

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

Thursday,

May 13, 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 Randy Gregory), North
Carolina

LISA GREGG, Florida Fish and Wildlife
Commission

ELIZABETH GRIFFIN WILSON, Oceana

DEWEY HEMILRIGHT, F/V Tar Baby

RUSSELL HUDSON, Directed Shark Fisheries, Inc.

ROBERT HUETER, Mote Marine Laboratory

KEN HINMAN, National Coalition for Marine

Conservation

STEVEN JAMES, Boston Big Game Fishing Club

DR. DAVID KERSTETTER, NOVA Southeastern

University Oceanographic Center

JOSH LOEFER, South Carolina Department of

Natural Resources

SHANA MILLER, Tag-A-Giant Foundation

VINCENT MONTELLA, South Florida Commercial

TIM PALMER, Swordfish Buoy Gear Association

CHARLIE PEREIRA (Proxy for Ron Whitaker),

Hatteras Harbor Center Boats

RALPH PRATT, Pelagic Longliner

DAVE 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

RICK WEBER, Delaware Natural Estuarine

Research Reserve

CHRISTOPHER WEINER, Bluefin Tuna Fishermen

JAMES WILLIAMS, Williams, Leininger and

Crosby, PA

NOAA STAFF PRESENT:

ERIC SCHWAAB, Assistant Administrator for

Fisheries, NOAA

MARGO SCHULZE-HAUGEN, Chief, Highly Migratory

Species Management Division

GUILLERMO DIAZ, Southeast Fisheries Science

Center

ALSO PRESENT:

BENNETT BROOKS

CDR BRIAN PARKER

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Dialogue with Eric Schwaab

MR. SCHWAAB: We have been heavily engaged in the Gulf response since day one. I think that NOAA has brought particular value to the federal government's response, because of our ability to cut across, you know, the range of concerns down there relating to, you know, estimates related to volumes of oil, the movement of the oil, the ability to predict the movement of the oil based upon NOAA's expertise and ocean currents and weather and modeling, as well as more particularly from the Fisheries Service perspective, our ability to understand the implications for the aquatic environment and the fish and marine mammals and turtles that are so important to us down in the Gulf region, as well as to interact with the local communities in managing the impacts on fisheries, in a way that tries to protect the interests of the fisheries as well

1 as the interests of the consumers by very
2 precisely using those trajectories to identify
3 the appropriate closed areas, to prevent
4 fishing in the impacted areas.

5 But at the same time to maintain
6 the integrity of the products coming out of
7 the Gulf, maintain an understanding that there
8 is still plenty of good fishing opportunity
9 down there, both for commercial and
10 recreational purposes.

11 So which is a long way of saying
12 that we're having daily multiple conversations
13 across NOAA to coordinate those activities,
14 and to play that important role in the broader
15 federal government response to the event.

16 I know you have some specific
17 concerns about dispersants, as do we, and I am
18 happy to take a few minutes to talk a little
19 bit more about that. I can say a few words
20 about that momentarily, but we can also have
21 some Q&A on that as well.

22 Obviously, we are particularly

1 interested in the impact of these events on
2 highly migratory species in the region, and
3 that is something that we are paying
4 particular attention to. There's an
5 interesting contrast here that I think is
6 worthy of noting, and that is that as we --
7 the first couple of days of the event, there
8 was incredible attention and interest in what
9 was happening to turtles and marine mammals
10 that might be in and around the spill area.

11 That was noteworthy. The interest
12 was obviously noteworthy, but even more
13 noteworthy for us was frankly we didn't really
14 have a lot of background data on, you know,
15 distribution and numbers of marine mammals and
16 turtles in the Gulf region at this time of the
17 year.

18 So frankly one of the early things
19 that we had to do was go out and immediately
20 design a study to begin to survey very quickly
21 the Gulf region for turtles and marine
22 mammals. That was underway probably about

1 three days into the event.

2 You know, conversely we have a
3 whole lot of data on distribution of adult
4 bluefin tuna, for example, a number of the
5 other important fish species, as well as
6 larval presence and distribution.

7 So one of the other things that we
8 are doing now is trying to aggregate that
9 data, so that it is available to us more
10 explicitly spatially, so that we can look at
11 what's happening with respect to movement of
12 the oil and predict potential impacts to
13 bluefin tuna and other highly migratory
14 species and other fish species in the region.

15 So that's all going on as well.
16 We understand very specifically and are
17 looking very closely at those potential
18 impacts, particularly on those bluefin tuna
19 resources in the region, the potential
20 interactions with spawning and potential
21 impacts associated with that.

22 So just more generally, I said

1 that we certainly value your input here. I
2 understand from Margo and others that you have
3 had, I think, some very productive
4 deliberations on a number of issues important
5 to you and us, particularly some of these
6 pressing bluefin tuna issues.

7 I will say that, you know, when I
8 came in and I'm about, well almost three
9 months into the job now, but the first months
10 from an HMS perspective was all about the
11 CITES issues and the related ICAT issues and
12 the bluefin tuna issues there.

13 So it is nice for me, as we
14 prepared for this meeting and as you prepared
15 for this meeting, to get back and focus my
16 attention on some of the domestic issues,
17 understanding of course the overlap with what
18 is happening internationally.

19 I understand that you've had some
20 good discussions and some good, productive
21 ideas about how to deal with some of these
22 bluefin tuna quota issues. I understand that

1 you had some good conversation about some of
2 the important recreational monitoring issues
3 that cut across HMS species, and some of the
4 potential for reporting alternatives.

5 That obviously is something that
6 is important to us, not only in HMS but across
7 a wide range of other fisheries. I'll also
8 just by mentioning it, sort of open the floor
9 to further discussion about, you know, what I
10 think some would characterize as sort of the
11 dirty words of catch shares.

12 While, and I'll say that for -- I
13 bring it up for a couple of reasons. One, I
14 know it's something that you're having some
15 discussions about. The second is that I know
16 that the words "catch shares" elicit all kinds
17 of reactions, some of which are not
18 particularly good.

19 But let me say that, you know, I
20 think if you take the words "catch shares" out
21 of the equation and maybe some of the
22 politically charged feelings that the word,

1 the terminology catch shares brings out, that
2 thinking about managing some of these
3 fisheries, managing permitting in ways that
4 provide for, particularly the commercial
5 industry, a little more flexibility and a
6 little more opportunity to maneuver
7 economically within some prescribed catch
8 boundaries, is something worth considering and
9 continuing to explore.

10 So if you don't call it catch
11 shares, you know, if you want to think about
12 permit stacking, if you want to think about
13 some other kind of way of aggregating
14 privileges and maintaining those privileges
15 over time with a little more flexibility
16 within some sideboards of catch quotas, that
17 we ought to continue to have that
18 conversation, because it has potential to be
19 a very productive way to, from our
20 perspective, better manage quotas and from the
21 fisherman's perspective, better operate within
22 the markets that you have to operate in.

1 So just take a quick look through
2 here and see if there was anything else in
3 particular that I wanted to bring up. Why
4 don't stop there? Oh, let me go back to
5 dispersants, just to kind of frame that a
6 little bit.

7 So EPA regulates the deployment of
8 dispersants. But from early on, NOAA
9 scientists in particular have been heavily
10 engaged in cross-agency discussions about the
11 types of dispersants that might be used, the
12 ways that those dispersants are used, and the
13 potential impacts on biological resources in
14 the marine environment associated with those,
15 use of those dispersants.

16 That's surface application as well
17 as subsurface at the source application, which
18 has been, I think, a unique topic of
19 conversation in this event. So we've been
20 heavily engaged in those conversations, and I
21 think that we have been very productively,
22 from our perspective, engaged in those

1 conversations.

2 But I will also say this, and that
3 is that as it relates to this oil event in
4 general or as it relates to dispersants in
5 particular, there's no good outcome in all of
6 this, and all we're really doing is talking
7 about how to minimize the damage and doing
8 sort of seat of the pants cost-benefit
9 calculations that are associated with the
10 lesser of several evils.

11 So the potential advantages of
12 dispersants, particularly in deep water, is to
13 break up the oil sooner rather than later;
14 break it up before it moves into sensitive
15 in-shore areas, important nursery areas,
16 etcetera, and make it available by virtue of
17 that process to be broken down more rapidly in
18 the environment.

19 Of course, the downside is you've
20 got these additional chemicals in play. Now
21 throw into that mix the prospect of deep water
22 dispersal, and you have an additional

1 advantage of being able to get, for lack of a
2 better term, more bang for the buck in the
3 sense that less chemical gives you more
4 dispersal.

5 But it happens in deeper waters,
6 where we have perhaps a little less
7 understanding of, you know, what's going to --
8 how those, how the dispersed oil is going to
9 move at subsurface, in a subsurface way, and
10 so there are trade-offs there. I'm just
11 quickly looking down, because I heard there
12 was some discussion of a change in dispersant
13 policy last night. But I haven't gotten
14 anything new on that yet, so nothing to
15 report.

16 But you know, I think -- you know,
17 the bottom line in this whole event is it's an
18 adaptive event. We're trying to, in the role
19 that we play in communicating with the other
20 federal agencies, with BP, with the local
21 communities in the area, find the least
22 disruptive pathway forward, in a way that

1 helps us to effectively manage or, you know,
2 maximize the clean-up opportunity, maximize
3 and minimize the damage, while recognizing
4 that it's a learning process.

5 So with that, I'm going to stop,
6 open the floor to comment, questions,
7 discussion about oil issues or anything else
8 that's been on your agenda. Ken.

9 MR. HINMAN: Oh, thank you Eric.
10 Yes. I hope I didn't give you some hearsay
11 about there being a change in policy last
12 night. I hope it's true. I don't know. But
13 I would like to just follow up on that, and I
14 don't -- there was a lot of discussion about
15 the dispersants issue on Tuesday, and a lot of
16 concern from fishermen here and
17 environmentalists.

18 We don't want to appear too
19 parochial, and that it's just, you know, we're
20 looking out for our animals or our fisheries.
21 There are a lot of trade-offs involved.

22 I think a lot of the concern is

1 that a lot of these decisions are made on a
2 political basis within the administration,
3 that there is probably a desire to make the
4 more visible aspects of this problem go away,
5 you know, out of sight, out of mind, get off
6 the evening news, which is certainly what
7 happens when there's a big surface slick, when
8 it starts approaching the beaches and
9 everything.

10 But the concern is that if you're
11 going to use -- it's not just the chemicals
12 that get into the system, but you break up the
13 oil into very tiny particles. It does not go
14 away; it just gets in smaller particles, and
15 then it becomes toxic to marine life that it
16 wouldn't be toxic to in its other form, such
17 as larvae and such as filter-feeding fish and
18 others.

19 So you can trade sort of that
20 short-term benefit for a long-term impact that
21 could be much broader geographically, and
22 something that's much more difficult for us to

1 really gauge that impact on the thing. So I
2 don't really have an answer, and I don't even
3 know if I have a question.

4 I just wanted to pass on that
5 concern, that within the administration, just
6 encouraging that, you know, that you make sure
7 that they - - and I'm sure you probably
8 already have, that they are aware that these
9 trade-offs are not necessarily just, you know,
10 some marine life for other marine life, but it
11 could be short- term versus long-term impacts
12 that we might exacerbate. So that's really,
13 I just want to pass that on.

14 MR. SCHWAAB: Yes. No, I
15 appreciate that Ken, and you know, I would
16 only say that, you know, I think that's
17 exactly the kind of conversation that we're
18 trying to help facilitate, and they really are
19 focused on these environmental trade-offs.

20 You know, and I certainly
21 understand the concern about, you know, wow,
22 we might want to just, from a public relations

1 perspective, make something want to go away.
2 That hasn't been the part of the conversation
3 that we've been engaged in.

4 PARTICIPANT: Thank you. My
5 question is a little bit different subject.
6 I know you've been there just for a few
7 months, and I realize you're not allowed to
8 talk about certain ongoing investigations and
9 things that have happened prior to you getting
10 there.

11 But I did want to note that the
12 Office of Inspector General's report did
13 recommend very strongly that you all at your
14 level take a much more active role in
15 oversight of law enforcement at the National
16 Marine Fisheries Service.

17 In that light, I was wondering if
18 you could let us know in the industry what has
19 happened to Dale Jones. Is he still employed
20 at the agency? I'm not asking anything about
21 what may or may not be going on with any type
22 of investigation, but just status of his

1 employment.

2 I think a lot of us would like to
3 know, particularly in our industry. That was
4 the real focus of that investigation. What
5 exactly has happened in light of some of the
6 things that have come into the public record
7 with respect to documents not being where they
8 should be and him being replaced by Alan? Can
9 you comment on the status of his employment?

10 MR. SCHWAAB: Well, the short
11 answer is no, that I can't comment on the
12 status of his employment, for personnel
13 privacy reasons and there are fairly
14 substantial rules associated with the way that
15 we talk about particular employment
16 circumstances, that have made this, I think,
17 difficult not only for us but for people to
18 understand.

19 But let me say that you know that
20 we have a new acting chief of our Office of
21 Law Enforcement, Alan Risenhoover, and that we
22 have announced an intent to very soon proceed

1 with a national search for a new director of
2 our Office of Law Enforcement, and in fact
3 have enlisted some outside help in putting
4 together a search committee to affect that
5 change.

