

U.S. DEPARTMENT OF COMMERCE
+ + + + +
NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION
+ + + + +
HIGHLY MIGRATORY SPECIES ADVISORY PANEL
+ + + + +

Tuesday,
May 11, 2010

MEMBERS PRESENT:

PAT AUGUSTINE, Mid-Atlantic Fishery Management
Council

RICK BELLAVANCE, Rhode Island Charter and
Party Boat Association

ANDRE BOUSTANY, Nicholas School of
Environmental and Earth Sciences

RONALD CODDINGTON, Southeast Swordfish Club

DAVID CUPKA, South Atlantic Fishery Management
Council

GLENN DELANEY, Marine Division - Maury,

Donnelly & Parr, Inc.

THOMAS DePERSIA, Stellwagen Bank Charter Boat
Association

SONJA FORDHAM, Shark Advocates International

WILLIAM GERENCER, Marine Trade Center

JOHN GRAVES, Virginia Institute of Marine
Science, William & Mary

CLARK GRAY, (proxy for Andrew Gregory), North
Carolina Marine Fisheries

LISA GREGG, Florida Fish and Wildlife
Commission

ELIZABETH GRIFFIN WILSON, Oceana

DEWEY HEMILRIGHT, F/V Tar Baby

KEN HINMAN, National Coalition for Marine

Conservation

RUSSELL HUDSON, Directed Shark Fisheries, Inc.

ROBERT HUETER, Mote Marine Laboratory

MEMBERS PRESENT (Cont'd):

STEVEN JAMES, Boston Big Game Fishing Club

DAVID KERSTETTER, NOVA Southeastern

University Oceanographic Center

JOSH LOEFER, South Carolina Department of

Natural Resources

SEAN McKEON, North Carolina Fisheries

Association

SHANA MILLER, Tag-A-Giant Foundation

VINCENT MONTELLA, South Florida Commercial

TIM PALMER, Swordfish Buoy Gear Association

CHARLIE PEREIRA (proxy for Rom Whitaker),

Hatteras Harbor Center Boats

RALPH PRATT, Pelagic Longliner

DAVID PREBLE, New England Fishery Management

Council

RICHARD RUAIS, Blue Water Fisherman's

Association

MARK SAMPSON, Ocean City Charterboat Captains'

Association

ED SAPP, Gulf of Mexico Fishery Management

Council

ELLIOTT STARK (Proxy for Ellen Peel), The

Billfish Foundation

JAMES SULIKOWSKI (Proxy for Jim Franks), Gulf

Coast Research Lab

RICHARD WEBER, Delaware Natural Estuarine

Research Reserve

CHRIS WEINER, Bluefin Tuna Fishermen

JAMES WILLIAMS, Williams, Leininger and

Crosby, PA

NOAA STAFF PRESENT:

MARGO SCHULZE-HAUGEN, Chief, Highly Migratory

Species Management Division

DR. GUILLERMO DIAZ, Southeast Fisheries

Science Center

RUSS DUNN, National Recreational Fisheries

Policy Advisor

RANDY GREGORY, North Carolina Division of

Marine Fisheries

LEEANN SOUTHWARD HOGAN, Highly Migratory

Species Management Division

ALSO PRESENT:

SCOTT McCREADY

BENNETT BROOKS

DELISSE ORTIZ

MARK LINGO

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

Page

Introductions 5

Overview. 11

Swordfish Issues. 34

Amendment 3 Issues. 104

Report from the Recreational Policy Advisor .139

Bluefin Working Group 150

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

2 Tape 1

3 MS. SCHULZE-HAUGEN: (In
4 progress) -- I think we will have a good
5 meeting. We have a lot of issues to talk
6 about, a pretty full agenda.

7 And just a quick note: I think
8 we have some changes to the agenda that I've
9 been able to talk with some of you about
10 ahead of time. I apologize, I wasn't able
11 to reach all of you, but we will be going,
12 getting into that in a little bit, talking
13 about what we're planning for this meeting
14 as we talk about the agenda generally.

15 And then I also want to introduce
16 -- in the beginning, we have some new
17 facilitators that are with us. They're over
18 here -- Scott McCreary and Bennett Brooks
19 are joining us. And so I think they'll take
20 a few minutes after we do the general
21 introductions and let you know a little bit
22 about themselves, their background. They're

1 pretty familiar with HMS fisheries, at least
2 some of them, and some of us individually.
3 And so I'm looking forward to working with
4 them and you.

5 And so, just to say it, I think
6 most of you know me. My name is Margo
7 Shulze-Haugen, moderator, the HMS Management
8 Division Chief. And so why don't we go
9 around the room -- if you could state your
10 name; any affiliation; if you are a proxy,
11 who you are sitting in for; maybe a little
12 bit about yourself.

13 And so with that, why don't we
14 start over here? Rusty, do you want to
15 start us off?

16 MR. HUDSON: Rusty Hudson, with
17 Directed Shark Fisheries and Directed
18 Sustainable Fisheries.

19 MR. SAMPSON: Mark Sampson, Ocean
20 City, Maryland Charter Boat Captains
21 Association, recreational.

22 DR. HUETER: Bob Hueter, Mote

1 Marine Laboratory.

2 MS. FORDHAM: Sonja Fordham, but
3 I have a new affiliation, Shark Advocates
4 International, environmental.

5 MR. SULIKOWSKI: James
6 Sulikowski. I'm with the University of New
7 England. I'm a proxy for Jim Franks.

8 MS. GRIFFIN-WILSON: Hi.
9 Elizabeth Griffin -- now actually Elizabeth
10 Griffin-Wilson -- from Oceana.

11 MR. DELANEY: Glenn Delaney,
12 commercial rep.

13 MR. WEINER: Chris Weiner, tuna
14 fisherman.

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

17 DR. GRAVES: John Graves,
18 Virginia Institute of Marine Science, here
19 representing the US ICCAT Advisory
20 Committee.

21 DR. KERSTETTER: Dave Kerstetter,
22 NOVA Southeastern University Oceanographic

1 Center.

2 MR. McKEON: Sean McKeon, North
3 Carolina Fisheries Association, commercial.

4 MR. CUPKA: David Cupka, South
5 Atlantic Fishery Management Council.

6 MR. SAPP: Ed Sapp from Florida
7 and representing the Gulf of Mexico Fishery
8 Management Council.

9 MR. BELLAVANCE: Rick Bellavance
10 from the Rhode Island Party and Charter Boat
11 Association, recreational.

12 MR. PREBLE: There it is -- Dave
13 Preble, New England Fishery Management
14 Council.

15 MR. JAMES: Steve James, Boston
16 Big Game Fishing Club, recreational.

17 MR. WILLIAMS: Jim Williams,
18 Florida, recreational.

19 MR. GRAY: Clark Gray, North
20 Carolina Marine Fisheries, a proxy for
21 Andrew Gregory.

22 DR. BOUSTANY: All right -- it

1 works now. Andre Boustany, Duke University.

2 MR. PEREIRA: Charlie Pereira,
3 proxy for Rom Whitaker, North Carolina.

4 MR. PALMER: Tim Palmer, buoy
5 gear sword fisherman, East Coast of Florida.

6 MR. STARK: Elliott Stark, the
7 Billfish Foundation. I'm a proxy for Ellen
8 Peel.

9 MR. RUAIS: Rich Ruais, American
10 Bluefin Tuna Association, Bluewater
11 Fishermen's Association.

12 MR. DePERSIA: Tom DePersia,
13 Stellwagen Bank Charter Boat Association.

14 MR. AUGUSTINE: Pat Augustine,
15 Mid-Atlantic Council.

16 MR. CODDINGTON: Ron Coddington,
17 Swordfish Club.

18 MS. GREGG: Lisa Gregg, Florida
19 Fish and Wildlife Commission.

20 MR. MONTELLA: Vince Montella,
21 commercial rep.

22 MR. PRATT: Ralph Pratt,

1 commercial, and the American Bluefin Tuna
2 Association.

3 MR. GERENCER: Bill Gerencer, the
4 world.

5 MS. SCHULZE-HAUGEN: All right.
6 If we could go around the room, folks in the
7 chairs and around the tables, let us know
8 who you are and who you're with.

9 (Whereupon, the audience members
10 introduced themselves.)

11 MR. McCREARY: All right. Good
12 afternoon everyone. I wanted to say just a
13 little bit about ourselves. I'm Scott
14 McCreary. This is my colleague Bennett
15 Brooks. We've worked with maybe half a
16 dozen of you around this room, but for most
17 of you, we're new, and you're new to us.

18 Just a little bit about our firm.
19 We're based in both California and we have
20 another office on the East Coast. We
21 specialize in facilitating dialogues and
22 conversations around natural resource

1 issues, and many of those involve fisheries.

2 We're involved right now in a
3 number of take reduction teams, most
4 particularly, facilitated the Atlantic
5 Pelagic Take Reduction Team. We're also
6 involved in the Atlantic Large Whale and
7 Harbor Porpoise Teams, and involved, now, a
8 new team in Hawaii, the False Killer Whale
9 Take Reduction Team.

10 So our job is to really work
11 alongside the HMS staff to guide this
12 meeting, and what I'd like to do is invite
13 my colleague Bennett Brooks to say just a
14 few words about himself, and then we'll walk
15 through the agenda and some proposed ground
16 rules for this meeting.

17 So it's a pleasure to work with
18 you all.

19 MR. BROOKS: Thanks. As Scott
20 said, my name is Bennett Brooks. I am the
21 East Coast part of our firm. I live in New
22 York, so I'm frequently on planes, and it

1 was a pleasure, actually, to have to only
2 get on a train to get to work today. So,
3 glad, glad to do that.

4 As Scott said, we've been doing a
5 lot of work with, in fisheries. I
6 co-facilitate, with Scott, take reduction
7 teams -- the Large Whale Take Reduction
8 Team, the Harbor Porpoise Take Reduction
9 Team, and currently, the False Killer Whale
10 Team out in Hawaii. So we're going out
11 there for a series of about six meetings
12 over eight months or so. As you can
13 imagine, those are always interesting
14 meetings and bring together lots of
15 interest.

16 And we really put an effort on
17 trying to help structure discussions that
18 enable folks to talk about the issues that
19 are important to you, make sure that the
20 agency can understand and hear the kinds of
21 issues you have, and step our productive
22 path forward. That's our goal over the next

1 two days with you here, and we look forward
2 to working with you.

3 MR. McCREARY: So just to kind of
4 walk through the agenda here, the, as you
5 know, this is a half day followed by a full
6 day followed by two thirds of a day. And I
7 would say the meeting is a combination of
8 briefings, question-and-answer, and
9 conversations to get your ideas, your
10 conversation, your suggestions, to inform
11 the agency. And as Margo said in her
12 introduction this morning and I think, as
13 you all know, this is not a decision-making
14 meeting but very much intended to gather the
15 best ideas that you want to bring forward.
16 So it's really in that spirit that Bennett
17 and I will try and guide this meeting.

18 So, in terms of the flow of the
19 agenda, we've just done introductions. We
20 have an overview of a whole series of recent
21 activities, which Margo will lead. We then
22 have an overview of final Amendment 3.

1 The agenda now calls for an
2 introduction to the new assistant
3 administrator, Eric Schwab. Eric is not
4 going to be with us at this meeting, but we
5 will be hearing from Russell Dunn, and Eric
6 will be joining us on Thursday. So that is
7 a change to the agenda.

8 A good part of the meeting is, is
9 really intended to be devoted to working
10 groups, and we're going to begin that this
11 afternoon. We have planned for a concurrent
12 Bluefin Working Group and a Shark Working
13 Group. Notice that the agenda calls for the
14 meeting to run until six o'clock. We think
15 it's highly likely that we'll adjourn a bit
16 early tonight. And I know that a lot of you
17 started your day very early, so hopefully, a
18 slightly early agenda or adjournment will be
19 welcome to you.

20 We will start tomorrow at 8:30.
21 We'll reconvene both the Bluefin and Shark
22 concurrent Working Groups. They'll wrap up

1 and outline their report out to the full
2 plenary group of members here. And then
3 after lunch, we'll have the reports out from
4 the working groups.

5 We'll take up swordfish issues in
6 the afternoon, and we have public comment
7 agendized at the end of each day. So just
8 an important point there -- I know there are
9 numbers of members of, of the public here.
10 The focus, really, of the conversation is on
11 members and proxies. We will invite
12 comments from members of the public at each
13 agendized public comment period.

14 So then, returning to the agenda,
15 Thursday morning, we reconvene at 8:30. We
16 take up billfish issues. We take up vessel
17 monitoring issues after the break at 10:30,
18 and then the Marine Recreational Information
19 Program. Again, we'll conclude with public
20 comments and then have a wrap-up.

21 It is possible that we might
22 adjourn on Day 3 before 3:00 p.m. We'll

1 kind of see how the flow of conversation
2 goes, and we know that, that often people
3 make plans to depart, so we'll keep an eye
4 on that agenda. We'll keep an eye on the
5 timing, and we'll give you an update as we
6 kick off each day.

7 So that's an overview of the
8 agenda. And now back to Bennett briefly on
9 a couple of ground rules.

10 MR. BROOKS: So I know most of
11 you are veterans of these kinds of
12 discussions and are familiar with the ground
13 rules that are typically used to manage
14 discussions. And I think what we'll lay out
15 here will be, I hope, and trust, will be
16 quite familiar to you.

17 Again, as Scott said and as Margo
18 said the outset, really, the intent here is
19 to have a good discussion to ensure that you
20 all can learn from the Agency recent
21 developments and directions, and as well,
22 obviously very importantly, that they can

1 hear feedback from you all on what your
2 thinking is, what your priorities are, what
3 your recommendations are.

4 Our role, Scott and I are really
5 to be the neutrals here and help manage a
6 discussion and ensure that it's as
7 productive as it can possibly be. Our job
8 is to keep us on track on the agenda, and
9 that's always a little bit of an art form
10 and not just pure science.

11 So, while we will be mindful of
12 the times on the agenda and really try to
13 make sure we stick to them because there's a
14 lot to cover, at the same time, we know that
15 if there's a really important discussion
16 going on that we're not just going to clip
17 it because the bell hits 2:30. If we need
18 to bleed it a little bit over, we will, to
19 make sure that we really get important
20 thoughts on the table.

21 Along the way, we will also be
22 trying to distill and summarize some of the

1 key themes that are emerging, and that will
2 be perfectly true in the working groups.
3 And Scott and I will each facilitate one of
4 the working groups when we, when we break
5 out into those sessions.

6 What we would ask of you as we go
7 forward is to really focus on expressing
8 your underlying interest. Be as clear as
9 you can in explaining what's of importance
10 to you, what is the message that you want
11 the agency to hear. Obviously, we have a
12 fairly full agenda and a fairly full room so
13 the more that folks can be concise in your
14 comments, that's helpful. It just allows
15 everyone else to fold in.

16 If you're in the queue and
17 someone covers an area that you're
18 interested in or said exactly what you
19 wanted to say, by all means, please stay in
20 the queue and say ditto, because it's
21 helpful to the Agency to know what folks are
22 thinking. But we would also invite you not

1 necessarily to repeat the whole thing.

2 The other piece I think we would
3 ask of you is, as you are, as we're engaging
4 in the discussion, really try hard to listen
5 to what is being said around you and
6 integrate what some of your neighbors said
7 or some of your colleagues said and try to
8 build on those comments, so that the Agency
9 is able to get a more evolved and sort of
10 refined perspective of where, where folks
11 are at in their thinking.

12 So we just you to be very active
13 participants. Again, the intent here is not
14 for you to be talked at. It really is an
15 intent for there to be discussion. I know
16 that, you know, Margo and her team really
17 want to make sure that they're having a good
18 discussion with you and not just sort of
19 talking back and forth at each other. So we
20 will do our best to try to manage a
21 discussion that does that.

22 Just a couple of final points --

1 one, if your cell phones are not yet turned
2 off, please do so. And we ask you,
3 obviously, not to use the phones in the
4 room. We know you may need to take a call,
5 but if you do, we would ask you to step out
6 in the hallway just so folks around you can
7 stay focused on the conversation.

8 If you haven't found the
9 restrooms yet, they are out the door and
10 down the hall and make a right.

11 The microphones, as you've
12 learned, when you use them, you turn them
13 on. When you're done, please turn them off,
14 or else other microphones can't get turned
15 on. So that's just the one thing to know
16 about the mics.

17 And finally, how we will manage
18 the conversation is, when you want to get in
19 the conversation, we notice that everybody
20 has a name tent -- just turn it on its end.
21 We will do our best to see it. If we're not
22 seeing it, you might even just give it a

1 little wave in the air, and then we will try
2 to work our way down the queue.

3 So that's it by way of the ground
4 rules, unless anyone has any questions for
5 us about any facet of meeting management.

6 MS. SCHULZE-HAUGEN: Yes, and I
7 just wanted to -- oh, we have a comment.

8 One point: Eric did apologize
9 for not being able to attend today as
10 originally scheduled but will be here at
11 8:30 on Thursday. And so he, he values the
12 time to talk with you. And at that point, I
13 guess one advantage would be, he would be
14 able to benefit from most of the discussion,
15 or least a couple days worth of discussion
16 already happening instead of coming at the
17 beginning.

18 So please accept his apologies
19 through me. And --

20 MR. McCREARY: Rich, I see you've
21 got your card up.

22 MR. RUAIS: I do, and thank,

1 thank you very much. And I am under orders
2 to be quiet at this meeting, so I will
3 respect that for most of the meeting. But I
4 was just hoping that the one thing that I
5 think is lacking on the agenda is there's no
6 mention of the oil spill in the Gulf of
7 Mexico.

8 And I was hoping that at some
9 point in time, five minutes or 10 minutes,
10 could be devoted to talking. Maybe
11 Guillermo or somebody else could give us,
12 you know, an update on the potential
13 biological impact of this spill of the, you
14 know, catastrophic spill that's taking place
15 right now.

16 Thank you.

17 MR. McCREARY: Good point.

18 MS. SCHULZE-HAUGEN: Yes, it is
19 part of my overview, touching on it. I
20 don't have a lot of information on the
21 impacts, but certainly we can take some time
22 to talk about it. I think a lot of us have

1 been talking about it already. So I'm happy
2 to make that time.

3 MR. McCREARY: Anybody else?

4 (No response.)

5 MS. SCHULZE-HAUGEN: All right.

6 Just a couple of other personnel notes
7 before getting into the overview. I wanted
8 to mention, Russ has joined us, but in his
9 new capacity as the Recreational Policy
10 Adviser. And so he'll be talking to us a
11 little bit about the issues that he's
12 dealing with now. So we miss him in HMS,
13 but he hasn't gone too far, so that's good
14 for us.

15 And I wanted to also note that
16 Chris Rilling, who had been with the
17 Division for a number of years, is now
18 working for the National Observer Program in
19 Silver Spring in the Office of Science and
20 Technology. So we also miss him and, but he
21 also hasn't gone that far either, so we get
22 to work with him.

1 Sari Kiraly has retired, so she's
2 no longer with the Division after a long
3 federal career. I think she's enjoying some
4 free time.

5 And I also wanted to mention that
6 Dr. Guillermo Diaz is on a detail to the
7 Division, and so he's helping us work on a
8 comprehensive HMS research plan that we are
9 looking to finish up by the fall.

10 And finally, we also -- I didn't
11 see her -- have a new administrative
12 assistant, Jen, who might have helped you
13 out earlier.

14 So with that, let me go through.
15 This is the fairly long presentation of the
16 things that are going on, including the oil
17 spill, and so, since September, kind of, to
18 run the numbers on things that have been
19 happening:

20 Published three proposed rules
21 with one more in progress at this point;

22 Published two final rules with

1 three more in progress;

2 Considered, continue to consider
3 over the fall and the winter the abundance
4 of comments that we got last summer from the
5 Advance Notice of Proposed Rulemaking and
6 are making progress on some issues and are
7 looking to continue the dialogue with you on
8 all of them and really getting into some of
9 them here;

10 We've released the final
11 amendments and EIS for Shark Amendment 3,
12 and then the final rule. That's one of the
13 ones in progress;

14 We're participating in the
15 Caribbean Commercial Fisheries Data
16 Improvement Initiative. That's an Agency
17 effort, and we're working with partners
18 Puerto Rico, USVI, the Caribbean Council,
19 and other parts of the Agency there to work
20 together on some of the improvements there.
21 And then we've amended our amendment for the
22 timeline to match that, so we're building on

1 the work that to be done as we're moving
2 forward with that amendment. It does mean
3 that Amendment 4 is slowed a bit, but we
4 think that it's worth the time to build on
5 those improvements;

6 Issued 21 exempted fishing
7 permits, scientific research permits, and
8 letters of authorization or acknowledgement
9 to date -- those numbers will go up. There
10 are more in the pipeline. These are just
11 the ones that are done so far;

12 So, oversaw a total of 22
13 workshops. If you recall, there's the two
14 protected species, handling and release, and
15 then the shark carcass identification;

16 We have added a capability to
17 register HMS tournaments via email, which is
18 here, trying -- this was, I think, a comment
19 coming through from the panel, a suggestion
20 for how to improve things, do things more
21 efficiently. We still have a large number
22 of people receiving the HMS listserv

1 notices. Hopefully, you are all getting
2 those as well;

3 And then the Deepwater Horizon
4 oil spill emergency rule -- closing portions
5 of the Gulf of Mexico, trying to really
6 track where the oil is, and keep those areas
7 closed primarily at this point for public
8 health and safety. But it has been a very
9 consuming kind of thing in the last couple
10 of weeks, as I'm sure you can all imagine.

11 Specifically to that, this is the
12 new air closure area. It is about to be
13 released, so it hasn't been posted yet.
14 You're the first seeing it. We've gotten
15 permission to share with you. And you can
16 see from previous areas, it's a little, I
17 think, more southerly and a little more
18 westerly. And it, again, is trying to
19 really minimize, as much as possible, the
20 fishery closures to areas where the oil is
21 really expected to be or known to be.

22 This is something that the entire

1 Agency is focused on and has been since the
2 beginning. Numerous parts of NOAA have been
3 on the ground with satellites, the damage
4 and restoration folks, working intensively,
5 collecting as much information as possible.
6 Fisheries Service has been heavily involved
7 from the fishery side of things. And I
8 expect it will continue to change as the
9 information changes and will continue to be
10 an extremely high priority for us.

11 And so, HMS has been involved in
12 this closure. And the other ones previous
13 have been to all fishing -- that includes
14 HMS fishing -- and I would expect that to
15 continue. And then as more information
16 becomes available on extent and impact, then
17 we'll be reviewing it right alongside the
18 rest of the Agency for what we do about it.

19 I'm not sure how much more we can
20 say about that. I'm happy to -- I'll let
21 Guillermo talk for a few minutes. Maybe at
22 the end we can spend some time on it. But

1 this is definitely a big deal and something
2 we're paying a lot of attention to.

3 Turning back to some of our
4 actions:

5 Shark Amendment 3 -- this is the
6 amendment that would implement a rebuilding
7 plan for blacknose sharks, ending
8 overfishing of short fin, and incorporating
9 smooth dogfish, smoothhound into the fishery
10 management units. I'm not going to spend a
11 lot of time on this because we do have a
12 presentation for you in just a few minutes,
13 going into some -- a high-level presentation
14 for the entire panel -- and then this will
15 be a part of the Shark Working Group
16 discussion in depth. So the FEIS was
17 released mid-March, and the final rule is in
18 progress.

19 For Caribbean Amendment 4 --
20 again, to note that the timeline has been
21 extended to match the data collection
22 effort, so that is a little bit slower than

1 we had originally envisioned. But that is,
2 I think -- we think -- worthwhile. When we
3 met last, we asked for comments on the
4 predraft not long after the panel meeting,
5 and the comments we received were generally
6 supportive of the effort to kind of consider
7 the unique nature of the Caribbean
8 fisheries. And then a few comments also
9 suggested that we should continue work with
10 other Caribbean countries beyond, I think,
11 the U.S. components, due to some of the
12 basin-wide issues there.

13 So, on sharks for the 2010
14 season, if you remember, the base quotas
15 were established in Amendment 2. We
16 published the final Season Rule for 2010 in
17 January, which adjusted the 2010 season
18 quotas for non-sandbar in the Atlantic and
19 porbeagles based on overharvest.

20 The research fishery and the Gulf
21 of Mexico -- research in the pelagic
22 fisheries opened January 5th. The

1 non-sandbar large coastal Gulf fishery
2 opened February 4th, and that's lasted about
3 six weeks. We closed March 17th, in advance
4 of the oil spill, which I think was an
5 advantage to them. But that quota went much
6 more quickly than we anticipated, and I
7 think that would be something that we wanted
8 to talk about.

9 In the Atlantic, the non-sandbar
10 large coastal fishery opens July 15th. This
11 coincides with the Atlantic States --
12 Inter-Atlantic State Commission Interstate
13 Plan State Water Closure Opening -- that's
14 kind of a long way of saying all the states
15 would open at the same time.

16 And then for the 2010 shark
17 fishery, an interesting thing to note would
18 be that we added, based on panel input doing
19 research in the Atlantic bottom longline
20 closed area, to get some information off of
21 North Carolina. And we have nine applicants
22 that received permits to help us with that research.

1 For Swordfish 2009, this Final
2 Rule published December 16th, and it was
3 specifications rule that adjusted the 2009
4 quotas based on 2008 under-harvests for both
5 North American and South Atlantic swordfish.
6 It included backstopping the Gulf closures
7 for eliminating the sunset provision of the
8 Madison-Swanson steamboat lumps closure and
9 also implemented the Edges 40-fathom contour
10 closure. This, these are Council actions,
11 and we were backstopping the HMS regs so
12 that HMS Fishing didn't undermine the intent
13 of those closures.

14 And we included five, what we
15 considered administrative, regulatory
16 changes. One of them has gotten some
17 attention and is something that we may want
18 to talk about during the swordfish issues.
19 It was, the swordfish minimum standards were
20 streamlined. There had been three
21 measurements, two lengths -- one with
22 head-on, which was lower jaw fork length;

1 one with head off, which is cleithrum to
2 keel.

3 And there was also a weight-based
4 measurement. Prior to this rule, all three
5 of these measurements may, would have been,
6 had to have been tested and examined in
7 order to determine compliance. The
8 weight-based measure, in particular, is
9 difficult to do at sea and often would have
10 to be, could not be completed until ashore.
11 And there was also confusion among fishermen
12 in terms of people coming in where fish
13 weren't landed, kind of mixing things
14 inappropriately.

15 And so, based on some request
16 from enforcement and some of the experience
17 that we've had with kind of a lack of
18 clarity of when things applied, this final
19 rule modified that and became very clear on,
20 at what point and the type of condition the
21 fish was in, which measurements applied
22 solely -- looking at head on was solely; a

1 lower jaw fork length, if the head was off,
2 solely; cleithrum to keel. The
3 weight-based measurement really for imports,
4 and it remains for imports, but was not
5 going to be used anymore for domestic
6 landings.

7 I think there were a number of
8 folks that were unaware of this rule and its
9 impacts. We had presented it to the
10 Advisory Panel as well as to the ICCAT
11 Advisory Committee, had done some outreach
12 to some key folks. We didn't get a lot of
13 comment, and so when we received word that
14 this was now causing problems, it was a
15 little dismaying for us that we hadn't
16 gotten the comment during the comment
17 period. It's something that we can continue
18 to talk about, look into, at some point in
19 the meeting.

20 Turning now to --

21 MR. McCREARY: Let's turn it over
22 to Dave first.

1 MS. SCHULZE-HAUGEN: -- okay.

2 MR. McCREARY: Dave, you had a
3 question?

4 DR. KERSTETTER: Yes, thank you.
5 I didn't know if it was appropriate to say
6 comments here, or do you want them saved to
7 the end?

8 MS. SCHULZE-HAUGEN: Well --

9 DR. KERSTETTER: Not comments,
10 but questions.

11 MS. SCHULZE-HAUGEN: Like a
12 clarifying question?

13 DR. KERSTETTER: Correct.

14 MS. SCHULZE-HAUGEN: Sure.

15 DR. KERSTETTER: If you go back
16 to that slide, you talked about the head on.
17 And I appreciate you putting this into the
18 agenda for today. Can you clarify whether
19 that means that the top of the cranium has
20 to be kept whole onto the fish, even if the
21 lower jaw is still naturally attached?

22 I mean, I'm not a fisherman, but

1 because I'm out with all the fishermen, I
2 constantly get asked this, and I'm just
3 trying to get clarification.

4 MS. SCHULZE-HAUGEN: Yes, I think
5 it does. And, and part of the reason for
6 that is because the ability for the lower
7 jaw to be really stretched has been
8 demonstrated and has meant that fish that
9 might normally not meet that minimum size
10 because they can stretch the lower jaw, the
11 head, the rest of the head is not attached,
12 has been a problem. So, yes, it's the head.

13 DR. KERSTETTER: So, officially,
14 from a, an enforcement perspective, the
15 entire top of the head has to be left on the
16 fish?

17 MS. SCHULZE-HAUGEN: I don't want
18 to speak for enforcement. They look at
19 situations --

20 DR. KERSTETTER: Well, that's
21 ultimately part of the problem because I've
22 heard that there's differences in

1 enforcement.

2 MS. SCHULZE-HAUGEN: All right,
3 this is one that I anticipated that we would
4 get some questions on, so what I'd like to
5 do is ask that we write down the questions
6 and let me get through the rest.

7 We have time on the agenda for
8 swordfish issues, and so I think we can come
9 back to this. I know it's an important one
10 that people want to talk about. I think we
11 could spend quite a lot of time, at this
12 point, on it, and I'd like to get through
13 the rest. So if that's -- okay.

14 MR. McCREARY: We'll flag it and
15 come back to it.

16 MS. SCHULZE-HAUGEN: Okay.

17 Looking now to 2010 swordfish
18 specs, this is -- again, what we're looking
19 at is a pure specifications rule, so we're
20 not including, partly based on the
21 experience from '09, it can have other
22 things in it, and it would be adjusting the

1 2010 quotas for under-harvests in 2009 for
2 both the North Atlantic and South Atlantic
3 swordfish.

4 One important difference, and I
5 see that it is covered now by the connection
6 problem box, which hopefully will go away,
7 is that the Recommendation 0903, for South
8 Atlantic swordfish included some quota
9 transfer to, I think, three other countries.
10 And so the United States is, will be taking
11 that from our under-harvest.

12 And so what's below that blue box
13 is the same number as what's above it,
14 meaning that it's not going to be higher.
15 We're not carrying forward our
16 under-harvests in the South Atlantic. So
17 the number is the base for -- there we go.

18 And if anyone knows what that
19 little blue box means, that might be good to
20 remedy.

21 So this rule we're expecting to
22 come out in maybe a month or so, so you can

1 look for that.

2 Turning now to bluefin tuna. For
3 the 2010 specs, the proposed rule published
4 early December, our base quota, as you
5 recall, the 2008 bluefin recommendation
6 established a quota for 2009 and then one
7 for 2010. The 2010 quota was 100 tons less,
8 and so that's, this rule kind of run those
9 numbers through the, the adjustment process.

10 Our adjusted quota is 1268.3, and
11 then there's the NED additional 25 metric
12 tons. And so the methodology that we've
13 proposed was to ensure the longline category
14 has sufficient quota to operate after
15 accounting for dead discards, maintaining 15
16 percent of the quota in reserve for
17 potential transfers and domestic management
18 objectives, and then distribute the
19 remainder according to the FMP percentages
20 that are, have been in from the '99 FMP.
21 That rule we are working as hard as we can
22 to finalize. I expect that to be out very

1 soon.

2 Also on bluefin, on another
3 proposed rule, the comment period to close,
4 is what we termed the reg. amendment. This
5 was a proposed rule that came out of the
6 process that really started about a year
7 ago, where, if you recall, the spring
8 meeting last year, and a lot of comments we
9 got on the '09 specifications, stressing a
10 very strong need to catch as much bluefin as
11 possible of our quota, and really reviewing
12 all of the regulations to loosen
13 restrictions as we could -- some comments to
14 the extent of, any and every regulation that
15 could constrain bluefin landing should be
16 eliminated.

17 As you recall, we published the
18 final '09 specs pretty much as they had been
19 proposed because we were limited in what we
20 could do at that point. But on the same
21 day, we published the advance notice of
22 proposed rulemaking, where we tried to

1 include all of the comments that we had
2 received during the specs process as well as
3 a number of related issues that had come up
4 over the years related to swordfish and some
5 permitting issues, a variety of things.

6 And so last summer, we were in
7 the midst of a number of public meetings on
8 those issues. We talked again in the fall
9 and then, in November, published the
10 proposed rule that would increase, for the
11 General category, the maximum daily
12 retention limit from three to five, allow
13 the January sub-quota to run as long as it
14 was available, as opposed to ending on
15 January 31st, and then for the harpoon
16 category, increase the retention limit of
17 the large mediums from two to four.

18 That comment period was
19 originally slated to end, I think, about a
20 month, 30 days. Due to numerous requests,
21 we extended it through March 31st. We
22 received about 6,000 comments on that, and

1 we are, we have gone through them. But I
2 think, at this point, due to the oil spill
3 attention that's taking a lot of Agency
4 resources, we have not been able to brief
5 leadership on a final rule. So at this
6 point, I don't have an exact schedule on
7 when we will release the final rule, but we
8 are working on it, and we will do our best
9 to do that quickly.

10 Also, on bluefin tuna, there've
11 been a couple of in-season actions since the
12 last AP meeting. The target catch
13 requirements in the NED were implemented
14 effective October 22nd, and that was because
15 the 25 metric-ton set-aside for which the
16 target catch requirements do not apply had
17 been met. And so we, we implemented them
18 via in-season action, and then for January,
19 the general category limit of two
20 large-mediums.

21 And so, for some of the spawning
22 season observer coverage, if you recall, the

1 last couple years we've had a target of
2 100-percent observer coverage. This is to
3 better characterize the spawning grounds.
4 Funding it this, for this year, we're
5 expected to reach about 50 percent. The oil
6 spill, at this point, is affecting vessels
7 being able to go fishing -- in some cases,
8 at all, or where they may be going. And so
9 I think we're not sure what we'll end up
10 with at this point, but that is still our
11 goal, and we have the observer program in
12 position to do that.

13 And then we also have the weak
14 hook research, which is going on in, in the
15 Gulf -- has the last couple of years.
16 Preliminary results continue to be very
17 promising. This is looking like a
18 potential, real potential for us. We've
19 seen so far, is 75 percent reduction in
20 bluefin CPUE with non-significant reduction
21 in yellowfin catches. Despite that, like I
22 said, that year is continuing this year, as

1 best we can. At least that was the plan.

2 And just to take a minute on the
3 ANPR, we talked about when it came out and
4 some of the reasons for it, to get the
5 broader impact on a variety of issues --
6 increasing the opportunities to harvest U.S.
7 quotas while still ending overfishing and
8 rebuilding bluefin, continuing to revitalize
9 the swordfish fishery while minimizing
10 by-catch; looking at the permit structure;
11 and then considering, in the broad spectrum,
12 applicability of catch share programs in HMS
13 fisheries.

14 We've gotten comment on that, and
15 we're continuing to look at all of the
16 issues, making some headway on tuna landing
17 form, getting some, actually very recent,
18 new information from some squid troll
19 fishermen -- continuing to look at that.
20 We've been looking at the, the permit data,
21 the landings data for that.

22 Also been a lot of talk recently

1 about the HMS general commercial hand gear
2 concept. That was a specific item raised
3 for discussion at this AP meeting, so we're
4 prepared to do that.

5 And, the continuing discussion on
6 catch shares -- is it appropriate? Is it
7 something we should pursue, or not?

8 Turning now to some of the
9 landings information -- is this a clarifying
10 question, Rich?

11 MR. RUAIS: I'm violating my
12 rules. I'm sorry? Okay, please, please do.

13 Could you go back to the first
14 slide please, if you don't mind?

15 MS. SCHULZE-HAUGEN: The first
16 slide?

17 MR. RUAIS: Well, the first tuna
18 slide.

19 MS. SCHULZE-HAUGEN: First tuna.

20 MR. RUAIS: Yes, I just wanted to
21 let you know that there's been substantial
22 kickback in New England -- and maybe this is

1 more appropriate for the Working Group, and
2 I'll raise it in the Working Group in detail
3 -- about allowing, you know, the January
4 southern quota, if it's not caught, to be
5 continued to be finished into potentially
6 February, March, April, May, while other
7 user groups are not yet open. So we'll
8 probably -- we'll talk about that in the
9 Working Group and come back to you on that.
10 There's some very strong feelings about
11 that.

12 And when you say there were 6,000
13 comments received, are you talking about a
14 lot of postcards? I mean, I mean, I, I find
15 it difficult to believe that 6,000 people
16 actually wrote detailed letters on, on the,
17 on the proposed rule itself. So maybe you
18 could just give us an indication of what
19 type of comments you're talking about there.

20 And then if you could move to the
21 next slide, just one more comment.

22 MR. McCREARY: Just a -- a

1 clarifying question is good. A comment, we
2 just want to hold on.

3 MS. SCHULZE-HAUGEN: Specific,
4 the type of comments -- comments are
5 comments to us. They were not postcards. I
6 think what you may be referring to is
7 whether they were form letters. Many, many
8 of them were. But you know, to us, it's a
9 comment. So we like all comments.

10 Okay. So, all right.

11 MR. McCREARY: Let's move on.

12 MS. SCHULZE-HAUGEN: Yes, we're
13 going to move on. I think we will have time
14 in the working groups to get into some of
15 these issues, and I look forward to that.

16 Touching on recreational
17 swordfish, we have a continuing trend, as
18 you can see. 2007 -- there had been
19 increases up until that point but a decent
20 drop off since then in 2008, 2009. 2010 is,
21 it's still young. But I'm not sure it will
22 be as high as 2007.

1 And then non-reporting remains
2 problematic. We check chat boards, we get
3 magazines, and a lot of the fish don't make
4 it into the reporting system. So that's
5 the, the basis of that kind of comment. It
6 looks like not all the fish are coming in to
7 the reporting system. And obviously, at a
8 time when we want to get our landings up as
9 much as possible, having fish reported is an
10 important part of that.

11 On billfish, the last couple of
12 years -- for 2008, we came out to a total of
13 117, well within our 250 blue and white
14 marlin annual landings limit. 2009, we're
15 still putting the final information in from
16 catch cards, but it looks like we will also
17 be well below. And then for 2010, really,
18 the season is just starting, so I think
19 these numbers are, should go up.

20 We've, last year, registered 269
21 tournaments; 170 have registered so far this
22 year. They continue to go through the

1 summer, so that number will also go up. And
2 then on roundscale spearfish and white
3 marlin, some of the issues that came up this
4 morning about how HMS are defined and in the
5 Management Unit will be something we will
6 talk about in the billfish discussion on
7 Thursday morning.

8 To give you an update on the
9 pelagic longline closed area of research.

10 If you recall, the intent of this was to
11 collect baseline data under current fishery
12 conditions in the closed areas. We looked
13 at a portion of the Florida East Coast that
14 had been closed since 2001. We didn't have
15 new information since then, and so we, we're
16 doing some research -- 289 sets with three
17 votes, although only two fishing at a time,
18 with 100 percent observer coverage.

19 So we had extended a couple of
20 times, modified the boundary slightly based
21 on requests, and we most recently extended
22 that through September 30th to finish up

1 some sets and write the report. I think we
2 will not reach our goal of 289 sets, but I
3 understand the information is still valuable
4 and will be statistically valid, which was
5 part of our goal.

6 Here's a map of the area. The
7 Florida East Coast down here, the hatch
8 mark, and that section to the, my right I
9 guess, was the modification.

10 And then these are just some of
11 the numbers. Please don't take this as the
12 meaning or the analysis of the results.
13 These are just basic summary numbers to
14 share with you. The number of trips
15 completed in the closed area versus open
16 area, and then by Florida East
17 Coast-Charleston bump, over different
18 quarters -- you should have all of this in
19 the handouts.

20 And then again, just some numbers
21 -- this is not an intent, intended to be an
22 analysis -- of fish caught and then

1 disposition, released alive, released dead,
2 by the closed versus open areas. You can
3 see swordfish kept, the closed areas
4 relative to open, and we're including some
5 sea turtle numbers. So, again, we would
6 expect more of an analysis when the final
7 report is in but wanted to share with you an
8 update, what we could, at this point.

9 And turning to international
10 issues, international issues have been quite
11 the focus for us over the last year, and I
12 think they always are. But with the added
13 element of the CITES meeting (the Convention
14 on International Trade and Endangered
15 Species) took a lot of our energy through
16 March, where -- I'll just talk about that
17 quickly.

18 The proposals from Monaco that
19 the U.S. supported on bluefin as well as the
20 U.S. proposals on a number of shark species
21 did not pass. And so international trade,
22 at this point, is, is unaffected. The shark

1 proposals would have been to do some
2 documentation. But again, that did not
3 pass, so there's no change there.

4 At ICCAT 2009 was heavily focused
5 on bluefin generally, largely with the CITES
6 meeting coming. North Atlantic
7 swordfish/South Atlantic swordfish were also
8 renegotiated.

9 There were a number of shark
10 proposals. Bigeye thresher, I believe,
11 passed, although there's not a change for
12 us.

13 Northern albacore rebuilding plan
14 was established, and then there was
15 additional but slight modifications to the
16 catch document scheme for bluefin.

17 Looking ahead to 2010, the North
18 Atlantic swordfish recommendation is up for
19 renegotiation again; South Atlantic is not.

20 We're expecting shark proposals
21 to continue. There's some thought that we
22 may get a shortfin mako proposal passed this

1 year. Bigeye is expected to come up again.

2 And on shell fish, the U.S. had
3 tabled a proposal to require live release
4 in, I believe it's pelagic longline
5 fisheries across the Atlantic. There was a
6 recommendation on the floor to make that
7 applicable to all fisheries. The United
8 States hadn't checked back home on that, and
9 so we requested more time to consider the
10 implications of that.

11 And so, on the billfish
12 discussion, this is something that we're
13 hoping to get some feedback from you.
14 That's part of doing our homework before we
15 get there. And so this may come up again --
16 just for folks to know.

17 And then, a couple of actions
18 that are being led by the Office of
19 International Affairs -- the Marine Mammal
20 Protection Act -- there was a petition for
21 rulemaking to ban imports of swordfish a
22 couple of years ago. Lots of comments

1 received when that was announced, and now
2 there's a, an advance notice of proposed
3 rulemaking that was just published to
4 consider options for assessing whether
5 foreign fisheries whose products come into
6 the United States meet U.S. standards. So I
7 would encourage all of you to take a look at
8 that and submit comments on that.

9 And then, the Magnuson-Stevens
10 reauthorization identification process has
11 begun again this year. The Federal Register
12 notice asking for any information that you
13 all may have or know of came out at the
14 beginning of April.

15 So again, this isn't something
16 that the HMS Division is lead on. We
17 participate in --

18 (End of Tape 1.)

19 Tape 2

20 PARTICIPANT: (In progress) -- and
21 is that going to return again as a proposal of
22 the look-alike between those species and

1 hammerhead?

2 MS. SCHULZE-HAUGEN: The process
3 is one -- anyone can submit ideas. The Fish
4 and Wildlife Service is the one that has the
5 lead for CITES. They have a number of Federal
6 Register notices that come out asking for
7 input from members of the public. The U.S.
8 Government can also put forward proposals on
9 its own.

10 It was a joint effort looking at
11 the available information, the impacts of
12 trade. It wasn't any single group that was
13 involved. In fact, most of NMFS, at different
14 points, was involved with Fish and Wildlife
15 Service.

16 At this point, the meeting has
17 concluded, so recently I think we don't have
18 future plans at this point, but I would
19 encourage you to bring this up in the Shark
20 Working Group. Thank you.

21 And one final note on --
22 clarifying question?

1 PARTICIPANT: It's my
2 understanding that the marlin agreement
3 expires this year, and that will be discussed
4 this fall as well.

5 MS. SCHULZE-HAUGEN: That may be.
6 John is nodding his head, so yes, I think
7 you're right.

8 One final point on international
9 trade is that it continues to be something of
10 intense scrutiny across the countries, high
11 expectations from all countries to comply with
12 every aspect of it, and so they're quite
13 complicated documents and requirements. So
14 NMFS, overall, is looking at ways to increase
15 our efficiencies in better meeting those
16 current requirements as well as any future
17 ones.

18 There is some interest in
19 expanding the catch documents to bigeye
20 globally, and then there was a recommendation
21 or a proposal -- sorry -- from the European
22 Union to expand catch documentation to an

1 additional 17 species, which would greatly
2 complicate our current tracking. So just FYI
3 at this point. It's a big deal.

4 Turning out the workshops. This
5 is a slide that you've seen a lot. We have
6 two kinds of workshops that we run via
7 contract, the protected species handling and
8 release as well as shark identification. All
9 of, they are both on three-year cycles. Many
10 of those are coming up this year, and so if
11 you can help us spread the word that people
12 should be checking those workshop certificate
13 dates and look ahead to when they might be
14 able to attend a local workshop, hear some of
15 the dates that we have for May and June.

16 And then what we're trying to do
17 is, further in advance, further out, give some
18 indication of where we expect to go. We try
19 and identify places where there's at least a
20 fair number of folks whose permits or workshop
21 certificates are expiring and try and get
22 there. We are not able to go to everyone's

1 backyard every month that their workshop
2 certificates expire, so we do need folks to
3 plan ahead. We try and get to all the regions
4 at least once a quarter, but sometimes it does
5 require some travel.

6 I have some of the information on
7 the exempted fishing permits if folks want
8 them. The point here would be that all of
9 these require some sort of analysis, either
10 quota or NEPA analysis, on the effects of the
11 research or the exemption, the environmental
12 impacts. And so for 2010, again, this number
13 will go up, and this is, all of these require
14 some, some level of analysis.

15 Things that are happening out,
16 outside with the commissions, there was the
17 group of reef fish, turtle take rule and the
18 recent Gulf action that may have some impact
19 on Gulf HMS fisherman. And for the Atlantic
20 States Marine Fisheries Commission, that
21 interstate plan is adopted, is supposed to be
22 implemented in January. New Jersey was found

1 to be out of compliance, and the agency,
2 through the authority it has, has said that it
3 would implement a full moratorium for shark
4 fishing come July 30. That, I believe, gives
5 New Jersey time to come into compliance, not
6 a lot of extra time but enough time. And we
7 understand that they are well under way to do
8 that. So hopefully, the moratorium won't need
9 to come into effect.

10 We're continuing to work on
11 modernization of the dealer reporting system,
12 working with some of our agency partners,
13 developing outreach on encouraging live
14 release of shortfin makos. The International
15 Trade Data System, this is a Customs border
16 patrol requirement, but it is requiring all
17 federal agencies to come on board. This will
18 be a big change when it comes into line. NMFS
19 is participating, and you'll be hearing more
20 on -- the Office of International Affairs is
21 a lead on this as well.

