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WASHINGTON, D.C. 20005-3701

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

2 MS. SCHULZE-HAUGEN: [in progress]
3 remember Nelson Beideman, who was a long-
4 standing member of the Advisory Panel, I
5 think since is inception, and he passed away
6 this spring. So he is obviously a missing
7 presence, big shoes to fill, and so at this
8 time, I'd like to just take a moment.

9 [Moment of silence]

10 MS. SCHULZE-HAUGEN: Okay; thank
11 you. And sitting in for him of this meeting
12 is his wife, Terri, so we welcome her for
13 this meeting as well. And thanks for coming.

14 So with that, I would like to do
15 some introductions. I'd like to go around
16 the different tables, have folks introduce
17 themselves. We have some new faces around
18 the table. If you could identify your
19 affiliation. If you're a proxy as well, if
20 you could let us know who you are sitting at
21 the table for, that would be great, and then

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1 we'll go around the room and introduce some
2 of the staff.

3 So with that, if anyone would like
4 to join Coby here, that would be great. That
5 would be great. If we could start here.

6 MR. DOLAN: My name's Coby Dolan
7 with the Ocean Conservancy. I'm sitting in
8 for Sonja Fordham who is in Europe right now.
9 Thanks.

10 MR. DITTON: I'm Bob Ditton,
11 Department of Wildlife and Fishery Sciences,
12 Texas A&M University.

13 MR. ALVARADO: I'm Jamie Alvarado,
14 Texas A&M University of Galveston.

15 MR. DELANEY: Glenn Delaney. I'm
16 commercial representative, affiliated with
17 Blue Water Fishermen's Association, and I
18 just want to scare some people. I got two of
19 these today, so which means there might be
20 two of me.

21 [Laughter]

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1 MR. DELANEY: I'll try to sleep
2 tonight, thinking about that.

3 MR. HUDSON: Rusty Hudson,
4 commercial representative for Directed Shark
5 Fisheries.

6 MS. JOHNSON: Gail Johnson,
7 Fishing Vessel Seneca.

8 MS. MERRITT: Rita Merritt with
9 the South Atlantic Fishery Management
10 Council.

11 MR. McKEON: Sean McKeon. I'm the
12 president of North Carolina Fisheries
13 Association and I'm proxy for Willie
14 Etheridge Commercial.

15 MR. HEMILRIGHT: Dewey Hemilright,
16 commercial fisherman, Wanchese, North
17 Carolina, fishing vessel Tar Baby.

18 MR. DEVNEW: Jack Devnew,
19 commercial rep.

20 MR. LOEFFER: Josh Loeffler, South
21 Carolina Department of Natural Resources.

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1 I'm filling in for Glenn Ulrich.

2 MR. BLANKINSHIP: Randy
3 Blankinship, representing the Texas Parks &
4 Wildlife Department, Coastal Fisheries
5 Division.

6 MR. HUETER: Bob Hueter, Moat
7 Marine Laboratories, Sarasota, Florida.

8 MR. ANSLEY: Henry Ansley, Georgia
9 Department of Natural Resources.

10 MR. ADAMS: DeGraff Adams with the
11 Gulf of Mexico Fishery Management Council.

12 MR. NELSON: Russell Nelson, Fort
13 Lauderdale, Florida.

14 MR. ZALES: Bob Zales II, Panama
15 City Boatmen Association.

16 MS. PEEL: Ellen Pell, the
17 Billfish Foundation.

18 MR. BOYLE: Robert Boyle,
19 president of Southeast Swordfish Club,
20 sitting in for Mike Leech.

21 MR. NEHLS: Don Nehls, Lindgren &

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1 Pitman.

2 MR. PILE: Vince Pile, fishing
3 vessel Carol Ann and A Fisherman's Best.

4 MR. GRAVES: John Graves, Virginia
5 Institute of Marine Science and here
6 representing the USICAT Advisory Committee.

7 MR. SAMPSON: Mark Sampson, Ocean
8 City Charterboat Captains Association, Ocean
9 City, Maryland.

10 MR. WEBER: Rick Weber, South
11 Jersey Marina.

12 MR. STONE: Dick Stone, National
13 Marine Manufacturers Association.

14 MR. DEFERS: John DeFers with the
15 Recreational Fishing Alliance, serving as
16 proxy for Jim Denofrio.

17 MR. RUAIS: Rich Ruais with Blue
18 Water Fishermen's Association, trying to fill
19 in for Nelson to the best I can, and I'm also
20 the director of East Coast Tuna Association.

21 MR. PINEIRO: Yes and I'm Eugenio

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1 Pineiro, chair of Caribbean Fishery
2 Management Council. It's a pleasure to be
3 here.

4 MR. SMITH: Ron Smith, Midatlantic
5 Fishery Management Council.

6 MR. GOLDMAN: Ed Goldman,
7 MidAtlantic Fishery Management Council. I'll
8 be taking over for Bob Pride.

9 MR. McBRIDE: Joe McBride, the
10 Montauk Boatman and Captains Association.

11 MS. BEIDEMAN: And Terri Beideman,
12 Blue Water Fishermen's Association.

13 MR. ATRAN: Steven Atran [audio
14 goes out]

15 MS. SCHULZE-HAUGEN: Okay,
16 well, thank you, and also just joining out is
17 Louis Daniel, State of North Carolina.

18 As we've just finished all of the
19 HMS staff, I'd like to point out there are
20 some folks that are not here from HMS,
21 particularly Brad McHale, who you all know,

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1 is getting married on Saturday, so he is at
2 home getting ready for that. Probably more
3 work getting ready for that than getting
4 ready for this.

5 Dianne Stephan is also on extended
6 leave right now. She recently adopted a
7 child, and so she's at home, getting used to
8 her new role of mother, and Megan Caldwell
9 has taken a position back with the Atlantic
10 States Marine Fisheries Commission. So she
11 left us just under a month ago, and so we are
12 in the process of some hires, and I would
13 like to just let folks know that Sara
14 McLaughlin, who some of you may remember from
15 several years ago, will be rejoining HMS in
16 Gloucester, so we're very excited to have her
17 back, and as well as Randy Blankinship has
18 accepted a position with HMS in St. Pete, and
19 so he is busily converting his stripes to
20 federal stripes, and so at this meeting he'll
21 be speaking strictly as the State of Texas

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1 representative. So we welcome Randy to the
2 HMS team.

3 And so I think with that, a couple
4 of notes. We've already encountered, with
5 having the microphones, they're a bit
6 stretched between tables, so if you're
7 sitting next to them and as you're walking
8 around, try and be careful, we'll maybe need
9 to do some patchwork through the meeting, but
10 try and not step on the wires will be the
11 best for all.

12 Just to start out on the agenda,
13 what we've got planned is that I'll run
14 through the presentation on the FMP, the
15 final rule, focusing on what was proposed in
16 the craft and what changes were in the final,
17 and then we'll talk a little bit about that,
18 have a break, and then we'll come back to a
19 specific discussion on some of the measures
20 in the FMP, specifically billfish tournament,
21 circle hook requirements.

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1 So if there are any--we will have
2 an opportunity at the end of each day for
3 public comment, for those that want. It's
4 not specifically on the agenda but we'll make
5 sure to get it done.

6 Before I get into the presentation
7 to turn over the floor to Alan and Sam.

8 MR. RISENHOOVER: I'll start, just
9 quickly, a minute before Sam here. Again,
10 welcome. You've already noticed the format's
11 a little different. We've talked to a number
12 of you all, as well as internally, about
13 maybe trying to find a different way to get
14 the best information from you and still keep
15 the individual part of it, so that we can
16 still get individual comments, but also maybe
17 have some small group problem-solving to look
18 at specific issues. So we'll see how that
19 works. I think you'll hear more about that
20 from Paul in a few minutes.

21 So with this new format, again I

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1 think we want to really focus on what the
2 problems are that we want to solve, try to
3 prioritize some of those, and then really
4 work toward a problem-solving approach to
5 that, so that we get the perspective from all
6 sides, or all groups or all sectors, on how
7 to solve that specific problem. Kind of the
8 example, maybe swordfish catches.

9 How do we increase swordfish
10 catches up to our quota? I don't think
11 anybody would be against that. What people
12 are worried about is how do we do that? So
13 hearing from you all, how do we do that, what
14 are the criteria, what are the methods, what
15 are the considerations to meet that problem
16 and then to solve it?

17 So trying to look at that in a
18 forward-looking sort of fashion, instead of
19 maybe rehashing some of the past problems.

20 In talking with Margo, it's very
21 clear that there's plenty on HMS's plate.

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1 They're going to have another busy fiscal
2 year. We're under a Continuing Resolution
3 right now, so our budget is a little
4 uncertain, but as we move through the fall
5 here, hopefully we will get a budget, but if
6 we do need to go out to scoping, we'll try to
7 get the money to that, to make sure our folks
8 are out there interacting with you and we're
9 not limiting that.

10 So I think that's all I'm saying,
11 I'm going to say I hope we do look forward to
12 things and come up with some priority issues
13 that we can collectively work on to solve.

14 MR. RAUCH: Welcome. I wanted to
15 express the greetings from Dr. Hogarth who
16 couldn't be here today. He had wanted to
17 come and give you the welcome personally, but
18 he is getting back from Brazil today and
19 could not be here. I am here and I wanted
20 you to know that we take this process very
21 seriously, we take the recommendations and

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1 advice that we get from this group seriously,
2 and it is very important in how we do our
3 job. So we look forward to a good meeting
4 with the new format and we hope to continue
5 the working relationship we've had over the
6 past many years. Thank you.

7 MS. SCHULZE-HAUGEN: Okay. Any
8 comments, or anything on the agenda before I
9 get into the FMP presentation?

10 All right. Hearing none, I will
11 try and figure out the machinery. I'm a
12 little bit far from the mike, so if you're
13 having trouble hearing me, give a shout and I
14 will speak up. So I'm not standing in folks'
15 way?

16 This was a long process, involved
17 most of the division over the better part of
18 three plus years.

19 We started with the Notice of
20 Intent back in 2003. The scoping. The
21 document was released almost a year later in

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1 the spring of 2004. The pre draft, we had an
2 AP meeting specifically on the pre draft. It
3 was in February, March 2005, and then the
4 draft EIS was released a year ago August,
5 shortly after that, the hurricanes in the
6 Gulf of Mexico significantly affected our
7 Gulf constituents, and so we extended the
8 comment period through March 1st of this
9 year.

10 So it's a fairly lengthy public
11 comment, we had to reschedule several
12 hearings, but we tried to give the
13 opportunity there, and then the final EIS was
14 released early July and then the final rule
15 was published yesterday. So it's literally
16 "hot off the presses" in time for the
17 meeting, and so what I'm going to do is go
18 through the document, as it's presented in
19 the document, kind of by the major subject
20 headings.

