respects, a seminal action, not just for
31 you but for the country. There are things in there
32 that need to be done and that we think can be done
33 and innovative ways to deal with challenges on all
34 aspects.

35 One of the things I would like to talk
36 about in particular about that is the electronic
37 monitoring part of that. For those of you who have
38 heard me talk in other context, I think you will
39 know that making progress on implementing
40 electronic technologies is an important goal of
41 mine, personally. We cannot continue to fund the
42 old system that we have had nor is it efficient.
43 You can do, we think, many more things with cameras
44 and other electronic reporting technologies.

45 We, two and a half years ago, said in
46 our national policy that the aim of that policy was
47 to transition us away from the series of electronic
48 pilot project that we seem to be in a recurring do.

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1 Do another pilot, do another pilot, do another
2 pilot and we were never implementing them in the
3 fisheries. And so we were losing a lot of
4 opportunities to do that and taking advantage of
5 the policy, in my opinion. Many of the pilots
6 indicated that we are ready to pull the trigger.

7 So, we asked the regions and we asked
8 the HMS Division to come up with strategic plans
9 on HMS to lay out divisions for how we are going
10 to go. The Atlanta HMS fishery is one of the
11 fisheries that are leading the way, not the only
12 one. We are also making progress on the West
13 Coast, implementing cameras in the whiting fishery
14 out there. There have been cameras to some extent
15 in Alaska for a while. We are moving up there and
16 we are making some progress, hopefully,
17 implementing cameras in May -- they have had
18 cameras in a certain sector in New England in May
19 and we are trying to make it more regulatory
20 relevant up there.

21 So, you were one of the -- the HMS
22 fishery is one of the Van Guard fisheries of that.
23 I think we can demonstrate through this the full
24 power of that tool. So, I am very excited about
25 that. I know that that starts in June and we are
26 all very busy or the HMS Division is very busy
27 trying to get that up and running. And I hope that
28 it will. I hope that it will prove out my
29 expectation that we are actually read to move
30 there. I think it will. But we are excited about
31 that.

32 Also, I wanted to mention sharks
33 continues to be an issue, not just for us here
34 nationally. I go all around the world and the
35 issue of fully managing, well-managing sharks, is
36 important. It is difficult because of how
37 long-lived they are. It is an issue that I know
38 that we worked with you closely on over the years
39 and we continue to work on that. That seems to be
40 another main focus of our HMS Division, getting
41 those regulations right, allowing a fishery where
42 we can, and putting appropriate conservation
43 measures where we need to.

44 But I want to focus -- you will have a
45 lot of time to talk about, and you have already done
46 some talking about kind of those issues. I want
47 to focus on some national issues that we are
48 dealing with. One of them was what you just heard

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1 from Wes, which was National Standard 1. This is
2 important, as I am sure he told you, we had Managing
3 our Nation's Fisheries III. We heard all the
4 things that people wanted to do. It was all
5 couched in the idea that the Magnuson Act is
6 basically working. It is a good document. It is
7 a good statute. There are some tweaks that need
8 to be made. And before we talk about National
9 Standard 1, I should say that that is borne out
10 nationally. We continued to have last year, or I
11 think it is 2011, which is the last year we had data
12 for it, the economic data, because that is lagged
13 worse than the fishing landings data. We continue
14 to have record landings, record revenue, and we
15 continue to have ended overfishing on a record
16 number of stocks and we are rebuilding a record
17 number of stocks.

18 So, what that demonstrates in the
19 United States, the management scheme is working.
20 We are providing fish, opportunities, and revenue
21 at a record level, while we still, finally achieved
22 the conservation vision that we have been working
23 for so long.

24 So, we have demonstrated both here and
25 to the world that you can do both of those things
26 together, they are not incompatible. There are
27 plenty of fisheries with in the United States. The
28 United States has very diverse fisheries, going
29 from the Caribbean to Alaska, from Hawaii to New
30 England. But within that breadth, there are some
31 fisheries that are still struggling. There are
32 fisheries that are being impacted by climate change
33 in ways we didn't anticipate, where we might have
34 the fishery management scheme finally working
35 right, climate change comes in and effects it.

36 So, there are many challenges still but
37 nationally, this program works. And I think that
38 is what we heard at Managing Our Nation's
39 Fisheries, is that, in general, nobody was
40 interested in throwing out the whole structure,
41 throwing out the goals and objectives. They all
42 wanted to do, to the extent that people wanted
43 change, they wanted to see more minor changes
44 around that. And many of the changes, as we were
45 hearing them, it became apparent that we felt we
46 could do them through regulations, as opposed to
47 statutory changes. Some of them, a few of them,
48 had to be statutory but many of them were regulatory

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1 and not all of them did we want to do. But many
2 of them we did, we agreed with those goals. And
3 this is an effort to show what we can do.

4 And so we have a long comment period.
5 We want to take input on National Standard 1. But
6 this is really our report out on what we heard from
7 Managing our Nation's Fisheries III. This is what
8 we think we can do to try to achieve some of the
9 flexibilities and bring some stability to the
10 system, now that we have dealt with the
11 conservation issues. And, in general, we have.

12 I also want to talk about recreational
13 fishing. Recreational fishing is extremely
14 important to this country in many areas of the
15 country and, indeed, maybe nationally. It rivals
16 the economic benefit, both in terms of dollars and
17 jobs that commercial fishing does. And it is
18 always very different. Recreational fishing is
19 much more important in some areas of the country.
20 Commercial fishing is much more important in other
21 areas of the country. Some mixing of apples and
22 oranges is always hard. But it is very clear that
23 recreational fishing is an important economic
24 driver, not just a pastime. It is an important
25 pastime but it is an important economic driver in
26 many places.

27 And it fits well within the goal of
28 promoting recreational fishing -- it fits well
29 within the goals of the Commerce Department,
30 although we may not have always realized that. So,
31 we recently had another recreational fishing
32 conference. We have, in the last five years, done
33 a lot of things to try to work with the recreational
34 fishery to try to design management measures that
35 make sense for the recreational industry while
36 still achieving our conservation objectives to try
37 to build better bridges with the recreational
38 industry.

39 And one of the things the recreational
40 industry told us, through the Morris-Deal
41 Commission Report, Johnny Morris from Bass Pro
42 Shops with Scott Deal from Maverick Boats convened
43 a panel of experts that gave us a series of
44 recommendations for things that we could do because
45 one of the challenges that we said is don't just
46 complain. Tell us what you want to do. And they
47 took that up that now and gave us a series of actual
48 affirmative steps that they would like to take.

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1 Number one on that was to do a
2 recreational policy, which we just issued, which,
3 like any policy document, is high level but it
4 reiterates some of the things that I just said,
5 which is how important recreational fishing is to
6 the country, how we need to make sure we appropriate
7 value and that kind of thing. And there are some
8 details in there, it doesn't direct the work will
9 be to the councils or this group or anything else
10 but it kind of sets the framework for how the
11 federal agency is going to be interacting with
12 that. And that just rolled out a couple weeks ago.

13 A third thing that we are doing is we
14 are looking at strategic planning. You may be
15 aware that the science centers, our science centers
16 have all started the strategic planning. They
17 have got strategic plans and now they are in the
18 process of evaluating their work against those
19 strategic plans to make sure that when they do
20 something, they are not just doing random acts of
21 science. They are doing science that feeds the
22 overarching mission as outlaid, in the strategic
23 plan, which was developed as a public kind of
24 document.

25 All of our regions in the OSF, the
26 Office of Sustainable Fisheries and other our
27 headquarters' offices are doing a similar thing.
28 We are behind the science centers in that but they
29 are working on strategic plans to try to help guide
30 us, and this is a public process, what we are
31 doing, what we think we ought to be doing, how we
32 can look at this in the long-term. So, it doesn't
33 say things like in Amendment 7, we are going to do
34 X but it does provide a vision and goal, and an
35 opportunity for the public to come in and comment
36 on where the Agency is heading on the regulatory
37 side.

38 My personal vision is at some point, we
39 should marry those two processes together. We are
40 not doing it now because the regulatory side is a
41 little bit behind the science side. So, you can't
42 marry two processes together until there are two
43 products.

44 So, the regulatory side is going to go
45 forth and do that but, at some point, they will be
46 joined together so that we can ensure that the
47 science piece and the regulatory piece are working
48 towards a common goal in a particular area. And

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1 already, that is being handled through
2 cross-population and the planning bodies, but they
3 are going to be two separate documents. But that
4 is one of the things that I think the HMS Division
5 is talking with you about or going to talk with you
6 about how that process will look and what that
7 vision is.

8 The last thing I want to talk about is
9 not really an NMFS initiative or NOAA initiative,
10 although we are very involved, which is the
11 President's Task Force on IUU Fishing and Seafood
12 Fraud.

13 Back last summer, the President issued
14 a memorandum which, on the one hand, articulated
15 how well-managed U.S. fisheries are and, on the
16 other hand, indicated that a lot of those
17 management objectives are being undermined by IUU
18 fishing by products that are competing against,
19 when our fisherman go out and try to comply with
20 all these laws, that comes at a cost. And our
21 products are sitting there at the point of sale,
22 competing against products that were developed
23 with taking all those environmental costs. And so
24 that is hurting the U.S. consumer. It is hurting
25 the U.S. businessman. It is hurting the U.S.
26 fisherman.

27 The President outlined an aggressive
28 series of actions in December for how to address
29 this. Many of those are internationally focused
30 working with other countries, increasing
31 enforcements, both at the border and at the state
32 and local level. It also requires a traceability
33 component, an information-gathering component on
34 at-risk stocks, stocks that are at risk of either
35 significant IUU fishing or Seafood Fraud. And for
36 both of those, the expectation is that to the extent
37 that we do not collect information on the who, what
38 where, and when of that landing, what was landed,
39 where it was landed, how it was landed, those kind
40 of things. And we would start collecting that
41 data. Domestically, we collect a lot of that data
42 already. We collect those kinds of data on 70 to
43 80 percent of our fisheries already. And most of
44 those are targeted at-risk stocks.

45 Internationally, there is two kinds of
46 international imports that come in. One are the
47 RFMO kind of imports that are caught on the high
48 seas like tuna. Many of those are RFMOs we already

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1 collect that kind of information and we would not
2 create another system that replaces the RFMO
3 system. But if we think that more data needs to
4 be collected, we would work with the RFMOs to get
5 -- like ICCAT to get a specific requirement. But
6 then there is a lot of fishing that goes on in the
7 domestic waters of a foreign country. And those
8 that are not dealt with an RFMO, that are not dealt
9 with our domestic relations, the first point at
10 which the United States has any connection with
11 these is at the border and the point of entry. And
12 NMFS has agreed to issue a rule for at-risk stocks,
13 if we identify any of these that requires this kind
14 of information, collection at the border. That is
15 what we are discussing right now. We will see
16 whether that happens.

17 The President hasn't yet decided
18 exactly how we are going to do this kind of things.
19 But that was, in December, the kind of highlights
20 of that recommendation. Very shortly, I expect,
21 the President is going to issue the final report,
22 which lists exactly what is going to happen and what
23 the time line is. But those were from the December
24 meeting, the kind of highlights of what is out
25 there.

26 So, that is an issue. I think you can
27 look at that and see some kind of intersections.
28 And as we go through that process, we will talk more
29 about what the constituency is about that.

30 So, those are some of the things I
31 wanted to highlight. Once again, I want to thank
32 you for participating in this. I am happy to
33 answer the kind of broad-ranging questions you guys
34 have given me in the past. I will try to answer
35 them but thanks for coming and thanks for
36 participating. And any questions, I am happy to
37 answer them.

38 FACILITATOR LEA: Thank you. Steve?

39 MR. IWICKI: Thanks for the comments.

40 As I have told Margo in the past, I am really
41 impressed with the way Margo and your team handled
42 this diverse group of stakeholders that never can
43 seem to agree on any issue here.

44 Concerning the recreational policy,
45 there was a lot of comment on that yesterday. I
46 submitted several pages to the draft and some of
47 it actually got in there. I was pleased with it.
48 But I think there was a common theme yesterday of

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1 we all understand that is the policy. The
2 implementation plan is where the meat is and that
3 the implementation plan should be staffed out as
4 well, whether it is formally done for the public
5 or maybe to the stakeholders, such as the
6 Commission that was involved in your advisory panel
7 members, we would like to see a chance to review
8 that to understand what the meat of it is and how
9 it is going forward in such a way to help
10 particularly rebuild the trust of the recreational
11 community.

12 MR. RAUCH: Yes, I'm not sure that
13 commission still exists. I would have to figure
14 out whether that one does or not. I'm not opposed
15 to some sort of engagement but I don't know where.

16 MR. IWICKI: I guarantee that if you
17 reached out to the seniors that were in there, they,
18 at least, can reach out to the key stakeholders that
19 participated on a by-name basis. But the point was
20 there was a significant agreement in the group
21 yesterday, a chance to review it, whether it is
22 public or just within a smaller group of your
23 advisory panel members would be greatly
24 appreciated.

25 FACILITATOR LEA: Valerie and then
26 Marty.

27 MS. VALERIE MILLER: Hi, Valerie
28 Miller with Environmental Defense Fund. Thanks
29 for your update and for the comments on
30 traceability information. I just had a quick
31 question regarding the Obama Administration's new
32 announcement about relations with Cuba. Do you
33 know if there any plans to start working with the
34 Fisheries and Food Ministries in Cuba to discuss
35 management of shared stocks and traceability
36 information on the future imports and exports?

37 MR. RAUCH: We currently have some
38 relations with Cuba already. It is through the
39 scientific it is often through some of the
40 international bodies, as opposed to direct
41 one-on-one relations with Cuba.

42 We are working in the spirit of what the
43 Administration wants to do to try to build better
44 bridges with Cuba but there is still a long way to
45 go between the President's statement and full
46 diplomatic relations and all that. So, we are
47 working on a number of ideas that we can do with
48 Cuba.

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1 One of the recommendations of the Task
2 Force, and I don't remember which one it was, which
3 number it was, was to have the State Department,
4 and with us, too, but they obviously are the lead
5 on international and other federal agencies to work
6 on a trusted trade-in program, work on CMAAs, which
7 I don't remember what they are, but basically it
8 is Country Mutual Assistance, something like that,
9 with various countries on improving information
10 exchange to get to these kind of questions.

11 I don't think we get much trade with
12 Cuba right now on fish products. So, I doubt that
13 they will be top on our list of people that we want,
14 since it is not coming to our border at this point.
15 There are much more significant countries that do
16 import. But at some point, I imagine we would do
17 this. But because there is no real fish imports
18 from Cuba to do that. So, that is where we are
19 going.

20 So, it is not off the table but right
21 now it wouldn't be top on our list.

22 FACILITATOR LEA: Marty.

23 MR. SCANLON: Yes, I just wanted to
24 bring to your attention, I'm not sure if you are
25 aware of it, about the electronic monitoring
26 systems. I know we are being very aggressive in
27 installing, in implementing that into the fishery,
28 which it can be positive. You know there are some
29 negative things involved. There is some positive
30 things.

31 I have been involved from the very
32 beginning. I volunteered to put them on pre-A7 and
33 my vote is actually the first vote that they have
34 been put on. And at this moment, the system that
35 I have on the vote doesn't work. And I was very
36 surprised when I found out that after the first two
37 vessels had been installed and there were many
38 problems with them, that they were going forward
39 with it, pre-installing them on a couple of other
40 vessels. And then after they pre-installed them
41 on these other vessels, even those systems didn't
42 work on those vessels. There were quite a few
43 problems with them.

44 So, now here we are, we are aggressively
45 trying to install these systems onto all the fleet
46 by June first. And from the last contact I have
47 had with Saltwater, Inc., they are actually going
48 to put a completely different system on my boat.

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1 The systems that they preinstalled or ineffective
2 or not up to standards. So, I don't know if you
3 are aware of or not aware of, but you are kind of
4 putting all these systems on these boats and
5 expecting them to turn the switch on June first and
6 having all these systems up and running. I really
7 don't know what we have. I don't know whether you
8 know what we have. So, some of the questions I have
9 had also is how much is Saltwater, Inc. going to
10 stand by this product that they are installing
11 here? What is the warranty on these systems?
12 They are quite expensive systems, from what I
13 understand. Some issues have come up there with
14 guys without quote not having a system is going to
15 be paid for. And the cost of these systems seems
16 to be in the neighborhood of \$10,000 to \$15,000 a
17 unit. So, I would like to know what the warranty
18 on these are going to be and what is going to happen
19 if you return the switch on June first and none of
20 these systems seems to be operating. I mean, I
21 gave them a golden opportunity to work out the bugs
22 and I gave them the feedback that I thought was
23 necessary to get them working and up to speed and
24 I really don't think, after speaking to Margo, and
25 talking to Brad and talking to Tom Warren through
26 the process, I don't think they have been
27 straightforward with you, with NMFS. So, I think
28 we need to address the issue with Saltwater, Inc.
29 and see what they are doing with it.

30 MR. RAUCH: So, I see Margo is writing
31 all that down.

32 Yes, so like any other system,
33 transitioning from a pilot phase to full
34 implementation may have its kinks and things. We
35 will never work those out without an action forcing
36 event. I have optimism that we can do that. If
37 it, at some point, doesn't work, then we will deal
38 with that. But we have been able to work out these
39 kind of issues, these implementation issues in
40 other fisheries. I think we can work them out
41 here. I don't know the details of that. I am
42 optimistic that it can all be done but we are
43 monitoring it. Margo wrote it down. We will look
44 into that.

45 FACILITATOR LEA: Rick, and then
46 Scott, and then Rusty.

47 MR. BELLAVANCE: Thank you. Thank you
48 Mr. Rauch for coming by to see us.

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1 Well, first of all, thank you for
2 mentioning recreational fisheries and the policy
3 that we just released. And I do think that the
4 majority of the recreational fishing communities
5 sees an attempt, at least within the agency, to
6 shift the overall mind set and recognize
7 recreational fisheries at a better level than they
8 have in the past. But there is also the council
9 process that certainly dictates accessibility and
10 opportunity for recreational fishing. And I guess
11 I hear a lot of constituents complaining about the
12 makeup of some of the council, especially in New
13 England and Alaska and I am wondering if you have
14 any thoughts inside baseball so that Alaska might
15 lose a recreational seat and New England certainly
16 looks they might as well.

17 So, just curious if you have any
18 thoughts on how the recreational community could
19 better be represented at the council level.

20 MR. RAUCH: So, there are councils in
21 which there is a good recreational representation
22 and then there are councils of concerns. Alaska
23 has always been a council of concern in that we have
24 repeatedly said that Alaska needs to diversify its
25 membership and add recreational issues. However,
26 the actual implementation of that, we are
27 constrained to appointing council members from the
28 list that the governors provide us. And if the
29 governors do not give us an Alaska recreational
30 person, we can't appoint one.

31 So, -- and I have had a number of
32 discussions with the recreational sort of national
33 leaders about this issue. The point of entry there
34 is with the governors' offices. That is the
35 recreational fisherman are important
36 constituencies in these states and they need to
37 reach out to the governors' offices and get us
38 better candidates. I cannot appoint somebody if
39 the governor hasn't given me any. And one of the
40 things I am seeing is the recreational community
41 is doing a good job at the national level talking
42 to us, and I think you have convinced, we are
43 changing our mindset but outside the Gulf of Mexico
44 seems to be doing a poorer job of reaching out to
45 their state governors to give us good candidates.
46 I am concerned about the direction that the New
47 England Council might be going. You know I think
48 the council appointments are due on Friday. So,

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1 nothing is done yet but I'm concerned. I'm
2 concerned about Alaska. I might be concerned when
3 we look at those candidates of others but the
4 recreational community needs to take some of this
5 on their selves. I cannot force the governors'
6 hands. The governor needs to be aware that they
7 have got important constituency in the state. We
8 can support that. I have got good numbers about
9 how important recreational fishing is to these
10 various states. We put out a report every December
11 that outlines these councils are not in balance.
12 We can talk to the governors but ultimately, the
13 governors do not listen. They listen far more to
14 a stakeholder group within their state of their
15 citizens -- I don't vote for these governors; you
16 guys do -- than they do to us. And you know what
17 we see historically is unless the recreational
18 community has stepped up within their state and
19 convince their governors, there is little that we
20 can do or say that actually influences that. We
21 can highlight that it is out of balance. We can
22 ask the governors but they are not going to listen
23 to us if there is no constituency in their state
24 saying they have to do this. But I am concerned
25 at least about those two councils, maybe more. I
26 don't know yet.

27 FACILITATOR LEA: So, Scott, Rusty,
28 Terri, and then Bob.

29 MR. TAYLOR: Scott Taylor, Dayboat
30 Seafood. My question is going to be about
31 something I am sure is near and dear to your heart,
32 money.

33 In the context of Magnuson at the
34 individual council levels, as well as here on HMS,
35 there seems to be a real problem from the standpoint
36 of available scientists to deal with a lot of these
37 species that we commercially depend upon and that
38 over the last several years, there seems to be a
39 substantial disconnect between what a lot of the
40 commercial guys are seeing from a practical
41 standpoint from observation and what is happening
42 from a regulatory standpoint. And understanding
43 the dynamic with Magnuson and that need for
44 precautionary approach in science and all those
45 other things that, ultimately, go into held
46 fisheries are monitored through quota and through
47 all the other issues, that seems to be the only
48 mechanism in order for there to be improvement in

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1 availability to the commercial sector for some of
2 the sacrifices that the commercial guys have made.
3 And in the simple terms, they are hurting. You
4 know there are a lot of species down -- my primary
5 focus is in the Southeast Council. There is a
6 severe disconnect between what we are seeing and
7 what the available science has reflected and
8 primarily it is because there just is not the
9 resource to be able to deal with that.

10 And so in terms of budgetary
11 consideration and just sort of a general overview,
12 I was hoping maybe you could comment on what was
13 going to be available and whether one, you are aware
14 obviously that this problem and whether there is
15 anything in the works that is going to help to
16 resolve it.

17 MR. RAUCH: So, in the past, I have come
18 and talked with a very negative view of the budget
19 and the overall view is in 2007 we were at a certain
20 level when all the new requirements for the
21 Magnuson Act kicked in to do ACLs and everything
22 else and Congress stepped up to the plate at that
23 point and increased our budget at the
24 administration's request significantly to deal
25 with that.

26 In 2010, though, that money all went
27 away and we were back to basically 2007 levels when
28 you talk about inflation. That downward
29 trajectory started and it bottomed out, I think in
30 2013.

31 The budget for this year, though, is
32 kind of better. We are not back to 2010 levels but
33 we are back to the 2012 level. So, it looks like
34 a huge improvement. Throughout all those ups and
35 downs, one of the things that has consistently
36 grown, however, is what we call our expand annual
37 stock assessment line. There has been an
38 understanding both from the administration and
39 Congress that the science supporting our
40 management roles has been underfunded,
41 historically, and needs to be increased. And so
42 consistently, we have seen increases in that line.
43 A lot of that money has gone to the southeast. The
44 problem is the southeast was so far behind and had
45 so many stocks that it has still been hard to get
46 at that issue.

47 The region and the science then are
48 doing two things that I think are particularly

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1 relevant. One is, as I mentioned, the sciences are
2 going through their strategic planning process to
3 try to make sure that they are targeting their
4 resources at things that are important, not doing
5 random acts of science but doing science that
6 supports that.

7 I don't think we should have any
8 illusions that in the southeast particularly,
9 given that they serve three councils and a huge
10 number of species that they are going to get at the
11 stocks that are important to everybody. There are
12 still going to be gaps, important gaps but they are
13 trying and that is part of their process.

14 And tied to that, they are also working
15 on the stock assessment prioritization process to
16 try to prioritize what they are doing for the
17 species that are in need. So, there is an effort
18 to deal with that. I can't speak about the
19 specifics that you are talking about. But we are
20 all aware of that. We have increased resources for
21 that nationally and a lot of that has gone to the
22 southeast. The gap is still so large in the
23 southeast. I mean the starting point there was so
24 low that even though that they get a substantial
25 part of these increased, they are still behind and
26 we know that. So, I don't want to cover over that
27 but we have committed a significant amount of
28 resources to improve southeast science.

29 FACILITATOR LEA: And I just want to give
30 a check on time. You are good with a few more
31 questions. Okay.

32 So, we have Rusty, Terri, and Bob and
33 then we are finally going to have to wrap up.
34 Rusty.

35 MR. HUDSON: Good morning, Sam. Rusty
36 Hudson.

37 I submitted a comment on behalf of a lot
38 of my clients in regards to electronic monitoring,
39 electronic reporting. We are very supportive of
40 electronic reporting with regards to various
41 approaches to be able to help the science center
42 get the information they want. A lot of the people
43 in our council region aren't real supportive of
44 VMS, particularly with the costs and the amount of
45 people in the fisheries and stuff like that.

46 The Coast Guard let us know last week
47 that remote sensing is about the only way they can
48 deal with the MPA, special management zones,

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1 sanctuaries, stuff like that. And that was an
2 encouraging moment because at least it looks like
3 we can get into the 21st Century a little bit better
4 and keep costs down.

5 The statement that Scott brought up is
6 just not confined to the commercial. I mean the
7 recreational is private and for-hires, as well as
8 the commercials, are seeing a massive interaction
9 with explosions of shark populations, particularly
10 our sandbar shark which is commercially important
11 to us but we haven't had access to it except through
12 a scientific research since 2008. And the
13 scientific research is now underfunded. Your
14 observers are over cost, whatever the problems are,
15 and we just have catch per unit efforts going out
16 the ceiling.

17 We have complaints coming from the
18 yellowtail fisherman through the South Florida
19 management effort that is going on. We have
20 complaints coming from the mackerel fisheries
21 through like king mackerel, Spanish mackerel, the
22 interaction with shark or amberjack fishermen, or
23 snapper fishermen, everything, head boats,
24 commercial boats. You get on a spot, the next
25 thing you know, you have got sharks. It is not
26 confined to just sandbar either. Here we have 19
27 prohibited species. We use a catch-free model for
28 dusky sharks. We got 18 other species we haven't
29 touched since the creation of the first five in '97
30 and an extra 14 in '99. That needs to be looked
31 at. It is not just a southeast problem. Highly
32 migratory species is handling everything from
33 Maine to Texas and the Caribbean. So, that is all
34 five councils that you represent, having no SSC,
35 as I mentioned before. Use the council SSC. They
36 are already empowered. We are getting ready to
37 go into ecosystem management over at the South
38 Atlantic Council, in spite of the science flaws and
39 gaps that we have because of the massive amount of
40 animals we have but we have a big predator-prey
41 relationship and HMS is going to have to interact
42 with these councils in order to balance that out.

43 So, the last thing I have got to say
44 about cameras, the cameras, of course, using Mark
45 Holliday's February 2013 document indicated that
46 it was great for law enforcement but it was lousy
47 for science and for management up to this date when
48 that document was published. I suggested a pilot

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1 program instead of trying to go full blow with
2 everybody in the fishery. But again, you know, we
3 are going full bore. So, we are going to have to
4 see what the results are after June first but thank
5 you for listening.

6 MR. RAUCH: There was a lot in there.
7 So, I am going to respond to a few things. The one
8 thing and this sort of gives them the last question,
9 too, there has been a growing and growing pressure
10 and desire to do more monitoring. And the way that
11 historically has translated is we want more
12 observer coverage. More councils are asking for
13 it, more constituency of the fisherman for catch
14 accounting or the environmental groups for various
15 bycatch monitoring purposes are pushing for more
16 and more observers. Our observer budget has not
17 grown and there is no way for us to meet that need
18 without electronic observing technology in some
19 manner. It has to -- we cannot increase the
20 monitoring capacity in the fleet with the current
21 funds that we have got unless we do electronic
22 monitoring. That is why, in part, the Agency has
23 been very much focused on that and it has to get
24 beyond enforcement monitoring. Cameras do do a
25 pretty good job of enforcement monitoring. That
26 is the one thing that they have done very well.
27 They can do and they have been demonstrated to be
28 able to do different jobs if you design them
29 correctly. But the more things you want the
30 cameras to do, the more expensive it becomes. And
31 then you got really to balance that out.

32 So, we are under no illusions that
33 poorly design camera systems are the economical
34 savior but a well-designed camera system might be
35 or some other monitoring system might be that you
36 won't need -- I can't increase the observer
37 coverage. I am not going to increase that.

38 So, that is one of the reasons we are
39 behind that and we have to get beyond the
40 enforcement monitoring or else we won't be able to
41 meet any of the needs that people have wanted us
42 to do.

43 The shark issues are difficult. You
44 know we are looking at all of those. I will leave
45 it to the shark experts to kind of respond to all
46 of that. It is important in many aspects. That
47 is why I led with that. I don't have a lot of good
48 solutions to shark issues.

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1 I will encourage the ecosystem-based
2 management. That is something that, in concept,
3 we all should be agreeing on. We all should be
4 looking at trophic-level interactions, looking at
5 the ecosystem effect. The difficulty in
6 ecosystem-based management, aside from the
7 jurisdictional issues that you raised, is the
8 inputs. It is one thing to say we all embrace this.
9 It is another to be able to say we have credible
10 basis for understanding when you affect this
11 trophic level what that is going to do to another
12 trophic level. Our experience has been very
13 difficult. And the Agency has been very much
14 supporting ecosystem-based management for 15 years
15 but it is hard to make progress. There is a
16 willingness but it is a data issue. The
17 jurisdictional issue, like whatever the HMS
18 fishery is is an important issue that we just have
19 to work through.

20 FACILITATOR LEA: All right, and
21 finally, Terri and then, finally, Bob.

22 MS. BEIDMAN: Finally. Thank you very
23 much for coming to our meeting. It is nice to see
24 you on a regular basis and you get to see us. And
25 I was pleased to hear you note that we are in the
26 Van Guard, particularly the pelagic longline
27 fishery in the Atlantic has been in the Van Guard
28 leading the way with VMS in our ocean and circle
29 hook research, and our fisherman have taken
30 observers and have been reporting forever. So, we
31 know that several factors in Amendment 7 are
32 important but they are also very complicated. And
33 one of them is this issue of the electronic
34 reporting and electronic monitoring, as well as the
35 IDQ system, which is all by itself.

36 So, I was hoping to hear, and I think
37 I heard that the Agency -- I have heard from Margo,
38 in fact, they are aware that flexibility and
39 patience and some time will be necessary to work
40 out whatever bumps there may be along the way with
41 all of those things, the technology, as well as just
42 a new way of fishing. So, we are pleased to hear
43 that that might be provided. We are asking that
44 that be considered. We would like, we always do
45 try to help the fishery provide science to the
46 scientists and the managers and we have situations
47 where we may be short of quota or we may be short
48 of time for things to work. So, we look to the

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1 Agency to help support us. We have been willing
2 to help along the way and we would like to see that
3 flexibility and patience is included in this
4 process because we are willing to work to try to
5 make it work. Thank you.

6 MR. RAUCH: Well, we always look at
7 those issues as they arise. So, we will continue
8 to keep that in mind. The last one.