6 Let me say this though, and that
7 is that while everybody is focused on or
8 there's significant focus on the personnel
9 aspects of this, the reality is that the
10 Inspector General's report, I think, was more
11 important to us in the way that it identified
12 some needed system improvements in the way
13 that we approach our law enforcement effort.

14 Really, notwithstanding the
15 follow-up report on, you know, shredding of
16 documents, you know, which is its own issue,
17 the initial report really focused on what I
18 would characterize as some system improvements
19 that were needed. It identified, for example,
20 a lack of regional or national approaches
21 consistently to setting law enforcement
22 priorities, and we have committed in follow-up

1 to that report to put into place new priority-
2 setting processes.

3 It identified some lack of
4 consistency around the country in the way that
5 fines and penalties are assessed, and we,
6 along with the general counsel's office, have
7 committed to putting in place some new
8 guidelines to create more consistency in that
9 regard.

10 It identified some serious
11 failures in the way that we communicate, not
12 just between our Law Enforcement office and
13 the fishermen, but among the management
14 entities within our organization, the
15 fishermen and the law enforcement office. We
16 have committed to a number of steps to
17 substantially improve the way that information
18 flows.

19 Then finally, there were big
20 workforce planning questions. You know, do we
21 have the right type of personnel deployed in
22 the right places in the right ways? Now one

1 of the things that frankly we think was under-
2 recognized in the IG report was the important
3 role that our joint Enforcement agreements
4 with the states plays, and of course North
5 Carolina being, because of a constitutional
6 issue, the exception to that.

7 Every other coastal state, as well
8 as territories, have a joint enforcement
9 agreement with us, where our Law Enforcement
10 people work very closely with, you know, state
11 or territorial law enforcement people. In
12 addition to that, of course, there's an
13 important role for the Coast Guard, in
14 providing a uniform presence at sea.

15 But we do have big workforce
16 planning issues that we have committed to
17 following through on. Frankly, from my
18 perspective, while there were and remain
19 important personnel decisions to be made with
20 respect to, you know, who can most effectively
21 lead the organization going forward, it really
22 is about those system improvements for the

1 long term that are most important, because
2 that's where we have to focus if we're going
3 to achieve what I think is in everybody's
4 interest, which is, you know, fair and
5 transparent law enforcement efforts really
6 geared toward ensuring compliance with these
7 important fishery management regulations.

8 Because, you know, everybody in
9 the room cares about compliance, including,
10 most prominently, the fishermen, who have to
11 be able to depend on a level playing field to
12 be able to compete in the marketplace, while
13 at the same time looking toward the long-term
14 sustainability of not only the resources but
15 the fisheries that depend on them.

16 So you know, I understand
17 everybody's focus on what happened to Dale.
18 But we really have, I think, more important
19 systems work to do, not only within our Office
20 of Law Enforcement but in conjunction with
21 general counsel in that regard.

22 PARTICIPANT: Just a quick

1 follow-up. I appreciate your answer and I
2 just want to let you know that the perception
3 from our industry, at least the folks that
4 I've spoken to, is that those -- I think they
5 were called systemic problems that you
6 identified, are closely tied to personnel.

7 I'm glad that you are looking into
8 those changes, and I appreciate your answer.
9 Thank you.

10 MR. SCHWAAB: Thank you.

11 MR. GERENCER: Thanks, Eric. My
12 name's Bill Gerencer from Portland, Maine.
13 First of all, thanks for coming and taking
14 some questions, and then I have two comments
15 and a question, and the first comment is that
16 I'm very familiar with catch shares. We're
17 just rolling it out in New England and I'll
18 just say that we're undergoing significant
19 growing pains at this time.

20 And the second comment is that, a
21 subject that's near and dear to me is our
22 swordfish under-harvest. We're headed towards

1 harvesting our quota and we're getting a
2 little bit better in revitalizing this
3 industry. But the problem in front of us is
4 that we have this under-harvest that many of
5 the ICAT nations want to take away from us.

6 Now in order to get businesses to
7 invest in this revitalization, they need some
8 message of consistency and stability to be
9 able to create a business plan. It would be
10 nice of NOAA and as many people as we can
11 would send a strong message to the rest of the
12 world, that our underage belongs to us. We're
13 doing our best to recreate or revitalize our
14 industry, so that we can again harvest that.

15 Because if we trade that away,
16 what will happen is you'll have less incentive
17 for people to invest in revitalizing this
18 business. Those fish will likely come into
19 our own market anyway, which will hurt the
20 businesses that already exist and may actually
21 roll back some of our revitalization, so that
22 we end up having to go back and lose more

1 quota in the future.

2 So I think it's real important
3 that the government sends a strong message
4 that, you know, we don't necessarily need
5 investment help for this, but we need the
6 message that this is going to be there, and
7 you guys go ahead and invest in it.

8 Then finally my question, and it's
9 in regards to dispersants, and I'm glad to see
10 that the agency's very concerned about this.
11 Is there somewhere we could find a list of the
12 actual chemicals they're using? Is that
13 something that's well-published and well-
14 known, and if not, can we get that into the
15 public record, so that --

16 I mean there may be people out
17 there that are more familiar with these
18 things, that might be able to comment and say,
19 you know, we're headed for this, we're headed
20 for that. These are the problems. So at
21 least we'll know ahead of time what we're
22 likely to encounter. Thank you.

1 MR. SCHWAAB: Thanks, Bill. You
2 know, I appreciate your comments and
3 suggestions regarding this swordfish issue.
4 On the dispersant information issue, I don't
5 know for a fact, but I presume two things.
6 One is that there is that information out
7 there. There is some Deepwater Horizon
8 website that has significant information, and
9 I believe that there are fact sheets
10 associated with dispersants that are available
11 through that website.

12 Whether they give fully, you know,
13 the sort of the background chemical
14 information that you're looking for or not,
15 I'm not sure. But I would suspect that if
16 they don't, that EPA, which regulates these
17 chemicals, given the prominence of this
18 discussion, would have some information
19 available.

20 But why don't you let us
21 double-check, and before you guys disperse,
22 we'll give you some additional guidance in

1 that regard with respect to websites and what
2 may or may not be there.

3 MR. RUAIS: Thank you, and thanks
4 for showing up again, Eric, and we appreciate
5 your attendance at the ICAT Advisory Committee
6 as well, and your very articulate comments.
7 Two of your predecessors, Bill Hogarth and
8 Rollie Schmitten, were very actively engaged
9 on ICAT issues, and Bill was very fond of
10 making the comment that there's no more
11 difficult fishery to manage in the United
12 States than the bluefin tuna fishery. So
13 welcome, and we hope you maintain that level
14 of involvement as well.

15 Just to back up what Bill is
16 saying, on the swordfish, we don't have a lot
17 of time. It's a crisis. There's a
18 coordinated international effort to take our
19 quota away. It's partly led by Canada, but
20 also being encouraged by Libya and the
21 European Community, to take our unused
22 swordfish quota, base quota away from us, and

1 transfer it to other countries.

2 So we need the agency's attention
3 at the highest level and coordinating with
4 State Department, to develop a strategy, and
5 the bargaining tools to protect that quota.
6 The resource was rebuild; it's at 105 percent
7 of BMSY right now, and it was rebuilt on the
8 backs of U.S. fishermen.

9 It's just unacceptable to think
10 that we have to give that quota away to
11 anybody else right now, and let it come back
12 into our marketplace in a less ecosystem-
13 friendly catching method, which is where the
14 rest of the world is at.

15 Which brings me to the point that
16 we have two laws that require or mandate that
17 the United States use our marketplace as a
18 tool to encourage other countries, or force
19 other countries, if you will, to adopt the
20 same ecosystem-friendly practices that we use,
21 like circle hooks, safe handling practices, et
22 cetera, et cetera.

1 So we'd encourage you to look at
2 that as hard as you can, and support the HMS
3 Division as much as you can, and the
4 International Division when they come to you
5 and say we need help moving this up the ladder
6 through the administration. So hopefully, you
7 can help us there, because we need a level
8 playing field.

9 We're very disadvantaged in the
10 marketplace right now. U.S. swordfish
11 fishermen are very disadvantaged in the
12 marketplace, with foreign more cheaply
13 produced fish. So we hope you can help us
14 with that. Other people have commented on the
15 spill and I'm positive you're going to get
16 more comments on it as well. So I won't go
17 there.

18 But the one point I will make is
19 the timing, you know, the news reports
20 obviously suggest that the spill has now
21 entered the Loop current, which is going to
22 take it out to the Keys and up the east coast,

1 east coast of the United States.

2 It's almost identical to the time
3 that the fingerlings, the bluefin tuna
4 fingerlings are going to be, if that's the
5 appropriate term, are going to be moving their
6 way as well.

7 So we're not sure what can be done
8 about that, if anything can be done about
9 that. But it's something that we would hope
10 NMFS/NOAA would look into. Is there anything
11 that can be done? Can there be, you know, can
12 the booms help out, you know, the red balloons
13 that you see everywhere, protecting the
14 coastline? Can that do anything to help the
15 bluefin tuna leaving the Gulf and getting back
16 out into the Atlantic, to help us there? I
17 hope you get engaged. Thank you.

18 MR. SCHWAAB: Thanks, and I
19 appreciate the follow-up on the swordfish
20 issues. I understand. Let me just say it
21 does open the door for me to mention one other
22 thing, which I think many of you know, that

1 the last Magnuson reauthorization identified
2 the need for an international negotiator
3 position within NOAA.

4 That position exists. We are
5 continuing to, and I think moving toward
6 filling that position, which I think will be
7 an additional help not only to whatever work
8 and weight that I can bring from my level to
9 the table, but also to the important and
10 valuable work that Rebecca Lent and her team
11 continue to do, and that's work that I have
12 great regard for.

13 You know, on the Loop current
14 issue, that's something that we have been
15 looking at since very early on. I'm not aware
16 of, you know, you mentioned news reports about
17 the oil getting the Loop current. I'm not
18 aware that that's the case.

19 My understanding is that, you
20 know, the last time I looked, which admittedly
21 was probably a day or two ago, that there was
22 an estimation of about, you know, 80 or 90

1 miles between where we knew oil was and where
2 we knew the Loop current was.

3 Since that time, the oil has
4 predominantly moved west. So you know, I
5 think it does call into question sort of some
6 need for more understanding of, you know
7 what's happening subsurface. That's been a
8 focus of ours, not only what's happening with
9 the oil subsurface, but what's happening, you
10 know, with the Loop current subsurface.

11 That's something that we continue
12 to focus on. So but unless there's something
13 that is happening and is being reported that
14 I'm not aware of, as I sit here this morning,
15 which is possible, we don't believe yet that
16 there is a Loop current interaction with the
17 oil, although it certainly is something we
18 continue to watch.

19 MR. RUAIS: The recent news is
20 that it has entered the northern part of the
21 Loop current. I've seen several news reports
22 on that at this point in time.

1 If you look at the way the current
2 flows, you know, it's going to take it
3 directly south and east, and the estimates,
4 there are better, more people in the room that
5 are more familiar with actually fishing those
6 local grounds, but we had a few in the back of
7 the room yesterday that suggested it was just
8 a matter of four to seven days before the oil
9 would enter the area between the Keys and
10 Cuba, and then make its way into the Florida
11 straits, and then start getting entrained in
12 the Gulf stream and coming northward.

13 But I don't think there's any
14 question. I've seen several news articles in
15 print and on TV that show satellite imagery.
16 Roff's has put out some satellite imagery.
17 NOAA has put out some satellite imagery that
18 show the oil spill, part of the oil spill, not
19 -- I'm not suggesting the major portion of it,
20 but part of the oil spill has entered the Loop
21 current already.

22 So it's a very big concern of

1 ours, and the impact, potential impact on
2 bluefin tuna as well.

3 MR. SCHWAAB: Okay, thanks.
4 Again, that's not in my, sort of you know,
5 understanding of it. But we will certainly
6 follow up and regardless, it's a big concern.

7 MR. PREBLE: Thank you. I am
8 interested that Rich brought up Bill Hogarth's
9 remark about the difficulty of HMS species.
10 Some years ago, Senator Lincoln Chaffee said
11 to me that of all of the issues that he dealt
12 with in the Senate, from war to finance,
13 international finance, throughout the whole
14 gamut, easily the most difficult and
15 intractable issue that he dealt with was
16 marine fisheries. So again, welcome to the
17 shooting gallery.

18 You brought up the issue of catch
19 shares. I just want to mention that briefly,
20 because I had something else I wanted to ask
21 you about, but you brought it up, so it's open
22 game.

1 The catch share brouhaha now is
2 centered in New England, and I'm in the middle
3 of that battle right now. I think it's
4 something that will pass relatively quickly,
5 I hope so. But it's been the loud responses
6 right now are based primarily on no facts,
7 misstated facts, anti-facts, lies, and from
8 illogical fallacies.

9 The program needs to move forward.
10 It needs to move forward as quickly as we can
11 move it forward, and it's the last best hope
12 that we have for retaining a ground fishery.
13 You mentioned flexibility. That's a word that
14 at this point in history, the way it's being
15 used and misused, there's no word that goes up
16 my spine more than the word, flexibility.