21 I would like to note that it does

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1 officially consolidate the fishery management
2 plans for Atlantic tuna, swordfish and
3 sharks, with billfish. Similarly, the
4 advisory panels are also consolidated. At
5 this point we just took the two and put them
6 together, and so we are going to be revising
7 the SOPs. You should have copies of both in
8 your folders, and so if you have any comments
9 or suggestions, we are happy to get them but
10 we will be consolidating those as well, have
11 a single SOP for the VAP, and so with that, I
12 will--the FMP is structured around kind a
13 three major sections, bycatch reduction,
14 rebuilding and overfishing, and then
15 management program structure.

16 Within those, you can see the sub
17 topics, the workshops and time area closures
18 for bycatch reduction. Northern albacore
19 tuna, fine-toothed sharks and billfish in the
20 sections on rebuilding and overfishing, and
21 then the management program structure,

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1 talking about blue fin tuna quota management,
2 timeframe, kind a calendar year versus
3 fishing year management, authorized gears and
4 regulatory housekeeping.

5 There were I think eleven sub
6 issues within regulatory housekeeping as well
7 as a very long list of kind a cross-
8 references that were being corrected--removal
9 of outdated dates, things like that.

10 The FMP, as I mentioned, in
11 addition to consolidating the two plans, also
12 removes a limited exemption, that was from
13 the 1988 FMP, that would have allowed limited
14 sale of billfish in the Caribbean. That is
15 not being carried forward, so there is no
16 sale, at all. And then we are also--this
17 document took the first phase for addressing
18 the essential fish habitat five year review
19 and we presented the updated information, and
20 then in a subsequent document, we'll be going
21 into alternatives for changes to essential

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1 fish habitat and any measures we may need to
2 reduce fishing impacts.

3 So there's a lot in it, and we'll
4 be going through it issue by issue, and I'll
5 be focusing, again, on the final actions, and
6 then changes from the draft.

7 For workshops, we finalized a
8 mandatory protected species, handling and
9 release workshop requirement for pelagic and
10 bottom longline vessel owners and operators,
11 as well as shark gill net vessel owners and
12 operators.

13 This is required on a three year
14 cycle, and so the one change that you'll see
15 down below is that we changed the effective
16 date from everyone needing to be certified by
17 January 1, 2007, to a staggered process
18 throughout the year, so that as permits come
19 up for renewal, in order to renew the permit,
20 they will have to be certified and so the
21 vessel owner will need to be certified, that

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1 documentation will need to be on the boat,
2 and then if the owner is not also the
3 operator, the operator of the boat will also
4 need to have a certificate.

5 So at least one person on the boat
6 at all times will be familiar with the
7 handling and release protocols.

8 We're also grandfathering in the
9 folks that were certified through the
10 industry-sponsored workshops in 2005, and so
11 they'll be getting their certificates in the
12 mail before January 2. For shark
13 identification, we're moving forward with
14 mandatory shark identification dealer
15 workshops, and again this is on a three year
16 cycle, and the change there is that we
17 delayed what we had proposed at the January
18 1, 2007 effective date to January 1, 2008.
19 It gives folks a little more time to get that
20 done.

21 For time area closures, this is a

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1 source of significant discussion at the last
2 AP. We have implemented complementary
3 regulations to the Gulf Council, Madison-
4 Swanson Steamboat Lumps closure, and we've
5 got a map of that next, and so that's a
6 prohibition on all gears except for an
7 exception for high-speed trolling in certain
8 parts of the year, and then we also establish
9 criteria by which we will look at any
10 possible modifications or implementation of
11 new time area closures. Again, and this is
12 going to be a major part of the discussion at
13 this meeting. So we'll have more opportunity
14 to talk through some of that.

15 While there were no changes to the
16 alternatives, we did do additional analyses,
17 based, in large part, on the public comment,
18 and that was exploring the mobility of the
19 vessels in recent timeframes, largely
20 breaking out pre time area closures to post
21 time area closures, and beyond. So looking

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1 at what's happened to the fleet. We've also
2 looked at additional redistribution of effort
3 scenarios, looked at the 2004 log book data,
4 which had circle hooks implemented part way
5 through the year, so we looked at the J-hook
6 data, see if there were differences in 2004
7 to the other years, and then also compared
8 log book reports of dead discards to the
9 observer records, to looking again for
10 differences there. Okay.

11 Tomorrow, we'll have a detailed
12 presentation on *primary closure analyses,
13 alternatives, things like that. So I don't
14 want to spend too much time on that now.
15 This is a map of the areas that were closed
16 again to complement the Gulf regs.

17 For northern albacore tuna, we are
18 moving forward with implementing,
19 establishing the foundation with ICAT, to
20 adopt an international plan. This is the
21 same model that we have taken for bluefin,

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1 swordfish and big eye, had some success with
2 bluefin and swordfish, I'm hoping for the
3 same with albacore, and there were no changes
4 from the draft.

5 For finetooth sharks, we're
6 working on identifying the sources of
7 mortality to target-appropriate management
8 measures. There were no changes from the
9 alternatives from the draft but we have done
10 more data collection and we have reached out
11 to the South Atlantic Fishery Management
12 Council asking for discussions on potential
13 collaborative management, done more working
14 on expanding the observer data that's
15 collected to capture more of the fisheries,
16 tracking down which fisheries people are
17 operating under, what management entities are
18 managing those fisheries, if any. Not all of
19 those fisheries are managed right now.

20 And so we've also been working
21 with a number of the affected states on

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1 additional data collection.

2 For Atlantic billfish, we are
3 moving with implementing, effective January
4 1, 2007, we are eliminating all Atlantic
5 billfish tournament participants to using non
6 offset circle hooks when using natural bait,
7 and natural/artificial or combinations, and
8 so this is obviously one of the areas where
9 we got a lot of comment, once the EIS was
10 released on this specific measure.

11 So we'll be having--the latter
12 part of today is focused on some of these
13 issues. Also effective January 1,
14 implementing or codifying the ICAT marlin
15 landings limit with some in-season measures.

16 Should that limit be approached we would
17 increase the minimum size with 14 days
18 notice, and then if our records show that the
19 250 landing limit is reached, moving to catch
20 and release fishing. The data we're basing
21 this on will be the data that we've been

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1 looking at the last several years, the
2 recreational billfish survey, the state
3 landings cards, fish that are called into the
4 non-tournament landing system, as well as
5 observed intercepted fish through the marine
6 recreational fishing statistic survey and the
7 large pelagic survey.

8 And so big change from the draft
9 is that we are not finalizing a ban on the
10 possession of white marlin. That we had a
11 lot of comment on that in the draft, and so
12 in the EIS, you saw that we were not moving
13 forward with that, and no changes in the rule
14 itself.

15 Other changes were a clarification
16 that the circle hook requirements were to HMS
17 permit holders in the billfish tournaments,
18 and then given the comments on the EIS when
19 it was released, we'll be issuing EFPs,
20 exempted fishing permits, to those billfish
21 tournaments that want to continue using J-

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1 hook data or J-hooks while we collect
2 additional data on the impacts of that.

3 And so again, we'll have a
4 detailed discussion of this this afternoon.

5 For bluefin tuna quota management,
6 moving forward with revising the general
7 category allocation, so that can be done via
8 a framework mechanism as opposed to an FMP
9 amendment. It'll enable us to be more
10 responsive more quickly as well as revising
11 the time periods and sub quotas, establishing
12 specific December and January sub period
13 allocations and revising the others, lowering
14 them a bit to accommodate that.

15 Also revising the annual bluefin
16 tuna specifications process, so that the
17 quota in metric tons is on the books already,
18 and we don't every year have to go through
19 actually considering whether to implement the
20 ICAT recommendation. We'll do that when we
21 first get it, and then every year do over and

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1 under harvest adjustments in the annual
2 specs.

3 We're also implementing a
4 carryover cap at a 100 percent of the
5 baseline. That means that individual
6 categories won't be able to carry forward
7 more than twice their baseline allocation.

8 We expect this issue to be
9 discussed at ICAT as well, and so if there
10 are any changes, that we would look at that
11 for the domestic regs. And then we're also
12 revising and consolidating the criteria by
13 which we make our end season adjustments.
14 The change from the draft, as we had
15 proposed, to eliminate the north-south line,
16 in the angling category, we got a lot of
17 comment that people like the north-south line
18 and so we're keeping that, and ended up
19 actually using it this year with the school
20 limit.

21 For timeframe, the management

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1 calendar timeframe, calendar year versus
2 fishing year, as you likely know, sharks have
3 remained on a calendar year management basis
4 where, several years ago, tuna, swordfish and
5 billfish moved to a fishing year basis.

6 That has caused some confusion and
7 complications at ICAT. Data collection has
8 stayed on a calendar year, compliance is less
9 transparent, more complicated when we're
10 under a fishing year. It's not impossible,
11 we've done it, but we think that the merits
12 of moving back to a calendar year, for
13 clarity, are sufficient. So we're moving
14 back to that.

15 For billfish, that will be
16 effective January 1, 2007, as we codify the
17 Atlantic limit. For swordfish and bluefin
18 tuna, we'll be making that change effective
19 January 1, 2008. We have current specs that
20 go through next May, and so that the 2007
21 fishing year will be compressed, run from

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1 June to December, and then we'll have a new
2 start in January 08.

3 For authorized fishing gears, we
4 are implementing or allowing a permissible
5 type spear gun for the recreational bays
6 tuna--this is bigeye, albacore, yellowfin and
7 skipjack. No sale. This is a change from
8 the draft. But we had proposed to allow some
9 limited sale for charter/headboats. We
10 stepped back from that to really keep the
11 universe of the folks that have expressed the
12 interest in participating in this, and so no
13 sale would be allowed, no bluefin would be
14 allowed to be retained as well.

15 Also authorizing buoy gears,
16 permissible gear type in the commercial
17 swordfish handgear fishery and limiting the
18 number of floatation devices to a thirty-five
19 total.

20 We heard during public comment,
21 that people liked to use multiple buoys or

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1 floatation devices per unit gear, and so a
2 maximum of thirty-five would likely mean that
3 most folks use, you know, a bite bullet* and
4 then some others that the number of units out
5 there would be significantly less than
6 thirty-five, although thirty-five would be
7 allowed. These gears will have to be marked
8 and actively tended, and I'd just like to
9 note that right now there's no restriction on
10 this. So this is implementing a restriction,
11 limiting it to the limited access permit
12 holders as well.