9 FACILITATOR LEA: Finally, Bob.

10 MR. HUETER: Thank you. Thank you,
11 Sam, for coming to speak to us.

12 I am Bob Hueter from Mote Marine
13 Laboratory and I am a big fan of electronic
14 monitoring, both for enforcement, as well as the
15 science. We have got a pilot center at Mote that
16 is involved with EM on the redfish, the Gulf
17 snapper, grouper fishery. And actually right now
18 we are trying to work with that fishery this year
19 in using them to help them solve an increasing
20 problem they are having with shark bycatch on the
21 bottom longline, on the bottom longlines, to try
22 to determine what sharks are responsible and come
23 up with some possible methods that the fishery can
24 use to discourage the shark bycatch.

25 So, I definitely am on your side with
26 the implementation of EM and I hope that the Agency
27 takes a strategic view toward this technology and
28 looks at the investment in centers for EM and not
29 just sort of haphazardly spread the use of EM
30 around.

31 I know that the Southeast Center, one
32 of the various science centers are a little bit
33 unsure, at this point, how to integrate data from
34 electronic monitoring. So, I think it is best if
35 we all get together and take sort of a strategic
36 view toward this.

37 My other comment, real quick, is just
38 to add to what Valerie said about Cuba. I would
39 ask that you think a little bit deeper about
40 prioritizing the exchange with Cuba because they
41 do have a pelagic longline fleet on the north coast
42 that is less than 90 miles from our shore that is
43 targeting blue marlin, white marlin, and
44 swordfish. And they are also catching a number of
45 species of shark and we are active down there in
46 trying to determine what the catch
47 characterization is. And their top four species
48 of sharks are the longfin mako, which is prohibited

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1 in our fishery, the shortfin mako, which is fine,
2 the oceanic whitetip, which is a restricted species
3 for us, and the silky shark, which is also
4 restricted.

5 So, we have a fishery operating there
6 about which we know very little. And Cuba is not
7 a member of ICCAT, so I am not sure how the data
8 you are talking about are getting to us. So, the
9 Cubans, themselves, really don't know the
10 breakdown I just gave you.

11 So, I think it is important that we
12 engage and not make this too low a priority for U.S.
13 fishermen, since Cuban fishermen are operating
14 really on many of the same stocks.

15 MR. RAUCH: So, on the electronic
16 monitoring part of that, I do agree with you that
17 there are a lot of issues that still need to be
18 worked out in many things. We do have a budget
19 initiative, the President announced funds for
20 electronic monitoring. I envision this is
21 something that the administration is going to
22 continue to support.

23 I would encourage you to look at the
24 regional strategic plans for monitoring, which we
25 have posted and you have one as well, so that tries
26 to take that look at that. And those are living
27 documents. So, we posted them wanting to get some
28 public engagement in that. We are talking with the
29 councils, talking with you guys about that; about
30 taking the strategic look at how to do that. That
31 is both the regulatory and the science side.

32 So, I share you concern. We have great
33 opportunities but we can save a lot of time by doing
34 it right.

35 On Cuba, I didn't mean to suggest that
36 Cuba fishing activities are low priority. It is
37 just that the traceability part, which traces
38 seafood imports into the United States. It is not
39 a big party with Cuba because there are none. We
40 may be concerned about the sustainability of their
41 fishery. We can't get at that by market dynamics
42 because we don't have a market for Cuban seafood.

43 So, in terms of working with them on a
44 traceability program, that is not a high priority
45 for me because there is no stocks. We are trying
46 to work with them on scientific exchange on
47 understanding how that, to the extent we can, it
48 has been difficult because of all the political

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1 issues. That is stalling it a little bit. We are
2 trying to work on that. So, don't mean to suggest
3 that that part is not a priority. It was just a
4 traceability part because that is an economic
5 market-based thing and there is no market for Cuban
6 products in the U.S. yet.

7 MR. HUETER: Absolutely, of course.
8 But on the scientific exchange, I would encourage
9 you to look to organizations like my laboratory
10 marine lab and environmental defense fund have been
11 active in Cuba for more than ten years to help get
12 these data and help build these bridges. We have
13 been able to go there when, you know, obviously,
14 federal agencies have not.

15 So, let's not reinvent the wheel there,
16 either. Let's take advantage of us and we are
17 happy to act as a bridge to do this sort of exchange.

18 FACILITATOR LEA: Thank you so much for
19 being here, Deputy Assistant Rauch.

20 And we are going to go ahead and take
21 about a ten-minute break and then we are going to
22 come back for the smoothhound shark discussion and
23 so, start with the assessment of the stock.

24 (Whereupon, the above-entitled matter
25 went off the record at 10:45 a.m. and resumed at
26 10:58 a.m.)

27 MS. SCHULZE-HAUGEN: Okay, let's go
28 ahead and get started. We are going to try to get
29 back on schedule. Although, you know, we want to
30 give Sam the time when he can come. We are missing
31 a bunch of folks.

32 So, we have Dr. Enric Cortes and Dr.
33 Dean Courtney on the phone. They are going to give
34 us a walkthrough of the latest on the smoothhound
35 complex stock assessments.

36 Can I ask folks to sit down or move
37 outside if you want to continue your conversations?
38 Thank you.

39 And so they are on the phone via webinar
40 and I want to -- I guess this is the first time we
41 have done it quite like this. So, please bear with
42 us. We have to work out the kinks.

43 So, Enric, are you there?

44 DR. CORTES: Yes, we are here. I am
45 here with Dean and we were going to start with the
46 Gulf of Mexico Smoothhound Complex and Dean will
47 follow with the Atlantic Smooth Dogfish.

48 MS. SCHULZE-HAUGEN: Great. Take it

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1 away.

2 DR. CORTES: Can you hear me okay?

3 MS. SCHULZE-HAUGEN: Yes, we can hear
4 you fine.

5 DR. CORTES: All right. So, we can get
6 started whenever you tell us.

7 MR. COOPER: Go for it.

8 DR. CORTES: So, this is an overview of
9 two assessments we just completed. The first one
10 is the Gulf of Mexico Smoothhound Complex. I want
11 to point out that this is a benchmark assessment.
12 It is the first time these species have ever been
13 assessed.

14 Brief outline of the presentation. We
15 will talk about the rationale input, description
16 of the model, base model results, a little bit of
17 uncertainty, about uncertainty analysis,
18 projections, and some conclusions.

19 So, first of all, why did we assess a
20 complex versus individual species? Well, this was
21 due to the inability to differentiate among three
22 species of *Mustelus*, which occurred in the Gulf of
23 Mexico. The *Mustelus canis*, *Mustelus*
24 *sinusmexicanus*, and *Mustelus norrisi*. So, this,
25 essentially, constrained us to having to do an
26 assessment on the complex of these three separate
27 species.

28 Because of that, we also were, in a way,
29 constrained to using -- we were not able to use
30 these specific extraction models. So, we used a
31 production model, which still allows us to make a
32 quantitative predictions and projections. And
33 more specifically, we used a Bayesian surplus
34 production model, which has the ability to consider
35 also a process error, in addition to observation
36 error.

37 The data inputs, essentially a model
38 uses one single series. And we had four indices
39 of abundance, all of which were fishery
40 independent, bottom longline index to groundfish
41 trawl index to small pelagics trawl index.

42 For these Bayesian approach, we use
43 priors for a number of these parameters that are
44 estimated and it is one of the main reasons to use
45 the Bayesian approach is because we can't take
46 advantage of the biological information that we
47 have on the species or, in this case, complex, and
48 inform them all. So, the priors are set on a number

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1 of parameters, including carrying capacity,
2 initial depletion, and a number of other inputs.

3 As I said, the model only uses one
4 single catch series and this was -- here we have
5 a breakdown of the catches by fleet. But as you
6 can see, they were essentially dominated by the
7 estimates from the trawl fish, from the shrimp
8 trawl fishery. Essentially, it was about 96
9 percent of the whole catches corresponded to the
10 shrimp trawl bycatch from 1982 to 2012. It is,
11 essentially, a bycatch fishery.

12 These other four indices of abundance,
13 and as you see, they all show a relatively
14 increasing trend, with the exception of the
15 groundfish trawl summer index, which showed some
16 decrease at the beginning of the series. It was
17 the only one for 1982. After about the early
18 1990s, the indices showed an increasing tendency.

19 Essentially, all the indices cover the
20 whole Gulf of Mexico, with the caveat that the two
21 trawl survey indices only covered the eastern
22 portion of the Gulf of Mexico, starting in 2008.

23 So, one of the priors that we said, is
24 the intrinsic rate of population growth, one of the
25 parameters in the pelagic model, and so for that,
26 the Light Fishery Working Group recommended that
27 we use a combination of value because essentially,
28 we had values for subcomplex of *Mustelus canis* and
29 *Mustelus sinsumexicanus*, and then another set of
30 life history information, which was fragmentary,
31 obviously, for *Mustelus norrisi*, which is in
32 Florida a smoothhound.

33 So, we use those two sets of data to bond
34 a range of biologically plausible values. And
35 essentially, we calculated to the equation r_{max} ,
36 intrinsic rate of population increase for these two
37 groups.

38 And just to give you a very quick
39 overview, all I want to point out here is that for
40 one of the two subcomplexes, DW was higher than for
41 the other species, *Mustelus norrisi*, which was less
42 productive.

43 Of course, there is a lot of uncertainty
44 in these estimates and that is the main reason why
45 we couldn't even have a specific set of biological
46 traits for either of the two previous species.
47 They had to be combined. And so we took that into
48 account when we calculated the intrinsic rate.

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1 So, essentially, to summarize, the
2 model started in 1982 and ended in 2012, which is
3 the first -- 1982 is the first year for which we
4 have both CPUE and catch data. We did a number of
5 weighting schemes but essentially, in the base run,
6 we weighted each CPUE in this equally. And
7 essentially, the model is fitted to the CPUE data
8 and catch is treated as a constant. But, as I
9 mentioned, we take into account process error.

10 And these are the fits to the four
11 series. Essentially, all I want to point out is
12 that the fits were able to recognize these
13 increasing trends in the different indices. They
14 were able to capture it.

15 And these two plots here represent the
16 relative abundance. And these assessment were
17 done in numbers, of panel and the exploitation
18 rate, bottom panel, essentially what this shows is
19 that, as I was mentioning earlier, right up to the
20 early 1990s, the stock shows that it was not -- it
21 was not overfished. And at no time during the
22 complete time series did the model consider that
23 there was overfishing of the stock.

24 So, another way to look at this is in
25 a probabilistic framework. So, essentially, what
26 this shows is the probability of the stock being
27 overfished up top of overfishing occurring at the
28 bottom during the time series and, essentially, as
29 I was mentioning, in the early 1990s, there was less
30 than a 30 percent. This green line represents 30
31 percent probability of being overfished. So, the
32 purple line, 50 percent probably of the stock being
33 overfished.

34 So, essentially, what we can see is that
35 in the last decade, there was almost a negligible
36 probability of the stock being overfished and that
37 at no time the model estimated that they have been
38 overfished.

39 This is just a phase plot of relative
40 abundance versus relative exploitation rate.
41 While this stock started in what was considered an
42 overfishing condition, it ended up in a good
43 territory of no overfishing. It is just the
44 summary table of parameter estimates for the base
45 run, eventually showing again, what I showed in the
46 plot before, the two numbers, not overfished, no
47 overfishing.

48 Then very briefly, we also looked at

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1 trying to evaluate uncertainty. And for that, we
2 ran a number of sensitivity scenarios and other
3 sensitivity scenarios which we believed were
4 indicative of plausible states of nature. So we
5 rant, as I mentioned, a number of those.

6 And this is the combined look at all the
7 scenarios that were looked at. And this is the
8 relative abundance trajectory and the relative
9 exploitation rate trajectory. It was the same
10 conclusions as the base run that there was not an
11 overfished pattern or overfishing was occurring in
12 the past decade.

13 And this is the same but on a
14 probability basis, putting all the results
15 together of all the sensitivities and plausible
16 states of nature, essentially, with the same
17 conclusion of not overfished and no overfishing.
18 That is just a phase plot with the end point of each
19 of these scenarios showing that the stock was in
20 good quadrants.

21 Now, we also estimated or calculated
22 Generation time and then proceeded to do some
23 projections, short-term projections with
24 different levels of catches, based on the most
25 recent catches in 2012. So, we used a number of
26 scenarios. And essentially, this is the
27 projections with the base run at the six different
28 levels of catches with respect to the 2012 catches,
29 zero catches, two times, three times, four times,
30 and catch at MSY.

31 And essentially here, on a
32 probabilistic scale, what this shows us is that
33 based on the base run, we could still increase the
34 catches in 2012 by a factor of four and have less
35 than a 30 percent probability of the stock being
36 in overfished conditions. And if we look at the
37 overfishing condition, we would still be able to
38 increase the catch by a factor of three.

39 However, we also considered, since we
40 called this the base run but there are the different
41 plausible states of nature, we considered a number
42 of other alternative states of nature, which are
43 depicted here. The hierarchical index is an index
44 that combines all of the indices of abundance into
45 a single one, essentially. And then we have a
46 number of different other plausible states of
47 nature.

48 And the conclusion, essentially, is

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1 that we could still increase the catch, the 2012
2 catch by a factor of two and have a probability of
3 overfishing of less than 30 percent in the worst
4 case scenario of any of these scenarios, with the
5 exception of the low catch scenario. The low catch
6 scenario we considered was not plausible because,
7 essentially, it is considered that the lower
8 confidence intervals for the shrimp bycatch
9 estimates, which were zero in the majority of
10 years. And therefore, we don't believe that was
11 very credible. And so, this was not really very
12 presentative in the assessment panel wheel of a
13 plausible state of nature.

14 So, in conclusion, keep in mind these
15 assessments can be considered data-poor or at least
16 data-limited, because of the inability to be shared
17 among species.

18 The fishery is, essentially, a bycatch
19 fishery, as I mentioned with shrimp trawl discards
20 making up the vast majority of the catches. The
21 stock assessment model was able to capture
22 reasonably well the increasing trend in the four
23 indices. And all model formulations coincided in
24 predicting a negligible probability of the stock
25 being overfished or overfishing occurring in the
26 last year of data and actually, in the past decade.

27 And also in terms of the short-term
28 projections, it appears that doubling the 2012
29 catches will still provide a sufficient buffer from
30 the overfishing limit like I said the probability
31 of overfishing, anytime during the ten years for
32 which we conducted the projections would be less
33 than 30 percent.

34 So, this concludes my presentation and
35 perhaps unless you want to do it differently, we
36 could proceed with the Atlantic Smooth Dogfish
37 presentation and then take questions at the end,
38 if that seems reasonable.

39 FACILITATOR LEA: Yes, I think we might
40 have a couple of specific questions for you. So,
41 we are going to field a few questions. Bob.

42 MR. HUETER: Yes, hi, Enric. It is Bob
43 Hueter from Moat. How are you?

44 DR. CORTES: Hi, Bob.

45 MR. HUETER: Brilliant job, as always,
46 on the stock assessment. My question is not an
47 assessment question so, I don't know if you can
48 answer it but these 100,000 to 200,000 dogfish that

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1 are being caught in trawls in the Gulf, are they
2 all just being shoveled over the side or are they
3 being utilized in some way? I am aware of the
4 fishery that exists in the Atlantic for
5 Smoothhounds and the industry that has grown up
6 around that but what about this apparently
7 sustainable resource? What is happening with
8 those fish?

9 DR. CORTES: So, if I heard you
10 correctly, you are asking what happens to the
11 estimated fish, the fish that are estimated to be
12 caught in the shrimp trawl fishery.

13 MR. HUETER: That is correct. What is
14 the fate of those 100,000 to 200,000 dogfish that
15 are being caught? Are they simply discarded over
16 the side or is the fishery taking advantage of this
17 as a, perhaps sustainable resource?

18 DR. CORTES: To my knowledge, they are
19 discarded. They are discarded then. And again,
20 keep in mind that these are estimates but the
21 numbers that are reported or the amount that are
22 reported caught in the commercial fishery are
23 comparatively very small.

24 Now, this is the situation in the Gulf,
25 as you see the different situation in the Atlantic.

26 MR. HUETER: Yes, I appreciate that
27 information and I have commented that is a shame
28 that this is -- even though it is not on the same
29 level as the Atlantic that this is being discarded
30 because after all, there is a market for these
31 species that has been established on the East
32 Coast. So, I think we all ought to think the Agency
33 -- the fishery should think about maybe utilizing
34 this bycatch and not just discarding it.

35 DR. CORTES: Yes.

36 FACILITATOR LEA: Any other questions
37 for Rick, specifically? Oh, I'm sorry -- Enrico.

38 All right, so why don't we go ahead and
39 move ahead to the Atlantic Smooth Dogfish stock
40 assessment presentation?

41 DR. CORTES: Yes, give us one second
42 and we will change. We are going to do it from my
43 computer.

44 DR. COURTNEY: Hi, this is Dean. Can
45 you hear me?

46 MR. COOPER: Yes, Dean, we can hear
47 you. You are going to have to share the screen
48 again because I pulled the trigger too quickly.

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1 DR. COURTNEY: Can you see it now?

2 MR. COOPER: Yes.

3 DR. COURTNEY: Okay, so my name is Dean
4 Courtney and I am going to be presenting the results
5 of the Atlantic smooth dogfish stock assessments.
6 And in the Atlantic, this is just one stock in
7 *Mustelus canis*. I will try to use the word smooth
8 dogfish but sometimes the *Mustelus canis* is in
9 there as well but it is a single stock.

10 The outline of my talk, I will provide
11 the data. I will talk a little bit about the stock
12 assessment model and a lot about the results. I
13 will provide model sensitivity results, some
14 projection model results, and then the conclusion.

15 For the data inputs, we had a data
16 workshop, where everybody got together and
17 discussed the distribution of this stock. Catch
18 data was provided there. Indices of relative
19 abundance were provided, and length composition
20 data and life history were also provided. Most of
21 that is documented in the data workshop report and
22 I will summarize that briefly here.

23 There is a seasonal component to the
24 distribution. The stock moves north and south, as
25 can be seen in this picture on the right. And so
26 what was something that we considered during the
27 stock assessment in relation to the available data.

28 We also looked at the different
29 components of the catch streams, themselves. The
30 catch is a smooth dogfish in the Atlantic are
31 provided here in a picture as a proportion for all
32 years combined. A major proportion of the catch
33 is targeted gillnet landings, 47 percent.

34 Another major component is the
35 recreational component. There is three parts to
36 the recreational catch. There is what is called
37 the A, the B1 and the PRM.

38 The A and B1 are the recreational catch
39 that is kept, that is the A; are released dead, that
40 is the B1; and then there is a component that is
41 estimated as well. There is 24 percent
42 post-release mortality estimates. So, together
43 the recreational catch discarded dead and
44 discarded alive that is presumed to die, makes up
45 34 percent of the catch. So, together, the
46 recreational component in the gillnet landings
47 make up most of the catch. The remaining is trawl,
48 gillnet discards, small longline landings.

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1 The next slide just shows a breakdown
2 of the different components of the catch on an
3 annual basis. What we did for the model is to
4 combine catch streams with similar characteristics
5 into what is called a fleet. And the fleets are
6 represented here with an F, F1 through F6. They
7 are entered in total weight. For example, Fleet
8 1 is the commercial gillnet kept. Fleet 2 is the
9 commercial gillnet discards. We separated these
10 fleets because they had different characteristics.
11 The gillnet landings were larger than the gillnet
12 discards.

13 Fleet 3 was commercial trawl, both kept
14 and discarded. Fleet 4 was commercial longline.
15 Fleet 5 was the commercial other, where we didn't
16 have a metric for which fleet to put it in. It was
17 the small component.

18 And then Fleet 6 was the recreational
19 component. So, in this case, Fleets 1 and Fleet
20 6 are the major components.

21 Several indices, many indices of
22 abundance were provided at the data workshop and
23 the workshop recommended eight to be included in
24 the model. They were all fishery-independent.
25 Each one was provided in a working document and
26 standardized. In addition, the data workshop
27 provided a relative ranking that was used to sort
28 of provide information on what the data workshop
29 group thought was the coverage of the index
30 relative to the distribution of the species. And
31 so the highest ranked index was the Northeast
32 Fishery Science Center Fall Trawl Survey and then
33 the NEAMAP Fall Trawl, et cetera, moving down. And
34 these data are all available in the workshop
35 reports.

36 This is a representation of the
37 distribution of the indices of relative abundance.
38 The black line here are the Fall Northeast
39 Fisheries bottom trawl and the NEAMAP trawl. The
40 NEAMAP trawl occurred in shallower waters along the
41 same portions of the coast. These were the highest
42 ranked CPUEs because they covered the geographic
43 distribution of the stock during a period when it
44 was there.

45 This is a representation of the indices
46 of abundance divided by their mean, so they are all
47 on the same scale. From 1970s through the end of
48 the assessment in 2012, you can see that during the

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1 '90s, there is a period of agreement in the indices,
2 where they all have a relatively low abundance.
3 And then before that and after that, there is higher
4 abundance with more disagreement and interannual
5 variability in the indices.

6 Length composition data was provided.
7 And for that reason, we used an integrated stock
8 assessment approach. We used stock synthesis
9 which can combine the length data with the indices
10 of abundance in a single model. Fishery
11 independent and fishery-dependent data were
12 submitted for the Atlantic stock of smooth dogfish.
13 And the length composition data recommended for use
14 were associated with each time series of catch and
15 each index of abundance and then inputted in the
16 model.

17 In addition, the life history was
18 provided at the data workshop and Enric discussed
19 how that life history data was utilized in the
20 production model and we used a similar approach to
21 generate the stock recruitment steepness, the
22 integrated model. The fecundity, length and
23 weighted age were also provided.

24 So, this is what the data looks like.
25 On the bottom axis is the number of years that were
26 used in the stock assessment. And then on the
27 right axis, there is the different components of
28 the data, fleet F1 through F6, survey assessed 1
29 through S8, and then the different amount of length
30 data associated with fleets F1 through F6, and S1
31 through S8.

32 I am going to move into assessment model
33 results. There was a lot of discussion during the
34 assessment webinars about the different approaches
35 for estimating selectivity within the model. And
36 the SEDAR 39 assessment panel recommended a
37 dome-shaped functional form for the main targeted
38 fishery so that it is represented by this Sel-2.
39 That is just an option that we use. Sel-2 is what
40 we call it. So, you will see that through the
41 remainder of the talk but that basically represents
42 the base run and what that represents is the
43 dome-shaped selectivity for fleet 1, the Northeast
44 gillnet kept.

45 I am going to spend some time on this
46 slide. This is the primary results for the base
47 model configurations. It is predicted that the
48 stock was not overfished and that there an almost

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1 negligible chance of overfishing occurring.

2 The top panel here is the spawning stock
3 fecundity, SSF. The bottom panel is the fishing
4 mortality. They are both presented relative --
5 the bottom panel is presented relative to fishing
6 mortality of MSY. The stock trajectory for
7 spawning stock fecundity and fishing mortality are
8 consistent with the period of high exploitation in
9 the late 1990s, followed by a period of relatively
10 constant but lower exploitation rate in the 2000
11 and increased in the stock side. So, in the
12 current -- that is all I am going to say about this
13 slide.

14 Yes, so actually in the remaining
15 slides, I will be showing the SSF at MSY and the
16 fishing mortality and MSY, so all defined here.

17 So, in the current stock assessment,
18 the fishing mortality rate at maximum sustainable
19 yield, that is F_{msy} was obtained directly from the
20 stock assessment model. And then F over F_{msy} is
21 provided as an overfishing threshold and spawning
22 stock fecundity relative to spawning stock
23 fecundity at F_{msy} is provided as an overfished
24 threshold. So, by definition if the spawning
25 stock side is above MSY, which is represented by
26 this solid line here, it is also above the minimum
27 stock threshold, which is represented by the
28 stippled line here. And the minimum stock size
29 threshold is calculated as one minus the average
30 M times the spawning stock fecundity at MSY.

31 This is a phase plot with the same data,
32 showing the stock trajectory over time, relative
33 to F over F_{msy} , over fishing thresholds and SSF over
34 SSF_{msy} , the overfished threshold.

35 Prior to 1981, it meanders and ends here
36 2012, where the stock is not overfished and
37 overfishing is not occurring.

38 This is a table with the same data.
39 Like I said, by definition, a stock is not
40 overfished if the spawning stock fecundity in 2012
41 was greater than SSF at MSY and overfishing is not
42 occurring if fishing mortality in 2012 is less than
43 F at MSY.

44 So, for the base model run, spawning
45 stock fecundity relative to MSY was more than two
46 times higher and F relative to F_{msy} was at 79
47 percent. So, stock status is not overfished and
48 overfishing is not occurring.

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1 We also conducted several model
2 sensitivities. They were similar to the ones that
3 Enric defined for the Gulf. All the sensitivity
4 scenarios conducted under the base model
5 configuration estimated that the stock was not in
6 an overfishing condition. Although, one stock
7 scenario was estimated to be closed. All the stock
8 sensitivity scenarios also estimated the stock was
9 not in an overfished condition.

10 This is a phase plot of the different
11 sensitivity runs that were conducted. The
12 definitions are over here. The base model. Then
13 we conducted a model which started earlier in 1972.
14 We conducted the model which utilized the rank
15 CPUEs that I spoke about earlier. There was a low
16 catch scenario, a high catch scenario, a low
17 productivity, a high productivity, and then a
18 hierarchical model, which combined all the CPUE
19 indices into one index. The results are over here
20 for the base model, the diamond outlined in the
21 circle and the different sensitivities all along
22 a line here. And they are all inside this area,
23 which represents the stock being in a condition
24 that is not overfished and overfishing is not
25 occurring.

26 We also conducted projections for the
27 base model, as well as the sensitivities.
28 Projections were conducted in R statistical
29 software at alternative fixed levels of total
30 annual removals, due to fishing, ranging from zero
31 to 1,000 and this is in thousands of charts, in
32 increments of 50.

33 The projection results for the base
34 model indicated that levels of removals less than
35 or equal to 550 of thousands of sharks resulted in
36 at least a 70 percent probability of maintaining
37 the spawning stock fecundity above the spawning
38 stock size at MSY during the ten-year projection
39 period from 2013 to 2022.

40 There is a picture of these results on
41 the table with the projection scenarios here on the
42 left, one to 21, the total annual removals ranging
43 from zero to 1,000 in thousands of sharks, and in
44 the years 2013 to 2022.

45 What the green represents is the
46 proportion of Monte Carlo simulation in at least
47 a 70 percent probability of maintaining SSF above
48 SSFmsy. So, all the green numbers are greater than

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1 70 percent.

2 The yellow represents a 50 percent to
3 70 percent and the red is less than 50 percent. So,
4 our goal is to maintain the projection above 70
5 percent and this is the largest number that does
6 that for all years. That is how to interpret the
7 table.

8 So, the projection results for the
9 sensitivities, projection scenarios one through
10 eight, the model configurations are the same as the
11 sensitivity analyses, and the basic conclusion is
12 the projection results obtained from the base model
13 were within the range obtained from the sensitivity
14 runs conducted for the basic model.

15 The conclusions. The base model
16 predicted that the stock was not overfished and
17 that overfishing was not occurring. All
18 sensitivity runs conducted with the base model
19 configuration also predicted that the stock was not
20 overfished and that overfishing was not occurring.

21 Projection results obtained from the
22 base model were within the range of those obtained
23 from sensitivity runs conducted for the base model.

24 That concludes my presentation.

25 FACILITATOR LEA: Thank you, Dean.
26 Thank you Enric. We have a few questions, it looks
27 like specifically for Dean. Jason and then Rusty.

28 MR. ADRIANCE: Thanks, Dean. Jason
29 Adriance. I just have a clarifying question on
30 slide 13 about the base model, where you indicate
31 the selectivity for Fleet 1. Is that just one
32 example of the selectivity for that main fleet or
33 was that selectivity applied to all the fleets or
34 was only Fleet 1 model in the base run? Thanks.

35 DR. COURTNEY: So, if I understand your
36 question correctly, you are asking was dome-shaped
37 selectivity applied to this fleet or was it applied
38 to all fleets. And the answer was the dome-shaped
39 selectivity was applied to this fleet. Each of the
40 other fleets has their own selectivities estimated
41 in the model.

42 MR. ADRIANCE: Okay, that was my
43 question. This is just an example of the one fleet
44 but they were all in there.

45 FACILITATOR LEA: Rusty.

46 MR. HUDSON: Rusty Hudson. Thank you
47 very much, Dean and Enric, for your hard work. I
48 will just give you a little background. Our

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1 scientist, Dr. Peter Barile was able to participate
2 to the SEDAR workshop system and it was the
3 Carolina, North Carolina in particular, Dewey
4 Hemilright to give him credit to the New Jersey
5 folks that have this active directed fishery for
6 the smooth dogs and we felt like everybody was
7 really working together well. Thank you very
8 much, Karyl, for your participation in the
9 workshops.

10 And I guess our main question, and just
11 looking at the solid green line on slide 19, the
12 550 and then if we are looking at whatever average
13 size is assigned to that, that would be of interest
14 to the fishermen to get an idea I think that our
15 dress weight versus hull weight, all that needs to
16 be fleshed out a little bit so they can get an idea
17 of what kind of quotas you will be setting and stuff
18 like that. So, I appreciate that.

19 I also understand the Gulf of Mexico,
20 I know about the shrimp. I tried to observe
21 through the webinars and stuff like that. I didn't
22 actually go to the meetings but their shrimp fleet
23 is a magnitude bigger than ours over on the East
24 Coast here. And it would be nice to find
25 utilization of bycatch, then we could call it a
26 secondary catch. A secondary market in species of
27 some sort. I mean we have a lot of that in
28 different fisheries. It is just not always clean.
29 But again, what would you have, somebody trying to
30 gather them from shrimp boats and then put them on
31 a mother boat and things like that. I just don't
32 know but it could, at a minimum be some sort of
33 protein source that could be utilized. But how to
34 do it, it is going to take somebody willing to get
35 involved financially and also in an imaginative
36 marketing scheme that we are not doing,
37 currently. I always had that idea running a shrimp
38 boat that once we got to the better mousetrap of
39 the turtle excluding devices and the bycatch
40 reduction devices that we were cleaning things up
41 but there is still a lot on the back deck. And so,
42 that is the type of thing that maybe HMS will look
43 into now that they are managing these animals.

44 So, thank you very much for everybody's
45 hard work.

46 FACILITATOR LEA: Thank you.
47 Finally, Bob.

48 MR. HUETER: Hi, Dean, it is Bob Hueter

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1 from Mote and I am trying to get a handle on the
2 magnitude of this Atlantic fishery in terms of
3 numbers of animals to compare it with what we talked
4 about previously in Enric's presentation about the
5 Gulf discard and what Rusty just said. It looks
6 like on slide six, which is the only one, I think
7 that has information on actual landings of animals,
8 that that is in metric tons of whole weight. And
9 if you look at the commercial gillnet component,
10 which are the blue bars, it is around a thousand,
11 hitting up to about a thousand metric tons a year.
12 Then, about two million kilos, guessing that the
13 average size of these sharks are five kilos or so,
14 maybe no more than that. That is about 400,000
15 sharks.