22 We have the green stick gear study

1 that's underway. I'll have a few slides on
2 that in a minute.

3 And then another point would be
4 the creation of a SEDAR pool for sharks, for
5 the stock assessments. HMS species are fully
6 incorporated into the SEDAR process now, and
7 so we're seeing some changes based on that,
8 including, including this SEDAR pole. And
9 then folks would attend, in the pool can
10 attend the assessment.

11 MR. McCREADY: And Rusty has a
12 clarifying question.

13 MR. HUDSON: On the New Jersey
14 non-compliance and moratorium, you said July
15 30th. Our season opens July 15th. What
16 happens in that two weeks if they're not in
17 compliance, for New Jersey fishermen?

18 MS. SCHULZE-HAUGEN: Well, our
19 hope and our understanding is that they should
20 be coming into compliance for their own rules
21 right around then. There would be potentially
22 two weeks before the federal moratorium would

1 kick in, though, and July 30 was intended not
2 to be the day they told us they could do it.
3 It'll gave him a little bit of time, but not
4 a lot.

5 MR. HUDSON: Thanks.

6 MS. SCHULZE-HAUGEN: And so, just
7 some updates on the Green Stick gear
8 characterization. We got some money through
9 an internally competitive system, the Bycatch
10 Reduction Engineering Program, to characterize
11 catch and bycatch. It was thought to be
12 relatively clean gear. It was authorized a few
13 years ago, and, but we wanted to continue to,
14 to characterize and get some detailed
15 information on that.

16 It is looked at as a potential
17 alternative to some other gears for lower
18 bycatch in some areas, and so we're looking,
19 working with the North Carolina Division of
20 Marine Fisheries, contracting with vessels to
21 carry observers -- six trips through last
22 October -- and we're working on continuing

1 that data collection, trying to finish that
2 out this summer.

3 One observation we've seen so far
4 is that the yellowfin tuna tend to get a lower
5 grade when caught on green stick gear than
6 when they do on pelagic longline. Not exactly
7 sure why that would be. One idea is that they
8 may be feeding on different things at
9 different depths. Longline gear is fished
10 considerably deeper than green stick. That
11 might have part of it. But if you have any
12 information on that or would like to help us
13 with the research, we're always interested in
14 that.

15 One note on sea turtle status.
16 There has been a proposed rule that was a
17 combined Fish and Wildlife Service/NMFS
18 proposed rule on loggerheads, where they're
19 looking at creating distinct population
20 segments based on some of the information they
21 have on, on the population, and then proposing
22 to list two as threatened -- currently,

1 loggerheads overall are listed as threatened -
2 - but then listing seven as endangered.

3 The proposed rule that we, the
4 distinct population segment, or DPS, that most
5 of our fisheries interact with is the
6 Northwest Atlantic. That is one of the ones
7 proposed to be listed as endangered, and some
8 of the statements from the proposed rule are
9 as unlikely -- bycatch mortality be
10 significantly reduced across the range. This
11 would be the entire Northwest Atlantic; not
12 just the U.S. but the entire basin. They
13 acknowledge that regulatory mechanisms are in
14 place, but the statement is that they are
15 believed to be inefficient or not implemented
16 effectively. And again, this would be for
17 domestic and international fisheries.

18 The comment period closes June
19 14th. This would be a change potentially that
20 could affect our fisheries if it is finalized,
21 so it is something that we will certainly be
22 letting you know about as the final rule comes

1 out. That's mostly information at this point.

2 At this point, just going through
3 some of these suggestions from prior meetings,
4 again, this is something we try and do so we,
5 you hear how we've been acting on the
6 suggestions you have -- for 2009, implemented
7 the bluefin angling category at two fish.

8 The longline, tuna longline permit
9 has been moved to the Southeast Regional
10 Office. That consolidates the permit issuance
11 of the limited access permits. It'll be more
12 efficient for us; hopefully, more efficient
13 for you. And hopefully, we'll avoid some of
14 the cases where those permits get out of sync
15 because of the different cycles on the
16 different places that people go to renew them.
17 Those permits were issued with kind of a
18 bridge period because the two to longline were
19 issued on a calendar year, whereas the sword
20 and shark are issued on a birth month.

21 And so the permits were issued for
22 the amount of time it would take to then

1 automatically sync. So the next time the
2 sword and shark permits are issued, the tuna
3 longline would just be part of that, and then
4 they'll be on the same schedule. And then
5 another request from the AP was regulatory
6 changes for bluefin and the reg amendment
7 proposed rule was published.

8 Some other things that are
9 underway:

10 The pelagic longline closed area
11 research has been under way for some time.
12 We're looking to wrap that up soon.

13 Looking at the billfish
14 recreational landings update -- this is
15 something that had been requested while ago --
16 these numbers don't change that frequently,
17 which is some, I think we haven't done that,
18 but we can still look at.

19 Looking at swordfish marketing,
20 we're updating the fish watch site as changes
21 come up; interested in other ideas folks may
22 have.

1 And on outreach, we're trying to
2 provide the placards to the tournament
3 directors. There's now a box on the
4 registration form to request materials so that
5 we can follow up with folks. It's a little
6 more available to them, looking at creating
7 placards for other HMS. And we're always
8 looking at our website trying to think of ways
9 to improve it, so we're always open to
10 suggestions.

11 And added the research objective
12 for Mid-Atlantic bottom line closed area
13 research.

14 Some of the things that are still
15 underway and that we may be talking about
16 during this meeting, in part -- some of the
17 permit related suggestions. These were,
18 again, in the AMPR. Things that we would
19 expect to come up specifically would be the
20 idea of the general category permit for
21 swordfish coming up in some of the swordfish
22 agenda items, the triple permit requirement

1 for the squid trawlers. Again, we're
2 continuing to look into that data, continuing
3 to get comments on that, still thinking about
4 the best ways to, to do that.

5 A request to adjust the pelagic
6 longline target catch requirements, I expect
7 to come up in the Bluefin Working Group. And
8 then, the possibility of removing the tuna
9 lobes of the tail at sea. It's still
10 something -- I was hoping we'd be a little
11 further along than that, than we are, but it's
12 still something we're working on.

13 Things also to note here is
14 looking at options for dealer reporting,
15 looking at ways of improving, seeing options
16 for electronic reporting developed in other
17 places; looking at ways to potentially do that
18 for HMS, as well, with some of our partners
19 not making it more difficult trying to build
20 on some of the systems that are out there.

21 And then, a final point I wanted
22 touch a bit on was both, what I would call

1 communication. And I understand that some
2 other folks have used the term "no surprises",
3 but it's the best that I could think of for
4 how to explain what -- what I would hope for
5 is that when we're progressing with an action
6 or an issue, that you all, as our advisors and
7 constituents, are aware of what we're thinking
8 of, what's coming down the pike, because I
9 don't think anyone wants to really be
10 surprised by what the federal government is
11 doing.

12 Conversely, we look to you for
13 information on the impacts of what we're
14 considering, unintended consequences, because
15 it doesn't help us when we're surprised that
16 an action we may have finalized has some
17 unintended consequence or we didn't get it
18 right because we didn't get some of that
19 feedback at a point when, when we could
20 actually do something about it. So what it
21 means is that sometimes after a rule is
22 published, we end up revisiting issues that we

1 had thought we addressed because we didn't
2 have all that, the information that we needed.

3 And so one thing I'd like to just
4 open up and throw out there is, how can we
5 ensure that you're not surprised and that
6 we're not surprised, that we all have the
7 information that we need in the time that we
8 need it to plan accordingly, to make the right
9 decisions? And then, so I kind of parked that
10 as a thought out there, whether we want to
11 take time now, or whether you want to catch me
12 during this couple of days.

13 And then the last would be to just
14 to touch on the, the changes that we've
15 implemented for this meeting based on
16 reactions from the last, where we had --
17 looking now at kind of a species working
18 group, at this point, we've looked at bluefin
19 and shark, kind of concurrent sessions, as a
20 way to still get some of the comment, concise,
21 thoughtful comments that we were getting out
22 of the breakout sessions, but recognizing that

1 you all were pretty frustrated with them,
2 thinking this is, is kind of a next step,
3 something to try, a different format. We're
4 looking to have the ability to get those
5 targeted discussions where you can talk about
6 what you want to talk about and not
7 necessarily what, you know, the bullets on the
8 slide are.

9 Make sure that we continue to get
10 the useful information. We found the
11 information from the breakout sessions to be
12 much more concise, much more easy for us to
13 understand when we got back after the meeting.
14 It was much more condensed for us. And then
15 also, it did enable folks to talk a little bit
16 more than in the big group setting, enabled us
17 to interact with you more, which I thought was
18 really positive.

19 So I would be open to suggestions
20 as we move forward. It may be that the
21 working group ideas aren't any better, or
22 you're unhappy with those. We're certainly

1 willing to work on that, work with you on what
2 meets your need, again, trying to make sure
3 we're meeting our needs as well. So, I'd ask
4 for you to give this a shot, and we can
5 continue to talk about it.

6 And then just moving ahead,
7 looking for your input on all the things,
8 looking specifically for suggestions,
9 solutions, priorities, and we don't have
10 unlimited resources to do rulemaking or other
11 kinds of changes if you have some, and so we'd
12 like to put our resources to the issues that
13 are the most important, and your advice and
14 input is critical to that.

15 So that's all I have at this
16 point. I look forward to the meeting.

17 So yes, questions at this point
18 would be fine.

19 MR. McCREADY: So let's pause.
20 And Margo, just to be clear, you invite
21 questions now that really pertain to your
22 entire presentation that you just gave; is

1 that right? So let's build a list. Bennett
2 used the word queue. That's kind of a concur
3 word. That just means a line or a list of
4 people, so let's build the queue.

5 Bennett, your -- you got it going.

6 MR. BROOKS: Yes, I -- I think I
7 do. I think I've got -- let me see if I get
8 the names right -- Ralph and Ron, and then
9 over to Dan.

10 MR. McCREADY: Tom, thank you.

11 Ralph, please.

12 MR. PRATT: You can see pretty
13 good, I guess, from there. I know I couldn't
14 see my name if I was up there. But my role --
15 before the breakout session on the bluefin
16 tuna, are you going to address the oil issue?
17 And the reason why I ask is one of the bullet
18 items in the bluefin working group at 4:30 has
19 to do with 2011 and beyond, and I'm sort of
20 really concerned about that, what the effect
21 the oil is going to have on 2011 and beyond,
22 on bluefin tuna.

1 MS. SCHULZE-HAUGEN: Why don't we
2 maybe go through the rest of the questions on
3 this presentation, and then maybe Guillermo --
4 I'm putting you on the spot here -- can join
5 us up here on what we know before going into
6 the rest of the agenda. I know it's weighing
7 heavily on everyone's mind.

8 MR. PRATT: Yes. Yes, it's a
9 topic of great interest to everybody.

10 MR. CODDINGTON: Yes, Ron
11 Coddington. Margo, I've got a question that's
12 kind of in line with your "no surprises", but
13 my question or comment really is for what
14 happens after the surprises. Transparency is
15 a big issue these days. Something I'd like to
16 know maybe in the future -- and I know our
17 agendas are always so full, it's hard to spend
18 time on things that we've already done, much
19 less find enough time for the things we want
20 to do.

21 But sometimes we'd like to know
22 why you made the decisions you made when it --

1 for instance, it might look like the entire AP
2 panel was all going one way. Then we see
3 regulations come different. And of course,
4 that's the difference between HMS and the
5 Fisheries Management Councils. They vote, and
6 you tell them whether they were legal or not,
7 where we provide input, and then we don't know
8 what happens and how that information is
9 churned later on.

10 So one suggestion is, we'd like to
11 know sometimes why you made the decisions you
12 made because we see some that we don't think
13 addressed the issue. A big one is swordfish
14 revitalization. We'll talk about that
15 tomorrow, but that, that's something that
16 might help us if we understand after a
17 decision is made, maybe why you didn't do what
18 we all thought was a consensus and why it went
19 in another direction.

20 MS. SCHULZE-HAUGEN: Yes, and I
21 think that's something that has come up a lot.
22 Often -- we spent a lot of time in the final

1 rules trying to go through the comments, and
2 then the final rule is the official agency
3 rationale for that, the response to that
4 comment. So it's not easy reading, but that
5 is the official record of what the Agency
6 response is to all the comments, whether it
7 resulted in us doing with a commenter
8 suggested or not.

9 And part of the AP meeting
10 structure where I've tried to touch back on
11 some of those things is in this, kind of the
12 AP suggestions, you know, what's completed,
13 what's not. And what we could try and do is,
14 is talk more in depth about the final rules
15 and go through AP comments. And that's
16 something we can build into the agenda, where
17 we spend more time -- instead of telling you,
18 oh, it published, and this is the final
19 measures, we could, we could try and go
20 through what the comments were.

21 One point to note, the AP is not
22 the sole source of input. All of the public

1 hearings, written letters, phone calls, all of
2 those go into the hopper. AP comment is, is
3 a big part. Absolutely, you're the industry
4 leaders. But it's not solely the only point.
5 Sometimes things come out in analyses that we
6 do based on AP suggestions that change things
7 a little bit. Sometimes there are legal
8 issues that come up. So there, there's a
9 variety of reasons why things may not come out
10 the way you thought they would.

11 And I guess there have been
12 occasions where most of the panel was on the
13 same frame, on the same page. But a lot of
14 times the group discussion may leave that
15 impression, but the sidebars and the later
16 comments reflect differences. And some of
17 that, I think, is that people aren't always
18 comfortable talking in front of a crowd that
19 may be very heavily leaning in one direction.

20 So people may, there may be an
21 impression of more consensus or more similar
22 thought than we actually see, which is

1 something I think -- what we were trying to do
2 with the breakout sessions was getting more of
3 those views kind of articulated so people hear
4 what each other are thinking, instead of us
5 hearing from a few folks and then hearing from
6 a lot of other folks the next day. So some of
7 that -- there may be a variety of things, but
8 I think maybe we can certainly try and through
9 in the final rule, what was in the final rule,
10 what the decisions were and why. And I wonder
11 if that would help.

12 MR. CODDINGTON: Yes, it might.

13 And we've talked some of it in swordfish
14 revitalization, but there's just some things
15 that look like they should have been done, and
16 I don't know, I can't for the life of me can't
17 figure out why we didn't do them, and now were
18 faced with losing quota. So we'll talk about
19 it now, but I think if we had some help and
20 some explanation of why we made the decisions
21 we made in National Marine Fisheries, it'd
22 give us some help understanding what we're

1 really doing here.

2 MS. SCHULZE-HAUGEN: Okay. We'll
3 try do that.

4 PARTICIPANT: Last year at the AP
5 meeting and also during a lot of the hearings
6 that we had, there was a proposal to allow
7 charter boat headboats, category boats, to
8 catch, to, to retain both angling category
9 fish and general category fish. But I did see
10 that up on the list of some of the regulation
11 amendments. It seemed to disappear. What
12 happened to that whole proposal, and are we
13 going to discuss that at all at this meeting?

14 MS. SCHULZE-HAUGEN: Yes, there
15 were a number of ideas and suggestions that
16 came in, in that, about a year ago, both in
17 the 2009 specifications and the AMPR
18 discussions. I wasn't trying to list
19 everything up there. It was not what we
20 included, it was one of the things that was
21 not included in the proposed rule -- the reg
22 amendment, as we're calling it. It's

1 something that I'm happy to talk about in the
2 working group.

3 The proposed rule didn't include
4 definitive decisions on a, on a lot of things,
5 and so there are a few things that we can
6 continue to talk about for potential future
7 action. But at this point, yes, you're right.
8 It wasn't in the proposed rule, and that list
9 wasn't intended to be the full gamut of what
10 we did here.

11 PARTICIPANT: We will still talk
12 about it at this meeting?

13 MS. SCHULZE-HAUGEN: I will trust
14 you to bring it up.

15 PARTICIPANT: Okay.

16 MR. DELANEY: Thank you. I wanted
17 also raise an issue, a little different, on
18 the oil spill, and maybe Guillermo can share
19 some information on it. But I work a lot in
20 the Gulf, particularly on behalf of the shrimp
21 industry, the Southern Shrimp Alliance. And
22 one of the issues that we've raised greatest

1 concern about is the unprecedented use of
2 chemical disbursements, particularly Corexit,
3 not so much on the surface, although huge
4 volumes have been used on the surface spill or
5 slick, but injecting it at the point, source,
6 of the leak in 5,000 feet of water.

7 And these disbursements, first of
8 all, they, they, not extensive work done on
9 it, but certainly human toxicity and toxicity
10 to a number of different marine organisms that
11 have been tested, not surprisingly. And, but
12 more importantly, the whole purpose of the
13 dispersant is to break the oil up into small
14 droplets, creating a greater surface area than
15 if it was just in a slick, anticipating that
16 there will be both bacterial and, I guess
17 there is some photo type UV rays or whatever,
18 infrared, that break down oil molecules as
19 well. So you know, that's a positive. It
20 also keeps oil off the beaches and protects
21 shoreline habitat.

22 But the unprecedented use -- I

1 think the last report I saw is something over
2 350,000 gallons had been injected at a mile
3 depth of water, which is creating a huge plume
4 of small droplets of oil. And oil is, is even
5 more toxic to marine life, in particular
6 Pelagic eggs and larvae or eggs and larvae of
7 species that are, that are currently suspended
8 in the water column. So you basically are
9 just producing a huge volume of toxic oil and
10 toxic dispersants in a mile-deep water column,
11 as opposed to have any on the surface.

12 And from the shrimp perspective,
13 of course, we're at a time when a lot of eggs
14 and larvae are moving from offshore to in
15 shore. There is some, depending on the
16 species, moving back off shore, juvenile
17 shrimp. And as we raise in a letter with
18 Administrators Jackson from EPA and Lubchenco
19 at NOAA, bluefin tuna eggs and larvae are
20 somewhere located in the Gulf of Mexico right
21 now, this being the spawning season.

22 And certainly, the well site is

1 off the drop of the mouth of the river, and I
2 don't know what the proximity of spawning and
3 larvae are to where the dispersants in this
4 great volume of oil that no longer can be seen
5 on TV, which is great for BP. But all that
6 oil is in the water now. So it's there. You
7 just can't see it, track it, or clean it up.
8 And we save beaches, which is wonderful. You
9 know, I've spent a great deal of my life in
10 Louisiana. I have a great affinity for the
11 Chandelier Islands in particular. But we have
12 created another problem that can't be seen or
13 cleaned up, and maybe a worse problem in the
14 long run.

15 So I just put that on the screen
16 for folks that care about this year's bluefin
17 tuna year class. I don't know what, I don't
18 know if you can even determine what the
19 impacts might be of that. Guillermo can share
20 what NOAA thinks about it. You know, it's,
21 and basically the response we're getting from
22 EPA is, it's an experiment because they've

1 never injected it into deep water, and they're
2 hoping that the trade-off, the balance is that
3 it's positive, that, you know, we've saved a
4 catastrophe of oil slicks washing up on the
5 beach, but we really don't know what the
6 cause, what the impacts are going to be on
7 marine life in the water column.

8 So for those of you who care about
9 it, you might want to start communicating to -
10 - EPA, in particular, is one that's
11 authorizing this, the use of this dispersant.

12 Thank you.

13 (Whereupon, there was a gap in the
14 recording.)

15 MR. HUDSON: Rusty, Directed Shark
16 Fisheries. Two questions. One has to do with
17 the future AP meeting. We generally try to
18 get two of them in a year, so I'm probably
19 figuring we're looking at maybe October or
20 November perhaps.

21 The second item has to do with
22 your SEDAR, the 21 for dusky, sandbar, and

1 blacknose, took a little while to get going,
2 and we're still not quite going right.
3 There's some issues with the webinars and the
4 limitations of 25 people. But the SEDAR
5 question for you is, how do we improve the 25
6 people thing as far as the webinars,
7 particularly since the assessments are going
8 to be handled that way?

9 Second, tentatively, in 2012 you
10 have another shark SEDAR probably being
11 planned, and the specie comp, the need for
12 certain species both on prohibited and legal
13 lists, to be considered at that time because
14 we had 14 species on prohibited, never were
15 assessed and they need to be, and how do we
16 get there so that we anticipate with no
17 surprises about what we're looking at? I
18 mean, we've got blacktips with no issue in the
19 Gulf, at least up until this oil spill, and
20 then over on our side, unknown because you
21 didn't have any commercial landings for
22 blacktip for most of the '80s in your database

1 for blacktips, so -- knowing that we caught
2 millions of count.

3 So this is the kind of thing that
4 I'd like to plan ahead for, so that when we
5 get to SEDAR 30 or 40 or something, that we're
6 there because there's so much on the plate for
7 SEDAR. And yet, none of the other highly
8 migratory species -- and correct me if I'm
9 wrong -- I believe fall into the SEDAR domain,
10 just sharks. Is that correct?

11 MS. SCHULZE-HAUGEN: The other
12 HMS, yes, and increasingly sharks even, are
13 being done at the ICAT level, the tunas and
14 bluefish and swordfish.

15 I definitely hear you that SEDAR
16 has a very full schedule, and getting on the
17 schedule for HMS, we have been successful, but
18 there are a lot of species. And so getting
19 species assessments for all of those sharks I
20 think will be a challenge. I think the data
21 limitations are part of that challenge. And
22 so, you know, it's something we work on.

1 I definitely hear you on
2 assessments being sometimes very surprising,
3 and trying to get ahead of that, and thinking
4 about how we can do that differently, how we
5 might plan for things. I think this would be
6 a great time to think about, as were looking
7 at the shark fishery management, where we go
8 from here? How can we do that? How can we
9 build a management structure that can
10 anticipate some of that?

11 MR. HUDSON: With regards to all
12 of the shark assessments we've done, there's
13 always been a list of recommendations at the
14 back as to species of concern. And I believe
15 that when we do the breakout group, we can
16 visit that. But I'd like to see us be able to
17 know a year ahead, before we start the next
18 SEDAR in 2012. Sometime by next year, what's
19 our species count going to be? What are we
20 able to tell the fisherman? That we're going
21 to be trying to either get this fish back for
22 you or find out the disposition of unknown,

1 you know? Because, even though you have data-
2 poor situations, you have some stocks that are
3 virtually virgin and yet were put on
4 prohibited species. Bignose is one of the
5 examples. It's a deep-water animal that could
6 easily be fixed.

7 So that's really what I'm
8 wrestling with, is how to be able to keep
9 people fishing so they can keep their families
10 that, etc.

11 MS. SCHULZE-HAUGEN: No, they're
12 good points. Carol Richgreis (phonetic) has
13 been intimately involved in SEDAR and getting
14 HMS into SEDAR, and there's going on there.
15 And so I think she has more information on
16 that. And I think we should talk about all
17 that. It would be good.

18 Oh, on the future meeting -- yes,
19 thank you -- I do actually have the council
20 meeting schedule somewhere in this pile, and
21 they're, I actually have a tentative week. So
22 let me look for that. Maybe we can talk about

1 that here, maybe pencil it in. Some of it
2 depends on hotel and all that, but I think we
3 might have a sense, I think it's September,
4 not October. So let me look for that.

5 (Whereupon, there was a gap in the
6 recording.)

7 PARTICIPANT: Yes, you mentioned
8 that it's definitely an interesting time for
9 loggerhead sea turtles and that we need to be
10 looking at commercial fisheries' interactions.
11 I'm sure you probably remember that the first
12 three-year incidental take statement ended in
13 2009 and that the Agency is supposed to be
14 putting out annual estimates by March of next
15 year. Now that we're approaching mid-May, I'm
16 hoping that you guys have some idea of how
17 loggerhead interactions in the pelagic
18 longline fishery are going.

19 Do you have any information on
20 that three-year period?

21 MS. SCHULZE-HAUGEN: Well, we have
22 the information. I think it's the periods

1 were 2004 to '06, and then the second ITSP was
2 2007 to '09. We have the annual estimates '07
3 and '08. We monitor the interactions through
4 the year. I don't have the final official
5 estimates. Those are typically, have been
6 typically produced in the March time, or May
7 timeframe. We've been on the lookout for them
8 as well but haven't seen them yet.

9 So, no, I don't have definitive
10 numbers for you, but I do expect them soon.

11 (Whereupon, there was a gap in the
12 recording.)

13 PARTICIPANT: Yes, Margo, I had --
14 I guess there's going to be a more in-depth
15 discussion of the oil spill, but I had, I was
16 going to raise the same question that, or
17 comment that Glen did. He did a very good job
18 of describing my concerns. I'm not going to
19 repeat them, but I did have a specific
20 question I'd like you to consider the next
21 session, and that was regarding the use of
22 chemical dispersants. And it is very clear

1 that doing this does, not only putting
2 chemicals into the water but also changes the
3 oil to a, a more toxic form for certain marine
4 life. And that includes filter-feeding
5 animals as well as larvae, and obviously,
6 we're all concerned with bluefin here.

7 And so my question is, because the
8 northern Gulf of Mexico area and the area
9 where this spill is and where it seems to be
10 spreading is part of the bluefin's habitat
11 area, a particular concern, what level of
12 discussions are there between the Agency and
13 the EPA and other agencies in the
14 administration on these kind of decisions to
15 use that kind of a dispersant?

16 MS. SCHULZE-HAUGEN: I know there
17 are very high level discussions of all parts
18 of government on a very regular basis. And
19 I'm not in those -- you might be surprised --
20 but, and I don't know what the discussions
21 have been specific to dispersants. I know
22 it's come up. I know that the NOAA leadership

1 is aware of bluefin tuna spawning and the
2 details of that, as much as we know, in terms
3 of the life history and the range and all of
4 that. But in terms of how they made the
5 decision to use the dispersants or how much to
6 use, I don't have that information. I can try
7 and let them know that folks are interested in
8 that.

9 MR. RUAIS: Okay, thank you.

10 Well, ditto to both Glen and Ken's comments
11 here, and I, I did want to actually enter the
12 same comment that Ken did about concern about
13 the dispersants entering the marine food chain
14 at some point in time. I mean, you know, it's
15 nice to just say, oh, we're going to keep the
16 beaches clean, but we're just going to try
17 this experiment. We don't know what's going
18 to happen, so you don't know what to long-term
19 implications are.

20 But it's kind of, kind of a little
21 bit of a critical issue that, you know, this
22 volume of dispersants are entering the ocean

1 environment and are going to be consumed by
2 various creatures that are out there and then
3 picked up by larger pelagics as we move down
4 the line.

5 So it'd be nice to get some kind
6 of input, some kind of report, some kind of
7 technical information on -- you know, what is
8 the consideration that's going on behind the
9 scenes that's allowing BP to just run wild
10 like this and try these experiments? Which
11 scientists are involved? What's, what, you
12 know, what is the background information? And
13 I know you don't have the answer. I'm not
14 asking for an answer right now, but I just
15 want to put that out there.

16 And just two other quick points.
17 One, many of us were really disappointed with
18 the NOAA press release that came out expanding
19 the closed area and basically -- and I'm sure
20 it was an administration type order, maybe not
21 even a NOAA order -- that downplayed the
22 extension from, I don't know, three and a half

1 percent of the Gulf being closed to five
2 percent of the Gulf, and then the happy news,
3 that 95 percent of the Gulf remained open,
4 like the five percent that's being closed in
5 the spill is nothing.

6 That was an embarrassment, as far
7 as I was concerned on the part of the Agency,
8 and helping BP out with public relations but
9 really minimizing the, attempting to minimize
10 the public and media focus on the issue. And
11 mainstream media is going to, going to quickly
12 drop this issue, and we're going to be left,
13 the fishing industry is going to be left with
14 the impacts of this for many decades to come.
15 So it's kind, it was kind of a little bit
16 irresponsible I thought for NOAA to have taken
17 part in that.

18 And then the final point is, on
19 the open conference call, I asked for the
20 information on decontamination sites. As you
21 know, when a vessel passes through a slick,
22 there are Coast Guard regulations where they

1 can't go back into a port until they get the
2 vessel decontaminated, both the exterior hull
3 and the intake portals that might, might suck
4 up some of the oil. They've got it into
5 decontamination.

6 And I was wary pleased that by the
7 end of the conference call, somebody gave me
8 a -- excuse me -- a 1-800 number, 1-866 number
9 to call to get the information, and it was
10 actually the Houston British Petroleum office.
11 And I called them and spoke to, spoke to a
12 woman there who promised to get a manager back
13 to me with the information. But we still
14 don't have the information. And the fleet
15 most impacted right now is the Homer Dulac
16 fleet, which can get out and hug the shore and
17 get to the western part of the Gulf and
18 probably get into some Texas ports. So it's
19 still important.

20 Maybe by the end of this meeting,
21 if there could be an effort made to give us
22 the sites, the ports that have the

1 decontamination facilities, which understand
2 fully is going to be paid for, the
3 decontamination is going to be paid for by BP.
4 But the boats need to know where to go because
5 they can't go back into a port until -- well,
6 they have to go back into a port to get the
7 vessels clean.

8 And then of course, there's going
9 to be, these are the damages that are going to
10 eventually -- we're advising people, don't
11 file any claims; don't settle anything right
12 now; wait until we know the full extent of the
13 damage. And BP's going to cover the
14 decontamination, as well as, as well as a lot
15 of other costs, claims that are going to be
16 extending for quite some time to come. You
17 know, they're still going on for the Exxon
18 Valdez, so the expectation that this is going
19 to be anything less than a 20-year
20 catastrophe.

21 So anyway, those, those are the
22 three points. If you could, if somebody

1 could, on your staff, look into what are the
2 ports where BP is prepared to set up these
3 decontamination sites for the vessels.

4 PARTICIPANT: Sorry, just real
5 quick. Rich, it's funny, Russ and I were just
6 talking about the, changing how the press
7 release was from, to 95 percent of the Gulf is
8 still open. And we did not -- and Russ can
9 probably talk, speak to it better than I could
10 -- but the effort, the whole purpose of that
11 wasn't to minimize the impact of the
12 situation, or, it was more because, at least
13 with the for-hire fisheries, they're getting
14 their trips in Florida. And Florida waters
15 aren't closed, you know, at this point. I
16 mean, all the way down to the Keys and up the
17 Atlantic, people are canceling trips left and
18 right, and there has been no impact to Florida
19 at this point whatsoever.

20 So the effort was more to kind of
21 change how things, how the closures were being
22 explained to the public so that the

1 perceptions that, you know, there were areas
2 that were closed that really had no problems,
3 you know, with hopefully, hopefully change.
4 But Florida, but I can tell you that Florida's
5 for-hire fisheries have taken very to get with
6 this. And so that was, I think that was the
7 whole purpose of it.

8 Russ, would you want to --

9 (Whereupon, there was a gap in the
10 recording.)

11 MS. SCHULZE-HAUGEN: Yes, so, so
12 Guillermo -- we're putting him on the hot
13 spot.

14 Then I asked Randy to come up,
15 too. Randy has been working very closely with
16 the Southeast Regional folks that have been
17 preparing in the lead on the oil spill for the
18 NMFS region, so I think you he can answer the
19 questions, particularly on this latest
20 closure. So.

21 MR. GREGORY: All right, while we
22 try to get that map back up of the most recent

1 closed area, I wanted to just kind of run
2 through what that was. That was just
3 released, just as we began this meeting, and
4 the Southeast Regional folks were sending that
5 out over the Southeast Fishery Bulletin news
6 list that they have, and we just sent that out
7 over HMS News as well. And so you can see
8 that in your email boxes if you are signed up
9 for HMS News. Pete Cooper was a big help with
10 trying to get that out just now.

11 And I wanted to run down some of
12 the details related to this. This new
13 emergency rule that became effective today
14 allows for more flexibility with, with closing
15 areas, but then also opening areas as they are
16 affected by oil or perhaps weren't affected by
17 oil but yet were closed previously. And so
18 what this emergency rule will do is allow for
19 the boundaries, new, new boundaries for closed
20 areas as they are adjusted to be posted on a
21 website, which can be publicly viewable.

22 And that website and the

1 boundaries will be changed daily. The change
2 will be posted at noon daily and become
3 effective at 6:00 p.m. that day. So there's
4 a six-hour time period from the time that it's
5 posted to the time that it becomes effective.
6 Now, this particular closure becomes effective
7 at 6:00 p.m. today. So this is important
8 information, and as the public gets used to
9 looking for those updates on the website, this
10 better allows for

11 Tape 3

12 adjustments in the closures and hopefully
13 allows, you know, a little bit of time for
14 folks to adjust their plans, deal with fishing
15 gear that may be in the water, for commercial
16 fishermen, you know, various things associated
17 with that.

18 And I wanted to, just to highlight
19 that for you. And I think that is it for now,
20 unless there's any additional questions. And
21 I might not be able to answer all the
22 questions at this point because it just came

1 out.

2 MR. PEREIRA: The closures are
3 based on geography, but what is the real
4 effect? Are they being closed because the
5 fish are contaminated? Because the boats are
6 contaminated? And if they're being closed
7 because the fish are contaminated, wouldn't
8 the same fish, you know, just swim over the
9 line and still remain contaminated, and you
10 would allow fishing on that?

11 MR. GREGORY: The closures are --
12 basically, the boundaries of the closures at
13 this point are put into place based on the
14 presence of oil. And my understanding is that
15 the adjustment that will be allowable, on a
16 daily basis now because of this emergency
17 rule, will better allow for those closures to
18 reflect where the oil is. In other words, if,
19 to the extent that they would have been based
20 on projections in the past, that would be
21 minimized now. And it's based on the presence
22 of the oil and where the oil has been in the

1 past.

2 PARTICIPANT: Follow-up question?

3 MR. PEREIRA: One follow-up
4 question. Is there any testing on the fish in
5 the area that would indicate any level of
6 contamination?

7 MR. GREGORY: There is testing
8 that's going on, and I think that those
9 efforts are ramping up more and more all the
10 time. The protocols for what's involved with
11 that are still being developed, and so we can
12 keep you posted as best we can as that
13 develops.

14 MR. PEREIRA: Thank you. Would
15 that include the underwater plume that had
16 been talked about but not had a lot of public
17 attention given to it? For instance, if the
18 underwater plume was 500 to a thousand feet
19 down or whatever the number might be, would
20 this be large enough to encompass that? Do we
21 have any idea?

22 MR. GREGORY: The closure at this

1 point in time is based on surface oil, and
2 that, to my knowledge, that's what it's based
3 on. I don't know if that will change in the
4 future.

5 (Whereupon, there was a gap in the
6 recording.)

7 MR. GREGORY: I'm, I'm sorry to be
8 repetitive, but I think if you transposed
9 where the loop current is in the expanded
10 closure, you'd see it in the South
11 Southeastern -- Timmy -- southeastern area
12 there, and so I appreciated Lisa and Russ's
13 explanation, and I'm sensitive to the need to
14 protect, you know, the recreational fishery in
15 the short term.

16 But I think the point of the
17 matter is if you look at the loop current and
18 where, how it transports water out, it's
19 headed your way, and then it's headed our way.
20 So, you know, you're getting, you're getting
21 a short-term reprieve. Whether it's two
22 weeks, a month, whatever it is, it's coming to

1 the Atlantic, and we're all going to be
2 impacted by it. So for the Secretary of
3 Commerce to be attempting to minimize the
4 issue publicly right now and giving BP a break
5 is what it is, I guess.

6 (Whereupon, there was a gap in the
7 recording.)

8 PARTICIPANT: Yes, so what are the
9 guidelines about clearing opening of closed
10 areas? Is there kind of a toggle switch on
11 them?

12 MR. GREGORY: Currently, the
13 closed areas are associated with where oil has
14 been and where it currently is. Protocols are
15 still, to my understanding, being developed
16 about reopening areas and what that might look
17 like as time goes on, based on sampling.

18 You know, the major purpose for
19 this emergency rule and the previous versions
20 of them were for fishermen and consumer
21 safety. And a big part of that is to try and
22 bolster consumer confidence in seafood

1 products that are coming from the Gulf of
2 Mexico from areas that are unaffected by the
3 oil. And this is an effort to, of course,
4 highlight and officially prohibit fishing in
5 an area potentially affected by oil or that is
6 affected by oil and has been affected by oil.

7 PARTICIPANT: (Off mic) -- closed
8 areas? (Off mic)

9 (Whereupon, there was a gap in the
10 recording.)

11 MS. SCHULZE-HAUGEN: (in progress)
12 -- to that. We've got a number of requests to
13 open the southern portion of DeSoto Canyon to
14 increase fishing access as a result of the oil
15 spill.

16 What I've been telling folks is
17 that in a normal time, we would need to go
18 through a similar regulatory environmental
19 analysis kind of process to modify or open
20 closed areas as was used to implement them.
21 That's more the amendment/EIS process; it's a
22 long-term rulemaking process.

1 But these are not normal times,
2 and so what I've done is that I have sent up
3 those questions through NMFS leadership. I
4 think at this point there's, the focus is on
5 trying to keep the areas closed as small as
6 possible to where the oil is located, but the,
7 the discussions are continuing, and I think
8 the situations are, are continuing to change
9 and evolve.

10 So to the extent that, you know,
11 I'm able to raise these issues and vet them,
12 I am. At this point, I don't have an
13 immediate answer that, yes, we're able to do
14 this, but it is in the mix, so to speak, in
15 terms of what's before the Agency.

16 (Whereupon, there was a gap in the
17 recording.)

18 PARTICIPANT: (In progress) --
19 ever so patiently to brief us.

20 DR. DIAZ: I think that many of
21 the comments that were made about this oil
22 spill and the potential impact answer many of

1 the questions that many of you have.

2 It's true that we can monitor
3 what's happening, what is happening at the
4 surface, but we don't have much idea of what's
5 happening below the surface. This is a
6 dynamic situation that is changing on a daily
7 basis, and we cannot anticipate what's going
8 to happen tomorrow. We don't know if the
9 spill is going to be closed in two days or in
10 two months. We don't know if it's going to be
11 slowed down. We have a lot of questions and
12 very few answers.

13 What I can tell you is that we
14 revise, we reviewed historical data of bluefin
15 tuna larvae distribution, and we compared
16 those distributions, those historical
17 distributions, with the oil spill. And I'm
18 talking about what we see at the surface. And
19 what that review showed is that, at this
20 point, there's very little overlap between the
21 distribution, the historical distribution, of
22 bluefin tuna larvae and the oil spill.

1 But again, the caveat of all this
2 is that we don't know what's happening below
3 the surface. We don't know what's going to
4 happen next week. If you review, if we also
5 the historical information of the bluefin tuna
6 distribution in the Gulf, and you can see that
7 the so-called "hotspots" are further west and
8 off-shore of the area where the spill is right
9 now. So there is also very little overlap
10 between the adults and the spawning activity
11 with the oil spill. But again, I have to
12 repeat once again that that's the situation
13 today, and we don't know what's going to
14 happen in a week or a month.

15 What I can tell you is that at the
16 time of the spill, the Agency had one of its
17 vessels conducting the annual larval survey,
18 so we have, we're getting almost daily
19 information of what the situation is. They
20 are monitoring the situation. Similarly, we
21 have, this time of the year, the expanded
22 observer coverage in the pelagic longline

1 fishery, so we're also monitoring what's
2 happening with adults and the fishery of
3 bluefin tuna.

4 And that's all, what I can share
5 with you right now. If you have any questions
6 -- but I don't have much more information than
7 this.

8 (Whereupon, there was a gap in the
9 recording.)

10 PARTICIPANT: First of all, I just
11 wanted to point out that through the Tag-a-
12 Giant program, there was a fish tagged in
13 Canada in 2008, I guess, and it was in the
14 Gulf of Mexico May 2009 right in the oil spill
15 area, and we have that track up on our blog if
16 anyone's interested.

17 But a few questions -- I'm
18 thankfully not that well-versed in oil spills.
19 How easy is it or how challenging is it to
20 test for contamination in the flesh? You
21 know, not a surface contamination. I would
22 assume there's some sort of bioaccumulation

1 of oil particles like there is with something
2 like mercury, say. Is that true, or is it
3 just a surface contamination -- as they're
4 ingesting, you know, as the larvae are eating
5 copepods that might be contaminated, and up
6 the food chain?

7 DR. DIAZ: Yes, to answer your
8 questions, I'm sure there is a way. I don't
9 know right now if a -- you know, a tuna
10 physiologist is taught or somebody who works
11 on chemistry. So I cannot tell you for sure
12 how it can be done, but I'm sure it can be
13 done.

14 And with respect to your comment
15 about the bluefin tuna that was tracked in the
16 area, I'm not trying to minimize the situation
17 here, I'm just saying that, as you know, that
18 the majority of the bluefin tuna activity
19 happens to the west of the spill and further
20 offshore. Of course, there are records of
21 bluefin tuna being caught in that area.

22 PARTICIPANT: Yes, I certainly --

1 yes, I was just pointing out that there was
2 that one track. But yes, I know that you're
3 aware of that.

4 And just the last question is
5 whether there's been any retrospective
6 analysis of whether there were impacts from
7 that 1979 spill in the Bay of Campeche on
8 bluefin?

9 (Whereupon, there was a gap in the
10 recording.)

11 PARTICIPANT: (In progress) -- was
12 a lot larger, from what I've heard.

13 DR. DIAZ: Not that I know. But
14 whatever impact that spill might maybe have on
15 the bluefin tuna population, it should have
16 been already noticed in the bluefin tuna stock
17 assessment that we were conducting. And to my
18 recollection, there is no signal of any
19 recruitment failure since 1979 or around 1979.

20 (Whereupon, there was a gap in the
21 recording.)

22 MS. SCHULZE-HAUGEN: One thing I

1 was asked to point out, and one thing I forgot
2 to mention as we go ahead and get started --
3 if you could remember, we have sign-in sheets
4 in the back, and so we ask that folks both
5 from the panel and from the public sign in so
6 we have a record for the meeting.

7 And I also, and I apologize to
8 Delise -- I forgot to mention that Delise
9 Ortiz has joined us since we last met. Delise
10 is right here handing out materials. She's
11 our new Sea Grant fellow for the year. So
12 welcome Delise. Sorry about that.

13 (Whereupon, there was a gap in the
14 recording.)

15 MS. HOGAN: Okay, so I am LeeAnn
16 Southward Hogan. I'm from Highly Migratory
17 Species in Silver Spring, and I'm going to
18 give you a brief, very high-level overview of
19 the final measures in the environmental impact
20 statement for Amendment 3. I'm just going to
21 go through the need for action, management
22 objectives, our timeframe, and then a summary

1 of the final measures in the FEIS.

2 And as you -- we went through this
3 at the last AP meeting in detail. Per the
4 latest stock assessments, this is the need for
5 action. The blacknose sharks were found to be
6 overfished, with overfishing occurring. They
7 were assessed in 2007.

8 Shortfin mako sharks were assessed
9 in 2008 by ICAT, and they were not found to be
10 overfished but they are approaching an
11 overfished condition and overfishing is
12 occurring.

13 And then the last issue that I
14 will touch on is smooth dogfish. And they
15 are not currently managed at the federal
16 level, and we determined that they are in need
17 of conservation and management.

18 The objectives of Amendment 3 are
19 to rebuild and end overfishing of blacknose
20 sharks, to end overfishing of shortfin mako
21 sharks, to ensure the sustainability of smooth
22 dogfish fishery by implementing federal

1 conservation and management measures and to
2 also develop a mechanism to specify annual
3 catch limits and apply accountability
4 measures, which is an element in this
5 amendment.

6 Here is the timeframe of the
7 action. We did scoping in 2008 and then
8 released the pre-draft in 2009. The draft EIS
9 and the proposed rule were published in July
10 of 2009. The final EIS was published in
11 March, on March 19th, and we are working on
12 the final rule, which is expected to publish
13 in late May or early June. And once the final
14 rule is effective, that will open up the small
15 coastal shark fishery.

16 I will go by species to summarize
17 the measures. And one thing I would like to
18 note, to reduce confusion with spiny dogfish
19 regulations, the final regulations would place
20 the smooth dogfish and the Florida
21 smoothhounds in the smoothhound/shark complex.
22 So we will refer to those as smoothhounds

1 rather than smooth dogfish, so if you hear me
2 say smoothhounds, I'm talking about smooth
3 dogfish and the Florida smoothhounds. So I
4 just wanted to clarify that for you before we
5 get going.

6 So start us off with a commercial
7 quotas are the blacknose sharks, in the DEIS -
8 - and that's the draft environmental impact
9 statement -- the preferred alternative was
10 Alternative A4, which would have established
11 a new small coastal quota of 56.9 and a
12 blacknose quota of 14.9 metric tons. It would
13 have also, in conjunction with the commercial
14 gear restriction alternatives, it would have
15 a limited gill net gear as an authorized gear
16 in the shark fishery.

17 So in the final DEIS, the
18 preferred alternative was Alternative A6. And
19 Alternative A6 is a new alternative that
20 followed logically from updated data from the
21 Southeast Fishery Science Center and public
22 comments, which resulted in a reevaluation of

1 the proposed changes to this small coastal
2 fishery.

3 So based on public comment and
4 recent analysis of the 2005-2008 gill-net
5 Observer program data, NMFS found that gill-
6 net fisherman can selectively target shark
7 species and have been able to minimize
8 catching blacknose sharks, as well as other
9 protected species. So the data also indicated
10 that the elimination of gill-nets would not
11 achieve the conservation and management
12 objectives necessary to rebuild blacknose and
13 may actually be detrimental to blacknose due
14 to higher discard rates of blacknose sharks
15 from other gears in the fishery. So NMFS
16 believes that this alternative better meets
17 the purpose and need of the amendment.

18 And so, as you see, Alternative A6
19 would set the non-blacknose small coastal
20 quota at 221.6, which is the average landings
21 from 2004 until 2008, of finetooth, bonnethead
22 and Atlantic sharpnose. And the blacknose

1 quota would be 19.9 metric tons, and we would
2 allow all currently authorized gear -- excuse
3 me -- and so gill-net gear would not be
4 prohibited in the shark fishery.

5 One thing that I would like to
6 note is that if either quota -- so either the
7 blacknose quota or the non-blacknose small
8 coastal quota -- reaches 80 percent, both of
9 those fisheries will close. So that means
10 that that data that we saw, that showed that
11 the gill-net fisherman can avoid blacknose,
12 they need to continue to avoid catching
13 blacknose so that the non-blacknose small
14 coastal fishery can continue as long as
15 possible.

16 So, as I touched on, the
17 commercial gear restriction alternatives in
18 the DEIS was, the preferred alternative was
19 Alternative B3, to close the gill-net fishery
20 from South Carolina south, the main
21 distribution of the blacknose sharks, and so,
22 in the FEIS, the preferred alternative is the

1 no-action alternative to maintain all
2 currently authorized gear.