13 We're also clarifying the
14 allowance of handheld cockpit gears, not to
15 catch an HMS but to subdue it once you've
16 caught it on a primary authorized gear. And
17 so changes from the draft include not
18 defining greenstick gear separately. We're
19 continuing to look at this issue how best to
20 move forward on it.

21 The concern here was that--the

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1 comment that came in was very mixed on kind a
2 what was authorized currently, what wasn't,
3 and so we felt we needed to really put some
4 energy behind getting a common understanding
5 of what the gear is, what the regs are, and
6 then moving forward with that.

7 So that's something that we'll
8 continue to look at this fall and then
9 clarifying the buoy gear definition, and as I
10 mentioned, limiting spear gun to bays and
11 also no sale.

12 For regulatory housekeeping, this
13 is the one that had a number of sub issues,
14 so I'll try and run through this fairly
15 quickly. Establishing a 5 percent limit on
16 the amount of pelagic or commercial indicator
17 species, and we define what those are, that
18 can be retained on bottom or pelagic vessels
19 in a closed area.

20 So what this means is if you're in
21 a pelagic long-line closed area, you're

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1 allowed to fish at pelagic bottom long-line
2 gear but not have any more than 5 percent of
3 pelagic species on board.

4 So it's intended to kind a
5 supplement and complement the current
6 restrictions, so that areas that are closed
7 to a specific gear aren't catching the
8 species that it was intended to be closed.
9 We had proposed also a limit on the number of
10 buoys that could be retained, that that would
11 be another mechanism to distinguish between
12 the two gears.

13 Due to public comment, we backed
14 away from that and so we are going forward
15 with the 5 percent limit. The indicator
16 species are included in the regs that are in
17 the back as well as the FMP. Where we'll be
18 requiring the second dorsal fin and anal fin
19 to remain on sharks through landing,
20 prohibiting the purchase or sale of HMS
21 offloaded in excessive or retention limit,

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1 we're amending the coordinates of the Florida
2 east coast time area closure to exactly match
3 the EZ. It's been off by a little bit. So
4 correcting that.

5 Amending the definition of
6 handline by requiring that it remain attached
7 during contact with the vessel. Prohibiting
8 vessels issued commercial HMS permits and
9 operating outside of a tournament from
10 possessing billfish.

11 Providing an option to report
12 electronically, when we have a system up and
13 running to do so. Requiring no fishing
14 reports from selected vessel, no later than
15 seven days after the end of the month.

16 Requiring that trip cost earnings forms, no
17 later than 30 days after the end of the trip,
18 and requiring the annual form by the date on
19 the form.

20 Requiring vessel owners, not the
21 anglers, to report the non-tournament

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1 landings and also allowing for a proxy of
2 that.

3 Also we had preferred to carry
4 forward the NED set-aside quota and have
5 decided that we're not going to do that at
6 this time, and they're going to apply
7 whatever discussions come out of ICAT on
8 stockpiling and quota carryover to this quota
9 as well.

10 And lastly, requiring federally-
11 permitted HMS recreational vessels to abide
12 by federal regulations regardless of where
13 they're fishing, unless the state has more
14 restrictive state regulations.

15 And so kind of long list. So
16 changes. Again, not moving forward with
17 distinguishing between pelagic and bottom
18 longline gear by the number of floats. Not
19 carrying forward the NED quota at this time.

20 Clarification that an owner's designee can
21 report non-tournament landings, and then a

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1 clarification as well on the prohibition for
2 retention of billfish on commercial vessels.

3 Some of the other issues that we
4 already talked about, officially
5 consolidating the two plans, the two advisory
6 panels. The objectives are also now final.
7 We did keep the two billfish-specific
8 objectives that folks wanted to maintain.
9 Eliminating the exemption--we talke dabout
10 some of this--the EFH, and then I guess
11 finally, in this action, we did deny the
12 petition for rulemaking regarding the Gulf of
13 Mexico time area closure for bluefin tuna,
14 and again this will be part of the discussion
15 tomorrow on time area closures.

16 I think that about does it. So I
17 guess with that, do folks have questions?
18 You certainly can--I may ask Paul to
19 faciliate that, fi folks wnt to talk about it
20 some more. Otherwise--

21 MR. : [Off mike remark]

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1 MR. : Margo, what was the
2 rationale for singling out the 25 metric ton
3 NED bluefin quota for nonroller potential? I
4 missed wherever that came from.

5 MS. SCHULZE-HAUGEN: Well, I think
6 it was something that we had seen, that we
7 were, in practice, rolling that quota over,
8 but the regulations were not specific to do
9 that, and the recommendation itself was also
10 not specific. And so we had proposed to be
11 specific about it and to roll it over. I
12 think the reason we are not moving forward
13 with that is because of the growing
14 stockpiling issues at ICATs as well as what
15 we're seeing domestically and not wanting to,
16 you know, do something contrary. Also
17 worried about creating incentive to target
18 billfin tuna, whether it's real or not, a
19 perception that there could be incentive to
20 target bluefin, and that is not the intent of
21 that.

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1 So wanting to back a bit away from
2 that at this time.

3 MR. : Just if I could follow
4 up. I rembmer, we fought, the U.S.
5 delegation fought real hard to get that as a
6 precedent, that we wanted to show that,
7 indeed, the U.S. longline fleet was working
8 east of 45 degrees and was having some
9 historical catches of bluefin tuna, and I'm
10 wondering--we also know that Canada has a
11 small share of that, you know, Eastern
12 Atlantic bluefin tuna east a the line, and I
13 don't know, right now, what their policy is
14 in terms of the rollover, but I suspect that
15 they're keeping it and stockpiling it or
16 using some of it as it stands right now.

17 So, you know, it's just another
18 example of how we're maybe getting out front
19 of ICAT and it ties our hands, once we get
20 there, and the negotiations are on over what
21 we're going to do about bluefin, period.

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1 These kind a domestic, you know, unilateral
2 measures handicap the U.S. delegation when
3 we're there, and, you know, we just, we see a
4 lot of examples of them, and whenever we do,
5 we try to point out that they're troublesome
6 to the delegation.

7 Thank you.

8 MR. : [audio out] and how
9 it's implemented, but could you tell us early
10 on here, when you say we decided this or we
11 decided against this, can you tell me
12 something about the process that you went
13 through with the group.

14 How was the evidence weighed? How
15 does that part of the process work, in your
16 office?

17 MS. SCHULZE-HAUGEN: Well, there's
18 a lot of internal discussion. I would say
19 that all of the comment we received were from
20 the AP, and from the members of the public, I
21 taken very seriously, as Sam said. So as far

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1 as weighing things, I think we try and look
2 at all of it. We look at the pros
3 and cons and implications, and then, you
4 know, it's through internal deliberations and
5 briefings, that we come to an agency
6 decision. It's not one that it's formulaic
7 in any way and it's also, you know, the AP
8 gives us the advice on the issues and so we
9 weigh that very heavily in the process.

10 MS. PEEL: Ellen Peel. Margo,
11 would you clarify this rollover, or underage
12 or overage. Is this just for bluefin, you're
13 trying to get a change made? Go back to what
14 you had on the bluefin, on what Rich was
15 talking about, having to fight for--are you
16 proposing this--I mean, this was decided for
17 bluefin only, right?

18 MS. SCHULZE-HAUGEN: That quota,
19 the NED quota, is for bluefin only.

20 MS. PEEL: Okay. And so you
21 aren't talking about underages and overages

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1 within the EEC, and not--and making change at
2 ICAT on that?

3 MS. SCHULZE-HAUGEN: No, and I
4 think that's part of the fact that we're
5 anticipating a discussion at ICAT on these
6 larger issues, that we would then come home
7 and implement.

8 MR. ZALES: On the thing about--
9 Bob Zales II. On the deal about the billfish
10 or tournaments and whatnot, the year is going
11 to start January 1, 07. So without the
12 closure of white marlin, then whenever you
13 all project 250 billfish to be met, you will
14 then give 14 days notice that all billfish
15 then will go to catch and release only? And
16 that's all based on the current fatally
17 flawed system that we've got out there with
18 MERFs and LPS?

19 MS. SCHULZE-HAUGEN: Well, as I
20 said, the MERFs numbers that are currently
21 used, this is based on current methodology,

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1 includes observed, intercepted fish, and so
2 that's with the state landings cards, the
3 non-tournament call-in as well as the
4 recreational billfish survey, is consistent
5 with what we're reporting to ICAT, and is
6 what we'll be using for tracking that limit.

7 MR. ZALES: In other words, let's
8 say just as an example, let's say that you're
9 going to hit 200 billfish. Then all of a
10 sudden, you all decide, well, okay, let's
11 jack the minimum sizes up. What is gonna be
12 the breaking point? Will it be 200 fish, 175
13 fish, 225? What?

14 MR. : [Off mike]

15 MR. ZALES: And those are laid out
16 in the EIS's to the criteria that you're all
17 going to look at to determine when you all
18 make those decisions?

19 MR. : [Off mike] We have a
20 lot of flexibility [inaudible].

21 MR. ZALES: Thank you.

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1 MR. HEMILRIGHT: I was wondering,
2 what is it going to take for a National
3 Marine Fishery to get a definition for the
4 greenstick, some clarification. This is just
5 going on way too long, over the last five or
6 ten years there's been probably half a the
7 bluefins caught in North Carolina been used
8 by greenstick. It is clearly and definitely
9 not longline gear to everybody, except for
10 National Marine Fisheries' beliefs. I mean,
11 just what is it gonna take to get a
12 definition, a layman's definition of a
13 greenstick? because it just appears quite
14 obvious that National Marine Fisheries isn't
15 capable of coming up with a definition.

16 So it doesn't take National Marine
17 Fisheries people to go fishing on a
18 greenstick boat, to see that that's not
19 longline gear. Just because you have a
20 definition of longline gear, that's more than
21 six hooks or more than two hooks, doesn't

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1 mean that everything that's got more than two
2 hooks is longline gear.

3 It kind a baffled me, that we're
4 still sitting here in this little--of all the
5 other problems that we have in HMS fisheries,
6 and it's a lot, that we're still bantering
7 over this greenstick type gear definition.

8 What is it gonna take to fix the
9 definition, so that a person with a
10 greenstick, which is nothing more than a
11 glorified outrigger, can go fishing, and if
12 he catches a bluefin tuna, he can land it,
13 and he has more than two hooks on his gear,
14 what is it gonna take?