17 The source of flexibility will be
18 rebuilt stocks, more fish. That's where
19 they'll get the flexibility. Flexibility is
20 not going to be brought about by continuing
21 any form of overfishing, or by going into the
22 buffers that we have in place right now to

1 protect us from overfishing.

2 Now granted, I've been on the
3 battle lines here long enough, so I'm getting
4 a little hard-nosed about it. But I think
5 it's time to get a little hard-nosed about it.
6 We need to continue the catch shares and you
7 also said that perhaps we need to change the
8 word to permit stacking.

9 If you go to New Bedford and you
10 use that word, catch shares might get you a
11 punch in the mouth. That one might get you a
12 knife between the ribs. So I don't think
13 there's any good word to use.

14 One of the misstatements or lies
15 that's been brought out on all of this is that
16 this is something that was foisted upon these
17 poor Republican New England fishermen by this
18 horrible new administration, that's jamming it
19 down their throats.

20 The fact is we started working on
21 this catch share program more than five years
22 ago, when nobody in New England, including me,

1 had ever heard of Barack Obama or Lady Jane or
2 the environmental groups that are involved
3 with it now, or for that matter, Eric Schwaab.

4 So it's an old program. It's been
5 around. We've been working on it for a long
6 time. I think we've got it as right as we can
7 get it. There are some things I would have
8 done differently. Those things may be ironed
9 out.

10 That brings me to the point that I
11 wanted to make, and that is that one of the
12 discussions we had yesterday, I think it was
13 in here, Margo brought it up, was the need to
14 use the current tool box in HMS, which is
15 basically a reactive point of view.

16 At the same time, what was also
17 mentioned was that we had to be proactive. I
18 think that's an interesting juxtaposition and
19 something that we have to solve. Our
20 management in New England particularly has
21 become reactive, and we seem to be unable to
22 move into the proactive longer-term solutions

1 to our problems.

2 We're constantly putting out fires
3 by using the tools that are in the tool box,
4 without concurrently planning for new tools.
5 It seems that the fires get worse with time,
6 and an example was I just got an email last
7 night from John that we're now having to
8 suspend the Interspecies Committee, which was
9 our best hope for becoming proactive in New
10 England in our management.

11 Now we've got so much on the fire
12 with this battle with the catch shares that we
13 have to suspend the activity of that committee
14 because we have no personnel left, because of
15 the fires we're putting out.

16 I see this same thing happening
17 with the HMS management across the Board, but
18 particularly in the Northeastern United States
19 and the HMS, particularly the bluefin tuna.

20 At some point we have got to build
21 into our system some way of saying okay, this
22 is the tools that we have for this year, but

1 while we're figuring out how to use those
2 tools, we have to have in the back of our mind
3 what new tools we're going to be bringing
4 online two, three, four years down the line,
5 or else every year that goes by we're still
6 saying okay, these are the tools we have
7 available, and it's still the same old
8 reactive thinking.

9 Reactive thinking is what's
10 destroyed management in New England, and
11 that's our biggest job right now, is trying to
12 turn that around. I don't know how to do it,
13 but we damn well better do it. So thank you.

14 MR. SCHWAAB: Yes. Thanks, Dave.
15 Just two quick comments. You know one, just
16 to be clear, I didn't suggest we should change
17 catch shares to permit stacking. I just
18 suggested you can use whatever terminology you
19 want, and I know that you guys have talked
20 about permit stacking.

21 I think you're absolutely right.
22 I think one of the fallacies, particularly in

1 New England, is the rolling together of the
2 impacts of catch limits with the impacts of
3 the sector program, when in fact what we need
4 to do is recognize that the biggest problem
5 that we have is low catch limits, and that in
6 fact the sector program is a tool that was
7 developed.

8 You're absolutely right. It's
9 been in development for a long time, to deal
10 with the catch limit constraints that are
11 associated there, and I think that that's
12 where flexibility comes in, in the way that
13 you implement the sector program, trade and
14 quotas and all of the associated
15 opportunities. They're not, and I don't use
16 the term, flexibility, in some of the ways you
17 were concerned.

18 PARTICIPANT: Dave, what has
19 happened is the forces of evil have conflated
20 those two issues that you mentioned, and
21 they're unrelated issues. I see that as
22 something that's going to be a problem across

1 a number of fisheries. It happens that for
2 right now the point of it all seems to be the
3 spear point is New England.

4 But we need to figure out how to
5 get out of that merry-go-round, and that right
6 now for me is at the top of the list of
7 priorities that we need to work on. Thank
8 you. Oh, one last thing. In New England, it's
9 largely based on myth, and I remember that
10 John Kennedy said that the great enemy of
11 truth is often not the lie but the myth. New
12 England is hidebound by its myths and has been
13 for years.

14 MR. SCHWAAB: Okay. So I'm
15 sensitive to your schedule and mine, and I
16 haven't been over on this side of the room.
17 So I'm going to take three more, one, two and
18 three, and then I'm going to wrap it up. Hi
19 Bob.

20 MR. HUETER: All right, there we
21 go. Good morning, Eric. Bob Hueter from Mote
22 Marine Lab, a research laboratory on the

1 Florida Gulf coast. I am looking at the oil
2 spill dynamics, the oceanographic chart from
3 late last night, and there are portions of the
4 spill that are now in the northern reaches of
5 the Loop current.

6 So it will start hitting east and
7 then south, and then interestingly, it looks
8 like it ends up in Havana, so that will be a
9 very interesting situation for all of us
10 potentially. But your comments underscore
11 something of interest to me, in that the need
12 for research is great in situations like this,
13 both before the impact and then after, to look
14 at the effects of such a thing.

15 I'm glad to hear you talk about
16 pelagics and HMS with respect to this spill,
17 because so much of the press has looked at,
18 has talked about shoreline impacts and
19 nobody's been thinking too much, at least in
20 the popular venues, about things like pelagic
21 fish.

22 HMS research over the years has

1 fallen into kind of a big crack, in the sense
2 that when NMFS took over jurisdiction of HMS,
3 the council sorts of abdicated responsibility,
4 and a lot of the programs, the competitive
5 programs like MARFIN and SK have said no,
6 that's not our responsibility. That needs to
7 come from NMFS.

8 And those of us in the room here
9 from independent universities and laboratories
10 have used different ways to try to keep
11 independent research going. We've used
12 earmarks, which has become tremendously
13 difficult now. We've gone to competitive
14 programs and we've appealed to NMFS directly.

15 I would ask you to look at this
16 landscape and consider coming up with a new
17 paradigm for funding of HMS work, because
18 we're in a position now where it's very
19 difficult for us to do the kind of reactive
20 research we need to look at this oil spill
21 effect, and even in the long run, there's been
22 a lot of discussion here about the need for

1 better research underpinning these stock
2 assessments.

3 NOAA cannot do it all. NOAA's
4 very good with the fishery dependent side, but
5 we absolutely need fisheries-independent
6 research that's done by independent partners
7 with NOAA, because it makes the data more
8 robust, and also because of the lack of trust,
9 quite frankly, that the industry has in
10 everything that's just done internally at
11 NOAA.

12 So I ask you to put that on your
13 agenda and think about that and help us come
14 up with some better more stabilized programs
15 that are not just year by year but longer
16 lasting, to provide the kind of data that are
17 needed for stock assessments and for responses
18 to something like this, this tragic oil spill.

19 MR. SCHWAAB: Thanks, Bob. Good
20 point. Who'd I say was second?

21 MR. SAPP: Thanks, Eric. Ed Sapp
22 from the Gulf of Mexico fishery. Tape 18???

1 Billfish Issues

2 FEPARTICIPANT: (In Progress) We
3 probably just need to go ahead and approach it
4 from that direction.

5 MR. BOUSTANY: Yes. I was just
6 wondering if anyone up there could provide any
7 insight into, I want to talk about the
8 sailfish and potential retention prohibition.
9 We need to think about it from our end, which
10 I imagine it will have a negative, even if
11 it's a slight negative on certain fishermen
12 and tournaments and whatever.

13 But we also need to think about
14 what effect that's going to have from the
15 other end, if zero retention goes in. Is that
16 going to -- how much, what can we get out of
17 it from other nations in that regard. I don't
18 know if you have any insight into that, or if
19 anyone who was at the meeting, what fisheries
20 are currently retaining sailfish overseas and
21 how would that impact the overall stocks.

22 MS. SCHULZE-HAUGEN: I would

1 welcome input from others that were there on
2 that question.

3 PARTICIPANT: Well Andre, unlike
4 some of the other istiophrids, sailfish in the
5 Atlantic, there's a major fishing mortality
6 that occurs from artisanal fisheries. So
7 those are very hard to manage and to regulate,
8 and a lot of them are subsistent. So the
9 thought was well, at least we do know that
10 there's a fairly high --

11 You know, we had asked for live
12 relief, and essentially the United States
13 recreational community got pushback, saying
14 well, if we're going to release them all live
15 from our long lines, then you've going to have
16 to release them all live from your
17 recreational fishery, realizing that that
18 would probably be a deal- breaker, which is
19 was.

20 (Off mic comment.)

21 PARTICIPANT: Yes. It was clearly
22 posturing, but it was effective. You know,

1 almost all of the bycatch initiatives that
2 were put forward at ICAT last year just failed
3 miserably.

4 PARTICIPANT: Thank you. In
5 response to your follow to Dr. Graves'
6 comments, is there a suggestion on your part
7 that this body should support creation of
8 roundscale spearfish as a part of our HMS
9 management unit specifically, or an overall
10 sailfish?

11 PARTICIPANT: Did I miss a point
12 here? I know it wasn't successful at the ICAT
13 level.

14 PARTICIPANT: But there's a
15 suggestion here, "Roundscale spearfish
16 confirmed whatever ..."

17 MP We do not have them in our
18 plan. We do not have them in our plan. Are
19 we suggesting or you're asking our opinion?

20 PARTICIPANT: To include this in
21 our HMS.

22 MS. SCHULZE-HAUGEN: I think maybe

1 there's some confusion. What we're trying to
2 do here is for sailfish, given how the
3 international negotiation went, what can often
4 happen, and this is a good example, is that
5 things move very quickly. There are
6 modifications made on the floor of the
7 deliberations, and we need to make a decision
8 whether we support something or not, sometimes
9 in minutes.

10 So this is one of those examples
11 where there was a modification on the floor,
12 and we needed to decide whether we were going
13 to support it or not. In the end, in this
14 case, we asked for more time, and part of that
15 additional time is checking back home for what
16 folks thought.

17 So that's the sailfish discussion.
18 That's what I'm trying to do at this point is
19 get the panel's views on that specific
20 measure, as modified on the floor. A separate
21 issue then is what we're thinking about for
22 roundscale spearfish. So that would be more

1 domestic. That hasn't come up, I don't think,
2 in the context of ICAT, at least not yet. So
3 they're separate.

4 PARTICIPANT: Understood. Thank
5 you for that clarification.

6 PARTICIPANT: Yes. I think the
7 sailfish counterproposal sort of falls into
8 that category of this is a measure that at
9 implementation it would probably be 100
10 percent implemented by the U.S. and mean no
11 more landings because we know that virtually
12 very sailfish caught in the recreational
13 fisheries is alive at the point of capture,
14 and therefore would have to be released.

15 The assurance that in the gill net
16 fisheries, the others, the artisanal fisheries
17 and the long line fisheries that other
18 countries operate, you know. It's hard to say
19 that it would have any effect implemented by
20 them, whether they -- you know, there's no way
21 of knowing whether they really are releasing
22 live fish or not.

1 So my real concern about this is
2 that I think it's sort of a preview of what
3 we're going to see with fish that are, I
4 think, obviously in much worse shape than
5 sailfish. Sailfish were uncertain if
6 overfishing is occurring and we're trying to
7 be precautionary.

8 We have blue and white marlin we
9 know are overfished, and white marlin
10 severely. We have a white marlin agreement
11 that features already this live release by
12 long line vessels, and that agreement expires
13 this year.

14 So I think we need to prepare for
15 that, that this kind of pushback is going to
16 appear in that proposal, if we want to
17 continue the live release requirement that's
18 in the agreement right now. Are we going to
19 be asked then to have, you know, 100 percent
20 release in the recreational fisheries.

21 My own view on that, and I've
22 talked to a number of other people about this,

1 is you know, if they felt it was going to --
2 if giving that up was going to rebuild blue
3 marlin or white marlin, it's kind of an easy
4 thing to do.

5 But if they think it's just going
6 to be, you know, more sacrifice by the U.S.
7 and it's not really going to have any
8 effective change in the other fisheries or in
9 the rebuilding of blue and white marlin, then
10 you know, what's the point?

11 So to me, that's really the
12 discussion that has to go on, is how do we
13 make sure that this thing is being implemented
14 and enforced by the other countries? We know
15 it will be here. Will it over there? It's
16 just sort -- it's a matter of trust, and that
17 trust is probably at a minimum right now.

18 PARTICIPANT: Just a
19 clarification. It's my understanding that
20 there is no retention limit on roundscale
21 spearfish. Is that the case?

22 PARTICIPANT: Yes.

1 MS. SCHULZE-HAUGEN: Yes. There's
2 no management of it at all. It does not
3 appear in the regulations right now.

4 PARTICIPANT: That means you can
5 retain it?

6 (Off mic comment.)