3 As some of the other data that we,
4 updated data that we found is the mortality
5 rates for the blacknose sharks caught in gill
6 nets is lower than previously believed and
7 that the average size of blacknose sharks
8 caught in gill nets is changed from 14.7
9 pounds to about 18.7. So when we went back
10 and did updated, looked at updated data
11 analysis, that's some of the results that we
12 found. And because of the smaller average
13 size of blacknose sharks caught by other gear
14 used in the fishery, NMFS believes that
15 eliminating gill net gear could result in a
16 higher mortality rate for neonate and juvenile
17 blacknose sharks, as landings would come from
18 those gears exclusively, like bottom longline
19 gear.

20 Moving onto recreational measures
21 for blacknose sharks, in the DEIS, we proposed
22 to permit retention of blacknose sharks in the

1 recreational fishery, and in the final, we
2 changed our preferred alternative to
3 Alternative D1, the no-action alternative, to
4 maintain the current retention and size limits
5 for small coastals, including blacknose.

6 During the public comment period,
7 we received comments that if we finalized
8 Alternative D4, that some states would likely
9 have to prohibit the retention of blacknose
10 sharks in state waters. The commenters stated
11 that because some states have a very well-
12 managed recreational fishery for blacknose and
13 the already have a conservation measure in
14 place to adequately protect the species, that
15 prohibiting their retention wasn't necessary.

16 So in the Atlantic Ocean under the
17 Atlantic States Marine Fishery Commission
18 Interstate Coastal Shark Plan, there is
19 currently no minimum size for blacknose
20 sharks. Right now, there is a 54-inch size
21 limit for blacknose sharks in federal waters,
22 so that acts as a de facto prohibition because

1 blacknose rarely reach that size. However, we
2 would ask states to implement measures
3 consistent with our current 54-inch size limit
4 to help reduce recreational mortality of
5 blacknose sharks, and then, depending on the
6 results of the upcoming stock assessment for
7 blacknose, we may consider prohibiting
8 recreational retention of blacknose in the
9 future.

10 Okay, moving on to shortfin Mako,
11 both the recreational and commercial measures
12 in the DEIS in the FEIS are the same. There
13 were no changes. And the preferred
14 alternatives in the final are to, one, take
15 action at the international level to end
16 overfishing of shortfin Mako and to promote
17 the release of shortfin Mako sharks brought to
18 fishing vessels alive.

19 So in comparison to the cumulative
20 fishing mortality on shortfin Mako sharks
21 caused by other nations, the minor relative
22 impact of, that the U.S. contributes is very

1 little in the North Atlantic because there is
2 no directed U.S. commercial fishery for the
3 species. So preventing or limiting U.S.
4 harvests of shortfin Mako would not achieve
5 the goal of ending overfishing because of the
6 substantial and disproportionate levels of
7 harvest by other nations. So any restrictions
8 that we would put on U.S. fisherman would
9 potentially disadvantage them relative to
10 foreign competitors.

11 And also, the ICAT stock
12 assessment did not give us a TAC level or a
13 recommended mortality reduction that would
14 prevent overfishing of shortfin Mako, so it
15 makes it kind of difficult to set a quota or
16 limits, other limits to prevent overfishing.
17 Therefore, we believe that ending overfishing
18 in preventing an overfished status would
19 better be accomplished at the international
20 level, where other countries that have large
21 takes of shortfin Mako can participate in
22 these discussions on TAC and mortality

1 reductions. And we already provide
2 comprehensive conservation and management for
3 pelagic sharks, including shortfin Mako, in
4 our domestic fishery.

5 In addition, we are getting ready
6 to engage in public outreach for the,
7 promoting the release of shortfin Makos.
8 We're going to be reaching out to tournaments
9 and to the HMS angling community to begin our
10 outreach efforts there.

11 Okay, moving on to smoothhound --
12 (Whereupon, there was a gap in the
13 recording.)

14 Tape 4

15 MS. SCHULZE-HAUGEN: (Tape 4 1st
16 speaker) (In progress) -- other limits to
17 prevent overfishing.

18 Therefore, we believe that ending
19 overfishing and preventing an overfish status
20 would better be accomplished at the
21 international level, where other countries
22 that have large takes of shortfin Mako can

1 participate in these, these discussions on TAC
2 and mortality reductions. And we already
3 provide comprehensive conservation and
4 management for pelagic sharks, including
5 Shortfin Mako and our domestic fishery.

6 In addition, we are getting ready
7 to engage in public outreach for the -- for
8 promoting the release of Shortfin Makos.
9 We're going to be reaching out to tournaments
10 and to the HMS angling community to begin our
11 outreach efforts there.

12 Okay, moving on to smoothhound,
13 they are currently not federally managed. We
14 have incomplete data because there is no
15 requirements to report, and there is currently
16 no stock assessment. So the status of this
17 species is unknown. And as I mentioned
18 before, there's some taxonomic classification
19 issues between smooth dogfish and Florida
20 smoothhound. That's why we're placing them in
21 the smoothhound complex.

22 So during the proposed Rule, we

1 received many questions regarding the impetus
2 for managing smooth dogfish, and over the
3 course of this entire rulemaking, a number of
4 stakeholders have indicated, either in
5 conjunction with or independent of this
6 rulemaking, that management of smooth dogfish
7 is necessary, and those include environmental
8 organizations that have specifically requested
9 management action, the ASMFC, who included the
10 smooth dogfish in its management unit, and the
11 Mid-Atlantic Fishery Management Council that
12 specifically requested management authority of
13 smooth dogfish.

14 So these are the measures that we
15 considered in the draft EIS. The preferred
16 alternative was Alternative F2, which was to
17 bring smooth dogfish under federal management
18 and implement these management measures,
19 including a commercial quota of 645.8 metric
20 tons.

21 During the public comment period,
22 we heard from multiple commenters that this

1 proposed quota was too low. So the Southeast
2 Fisheries Science Center offered that two
3 standard deviations above the maximum annual
4 landings would better account for
5 underreporting. So we increased the quota,
6 based on that recommendation, to 715.5 metric
7 tons.

8 One change in the final EIS, under
9 Alternative F2 -- the implementation of the
10 management measures that you see listed here
11 would be delayed until the beginning of the
12 fishing season in, in 2012. So that would
13 allow NMFS time for outreach and education
14 regarding these new management measures,
15 specifically the fins-attached requirement.
16 This is a new requirement in the fishery that
17 would change how the fishery operates, so we
18 are going to ramp up our outreach operations.
19 And this would also give us time to consider
20 and evaluate any information and requirements
21 that come out of the final biological opinion
22 that is currently being -- it's in the works.

1 And we also required -- Magnuson-
2 Stevens Act requires us to specify essential
3 fish habitat for species that are under NMFS's
4 management. And we proposed EFH in the draft,
5 and here is the EFH proposal for the final.
6 That would consider all life stages for smooth
7 dogfish.

8 Okay, so we have additional
9 materials that we developed with, for
10 Amendment 3. One of them is an Amendment
11 3-specific compliance guide, and this goes
12 through all, well, basically, what I went
13 through in detail, and we will be sending this
14 out to all of the permit holders so they are
15 aware of all the new measures in Amendment 3.

16 We also have updated the
17 recreational shark ID placard. That was the
18 one-page kind of write-in-the-rain paper, both
19 sides. The ID placard needed some updating,
20 so we have updated that. There are some
21 copies, I think, available just on regular
22 paper, but we will be getting that printed.

1 So those are available upon request.

2 Also, we have copies of the final
3 Environmental Impact Statement in hard copy
4 and CDs. So if, if you don't see them out
5 there and you need other, more copies, you can
6 contact me and I can get those to you.

7 And so that is all I have. If you
8 have questions, I will be happy to take them.

9 Thanks.

10 (Whereupon, there was a gap in the
11 recording.)

12 MR. HUDSON: Rusty Hudson,
13 Directed Shark. First clarification is the
14 Amendment 3, you're giving a date of the end
15 of May, first of June. What you didn't give
16 was the fact that you still have 30 more days
17 before it actually opens, so you're talking
18 late June, early July. The 80 percent rule
19 that you have with a five-day closure, you
20 didn't mention the five-day closure
21 announcement.

22 And the blacknose versus the

1 non-blacknose, the eastern Gulf catches a lot
2 of blacknose, and we really should have kept
3 the small coastal shark quotas separate from
4 the Atlantic and the Gulf of Mexico, like we
5 did the non-coastals. I think it's something
6 that you need to put back on the plate for
7 future use, because I don't like the idea of
8 the blacknose being used to hold hostage the
9 bigger quota, the 220-something metric.

10 Your increase on your smooth dog,
11 smoothhound, whatever you want to call it,
12 your 80 percent rule, you can just multiply
13 that times your seven, and you can see that
14 you're well below the 600-and-something metric
15 tons. You're probably have 500 and something,
16 in that ballpark once you close at 80 percent.

17 Your recreational size limit was a
18 problem in our comments because you had like
19 a one-pound neonate being caught by the
20 recreational, yet at the assessment, they were
21 busy telling us how the recreational were out
22 of compliance with regards to the minimum size

1 of 54 inches fork length throughout that
2 entire period, from 1999 until we did the
3 assessment for SEDAR 13.

4 I found that to be ludicrous, and
5 it was a problem for me to absorb that kind of
6 little tiny shark being caught by
7 recreational, when I know the North Carolina
8 guys are encountering a lot of adult
9 recreational guys in North Carolina, catching
10 a lot of adult blacknose.

11 The SEDAR 21 -- you didn't mention
12 the fact that the blacknose is going to be
13 reassessed, and by next April, which will be
14 -- not the September meeting, but by the time
15 we get to the spring meeting of the HMSAP --
16 there will be a presentation by May at least,
17 I understand, of the results. We'll probably
18 have a better idea of where the blacknose
19 results went, probably by the end of the
20 assessment, before April for sure. That's
21 when the review takes place.

22 Finally, the only other issue that

1 I saw -- and I know that the SAS, or, I mean,
2 the Southern Shrimp Alliance, the SSA -- had
3 managed to get Benny Gallaway to take a look
4 at the facts that I had pointed out, that they
5 did not observe or take into account the
6 trawling efficiency devices, the
7 turtle-excluding devices. And you kept acting
8 like we were catching a little baby sharpnose,
9 when the blacknoses were actually wider, more,
10 stouter, and went right out the opening.

11 And so when Benny and them got
12 together and did some preliminary results for
13 the National Marine Fishery Service and
14 Science Center, they found that it wasn't as
15 bad as they thought. So now you've put a lot
16 less pressure on the Gulf and South Atlantic
17 Councils about doing something yesterday to
18 the shrimp fleet.

19 So, all of that is going to be
20 brought out and be dealt with at the data
21 workshop level, starting June 21st through the
22 25th in Charleston, in South Carolina at the

1 Embassy Suites, in the old town, which only
2 costs \$170 a day to go there if you book
3 ahead. Otherwise, it costs fishermen -- if
4 the fishermen want to go there they're going
5 to have to either go find a cheap hotel or pay
6 out a couple hundred dollars a day to be
7 there.

8 These are just comments that I'm
9 throwing out, because once we get into the
10 actual meeting itself for the Shark Breakout
11 Group, I think we need to really come up with
12 something that we can put on the table here
13 that's realistic on keeping people fed,
14 keeping families fishing, so that they don't
15 lose their businesses. That's what is being
16 taken away.

17 And the sharks, whether it's these
18 sharks on Amendment 3 or any of the other
19 sharks, you should have been patting yourself
20 on the back with what we are seeing in the
21 water. The sharks are thick, very thick, and
22 you have some catch-per-unit-of-efforts like

1 with sandbar sharks, which you've taken away
2 from half the -- you know, you took it away
3 from us. That needs to be re-examined. And
4 I know we're doing an assessment on sandbar,
5 but again, it's a -- back to next year.

6 And just like I've been told
7 before, for you to do an amendment, it takes
8 you a year and a half, roughly speaking.
9 Eighteen months. That's a long time. I don't
10 how fast we can become proactive on an
11 advisory panel level, but on a management
12 level, you need to understand that as you
13 starve these people out, they disappear, and
14 catch shares is very problematic because of
15 the fact that you got the quotas ratcheted so
16 low, and then what are we going to do give it?
17 Are we going to give it to David Eltis of EDS
18 so it can become a negotiable commodity for
19 Goldman Sachs? Those are real problems that
20 have to be dealt with realistically for these
21 families that have boats.

22 MR. HEMILRIGHT: Dewey Hemilright,

1 commercial fisherman.

2 Could you go back to your, about
3 the quotas for the blacknose, and I guess it's
4 the small coastals? The small coastal, I was
5 -- when Rusty said something about it, is that
6 a small coastal quota? Is that for the Gulf
7 and the East Coast?

8 MS. FORDHAM: (Off mic) That's
9 both, yes. Atlantic and the Gulf.

10 MR. HEMILRIGHT: Why would you do
11 that?

12 MS. SCHULZE-HAUGEN: So in the
13 past, the small coastal quota was 454 metric
14 tons, and there were no regions. It was
15 managed in one region. And the -- this is the
16 average landings, 221.6 metric tons is the
17 average landings, so we kept it as one region,
18 in 226 --

19 MR. HEMILRIGHT: But you've got 19
20 metric tons of blacknose, so if most of your
21 blacknose are caught in the Gulf, in North
22 Carolina we don't have very little landings of

1 blacknose --

2 MS. SCHULZE-HAUGEN: But they're
3 caught in the Atlantic as well. Blacknose --

4 MR. HEMILRIGHT: The majority of
5 your black, of your stuff are caught in the
6 Gulf, or your blacknose. So, if it's at 80
7 percent --you said at 80 percent -- when you
8 catch 80 percent of the blacknose, you're
9 going to shut down the small coastal quota.
10 Is that right?

11 In North Carolina, we don't catch
12 the blacknose, very little. So therefore,
13 when somebody else in another state or region
14 catches a blacknose, when we're small coastal
15 fishing, it shuts us down. We've seen in the
16 past some of the shenanigans y'all have done
17 with the large, with the large coastal shark
18 quotas, where they were closed down in
19 Florida, where they caught; we didn't get the
20 fish in North Carolina.

21 I wish you'd go, you know, maybe
22 go by, state-by-state or something or look at

1 something different because, I mean, right
2 now, you know, that's, the guys won't be able
3 to go fishing, because if you catch 80 percent
4 -- 19 metric tons is very little, not much at
5 all.

6 All right --

7 MR. McCREADY: No, that's fine.

8 We just want to -- again, just want to --

9 MR. HEMILRIGHT: Yes, I know, but
10 this is important stuff, man. These are
11 people's jobs. All right?

12 MR. McCREADY: No, no. The intent
13 is to be able to get (off mic), so keep going.

14 MR. HEMILRIGHT: Life Stages slide
15 please. Life Stages of the Smooth Dog --
16 Smooth Hound -- is that the smoothhound?

17 PARTICIPANT: I was wondering if
18 it's (off mic)

19 MR. HEMILRIGHT: Well, it's the
20 Life Stages of the -- the picture of the map
21 right here.

22 Is this based on where they've

1 been documented caught before or something?

2 MS. SCHULZE-HAUGEN: If you see
3 the data sources that, the number of data
4 points is from the Southeast Fishery Science
5 Center, from the coast span, and from sea maps
6 and the VIMS nursery study. So these are all
7 observed and based on the observed data, yes.
8 You're right.

9 MR. HEMILRIGHT: It was, it's a
10 lot bigger than that because where you have
11 them observed is not even where we're fishing
12 -- all along North Carolina, out 50, 60, 70
13 fathoms of water. The smooth dogs inhabit it,
14 or smoothhounds or whatever the new name is,
15 all up and down the coast out there deep.

16 So I mean, I would think that the
17 whole ocean would be in critical life stages,
18 because it's water where they got to swim
19 through. So I, I don't know why -- I guess
20 it's where it was observed, the data points.

21 And another thing is this is,
22 North Carolina is a major player or fishery in

1 this thing. They go out, different boats, 50
2 percent of our quota's caught from, in federal
3 waters, and the other half in state waters.
4 The Atlantic states, I guess about a year ago,
5 allowed you to, they passed an amendment to
6 process them at sea, allowed you to clean, to
7 continue to clean the whole shark, carcass it,
8 like we've been doing for years to get the
9 best product.

10 Now that you have to leave the
11 fins attached -- or you all's proposal or
12 preferred alternative is to leave the fins
13 attached -- I don't think you're going to be
14 able to give the best product. You're going
15 to increase the labor because what happens is
16 -- when you have this fish, you're cleaning it
17 all, you're cutting the fins off and
18 carcassing and cleaning the shark all in just
19 a matter of a minute while you're on deck.
20 And most of the boats that are harvesting
21 these have four or five crewmembers. They're
22 slow boats. They have to go locate the fish,

1 and then they're fishing.

2 And all the other sharks have to
3 leave their fins on, this is one shark that
4 the fins are, you could tell the difference.
5 I mean, you've got to have 20/20 vision, but
6 you can see the difference in the fins, you
7 know. So it would be greatly economical if we
8 could harvest this fish and get the best
9 product, as we've been doing.

10 Something else that's been brought
11 up over the years is: smooth dogs ratio, fin
12 ratios is 8 to 12 percent. And I base that on
13 the hundreds of thousands, probably a few
14 million pounds or better over the last three
15 years, North Carolina fishermen have landed.
16 And when they go land the fish, they'd have
17 the fins there, and the ratios are 8 to 12
18 percent. So I know you'll say, well, if we
19 leave all the fins on, then there's no need to
20 worry about the ratios.

21 Well, when you get to the dock and
22 you've got a thousand or so fish, and you've

1 got to come back and re-clean them and re-cut
2 them different ways, not only is that time and
3 labor but it's money. So I wish you would
4 re-, re-look at that, even though I know you
5 all are pretty, pretty steadfast with your
6 commitment with that.

7 But I just think that instead of
8 trying, in this fishery, to manage or
9 something that you don't know much about, it's
10 almost like you're seeming to kill it. You
11 always already killed pretty much most of the
12 commercial industry when it comes to shark
13 fishing, and I just hope you won't do the last
14 of it to this, because I know there's always
15 surprises with you all. It never ceases to
16 amaze me.

17 Thank you.

18 (Whereupon, there was a gap in the
19 recording.)

20 MS. FORDHAM: Thank you. Sonya
21 Fordham. I'll save my comments for the
22 breakout group.

1 I just had a question on slide --
2 I think it's 8. You just talked, you talked
3 a bit quickly it about, something about
4 higher, you assumed there was a higher fishing
5 mortality -- or, going with your preferred
6 alternative from before would result in a
7 higher fishing mortality on neonates and
8 juveniles, something about the gill nets. But
9 it was a bit fast, and we, we just want to
10 hear it again.

11 Thank you.

12 MS. SCHULZE-HAUGEN: Sorry that I
13 went quickly.

14 So, what I was getting at is that
15 because of the -- the mortality rate for
16 blacknose sharks caught in gill nets is lower
17 than we previously believed, and the average
18 size that are caught in gill nets are actually
19 higher than previously believed.

20 So in the other gears, like bottom
21 longlines, there are smaller blacknose being
22 caught. So if we eliminated gill nets from

1 the fishery, the other gears would lead to
2 potentially more of the juvenile and neonates
3 being caught in the fishery that, and being
4 discarded.

5 MR. HUETER: Yes, Bob Hueter,
6 Marine Line. I guess we'll talk about this at
7 the breakout session, LeeAnn, but could you
8 clarify for me the -- what's behind the wild
9 swing from a proposed small coastal quota of
10 57 metric tons to -- all of a sudden with a
11 little bit of new look at the data and some
12 data tweaking -- four times that amount, at
13 222 metric tons? I mean, that's, that raises,
14 I think, a level of uncertainty that is
15 usually something that's difficult to justify.

16 I see the, the blacknose quota was
17 only raised 33 percent from proposed. I
18 would, I would wonder why it would be raised
19 at all if overfishing, if it's overfishing and
20 overfishing is still occurring and if that's
21 still the conclusion of this new -- these new
22 calculations. I wouldn't call it a new stock

1 assessment, but new calculations.

2 But this 4-times change, could
3 you, without going into details, repeat what
4 the, the basis is of that?

5 MS. HOGAN: Yes, definitely. So I
6 will touch on the, the non-blacknose small
7 coastal quota first, the 221 metric tons.
8 That is based on the fact that we found that
9 gill net fishermen are able to selectively
10 target or avoid certain species of blacknose.

11 So if they are able to avoid
12 catching -- because that previous quota was
13 based on the fact that, if they were out
14 catching the other small coastal species, that
15 they would also be catching blacknose as well.
16 And so that -- the mortality on blacknose and
17 the discards on blacknose, we had to lower
18 that small coastal quota.

19 When we re-looked at the data and
20 did new data analysis, we found that the gill
21 net fishermen can avoid blacknose sharks.
22 That allowed us to increase the other, the

1 non-blacknose small coastal quota, so they
2 could continue to fish as they have been on
3 those other species, while avoiding blacknose.

4 And one thing that I forgot to
5 mention is that this alternative implements a
6 framework mechanism, and that basically gives
7 us the flexibility to either increase or
8 decrease the blacknose quota or the
9 non-blacknose small coastal quota, based on if
10 those gill net fishermen can really avoid
11 blacknose, and also based on what comes out of
12 the other -- the new stock assessment. So it
13 gives us flexibility to -- if we need to
14 increase or decrease either of those quotas,
15 we can.

16 MR. HUETER: Okay, well, that
17 would indicate that the percentage of
18 blacknose landings in the gill net fishery is
19 extremely high, if it has that big an effect,
20 through a simple change in the calculation of
21 mortality rates. What -- do we know what that
22 percentage is? Or, maybe we can discuss that

1 in the breakout group.

2 MS. SCHULZE-HAUGEN: I can get
3 that.

4 MR. HUETER: I mean, is it, is it
5 more than 50 percent? Is it like 75 percent
6 of the blacknose landings? Because,
7 otherwise, I can't see it having that dramatic
8 an impact, because we're only talking about
9 six or eight --

10 MR. McCREADY: Let's save it for
11 the --

12 MS. SCHULZE-HAUGEN: Yes, I can
13 give you a breakdown of, of all that,
14 definitely.

15 MR. HUETER: Okay.

16 MS. SCHULZE-HAUGEN: Yep, we have
17 that.

18 MR. HUETER: Okay. Okay.

19 (Whereupon, there was a gap in the
20 recording.)

21 MR. RUAIS: I'm apologizing for
22 being a little distracted, but I did hear some

1 mention of the fact that there's an upcoming
2 SEDAR on blacknose.

3 MS. SCHULZE-HAUGEN: That's right.

4 MR. RUAIS: You know, and I
5 mentioned in one or more comments that, you
6 know, it might be worth deferring this
7 particular regulatory action until after the
8 SEDAR.

9 So I guess the question now is,
10 you know, we anticipate, as a result of
11 changes to the shrimp trawl bycatch estimates
12 that were in the current stock assessment,
13 which I think attributed 52 percent of the
14 mortality between the South Atlantic and Gulf,
15 combined, to the shrimp trawl fishery. And as
16 a result of Dr. Gallaway's work, that was
17 reduced very, very substantially, largely
18 attributable to the effect of, and use of,
19 turtle excluder devices.

20 But the, there's, there are a
21 number of other issues that are going to be
22 addressed in the SEDAR that could

1 fundamentally change -- I mean, elements of
2 the model itself, assumptions going into the
3 model in terms of data with regard to sea map
4 data being day/night differences in catch, and
5 also just sort of blending Atlantic and Gulf
6 fecundity assumptions. I mean, there's lots
7 of fundamental issues to be discussed.

8 And it, it well may be that the
9 status determination of blacknose sharks
10 changes. And would you then just go to a new
11 rulemaking if that were the case?

12 MS. SCHULZE-HAUGEN: Based on the
13 outcome of the stock assessment, we'll assess
14 the results and then move forward as
15 appropriate. And one of the reasons we have
16 built in this mechanism, this framework
17 mechanism's so that we can potentially, if we
18 need to, increase or decrease the blacknose
19 quota and the non-blacknose small coastal
20 quota in the framework action. But, but we
21 will have to look at the results, and then we
22 can move forward.

1 MR. RUAIS: Okay. That helps a
2 lot to know that, you have an expedited
3 process in place. Because it may well be that
4 they're not overfishing, and overfishing isn't
5 occurring -- ever the optimist.

6 (Whereupon, there was a gap in the
7 recording.)

8 MR. HUDSON: Rusty Hudson,
9 Director of Shark. Keep in mind, at least for
10 the benefit of the people in the room, the
11 bonnethead, Atlantic sharpnose, and the
12 finetooth are considered not overfished and no
13 overfishing occurring. Yet, because of the
14 results of SEDAR 13 with regards to the
15 blacknose, with all of its problems that I
16 tried to point out at that event, as well as
17 what Dr. Gallaway was able to put together
18 with NMFS afterwards, we are still seeing
19 healthy stocks being held hostage by a piece
20 of paper.

21 And I think that's wrong. And I
22 think that somehow that needs to be addressed

1 by the time we get to this next meeting in
2 September or whenever it is, on getting some
3 kind of framework adjustment done to this
4 Amendment 3. Because you're going to go ahead
5 and impose the damage, you're going to force
6 high-grading or discarding of blacknose, which
7 -- in the gill net fleet you've had between
8 51- and 100-percent observer coverage, whereas
9 you haven't had that kind of coverage in the
10 longline fleet.

11 And yet, I can tell you that many,
12 many, many thousands of blacknose sharks I've
13 seen across the decades that have come through
14 the fin business, and they were coming not
15 only from the gill net but from the
16 look-and-line guys that were using them for
17 bait and all that other stuff that was made
18 illegal.

19 So you really need to think hard
20 about fishermen and their ability to make a
21 living, because you're taking it all away
22 again, just like you did the last go-around.

1 MR. McCREADY: All right. Let's

2 --

3 (Whereupon, there was a gap in the
4 recording.)

5 MS. SCHULZE-HAUGEN: So I thought
6 we would take a couple of minutes, since Russ
7 was able to join us today, just to introduce
8 him in his new capacity as the National
9 Recreational Fisheries Policy Advisor. I
10 think I got that right. And so -- yes.

11 (Applause.)

12 MS. SCHULZE-HAUGEN: I think they
13 know you well.

14 So I think Russ wanted to share
15 just a few things with you, and then we'll get
16 into the working groups.

17 MR. DUNN: I guess it's true; you
18 really can't go home again.

19 (Laughter.)

20 MR. DUNN: Man. All right, now of
21 course, my machine just closed up on me.

22 I just wanted to take a couple of

1 minutes and say hello. I was going to come in
2 with Eric, and we were going to do a little
3 song and dance together, but he's going to be
4 in on Thursday morning, I guess, at 8:30, is
5 the latest. Hold on a second.

6 And so I just wanted to really
7 give, introduce myself in my new capacity for
8 those of you who I haven't met. My name is
9 Russ Dunn, and I've worked for Margo in HMS
10 for a long time, for about eight years or so
11 -- not that she's not young.

12 MS. SCHULZE-HAUGEN: Yes, thank
13 you.

14 (Laughter.)

15 MR. DUNN: And I recently was
16 given the opportunity to become the National
17 Policy Advisor for Recreational Fisheries,
18 which is a new position that Dr. Lubchenco
19 created as part of her recreational fishing
20 engagement initiative. And, and she developed
21 that initiative essentially out of the
22 recognition that the relationship between NMFS

1 and the recreational community had been
2 strained in the past few years, and that the
3 Agency had not lived up to its commitments in
4 the past, such as -- the results of --
5 implementing the results of the 2005
6 Recreational Fishing Summit, or most of the
7 Recreational Fishing Strategic Plan.

8 And so she developed an initiative
9 that had a number of components, including
10 having the new leadership come into NMFS --
11 meaning Eric -- with a commitment to improving
12 the quality of the dialogue with the
13 recreational community, establishing this
14 position, which I have been fortunate enough
15 to be offered, establishing some recreational
16 coordinators in each of the regions,
17 appointment of a MAFAC Recreational Fisheries
18 Working Group, which is not actually part of
19 MAFAC but sort of advises the Recreational
20 Fishing Subcommittee, Fisheries Subcommittee
21 of MAFAC. And then, the final component was
22 the Recreational Summit, which we held in the

1 middle of April.

2 And so I just wanted to touch on
3 the Summit. You may have heard a little bit
4 about it, but basically, it was a facilitated
5 dialogue between the fishing community --
6 really, more amongst the fishing community --
7 and then relaying their concerns back to the
8 Agency. And a number of you who are here were
9 there as well. And it was a real opportunity,
10 I think, for, for the recreational community
11 to meet the new NOAA leadership, meaning Dr.
12 Lubchenco and Eric, really, and most of the
13 recreational coordinators from around the
14 country were there as well. And it was a
15 chance for them to share their concerns, talk
16 amongst themselves, and then really tell us
17 what they are looking for.

18 There were about 100 constituents
19 from around the country who participated, and
20 we had a pre-Summit survey that went out which
21 sort of framed out the major themes of the
22 workshop, and those included improved

1 communications -- and I think these apply to
2 many of the fisheries, not just recreational
3 -- improved communications, cooperation and
4 more sort of trusting interactions between
5 NOAA and the recreational community, improved
6 data quality -- not only quality but quantity
7 and timeliness -- to improve management.

8 And that data issue, that's a
9 pretty broad term, but really, it goes across
10 the board and includes the catch and effort
11 data, the socioeconomic data, and the fishery
12 independent data. We, they also were
13 interested in seeing a more complete
14 understanding of recreational fishery
15 socioeconomics and integration of the
16 socioeconomic information into the management
17 decisions. And finally, I think one of the
18 primary concerns, or themes, was broad access
19 to the resource with, with increased
20 predictability and recreational opportunities.

21 So once we were into the meeting,
22 there were a number of primary challenges that

1 were voiced by the community, and that was,
2 again, the poor data, the limited -- the
3 feeling of a limited voice at the management
4 table, concerns over catch shares and access
5 to the resource. The coastal and marine
6 spatial planning was a big concern, and again,
7 that goes to access to the resource. And
8 then, a number of potential solutions were
9 drawn out.

10 There were 34 major challenges
11 identified. and about 200 potential solutions.
12 And so, obviously, I'm not going to touch on
13 all of those. But some of the solutions that
14 were identified were: to better integrate
15 recreational values and principles into the
16 NOAA/NMFS mission; increase representation on
17 the councils and relevant advisory panels;
18 improve data collection, as I said, touching
19 on this at all areas of data; increased use of
20 economic data in decision-making; improved
21 communications. One interesting one I thought
22 -- very much more specific -- was providing,

1 for NMFS to provide guidance to the councils
2 on allocation and then -- what seems to be a
3 growing chorus of revisiting the MSA and
4 looking for additional ability to --
5 flexibility, I should say.

6 So that was sort of -- those were
7 the highlights of the Summit, and we're
8 working away trying to wrap up everything.
9 We've got a number of the Summit documents
10 posted online -- the survey results, the
11 challenges that were identified and ranked by
12 the participants, all the speeches and
13 presentations -- and we've got a final report,
14 which should be out, June 1st is the deadline.
15 It'll be posted up there and on the web. And
16 that, that was really it.

17 So I just wanted to touch base
18 with folks and let you know what my new
19 position was, and what we are doing, what I'm
20 doing in that position.

21 If anyone has any questions, or
22 thoughts, go ahead.

1 (Off mic comments.)

2 MR. DUNN: It's funny you should
3 say that because as soon as I was offered the
4 spot, John Oliver got an email from Margaret
5 Spring, and she said, well, we need him for
6 ICAT. He's got to still come to ICAT. So
7 you've got to talk to Margaret. She's the
8 boss. Anyway, thanks.

9 (Whereupon, there was a gap in the
10 recording.)

11 MS. SCHULZE-HAUGEN: Yes, so,
12 again, this is kind of a new format, one that
13 we're trying out. So ask for some open minds
14 but also candid feedback on what you like,
15 what you don't like. It's an improvement, or
16 not. And we'll, you know, take it from here.

17 So what we thought we would do is
18 keep the Bluefin Group here, and the Shark
19 Group, I believe, is in the Chesapeake Room,
20 which I think is downstairs and off the main
21 lobby. And so we'll, at this point, kind of
22 go our separate ways.

1 Folks are welcome to vote with
2 their feet. Pick the issue you want to listen
3 to the most -- not an assignment. Go back and
4 forth if you want. And what we'll do is,
5 we'll have more detailed presentations to
6 start off the working group sessions, but
7 then, given the time that we have allotted,
8 are trying to allow for folks to pose
9 questions. And we can take the time to go
10 through the depth of some of the issues I
11 think folks want to talk about.

12 MR. McCREADY: Hang on a second
13 here, so everyone can hear, please.

14 (Whereupon, there was a gap in the
15 recording.

16 MR. McCREADY: If you want to be
17 part of the bluefin group, stay here. If you
18 want to be engaging in the discussions around
19 shark, go ahead down to the first floor.

20 And we will be staying in our
21 sessions until 5:45. At that point, we will
22 adjourn for the day. We will not reconvene

1 back together as a full group until tomorrow,
2 when we will -- sorry, I just wanted to just
3 hit tomorrow -- we will reconvene tomorrow at
4 8:30 in the morning here. We'll just briefly
5 come together, go over the agenda, and we will
6 then go back into our working groups for the
7 entire morning.

8 So we have a good deal of time set
9 aside, so that we really can tackle these
10 various issues and, and make sure we have a
11 good discussion.

12 So, are there any questions before
13 we break out?

14 (No response.)

15 MR. McCREADY: And to members of
16 the public who are here, you are invited, as
17 well, to be, as you were here, involved in
18 either discussion, primarily as observers.
19 And then at various points, we will invite you
20 to fold in your comments as well.

21 So with that, we ask, again,
22 bluefin tuna folks to stay here. Shark group

1 will go downstairs. And this is not a break,
2 so please, head down post-haste.

3 Thanks.

4 (Whereupon, there was a gap in the
5 recording.)

6 (Whereupon, the audience was
7 excused to attend the working groups.)

8 MS. SCHULZE-HAUGEN: Okay.
9 Hopefully, folks have had a moment, and so,
10 hopefully, everyone also received

11 Tape 5
12 over email, the large 52-slide packet ahead of
13 time.

14 If you're not going to join us for
15 bluefin, maybe you could head outside, Russ.
16 Thank you.

17 And so, by sending that out ahead
18 of time, we were hoping that people could, you
19 know, on the plane or before bed or whatever,
20 take some time to go through it. There were
21 a lot of fairly detailed -- there you go;
22 Glen's got it. And we do have some color

1 copies in the back. We realize a lot of folks
2 probably may not have color copiers at home.

3 So what we thought we would do to
4 start the, the working group session today is
5 not necessarily go through all 52 slides,
6 because that, I think, would be more painful
7 than informative. So what we tried to do is
8 pick out some of the more summary slides, by
9 issue, that have come up to us, things that we
10 know people want to talk about, things they're
11 concerned about. And I think we've got about
12 20 slides. But we have all of the others
13 available, and we can dig into that and put
14 them on the screen as people want.

15 And so, I think what we were
16 hoping -- particularly here, over the course
17 of the last couple years, a lot of this
18 information has been presented in some form or
19 fashion. There isn't that much really new
20 information. We have additional years, 2009
21 particularly, that we've added to the
22 information. I think we've tried presenting

1 it a little bit differently based on the
2 feedback over time.

3 Sometimes we'll have presented
4 information, and in the course of a
5 conversation with folks a couple months later,
6 realize, you know, that the information didn't
7 quite get through, wasn't maybe as
8 understandable or accessible. And so we're
9 continuing to try and revisit how we present
10 this information. As people started asking
11 detailed questions of us, we realized that
12 some of the pieces weren't all together. They
13 were in -- you know, that was in the 2007
14 specs final EA. Well, that, that's not
15 necessarily the most intuitive way to present
16 information.

17 So we're revisiting that, looking
18 at how best to consolidate, respond to
19 comments, get people the information in a way
20 they can easily get it, use it. So we're
21 continuing to refine this as we go. And so
22 maybe just with that, I'll get started.

1 And I'm going to hand over the
2 presentation, share it with Guillermo when we
3 get into some of the more scientific
4 information on observer data, and then the
5 weak hook research. And so we thought we
6 would do is -- this is one of the first
7 slides. It is kind of the overview slide.
8 What we're trying to set up the context for,
9 kind of where we are, why we are here today.

10 And the purpose of the HMS FMP --
11 this is the '99 FMP -- was to implement the
12 rebuilding plan for bluefin Tuna. The
13 rebuilding plans still in place. It's been
14 modified a couple of times along the way. But
15 basically, the core plan is still in effect.
16 It goes back to the '99 FMP. That's when it
17 was implemented. The category allocations are
18 the same as were established in '99. And so
19 a lot of that is still the same, but a lot of
20 the information, a lot of the trends that
21 we've seen over the last couple of years, have
22 been changing.

1 For the first several years after
2 implementing the '99 regs, our primary focus
3 was how to constrain the landings to our
4 available quota. Quotas were routinely
5 catching quotas. The fishery quota were
6 routinely gone by early winter. If you
7 remember, the request from North Carolina to
8 create a winter fishery allocation was
9 difficult because the quota was largely taken
10 by then. You know, going into January was,
11 you know, having to take quota away from
12 others.

13 That changed fairly rapidly in
14 around 2005 timeframe, when a lot of the
15 commercially sized fish were not available.
16 There were big questions -- you know, what's
17 going on? Is it, the fish are someplace else?
18 Is it that they're gone? What's happening
19 with the stock? We had a lot of increased
20 pressure on the assessment, trying to figure
21 out what's happening. At the same time, we
22 started to see in the recreational survey data

1 kind of the trends that have continued through
2 time on that group of fish moving through.

3 And so then the question changed
4 to, how do we fully utilize the quota? Lots
5 of comments on how liberalize regulations, how
6 to eliminate regulations that were considered
7 no longer necessary. And then, again, you
8 know, a year ago, the AP meeting, the AMPR --
9 how can we land our quota? What, you know,
10 regulation that's constraining could be
11 modified or eliminated? A year ago. And so,
12 but in this year timeframe, again, we've seen
13 a change.

14 And some of the things, kind of
15 back to the question of, how do we constrain
16 the quota or the landings to the quota? And
17 some of the factors for the change are, we
18 have the smaller U.S.-based quota in 2010.
19 It's about 950 tons. That's lower than it has
20 been. The ability to carry forward under
21 harvest, starting in 2011, goes from 50
22 percent to 10. So a lot of what has been

1 carrying us through is going to be
2 substantially reduced.

3 The changing size distribution has
4 affected a different categories differently.
5 Commercial's categories haven't been as
6 successful. The recreational size category's
7 has been very successful, two times the
8 adjusted quota. And part of what we're seeing
9 is the same number of fish because those fish
10 are growing up, and they're getting heavier,
11 resulting in a higher tonnage landed. Quotas
12 are based in tonnage, and so that's where
13 we're seeing some of that effect. Pelagic
14 longline landings -- exceeding the landings
15 quota; not yet accounting for discards.

16 And so there's a lot of things in
17 play here, and there's a lot of moving pieces.
18 We have a lot of the underlying data that we
19 can share, but, so these are some of the
20 high-level things. Our primary priority
21 objective, as always, has been to stay under
22 the ICAT quota and so that's a biggie, and

1 that's one that will drive some of the other
2 things to be in compliance internationally.

3 Some of the reasons we haven't
4 been constraining some of the categories even
5 though they had been exceeding their subquotas
6 is that there were large under harvests in
7 other categories and, as well as large under
8 harvest for the U.S. overall. We had the
9 quota available. I wonder if we had
10 constrained quota in 2006 and 7, what sort of
11 comments we would have gotten at that point.

12 The large amount of unused
13 reserve, again, that was used for domestic
14 purposes and potential transfers. We haven't
15 transferred it. I don't think we have many
16 plans to do that, but it was there.

17 The change in the under-harvests
18 that could be carried forward, some of that
19 quota couldn't have been carried forward
20 anyway because it exceeded the 50 percent, so
21 it wasn't necessarily that folks were reduced,
22 because we couldn't do it anyway.

1 And then, you know, some other
2 points, then: we exceeded our base quota in
3 2009, and that's a pretty big point to think
4 about as we're moving forward. We are within
5 the adjusted quota, so from a compliance
6 standpoint, we are okay, but for managing the
7 fishery from this point forward, that's an
8 important point. And so we're expecting, and
9 we've been hearing from you all, that there's
10 going to need to be more oversight this year
11 and in the future on categories relative to
12 their quotas, an expectation of increased
13 commercial fishery landings this year,
14 particularly as some of those fish may be
15 growing up and going into the commercial size
16 classes.

17 And so some of our challenges --
18 our current operational system in terms of
19 landings reporting systems are adequate. We
20 have a 24-hour reporting system for the
21 commercial landings, so that's a good thing,
22 real-time. We have management measurements

1 in the toolbox that allow for in-season
2 management with three days notice, so we have
3 some mechanisms there that are good.

4 The current system is not designed
5 to monitor recreational landings in real time
6 for in- season management. We get the
7 information in real time. It's a continuous
8 data collection process, but the estimates are
9 generated once a year. That's how the survey
10 was designed. That's how it's supposed to be
11 used. In the past, we have used it for
12 in-season monitoring and management. It
13 really stretched the limits of its ability,
14 had some not so great things. And so we moved
15 away from that, and we're using the survey
16 now, once a year estimates.

17 We also don't have real-time
18 estimates of longline discards. In fact, we
19 expect to get the estimates for 2009
20 relatively soon, so that's still a piece that
21 we don't have.

22 And some of the other challenges

1 -- the increased interest in increasing
2 recreational opportunities, as we've heard
3 from Russ a few minutes ago.

4 Other interest: NGOs and some of
5 the industry folks in addressing bluefin and
6 the future of longline fisheries, particularly
7 as it relates to swordfish -- these issues are
8 very linked.

9 And then some of the regional
10 differences, and, and there's a slide here --
11 I can show you through, how not only it's the
12 size distribution but the location of fish has
13 changed over time as well, and what does that
14 mean for moving forward?

15 So this is something that
16 hopefully you're very familiar with. It's the
17 spawning stock biomass and rebuilding
18 progress. The upper graph here is the entire
19 timeframe that the assessment considers from
20 1970 forward. You can see kind of the large
21 declines early on in the time series; fairly
22 flat since. We're at 18 percent of the 1970

1 level.

2 The lower box there is basically
3 blowing up the latter part of that time series
4 from when the rebuilding plan began in 1998.

5 As you can see, 2007 was 89 percent of the '98
6 level, meaning that we're 11 percent below the
7 '98 level, when the rebuilding plan began.

8 But it does look like maybe we're seeing some
9 slow progress. This is an assessment year for
10 bluefin. It will be done in September.

11 Hopefully, we'll see some more evidence of
12 rebuilding at that point, but it's not like
13 we're in a great stock status. There's still
14 stock concerns.

15 And again, I'm pulling from things
16 that you have, you should have in the larger
17 packet, but I am going to be kind of skipping
18 around a bit.

19 Here's the aggregate landings
20 relative to both base and adjusted quotas. We
21 added the base quotas for the last couple of
22 years. The important point -- these look blue

1 and red to me -- we've got a good track record
2 of staying within quota, particularly the
3 early, you know, the late '90s. A couple of
4 years where we exceeded, those are based on
5 some of the surveyor numbers.

6 But starting in 2004, with the
7 most dramatic year being 2006, you can see our
8 landings really far below are quotas. And it
9 was at this point that all of those requests
10 and the urgency for adjusting the regulations,
11 to maximize landings were really starting to
12 evolve and kick in.

13 What you'll also see is the
14 adjusted quota, in the maroon, really starting
15 to balloon, and that was, and then dropping to
16 2007, and that's when the 50-percent carryover
17 cap kicked in. So we didn't have this
18 ever-growing stockpile. It was capped.

19 In the hatch mark there, it was
20 the base quotas. And you can see that once
21 that 50-percent carryover cap went in, we got
22 a lot closer between the adjusted quota and

1 the base quota, and then in 2009, slightly
2 above the base.

3 When we start looking at things on
4 a category-by-category basis, this is just one
5 year. It's the last year. The same kind of
6 information: landings information, base
7 quota, and then the adjusted quota. This is
8 where you start to see some of the differences
9 by category.

10 And we've broken out the angling
11 category into two, the school, and then the
12 large school/small medium. And that's because
13 ICAT has the recommendation limiting our
14 school landings to 10 percent over two years.

15 The school size class last year:
16 Well within our 10 percent limit. We're about
17 half of the adjusted quota there. Here, you
18 see the base and the adjusted are the same.
19 That's because it's at the ICAT limit. It's
20 about 119 times or something like that, and
21 then you see, though, for the angling, large
22 school, and small medium, where the landings

1 are significantly higher than the base or the
2 adjusted quotas. And I think that's where
3 some of the concern's coming from. The panel
4 and the public are coming from, is seeing some
5 of these numbers.

6 General Category and Harpoon

7 landed about 50 percent, slightly more than 50
8 percent of the adjusted quotas with closer
9 approximation of the base. Purse seine
10 continued last year, as it has the couple of
11 years, to be extremely low.

12 And then, longline at the end
13 again, we've broken out Longline North and
14 Longline South. The Longline North includes
15 the NED. You can see landings greater than
16 the adjusted quotas, and this is again without
17 the actual discard numbers yet. What we've
18 used in the, the specifications process is the
19 2008 numbers as a proxy. But those will --
20 over time when we get the `09 numbers, we'll
21 incorporate that into the accounting.

22 When we compare the 2009 landings

1 percentages by category to the FMP
2 allocations, you can see where some of these
3 changes were not in great alignment at this
4 point. Some of the changes recently -- and if
5 we looked at these numbers similarly across
6 years, you can see that there'll be some
7 changes even from this. This is not like it's
8 been a static pattern for the last couple of
9 years, but it does indicate that things aren't
10 as we thought they would be.

11 I don't expect you to read this.
12 You have this. This is -- and these, I think
13 the next two -- hopefully you can read in the
14 handout. If you're having trouble, we can try
15 and print it out again. But what we're trying
16 to do here is respond to many requests to get
17 the numbers in one place. What was the base
18 quota? And it's by category. What was the
19 adjusted quota? What were the landings? We
20 added a percent of adjusted quota.

21 You can figure out the percentage
22 of base as well. We started feeling fairly

1 space-limited in trying to do this all in one
2 spot, but it is calculable.