15 MS. SCHULZE-HAUGEN: Well, what
16 I'd like to do is come down and have a
17 discussion, a sit-down discussion with the
18 folks that are using the gear, talk about
19 what the definitions currently are. We did
20 have draft definitions, and the concern that
21 we had was that the public comment, coming

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1 in, was not clear, that what was being
2 proposed versus what was being currently on
3 the books, and it make me think that people
4 weren't commenting on what the regs really
5 were and what we were proposing.

6 And so what I'd like to do is come
7 down and have a sit-down and talk through
8 some of the concern, talk through some of the
9 reporting, how to move forward. I know that
10 this has been a long-standing issue and
11 people have really, you know, expressed a
12 pretty high degree of frustration with this,
13 and so, believe me, this is not something
14 that we intend to walk away from. It's just
15 we need to do some more, working through some
16 of these issues.

17 MR. HEMILRIGHT: There's probably
18 less than 200 people that have purchased
19 greensticks, that fish in the United States.

20 Other countries, I don't know, but it just
21 seems like, you know, you want to have a sit-

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1 down discussion? I mean, how much, how big's
2 the paperwork, or the file has to be, to
3 where we decide what, you know, what is it
4 gonna take, cause it just seems like we
5 continue on with this thing, even though
6 there's been landings, and National Marine
7 Fisheries has known extensively, that there's
8 been landings of bluefin tuna, and we just
9 continue going down this route.

10 So is there timelines? Is the
11 next comment period coming up, are you all
12 gonna be addressing this? Would it take
13 North Carolina to come up with a definition
14 to help you? Or maybe push you in a
15 direction that's, you know, the right way,
16 because we continue bringing this up every,
17 last few years, and it's just--I just can't
18 believe you can't figure it out, or how to
19 fix something.

20 MS. SCHULZE-HAUGEN: Well, I would
21 say that this is one of the things that we're

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1 hoping, kind of a way forward, what are the
2 issues we need to focus on?, priorities--so
3 we can talk about that. That's one of the
4 things we'd like that input on.

5 MR. DANIEL: Louis Daniel. Two
6 points. But I want to at least address
7 Dewey's point. I mean, we get a lotta
8 confused public comment, everywhere we go,
9 and to delay the definition of a greenstick,
10 it's a 60-foot green polestick and up in the
11 middle of the boat. That is a good,
12 conservative gear, that allows you to get
13 bluefins to the boat quickly and release them
14 if they're short. Makes absolutely no sense,
15 and this has a huge bearing on the State of
16 North Carolina. And just because some of the
17 commentators are confused shouldn't relinquish
18 the responsibility of the agency to define
19 this very important gear.

20 So I can't imagine that we're
21 going to spend the money for NMFS to come

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1 down and meet with us, to define this gear
2 that is so clearly not longline. But I just
3 think it's a waste of your time and money.

4 The main interest that I have is
5 in--there's a discussion set up for tomorrow
6 on the time area closures for bluefin,
7 turtles and gillfish.

8 One that's particularly of
9 interest to me is the shark-closed area, and
10 the specific explanation from you all as to
11 exactly how you'll determine if a closed
12 area's met its objectives, in lieu of all the
13 additional restrictions that have been placed
14 on the fishery.

15 And I made those comments on the
16 FEIS, and I haven't seen a response, been
17 able to define a response out of the Federal
18 Registry notice, but at some point this week,
19 I'd like for us to have some discussion on
20 exactly how you plan to parse out the closed
21 area benefits versus the quotas and the size

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1 limits and the bag limits and the gear
2 restrictions, and all the other things, cause
3 I don't think you can do it.

4 MS. SCHULZE-HAUGEN: I think the
5 presentation is on what was included in the
6 draft EIS, the draft FMP, which did not
7 address the shark closure. However, tomorrow
8 morning, we will have a discussion on shark
9 management, update on the assessments, and
10 also where we go from here. So certainly, we
11 can include it at that time.

12T2 MR. ZALES II: Bob Zales II, and
13 this is kind of to Dewey's thing, and my
14 concern is because a greenstick to me--and I
15 actually saw my first one this year--it's a
16 big outrigger for a commercial boat. I've
17 got outriggers on my boat and sometimes I'm
18 pulling three lines off each rigger, and my
19 center rigger, I may pull one or two. I got
20 downriggers, I might be pulling two or three
21 lines on my downriggers.

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1 So I see the potential here, that
2 once you do whatever you're gonna do with
3 greensticks on the commercial side, you're
4 then gonna come after the recreational side
5 and say, well an outrigger is a gear. I've
6 never caught a fish with an outrigger. I
7 catch fish with the lines that I run through
8 my outrigger and I'm assuming that they do
9 the same thing with the greenstick, that they
10 catch fish with whatever gear they run off
11 the greenstick, not the greenstick. It's not
12 a gear.

13 MR. HEMILRIGHT: So why it's so
14 difficult to come up with a definition for
15 this is beyond me. I just can't figure that
16 out. But my concern is for what's gonna
17 happen in the future, once you figure out
18 what you're gonna do with the greenstick.
19 You know, then you're coming after my
20 silversticks.

21 MS. SCHULZE-HAUGEN: Well, the

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1 difference of what we are talking about is in
2 the EIS, in terms of a recreational
3 configuration versus a commercial
4 configuration, the number of hooks per line.

5 And so I'm happy to talk some more about
6 that. But the descriptions are in there, and
7 so you can see what some of the issues were.

8 MR. HUDSON: Rusty Hudson,
9 Directed Shark. I'd like to make an
10 observation with regards to the greenstick
11 issue and the two hook scenario and I also
12 have a question on my shark stuff after that.

13 But we had, for 30-40 years, fishing
14 bandits, and stuff, what we call "rat gear,"
15 where we could put five hooks down on either
16 a single A frame or on each arm of a double A
17 frame.

18 We could catch five big snowy
19 groupers on each one and they--you know, now
20 it's considered a longline, so it'd be
21 illegal in certain areas.

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1 And to me, that rat gear concept,
2 five-six hooks, would make more sense than a
3 two hook thing becoming a longline, because
4 it really is a very minimal approach on the
5 hooks; just an observation.

6 As far as my question dealing with
7 the 95 percent, 5 percent demersal, or
8 indicator species scenario, or indicator
9 species scenario between demersal and
10 pelagic, I noticed in reviewing the Federal
11 Register notice a couple hours ago, that you
12 removed the silky and the hammerhead from the
13 demersal category that's in Appendix A, Table
14 3, and the tilefish I assume was some place
15 and you shifted it into the demersal.

16 Where did the hammerheads and the
17 silky go, and how do they fit into this 95/5
18 percent indicator versus a bicast [?]
19 scenario, or secondary?

20 MS. SCHULZE-HAUGEN: The indicator
21 species we tried to limit to ones that really

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1 wouldn't be caught on the other gear, so that
2 they were truly more pelagic or demersal, and
3 so silky and hammerhead can be caught on
4 both, and so they are not listed as indicator
5 species because they're not a good indicator
6 of that, and so they would not be counted in
7 that, and, likewise, the tilefish, because is
8 a demersal species, we included that. So
9 that is included.

10 Does that answer your--

11 MR. HUDSON: Sort of, yes; sort
12 of, no. If you're at a point of being at the
13 dock and unload, and you've got X amount of
14 sandbar, blacktip, whatever, X amount of
15 hammerhead, how does that figure into that
16 percentage? Where do those hammerheads
17 and/or silkys wind up going at some point?
18 They're just not considered in that total?
19 You're just only gonna consider the species
20 that are in the Appendix A on Table 2 and
21 Table 3, and those are the only ones that

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1 would be used as an indicator specie, and
2 anything else would not fall into the 5
3 percent, if they're not on that list also?
4 In other words, hypothetically, the silky
5 and/or hammerhead landings would not be
6 counted in an enforcement.

7 MS. SCHULZE-HAUGEN: It'd be
8 counted as part of the total weight, that the
9 indicator species can be no more than 5
10 percent of. But they wouldn't be in, they
11 wouldn't be listed in part of that 5 percent.

12 But they would contribute to the total
13 weight.

14 MR. : [Off mike]

15 MS. SCHULZE-HAUGEN: I stand
16 corrected.

17 MR. ADAMS: DeGraff Adams. Back
18 on the greenstick question, if you look at
19 the Gulf of Mexico Council comments on the
20 draft FMP, we do consider greensticks as
21 multihook devices, or long lines in the Gulf.

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1 We're not that concerned with their
2 implications on HMS, but we are concerned
3 with their use on other species besides HMS
4 and commercial consequences from the use of
5 greensticks. So we're adamantly opposed to
6 greensticks.

7 MR. : I was just wondering
8 what other species is the Gulf concerned
9 about, that you would catch with a greenstick
10 outrigger?

11 MS. SCHULZE-HAUGEN: Can you
12 repeat that.

13 MR. : Dolphin and whahoo.

14 MR. : What was the rationale
15 for not allowing divers to use their spear
16 guns for bluefin tuna and only allowing it
17 for bays?

18 MS. SCHULZE-HAUGEN: We had a
19 lotta discussion about the limitations of the
20 original gears in '99, when the rebuilding
21 plan was established, and so there was a

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1 pretty strong stand at that point to not
2 allow new gears while the stock was
3 rebuilding, and so we're obviously still in a
4 rebuilding period. We're concerned about
5 introduction of new gears, and especially
6 given some of the recent trends, thought
7 limiting it to bays was preferable at this
8 time.

9 MR. : I do recall that the
10 representatives of the associations were--I
11 mean, they started off by asking for bluefin
12 tuna, access to the bluefin tuna, and I
13 remember the AP talking about it, and I think
14 we were generally supportive of it, you know,
15 acknowledging that there's obviously some
16 inherent dangers with somebody getting in the
17 water and chasing a giant bluefin tuna with a
18 spear gun. But if they wanted to be crazy
19 enough to do it, let 'em try it.

20 If I could get back to the 100
21 percent cap on rollover. Again, I can't even

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1 think--thinking of the bluefin agreement
2 itself, there's absolutely no language in
3 there that, you know, looks towards a nation
4 volunteering to give up an underage, at any
5 level, and I know we can do things more, we
6 can do more than what ICAT requires, and I
7 personally support the 100 percent. I think
8 that's a good number, and I hope that's where
9 the U.S. delegation goes this fall.

10 But I mean, it's just we're gonna
11 be announcing to ICAT that we're leaving
12 quite a bit of quota in the water after this
13 year, not that we were gonna catch it
14 anyways, but the point is we're just
15 unilaterally saying here's potentially 1400
16 metric tons of bluefin tuna quota that the
17 United States doesn't desire to even allow
18 some effort for.

19 MS. SCHULZE-HAUGEN: Let me
20 clarify. That does not affect our total
21 allocation. This is for a category, on a

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1 category basis. So an individual category
2 cannot carry over twice its baseline
3 allocation. That remainder would go to the
4 reserve, and so it would then be considered
5 for reallocation. It does not affect the
6 total TAC.