7 PARTICIPANT: From the North
8 Carolina head boat side, I'm kind of surprised
9 to see a U.S. reluctance to give up on
10 sailfish recreational retention, which is what
11 I understand John said, and I just clarified
12 that with him. It's my understanding that it
13 was the Billfish Foundation's reluctance to
14 give up our recreational kill capability on
15 sailfish.

16 I am aware of some white marlin
17 kill in tournaments that would require the
18 retention of white marlin, but I'm not on
19 sailfish and have participated in a bunch down
20 in Florida, and they're all release, you know,
21 tally of releases.

22 So I'm not sure why the U.S.

1 wouldn't want to, in exchange for getting
2 international commitment to live release PLL
3 sailfish, why we wouldn't give up our right to
4 our recreationally retained sailfish.

5 Although I used to retain sailfish
6 down in Miami as a child and that was my third
7 grade science project, was smoked sailfish for
8 the classroom. I don't perceive any need for
9 myself or my future children to partake in
10 that anymore.

11 PARTICIPANT: Well, to speak to
12 that a little bit, retention or the ability to
13 retain sailfish, there is some interest in
14 that from some of the existing U.S. charter
15 fleet in some parts of the United States.

16 There are also some private
17 anglers that do retain sailfish still for
18 consumption in the United States, and in fact
19 I've talked to some of them who do exactly
20 what you did, which is smoke them and eat
21 them, because they like to do that.

22 So I think at issue here was I

1 wasn't there, but I think as Margo eluded to,
2 the very quickly occurring deliberations that
3 happened at ICAT resulted in a situation that
4 the United States probably needed to be able
5 to think about and look at some additional
6 information, before we really understood what
7 the ramifications could be, and couldn't make
8 a snap decision that easily.

9 (Off mic comment.)

10 PARTICIPANT: Yes, just to
11 clarify, that the Recreational Commissioner
12 Ellen Peel didn't feel comfortable, nor did
13 Rebecca Lent, our lead commissioner, in making
14 the decision for an option which was no
15 retention in the recreational community, that
16 had not been at least passed by the
17 constituency.

18 So it was an option that the
19 advisory committee hadn't even considered, so
20 they didn't want to go ahead and lock in on
21 that. Glenn probably has a lot of insights,
22 because he, as a former commissioner, knows

1 how these decisions are made.

2 PARTICIPANT: I was really going
3 to make a different point, but I agree with
4 what John said. That is the way it works, but
5 that doesn't mean I don't have a perspective
6 I'd like to share. So when I'm in the queue,
7 let me know.

8 MR. WEBER: Rick Weber. Glenn and
9 I just had a quick sidebar here, where he was
10 asking a question. It's the same problem I've
11 always brought back to you guys, you know.
12 Glen's question, from a commercial standpoint
13 is, why do you want them? What exactly do you
14 want to do with them? What is their
15 commercial value and how can we mitigate it or
16 supplant it?

17 Managing recreational fisheries is
18 not necessarily about pounds on the dock. It
19 is about optimism and opportunity. It isn't
20 so much that people want to take the sailfish.
21 They want the ability to, if that, "Oh my God
22 that so big fish comes along." You know, we

1 can drive a lot of recreational trips off
2 opportunities that never happen.

3 You know, we can talk about size
4 limits. We can talk about all sorts of things
5 to reduce the total number. But recreational
6 fishing is not about what are you going to do
7 with that exact fish. It's about the
8 opportunity, the possibility, the blue skies.
9 So it's tough to drive it into a market value
10 there.

11 Along those lines, I know that
12 we're going to enforce a, you know, if we give
13 up recreational landings, I know that we're
14 going to enforce it. Can anyone tell me what
15 the mechanism is to enforce landings of
16 sailfish in other countries or are we just
17 going to once again be the ones who enforce it
18 and have everyone else thumb their nose at it?

19 If they really want to push it,
20 why don't we go for zero landings, forced, you
21 know, throw back the live ones and the dead
22 ones, no landings of sailfish? If you're

1 looking for a counter-negotiating point, and
2 they really decide to come hard with it, let's
3 have them do what our guys have already done
4 and give up their landings of dead sailfish as
5 well?

6 A couple of thoughts for you
7 there. I'll come back when we're on
8 roundscale.

9 PARTICIPANT: Yes. I will say
10 again, a good commissioner would not commit
11 the U.S. to something that hasn't been vetted
12 with the affected constituency, and so from
13 that perspective, I'm sure Ellen did the right
14 thing.

15 Having said that, however, coming
16 from the pelagic long line perspective on
17 issues like this, this is you know, bordering
18 on cosmic that we're talking about the right,
19 to protect the right of billfish anglers, you
20 know.

21 Talk about blue sky. I mean I'm
22 stunned to hear that the billfish community

1 would want to preserve their right to bring
2 the magnificent sailfish home and smoke it, in
3 the face of 100 percent release of all
4 billfish species in our commercial fisheries
5 for quite a long time now.

6 That's got to be going on 15-20
7 years, 20 years we've been doing that. I was
8 stunned by the whole conversation. I never
9 would have thought I'd have heard the
10 recreational billfish community speak this
11 way.

12 So you know, I think live release
13 is a questionable tool. I know we've used it
14 at ICAT because sometimes that's the best you
15 can do and it's better than nothing. But that
16 puts an awful lot of responsibility on people
17 to decide well, is it alive or not and who's
18 watching. So you know, I would support what
19 you just said, Rick, which is why are we
20 retaining any of these fish, particularly in
21 the face of potential stock condition
22 questions that need to be addressed.

1 So I would think for a U.S.
2 position, we should be considering release of
3 all sailfish, consistent with the approach
4 taken with regard to the commercial sector.
5 Thank you.

6 MR. DUNN: As we call on others,
7 it would be interesting and useful to know
8 your views on the suggestion that was just put
9 on the table.

10 PARTICIPANT: The recreational
11 community on the east coast of Florida has not
12 kept a sailfish in a tournament since I can
13 remember. I haven't seen a smoked sailfish
14 since probably 1989.

15 So if the question is are you
16 going to get pushback from the recreational
17 community down there on the notion of having
18 no live or no take of sailfish, I think the
19 answer is no.

20 We would probably be in favor of
21 that. I don't know anyone who's kept a
22 sailfish in years and years and years. So I

1 think we would support that.

2 PARTICIPANT: Yes, I'll get back
3 into this, because I think we shouldn't lose
4 perspective of what this is all about. I mean
5 obviously people can give up and maybe should
6 give up landing any billfish whatsoever. The
7 whole point, I mean it's not, that's not the
8 point of this. The whole point of it is to
9 get something done through ICAT for highly
10 migratory species that's really going to stop
11 overfishing.

12 I think this is a better
13 discussion around marlin than it is about
14 sailfish, because I don't think their status
15 is quite, you know, approach is something that
16 really would justify zero retention, zero
17 landings. I think the marlins absolutely do,
18 and I think Rick's proposal for a
19 counterproposal is absolutely what we should
20 be doing, is move this -

21 Because I don't think the live
22 release thing on foreign vessels is really

1 being implemented, the stock assessments
2 really haven't shown much rebuilding, much
3 effect of that. The landings reports are not
4 what they should have been. They're not
5 meeting their goals for what they should have
6 reduced their landings by.

7 So I think that should be our
8 counterproposal, is not retention of blue or
9 white marlin. That's something that is
10 enforceable. I think it's something that's
11 needed to rebuild those stocks. I think
12 getting into it over sailfish would probably
13 be a mistake, and as I said before, I think
14 it's definitely going to come up when marlin
15 comes up this fall, and I think that's where
16 we really need to fight for it.

17 MR. DUNN: John Graves, you wanted
18 to jump in real quick, and then back to Dewey?

19 MR. GRAVES: Right. Just to the
20 point that Ken made, that in terms of the
21 reductions from the live release for the blue
22 marlin and the white marlin, he misspoke, that

1 if you look at the report, the ICAT SCRS
2 report, that we have made the reductions, the
3 anticipated reduction.

4 That's two-third reduction in
5 white marlin landings and 50 percent in blue
6 marlin. So to say that they're not -- we
7 didn't see the reductions is wrong.

8 (Off mic comment.)

9 MR. GRAVES: In aggregate, the
10 reductions, the reported reductions have
11 occurred.

12 MR. DUNN: Okay, thanks. Dewey.

13 MR. HEMILRIGHT: I think it's
14 going to be, you know, it's kind of hard when
15 you look at other countries, and a lot of them
16 are killing the billfish or feeding their
17 people. Here in the U.S., we chose to go a
18 different route in the late 80's.

19 So it's almost kind of hypocrisy,
20 whether you like it or not, to say you know,
21 that these other countries. Here in the U.S.,
22 a few of us are going to keep these fish to

1 play with and have tournaments.

2 But you over there, we want you to
3 promote these live releases, even though it's
4 probably more -- well, we know there's more
5 mortality across the pond than there is here
6 in the U.S., it's kind of hard.

7 How can we go tell the other
8 people, you know, let your fish go when we get
9 to kill a few for pleasure or for blue skies
10 or whatever else we want to use. But I just
11 find it hard to believe that these other
12 people are going to do live release. How
13 about Enforcement? I mean it just ain't going
14 to be enforced over there.

15 PARTICIPANT: I was wondering as
16 another opportunity and tool, there was
17 discussion here about the light wire circle
18 hooks, and their ability to essentially
19 automatically live release blue fin tuna.

20 Has there been any consideration
21 given to trying to, through the ICAT process
22 as well as other international outreach

1 processes, to try to loan those research
2 findings to other countries, to try to suggest
3 that if there is a hot spot where other
4 countries are taking a lot of blue marlin, if
5 they could use a similar light wire circle
6 hook principle to allow the three, four, five
7 and larger, 100 pound blue marlins to
8 straighten out the hook and reduce their blue
9 marlin take through that as well? That might
10 be another way.

11 I would second the notion from Mr.
12 Williams over here on the recreational side in
13 North Carolina. I'm not aware of anybody
14 retaining sailfish or billfish of any kind,
15 unless it's a kill tournament, and there
16 aren't any sailfish kill tournaments.

17 MR. DUNN: So maybe to roundscale.
18 Let's go to roundscale. Who has a question or
19 suggestion about the roundscale issue? Rusty?

20 MR. HUDSON: Russell Hudson,
21 Directed Shark. Just doing a little Googling,
22 it looks like Dr. Mahmood, however you

1 pronounce his name -- she? Is it is she?

2 Mahmood Shivji, be down there at Guy Harvey.

3 He's a director there.

4 He did some DNA work, and it turns
5 out that the tournaments and the bycatch
6 samples that he used from the commercial, 27
7 percent of the white marlins are actually the
8 round scale. One of the things that I think
9 that Randy could have done was to have like
10 the picture that they use on their website up
11 there for comparative purposes.

12 I can see a couple of
13 morphological differences. But at the same
14 time, I think it begs when you got a
15 tournament in Ocean City, the white marlin
16 open last year, that the winning white marlin
17 was \$903,000 and some change. That's
18 commercially important to somebody obviously.

19 But with one-fourth of the
20 animals, it looks to me like what David
21 Bernhart over at Protected Resources said in
22 this same article from earlier this year, that

1 he think it's proportional on the assessment
2 with white marlin, but it sounds like the
3 environmentalists want to see a reassessment
4 of white marlin, to be able to come to terms
5 with this.

6 I would say that NMFS should
7 engage in some samples, trying to be able to
8 identify the characteristic differences,
9 because I guess they recognized this animal at
10 least three years ago. So just for our
11 benefit, when we're sitting her looking at a
12 bunch of information on the screen, sometimes
13 a photograph is worth a thousand words. So
14 that's just a suggestion.

15 MS. SCHULZE-HAUGEN: Yes. I think
16 there's a lot of work on trying to figure out
17 the proportions, and going back in time to see
18 if those proportions are the same as what
19 we're seeing now, if that's true back through
20 time. I think that's more difficult to do.
21 But yes, there are some morphological
22 differences if you know what to look for. So

1 I think outreach on that can be helpful. So
2 John?

3 MR. GRAVES: Yes. Just to address
4 Rusty's comment, getting retrospective samples
5 are difficult.

6 But I do have samples from a
7 particular tournament in New Jersey going back
8 17 years, and the incidence of roundscale
9 spearfish in the fish that are brought to the
10 dock at that tournament, has varied
11 dramatically, suggesting that doing a
12 retrospective analysis in any one place,
13 unless you have a time series, you're not
14 going to be able to come up with a proportion
15 of roundscales to white marlin.

16 In many years, it's all white
17 marlin. But in some years, in fact of the 15
18 or so fish that may be brought to the dock,
19 you might have a majority of those that are
20 roundscales. That's happened a few years. So
21 it's extremely variable, and it poses some
22 problems in the assessment.

1 But people should also remember
2 that if you, the misidentification of
3 roundscale spearfish doesn't go with white
4 marlin only. In fact, we've done some typing
5 of animals that were classified as white
6 marlin, and also as spearfish in the Brazilian
7 long line fishery, and large samples, about
8 100 of each.