3 And then another piece is the
4 retention limit because in some categories
5 those retention limits make a big difference
6 in what the landings ended up being. And
7 they're important pieces of the same puzzle to
8 know. If your retention limit's very high but
9 your landings are low, that's a different
10 story than if your landings are high as well
11 as your retention limits. So it's just trying
12 to provide what we thought was relevant
13 information, the kind of information that we
14 think about, and again, trying to provide, in
15 a single place, be responsive to the requests.

16 We can continue to refine this if
17 there's other information that we don't need
18 or that we need to add or present it in a
19 different way. But this, we're trying to meet
20 your needs for understanding what's happening
21 and not require a magnifying glass to do it.

22 And so this is something that

1 should be familiar to many of you. This is
2 the large pelagic survey data from 2004. And
3 so each box is a year. The, I think the
4 frequency, the number of fish is on the X-
5 axis, and then the size, by inches, is along
6 the bottom.

7 The different lines going through
8 all of them are the size class lines. And so
9 you can see that, that first group, the 27-47,
10 that's the school size; then 47-59 is large
11 school; 59-73 is the small medium. And then
12 beyond that, there's another set of data that
13 would be the commercial landings that we have
14 separately.

15 And so what you'll see in 2004,
16 we've had the last year of size distribution
17 that we were used to seeing. That was kind of
18 the last representative year of how things
19 used to be.

20 In 2005, things started to drop
21 out. We see a spike, then, then in the
22 school, the smaller schools.

1 2006 here is where some of those
2 retention limits become very important because
3 that was the last year of our school
4 compliance period. It had been four years
5 prior, and because of higher landings in the
6 first three years, we had almost no quota
7 available for the fourth year, which was 2006.
8 And so we set low retention limits. We
9 actually had seasons. I think we had two
10 three-week seasons for school because we
11 needed really almost zero in 2006 to average
12 out.

13 So that's where that year, the
14 retention limits really played a strong role.
15 This data, this fishery dependent data,
16 doesn't necessarily tell the whole story. You
17 need to know some of the other things, than
18 what's on here.

19 2007, and then '08 and '09, is
20 where we've seen that kind of body of fish
21 moving through the recreational survey. It is
22 fishery-dependent data, so there's lots of

1 other things that could be going on --

2 Hang on, just one second -- but
3 one point maybe to think about is that in 2004
4 it was capturing a much broader range,
5 geographic distribution range, and
6 distribution sizes. So I think the survey is
7 capturing the information. Now people may be
8 retargeting their effort, may be doing
9 different things. It can be hard to -- I
10 mean, this isn't intended to be like a stock
11 status slide. And that, I think, has been
12 something where maybe we haven't been quite as
13 clear about that in previous presentations.

14 But it is a trend, and it is
15 something -- the survey is still covering the
16 same distribution, trying to cover the same
17 folks that it did previously, and the
18 information is picking up.

19 One additional point is the colors
20 are the different states with -- and it's
21 teeny-tiny font, I know -- but what you can
22 see is more orange or yellow. That's more the

1 mid-Atlantic states early on. The reds are
2 Massachusetts. So it's reflecting a shift not
3 only in the size of fish but also the
4 geographic range, more northerly.

5 So I see hands, so I'd like to
6 make sure we address things as we go. So Pat.

7 MR. AUGUSTINE: Thank you, Margo,
8 a very good presentation.

9 I notice you, you said "Mid-
10 Atlantic". On the chart, you show Virginia as
11 a stand-alone, Maryland, Delaware, and then
12 further north. But is North Carolina just
13 lumped in there due to the fact they have this
14 large winter angling fishery, and we are
15 broken up by the two quotas, north and south.
16 And I couldn't, I just didn't pick up whether
17 North Carolina was a standalone or part of
18 that Virginia group. I don't --

19 MS. SCHULZE-HAUGEN: North
20 Carolina is a separate state. They have the
21 catch card program. The survey doesn't go as
22 far south as North Carolina. There's only the

1 catch card program in North Carolina. So from
2 a survey -- I think you're right; I don't see
3 North Carolina either.

4 We do have the benefit of Ron Salz
5 in the back of the room, and so we may need to
6 tap his expertise. But you're right, North
7 Carolina is not -- I don't see it.

8 PARTICIPANT: Margo, I'm wondering
9 if -- that's got to be added in somewhere, in
10 the total collective number. But looking at
11 these, I'm not sure whether the 217 percent,
12 the recreational rollover, whatever that
13 number was, the angling category, and whether
14 or not, again, the North Carolina tracking
15 system is a part of that. So it probably is,
16 but maybe Ron could answer that, and that
17 would get that question out of the way.

18 MS. SCHULZE-HAUGEN: Yes, it is
19 included in the final estimates. Ron, do you
20 want to -- or Guillermo, do you? In the final
21 estimates?

22 DR. DIAZ: Sure. The final

1 estimates include North Carolina. What is not
2 included is in these size samples. These size
3 samples are of Virginia north. But the final
4 estimates, yes, that includes North Carolina.

5 MR. McCREADY: Okay thanks. I have
6 Rich, and then Charlie.

7 MR. RUAIS: Thank you very much.
8 This is going to be a little disjointed
9 because I've been up since two o'clock in the
10 morning, and I'll be better tomorrow than I am
11 today.

12 But there's just a few issues that
13 I want to put on the table today. One is, the
14 reduction of the carryover was largely a
15 result of the European Community effort, and
16 obviously, they have no interest in carryover
17 because they never have any underages. So,
18 but you know, in a highly migratory species
19 fishery, the question of annual availability
20 is certainly an issue, and a reduction from 50
21 percent to 10 percent, we didn't support it
22 when it happened, thought it was kind of

1 forced upon us, couldn't really fight it at
2 the time, so we had to accept it.

3 But it's an issue that, at the
4 Fall IAC meeting, I plan to try to redress and
5 get us back somewhere, somewhere above 10
6 percent. I think that's ridiculously low and
7 ought to be higher.

8 Then -- it's okay if I run through
9 several issues right now and, and just get
10 them on the table?

11 Okay. I have a frog in my throat.

12 The pelagic longline overage, you
13 know, again, this was another issue that was
14 kind of forced upon us. We were asked, Glen
15 and I, quite frankly, to not make any noise
16 over the extrapolation methodology, that this
17 was something that Miami felt very strongly
18 about, and we should accept and, you know,
19 accept it for the time being at the meeting,
20 and that we, that when we got home, we'd hold
21 some independent meetings and try and get it
22 fixed. And then Bill left. So we didn't get

1 it, we haven't addressed the issue yet.

2 We're having, Bluewater is having
3 scientists look into this question right now,
4 and the scientists that are looking into it
5 are coming back and saying, basically, you
6 need very finely detailed regional observer
7 coverage to do extrapolation. You can't, in
8 other words, you can't use heavy observer
9 coverage from the NED area and try to
10 extrapolate that observer interaction with
11 bluefin to 500 miles east of Florida, for
12 example. It's just, it's just not legitimate.
13 I'm not sure it's happening exactly that way,
14 but the observer data has to be really pretty
15 fine in order for the extrapolation to be
16 legit. So we'll be challenging that over
17 time.

18 (Off mic comments.)

19 MR. RUAIS: That's correct.
20 That's correct. We have never accepted it.
21 We've challenged all along, and we're going to
22 challenge it scientifically before SCRS when

1 the time comes.

2 In terms of the under-harvest that
3 you've seen for several years in New England,
4 one of the -- what, what you left out, Margo,
5 was that we've lost two traditional fishing
6 practices, one, to dogfish -- well, two of
7 them to dogfish. You can't chum nor trawl
8 anymore because of the extent of the dogfish
9 population. Your baits simply get chewed up,
10 and you're just constantly changing bait.

11 The only available two methods now
12 are harpooning and kite fishing to keep the
13 bait out of the water so the dogfish can't get
14 at them. And that's part of the reason for
15 the underages in New England.

16 We're absolutely convinced that we
17 could catch more fish if the, if the dogfish
18 population was a little bit more under
19 control. Ralph would agree, I'm quite sure.
20 Chris Weiner would agree, I'm quite sure.
21 It's just a common -- just everybody
22 understands it. Tom is well aware of the

1 dogfish problem. It's out of control in New
2 England, and it's having a major impact on our
3 ability to catch tuna fish. So that's one
4 part of it.

5 The other part is the forage
6 problem. Many of you have probably heard the
7 herring stock, the, the estimate of the
8 biomass and the TACs over the last several
9 years have been, I guess, to put it politely,
10 grossly overestimated. And the reductions
11 that are coming around right now are pretty
12 significant, dropping from, in the Gulf of
13 Maine, 60,000 metric tons, I think, to 27,000?
14 -- 27,000 metric tons. It's a pretty
15 significant drop in the forage.

16 So if you don't have, you know,
17 bluefin tuna -- I mean, everybody tells you
18 that bluefin tuna go where there's food. I
19 mean, that's, you know, it's food. Food
20 drives where they go, so if there's no food,
21 they don't go there.

22 The other thing is, several other

1 issues. As I mentioned earlier, quickly
2 mentioned earlier, the issue of extending the
3 North Carolina January quota into, until the
4 January quota is caught is going to cause some
5 issues, is already causing issues. I'm
6 getting lots and lots of phone calls about it,
7 that if we're going to allow the North
8 Carolina quota to be caught in February,
9 March, April, May, then we have to do
10 something about allowing New England fishermen
11 to be able to fish in May as well, or at
12 comparable times.

13 So the season needs to be changed
14 for everybody, not just one group. We don't
15 object to not care about having an extension
16 of the season. We don't necessarily object to
17 that, but it has to be fair so that everybody
18 can have access to the quota, including the
19 harpoon category. So that's an important
20 issue.

21 The other thing is, another thing
22 is that the -- you know, we believe that the

1 recovery with the drastic reduction that's
2 taken place in the Mediterranean from, whether
3 you, whether you ever believed the 61,000
4 metric tons from WWF or, or the, which ICAT
5 FCRS accepted at one point, or the -- which I
6 never really believed that the catches got that
7 high, but 50,000 was clearly, you know, a
8 level that was probably likely to be caught,
9 with the reduction down to 19,700 metric tons
10 last year and the reduction this year to
11 13,500.

12 With the Dr. Rebecca Dikhart
13 (phonetic), I think her name is, with her
14 study showing samples of up to 83 percent of
15 the small fish that we catch from Virginia
16 capes to Long Island being Eastern inland fish
17 we could be very much awash in fish very soon.
18 And I don't think the stock assessment or the
19 quota is going to keep up. And I see a
20 collision course coming between the quota and
21 the level of catch that we're going to be
22 experiencing, both the interaction and the

1 longline category, and the angling category in
2 particular. We're going to be seeing
3 increased catches, so the discards are going
4 to become, again, even a greater issue, and
5 the angling category challenge to its quota is
6 going to become a very significant issue.

7 (Off mic comments.)

8 MR. HUETER: That's fine, thank
9 you.

10 Thank you.

11 MR. PEREIRA: It's my first time
12 here at the AP meeting proxying for Rom, so
13 you'll excuse my unfamiliarity with the data
14 sources.

15 Just looking at the numbers you're
16 showing for your report for 2009, 10,334
17 bluefin was caught in the angling category.
18 And looking at your number of permits and the
19 number directed bluefin trips, it looks like
20 a very high percentage assumption that permit
21 holders actually catching fish, and I would
22 take exception to that, and I'd be interested

1 in seeing the data and some of the assumptions
2 that were made.

3 I fish not only North Carolina but
4 also Ocean City, Maryland, in the summertime,
5 and I fished almost exclusively Ocean City
6 Maryland for a number of years back in the
7 '90s, I have not once in my lifetime as a
8 fisherman had LPS contact me regarding a
9 fishing trip. So I'd be curious in seeing the
10 assumptions and the data.

11 I also used to know quite a few
12 people that were employed by LPS in the
13 summertime that quite amusingly joked about
14 how many reports they fabricated to collect
15 their money for the month.

16 (Whereupon, there was a gap in the
17 recording.)

18 DR. DIAZ: Rich, a couple of
19 points. I, I encourage to you and the
20 scientists working for Bluewater to contact
21 either me or Dr. Craig Browning in Miami if
22 you have any questions or doubts about the

1 methodology that we're using to estimate
2 bluefin tuna discard. And reason why I'm
3 saying this is, it is true what your
4 scientists are telling you, that you need a
5 fine scale special component to be able to
6 make these extrapolations. And actually,
7 that's the way we do it.

8 We use the catch rates within each
9 of what we call the domestic areas, and we
10 extrapolate within those areas. We don't use
11 catch rates in the NED to estimate, you know,
12 discards in the South Atlantic bite or the
13 mid-Atlantic bite, to be sure that these, all
14 extrapolations are gathered within relatively
15 small areas and that have similar catch rates.
16 So that's one thing.

17 The other thing that I wanted to
18 clarify a little bit is that the SURs did not
19 accept the WWF estimates of 61,000 metric tons
20 of bluefin tuna landing in the Mediterranean.

21 The ACRS conducted its own
22 studies, its own estimates, and they came to

1 the conclusion that we're very similar to what
2 the WWF estimated. So you have two
3 independent studies that use some kind of
4 different methodologies that arrive to more or
5 less the same conclusion.

6 MR. McCREADY: Thank you,
7 Guillermo. Let's --

8 (Whereupon, there was a gap in the
9 recording.)

10 MS. SCHULZE-HAUGEN: -- I'll try
11 and get through it. And then maybe what I'd
12 like to do is open up -- this is an
13 abbreviated version -- open a larger ones so
14 that, you know, if comments come up on, you
15 know, particular slides, we can get them up on
16 the screen for everybody to see, so we all
17 know what we're talking about.

18 And so -- wait, I think was done
19 with this one.

20 So here's some of the information.
21 Maybe this is what Charlie was referencing:
22 bluefin tuna directed trips, charter versus

1 private. This is any trip that indicated they
2 were primarily targeting bluefin tuna. The
3 charter head boat is, and the blue in the
4 private, the PR is private, of the higher
5 numbers.

6 I might ask when we maybe come
7 back to this, that Ron might want to join us,
8 and so we can get into some of that.

9 This is another LPS source of
10 information. This is for the directed charter
11 trips for bluefin that are the recreational
12 size, by year, but then also by state. And it
13 shows you the, the changing trends that we're
14 seeing elsewhere, with increases in more
15 northern areas on last couple of years and,
16 and some of the more, going further back in
17 time, I think Maryland and Delaware, kind of
18 dropping out. So this is some of what's
19 feeding into the estimates.

20 This would be the same kind of
21 estimate for the private, and a similar kind
22 of pattern being seen with -- this looks like

1 New Jersey and Massachusetts are having some
2 really good years, the last couple years, in
3 terms of number of trips targeting school,
4 large school small medium bluefin tuna. So
5 this is what people are telling us that
6 they're targeting.

7 And getting to the number, the
8 estimates, what this is, is 2008-9, with the
9 first bar being the, the large school/small
10 medium quota. And we've typically managed
11 this as a single kind of subcategory. But
12 then the difference between '08, which is
13 predominately large school size with a few
14 small medium, shifting in '09 to predominately
15 large school, or from large school to small
16 medium. So you see that kind of shift.

17 And this is what would be driving
18 the weights. It's these heavier fish coming
19 in that are resulting in increased angling
20 landings and weight. Again, at the bottom,
21 it's a similar number of fish, but it's the
22 weight that's changing.

1 And so now, we were going to shift
2 gears a bit, again at a high level, to talk
3 about longline category. This appears, has
4 been one of the other categories has been,
5 we've been getting a lot of requests for
6 permission on.

7 And so this is, looks like 2009
8 catch. We have the landings -- bottom bar
9 here. Discards -- again, we're using the
10 proxy. We should know the '09 numbers
11 relatively soon -- with the base quota right
12 next to it. So base quota's lower than the
13 landings. Discards are above that.

14 And then for the carry-forward,
15 which is how we've been covering some of this
16 previously, the far right, there, is -- kind
17 of the shadowbox almost -- is that's what used
18 to be. And that's what's in effect right now.
19 Starting in 2011, it's going to go down to
20 that yellow bar of 10 percent.

21 And maybe a couple of historic
22 points worth noting is that originally, not

1 originally but previously, prior to 2006,
2 there have been in our ICAT recommendation a
3 longline kind of set-aside that was based on,
4 I believe, a logbook tally. It was 68 metric
5 tons. In 2006, that was removed. All
6 countries were told to just account for
7 discards within their tack. And then as Rich
8 noted, some of the, the methodologies of how
9 those numbers then were estimated, went from
10 the log book tally to an extrapolation.

11 So there've been a couple of
12 changes pertinent to the longline category.
13 The allocation for longline is a landings
14 allocation from '99. It wasn't intended to
15 cover discards because we had a separate
16 accounting for it.

17 So there've been some changes that
18 we probably need to look at.

19 And with that, I'm going to turn
20 the mic over to Guillermo to walk us through
21 some of the, the discard information he's more
22 familiar with.

1 (Off mic comments.)

2 MS. SCHULZE-HAUGEN: Well, what
3 I'm thinking is that there -- what we're
4 trying to get through is really some of the
5 high-level stuff that may be relevant to
6 points that people are bringing up, and so
7 that's why I was thinking about getting
8 through just a couple more slides, and then we
9 can get the, the larger one up, but at least
10 to get to a certain point where we're all
11 together, on the same page.

12 (Whereupon, there was a gap in the
13 recording.)

14 DR. DIAZ: What you're seeing here
15 is the size frequency distribution of all
16 bluefin tuna landings. That includes, of
17 course, recreational. This is gathered from
18 2004 all the way through 2008.

19 The vertical line in the middle of
20 each graph shows the size of, the minimum size
21 for commercial landings, so you can see there
22 that there is a dominance of fish landed in by

1 the angling category. It's hard to see, but
2 the longlines and longline discards are very
3 small compared to all other landings.

4 This is summarized data showing
5 landings of -- landings and discards of
6 bluefin tuna in 2009, and due to
7 confidentiality rules, there are some squares
8 there. This is by one-degree squares. There
9 are some squares are not being shown. And as
10 you can see, you have the majority of the
11 landings and the discards come from the Gulf
12 of Mexico, the area just off of North Carolina
13 and NED. And you see there, numbers, the
14 total number of bluefin tuna landed and
15 discarded. The colors correspond to the total
16 numbers in the studies that, and each one of
17 those, as I said, 1x1 degree squares.

18 This is also size frequency
19 distribution, but only of longlines, longline
20 catches. This is also for 2008. And you have
21 three areas: the Gulf of Mexico, the NED, and
22 the rest of the Atlantic, U.S. East Coast. In

1 red are the discards, and in blue, the
2 landings. The dash line, vertical dash line
3 indicates the minimum size for commercial
4 category.

5 The spikes that you see there in
6 the, in the landings, that's the way that the
7 data is collected by observers. The observers
8 collect the data, and those, the length are
9 estimated. They're not measured. The fish
10 that is being discarded is not being brought
11 on board to be measured. So they estimate the
12 data using a foot as a unit. So it's like,
13 well, that's a six-foot, that's a seven-foot.
14 When you translate that into centimeters, then
15 it shows those spikes, but it correspond to,
16 you know, one-foot intervals.

17 As you can see, in the Gulf of
18 Mexico, pretty much everything is being caught
19 is commercial size. There's just one spike
20 right at six-foot, which is the minimum size,
21 so that would be fish are almost commercial
22 size but not quite, so they're being

1 discarded. And basically, there's almost,
2 there are not fish discarded below the
3 commercial size. There's only just a couple
4 of fish there.

5 In the case of the East Coast, you
6 see that you have quite a number of undersized
7 fish, and when you go to the NED, the NED
8 resembles a little bit to the Gulf of Mexico
9 in the sense that there are very few
10 undersized fish. The number here, the numbers
11 I'm showing here for discards are extrapolated
12 numbers, while the numbers that show landings
13 is a sense that sort of all fish, all bluefin
14 tuna are now being landed, are being measured.

15 Finally, we can move into what we
16 call the weak hook study. These are the
17 results of the 2008 and the 2009 season.
18 Basically, the, in 2008, two vessels
19 participating in the experiment. In 2009,
20 that was expanded to five vessels. If you
21 combine both years, the total number of folks
22 that were, that were used in the experiment

1 was over, almost 144,000.

2 The rationale within this, behind
3 this study is that a hook will bend under
4 certain weight. On the left, the green line
5 represents a hook that is 15-knot, not -- how
6 do you say? -- material that is 3.5, 3.65
7 millimeters in width. And when you see there
8 is on the bottom, it's a measure of the
9 deformation of the hook. And on the Y-axis,
10 on the vertical axis, is the weight.

11 So the way you read this graph is,
12 for example, you start at zero and you follow
13 the green line. As you increase the weight,
14 exert it on the hook, you see that the line
15 remains vertical. That means that the weight,
16 the hook is not getting deformed. And as that
17 vertical line start spending, that's when the
18 hook starts deforming.

19 So you see that, for example, for
20 the 15-knot circular hook, there is some
21 deformation, but it start at around 150
22 pounds. And at over 200 pounds a hook is

1 pretty much gone. The regular hook that was,
2 that is being used right now in Yellowfin tuna
3 fisheries, they're a 16-knot hook that used a
4 familiar width material, and you see that hook
5 start spending at around 250 pounds of weight.

6 So between the hook, what it is,
7 is it's 16-knot hook size, but maybe the
8 material is off a 15-knot hook. And what is,
9 you should see there is that that hook should
10 start showing deformation at about maybe 130
11 pounds, and after 150 pounds, the hook also,
12 you know, gets straight.

13 So basically, this experiment was
14 conducted having ultimate hooks.

15 (Whereupon, there was a gap in the
16 recording.)

17 Tape 6

18 DR. DIAZ: (In progress) -- 75
19 percent reduction in the CPU bluefin tuna. Of
20 course, we are only talking about, we're
21 talking about only five fish. So that means
22 four fish were caught in the contour hook, the

1 regular hook, and only one fish was caught in
2 the weak hook, and this hook was almost
3 frayed, and the fish was alive.

4 In 2009, we increased the number
5 of sets for the experiments, and we saw,
6 again, the same reduction of 75 percent. And
7 the total number of fish caught was 15. When
8 you combine both experiments, of course you
9 end up with a reduction of 75 percent in the
10 catch of hooks, catch of bluefin tuna with a
11 weak hook, and this difference is statistical
12 significant.

13 And as you can see, in 2008, the
14 difference was not significant due to the
15 small sample size. When you combine that,
16 then you get a sample size of 20 fish. Now
17 the decrease is significant.

18 In the case of yellowfin tuna, in
19 2009, we saw an increase of 6.3 percent in the
20 CPUE, but this difference was not
21 statistically significant.

22 In 2009, we saw a reduction of 13

1 percent, and these ones, it was significant.
2 But there was some problems with some of the
3 vessels, and when you estimate this decline,
4 taking into consideration the problem with
5 that particular vessel, then that, that
6 decline was not significant.

7 And when you combine all results,
8 then you see that the decline of about 5.6
9 percent was not statistically significant,
10 meaning that basically there is no reduction.

11 So in summary, the 16-knot
12 experimental hook bends with less weight than
13 the regular hook. That ended up reducing the
14 catches of the CPUE of bluefin tuna by 75
15 percent. And they observed the reduction of
16 the yellowfin tuna was non-significant. So,
17 statistically speaking, there is no loss of
18 catch of yellowfin tuna.

19 For this year, the experiment will
20 continue. And also, we are applying to test
21 these same hooks outside the bluefin tuna
22 spawning season, and there is some information

1 that there are other large species that can
2 also bend these hooks, so we are trying to
3 test what is the affect of these on other
4 large species.

5 And I think that's --

6 MS. SCHULZE-HAUGEN: Yes, so this
7 was kind of our wrap-up slide where, again, we
8 have all of these, we have the larger packet
9 that we can put up on -- but trying to just
10 set the stage for some of the questions that
11 we're talking about amongst ourselves, the
12 change from fully utilizing the quota to, now,
13 managing the fishery within the quota.

14 What is our plan, all of us, our
15 plan for the future of the fishery, the role
16 of the FMP, the role of the ICAT rebuilding
17 plan, the things that we need to be revisiting
18 at this point? Do we all understand the data?
19 That, that seems to be a recurring theme as
20 we're talking to folks, that, you know, not
21 everything, not everybody has the same
22 thoughts on what the data mean. And you know,

1 do we have the same share of common interests
2 in the issues?

3 So I think that's what we were
4 going to go through, but again, we were
5 prepared to kind of go through the larger
6 packet as you, as you want to talk about it.
7 So we're following your lead at this point.

8 MR. McCREADY: So it's available
9 as a resource. We're suggesting these as
10 organizing questions. And we have, I think,
11 three or four people that wanted to pose
12 questions. I have Charlie, Rich, Glenn, and
13 Steve.

14 Charlie, and Christopher, and
15 Ralph.

16 MR. RUAIS: And I'd like to pass
17 to Glenn and take the mic right after that if
18 that's okay. I've already spoken.

19 MR. PEREIRA: Thank you. I was
20 willing to bet that Rich would have asked the
21 same question. All right, I've got a few.

22 One is with regard -- I've heard a

1 few of the folks who are, you know, very
2 familiar with the fishery going on up north,
3 particularly the small mediums. And as we saw
4 that in your class or that group of fish is
5 moving through the fishery, it would appear
6 that the next step is that the small mediums
7 are going to cross the line into the
8 commercial-sized class.

9 At least it's my perception, and I
10 would totally defer to the guys that are
11 active in the fishery -- Ralph and some of the
12 guys sitting around the table over there, who
13 know better than I -- but, you know, there's
14 a lot of effort in that angling category, and
15 my perception is that there's a lot less
16 effort in the general category -- or in the
17 commercial categories.

18 And you know, again, it may be
19 just me, but my perception is the -- I don't
20 know, those fish just get harder and harder to
21 catch, the bigger they get. I don't know if
22 they get smarter or what, but it just seems

1 the CPUE rate -- I mean, those fish that
2 they're fishing on, small mediums and, the
3 year before, the large schools, they were very
4 cooperative fish. I mean, if I can catch
5 them, anybody can catch them, and I was
6 catching them. So, you know, and I've spent
7 days and days and days trawling around for
8 giants and not caught them.

9 So I just wonder what the effect
10 is going to be. If that whole class of fish
11 moves into the commercial category, are we
12 going to see that same CPUE rate continue,
13 only it's just going to be commercial fish, or
14 would you expect a change in the landings
15 there? I don't know if I explained that very
16 well, but that's one set of questions.

17 Something to think about because
18 that has huge implications on how we're going
19 to manage the fishery. That big chunk of
20 mortality somehow changes because it crosses
21 from angling into commercial. You know, what
22 kind of response do we really need to take

1 with regard to the angling category? Because,
2 all these fish will no longer be in angling;
3 they're going to be in commercial. But if
4 we're still going to catch and kill them at
5 the same rate, then there isn't much
6 difference. We've just got to shift which
7 category's going to take responsibility for
8 that mortality. So that's one kind of area to
9 think about, but it certainly has a lot of
10 management implications.

11 The other thing is -- I'll just
12 stick to the weak hook issue -- when is the
13 soonest we could implement that requirement,
14 given where the science is? And maybe, again,
15 you don't know the answer to that. But you
16 know, when can we start to look at getting the
17 benefit of a 75-percent reduction in bluefin
18 tuna mortality, I guess, or, in the Gulf? And
19 what are the implications for that in terms of
20 the pelagic longlines category in terms of
21 where we are relative to our base and adjusted
22 quota? What, how much of a difference will

1 that make if we reduce the Gulf by 75 percent?

2 MS. SCHULZE-HAUGEN: Well, I was -
3 - I was just going to remark on how long it
4 would take to implement. I don't -- and that
5 would be a regulatory change. Some of the
6 discussions, really, about expected impacts
7 could, would require different levels of NEPA.
8 If they're relatively small, we might be able
9 to do an environmental assessment. If they're
10 big, it would be an EIS.

11 That's the kind of question that
12 sometimes depends what you're looking at.
13 Some of the factors, the devil-in-the-details
14 kinds of things can really make a difference
15 there. I mean, we can move quite quickly.
16 Even in a non-oil spill emergency fashion, EA
17 type rules can be done in a couple of months.
18 Even, I think our fastest EIS was, I don't
19 know, maybe nine months, and that was a pretty
20 breakneck pace, but it's possible.

21 (Off mic comments.)

22 MS. SCHULZE-HAUGEN: Yes, that's

1 true. I think 2011 would probably be a lot
2 more realistic. But, recall, folks are able
3 to use those hooks now. They may not be that
4 readily available, but it is, I think -- the
5 scientists were able to do it, so if folks
6 want to be proactive and use that kind of gear
7 now, they are free to do that.

8 MR. DELANEY: I'm sorry. I
9 thought it was on.

10 One of the gentlemen that was here
11 that fishes pelagic longline in the Gulf was
12 here earlier, and he's left -- Jerry Abrams,
13 is he gone? Greg Abrams, I mean, not Jerry;
14 wrong Abrams -- you know, they target
15 swordfish and yellowfin tuna differently in
16 the Gulf, according to them. And is, is there
17 a way to implement weak hook only with regard
18 to the yellowfin tuna pelagic longline
19 fishery, or is that -- in the field, would be
20 too difficult to do? You know, I guess he was
21 looking at it like, gee, I hope we don't have
22 to apply that to swordfish, but it's the right

1 thing to do for yellowfin because we fish very
2 differently for the two.

3 And again, not necessarily an
4 immediate answer, but put that on the screen.

5 DR. DIAZ: Well, the thing that,
6 you know, as I understand is swordfish
7 fishery, in general, they use larger circle
8 hooks. They use 18 knots. And this week
9 hook, it was only available for the 16 knots,
10 so you can ask or implement it only for 16-
11 knot hooks, not 18s.

12 MR. DELANEY: Eighteen for
13 swordfish, not weak. Got it.

14 Do you have anything to comment,
15 though -- that's going back to the small
16 mediums, moving into the commercial? Any
17 thoughts on that?

18 MS. SCHULZE-HAUGEN: I think
19 that's a real question on when are they going
20 to move? When are they going across, and --
21 Guillermo knows. But he won't tell.

22 (Laughter.)

1 MS. SCHULZE-HAUGEN: Oh drat, I
2 was going the wrong way.

3 Yes, that's why we have this big
4 question-mark at the bottom is, what is 2010?
5 Are they, you know, just eyeballing it? I
6 would expect them to start to cross, yes. The
7 data that we get, differently, general
8 categories, commercial categories, so we'd
9 have the (inaudible) landings cards faxed in
10 within 24 hours. It's a very different kind
11 of system than the large pelagic survey. So
12 we may know fairly soon whether we're seeing
13 that.

14 How that will translate to catch
15 rates, I would defer to Guillermo, but yes, I
16 mean, we could start to see it this year.

17 MR. McCREADY: So, Glen, I propose
18 to --

19 (Whereupon, there was a gap in the
20 recording.)

21 MR. McCREADY: Rich, Christopher,
22 Ralph, and Shana, and Charlie --

1 MR. PEREIRA: I'll be quick --
2 I'll be -- I apologize for taking so much time
3 the first time, and I'll be real quick this
4 time, and Glenn is exactly right focusing in
5 on the weak hook. And I just have two quick
6 comments on that. One is that, you know, you
7 can check with your own scientists on it, but
8 there's a fairly high confidence in the fact
9 that it's very effective. And probably the
10 proof in the pudding is that the fleet is
11 voluntarily using the weak hook right now
12 because they don't want their gear to be sunk
13 by bluefin.

14 The thing that you can do
15 immediately to help the fleet without a
16 regulatory amendment is you can drop the 100-
17 percent observer requirement and deploy the
18 observers elsewhere, where they might be more
19 needed. That doesn't require, that's just an
20 agency policy decision, and one that would
21 provide substantial relief to a fleet that's
22 quite burdened already. So that would, I

1 think that would help. And I think Greg
2 Abrams can back me up on the fact that a large
3 part of the fleet is already switching. At
4 least the boats that have been involved in the
5 experiment are using the weak hook because it
6 just makes life easier simply for them to do
7 it.

8 The second point about the weak
9 hook is, and I don't know the structure of how
10 we're going to work this two-day working group
11 meeting, but we want to see the weak hook
12 research extended into the northern bluefin
13 tuna closure area as soon as possible. And we
14 know it's going to be different, but we want
15 to see it because there's swordfish to be
16 caught there. There's bigeye and yellowfin
17 tuna to be caught there, and the month of June
18 is a very important month to the pelagic
19 longline fleet, so we'd like to see that
20 happen.

21 The final point I want to make is
22 in terms of, you know, something that's

1 relatively new, and you've heard me say many,
2 many times, the overall structure of the
3 bluefin tuna program is rock-solid. It's been
4 around since at least '81. We have catch
5 shares. It aggravates me every time I see
6 somebody talking about, you know, do we need
7 catch shares in the bluefin tuna fishery. We
8 already have catch shares. That's what the
9 categories are all about. But -- I lost my
10 last point. Too tired.

11 MR. McCREADY: All right.

12 Charlie, do you have any comments?

13 (Whereupon, there was a gap in the
14 recording.)

15 MR. PEREIRA: Okay, commenting on
16 Glenn's question about the size of the fish,
17 and Margo's, that we can expect for 2010, we
18 have traditionally, for the last three years,
19 four years, apparently had that same class of
20 fish in our waters from February through late
21 March or early April. This year, we've still
22 got them into May and had success catching one

1 on every trip so far this year, and some trips
2 releasing as many as my anglers care to reel
3 in. And you generally, on those days, can't
4 get more than one bait out at a time before
5 you get hooked up.

6 And the fishfinder marks have been
7 more significant than I've seen in any other
8 year. I've had 200-feet thick of bluefin tuna
9 under the boat. It's just, I take pleasure in
10 taking pictures of it and posting it on my
11 fishing reports, of the pictures of the
12 fishfinder, to document the nearly extinct
13 bluefin tuna under my boat.

14 So I think that 2010, if those
15 fish continue to migrate, then what I've seen
16 the predominance of is 65- to 72-, 73-inch
17 fish. Just on the edge there, the last one I
18 caught was just about 72 and a half, 72 and a
19 quarter. And so I think that might be where
20 you see the 2010 data if, if our fish are
21 those same fish that then move up into the
22 Northeast area. That's because we have seen

1 the fish during our spring smaller fish
2 fishery increasing in size, and this year,
3 they seem to be in the 65- to 72-inch range.

4 And then secondly, the Gulf of
5 Mexico PLL discard data that was shown, I was
6 kind of surprised to see quite a few fish from
7 the Gulf of Mexico on the discard shown in the
8 70-inch to 90-inch range. In fact, at least
9 half of them, I think it showed, in the Gulf
10 of Mexico, probably or maybe 30 to 40 percent
11 are under 90 inches.

12 And that came as a surprise to me
13 because, in talking with Barbara Block about
14 the Gulf of Mexico spawning size, for some
15 reason, I had in my head that the breeders
16 from our Western stock that go to the Gulf of
17 Mexico are almost all predominantly over 90
18 inches, and that doesn't seem to be the case
19 from those Gulf of Mexico dead discard data
20 there, which just offhand would tell me that
21 the Western stock, if they are truly only
22 going to the Gulf of Mexico to breed, then we

1 have Western class fish from 70 inches on up.
2 And in fact, you see a couple of bumps down
3 there, 55 and 60, that might be a smaller
4 class breeders.

5 (Whereupon, there was a gap in the
6 recording.)

7 MR. McCREADY: I want to get to
8 all of these questions. Next --

9 PARTICIPANT: I have two things to
10 comment on. The first is a question. You
11 showed the charts showing the comparison of,
12 in the angling category, of the charter boats
13 versus the private recreational fishing, and
14 there was quite a bit of variance between the
15 two. No -- is that, that the one? Yes.

16 Do you have any catch figures?
17 Who caught the fish? Did the charter boats
18 catch -- you know, what percentage did the
19 charter boats catch versus the recreational
20 fishermen, the private recreational fishermen?
21 Is there any way to get those figures?

22 MS. SCHULZE-HAUGEN: I don't know

1 if we need to dig through and see what we've
2 got. It is calculable if, if we don't have
3 it. Yes, we'll look. We got the stuff.

4 PARTICIPANT: Okay. Another
5 comment is on the, you know, you were
6 commenting about the size of the fish. You
7 know, we've watched these fish go from year to
8 year all the way up the ladder to where they
9 were the heaviest they could possibly be and
10 still be in the angling category the last
11 couple of years.

12 One thing to keep in mind is that
13 a lot of these fish are going to go over to
14 the, you know, over to the general category
15 this year, and so those fish are not going to
16 be available, for the most part, you know, a
17 good percentage of them, maybe 50 percent of
18 them, are going to be over in the general
19 category, so they won't be available in the
20 angling category. Those people fishing with
21 angling category permits are not going to be
22 allowed to keep them, other than perhaps one

1 fish a year as a trophy. So you need to keep
2 that in mind, that those fish are going to be
3 gone.

4 And also keep in mind that in
5 another year, pretty much all that year class,
6 those year classes that were, you know, were
7 tremendous numbers are going to be gone.
8 Granted, there's other fish coming up the
9 ladder, and talking to other people that, you
10 know, there's some small fish moving up the
11 ladder, but you're not going to see the big
12 predominance of catch numbers, tonnage, that
13 you saw this past year. So this year and next
14 year, I think the angling catch is, is going
15 to be reduced, you know, taking into account
16 if, you know, if the effort's the same, if the
17 number of anglers is the same.

18 (Off mic comments.)

19 PARTICIPANT: I'd like to make a
20 request that you provide an explanation of how
21 the recreational bluefin tuna landing
22 estimates are derived. And not only for the

1 people that are in this room, but you know, I
2 hear it all the time from both charter boat
3 and recreational anglers that, you know, if
4 they really knew how many fish we were
5 catching, they'd shut us down immediately.

6 Most people don't really
7 understand exactly how the bluefin tuna
8 recreational catch is assessed, and I think
9 it's really important for you to be able to
10 define that for people who visit your website
11 and for everyone in this room. Without an
12 understanding of that information, you know,
13 there's wild imagination being used by
14 everyone as to how it's assessed. And I don't
15 think there's any reason to keep it, you know,
16 between voodoo and black magic, and that's
17 apparently where it's at right now.

18 (Off mic comments.)

19 MS. SCHULZE-HAUGEN: Yes, I wonder
20 if I could put Ron on the spot now, not for
21 tonight, but maybe for tomorrow morning, to
22 walk through that. It's neither voodoo nor

1 black magic, but I think we can talk about
2 that. And put it on the web in an accessible
3 way is a good suggestion, as well.

4 PARTICIPANT: That was somewhat of
5 a baited question for Ron, as well, because
6 I've worked in the MRIP Tournament Program for
7 a couple years with him, so, anyway, I was
8 hoping he'd respond to that. So thank you,
9 Margo.

10 Anyway, back to this whole thing
11 about data collection as well. The fact of
12 the matter is, I think we have deduced
13 somewhere around 20 percent or less of the
14 bluefin tuna that are caught recreationally
15 are actually identified and reported through
16 the 1-800-USA-TUNA number. And I've said
17 this, and I'm sure you've heard it multiple
18 times, that when we don't enforce that policy,
19 we don't enforce that system, we're sending
20 the wrong message to everybody.

21 It comes down to, you know, you
22 don't enforce the 1-800-USA-TUNA number and

1 people reporting on it, and then the next week
2 someone comes back in with a fish that's
3 short, or whatever violation they might be
4 under, and then they get a ticket or they get
5 a fine, or whatever. It really is sending the
6 wrong message when we know full well that the
7 1-800-USA-TUNA number is not being used
8 effectively.

9 And with that said, I'd like to
10 propose that, you know, National Marine
11 Fisheries Service take it upon itself to
12 derive and generate a new MRIP program whereby
13 we have real-time data collection because I
14 don't know how else we're going to be able to
15 manage a fishery without being able to collect
16 this data real-time.

17 And to some degree, in order to
18 make it an effective proposal, we need basic
19 information, one of them being that Tom
20 DePersia mentioned earlier, and that is this
21 whole notion about who's catching these fish?
22 It's pointless for us to make recommendations

1 and proposals to limit anybody anywhere if we
2 don't really know the scope of our problem or
3 who's taking the fish. And with that said, I
4 simply would ask that you try to define not
5 only the effort that's being shown in that
6 chart that's up right now but also the
7 landings that correspond to it.

8 Now, let's see if I've got
9 anything else I want to add.

10 I'd simply point out that that
11 stock -- excuse me -- that the chart before,
12 that we have of the various landings as we can
13 see them move from one year to the next, and
14 so forth, where it's got the five -- that one
15 right there -- you mentioned that that's not
16 a stock survey. But the reality of it all is,
17 to a large degree, it is a stock survey from
18 the standpoint that we don't grow them, we
19 just catch them. And whatever's out there's
20 what we catch. That reflects, of course,
21 what's available. So, simply that.

22 The last point I make to you --

1 I've heard some grumblings among people that
2 the charter headboat would love to have its
3 own quota at some point in time, and in order
4 to pursue that, in order to ever investigate
5 and really to look at that, we kind of sort of
6 need to know the value of the charter boat
7 fishery. We kind of sort of need to know the
8 value of the recreational fishery, because if
9 there's ever going to be a tug of war between
10 those two factions, we'd all have to
11 understand where's the money, number one,
12 who's got the vested interest, and who are the
13 players in that game.

14 And back to this whole thing about
15 the breakdown of information, who's catching
16 the fish, it all kind of feeds into the same
17 thing.

18 And I'll thank you.

19 (Whereupon, there was a gap in the
20 recording.)

21 PARTICIPANT: Yes, I'll make a
22 couple of quick points about the presentation

1 slides. Some of them we didn't even talk
2 about.

3 Number one, and this has been
4 bugging me since I first saw it a couple
5 months ago is this growth curve. We kind of
6 didn't talk about it. But I don't see how
7 that's not going to hurt us somehow. I hope
8 I'm wrong.

9 And I, it looks like it was
10 adopted by SCRS, so the point might be missed.
11 But it seems like an awfully huge thing to all
12 of a sudden change. And you know, I hope
13 people are looking into that and making sure
14 that's correct because, you know, little
15 things like a 30-year-old -- 120-inch fish is
16 now 30, whereas it used to be 17. I mean,
17 that's, that's a huge change overnight that,
18 you know, I know it's outside the realm of my
19 science capabilities, but that seems like a
20 huge change. And I would eat my hat if a
21 seven, or if a 30-year-old, or a 120-inch fish
22 was 30, but maybe I'm wrong.

1 And I think that Guillermo -- I
2 think you were involved in this, so I'm not
3 trying to pick on -- it just seems like a huge
4 thing to me that we just changed it. And I
5 know that people are probably looking on the
6 left side of that. But if you look to the
7 right, I mean, I just can't believe that a
8 120-inch fish is 30. But I know I don't have
9 any proof or reason behind that. It just
10 doesn't, it doesn't seem -- it seems like a
11 big change.

12 Second, just a quick touch on the
13 point, this, the Rooker study was on like page
14 4, and we keep seeing this in every
15 presentation. And I still am very skeptical
16 about the Gulf of Maine aspect. I'm not going
17 to comment on the other parts, but it just
18 seems like this is -- if you put this in
19 enough times, it's going to become gospel, and
20 I don't buy that. The fact that the Gulf of
21 Maine fish are almost 100-percent Western,
22 that's -- you wouldn't find a dealer or a

1 fisherman in a region that believes that. I
2 think it's a good study but it needs more
3 sampling. That's just my comment on that.

4 Third, just agreeing with what
5 Rich said. Availability -- or, in the Gulf of
6 Maine, we have some serious issues. We were
7 told that there were all kinds of herring for
8 years, and it's been cut in half twice now
9 over the last two years. And we've had some
10 changes to the rules that have helped, and
11 that's why we've been catching more every year
12 the last two years.

13 So while the availability -- the
14 dogfish issue hasn't gone away, things are
15 improving, and last year we caught our base
16 quota in the harpoon, and we could have
17 doubled it if the weather, if we didn't get
18 hit by two hurricanes and -- I'm not going to
19 go into all the reasons why. But the dogfish
20 issue does impact the general quota, and we
21 would be catching a lot more commercial fish
22 in the Gulf of Maine if the dogfish issue was

1 under control.

2 And in terms of just the specific
3 -- I'm sure we're going to be talking about a
4 lot of these things tomorrow, so I'm just
5 brushing over these -- but the season
6 extension, Rich touched on it, and I've talked
7 to Margo about this. The concern is that in
8 May, if you open the general quota and leave
9 it open through -- you know, I think one of
10 the proposed rules was to keep it open through
11 May, I don't know enough about the North
12 Carolina fishery, but I think they were
13 looking more at January, February, March, and
14 maybe even April for the commercial fishery.

15 But when you keep it open in May,
16 you're going to potentially have a situation
17 where you're going to be allowing general
18 category boats in New England to fish a month
19 before the harpoon category, and that's a big
20 -- that needs to be addressed.

21 I think the solution is, either
22 you open everyone in May or, probably more

1 likely, the extension goes through the end of
2 April because I think that would help
3 everyone, and then you don't give an unfair
4 advantage to one category in New England and
5 not the other. I think that's important. I
6 think you can benefit the North Carolina
7 fishery without impacting the New England
8 fishery.

9 As a harpooner, I can tell you
10 right now, if we're tied to the dock until
11 June 1st, and there's 20 general category
12 harpooners out there, it's going to ruin the
13 harpoon fishery for the harpoon category
14 boats. I think, either open us all up, or
15 close us all. It might seem like a minor
16 detail, but I'm telling you that it will be
17 huge if it happens.

18 And lastly, I would just point out
19 that the purse seine fishery, only one boat's
20 gone the last few years. They had some
21 success last year, but as a result of them not
22 going, two of the boats are not even in

1 existence anymore. You have hundreds and
2 hundreds and hundreds of tons, I'd say
3 probably 500 or 600 tons over the last few
4 years, that weren't caught by the purse seine.

5 So I feel like that's got to be
6 able to be used for these overages in the
7 other fisheries. The 10 percent rollover
8 issue blows my mind that we're that low, but
9 I don't know how that works because within the
10 season you're going to have 200-somewhat tons
11 that aren't going to be used. So I don't know
12 if that counts as a rollover or you can just
13 temporarily switch that around in season
14 because you can talk, you can just go ask
15 Leonard and Michael Genovese. They're
16 probably not even going to have their boats in
17 the water, so it's not going to be a guessing
18 game. You'll know ahead of time. I would
19 guess one boat might be going.

20 So it's something to think about.
21 (Whereupon, there was a gap in the
22 recording.)

1 DR. DIAZ: Quickly, with respect
2 to the growth curve. Yes, you're right, it's
3 quite different. The new growth curve that
4 was adopted by the SRS is quite different from
5 the old curve. The old curve was estimated
6 using a lot of very small fish in the one- and
7 two-year-old category. They didn't have much,
8 many samples for all the fish, so it was
9 heavily based on small fish.