7 MR. : [Off mike].

8 MS. SCHULZE-HAUGEN: Yeah; it's
9 still our quota. We're not saying we're
10 giving it up.

11 MR. : I apologize [off mike].

12 MR. : The circle hooks in the
13 tournaments issue, and we had a lotta
14 discussion about this, but there's talk--and
15 we talked about this on the phone, about an
16 EFP that could be issued to tournaments, that
17 would allow them to use J-hooks on larger
18 tackle, or whatever the case may be, for blue
19 marlin.

20 How would you go about--would you
21 have to have--you'd have to place NEBS

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1 [phonetic] observers on the boat? Is that
2 what you're looking at as far as how you
3 would gather information from that EFP?

4 MS. SCHULZE-HAUGEN: Excellent
5 question. I would like to table that and
6 consider that for the discussion after the
7 FMP.

8 MS. : Not to address that
9 now. In here, your compliance guide, I've
10 asked you a bunch of times, have you
11 clarified, that if a pelagic longline vessel,
12 permit holder, directed swordfish guy, goes
13 about disabling his gear, and he has every
14 opportunity to use all the other gear that's
15 available commercially, to be used, with the
16 exception of bluefin tuna general category,
17 is that in here, or not? Cause it's not
18 clear. It's absolutely crystal clear, that
19 was the intention. Dick Stone can attest to
20 that. He was around during that time.

21 But that was the intention of the

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1 permits, was--and the intention of being able
2 to allow people to disable them, was to allow
3 them to use other types of gear.

4 Now you came up with tuna longline
5 permits, which have now created a huge
6 problem. But the purpose was that if a
7 fellow wanted to remove his drum, not go
8 pelagic longline fishing, go do some other
9 kind of fishing with his boat, as long as he
10 had commercial permits, he could use hand
11 gear, he could use rod and reel, he could use
12 harpoon, he could use whatever. The
13 exception being the bluefin tuna issue,
14 because the bluefin tuna incidental category
15 versus general category couldn't have two
16 permits on the same boat.

17 And I haven't read it, I just kind
18 a looked through what I thought was
19 pertinent, and while we're talking about
20 gear, I just wanted to know if you were going
21 to clarify, that that is in fact true,

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1 because I don't see enforcement being able to
2 ferret that out from the way the rule is
3 written, and there's absolutely--in the
4 record, that was the intent--that people
5 would be allowed to use other gears to go
6 fishing in closed areas, if necessary, what
7 have you, without, you know, getting painted
8 in a corner here.

9 And I think the signals are--I'd
10 really like to see it firmly written, that
11 yes, you can take that, you can use that
12 gear, you could fish with that gear, if you
13 have that permit and you disable your drum.
14 Or you remove your gear, or whatever.

15 MS. SCHULZE-HAUGEN: Okay. A
16 couple of points, I think is that, you know,
17 we have the definition of longline, that has
18 the components, and removal, one of those
19 components removal constitutes removal of the
20 gear. The category restrictions are specific
21 to bluefin tuna and so longline, you can only

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1 use longline for bluefin tuna.

2 I believe, and I'll ask Mark to
3 correct me if I'm wrong, that any authorized
4 gear is acceptable for base. So as far as a
5 specific question and answer in the
6 compliance guide--Carol's nodding, but I
7 don't remember, so--

8 MS. DOUGLAS: I think it's in
9 there [off mike].

10 MS. SCHULZE-HAUGEN: The
11 compliance guide, too, is an overall
12 document, that is a companion to the complete
13 suite of regs, not just the FMP. It's been
14 updated with the change for the FMP, but as
15 we do additional rulemaking, we also try and
16 update. So there's additional opportunities
17 for [off mike].

18 MS. : Margo, by allowing all
19 billfish tournaments to apply for an exempted
20 fishing permit, from use of circle hooks for
21 next year, what is the agency going to do to

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1 make sure all tournaments know that, and are
2 you going to have workshops, so they'll know
3 how to fill out an exempted fishing permit
4 application?

5 How are you going to get this
6 information to them and assist them? And
7 will you have observers on all these boats?

8 MS. SCHULZE-HAUGEN: Well, the
9 observer requirement is something that we
10 would like to discuss. As far as getting the
11 word out, we have been trying to include this
12 in all of our materials that have been coming
13 out, with the FMP, is our intention to do.
14 We're discussing it here today. We'll be
15 discussing it at the tournament directors
16 meeting in November.

17 And so what we're hoping to talk
18 about today is how best to let folks know
19 that this is an option. Workshops are
20 something that we are working on,
21 coordinating on the circle hooks, rigging

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1 demonstrations, getting the word out on
2 things for 2007. This can be part of that,
3 and so what we'll likely try and do is come
4 up with a, you know, a package of materials
5 that could be easily mailed to the
6 tournaments that are interested, for them to
7 fill out.

8 So we're looking to hear from
9 folks on how the tournaments operate with the
10 constraints they're under as well as moving
11 forward on collecting some of the data that
12 we would need in order to make a
13 determination in the future on whether this
14 should be part of the regs, or not.

15 MS. : And you just mentioned
16 the tournament directors meeting. Is that
17 still on? I haven't heard anything since you
18 mentioned it on the phone.

19 MR. : It's still on schedule
20 for November 8th, right, Forbes? November
21 8th. And I believe the letters inviting

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1 tournament directors went out the end of last
2 week. So the notifications on that should be
3 out very soon.

4 MS. SCHULZE-HAUGEN: So if there
5 are other--I guess just to touch back on
6 that, if there are other ways that we can
7 help get the word out, explain the process,
8 we'd be looking to hear that from you today.

9 MR. HUDSON: Rusty Hudson. The
10 second dorsal and the anal fin requirement,
11 does that go in, implements November 1st or
12 January 1st?

13 MS. SCHULZE-HAUGEN: I want to say
14 30 days. so it'd be November 1st.

15 MR. HUDSON: So the only people
16 that might get hammered by that would be that
17 week of opening left in the Gulf of Mexico,
18 if they're not somehow forewarned.

19 MS. SCHULZE-HAUGEN: Well, we'd be
20 interested to hear how to get the word out to
21 them as well. So, yes.

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1 Okay. Well, we can move ahead.

2 Oh. One more.

3 MR. : [Off mike] that's for
4 handgear permit only. So what does the
5 recreational angler, that are using buoys--
6 what's their status?

7 MS. SCHULZE-HAUGEN: Well, another
8 part of the FMP would require that handlines
9 be attached to the vessel, and so that would
10 preclude the angling category from having
11 buoy gear. It is a restriction on what is
12 currently not limited, right now, and so it's
13 ratcheting that a bit.

14 MR. : [Off mike]

15 MS. SCHULZE-HAUGEN: I would look
16 again--the comment was that the recreational
17 fishermen would not be allowed to use any
18 buoys, and that is my understanding. I'm
19 looking to the side, I'm seeing heads
20 nodding, but I think our lead staff person--

21 MR. : We're getting nods of

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1 yes. Does that mean they can use them or
2 they cannot?

3 MS. SCHULZE-HAUGEN: No.
4 Recreational fishermen have to have the
5 handlines attached to the boat, and so buoy
6 gear, as a freefloating gear, would not be
7 allowed in that category.

8 MR. : So they have a
9 commercial permit, if they're going to have
10 the buoys on board. Okay.

11 MR. PILE: Vince Pile. I know of
12 some of the recreational people that have
13 purchased directed swordfish permits, that
14 use buoy gear. Is the directed permit
15 allowed to use buoy gear? Or only the
16 handgear permit?

17 MS. SCHULZE-HAUGEN: I believe
18 it's directed. Where it is allowed. The
19 directed permit is not limited to a gear.
20 You can use any of the authorized gears. The
21 handgear permit is limited to handgear. So

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1 by limiting to the handgear fishery, either
2 permit can use it.

3 MS. PEEL: Ellen Peel. I hate to
4 keep dwelling on the buoys because they've
5 become very popular in South Florida as you
6 heard the other night. So no one can put out
7 35 floats with two hooks per float, and tie
8 those together and float 'em off a cleat. I
9 mean, you can't tie it. It would have to be
10 a handgear. I mean, you're saying
11 that the recreational fishery, they cannot
12 use the buoy gear at all, because they do not
13 have the correct permits; right?

14 But you're saying what permits do
15 they have to have? Handgear--

16 MR. : Or directed.

17 MS. PEEL: Or directed.

18 MS. SCHULZE-HAUGEN: [inaudible].

19 [Simultaneous conversation]

20 MS. PEEL: Either of those

21 commercial permits. Right; okay.

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1 MS. SCHULZE-HAUGEN: There's a
2 specific prohibition on linking the gears.
3 They're individual, freefloating.

4 MS. PEEL: Right; right. There's
5 a strong interest in this gear in South
6 Florida, I think you heard.

7 MR. HUDSON: Rusty Hudson. With
8 that buoy gear, when I was reading through
9 that a little earlier also, it indicated that
10 whoever uses that with those permits have to
11 mark that gear, and does that also go into
12 effect November 1st?

13 MS. SCHULZE-HAUGEN: Yes; it does.
14 Carol's pointing out that the
15 marking is already in the regs. The gear
16 must be marked. So that in itself is not a
17 new requirement.

18 MR. NEHLS: Don Nehls. On that
19 same deal with the buoy gear, has to be
20 documented?

21 MR. : [Off mike]

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1 MR. NEHLS: And a person that has
2 an HMS directive or a handgear, now the boat
3 is considered commercial because they can
4 retain and sell. So that means that the
5 boats have to comply with the commercial regs
6 as far as life rafts, EPRBS [phonetic] and
7 all that stuff. Yes?

8 MS. SCHULZE-HAUGEN: There's no
9 exemption for it, if that's what you're
10 asking?

11 MR. NEHLS: Okay.

12 MS. SCHULZE-HAUGEN: We're a
13 little ahead of schedule, so I think we could
14 move ahead with the presentation on billfish
15 and circle hooks. So Russ Dunn is going to
16 give that presentation.

17 Before we get started, I'd like
18 just to talk a little bit, how we're hoping
19 this will work. Where Paul and I and the
20 presenters of the material will float around
21 the tables to answer questions, see how

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1 things are going, making sure that the
2 discussion is going in a positive direction.

3 And so if one of us comes to your
4 table and leaves just as you're about to say
5 something, it's by no means a personal
6 remark, what you're about to say. We are
7 also going to have HMS staff at each table to
8 take notes on the discussion and should you
9 be interested, we can also act as scribe on
10 the flipcharts, kind a taking notes.