9 We only found one roundscale
10 spearfish in with the 100 white marlin. But
11 of the 100 spearfish, 40 of those that were,
12 you know, were roundscale spearfish and 60
13 were longbill spearfish. So you know,
14 depending on the character that you're looking
15 at, the identification could go one way or the
16 other.

17 Most recreational anglers look at
18 the whole body shape of the animal, and it
19 looks like the white marlin. But on the --
20 get the animal on the deck of a ship, and you
21 can look at the vent. The placement of the
22 vent is a dead character. It completely

1 discriminates white marlin and roundscale
2 spearfish.

3 PARTICIPANT: It seems to me that
4 these two really -- we have been managing them
5 as a complex. Accidentally, but historically,
6 we have been managing them as a complex. I
7 think we should probably move forward managing
8 them as a complex. Just acknowledge that
9 there's two species in there. But in the
10 field on- the-fly identifications, it can be
11 done in the field but it is not an easy on the
12 fly thing by any stretch.

13 You know, I was present when they
14 were laying out some of these fish side by
15 side, and had listened to them say well, two
16 of them are roundscales. I didn't have the
17 skills at the time to tell. They all looked
18 identical to me.

19 You know, we've gotten into --
20 there's all new words that we're learning in
21 the recs, trying to you know, bronchiostegus
22 and vent elasticity. I mean this is where

1 these two things are differentiated. They
2 make the sandbar brown problem look like a
3 walk in the park. They are truly a complex.
4 They ought to be managed as a basket.

5 PARTICIPANT: Switch to bycatch.

6 MR. DUNN: So ideas, comments on
7 the issue of long line bycatch in the Gulf of
8 Mexico? Where's Rich? Rich, you're scaring
9 me. Yes, Rich. No, he's helping you.

10 MR. RUAIS: Yes, If someone else
11 cares to take the mic first, I'd appreciate a
12 minute. I was not aware --

13 MR. DUNN: Mr. Delaney has stepped
14 up.

15 MR. RUAIS: Thank you.

16 MR. DUNN: Glen.

17 MR. DELANEY: I'll throw myself in
18 front of the bus, because frankly I was
19 unaware of the issue, and I'm not quite sure
20 what the issue is. So perhaps a little
21 framing of the issue would be helpful, because
22 I'm not sure what you're asking us to do. I

1 mean clearly, the chart seems to suggest that
2 the CPUEs from the log books are going up, but
3 you don't see that in the observer data.

4 I'm not quite sure what, and what
5 are you asking us to consider? Thank you.

6 MS. SCHULZE-HAUGEN: Yes. This
7 was a request to be on the agenda for
8 discussion from Ellen. So unfortunately she
9 wasn't able to come, but this is the response
10 to that request, and so there wasn't a
11 specific question from us to you all, but it
12 was more us being responsive. So maybe
13 Elliott wants to --

14 MR. DUNN: Elliott, can you
15 channel Ellen? What did she have in mind
16 here?

17 MR. STARK: Well, I don't know if
18 I can live up to that, but Dr. Phil Goodyear
19 is completing a bycatch update for billfish
20 from the Pacific, I mean the pelagic long line
21 in the Gulf, and that's the extrapolation of
22 some observer data.

1 We anticipate the report to be
2 completed at some point this year, in the near
3 future, and upon completion, we'll make it
4 available to the agency.

5 MR. DUNN: Seems like it's not
6 quite ripe yet for discussion. Okay.

7 (Off mic comment.)

8 MR. DUNN: So would you like to
9 withdraw your forced comment or -- very good,
10 thanks. All right.

11 MS. SCHULZE-HAUGEN: Maybe just to
12 finalize on that, I guess we welcome Dr.
13 Goodyear's report. We can make it available
14 to the panel when we get it.

15 MR. DUNN: Very good. Thank you
16 very much. With that, I suggest that we move
17 on to the vessel monitoring system issues and
18 options, and a time check here. We may elect
19 to switch the sequence and take public comment
20 before the Recreational Information Program
21 Update, because the presenter for that is not
22 going to be with us until noon.

1 But let's first take up the vessel
2 monitoring system issues and options, and then
3 see, take stock of our time.

4 Vessel Monitoring System Issues

5 MS. SCHULZE-HAUGEN: Okay. Well
6 while I think we're getting loaded up here,
7 many of you, Commander Brian Parker is going
8 to be giving us the presentation. He joined
9 our division just about a year ago, and I
10 think most of you know, he's with the NOCOR
11 (ph), and be walking through some of the
12 things that have come to our attention over
13 the years on VMS, and he'll be right back.

14 So anyway, so Brian's with us. He
15 is, you probably contacted him mostly on AP
16 Logistics, travel orders and things like that.
17 He's our operations branch chief at the
18 moment. So but this is a strong interest of
19 his, and so something he's interested in
20 talking to you about.

21 CDR PARKER: Welcome. I met most
22 of you already. I appreciate you letting me

1 talk to you today about vessel monitoring
2 systems.

3 (Off mic comment.)

4 CDR PARKER: As everybody in the
5 room is aware, vessel monitoring systems are
6 basically a transceiver that's placed on board
7 the vessel. It uses GPS to identify its
8 position, and then it relays that through a
9 communications satellite to a monitoring
10 system here on land.

11 VMS provides Law Enforcement a
12 tool to assist agencies in monitoring control,
13 surveillance. It enhances Enforcement of time
14 and area regulations. It's greater coverage.
15 Provides evidence for documenting both
16 violations and compliance. Provides
17 surveillance patrol flexibility, documents
18 position of the vessels and Provides log book
19 verification.

20 It also provides safety. Certain
21 models can be used to send distress calls.
22 Communications, a secure, inexpensive telex,

1 email. Some models allow for weather and
2 distress monitoring. Some other ones allow
3 data transmission such as catch-a-ports,
4 navigation and potential exculpatory evidence.

5 VMS does not eliminate the need
6 for traditional air and sea surveillance. It
7 does not reduce overall Enforcement costs, and
8 it does not reduce investigators' workload.
9 The history of HMS' VMS requirements started
10 in September 2003, when it was enacted.

11 Permitted HMS vessels away from port, pelagic
12 long line gear on board were required to carry
13 it.

14 In November 2004, vessels issued a
15 direct shark limited access permit when away
16 from port with gill net on board during the
17 white whale calving season were required, and
18 in January 2005, vessels issued a direct shark
19 limited access permit and away from port with
20 bottom long line gear on board, located
21 between 33 north and 36-30 north, and during
22 the Mid-Atlantic shark closed area, were also

1 required to carry it.

2 The closed areas that are involved
3 with HMS is displayed here. You can also find
4 this on the HMS website. Additional HMS-VMS
5 requirements, you must have a HMS-approved VMS
6 device installed and operating whenever
7 leaving port, two hours prior to departure.

8 While at sea, the unit must
9 operate without interruption. After a fishing
10 trip, during which interruption of an
11 automatic position reports have occurred, the
12 vessel owner or operator must replace or
13 repair the VMS unit prior to the vessel's next
14 trip.

15 Repair or installation of a VMS
16 unit for installation or replacement, changing
17 of its communication service provider have to
18 be done in accordance to the NMFS checklist.
19 Vessels subject to VMS requirements must allow
20 NMFS and the Coast Guard access to the VIMS
21 data after its transmission to the vendor or
22 receiver, as the case may be.

1 Position reports are secure from
2 the vessel to the end user. They are not
3 public information. Presently, therefore, VMS
4 units that are currently type approved for use
5 with the HMS fisheries. Of these four, the
6 Faria Watchdog 750 is the most functional, has
7 the most options. It was just recently
8 approved in 2007. The other models date back
9 to 2004 and earlier.

10 In July of 2006, NOAA announced
11 federal funds were then available for vessel
12 operators required to install VMS units per
13 Fisheries requirements. This money was to be
14 used for purchasing of the equipment. In
15 2008, the cap on this was placed at \$3,100.

16 Currently, HMS fisheries are not
17 eligible for this reimbursement because our
18 regulations predate that fiscal year 2006
19 requirement.

20 Concerns regarding our present HMS
21 requirements, VMS requirements. Our HMS/VMS
22 are not required to be installed by a

1 certified marine electrician. The targeted
2 HMS cannot be identified. The HMS fishing
3 gear in use cannot be determined. The older
4 units do not indicate whether the units are on
5 or off for the fishermen that are utilizing
6 them, and the older units are limited in
7 functionality.

8 So What I'm presenting to the AP
9 today is addressing some of these concerns
10 through future regulations, possibly requiring
11 approved installers, possibly reporting what
12 gear is to be used before a trip or what
13 targeted HMS through the VMS.

14 Newer VMS units already have a
15 power indication button on them, so that will
16 pretty much go away by requiring new
17 equipment. Increased functionality. This is
18 something fishermen utilize or don't, such as
19 messaging, texting, reporting of landings,
20 increased safety options.

21 Through new regulations, one thing
22 that should be able to go through is that HMS

1 fishermen will then be able to seek the
2 reimbursable, the \$3,100 right now, and any
3 other options that haven't been considered in
4 this PowerPoint. At this time, I leave the
5 floor open for comments.

6 MR. DUNN: So Brian, just to be
7 clear. You're inviting comments and responses
8 to the various options, and you're also
9 inviting other ideas? Is that right?

10 CDR PARKER: Correct.

11 (Off mic comment.)

12 MR. DUNN: Yes please, Margo.

13 MS. SCHULZE-HAUGEN: Yes. Just a
14 little more background. We've been hearing
15 from our Enforcement folks how some of the
16 older units and some of the installation
17 problems are problematic for both fishermen
18 and for them, in terms of losing signal and
19 the fishermen don't know.

20 It's just the ability with some of
21 the newer units, I think, is better for
22 everybody. It would also, if there's a

1 regulatory change, that requires a change in
2 the unit. It enables the reimbursable option.
3 So that was something we wanted to check in
4 with folks, to see kind of your feedback on
5 that kind of an approach with the increased
6 functionality, and then also be available for
7 reimbursement.

8 MR. DUNN: Good. So important
9 questions about functionality, whether it's
10 mandatory or not, and opening the door to
11 reimbursement. Bennett, you have the queue
12 right?

13 MR. BROOKS: Yes. We'll start
14 with Dewey.

15 MR. HEMILRIGHT: Thank you. I'm
16 Dewey Hemilright, a commercial fisherman from
17 North Carolina, and I currently have a vessel
18 monitoring system that's a Skymate, and it
19 stays on 24 hour a day, you know. I just
20 leave it on the whole time, unless I'm going
21 into the boatyard.

22 A couple of questions I have to do

1 with safety, and we've had some past
2 experiences where on weekends or something.
3 Is this, can you assure me that this is
4 monitored 24 hours a day, that if I get in
5 trouble out there, the Coast Guard can call
6 whoever's in charge of vessel monitoring
7 systems and see where my last known position
8 is 24 hours a day, seven days a week, 365 days
9 a year?

10 Because safety, if I've got to
11 have this machine on my boat running, telling
12 the government where I'm at all times, I want
13 to make sure that 24 hours a day, seven days
14 a week, 365 days a year, that if the Coast
15 Guard has to call the vessel monitoring people
16 -- not the companies but the agencies and say
17 hey, "Where's the fishing vessel Tar Baby. We
18 just got a report from them."

19 I don't believe it does now, but
20 is that, you know, possible, because we need
21 that. We need that option. I've got a couple
22 of other questions about the functionalities

1 here. With these older machines, I think it
2 would be good to help with purchasing if
3 you've got to update your equipment or
4 something like that.

5 I bought my old equipment. It was
6 like \$1,500. We've had problems where guys,
7 one guy's machine went out and he went heck
8 over a week or two period of time, and come
9 find out it was because he had a battery
10 charger plugged in in his boat for his little
11 cordless drill. I mean it threw the system
12 haywire, and he couldn't go fishing. He had
13 installers and all that.

14 So anything that would help with
15 that, it would be great. But my safety issue
16 is important. It needs to be provided year-
17 round, 24 hours, to be able for somebody to
18 call you or whoever runs this VIMS system, and
19 hey, where's the Tar Baby at. If it can't be
20 done, it needs to be done. Thank you.

21 CDR PARKER: Yes. When I started
22 first researching this, I quickly came upon

1 many issues, especially up in the Northeast,
2 because unfortunately last year, or actually
3 I think it was in 2008, they had a very
4 unfortunate circumstance and two fishermen
5 were lost.

6 The issue involved a fishing
7 vessel. The fishermen was contacting his wife
8 regularly, communications ceased. The Coast
9 Guard sector in the area was notified by the
10 wife at 1:30 in the morning. The times are
11 a little bit off by half an hour or a little
12 bit, but I did do some research. What I'm
13 presenting here is on the public websites.

14 In the ensuing aftermath,
15 basically what happened was the Coast Guard
16 was slow to respond. The Coast Guard did try
17 to access the VMS via website. It turns out
18 the sector did not have the user name password
19 to get into it. The station did, but
20 unfortunately, and it was a number of issues,
21 and this is all on the public website.

22 The Coast Guard would later make

1 numerous changes in the way that they
2 internally communicate this information back
3 and forth. There was other things that also
4 came into play. The Coast Guard readily
5 admits in their follow up report that a
6 relatively new person was in charge of that
7 sector, and people below him were afraid to
8 wake him up.