10 What we did with this new curve is
11 that we used the same samples of small fish
12 that were used for the old curve, but we have
13 a bilevel for this now, many more samples of
14 the older fish. So by having more samples of
15 the older fish, what ended up happening is
16 that that curve estimated them at lower
17 maximum, smaller maximum size.

18 The reason why we have really high
19 confidence about this new curve is because if
20 you plot that curve, the one in red, at least
21 for the western stock together with the growth
22 curve for the eastern stock, they're pretty

1 much identical. So now you have two stocks
2 that belong to the same species that are
3 growing the same, which makes, for me, more
4 sense than having, you know, two stocks of the
5 same species growing so differently.

6 With regards to, this is going to
7 hurt us, as you said, it's hard right now to
8 predict what influence this going to have on
9 the stock assessment, so we're going to have
10 to wait until September.

11 With respect to your comment about
12 Rutgers study, you're right, this is not the
13 Bible, as you said. We need more sample
14 sizes, more samples. This study was based on
15 what we call opportunistic sampling. It was
16 not based on samples taken from a
17 well-designed study. But the message here is
18 not that you have 61-percent mixing rate in --
19 for fish of a certain size. The message here
20 is that the mixing rates are important. And
21 this is precisely what we're saying. This is
22 what this is showing.

1 But you're right, we need to more
2 samples and we need to extend this study.

3 (Whereupon, there was a gap in the
4 recording.)

5 MS. SCHULZE-HAUGEN: Okay, so I'll
6 just pick three issues that have come up
7 recently, but I'll have plenty more to say
8 tomorrow. As long as this is up here, I echo
9 Chris's words that I was surprised to see this
10 again because I think, you know, we know that
11 there are sampling problems, sampling biases.
12 We know that the way that the, just the way
13 that the methodology, the way that the
14 assignments are done.

15 With this method, there is --
16 excuse me -- inherent uncertainties of range,
17 and you know, you have the Gulf fish, that it
18 looks like there's Gulf fish in the Med and
19 there's Med fish in the Gulf, and that's
20 caused all this confusion. And without the
21 scientist, the authors here to present this
22 slide with it just up on your website, I think

1 it just continues to cause problems that
2 people don't, they're taking things from it,
3 like there only being western fish in the Gulf
4 of Maine, that probably are not true. So I
5 just echo that.

6 And then on the growth curve, you
7 say that it's more -- you have more confidence
8 in it because it looks more like the eastern
9 curve. Is there any concern that there are
10 more eastern fish in the west now than there
11 was when the original growth curve was made,
12 and so really, you're sampling eastern fish
13 and that that's why the growth curve looks so
14 similar to eastern fish? And then I just have
15 one more point.

16 DR. DIAZ: We don't have the
17 answer to that question because we don't know
18 the origin of the fish we use to age. But the
19 samples, the new samples were basically just
20 large fish, and we know that the proportion of
21 large fish, all the mixing rates, they
22 decrease as the fish get older. So the

1 rationale here is that all those new samples
2 that we use for the growth curve, because they
3 are mostly for large fish, they had to be a
4 large proportion of western fish, western
5 origin fish. I can get you that later. No.

6 MS. SCHULZE-HAUGEN: And then just
7 to Charlie's point about the size distribution
8 of bluefin in the Gulf of Mexico, the age 11
9 to 12 maturation age that Barbara Block's
10 tagging has shown, as well as Diaz and Turner
11 has shown, it's aged to 50-percent maturity.
12 So you know, of course you're going to see
13 smaller fish in the Gulf of Mexico. It's,
14 that's just the mean maturity. And as
15 Guillermo said about those estimates that were
16 shown, the discards are all just over-the-side
17 estimates of the observer rounded to the
18 nearest foot.

19 So you know, you have 90-inch
20 fish. A foot less than that is quite
21 different age-wise. And I'll stop.

22 (Whereupon, there was a gap in the

1 recording.)

2 MR. BOUSTANY: Andre Boustany,
3 Duke. I just wanted to reiterate Charlie's
4 points about the size classes of fish that
5 we're seeing off of North Carolina, which I'm
6 sure you're well aware of, but it's an
7 important point about these fish being just
8 under commercial size now, potentially
9 straddling commercial size this coming fall
10 season, summer/fall season, and then, also
11 into next year.

12 A couple points about that, number
13 one being the potential for a large increase
14 in dead discards and the rod-and-reel
15 fisheries if these fish are an inch or two
16 under the legal size. You could see the
17 potential there for these fish being gaffed or
18 retained in some way, measured, and then
19 realize that they're under the size limit.

20 And another point with that is,
21 also, the very real potential for overages
22 this year and next year as these fish are

1 straddling both the commercial and
2 recreational fisheries. If commercial
3 fisheries are tallied on a daily basis, and
4 we're going off those tallies to set open and
5 closed seasons, and the sport-recreational
6 fishery-angling category is not tallied until
7 the end of the year, there's the potential
8 that we could be bumping up against the quota,
9 and the commercial season with, then, this
10 large bolus of recreational angling category
11 fish not being tallied until much later that
12 could put us over, which would then affect
13 quite a bit, potentially the commercial season
14 after that. And I think that was about it.

15 I'm just unsure -- this is
16 something that probably has come up before --
17 but in regard to overages, how are those then
18 used in the following year? Is that all used
19 in the following year, or is there an ability
20 to spread it out? And then also, another
21 question in regards to the -- do we still do
22 the three-year or four-year where the

1 undersized fish are tallied over a certain
2 time period?

3 PARTICIPANT: Two years.

4 MR. BOUSTANY: Two years now?

5 Okay, it's two years now. I thought that was
6 it. So I've got that answer.

7 And then just last thing, real
8 quick point about Steve's comment about
9 relative values of recreational charter
10 headboat fisheries. There was a study done
11 off of Hatteras in 1996 or '97 that looked at
12 value of that fishery and those fisheries. So
13 there is a little bit of data out there, and
14 I can get you that. And I think there's been
15 some other stuff done since then.

16 PARTICIPANT: I'll try to be a
17 real brief. In response to Chris's point with
18 the Rutgers Rooker study, but you've also got
19 remember that the Pickens, Dick, study, which
20 also had the same sampling limitations, showed
21 essentially the same picture, with a high
22 influx of small fish, and then when you got to

1 the larger fish, even though they're, they
2 took, you know, it presents a very small
3 number of fish from the Gulf of Maine over a
4 limited time period, there was, they were
5 showing that those fish had signatures that
6 they'd been feeding in the Gulf of Maine for
7 a long time. They had western signatures to
8 their organic pollutants. But it seems to me
9 that NMFS has a huge problem this year in the
10 management because you've had a very
11 successful fishery already occurring in
12 Hatteras, North Carolina, and Oregon Inlet.

13 And Charlie's right -- you know,
14 the tonnage of fish that's been landed in the
15 angling category may be pushing up against the
16 bounds of the angling category already, and
17 you haven't even gotten to the commercial
18 season, really, where, you know, we want to
19 make sure that we haven't -- you know, it was
20 great that the angling category was exceeded
21 the last two years. It helped us with our --
22 reach our quota, or you know, to maintain our

1 quota, something we want to do at ICAT. But
2 this year, it could severely disadvantage the
3 commercial fishery. And I think that NMFS is
4 going to have to have a better in-season
5 estimate of recreational landings.

6 And then the last thing I want to
7 point out is that, as you look at the
8 progression of the fish size classes in the
9 ILPS series, one area that is glaringly
10 evident is that we're not recruiting small
11 fish, that there are traditional fisheries in
12 Virginia and Maryland that dealt with the
13 one-year-old fish or the BLTs, the barely
14 legal tunas. Those fish just aren't showing
15 up, and so we don't have a clue, really, where
16 our fish are recruited. A lot of them are
17 just appearing in the middle size class.

18 And if you also look, we have
19 another pretty good clump of fish that are
20 going to be entering the angling category in
21 the small mediums coming up soon too. So I
22 think the angling category needs a lot of

1 control that doesn't have right now.

2 And that's it. Thanks.

3 PARTICIPANT: Yes, just regarding
4 what John had mentioned and Steve mentioned
5 and what Charlie mentioned regarding the small
6 fish, Cape Cod Bay is loaded with small fish,
7 and they are very aggressive eaters. If
8 you're worried that we've caught a lot of
9 these fish down in North Carolina right now,
10 trust me, it's going to happen again up in our
11 neighborhood, and we're going to really be in
12 trouble.

13 Steve had mentioned that the
14 availability -- you know, we go out there and
15 we catch what's available, but the fishery in
16 our area is so close to home that anglers
17 don't venture too far offshore. And as a
18 spotter pilot, I can assure you there's a lot
19 of 50-pounders out there, but they're 45 to 50
20 miles from the beach, and nobody's going to go
21 fish those when they can catch 60 and 70-inch
22 fish seven miles from the beach, close to

1 home.

2 Thank you.

3 (Whereupon, there was a gap in the
4 recording.)

5 Tape 7

6 PARTICIPANT: (In progress) -- and
7 her team could come up with a series of
8 questions that, that they needed advice on,
9 you know.

10 MS. SCHULZE-HAUGEN: We've done
11 some of that, John --

12 PARTICIPANT: Well --

13 MS. SCHULZE-HAUGEN: -- and I
14 think, you know, part of the working group
15 format was to try and encourage you all to
16 participate in raising the question and
17 answering them. To put all on us to, how is
18 the government going to fix every single
19 problem in this fishery, I think is a little
20 unfair. You all have a lot of expertise that
21 really should be involved in the process.

22 So I really would like you all to

1 think about that as well. We have provided a
2 number of questions. So, you know, we can
3 talk about structure, I think a category-by-
4 category approach is as good as another. Just
5 remember, some of those issues are
6 interrelated. And so that's some of the ping-
7 ponging, probably.

8 (Whereupon, there was a gap in the
9 recording.)

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A				
abbreviated 190:13	ACRS 189:21	172:8,16 173:19	19:8 25:16,19	116:2 124:13
ability 36:6 70:4	Act 53:20 125:2	173:20 207:21	28:1,18 42:3 59:1	156:8 167:1 185:7
147:20 154:4	acting 64:5 129:7	adjusting 37:22	59:12 75:2,5	allowable 100:15
163:20 167:13	action 42:18 58:18	170:10	88:13 90:12 93:7	allowed 136:5,6
184:3 237:19	68:5,16 79:7	adjustment 39:9	105:15 107:16	141:22 218:22
able 5:9,10 19:9	111:21 112:5	100:15 147:3	150:3 151:8	allowing 46:3 92:9
21:9,14 42:4 43:7	113:7 119:15	adjustments 99:12	212:20	185:10 228:17
57:14,22 86:16,20	123:9 144:7	administration 1:4	agenda 5:6,8,14	allows 18:14 98:14
87:8 99:21 105:11	145:20	90:14 92:20	11:15 13:4,19	99:10,13
105:13 115:7	actions 29:4 32:10	administrative	14:1,7,13,18	all's 136:11
134:2,13 136:14	42:11 53:17	24:11 32:15	15:14 16:4,8 17:8	alongside 11:11
141:9,11 146:17	active 19:12 205:11	administrator 14:3	17:12 18:12 22:5	28:17
148:7 185:11	activities 13:21	Administrators	35:18 37:7 66:22	alternative 61:17
189:5 208:8 209:2	activity 107:10	81:18	73:6 75:16 157:5	114:9,10,18,18,19
209:5 220:9	109:18	adopted 58:21	agendas 73:17	114:19 115:16,18
222:14,15 230:6	acts 118:22	225:10 231:4	agendized 15:7,13	116:18,19,22
Abrams 209:12,13	actual 130:10	adult 128:8,10	age-wise 235:21	117:1 118:2,3,3,8
209:14 213:2	172:17	adults 107:10	aggravates 214:5	123:16,16 124:9
absolutely 76:3	add 174:18 223:9	108:2	aggregate 169:19	136:12 139:6
183:16	added 26:16 31:18	advance 25:5 31:3	aggressive 241:7	142:5
absorb 128:5	51:12 66:11	40:21 54:2 57:17	ago 40:7 53:22	alternatives 114:14
abundance 25:3	159:21 169:21	advantage 21:13	61:13 65:15 78:16	116:17 119:14
accept 21:18 181:2	173:20 179:9	31:5 229:4	136:4 163:8,11	amaze 138:16
181:18,19 189:19	addition 121:5	advice 71:13 242:8	168:3 225:5	amended 25:21
accepted 182:20	122:6	Adviser 23:10	agree 183:19,20	amendment 4:17
186:5	additional 39:11	advises 150:19	agreeing 227:4	13:22 25:11,21
access 64:11	52:15 57:1 99:20	advising 95:10	agreement 56:2	26:2,3 29:5,6,19
104:14 152:18	125:8 154:4	Advisor 2:22 4:20	ahead 5:10 52:17	30:15 40:4 65:6
153:4,7 185:18	159:20 177:19	148:9 149:17	57:13 58:3 71:6	78:22 111:20
accessible 160:8	address 72:16	advisors 68:6	85:4 86:3,17	112:18 113:5
221:2	178:6	advisory 1:6 7:19	111:2 130:3 147:4	115:17 125:10,10
accomplished	addressed 69:1	34:10,11 131:11	154:22 156:19	125:15 126:14
120:19 121:20	74:13 144:22	153:17	158:12,17 230:18	130:18 131:7
account 124:4	146:22 182:1	Advocates 1:18 7:3	air 21:1 27:12	136:5 147:4
129:5 194:6	228:20	Affairs 53:19 59:20	albacore 52:13	212:16
219:15	addressing 168:5	affect 63:20 203:3	alignment 173:3	amendments 25:11
accountability	adequate 166:19	237:12	alive 51:1 119:18	78:11
113:3	adequately 118:14	affiliation 6:10 7:3	201:3	amendment/EIS
accounting 39:15	adjourn 14:15	affinity 82:10	Alliance 79:21	104:21
164:15 172:21	15:22 156:22	afternoon 10:12	129:2	American 9:9 10:1
194:16	adjournment 14:18	14:11 15:6	allocation 154:2	32:5
achieve 115:11	adjust 67:5 99:14	age 234:18 235:8,9	162:8 194:13,14	amount 64:22
120:4	adjusted 30:17	aged 235:11	allocations 161:17	140:12 165:12
acknowledge 63:13	32:3 39:10 98:20	agencies 59:17	173:2	AMPR 66:18 78:17
acknowledgement	164:8 166:5	90:13	allotted 156:7	163:8
26:8	169:20 170:14,22	agency 12:20 13:11	allow 41:12 78:6	amusingly 188:13
	171:7,17,18 172:2	16:20 18:11,21	98:18 100:10,17	analyses 76:5

analysis 50:12,22 51:6 58:9,10,14 104:19 110:6 115:4 117:11 141:20 Andre 1:13 9:1 236:2 Andrew 1:20 8:21 anglers 215:2 219:17 220:3 241:16 angling 64:7 78:8 121:9 122:10 171:10,21 178:14 179:13 187:1,5,17 192:19 196:1 205:14 206:21 207:1,2 217:12 218:10,20,21 219:14 237:10 239:15,16,20 240:20,22 animal 87:5 animals 90:5 announced 54:1 announcement 126:21 annual 48:14 88:14 89:2 107:17 113:2 124:3 180:19 ANPR 44:3 answer 92:13,14 97:18 99:21 105:13,22 109:7 179:16 207:15 210:4 234:17 238:6 answering 242:17 answers 106:12 anticipate 84:16 86:10 106:7 144:10 anticipated 31:6 37:3 anticipating 80:15 anybody 23:3 206:5 223:1	anymore 34:5 183:8 230:1 anyone's 108:16 anyway 95:21 155:8 165:20,22 221:7,10 AP 42:12 45:3 65:5 74:1 75:9,12,15 75:21 76:2,6 78:4 83:17 112:3 163:8 187:12 apologies 21:18 apologize 5:10 21:8 111:7 212:2 apologizing 143:21 apparently 214:19 220:17 appear 205:5 appearing 240:17 appears 193:3 Applause 148:11 applicability 44:12 applicable 53:7 applicants 31:21 applied 33:18,21 apply 42:16 113:3 152:1 209:22 applying 202:20 appointment 150:17 appreciate 35:17 appreciated 102:12 approach 243:4 approaching 88:15 112:10 appropriate 35:5 45:6 46:1 145:15 approximation 172:9 April 46:6 54:14 128:13,20 151:1 185:9 214:21 228:14 229:2 area 18:17 27:12 31:20 49:9 50:6 50:15,16 65:10 66:12 80:14 90:8	90:8,11 92:19 98:1 101:5 102:11 104:5 107:8 108:15 109:16,21 182:9 196:12 207:8 213:13 215:22 240:9 241:16 areas 27:6,16,20 49:12 51:2,3 61:18 97:1 98:15 98:15,20 103:10 103:13,16 104:2,8 104:20 105:5 153:19 189:9,10 189:15 191:15 196:21 arrive 190:4 art 17:9 articulated 77:3 ashore 33:10 aside 157:9 asked 30:3 36:2 93:19 97:14 111:1 181:14 204:20 asking 54:12 55:6 92:14 160:10 ASMFC 123:9 aspect 56:12 226:16 assess 145:13 assessed 84:15 112:7,8 220:8,14 assessing 54:4 assessment 60:10 110:17 119:6 120:12 122:16 127:20 128:3,20 131:4 141:1 142:12 144:12 145:13 162:20 168:19 169:9 186:18 208:9 232:9 assessments 60:5 84:7 85:19 86:2 86:12 112:4	assignment 156:3 assignments 233:14 assistant 14:2 24:12 associated 99:16 103:13 Association 1:12 1:17 2:5,6,10,12 6:21 8:3,11 9:10 9:11,13 10:2 assume 108:22 assumed 139:4 assumption 187:20 assumptions 145:2 145:6 188:1,10 assure 241:18 Atlantic 1:14 8:5 11:4,6 30:18 31:9 31:11,19 32:5 38:2,2,8,16 52:6,7 52:18,19 53:5 58:19 63:6,11 96:17 103:1 115:22 118:16,17 120:1 127:4 129:16 132:9 133:3 136:4 144:14 145:5 146:11 178:10 189:12 196:22 ATMOSPHERIC 1:3 attached 35:21 36:11 136:11,13 attempting 93:9 103:3 attend 21:9 57:14 60:9,10 158:7 attention 29:2 32:17 42:3 101:17 attributable 144:18 attributed 144:13 audience 10:9 158:6 Augustine 1:10 9:14,14 178:7	authority 59:2 123:12 authorization 26:8 authorized 61:12 114:15 116:2 117:2 authorizing 83:11 authors 233:21 automatically 65:1 availability 180:19 227:5,13 241:14 available 28:16 41:14 55:11 66:6 125:21 126:1 159:13 162:4,15 165:9 176:7 183:11 204:8 209:4 210:9 218:16,19 223:21 241:15 average 115:20 117:7,12 132:16 132:17 139:17 176:11 avoid 64:13 116:11 116:12 141:10,11 141:21 142:10 avoiding 142:3 aware 68:7 91:1 110:3 125:15 183:22 236:6 awash 186:17 awfully 225:11 axis 175:5 199:10 A4 114:10 A6 114:18,19 115:18 <hr/> B <hr/> baby 1:23 129:8 back 16:8 19:19 29:3 35:15 37:9 37:15 45:13 46:9 53:8 70:13 75:10 81:16 86:14,21 94:1,12 95:5,6 97:22 111:4 117:9
---	---	---	--	--

127:6 130:20	145:12 160:1	bends 202:12	bioaccumulation	Block 216:13
131:5 132:2 138:1	163:18 164:12	benefit 21:14	108:22	Block's 235:9
151:7 156:3 157:1	170:4 194:3 231:9	146:10 179:4	biological 22:13	blog 108:15
157:6 159:1	232:14,16	207:17 229:6	124:21	blowing 169:3
161:16 163:15	baseline 49:11	Bennett 3:13 5:18	biomass 168:17	blows 230:8
179:5 181:5 182:5	basic 50:13 222:18	10:14 11:13,20	184:8	BLTs 240:13
188:6 191:7,16	basically 81:8	13:16 16:8 72:1,5	birth 64:20	blue 2:10 38:12,19
210:15 213:2	82:21 92:19	Benny 129:3,11	bit 5:12,21 6:12	48:13 169:22
221:10 222:2	100:12 125:12	best 13:15 19:20	10:13,18 14:15	191:3 197:1
224:14	142:6 151:4	20:21 42:8 44:1	17:9,18 23:11	bluefin 2:17 4:22
background 5:22	161:15 169:2	67:4 68:3 101:12	26:3 29:22 61:3	9:10 10:1 14:12
92:12	182:5 198:1,18	136:9,14 137:8	67:22 70:15 76:7	14:21 39:2,5 40:2
backstopping 32:6	200:13 202:10	160:18	91:21 93:15 99:13	40:10,15 42:10
32:11	234:19	bet 204:20	139:3,9 140:11	43:20 44:8 51:19
backyard 58:1	basin 63:12	better 43:3 56:15	151:3 160:1	52:5,16 64:7 65:6
bacterial 80:16	basin-wide 30:12	70:21 96:9 99:10	169:18 183:18	67:7 69:18 72:15
bad 129:15	basis 48:5 90:18	100:17 115:16	189:18 193:2	72:18,22 81:19
bait 147:17 183:10	100:16 106:7	120:19 121:20	198:8 217:14	82:16 90:6 91:1
183:13 215:4	141:4 171:4 237:3	124:4 128:18	237:13 238:13	106:14,22 107:5
baited 221:5	Bay 110:7 241:6	137:14 153:14	bite 189:12,13	108:3 109:15,18
baits 183:9	beach 83:5 241:20	180:10 205:13	black 133:5 220:16	109:21 110:8,15
balance 83:2	241:22	240:4	221:1	110:16 155:18
balloon 170:15	beaches 80:20 82:8	beyond 30:10	blacknose 29:7	156:17 157:22
ballpark 127:16	91:16	72:19,21 175:12	84:1 112:5,19	158:15 161:12
ban 53:21	bed 158:19	biases 233:11	114:7,12 115:8,12	168:5 169:10
Bank 1:17 9:13	began 98:3 169:4,7	Bible 232:13	115:13,14,22	182:11 184:17,18
bar 192:9 193:8,20	beginning 5:16	big 2:1 8:16 29:1	116:7,11,13,21	187:17,19 189:2
Barbara 216:13	21:17 28:2 54:14	57:3 59:18 70:16	117:5,7,13,17,21	189:20 190:22
235:9	124:11	73:15 74:13 76:3	117:22 118:5,9,12	191:2,11 192:4
barely 240:13	begun 54:11	98:9 103:21	118:19,21 119:1,5	195:16 196:6,14
base 30:14 38:17	behalf 79:20	142:19 153:6	119:7,8 126:22	198:13 200:19
39:4 137:12	believe 46:15 52:10	162:16 166:3	127:2,8 128:10,12	201:10 202:14,21
154:17 166:2	53:4 59:4 85:9	174:5 206:19	128:18 132:3,20	207:17 212:13
169:20,21 170:20	86:14 120:17	208:10 211:3	132:21 133:1,3,6	213:12 214:3,7
171:1,2,6,18	121:18 155:19	219:11 226:11	133:8,12,14	215:8,13 219:21
172:1,9 173:17,22	185:22 194:4	228:19	139:16,21 140:16	220:7 221:14
193:11,12 207:21	226:7	bigeye 52:10 53:1	141:10,15,16,17	235:8
227:15	believed 63:15	56:19 213:16	141:21 142:3,8,11	bluefin's 90:10
based 10:19 30:19	117:6 139:17,19	bigger 127:9	142:18 143:6	bluefish 85:14
31:18 32:4 33:15	186:3,6	135:10 205:21	144:2 145:9,18	Bluewater 9:10
37:20 49:20 60:7	believes 115:16	biggie 164:22	146:15 147:6,12	182:2 188:20
62:20 69:15 76:6	117:14 227:1	Bignose 87:4	blacknoses 129:9	board 59:17 152:10
100:3,13,19,21	bell 17:17	bilevel 231:13	blacktip 84:22	197:11
102:1,2 103:17	Bellavance 1:12	Bill 10:3 181:22	blacktips 84:18	boards 48:2
115:3 124:6	8:9,9	billfish 2:14 9:7	85:1	boat 1:12,17 6:20
134:22 135:7	belong 232:2	15:16 48:11 49:6	bleed 17:18	8:10 9:13 78:7
141:8,13 142:9,11	bend 199:3 203:2	53:11 65:13	blending 145:5	191:3 215:9,13

220:2 224:6 230:19 boats 2:8 78:7 95:4 100:5 131:21 136:1,20,22 213:4 217:12,17,19 228:18 229:14,22 230:16 boat's 229:19 Bob 6:22 140:5 body 176:20 bolster 103:22 bolus 237:10 bonnethead 115:21 146:11 book 130:2 194:10 border 59:15 boss 155:8 Boston 2:1 8:15 bottom 31:19 66:12 117:18 139:20 175:6 192:20 193:8 199:8 211:4 boundaries 98:19 98:19 99:1 100:12 boundary 49:20 bounds 239:16 Boustany 1:13 8:22 9:1 236:2,2 238:4 box 38:6,12,19 66:3 169:2 175:3 boxes 98:8 BP 82:5 92:9 93:8 95:3 96:2 103:4 BP's 95:13 break 15:17 18:4 80:13,18 103:4 157:13 158:1 breakdown 143:13 224:15 breakneck 208:20 breakout 69:22 70:11 72:15 77:2 86:15 130:10 138:22 140:7 143:1 breed 216:22	breeders 216:15 217:4 bridge 64:18 brief 42:4 105:19 111:18 238:17 briefings 13:8 briefly 16:8 157:4 bring 12:14 13:15 55:19 79:14 123:17 bringing 195:6 British 94:10 broad 44:11 152:9 152:18 broader 44:5 177:4 broken 171:10 172:13 178:15 Brooks 3:13 5:18 10:15 11:13,19,20 16:10 72:6 brought 119:17 129:20 137:10 197:10 Browning 188:21 brushing 228:5 bugging 225:4 build 19:8 26:4 67:19 72:1,4 75:16 86:9 building 25:22 built 145:16 bullet 72:17 Bulletin 98:5 bullets 70:7 bump 50:17 bumping 237:8 bumps 217:2 buoy 2:6 9:4 burdened 212:22 business 147:14 businesses 130:15 busy 127:21 buy 226:20 bycatch 61:9,11,18 63:9 144:11 by-catch 44:10 B3 116:19	C	caches 186:6 calculable 174:2 218:2 calculation 142:20 calculations 140:22 141:1 calendar 64:19 California 10:19 call 20:4 67:22 93:19 94:7,9 127:11 140:22 189:9 198:16 232:15 called 94:11 calling 78:22 calls 14:1,13 76:1 185:6 Campeche 110:7 Canada 108:13 canceling 96:17 candid 155:14 Canyon 104:13 cap 170:17,21 capabilities 225:19 capability 26:16 capacity 23:9 148:8 149:7 Cape 241:6 capes 186:16 capped 170:18 Captains 2:11 6:20 capturing 177:4,7 carcass 26:15 136:7 carcassing 136:18 card 21:21 178:21 179:1 cards 48:16 211:9 care 82:16 83:8 185:15 215:2 career 24:3 Caribbean 25:15 25:18 29:19 30:7 30:10 Carol 87:12 Carolina 1:21 2:3,4	2:23 8:3,20 9:3 31:21 61:19 116:20 128:7,9 129:22 132:22 133:11,20 135:12 135:22 137:15 162:7 178:12,17 178:20,22 179:1,3 179:7,14 180:1,4 185:3,8 188:3 196:12 228:12 229:6 236:5 239:12 241:9 carried 165:18,19 carry 61:21 163:20 carrying 38:15 164:1 carryover 170:16 170:21 180:14,16 carry-forward 193:14 case 145:11 198:5 201:18 216:18 cases 43:7 64:14 catastrophe 83:4 95:20 catastrophic 22:14 catch 40:10 42:12 42:16 44:12 45:6 48:16 52:16 56:19 56:22 61:11 67:6 69:11 78:8 113:3 131:14 133:8,11 134:3 145:4 152:10 153:4 178:21 179:1 183:17 184:3 186:15,21 189:8 189:11,15 193:8 201:10,10 202:18 205:21 206:4,5 207:4 211:14 214:4,7,8 217:16 217:18,19 219:12 219:14 220:8 223:19,20 241:15 241:21	catches 43:21 127:1 133:14 187:3 196:20 202:14 catching 115:8 116:12 128:9 129:8 141:12,14 141:15 162:5 187:21 206:6 214:22 220:5 222:21 224:15 227:11,21 catch-per-unit-of... 130:22 categories 164:4,5 165:4,7 166:11 174:4 193:4 205:17 211:8,8 214:9 category 39:13 41:11,16 42:19 64:7 66:20 78:7,8 78:9 161:17 171:9 171:11 172:6 173:1,18 179:13 185:19 187:1,1,5 187:17 193:3 194:12 196:1 197:4 205:14,16 206:11 207:1,20 217:12 218:10,14 218:19,20,21 228:18,19 229:4 229:11,13 231:7 237:6,10 239:15 239:16,20 240:20 240:22 243:4 category's 164:6 207:7 category-by 243:3 category-by-cate... 171:4 caught 46:4 50:22 62:5 85:1 109:21 117:5,8,13 127:19 128:6 132:21 133:3,5,19 135:1
---	--	----------	--	---	---

136:2 139:16,18 139:22 140:3 185:4,8 186:8 187:17 197:18 200:22 201:1,7 206:8 213:16,17 215:18 217:17 221:14 227:15 230:4 241:8 cause 83:6 185:4 234:1 caused 119:21 233:20 causing 34:14 185:5 caveat 107:1 CDs 126:4 ceases 138:15 cell 20:1 Center 1:18 2:2,8 2:21 8:1 114:21 124:2 129:14 135:5 centimeters 197:14 certain 84:12 90:3 141:10 195:10 199:4 232:19 238:1 certainly 22:21 63:21 70:22 77:8 80:9 81:22 109:22 180:20 207:9 certificate 57:12 certificates 57:21 58:2 chain 91:13 109:6 chairs 10:7 challenge 85:20,21 182:22 187:5 challenged 182:21 challenges 152:22 153:10 154:11 166:17 167:22 challenging 108:19 182:16 chance 151:15 Chandelier 82:11	change 14:7 28:8 52:3,11 59:18 63:19 65:16 76:6 96:21 97:3 99:1 102:3 105:8 124:8 124:17 141:2 142:20 145:1 163:13,17 165:17 203:12 206:14 208:5 225:12,17 225:20 226:11 changed 99:1 117:8 118:2 162:13 163:3 168:13 185:13 226:4 changes 5:8 28:9 32:16 60:7 65:6 65:20 69:14 71:11 90:2 115:1 119:13 144:11 145:10 173:3,4,7 194:12 194:17 206:20 227:10 changing 96:6 106:6 161:22 164:3 183:10 191:13 192:22 characterization 61:8 characterize 43:3 61:10,14 Charleston 129:22 Charlie 2:7 9:2 180:6 190:21 204:12,14 211:22 214:12 241:5 Charlie's 235:7 236:3 239:13 chart 178:10 223:6 223:11 charter 1:12,17 6:20 8:10 9:13 78:7 190:22 191:3 191:10 217:12,17 217:19 220:2 224:2,6 238:9 Charterboat 2:11	charts 217:11 chat 48:2 cheap 130:5 check 48:2 212:7 checked 53:8 checking 57:12 chemical 80:2 89:22 chemicals 90:2 chemistry 109:11 Chesapeake 155:19 chewed 183:9 Chief 2:19 6:8 chorus 154:3 Chris 2:17 7:13 23:16 183:20 Christopher 204:14 211:21 Chris's 233:9 238:17 chum 183:7 chunk 206:19 churned 74:9 circle 210:7 circular 199:20 CITES 51:13 52:5 55:5 City 2:11 6:20 188:4,5 claims 95:11,15 clarification 36:3 126:13 clarify 35:18 114:4 140:8 189:18 clarifying 35:12 45:9 47:1 55:22 60:12 clarity 33:18 Clark 1:20 8:19 class 82:17 171:15 175:8 205:4,8 206:10 214:19 217:1,4 219:5 240:17 classes 166:16 219:6 236:4 240:8 classification	122:18 clean 61:12 82:7 91:16 95:7 136:6 136:7 cleaned 82:13 cleaning 136:16,18 clear 18:8 33:19 71:20 89:22 177:13 clearing 103:9 clearly 186:7 cleithrum 33:1 34:2 clip 17:16 close 40:3 116:9,19 127:16 229:15 241:16,22 closed 27:7 31:3,20 49:9,12,14 50:15 51:2,3 65:10 66:12 92:19 93:1 93:4 96:15 97:2 98:1,17,19 100:4 100:6 103:9,13 104:7,20 105:5 106:9 133:18 148:21 237:5 closely 97:15 closer 170:22 172:8 closes 63:18 closing 27:4 98:14 closure 27:12 28:12 31:13 32:8,10 97:20 99:6 101:22 102:10 126:19,20 213:13 closures 27:20 32:6 32:13 96:21 99:12 100:2,11,12,17 Club 1:14 2:1 8:16 9:17 clue 240:15 clump 240:19 Coalition 1:23 coast 2:15 9:5 10:20 11:21 49:13 50:7 93:22 132:7	135:5,15 196:22 198:5 coastal 31:1,10 113:15 114:11 115:1,19 116:8,14 118:18 127:3 132:4,6,13 133:9 133:14,17 140:9 141:7,14,18 142:1 142:9 145:19 153:5 coastals 118:5 132:4 Coast-Charleston 50:17 Cod 241:6 Coddington 1:14 9:16,16 73:10,11 77:12 coincides 31:11 colleague 10:14 11:13 colleagues 19:7 collect 49:11 188:14 197:8 222:15 collected 197:7 collecting 28:5 collection 29:21 62:1 153:18 167:8 221:11 222:13 collective 179:10 collision 186:20 color 158:22 159:2 colors 177:19 196:15 column 81:8,10 83:7 combination 13:7 combine 198:21 201:8,15 202:7 combined 62:17 144:15 come 37:8,15 38:22 41:3 46:9 53:1,15 54:5 55:6 59:4,5,9 59:17 65:21 66:19
--	--	--	---	---

67:7 74:3,21 76:5 76:8,9 90:22 93:14 95:16 97:14 117:17 124:21 130:11 138:1 147:13 149:1 150:10 155:6 157:5 159:9 190:14 191:6 196:11 233:6 237:16 242:7 comes 59:18 63:22 138:12 142:11 183:1 221:21 222:2 comfortable 76:18 coming 21:16 26:19 33:12 48:6 52:6 57:10 60:20 66:21 68:8 102:22 104:1 147:14 172:3,4 182:5 184:11 186:20 192:18 219:8 236:9 240:21 comment 15:6,13 21:7 26:18 34:13 34:16,16 40:3 41:18 44:14 46:21 47:1,9 48:5 63:18 69:20 73:13 75:4 76:2 89:17 91:12 109:14 115:3 118:6 123:21 210:14 217:10 218:5 226:17 227:3 232:11 238:8 commenter 75:7 commenters 118:10 123:22 commenting 214:15 218:6 comments 15:12,20 18:14 19:8 25:4 30:3,5,8 35:6,9 40:8,13 41:1,22	46:13,19 47:4,4,5 47:9 53:22 54:8 67:3 69:21 75:1,6 75:15,20 76:16 91:10 105:21 114:22 118:7 127:18 130:8 138:21 144:5 155:1 157:20 160:19 163:5 165:11 182:18 187:7 190:14 195:1 208:21 212:6 214:12 219:18 220:18 Commerce 1:1 103:3 commercial 2:6 7:12 8:3 9:21 10:1 25:15 45:1 84:21 88:10 99:15 114:6,13 116:17 119:11 120:2 123:19 132:1 138:12 166:13,15 166:21 175:13 195:21 197:3,19 197:21 198:3 205:17 206:11,13 206:21 207:3 210:16 211:8 227:21 228:14 236:8,9 237:1,2,9 237:13 239:17 240:3 commercially 162:15 Commercial's 164:5 commercial-sized 205:8 Commission 1:22 9:19 31:12 58:20 118:17 commissions 58:16 commitment 138:6 150:11	commitments 150:3 Committee 7:20 34:11 commodity 131:18 common 183:21 204:1 communicating 83:9 communication 68:1 communications 152:1,3 153:21 community 121:9 122:10 150:1,13 151:5,6,10 152:5 153:1 180:15 comp 84:11 comparable 185:12 compare 172:22 compared 106:15 196:3 comparison 119:19 217:11 competitive 61:9 competitors 120:10 complete 152:13 completed 33:10 50:15 75:12 complex 113:21 122:21 compliance 33:7 59:1,5 60:17,20 125:11 127:22 165:2 166:5 176:4 complicate 57:2 complicated 56:13 comply 56:11 component 150:21 189:5 components 30:11 150:9 comprehensive 24:8 121:2 122:3 concept 45:2 concern 80:1 86:14 90:11 91:12 153:6	228:7 234:9 concerned 72:20 90:6 93:7 159:11 concerns 89:18 151:7,15 152:18 153:4 169:14 concern's 172:3 concise 18:13 69:20 70:12 conclude 15:19 concluded 55:17 conclusion 140:21 190:1,5 concur 72:2 concurrent 14:11 14:22 69:19 condensed 70:14 condition 33:20 112:11 conditions 49:12 conducted 189:21 200:14 conducting 107:17 110:17 conference 93:19 94:7 confidence 103:22 212:8 231:19 234:7 confidentiality 196:7 confusion 33:11 113:18 233:20 conjunction 114:13 123:5 connection 38:5 consensus 74:18 76:21 consequence 68:17 consequences 68:14 conservation 1:24 112:17 113:1 115:11 118:13 121:2 122:3 consider 25:2 30:6 53:9 54:4 89:20	119:7 124:19 125:6 considerably 62:10 consideration 92:8 202:4 considered 25:2 32:15 84:13 123:15 146:12 163:6 considering 44:11 68:14 considers 168:19 consistent 119:3 consolidate 160:18 consolidates 64:10 constantly 36:2 183:10 constituents 68:7 151:18 constrain 40:15 162:3 163:15 constrained 165:10 constraining 163:10 165:4 consumed 92:1 consumer 103:20 103:22 consuming 27:9 contact 126:6 188:8,20 contaminated 100:5,6,7,9 109:5 contamination 101:6 108:20,21 109:3 context 161:8 continue 25:2,7 28:8,9,15 30:9 34:17 43:16 48:22 52:21 61:13 70:9 71:5 79:6 116:12 116:14 136:7 142:2 174:16 202:20 206:12 215:15 continued 46:5 163:1 172:10
--	--	---	---	--

continues 56:9 234:1	129:17 153:17 154:1	cranium 35:19	147:5	216:19 236:14
continuing 43:22 44:8,15,19 45:5 47:17 59:10 61:22 67:2,2 105:7,8 160:9,21	count 85:2 86:19	create 162:8	damages 95:9	deadline 154:14
continuous 167:7	countries 30:10 38:9 56:10,11 120:20 121:21 194:6	created 82:12 149:19	Dan 72:9	deal 29:1 57:3 82:9 99:14 157:8
contour 32:9 200:22	country 151:14,19	creating 62:19 66:6 80:14 81:3	dance 149:3	dealer 59:11 67:14 226:22
contract 57:7	counts 230:12	creation 60:4	dash 197:2,2	dealing 23:12
contracting 61:20	couple 16:9 19:22 21:15 23:6 27:9 42:11 43:1,15	creatures 92:2	data 25:15 29:21 44:20,21 49:11 59:15 62:1 67:2 85:20 87:1 106:14 114:20 115:5,9 116:10 117:3,4,10 122:14 129:20 135:3,3,7,20 140:11,12 141:19 141:20 145:3,4 152:6,8,11,11,12 153:2,18,19,20 161:4 162:22 164:18 167:8 175:2,12 176:15 176:15,22 182:14 187:13 188:1,10 196:4 197:7,8,12 203:18,22 211:7 215:20 216:5,19 221:11 222:13,16 238:13	dealt 129:20 131:20 240:12
contributes 119:22	critical 71:14 91:21 135:17	crewmembers 136:21	December 32:2 39:4	decades 93:14 147:13
control 183:19 184:1 228:1 241:1	Crosby 2:18	cross 205:7 211:6	decent 47:19	decision 74:17 91:5 212:20
Cont'd 2:1	crosses 206:20	crowd 76:18	decision-making 13:13 153:20	decisions 69:9 73:22 74:11 77:10 77:20 79:4 90:14 152:17
Convention 51:13	crowd 76:18	cumulative 119:19	deck 136:19	decline 202:3,6,8
conversation 13:10 15:10 16:1 20:7 20:18,19 160:5	Cupka 1:14 8:4,4	Cupka 1:14 8:4,4	declines 168:21	decontaminated 94:2
conversations 10:22 13:9	curious 188:9	current 49:11 56:16 57:2 102:9 102:17 118:4 119:3 144:12 166:18 167:4	decontamination 93:20 94:5 95:1,3 95:14 96:3	decrease 142:8,14 145:18 201:17 234:22
Conversely 68:12	current 49:11 56:16 57:2 102:9 102:17 118:4 119:3 144:12 166:18 167:4	currently 12:9 62:22 81:7 103:12 103:14 112:15 116:2 117:2 118:19 122:13,15 124:22	database 84:22	deduced 221:12
convinced 183:16	course 74:3 81:13 95:8 104:3 109:20 123:3 148:21 159:16 160:4 186:20 195:17 200:20 201:8 223:20 235:12	curve 225:5 231:2 231:3,5,5,10,12 231:16,19,20,22 234:6,9,11,13 235:2	date 26:9 126:14	deep 83:1 135:15
Cooper 98:9	cover 17:14 95:13 177:16 194:15	Customs 59:15	dates 57:13,15	deeper 62:10
cooperation 152:3	coverage 42:22 43:2 49:18 107:22 147:8,9 182:7,9	cut 227:8	Dave 7:21 8:12 34:22 35:2	Deepwater 27:3
cooperative 206:4	covered 38:5	cutting 136:17	David 1:14 2:2,9 8:4 131:17	deep-water 87:5
coordinators 150:16 151:13	covering 177:15 193:15	cycles 57:9 64:15	day 13:5,6,6 14:17 15:7,22 16:6 40:21 61:2 77:6 99:3 130:2,6 156:22	defer 205:10 211:15
copepods 109:5	covers 18:17	C-O-N-T-E-N-T-S 4:6	days 13:1 21:15 41:20 69:12 73:15 106:9 126:16 167:2 206:7,7,7 215:3	deferring 144:6
copiers 159:2	co-facilitate 12:6		de 118:22	define 220:10 223:4
copies 125:21 126:2,5 159:1	CPU 200:19	D	dead 39:15 51:1	defined 49:4
copy 126:3	CPUE 43:20 201:20 202:14 206:1,12	daily 41:11 99:1,2 100:16 106:6 107:18 237:3		definitely 29:1 85:15 86:1 88:8 141:5 143:14
core 161:15	Craig 188:21	damage 28:3 95:13		
Corexit 80:2				
correct 35:13 85:8 85:10 182:19,20 225:14				
correspond 196:15 197:15 223:7				
costs 95:15 130:2,3				
council 1:11,15 2:9 2:13 8:5,8,14 9:15 25:18 32:10 87:19 123:11				
councils 74:5				

definitive 79:4 89:9	141:3	164:4 174:9,19	142:22	52:2 56:22
deformation 199:9	determination	175:7 177:9,20	discussed 56:3	documented 135:1
199:21 200:10	145:9	190:4 208:7	145:7	documents 56:13
deformed 199:16	determine 33:7	211:10 213:14	discussion 16:19	56:19 154:9
deforming 199:18	82:18	231:3,4 235:21	17:6,15 19:4,15	dog 127:10 134:15
degree 196:17	determined 112:16	differently 86:4	19:18,21 21:14,15	dogfish 29:9
222:17 223:17	detrimental 115:13	160:1 164:4	29:16 45:3,5 49:6	112:14,22 113:18
DEIS 114:7,17	develop 113:2	209:15 210:2	53:12 76:14 89:15	113:20 114:1,3
116:18 117:21	developed 67:16	211:7 232:5	157:11,18	122:19 123:2,6,10
119:12	101:11 103:15	difficult 33:9 46:15	discussions 12:17	123:13,17 125:7
Delaney 1:15 7:11	125:9 149:20	67:19 120:15	16:12,14 70:5	183:6,7,8,13,17
7:11 79:16 209:8	150:8	140:15 162:9	78:18 90:12,17,20	184:1 227:14,19
210:12	developing 59:13	209:20	105:7 120:22	227:22
Delaware 2:15	developments	dig 159:13 218:1	122:1 156:18	dogs 135:13 137:11
178:11 191:17	16:21	Dikhart 186:12	208:6	doing 12:4 31:18
delayed 124:11	develops 101:13	directed 1:25 6:17	disjointed 180:8	49:16 53:14 68:11
Delise 111:8,8,9,12	deviations 124:3	6:17 83:15 120:2	dismaying 34:15	75:7 78:1 90:1
DELISSE 3:14	devices 129:6,7	126:13 187:19	dispersant 80:13	129:17 131:4
demonstrated 36:8	144:19	190:22 191:10	83:11 90:15	136:8 137:9
depart 16:3	devil-in-the-details	direction 74:19	dispersants 81:10	154:19,20 177:8
Department 1:1	208:13	76:19	82:3 89:22 90:21	dollars 130:6
2:3	devoted 14:9 22:10	directions 16:21	91:5,13,22	domain 85:9
dependent 176:15	Dewey 1:23 131:22	Director 146:9	disposition 51:1	domestic 34:5
depending 81:15	dialogue 25:7	directors 66:3	86:22	39:17 63:17 121:4
119:5	150:12 151:5	disadvantage 120:9	disproportionate	122:5 165:13
depends 88:2	dialogues 10:21	240:2	120:6	189:9
208:12	Diaz 2:21 24:6	disappear 78:11	distill 17:22	dominance 195:22
DePERSIA 1:17	105:20 109:7	131:13	distinct 62:19 63:4	don 13:19
9:12,12 222:20	110:13 179:22	disappointed 92:17	distracted 143:22	Donnelly 1:16
deploy 212:17	188:18 195:14	disbursements	distribute 39:18	door 20:9
depth 29:16 75:14	200:18 210:5	80:2,7	distribution 106:15	doubled 227:17
81:3 156:10	231:1 234:16	discard 115:14	106:21,21 107:6	doubts 188:22
depths 62:9	235:10	172:17 189:2	116:21 164:3	downplayed 92:21
derive 222:12	Dick 238:19	194:21 216:5,7,19	168:12 175:16	downstairs 155:20
derived 219:22	difference 38:4	discarded 140:4	177:5,6,16 195:15	158:1
describing 89:18	74:4 137:4,6	196:15 197:10	196:19 235:7	dozen 10:16
designed 167:4,10	174:5 192:12	198:1,2	distributions	DPS 63:4
DeSoto 104:13	201:11,14,20	discarding 147:6	106:16,17	Dr 2:21 6:22 7:17
Despite 43:21	207:6,22 208:14	discards 39:15	ditto 18:20 91:10	7:21 8:22 24:6
detail 24:6 46:2	differences 36:22	141:17 164:15	Division 1:15 2:20	35:4,9,13,15
112:3 125:13	76:16 145:4	167:18 187:3	2:23,25 6:8 23:17	36:13,20 105:20
229:16	168:10 171:8	189:12 193:9,13	24:2,7 54:16	109:7 110:13
detailed 46:16	different 50:17	194:7,15 196:2,5	61:19	144:16 146:17
61:14 156:5	55:13 62:8,9	196:11 197:1	dock 137:21 229:10	149:18 151:11
158:21 160:11	64:15,16 70:3	198:11 235:16	document 52:16	179:22 186:12
182:6	74:3 79:17 80:10	236:14	215:12	188:18,21 195:14
details 91:2 98:12	134:1 136:1 138:2	discuss 78:13	documentation	200:18 210:5