16 And in the Gulf, we were looking at
17 somewhere between 100,000 and 200,000. So, please
18 correct me if I have done this wrong, number one.
19 And if it is right, it shows that the Gulf catch
20 is not an order of magnitude less, it is perhaps
21 half of what is directed and used in the Atlantic
22 side, which, again, shows the degree of waste in
23 the Gulf.

24 So, did I do those numbers right? Am
25 I approximately right in my estimate of the number
26 of sharks in the Atlantic fishery?

27 DR. COURTNEY: Yes, I understand your
28 question and it is hard for me to do that math in
29 my head. So, I can respond separately or we can
30 look at the data.

31 DR. CORTES: I couldn't quite hear the
32 whole thing. We are having a little trouble
33 hearing well, especially what Rusty was saying.

34 But so in the Gulf, essentially, we have
35 the very small animals from the shrimp trawl
36 bycatch discard. And then in the Atlantic, we have
37 larger animals from the gillnet fishery,
38 especially, but essentially nothing from the trawl
39 fishery. So, it would be larger animals.

40 Like I said, I didn't quite get your
41 whole exposition, Bob.

42 MR. HUETER: Okay, let me try again,
43 slowly. It appears to me that in the Gulf we were
44 talking about a discard in terms of numbers of
45 animals, 100,000 to 200,000 per year. And from
46 Dean's data in the Atlantic side, in the directed
47 gillnet fishery, we are talking about a catch of
48 perhaps around 400,000 animals per year. So, I am

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1 trying to get a sense of the magnitude of the one
2 versus the other. And if this is correct, the
3 Atlantic is not an order of magnitude larger. It
4 is perhaps double, which would indicate that
5 perhaps there would be a chance to develop a market
6 in the Gulf. It is not a drop in the bucket in the
7 Gulf, is what I am saying. Did you understand
8 that?

9 DR. CORTES: Yes, I believe so. Yes,
10 I mean as we said before, the catch in the Gulf is
11 estimated. These are bycatch estimates produced
12 from the observer program and those are wide
13 confidence intervals about those estimates and we
14 consider those in the Gulf.

15 In the Atlantic, it is a different story
16 in the sense that these are actual landings. So,
17 these are reported into the different data
18 collection programs. So, there is much certainty
19 about the magnitude of those sketches and about the
20 size of the animals, which we have information from
21 the different observer programs. In the Gulf,
22 yes, we have a few hundred animals from the shrimp
23 trawl observer program and they mostly are very
24 small animals, probably age zeros and ones.

25 So, I am not quite sure if I am
26 responding to your question but that is where we
27 know about the catches.

28 FACILITATOR LEA: Thank you, Enric.
29 And finally, we have one last question from Jeff
30 and then we are going to move on to the update on
31 direct amendment nine.

32 MR. ODEN: Yes, it would be nice to be
33 able to go home and tell the fishermen in my area
34 in light of the health of the fish, we are perceived
35 in this assessment that they will at least be able
36 to fish at 2014 levels. Can they assume that?

37 MS. BREWSTER-GEISZ: Are you asking if
38 you would still have the fishery in 2015?

39 MR. ODEN: I am asking will the ACL
40 still be equal to what it was last year, mean in
41 view of this assessment. I mean things look
42 wonderful to me. And anyway, it seems like every
43 time you all have an assessment, we lose. I am just
44 hoping things are at least equilibrium.

45 MS. BREWSTER-GEISZ: So, one thing
46 about both of these assessments, neither one is
47 final yet. They have gone through the peer review.
48 Enric and Dean are working to finalize the

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1 assessments. I don't know, Enric and Dean, if you
2 can talk about when we might see the final reports.

3 But Jeff, in answer to your question,
4 because we don't have the final documents yet, we
5 have not calculated the numbers, the same question
6 that Bob and Rusty were asking about what these fish
7 mean in terms of metric ton. The good news is, the
8 assessments appear to indicate not overfished, no
9 overfishing. So, I, personally, do not anticipate
10 any reduction but I won't be able to tell you for
11 certain until we actually look and do the
12 calculations.

13 FACILITATOR LEA: Thank you. And
14 thank you again, Enric and Dean.

15 So, we are going to go ahead and move
16 on to the update on draft Amendment 9.

17 MS. JACKSON: Okay. Hello, everyone.
18 My name is Alexis Jackson. And today we are going
19 to be providing you an update on Draft Amendment
20 9 to the 2006 Consolidated Fisheries Management
21 Plan for HMS. And we are also going to be providing
22 you with a summary of the comments that were
23 received on both the proposed rule and the draft
24 EA during the comment period.

25 Sorry about that, guys. So, where we
26 have an outline of the proposed measures in Draft
27 Amendment 9. They include establishing an
28 effective date for previously adopted measures in
29 Amendment 3 and in the HAMS Trawl Rule;
30 implementing the smooth dogfish-specific
31 provisions of the Shark Conservation Act;
32 adjusting the smoothhound shark quota, based on
33 recent landings; adjusting the 2012 Shark BiOp for
34 the sink and drift gillnet requirements, and also
35 making adjustments to the shark gillnet VMS
36 requirements, consistent with the Atlantic Large
37 Whale Take Reduction Plan.

38 So, just to provide with some
39 background before we go into some of the proposed
40 measures, the majority of background information
41 is with regards to smooth dogfish. And that is
42 because this represents the primary commercial
43 target in the Atlantic smoothhound shark fishery.

44 So, a couple of things to note. Sharks
45 in the genus Mustelus are very difficult to tell
46 apart. There are a number of species that are
47 found within Atlantic waters. Additionally, the
48 proposed measures in Draft Amendment 9, the

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1 majority will be applying to all smoothhound
2 sharks, with the exception of the smooth
3 dogfish-specific provisions in the Shark
4 Conservation Act. Additionally, we just got the
5 update on the SEDAR 39 assessment for smoothhound
6 sharks. So, they were assessing them as two
7 separate stocks, one in the Atlantic which was
8 composed of smooth dogfish, and the other, which
9 represented a species complex in the Gulf of
10 Mexico.

11 So, finally, the final kind of
12 background information before we move into the
13 proposed measures and comments, in 2010, Amendment
14 3 adopted a smoothhound shark quota and this was
15 calculated considering the highest annual landings
16 over a ten-year period and then adding two standard
17 deviations to account for underreporting. And
18 this was set at a level that was believed to avoid
19 prematurely closing the fishery. However,
20 implementation of this quota was delayed, due to
21 needs to implement a permit requirement to complete
22 a biological opinion, to allow time for fishermen
23 to adapt to the changing business practices
24 associated with keeping fins attached, and
25 additionally, to provide for data collection
26 associated with the Paperwork Reduction Act.

27 So, the proposed rule was published in
28 August. We received about 500 comments, about 300
29 of which represented individual comments.

30 And so now, moving into a summary of the
31 comments that were received on Draft Amendment 9
32 for the proposed rule and the draft EA. And just
33 to note that these comments represent the opinions
34 of the commenters. The major comments are going
35 to be summarized and some of the details will be
36 left about. But all of the comments will be
37 responded to in the final rulemaking.

38 So, moving into the first management
39 measures, these relate to implementing the smooth
40 dogfish-specific provisions of the Shark
41 Conservation Act. So, under the Shark
42 Conservation Act, sharks that are landed in the
43 U.S. should be landed with their fins naturally
44 attached, with the exception of this limited
45 exception for smooth dogfish.

46 And so under Amendment 9, we are going
47 to be considering implementing this provision and
48 we are also going to be examining ways to interpret

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1 three of five parts in the Shark Conservation Act.

2 So, if you look at the three provisions
3 that we are considering requiring interpretation
4 of are bolded in red. And those that do not require
5 interpretation are underlined.

6 And I also wanted to note that fishermen
7 who do not meet these requirements may still fish
8 for smooth dogfish. However, they cannot remove
9 the fins at sea.

10 So, under our preferred alternative, we
11 would be proposing a number of sub-alternatives
12 that would address certain provisions in the Shark
13 Conservation Act that are specific to smooth
14 dogfish.

15 So, we received a large number of
16 comments about not implementing the smooth dogfish
17 exception clause in the Shark Conservation Act.
18 Additionally, we received some comments that have
19 the misperception that Amendment 9 would legalize
20 shark finning, which is not the case.

21 So, moving into the number of
22 provisions that required some degree of
23 interpretation, the first relates to the text that
24 says an individual engaged in commercial fishing
25 for smooth dogfish.

26 So, this first issue relates to catch
27 composition. And under the preferred
28 sub-alternative, we would be limiting this
29 exception to those that are fishing for smooth
30 dogfish. And in the preferred alternative, we are
31 considering directed fishing as 75 percent of the
32 retained catch being smooth dogfish. And so this
33 still allows for some degree of flexibility in the
34 composition.

35 So, the majority of comments that we did
36 receive were related to catch composition in the
37 smoothhound fishery. There were a number of
38 comments that were received against implementing
39 catch composition. And this is due to the fact
40 that people felt there were changes in the
41 composition of the fishery over the year. Others,
42 that felt that more flexibility was needed in the
43 percentage of smoothhound retained.
44 Additionally, there were some comments regarding
45 the rationale for "fishing for," having thoughts
46 that it was not explicitly addressed in the Shark
47 Conservation Act or that the percentages that were
48 provided were not explicitly outlined.

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1 Commenters also had concern about no
2 other sharks being retained, that it wasn't
3 included explicitly in the Shark Conservation Act.
4 And there were also concerns about increased
5 regulatory discards. There were some comments on
6 how the federal measures would differ from those
7 that have been implemented by ASMFC. Some people
8 commenting that we should only implement the 12
9 percent fin-to-carcass ratio. And there was also
10 some uncertainty about how NMFS' regulations would
11 potentially change those that are already in place
12 by the state.

13 There was support both for 25 percent
14 and 75 percent, which is the preferred alternative,
15 representing the catch composition to retain in
16 order to process at sea for smooth dogfish.
17 Additionally, there were a variety of concerns
18 about how the impact of catch composition would
19 impact the fishery, that there would be financial
20 hardships associated or additional workloads for
21 crews, backlogs of boats at docks, due to
22 processing and also how it would impact the cutting
23 houses if there were decreased landings of smooth
24 dogfish.

25 Okay. So, moving on to the second
26 aspect that required interpretation, it regards
27 the language "if the individual holds a valid State
28 commercial fishing license."

29 So, under the preferred alternative, we
30 would be interpreting the language a little bit
31 more broadly so that any state commercial fishing
32 permit that allows for smooth dogfish retention
33 could be held in conjunction with the federal
34 smoothhound permit. And so minimal impacts are
35 expected as fishermen may already have a state
36 fishing license or permit that already allows them
37 to retain smooth dogfish or could easily obtain a
38 state commercial permit.

39 So, we received very few comments on
40 this issue but those that were received were
41 generally in support of our preferred alternative.

42 Okay, so moving on to the third
43 provision, it regards the definition of state.
44 So, this has implications for geographic
45 applicability of the smooth dogfish-specific
46 provision. And so, under our preferred
47 alternative, we would be applying this exception
48 to the Atlantic Coast of Florida. So, Florida is

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1 the only state that is currently listed that has
2 both a coast in the Gulf of Mexico and the main
3 Atlantic Coast. And there was no explicit
4 statement of whether it should be considered for
5 one coast or both coasts. So, we are looking into
6 both.

7 Just to give you a visual
8 representation of what these alternatives would
9 look like. So, under sub-alternative A2-3a, the
10 exception would be applied to smooth dogfish along
11 the Atlantic Coast, as well as to Florida's Coast
12 in the Gulf of Mexico.

13 Under the preferred alternative, the
14 exception would be applied for smooth dogfish along
15 the Atlantic Coast but not including Florida's
16 Coast in the Gulf of Mexico. And so this would mean
17 that at-sea fin removal would be allowed only in
18 the Atlantic region for sharks and this could help
19 to eliminate some of the misidentification issues.
20 As we mentioned earlier, in the Gulf of Mexico,
21 there is actually a species complex of three
22 species that are found there.

23 So, we received support for both
24 alternatives, both for the preferred alternative,
25 which would not include Florida's Coast in the Gulf
26 of Mexico and there was also support to include both
27 the Coast in the Atlantic and the Coast in the Gulf
28 of Mexico and this was due to the fact that it would
29 allow Florida to continue to manage its resources,
30 using the boundary between the Gulf of Mexico and
31 the South Atlantic Fishery Management Councils.

32 Okay, so moving on to the next proposed
33 measure, this would be relating to the smoothhound
34 shark quota that was adopted under Amendment 3.
35 And so under our preferred alternative, we would
36 be establishing a quota that was based on the
37 maximum annual landings from 2004 to 2013, plus two
38 standard deviations. And this would be using the
39 same methodology as was used in Amendment 3 except
40 with updated landings data.

41 And again, to give you kind of a visual
42 representation of what this would look like and how
43 the various alternatives compare to one another,
44 Alternative B1 represents the quota that was
45 adopted under Amendment 3. The preferred
46 Alternative is currently Alternative B3. And the
47 only alternative that is not listed on this graph
48 is Alternative B4, which is implement based on

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1 results of the stock assessment.

2 Okay, so the peer review workshop
3 occurred last month in February. And the final
4 SEDAR stock assessment report should be available
5 later this month. And as we heard in the recent
6 update that was presented before this, the
7 preliminary results are suggesting that for
8 Atlantic smooth dogfish in the Gulf or sorry in the
9 Atlantic and Gulf of Mexico smoothhound complex,
10 they are looking as if they are not overfished and
11 that no overfishing is occurring. And so this
12 update has already been provided by our stock
13 assessment scientists.

14 So, the majority of comments that we did
15 receive were related to implementing a quota based
16 on results of the stock assessment. There were
17 some comments to delay the rulemaking until the
18 stock assessment was completed and there were also
19 some concerns about the current preferred
20 alternative, that it was taking risk-adverse
21 approach and that increasing the quota could
22 potentially contribute to continued overfishing of
23 shark.

24 So, moving on to implementing aspects
25 of the 2012 Shark Biological Opinion. So, a
26 biological opinion is required when a new fishery
27 is brought under federal management. So, in this
28 case, this would be for the smoothhound shark
29 fishery.

30 So, under our preferred alternative, we
31 would be -- sorry.

32 So, under term and condition number
33 four of the biological opinion, it requires that
34 we either have net checks in place or that we have
35 soak time restrictions for the Atlantic shark
36 gillnet fisheries. And so that would include the
37 smoothhound shark fishery.

38 And so under our preferred, the type of
39 gillnet that is being used would determine which
40 gillnet requirement would be put in place. So,
41 under our preferred, we would be establishing a
42 soak time of 24 hours for sink gillnet gear and then
43 for drift gillnet gears, they would still be
44 required to check their net at least every two
45 hours.

46 And so, there was support both from
47 fishermen and from the industry for the preferred
48 alternative, which means that the frequency of the

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1 gear checks would be variable by the type of sink
2 gillnets that are being used.

3 There were also comments suggesting
4 that NMFS required both net checks and soak time
5 restrictions.

6 There was some concern about the
7 feasibility of the two hour net checks and that,
8 additionally, there were some suggestions about
9 clarifying the definitions for gillnet gear,
10 suggesting that we add a third alternative. And
11 so we would have a floating gillnet gear, and
12 unanchored sink gillnet and then an anchored sink
13 gillnet.

14 So, moving into the last proposed
15 measure for draft Amendment 9. So, this would be
16 related to VMS requirements for shark gillnet
17 fishermen. And so, since implementation of these
18 VMS requirements for the directed gillnet
19 fishermen, it has become apparent that the shark
20 gillnet fishermen do not fish in -- or some of them
21 do not fish in or near the southeast U.S. monitoring
22 area. And so NMFS is proposing to limit this
23 requirement.

24 So, just to give you an idea for those
25 of you who are less familiar with where it is
26 located along the Atlantic Coast of Florida towards
27 the south.

28 And so under our preferred alternative,
29 we would be requiring federal directed shark permit
30 holders with gillnet gear onboard to use VMS only
31 when they are in the southeast U.S. monitoring
32 area. And so this would help reduce some of
33 fishermen's cost for VMS, while still providing
34 adequate protection for Atlantic large whales.

35 And so we received comments for both
36 alternatives. So, some that said that VMS
37 requirements should be kept at status quo and then
38 others that supported the preferred alternative
39 requiring VMS only when gillnet gear was onboard
40 and shark gillnet fishermen were within the
41 Southeast U.S. monitoring area.

42 So, just to provide a time line, so the
43 stock assessment final report for SEDAR 39 should
44 be available this month. The final rule is
45 expected in Fall of 2015. And the measures would
46 become effective 30 days after the Final Rule is
47 published.

48 And so with that, I think we have time

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1 for questions.

2 FACILITATOR LEA: Are there some
3 questions or comments? Sonja.

4 MS. FORDHAM: Thank you. Sonja
5 Fordham, Shark Advocates. Thank you for the
6 presentation and revisiting all these. I reviewed
7 our position at the last meeting and submitted
8 written comments. Our letter was also on behalf
9 of Wildlife Conservation Society, the Humane
10 Society and Project AWARE Foundation. So, I won't
11 go into all the details of that but I did just want
12 to clarify two points because of the slides that
13 talk about what the comments said.

14 So, briefly under alternative A1, the
15 fins attached alternative, there is a bullet that
16 said there was concern that not having fins
17 attached would jeopardize the U.S. reputation at
18 RFMO level. And I just wanted to clarify that it
19 is more than the reputation. As we tried to
20 explain, it is more about the negotiating stance
21 and the ability of the U.S. to strongly promote and
22 achieve our goals to strengthen international
23 finning bans to fins attached requirement. So,
24 not just about the reputation.

25 And also a bullet that was missed or a
26 big concern that we spent a lot of time on our
27 comments was arguing that the fins attached
28 approach is widely considered to be the best
29 practice and we had serious concerns about the
30 ratios being difficult to enforce and,
31 specifically, the 12 percent ratio being the most
32 lenient in the world, which could risk undetected
33 finning and high grading. And we also pointed
34 specifically to the NMFS Amendment 3 findings that
35 requiring that the fins remain attached on
36 smoothhounds was necessary for proper enforcement
37 and species ID and specifically saying that the
38 fins and carcasses of smoothhounds could be
39 misidentified with those of small coastal sharks,
40 juvenile live coastal sharks and spiny dogfish.

41 So, having explained and stressed all
42 that, we do recognize that your actions are
43 constrained by the actions of Congress. So, I will
44 just continue to consider that to be highly
45 unfortunate.

46 And one last clarification on the
47 quota, I had an opportunity to talk to Karyl a bit
48 yesterday and I just want to make sure that it is

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1 clear that not everyone supported this scientific
2 advice for the quota with a delay, if it wasn't
3 ready. So, we supported the scientific advice,
4 what the position was and if it is not ready to go
5 with the E1, the original quota. So, I didn't want
6 there to be a perception that we supported delaying
7 the amendment. And then the last point is just
8 that the final rule coming in the fall, to me, that
9 was a bit of a surprise. I came out of the last
10 meeting thinking it was going to be closer to the
11 first part of the year but I did check the record
12 and it just said last time 2015. So, that might
13 have been my own misperception of the timing but
14 also take the opportunity to urge you to finalize
15 as soon as possible so we can have all our shark
16 fisheries in this coast be regulated. Thank you.

17 FACILITATOR LEA: Thank you, Sonja.
18 Robert and then Mike and then Jeff.

19 MR. HUETER: Oh, I'm Robert now.
20 Okay. I thought my mother was calling me.

21 (Laughter.)

22 MR. HUETER: Thank you, Alexis for a
23 nice presentation, very interesting.

24 A couple of questions. Two questions
25 and a comment. On the East Coast Gillnet Fishery,
26 do we have any observer coverage of this fishery?
27 Is there any observer coverage required, mandated,
28 any plans for observer coverage, or are we just
29 looking at VMS and that Florida track? And what
30 do we know about bycatch in this fishery?

31 Sorry to go over old ground but I was
32 not at this stock assessment. So, can you comment
33 on that at all?

34 MS. BREWSTER-GEISZ: So, the answer is
35 yes, we do have observer coverage on that portion
36 of the fishery. That is where most of the gillnet
37 fishery -- traditional shark gillnet fishery has
38 been, although there has been sufficient gillnet
39 coverage going up the coast. But yes, John Carlson
40 and the observer program down in the southeast does
41 a lot of observer coverage off the Florida East
42 Coast.

43 MR. HUETER: But what about this main
44 fishery off of New York, and New Jersey? What sort
45 of observer program do they have?

46 MS. BREWSTER-GEISZ: So, the observer
47 coverage of the smoothhound portion, there is --
48 it is mostly done out of the northeast and they do

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1 do a lot. We are right now looking to see what the
2 observer coverage is complete, combining both what
3 John does for sharks, along with the what the
4 northeast does overall with the multi-species
5 gillnet observer coverage.

6 We do have the data. We are just
7 combining it. It is a lot. So, we just don't have
8 the exact percentages quite yet.

9 MR. HUETER: So, my concern is the
10 allowance for removal of the fins at sea. And
11 Sonja is going to punch me when I say this but in
12 talking with the fishermen or prosecuting this
13 fishery, I have been convinced of the efficiency
14 of doing this at sea in that particular fishery.

15 And so my comment is that we need to
16 monitor this very closely because we are basically
17 trusting this fishery. This fishery solely is the
18 only shark fishery that is allowed to do this, to
19 remove fins at sea. And I would strongly encourage
20 a zero tolerance policy on this fishery that once
21 someone is caught finning or high-grading, that is
22 it and then we go back and we look at these
23 regulations all over again.

24 So, I am okay with the fishery
25 proceeding but the onus is on them to behave
26 properly, as per what they have asked for.

27 My other question is on the quota, this
28 quota, is this -- I am unsure here. Does this quota
29 include the Gulf of Mexico dead discard or is this
30 just for the Atlantic landings?

31 MS. BREWSTER-GEISZ: So, you are
32 asking if the quota we have proposed includes the
33 Gulf of Mexico discards. So, no. What we
34 proposed for the quota would be commercial
35 landings. So, as Enric had said, most of those are
36 for the Atlantic but there a few scattered here and
37 there in the Gulf. So, what we have proposed was
38 a Gulf and Atlantic quota. What we are looking at
39 now under Alternative B4 would be to match that up
40 with the assessments.

41 MR. HUETER: So, this number of 1739.9
42 metric tons is just primarily the Atlantic
43 landings, maximum plus two standard deviations is
44 what you are saying. It doesn't include whatever
45 that number is for the Gulf, though, 150,000 to
46 200,000 animals.

47 If Enric is right, it may be small
48 animals. So, a lower scale of metric tons. It

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1 doesn't include discards in the quota.

2 MS. BREWSTER-GEISZ: Correct.

3 MR. HUETER: Okay, I was going to ask
4 how that was going to be monitored. Well, I hope
5 that all adds up because it is a little scary but
6 as we have seen, the fishery is healthy. I think
7 these guys deserve a shot but, as I said, the
8 responsibility is on them now to do it right. And
9 I think one strike and you are out in this
10 particular fishery, with the exception that they
11 have been granted that the profound impact that
12 Sonja articulated.

13 FACILITATOR LEA: Thank you, Bob.
14 Mike.

15 MR. SISSEWINE: Yes, thank you. I am
16 actually so confused about what the quota will end
17 up being in this. On one of the slides, I guess
18 it is page 25, it says the preferred alternative
19 is this maximum annual landing plus two standard
20 deviations. But we are talking about the
21 assessment, which actually would lead to some other
22 number.

23 I hope the intent is that the TAC ends
24 up being based on the annual catch level and so on
25 is based on the assessment. If it is not, I would
26 just comment that this alternative B3 in red, I
27 would consider to be pretty much meaningless. I
28 mean the idea of just taking maximum catch and
29 adding three standard deviations has no logical
30 basis to it, as far as I am concerned.

31 FACILITATOR LEA: Thank you. Jeff?

32 MR. ODEN: It has been deemed
33 unfortunate that the term unfortunate was used that
34 fishermen are not allowed to process their -- that
35 they are being allowed to process the smoothhound
36 sharks. What is truly unfortunate is the
37 absurdity that is being perpetuated by the myth
38 that fishermen can actually enrich themselves on
39 small coastal sharks, be they smoothhound,
40 sharp-nosed, or whatever fins. I mean they are
41 minimal in value. You are working less than
42 minimum wage and it is the most absurd --

43 What we have to deal with at the dock
44 you know with the small coastals and you may have
45 3,000 to 4,000 pounds and you are there at the dock
46 for hours on end with a fish house waiting for you
47 and the guts end up in the creeks. It is just
48 absurd what we have to go through.

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1 All you have to do with this Shark
2 Conservation Act is list it this way. Retained
3 fins shall be attached.

4 In our case, we cut the fins and the
5 belly flaps off and throw them over on the small
6 coast on the smoothhound. They all go overboard.
7 They are rarely even utilized anymore. The fins
8 are worthless.

9 And you know to this point, I know your
10 best intentions are -- I know where they lie but
11 it is just so misguided. From the fisherman's
12 standpoint, you need to go to the dock one afternoon
13 and just go, live the life of a fisherman before
14 you perpetuate this.

15 And the international level, hey, it is
16 a small coastal. The concerns started with large
17 coastals. That is where the true problem was. It
18 is not with the small coastals. And yes, I know
19 you want to be consistent but it is consistently
20 absurd from our standpoint. Sorry.

21 FACILITATOR LEA: Thank you, Jeff.
22 Pat.

23 MR. AUGUSTINE: Thank you. I just
24 questioned on the 2012 shark BiOp alternative for
25 establishing a soak time limit of 24 hours for
26 gillnet, et cetera, and a two-hour net check time
27 for a check requirement for just gillnet. How is
28 that going to be monitored? I think the response
29 in some of your comments it is pretty unenforceable
30 and unrealistic. Is there a plan to put timers on
31 these or are the fishermen going to be tracked by
32 VMS? How are they going to do this or is this just
33 a wish list to try to put more control on these
34 folks?

35 MS. BREWSTER-GEISZ: So, Pat, are you
36 asking how we are going to enforce net checks?

37 MR. AUGUSTINE: Yes.

38 MS. BREWSTER-GEISZ: Because that is
39 already in place now and has been for almost a
40 decade.

41 MR. AUGUSTINE: I understand that but
42 is it successful? How do we know it is being
43 enforced? What is the device that measures, that
44 tells you or tells enforcement that these nets have
45 been checked consistently on an ongoing basis at
46 a regular time?

47 If the vessel is not being observed,
48 unless it is being tracked on a VMS, how do you

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1 really know that, other than the captain says hey,
2 guess what, I was there within 24 hours?

3 I'm not being a smart ass about this.
4 I know it has been around for a while but how is
5 it really checked? And again, the one on the
6 two-hour net check for drift gillnets, how is that
7 checked via enforcement? Is it or is it just
8 assume that they are honestly doing this?

9 MS. BREWSTER-GEISZ: I think if they
10 were not doing it, then we would have a lot more
11 issues with protected resources, which is why the
12 net checks were put in place to begin with.

13 MR. AUGUSTINE: Okay, as along as the
14 shark fishermen don't mind it, it is fine. Thank
15 you.

16 MR. TAYLOR: I just kind of want to echo
17 what Jeff said and add a little bit of perspective
18 because we are a dealer. And what winds up
19 happening the way that all of these small coastals
20 are being handled just degrades the product, causes
21 everybody, a major tie-up there at the dock, that
22 the premise, and we have all seen the footage and
23 the press, and I don't think that there is anybody
24 in this room that would support the practice of
25 finning and dumping the carcasses overboard. And
26 that was the main reason why the fins were required
27 to bring in attached, to make sure that that was
28 being eliminated.

29 But the only value of small coastals,
30 as well as the dogfish and all these other species
31 is for the core weight of the meat. And so what
32 winds up happening is that when these sharks are
33 brought in and they are not culled from the net,
34 that the value of the product is degraded and does,
35 to a certain extent, even, maybe represent some
36 sort of a public threat from the standpoint of
37 health and the handling on a lot of the way that
38 these small boats are. So, a great deal of concern
39 from us from the standpoint of dealer when the stuff
40 comes in and it hasn't been really removed from the
41 net. And there really is no value. The fins are
42 referred to as chips.

43 As far as monitoring on the vessels, we
44 are trained. We go to classes. We make sure that
45 we know what species that we are looking at when
46 we receive the stuff. And so I am really unsure
47 of this term high-grading that we are talking about
48 in terms of small coastal sharks.

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1 And I think that the problem is is that
2 there is an academic perspective and then there is
3 there is the real world. And as Jeff pointed out,
4 you come and you actually see what this product
5 looks like that these guys are handling and it lends
6 a much different perspective for it and it is an
7 unfair thing that we kind of lump this all in.

8 So, I know that where this is generally
9 going but I am not going to miss the opportunity
10 to still raise this issue again that you can't lump
11 all shark fisheries into one category in the way
12 that you are going to handle it. If this is going
13 to be a legal take species, then common sense
14 dictates that you want the product handled in the
15 most responsible way and allow these guys that are
16 engaged in the fishery that are harvesting to make
17 a living and to get fair value for their product.
18 And that is what you were regulating ultimately
19 against. We need to be very careful that what wind
20 up with is an industry on any level for the amount
21 of regulatory oversight that is being dealt with
22 on the water. There is nothing left. These guys
23 that net fish anymore, you don't see young guys
24 coming into the industry. There is nobody that
25 knows how to stitch the nets and having that deal
26 with the cork lines and with everything else. This
27 is a dying industry and maybe that is exactly what
28 the intention of those that are well more organized
29 is to have. That is not what I hope happened
30 because this is a viable fishery. It is a good
31 product and it does have a place for us.

32 So, understand that nobody is
33 advocating bringing in a big pile of fins and
34 throwing the carcasses over on this. So, Jeff
35 probably could tell me I think we take \$2 or \$1.50
36 a pound on the fins. There is nothing there. It
37 doesn't even cover for the fuel but it is just
38 something that they keep.

39 FACILITATOR LEA: Thank you. Thank
40 you, Scott.

41 Randy.

42 MR. GREGORY: I would like to echo Jeff
43 and Scott's comments as well and ask the Agency to
44 please revisit the Division of Marine Fisheries
45 comments on this issue. If you don't allow them
46 to do the processing, then you are going to end up
47 with wasted product. And you are going to end up,
48 it might as well just be like the fish that are

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1 discarded in the shrimp fishery in the gulf. So,
2 we catch them in several different fisheries. We
3 want to be able to utilize the product. So, we need
4 the ability. Thank you.