11 If you would rather do that
12 yourself, we're happy not to do that. We're
13 also happy to do it, if you would like.

14 Should you choose to be the
15 scribe, please note, the flipcharts are a
16 little bit flimsy. You probably want to put
17 your hand at the top, so that it doesn't
18 knock around. You'll discover that. We
19 might want to invest in some better easels.

20 And then I would ask that an AP
21 member that's at the table then report back

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1 on what the group discussed, to the larger
2 group, when we reconvene the whole group.
3 And so I'm trying to think of other kind of
4 process stuff. Just be careful of the cords
5 as you're getting up and I'll turn it over
6 to--

7 MR. : A couple other things,
8 just to add to what Margo's saying about [off
9 mike].

10 MS. : Can we include guests
11 at the table, if they have expertise on what
12 we'll be talking about?

13 MR. : I was just gonna say
14 that the downside to this format, is that at
15 the end of a day and a half, I'm gonna be
16 intimately aware, with everybody's thoughts
17 around this table, but maybe less so with
18 some other people in the room, that I also
19 want to be very familiar with what they're
20 thinking.

21 So I hope you leave enough time in

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1 the, you know, general session, so that when
2 we hear from other areas of the room, we'll
3 be able to explore those issues as well.

4 It might be a function of getting
5 older, but change is real hard for some of us
6 to accept, this rapidly, so--so go slow.

7 MR. : [Off mike]

8 MR. DUNN: Okay; very good. Good
9 start. I am going to suggest, unless--maybe
10 this was suggested, I missed it--that I just
11 do my quick presentation and then we go into
12 our breakout, cause that'll hit us about,
13 right about--well, this'll only take about
14 ten minutes to do. But as opposed to do this
15 and then jump into the discussion group. So
16 why don't we plan on taking a break when I'm
17 done, and I guess we could do questions right
18 then. Then we'll go into a break and then
19 come back and discuss.

20 So as the slide indicates, we're
21 here to talk about the billfish tournament,

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1 circle hook exempted fishing permit.

2 As everyone here is aware, we
3 issued yesterday new regulations which
4 essentially state that participants in
5 Atlantic billfish tournaments must deploy
6 only non-offset circle hooks when using
7 natural bait and/or natural bait artificial
8 lure combos. There's a little more to the
9 actual technical reg but that's the gist of
10 the regulation. And it also, it allows
11 continued use of J-hooks with artificial
12 lures.

13 During the period of review for
14 the final EIS, we received sort of
15 contrasting comments on circle hook
16 requirements, which included that circle
17 hooks should be required for all HMS fishing,
18 recreational fishing. That circle hooks
19 rigged with large baits or combo baits either
20 do catch marlin or do not catch marlin. That
21 combo baits--and when I say combination bait,

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1 what I mean is a natural bait with something
2 like a hood or a skirt attached to it, to the
3 bait.

4 So that combo baits with J-hooks,
5 towed at high speed, would have impacts
6 similar to artificial lures with J-hooks and
7 blue marlin, which, as I just mentioned, we
8 continue to allow in the final rule, which
9 means essentially that there would be a
10 relatively low rate of gut hooking, and that
11 fishing with large natural baits, heavy gear
12 and J-hooks would greatly reduce the chance
13 of gut hooking of blue marlin, the
14 implication being that a gut hooking is much
15 more likely to lead to a mortality.

16 So just to sort of walk you down
17 the path of some of the data that we had, as
18 we went through this rulemaking. There
19 really was somewhat limited data that are
20 specific to blue marlin. Most of the injury
21 and mortality data is related more

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1 specifically to white marlin and sailfish,
2 and what we've seen are a lot of the numbers
3 that everyone here has heard, and that some
4 of the folks here in the room have actually
5 done the research on. That circle hooks can
6 reduce post-release mortality of white marlin
7 by roughly two-thirds relative to J-hooks.

8 That white marlin caught on J-
9 hooks are 31 times more likely to be deeply
10 hooked, and over 15 times more likely to
11 sustain hook-induced trauma, that results in
12 bleeding relative to fish caught on circle
13 hooks, and we regard sailfish, that
14 significantly more sailfish were deep-hooked
15 with J-hooks than with circle hooks, and that
16 sailfish caught on J-hooks were 21 times more
17 likely to suffer hook-related bleeding than
18 those caught with circle hooks, again, the
19 implication being that deeply-hooked fish or
20 bleeding fish have a likely higher mortality
21 rate.

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1 To continue on there, you know,
2 Dr. Graves' study showed that approximately
3 11 percent post-release mortality rate for
4 blue marlin on J-hooks, that about 35 percent
5 post-release mortality for white marlin
6 caught on J-hooks, and zero percent,
7 depending on how you look at the data--zero
8 to 12 percent for circle hooks.

9 Cooke and Suski found that, in
10 general, hooking mortality rates were reduced
11 by about 50 percent when using circle hooks
12 relative to J-style hooks. And so that's a
13 summary of much of the available sort of
14 recreational data as it pertains to injuries
15 and mortalities.

16 In terms of catchability, which
17 was a real issue that was raised during the
18 period of review, with regard to blue marlin
19 and circle hooks, there is again relatively
20 limited data on catchability. Prince and all
21 found, in 2002, that hook type was not a

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1 significant factor in catches of blue marlin.

2 There was no statistical
3 difference between blue marlin catches on J-
4 hooks and blue marlin catches on circle
5 hooks.

6 And so this is really sort of the
7 information that led the agency down the path
8 towards the decision that was just finalized
9 yesterday. As I mentioned, during the period
10 of review, there were a number of comments
11 which I just discussed in the earlier slides,
12 that essentially articulated that injury and
13 post-release mortality could be sufficiently
14 reduced and white marlin could be avoided
15 through less-restrictive measures than came
16 through in the final rule.

17 Essentially, what these comments
18 were suggesting was that J-hooks on large
19 baits or J-hooks on combos that troll
20 sufficiently fast or in heavy-enough gear,
21 would have these less-detrimental impacts.

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1 So to address these, or examine
2 these points, the agency needs additional
3 data, and Dr. Hogarth, as Margo mentioned,
4 has discussed the idea of using an EFP
5 program, the Exempted Fishing Permit program
6 to collect additional data, and what, many of
7 you may ask, is an EFP. Well, generally,
8 EFPs are issued to vessels to authorize
9 limited harvest of HMS outside existing regs,
10 and basically for the purposes of research or
11 public display, or chartering, and the type
12 of permit issued depends on the vessels
13 employed, the species targeted and the
14 objectives.

15 Other permits that fall under this
16 category are SRPs, which are scientific
17 research permits, and the difference between
18 an EFP and an SRP is that scientific research
19 permit is issued to a vessel that is
20 technically a research vessel.

21 There's also letters of

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1 acknowledgement and display permits.

2 In 2006, we issued 36 different
3 EFPs for various issues being researched.
4 Part of the process is that there's an annual
5 Federal Register notice that is usually
6 published, I believe in about November, that
7 announces the agency's intent to issue EFPs
8 for a number of different topics in the
9 coming year, and requests public comment and
10 input on those issues.

11 And the exempted activity is
12 subject to permit-specific conditions,
13 meaning restrictions that are placed in the
14 permit, such as sometimes it's restrictions
15 on gear and techniques that can be used, or
16 it could be a bycatch limit, it could be like
17 a no sale provision, things like that.

18 And there is always mandatory
19 reporting with the EFP, because the agency
20 needs to get the data back from this effort.

21 So in the case of billfish

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1 tournaments, and the tournament EFP, we're
2 really working on how to best design this
3 program to get the most useful data possible
4 out of this program, and at this point it's
5 going to require somewhat of a paradigm shift
6 in the program, in that, as I mentioned
7 before, typically, the permits are issued to
8 the vessel. In this case, we don't
9 know how many vessels may want to apply, or
10 tournaments, and given that some of the
11 tournaments can have upwards of a 100
12 vessels, 135 vessels in them it's not really
13 feasible for us to try and issue 135 separate
14 tournament permits on a Friday night.

15 So what we're thinking is that
16 we're going to have to shift the program
17 somewhat and issue the EFP to the tournament,
18 which would then cover all the vessels in a
19 given tournament, so long as each vessel who
20 was going to fish with this exempted
21 configuration had a copy of the EFP or some

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1 other documentation, which we have yet to
2 work out, on board, and then that vessel
3 would be limited to whatever restrictions are
4 placed in the permit.

5 Participants would be required to
6 submit a completed data sheet. We're going
7 to have to develop some sort of standardized
8 data sheet, to make sure that the data we get
9 back is useful and uniform, to the extent we
10 can ensure that.

11 And so this afternoon, what we're
12 looking for is really feedback from you all
13 on the gear and techniques related to a
14 tournament EFP, the types of data that we
15 need to be collecting, and really trying to
16 zero in on what the rigging configuration
17 should be.

18 We're going to have to limit the
19 gear configuration in this EFP, because if we
20 have too many different configurations out
21 there, we're not going to get enough useful

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1 data to do anything with it.

2 So we're going to need your help
3 in trying to narrow down, what is it,
4 exactly, that you want to use, or needs to be
5 tested?

6 And then one more bit of process
7 there at the bottom bullet, that EFP
8 applications can be found on the Web site,
9 and generally have to be received 60 days
10 prior to the start of the activity. In this
11 case it would be the tournament.

12 There was one question already, I
13 think from Alan, about how are we going to
14 notify folks, and whatnot, and that's
15 something that we can work on. We've got
16 folks from constituent services here, who
17 we're trying to work much more closely with
18 these days, and coordinate outreach, and so
19 hopefully between your suggestions, our
20 thoughts and their thoughts, we can come up
21 with a good mechanism, whether it's--you

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1 know, we could always do a blanket mailing to
2 the entire tournament list, things like that.

3 So there are a lot of options.

4 So in terms of questions, you
5 know, what it seems that we're really trying
6 to get at, based on the comment that we've
7 received, is what are the impacts of specific
8 fishing gear and technique configurations on
9 catchability, injury and mortality, to the
10 extent that we can get to that question
11 without a lot of PSAT [phonetic] tags.

12 What are the interaction rates and
13 impacts of these same configurations for
14 white marlin, because not only is the issue
15 of interacting with blue marlin, and the
16 impacts on blue marlin issue, we need to make
17 sure that given this current status of white
18 marlin, that this potential configuration is
19 not going to essentially bring us right back
20 to current mortality levels for white marlin.

21 And others, any others that you

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1 all can think of during the breakout session.