9 The reasons being that they were
10 looking at, it was a fire alarm that the wife
11 reported sounded just before the phone call
12 ceased. But they could find no other
13 emergency equipment that went off, such as a
14 SARC (ph) or anything like that.

15 So basically they searched the
16 harbor, to make sure the fishing vessel was
17 gone and it was. The helicopter was then
18 dispatched about three hours later, and
19 eventually came on the scene about four and a
20 half hours to five hours after the initial,
21 after the wife initially called them, and at
22 that point it was too late.

1 Very quickly what happened was a
2 tug and barge was evidently involved. The
3 sinking was very quick. Both deaths that were
4 involved were drownings; they weren't even
5 hypothermia. But the point is is, you know,
6 what I tried to find on the web, are there
7 corrections that were made, that the Coast
8 Guard definitely has the VMS?

9 I know that there are -- I'm
10 reading, you can read this right off of here.
11 In November, the Coast Guard assessed NMFS VMS
12 systems to help locate a New Bedford fishing
13 vessel, the Costa Corva (ph), which had gone
14 down more than 100 miles east of Cape Cod. In
15 that instance, three or four crew were
16 rescued.

17 So I can tell you this. There are
18 things put into play, so that the Coast Guard
19 can access the VMS data, with the intention
20 that they're to use it for search and rescue
21 operations. But can I tell you that 100
22 percent, 365 days a year, is the system

1 foolproof for all regions and all stations,
2 no, I cannot say that, mainly because I don't
3 have access to the Coast Guard's data.

4 I know that's the intent though,
5 and I have no doubt. I know that it was part
6 of the things that went into this, was
7 identifying where the fishing vessel was
8 actually at, because the only thing they had
9 was the VMS data.

10 But unfortunately, I could not
11 find anything that definitely stated that was
12 corrected. I will be happy to search into it
13 though, Dewey.

14 MR. HEMILRIGHT: I'm not rehashing
15 this, because safety is the most important
16 thing. You're not giving me very much
17 assurance by reading off the website, and tell
18 me about future stories of drownings. That's
19 not very enlightening for me.

20 I need to know that this system,
21 if the Coast Guard -- if not, it needs to be
22 changed, man. You reading off the Internet

1 ain't going to help me out there fishing. It
2 needs to be that if my EPIRB goes off or
3 somebody else calls, the Coast Guard needs to
4 be able to call vessel monitoring people,
5 whoever's in charge, not the companies that
6 operate the system, and say hey, where's the
7 last position of the Tar Baby.

8 I can't help it if somebody don't
9 got a code or don't want to wake somebody up.
10 You're not very assuring me by looking off the
11 Internet that this is going to help me. I
12 mean not only is this for Enforcement
13 purposes; it also should be for, you know, the
14 safety part. I'm not very pleased with what
15 you're discussing there.

16 But maybe you can look into it
17 more than on the Internet, and think, because
18 this is important, you know. After the fact
19 with somebody else calling, it's damn too
20 late.

21 CDR PARKER: I will check into
22 this. I will follow up with it and I will get

1 back with the AP on it.

2 MR. HEMILRIGHT: Thank you.

3 MR. DUNN: Good, thank you. To
4 the back table? I can't see whose card that
5 is. Yes, go ahead.

6 (Off mic comment.) Tape 19

7 MR. DUNN: Microphone. Can't hear
8 you.

9 PARTICIPANT: Sorry. Is this
10 equipment NMEA 0183 or NMEA 2000 compliant?
11 Can you hear me?

12 MR. DUNN: Yes, mic off. No, no,
13 we don't need it. We want to answer it.

14 PARTICIPANT: I'm afraid that I do
15 not know which process right now that NMFS is
16 going through for the approval procedure. So
17 I would have to verify that. I'm speaking
18 strictly in connection with the equipment.

19 This gentlemen has brought up a
20 very important point. Identifiers on your
21 signal, on your VMS signal could conceivably
22 carry GPS data, okay, locator data. So the

1 question is does it meet certain -- there are
2 two specific protocols in marine emergency
3 equipment.

4 That is NMEA 0183 and NMEA 2000,
5 okay. It doesn't make any difference if it's
6 complaint in either way. It's possible for us
7 to hook up a GPS antenna to your system and it
8 will -- and as long as your system is capable
9 of retaining that data, refreshing it
10 constantly, it will transmit a locator to
11 whomever receives that signal, right?

12 So it's just like the MMSI system.
13 If you have a GPS hooked up to your VHF, it
14 will retain and then transmit that data. So
15 his vessel will be able to be located very
16 quickly. They'll know precisely where he is.
17 This is something -- it's a very easy thing to
18 do. I mean it's a question of whether it's
19 designed to do it or not.

20 CDR PARKER: So it sounds like
21 this should be added to the list of things
22 that we can get back on, is that right? We

1 don't have answer now.

2 MS. SCHULZE-HAUGEN: That's fine.

3 One note here is that we don't run the
4 approval process, the type approval process.
5 That is done by enforcement, and they go
6 through, I think, a pretty detailed protocol
7 review of the different units and whether they
8 meet the requirements.

9 I'm not able to speak to that
10 process. It's not something that we do. But
11 we can work, we can look into it, potentially
12 have enforcement folks come to the next panel
13 meeting. I think they would be interested in
14 talking to you as well.

15 MR. DUNN: Okay. So we hear loud
16 and clear a deep concern about safety and
17 functionality and GPS capabilities, and we
18 take note of that and we want to now see if
19 there are other comments in response to
20 Brian's list of options to address concerns or
21 other related issues. So where were we in the
22 queue Bennett?

1 MR. BROOKS: Charlie, and then
2 over to Rusty.

3 MR. PEREIRA: Okay. As usual,
4 private industry is sort of spearheading a
5 number of initiatives right now that could
6 help on these, and one of them is I now carry
7 a device on all my boats. I leave one down at
8 my Florida location and one in my North
9 Carolina location that's called a SPOT, and it
10 cost me about, with my port supply discount
11 and tax- free commercial down in North
12 Carolina, it cost me about \$75 for my SPOT
13 satellite receiver.

14 I set it up on the Internet at
15 home when I first buy it, and I set up the
16 codes for each button on it. One of them is
17 I'm okay. One of them is I'm here fishing for
18 this, one of them is I'm here fishing for
19 that, which seems very similar to VMS. I'm
20 sure VMS probably costs more than 75 bucks to
21 design and install.

22 But it sounds to me like my spot

1 could be programmed real easy by the SPOT
2 manufacturer, to act as a VMS, and it might
3 save our tax dollars a lot of money. But more
4 importantly, it's basically to try to save
5 people's lives.

6 It has a function like that that
7 you can track, and nowadays on Tidal Fish and
8 other things like that, a lot of us will put
9 our SPOT track to show other people where we
10 fished, and it will be just a link to the SPOT
11 website for my SPOT code, and everybody on
12 line can go online and see exactly where I ran
13 out and exactly where I fished and trolled
14 around and did my circles.

15 I would encourage NMFS to work
16 with SPOT and ACR and other companies. ACR,
17 now that they see SPOT really taking off, it
18 is trying to develop its own version of the
19 SPOT because they see SPOT selling millions of
20 these units now, and it's far more functional
21 than just an EPIRB that sits there dumb and
22 stupid and doesn't do anything.

1 So I would encourage you guys to
2 perhaps call SPOT and call ACR, meet with
3 these people, and say look, here's what we do
4 with VMS. Here's what our goals are. Here's
5 how much it's costing us. How can we improve
6 safety and save money in our program? Maybe
7 you can find some of those people that have
8 economies of scale to help you guys.

9 PARTICIPANT: We're going to hold
10 with the panel members for right now?

11 MR. DUNN: With panel members
12 right now.

13 PARTICIPANT: Well, Rusty.

14 PARTICIPANT: Well quickly, I just
15 wanted to comment real quickly. I do know
16 that some of the new VMS systems right now
17 allow the fisherman the option to not only
18 send the data to NMFS enforcement, but also
19 they can put in one or two emails at their
20 discretion, and the system will simultaneously
21 also send position indicating information to
22 those email addresses.

1 So that's one of the options that
2 I was discussing, that you know, is this
3 something you should consider putting in.
4 This would not preclude the fact that the
5 Coast Guard needs access to that info.

6 PARTICIPANT: I just as a
7 concerned citizen would like to make sure that
8 NMFS is aware of and keeping track of existing
9 private technology, to make sure that we're
10 not spending 10 or 20 million dollars a year
11 on VMS, when we could be spending one million.

12 MR. HUDSON: Rusty Hudson,
13 Directed Shark. I've got a two-part question.
14 In the Gulf of Mexico, when they mandated the
15 use of VMS, they mandated the requirement of
16 24-7, and there was a lot of folks that
17 trailered their boats and the batteries would
18 run dead and they'd get in trouble over it.

19 I notice your two hour comment
20 there. Have you all changed the rule as a
21 result of that, and then I'll get to my second
22 part.

1 CDR PARKER: No. Our regulations
2 still state two hours right now.

3 MR. HUDSON: That's what I mean.
4 That is a change, because they were required
5 24-7 in that refish requirements in the Gulf
6 of Mexico to have them on, and so the boats
7 would in some cases would be trailered and
8 then be sitting in the backyard, and the thing
9 was having to go on 24-7, 365 days a year. So
10 that is a change, it sounds like. The second
11 --

12 PARTICIPANT: Let me make -- for
13 HMS, it's two hours. For the refisheries,
14 they have their own requirements.

15 MR. HUDSON: Okay. But it's still
16 Beverly Lambert's office that's monitoring
17 that, or is that --

18 MS. SCHULZE-HAUGEN: Beverly has
19 retired. Patrick O'Shaughnessy is now the
20 VMS lead in the Southeast region. But it is
21 still Southeast region, the same group.

22 MR. HUDSON: My second question or

1 comment is a combination. You may not be
2 aware of this, since you've only been around
3 a recent time. But back when Vickie Cornish
4 was the NMFS National Observer Program there
5 under Bill Fox at that time in the Office of
6 Science and Technology, approached me at a
7 meeting.

8 We had already the VMS on the
9 directed gill net shark fleet down our way in
10 Florida. She asked me if we could allow the
11 VMS to be used in combination with the video
12 cameras that they wanted to start utilizing.
13 I notice on your options to address concerns,
14 it looks like you want more functionality or
15 will be able to provide more functionality
16 with VMS.

17 So are y'all still or is law
18 enforcement still of the desire to want to see
19 those video cameras in combination with a VMS,
20 because it sounds to me like it gets more and
21 more involved on the constantly, you know,
22 dealing with the fishermen and what are they

1 catching and you know, you mentioned emails
2 and all kinds of other stuff that the newer
3 units can do.

4 MS. SCHULZE-HAUGEN: I think
5 there's a lot of discussion within the agency
6 about video cameras and how that can
7 potentially reduce some of the observer costs.
8 I think it changes those costs, because then
9 somebody has to watch the video.

10 But that hasn't come up in the
11 context of the current request that we're
12 talking about here from enforcement for VMS.
13 Whether that could be a potential capability
14 we look into, if it would be a preferable way
15 to go for whatever reason, I think we could.
16 But that hasn't been part of the discussion,
17 within HMS at least.

18 MR. HUDSON: As a final follow-up,
19 usually you have a law enforcement
20 presentation. This is a meeting, one of the
21 first ones I've seen that you didn't, and I
22 know Alan very well and you know, I didn't

1 know if he was going to pop in or have our
2 normal Coast Guard and NMFS special agent and
3 whomever else here. Why didn't we have that
4 this meeting?

5 MS. SCHULZE-HAUGEN: Well, you
6 know I think they're very busy right now, you
7 know, as came up before with a lot of the IG
8 stuff. So given the full schedule we had, I
9 think we thought this was an okay time. I
10 don't think it's going to be a long term plan,
11 but we thought for this meeting it would be
12 okay if they didn't give a presentation.

13 But I would expect them to be here
14 in the future, and particularly I think having
15 Patrick come and talk about their experiences
16 with VMS and what they think some of the
17 changes, how it might be better for everyone,
18 might be helpful and get it from the horse's
19 mouth, instead of from us.

20 MR. DUNN: Good suggestion.
21 Bennett, where else in the queue? Is Rich --
22 Rich are you trying to speak?

1 MR. RUAIS: There's a slight
2 possibility of that.

3 MR. DUNN: Take your card down.
4 Thank you.

5 MR. RUAIS: Was it high enough?
6 We're going to build a stand here in a little
7 while. But anyways, Brian, thank you for your
8 presentation. I do have to express a general
9 frustration about the surprise discussions.
10 The date on this one's May 13th. Maybe I
11 missed it and maybe it was mailed earlier, I
12 don't know. I certainly didn't see it out on
13 the table yesterday.

14 So I'm a little bit caught off
15 guard. I could have called several of my key
16 board members who certainly are much more
17 expert at this. I don't have any expertise in
18 this arena at all. I'm not even sure quite
19 frankly that this is an appropriate issue for
20 the HMS Advisory Panel to be dealing with.