5 FACILITATOR LEA: Thank you, Randy.
6 Rusty?

7 MR. HUDSON: Thank you. Rusty Hudson.
8 Having been a participant in the shark fin buying
9 operations since the mid-80s, chips are just what
10 they are, extremely low value. I used to joke that
11 was poor man's soup and there is just such a lack
12 of demand for that.

13 With regards to the smooth dog and even
14 the small coastal sharks like sharpnose and stuff,
15 we honestly don't have a great value for those fins.
16 It is a meat market. Handling those animals one
17 time at the point of being in the ocean versus being
18 at the dock is a whole lot simpler, smoother, and
19 then you don't have any issues with hazard analysis
20 critical control points, HACCP. You know that I
21 show we protect our consumers is by having a quality
22 product and that is a big deal.

23 So, I reinforce what Scott and Jeff and
24 Randy just said because there is a certain reality
25 to the way this fishery is prosecuting. Finning
26 is the discarding of, generally, it was perceived
27 as the live shark minus the fins that were of
28 significant value. We have changed that here
29 since July of 1993 with the shark FMP. We banned
30 finning at this body. You know the shark
31 operations team proceeded with the HMS AP but the
32 fact is we did this.

33 Now, have been consulting with the
34 world with the best example of management and you
35 have got to have something realistic that is
36 exactly what the people in the fishing business can
37 do to have that quality product in other countries.

38 So, thank you for listening and, in
39 general, I think we can move on. The smooth dog
40 thing with the fins on for the directed fishery is
41 just the exception is not the rule. All the result
42 of them are naturally attached. There is a lot
43 more people that have took to selling their
44 sharpnosed whole, un-gutted.

45 Now, we have a big problem with some of
46 that at times in the summer back before the shark
47 management plan. We call it green belly. If they
48 get overheated, you have got an issue there. So,

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1 half a dozen of one, two dozen of the other. The
2 main thing is let's make sure that the product we
3 are selling in the meat market is of high quality.
4 Thank you.

5 FACILITATOR LEA: Okay. All right, so
6 Bob and then Marty, quickly, and then we will go
7 to lunch.

8 MR. HUETER: Yes, thanks. Bob here.
9 I just want to say something about this so-called
10 academic perspective that we have heard about. In
11 my case, in the case of me and my colleagues, in
12 my particular case, I don't sit in front of the
13 computer all day long. I have been pelagic and
14 bottom longlines since 1975 and given that since
15 1991 I absolutely fishing with those techniques.
16 It has totally ruined my patience for rod and reel
17 fishing because I love to throw that gear in the
18 water and watch it come back and see what we get.

19 So, those of us who make comments like
20 this, they are based on more experience than this
21 book learning and sitting at the front of a
22 computer. A lot of us do have knowledge of these
23 techniques, if not the actual fishery that we are
24 talking about.

25 And with respect to the comment that
26 this particular fishery is a very low-valued
27 fishery, that doesn't give me any comfort at all
28 with the problem. Because if it is so low value,
29 it seems like that provides a real temptation to
30 possibly fin or high-grade the bycatch. If we
31 blunder into some hammerheads, that might pay for
32 the trip.

33 So, once again, I would say let them do
34 this. It make sense from an industry efficiency
35 standpoint but please, a zero tolerance policy if
36 someone is caught finning or high-grading.

37 FACILITATOR LEA: Okay, thank you for
38 reiterating that. Marty, quick.

39 MR. SCANLON: Yes, I would just like to
40 thank Robert for his open-mindedness on the finning
41 issue, as it pertains to this particular fishery.
42 And with respect to Sonja's concerns about finning
43 in general, I mean we all have that concern and we
44 are always worried about our conception on that,
45 you know, the people's opinion of us on that.

46 But as far as zero tolerance, I agree
47 with zero tolerance in the fishery but that should
48 be on an individual basis, not on a fishery-wide

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1 basis. You know, I mean everybody should be held
2 accountable. If a person individually does
3 something, there should be severe penalties for
4 that individual. You can't hold an entire
5 industry accountable for one person's actions.

6 Thank you.

7 FACILITATOR LEA: Thank you. All
8 right, so we are going to go ahead and break for
9 lunch now and we are going to extend the lunch to
10 1:30. So, if you could come back here around 1:30,
11 a bit of a truncated lunch but we have a lot to do
12 still. So, we will see you in about an hour.

13 (Whereupon, the above-entitled matter
14 went off the record at 12:27 p.m. and resumed at
15 1:41 p.m.)

16 FACILITATOR LEA: All right. So,
17 shark day continues. We are going to start off
18 with a dusky shark update, which should be fairly
19 brief, leaving time for Shark Amendment 6
20 presentation and discussion.

21 So, with that, we will start with the
22 dusky shark.

23 MR. COOPER: Thank you very much. Hi,
24 everybody. Hope you all had a good lunch. I am
25 Peter Cooper. I work in Silver Spring. A lot of
26 the shark stuff we are going to talk about, our
27 buddy *Carcharhinus obscurus*, the dusky shark. So,
28 the presentation is just going to kind of refresh
29 our memory, for the folks who have been on the panel
30 before. It might be an update for people who are
31 new, talking about where we have been with dusky
32 sharks, kind of where we currently are and then kind
33 of what is up next.

34 So, looking back to the SEDAR 21 stock
35 assessment for dusky sharks, the results came back
36 that dusky sharks being overfished with
37 overfishing occurring. The same status that was
38 found in the 2006 stock assessment but it had a
39 different rebuilding time line, going from 400
40 years to 100 years. A rebuilding plan was put in
41 place in Amendment 2 in 2008 and had that rebuilding
42 time of 400 years.

43 The most recent stock assessment
44 indicated that there was a need to reduce fishing
45 mortality on dusky sharks by 58 percent to end
46 overfishing. And the stock assessment used data
47 through 2009.

48 And so, that stock assessment, along

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1 with a number of other stock assessments were
2 incorporated into the development of Amendment 5.
3 So, there were I think six stocks in total when we
4 put together the draft, Atlantic blacknose, Gulf
5 of Mexico blacknose, sandbar, scalloped
6 hammerhead, dusky and Gulf of Mexico blacktip.
7 So, they are all in this kind of one big amendment
8 and some of the proposed measures for rebuilding
9 for dusky sharks that were included in Draft
10 Amendment 5 for the recreational fishing was to
11 increase the recreational minimum size from 54
12 inches fork length to 96 fork length for all sharks.
13 Dusky are prohibited for retention in
14 recreational and commercial fisheries and have
15 been since 2000. This was a way of trying to get
16 at some of the misidentification of bycatch issues.

17 And for the commercial fishery, the big
18 proposed management measures was some hotspot
19 closure areas for pelagic longline fishing gear.
20 We tried to analyze HMS Logbook interactions in
21 medium pelagic fishery and identify specific spots
22 in time and space to try to avoid those interactions
23 with dusky sharks.

24 And we did receive numerous comments on
25 Amendment 5, specifically on the dusky shark
26 measures. And the data sources that we used, the
27 HMS Logbook that I mentioned, the self-reported
28 data and some of our recreational estimates, and
29 the analysis that was used.

30 There is also numerous comments to
31 consider, significantly different approaches that
32 weren't included and the draft that weren't
33 analyzed such as exemptions to a recreational
34 minimum size to land other shark species,
35 especially blacktip sharks and implementing some
36 gear restrictions, instead of additional pelagic
37 longline closures.

38 So, we took this into account and
39 reviewed the comments received and we decided to
40 split Amendment 5 and not proceed with the dusky
41 shark management measures as proposed and take
42 another look at them in a different amendment.

43 But we wanted to keep the other shark
44 species moving, especially with scalloped
45 hammerhead. We had a status determination with
46 overfishing occurring and try to hit our two-year
47 time line to put in our rebuilding plan.

48 So, we went through with the sandbar,

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1 scalloped hammerhead, and blacknose, and Gulf of
2 Mexico blacktip management measures and Amendment
3 5a and that was the final rule came out in July 2013
4 and became effective that year.

5 And then we took the dusky shark stuff
6 and kind of started over. So, we put out a notice
7 of intent to prepare a draft environmental impact
8 statement. And then last year I was up here
9 presenting the pre-draft for that. And then our
10 rulemaking process has been ongoing since.

11 Also during that time, and as all of
12 this stuff with Amendment 5 is Magnuson related,
13 we also have Endangered Species Act petitions that
14 came in, one from WildEarth Guardians and one from
15 NRDC. And they both petitioned to list dusky
16 sharks under the Endangered Species Act.

17 And just to get into that whole process
18 a little bit, so there is a petition that comes in
19 and the Agency goes through a 90-day finding
20 process. And if there is a positive finding that
21 the petitions present substantial information,
22 that a listing may be warranted, that will initiate
23 a status review, which results in a 12-month
24 finding. And our Office of Protective Resources
25 coordinates a status review team, which is made up
26 of different NMFS staff that has expertise in these
27 areas.

28 Once a status review is completed, the
29 Agency takes that into consideration and comes out
30 with that 12-month finding and either finds that
31 listing is not warranted and that is kind of where
32 things end or they find a listing may be warranted
33 and that is when a proposed rule goes into effect.

34 And then there would be a final
35 determination with critical habitat designation if
36 listed, and that sort of thing.

37 So, on these petitions, there was a
38 positive 90-day finding but the petitioners asked
39 for the entire population worldwide of dusky sharks
40 and also the Northwest Atlantic and Gulf of Mexico
41 population. So, range-wide, the petition was a
42 negative finding but while the specific Northwest
43 Atlantic and Gulf of Mexico population, it was
44 positive. So, that initiated that status review.

45 And so when a status review team gets
46 together, they take a look at some of these ESA
47 factors. And if there is significant risk of
48 extinction with any of these factors, it can kind

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1 of kick things over to a threatened or endangered
2 type status. So, the kind of five factors here is
3 is there present or threatened destruction,
4 modification, or curtailment of the habitat range
5 of species. Is there overutilization
6 commercially or recreationally or even for
7 scientific or educational purposes. Is there a
8 problem with disease or competition or predation
9 of a species. And just an overall evaluation of
10 the adequacy of existing regulatory mechanisms and
11 management and just other natural or manmade
12 factors that could affect its continued existence.

13 So, within the status review, the
14 status review team, the conducted a demographic
15 risk analysis and a threats assessment. And for
16 each, each member of the team was assigned to score
17 a place, a risk score of one of very low risk or
18 five to very high risk of extinction on a number
19 of different factors for the threats assessment,
20 all the threats that I just mentioned were ranked.
21 And then for the demographic risk analysis, the
22 team looked at abundance or growth rate of
23 productivity, spatial structure, conductivity of
24 the stock, and just overall diversity.

25 And then they used the results of these
26 to look at an overall level of extinction risk now,
27 currently, and in the foreseeable future. And for
28 the dusky shark population, the foreseeable future
29 was determined to be 30 years that we could somewhat
30 accurately predict what would be happening then.

31 So, the status review document became
32 available in October and it contained recent
33 information on dusky sharks, you know stock
34 assessment information and then other information
35 that was compiled since then. And you know the
36 extinction risk analysis. We have got the URL of
37 the status review there, if you would like to check
38 it out in more detail.

39 But just getting down to the results,
40 the status review team determined that the
41 Northwest Atlantic and Gulf of Mexico dusky shark
42 distinct population segment has a low risk of
43 extinction currently now and in the foreseeable
44 future.

45 And then the Agency took that
46 information into account and went forward to kind
47 of finalize that 12-month finding. And that came
48 out in December and that determined that that

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1 population does not warrant ESA listing at this
2 particular time.

3 So, one thing I want to point out from
4 this status review was some additional analysis
5 that was done by some of the NMFS scientists. And
6 if you take a look at some of the data, dusky shark
7 numbers were estimated to have declined about 74
8 percent from virgin levels by 2004 but then started
9 showing this gradual increasing trend through
10 2009. So, some of our scientists continued
11 looking at some of the fishery independent surveys
12 that were used in the stock assessment. The two
13 that were used in the base model, the Northeast
14 Fishery Science Center, Coastal Shark Bottom
15 Longline Survey and the VIMS Shark Longline Survey.
16 And then also the University of North Carolina
17 Shark Longline Survey that was used in some of the
18 sensitivity run and kind of continued out from what
19 was done with the stock assessment and did an
20 updated analysis on indices of abundance.

21 And you can kind of see, we have got 2015
22 at the end and 2010. So, from 2009 is what we had
23 before in the stock assessment and so we have got
24 this continuing trend of increased indices of
25 abundance in dusky sharks in all three of these
26 surveys, especially the top line. The red for the
27 Science Center Survey seems to be going up pretty
28 substantially. So, this was some new recent
29 information that had been available before.

30 So, with that being completed, some of
31 the other things that we kind of wanted to consider
32 regarding dusky sharks was that the SEDAR stock
33 assessment that used data through 2009. And so,
34 we have these abundance trends that show positive
35 trends since then. And then also considering that
36 Amendment 2 was implemented in July of 2008, which
37 had considerable impacts to how the bottom longline
38 shark fishery is prosecuted and what the target
39 species are. And we see in some of our data is that
40 you have strong correlations between interactions
41 with dusky sharks and catches of sandbar sharks,
42 now that sandbar sharks are no longer targeted by
43 most of the commercial fisheries, the bottom
44 longline fishery, except for within the shark
45 research fishery. Those sorts of gains from
46 Amendment 2 might not have been realized in the
47 SEDAR 21 stock assessment data that was used.

48 Dusky sharks have been prohibited from

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1 retention in commercial and recreational fisheries
2 since 2000. That is the way new studies at age of
3 maturity for dusky sharks is around 17 years. So,
4 the effects of those regulations could take some
5 time to realize a population change.

6 And then there is other impacts from
7 other regulatory amendments, especially Amendment
8 7. We talked a lot about that yesterday. We also
9 had with our swordfish quota specs proposed rule,
10 talking about some of the reduction in swordfish
11 catch and effort last year, whether that is a trend
12 or a blip. I'm not sure but it is something to
13 consider.

14 And so moving forward, we have
15 rearranged the SEDAR stock assessment schedule a
16 bit. So, the previous schedule was for in 2016 to
17 have a benchmark assessment for Atlantic blacktip
18 sharks and an update for Gulf of Mexico blacktip
19 sharks. And then 2017 was still to be determined
20 and 2018 was supposed to be dusky sharks.

21 So, we have moved dusky sharks up to
22 2016 and tried to take another look. And then the
23 revised schedule would take a look at Gulf of Mexico
24 blacktip on that update in 2017. And then after
25 2018, look at Atlantic blacktip.

26 And the hope is that that stock
27 assessment in 2016 for dusky sharks would use data
28 through 2015.

29 But there is also things that can be
30 worked on as we go either through Amendment 5b or
31 through other mechanisms. And I think that what
32 came out in the comments that we received in Draft
33 Amendment 5 was that we want to look at improving
34 our data and also improving our outreach and I will
35 say the word, Bob, education here to reduce
36 mortality on dusky sharks. We want to educate.

37 So, and that could be simplifying
38 recreational regulations. We have heard from the
39 panel that maybe just prohibiting all ridgeback
40 sharks might reduce confusion, take a look at that
41 key characteristic that you can point out and that
42 people can identify so that you don't have those
43 accidental or unintended retentions of dusky
44 sharks, which we have seen.

45 We could also consider other things
46 like adding shark educational information to HMS
47 angling and charter/head boat permit website for
48 anglers intending to retain sharks. So, if you are

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1 going to get your permit, you are going to have that
2 educational information right there.

3 And then also trying to figure out what
4 is our universe of HMS recreational anglers that
5 are looking to retain sharks or that are targeting
6 sharks and that sort of thing. Right now, if you
7 have got a angling or charter/head boat permit,
8 that gives you access to sharks and swordfish and
9 the lot of HMS species. But it doesn't -- is all
10 30,000 people that have an angling permit looking
11 to fish for sharks?

12 So, being able to narrow that down a
13 little bit, we have also heard from the folks at
14 S&T that that would help improve some of our MRIP
15 estimates.

16 And then just incorporating that to
17 improve with just not only the data, but just
18 understanding that these sharks are prohibited and
19 that sort of thing.

20 On the commercial side of things, in
21 Amendment 5, as I talked about earlier, it was
22 targeted to the commercial pelagic longline
23 fishery in the bycatch that is occurring there kind
24 of because we have taken care of what we consider
25 taken care of, some of the issues with bottom
26 longline fisheries in Amendment 2 and also have
27 taken steps to limit interactions within the shark
28 research fishery.

29 So, instead of closing the areas, maybe
30 it is reducing bycatch mortality through promoting
31 best practices and we have talked about these
32 things, releasing all sharks that aren't going to
33 be retained with the minimum amount of gear so that
34 they will have a better chance of surviving.

35 You know cooperation within the pelagic
36 longline fleet to report areas of high dusky shark
37 interactions. That was a comment from one of our
38 Advisory Panel members and we received other
39 comments to try to consider approaches that were
40 used with some of the pelagic longline take
41 reduction team reporting requirements. Well, not
42 necessarily requirements but best practices and
43 including shark identification, information
44 during the sea turtle handling and release
45 workshops to improve that data. That is also
46 things that we have heard is that I can't identify
47 sharks; I don't feel comfortable reporting that.
48 Getting accurate, the best data that we can get.

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1 So, that is all I have here on dusky
2 sharks for our update and I will open it up for
3 questions or comments.

4 FACILITATOR LEA: That was quite a bit
5 of information. Thank you.

6 Rusty, did you mean to have your card
7 up? Okay.

8 MR. HUDSON: Thank you, Peter. Rusty
9 Hudson.

10 Having participated in this stock
11 assessment, CR 21, the use of the catch free model
12 and they also had a hierarchical model that was
13 used, the fact that you have now scheduled it for
14 next year, that is, I don't believe going to be a
15 full benchmark nor a standard assessment. I would
16 assume it is just an update. Is that correct?

17 MS. BREWSTER-GEISZ: That's correct.

18 MR. HUDSON: Most updates in-house for
19 the Southeast Fishery Science Center, once they
20 have got the data assimilated can be accomplished
21 in a very short period of time, three or four months
22 probably. And I would suggest that doing that and
23 looking at this CPUE data that is showing up on your
24 independent surveys would be useful. And then you
25 have your observer data that is a little more
26 problematic because you don't have enough coverage
27 up in the regions where the nursery ground is. And
28 that is where you are going to have the large volume
29 of sub-adults and juvenile duskies. And the
30 fisheries will be interacting with those more and
31 more as that population explodes.

32 And the other shame is that CFIS, since
33 2010 creation, has not been able to, nor MARMAP or
34 some of the other folks that would need a longline.
35 And if you were in 600 to 900 foot of water, anywhere
36 from Jupiter Inlet on up to Georgia right now, you
37 would be getting loads, and I mean thousands of
38 adult duskies as big as they grow. This is normal.
39 They are coming up from overwintering down in
40 Mexico and stuff like some of our sandbar sharks
41 that are highly migratory tend to do. This is that
42 time of the year and then they will move on up to
43 the north. Come this fall, they will move back to
44 the south and that is, again, another opportunity
45 for the National Marine Service, CFIS, or somebody
46 with longlines to go and do some sampling.

47 I would say that you also need to work
48 with some stakeholders and go do some sampling

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1 besides so that you can get some age and growth
2 material and other types of catch per unit effort.
3 It probably wouldn't take many hooks, 50, 100,
4 stuff like that, just knowing where to be and how
5 to do it.

6 The only couple of things I see missing
7 here, of course, is you would have to dig into the
8 reason why this distinct population segment wasn't
9 included into a situation in BSA listing. And
10 personally, the expanded tag recoveries on down
11 towards Central America is showing that this
12 distinct population segment cutting off at
13 Campeche isn't adequate anymore.

14 And because the genetics seem to show
15 two things. One, that this population seems to be
16 one stop throughout its range in the Atlantic
17 Ocean, no genetic variation there and that is a good
18 thing. That means that even as some comments were
19 submitted that if it was extirpated in one region,
20 like Mexico, it was just a for instance, since 16
21 percent of our tag recoveries came from there. Up
22 in our area, we are protecting them, except for this
23 bycatch scenario and this very thin definition of
24 overfishing occurring that you need to stop.

25 I believe that we have a strattling
26 stock issue as I have been saying for 22 years and
27 it is a type of thing that we need to do something
28 with those other countries in order to work with
29 that.

30 The other thing that I was hoping that
31 this one fellow in Bermuda was going to continue
32 working on is what they call the oceanic dusky and
33 the variation between those, which is what we call
34 the Galapagos isn't that much different.

35 You know, we have a scenario that is
36 much similar to like the Caribbean sharpnose and
37 the Atlantic sharpnose. The Caribbean sharpnose
38 doesn't exist in Florida. We didn't even have a
39 rule to protect them down there.

40 So, these are the type of things that
41 bother me a little bit but I do like the increasing
42 trends on the CPUE for the juveniles because that
43 is mostly what these fisheries will do. Maybe
44 there is a little bit of stuff on the larger animals
45 and the large pelagic survey. I don't know. I
46 would have to see. But we are not part of an
47 update. At least, that is not the way the new rules
48 are with Southeast Fishery Science Center. It

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1 used to be like with the red snapper Gulf, they
2 would have a webinar and the participants from
3 stakeholders but I don't believe it is going to be
4 any of us.

5 So, behind the closed doors, they will
6 go ahead and do whatever and I'm not certain who
7 is going to do your review. If it is an in-house
8 anonymous review, kind of a like a couple other
9 sharks, like hammerhead and stuff.

10 But again, get it done. Let's see what
11 our latest status is. Maybe we will carve another
12 50 years off of the previous 300 we have already
13 carved off of this rebuild plan and get down to the
14 reality. Any of these fisheries that interact
15 with duskies is not going to be able to avoid them.
16 They are going to find more and more of them because
17 they are going to be ranging outside of the normal
18 regions. And this is what I came in with the
19 message about the sandbar shark. This is what we
20 are seeing. We are seeing them closer to the beach
21 and in larger numbers and interacting with all of
22 our fisheries than we have ever seen.

23 And so looking at the revised list of
24 scheduling, it still bothers me as to why you want
25 to go ahead and do the Gulf blacktip. That was a
26 great assessment, not overfished, not overfishing.
27 You could have increased it. I would like to see
28 you do this dusky update, stop there, go ahead and
29 do the sandbar now, where you have that Gulf
30 blacktip, and then you are going to do an update
31 for Gulf blacktip. So, put that in your closed
32 door thing. But that sandbar should be a full
33 benchmark and it is very important. It was 55
34 percent of our fishery until 2008.

35 And so with all that said, thank you.

36 FACILITATOR LEA: Thank you. Did you
37 want to reply to anything? No. Okay.

38 Valerie, did you have a card up? Okay,
39 Valerie.

40 MS. VALERIE MILLER: Thanks. And I
41 want to say thanks to everyone, first of all, for
42 all of the great discussions and conversations on
43 my first official meeting. I look forward to
44 learning from all of you over the next day and
45 future meetings, too. So, I appreciate it.

46 And thanks, Rusty, for your comment. I
47 agree with you on the need for international
48 cooperation. I have been working with partners in

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1 Mexico and Cuba to better understand the species
2 composition of their catch.

3 And it is encouraging to hear that there
4 will be an update to the dusky assessment in 2016,
5 now, which is sooner. But the species is still
6 overfished and currently, with the data from the
7 SEDAR stock assessment it appears that you need a
8 58 percent reduction on fishing. And even with a
9 prohibition, it doesn't seem like we are heading
10 in the reduction that is needed that dramatic of
11 a reduction. And to reach that, it seem like it
12 would require extremely severe and burdensome
13 closures or other limitation. If you stick to the
14 conventional methods and measures that were
15 outlined in the predraft, the predraft didn't
16 provide any detail in what would exactly be
17 required but we are really concerned that it would
18 have significant economic and social impact on
19 those who fish for sharks and swordfish, tuna, and
20 other resources, whether commercial or
21 recreationally. I assume the measures would have
22 to be extremely large closures to achieve the 58
23 percent reduction. And under these
24 circumstances, we think it makes sense to take a
25 look at right space management and cooperative
26 management, as we recommended in the letter we
27 submitted in January. It seems appropriate to
28 consider these types of methods and alternatives,
29 since similar tools are being used in the bluefin
30 tuna management program currently. I wanted to
31 know if you could discuss why these types of right
32 space management alternatives are outlined in the
33 presentation. And if you have any idea of what the
34 time line is for getting protections in place, if
35 that is being postponed until the next update. And
36 then lastly, my last question is what do you
37 consider the ACL for duskies to be currently. It
38 seems like the prohibition has taken the place of
39 establishing an ACL. And we wanted to know what
40 you think about that.

41 Thank you.

42 MR. COOPER: Well, there are some
43 differences between dusky sharks, and especially
44 considering the pelagic longline fishery and
45 bluefin tuna. Bluefin tuna is easier to identify
46 species, rather than dusky sharks, where pelagic
47 longline fishermen aren't keeping any of those
48 similar brown shark carcharhinids that look the

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1 same because they can't. So, sandbar sharks,
2 dusky sharks, silky sharks, they are coming up and
3 they are just getting cut off. So, a lot of people
4 aren't really being able to identify them well.

5 And so, that is one component of it.
6 And I am trying to think of what else we have
7 outlined on that. It was kind of the -- oh, yes,
8 and bluefin can be kept, too. It is something that
9 can be landed. So, we have that sort of landings
10 information. We don't have that with dusky
11 sharks.

12 As far as time line, I don't think we
13 have a set time line. One thing to consider is that
14 Amendment 5b has been deemed significant by the
15 Office of Management and Budget. So, a lot of
16 times the time line would be out of our hands, once
17 we moved it along.

18 And then ACL, at this time, is as close
19 to zero as possible.

20 FACILITATOR LEA: Thank you. Pat?

21 MR. AUGUSTINE: Thank you. Good
22 report, Peter. It is hard to follow Rusty and then
23 Valerie. So, I will do the best I can to hold
24 myself up here to standards.

25 Quick question. There was a report
26 that was put out by Shelley Dawicki in the coastal
27 shark survey tags, about 1800 sharks during 2012.
28 And according to this document, it looks like there
29 was a high number of duskie caught in this survey
30 using longlines. And the survey is conducted
31 every two or three years.

32 I am wondering if this one of the
33 documents and resources that will be considered
34 along with the 2016 data survey that is out there.
35 We have a copy of that, if you would like to get
36 it. I got it from Jeff. It is pretty promising.

37 The sharks are definitely overfished
38 and overfishing is occurring, as far as we know.
39 But looking back at the fact that the last real
40 assessment was done in 2009, it sure makes one
41 wonder with what the commercial fishermen are
42 reporting that they are catching in terms of
43 duskie, is how that population is expanding.
44 And, as dusky indicated, they travel, they really
45 travel. So, where are they when the survey is
46 going down?

47 The second point, there was a note here
48 that one of the recommendations would be to have

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1 been increasing the recreational minimum size to
2 96 inches, whether it ever occurs or not. The
3 question I would have is do we have records of
4 reports of recreational fishermen, party boat,
5 charter boat people, indicating what they have been
6 catching in the way of dusky sharks, if they are
7 not permitted? So, would it do any good to
8 increase the minimum size to anything, other than
9 what it is right now?

10 A series of two or three questions, it
11 just seems that might be kind of like an overkill.
12 If they are not allowed to keep them, put it at 200
13 inches. Put it at 30 inches. I don't know if you
14 can respond to that, Peter, or not, but two things
15 that kind of jump out at me.

16 This big concern about this more recent
17 data that is available out there, whether or not
18 it would be used and that kind of data would help
19 bring credibility to the 2006 stock assessment.

20 MR. COOPER: I'll start with your
21 second one. So, in Amendment 5, the idea was to
22 increase the recreational minimum size to what was
23 50 percent maturity for dusky sharks. And then it
24 is actually rounded up to 96, just to make it eight
25 feet for enforcement, ease of enforcement and that
26 sort of thing. But that was one of the things we
27 kind of stepped back from and are reconsidering.

28 In the data, in the landings data, there
29 may be a few reports in the recreational data of
30 sharks over that size but not many. In a lot of
31 the recreational data because dusky sharks are a
32 rare event and the MRFS and MRIP data that you get
33 these yearly fluctuations of nothing, nothing,
34 then thousands of sharks and high percent standard
35 errors and that sort of thing, just because the
36 survey really wasn't designed for those rare event
37 species.

38 And then as far as the survey, I wasn't
39 familiar and I didn't really catch what you were
40 saying. So, I don't know if you are familiar with
41 it, Karyl.

42 MS. BREWSTER-GEISZ: Yes, so you are
43 asking if we would use that survey in the article
44 that you pointed out in the new assessment.

45 The assessment in 2016 will be an update
46 and what that means is they take the model structure
47 that was used, the data that was used and they add
48 years on the data. So, they wouldn't be using new

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1 surveys or new data structures such as that. They
2 will be using the indices that Pete showed you.
3 The assessment relied heavily on four
4 fishery-independent indices. One of those
5 indices is a historic indices. It doesn't happen
6 anymore but those three that Pete showed are still
7 happening. So, that would be updated with,
8 hopefully, 2015 data. That is why we are waiting
9 until 2016, get that 2015 data in, see what impacts
10 Amendment 7 might show by that point. And so, it
11 wouldn't include the new survey.

12 MR. AUGUSTINE: And then one final
13 point. I mentioned this several years ago and I
14 will mention it again because it popped back into
15 my mind. The Littoral Society, that group over in
16 New Jersey that sends out tags to party boat,
17 charter boat people who applied for them, I know
18 we use those tags for literally every shark that
19 we released for the 13 years that I was meeting.
20 And I do know that the reports we got back on an
21 ongoing basis were those sharks traveled many,
22 many, hundreds of miles or thousands of miles and
23 it was kind of neat to see that someone else had
24 caught that animal that we caught off of Long
25 Island, caught of Puerto Rico or somewhere in no
26 man's land, and I am wondering, even though it is,
27 I won't call it anecdotal information, it is more
28 than that because a fisherman out in the ocean on
29 a charter boat, caught a shark, tagged it, filled
30 out a card, and sent it in. And then sometime
31 later, one, two, three, four, five, six years
32 later, it got landed somewhere else. Maybe it is
33 anecdotal but I think it is another piece of data
34 that should be thrown into the soup somewhere.
35 Whether you ever look at it or not, it is just
36 another source of information, as far as I can see.

37 MS. BREWSTER-GEISZ: Tagging data is
38 used in the assessment. It is not used as an
39 indices but it is considered and looked at during
40 the course of the assessment.

41 FACILITATOR LEA: So, let me go Bob,
42 Randy, and then Sonja. So and then we are going
43 to move Amendment 6 so we have enough time for that.

44 MR. HUETER: Thank you. And before I
45 start, first I want to beg the panel's indulgence
46 for me to just take a moment and acknowledge the
47 contributions of a great shark biologist, who
48 actually studied this species beginning in the

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1 mid-1950s in southwest Florida and described some
2 of the basic biological aspects of the dusky shark
3 in the Eastern Gulf of Mexico, back when duskies
4 were relatively common to sample in the 1950s and
5 early 1960s, compared to today, where I still
6 haven't seen a dusky shark in the same area where
7 she worked since 1992.