2 And so like I said, one of the big
3 questions, at least in my mind, is what are
4 the rigging configurations that should be
5 tested, and I already talked about
6 standardizing the configuration to ensure
7 that we have sort of the best quality data
8 out there.

9 In the comments, what we really
10 heard in different places, over and over,
11 was, well, if large baits and heavy gear and
12 high speed, when you put those together with
13 J-hooks, it won't be a problem.

14 Well, if I put out a reg today
15 that said, okay, you can use J-hooks with
16 large baits, heavy gear, and vessel speed,
17 you don't criticize me for lack of specifics,
18 and whatnot. So what we need is what are
19 your thoughts, what constitute the large
20 bait, what constitutes heavy gear, and with
21 that one specifically we got suggestions of

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1 an 80-pound test line and 200 pound leader.
2 Vessel speed--you know, high speed, we need
3 help in defining what is high speed, that
4 sort of thing.

5 And any other variables that you
6 all think are key to this process.

7 So that's it for the sort of
8 presentation, so let's do some questions, and
9 when we're sort of through the questions,
10 we'll go to a break and then come back and do
11 the breakout session

12 MR. : [Off mike]

13 MR. : Okay. Russ, two
14 questions. I'm just curious.

15 Were these concerns first brought
16 to your attention only after release of the
17 FEIS and not during comment on the draft FMP,
18 which was basically the same proposed
19 regulation? And the other question is where
20 did they come from, as far as geographically,
21 and any other information you can give on

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1 that?

2T3 MR. DUNN: The answer there is
3 generally yes, it was--most of the comment
4 was new. If you'll go back to the comment
5 slide.

6 You know, the first bullet there
7 we got at all stages. The remaining three,
8 we really got post-release of the FEIS. So
9 past the regular comment period. They came
10 in during the period of review.

11 Those were essentially novel
12 issues to us at that point. The only comment
13 that we could construe, that would fit in
14 there, is we got a comment from South
15 Carolina, during the regular comment period,
16 that said: We fish differently. This won't
17 work. But it didn't really specify.

18 So the remaining three were new,
19 essentially, to us, and the majority of them
20 came from constituents in North Carolina, the
21 recreational community in North Carolina.

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1 MR. DANIEL: Louis Daniel. North
2 Carolina submitted some pretty detailed
3 comments on, similar to what you said about
4 the size of the gear and that type of thing.

5 I see these EFPs sort a like I see the
6 headboat survey in the South Atlantic. I
7 mean, it's good for characterizing the
8 fishery but the question you're trying to
9 answer is what is the post-release mortality
10 on blue marlin; right?

11 MR. DUNN: [Off mike]

12 MR. DANIEL: Is that not the only
13 one? I mean, what else is important to know-

14 -

15 MR. DUNN: Well, white marlin--

16 MR. DANIEL: Well, but white
17 marlin, we have that answer from John's work-

18 -

19 MR. DUNN: Right.

20 MR. DANIEL: --to a large degree,
21 and I think most of his work used satellite

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1 tags and tracked the fish, and that type of
2 thing. So unless you're going to use
3 satellite tags--just because they caught one
4 and released it, what does that tell you?

5 MR. DUNN: [Off mike]

6 MR. DANIEL: So I just think you
7 have an opportunity here to make it--you
8 know, to do something that makes sense to a
9 lotta people, and I think your AP was pretty
10 clear in terms of the decision that we had,
11 and then have a few people come in and say
12 circle hooks for everybody.

13 I mean, I don't understand what
14 we're going to be recommending to you, if we
15 don't have a mechanism to provide satellite
16 tags to these guys to tag their fish with, to
17 find out if they died or not.

18 MR. DUNN: I think absent
19 satellite tags, likely the best information
20 we're going to be able to get is on hooking
21 location and condition of the fish when it

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1 comes in, and while there are no hard tables
2 to say, you know, a deep hook leads to, you
3 know, a certain mortality percentage, it can
4 at least be an indicator of, Is it gonna be a
5 problem?, you know, cause there's fairly good
6 evidence to show that hooking up in the mouth
7 region is not necessarily a fatal problem.

8 So if we can find out sort of what
9 the relative hookup rate is for the mouth, or
10 relative to deep hooking, and whatnot, it can
11 give us an indicator but it can't give us a
12 hard, fast percentage. So I don't disagree
13 with what you're saying.

14 MR. DANIEL: But to follow up. So
15 you do 250 EFPs a year for three or four,
16 five years, and everybody's got these papers
17 on it, or you've got all this information,
18 and you come back and you find out that it's
19 similar to the data that you provided before,
20 11 percent, or whatever it was.

21 I mean, what's the intent? Is the

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1 intent, if you discover that it's not a
2 problem with J-hooks on blue marlin with
3 heavy tackle, that you'll take off the circle
4 hook requirement and go back to that? Or is
5 it--

6 MR. DUNN: [Off mike]

7 MR. DANIEL: But at what level?
8 When would you make that decision? How much
9 data do you need in order to make that
10 decision? I mean, I think that has a bearing
11 on the discussions we have around the table.

12 MR. DUNN: We haven't gotten to
13 the specific--there's no threshold out,
14 there's no hard and fast thing that says,
15 well, we need an N of 250 fish and then we
16 can make our decision. As the data comes in,
17 we'll begin to evaluate it and hopefully
18 there'll be additional studies on post-
19 release for blue marlin, and when--you know,
20 we'll review the data periodically, and when
21 we get to a level where we think a decision

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1 can be made, you know, one of the options is
2 definitely to go back and look and say, Can
3 we achieve the appropriate mortality
4 reductions with less stringent measures?

5 And so that is one key goal of
6 this, not to necessarily undo it, but to give
7 us the data to evaluate whether lessening the
8 restrictions are appropriate.

9 MS. : I want to follow up on
10 where Louis was going. A few points I think
11 I need clarified. We did start this process,
12 was it 03 we said, and it's 06 now, and so
13 we've had three years of discussing this, and
14 these comments of different concern came up
15 after the final EIS was out.

16 We've talked about the importance
17 of standardization, so I'm assuming on this
18 EFP everyone's going to have to use exact
19 size baits, same reels, leaders--everything's
20 going to have to be identical, which will be
21 interesting to see how that's going to be

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1 enforced.

2 I think what Louis said, absent
3 satellite tags, all you're going to have are
4 numbers of saying X number of fish were gut
5 hooked, X number of fish were tailrapped, X
6 number were in the hinge of the jaw.

7 Is this really about collecting
8 data, or was this, you know, just to appease--
9 -I think Bill's from North Carolina. You
10 know, I don't know if he had any special warm
11 place in his heart. But it's hard to find
12 any--

13 [Laughter]

14 MS. : Well, I mean, if you're
15 going to--I mean, exempted fishing permits--I
16 remember, there was, you know, an issue last
17 year, and it's a very serious process that
18 takes a lot of effort for people to put in.
19 Oftentimes, the agency has to pay for those
20 boats. So I don't know if that means you're
21 going to pay for all the expenses for all the

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1 billfishing boats, which would be great.
2 They would like this to extend beyond one
3 year.

4 But it's a very serious process,
5 and to make a sham out of it in the name of
6 science I think does not bring added
7 credibility to the agency, I think of which
8 you should be more cognizant of. You could
9 have postponed the rule by one year and
10 reached the same point.

11 My question, though--you can
12 clarify those points--is circle hooks. I've
13 had calls from hook manufacturers, from
14 retailers. My understanding, at one point,
15 the agency was going to write criteria of
16 what is a approved, non-offset circle hooks,
17 because even within the recreational
18 community, we've had robust debates on what
19 constitutes a real circle hook, and is non-
20 offset, zero offset, three degrees or
21 nothing. The circularity or curvability of

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1 the hook is the main thing.

2 So I have hook manufacturers
3 calling me, wanting to know when these specs
4 are out. There was an article coming out in
5 one of their magazines and they said, Why did
6 the agency not give us more notice? Here we
7 are, two months, three months out. You know,
8 we need to know what the criteria is.

9 So what is the criteria to
10 constitute a non-offset circle hook?

11 MR. DUNN: Well, right now,
12 there's a definition in the regs of circle
13 hook and it's a general definition which we
14 all know, and the agency has, to this point,
15 not sat down to craft a hard definition of
16 circle hooks, in part because, as everyone
17 knows, there's no standardization, there's
18 no--nobody can agree on what a circle hook
19 is, necessarily. It's one of those things
20 as, what was it? the Supreme Court defined,
21 exactly.

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1 MR. : [Off mike]

2 MR. DUNN: Exactly. Pornography.

3 You know it when you see it but it's hard to
4 define. It's something that folks within the
5 agency are working on, in terms of trying to
6 help develop a formulaic definition. We've
7 got the folks on the West Coast who are
8 working on it. Chris Boggs has been working
9 on circle hook issues for a long as has Eric
10 Prince, and other folks.

11 Now, are they tasked right now
12 with sitting down and developing one in the
13 short term? Not that I'm aware of, but I
14 don't set their work schedules.

15 But I can say, from the HMS
16 perspective right now, it's not any time
17 soon. I think you're mistaken in your
18 understanding, that we said we were going to
19 come out with a set of criteria for circle
20 hooks.

21 MS. : Okay. I'd been told by

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1 a member of the agency, that criteria was
2 being developed. So right now, tournaments--
3 I mean, boats can use different type of
4 circle hooks unless--

5 MR. DUNN: I mean, right now, it
6 would have to meet the definition that's in--
7 that vague definition in the front, and,
8 essentially, as long as it met that and it
9 comes in, you know, a box that says circle
10 hooks, it's a circle hook as long as it meets
11 that vague definition.

12 Now I think the sort of prudent
13 approach for a tournament may be to identify
14 hooks which they believe meet the criteria,
15 and then require that of their anglers, to
16 say these are circle hooks, and everyone use
17 the same hook, but that's an issue for the
18 tournaments and the constituents.

19 MS. SCHULZE-HAUGEN: I just want
20 to make a couple of comments. You know, the
21 concern that we had some novel issues come up

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1 during the FEIS review period. We take all
2 of our comments very seriously, and so
3 whether it came up early at the draft stage,
4 or later, we still want to take it seriously.

5 It was raising an issue that we did not have
6 specific data on, and so this is a way that
7 we can move forward with the benefits that
8 are clear for white marlin, and yet still try
9 and collect some additional data.

10 We're taking this very seriously,
11 and so if there are other means, that we also
12 need to get satellite tags coming up as an
13 obvious one, we can also undertake to fund
14 some of that work, or see if we can get some
15 of that data as well.

16 So this is, you know, what we're
17 moving forward with from the HMS division.
18 It's not the only "iron in the fire" that we
19 can have going at the same time.