21 I think this ought to be a
22 straight NOAA to industry discussion, in

1 separate meetings, where we can work through
2 the technical issues as David and Charlie have
3 more than adequately pointed out.

4 So I'm going to leave it at that
5 right now, because I'm just not prepared. I
6 appreciate the presentation and the concern.
7 Just a little disappointed that we didn't have
8 any advance, unless I missed it, and I might
9 have missed it, in preparation for coming
10 here.

11 Some of us, we have to wrap up
12 some other business before we get ready to
13 travel away from the office for three days.
14 So in any case, my suggestion is that there be
15 a future meeting scheduled between the --
16 everybody that's required to have VMS and the
17 Coast Guard, to discuss some of these
18 technical issues and decide, you know, a
19 proper direction to move that meets the
20 concerns you have on the last page of your
21 document, which I just quickly, quickly
22 reviewed.

1 Just before I give up the mic, I
2 was also caught off guard by Ellen's memo that
3 you guys put together for her, dated 5/10, the
4 day before I left again. I don't think I saw,
5 I didn't see this one on the website. It
6 might have been there, but I missed it if so.

7 But I'm pleased with Graph 14,
8 that shows that we're releasing more billfish
9 in the Gulf of Mexico alive. So I'm not
10 really very concerned about that. It appears
11 that the dead discards appears to remain very
12 low, certainly a huge drop from earlier years.

13 So I'm not sure what the point of
14 all that is as well. So I guess that's it.

15 MR. DUNN: Thanks, Rich. Margo.

16 MS. SCHULZE-HAUGEN: Yes, just to
17 respond. In terms of not knowing it was
18 coming up, this has been on the agenda since
19 the agenda was issued. In terms of -- yes,
20 yes. In terms of presentations, we've been
21 handing them out as we get to the presentation
22 itself on the agenda.

1 So the difference was sending out
2 the packet of bluefin tuna information,
3 posting that last week. That was the only
4 thing that was posted. We typically post the
5 presentations after the meeting. In terms of
6 why we're bringing it to the panel, is because
7 in order to trigger the reimbursable
8 capability, it requires a regulatory change.
9 So that's why, you know, bringing it to the
10 panel. It would have to go through the public
11 processes.

12 So it would be far more input
13 potentially coming than just industry because
14 of that.

15 MR. DUNN: Rich.

16 MR. RUAIS: That's fine, and I
17 apologize for my missing it. But I think,
18 even though it has to go through HMS and we
19 certainly appreciate the fact that there will
20 be reimbursement for the VMS cost, I think
21 this requires a direct industry to Coast Guard
22 consultation meeting, to get through some of

1 the specifics.

2 Then we can come back to the HMS
3 AP, maybe at the September meeting or whenever
4 your next schedule is, and take it from there.
5 The agendas, by the way, just a general
6 comment. The agendas are very full. I mean
7 we appreciate all the work you're doing and
8 taking on all these issues.

9 But that could be -- well, you
10 know, the documents could be distributed a
11 little bit earlier.

12 MS. SCHULZE-HAUGEN: I think a
13 suggestion for -- I'm going to sit down at
14 some point, whether it's AP meeting or a
15 different place, I think would be good, to go
16 through some of the technical details. I
17 don't have them all. So I think it would be
18 good to get those folks in the same room. It
19 would be helpful.

20 MR. HEMILRIGHT: Just one more
21 response about this. Is this going to be put
22 out to the public or the commercial industry?

1 Because you know, if you show -- or ask around
2 the room here a show of hands, who this
3 affects or who has a vessel monitoring system
4 on their boat, I doubt you'd get one or two
5 hands raised here.

6 I mean so you know it's good maybe
7 to inform people how this works, but these
8 questions right here need to go to industry,
9 about the working, and I don't think there's
10 too many industries here that's got this on
11 their boat, that have it on their boat.

12 Maybe some reps here could help
13 pass it along, but definitely maybe send out
14 these concerns with permitting or different
15 groups or something, you know, and maybe all
16 get together and have a summit on this stuff
17 for, you know, complaints or how we work it
18 here, because there is issues and all. But
19 you know, it would be a lot better with all
20 those logistics and stuff.

21 But that safety issue is an
22 important issue. If this system cannot do

1 that 24 hours a day, 365 days a year, you've
2 got a flawed system. Totally flawed.

3 MR. DUNN: Good. So key points.
4 Big concern about safety. Much broader
5 outreach, communicate directly with industry,
6 bring enforcement and Coast Guard to the
7 table. All right. Anything else to say about
8 this? We are going to use our prerogative as
9 facilitators and invite public comment now,
10 for the reason being that our presenter for
11 the Recreational Information Program is not
12 here yet, and we want to respect your overall
13 timing you've put aside for the meeting.

14 So if there are members of the
15 public who would like to make a public
16 comment, please let us know and we'd like to
17 entertain that public comment now.

18 Public Comment

19 MR. DUNN: A question? Go ahead.

20 DAVID: Hi.

21 MR. DUNN: David, right?

22 DAVID: David, yes. I wonder if

1 NOAA can advise us, looking down the road,
2 sort of as a devil's advocate? It seems to me
3 that it's becoming more and more a foregone
4 conclusion that we may on the east coast of
5 the U.S. be looking at oil from the oil spill
6 in the Gulf getting into the Gulf stream.

7 Now that's not something that we
8 in New England have to concern ourselves with
9 at this juncture, but it's highly possible
10 that we may be looking at that some time
11 during the summer. So my question is really
12 purely practical in nature, in the sense that
13 NOAA, maybe NOAA could advise us, the
14 fishermen, whom we would contact to obtain
15 information regarding environmental issues?

16 For example, is it within the
17 purview of NOAA or let us say the Food and
18 Drug Administration, to test marine wildlife
19 for safety for human consumption, okay? Is
20 that a function of the FDA or is it NOAA?
21 That's one question I have.

22 And either way, is it possible

1 that fishermen can be given the means with
2 which to obtain that testing information? Now
3 we know if Dr. Lubchenco decides to close an
4 area, we get it. But we're talking about
5 these gray areas in which we don't have enough
6 science or enough data to make intelligent
7 decisions.

8 We just don't know, for example,
9 how quickly or how slowly oil is going to come
10 up the Gulf stream. If we're fishing pelagic
11 species, which inhabit the entire pelagic
12 ecosystem of the North Atlantic Ocean, we have
13 a reasonable probability that the fish that
14 we're looking at catching will indeed be
15 possibly contaminated.

16 Now we also know, for example,
17 that NOAA in the past, in past oil spills,
18 NOAA and other government agencies have done
19 a lot of work. A lot of science has been
20 applied to determine the effects of this -- of
21 oil spill on marine life.

22 That can also be extremely helpful

1 to us. For example, I'm sure that a fully
2 mature tuna, bluefin tuna is going to respond
3 differently to the exposure to light crude oil
4 than a fingerling that is in the form -- it's
5 sort of an early stage of development.

6 We're wondering if NOAA might have
7 some information in their files from previous
8 oil spills, that they could provide, which
9 they could provide to us, so that it gives us
10 some sense of what the science has discovered
11 up until now.

12 I mean we tend to be reactive in
13 these kinds of situations, rather than
14 proactive. What I'm suggesting to you people
15 now is that you take a long look at this
16 situation and realize that information is king
17 in this situation. We need to know, because
18 we're the ones who are picking up the fish,
19 and we're the ones who are ultimately culpable
20 when it comes to fish being exposed to these
21 things.

22 We cannot wait for the Food and

1 Drug Administration or whoever it is to make
2 an announcement saying "no more fish are
3 allowed to be sold that come out of this body
4 of water."

5 MR. DUNN: Okay. Let's give Margo
6 a chance to answer some of those questions, if
7 she can.

8 MS. SCHULZE-HAUGEN: I will try.
9 I know FDA is starting to do testing. I
10 believe NOAA is doing testing. There a number
11 of branches of the National Marine Fisheries
12 Service that are involved in toxicology and
13 seafood safety and testing along those lines.
14 They are actively involved in what's going on.

15 In terms of accessing the data, I
16 don't know. I don't know how they disseminate
17 that. In terms of the impacts on individual
18 fish in different life stages and all of that,
19 I think as Eric mentioned this morning, this
20 is unprecedented, and we are doing the best
21 that we can to determine the impacts.

22 I think when we know we will

1 share. But at this point, I don't think we
2 know a lot. So we're going through this with
3 the public as well. So you're right about the
4 fishery closures. We are spreading that word
5 as quickly as possible, as soon as it's in
6 effect, and what I could say is as information
7 becomes available on different impacts and we
8 take the appropriate action, we would
9 certainly share that information as well.

10 But at this time, I don't know
11 what it's going to do.

12 MR. DUNN: The only other question
13 I heard in there, is there a point of contact
14 that would be in sort of a best point of
15 contact for David or other fishermen to use in
16 the future on these issues?

17 MS. SCHULZE-HAUGEN: Well, the
18 Southeast region is taking the lead at this
19 point on the fishery closures, because they're
20 in the Southeast region in terms of NMFS. As
21 far as other things, other agencies, I don't
22 have that information, but we can work on

1 trying to find it.

2 PARTICIPANT: Just a point of
3 order, that the -- the regions that you speak
4 of, like the Southeast region, that would be
5 the region that is now involved in the Gulf
6 oil spill? It's because of its proximity to
7 the Gulf, is that it?

8 So in other words, would our point
9 of contact be the Northeast region, just as an
10 example? Would that be appropriate at this
11 point?

12 MS. SCHULZE-HAUGEN: The National
13 Marine Fisheries Service is structured
14 regionally. There are regional offices and
15 science centers, and the regions, the
16 Northeast region has a Northeast Center. If
17 you are physically located in that region and
18 are more able to contact those folks, you're
19 welcome to do that.

20 The Gulf is happening, the spill
21 is happening in the area that the Southeast
22 region handles, which is why they're the lead.

1 They are the ones that are involved in the
2 fisheries management, and they are physically
3 on the ground. So I imagine the Northeast
4 would point you to the Southeast, but I would
5 leave them to do that.

6 MR. DUNN: Good. Glenn, you
7 wanted to weigh in?

8 MR. DELANEY: Yes. I was actually
9 going to suggest also, in addition to the
10 region, Tim Hansen is the head of Seafood
11 Inspection Division for NMFS, and he's a real
12 easy guy to talk to. He's a former FDA
13 employee. He's probably a little busy right
14 now.

15 But you know, tim.hansen@noaa.gov
16 will at least get you in his loop, and perhaps
17 get you some answers. But also, you know,
18 there's quite a bit on the websites, whether
19 it be NOAA's, EPA's, FDA's and the states.
20 Don't forget the state of Louisiana in
21 particular is involved in the seafood testing
22 effort as well.

1 Again, it's all on behalf of the
2 seafood industry wanting to absolutely ensure
3 that no contaminated seafood gets into the
4 marketplace, and that the consumers know that,
5 that they can have confidence that whatever
6 they buy will not be contaminated.

7 So if you do a little bit of work
8 on the Internet, you'll find on those special
9 oil spill response pages or links that they
10 have right on the front page of whatever
11 agency I just mentioned, you'll see right away
12 there's a link to it.

13 You'll see seafood testing reports
14 and results and what's being done, and by
15 whom.

16 MR. DUNN: Thank you, Glenn. Ken.

17 MR. HINMAN: Yes. It just
18 occurred to me. With the issue of seafood
19 testing and public health and all that, I just
20 wanted to pass on when I was driving here this
21 morning in traffic, I was listening to a
22 discussion on the radio about the spill, and

1 it was mainly the discussion was about the
2 fact that this is -- in the U.S., this is a
3 very rare occurrence, the safety record for
4 offshore platforms, drilling, etcetera, has
5 been very good, etcetera, etcetera.

6 One of the experts talking, I
7 don't know exactly who was involved in the
8 discussion, was pointing out that that was
9 true in the United States, but actually
10 worldwide it's not true at all, and that
11 boilouts and spills, etcetera, are a fairly
12 common occurrence around the world, because
13 there are a lot more offshore platforms
14 allowed in a lot of other countries than we
15 do.

16 So I don't know if there's -- you
17 know, I guess there's two messages there. I
18 don't know if there's experience to be gained,
19 whether those countries even do that kind of
20 testing, or have done any kind of, you know,
21 follow-up studies on that.

22 But the other issue is certainly,

1 you know, is the FDA going to be testing --
2 are we testing fish that come in from other
3 countries, that may have this problem, and
4 those countries certainly not doing anything
5 to assure the public.

6 I don't know, it just raised a
7 whole bunch of other issues for me, and I
8 thought I'd just pass that on.

9 MR. DUNN: So we want to ask one
10 more time, are there members of the public who
11 wish to make a public comment, that have not
12 spoken already to this group?

13 (No response.)

14 MR. DUNN: If not, Margo, I think,
15 has a question for you about agenda flow.

16 MS. SCHULZE-HAUGEN: Yes. Ron,
17 who is going to be giving us the presentation
18 on MRIP, I think, had a meeting from 11:00 to
19 12:00 he couldn't break free from. So he may
20 be here shortly after 12:00.

21 But I'm starting to see people
22 drift out, and there were a couple of things

1 I wanted to touch on, but then thought about
2 maybe doing the wrap-up, assuming the people
3 that are pulling that presentation together as
4 we speak, have it ready.