8 And I am speaking of a woman named Dr.
9 Eugenia Clark who passed away a few weeks ago at
10 the age of 92. And she was working all the way to
11 the end as a field biologist. She had a scuba
12 diving expedition in the Red Sea last year at the
13 age of 92.

14 So, a great inspiration to all of us and
15 a role model especially for women scientists and
16 she started our lab 60 years ago. So, I just
17 appreciate the time to just acknowledge her
18 passing.

19 I am a little dismayed that not much
20 progress has been made on this issue but I can
21 understand the issue. There is not much progress
22 since we talked about this a whole year ago but I
23 would like to make two points. One is that the
24 question of what to do with the recreational
25 fishery, in terms of prohibiting ridgebacked
26 species, I would urge you to move ahead on that.
27 I can't see where the downside is and I would
28 implore you to not make an exception for oceanic
29 whitetips. I don't understand that exception.
30 This is the one species in the exception of three,
31 about the tiger, the smoothhound, and the oceanic
32 whitetip. It is in the same genus as the dusky
33 shark. It has the same limited life history
34 parameters. And what recreational fisherman
35 wants to keep an oceanic whitetip anyway?

36 So, I think I might have made this point
37 before. Please, don't make an exception for the
38 oceanic whitetip and go ahead and simplify the
39 regulations to make ridgebacks prohibited for the
40 recreational anglers. I don't think they are
41 going to get much of a lash back on that.

42 The other is that when we did discuss
43 this a year ago, I know we brought up the question
44 of sort of bang for the buck. What is the
45 effectiveness of these various tools in actually
46 reducing this 100-year rebuilding time frame and
47 still not seeing anything on that at all?

48 So, before we decide about other

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1 measures to be put into place, I am very happy that
2 the stock assessment was scheduled for next year.
3 I think that is a very good move. And I would say
4 in that stock assessment, please incorporate into
5 the marching orders that assessment an evaluation
6 of this bang for the buck of what these various
7 measures would do in terms of cutting down the
8 rebuilding schedule. I mean we all know that they
9 will contribute something but what are the most
10 effective measures in terms of rebuilding this
11 population and getting that 58 percent reduction
12 in fishing mortality.

13 FACILITATOR LEA: Thank you, Bob.
14 Randy.

15 MR. GREGORY: Just real quick back to
16 Pat's point. You almost answered the question.
17 The surveys, are they -- on slide 15, the last
18 paragraph, the last bullet announced that only
19 fishery independent time series that is still being
20 conducted, it sound like maybe possibly that
21 something is going to end of those three.

22 MR. COOPER: No, I'm sorry. Online, I
23 think that is a typo. So, that is one that was
24 still being conducted and was used in the
25 sensitivity model. So, I'm sorry about that.

26 MR. GREGORY: So, we're sure they are
27 going to happen in 2015 or reasonably sure that they
28 are conducting those?

29 MR. COOPER: Yes.

30 MR. GREGORY: All right.

31 FACILITATOR LEA: No worries. Sonja,
32 do you want to move to Amendment 6?

33 MS. FORDHAM: Thank you. Thank you.
34 I want to echo the concerns voiced by Bob and
35 Valerie about the lack of progress and,
36 specifically, the oceanic whitetip exception.
37 Second, what Bob said.

38 I will just say that I am usually pretty
39 clear about this process. I appreciate the no
40 surprises goal. And I actually do a lot of
41 bragging about how transparent the process is and
42 how easy it is to find out where we are going. But
43 I will admit that, in this case, I was actually
44 quite surprised. And at the same time, really
45 welcome the encouraging news that you are getting.
46 But like Bob said, it was a year ago that we were
47 talking about it. We are asking for a specific
48 percent reduction in fishing mortality for a whole

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1 range of alternatives. We are definitely going in
2 a clear direction for both recreational and
3 commercial fishing from gear changes to these
4 hotspot closures and new recreational measures.

5 And so to get this presentation, which
6 for me, it is not clear what is next. We heard
7 about the OMB ruling last fall. So, the fate of
8 Amendment 5b, it is just not clear where we are
9 going. There is much less detail. We heard in the
10 fall that the rules in the EIS were under
11 development. And it just seems to me that it is
12 quite dialed back. I am getting that you have some
13 good news and you want to speed up the assessment
14 but it is hard to imagine that a wait and see
15 approach in this case is going to be enough, given
16 the large percent reduction, the 58 percent
17 reduction that we needed in the 100-year rebuilding
18 program. So, really, I mean welcoming the good
19 news but it still seems like there is a lot there
20 to argue that we need to action and continue on the
21 Amendment 5 path in the meantime.

22 So, just for the record, I don't support
23 what seems to be a bit of a wait and see approach
24 and especially not for such a biologically
25 vulnerable species with such a history of serious
26 depletion off this coast.

27 So, I would urge you to move forward.
28 And with that, I have three questions. Two of them
29 are about dusky sharks.

30 Some of the alternatives that we talked
31 about last year, I am wondering if there is any
32 progress in terms of the ones that might be broader.

33 So, like education or different types
34 of gears. Is there any progress for those? We had
35 like eight alternatives for recreational and ten
36 for commercial. And you can get back to me if you
37 don't know it off the top of your head. But there
38 are some that seemed like might not have been
39 specific to Amendment 5b.

40 The second question is -- I should know
41 this off the top of my head but I'm afraid I don't
42 -- that we talked a year ago about ASMFC extending
43 the closure from the mid-July to the end of July.
44 I can't remember if that happened but that would
45 be something that we might be able to move forward
46 with in the meantime.

47 And then the last question is just about
48 whitetip sharks. If dusky sharks are taking the

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1 place of the Atlantic blacktip in the assessment
2 schedule, it just seems a shame to me because I get
3 the feeling from a lot of scientists and a lot of
4 fishermen that a lot of Atlantic blacktip sharks
5 are doing quite well and they are certainly
6 important to the fishery. But unless I am
7 mistaken, they still have this unknown
8 designation, which make it hard for people who want
9 to say sustainable shark fisheries are possible to
10 use it as an example of success like we do the Gulf
11 of Mexico blacktip sharks.

12 Thank you.

13 MR. COOPER: I need to refresh my
14 memory on some of that stuff. So, if you don't
15 mind, we can talk offline about progress that has
16 been made. But I mean there hasn't been any like
17 specific dusky shark educational program that we
18 have incorporated at this point in time. So, that
19 is kind of still where we would be going with those
20 sorts of things and with like prohibiting
21 ridgebacks and that sort of stuff. That hasn't
22 happened yet.

23 The ASMFC closure change has not -- we
24 didn't go there yet. And would you like to talk
25 about blacktip assessments?

26 MS. BREWSTER-GEISZ: Yes. So, the
27 revised assessment schedule. The old assessment
28 schedule had an Atlantic blacktip benchmark and
29 then the Gulf of Mexico blacktip update happening
30 next year. The Atlantic blacktip benchmark was
31 going to be using this same modeling approach that
32 has been used for the Atlantic smooth dogfish
33 assessment. This is a new assessment for a new
34 assessment model approach for Atlantic sharks.
35 Enric is still learning it.

36 Over the next few years, ICCAT has asked
37 for a shark assessment every year. And as some of
38 you know, Enric is also the chair for the shark
39 assessments at ICCAT. So, he is also hoping to use
40 that same model at ICCAT.

41 And so for him, in delaying the Atlantic
42 blacktip until 2018, it gives the opportunity for
43 this model to be used several times in sharks. So,
44 when we do the Atlantic blacktip, everybody on the
45 shark assessment team will know how to use it fully
46 and it will have been tested several times.

47 The Gulf of Mexico blacktip shark
48 update is going to be an update and part of that

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1 is because of the overlap with the ICCAT
2 assessments. The shark team in the Southeast just
3 doesn't have the number of people who can handle
4 a bunch of assessments all at once, as we have had
5 that discussion numerous times in front of this
6 body.

7 So, the dusky shark update, they figure
8 they can do at the same time as the ICCAT
9 assessment. The Gulf of Mexico blacktip update,
10 they think they can do and then the Atlantic
11 blacktips will be a benchmark because we have never
12 done it. There are a lot of issues involved in
13 that, not just the model but trying to get the
14 Atlantic shrimp trawl discard situation figured
15 out. In the past what they have done for the shrimp
16 trawl discards in the Atlantic is they have just
17 used a proportion of what is happening in the Gulf.
18 They are actually trying to come up with real
19 estimates from the Atlantic trawl discards, as
20 opposed to just using a proportion of what has been
21 in the Gulf.

22 So, I think the Atlantic blacktip
23 benchmark will be really good but it will be a very
24 big challenge for them and we know that benchmark
25 assessments used through the SEDAR process take at
26 least 18 months to finish.

27 So, that is sort of just an outline of
28 where we are in the assessments and why.

29 FACILITATOR LEA: All right. So, I
30 said we were going to end this and then I saw two
31 more cards go up. So, if you can be brief but it
32 is already 2:30 and we still need to get to
33 Amendment 6 and monitoring.

34 MR. WEBER: Rick Weber. I can be
35 brief. Sonja asked where the recreational
36 measures went in the dusky. I believe at the
37 January meeting that year we concluded, with Ron
38 Salz's help but a lot of that was an error in MRIP
39 that one or two intercepts had then been expanded
40 into a great deal of tonnage. And that is where
41 a lot of those rec measures went to is largely
42 concluded that we didn't have strong real evidence
43 that we had recreational landings. And two, we are
44 already prohibited. I mean there is not a lot you
45 can do beyond that, though it was needed, of course.
46 But there was no clear indication that it was
47 needed.

48 Second to Bob's point, on rec landings,

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1 I don't follow this closely. I won't say one way
2 or another. On the whitetip, I am constantly
3 cautious of the oh, let's just throw it in there
4 and prohibit it as well. If there is good cause,
5 of course. If there is not good cause, don't throw
6 it in there just cause not many people land it.

7 Thank you.

8 FACILITATOR LEA: Thank you.
9 Finally, Jeff.

10 MR. ODEN: Thank you. As per the
11 severely depleted duskies in the Atlantic Coast,
12 I have got a little anecdotal information that came
13 recently here. Fran, he went out a shark research
14 fishery and said 299 hooks caught 103 duskies in
15 a two-hour soak the other day. That was about a
16 week and a half ago. So, they are very depleted.
17 I just want you to know that.

18 FACILITATOR LEA: All right. Okay, so
19 let's move to Amendment 6. We will go ahead and
20 get started with that presentation.

21 MR. HUETER: Suzanne, can I just make
22 a real quick clarification? Because Rick said
23 something very important and he called me on what
24 I said and I forgot to make the point that Oceanic
25 whitetips deserve to be protected because we do
26 have studies that have indicated them to be
27 extricated from the Northwestern Atlantic by as
28 much as 99 percent. I don't really believe that
29 number completely but we do have empirical evidence
30 to say that they are very depleted. They haven't
31 done a stock assessment. So, I am not just
32 throwing it on the fire as what the heck. There
33 is cause.

34 FACILITATOR LEA: Okay, thank you for
35 that clarification.

36 Guy will now get us going with Amendment
37 6.

38 MR. DuBECK: Hello. So, my name is Guy
39 DuBeck and we are going to be talking about
40 Amendment 6.

41 So, the first slide here is just kind
42 of outlining what the presentation is going to be.
43 As most of you know, we have been talking about
44 Amendment 6 since 2010. We have come up with a
45 variety of ideas to management measures to kind of
46 combat some of the issues facing the shark fishery,
47 for example, like exceeding the quotas. A number
48 of fishermen have left the fishery because of the

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1 declining markets and some of the regulations.
2 And we hope that some of the measures in Amendment
3 6 will continue with the rebuilding plans, prevent
4 overfishing of stocks, promote economic
5 probability of shark fishery participants and also
6 increase equality for all shark fishermen in the
7 different reasons.

8 So, we presented this last slide in the
9 last AP meeting. So, we recently had the Small
10 Coastal Shark Assessment. We did it on the
11 bonnethead and the Atlantic sharpnose sharks.
12 During the assessment, it was determined that there
13 were separate stocks for both species. So, there
14 is a separate Atlantic and Gulf of Mexico stock.

15 Based on a variety of factors during the
16 assessment, the bonnethead shark results came back
17 as unknown for both regions. And then for the
18 Atlantic sharpnose assessment, both regions,
19 Atlantic and Gulf are not overfished with no
20 overfishing occurring. And we are going to use the
21 results from the SEDAR assessment in Amendment 6
22 to establish TACs and quotas.

23 So, here is a quick range of the
24 different alternatives we are going to be talking
25 about. The first one is permit stacking. That
26 was permits where you can stack multiple permits
27 on one vessel to get multiple trip limits or
28 increased retention limits. We received a lot of
29 comments about this that would provide more
30 efficiency and improve markets for the fishery.
31 But then we got comments that a lot of the fishermen
32 thought that it only helped fishermen who have
33 multiple permits and they thought there should be
34 other avenues that we should pursue. But also
35 again with permit stacking is a lot of people start
36 stacking the permits, quotas are going faster
37 because of the higher trip limits.

38 So, based on some of the comments we
39 received during the predraft and other stages of
40 this amendment, we decided to not implement permit
41 stacking at this time. The other alternatives we
42 considered was to stack two or three permits per
43 vessel.

44 So, based on the comments to not move
45 forward with permit stacking, a lot of fishermen
46 thought that we should look at increase in the
47 commercial retention limit for every permit
48 holder.

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1 So, the commercial shark retention
2 limit is based off of -- was established in 2008
3 under Amendment 2. And that is based off of the
4 number of sandbar sharks that would be discarded
5 dead from the number of shark trips that were
6 expected to interact with sandbar sharks. And
7 also over the past few years, the shark research
8 fishery has not been able to fully harvest the
9 quota. During the predraft of Amendment 6, there
10 was a lot of comment about you should consider
11 creating a commercial sandbar fishery. And based
12 on advice from the advisory panel, we are saying
13 that it should not be a good idea at this point,
14 due to the risk of reopening commercial fisheries
15 for targeting overfished stock and also the
16 potential linkage to dusky sharks. So, at this
17 time, we are considering increasing retention
18 limits but actually go back to the research
19 fishery.

20 So, here is kind of a slide of what the
21 quota and landings were for the research fishery,
22 since it was created in 2008. As you can see and
23 also the number on top of each bar is the number
24 of participants that were in the fishery.

25 So, from 2008 through 2011, between
26 seven and ten participants were in the fishery.
27 And the quota was taken pretty close, you know 60
28 to 70 percent of the quota was harvested.

29 In 2012, due to budget availability, we
30 wanted five participants and the quota was really
31 under harvested and then 2013 and 2014, the quota
32 increased based on the payback from Amendment 2,
33 where there was overharvest of the large coastal
34 fishery in 2006 and 2007. That is why the quota
35 increased but the landings, as you can see are much
36 lower.

37 So, to increase the shark retention
38 limit, as I said, we would have to take some from
39 the shark research fishery. So, you can see some
40 of the alternatives we considered, the first one
41 is a status quo, not to do anything. The preferred
42 alternative is to increase the large coastal trip
43 limit to 55 and then we would actually reduce the
44 sandbar shark research fishery to 75.7 metric tons.
45 The other two alternatives we considered in the
46 amendment was to increase it to 72 and also 108,
47 large coastal per trip.

48 So, now we are going to move on to the

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1 sub-regional quotas. So, comments, we received a
2 lot of comments about the season open dates, based
3 on the different sub-regions and the impacts of the
4 migratory pattern sharks have. A lot of the South
5 Atlantic fishermen would prefer an early opening
6 date around January while a lot of North Atlantic
7 fishermen refer a later opening preferably after
8 when the mid-Atlantic Coastal area on August first.

9 A similar scenario was in the Gulf,
10 where some fishermen in the eastern part of the Gulf
11 would prefer opening around Lent while, again,
12 western part of the Gulf fishermen preferred
13 different opening dates.

14 Some of the other issues that were
15 raised during the predraft was that with the
16 sub-regional quotas, we could potentially have
17 different opening dates. There is potential for
18 unequal distribution of the sub-regional quotas if
19 the historical landings were used and also how the
20 splits between the sub-regions would impact the
21 potential quotas. But there could also be some
22 flexibility here with the sub-regional quotas.

23 So, based on some of these comments, we
24 have decided for the following alternatives. For
25 the Atlantic, we are considering establishing
26 sub-regional quota modifying the quota linkages.
27 And then proposing to prohibit the harvest of
28 blacknose sharks in one more of the regions.

29 So, here is kind of a quick diagram of
30 the different latitudinal lines that we are looking
31 at for the sub-regional quotas. As you can see,
32 the red line is the preferred alternative. We are
33 looking at 34 degree latitude and that is around
34 Wilmington, North Carolina. The other
35 alternative is the 33 degree latitude and that is
36 around Myrtle Beach, South Carolina.

37 So, now I am going to go through the
38 different alternatives. The first one is no
39 action. Do not implement sub-regional quotas.
40 Do not adjust the small coastal quota or change the
41 quota linkages.

42 And now I am going to go through some
43 of the other alternatives. First off, I am going
44 to go through all the large coastal alternatives
45 first and then I will switch to the small coastals.

46 So, Alternative C2 here, is looking at
47 the latitudinal line at 33 degrees. In the data
48 analysis we looked at the historical landings from

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1 2008 to 2013. I also want to point out that we have
2 been working with see in North Carolina about some
3 of the numbers. And we will work with any other
4 state with some of the landings numbers. And we
5 noticed that there was a slight error in some of
6 the numbers and we are working with the states for
7 the final rule to correct some of those minor
8 changes.

9 So, if we went forward with the large
10 coastal fishery split, along the 33 degree
11 latitude, the North Atlantic would get roughly 25
12 percent of the aggregated large coastal, while the
13 South Atlantic would get roughly 75 percent.

14 For Alternative C3 is a split along the
15 34 degree latitude. Based on historical landings,
16 the North Atlantic would receive potentially 20
17 percent of the quota of the aggregate large
18 coastal, while the South Atlantic would get 80
19 percent.

20 So, on to the preferred alternative.
21 So, the preferred alternative is actually C3 with
22 a couple of added things. So, Alternative C4 is
23 split the sub-regional quota along the 34 degree
24 latitude. Then also remove the small coastal
25 linkage in the North Atlantic and also prohibit the
26 black fin sharks in the North Atlantic. We are
27 proposing to keep the linkages for the large
28 coastal fishery. Based on this, it is similar to
29 Alternative C3, where the North Atlantic would get
30 approximately 20 percent of the aggregated large
31 coastal quota and then the South Atlantic would get
32 80 percent.

33 So, now I am going to move on to the
34 small coastal quota. As you can see there, the
35 quota would depend on the TACs that we were
36 potentially going to implement later in the other
37 alternatives.

38 So, for the small coastal quota, we
39 looked at the years 2011 and 2012. That is based
40 off of comments we received during the predraft and
41 also from the advisory panel about only focusing
42 on the years where the blacknose fishery did not
43 close down a small coastal fishery. So, there is
44 a full year of data from start to finish. So,
45 everyone could fish year-round.

46 So, under C2 Alternative, the 33 degree
47 line, the non-blacknose small coastal, you see the
48 North Atlantic would get 32 percent of the quota,

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1 while the South Atlantic would receive about 67
2 percent of the quota.

3 For Alternative C3, the 34 degree
4 latitude line, the North Atlantic would receive 30
5 percent of the non-blacknose small coastal quota,
6 while the South Atlantic would receive 69
7 percent of the quota.

8 And then on to the preferred
9 alternative. So, as I mentioned earlier, that we
10 are looking at removing the linkage for the North
11 Atlantic for the small coastal fishery and then
12 prohibiting blacknose sharks from the landings in
13 the North Atlantic. The 34 degree latitude split,
14 you would see the same with the North Atlantic being
15 30 percent of the quota and then the South Atlantic
16 getting 69 percent of the quota. And then we
17 removed the linkage from the North Atlantic area
18 and then prohibit all blacknose sharks from the
19 North Atlantic but keep the linkage from the South
20 Atlantic area.

21 Now, we are going to move on to the
22 Atlantic small TACs and quota. So, currently
23 right now, the base quota is 176 metric tons. And
24 we are proposing the following TACs, based on the
25 recent assessments. Alternative C5, we proposed
26 a decreased quota of 128 metric tons. And this is
27 based on the bonnethead assessments, since
28 bonnethead was unknown status and to be more
29 conservative, we have created TAC and then a quota
30 based on the bonnethead results.

31 The preferred alternative for C6 is to
32 maintain a current base quota of 176 metric tons.
33 The other alternative we consider in C7 is to
34 increase the current base commercial quota, which
35 is the 2014 adjusted quota that the fishery had.

36 Now, we are going to go through the
37 different small coastal alternatives with the
38 preferred alternative sub-regional quota split.

39 So, with the decreased quota of 120
40 metric tons and the percentage splits based on the
41 34 degree latitude, you see the potential
42 sub-regional quota is there for the North and South
43 Atlantic. Based on the preferred alternative,
44 which would be to maintain the current base quota,
45 and then the 34 degree latitude split, as you see
46 on the slide, these were the proposed alternative,
47 where North Atlantic again with 30 percent of the
48 quota and South Atlantic had 69 percent of the

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1 quota.

2 And then also Alternative C7 is to
3 increase the base quota to 264 metric tons and
4 using, again the 34 degree latitude split, these
5 are the potential quotas each subregion would
6 receive.

7 Here is the overview of the proposed
8 alternative sub-regional quotas. As you see there
9 the 34 degree line, you will each one of the shark
10 management groups that were proposed and
11 splitting, the proposed quotas and also the
12 percentage of each of the quota that region will
13 receive.

14 So now I am going to move on to the Gulf.
15 We are considering similar scenarios here in the
16 Gulf by implementing sub-regional quotas,
17 adjusting quota linkages and then proposing to
18 prohibit harvesting hammerhead sharks in one or
19 more of the sub-regions.

20 Here is an overview of the different
21 sub-regional quota splits we are considering. The
22 preferred alternative is the 89 degree latitude
23 there. We also, in the amendment, we considered the
24 88 degree latitude line there that would split the
25 state of Alabama.

26 Again, going through the different
27 alternatives, the first one is no action, to not
28 implement sub-regional quotas, not adjust the
29 small coastal quota based on assessment, or adjust
30 the quota linkages.

31 Alternative D2 -- let me step back real
32 quick. For the Gulf, we are only proposing to
33 split the large coastal manager groups and, at this
34 time, we are not proposing to split any of the small
35 coastal quotas into sub-regions.

36 Like in the Atlantic, we use the same
37 years for the blacktip, aggregated large coastal
38 hammerhead of 2008 through 2013. In Alternative
39 D2, we are looking at the 89 degree longitude split.
40 Based on the historical landings, the eastern part
41 of the Gulf, which would get 34 percent of the
42 landings, while the western part of the Gulf would
43 get 65 percent of the blacktip landings. And then
44 aggregated large coastal would be more of a close
45 to a 50-50 split, where you have got 57 percent of
46 the aggregate large coastal going to the eastern
47 part of the Gulf and then the western part of the
48 Gulf would be 42 percent.

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1 For Alternative D3, it is a split along
2 the 88 degree latitude line. That again, would be
3 splitting the state of Alabama down the middle.
4 The percentages changed slightly, where the
5 blacktip quota in the western part would receive
6 68 percent. And then in the aggregated large
7 coastal, the eastern part would receive more of the
8 quota at 53 percent.

9 Under the preferred alternative, we are
10 going to, again, preferring to use the 89 degree
11 latitude for the sub-regional quota split but also
12 we are proposing to remove the quota linkages for
13 the western part of the Gulf of Mexico and also
14 propose to prohibit harvest of landings hammerhead
15 sharks from that region.

16 So, again, for the blacktip quota, the
17 eastern part would receive 34 percent, the western
18 part would receive 65 percent of the quota.
19 Aggregated large coastal, again, would be 57 on the
20 eastern part, 42 percent on the western part of the
21 Gulf and then in hammerhead quota, we were
22 prohibiting landings of hammerhead sharks in the
23 western part of the Gulf.

24 Here is a review like in the Atlantic
25 where the proposed sub-regional quotas, where the
26 line would be --

27 FACILITATOR LEA: I'm sorry. If you
28 are having like side conversations and stuff, it
29 is getting a little distracting. We can hear it
30 up here. So, it would be helpful if you would just
31 go outside for a bit.

32 MR. DuBECK: So again, here is the
33 review slide. You can see the western part of the
34 Gulf and the eastern part with the large coastal
35 management group split out, what the quota's
36 potential would be and then also the percentage of
37 the quota that each one of the sub-regions would
38 receive.

39 And now I am going to move on to the
40 small coastal TACs and quotas in the Gulf of Mexico.
41 So, currently right now the base quota is 45 metric
42 tons. So, we proposed a few alternatives here.
43 Under Alternative D5, we have proposed to maintain
44 the current base quota of 45 metric tons for the
45 entire Gulf of Mexico and then for Alternative D6,
46 the preferred one, is actually increase the current
47 base quota to the adjusted 2014 annual quota, which
48 was 68 metric tons.

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1 In D7, we are proposing to increase the
2 current base quota to 178 metric tons. The large
3 increase was due to the potential with the
4 bonnethead and finetooth assessment that 75
5 percent of the chance of the boats actually could
6 withstand doubling the quota.

7 And again, this is for the entire Gulf
8 of Mexico and we are not splitting the small coastal
9 and the sub-regions like we are in the Atlantic.

10 And now we are going to move on to how
11 we handle the sub-regional annual quota
12 adjustments.

13 So, here is kind of a -- and there is
14 a lot on this slide but it kind of lays out some
15 of the numbers and how we show how regional and
16 sub-regional quotas would be adjusted based on over
17 and under harvest.

18 So, an example, the quota is 100 metric
19 tons and we do a 50-50 split between the different
20 regions. If the overall under harvest the only way
21 that under harvest can give it back is if the stocks
22 are not overfished and overfishing is occurring.
23 So, currently in the Gulf of Mexico blacktip
24 quotas, if there is under harvest, an example there
25 that 30 metric ton would be split based on the
26 regional split. If the stock is overfished or
27 overfishing are unknown, any under harvest would
28 not be given back in the next year. But if there
29 is over harvest, then it pays back -- then the over
30 harvest payback depends on each one of the
31 scenarios.

32 So, if both regions go over the quota,
33 then both regions will be impacted and they are
34 reduced in the next fishing season. But if only
35 one region is overharvested, then that region, will
36 be impacted in the next year. An example there,
37 where the subregion A was underharvested by five
38 metric tons yet the sub-region B went over by 25
39 metric tons but the overall overharvest was only
40 20 metric tons, then because it went over by 20
41 metric tons, then that overharvest was caused by
42 sub-region B landings, then the sub-region quota
43 in example B would be increased by 20 metric tons.

44 So, we just want to show kind of an
45 example of how we would adjust the quotas from year
46 to year based on these under Amendment 6.

47 Now, we are moving to the last
48 alternative we considered was to modify the

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1 commercial retention upgrade restrictions.

2 So, here is kind of we just laid out the
3 current upgrade restrictions for the shark limited
4 access permits and we are proposing to remove the
5 current upgrade restrictions for the shark-limited
6 access permit holders. That is on top of what the
7 New England and Mid-Atlantic councils are
8 considering modifying the upgrade restrictions.
9 We feel that the limiting factor in the fishery now
10 is the trip limit. It is not the upgrade
11 restriction. So, we feel that removing it at this
12 time -- we are proposing removing it at this time.

13 So, here is kind of quick time line of
14 what we are proposing to do. We are trying to turn
15 this around really fast by this summer so we can
16 get implemented for this fishing year.

17 Here is kind of a look of the different
18 publications we have had. We have done two public
19 hearings in Florida. We did one in Louisiana.
20 Fortunately, the one in North Carolina got canceled
21 due to weather. We rescheduled that for next week.
22 And then we have the webinars, the last on March
23 25th and we also are continuing going to the
24 different councils and commissions.

25 So now I just want to, for the AP we
26 wanted to bring up some of the comments we have been
27 hearing so far on Amendment 6. Again, these are
28 through February 27th. For the commercial
29 retention limit, we got general support for
30 increase in retention limit but there is overall
31 concern that the regional and sub-regional quotas
32 would be harvested quickly. And again, there is
33 concern that the increased retention limit might
34 increase participation or effort in the fishery.
35 And also, we some constituents felt that the
36 proposed retention limit is too high. Since, the
37 overall quotas are not increasing, they feel that
38 maybe meet in the middle somewhere around 45 large
39 coastal per trip and then maybe look at if the quota
40 is increased down the line, to potentially increase
41 the retention limit.

42 And also there is concern that the
43 ration of large coastal, the sandbar sharks that
44 were used to calculate the sub-regional quota and
45 just the sandbar research quota are incorrect.

46 And then also for modifying the
47 commercial retention -- commercial vessel upgrade
48 restriction, again, we get general support for

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1 these alternatives.

2 Now moving on to the sub-regional
3 quotas. So, most of the public comments were
4 general support for the sub-regional quotas.
5 Again, there is concern that fishermen near the
6 borderline would change where they fish when quotas
7 get closer to 80 percent. And then there is also
8 concern about the year's use for landings history
9 when calculated in sub-regional quota. Some
10 constituents felt that we should go further back
11 before 2008 and then some fishermen think that
12 because the fishery has changed so much in the
13 six-year period, that we should focus on more of
14 what is happening lately and focus on from 2010
15 through 2013.

16 Some other comments received was NMFS
17 should consider how to enforce where the sharks are
18 caught and which sub-regional quotas the landings
19 are caught against.

20 So, I apologize for not explaining this
21 earlier but the sub-regional quotas are going to
22 be based nowhere the sharks are caught. Not where
23 it is landed, where it is caught. So, if they are
24 fishing on the other side of the line but land it
25 on the other side, it is where it is caught, not
26 where it is landed.

27 So, some fishermen felt there is
28 concern of how do you enforce that. And then NMFS
29 should consider providing small hammerhead shark
30 quota to the western part of the Gulf, so the
31 hammerhead sharks caught are not wasted. We
32 should potentially look at other sub-regional
33 boundaries, potentially the 32 degree latitude in
34 the Atlantic and that would be at the South
35 Carolina/Georgia state line and also that should
36 increase the Gulf of Mexico blacknose shark quota
37 to an amount comparable to the Atlantic region and
38 also comments that we should implement the highest
39 small coastal TACs and quotas so that is
40 Alternatives C7 and D7, so fisheries are not
41 limited by the bonnethead shark stock assessment.

42 And then there are some of the general
43 comments we received. There is concern about how
44 universities, we talked about this earlier, the
45 increase in the sandbar shark population is
46 impacting other fisheries now. Fishermen would
47 like us to implement a small retention limit, one
48 to three per trip of sandbar sharks in the

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1 commercial fishery. We should consider removing
2 all linkages, especially in the small coastal
3 fishery to avoid any choke species.