231:1 234:16	50:16 132:7	149:10	ended 88:12 174:6	150:15
draft 113:8 114:8	182:11 196:22	Eighteen 131:9	202:13 231:15	estimate 184:7
123:15 125:4	198:5	210:12	energy 51:15	189:1,11 191:21
dramatic 143:7	eastern 127:1	EIS 25:11 113:8,10	enforce 221:18,19	197:11 202:3
170:7	186:16 231:22	123:15 124:8	221:22	240:5
drastic 186:1	234:8,10,12,14	208:10,18	enforcement 33:16	estimated 190:2
drat 211:1	easy 70:12 75:4	either 23:21 58:9	36:14,18 37:1	194:9 197:9 231:5
drawn 153:9	108:19	86:21 116:6,6	engage 121:6 122:7	231:16
drive 165:1	eat 225:20	123:4 130:5 142:7	engagement 149:20	estimates 88:14
drives 184:20	eaters 241:7	142:14 157:18	engaging 19:3	89:2,5 144:11
driving 192:17	eating 109:4	179:3 188:21	156:18	167:8,16,18,19
drop 47:20 82:1	echo 233:8 234:5	228:21 229:14	Engineering 61:10	179:19,21 180:1,4
93:12 175:20	economic 153:20	electronic 67:16	England 2:9 7:7	189:19,22 191:19
184:15 212:16	economical 137:7	element 51:13	8:13 45:22 183:3	192:8 219:22
droplets 80:14 81:4	Ed 2:12 8:6	113:4	183:15 184:2	235:15,17
dropping 170:15	edge 215:17	elements 145:1	185:10 228:18	Estuarine 2:15
184:12 191:18	Edges 32:9	eliminate 163:6	229:4,7	European 56:21
due 30:11 41:20	EDS 131:17	eliminated 40:16	enjoying 24:3	180:15
42:2 115:13	education 124:13	139:22 163:11	ensure 16:19 17:6	evaluate 124:20
178:13 196:6	effect 59:9 72:20	eliminating 32:7	39:13 69:5 112:21	event 146:16
201:14	100:4 142:19	117:15	enter 91:11	eventually 95:10
Duke 9:1 236:3	144:18 161:15	elimination 115:10	entering 91:13,22	everybody 20:19
Dulac 94:15	164:13 193:18	Elizabeth 1:22 7:9	240:20	73:9 183:21
Dunn 2:22 14:5	206:9	7:9	entire 27:22 29:14	184:17 185:14,17
148:17,20 149:9	effective 42:14	Ellen 2:13 9:7	36:15 63:11,12	190:16 203:21
149:15 155:2	98:13 99:3,5,6	Elliott 2:13 9:6	71:22 74:1 123:3	221:20
dusky 83:22	113:14 212:9	Eltis 131:17	128:2 157:7	everyone's 57:22
dynamic 106:6	222:18	email 26:17 98:8	168:18	73:7
D1 118:3	effectively 63:16	155:4 158:12	environment 92:1	ever-growing
D4 118:8	222:8	embarrassment	environmental	170:18
	effects 58:10	93:6	1:13 7:4 58:11	evidence 169:11
E	efficiencies 56:15	Embassy 130:1	104:18 111:19	evident 240:10
e 13:19	efficiency 129:6	emergency 27:4	114:8 123:7 126:3	evolve 105:9
EA 160:14 208:16	efficient 64:12,12	98:13,18 100:16	208:9	170:12
earlier 24:13 185:1	efficiently 26:21	103:19 208:16	envisioned 30:1	evolved 19:9
185:2 209:12	effort 12:16 25:17	emerging 18:1	EPA 81:18 82:22	exact 42:6
222:20	29:22 30:6 55:10	employed 188:12	83:10 90:13	exactly 18:18 62:6
early 14:16,17,18	94:21 96:10,20	enable 12:18 70:15	Eric 14:3,3,5 21:8	182:13 212:4
39:4 113:13	104:3 152:10	enabled 70:16	149:2 150:11	220:7
126:18 162:6	177:8 180:15	encompass 101:20	151:12	examined 33:6
168:21 170:3	205:14,16 223:5	encountering 128:8	essential 125:2	example 182:12
178:1 214:21	efforts 101:9	encourage 54:7	essentially 149:21	199:12,19
Earth 1:13	121:10 122:11	55:19 188:19	238:21	examples 87:5
easier 213:6	effort's 219:16	242:15	established 30:15	exceeded 165:20
easily 87:6 160:20	EFH 125:4,5	encouraging 59:13	39:6 52:14 114:10	166:2 170:4
east 9:5 10:20	eggs 81:6,6,13,19	endangered 51:14	161:18	239:20
11:21 49:13 50:7	eight 12:12 143:9	63:2,7	establishing 150:13	exceeding 164:14

165:5 exception 187:22 excluder 144:19 exclusively 117:18 188:5 excuse 94:8 116:2 187:13 223:11 233:16 excused 158:7 exempted 26:6 58:7 exemption 58:11 exert 199:14 existence 230:1 expand 56:22 expanded 102:9 107:21 198:20 expanding 56:19 92:18 expect 28:8,14 39:22 51:6 57:18 66:19 67:6 89:10 167:19 173:11 206:14 211:6 214:17 expectation 95:18 166:12 expectations 56:11 expected 27:21 43:5 53:1 113:12 208:6 expecting 38:21 52:20 166:8 expedited 146:2 experience 33:16 37:21 experiencing 186:22 experiment 82:22 91:17 198:19,22 200:13 202:19 213:5 experimental 202:12 experiments 92:10 201:5,8 expertise 179:6	242:20 expire 58:2 expires 56:3 expiring 57:21 explain 68:4 explained 96:22 206:15 explaining 18:9 explanation 77:20 102:13 219:20 expressing 18:7 extend 233:2 extended 29:21 41:21 49:19,21 213:12 extending 95:16 185:2 extension 92:22 185:15 228:6 229:1 extensive 80:8 extent 28:16 40:14 95:12 100:19 105:10 183:8 exterior 94:2 extinct 215:12 extra 59:6 extrapolate 182:10 189:10 extrapolated 198:11 extrapolation 181:16 182:7,15 194:10 extrapolations 189:6,14 extremely 28:10 142:19 172:11 Exxon 95:17 eye 16:3,4 eyeballing 211:5 <hr/> F <hr/> fabricated 188:14 faced 77:18 facet 21:5 facilitate 18:3	facilitated 11:4 151:4 facilitating 10:21 facilitators 5:17 facilities 95:1 fact 55:13 126:16 128:12 131:15 141:8,13 144:1 167:18 178:13 212:8 213:2 216:8 217:2 221:11 226:20 factions 224:10 facto 118:22 factors 163:17 208:13 facts 129:4 failure 110:19 fair 57:20 185:17 fairly 18:12,12 24:15 158:21 162:13 168:21 173:22 211:12 212:8 fall 24:9 25:3 41:8 56:4 85:9 181:4 236:9 False 11:8 12:9 familiar 6:1 16:12 16:16 168:16 175:1 194:22 200:4 205:2 families 87:9 130:14 131:21 far 23:13,21 26:11 43:19 48:21 62:3 84:6 93:6 170:8 178:22 193:16 215:1 241:17 fashion 159:19 208:16 fast 131:10 139:9 fastest 208:18 fathoms 135:13 faxed 211:9 FCRS 186:5 February 31:2 46:6	185:8 214:20 228:13 fecundity 145:6 fed 130:13 federal 24:3 54:11 55:5 59:17 60:22 68:10 112:15,22 118:21 123:17 136:2 federally 122:13 feedback 17:1 53:13 68:19 155:14 160:2 feeding 62:8 191:19 239:6 feeds 224:16 feel 230:5 feeling 153:3 173:22 feelings 46:10 feet 80:6 101:18 156:2 FEIS 29:16 112:1 116:22 119:12 fellow 111:11 felt 181:17 field 209:19 fight 181:1 figure 77:17 162:20 173:21 figures 217:16,21 figuring 83:19 file 95:11 filter-feeding 90:4 fin 29:8 137:11 147:14 final 13:22 19:22 24:22 25:10,12 29:17 30:16 32:1 33:18 40:18 42:5 42:7 48:15 51:6 55:21 56:8 63:22 67:21 74:22 75:2 75:14,18 77:9,9 89:4 93:18 111:19 112:1 113:10,12 113:13,19 114:17	118:1 119:14 124:8,21 125:5 126:2 150:21 154:13 160:14 179:19,20,22 180:3 213:21 finalize 39:22 finalized 63:20 68:16 118:7 finally 20:17 24:10 128:22 152:17 198:15 find 46:14 73:19 86:22 130:5 226:22 fine 71:18 134:7 182:15 187:8 189:5 222:5 finely 182:6 finetooth 115:21 146:12 finish 24:9 49:22 62:1 finished 46:5 fins 136:11,12,17 137:3,4,6,17,19 fins-attached 124:15 firm 10:18 11:21 first 27:14 34:22 45:13,15,17,19 80:7 88:11 108:10 126:13,15 141:7 156:19 161:6 162:1 175:9 176:6 187:11 192:9 212:3 217:10 225:4 fish 1:21 9:19 33:12 33:21 35:20 36:8 36:16 48:3,6,9 50:22 53:2 55:3 55:14 58:17 62:17 64:7 65:20 78:9,9 86:21 100:5,7,8 101:4 108:12 125:3 133:20
---	---	---	--	---

136:16,22 137:8	77:21 83:16 88:10	229:13,19 238:12	122:19 133:19	foreign 54:5 120:10
137:16,22 142:2	96:13 97:5 116:9	239:11 240:3	182:11	forgot 111:1,8
162:15,17 163:2	124:2 148:9	241:15 242:19	Florida's 97:4	142:4
164:9,9 166:14	149:17 150:17,20	fishery-angling	flow 13:18 16:1	fork 32:22 34:1
168:12 175:4	152:2 168:6 200:3	237:6	FMP 39:19,20	128:1
176:20 178:3	222:11 230:7	fishery-dependent	161:10,11,16	form 17:9 44:17
183:17 184:3	236:15 237:2,3	176:22	173:1 203:16	47:7 66:4 90:3
185:11 186:15,16	238:10,12 240:11	fishes 209:11	focus 15:10 18:7	159:18
186:17 187:21	fisherman 7:14 9:5	fishfinder 215:6,12	51:11 93:10 105:4	format 70:3 155:12
188:3 192:18,21	35:22 58:19 86:20	fishing 2:1 8:16	162:2	242:15
195:22 197:9,21	115:6 116:11	26:6 28:13,14	focused 20:7 28:1	forth 19:19 156:4
198:2,4,7,10,13	120:8 132:1 188:8	32:12 43:7 49:17	52:4	223:14
200:21,22 201:1,3	227:1	58:7 59:4 87:9	focusing 212:4	fortunate 150:14
201:7,16 205:4,20	Fisherman's 2:10	93:13 99:14	fold 18:15 157:20	forward 6:3 12:22
206:1,4,10,13	fishermen 2:17	100:10 104:4,14	folks 10:6 12:18	13:1,15 18:7 26:2
207:2 210:1	33:11 36:1 44:19	119:18,20 124:12	18:13,21 19:10	38:15 47:15 55:8
214:16,20 215:15	60:17 99:16	130:14 133:15	20:6 28:4 34:8,12	70:20 71:16
215:17,20,21	103:20 130:3,4	134:3 135:11	53:16 57:20 58:2	145:14,22 163:20
216:1,1,6 217:1	137:15 141:9,21	137:1 138:13	58:7 60:9 65:21	165:18,19 166:4,7
217:17 218:6,7,13	142:10 147:20	139:4,7 149:19	66:5 68:2 70:15	168:14,20
218:15 219:1,2,8	185:10 217:20,20	150:6,7,20 151:5	77:5,6 82:16 91:7	for-hire 96:13 97:5
219:10 220:4	Fishermen's 9:11	151:6 183:5,12	97:16 98:4 99:14	found 20:8 58:22
222:2,21 223:3	fishery 1:10,14 2:9	188:9 206:2	104:16 111:4	70:10 112:5,9
224:16 225:15,21	2:12 8:5,7,13	215:11 217:13	154:18 156:1,8,11	115:5 117:4,12
226:8,21 227:21	27:20 28:7 29:9	218:20	157:22 158:9	128:4 129:14
228:18 231:6,8,9	30:20 31:1,10,17	five 22:9 32:14	159:1 160:5	141:8,20
231:11,14,15	44:9 49:11 86:7	41:12 93:1,4	165:21 168:5	Foundation 2:5,14
232:19 233:17,18	88:18 98:5 102:14	136:21 198:20	177:17 198:21	9:7
233:19 234:3,10	108:1,2 112:22	200:21 223:14	203:20 205:1	four 41:17 136:21
234:12,14,18,20	113:15 114:16,21	five-day 126:19,20	209:2,5	140:12 176:4
234:21,22 235:3,4	115:2,15 116:4,14	fix 242:18	follow 66:5 199:12	200:22 204:11
235:5,13,20 236:4	116:19 117:14	fixed 87:6 181:22	followed 13:5,6	214:19
236:7,15,17,22	118:1,12,17 120:2	flag 37:14	114:20	fourth 176:7
237:11 238:1,22	121:4 122:5	flat 168:22	following 204:7	four-year 237:22
239:1,3,5,14	123:11 124:16,17	fleet 94:14,16	237:18,19	frame 76:13
240:8,11,13,14,16	129:13 135:4,22	129:18 147:7,10	follow-up 101:2,3	framed 151:21
240:19 241:6,6,9	138:8 140:1,3	212:10,15,21	font 177:21	framework 142:6
241:21,22	142:18 144:15	213:3,19	food 91:13 109:6	145:16,20 147:3
fished 62:9 188:5	152:11,14 162:5,8	flesh 108:20	184:18,19,19,20	frankly 181:15
fisheries 1:21,25	166:7,13 176:15	flexibility 98:14	foot 197:12 235:18	Franks 2:14 7:7
2:4,21,22,23 6:1	178:14 180:19	142:7,13 154:5	235:20	frayed 201:3
6:17,18 8:3,20	203:13,15 205:2,5	floor 53:6 156:19	forage 184:5,15	free 24:4 209:7
11:1 12:5 25:15	205:11 206:19	Florida 1:21 2:6	force 147:5	frequency 175:4
28:6 30:8,22	209:19 210:7	8:6,18 9:5,18	forced 181:1,14	195:15 196:18
44:13 53:5,7 54:5	214:7 216:2	49:13 50:7,16	Fordham 1:18 7:2	frequently 11:22
58:20 61:20 63:5	222:15 224:7,8	96:14,14,18 97:4	7:2 132:8 138:20	65:16
63:17,20 74:5	228:12,14 229:7,8	113:20 114:3	138:21	frog 181:11

front 76:18	217:5 224:19	giants 206:8	154:22 155:22	186:19,21 187:2,3
frustrated 70:1	230:21 233:3	gill 114:15 115:5	156:3,9,19 157:5	187:6 191:16
full 5:6 13:5 15:1	235:22 242:3	117:5,8,15 139:8	157:6 158:1,20,21	193:1,19 194:19
18:12,12 59:3	243:8	139:16,18,22	159:5 160:21	204:4 205:2,7
73:17 79:9 85:16	gather 13:14	141:9,20 142:10	178:6,21 184:18	206:10,12,13,18
95:12 157:1 222:6	gathered 189:14	142:18 147:7,15	184:20,21 193:19	207:3,4,7 208:3
fully 60:5 95:2	195:17	gill-net 115:4 116:3	198:7 204:4,5	210:15,19,20
163:4 203:12	gear 2:6 9:5 45:1	116:11,19	216:16 218:7,13	211:2 213:10,14
fundamental 145:7	59:22 61:7,12	gill-nets 115:10	227:19 230:14	216:22 218:13,15
fundamentally	62:5,9 99:15	give 16:5 20:22	241:14,20	218:18,21 219:2,7
145:1	114:14,15,15	22:11 46:18 49:8	goal 12:22 43:11	219:11,14 222:14
Funding 43:4	116:2,3,17 117:2	57:17 71:4 77:22	50:2,5 120:5	224:9 225:7
funny 96:5 155:2	117:13,15,19	94:21 111:18	goes 16:2 103:17	226:16,19 227:18
further 57:17,17	209:6 212:12	120:12 124:19	125:11 152:9	228:3,16,17
67:11 107:7	gears 61:17 115:15	126:15 131:16,17	153:7 161:16	229:12,22 230:10
109:19 178:12	117:18 139:20	136:14 143:13	163:21 229:1	230:11,16,17,19
191:16	140:1 193:2	149:7 229:3	going 5:11 12:10	232:6,8,9 235:12
future 55:18 56:16	gee 209:21	given 101:17	14:4,10 17:16,16	237:4 240:4,20
73:16 79:6 83:17	general 5:20 41:11	149:16 156:7	24:16 29:10,13	241:10,11,20
87:18 102:4 119:9	42:19 45:1 66:20	207:14	34:5 38:14 43:8	242:18
127:7 166:11	78:9 172:6 205:16	gives 59:4 142:6,13	43:14 47:13 54:21	Goldman 131:19
168:6 203:15	210:7 211:7	giving 103:4	64:2 72:5,16,21	good 5:4 10:11 14:8
FYI 57:2	218:14,18 227:20	126:14	73:5 74:2 78:13	16:19 19:17 22:17
F/V 1:23	228:8,17 229:11	glad 12:3,3	83:6 84:1,2,7	23:13 38:19 47:1
F2 123:16 124:9	generally 5:14 30:5	glaringly 240:9	86:19,20 87:14	72:13 87:12,17
	52:5 83:17 215:3	glass 174:21	88:18 89:14,16,18	89:17 157:8,11
G	generate 222:12	Glen 89:17 91:10	91:15,16,17 92:1	166:21 167:3
gaffed 236:17	generated 167:9	181:14 211:17	92:8 93:11,11,12	170:1 178:8 192:2
Galloway 129:3	Genovese 230:15	Glenn 1:15 7:11	93:13 95:2,3,8,9	218:17 221:3
146:17	gentlemen 209:10	204:12,17 212:4	95:13,15,17,18	227:2 240:19
Galloway's 144:16	geographic 177:5	Glenn's 214:16	101:8 103:1 106:7	243:4
gallons 81:2	178:4	Glen's 158:22	106:9,10 107:3,13	gospel 226:19
game 2:1 8:16	geography 100:3	globally 56:20	111:17,20 114:5	gotten 27:14 32:16
224:13 230:18	Gerencer 1:18 10:3	go 6:8 10:6 18:6	121:8 122:9	34:16 44:14
gamut 79:9	10:3	24:14 26:9 35:15	124:18 128:12	165:11 239:17
gap 83:13 88:5	getting 5:12 23:7	38:6,17 43:7	129:19 130:4	government 55:8
89:11 97:9 102:5	25:8 27:1 44:17	45:13 48:19,22	131:16,17 133:9	68:10 90:18
103:6 104:9	69:21 77:2 82:21	49:1 57:18,22	134:13 136:13,14	242:18
105:16 108:8	85:16,18 87:13	58:13 64:16 73:2	139:5 141:3	go-around 147:22
110:9,20 111:13	96:13 102:20,20	75:1,15,19 76:2	144:21 145:2	grade 62:5
121:12 126:10	107:18 121:5	86:7 94:1 95:4,5,6	147:4,5 149:1,2,3	Grant 111:11
138:18 143:19	122:6 125:22	104:17 111:2,21	153:12 158:14	Granted 219:8
146:6 148:3 155:9	139:14 147:2	113:16 130:2,4,5	161:1 162:10,17	graph 168:18
156:14 158:4	164:10 185:6	132:2 133:21,22	164:1 166:10,15	195:20 199:11
188:16 190:8	192:7 193:5 195:7	134:3 136:1,22	169:17 175:7	Graves 1:19 7:17
195:12 200:15	199:16 207:16	137:16 145:10	177:1 180:8	7:17
211:19 214:13	Giant 108:12	147:4 148:18	182:21 185:4,7	Gray 1:20 8:19,19

great 73:9 82:4,5,9 82:10 86:6 167:14 169:13 173:3 239:20	234:13 235:2	205:10,12	227:16 228:19 229:13,13	73:7 76:19 231:9
greater 80:14 172:15 187:4	grumblings 224:1	<hr/> H <hr/>	harpooner 229:9	heavy 182:8
greatest 79:22	Guard 93:22	habitat 80:21 90:10	harpooners 229:12	held 146:19 150:22
greatly 57:1 137:7	guess 21:13 50:9	125:3	harpooning 183:12	hello 149:1
green 59:22 61:7 62:5,10 199:4,13	72:13 76:11 80:16	half 10:15 13:5	harvest 44:6 120:7	help 12:17 17:5
Greg 209:13 213:1	89:14 103:5	92:22 131:2,8	137:8 163:21	31:22 57:11 62:12
Gregg 1:21 9:18,18	108:13 132:3	136:3 171:17	165:8	68:15 74:16 77:11
Gregory 1:20 2:23 8:21 97:21 100:11	135:19 136:4	215:18 216:9	harvesting 136:20	77:19,22 98:9
101:7,22 102:7	140:6 144:9	227:8	harvests 120:4	119:4 212:15
103:12	148:17 149:4	hall 20:10	165:6	213:1 229:2
Griffin 1:22 7:9	184:9 207:18	hallway 20:6	hat 225:20	helped 24:12
Griffin-Wilson 7:8 7:10	209:20 230:19	hammerhead 55:1	hatch 50:7 170:19	227:10 239:21
grossly 184:10	guessing 230:17	hand 45:1 161:1	Hatteras 2:8	helpful 18:14,21
ground 11:15 16:9 16:12 21:3 28:3	guidance 154:1	handing 111:10	238:11 239:12	helping 24:7 93:8
grounds 43:3	guide 11:11 13:17	handled 84:8	Hawaii 11:8 12:10	helps 146:1
group 4:22 14:12 14:13 15:2 29:15	125:11	handling 26:14	head 33:1,22 34:1	Hemilright 1:23
46:1,2,9 55:12,20	guidelines 103:9	57:7	35:16 36:11,11,12	131:22,22 132:10
58:17 67:7 69:18	Guillermo 2:21	handout 173:14	36:15 56:6 158:2	132:19 133:4
70:16,21 72:18	22:11 24:6 28:21	handouts 50:19	158:15 191:3	134:9,14,19 135:9
76:14 79:2 86:15	73:3 79:18 82:19	hands 178:5	216:15	herring 184:7
130:11 138:22	97:12 161:2	Hang 156:12 177:2	headboat 224:2	227:7
143:1 150:18	179:20 190:7	happen 91:18	238:10	he'll 23:10
155:18,19 156:6	194:20 210:21	106:8 107:4,14	headboats 78:7	Hi 7:8
156:17 157:1,22	211:15 226:1	213:20 241:10	headed 102:19,19	high 28:10 47:22
159:4 163:2 175:9	235:15	happened 78:12	headway 44:16	56:10 90:17
178:18 185:14	Gulf 2:12,14 8:7	180:22	head-on 32:22	142:19 174:8,10
205:4 213:10	22:6 27:5 30:20	happening 21:16	health 27:8	186:7 187:20
242:14	31:1 32:6 43:15	24:19 58:15 106:3	healthy 146:19	193:2 212:8
groups 14:10,22	58:18,19 79:20	106:3,5 107:2	hear 12:20 17:1	231:18 238:21
15:4 18:2,4 46:7	81:20 84:19 90:8	108:2 162:18,21	18:11 57:14 64:5	higher 38:14
47:14 148:16	93:1,2,3 94:17	174:20 182:13	77:3 85:15 86:1	115:14 117:16
157:6 158:7	96:7 104:1 107:6	231:15	114:1 139:10	139:4,4,7,19
grow 223:18	108:14 127:1,4	happens 60:16	143:22 156:13	164:11 172:1
growing 154:3	129:16 132:6,9,21	73:14 74:8 109:19	220:2	176:5 181:7 191:4
164:10 166:15	133:6 144:14	136:15 229:17	heard 36:22 110:12	highlight 99:18
232:3,5	145:5 184:12	happy 23:1 28:20	123:22 151:3	104:4
growth 225:5 231:2	196:11,21 197:17	79:1 93:2 126:8	168:2 184:6	highlights 154:7
231:3,21 234:6,11	198:8 207:18	Harbor 2:8 11:7	204:22 214:1	highly 1:6 2:19,24
	208:1 209:11,16	12:8	221:17 224:1	14:15 85:7 111:16
	216:4,7,9,14,16	hard 19:4 39:21	hearing 14:5 59:19	180:18
	216:19,22 226:16	73:17 126:3	77:5,5 166:9	high-grading 147:6
	226:20 227:5,22	147:19 177:9	hearings 76:1 78:5	high-level 29:13
	233:17,18,19	196:1 232:7	heavier 164:10	111:18 164:20
	234:3 235:8,13	harder 205:20,20	192:18	195:5
	239:3,6	harpoon 41:15	heaviest 218:9	HINMAN 1:23
	guys 88:16 128:8,9	172:6 185:19	heavily 28:6 52:4	historic 193:21
	134:2 147:16			historical 106:14

106:16,21 107:5 history 91:3 hit 157:3 227:18 hits 17:17 HMS 6:1,7 11:11 23:12 24:8 26:17 26:22 28:11,14 32:11,12 44:12 45:1 49:4 54:16 58:19 60:5 66:7 67:18 74:4 85:12 85:17 87:14 98:7 98:9 121:9 122:10 149:9 161:10 HMSAP 128:15 Hogan 2:24 111:15 111:16 141:5 hold 47:2 127:8 149:5 181:20 holders 125:14 187:21 home 53:8 148:18 159:2 181:20 241:16 242:1 Homer 94:15 homework 53:14 hook 43:14 161:5 198:16 199:3,5,9 199:14,16,18,20 199:22 200:1,3,4 200:6,7,8,9,11,22 201:1,2,2,11 202:12,13 207:12 209:17 210:9 212:5,11 213:5,9 213:11 hooked 215:5 hooks 200:14 201:10 202:21 203:2 209:3 210:8 210:11 hope 16:15 60:19 68:4 138:13 209:21 225:7,12 hopefully 14:17 27:1 38:6 59:8 64:12,13 97:3,3	99:12 158:9,10 168:16 169:11 173:13 hoping 22:4,8 53:13 67:10 83:2 88:16 158:18 159:16 221:8 hopper 76:2 Horizon 27:3 hostage 127:8 146:19 hot 97:12 hotel 88:2 130:5 hotspots 107:7 Hound 134:16 hours 211:10 Houston 94:10 Hudson 1:25 6:16 6:16 60:13 61:5 83:15 86:11 126:12,12 146:8,8 Hueter 1:25 6:22 6:22 140:5,5 142:16 143:4,15 143:18 187:8 hug 94:16 huge 80:3 81:3,9 206:18 225:11,17 225:20 226:3 229:17 239:9 hull 94:2 human 80:9 hundred 130:6 hundreds 137:13 230:1,2,2 hurricanes 227:18 hurt 225:7 232:7 <hr/> I <hr/> IAC 181:4 ICAT 85:13 112:9 120:11 155:6,6 164:22 171:13,19 186:4 194:2 203:16 240:1 ICCAT 7:19 34:10 52:4	ID 125:17,19 idea 62:7 66:20 88:16 101:21 106:4 127:7 128:18 ideas 13:9,15 55:3 65:21 70:21 78:15 identical 232:1 identification 26:15 54:10 57:8 identified 153:11 153:14 154:11 221:15 identify 57:19 illegal 147:18 ILPS 240:9 imagination 220:13 imagine 12:13 27:10 immediate 105:13 210:4 immediately 212:15 220:5 impact 22:13 28:16 44:5 58:18 96:11 96:18 105:22 110:14 111:19 114:8 119:22 126:3 143:8 184:2 227:20 impacted 94:15 103:2 impacting 229:7 impacts 22:21 34:9 55:11 58:12 68:13 82:19 83:6 93:14 110:6 208:6 impetus 123:1 implement 29:6 59:3 104:20 119:2 123:18 161:11 207:13 208:4 209:17 210:10 implementation 124:9 implemented 32:9 42:13,17 58:22	63:15 64:6 69:15 161:17 implementing 112:22 150:5 162:2 implements 142:5 implications 53:10 91:19 206:18 207:10,19 importance 18:9 important 12:19 15:8 17:15,19 37:9 38:4 48:10 71:13 94:19 99:7 134:10 166:8 169:22 174:7 176:2 185:19 213:18 220:9 229:5 232:20 236:7 importantly 16:22 80:12 imports 34:3,4 53:21 impose 147:5 impression 76:15 76:21 improve 26:20 66:9 84:5 152:7 153:18 improved 151:22 152:3,5 153:20 improvement 25:16 155:15 improvements 25:20 26:5 improving 67:15 150:11 227:15 inappropriately 33:14 inaudible 211:9 inch 236:15 inches 128:1 175:5 216:11,18 217:1 incidental 88:12 include 41:1 79:3 101:15 123:7 180:1	included 32:6,14 38:8 78:20,21 123:9 151:22 179:19 180:2 includes 28:13 90:4 152:10 172:14 180:4 195:16 including 24:16 37:20 51:4 60:8,8 118:5 121:3 122:4 123:19 150:9 185:18 incomplete 122:14 incorporate 172:21 incorporated 60:6 incorporating 29:8 increase 41:10,16 56:14 104:14 127:10 136:15 141:22 142:7,14 145:18 153:16 199:13 201:19 236:13 increased 124:5 152:19 153:19 162:19 166:12 168:1 187:3 192:19 201:4 increases 47:19 191:14 increasing 44:6 168:1 216:2 increasingly 85:12 independent 123:5 152:12 181:21 190:3 indicate 101:5 142:17 173:9 indicated 115:9 123:4 191:1 indicates 197:3 indication 46:18 57:18 individually 6:2 industry 76:3 79:21 93:13 138:12 168:5
--	--	--	---	--

inefficient 63:15	integration 152:15	introductions 4:10	157:10 168:7	justify 140:15
influence 232:8	intended 13:14	5:21 13:19	180:12 181:9	juvenile 81:16
influx 238:22	14:9 50:21 61:1	intuitive 160:15	185:1,5,5 204:2	117:16 140:2
inform 13:10	79:9 177:10	investigate 224:4	227:6 233:6 243:5	juveniles 139:8
information 15:18	194:14	invite 11:12 15:11	item 45:2 83:21	
22:20 28:5,9,15	intense 56:10	18:22 71:20	items 66:22 72:18	K
31:20 44:18 45:9	intensively 28:4	157:19	ITSP 89:1	keel 33:2 34:2
48:15 49:15 50:3	intent 16:18 19:13	invited 157:16	it'd 77:21 92:5	keep 16:3,4 17:8
54:12 55:11 58:6	19:15 32:12 49:10	involve 11:1	It'll 61:3 64:11	27:6 87:8,9 91:15
61:15 62:12,20	50:21 134:12	involved 11:2,6,7	154:15	101:12 105:5
64:1 68:13 69:2,7	interact 63:5 70:17	28:6,11 55:13,14		134:13 146:9
70:10,11 74:8	interaction 182:10	87:13 92:11	J	155:18 183:12
79:19 87:15 88:19	186:22	101:10 157:17	Jackson 81:18	186:19 218:12,22
88:22 91:6 92:7	interactions 88:10	213:4 226:2	James 2:1,14,17	219:1,4 220:15
92:12 93:20 94:9	88:17 89:3 152:4	242:21	7:5 8:15,15	226:14 228:10,15
94:13,14 99:8	interest 12:15 18:8	in-depth 89:14	January 30:17,22	keeping 130:13,14
107:5,19 108:6	56:18 73:9 168:1	in-season 42:11,18	41:13,15 42:18	keeps 80:20
124:20 152:16	168:4 180:16	167:1,12 240:4	46:3 58:22 162:10	Ken 1:23 91:12
159:18,20,22	224:12	irresponsible 93:16	185:3,4 228:13	Ken's 91:10
160:4,6,10,16,19	interested 18:18	Island 1:12 8:10	jaw 32:22 34:1	kept 35:20 51:3
161:4,20 167:7	62:13 65:21 91:7	186:16	35:21 36:7,10	127:2 129:7
171:6,6 174:13,13	108:16 152:13	Islands 82:11	Jen 24:12	132:17
174:17 177:7,18	187:22	issuance 64:10	Jerry 209:12,13	Kerstetter 2:2 7:21
190:20 191:10	interesting 12:13	issue 68:6 72:16	Jersey 7:16 58:22	7:21 35:4,9,13,15
194:21 202:22	31:17 88:8 153:21	73:15 74:13 79:17	59:5 60:13,17	36:13,20
220:12 222:19	interests 204:1	84:18 91:21 93:10	192:1	key 18:1 34:12
224:15	internally 61:9	93:12 103:4	Jim 2:14 7:7 8:17	Keys 96:16
informative 159:7	international 1:18	112:13 128:22	job 11:10 17:7	kick 16:6 61:1
infrared 80:18	7:4 51:9,10,14,21	152:8 156:2 159:9	89:17	170:12
ingesting 109:4	53:19 56:8 59:14	180:20 181:3,13	jobs 134:11	kickback 45:22
inhabit 135:13	59:20 63:17	182:1 185:2,20	John 1:19 7:17	kicked 170:17
inherent 233:16	119:15 120:19	187:4,6 207:12	56:6 155:4 241:4	kill 138:10 207:4
initiative 25:16	121:21	227:14,20,22	242:11	killed 138:11
149:20,21 150:8	internationally	230:8	join 73:4 148:7	Killer 11:8 12:9
injected 81:2 83:1	165:2	issued 26:6 64:17	158:14 191:7	kind 13:3 16:1
injecting 80:5	interrelated 243:6	64:19,20,21 65:2	joined 23:8 111:9	24:17 27:9 30:6
inland 186:16	interstate 31:12	issues 4:15,17 5:5	joining 5:19 14:6	31:14 33:13,17
Inlet 239:12	58:21 118:18	11:1 12:18,21	joint 55:10	39:8 48:5 64:17
input 31:18 55:7	intervals 197:16	15:5,16,17 23:11	joked 188:13	69:9,17,19 70:2
71:7,14 74:7	Inter-Atlantic	25:6 30:12 32:18	JOSH 2:3	72:2 73:12 75:11
75:22 92:6	31:12	37:8 41:3,5,8 44:5	July 31:10 59:4	77:3 85:3 90:14
instance 74:1	intimately 87:13	44:16 47:15 49:3	60:14,15 61:1	90:15 91:20,20
101:17	introduce 5:15	51:10,10 68:22	113:9 126:18	92:5,6,6 93:15,15
Institute 1:19 7:18	148:7 149:7	71:12 76:8 79:22	June 57:15 63:18	96:20 98:1 103:10
intake 94:3	introduced 10:10	84:3 105:11	113:13 126:15,18	104:19 120:15
integrate 19:6	introduction 13:12	122:19 144:21	129:21 154:14	125:18 128:5
153:14	14:2	145:7 156:10	213:17 229:11	147:3,9 155:12,21

161:7,9 163:1,14 168:20 169:17 171:5 174:13 175:17 176:20 180:22 181:14 190:3 191:17,20 191:21 192:11,16 193:16 194:3 203:7 204:5 206:22 207:8 208:11 209:6 211:10 216:6 224:5,7,16 225:5 kinds 12:20 16:11 57:6 71:11 208:14 227:7 Kiraly 24:1 kite 183:12 knew 220:4 knot 210:11 knots 210:8,9 know 5:21 6:6 10:7 13:5,13 14:16 15:8 16:2,10 17:14 18:21 19:15 19:16 20:4,15 22:12,14 35:5 37:9 45:21 46:3 47:8 53:16 54:13 63:22 70:7 72:13 73:5,6,16,16,21 74:7,11 75:12 77:16 80:19 82:2 82:9,17,18,20 83:3,5 85:22 86:17 87:1 90:16 90:20,21,22 91:2 91:7,14,17,18,21 92:7,12,13,22 93:21 95:4,12,17 96:15 97:1,3 99:13,16 100:8 102:3,14,20 103:18 105:10 106:8,10 107:2,3 107:13 108:21 109:4,9,9,17	110:2,13 128:7 129:1 131:2,4 133:21 134:2,9 135:19 137:7,18 138:4,9,14 142:21 144:4,6,10 146:2 148:13 154:18 155:16 158:19 159:10 160:6,13 162:10,11,16 163:8,9 166:1 170:3 174:8 176:17 177:21 180:18 181:13,18 184:16,19 185:22 186:7 188:11 189:11 190:14,15 190:17 193:10 197:16 200:12 203:20,22 205:1 205:13,13,18,20 205:21 206:6,15 206:21 207:15,16 208:19 209:14,20 210:6 211:5,12 212:6 213:9,14,22 214:6 217:18,22 218:5,7,14,16 219:6,10,15,16 220:1,3,12,15 221:21 222:6,10 222:14 223:2 224:6,7 225:12,14 225:18,18 226:5,8 228:9,11 230:9,11 230:18 232:4 233:10,10,12,17 234:17,20 235:12 235:19 239:2,13 239:18,19,22 241:14 242:9,14 243:2 knowing 85:1 knowledge 102:2 known 27:21 knows 38:18 210:21	L	203:1,4 206:3 211:11 213:2 223:17 234:20,21 235:3,4 236:13 237:10 largely 52:5 144:17 162:9 180:14 larger 92:3 110:12 169:16 190:13 195:9 203:8 204:5 210:7 239:1 large-mediums 42:20 larvae 81:6,6,14,19 82:3 90:5 106:15 106:22 109:4 larval 107:17 lasted 31:2 lastly 229:18 late 113:13 126:18 170:3 214:20 latest 97:19 112:4 149:5 Laughter 148:19 149:14 210:22 lay 16:14 lead 13:21 54:16 55:5 59:21 97:17 140:1 204:7 leaders 76:4 leadership 42:5 90:22 105:3 150:10 151:11 leak 80:6 leaning 76:19 learn 16:20 learned 20:12 leave 76:14 136:10 136:12 137:3,19 228:8 led 53:18 LeeAnn 2:24 111:15 140:7 left 36:15 93:12,13 96:17 181:22 183:4 199:4 209:12 226:6	legal 74:6 76:7 84:12 236:16 240:14 legit 182:16 legitimate 182:12 Leininger 2:17 length 32:22 34:1 128:1 197:8 lengths 32:21 Leonard 230:15 letter 81:17 letters 26:8 46:16 47:7 76:1 letting 63:22 let's 34:21 47:11 71:19 72:1,4 143:10 148:1 190:7 223:8 level 58:14 85:13 90:11,17 101:5 112:16 119:15 120:12,20 121:21 129:21 131:11,12 140:14 169:1,6,7 186:8,21 193:2 levels 120:6 208:7 liberalize 163:5 life 77:16 81:5 82:9 83:7 90:4 91:3 125:6 134:14,15 134:20 135:17 213:6 lifetime 188:7 limit 41:12,16 42:19 48:14 118:21 119:3 127:17 171:16,19 174:4 223:1 236:19 limitations 84:4 85:21 238:20 limited 40:19 64:11 114:15 153:2,3 239:4 limiting 120:3 171:13 limits 113:3 118:4
---	---	----------	---	---

120:16,16 121:16 167:13 174:5,11 176:2,8,14 limit's 174:8 line 59:18 66:12 72:3 73:12 92:4 100:9 140:6 195:19 197:2,2 199:4,13,14,17 205:7 lines 175:7,8 LINGO 3:16 linked 168:8 Lisa 1:21 9:18 102:12 list 62:22 72:1,3 78:10,18 79:8 86:13 98:6 listed 63:1,7 124:10 listen 19:4 156:2 listing 63:2 lists 84:13 listserv 26:22 little 5:12,21 6:11 10:13,18 17:9,18 21:1 23:11 27:16 27:17 29:22 34:15 38:19 61:3 66:5 67:10 70:15 76:7 79:17 84:1 91:20 93:15 99:13 106:20 107:9 120:1 128:6 129:8 132:22 133:12 134:4 140:11 143:22 149:2 151:3 160:1 180:8 183:18 189:18 198:8 225:14 238:13 242:19 live 11:21 53:3 59:13 lived 150:3 living 147:21 loaded 241:6 lobby 155:21 lobes 67:9	local 57:14 locate 136:22 located 81:20 105:6 location 168:12 LOEFER 2:3 log 194:10 logbook 194:4 loggerhead 88:9,17 loggerheads 62:18 63:1 logically 114:20 long 24:2,15 30:4 31:14 41:13 82:14 116:14 131:9 149:10 186:16 208:3 233:8 239:7 longer 24:2 82:4 163:7 207:2 longline 31:19 39:13 49:9 53:4 62:6,9 64:8,8,18 65:3,10 67:6 88:18 107:22 117:18 147:10 164:14 167:18 168:6 172:12,13 172:14,14 181:12 187:1 193:3 194:3 194:12,13 196:2 196:19 209:11,18 213:19 Longliner 2:8 longlines 139:21 196:2,19 207:20 long-term 91:18 104:22 look 13:1 34:18 36:18 39:1 44:15 44:19 47:15 54:7 57:13 65:18 67:2 68:12 71:16 74:1 77:15 87:22 88:4 96:1 102:17 103:16 129:3 133:22 140:11 145:21 169:8,22 182:3 194:18	207:16 218:3 224:5 226:6 240:7 240:18 looked 49:12 61:16 69:18 117:10 173:5 238:11 looking 6:3 24:9 25:7 33:22 37:17 37:18 43:17 44:10 44:20 52:17 55:10 56:14 61:18 62:19 65:12,13,19 66:6 66:8 67:14,15,17 69:17 70:4 71:7,8 83:19 84:17 86:6 88:10 99:9 151:17 154:4 160:17 171:3 179:10 182:4 187:15,18 208:12 209:21 225:13 226:5 228:13 lookout 89:7 looks 48:6,16 187:19 191:22 193:7 225:9 233:18 234:8,13 look-alike 54:22 look-and-line 147:16 loop 102:9,17 loosen 40:12 lose 130:15 losing 77:18 loss 202:17 lost 183:5 214:9 lot 5:5 12:5 14:16 17:14 22:20,22 29:2,11 34:12 37:11 40:8 42:3 44:22 46:14 48:3 51:15 57:5 59:6 61:4 74:21,22 76:13 77:6 78:5 79:4,19 81:13 85:18 95:14 101:16 106:11	110:12 127:1 128:8,10 129:15 135:10 146:2 158:21 159:1,17 161:19,19,20 162:14,19 163:22 164:16,17,18 170:22 193:5 205:14,15 207:9 209:1 218:13 227:21 228:4 231:6 240:16,22 241:8,18 242:20 lots 12:14 53:22 145:6 163:4 176:22 185:6,6 Louisiana 82:10 love 224:2 low 124:1 131:16 172:11 174:9 176:8 181:6 230:8 lower 32:22 34:1 35:21 36:6,10 61:17 62:4 117:6 139:16 141:17 163:19 169:2 193:12 231:16 LPS 188:8,12 191:9 Lubchenco 81:18 149:18 151:12 ludicrous 128:4 lumped 178:13 lumps 32:8 lunch 15:3 <hr/> M <hr/> machine 148:21 Madison-Swanson 32:8 MAFAC 150:17,19 150:21 magazines 48:3 magic 220:16 221:1 magnifying 174:21 Magnuson 125:1 Magnuson-Stevens 54:9	main 116:20 155:20 Maine 184:13 226:16,21 227:6 227:22 234:4 239:3,6 mainstream 93:11 maintain 117:1 118:4 239:22 maintaining 39:15 major 103:18 135:22 151:21 153:10 184:2 majority 109:18 133:4 196:10 making 25:6 44:16 67:19 225:13 mako 52:22 112:8 112:20 119:10,16 119:17,20 120:4 120:14,21 121:3 121:22 122:5 makos 59:14 121:7 122:8 Mammal 53:19 man 134:10 148:20 manage 16:13 17:5 19:20 20:17 138:8 206:19 222:15 managed 112:15 118:12 122:13 129:3 132:15 192:10 management 1:10 1:14 2:9,12,20,25 6:7 8:5,8,13 21:5 29:10 39:17 49:5 74:5 86:7,9 111:21 112:17 113:1 115:11 121:2 122:4 123:6 123:9,10,11,12,17 123:18 124:10,14 125:4 131:11 152:7,16 153:3 166:22 167:2,6,12 207:10 239:10
--	---	---	--	--

manager 94:12	matter 102:17 136:19 221:12	measurement 33:4 34:3	meets 71:2 115:16	182:18 187:7
managing 123:2 166:6 203:13	maturation 235:9	measurements 32:21 33:5,21 166:22	members 1:10 2:1 10:9 15:2,9,11,12 55:7 157:15	194:20 195:1 204:17 208:21 219:18 220:18
map 50:6 97:22 134:20 145:3	maturity 235:11,14	measures 75:19 111:19 112:1 113:1,4,17 117:20 119:2,11 123:14 123:18 124:10,14 125:15	mention 22:6 23:8 24:5 111:2,8 126:20 128:11 142:5 144:1	Michael 230:15
maps 135:5	Maury 1:15	mechanism 113:2 142:6 145:16	mentioned 88:7 122:17 144:5 185:1,2 222:20 223:15 241:4,4,5 241:13	microphones 20:11 20:14
March 31:3 41:21 46:6 51:16 88:14 89:6 113:11,11 185:9 214:21 228:13	maximize 170:11	mechanisms 63:13 167:3	mercury 109:2	mics 20:16
Margaret 155:4,7	maximum 41:11 124:3 231:17,17	mechanism's 145:17	message 18:10 221:20 222:6 232:17,19	Mid 178:9
Margo 2:19 6:6 13:11,21 16:17 19:16 71:20 73:11 89:13 149:9 178:7 179:8 183:4 221:9 228:7	McCREADY 3:12 60:11 71:19 72:10 134:7,12 143:10 148:1 156:12,16 157:15 180:5 190:6 204:8 211:17,21 214:11 217:7	Med 233:18,19	method 233:15	middle 151:1 195:19 240:17
Margo's 214:17	McCreary 5:18 10:11,14 13:3 21:20 22:17 23:3 34:21 35:2 37:14 46:22 47:11	media 93:10,11	methodologies 190:4 194:8	midst 41:7
Marina 7:16	McKEON 2:4 8:2,2	Mediterranean 186:2 189:20	methodology 39:12 181:16 189:1 233:13	Mid-Atlantic 1:10 9:15 66:12 123:11 178:1 189:13
marine 1:15,18,19 1:21,23,25 2:23 7:1,18 8:20 15:18 53:19 58:20 61:20 77:21 80:10 81:5 83:7 90:3 91:13 118:17 129:13 140:6 153:5 222:10	mean 26:2 35:22 46:14,14 84:18 91:14 96:16 129:1 134:1 135:16 137:5 140:13 143:4 145:1,6 168:14 177:10 184:17,19 203:22 206:1,4 208:15 209:13 211:16 225:16 226:7 235:14	medium 171:12,22 175:11 192:4,10 192:14,16	met 30:3 42:17 111:9 149:8	mid-March 29:17 mid-May 88:15
mark 2:11 3:16 6:19 50:8 170:19	meaning 38:14 50:12 150:11 151:11 169:6 202:10	mediums 41:17 205:3,6 206:2 210:16 240:21	method 233:15	migrate 215:15
marketing 65:19	means 18:19 35:19 38:19 68:21 72:3 116:9 199:15 200:21	meet 36:9 54:6 151:11 174:19	methodologies 190:4 194:8	migratory 1:6 2:19 2:24 85:8 111:16 180:18
marks 215:6	meant 36:8	meeting 5:5,13 11:12,16 13:7,14 13:17 14:4,8,14 21:5 22:2,3 30:4 34:19 40:8 42:12 45:3 51:13 52:6 55:16 56:15 66:16 69:15 70:13 71:3 71:16 75:9 78:5 78:13 79:12 83:17 87:18,20 94:20 98:3 111:6 112:3 128:14,15 130:10 147:1 152:21 163:8 181:4,19 187:12 213:11	methodology 39:12 181:16 189:1 233:13	mile 81:2
marlin 48:14 49:3 56:2	measure 33:8 118:13 199:8	meetings 12:11,14 41:7 64:3 181:21	methods 183:11	miles 182:11 241:20,22
maroon 170:14	measured 197:9,11 198:14 236:18		metric 39:11 114:12 116:1 123:19 124:6 127:9,14 132:13 132:16,20 134:4 140:10,13 141:7 184:13,14 186:4,9 189:19 194:4	mile-deep 81:10
Mary 1:19			metric-ton 42:15	MILLER 2:5
Maryland 6:20 178:11 188:4,6 191:17 240:12			Mexico 2:12 8:7 22:7 27:5 30:21 81:20 90:8 104:2 108:14 127:4 196:12,21 197:18 198:8 216:5,7,10 216:14,17,19,22 235:8,13	millimeters 199:7
Massachusetts 178:2 192:1			Miami 181:17 188:21	million 137:14
match 25:22 29:21			mic 104:7,8 132:8 134:13,18 155:1	millions 85:2
material 199:6 200:4,8				mind 45:14 73:7 146:9 218:12 219:2,4 230:8
materials 66:4 111:10 125:9				mindful 17:11