5 So that might be something that we
6 could do now, and then when Ron comes, have
7 the MRIP Update, about half an hour and go
8 from there. So if that would be amenable?

9 PARTICIPANT: Yes, question Margo.
10 We're taking an hour and a half for lunch.
11 People do have to travel --

12 MR. DUNN: No, no, no.

13 PARTICIPANT: We'll adjourn after
14 lunch.

15 MR. DUNN: We're way ahead of you.

16 PARTICIPANT: But you didn't say
17 it, either one of you sat there and kept it to
18 yourself. Thank you.

19 (Laughter.)

20 MS. SCHULZE-HAUGEN: It was a
21 test.

22 MR. DUNN: I don't think we kept

1 it to ourselves. I said we would take stock
2 and perhaps press right through the agenda.
3 So that's our aim here. So let's tee up that
4 next presentation, and we'll go into the wrap-
5 up. Thank you very much.

6 HMS Advisory Panel Wrap-Up

7 MS. SCHULZE-HAUGEN: So while
8 we're loading that, a couple of things. This
9 was, we tried a different format for this
10 meeting, and so in your packets there's a
11 feedback sheet, which we would very much like
12 feedback, good, bad, indifferent, whatever it
13 is, specifically on how this meeting went with
14 the new structure, suggestions for changes,
15 what you liked, what you didn't like, and
16 we're very open to having this be conducive
17 for you and what you're looking for, as well
18 as us.

19 So please take the time, if not
20 today, then you know, you can always send them
21 in. Name is optional. If you'd rather be
22 anonymous about that, that's fine as well. We

1 can take it, and I guess the other point,
2 which is probably in the presentation, but
3 just to note.

4 I had looked forward through the
5 council schedule, to look for an open time to
6 think about maybe penciling in -- okay, it's
7 not in the presentation, the next meeting. It
8 looks like the week of September 20th or 21st
9 was in between councils and so I had thought
10 that that week might work.

11 We know that the ICCAT Advisory
12 Committee will not be meeting in September.
13 We'll be meeting in October. But now I
14 understand that there is a shark assessment
15 workshop that week.

16 So we might want to think about,
17 you know, pushing probably into October --
18 well, the things we're trying to balance are
19 council meetings, ICCAT Advisory Committee
20 meetings, other meetings that would draw a lot
21 of the AP members away, and then shoot, there
22 was another one.

1 Hunting season. Oh, getting too
2 close to the ICCAT meetings itself. We can't
3 do everything. But trying to find the least
4 -- oh, and Guillermo just walked in, so that
5 reminded me. The SCRS meetings, wanting to
6 make sure that we have our scientific support.

7 So trying to find the one shot of
8 a couple of days that doesn't conflict is
9 pretty difficult. So but Dave, did you have
10 a thought on that?

11 Okay. One more conflict for that
12 week.

13 MR. DUNN: Sorry. Just quick
14 thinking. Can folks who are having side
15 conversations take it outside the room,
16 because it's really distracting. Thanks.

17 MS. SCHULZE-HAUGEN: So think
18 about that week of the 21st. It may not be
19 doable, given the conflicts that we know of
20 now. We would, I hadn't looked as far into
21 October to see what the council schedule would
22 be. We know when the ICCAT meeting will be.

1 I think that's the week of the 18th, so we
2 would want to avoid that.

3 If we could pull up the council
4 schedule now. What we need to do now, due to
5 some changes in contract requirements, is that
6 we have to book the hotel much further out
7 than we used to. We used to be able to do it
8 more quickly.

9 So that's part of the reason to
10 try and look forward, so that folks can build
11 their schedules around it. So maybe we can
12 pull up the council schedule, and I'll run
13 through this now.

14 So Mid-Atlantic is October 12th
15 through 15th? No meeting, okay. If Guillermo
16 could let us maybe pipe up with the SCRS
17 schedule, or share that at some point. But
18 let me run through this.

19 As always, this is something we
20 started to do a couple of years ago, trying to
21 be more responsive, letting folks know and the
22 panel know just what we heard, and this

1 becomes the basis of the next meeting, kind of
2 the start, in terms of what we've been doing
3 and responding.

4 As always, this is the same caveat
5 slide that I had at the beginning, is that
6 this is a real-time thing. It is meant to be
7 a summary. If there's something important
8 that we missed, please let us know. But the
9 full summary comes out later, where we go
10 through our notes over a period of a couple of
11 weeks and get it all in there.

12 This is more the highlights. The
13 working group slides are condensed. I note
14 some of them. I'm not going to run through
15 all of it again, in the interest of time. So
16 but if you think this doesn't reflect
17 something, please let us know, either now or
18 later.

19 Oh, and the other point is that
20 I'm seeing this for the first time with you,
21 because it's done as we're meeting. So bear
22 with me. So things that we've been keeping

1 track on our own to-do lists, follow-up
2 conference call with the panel on the bluefin
3 tuna angling category, 2010 options. We had
4 a lot of really good, concrete suggestions
5 that I think folks were interested in us doing
6 some analysis of likely effects.

7 I think we'll try and do that as
8 quickly as possible, and look to schedule
9 something with you all fairly soon. June 1st
10 is coming, that season, as we learned is also
11 already happening. So needing to do that
12 quickly. And then another point would be to
13 simplify the web reporting for bluefin as much
14 as possible, to increase that effectiveness.

15 Investigate the permit-stacking
16 for the shark fishery. It was a great
17 suggestion from that working group, and
18 looking at scheduling some dedicated time on
19 some of the recreational issues. Ron was
20 going to be teeing up the MRIP HMS subgroup
21 results. There's a number of reports that are
22 done.

1 But a lot of the discussion on
2 bluefin particularly focused on recreational
3 reporting and monitoring, timeliness. So I
4 think that could really use some dedicated
5 time, looking at possibly doing that at the
6 next AP meeting. If we pursue a working group
7 format, that could take a fair amount of time
8 and what other options?

9 The one that occurred to me five
10 minutes ago was maybe having a recreational
11 reporting and a VMS concurrent working group
12 format. That might be a place where people
13 might logically have different interests and
14 not mind having concurrent sessions. So
15 something to think about.

16 Distribute the information on
17 decontamination ports. This came up on
18 Tuesday, and you know, monitor the effects of
19 the oil and dispersants as best we can; react
20 as we need to and let you all know what's
21 happening. The other comment from earlier was
22 take more time at the AP meetings to go

1 through final rules, and go through what the
2 comments were, and then what the agency
3 response was, both to AP and the public.

4 So you all have a sense of what
5 our thinking was, why we did things, why we
6 didn't do things. As a way of, again, be more
7 responsive, letting you know that your
8 comments do matter and we do listen and kind
9 of the follow-up on that.

10 We will in short order send out
11 the working group summaries to the AP, as well
12 as, I think, some of the other materials that
13 were presented. Ron had presented some
14 information on LPS yesterday that we can send
15 out, and then adding the North Carolina data
16 to all of those LPS graphs. I think it was a
17 good point.

18 For the bluefin tuna working
19 group, some of the ideas coming out of that on
20 the angling category quotas, in-season
21 management in the short term, looking at
22 seasons, retention limits, slot limits and the

1 differential considerations for private
2 anglers versus charter head boats, some of the
3 different goals of those aspects of the
4 fishery might warrant different management.

5 Continue the discussion on some of
6 the in- season options with the AP, and then
7 the longer term, the recreational reporting
8 and in-season landings estimates, some of the
9 charter head boat interest in kind of a
10 separate quota potentially, looking at that.
11 That would be a longer term thing, and then
12 addressing some of those issues with outreach
13 and enforcement on the illegal markets and
14 sales.

15 In bluefin again, looking at the
16 long line category, one thing to note here, I
17 think a lot of good recommendations on moving
18 forward with the weak hook research in the
19 Atlantic, looking at the impacts on other
20 species, particularly swordfish I think was
21 mentioned, and whether that would be of --
22 what sort of impacts would be there.

1 Increasing the observer coverage
2 to target areas that may be of concern.
3 Consider long- term options, Gulf of Mexico
4 bycatch caps potentially, closed area
5 modifications coming up numerous times, and
6 then the follow-up with industry on the
7 discard methodology.

8 One point too I'd like to point is
9 I think unlike the angling category
10 discussions, where we had a lot of very
11 concrete suggestions for 2010, we didn't get
12 that for long line. So I think that speaks to
13 the difficulty there, some of the challenges
14 that we're facing. So we're still looking for
15 some options there, and would encourage you to
16 keep thinking about it too.

17 So it was pretty different in
18 terms of where those discussions went, and I
19 think it speaks to the complexities. Consider
20 transfer of purse seine quota to the reserve
21 and possible consideration of future
22 management of that fishery.

1 Continue to consider the general
2 category harpoon category actions, the
3 proposed rule, the reg amendments, and
4 in-season actions.

5 Then now moving to sharks working
6 group, discussion of the general and targeted
7 goals, consider the economics, precautionary
8 approach, improving science, multiple fronts.
9 Species-specific management, closing pupping
10 seasons.

11 In terms of overall fishery
12 direction, moving towards species-specific
13 management, permit stacking, investigation,
14 continue on that. Considering regions,
15 changing complexes, particularly in the Gulf,
16 and managing things similar to the grouper
17 fishery, potential model. There is some
18 overlap in participants, and then the mixed
19 discussion on catch shares.

20 Looking at data needs and
21 information- sharing, improving trust,
22 transparency in the science and the data, find

1 funds for and use more science, particularly
2 outside the agency, I think, was of interest.
3 Improving international and domestic
4 cooperation with our partners, and then
5 improving the data and conducting more stock
6 assessments. Probably supportive of more
7 species-specific management, and then
8 encouraging participation in the tagging
9 programs for a variety of things.

10 Looking at swordfish, where we had
11 the general large group discussion,
12 recognizing South Florida's unique area, and
13 how best to consider that while still trying
14 to meet a number of goals in the other areas.
15 South Florida folks are pretty happy with what
16 they've got now, and want to make sure that
17 efforts in other parts don't affect that.
18 Don't upset the apple cart.

19 Good news, that the swordfish buoy
20 gear conflicts have been resolved.
21 Consideration here similar to bluefin to look
22 at tail tags as a way to increase some of the

1 enforcement and reporting in a timely way.

2 The comment to not change the closed areas
3 without some sound science to back it up.

4 Looking at the general category
5 permits, echoing not in South Florida, and if
6 we do do it, look at it as an incidental
7 quota, not the directed. Look at expanding
8 species that could be landed with buoy gear.
9 Look at the comments again on closed areas in
10 the Gulf. Look at opening them to offset some
11 of the impacts of oil spill.

12 Need to continue efforts to
13 modernize the permit structure and the fleet,
14 how best to continue those revitalization
15 efforts and the long term goals. The
16 comments, I think here, what's our target, and
17 not wanting to target something in the short
18 term that would mean we have to ratchet back
19 later. The base versus adjusted quota,
20 demonstrate the U.S. can catch the quota,
21 fight for the quota internationally, and then
22 concerns about turtles.

1 On billfish, support the species
2 complex management approach. That seemed to
3 be pretty consistent. No objections voiced.
4 Will send out Dr. Goodyear's report when we
5 get it, and then more outreach on the
6 differences between white marlin, roundscale
7 spearfish and longbill spearfish potentially.
8 A lot of confusion there, and I think maybe
9 some targeted outreach on what to look for
10 could go a long way to improving the species
11 ID.

12 Pass on the weak hook study
13 results as appropriate. Looking at reduced
14 takes of other large fish like blue marlin.
15 The conversation on sailfish, potentially
16 looking at releasing all recreationally caught
17 sailfish. Some discussions about ICCAT
18 approach, but the recognition that the
19 recreational fishery is different from the
20 commercial.

21 More about access, opportunity
22 than market value, and then concern about

1 enforcement in other countries. Again, sort
2 of the ICCAT context of the United States
3 would take our requirement seriously, is it
4 necessarily true across the pond.

5 For VMS, fresh off the press, the
6 safety concern, very loud, very clear. Needs
7 to be used for safety 24-7, 365. Making sure
8 that that's happening, and then looking at
9 links to Coast Guard so that access is clear
10 and available.

11 Looking at compliance of the
12 units, looking at other options. Maybe the
13 type approvals could be expanded for some
14 cheaper systems that have the same capability,
15 and sometimes may be even better. Keeping up
16 with technology.

17 But apparently VMS reporting that
18 frequently can use his battery too quickly, so
19 things to balance. Potential use of cameras,
20 and I think a big follow-up again, dedicated
21 discussion with commercial industry that has
22 the requirement for VMS and the experience

1 with it, with the NMFS enforcement, Coast
2 Guard, VMS folks.

3 Have a sit-down on what's working,
4 what's not, what some of the options are, and
5 then looking at potential regulatory changes
6 to get at some of that reimbursable.

7 Things coming up. Expect to see
8 the 2010 proposed specs, as well as follow-up
9 on shark issues, as well as some of the ANPR
10 comments, things that we're looking at like
11 squid troll. Final actions would be Amendment
12 3, final rule, as well as the bluefin 2010
13 spec final rule and --

14 (Whereupon, the above-entitled
15 matter went off the record.)
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