4 We also received comments to retain the
5 consistency of the season opening date every year
6 for the large coastal management group. The
7 fishermen felt that we were changing the date too
8 much and it is hard to predict for a business plan
9 upcoming years when we change the opening dates so
10 much.

11 And then we received comments that to
12 open and close the large coastal and small coastal
13 management groups together because of the
14 potential discards that are occurring in both of
15 those fisheries while they are targeting each
16 other.

17 And also, we received comments that
18 because right now there is no direct linkage
19 between the blacknose managing group quota and also
20 the aggregate large coastal and hammerhead quotas
21 -- excuse me, blacktip.

22 So, we received comments that we should
23 close the blacktip and aggregate large coastal
24 management groups together in the Gulf of Mexico
25 and also just some general questions on the opening
26 dates and whether they should all be the same or
27 should we look at different opening dates in
28 upcoming years.

29 So, the public comment for Amendment 6
30 is open until April third. Here is how you can make
31 comments, through regulations.gov or calling us up
32 or sending information into myself, Karyl, Margo,
33 LeAnn.

34 And then also, I will take any questions
35 or comments right now.

36 FACILITATOR LEA: All right. Well, I
37 saw Rusty and then Terri, and then Jack.

38 MR. HUDSON: Rusty Hudson. I'm not
39 sure how everybody is really going to want to go
40 between these two zones on the Atlantic side but
41 one thing that I have already suggested in an email
42 recently, when we are talking about the blacknose
43 shark linkage that you are going to maintain in the
44 southern region but eliminate in the take in the
45 northern region, 34 degrees and on north, with the
46 blacknose and its small allocation of 36,000 pounds
47 using your 80 percent rule, I really believe that
48 with your electronic reporting you should be using

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1 a higher number than the 80 percent. And at the
2 same time, I would strongly suggest to implement
3 at least a 200 pound trip limit on blacknose. That
4 way, you don't have somebody going out there
5 catching 2,000 or 4,000 pounds and then you can do
6 the match on that 80 percent of 36,000.

7 With that said, the other thing that a
8 lot of folks have suggested is a large coastal shark
9 start date on the Atlantic side. The March first
10 is what I think a lot of people might want besides
11 the January first. You might want to put both
12 those alternatives out there or make a decision on
13 it, based on comments that we will try to submit.

14 But the July first is just untenable.
15 We have a lot of fisheries that start on January
16 first -- not a lot but a few. And then they are
17 pretty much played out by March. So, March will
18 give them something to do until our shallow water
19 group or any of our other stuff, all these guys are
20 multi-tasking. And so that would be two of the
21 strongest suggestions, a blacknose trip limit to
22 be able to deal with that. I don't think you have
23 to worry about a trip limit in the southern zone
24 because we don't have a lot of gillnet that is going
25 to be doing stuff. There are some nets that caught
26 some small coastals this January and I think they
27 had another occasion of that. But it is just ways
28 to kind of achieve optimum yield. Otherwise, we
29 are leaving small coastal sharks on the table by
30 the hundreds of thousands of pounds several years
31 in a row. That is underfishing. That is not
32 optimal yield. And so a simple fix like a 200 daily
33 trip limit would be extremely useful.

34 So, I have other thoughts. We will be
35 submitting that via written comments after I get
36 together with the consortium of people at the East
37 Coast fishery section and a lot of other
38 independents that are interested.

39 And so thank you and I will probably be
40 calling you, Guy, on a few things.

41 FACILITATOR LEA: Thanks, Rusty.

42 MR. DuBECK: Real quick. Thanks,
43 Rusty. I just wanted to clarify -- so you said the
44 200-pound trip limit for black fin sharks.

45 MR. HUDSON: Dressed weight.

46 MR. DuBECK: Dressed weight, yes. So,
47 I did a quick analysis after the council meeting
48 you brought that up. And about a quarter of the

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1 trips from 2011 and I mean excuse me 2013 and 2014,
2 only a quarter of the trips landed more than 200
3 pounds of blacknose per trip.

4 MR. HUDSON: What would have been the
5 maximum landings that have caused us to be closed
6 down a year or two here now? I think one year we
7 were able to be somewhere around 90 something
8 percent on the blacknose so we were able to fish
9 the small coastal. But was it in the four figures?

10 MR. DuBECK: The maximum landings,
11 yes.

12 FACILITATOR LEA: All right, Terri.

13 MS. BEIDMAN: Hello. I actually
14 attended a couple of these hearings up on my neck
15 of the woods. And the predominant theme is that
16 we are getting boxed out because we weren't able
17 to have any quota available to us because we started
18 in July and we have been historical participants
19 since the 90s and now we are being, essentially,
20 phased out by virtue of splitting these quotas, as
21 you have, because they really haven't had a shock
22 to try to even harvest them.

23 So, that now we are making it a de facto
24 fact here. They would have been fishing if they
25 would have been able to. A July first opening is
26 late and often the quotas were filled. So, they
27 were not able to fish in them.

28 So, I am curious. Do you have the --
29 I'm sure you have the information on what the
30 historical percentage is of historical catch in
31 these areas that you are identifying prior to 2008
32 and, in particular, maybe past 2002, even.

33 So, I looked at the numbers for your
34 large coastal sharks, for instance. And you have,
35 right now the way that you have it preferred, you
36 have less than 20 percent of the quota is for the
37 northern area and the balance over 80 percent for
38 the south. And I think that is a function of when
39 the fish are around and when people can fish and
40 the type of weather. And perhaps a March first
41 opening might level that to where, at some point,
42 you might be able to balance those apportionments
43 a little better because I know those folks up there,
44 they never really had a chance and now you are
45 rejiggering everything and they are never going to
46 have a chance. So, they feel like they got pushed
47 out.

48 So, I am bringing their concerns to your

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1 attention. I know they commented during hearings.
2 I have heard them. So, maybe it is a March first
3 start and then take a look at reapportionment down
4 the road might help. So, those are my remarks.

5 FACILITATOR LEA: All right, thank
6 you. Jack.

7 MR. COX: Jack Cox. This is my first
8 AP meeting, I appreciate you -- HMS meeting. I
9 appreciate you guys having me here.

10 Nothing really specific to this
11 amendment but in general, for the south Atlantic
12 area. So the South Atlantic council is undergoing
13 a visionary process, where we are going out, the
14 council and the staff is meeting with stakeholders
15 through our region and we conducted 27 port
16 meetings in 2014. And we have just heard a lot of
17 the majority of the stakeholders come back with
18 comments regarding the increasing abundance of
19 sharks in our region.

20 I don't really come with any
21 recommendations. I just like to have those
22 comments known that the stakeholders, recreational
23 and commercial are finding it difficult to interact
24 with species in the snapper grouper complex due to
25 the increase in the abundance of sharks, a lot of
26 them that we are talking about here today.

27 So, really, no recommendations but I
28 hope that if you guys will help us find a way to
29 increase harvest in some of these species. Thank
30 you.

31 FACILITATOR LEA: Thank you. David.

32 MR. STILLER: Yes, so when we talked
33 about the whole blacknose thing over and over with
34 Guy and Karyl, it seems like HMS doesn't want to
35 get rid of the blacknose period. If you are not
36 going to let us catch any amount of them, just make
37 it a prohibited species where it is not a choke
38 species and doesn't cut off the quota like it did
39 in the Atlantic with that 350,000 pounds that were
40 left on the quota last year.

41 If they don't want to seem to go with
42 that alternative, maybe make it a 100-pound trip
43 limit in the Gulf. And I have been wondering why
44 there was an overfished status on the blacknose in
45 the Atlantic and an unknown in the Gulf but the
46 quota for blacknose is ten times higher in the
47 Atlantic than it is in the Gulf. I haven't really
48 figured that out yet.

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1 Anyway, then on the 55-head trip limit,
2 on the finetooth, I think 55 head would be fine but
3 for the gillnet boats, our fish are about half the
4 size. I have worked up the numbers. It would take
5 105 head in a shark gillnet to equivalent 55 head
6 on a longline and there is not many gillnetters.
7 I don't know. I mean you all know all the ones
8 there are, six or eight, maybe in the Atlantic and
9 the Gulf. I don't know but I like to see that,
10 since I am the only one, pretty much, that I know
11 gillnet and the Gulf. I would like to at least,
12 it says NMFS has stated repeatedly that they work
13 toward solving issues of disadvantage. I would
14 like to see that happen, since I am primarily
15 gillnet.

16 And another suggestion on that split
17 line, if we split the eastern and western Gulf,
18 maybe do it -- say the 88 line would be right at
19 my back door. I would have to fish on both sides
20 of the line, one day a week. I would be on one side.
21 The next day of the week, I would be on the other
22 side. I would say like make it the 88-30 or
23 something. That would be halfway in-between the
24 88 and 89. That way the 89 wouldn't have to have
25 that curve around the Chandeleur Islands, just make
26 you a straight line. I don't think it would be a
27 problem with the dealers or the fishermen in their
28 reporting either. That is my suggestion.

29 FACILITATOR LEA: Thank you. Jason.

30 MR. ADRIANCE: Thanks. I wanted to
31 ask you what kind of flexibility exists in
32 adjusting these TACs and quotas, since you are
33 looking at these regional splits and, if I remember
34 correctly from Pete's presentation, the blacktip
35 assessment was pushed back a little bit for the Gulf
36 of Mexico. And since you have that previous stock
37 assessment for blacktips, where it was very
38 positive, yet, through a quirk, the projections
39 weren't peer reviewed and so they can't be used,
40 what flexibility is this in this amendment or do
41 you have to go through another amendment, once you
42 get a peer review blacktip assessment?

43 And you have heard a lot of my other
44 comments and you have them but that one, I wanted
45 to ask about specifically.

46 MR. DuBECK: Thanks, Jason. So, this
47 Amendment 6 of the sub-regional splits based on the
48 percentage of landings. So, the quota, say the

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1 blacktip quota section comes back and the quota is
2 increased, it would be split sub-regionally based
3 on the average landings, the percentage split.
4 So, that is how we do the quota.

5 FACILITATOR LEA: Thank you. Randy.

6 MR. GREGORY: First of all, I would
7 like to thank the HMS staff for working with the
8 State of North Carolina to correct our landings and
9 our splits. Thank you very much. I know that that
10 was some painful phone calls.

11 Second, I did a little bit of back
12 calculations -- I discussed with you my concerns
13 about bonnethead and that we don't see many of those
14 in our area. But I mean we do have some landings.

15 So, I did a little bit of back to the
16 net calculations. I'm not a statistician, that is
17 for sure. But we use the landings numbers that we
18 use to look at the quotas from 2011 to 2012 and look
19 at the bonnethead landings in those years and in
20 the document and use that 4.2 pound dressed weight
21 kind of conversion for those and we even add in the
22 discards, you are talking about 6,030 fish,
23 basically, for an average year, using those two
24 years. So, that is about 1.1 percent of the
25 550,000 bonnethead total.

26 If we move to Alternative C7, which is
27 about an increase in 90 metric tons in the small
28 coastal on the Atlantic side, you really only
29 increase that number of bonnetheads by 0.5 percent.
30 So, my question is what is the savings by the
31 calculation that you all did over -- what kind of
32 savings do we get on the bonnethead versus the
33 proposed quota in C7?

34 So, I will be glad to share with you my
35 fine statistical numbers with you guys but for
36 many, that just seems -- and of course, that was
37 a stock assessment that came back on an unknown.
38 You all say you are going to have conservative
39 numbers. Are you going to come out with
40 conservative numbers for that? I just think that
41 that was kind of -- for that 90 metric tons, maybe
42 that is a little much. Maybe there should be some
43 leeway in that. So, I would like for you all to
44 look at that again. So right now, maybe C7 would
45 be the best alternative for the small coastal TAC.

46 And then we will have some other
47 comments coming from the state as well. But again,
48 I would like to again thank you all for the work

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1 you did with us getting our landings and
2 calculating our quotas. Thank you.

3 MS. BREWSTER-GEISZ: And I would like
4 to take the opportunity to thank your staff for
5 working with us. It has been very helpful and we
6 have found some issues and errors. So, if there
7 are other states out there that would like to work
8 with us and work through the numbers, we are more
9 than happy to do that. So, thank you, Randy.

10 MR. GREGORY: And I will share these
11 numbers with you but, basically, what I was saying
12 is it would be based, C7 would, be basically similar
13 to what your preferred alternative is in the Gulf.
14 But maybe some further communication about that.

15 FACILITATOR LEA: All right, thank
16 you. Tim.

17 MR. PICKETT: I don't participate in
18 the shark fishery but something I found interesting
19 here, in the Alternative E2, removing the vessel
20 upgrade restrictions, I believe you had mentioned
21 that is kind of an antiquated method of determining
22 the capacity of the fishery and the capacity of the
23 people involved. Well, I participate in the
24 fishery in the southeast and the handgear swordfish
25 fishery. And that is restricted in the number of
26 permits that are available and the size and class
27 of boats that are participating in the fishery.

28 Is there anything in the foreseeable
29 future with flexibility on vessel upgrade
30 restrictions throughout HMS permitting or is this
31 an isolated deal with the shark fishery? Sorry,
32 if it is off topic, but it was interesting to me.

33 MS. SCHULZE-HAUGEN: So, possibly. I
34 mean it is certainly something we can take a look
35 at. The fisheries are in different places and so
36 the permits overlap fisheries. And so we would
37 need to take a close look and see if there are still
38 merits for some of the fisheries or some of the
39 permits that maybe it is time to relook at them more
40 broadly.

41 FACILITATOR LEA: Thank you, Tim.
42 Bob.

43 MR. HUETER: Yes, I apologize if I
44 zoned out and missed the explanation of this before
45 but, Guy, on slide 12, the Alternative B, can you
46 just quickly explain why when the retention limit
47 goes up, then the quota in the sandbar fishery goes
48 down? I'm not seeing a linkage for some reason.

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1 Why does that happen?

2 MR. DuBECK: Thanks, Bob. So, in
3 Amendment 2 in 2008, the retention limit was based
4 off of the number of interactions and dead discards
5 of sandbar sharks. So, if you increased the
6 retention limits in the commercial fishery, we have
7 to compensate for any potential interactions with
8 dead discards. So, we take some away from the
9 shark research fisheries of the sandbar quota.

10 FACILITATOR LEA: Jeff.

11 MR. ODEN: I've already submitted
12 public comment on the proposal of 55 large coastals
13 and that is wonderful. But in the initial
14 document, you all were making a lot of, there was
15 a lot of wording in there stating that you wanted
16 to help the directed permittees and, essentially,
17 as I made in the comments and I don't see much of
18 it in the document here now but it really refers
19 to the directed permittees in this anyway.

20 But in our case, all we have left up in
21 the mid-Atlantic where I am is predominately a
22 blacktip fishery and it is, essentially, a state
23 fishery. It is a three-mile line data and our
24 state fish was via the ASMFC and, I made that
25 comment, would not allow us to set more than 50
26 hooks and 500 yards. And you were giving us a 55
27 fish ACL. So, I know you all have been at ASMFC
28 since then. Did you address that there?

29 MS. BREWSTER-GEISZ: That question
30 came up at ASMFC but it is up to ASMFC to change
31 that, not us. It is a state-set regulation.

32 MR. ODEN: Okay, thanks.

33 FACILITATOR LEA: Thank you. Martin.

34 MR. FISHER: Good afternoon. The
35 grouper fishermen in the west Florida shelf or the
36 eastern Gulf of Mexico are experiencing a marked
37 increase in their interactions with large
38 coastals, especially sandbars. The longline
39 fleet and the vertical line fleet, and the
40 recreational fleet are all seeing a preponderance
41 of sharks that they weren't seeing five to ten years
42 ago. And it is creating quite an issue and it does
43 seem to be predominately sandbar.

44 So, even though that is anecdotal
45 evidence, it needs to fit into the data stream
46 somewhere. Thank you.

47 FACILITATOR LEA: Thank you. All
48 right, Scott snuck in under the wire. All right,

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1 Scott, I think you are the last word and then we
2 are going to go to break.

3 MR. TAYLOR: Just real quick, and I
4 apologize for missing part of this meeting but a
5 big problem that we are continuing to have for guys
6 that would have interest in pursuing some reduction
7 in the south Florida area has been the timing of
8 this quota. You have it set up again this year as
9 a July first opening, I believe, and that while the
10 species that seem to be most prolific there,
11 require a research permit, which are the sandbars
12 and they are everywhere down in our area.

13 There would be a blacktip fishery right
14 now that would be available. I sent some guys out
15 just for FYI at the conclusion of the golden pel
16 fish season, when they still had bottom longline
17 gear on, to send them out to see whether or not that
18 before we retired the gear for the year that they
19 could take advantage of the small coastals that are
20 open down there. And every fish was a small
21 blacktip, I mean, were blacktips, basically.

22 So, the problem is is that when the
23 fishery actually will open, the sharks will be
24 gone. They will be up in the North Atlantic. So,
25 essentially that we don't get access to these fish
26 because of this timing issue and that we wish that
27 you would consider having openings that would make
28 it available for us to have some reduction on it.

29 FACILITATOR LEA: Thank you. All
30 right. Well, awesome. We are kind of back on
31 schedule. So, let's take a ten or fifteen-minute
32 break and then we will do the electronic dealer
33 reporting.

34 And then we are firm at 4:15 for a start
35 from Lindsay Fullenkamp. So, all right.

36 (Whereupon, the above-entitled matter
37 went off the record at 3:27 p.m. and resumed at 3:52
38 p.m.)

39 FACILITATOR LEA: All right. So, we
40 are going to go ahead and get going with the eDealer
41 quota monitoring system.

42 MS. ORTIZ: Hi, everybody. All right,
43 my name is Delisse Ortiz and I am headquarters.
44 And I am going to give you a little overview on where
45 we are with the HMS electronic dealer reporting
46 system. I will refer to it as eDealer and also give
47 you a little overview on our quota monitoring
48 process. With eDealer things have changed a bit

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1 in a way that we acquire our dealer data.

2 So, just to review, since January 2013,
3 we require that all federal Atlantic HMS dealers,
4 that is except for bluefin tuna dealers report
5 electronically to us. And this was, in part, an
6 effort to increase the timeliness and accuracy of
7 the dealer reports, improve quota monitoring and
8 also the way that data gets to us. A lot of the
9 data coordination, there was a lot of effort in
10 that.

11 Now, in terms of how we acquire the
12 data, the dealers report on a weekly basis, using
13 a variety of approved electronic programs. We try
14 to work with the dealers and what they had already
15 in place to minimize any duplicative reporting or
16 just the burden on them having to report through
17 multiple programs.

18 So, this is a list of all the different
19 programs they can use. There is the HMS electronic
20 reporting program or eDealer and that is only for
21 dealers that report HMS-only species. However,
22 other dealers can use the SAFIS program, which
23 complies with both state and federal requirements
24 and a lot of dealers also have their proprietary
25 sort of programs that work in conjunction with
26 SAFIS to get their reports in.

27 Georgia and South Carolina have their
28 sort of federal SAFIS e-ticket programs to meet
29 federal reporting requirements and then we receive
30 data from a variety of state trip ticket electronic
31 programs all over the Atlantic Gulf and the
32 Caribbean as well. The Caribbean, especially, is
33 mostly HMS. So, they use our eDealer program.

34 But a lot of the effort that went into
35 eDealer was to try and get more species and
36 trip-specific information from dealers. We do
37 have that now. We have price, vessel and species
38 specific information and HMS catch data
39 information. We have dealers put in Logbook IDs.
40 So, now we can match the landings data with the
41 vessel data. So, it has been very successful.
42 And also, we can track the compliance of the dealer
43 reports coming into the system.

44 So, that is the great part. The
45 complicated part is that the way that we get the
46 data is not straightforward. We heard from a lot
47 of folks like you got eDealer, you should have the
48 data right away. That would be a really, really

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1 good thing. However, because dealers are using a
2 variety of programs all over the different regions,
3 there is different pathways of how the data gets
4 to our eDealer database.

5 So, here you can see on the map you have
6 the dealers all the way from North Carolina,
7 Florida, to Texas, and the Caribbean, using
8 anywhere from trip tickets to the file upload
9 programs, PC-based tickets, SAFIS, and our eDealer
10 program. And they all go through different
11 pathways. So, some of the northern dealers, the
12 data will go either to the North Fishery Science
13 Center and then we will get QA/QC and they go
14 through ACCSP. The Gulf of Mexico sort of dealers,
15 so Florida to Texas, that data feeds into GulfFIN,
16 which eventually moves to the eDealer database.

17 So, for example, in the Caribbean,
18 where it goes straight from the dealer types into
19 eDealer, it goes straight into the eDealer
20 database. We have that information fast, within
21 like instantaneously, almost 24 hours. However,
22 the other programs it could be 24 hours to 48 hours.
23 And then at least for dealers that have been
24 reporting, that have federal reporting
25 requirements have federal permitted dealers.

26 However, some of the states still allow
27 for paper reports. So, those dealers submit their
28 paper reports to the state. The state that enters
29 them electronically through their state trip
30 ticket programs and that data doesn't get to HMS
31 until three to six months after they have gone
32 through their QA/QC program. So, that, again, is
33 data that is delayed in being counting towards our
34 landings.

35 We also go through a QA/QC and it is very
36 rigorous. We have different system checks along
37 the way where we can search for a variety of issues
38 and this is sort of a list of all the issues,
39 anywhere from no fishing vessel to Logbook ID,
40 prices outside of the range that we have sort of
41 determined, based on the data that we receive. If
42 they have an expired HMS permit, if the fish is
43 reported from the closed fishery, if it is
44 prohibited species, if it is submitted after the
45 due date, we get all those notifications via email
46 up to date. We have gone, and this might be a
47 little bit of an underestimate, about 8,000
48 notifications alone in 2014.

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1 In addition to that, we do system checks
2 for complete dealer reports. Sometimes the
3 reports are submitted on time but they are missing,
4 again, a Logbook ID or they didn't put the price
5 because we have allowed our dealers 30 days to put
6 in price information for instances, too, now, where
7 you don't have that information available. So, we
8 constantly are checking to make sure that we have
9 complete reports and the most accurate and complete
10 data.

11 We do weekly checks for data accuracy,
12 again, and we follow, we make sure that we have all
13 the reports in the system. We recently have hired
14 a dedicated database analyst on our staff.
15 Jacqueline Johnson-Cragg, who is sitting right
16 there. She is amazing. She will dig into any
17 rabbit hole you can possibly imagine and more and
18 try to get it resolved as quickly as possible and
19 address the issue.

20 Everything that we do is documented.
21 So, every interaction that we have, everything is
22 completely -- we have a history of anything that
23 can happen in the system.

24 We also have five staff members that are
25 there to help out dealers. We have a phone line
26 and an email that is solely dedicated to addressing
27 troubleshooting issue with dealers or there are new
28 dealers, making sure they are set up, or we don't
29 have reports from them trying to figure out what
30 the issues are.

31 We are there Monday through Friday 8:00
32 to 5:00 and we handle a lot of calls. And here is
33 just an example since the implementation of eDealer
34 up to the present of how many emails and calls we
35 face on an annual basis.

36 In addition to that, we do monitor
37 compliance very closely. We have some small
38 quotas, especially with sharks. And so we try to
39 ensure that, again, we have very timely and
40 accurate data. And so every week we run what we
41 call compliance checks of the system. We will make
42 sure that the dealer reports have been received.
43 If not, the dealer gets a notification and says hey,
44 your report is late or missing and we also get a
45 notification that that dealer hasn't submitted
46 their required weekly report, which is every
47 Tuesday, I believe, for purchases made the prior
48 week.

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1 And just to give you an example, I
2 talked about delayed reporting due to some paper
3 reports that still come in to state dealers but we
4 also have federal HMS dealers that report late.
5 And this is something that it takes, it requires
6 a lot of staff time and we deal with it. Just to
7 give you some numbers, I put up here the average
8 numbers of late HMS reports per week. And these
9 numbers are looking at 2014 because this is the
10 first year that we have complete data with eDealer.

11 And we have about 1150 reports per week,
12 on average, that come late. And the breakdown of
13 what the nature of those reports are, for the most
14 part, they are negative reports or they are reports
15 where the dealer did purchase species but they
16 weren't HMS. So, we count that as a negative
17 report. So, you know a lot of dealers are, they
18 don't think about it. They are like I didn't buy
19 any swordfish, so I don't need to submit any report.
20 But you do, because otherwise, we didn't know if
21 you caught anything or purchased any species or
22 not.

23 And then per week, on average, we have
24 about 204 of the active HMS dealers that report
25 late, which 44 are shark dealers. Total number of
26 late HMS reports in 2014 alone by shark dealers was
27 almost 2,000. And then the average time shark
28 dealer reports were submitted late is a little over
29 two weeks. So, again, this is constant. We do
30 compliance every week and when we try to resolve
31 to resolve those issues, another weeks starts by
32 and it just keeps going. This again, takes a lot
33 of staff time to resolve that. And it comes also
34 with some price for those dealers that, again, do
35 not comply with the requirements of their dealer
36 permits. We have developed protocol with
37 enforcement to document and address those
38 non-compliant dealers and we establish some
39 protocols that can result in either enforcement
40 action, whether it be a penalty or a permit section.
41 And to date, we had actually issued, well, referred
42 to 55 dealers for summary settlements because of
43 dealer reporting issues; 37 have been issued and
44 12 dealers have actually paid the fines.

45 And in addition to that, in order to
46 make sure that -- because sometimes we reach out
47 to dealers and we get nothing on a weekly basis.
48 So, one of the things that we try to do that we can

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1 at least get the data is that we put a permanent
2 block on the renewal of the permits so that at least
3 when it is time to renew their permit, they can.
4 They would have to contact us and we actually have
5 found that it has been sort of very useful. And
6 finally, having contact with the dealer and getting
7 those reports in. And then once they have the
8 reports, then they can renew their permit. So, we
9 sort of have that in place as well.

10 Now, that is sort of the data side, that
11 is how we get it. How do we do quota monitoring?
12 So, we have been getting a lot of questions about
13 what is happening with quota monitoring. Now with
14 eDealer, the 80 percent trigger. So, I am just
15 going to go give you sort of a quick rundown,
16 especially with Atlantic sharks and I am focusing
17 on Atlantic sharks because that is where we have
18 a lot of the quotas that we are really concerned
19 about. They are some of the smallest quotas.

20 So, the way we monitor is over time. We
21 monitor the landings. We have a set quota, say it
22 is 100 percent, and we close when that quota is
23 projected to reach 80 percent of the quota -- when
24 the landings are projected to reach 80 percent of
25 the quota. So, over time, we put out monthly
26 landing updates and once the projections indicate
27 that 80 percent is there, we shut down. And the
28 reason we shut down is because, again, we have those
29 delayed reports that come in from the paper reports
30 and from the late federal dealer reports. And we
31 want to ensure that we have that buffer so we don't
32 go over our quota. But there is other reasons as
33 well. There is also some shark landings that are
34 allowed by some states following federal closures
35 and not all states shut down when we shut down. And
36 so those are additional landings that we need to
37 account for.

38 MS. SCHULZE-HAUGEN: So, can I get a
39 show of hands of how many folks have it on screen?
40 And maybe we could for those that don't, maybe look
41 on. Is anyone not able to see or screen or have
42 paper? Is there anyone who is completely unable
43 to follow, apart from people on the webinar?

44 Okay, so why don't we keep going? I
45 think most people can follow with what they have
46 got and we will fix it as we go.

47 MS. ORTIZ: Sounds like a plan.

48 So, what I was saying, we have that

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1 buffer to account for those delayed landings. And
2 again, some of it comes from the paper-based trip
3 ticket information submitted by stat-only dealers.
4 The exemptions that some states have in allowing
5 additional shark landings after federal closures,
6 the late dealer reports and then also the fact that
7 we sort of have a delay in terms of when we close.
8 We have a five days' notice once that closure
9 notification is filled with the Officer of Federal
10 Register.

11 So, again, that buffer is to account for
12 some of these.

13 And so just to kind of to give you an
14 example of how quota monitoring is used and how we
15 have been doing, to the example using the large
16 coastal sharks. So, you are looking at the graph.
17 The first one, you have landings in metric tons on
18 the y axis -- and we have a projector. Should I
19 stop? I'm going to stop.

20 I should keep going? Okay, I should
21 keep going. Okay, that is a big projector. Wait
22 a minute. And now something is going on with the
23 computer. Oh, there we go.

24 Okay, so on the y axis landings metric
25 tons, x axis, we have the years. And then you will
26 see that the bars indicate landings. The red
27 colored bars is pre-eDealer. The blue ones is
28 post-eDealer.

29 And then what I did is just to give you
30 a comparison of where the landings are in relation
31 to where 100 percent of the quota is the 100 is the
32 solid black bar and the 80 percent sort of trigger
33 is the dotted line. And so you can see for like
34 2011 and 2012, you know there was underharvest.
35 So, we didn't -- oh, there we go. Well, that's
36 good.

37 So, there was a lot of quota that was
38 not used. However, after eDealer, you can see that
39 one, the quotas are lower because I want to make
40 the point that those quotas does not include the
41 Atlantic hammerhead. That was a change that
42 happened in 2013 and 2014. They got taken out of
43 the large coastal shark complex. So, that is why
44 you see those quotas going lower.

45 You will see that we got closer. It was
46 only minus eight to minus six percent of quota that
47 was left.

48 Now, in the Gulf of Mexico region,

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1 again, the same concept the bars indicate the
2 landings, pre- and post-eDealer. Pre is red, post
3 is blue. You can see, first of all, that the
4 quotas, again, are very different because in 2013
5 and 2014, those quotas do not include the Gulf of
6 Mexico hammerhead and blacktip shark quotas. So,
7 right off the bat, we are dealing with smaller
8 quotas. And you see that when I bring up the
9 numbers in 2011 and 2012, there was a underharvest
10 about six, four percent of the quota was left. And
11 unfortunately, in 2013 and 2014, we went over a bit
12 with four percent and one percent, which is not
13 great. We never want to be over but, again, a lot
14 of those issues are from the things that I
15 highlighted in my previous slide on delayed reports
16 that are coming in. We are working on it and we
17 are getting better. We are not there. We are not
18 where we want to be, which is never to go over but
19 I can't stress the importance of making sure that
20 those reports come in on time.

21 So, that is one of the reasons why we
22 have the 80 percent is though that we can, again,
23 buffer for that delayed landings information.

24 So, just to stress some key points with
25 eDealer, again, it has helped with timely and
26 accurate dealer reporting for Atlantic HMS. We
27 are way beyond where we were several years ago. We
28 have definitely improved tracking of dealer
29 reports in real-time and then improved compliance
30 but still, again, tracking numerous late and
31 incomplete dealer reports on a weekly basis, we
32 hope that that will get better and better as time
33 goes on.

34 In terms of quota monitoring, we have
35 approved quota monitoring to some extent. We need
36 to maintain the 80 percent federal fishery closure
37 trigger, due to, again, landings data being delayed
38 by late reports, paper trip tickets, state
39 exemptions and the fact that smaller quotas are
40 just more easily can be exceeded and harder to
41 monitor.