136:19	117:4,16 119:4,20	necessarily 19:1	net 114:15 115:6	151:11 152:5
minutes 5:20 22:9	120:13,22 122:2	70:7 159:5 160:15	117:15 141:9,21	NOAA/NMFS
22:9 28:21 29:12	139:5,7,15 141:16	165:21 176:16	142:10,18 147:7	153:16
148:6 149:1 168:3	142:21 144:14	185:16 210:3	147:15	nobody's 241:20
missed 225:10	206:20 207:8,18	necessary 115:12	nets 117:6,8 139:8	nodding 56:6
mission 153:16	Mote 1:25 6:22	118:15 123:7	139:16,18,22	noise 181:15
mix 105:14	mouth 82:1	163:7	neutrals 17:5	non-blacknose
mixing 33:13	move 46:20 47:11	NED 39:11 42:13	never 83:1 84:14	115:19 116:7,13
232:18,20 234:21	47:13 70:20 92:3	172:15 182:9	138:15 180:17	127:1 141:6 142:1
model 145:2,3	145:14,22 198:15	189:11 196:13,21	182:20 186:6	142:9 145:19
moderator 6:7	208:15 210:20	198:7,7	new 2:9 5:16 7:3,6	non-coastals 127:5
modernization	215:21 223:13	need 17:17 20:4	8:13 10:17,17	non-compliance
59:11	moved 64:9 167:14	40:10 58:2 59:8	11:8,21 14:2 23:9	60:14
modification 50:9	moves 206:11	69:7,8 71:2 84:11	24:11 27:12 44:18	non-oil 208:16
modifications	moving 26:1 71:6	84:15 88:9 95:4	45:22 49:15 58:22	non-reporting 48:1
52:15	81:14,16 117:20	102:13 104:17	59:5 60:13,17	non-sandbar 30:18
modified 33:19	119:10 121:11	111:21 112:4,16	98:12,19,19	31:1,9
49:20 161:14	122:12 163:2	115:17 116:12	111:11 114:11,19	non-significant
163:11	164:17 166:4	126:5 127:6	124:14,16 125:15	43:20 202:16
modify 104:19	168:14 176:21	130:11 131:12	135:14 140:11,21	noon 99:2
molecules 80:18	205:5 210:16	137:19 142:13	140:21,22 141:1	normal 104:17
moment 158:9	219:10	145:18 147:19	141:20 142:12	105:1
Monaco 51:18	MRIP 221:6	155:5 166:10	145:10 148:8	normally 36:9
money 61:8 138:3	222:12	174:17,18 176:17	149:7,18 150:10	north 1:20 2:4,23
188:15 224:11	MSA 154:3	179:5 182:6 189:4	151:11 154:18	8:2,19 9:3 31:21
monitor 89:3 106:2	multiple 123:22	194:18 203:17	155:12 159:19	32:5 38:2 52:6,17
167:5	221:17	206:22 214:6	183:3,15 184:1	61:19 120:1 128:7
monitoring 15:17	multiply 127:12	218:1 219:1	185:10 192:1	128:9 132:21
107:20 108:1		222:18 224:6,7	214:1 222:12	133:11,20 135:12
167:12	N	232:13 233:1,2	228:18 229:4,7	135:22 137:15
Montella 2:6 9:20	name 6:6,10 11:20	needed 69:2 125:19	231:3,10,19	162:7 172:13,14
9:20	20:20 72:14	176:11 212:19	234:19 235:1	178:12,12,15,17
month 38:22 41:20	135:14 149:8	242:8	news 93:2 98:5,7,9	178:19,22 179:1,3
58:1 64:20 102:22	186:13	needs 71:3 131:3	NGOs 168:4	179:6,14 180:1,3
107:14 188:15	names 72:8	146:22 174:20	nice 91:15 92:5	180:4 185:3,7
213:17,18 228:18	National 1:3,23	185:13 227:2	Nicholas 1:13	188:3 196:12
months 12:12	2:22 23:18 77:21	228:20 240:22	nine 31:21 208:19	205:2 228:11
106:10 131:9	129:13 148:8	negotiable 131:18	NMFS 55:13 56:14	229:6 236:5
160:5 208:17,19	149:16 222:10	neighborhood	59:18 97:18 105:3	239:12 241:9
225:5	nations 119:21	241:11	115:5,15 117:14	Northeast 215:22
moratorium 59:3,8	120:7	neighbors 19:6	124:13 146:18	northerly 178:4
60:14,22	natural 2:4,15	neither 220:22	149:22 150:10	northern 52:13
morning 13:12	10:22	neonate 117:16	154:1 239:9 240:3	90:8 191:15
15:15 49:4,7	naturally 35:21	127:19	NMFS's 125:3	213:12
149:4 157:4,7	nature 30:7	neonates 139:7	NOAA 2:19 28:2	Northwest 63:6,11
180:10 220:21	nearest 235:18	140:2	81:19 82:20 90:22	note 5:7 23:15
mortality 63:9	nearly 215:12	NEPA 58:10 208:7	92:18,21 93:16	29:20 31:17 55:21

62:15 67:13 75:21 113:18 116:6 noted 194:8 notes 23:6 notice 14:13 20:19 25:5 40:21 54:2 54:12 167:2 178:9 noticed 110:16 notices 27:1 55:6 noting 193:22 notion 222:21 NOVA 2:2 7:22 November 41:9 83:20 no-action 117:1 118:3 number 11:3 23:17 26:21 34:7 38:13 38:17 41:3,7 49:1 50:14 51:20 52:9 55:5 57:20 58:12 78:15 80:10 94:8 94:8 101:19 104:12 123:3 135:3 144:21 150:9 151:8 152:22 153:8 154:9 164:9 175:4 179:10,13 187:18 187:19 188:6 192:3,7,21 196:14 198:6,10,21 201:4 201:7 219:17 221:16,22 222:7 224:11 225:3 236:12 239:3 243:2 numbers 15:9 24:18 26:9 39:9 48:19 50:11,13,20 51:5 65:16 89:10 170:5 172:5,17,19 172:20 173:5,17 187:15 191:5 193:10 194:9 196:13,16 198:10 198:12,12 219:7	219:12 numerous 28:2 41:20 nursery 135:6 <hr/> O <hr/> object 185:15,16 objective 66:11 164:21 objectives 39:18 111:22 112:18 115:12 observation 62:3 observe 129:5 observed 135:7,7 135:11,20 202:15 observer 23:18 42:22 43:2,11 49:18 107:22 115:5 147:8 161:4 182:6,8,10,14 212:17 235:17 observers 61:21 157:18 197:7,7 212:18 obviously 16:22 18:11 20:3 48:7 90:5 153:12 180:16 occasions 76:12 occurring 112:6,12 140:20 146:5,13 239:11 ocean 2:11 6:19 91:22 118:16 135:17 188:4,5 Oceana 1:22 7:10 OCEANIC 1:3 Oceanographic 2:2 7:22 October 42:14 61:22 83:19 88:4 offered 124:2 150:15 155:3 offhand 216:20 office 10:20 23:19 53:18 59:20 64:10	94:10 official 75:2,5 89:4 officially 36:13 104:4 offshore 81:14 109:20 241:17 off-shore 107:8 oh 21:7 75:18 87:18 91:15 211:1 oil 22:6 24:16 27:4 27:6,20 31:4 42:2 43:5 72:16,21 79:18 80:13,18,20 81:4,4,9 82:4,6 83:4 84:19 89:15 90:3 94:4 97:17 98:16,17 100:14 100:18,22,22 102:1 103:13 104:3,5,6,6,14 105:6,21 106:17 106:22 107:11 108:14,18 109:1 okay 35:1 37:13,16 45:12 47:10 78:2 79:15 91:9 111:15 119:10 121:11 122:12 125:8 142:16 143:15,18 143:18 146:1 158:8 166:6 180:5 181:8,11 204:18 214:15 218:4 233:5 238:5 old 130:1 231:5,5 231:12 older 231:14,15 234:22 Oliver 155:4 once 58:4 107:12 113:13 127:16 130:9 152:21 167:9,16 170:20 188:7 ones 25:13 26:11 28:12 56:17 63:6 190:13 202:1	one-degree 196:8 one-foot 197:16 one-page 125:18 one-pound 127:19 one-year-old 240:13 online 154:10 open 31:15 46:7 50:15 51:2,4 66:9 69:4 70:19 93:3 93:19 96:8 104:13 104:19 113:14 155:13 190:12,13 228:8,9,10,15,22 229:14 237:4 opened 30:22 31:2 opening 31:13 98:15 103:9 129:10 opens 31:10 60:15 126:17 operate 39:14 operates 124:17 operational 166:18 operations 124:18 opinion 124:21 opportunistic 232:15 opportunities 44:6 152:20 168:2 opportunity 149:16 151:9 opposed 41:14 81:11 optimist 146:5 options 54:4 67:14 67:15 orange 177:22 order 33:7 92:20 92:21 182:15 222:17 224:3,4 orders 22:1 Oregon 239:12 organic 239:8 organisms 80:10 organizations 123:8	organizing 204:10 origin 234:18 235:5 original 234:11 originally 21:10 30:1 41:19 193:22 194:1 Ortiz 3:14 111:9 ought 181:7 outcome 145:13 outline 15:1 outreach 34:11 59:13 66:1 121:6 121:10 122:7,11 124:13,18 outset 16:18 outside 58:16 158:15 202:21 225:18 overage 181:12 overages 230:6 236:21 237:17 overall 56:14 63:1 165:8 214:2 overestimated 184:10 overfish 121:19 overfished 112:6 112:10,11 120:18 146:12 overfishing 29:8 44:7 112:6,11,19 112:20 119:16 120:5,14,16,17 121:17,19 140:19 140:19,20 146:4,4 146:13 overharvest 30:19 overlap 106:20 107:9 overnight 225:17 oversaw 26:12 oversight 166:10 overview 4:13 13:20,22 16:7 22:19 23:7 111:18 161:7 over-the-side
--	--	--	---	---

235:16	134:17 179:8	pelagic 2:8 11:5	142:22 173:21	178:16 226:3
o'clock 14:14 180:9	217:9 218:4	30:21 49:9 53:4	187:20 217:18	233:6
<hr/> P <hr/>	219:19 221:4	62:6 65:10 67:5	218:17	picked 92:3
PA 2:18	224:21 238:3,16	81:6 88:17 107:22	percentages 39:19	Pickens 238:19
pace 208:20	241:3 242:6	121:3 122:4	173:1	picking 177:18
packet 158:12	participants 19:13	164:13 175:2	perception 205:9	picture 134:20
169:17 203:8	154:12	181:12 207:20	205:15,19	238:21
204:6	participate 54:17	209:11,18 211:11	perceptions 97:1	pictures 215:10,11
page 4:8 76:13	120:21 122:1	213:18	Pereira 2:7 9:2,2	piece 19:2 146:19
195:11 226:13	242:16	pelagics 92:3	100:2 101:3,14	167:20 174:3
paid 95:2,3	participated	pencil 88:1	187:11 204:19	pieces 160:12
painful 159:6	151:19	people 16:2 26:22	212:1 214:15	164:17 174:7
Palmer 2:6 9:4,4	participating 25:14	33:12 37:10 46:15	perfectly 18:2	pike 68:8
panel 1:6 26:19	59:19 198:19	57:11 64:16 72:4	period 15:13 34:17	pile 87:20
29:14 30:4 31:18	particles 109:1	76:17,20 77:3	40:3 41:18 63:18	pilot 241:18
34:10 74:2 76:12	particular 33:8	84:4,6 87:9 95:10	64:18 88:20 99:4	ping 243:6
111:5 131:11	81:5 82:11 83:10	96:17 130:13	118:6 123:21	pipeline 26:10
172:3	90:11 99:6 144:7	131:13 146:10	128:2 176:4 238:2	placard 125:17,19
panels 153:17	187:2 190:15	158:18 159:10,14	239:4	placards 66:2,7
paper 125:18,22	202:5	160:10,19 177:7	periods 88:22	place 22:14 63:14
146:20	particularly 11:4	188:12 192:5	permission 27:15	100:13 113:19
parked 69:9	79:20 80:2 84:7	195:6 204:11	193:6	118:14 128:21
Parr 1:16	97:19 159:16,21	218:20 219:9	permit 44:10,20	146:3 161:13
part 11:21 14:8	166:14 168:6	220:1,6,10 222:1	64:8,10 66:17,20	173:17 174:15
22:19 29:15 36:5	170:2 205:3	224:1 225:13	66:22 117:22	186:2
36:21 48:10 50:5	partly 37:20	226:5 234:2	125:14 187:20	places 57:19 64:16
53:14 62:11 65:3	partners 25:17	people's 134:11	permits 26:7,7	67:17
66:16 75:9 76:3	59:12 67:18	percent 39:16 43:5	31:22 57:20 58:7	placing 122:20
85:21 90:10 93:7	parts 25:19 28:2	43:19 49:18 93:1	64:11,14,17,21	plan 24:8 29:7
93:17 94:17	90:17 226:17	93:2,3,4 96:7	65:2 187:18	31:13 44:1 52:13
103:21 149:19	Party 1:12 8:10	116:8 126:18	218:21	58:3,21 69:8 85:4
150:18 156:17	pass 51:21 52:3	127:12,16 133:7,7	permitting 41:5	86:5 118:18 150:7
164:8 169:3	204:16	133:8 134:3 136:2	personnel 23:6	161:12,15 169:4,7
178:17 179:15	passed 52:11,22	137:12,18 140:17	perspective 19:10	181:4 203:14,15
183:14 184:4,5	136:5	143:5,5 144:13	36:14 81:12	203:17
213:3 218:16	passes 93:21	163:22 165:20	pertain 71:21	plane 158:19
242:14	Pat 1:10 9:14 178:6	168:22 169:5,6	pertinent 194:12	planes 11:22
PARTICIPANT	path 12:22	171:14,16 172:7,8	Pete 98:9	planned 14:11
242:12	patiently 105:19	173:20 179:11	petition 53:20	84:11
PARTICIPANT	patrol 59:16	180:21,21 181:6	Petroleum 94:10	planning 5:13
54:20 56:1 78:4	pattern 173:8	186:14 193:20	phone 76:1 185:6	153:6
79:11,15 88:7	191:22	200:19 201:6,9,19	phones 20:1,3	plans 16:3 55:18
89:13 96:4 101:2	patting 130:19	202:1,9,15 208:1	phonetic 87:12	99:14 161:13
103:8 104:7	pause 71:19	212:17 216:10	186:13	165:16
105:18 108:10	pay 130:5	218:17 221:13	photo 80:17	plate 85:6 127:6
109:22 110:11	paying 29:2	230:7	physiologist 109:10	play 164:17
	Peel 2:13 9:8	percentage 142:17	pick 156:2 159:8	played 176:14

player 135:22	pointless 222:22	39:17 43:18,18	presentations	209:6
players 224:13	points 19:22 55:14	61:16 79:6 105:22	154:13 156:5	probably 46:8
please 18:19 20:2	87:12 92:16 95:22	153:8,11 165:14	177:13	83:18 84:10 88:11
20:13 21:18 45:12	135:4,20 157:19	236:13,17,21	presented 34:9	94:18 96:9 127:15
45:12,14 50:11	166:2 188:19	237:7	159:18 160:3	128:17,19 137:13
72:11 134:15	193:22 195:6	potentially 46:5	presenting 159:22	159:2 179:15
156:13 158:2	224:22 236:4,12	60:21 63:19 67:17	presents 239:2	184:6 186:8
pleased 94:6	pole 60:8	104:5 120:9 140:2	press 92:18 96:6	194:18 209:1
pleasure 11:17	policy 2:22 4:20	145:17 228:16	pressure 129:16	212:9 216:10
12:1 215:9	23:9 148:9 149:17	236:8 237:13	162:20	226:5 228:22
plenary 15:2	212:20 221:18	pounds 117:9	pretty 5:6 6:1	230:3,16 234:4
plenty 233:7	politely 184:9	137:14 199:22,22	40:18 70:1 72:12	237:16 243:7
PLL 216:5	pollutants 239:8	200:5,11,11	138:5,5,11 152:9	problem 36:12,21
plot 231:20	ponging 243:7	PR 191:4	166:3 182:14	38:6 82:12,13
plume 81:3 101:15	pool 60:4,9	practices 183:6	184:11,14 197:18	127:18 128:5
101:18	poor 87:2 153:2	Pratt 2:8 9:22,22	200:1 208:19	184:1,6 202:4
point 15:8 21:8,12	population 62:19	72:12 73:8	219:5 231:22	223:2 239:9
22:9,17 24:21	62:21 63:4 110:15	Preble 2:9 8:12,13	240:19	242:19
27:7 33:20 34:18	183:9,18	precisely 232:21	prevent 120:14,16	problematic 48:2
37:12 40:20 42:2	porbeagles 30:19	predict 232:8	121:17	131:14
42:6 43:6,10	Porpoise 11:7 12:8	predictability	preventing 120:3	problems 34:14
47:19 51:8,22	port 94:1 95:5,6	152:20	120:18 121:19	97:2 131:19
55:16,18 56:8	portals 94:3	predominance	previous 27:16	146:15 202:2
57:3 58:8 60:3	portion 49:13	215:16 219:12	28:12 103:19	233:11 234:1
64:1,2 67:21	104:13	predominantly	141:12 177:13	process 39:9 40:6
68:19 69:18 71:16	portions 27:4	216:17	previously 98:17	41:2 54:10 55:2
71:17 75:21 76:4	ports 94:18,22 96:2	predominately	117:6 139:17,19	60:6 104:19,21,22
79:7 80:5 91:14	pose 156:8 204:11	192:13,14	177:17 193:16	136:6 146:3 167:8
93:18 96:15,19	position 43:12	predraft 30:4	194:1	172:18 242:21
99:22 100:13	149:18 150:14	preferred 114:9,18	pre-draft 113:8	produced 89:6
102:1,16 105:4,12	154:19,20	116:18,22 118:2	pre-Summit	producing 81:9
106:20 108:11	positive 70:18	119:13 123:15	151:20	product 136:9,14
111:1 146:16	80:19 83:3	136:12 139:5	primarily 27:7	137:9
155:21 156:21	possibility 67:8	preliminary 43:16	157:18 191:2	productive 12:21
165:11 166:3,7,8	possible 15:21	129:12	primary 152:18,22	17:7
169:12,22 170:9	27:19 28:5 40:11	prepared 45:4 96:2	162:2 164:20	products 54:5
173:4 177:3,19	48:9 105:6 116:15	204:5	principles 153:15	104:1
186:5 195:10	208:20 213:13	preparing 97:17	print 173:15	program 15:19
203:18 204:7	possibly 17:7 218:9	presence 100:14,21	printed 125:22	23:18 43:11 61:10
213:8,21 214:10	postcards 46:14	present 1:10 2:1,19	prior 33:4 64:3	108:12 115:5
223:10,22 224:3	47:5	3:10 160:9,15	176:5 194:1	178:21 179:1
225:10 226:13	posted 27:13 98:20	174:18 233:21	priorities 17:2 71:9	214:3 221:6
229:18 234:15	99:2,5 101:12	presentation 24:15	priority 28:10	222:12
235:7 236:7,20	154:10,15	29:12,13 71:22	164:20	programs 44:12
238:8,17 240:7	posting 215:10	73:3 128:16 161:2	private 191:1,4,4	progress 5:4 24:21
pointed 129:4	post-haste 158:2	178:8 224:22	191:21 217:13,20	25:1,6,13 29:18
pointing 110:1	potential 22:12	226:15	proactive 131:10	54:20 104:11

105:18 110:11 121:16 168:18 169:9 200:18 242:6 progressing 68:5 progression 240:8 prohibit 104:4 118:9 prohibited 84:12 84:14 87:4 116:4 prohibiting 118:15 119:7 prohibition 118:22 projections 100:20 promised 94:12 promising 43:17 promote 119:16 promoting 121:7 122:8 proof 212:10 226:9 proportion 234:20 235:4 proposal 52:22 53:3 54:21 56:21 78:6,12 125:5 136:11 222:18 proposals 51:18,20 52:1,10,20 55:8 223:1 propose 211:17 222:10 proposed 11:15 24:20 25:5 39:3 39:13 40:3,5,19 40:22 41:10 46:17 54:2 62:16,18 63:3,7,8 65:7 78:21 79:3,8 113:9 115:1 117:21 122:22 124:1 125:4 140:9 140:17 228:10 proposing 62:21 protect 102:14 118:14 protected 26:14 57:7 115:9	Protection 53:20 protects 80:20 protocols 101:10 103:14 provide 66:2 74:7 121:1 122:3 154:1 174:12,14 212:21 219:20 provided 243:1 providing 153:22 provision 32:7 proxies 15:11 proximity 82:2 proxy 1:20 2:7,13 2:14 6:10 7:7 8:20 9:3,7 172:19 193:10 proxying 187:12 public 15:6,9,12,13 15:19 27:7 41:7 55:7 75:22 93:8 93:10 96:22 99:8 101:16 111:5 114:21 115:3 118:6 121:6 122:7 123:21 157:16 172:4 publicly 98:21 103:4 publish 113:12 published 24:20,22 30:16 32:2 39:3 40:17,21 41:9 54:3 65:7 68:22 75:18 113:9,10 pudding 212:10 Puerto 25:18 pulling 169:15 pure 17:10 37:19 purpose 80:12 96:10 97:7 103:18 115:17 161:10 purposes 165:14 purse 172:9 229:19 230:4 pursue 45:7 224:4 pushing 239:15	put 12:16 55:8 71:12 82:15 87:3 92:15 100:13 120:8 127:6 129:15 130:12 146:17 159:13 180:13 184:9 203:9 210:4 220:20 221:2 226:18 237:12 242:17 putting 35:17 48:15 73:4 88:14 90:1 97:12 puzzle 174:7 P-R-O-C-E-E-D-... 5:1 p.m 15:22 99:3,7	157:12 160:11 162:16 188:22 203:10 204:10,12 206:16 217:8 242:8 243:2 question-and-ans... 13:8 question-mark 211:4 queue 18:16,20 21:2 72:2,4 quick 5:7 92:16 96:5 212:1,3,5 224:22 226:12 238:8 quickly 31:6 42:9 51:17 93:11 139:3 139:13 185:1 208:15 231:1 quiet 22:2 quite 16:16 37:11 51:10 56:12 84:2 95:16 160:7 177:12 181:15 183:19,20 188:11 188:13 197:22 198:6 208:15 212:22 216:6 217:14 231:3,4 235:20 237:13 quota 31:5 38:8 39:4,6,7,10,14,16 40:11 46:4 58:10 77:18 114:11,12 115:20 116:1,6,7 116:8 120:15 123:19 124:1,5 127:9 132:6,13 133:9 140:9,16 141:7,12,18 142:1 142:8,9 145:19,20 162:4,5,9,11 163:4,9,16,16,18 164:8,15,22 165:9 165:10,19 166:2,5 170:2,14,22 171:1 171:7,7,17 173:18	173:19,20 176:6 185:3,4,8,18 186:19,20 187:5 192:10 193:11 203:12,13 207:22 224:3 227:16,20 228:8 237:8 239:22 240:1 quotas 30:14,18 32:4 38:1 44:7 114:7 127:3 131:15 132:3 133:18 142:14 162:4,5 164:11 166:12 169:20,21 170:8,20 172:2,8 172:16 178:15 quota's 136:2 193:12
Q				
quality 150:12 152:6,6 quantity 152:6 quarter 58:4 215:19 quarters 50:18 question 35:3,12 45:10 47:1 55:22 60:12 73:11,13 84:5 89:16,20 90:7 101:2,4 110:4 139:1 144:9 163:3,15 179:17 180:19 182:3 204:21 208:11 210:19 214:16 217:10 221:5 234:17 237:21 242:16 questions 21:4 35:10 37:4,5 71:17,21 73:2 83:16 97:19 99:20 99:22 105:3 106:1 106:11 108:5,17 109:8 123:1 126:8 154:21 156:9	raise 46:2 79:17 81:17 89:16 105:11 raised 45:2 79:22 140:17,18 raises 140:13 raising 242:16 Ralph 2:8 9:22 72:8,11 183:19 204:15 205:11 211:22 ramp 124:18 ramping 101:9 Randy 2:23 97:14 97:15 range 63:10 91:3 177:4,5 178:4 216:3,8 233:16 ranked 154:11 rapidly 162:13 rarely 119:1 ratcheted 131:15 rate 117:16 139:15 206:1,12 207:5 232:18 rates 115:14 117:5			
R				

142:21 189:8,11 189:15 211:15 232:20 234:21 ratio 137:11 rationale 75:3 199:2 235:1 ratios 137:12,17,20 rays 80:17 reach 5:11 43:5 50:2 119:1 239:22 reaches 116:8 reaching 121:8 122:9 reactions 69:16 read 173:11,13 199:11 readily 209:4 reading 75:4 ready 121:5 122:6 real 43:18 96:4 100:3 131:19 151:9 167:5,7 210:19 212:3 236:21 238:7,17 realistic 130:13 209:2 realistically 131:20 reality 223:16 realize 159:1 160:6 236:19 realized 160:11 really 11:10 12:16 13:16 14:9 15:10 16:18 17:4,12,15 17:19 18:7 19:4 19:14,16 25:8 27:5,19,21 34:3 36:7 40:6,11 48:17 68:9 70:18 71:21 72:20 73:13 78:1 83:5 87:7 92:17 93:9 97:2 127:2 130:11 142:10 147:19 148:18 149:6 151:6,12,16 152:9 154:16 157:9	159:19 167:13 170:8,11,14 176:11,14 181:1 182:14 186:6 192:2 195:4 206:22 208:6,14 220:4,6,9 222:5 223:2 224:5 231:18 234:12 239:18 240:15 241:11 242:21,22 realm 225:18 real-time 166:22 167:17 222:13,16 reason 36:5 72:17 183:14 189:2 216:15 220:15 226:9 231:18 reasons 44:4 76:9 145:15 165:3 227:19 reassessed 128:13 reauthorization 54:10 Rebecca 186:12 rebuild 112:19 115:12 rebuilding 29:6 44:8 52:13 161:12 161:13 168:17 169:4,7,12 203:16 recall 26:13 39:5 40:7,17 42:22 49:10 209:2 received 30:5 31:22 34:13 41:2,22 46:13 54:1 118:7 123:1 158:10 receiving 26:22 recognition 149:22 recognizing 69:22 recollection 110:18 recommendation 38:7 39:5 52:18 53:6 56:20 124:6 171:13 194:2 recommendations	17:3 86:13 222:22 recommended 120:13 reconvene 14:21 15:15 156:22 157:3 record 75:5 111:6 170:1 recording 83:14 88:6 89:12 97:10 102:6 103:7 104:10 105:17 108:9 110:10,21 111:14 121:13 126:11 138:19 143:20 146:7 148:4 155:10 156:15 158:5 188:17 190:9 195:13 200:16 211:20 214:14 217:6 224:20 230:22 233:4 236:1 242:4 243:9 records 109:20 recovery 186:1 recreational 2:22 4:20 6:21 8:11,16 8:18 15:18 23:9 47:16 65:14 102:14 117:20 118:1,12 119:4,8 119:11 125:17 127:17,20,21 128:7,9 148:9 149:17,19 150:1,6 150:7,13,15,17,19 150:22 151:10,13 152:2,5,14,20 153:15 162:22 164:6 167:5 168:2 176:21 179:12 191:11 195:17 217:13,19,20 219:21 220:3,8 224:8 237:2,10 238:9 240:5	recreationally 221:14 recruited 240:16 recruiting 240:10 recruitment 110:19 recurring 203:19 red 170:1 197:1 231:20 redress 181:4 reds 178:1 reduce 113:18 119:4 208:1 reduced 63:10 144:17 164:2 165:21 219:15 reducing 202:13 reduction 11:3,5,9 12:6,7,8 43:19,20 61:10 120:13 180:14,20 186:1,9 186:10 200:19 201:6,9,22 202:10 202:15 207:17 reductions 121:1 122:2 184:10 reef 58:17 reel 215:2 reevaluation 114:22 refer 113:22 referencing 190:21 referring 47:6 refine 160:21 174:16 refined 19:10 reflect 76:16 100:18 reflecting 178:2 reflects 223:20 reg 40:4 65:6 78:21 regard 145:3 204:22 207:1 209:17 237:17 regarding 89:21 123:1 124:14 188:8 241:3,5 regards 86:11	127:22 146:14 232:6 237:21 region 97:18 132:15,17 133:13 227:1 regional 64:9 97:16 98:4 168:9 182:6 regions 58:3 132:14 150:16 register 26:17 54:11 55:6 registered 48:20,21 registration 66:4 regs 32:11 162:2 regular 90:18 125:21 200:1 201:1 202:13 regulation 40:14 78:10 163:10 regulations 40:12 74:3 93:22 113:19 113:19 163:5,6 170:10 regulatory 32:15 63:13 65:5 104:18 144:7 208:5 212:16 reiterate 236:3 related 41:3,4 66:17 98:12 relates 168:7 relations 93:8 relationship 149:22 relative 51:4 119:21 120:9 166:11 169:20 207:21 238:9 relatively 61:12 167:20 189:14 193:11 208:8 214:1 relaying 151:7 release 26:14 42:7 53:3 57:8 59:14 92:18 96:7 119:17 121:7 122:8 released 25:10
--	--	---	--	---

27:13 29:17 51:1 51:1 98:3 113:8 releasing 215:2 relevant 153:17 174:12 195:5 relief 212:21 remain 100:9 remainder 39:19 remained 93:3 remains 34:4 48:1 199:15 remark 208:3 remedy 38:20 remember 30:14 88:11 111:3 162:7 238:19 243:5 removed 194:5 removing 67:8 renegotiated 52:8 renegotiation 52:19 renew 64:16 reopening 103:16 rep 7:12 9:21 repeat 19:1 89:19 107:12 141:3 repetitive 102:8 report 4:20 15:1 50:1 51:7 81:1 92:6 122:15 154:13 187:16 reported 48:9 221:15 reporting 48:4,7 59:11 67:14,16 166:19,20 222:1 reports 15:3 188:14 215:11 representation 153:16 representative 175:18 representing 7:19 8:7 represents 199:5 reprieve 102:21 request 33:15 65:5	66:4 67:5 126:1 162:7 219:20 requested 53:9 65:15 123:8,12 requests 41:20 49:21 104:12 170:9 173:16 174:15 193:5 require 53:3 58:5,9 58:13 174:21 208:7 212:19 required 125:1 requirement 59:16 66:22 124:15,16 207:13 212:17 requirements 42:13,16 56:13,16 67:6 122:15 124:20 requires 125:2 requiring 59:16 research 2:15,16 24:8 26:7 30:20 30:21 31:19,22 43:14 49:9,16 58:11 62:13 65:11 66:11,13 161:5 213:12 resembles 198:8 reserve 2:16 39:16 165:13 resource 10:22 152:19 153:5,7 204:9 resources 2:4 42:4 71:10,12 respect 22:3 109:14 231:1 232:11 respond 160:18 173:16 221:8 response 23:4 75:3 75:6 82:21 157:14 206:22 238:17 responsibility 207:7 responsive 174:15 rest 28:18 36:11	37:6,13 73:2,6 196:22 restoration 28:4 restriction 114:14 116:17 restrictions 40:13 120:7 restrooms 20:9 result 104:14 117:15 139:6 144:10,16 180:15 229:21 resulted 75:7 114:22 resulting 164:11 192:19 results 43:16 50:12 117:11 119:6 128:17,19 129:12 145:14,21 146:14 150:4,5 154:10 198:17 202:7 retain 78:8 retained 236:18 retargeting 177:8 retention 41:12,16 117:22 118:4,9,15 119:8 174:4,5,8 174:11 176:2,8,14 retired 24:1 retrospective 110:5 return 54:21 returning 15:14 review 106:19 107:4 128:21 reviewed 106:14 reviewing 28:17 40:11 revise 106:14 revisit 160:9 revisiting 68:22 154:3 160:17 203:17 revitalization 74:14 77:14 revitalize 44:8 re-clean 138:1	re-cut 138:1 re-examined 131:3 re-look 138:4 re-looked 141:19 Rhode 1:12 8:10 Rich 9:9 21:20 45:10 96:5 180:6 188:18 194:7 204:12,20 211:21 227:5 228:6 RICHARD 2:10,15 Richgreis 87:12 Rick 1:12 7:15 8:9 Rico 25:18 ridiculously 181:6 right 8:22 10:5,11 11:2 20:10 22:15 23:5 28:17 37:2 47:10 50:8 56:7 60:21 68:18 69:8 72:1,8 79:7 81:20 84:2 92:14 94:15 95:11 96:18 97:21 103:4 107:8 108:5 108:14 109:9 111:10 118:20 129:10 133:10 134:1,6,11,21 135:8 144:3 148:1 148:10,20 179:2,6 181:9 182:3 184:11 193:11,16 193:18 197:20 200:2 204:17,21 209:22 212:4,11 214:11 220:17 223:6,15 226:7 229:10 231:2 232:7,12 233:1 239:13 241:1,9 Rilling 23:16 river 82:1 ROBERT 1:25 rock-solid 214:3 rod-and-reel 236:14 role 17:4 72:14	176:14 203:15,16 rollover 179:12 230:7,12 Rom 2:7 9:3 187:12 Ron 9:16 72:8 73:10 179:4,16,19 191:7 220:20 221:5 RONALD 1:14 Rooker 226:13 238:18 room 6:9 10:6,16 18:12 20:4 146:10 155:19 179:5 220:1,11 roughly 131:8 rounded 235:17 roundscale 49:2 routinely 162:4,6 Ruais 2:10 9:9,9 21:22 45:11,17,20 91:9 143:21 144:4 146:1 180:7 182:19 204:16 ruin 229:12 rule 25:12 27:4 29:17 30:16 32:2 32:3 33:4,19 34:8 37:19 38:21 39:3 39:8,21 40:3,5 41:10 42:5,7 46:17 58:17 62:16 62:18 63:3,8,22 65:7 68:21 75:2 77:9,9 78:21 79:3 79:8 98:13,18 100:17 103:19 113:9,12,14 122:22 126:18 127:12 rulemaking 25:5 40:22 53:21 54:3 71:10 104:22 123:3,6 145:11 rules 11:16 16:9,13 21:4 24:20,22 45:12 60:20 75:1
---	---	---	--	---

75:14 196:7 208:17 227:10 228:10 run 14:14 24:18 39:8 41:13 57:6 82:14 92:9 98:1 98:11 181:8 Russ 2:22 23:8 96:5 96:8 97:8 148:6 148:14 149:9 158:15 168:3 Russell 1:25 14:5 Russ's 102:12 Rusty 6:14,16 60:11 83:15 126:12 132:5 146:8 Rutgers 232:12 238:18	129:1 201:5,19,22 205:3 219:13 225:4 saying 31:14 109:17 182:5 189:3 232:21 scale 189:5 scenes 92:9 schedule 42:6 65:4 85:16,17 87:20 scheduled 21:10 scheme 52:16 school 1:13 171:11 171:14,15,22 175:10,11,22 176:3,10 192:3,4 192:13,15,15 schools 175:22 206:3 school/small 171:12 192:9 SCHULZE-HAU... 2:19 5:3 10:5 21:6 22:18 23:5 35:1,8,11,14 36:4 36:17 37:2,16 45:15,19 47:3,12 55:2 56:5 60:18 61:6 73:1 74:20 78:2,14 79:13 85:11 87:11 88:21 90:16 97:11 104:11 110:22 121:15 132:12 133:2 135:2 139:12 143:2,12 143:16 144:3 145:12 148:5,12 149:12 155:11 158:8 178:19 179:18 190:10 195:2 203:6 208:2 208:22 210:18 211:1 217:22 220:19 233:5 235:6 242:10,13 Schwab 14:3	science 1:19 2:21 7:18 17:10 23:19 114:21 124:2 129:14 135:4 207:14 225:19 Sciences 1:13 scientific 26:7 161:3 scientifically 182:22 scientist 233:21 scientists 92:11 182:3,4 188:20 189:4 209:5 212:7 scope 223:2 scoping 113:7 Scott 3:12 5:18 10:13 11:19 12:4 12:6 16:17 17:4 18:3 screen 82:15 159:14 190:16 210:4 SCRS 182:22 225:10 scrutiny 56:10 sea 33:9 51:5 62:15 67:9 88:9 111:11 135:5 136:6 145:3 seafood 103:22 Sean 2:4 8:2 season 30:14,16,17 42:22 48:18 60:15 81:21 124:12 167:6 185:13,16 198:17 202:22 228:5 230:10,13 236:10,10 237:9 237:13 239:18 seasons 176:9,10 237:5 second 83:21 84:9 89:1 149:5 156:12 177:2 213:8 226:12 secondly 216:4 Secretary 103:2	section 50:8 SEDAR 60:4,6,8 83:22 84:4,10 85:5,7,9,15 86:18 87:13,14 128:3,11 144:2,8,22 146:14 see 16:1 20:21 21:20 24:11 27:16 38:5 47:18 51:3 72:7,12,14 74:2 74:12 76:22 78:9 82:7 86:16 98:7 102:10 106:18 107:6 115:18 124:10 126:4 127:13 135:2 137:6 140:16 143:7 162:22 168:20 169:5,11 170:7,13,20 171:8 171:18,21 172:15 173:2,6 175:9,15 175:21 177:22 178:5 179:2,7 186:19 190:16 192:16 195:21 196:1,10,13 197:5 197:17 198:6 199:7,14,19 200:4 200:9 201:13 202:8 206:12 211:16 213:11,15 213:19 214:5 215:20 216:6 217:2 218:1 219:11 223:8,13 225:6 233:9 235:12 236:16 seeing 20:22 27:14 60:7 67:15 130:20 146:18 152:13 164:8,13 169:8 172:4 175:17 187:2 188:1,9 191:14 195:14 211:12 226:14 236:5	seen 43:19 57:5 62:3 82:4,12 89:8 133:15 147:13 161:21 163:12 176:20 183:3 191:22 215:7,15 215:22 segment 63:4 segments 62:20 seine 172:9 229:19 230:4 selectively 115:6 141:9 sending 98:4 125:13 158:17 221:19 222:5 sense 88:3 198:9,13 232:4 sensitive 102:13 sent 98:6 105:2 separate 127:3 155:22 178:20 194:15 separately 175:14 September 24:17 49:22 88:3 128:14 147:2 169:10 232:10 series 12:11 13:20 168:21 169:3 240:9 242:7 serious 227:6 Service 28:6 55:4 55:15 129:13 222:11 Service/NMFS 62:17 session 72:15 89:21 140:7 159:4 sessions 18:5 69:19 69:22 70:11 77:2 156:6,21 set 96:2 115:19 120:15 157:8 161:8 175:12 176:8 203:10 206:16 237:4
S				
Sachs 131:19 safety 27:8 103:21 Salz 179:4 sample 201:15,16 232:13 samples 180:2,3 186:14 231:8,11 231:13,14 232:14 232:16 233:2 234:19,19 235:1 sampling 103:17 227:3 232:15 233:11,11 234:12 238:20 Sampson 2:11 6:19 6:19 sandbar 83:22 131:1,4 Sapp 2:12 8:6,6 Sari 24:1 SAS 129:1 satellites 28:3 save 82:8 138:21 143:10 saved 35:6 83:3 saw 81:1 116:10				

sets 49:16 50:1,2 201:5	130:19,21 131:1 137:2 139:16	226:6	180:2,2 191:12	210:15 219:10
setting 70:16	141:21 145:9	sidebars 76:15	192:13 195:15,20	231:6,9,11 238:22
settle 95:11	147:12	sides 125:19	195:20 196:18	239:2 240:10,21
set-aside 42:15 194:3	sharpnose 115:22 129:8 146:11	sign 111:5	197:3,19,20,22	241:5,6
seven 63:2 127:13 225:21 241:22	sheets 111:3	signal 110:18	198:3 200:7	smaller 117:12
seven-foot 197:13	shell 53:2	signatures 239:5,7	201:15,16 214:16	139:21 163:18
severely 240:2	shenanigans 133:16	signed 98:8	216:2,14 218:6	175:22 216:1
shadowbox 193:17	shift 178:2 192:16 193:1 207:6	significant 184:12 184:15 187:6	231:17 232:19	217:3 231:17
Shana 2:5 211:22	shifting 192:14	201:12,14,17,21	235:7 236:4,8,9	235:13
share 27:15 44:12 50:14 51:7 79:18	shore 81:15,16 94:16	202:1,6,9 215:7	236:16,19 240:8	smarter 205:22
82:19 108:4	shoreline 80:21	significantly 63:10 172:1	240:17	smooth 29:9
148:14 151:15	short 29:8 102:15 222:3	sign-in 111:3	sized 162:15	112:14,21 113:20
161:2 164:19	shortfin 52:22 59:14 112:8,20	Silver 23:19 111:17	sizes 177:6 232:14	114:1,2 122:19
204:1	119:10,16,17,20	similar 76:21 104:18 189:15	skeptical 226:15	123:2,6,10,13,17
shares 45:6 131:14 153:4 214:5,7,8	120:4,14,21 121:3	190:1 191:21	skipping 169:17	125:6 127:10
shark 1:18,25 6:17 7:3 14:12,21	121:7,22 122:5,8	192:21 234:14	slated 41:19	134:15,16 135:13
25:11 26:15 29:5	short-term 102:21	similarly 107:20 173:5	slick 80:5,15 93:21	137:11
29:15 31:16 51:20	shot 71:4	simple 142:20	slicks 83:4	smoothhound 29:9
51:22 52:9,20	show 168:11 178:10 198:12	simply 183:9 213:6 223:4,10,21	slide 35:16 45:14 45:16,18 46:21	121:11 122:12,20
55:19 57:8 59:3	showed 106:19 116:10 216:9	single 55:12 174:15 192:11 242:18	57:5 70:8 134:14	122:21 127:11
64:20 65:2 69:19	showing 186:14 187:16 196:4	site 65:20 81:22	139:1 161:7	134:16
83:15 84:10 86:7	198:11 200:10	sites 93:20 94:22 96:3	168:10 177:11	smoothhounds
86:12 113:15	217:11 232:22	sitting 6:11 205:12	203:7 233:22	113:21,22 114:2,3
114:16 115:6	239:5 240:14	situation 96:12 106:6 107:12,19	slides 60:1 159:5,8 159:12 161:7	135:14
116:4 118:18	shown 196:9 216:5 216:7 223:5	107:20 109:16	190:15 195:8	smoothhound/sh...
125:17 126:13	235:10,11,16	228:16	225:1	113:21
127:3 128:6	shows 191:13 195:20 197:15	situations 36:19 87:2 105:8	slight 52:15	socioeconomic
130:10 133:17	shrimp 79:20,21 81:12,17 129:2,18	six 12:11 14:14 31:3 61:21 143:9	slightly 14:18 49:20 171:1 172:7	152:11,16
136:7,18 137:3	144:11,15	six-foot 197:13,20	slow 136:22 169:9	socioeconomics
138:12 146:9	Shulze-Haugen 6:7	six-hour 99:4	slowed 26:3 106:11	152:15
155:18 156:19	shut 133:9 220:5	size 36:9 117:7,13 118:4,19,20 119:1	slower 29:22	sole 75:22
157:22	shuts 133:15	119:3 127:17,22	small 80:13 81:4 105:5 113:14	solely 33:22,22
sharks 29:7 30:13 60:4 85:10,12,19	side 28:7 84:20	139:18 164:3,6	114:11 115:1,19	34:2 76:4
112:5,8,20,21		166:15 168:12	116:7,13 118:5	solution 228:21
114:7 115:8,14		171:15 175:5,8,10	127:3 132:4,4,6	solutions 71:9
116:21 117:5,7,13		175:16 178:3	132:13 133:9,14	153:8,11,13
117:17,21,22			140:9 141:6,14,18	somebody 22:11
118:10,20,21			142:1,9 145:19	94:7 95:22 109:10
119:5,17,20 121:3			171:22 175:11	133:13 214:6
122:4 130:17,18			186:15 189:15	someplace 162:17
			192:4,14,15 196:3	somewhat 221:4
			201:15 205:3,6	song 149:3
			206:2 208:8	Sonja 1:18 7:2
				Sonya 138:20
				soon 40:1 65:12
				89:10 155:3
				167:20 186:17