42 And with future management changes,
43 such as Amendment 6, I can't stress how important
44 this becomes.

45 So, again, I thank you for listening and
46 I am open to any questions, concerns, comments.

47 FACILITATOR LEA: Thank you, Delisse.
48 Does anyone have questions, comments? Wallace.

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1 MR. JENKINS: I was instructed before
2 I came here to make some comments on this. And I
3 am not going to throw you under the bus but I will
4 say it has been a difficult process for people in
5 South Carolina. Computers are a relatively new
6 invention there. As a matter of fact, our United
7 States Senator said this week he has never sent an
8 email, Lindsey Graham. So, we really appreciate
9 Jackie's proactive approach to our dealers, who
10 have had trouble complying. And we have had a lot
11 of people drop out of the fishery as a result. And
12 also her mediating between us in the southeast
13 fishery science center on some of these people who
14 are having trouble complying.

15 You are doing a great job. Keep it up
16 and we appreciate it. Thanks.

17 FACILITATOR LEA: Sonja.

18 MS. FORDHAM: Thank you. Thank you
19 for the presentation. It was very interesting. I
20 just had a question.

21 Are you able to elaborate a bit on the
22 state exemptions, specifically, in particular, for
23 sharks?

24 MS. BREWSTER-GEISZ: What state
25 exceptions are you talking about?

26 So, all of the federal dealers are
27 required to report electronically but there are
28 certain states, not along the Atlantic coast.
29 ASMFC requires all shark dealers be federal dealers
30 as well. So, it is in the Gulf, some of the Gulf
31 states do allow for paper reports, for state-only
32 dealers. I want to clarify that. It is
33 state-only dealers. It is not federal dealers.

34 MS. SCHULZE-HAUGEN: And there is
35 also, not every state closes with the federal
36 seasons. And so some states remain open and have
37 legal landings, after the federal fishery is closed
38 in the Gulf.

39 FACILITATOR LEA: All right, Martin
40 and then Marty.

41 MR. FISHER: Thanks, again. I figure
42 I may as well pester you with this idea. It is
43 slightly off-topic but it isn't totally off-topic.
44 Anybody in southeast region has heard me say this
45 since 2004. It is time for us to marry point of
46 sale with Logbook, federal reporting and state
47 reporting. This is the 21st Century. I know
48 South Carolina might be maybe in a different world

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1 over there but stock assessments lag two years
2 behind actual time of implementation, let alone
3 time of SSC rendering of what the ABCs should be.

4 If we had point of sale, Logbook, and
5 federal and state reporting, it would take care of
6 that to your lag time.

7 So, I am just putting my plug in here
8 at this level. You know, you guys insist on this
9 for HMS. It should be insisted upon for every reef
10 fish. Anything that swims in the sea that we put
11 on the table, on the dock, we should be reporting
12 it at point of sale and the Logbook should go along
13 with that because the captain, in the IFQ system,
14 the captain has to be there to provide the vessel
15 ID number, in order for the transaction to go
16 through.

17 The same thing should be done for the
18 federal logbook. The captain is sitting right
19 there. The information is put in and away we go.
20 Thank you.

21 FACILITATOR LEA: Thank you. Marty.

22 MR. SCANLON: Yes, I would just like to
23 reiterate that as far as the bluefin tuna program,
24 with the new reporting with that, it seems to me
25 it seems to be pretty simple and straightforward,
26 no big deal. But the one thing I would like you
27 to try to do, if you can, is to give us a
28 verification that you received that report at the
29 vessel, especially since we do have a history, not
30 necessarily myself, but a lot of vessels have a
31 history of having problems with their VMS machines.
32 It would be nice to know that you have received that
33 report. Because once we send it and we don't get
34 a verification, the next message we will be getting
35 is from law enforcement otherwise. So, if you
36 could possibly include that.

37 It is sort of like when we declare out
38 of a fishery like in these permits, I declare out
39 of the fishery and I get a verification of what I
40 have declared back through my Boat Tracks. And if
41 you can do that, once we send out reporting on
42 bluefins every day, if we get a report back that
43 you received it, that would be very helpful for us
44 and probably eliminate a lot of future problems
45 with law enforcement with us.

46 FACILITATOR LEA: Thank you. Okay, so
47 Rusty and then Rick.

48 MR. HUDSON: Thank you. Rusty Hudson.

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1 The International Trade Permit, we have
2 a requirement for the shark fin dealers to own one
3 of those permits, that there is no requirement to
4 fill in any kind of information at this point.

5 The CITES soliciting of those for data
6 review, I think because it is a part, the shark fin
7 is a part of the whole hammerhead or the other
8 species, that at least at a minimum, those animals
9 need to have that paper trail from the point of the
10 purchase of the animals so that FWS has an ability
11 to backtrack all that and that will help facilitate
12 the ability to export without a whole lot of
13 conflict. Thank you.

14 FACILITATOR LEA: Thank you. Rick.

15 MR. BELLAVANCE: Thanks. Just a quick
16 FYI kind of to Martin's point. The ACCSP is
17 funding this year a project in Massachusetts and
18 Maine that is going to integrate a swipe card
19 commercial license with dealer reporting. So, it
20 is kind of getting slowly to what Martin was
21 describing as a holistic approach to reporting.
22 And I would just recommend that you folks just kind
23 of keep an eye on that. It is supposed to start
24 June first and be fully implemented by the end of
25 the year. So, that would be some direction to look
26 at. If you are thinking about going that way,
27 that might already be a mousetrap already built.

28 MS. SCHULZE-HAUGEN: Can I ask is that
29 for all species or for certain species?

30 MR. BELLAVANCE: This year's project
31 is for shellfish only. So, and also their elver
32 fishery in Maine. So, elvers, and sea urchins, and
33 clams, hard-shell clams and oysters. But
34 expanding the program to encompass all species is
35 just adding more species to the list. It is not
36 that hard.

37 FACILITATOR LEA: All right, I don't
38 see any more questions or comments. So, we are
39 going to go ahead and move on to the presentation
40 by Lindsay Fullenkamp from the Office of
41 Sustainable Fisheries, their strategic plan.

42 MS. FULLENKAMP: Hello. Good
43 afternoon. I am Lindsay Fullenkamp. I work in
44 the Office of Sustainable Fisheries and right now,
45 I am spearheading the effort to develop a strategic
46 plan for the office.

47 I would like to talk to you today about
48 the strategic planning efforts within NOAA

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1 Fisheries, specifically, the process that we are
2 going to go through in the Office of Sustainable
3 Fisheries. I will provide an overview of the time
4 line for our development and then also describe
5 some opportunities for your input. I would like
6 to use our time today to gather some initial input.
7 We are in the very early stages of our strategic
8 plan development and then also kind of give you a
9 heads up about our time line so that when we have
10 got a draft together, you will be on the lookout
11 for that to provide further comment.

12 All NOAA Fisheries Regional Offices and
13 the Headquarters Regulatory Programs Offices,
14 which includes the Office of Protective Resources,
15 Habitat Conservation, Aquaculture, and of course,
16 the Office of Sustainable Fisheries will complete
17 a strategic plan by the end of this fiscal year.
18 These plans will be five-year outlooks. So, they
19 will run through the year 2020 and they will be
20 nested under the Department of Commerce Strategic
21 Plan and other guidance documents, including the
22 NOAA Fisheries priorities document.

23 The NOAA Fisheries Science Centers went
24 through a similar process a few years ago. I
25 believe Sam mentioned that this morning. They now
26 are in the implementation and program review phase
27 of their strategic plan development and review.
28 You may have seen a strategic plan out of the
29 greater Atlantic Regional Fisheries Office.
30 GARFO served as a pilot region for this effort.
31 And so they have drafted a plan and are finalizing
32 that.

33 The West Coast Region and also the
34 Southeast Region have drafted plans and have either
35 circulated those or will shortly be circulating
36 those for public input.

37 We would like to use this opportunity,
38 the strategic planning opportunity to articulate
39 what we would like to accomplish in the next five
40 years and determine the strategy that will help us
41 meet our goals. We are going to avoid listing
42 everything it is that we do in our strategic plan
43 and really hope to kind of use this process to focus
44 our work and articulate the top priorities that we
45 will have running through 2020.

46 As I mentioned, and of course, the
47 reason I am here is because we will be incorporating
48 input from our partners and our stakeholders in the

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1 plan throughout the process. That being said, the
2 audience for the plan is internal. This intended
3 to be, obviously, a public document but written for
4 the rank and file to guide us, to guide our staff,
5 to provide kind of a roadmap and a focus and
6 articulation of the priorities that we will have
7 over the coming years.

8 Here is a little bit more about the
9 Office of Sustainable Fisheries, for those who may
10 not be familiar. HMS is one of four divisions in
11 the Office of Sustainable Fisheries, in addition
12 to the Directorate. The Directorate provides
13 overall office leadership and also all of the
14 administrative functions for internal operations.
15 There is, of course, the HMS Division. SF has a
16 Domestic Fisheries Division, which provides for
17 National Domestic Fisheries policy in Magnuson and
18 other legislative implementation.

19 We have a Regulatory Services Division.
20 They are responsible for the clearance of
21 fisheries, all fisheries regulations, and also
22 play a coordinating role at the Fishery Management
23 Councils and are responsible for council training.

24 Finally within SF, we have the National
25 Seafood Inspection Laboratory. This lab is
26 located in Pascagoula, Mississippi and they are
27 responsible for seafood analysis, seafood safety
28 and policy and have some somewhat overlapping
29 responsibilities with HMS in the areas of trade
30 tracking and documentation. So, as I am talking
31 about the development of the strategic plan for the
32 Office, it is clearly not just an HMS strategic plan
33 but they will, obviously, be highlighted and will
34 be included in the plan for the Office.

35 We, just this week, finished up a series
36 of all-hands briefings with our staff to gather
37 their preliminary input on our plan and to sort of
38 inform them about our process. We are gathering
39 input from our partners now. We will be developing
40 a team internally to draft the plan to complete and
41 draft our goals, objectives and strategies that
42 will be included in the strategic plan. We hope
43 to have a draft of those complete by the beginning
44 of the summer. We will then circulate that draft
45 internal to NOAA fisheries for review and comment
46 and then, again, out to our partners and our
47 stakeholders for input. So, look for that during
48 the summer. And then as I mentioned, we will be

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1 finished at the end of September, at the end of this
2 fiscal year.

3 So, I would like to use the remaining
4 time, if you are so willing, to gather some
5 preliminary input from you up front. I will also
6 give you an opportunity to do this either written
7 or verbally after the meeting itself but I have
8 listed a series of questions here to try and start
9 the conversation. I am not limiting you to provide
10 only comments on these questions but they include
11 what do you think our goals should be relative to
12 Atlantic HMS through the year 2020. What are some
13 possible strategies to reach those goals? And
14 then what are you sort of anticipating in the next
15 five years? What changes do you anticipate? How
16 will your needs change? How do you think the needs
17 of the fishing community and others will change?

18 And then, finally, in your opinion, how
19 would we measure our progress toward meeting our
20 goals, kind of keeping that review phase in mind?

21 FACILITATOR LEA: All right. So,
22 comments, suggestions. Rusty, I don't know if you
23 want to make a comment or if that is just up from
24 before, your card. It is just up from before.
25 Okay.

26 I don't think I have ever seen it this
27 quiet.

28 And Martin, is your card still up?
29 It's up from before?

30 (Laughter.)

31 FACILITATOR LEA: All right. Well, we
32 will give you a couple of minutes to think.

33 Scott, yes.

34 MR. TAYLOR: I just would like to
35 reiterate what the concerns were that I kind of
36 raised to Sam Rauch this morning about trying to
37 move some of this stuff through the process as
38 quickly as possible, to possibly streamline your
39 procedures so that when we recognize that there is
40 a particular fishery that needs attention, that we
41 can get through the process to where it is actually
42 going to equate into being able to be caught by the
43 fishermen. The process itself is so cumbersome
44 and so convoluted and you also have some overlap,
45 obviously, between HMS and some issues, I guess,
46 in the regional councils in some case, that from
47 our perspective, the guys that our out there on the
48 water that are making the livelihood, weeks and

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1 months are a huge amount of time. In this
2 environment years go by sometimes without policy
3 really being implemented. And that may be never
4 practical to really change that because of the
5 environment but I certainly would keep an eye to
6 streamline things as much as possible.

7 FACILITATOR LEA: Thank you, Scott.

8 Other thoughts? Terri.

9 MR. SCANLON: Well, of course, we want
10 to maintain the sustainable fisheries but I think
11 we also want to make sure we can sustain the
12 fishermen and the fishing communities that go along
13 with them. Because what would be the purpose?
14 So, I guess that would be a good way to measure our
15 progress towards our goals is not only to measure
16 the sustainability to fish but how well our
17 fishermen are actually doing. How many fishermen
18 have actually survived after five years of all
19 these regulations and sacrifices?

20 FACILITATOR LEA: Thank you. Terri
21 and then Rusty.

22 MS. BEIDMAN: Yes, I'm probably going
23 to go right down that path, too. Of course, we
24 would like sustainable fisheries. I think that
25 all of us around the table want to see the Atlantic
26 U.S. fishermen are still in the ballgame, that we
27 do not get supplanted by foreign countries dealing
28 with a lot of other countries fishing for them.
29 And to that end, I think we have to make it a very
30 high priority that we try to reinvigorate to
31 maintain, in some cases, and to increase the
32 ability for U.S. fishermen to be participating out
33 there.

34 Speaking from my position, I see the
35 next five years. If we do not find a way that makes
36 it look appealing to want to invest in our fishery,
37 which would be some stability in terms of quota and
38 the future regulations, so that folks know that
39 they have a way to be able to make a living and banks
40 are going to be paid for their outlays, if you have
41 to borrow money to get in.

42 So, that kind of stability is what is
43 necessary and something that we haven't had. We
44 have got a lot of attrition, at least in our fleet
45 for the last 20 years and it simply can't continue
46 or we will not be here.

47 So, I see the needs of the fishing
48 communities I am most familiar with having

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1 stability. If you are going to be, you should
2 announce so people can make business decisions.
3 If they want to go fishing in the fall, they have
4 to order supplies in the spring in our fishery.
5 So, if you are not going to be able to fish, you
6 know what I mean, there is a lot of difficulty in
7 trying to manage it without knowing ahead of time
8 if we are going to be able to fishing.

9 And also, the new entrants, if
10 necessary, I think you should consider with some
11 of these limited access permits, in some fisheries,
12 not all, the possibility that you might want to
13 increase that pool to enable us to reach. In
14 particular, with swordfish, we are far below our
15 quota again and it may be different next year but
16 it may not. And we know what will happen if we
17 don't catch our quota. We are putting ourselves
18 at risk to losing it to countries whose
19 conservation practices are less than ours.

20 So, measuring our progress, I am going
21 to say, is going to be shown probably in our catches
22 and in our number of participants. And if we don't
23 do something, I fear that in five years there will
24 not be a pelagic longline fleet. I am sure that
25 there will be some other fishing but will it be
26 enough when you have to go and deal with RFMOs and
27 you bring very little effort to the table. Your
28 clout is minimized. So, there you go. Thanks.

29 FACILITATOR LEA: Thanks, Terri.

30 Rusty?

31 MR. HUDSON: Rusty Hudson. Sorry, I
32 wasn't queued in earlier like I should have been.
33 When I look at slide five in the Directorate, the
34 HMS Division, Domestic Fisheries Division,
35 Regulatory Services Division, National Seafood
36 Inspection Laboratory, the closest thing to
37 science I see is the laboratory.

38 But the science is what is hamstringing
39 all of us with regards to stakeholders. And the
40 Science Center, in particular in the Southeast,
41 which handles our shark and our council stuff, is
42 hamstrung by bleeding analysts the last several
43 years, and then by the time they hire new analysts,
44 it goes through a year journeyman's status, so then
45 the second year they can possibly be let loose with
46 a little oversight on doing a stock assessment.

47 When we were supposed to have X amount
48 of analysts, now we have a constricted amount of

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1 analysts. So, there is just too much work and not
2 enough bean counters, as I call them, the data
3 people, the analysts that are able to take those
4 numbers, crunch them into some mathematical
5 formula and give us our quotas.

6 So, over the next five years, I don't
7 envision a lot of change, unless you do some of the
8 front load, like I was talking about earlier. Do
9 your dusky update. Do your sandbar full benchmark
10 and at least that part on my shark stuff, we have
11 got something going. But the SSC part of it is
12 another thing that I brought up. The science, the
13 science, the science. Without the good data and
14 going and doing cooperative stuff with us and
15 getting the independent people out there, our
16 science is going to be kind of, you know, hurting
17 us, hurting your strategic plan because the
18 stakeholders depend on you all to be able to do
19 stuff for us, based on whatever the latest science
20 says. And you know somehow that needs to be in
21 there.

22 When we did our vision plans and stuff,
23 science was a lot of the discussion, as well as what
24 we see. I mean it is anecdotal from us but at
25 whatever point the science is done, it becomes
26 empirical and that gives you all, as the managers,
27 the ability to really do a good job. But if you
28 don't have it, we are going to be complaining and
29 I am sure you heard enough of it.

30 FACILITATOR LEA: Thanks, Rusty.
31 Martin.

32 MR. SCANLON: Good afternoon again.
33 Probably you can send all the rest of us home and
34 just listen to Rusty because, from my viewpoint,
35 he is right on point just about every time he
36 speaks. It is data, data, data and money, money,
37 money, and data, data, data, and protecting the
38 fishermen. And one of the goals that we often
39 don't see, as everybody in this room knows is that
40 we manage the fish but we are not putting the
41 fishermen up there on that board. And so often,
42 what happens is the regulations come down and the
43 fishermen get pushed up against the line. And if
44 they go over the line with even a tow, they get a
45 big fine, they lose their permit, whatever the
46 ramifications are, it is extreme for the individual
47 fishermen.

48 There are no AMs for you guys. There

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1 is no AM for the fishery service. It is time for
2 you to internally find a way that when you see
3 regulations that are going to put people in a bind
4 to go outside the box, make an effort to inform the
5 community that, especially in the case of the
6 cameras that Marty is talking about, if the
7 technology is not going to be there to back up the
8 regulation that is a hard line in the sand for the
9 fishermen, that if he goes over that line, he is
10 going to lose something, that is wrong. That is
11 just plain old wrong and that needs to be fixed.

12 Another goal that would be important to
13 see on that board is to find some way in the next
14 five years to make what I described earlier and what
15 my colleague here said was a holistic approach,
16 great term, great word and is perfect for the
17 application. We really need the data to be real
18 time. It is time for the data to be real time.
19 That needs to be a goal on that board.

20 And I guess that will do it for now.
21 Thanks.

22 FACILITATOR LEA: All right, terrific.
23 Thank you. Tim. And I do see you, Scott, but I
24 want to give some other people a turn.

25 MR. PICKETT: I just want to echo some
26 of the statements made by Marty and Terri.

27 One major observation of mine with the
28 existing pelagic longline fleet is it is, in
29 general, aging. And no offense to anybody but not
30 only the fishermen themselves but the
31 infrastructure, boats, and equipment. As a
32 manufacturer of equipment, we don't make a lot of
33 money on old stuff. And it all ties into the
34 uncertainty of the future of the fishery, lack of
35 incentive to enter the fishery, and it is
36 prohibiting new builds of boats, new purchases of
37 equipment from us, and new fishermen from entering
38 the fishery.

39 So, I foresee it is relatively bleak
40 looking in the next couple of years, unless there
41 is some sort of incentive for new fishermen to enter
42 the fishery. And that could be in the form of
43 incentivized buying into the camera program or the
44 other electronic monitoring stuff down the line,
45 not with the initial burst here but down the line
46 and trying to achieve our quota. And it is not
47 going to happen. Everything and everybody is
48 getting older that is in the fishery. It would be

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1 nice to see some sort of new involvement. And if
2 the status quo keeps happening, I don't foresee
3 that happening.

4 And the other thing is, Terri mentioned
5 it, in terms of stocking equipment, that is not only
6 on the fisherman side of things but, for a
7 manufacturer of equipment, we turn the machines on
8 in the spring to be able to provide for the fleet
9 throughout the rest of the season. And there is
10 a schedule of operation being in business for 40
11 years. This is our company's 40th year. I wasn't
12 involved in all of it, obviously, but knowing when
13 we need to stock all the equipment. And so drastic
14 changes in the management policies of the fisheries
15 leave us sitting with a whole bunch of inventory.
16 And it is a dollar amount, very small margin
17 inventory on tackle and things like that that we
18 both manufacture and import. So, that is
19 something to consider as well, in terms of the
20 drastic measures in the fishery.

21 FACILITATOR LEA: Thank you, Tim.
22 Steve.

23 MR. IWICKI: So, I think one of the
24 themes you are starting to hear is there needs to
25 be an ability to adjudicate quickly. And whether
26 it is as simple as trying to balance MRIP data with
27 vessel trip reports, when there is clearly an
28 anomaly, it has to be addressed. It is an
29 indicator to a trend and to be able to do it quickly.
30 We are going to have more and more technology in
31 terms of sensing and reporting and big data
32 challenges are going to start to come to this
33 community. But right now, you are hamstrung
34 pretty much by policy what data set you can only
35 go by. And you don't have the authority to do a
36 quick adjudication, in some cases, where common
37 sense tells you you know what the answer is.

38 And I think as you look down the road,
39 that problem is going to become more complex
40 because there is going to be more and more data
41 coming in. The analytics are advancing and I know
42 this is a difficult field to put the algorithms into
43 but there is other things out there that will
44 clearly show you what is trending in the blink of
45 an eye. And having the authority for you to make
46 changes along the road quickly to adjudicate and
47 make a decision, versus being hamstrung by a policy
48 that only lets you go by one set of data is something

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1 down the road you have to address in the strategic
2 plan.

3 FACILITATOR LEA: Thank you, Steve.
4 Mike.

5 MR. SISSEWINE: Yes, I think it is
6 great that you are taking this opportunity to get
7 some input from us and certainly for many, many
8 others, in terms of the development of the
9 strategic plan. And I really welcome that the
10 agency is challenging or, perhaps, demanding that
11 each one of the headquarters offices actually carry
12 through and develop such a plan.

13 I can tell you from past experience,
14 having written strategic plans for the Agency, it
15 was the Headquarters' Offices that were the most
16 recalcitrant in actually fulfilling that
17 requirement. So, this would be great if it is
18 successful this time.

19 I do think it would be worth, actually,
20 looking back at some of the previous strategic
21 plans and not because you want to grab various goals
22 and objectives from them but to really see how they
23 were used and whether they actually had any
24 positive effects and in which situations they did
25 and where they didn't.

26 I can tell you that one of the places
27 they had very positive effects is very much related
28 to something Sam commented on, the steady growth
29 and the amount of money for stock assessments as
30 a direct result of some of those strategic planning
31 efforts over the last couple of decades.

32 That brings me to probably my
33 substantive comment about something to think about
34 in the strategic planning process. What we have
35 heard here from a number of people is that somehow
36 the strategic plan has to result in data, data,
37 data, science, science, science, cut down the delay
38 and so on. And of course, that is, frankly, what
39 past strategic plans have, in fact, had some
40 success in delivering. Yet, we still have this
41 frustration because it is never enough. And I
42 think one has to think about why it is ever enough.
43 It might be never enough because people have
44 unrealistic and unfulfillable expectations.

45 Go back and read the NRC report on
46 rebuilding, which was commissioned by this Agency,
47 which actually discussed the problem of scientific
48 uncertainty and it uses some language like the

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1 identification of the uncertainty isn't a
2 criticism of the science. While the committee
3 attributes some of the variability for mixed
4 performance on rebuilding plans to scientific
5 uncertainty -- I am repeating myself -- this should
6 not be interpreted as a criticism of the science.
7 It often reflects a mismatch between policy makers'
8 expectations for scientific precision and inherent
9 limits of science because of data limitations and
10 complex dynamics of ecosystems. That is, don't
11 design systems that nobody can realistically
12 deliver on. And frankly, I think that that has to
13 be thought through very carefully and we have to
14 -- I mean it applies to the National Standard 1
15 guidelines we are now talking about. Can one
16 actually deliver on them with a realistic level of
17 science? It is always nice, as a scientist to use
18 the various demands to go to Congress or the Office
19 of Management and Budget and get sympathy for
20 spending more money on science but there is a point
21 where there is a realistic limit to what you can
22 actually do. We are never going to reduce all of
23 the uncertainty and we need to design systems that
24 are matched well with the realities of what
25 uncertainty there is.

26 FACILITATOR LEA: Thank you. Sonja.

27 MS. FORDHAM: Thank you. After that
28 comment, I think I have unrealistic expectations.
29 (Laughter.)

30 MS. FORDHAM: I was going to have a few
31 comments about things I thought we could agree on
32 in this panel having to do with monitoring and
33 communicating success with a goal towards -- one
34 of the goals being leveling of playing field for
35 U.S. fishermen in other fisheries.

36 And I first just wanted to support a
37 little bit more focus on maybe relieving some of
38 this stress when it comes to population
39 assessments. It might be unrealistic. And I
40 guess I am not clear on whether the lack of capacity
41 with the shark stock assessments has more to do with
42 the lack of people that are actually capable of
43 conducting the assessments or budget or how that
44 splits out.

45 But, in general, recently, I have been
46 trying to get a handle on the NOAA budget process
47 to increase the level of funding for the sawfish,
48 recovery plan under the ESA, which is the funding

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1 has been declining every year. And it is quite a
2 challenge to figure how that process works. I have
3 participated in the calls that NOAA has provided,
4 the webinars, which have been helpful. But I think
5 last year we had a presentation just about the
6 budget. And I think maybe more information to this
7 panel about how the budget process works might help
8 more of us get involved in it. And, of course, you
9 can't lobby for your own money but the
10 non-governmental people can help if there are areas
11 where we agree and really want to support budget
12 increases.

13 And that sort of gets to the comment I
14 made before about blacktip sharks in the Atlantic
15 if everyone is thinking that they are doing pretty
16 well, it would be great to be able to say
17 definitively that they are doing well and it is
18 possible. And that provides a great lesson for
19 other countries, which helps us inspire them to
20 manage their fisheries, which levels the playing
21 field for our fishermen.

22 And along those lines, this is
23 something that has been happening recently with
24 RFMOs. I serve on the advisory panels for ICCAT
25 and NAPPO and we are making some progress, in terms
26 of what I would like to see is the government
27 communicating to the public well in advance of the
28 international meetings what they plan to do for a
29 particular species. Again, this is usually the
30 U.S. trying to level the playing field. But the
31 further in advance before the meeting, NOAA can let
32 its constituents know and maybe use social media
33 a bit more widely. We can help promote those
34 proposals and raise support for them in other
35 countries. And I think this morning Sam was
36 talking about around the world more concern for
37 sharks. And we have specific examples of things
38 that would help sharks. The NGO community, in
39 particular, can help spread that word, can get to
40 conservationists in other countries and continue
41 to build the support for what the U.S. wants to get
42 done, which levels the playing field.

43 So, yes, in general, just focusing on
44 more assessment capacity and more communication,
45 so that the non-governmental people here can help
46 the government achieve the goals that we all share.
47 Thank you.

48 FACILITATOR LEA: Thank you, Sonja.

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1 Ernie.

2 MR. FOSTER: Yes, I guess mine is a
3 little more grassroots. I am looking at fishing
4 communities. And when I think of fishing
5 communities, I tend to think about the men and women
6 who go to sea and the men and women who work in fish
7 houses more than I do the administrators.

8 And I never knew a man who went to sea
9 because he wanted to do more paperwork. And to
10 that point, it seems to me that the idea of trying
11 to help get the South Atlantic and the Northeast
12 and the HMS Logbook reporting systems on the same
13 page, so that I know in our area the South Atlantic
14 has one system, the Northeast has another system.
15 I don't know what we are going to have with all the
16 electronic gizmos.

17 You know I saw yesterday that if you hit
18 12 consecutive buttons just right, you will be in
19 there with the computer. Minimizing the
20 differences, so that the reports in the South
21 Atlantic and the Northeast cantalk to each other,
22 I know this is kind of it seems simple but it doesn't
23 happen. So, in looking at ways in which you can
24 help the fishermen, I think trying to coordinate
25 the collection of data so that everybody's computer
26 talks to each other in a timely manner, that is just
27 my suggestion. Thank you.

28 FACILITATOR LEA: Thank you, Ernie.
29 So, David, and then Pat, and then Jeff, and then
30 we will go back for seconds.

31 MR. KERSTETTER: Thank you. I realize
32 we are getting close to happy hour, so I will be
33 brief.

34 I have participated in a couple of
35 strategic plans of my own. I run one for my lab
36 and worked on one for the university. And one of
37 the things that I have always found useful is to
38 look at what your desired end state is. Not
39 necessarily the steps but, where do you want to be
40 and then work backwards from there to where you want
41 to go.

42 And I recognize that the Science
43 Centers went through their own strategic plans.
44 So, I will save the science talk, which has mostly
45 been already done today but I will say that it used
46 to be that the Agency had a nice pipeline going for
47 fishery scientists within both management and
48 Science Centers. And that was funded through the

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1 stability of longer grants and contracts, which the
2 Agency has cut back on or cut back the length on.
3 So, if one of those angles is to have a sustainable
4 supply of fishery scientists, another sustainable
5 resource, so to speak, you need to plan for that,
6 recognizing that it is going to take a minimum
7 three, realistically seven years for those
8 students coming in to actually be able to be hired
9 by the Agency.

10 So, the first statement there.
11 Fisheries themselves are not just supplanted.
12 They are economic engines. And there are lots of
13 economic metrics that you can measure, whether it
14 is the number of boats, the number of fishermen.
15 How about a larger goal saying, for example, let's
16 have a larger share of the domestic reduction or
17 the domestic consumption be from domestic
18 production. We have so many fisheries right now
19 in the United States, including the number
20 represented right around this table, who are seeing
21 their production get cut into through imports.
22 That seems ridiculous to me. We should be
23 supplying those American consumers with
24 domestically caught seafood.

25 And finally, because I am South Florida
26 and I would be remiss to not mention angling, Pat's
27 comment yesterday about all the kids playing in
28 soccer leagues instead of fishing, well those
29 recreational fisheries are economic engines
30 themselves. And so one of the goals might be to
31 have a higher level of recreational fishing
32 participation than currently exists. If you start
33 planning for these larger goals, some of the things
34 will work themselves out. But think big on the
35 strategic plan. Thank you.

36 FACILITATOR LEA: Thanks, David.
37 Pat.

38 MR. AUGUSTINE: Yes, and I want to
39 follow on with your comment. Thanks for that lead
40 in. Mine was more along the line of actually one
41 of your strategic plans. I read your directorate.
42 It says office leadership and all administrative
43 functions for internal operations, including
44 personnel, contract cite, et cetera. And along
45 those lines, I put down encourage universities
46 and/or marine institutions, and research centers
47 to further develop degree programs that focus on
48 stock assessments for the highly migratory

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1 species, whether it is shark, whatever it happens
2 to be.