193:11 211:12 213:13 240:21 soonest 207:13 sorry 45:12 56:21 96:4 102:7 111:12 139:12 157:2 209:8 sort 19:9,18 58:9 72:19 108:22 145:5 150:19 151:21 152:4 154:6 165:10 198:13 224:5,7 source 75:22 80:5 191:9 sources 135:3 187:14 south 1:14 2:3,6 7:15 8:4 32:5 38:2,7,16 52:19 102:10 116:20,20 129:16,22 144:14 172:14 178:15,22 189:12 Southeast 1:14 2:21 64:9 97:16 98:4,5 114:21 124:1 135:4 southeastern 2:2 7:22 102:11,11 southerly 27:17 southern 46:4 79:21 104:13 129:2 Southward 2:24 111:16 so-called 107:7 space-limited 174:1 span 135:5 spatial 153:6 spawning 42:21 43:3 81:21 82:2 91:1 107:10 168:17 202:22 216:14 speak 36:18 96:9	105:14 speaker 121:16 speaking 131:8 202:17 spearfish 49:2 special 189:5 specialize 10:21 specie 84:11 species 1:6 2:20,25 26:14 51:15,20 54:22 57:1,7 60:5 69:17 81:7,16 84:12,14 85:8,18 85:19 86:14,19 87:4 111:17 113:16 115:7,9 118:14 120:3 122:17 125:3 141:10,14 142:3 180:18 203:1,4 232:2,5 specific 45:2 47:3 89:19 90:21 153:22 228:2 specifically 27:11 66:19 71:8 123:8 123:12 124:15 specifications 32:3 37:19 40:9 78:17 172:18 specify 113:2 125:2 specs 37:18 39:3 40:18 41:2 160:14 spectrum 44:11 speeches 154:12 spend 28:22 29:10 37:11 73:17 75:17 spending 199:17 200:5 spent 74:22 82:9 206:6 spike 175:21 197:19 spikes 197:5,15 spill 22:6,13,14 24:17 27:4 31:4 42:2 43:6 79:18	80:4 84:19 89:15 90:9 93:5 97:17 104:15 105:22 106:9,17,22 107:8 107:11,16 108:14 109:19 110:7,14 208:16 spills 108:18 spiny 113:18 spirit 13:16 spoke 94:11,11 spoken 204:18 sport-recreational 237:5 spot 73:4 97:13 155:4 174:2 220:20 spotter 241:18 spread 57:11 237:20 spreading 90:10 spring 23:19 40:7 111:17 128:15 155:5 216:1 squares 196:7,8,9 196:17 squid 44:18 67:1 SRS 231:4 SSA 129:2 staff 2:19 11:11 96:1 stage 203:10 stages 125:6 134:14 134:15,20 135:17 stakeholders 123:4 standalone 178:17 standard 124:3 standards 32:19 54:6 standpoint 166:6 223:18 stand-alone 178:11 Stark 2:13 9:6,6 start 6:14,15 14:20 83:9 86:17 114:6 156:6 159:4 171:3 171:8 199:12,17	199:21 200:5,10 207:16 211:6,16 started 14:17 40:6 111:2 160:10,22 162:22 173:22 175:20 starting 48:18 129:21 163:21 170:6,11,14 193:19 starts 199:18 starve 131:13 state 6:9 31:12,13 118:10 133:13 136:3 178:20 191:12 stated 118:10 statement 63:14 88:12 111:20 114:9 126:3 statements 63:8 states 31:11,14 38:10 53:8 54:6 58:20 118:8,11,17 119:2 136:4 177:20 178:1 state-by-state 133:22 static 173:8 statistical 201:11 statistically 50:4 201:21 202:9,17 status 62:15 120:18 121:19 122:16 145:9 169:13 177:11 stay 18:19 20:7 156:17 157:22 164:21 staying 156:20 170:2 steadfast 138:5 steamboat 32:8 Stellwagen 1:17 9:13 step 12:21 20:5 70:2 205:6	Steve 8:15 204:13 241:4,13 STEVEN 2:1 Stevens 125:2 Steve's 238:8 stick 17:13 59:22 61:7 62:5,10 207:12 stock 60:5 110:16 112:4 119:6 120:11 122:16 140:22 142:12 144:12 145:13 162:19 168:17 169:13,14 177:10 184:7 186:18 216:16,21 223:11 223:16,17 231:21 231:22 232:9 stockpile 170:18 stocks 87:2 146:19 232:1,4 stop 235:21 story 174:10 176:16 stouter 129:10 straddling 236:9 237:1 straight 200:12 strained 150:2 Strategic 150:7 streamlined 32:20 stressing 40:9 stretch 36:10 stretched 36:7 167:13 strong 40:10 46:10 176:14 strongly 181:17 structure 12:17 44:10 75:10 86:9 213:9 214:2 243:3 studies 189:22 190:3 196:16 study 59:22 135:6 186:14 198:16 199:3 226:13
---	---	--	--	--

227:2 232:12,14 232:17 233:2 238:10,18,19 stuff 133:5 134:10 147:17 195:5 218:3 238:15 subcategory 192:11 Subcommittee 150:20,20 submit 54:8 55:3 subquotas 165:5 substantial 45:21 120:6 212:21 substantially 144:17 164:2 sub-quota 41:13 success 214:22 229:21 successful 85:17 164:6,7 239:11 suck 94:3 sudden 140:10 225:12 sufficient 39:14 suggested 30:9 75:8 suggesting 204:9 suggestion 26:19 74:10 221:3 suggestions 13:10 64:3,6 66:10,17 70:19 71:8 75:12 76:6 78:15 Suites 130:1 Sulikowski 2:14 7:5,6 summarize 17:22 113:16 summarized 196:4 summary 50:13 111:22 159:8 202:11 summer 25:4 41:6 49:1 62:2 summertime 188:4 188:13	summer/fall 236:10 Summit 150:6,22 151:3 154:7,9 sunk 212:12 sunset 32:7 support 180:21 supported 51:19 supportive 30:6 supposed 58:21 88:13 167:10 sure 12:19 17:13,19 19:17 27:10 28:19 35:14 43:9 47:21 62:7 70:9 71:2 88:11 92:19 109:8 109:11,12 128:20 157:10 178:6 179:11,22 182:13 183:19,20 189:13 221:17 225:13 228:3 236:6 239:19 surface 80:3,4,14 81:11 102:1 106:4 106:5,18 107:3 108:21 109:3 surprise 216:12 surprised 68:10,15 69:5,6 90:19 216:6 233:9 surprises 68:2 73:12,14 84:17 138:15 surprising 86:2 surprisingly 80:11 SURs 189:18 survey 107:17 151:20 154:10 162:22 167:9,15 175:2 176:21 177:6,15 178:21 179:2 211:11 223:16,17 surveyor 170:5 suspended 81:7 sustainability	112:21 Sustainable 6:18 swim 100:8 135:18 swing 140:9 switch 103:10 230:13 switching 213:3 sword 9:5 64:19 65:2 swordfish 1:14 2:6 4:15 9:17 15:5 32:1,5,18,19 37:8 37:17 38:3,8 41:4 44:9 47:17 51:3 52:7,18 53:21 65:19 66:21,21 74:13 77:13 85:14 168:7 209:15,22 210:6,13 213:15 swordfish/South 52:7 sync 64:14 65:1 system 48:4,7 59:11,15 61:9 166:18,20 167:4 179:15 211:11 221:19 systems 67:20 166:19	12:6,7,8 15:5,16 15:16 20:4 22:21 44:2 50:11 54:7 58:17 64:22 69:11 88:12 119:14 126:8 129:3,5 148:6,22 155:16 156:9 158:20 162:11 187:22 204:17 206:22 207:7 208:4 215:9 222:11 taken 93:16 97:5 130:16 131:1 162:9 186:2 232:16 takes 120:21 121:22 128:21 131:7 talk 5:5,9,14 12:18 21:12 22:22 28:21 31:8 32:18 34:18 37:10 44:22 46:8 49:6 51:16 70:5,6 70:15 71:5 74:14 75:14 77:18 79:1 79:6,11 87:16,22 96:9 140:6 151:15 155:7 156:11 159:10 193:2 204:6 221:1 225:1 225:6 230:14 243:3 talked 19:14 35:16 41:8 44:3 77:13 101:16 139:2,2 228:6 talking 5:12 19:19 22:10 23:1,10 46:13,19 66:15 76:18 96:6 106:18 114:2 126:17 143:8 190:17 200:20,21 203:11 203:20 214:6 216:13 219:9 228:3	tallied 237:3,6,11 238:1 tallies 237:4 tally 194:4,10 tap 179:6 Tape 5:2 54:18,19 99:11 121:14,15 158:11 200:17 242:5 Tar 1:23 target 42:12,16 43:1 67:6 115:6 141:10 209:14 targeted 70:5 targeting 191:2 192:3,6 taught 109:10 taxonomic 122:18 team 11:5,8,9 12:8 12:9,10 19:16 242:7 teams 11:3,7 12:7 technical 92:7 Technology 23:20 teeny-tiny 177:21 tell 74:6 86:20 97:4 106:13 107:15 109:11 137:4 147:11 151:16 176:16 210:21 216:20 229:9 telling 75:17 104:16 127:21 189:4 192:5 229:16 tells 184:17 temporarily 230:13 tend 62:4 tent 20:20 tentative 87:21 tentatively 84:9 term 68:2 102:15 152:9 termed 40:4 terms 13:18 33:12 91:2,4 105:15 145:3 166:18
T				
	table 17:20 130:12 153:4 180:13 181:10 205:12 tabled 53:3 tables 10:7 TAC 120:12,22 122:1 tack 194:7 tackle 157:9 TACs 184:8 tagged 108:12 tagging 235:10 Tag-a 108:11 Tag-A-Giant 2:5 tail 67:9 take 5:19 11:3,5,9			

183:2 192:3	67:13 71:7 73:18	181:6 184:13	167:2 176:6	111:22 113:6
207:19,20 213:22	73:19 75:11 76:5	186:13,18 190:18	196:21 204:11	162:14 163:12
228:2	76:6,9 77:7,14	191:17 203:5	214:18 233:6	168:19
test 108:20 202:20	78:20 79:4,5 86:5	204:3,10 206:17	three-week 176:10	timeline 25:22
203:3	96:21 99:16	207:9 208:18	three-year 57:9	29:20
tested 33:6 80:11	148:15 159:9,10	209:1,4 210:18	88:12,20 237:22	timeliness 152:7
testing 101:4,7	163:14 164:16,20	213:1,1 215:14,19	thresher 52:10	times 17:12 49:20
Texas 94:18	165:2 167:14	216:9 219:14	throat 181:11	76:14 105:1
thank 21:22 22:1	169:15 171:3	220:8,15 221:1,12	throw 69:4	127:13 140:12
22:16 35:4 55:20	173:9 175:18,20	226:1,2 227:2	throwing 130:9	161:14 164:7
72:10 79:16 83:12	176:17 177:1,9	228:9,12,21 229:2	Thursday 14:6	171:20 185:12
87:19 91:9 101:14	178:6 203:17	229:5,6,14 230:20	15:15 21:11 49:7	214:2 221:18
138:17,20 139:11	208:14 217:9	233:10,22 237:14	149:4	226:19
149:12 158:16	225:15 227:14	238:14 240:3,22	ticket 222:4	timing 16:5
178:7 180:7 187:8	228:4 234:2	242:14,19 243:1,3	tied 229:10	Timmy 102:11
187:10 190:6	think 5:4,7,19 6:5	thinking 17:2	Tim 2:6 9:4	tiny 128:6
204:19 221:8	13:12 14:14 16:14	18:22 19:11 67:3	time 5:10 17:14	tired 214:10
224:18 242:2	19:2 22:5,22 24:3	68:7 70:2 77:4	21:12 22:9,21	today 12:2 21:9
thankfully 108:18	26:4,18 27:17	86:3 195:3,7	23:2 24:4 26:4	35:18 98:13 99:7
thanks 11:19 61:5	30:2,2,10 31:4,7	thinks 82:20	28:22 29:11 31:15	107:13 148:7
126:9 155:8 158:3	34:7 36:4 37:8,10	Third 227:4	37:7,11 47:13	159:4 161:9
180:5 241:2	38:9 41:19 42:2	thirds 13:6	48:8 49:17 53:9	180:11,13
theme 203:19	43:9 47:6,13	THOMAS 1:17	59:5,6,6 61:3	toggle 103:10
themes 18:1 151:21	48:18 50:1 51:12	thought 52:21	64:22 65:1,11	told 61:2 131:6
152:18	55:17 56:6 65:17	61:11 69:1,10	69:7,11 73:18,19	194:6 227:7
they'd 137:16	66:8 68:3,9 72:6,7	70:17 74:18 76:10	74:22 75:17 81:13	Tom 9:12 72:10
220:5 239:6	74:12,21 76:17	76:22 93:16	84:13 86:6 88:8	183:22 222:19
thick 130:21,21	77:1,8,19 81:1	129:15 148:5	89:6 91:14 95:16	tomorrow 14:20
215:8	85:20,20 86:5,6	153:21 155:17	99:4,4,5,13	74:15 106:8 157:1
thing 19:1 20:15	87:15,16 88:2,3	159:3 161:5	101:10 102:1	157:3,3 180:10
22:4 27:9 31:17	88:22 97:6,18	173:10 174:12	103:17 104:17	220:21 228:4
69:3 84:6 85:3	99:19 101:8 102:8	180:22 209:9	107:16,21 124:13	233:8
110:22 111:1	102:16 105:4,7,20	238:5	124:19 128:14	tonight 14:16
113:17 116:5	125:21 127:5	thoughtful 69:21	131:9 138:2 147:1	220:21
135:21 136:1	130:11 135:16	thoughts 17:20	149:10 156:7,9	tonnage 164:11,12
142:4 166:21	136:13 138:7	154:22 203:22	157:8 158:13,18	219:12 239:14
184:22 185:21,21	139:2 140:14	210:17	158:20 160:2	tons 39:7,12 114:12
189:16,17 207:11	144:13 146:21,22	thousand 101:18	162:21 163:2	116:1 123:20
210:1,5 212:14	147:19 148:10,12	137:22	167:5,7 168:13,21	124:7 127:15
218:12 221:10	148:14 151:10	thousands 137:13	169:3 172:20	132:14,16,20
224:14,17 225:11	152:1,17 155:20	147:12	181:2,19 182:17	134:4 140:10,13
226:4 238:7 240:6	156:11 159:6,11	threatened 62:22	183:1 187:11	141:7 163:19
things 24:16,18	159:15,22 165:15	63:1	191:17 212:2,3,4	184:13,14 186:4,9
26:20,20 28:7	166:3 172:2	three 24:20 25:1	214:5 215:4 220:2	189:19 194:5
33:13,18 37:22	173:12 174:14	32:20 33:4 38:9	224:3 230:18	230:2,3,10
41:5 58:15 62:8	175:3 176:9 177:3	41:12 49:16 92:22	238:2 239:4,7	toolbox 167:1
65:8 66:14,18	177:6,11 179:2	95:22 137:14	timeframe 89:7	top 35:19 36:15

topic 73:9	183:7	138:8 154:8	26:13 32:21 41:17	220:7 224:11
total 26:12 48:12 179:10 196:14,15 198:21 201:7	trawlers 67:1	155:13 156:8	42:19 49:17 57:6	understandable 160:8
totally 205:10	trawling 129:6 206:7	161:8 162:20	60:16,22 62:22	understanding 56:2 60:19 77:22 100:14 103:15 152:14 174:20 220:12
touch 67:22 69:14 75:10 112:14 141:6 151:2 153:12 154:17 226:12	tremendous 219:7	173:15 174:1,11 174:14,19 177:16	64:7,18 83:16,18 92:16 102:21 106:9,10 124:2 164:7 171:11,14 173:13 176:9 178:15 180:9	understands 183:22
touched 116:16 228:6	trend 47:17 177:14	195:4 203:2,9 226:3	183:5,6,11 190:2 198:18 210:2 212:5 217:9,15 224:10 227:9,12 227:18 229:22 232:1,4 236:15 238:3,4,5 239:21	underwater 101:15 101:18
touching 22:19 47:16 153:18	trends 161:20 163:1 191:13	Tuesday 1:8	two-day 213:10	underway 60:1 65:9 66:15
tournament 66:2 221:6	tried 40:22 75:10 146:16 159:7,22	tug 224:9	two-year-old 231:7	under-harvest 38:11 183:2
tournaments 26:17 48:21 121:8 122:9	trip 188:9 191:1 215:1	tuna 2:17 7:13 9:10 10:1 39:2 42:10 44:16 45:17,19 62:4 64:8 65:2 67:8 72:16,22 81:19 82:17 91:1 106:15,22 107:5 108:3 109:9,15,18 109:21 110:15,16 157:22 161:12 184:3,17,18 189:2 189:20 190:22 191:2 192:4 195:16 196:6,14 198:14 200:2,19 201:10,18 202:14 202:16,18,21 207:18 209:15,18 213:13,17 214:3,7 215:8,13 219:21 220:7 221:14	type 33:20 46:19 47:4 80:17 92:20 208:17	under-harvests 32:4 38:1,16 165:17
town 130:1	triple 66:22	189:20 190:22 191:2 192:4 195:16 196:6,14 198:14 200:2,19 201:10,18 202:14 202:16,18,21 207:18 209:15,18 213:13,17 214:3,7 215:8,13 219:21 220:7 221:14	typically 16:13 89:5,6 192:10	unfair 229:3 242:20
toxic 81:5,9,10 90:3	trips 50:14 61:21 96:14,17 187:19 190:22 191:11 192:3 215:1	191:2 192:4 195:16 196:6,14 198:14 200:2,19 201:10,18 202:14 202:16,18,21 207:18 209:15,18 213:13,17 214:3,7 215:8,13 219:21 220:7 221:14	U	unfamiliarity 187:13
toxicity 80:9,9	trouble 173:14 241:12	191:2 192:4 195:16 196:6,14 198:14 200:2,19 201:10,18 202:14 202:16,18,21 207:18 209:15,18 213:13,17 214:3,7 215:8,13 219:21 220:7 221:14	ultimate 200:14	unhappy 70:22
track 17:8 27:6 82:7 108:15 110:2 170:1	true 18:2 106:2 109:2 148:17 189:3 209:1 234:4	191:2 192:4 195:16 196:6,14 198:14 200:2,19 201:10,18 202:14 202:16,18,21 207:18 209:15,18 213:13,17 214:3,7 215:8,13 219:21 220:7 221:14	ultimately 36:21	unintended 68:14 68:17
tracked 109:15	truly 216:21	191:2 192:4 195:16 196:6,14 198:14 200:2,19 201:10,18 202:14 202:16,18,21 207:18 209:15,18 213:13,17 214:3,7 215:8,13 219:21 220:7 221:14	unaffected 51:22 104:2	Union 56:22
tracking 57:2 179:14	trust 16:15 79:13 241:10	191:2 192:4 195:16 196:6,14 198:14 200:2,19 201:10,18 202:14 202:16,18,21 207:18 209:15,18 213:13,17 214:3,7 215:8,13 219:21 220:7 221:14	unaware 34:8	unique 30:7
trade 1:18 51:14,21 55:12 56:9 59:15	trusting 152:4	191:2 192:4 195:16 196:6,14 198:14 200:2,19 201:10,18 202:14 202:16,18,21 207:18 209:15,18 213:13,17 214:3,7 215:8,13 219:21 220:7 221:14	uncertainties 233:16	unit 49:5 123:10 197:12
trade-off 83:2	try 13:17 17:12 19:4,7,20 21:1 57:18,21 58:3 64:4 70:3 75:13 75:19 77:8 78:3 83:17 91:6,16 92:10 97:22 103:21 160:9 173:14 181:4,21 182:9 190:10 223:4 238:16 242:15	191:2 192:4 195:16 196:6,14 198:14 200:2,19 201:10,18 202:14 202:16,18,21 207:18 209:15,18 213:13,17 214:3,7 215:8,13 219:21 220:7 221:14	uncertainty 140:14	United 38:10 53:7 54:6
traditional 183:5 240:11	truly 216:21	191:2 192:4 195:16 196:6,14 198:14 200:2,19 201:10,18 202:14 202:16,18,21 207:18 209:15,18 213:13,17 214:3,7 215:8,13 219:21 220:7 221:14	underages 180:17 183:15	units 29:10
traditionally 214:18	trust 16:15 79:13 241:10	191:2 192:4 195:16 196:6,14 198:14 200:2,19 201:10,18 202:14 202:16,18,21 207:18 209:15,18 213:13,17 214:3,7 215:8,13 219:21 220:7 221:14	underlying 18:8 164:18	University 2:2 7:6 7:22 9:1
train 12:2	trusting 152:4	191:2 192:4 195:16 196:6,14 198:14 200:2,19 201:10,18 202:14 202:16,18,21 207:18 209:15,18 213:13,17 214:3,7 215:8,13 219:21 220:7 221:14	undermine 32:12	unknown 84:20 86:22 122:17
transfer 38:9	try 13:17 17:12 19:4,7,20 21:1 57:18,21 58:3 64:4 70:3 75:13 75:19 77:8 78:3 83:17 91:6,16 92:10 97:22 103:21 160:9 173:14 181:4,21 182:9 190:10 223:4 238:16 242:15	191:2 192:4 195:16 196:6,14 198:14 200:2,19 201:10,18 202:14 202:16,18,21 207:18 209:15,18 213:13,17 214:3,7 215:8,13 219:21 220:7 221:14	underreporting 124:5	unlimited 71:10
transferred 165:15	trying 12:17 17:22 26:18 27:5,18 36:3 57:16 62:1 66:1,8 67:19 71:2 75:1 77:1 78:18 86:3,21 98:10 105:5 109:16	191:2 192:4 195:16 196:6,14 198:14 200:2,19 201:10,18 202:14 202:16,18,21 207:18 209:15,18 213:13,17 214:3,7 215:8,13 219:21 220:7 221:14	undersized 198:6 198:10 238:1	unprecedented 80:1,22
transfers 39:17 165:14	try 13:17 17:12 19:4,7,20 21:1 57:18,21 58:3 64:4 70:3 75:13 75:19 77:8 78:3 83:17 91:6,16 92:10 97:22 103:21 160:9 173:14 181:4,21 182:9 190:10 223:4 238:16 242:15	191:2 192:4 195:16 196:6,14 198:14 200:2,19 201:10,18 202:14 202:16,18,21 207:18 209:15,18 213:13,17 214:3,7 215:8,13 219:21 220:7 221:14	understand 12:20 50:3 59:7 68:1 70:13 74:16 95:1 128:17 131:12 203:18 210:6	unsure 237:15
translate 197:14 211:14	trust 16:15 79:13 241:10	191:2 192:4 195:16 196:6,14 198:14 200:2,19 201:10,18 202:14 202:16,18,21 207:18 209:15,18 213:13,17 214:3,7 215:8,13 219:21 220:7 221:14	update 16:5 22:12 49:8 51:8 65:14	unused 165:12
Transparency 73:14	truly 216:21	191:2 192:4 195:16 196:6,14 198:14 200:2,19 201:10,18 202:14 202:16,18,21 207:18 209:15,18 213:13,17 214:3,7 215:8,13 219:21 220:7 221:14	updated 114:20	upcoming 119:6 144:1
transports 102:18	trusting 152:4	191:2 192:4 195:16 196:6,14 198:14 200:2,19 201:10,18 202:14 202:16,18,21 207:18 209:15,18 213:13,17 214:3,7 215:8,13 219:21 220:7 221:14		update 16:5 22:12 49:8 51:8 65:14
transposed 102:8	trying 12:17 17:22 26:18 27:5,18 36:3 57:16 62:1 66:1,8 67:19 71:2 75:1 77:1 78:18 86:3,21 98:10 105:5 109:16	191:2 192:4 195:16 196:6,14 198:14 200:2,19 201:10,18 202:14 202:16,18,21 207:18 209:15,18 213:13,17 214:3,7 215:8,13 219:21 220:7 221:14		updated 114:20
travel 58:5	trust 16:15 79:13 241:10	191:2 192:4 195:16 196:6,14 198:14 200:2,19 201:10,18 202:14 202:16,18,21 207:18 209:15,18 213:13,17 214:3,7 215:8,13 219:21 220:7 221:14		
trawl 144:11,15	truly 216:21	191:2 192:4 195:16 196:6,14 198:14 200:2,19 201:10,18 202:14 202:16,18,21 207:18 209:15,18 213:13,17 214:3,7 215:8,13 219:21 220:7 221:14		
	trusting 152:4	191:2 192:4 195:16 196:6,14 198:14 200:2,19 201:10,18 202:14 202:16,18,21 207:18 209:15,18 213:13,17 214:3,7 215:8,13 219:21 220:7 221:14		
	trying 12:17 17:22 26:18 27:5,18 36:3 57:16 62:1 66:1,8 67:19 71:2 75:1 77:1 78:18 86:3,21 98:10 105:5 109:16	191:2 192:4 195:16 196:6,14 198:14 200:2,19 201:10,18 202:14 202:16,18,21 207:18 209:15,18 213:13,17 214:3,7 215:8,13 219:21 220:7 221:14		
	try 13:17 17:12 19:4,7,20 21:1 57:18,21 58:3 64:4 70:3 75:13 75:19 77:8 78:3 83:17 91:6,16 92:10 97:22 103:21 160:9 173:14 181:4,21 182:9 190:10 223:4 238:16 242:15	191:2 192:4 195:16 196:6,14 198:14 200:2,19 201:10,18 202:14 202:16,18,21 207:18 209:15,18 213:13,17 214:3,7 215:8,13 219:21 220:7 221:14		
	try 13:17 17:12 19:4,7,20 21:1 57:18,21 58:3 64:4 70:3 75:13 75:19 77:8 78:3 83:17 91:6,16 92:10 97:22 103:21 160:9 173:14 181:4,21 182:9 190:10 223:4 238:16 242:15	191:2 192:4 195:16 196:6,14 198:14 200:2,19 201:10,18 202:14 202:16,18,21 207:18 209:15,18 213:13,17 214:3,7 215:8,13 219:21 220:7 221:14		
	try 13:17 17:12 19:4,7,20 21:1 57:18,21 58:3 64:4 70:3 75:13 75:19 77:8 78:3 83:17 91:6,16 92:10 97:22 103:21 160:9 173:14 181:4,21 182:9 190:10 223:4 238:16 242:15	191:2 192:4 195:16 196:6,14 198:14 200:2,19 201:10,18 202:14 202:16,18,21 207:18 209:15,18 213:13,17 214:3,7 215:8,13 219:21 220:7 221:14		
	try 13:17 17:12 19:4,7,20 21:1 57:18,21 58:3 64:4 70:3 75:13 75:19 77:8 78:3 83:17 91:6,16 92:10 97:22 103:21 160:9 173:14 181:4,21 182:9 190:10 223:4 238:16 242:15	191:2 192:4 195:16 196:6,14 198:14 200:2,19 201:10,18 202:14 202:16,18,21 207:18 209:15,18 213:13,17 214:3,7 215:8,13 219:21 220:7 221:14		
	try 13:17 17:12 19:4,7,20 21:1 57:18,21 58:3 64:4 70:3 75:13 75:19 77:8 78:3 83:17 91:6,16 92:10 97:22 103:21 160:9 173:14 181:4,21 182:9 190:10 223:4 238:16 242:15	191:2 192:4 195:16 196:6,14 198:14 200:2,19 201:10,18 202:14 202:16,18,21 207:18 209:15,18 213:13,17 214:3,7 215:8,13 219:21 220:7 221:14		
	try 13:17 17:12 19:4,7,20 21:1 57:18,21 58:3 64:4 70:3 75:13 75:19 77:8 78:3 83:17 91:6,16 92:10 97:22 103:21 160:9 173:14 181:4,21 182:9 190:10 223:4 238:16 242:15	191:2 192:4 195:16 196:6,14 198:14 200:2,19 201:10,18 202:14 202:16,18,21 207:18 209:15,18 213:13,17 214:3,7 215:8,13 219:21 220:7 221:14		
	try 13:17 17:12 19:4,7,20 21:1 57:18,21 58:3 64:4 70:3 75:13 75:19 77:8 78:3 83:17 91:6,16 92:10 97:22 103:21 160:9 173:14 181:4,21 182:9 190:10 223:4 238:16 242:15	191:2 192:4 195:16 196:6,14 198:14 200:2,19 201:10,18 202:14 202:16,18,21 207:18 209:15,18 213:13,17 214:3,7 215:8,13 219:21 220:7 221:14		
	try 13:17 17:12 19:4,7,20 21:1 57:18,21 58:3 64:4 70:3 75:13 75:19 77:8 78:3 83:17 91:6,16 92:10 97:22 103:21 160:9 173:14 181:4,21 182:9 190:10 223:4 238:16 242:15	191:2 192:4 195:16 196:6,14 198:14 200:2,19 201:10,18 202:14 202:16,18,21 207:18 209:15,18 213:13,17 214:3,7 215:8,13 219:21 220:7 221:14		
	try 13:17 17:12 19:4,7,20 21:1 57:18,21 58:3 64:4 70:3 75:13 75:19 77:8 78:3 83:17 91:6,16 92:10 97:22 103:21 160:9 173:14 181:4,21 182:9 190:10 223:4 238:16 242:15	191:2 192:4 195:16 196:6,14 198:14 200:2,19 201:10,18 202:14 202:16,18,21 207:18 209:15,18 213:13,17 214:3,7 215:8,13 219:21 220:7 221:14		
	try 13:17 17:12 19:4,7,20 21:1 57:18,21 58:3 64:4 70:3 75:13 75:19 77:8 78:3 83:17 91:6,16 92:10 97:22 103:21 160:9 173:14 181:4,21 182:9 190:10 223:4 238:16 242:15	191:2 192:4 195:16 196:6,14 198:14 200:2,19 201:10,18 202:14 202:16,18,21 207:18 209:15,18 213:13,17 214:3,7 215:8,13 219:21 220:7 221:14		
	try 13:17 17:12 19:4,7,20 21:1 57:18,21 58:3 64:4 70:3 75:13 75:19 77:8 78:3 83:17 91:6,16 92:10 97:22 103:21 160:9 173:14 181:4,21 182:9 190:10 223:4 238:16 242:15	191:2 192:4 195:16 196:6,14 198:14 200:2,19 201:10,18 202:14 202:16,18,21 207:18 209:15,18 213:13,17 214:3,7 215:8,13 219:21 220:7 221:14		
	try 13:17 17:12 19:4,7,20 21:1 57:18,21 58:3 64:4 70:3 75:13 75:19 77:8 78:3 83:17 91:6,16 92:10 97:22 103:21 160:9 173:14 181:4,21 182:9 190:10 223:4 238:16 242:15	191:2 192:4 195:16 196:6,14 198:14 200:2,19 201:10,18 202:14 202:16,18,21 207:18 209:15,18 213:13,17 214:3,7 215:8,13 219:21 220:7 221:14		
	try 13:17 17:12 19:4,7,20 21:1 57:18,21 58:3 64:4 70:3 7			

117:4,10,10 125:16,20 updates 61:7 99:9 updating 65:20 125:19 upper 168:18 urgency 170:10 use 20:3,12 80:1,22 83:11 89:21 90:15 91:5,6 127:7 144:18 153:19 160:20 182:8 189:8,10 190:3 209:3,6 210:7,8 234:18 235:2 useful 70:10 user 46:7 usually 140:15 USVI 25:18 utilize 163:4 utilizing 203:12 UV 80:17 U.S 1:1 30:11 44:6 51:19,20 53:2 54:6 55:7 63:12 119:22 120:2,3,8 163:18 165:8 196:22	217:13,19 vertical 195:19 197:2 199:10,15 199:17 vessel 15:16 93:21 94:2 202:5 vessels 43:6 61:20 95:7 96:3 107:17 119:18 198:18,20 202:3 vested 224:12 vet 105:11 veterans 16:11 viewable 98:21 views 77:3 VIMS 135:6 Vince 9:20 VINCENT 2:6 violating 45:11 violation 222:3 virgin 87:3 Virginia 1:19 7:18 178:10,18 180:3 186:15 240:12 virtually 87:3 vision 137:5 visit 86:16 220:10 voice 153:3 voiced 153:1 volume 81:9 82:4 91:22 volumes 80:4 voluntarily 212:11 voodoo 220:16,22 vote 74:5 156:1 votes 49:17	69:11 70:6 73:19 83:9 91:11 92:15 97:8 127:11 130:4 134:8,8 139:9 156:2,4,11,16,18 159:10,14 179:20 180:13 191:7 204:6 209:6 212:12 213:11,14 213:21 217:7 223:9 239:18 240:1,6 wanted 10:12 18:19 21:7 23:7,15 24:5 31:7 45:20 51:7 61:13 67:21 79:16 98:1,11 99:18 108:11 114:4 148:14,22 149:6 151:2 154:17 157:2 189:17 204:11 236:3 wants 68:9 war 224:9 wary 94:6 washing 83:4 wasn't 5:10 55:12 78:18 79:8,9 96:11 118:15 129:14 160:7 165:21 194:14 watch 65:20 watched 218:7 water 2:10 31:13 80:6 81:3,8,10 82:6 83:1,7 90:2 99:15 102:18 130:21 135:13,18 183:13 230:17 waters 96:14 118:10,21 136:3,3 214:20 wave 21:1 way 17:21 21:2,3 31:14 59:7 65:11 69:20 74:2 76:10 84:8 96:16 102:19	102:19 109:8 160:15,19 161:14 174:19 179:17 182:13 189:7 195:18 197:6 199:11 209:17 211:2 217:21 218:8 221:3 233:12,12,13 236:18 ways 56:14 66:8 67:4,15,17 138:2 155:22 weak 43:13 161:5 198:16 201:2,11 207:12 209:17 210:13 212:5,11 213:5,8,11 weather 227:17 web 154:15 221:2 Weber 2:15 7:15 7:15 webinars 84:3,6 website 66:8 98:21 98:22 99:9 220:10 233:22 week 87:21 107:4 107:14 210:8 222:1 weeks 27:10 31:3 60:16,22 102:22 weighing 73:6 weight 192:20,22 199:4,10,13,15 200:5 202:12 weights 192:18 weight-based 33:3 33:8 34:3 Weiner 2:17 7:13 7:13 183:20 welcome 14:19 111:12 156:1 well-designed 232:17 well-versed 108:18 went 31:5 74:18 112:2 117:9	125:12 128:19 129:10 139:13 151:20 170:21 194:9 weren't 33:13 98:16 160:12 230:4 west 107:7 109:19 234:10 westerly 27:18 western 94:17 216:16,21 217:1 226:21 231:21 234:3 235:4,4 239:7 we'll 11:14 14:15 14:21 15:3,5,19 15:22 16:3,4,5,14 28:17 37:14 43:9 46:7,8 64:13 74:14 77:18 78:2 128:17 140:6 145:13 148:15 155:16,21 156:4,5 157:4 160:3 169:11 172:20 182:16 218:3 we're 5:13 10:17,19 11:2,5 12:10 14:10 17:16 19:3 20:21 25:14,17,22 26:1 29:2 37:18 37:19 38:15,21 43:4,9 44:15 45:3 47:12 48:14 49:15 51:4 52:20 53:12 57:16 59:10 60:7 61:18,22 62:13 65:12,20 66:1,7,9 67:1,12 68:5,7,13 68:15 69:6 70:3 70:22 71:3 77:22 78:22 81:13 82:21 83:19 84:2,17 85:5 86:20 88:15 90:6 91:15,16 93:12 95:10 97:12
V				
Valdez 95:18 valid 50:4 valuable 50:3 value 224:6,8 238:12 values 21:11 153:15 238:9 variance 217:14 variety 41:5 44:5 76:9 77:7 various 92:2 99:16 157:10,19 223:12 venture 241:17 version 190:13 versions 103:19 versus 50:15 51:2 126:22 190:22	W			
	wait 95:12 190:18 232:10 walk 11:14 13:4 194:20 220:22 want 5:15 6:14 13:15 18:10 19:17 20:18 32:17 35:6 36:17 37:10 47:2 48:8 58:7 69:10			

103:1 105:13	12:9	79:2 97:15 113:11	83:18 86:17,18	young 47:21
107:18 108:1	whatever's 223:19	148:16 150:18	88:15 89:4 107:21	149:11
121:8 122:9,20	whatsoever 96:19	154:8 156:6 157:6	111:11 131:5,8	y'all 133:16
131:4 133:14	Whitaker 2:7 9:3	158:7 159:4	136:4 163:8,11,12	Y-axis 199:9
135:11 143:8	white 48:13 49:2	188:20 213:10	166:10,13 167:9	
154:7 155:13	wider 129:9	242:14	167:16 169:9	Z
160:8,17,20 161:8	width 199:7 200:4	works 9:1 109:10	170:7 171:5,5,15	zero 176:11 199:12
164:8,13 166:4,8	wild 92:9 140:8	124:22 230:9	172:10 175:3,16	
167:15 168:22	220:13	workshop 57:12,14	175:18 176:3,7,13	\$
169:6,8,13 171:16	Wildlife 1:21 9:19	57:20 58:1 129:21	186:10,10 191:12	\$170 130:2
173:15 174:19	55:4,14 62:17	151:22	202:19 206:3	
182:2,21 183:16	William 1:18,19	workshops 26:13	211:16 214:21	0
185:7 186:21	Williams 2:17,17	57:4,6	215:1,8 216:2	06 89:1
187:2 189:1 190:1	8:17,17	world 10:4	218:7,8,15 219:1	07 89:2
190:17 191:13	willing 71:1 204:20	worried 241:8	219:5,5,6,13,13	08 89:3 176:19
193:9 195:3,10	WILSON 1:22	worry 137:20	219:14 223:13	192:12
200:20 203:11,20	winter 25:3 162:6,8	worse 82:13	227:11,15 229:21	09 37:21 40:9,18
204:7,9 206:18	178:14	worth 21:15 26:4	236:11,22,22	89:2 172:20
207:4 211:12	wish 133:21 138:3	144:6 193:22	237:7,18,19 239:9	176:19 192:14
213:10 221:19	woman 94:12	worthwhile 30:2	240:2	193:10
222:14 228:3	wonder 77:10	wouldn't 100:7	years 23:17 41:4	0903 38:7
229:10 230:8	140:18 165:9	140:22 226:22	43:1,15 48:12	
232:9,21 236:5	206:9 220:19	wrap 14:22 65:12	53:22 61:13 136:8	1
237:4 240:10	wonderful 82:8	154:8	137:11,15 149:10	1 5:2 54:18
241:11	wondering 134:17	wrap-up 15:20	150:2 159:17,20	1st 121:15 154:14
we've 10:15 12:4	179:8	203:7	161:21 162:1	229:11
13:19 25:10,21	word 34:13 57:11	wrestling 87:8	169:22 170:4	1x1 196:17
27:14 33:17 39:12	72:2,3	write 37:5 50:1	171:14 172:11	1-800 94:8
43:1,18 44:14,20	words 11:14 100:18	write-in-the-rain	173:6,9 176:4,6	1-800-USA-TUNA
48:20 62:3 64:5	182:8 233:9	125:18	183:3 184:9 188:6	221:16,22 222:7
69:14,18 73:18	work 11:10,17 12:2	written 76:1	191:15 192:2,2	1-866 94:8
77:13 79:22 83:3	12:5 21:2 23:22	wrong 85:9 146:21	198:21 214:18,19	10 22:9 163:22
84:18 86:12 89:7	24:7 25:19 26:1	209:14 211:2	218:11 221:7	171:14,16 180:21
104:12 133:15	30:9 59:10 71:1,1	221:20 222:6	227:8,9,12 229:20	181:5 193:20
136:8 137:9 154:9	79:19 80:8 85:22	225:8,22	230:4 238:3,4,5	230:7
154:13 159:11,21	144:16 213:10	wrote 46:16	239:21	10,334 187:16
159:22 161:21	worked 10:15	WWF 186:4	year's 82:16	10:30 15:17
163:12 166:9	149:9 221:6	189:19 190:2	yellow 177:22	100 39:7 49:18
168:2 170:1	working 4:22 6:3		193:20	151:18 212:16
171:10 172:13,17	13:2 14:9,12,12	X	yellowfin 43:21	100-percent 43:2
175:16 176:20	14:22 15:4 18:2,4	X 175:4	62:4 200:2 201:18	147:8 226:21
182:21 183:5	23:18 25:17 28:4		202:16,18 209:15	104 4:17
192:10 193:5,15	29:15 39:21 42:8	Y	209:18 210:1	11 1:9 4:13 169:6
207:6 214:21	46:1,2,9 47:14	year 40:6,8 43:4,22	213:16	235:8
218:1,7 227:9,11	55:20 59:12 61:19	43:22 48:20,22	Yep 143:16	117 48:13
241:8 242:10	61:22 67:7,12	51:11 53:1 54:11	yesterday 129:17	119 171:20
Whale 11:6,8 12:7	69:17 70:21 72:18	56:3 57:10 64:19	York 11:22	12 137:12,17 235:9
		78:4,16 82:17		120-inch 225:15,21

226:8	200-somewhat	128:11	4th 31:2	600-and-somethi...
1268.3 39:10	230:10	21st 129:21	4-times 141:2	127:14
13 128:3 146:14	2001 49:14	217 179:11	4:30 72:18	61,000 186:3
201:22	2004 89:1 115:21	22 26:12	40 85:5 216:10	189:19
13,500 186:11	170:6 175:2,15	22nd 42:14	40-fathom 32:9	61-percent 232:18
130 200:10	177:3 195:18	220-something	45 241:19	645.8 123:19
139 4:20	2005 150:5 162:14	127:9	454 132:13	65 215:16 216:3
14 84:14	175:20	221 141:7	47-59 175:10	68 194:4
14th 63:19	2005-2008 115:4	221.6 115:20		
14.7 117:8	2006 165:10 170:7	132:16	5	7
14.9 114:12	176:1,7,11 194:1	222 140:13	5 4:10 158:11	7 165:10 242:5
144,000 199:1	194:5	226 132:18	5th 30:22	70 135:12 217:1
15 39:15 201:7	2007 47:18,22 89:2	24 211:10	5,000 80:6	70-inch 216:8
15th 31:10 60:15	112:7 160:13	24-hour 166:20	5.6 202:8	241:21
15-knot 199:5,20	169:5 170:16	25 39:11 42:15 84:4	5:45 156:21	715.5 124:6
200:8	176:19	84:5	50 43:5 135:12	72 215:16,18,18
150 4:22 199:21	2008 32:4 39:5	25th 129:22	136:1 143:5	72-inch 216:3
200:11	47:20 48:12	250 48:13 200:5	163:21 165:20	73-inch 215:16
16 210:9,10	108:13 112:9	269 48:20	172:7,7 180:20	75 43:19 143:5
16th 32:2	113:7 115:21	27,000 184:13,14	218:17 241:19	200:18 201:6,9
16-knot 200:3,7	172:19 195:18	27-47 175:9	50,000 186:7	202:14 208:1
202:11	196:20 198:17,18	289 49:16 50:2	50-percent 170:16	75-percent 207:17
17 57:1 225:16	201:13		170:21 235:11	
17th 31:3	2008-9 192:8	3	50-pounders	8
170 48:21	2009 32:1,3 38:1	3 4:17 13:22 15:22	241:19	8 137:12,17 139:2
18 168:22 210:8	39:6 47:20 48:14	25:11 29:5 99:11	500 101:18 127:15	8:30 14:20 15:15
18s 210:11	52:4 64:6 78:17	111:20 112:18	182:11 230:3	21:11 149:4 157:4
18.7 117:9	88:13 108:14	125:10,15 126:14	51 147:8	80 116:8 126:18
19 132:19 134:4	113:8,10 159:20	130:18 147:4	52 144:13 159:5	127:12,16 133:6,7
19th 113:11	166:3 167:19	3-specific 125:11	52-slide 158:12	133:8 134:3
19,700 186:9	171:1 172:22	3.5 199:6	54 128:1	80s 84:22
19.9 116:1	187:16 193:7	3.65 199:6	54-inch 118:20	81 214:4
1970 168:20,22	196:6 198:17,19	3:00 15:22	119:3	83 186:14
1979 110:7,19,19	201:4,19,22	30 41:20 59:4 61:1	55 217:3	89 169:5
1996 238:11	2010 1:9 30:13,16	85:5 126:16	56.9 114:11	
1998 169:4	30:17 31:16 37:17	216:10 225:16,22	57 140:10	9
1999 128:2	38:1 39:3,7,7	226:8	59-73 175:11	90 216:11,17
	47:20 48:17 52:17	30th 49:22 60:15		90s 170:3 188:7
2	58:12 163:18	30-year-old 225:15	6	90-inch 216:8
2 30:15 54:19	211:4 214:17	225:21	6 200:17	235:19
2:30 17:17	215:14,20	31st 41:15,21	6,000 41:22 46:12	95 93:3 96:7
20 159:12 201:16	2011 72:19,21	33 140:17	46:15	950 163:19
221:13 229:11	163:21 193:19	34 4:15 153:10	6.3 201:19	97 238:11
20-year 95:19	209:1	350,000 81:2	6:00 99:3,7	98 169:5,7
20/20 137:5	2012 84:9 86:18		60 135:12 217:3	99 39:20 161:11,16
200 153:11 199:22	124:12	4	241:21	161:18 162:2
200-feet 215:8	21 26:6 83:22	4 26:3 29:19 121:14	60,000 184:13	194:14
		121:15 226:14	600 230:3	