3 There is no question that that is the
4 root of our evil. That is our problem. SSC people
5 are all pretty well locked up, either South
6 Atlantic or mid-Atlantic. They are locked into
7 some kind of contract or the other group in the
8 south that has pirated most of the other scientists
9 and sell their services out to any organization
10 that wants them.

11 So, until we solve the problem of being
12 able to do more status of stocks, we are in a dead
13 circle. No matter how much electronic activity
14 you have out there, no matter how much you beat up
15 on the commercial fishermen, the recreational
16 fishermen, data collection, all the rest of it,
17 MRIP went from MERS to MRIP. It is old data being
18 recycled with still the same complaints, even
19 though the data is improved but we are still having
20 the same complaints; not believable because a lot
21 of the data we are using is some surveys that were,
22 in this case, 2009, we have an annual update of
23 what, of data, not of the species of fish out in
24 the ocean.

25 So, it just seems to me unless we could
26 have more put through of the actual assessment of
27 the stock, we are in a dead cycle and we are going
28 to have the same conversation ten years from now.

29 And I think the answer to question two,
30 what are some possible strategies to reach those
31 goals, that might be one. What changes do I
32 anticipate in the next five years? More and more
33 angrier fishermen, people going out of the
34 business, recreational party boat, charter boat,
35 and commercial guys, and more illegal activity
36 going on. I see it in our state, where people just
37 have the rules and regulations for most things is
38 so God awful complex, to hell with you. I am going
39 fishing.

40 And we don't have enough enforcement
41 people, really. So, catch me if you can. And they
42 will catch what they do when they go home. So, that
43 is that one.

44 How will your needs and the needs of the
45 fishing community change? Well, with imports
46 coming in the way they are and taking more and more
47 market share, the last comment that was made, how
48 are we going to get market share back? How are we

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1 going to do it? So, that is really where I think
2 we are. We are trying to solve all of our problems
3 through massaging data that is either outdated or
4 is uncertain. And based on that uncertainty, when
5 I look at the SSCs and when they do their reporting,
6 I will go back, to the mid-Atlantic as opposed to
7 here, their uncertainty, typically, is 30 to 40
8 percent of the quota, the stock that they are going
9 to protect. Now, that information goes to, in your
10 case, to HMS, and you folks put another cap on top
11 of that. It goes to the mid-Atlantic council.
12 The council votes another 18 to 20 percent
13 protection band above that.

14 So, if the uncertainty is 30 percent and
15 you add 20 percent to that, you have got 50 percent
16 of the stock that is not ever going to be touched.
17 And what happens is we end up squeezing the user.
18 And if it looks like an HMS, we can say well, okay,
19 we are 80 percent of the quota, so we are going to
20 cut it off. It could be in the middle of the
21 season. The commercial sector, because of the way
22 the start and ends of some of the seasons, the
23 sharks, in particular, that Jerry referred to, by
24 the time their season opens, the quota was
25 basically caught.

26 So, I think until we get to a point in
27 time where we have more stock assessments that are
28 up to date, so we are not in this catch 22, closing
29 and opening the season, closing and opening the
30 seasons, I don't see an end to it. And I hope
31 someone would throw an answer at me that would help
32 me to where those answers would lie, other than more
33 scientists.

34 FACILITATOR LEA: Thanks, Pat.

35 All right, Jeff.

36 MR. ODEN: In having a beer at the bar
37 last night, I was chatting with Tim from
38 Lindgreen-Pitman and I quizzed him on how biz was
39 as far as building longlines spools and expecting
40 an answer of pretty poorly. And he said no,
41 actually, it is pretty good but not domestically.
42 He said he is sending them in plenty of other
43 countries but, of course, they are not doing any
44 building in this country. And with what I see
45 coming with Amendment 7 and electronic monitoring
46 and all, you know, I just don't see a vision for
47 our industry. And again, I have a real hard time
48 being in one category that is allocated 8.1 percent

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1 of the quota and 100 percent of the
2 accountabilities that pretty much, to that point,
3 not kind of purse seiners.

4 But anyhow, it won't be long before it
5 will be 100 percent imports and that is pretty sad.
6 He will be exporting his longline spools and we will
7 be importing our seafood, if we keep going down this
8 path. Anyway, thank you.

9 FACILITATOR LEA: Thanks, Jeff. All
10 right, so if you guys can be brief, we will go to
11 the second time around. Martin, briefly, and I
12 will let you take us out, Scott, since you so boldly
13 brought us in.

14 MR. FISHER: Thank you. I have got
15 two points, I guess. One would be working
16 waterfront. We need to protect working water
17 front and that would be a really important goal to
18 be on this board and as a national policy, let alone
19 an HMS policy.

20 Without the heartbeat of the fishing
21 community, which is the fish house, we don't have
22 a fishery. So, we need to find a way to either
23 incentivize them staying there and making national
24 parks, if you will, out of fishing communities
25 would be a great way to go about it. It would
26 increase tourism. It would protect the historical
27 aspect of the business and it would protect the
28 fishermen and the consumer down the line.

29 Immediately for the bluefin tuna, I
30 think we need to go back and look at protecting the
31 participants, the historical participants that
32 don't have enough quota, IBQ, to prosecute their
33 fishery. And without some kind of agency
34 oversight and stepping in and protecting what could
35 become an insurmountable lease rate, the program
36 is really going to hurt a lot of people. It is
37 certainly going to benefit the people that wound
38 up with the shares and I don't mean them any harm
39 but this is a lottery. I mean one day you wake up
40 and you are Mickey Mouse and you are on your way
41 to Disney World. And that is what has happened
42 with all of these fisher programs.

43 The winners are winners and the losers
44 are losers. And the Agency hasn't done anything
45 to protect the people in-between. And it is really
46 time for you guys to step up to the plate and do
47 something about that.

48 So, specifically, that would mean a

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1 set-aside, perhaps, of so much percent of the IBQ
2 to people that have the relatively little but they
3 have a relatively high catch history in swordfish
4 and/or some kind of a limit that would be linked
5 to X vessel price.

6 Thank you.

7 FACILITATOR LEA: Thanks, Martin.
8 And finally, Scott.

9 MR. TAYLOR: Well, I wasn't going to
10 make a comment about the working waterfront but I
11 have got to now, just to put it in perspective for
12 you.

13 I am three years trying to get a
14 building permitted to put a cooler in it. Okay?
15 They don't want us there. The property is too
16 valuable. We have got the only really waterfront
17 dock for commercial swordfish boats between the
18 Florida border and Miami, at this point, where we
19 can house the boats and they want us -- local
20 zoning doesn't want to cooperate at all. They just
21 want it to go away.

22 But the reason I put my card back up is
23 really to kind of put down a challenge, I think,
24 to you, Margo, which has to do with the way that
25 this group interacts and that several meetings ago,
26 we kind of divided up into some small subgroups and
27 it was interesting and maybe it was successful on
28 some levels and some levels not.

29 But sometimes when we operate this
30 panel in this way, we kind of hear everybody else's
31 perspective but we don't generally generate a
32 consensus. And the one that you kind of hear
33 around the room that the fishermen's interest need
34 to be protected, well, the reality of the situation
35 is that I have never walked away from one of these
36 meetings and thrown my hands up in the air and said
37 wow, that one was a victory and that we are moving
38 forward.

39 We understand that, essentially, the
40 world and the time that we live in today is
41 continuing to put more regulation and more
42 restrictions on most of these fisheries and that
43 probably will be the case for at least the near
44 future, until we can reach the point where all the
45 other technologies and science and so forth catches
46 up with the allocation.

47 So, I think that there would be a lot
48 of value. I, personally, view Amendment 7 as a

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1 failure. Not necessarily a failure in terms of the
2 fishery but a failure in terms of the commercial
3 fishery to communicate the ability to really solve
4 the problem, in terms of having input in what the
5 final rule was. That if we go back and we look at
6 all the things that were generally said from the
7 commercial sector, very little of that was imposed.
8 And the reality of that was that roughly the Agency
9 is asking for a two-thirds reduction in the
10 interactions of the fishery and there was really
11 nothing that was offered up, in terms of how it was
12 that we were going to accomplish that.

13 So, not that the rule, as it is, that
14 Brad worked on and proposed, and everybody else in
15 this room worked on and proposed is going to fail.
16 That is not what I am saying. What I am saying is
17 that we didn't do a very good job of being able to
18 communicate what we thought was necessary to
19 include into the final outcome. And I think that
20 by having maybe some smaller groups or the ability
21 to kind of work across the aisle, for lack of a
22 better description in some subgroups and maybe not
23 even necessarily in this environment, that maybe
24 there is a way to reach some level of consensus that
25 we could offer in a unified way to the group. I
26 think recreational and commercial certainly has
27 interest in aligning. And because at the end of
28 the day, the concerns that you are hearing are valid
29 ones that there is -- it is becoming more and more,
30 and more difficult for these guys to eke out a
31 living. And with every layer of regulation and
32 requirement, that resource shrinks. And it is not
33 being seen in one sector. It is being seen all
34 across the sectors.

35 And it is not just when we talk about
36 fishery community, we employ, besides clerical and
37 everything else, I have fiberglass people and
38 mechanics and electricians. There is an entire
39 infrastructure that supports the 40 or 50 boats
40 that operate out of our facility there. It is a
41 whole community that really is at stake and that
42 is disappearing. That is a way of life that is
43 disappearing.

44 And this room, in terms of the HMS and
45 the species that we -- that is our mandate. And the
46 opportunity that I think was lost in the process
47 of Amendment 7, it was a five-year process. There
48 was a lot of variants that I think we agreed on,

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1 that we certainly agree on the fact that the dead
2 discarding had to really come to an end and that
3 there needed to be additional accountability.
4 There was a lot of area that there was common ground
5 with with the commercial sector.

6 I think where we failed was in how we
7 went about implementing that. Whether or not it
8 was a carrot that never materialized or a closed
9 zone, or whatever it was, that I think regardless
10 of who you are hearing from in terms of 7, how the
11 allocation was done, whatever it is, I think right
12 now at this particular point, I can tell you for
13 a fact right now, at this point, the industry is
14 in a panic and nobody can see how, really, that this
15 going to get accomplished in the terms that it is
16 in. I have no doubt that it will. I just don't
17 know whether it is going to look like before
18 Amendment 7 after Amendment 7 and that the end
19 result, probably is going to be what we are already
20 seeing from my place, from Tim's specific fishermen
21 is attrition within the fishery, people that are
22 just giving up because they just don't either have
23 the resource or the energy to pursue it or that they
24 see it as a good exercise.

25 So, without rambling on anymore, I
26 think that maybe a different approach in the way
27 that we interact together might be constructive and
28 the way that we present information to you, in
29 conjunction with what we are doing here now might
30 be helpful.

31 MS. SCHULZE-HAUGEN: To those points,
32 specifically, I would be happy to discuss this
33 further. I mean, we have tried different formats.
34 Some have provided more synthesis in terms of
35 information to us. You all should have each
36 other's contact information. And please do not
37 feel that you can only talk to each other in this
38 realm. You are advisors, industry leaders, and
39 can reach out to each other. There should be
40 nothing preventing you from working together.

41 MR. TAYLOR: And I think that to a
42 certain extent, there has been a failure of that.
43 And I am certainly willing to take responsibility
44 on my own part for that. But to solve some of these
45 more difficult problems that are coming up, we are
46 going to have to figure out a way to get together
47 and because the reality of the situation is there
48 is 100 of us. And what winds up happening more

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1 often than, at least from our perspective, is a lot
2 of times there is more of a political solution
3 because of sheer numbers, than necessarily a
4 practical solution based upon what we are seeing
5 that is survivable for us.

6 If the intent is to see attrition within
7 the industry, then, that is certainly a different
8 thing. I don't believe that is the case. I think
9 that there are some people that believe that way.
10 That is why I am still here on the board and didn't
11 want to resign my position after Amendment 7
12 because I do believe that that is not what the
13 intention is. But it doesn't really matter what
14 the intent is. The only thing that matters is what
15 the result is, what the end result is.

16 I mean like we were talking about the
17 sharks today, okay? That is a practical solution
18 from an operational standpoint that may make it
19 commercially viable for these guys to be able to
20 operate. Really, fundamentally well, I can
21 understand the de-financing issue with the
22 environmentalist, that maybe there is a solution
23 that can be worked through. It is this type of
24 stuff where we have to kind of talk through it and
25 reach and maybe have some consensus that we can
26 approach with you to solve some of the more simpler
27 problems. It doesn't have to be the biggest stuff.
28 It can be these little things have huge impact at
29 the end of the day on the financial viability of
30 a particular fishery.

31 And in the absence of that, they go
32 away. One guy left catching small coastals in the
33 Gulf of Mexico. One guy. I mean think about in
34 terms of that. A lot of these fisheries that it
35 is impossible for everybody to see sitting in here
36 the way that they actually operate, without having
37 that perspective, that is lost. And
38 unfortunately, maybe the commercial industry has
39 not done a good enough job of communicating that
40 and being flexible enough to work. So, I certainly
41 challenge myself and, I mean, the other commercial
42 representatives to take a different perspective in
43 here with the other panel members to reach out,
44 rather than to look at -- the initial impression
45 is to look at a lot of these groups as adversaries.
46 I mean that is the reality of the situation, that
47 there has been a -- that the ENGOS that are the
48 environmental groups that are out there

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1 traditionally have looked to hamstring or curtail
2 the commercial industry. I mean that is the
3 effective result of what has happened.

4 But the fact of the matter is not only
5 are those user groups not as sincere and as
6 impassioned as we are because they absolutely are,
7 but they are not going away. And so we need a way
8 to reach across and to come up with solutions that
9 will work at the end of the day for the commercial
10 guys and also deal with the issues that the
11 commercial interests have. And I think that there
12 has been a failure of that. I mean that is kind
13 of where I am coming from.

14 So, you know maybe we can come to you
15 as the commercial sector and make some suggestions.
16 Maybe there can be some trial stuff with some
17 different formats but I would encourage that we
18 look at some different things, so that we can solve
19 some of the really difficult problems that are down
20 the line without eliminating some of the commercial
21 fisheries.

22 MS. SCHULZE-HAUGEN: I would be all
23 ears if you have got ideas for AP format or stuff
24 in-between, ways that we can facilitate
25 discussions that you all have. I am really open
26 to it.

27 FACILITATOR LEA: Thank you for those
28 very thoughtful comments.

29 Do we have folks here for public
30 comment? It looks like we may. Anyone here for
31 public comment? Okay, we have got one.

32 MS. SCHULZE-HAUGEN: So, we have at
33 least two folks that wanted to bring other matters
34 to the panel. And so I thought maybe this would
35 be time. I think one is quick. One may not be so
36 quick. But I see people are heading out so, I don't
37 know, maybe we should poll around the room. Are
38 people able to stick around for a little bit longer?
39 And certainly we want to have the time for public
40 comment.

41 All right, so how about we give folks
42 that have some other business a couple of minutes
43 and then we will turn it over to public comment.

44 But before we let Lindsay go, if you
45 want to give public comment, your written comments
46 or call me on things, feel free to send that stuff
47 to me and I will make sure it gets to Lindsay. So,
48 you should all know how to reach me. Thank you.

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1 FACILITATOR LEA: Thank you, Lindsay.
2 Okay, I have Rick with bluefin
3 recreational retention limits and then Jeff with
4 pelagic gear. Rick.

5 MR. BELLAVANCE: Okay, thanks. I
6 appreciate the panel's time. I didn't see
7 anything particular on the agenda, so I asked Margo
8 if I could just speak to this quickly on a side note.
9 And it has to do with the recreational
10 specification setting and retention limits for
11 next year. So, if you recall, last year, I
12 advocated for an increase in the retention limit
13 for small school bluefin tuna for the for-hire
14 sector in the recreational fishery. And I just did
15 want to report back quickly that that was actually
16 sort of a success for us. It is kind of a niche
17 fishery up in New England, in New Jersey, New York
18 area. Not a lot of people go for them. They are
19 either out in the canyons chasing yellow fin or up
20 in the Key chasing giant ones. But we have this
21 little fishery that we like to try to prosecute up
22 in that area.

23 And it worked a little bit because I
24 look at the length frequency, length and age
25 distribution chart that we saw earlier yesterday
26 in Rhode Island for the first time since 2010 has
27 a little green mark on there. So, we need to catch
28 a few. And that was reflective of the ability for
29 us as charter boat operators to offer that extra
30 fish to our clients as an incentive for them to book
31 those types of trips.

32 And because of the way we manage these
33 fish, we revert back to a default measure as of
34 January first, which is for all recreational
35 fishermen, one small school tuna or one large
36 medium tuna fish or -- large school and then medium
37 fish.

38 And so what I am hopeful to get some
39 discussion on the panel, if you are interested, or
40 just to put on the record is that I would like to
41 advocate, once again, for a similar measure that
42 we had last year, which would allow all the charter
43 boat sector to take a minimum of two of those small
44 fish, preferably three, but two, however the folks
45 feel fit, and also one of the large school or the
46 medium sized fish. So, that would give us a set
47 of measures that would allow our clients to find
48 value in that trip and hopefully get some of those

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1 under our belt. There is not a ton of those fish
2 around but there is enough where we could make a
3 few bucks at it.

4 So, that is my request and my discussion
5 point. I look forward to the panel's thoughts.

6 FACILITATOR LEA: Thanks, Rick.
7 Richard -- Rich.

8 MR. RUAIS: Yes, I think that is an
9 issue or a recommendation that certainly should be
10 considered before the public. I think what we
11 found over the years is that setting that bag limit,
12 stakeholders from different areas, obviously, have
13 different views over which way utilization of the
14 limited quota above the under small fish and the
15 larger schoolies are used and how you can extend
16 your season the longest way, if I am not mistaken,
17 dividing the north from the south in terms of the
18 utilization of that quota.

19 Is that right, Rick or Margo? Isn't
20 there a north/south line on the recreational quota
21 of the small fish? Yes, okay, there is. So, I
22 would think you would want to check. One thing you
23 would want to do is check to make sure that
24 particular bag limit set up would either be unique
25 to the New England area north of the line or it would
26 be for the entire east coast. And I would also run
27 it by a public hearing or whatever it takes in the
28 Gulf of Maine to make sure that the charter boats,
29 sixpack boat from there is also onboard with the
30 same issue. Thanks.

31 FACILITATOR LEA: Thanks. Pat?

32 MR. AUGUSTINE: To that point, Margo,
33 isn't that line, it has been changed three or four
34 times. I think it is 47 or 48 percent is north of
35 Little Lake Harbor and 53 percent is south. I
36 think that is what you are referring to, Rich.

37 Yes, you are talking about trying to
38 switch that back to what it used to be.

39 MR. RUAIS: That is not my issue at all.

40 MR. AUGUSTINE: Oh, I missed your
41 point. Could you restate it?

42 MR. RUAIS: I'm just suggesting that
43 the fisheries are different in the two areas. And
44 that is why the line was divided so that the
45 stakeholders from each area could choose the best
46 way, in terms of a bag limit, between the timing
47 of the seasons and how best to attract the highest
48 number of clientele to their boats. And Rick's

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1 idea is a great one and it works in his area. So,
2 I think it should get -- I don't want anybody to
3 mistake what I was saying -- I think that should
4 get serious consideration of doing it again that
5 way. And if there is no problem in Northern New
6 England doing it, I mean, generally, I think you
7 do lead this up to the recreational fishermen in
8 those areas to make the decision quota provided.

9 I mean, assuming you have got a quota.

10 MS. SCHULZE-HAUGEN: We have gotten
11 input. There has not been a decision, per se.

12 FACILITATOR LEA: Rick.

13 MR. BELLAVANCE: Okay. Well, then I
14 will say that some of your predecessors left it up
15 to fishermen from the various regions to suggest
16 rather strongly.

17 MR. AUGUSTINE: Thanks for that
18 clarification.

19 FACILITATOR LEA: Rick.

20 MR. BELLAVANCE: Thanks for your
21 comments, Rich. And one thing I did forget to
22 mention, also, is that looking at last year's
23 harvest of those small fish, we only captured about
24 30 percent of overall allocation of that size fish.
25 So, even with those increased bag limits that we
26 have from May 8th on through the rest of the year,
27 we didn't reach any sort of level of harvest that
28 was significant at all. So, it was more of an
29 economic benefit for charter boat guys.

30 FACILITATOR LEA: All right. Jeff,
31 you want to describe the issue?

32 MR. ODEN: Thanks. There are a couple
33 of issues that those of us in our area. To Rich's
34 point there, various areas are different. And in
35 the compliance guide, the HMS Compliance Guide,
36 there are a couple of issues that bring
37 consternation to those of us in our area; one being
38 the provision we are no-cut bait. I think I
39 understand where that originated. I think it was
40 predominately up in the Northeast, trying to cut
41 back on turtle bycatch. And to that point, I
42 understand. But that fishery is predominately
43 practiced, I believe, with Boston mackerel, a whole
44 Boston mackerel and I can see the rationale for
45 that. That would be kind of hard for a turtle to
46 swallow. But to apply the same to a squid, which
47 that turtle could certainly inhale that whole, cut,
48 whatever.

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1 But in our particular instance, the
2 mahi fishery, this past year we had baits that were
3 all we could get. They were almost a pound a piece.
4 And I mean it was -- they were incredible. It was
5 costing us \$500 a day just to set pelagic gear of
6 600 hooks.

7 On our mahi fishery, we set 600 hooks
8 three times a day. We set it, wait 10, 15, 20
9 minutes and haul it. And it is surface gear. You
10 have got nine-foot leaders, nine or ten-foot
11 leaders, and you have got a six-foot drop. It,
12 essentially, is surface.

13 And anyhow, in our case, if we have to
14 use the bait that we had last year, it will cost
15 us \$2,000 a day just for bait and our hooks. And
16 it is just utterly ridiculous.

17 For instance, sometimes we can actually
18 find a small whole squid, which would be compliant
19 and yet they would be even smaller than the cut
20 squid, if we cut one of the pound ones in three or
21 four pieces, they would actually be smaller but we
22 can't always get that bait and it is just very
23 onerous to us, having to comply with that and costly
24 to do. And the rationale in the northeast, you
25 know they have got edges up there which are a lot
26 harder and the turtles bank up on it.

27 You know in the South Atlantic, it is
28 extremely a rare to even catch one. And in fact,
29 I have caught one pelagic longline in 25 years.
30 That is out of a 100,000.

31 So, I mean that is our concern. We ask
32 for relief from that.

33 And anyway, there is one other --
34 anyway, I will open that to questions, if in fact
35 there are any, and if not, comments. But I have
36 one other item as well, which I will be brief with.

37 I think it is consensus. Nobody is
38 complaining. So, anyway.

39 MS. SCHULZE-HAUGEN: Just to let you
40 know, I did raise this question to our Office of
41 Protected Resources folks on what the measure were
42 for the dolphin wild fishery, in terms of turtle
43 bycatch and things like that. I am still waiting
44 to hear back from them.

45 But so we are looking at it, as we are
46 in consultation right now for all HMS fisheries,
47 I think it is an appropriate time to look at this.
48 So, we are.

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1 MR. ODEN: Okay. The other item is I
2 have various permits, which one, sometimes will
3 exempt me from fishing and another -- in our
4 compliance guide, it says five percent demersal
5 versus nondemersal, either/or, which means if I am
6 pelagic longline and even though I have a South
7 Atlantic bottom permit, I can't stop on the way out
8 and catch my 100 pounds or what have you. I'm not
9 allowed to do that and exceed that bycatch limit.
10 And you know, you never know when you might, one
11 way or another, exceed it or not comply.

12 But to me, to have that permit and the
13 ability, I can use the same -- I'm not going to
14 longline it. I mean we have got band rails on the
15 vessel. We can use those. And anyhow, it is just
16 another minimization that is totally unnecessary
17 in our case. I find myself being endorsed out of
18 two other fisheries in the South Atlantic because
19 I was no longer able to go ahead. And they got me
20 for latent effort.

21 And I value my permits. I value my
22 versatility and you all should value our
23 versatility as well because we are not focusing on
24 one resource. And it is in everyone's best
25 interest to keep it spread out, doing various
26 things, rather than focusing on one.

27 So, to that point, it just seems
28 terribly onerous that that particular issue, and
29 in fact even not being able to land a brine shark
30 in our pelagic fisheries in the season is the same
31 there. We can land makos, threshers, and that is
32 pretty much -- well, your short fin thresher, your
33 common thresher, rather. We are allowed to land
34 those but we are not allowed to land a brine shark
35 in conjunction with our pelagic fisheries, even
36 though we have permits for both. And we hear so
37 much about trying to help the directed sharkers.

38 And again, we were the directed shark
39 fishery in its day, as well. So, that needs to be
40 pointed out. We were the fishery and now it is
41 becoming in-state waters gillnet fishery for the
42 most part.

43 So, anyway, I thank you for your time.

44 MS. SCHULZE-HAUGEN: So, Jeff, if we
45 could talk tomorrow offline about the details of
46 the gear that you are setting and we can work
47 through some of the regs.

48 We have started to look at this but I

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1 think we still have some questions. So, if we
2 could talk some more, I think that would be very
3 helpful.

4 FACILITATOR LEA: All right. So now,
5 we will move to public comment. So, if you are here
6 to make public comment, if you could come up and
7 state your name and your organization, if any.

8 MR. HEMILRIGHT: My name is Dewey
9 Hemilright. I am a commercial fisherman from
10 Wanchese, North Carolina. And thank you for
11 allowing me to give comments today.

12 A few comments I have have to do with
13 A6, the sharks amendment. And I'm not so say
14 forgiving as Scott was saying earlier about
15 accepting responsibility. I believe it is the
16 Agency's part to look out for the fishermen and make
17 sure that we are able to make a living.

18 With A6, some of the frustrations I have
19 was years ago when they implemented the choke
20 species of the blacknose shark that would kill the
21 small coastal quota that would affect fishermen in
22 North Carolina. HMS has the data at hand before
23 they go do an amendment. And that data showed that
24 90 percent or greater of the blacknose sharks were
25 caught in Florida.

26 So, why would you have an agency that
27 has the data in its hand that shows that 90 percent
28 of the blacknose sharks is caught in Florida but
29 yet it is the choke species that would affect
30 fishermen up and down the coast, not only Florida
31 but also North Carolina and the mid-Atlantic.

32 Well, hopefully, through this
33 Amendment 6, this will be addressed, where
34 fishermen will be able to be fishing in October or
35 November, given that two out of the five years they
36 have been basically thrown under the bus for the
37 blacknose choke species that was chosen by HMS to
38 manage the small coastal quota.

39 We also have problems in years past,
40 where the agency chose, or the division chose to
41 have seasonal openings that would disadvantage
42 fishermen in the mid-Atlantic with early closures
43 because the species have been caught large coastals
44 and the fishermen would not be able to fish in the
45 mid-Atlantic.

46 When you look at the new quota system
47 and I apologize that I am not tuned up as I usually
48 am, given that I haven't shark fished in probably

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1 four or five years, is that you have going to
2 increase or proposed increase to 55 non-sandbar,
3 large coastal fish or fishery. And off the
4 mid-Atlantic, 61 percent of the fishery that used
5 to exist was catching sandbars.

6 And so, first of all, I was not in favor
7 of tagging program that would constitute fishermen
8 being able to land some sandbar sharks but I am
9 going on record as saying I would be much more in
10 favor of that than the guinea pig fishery, the
11 research fishery that basically is not catching the
12 sandbar quota. Only a few fishermen that
13 participate that fish in a very small area are doing
14 the research. And by allowing the catch
15 composition of the sandbar sharks with a tagging
16 participation, the tagging part would mean if you
17 wanted to land a sandbar you would have to have a
18 tag, it would show the distribution of the
19 ever-increasing population of the sandbar shark.

20 And so, basically. if National Marine
21 Fisheries chose to increase the 55 sharks, I would
22 see how it would maybe increase the catches of
23 sandbar sharks. And they were also, you might
24 would say going back to the choke species, you told
25 fishermen to avoid the areas catching blacknose
26 sharks.

27 Well, when you all made a closure off
28 of North Carolina for the dusky shark, you were
29 legally allowed to land dusky sharks pre-1999.
30 Once that become a prohibited species, you didn't
31 allow the fisherman to go back and show he could
32 avoid the dusky shark.

33 So, it is like in one area you tell the
34 fishermen, hey go avoid the shark. You don't give
35 the fishermen a chance in another area to avoid the
36 shark. As we are seeing the ever-increasing
37 populations of sharks, it is about past time to let
38 people go back and go fishing.

39 I would also say that the guinea pig
40 fishery is not representative of the catch
41 distribution or the abundance to show what is
42 happening up and down our coast.

43 And I would also like to comment on
44 Jeff's thing about cutting the squid in half. It
45 would help if you could cut the squid in half, if
46 you have a pound squid, to cut it in half to go mahi
47 fishing.

48 And has there been any -- this is a

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1 question I'm asking. Has there been any further
2 thing on what is happening with Amendment 9, as far
3 as you all's determination of the Shark
4 Conservation Act? Any further determination on
5 when that is going to be coming out?

6 MS. SCHULZE-HAUGEN: We had an update
7 on that earlier today. We reviewed the measures
8 that were proposed, as well as the public comments.
9 We indicated that we are anticipating maybe in the
10 fall, I think is what we think.

11 MR. HEMILRIGHT: And another thing.
12 As I sit around and I listen about the recreational
13 and commercial and reporting of catches, there is
14 not the parity or equity as you see as many of us
15 know as we watch the MRIP program and what it is
16 based for. It seem like we are continuing to make
17 one side accountable in its landings and the other
18 entity not accountable.

19 And I hope that somewhere down the road
20 that gets worked on as we have annual catch limits.
21 One group gets held to its annual catch limit, the
22 other group, recreational industry is not held or
23 else the bar at certain levels gets moved on up.
24 It is never like a payback or anything like that.
25 So, that is kind of an imperative there. Or not
26 an imperative.

27 Also, with Amendment 7, we are seeing
28 things, I think that you will see a decrease in
29 landings of the fish. I also wonder how much more
30 quota we will be giving away to other countries.
31 I don't know the reason for the 75 metric tons that
32 was recently given away on swordfish quota that
33 came from the southern quota but is quite
34 frustrating as I see this playing out. I hope that
35 the wishes of the Agency given in Amendment 7 do
36 not come out the way it is going to happen because
37 us fishermen, you know there is not many of us left
38 and it is having an effect on us right now.

39 Thank you for my comments.

40 FACILITATOR LEA: Thank you very much,
41 Dewey. We appreciate it.

42 Is there any other public comment?

43 All right, well, I guess it is happy
44 hour time. With that, we are adjourned and we will
45 reconvene tomorrow at 8:30 for a short day.

46 (Whereupon, the above-entitled matter
47 adjourned at 5:38 p.m.)
48

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