20 So if there are those kinds of
21 things, side by side comparison tests, sat

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1 tags, things like that--please include that
2 in your discussions, and a part of this
3 dialogue, cause those are also other options.

4 So I just hope that folks take this
5 seriously, and in thinking about how we can
6 move forward on this as a whole.

7 MR. : [Off mike] a little
8 confused. The question you're posing to us
9 is not if you should issue an EFP but what
10 the terms of the EFP should be. So a
11 decision has already been made to allow any
12 tournament to apply for an EFP, be issued a
13 blanket EFP for any boat that participates in
14 that tournament for the foreseeable future.
15 Yes or no? And I have a follow-up question.

16 MR. DUNN: [Off mike] but, in
17 short, there's been a decision to go forward
18 with an EFP program.

19 MR. : [Off mike]

20 MR. DUNN: Correct; that's right.

21 MR. : [Off mike]

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1 MR. : That doesn't make any
2 sense to me and I'm not quite sure, why we
3 went through this whole process. I'm not
4 that familiar with the issue and if I've said
5 something completely wrong and ignorant, I
6 apologize. But that's my superficial
7 misunderstanding or understanding of it. I
8 don't know which.

9 The last thing I would say is the
10 questions that you pose to us, I'd say that
11 roughly half the people in this room have no
12 idea what the answer is to how to configure
13 trolling baits to do certain things with
14 regard to blue marlin, because that's not
15 what any of these--half the people in the
16 room do. So I'm not sure how anybody at this
17 table--maybe Rita, you know a little bit
18 about it, or a lot about it, I don't know--
19 but there's a limited source of expertise on
20 how to configure trolling gear.

21 So I'm again back to Richard's

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1 comments about dividing us up into small
2 pieces may make it a little difficult for
3 some of the tables to have any meaningful
4 discussion about how to configure a trolling
5 bait.

6 But, again, that's the small
7 issue. The big issue is what are we doing?
8 Why are we doing this?

9 I could see a very targeted
10 research proposal to go out with satellite
11 tags, like some of the scientists in our
12 group have done, and get some hard and fast
13 scientific information according to some
14 protocols, and, you know, the way we do
15 things right, and find out, you know, is
16 there a specific case or situation or, you
17 know, maybe two or three circumstances where
18 J-hooks and large baits, or whatever the
19 configurations are that you're imagining,
20 might have a different effect, and measure
21 that very carefully.

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1 But to have a blanket program to
2 completely undue the entire requirement for
3 circle hooks in tournaments seems non-
4 scientific. I think some of the folks in
5 that community have already suggested that
6 this is just a guise to undo the regulation
7 that you just published.

8 So I just raise that, I don't mean
9 to--this is not pejorative toward the
10 recreational community and I apologize to
11 anybody that I offended, who is an advocate
12 of this, but this just is confounding to me,
13 why we went through that whole process and
14 have come to this conclusion within 24 hours.

15 The ink isn't even dry. I wish we could do
16 that with the longline vessels. It's
17 remarkable.

18 MR. DUNN: I guess I would--

19 MR. : That's politics for
20 you.

21 MR. DUNN: I guess I would say

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1 that during the comments--with the comments
2 that were received in the FEIS, those folks
3 who commented felt that there were
4 potentially certain specific, although they
5 weren't really identified but in one or two
6 comments--certain specific configurations
7 that would allow us to achieve lower
8 mortality rates in a less restrictive way,
9 and I think that a properly constructed EFP
10 program can get towards that, and ultimately,
11 sort of remove some of the potential
12 restrictions, but without removing all the
13 protections that are put in place.

14 MR. : [off mike] very, very
15 high quality analyses on pelagic longline
16 vessels using two or three vessels, or one,
17 and yet we're going to provide an exemption
18 for every single vessel that participates in
19 a billfish tournament, potentially. That's--

20 MR. : And not put tags on
21 them.

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1 MR. : And not use satellite
2 tags. Extraordinary.

3 MR. : Bob Zales, Jack Devnew
4 and Vincent.

5 MR. ZALES II: Bob Zales II. I'm
6 going to try just a little bit of reality,
7 because I'm sure there's some people in here
8 that fish tournaments.

9 But from what I see here, you're
10 gonna tell a tournament director and a
11 tournament operation, okay, we're gonna issue
12 you an exempted fishing permit but you've got
13 to require X, Y and Z of all your boats in
14 this tournament.

15 Now I don't know how everybody
16 else fishes tournaments, but when I fish
17 tournaments, I fish tournaments for fun.
18 Primarily to get out and see if I can catch
19 the biggest or the most fish, so I can throw
20 my chest out there and say that I'm better
21 than everybody else.

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1 Number two, to either win a big
2 trophy or a lotta prize money. And not to go
3 out and have to continually keep an eye on my
4 knot meter and my fathom meter and what hook
5 I'm using, what tackle I'm using, and keep
6 all this registered down to give to my
7 tournament thing.

8 And, you know, most tournaments
9 that I'm familiar with generally charge a
10 whole lotta money to get in there. I don't
11 see a whole lotta people saying, gee, I'm
12 gonna pay you \$10,000 to enter this
13 tournament, so I can go through all this BS,
14 that I just left my office from last week,
15 that I had to do every day, so I can go out
16 here and disrupt my entire time of having a
17 good time fishing this tournament.

18 But if you're going to do this
19 exempted fishing permit, it appears to me,
20 that if you want to do this, maybe you're
21 talking about some kind of cooperative

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1 research type thing, to where I send in a
2 grant to you for Bob's tournament, Bob's
3 going to have a tournament, I need a million
4 dollars, cause I'm now gonna have to pay all
5 these tournament boats to go out here and do
6 this under my guidelines and provide all this
7 information for me, and I'm gonna provide an
8 observer on every boat so I'm sure everything
9 gets done, and send you a research plan that
10 then gives you the information that you need.

11 So I'm kind a like Glenn--I don't
12 understand this. It doesn't make any sense
13 to me.

14 MS. SCHULZE-HAUGEN: Well, let me
15 take a crack at a response here. This is not
16 an attempt to undo the regulations that we
17 just spent three years doing. This is
18 responding, or trying to respond to a
19 specific comment and concern raised for blue
20 marlin fishing, and this will be limited to
21 tournaments that desire--no one has to do

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1 this--you are free, all of you, to fish in
2 tournaments using circle hooks.

3 Those that are interested in
4 pursuing data collection, to help us come up
5 with whether the impacts on blue marlin
6 fishing and white marlin fishing are
7 sustainable, are welcome to do that. It is
8 focused on blue marlin fishing. It is not a
9 undoing of the entire process. I think we're
10 getting a lot of good comment on this. In an
11 effort to try and have the smaller groups
12 talk through some of the issues, I'd like to
13 say that we can limit it to a few more
14 technical questions, and then let's break and
15 the smaller groups can talk about it.

16 Nobody likes it, nobody has to
17 apply. This is not a requirement.

18 MR. : Well, I guess, Margo,
19 I'm at a little bit of a disadvantage, if
20 I've now got to move my question to a
21 technical question because I don't have a

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1 technical background in this aspect of
2 things.

3 But I guess I was, my initial
4 reaction was, why in the world would a
5 tournament want to do this, and engage in
6 this activity? And I still don't know.

7 But I guess I'll just make one
8 brief comment now and leave it at that.

9 If this, what we're contemplating
10 here now, is not going to be directed towards
11 either getting data in support of avoiding a
12 white marlin listing, exporting to ICAT
13 member nations that catch--or that are the
14 source of 97 percent of the marlin mortality,
15 or catching our swordfish and bluefin tuna
16 quotas, then I think this is way down the
17 priority list and not a real good use of this
18 group's time.

19 MR. : Steve Atran.

20 MR. ATRAN: Most of it has been
21 said. I have done this research with Dr.

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1 Graves, and a matter of fact, my vessel, I
2 think did all of those numbers that you have
3 since 2000, and it is done with a scientist,
4 and it's done with such detailed protocol,
5 that to call this research during a
6 tournament, to me, is quite different than
7 the research that has performed these, and I
8 do remember, quite clearly, that there was no
9 difference in catch between circle hook and
10 J-hooks, when it came to blue marlin. Thank
11 you.

12 MR. SAMPSON: Mark Sampson. Just
13 a quick question. As far as the circle hook
14 requirements in tournaments, or even during
15 non-tournament use, your thoughts on how
16 you're going to enforce this.

17 MR. DUNN: I think there's sort of
18 a couple different mechanisms. One is
19 obviously that, as it's spelled out in the
20 EIS, we think that there will be a
21 considerable amount of sort of self-

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1 enforcement as there is--right now, there's a
2 lot of pressure, obviously, not to land fish,
3 not to land marlin, white marlin, outside of
4 tournaments. And even in a lot of
5 tournaments.

6 And when there's a lot of money on
7 the line, we think that there's going to be a
8 lot of incentive to make sure that the other
9 guy is playing by the same rules that you are
10 playing with. My understanding is there's
11 sort of an expanding of IGFA type observers,
12 that participate in various tournaments. And
13 then there will be the sort of standard NOAA
14 enforcement, sort of lever out there as well.

15 So it's a combination of things.
16 I mean, there are a lot of regulations which
17 are somewhat tricky to enforce, and this is
18 likely one of those, but I think, ultimately,
19 it's going to come down to a lot of things.

20 If people want to break the rules
21 and poach, in a lotta cases they can get away

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1 with it, but hopefully, the people who want
2 to abide by the regs will sort of prevail,
3 and with the economic pressures, there's
4 money on the line, we think there'll be a lot
5 of self-enforcement.

6 MR. : [Off mike] and then
7 Ellen.

8 MR. ATRAN: Steven Atran, Gulf
9 Council staff. I have a comment and a
10 question. The Gulf Council, and I believe
11 all of the regional councils, at the request
12 of the National Marine Fisheries Service,
13 schedule time at every one of our meetings to
14 receive public testimony on exempted fishing
15 permit applications, at least for species
16 that are under our management.

17 I'm not sure if this would apply
18 also to HMS-exempted fishing permits, but if
19 there's any possibility at all, that some of
20 our species might be caught as bycatch, I
21 would think the councils would want to make

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1 sure that they get a chance to go through
2 this process.

3 Now, right now, we're getting
4 maybe three or four exempted permit
5 applications per year. I understand we could
6 be having twelve or more tournaments, just in
7 the Gulf of Mexico, and just from an
8 administrative standpoint, even if the Gulf
9 Council and the people who testify have no
10 objection, it'd still be an administrative
11 log jam as a result of having to go through
12 all this process. That was a comment.

13 The question I had was have you
14 looked or are you looking at any alternative
15 administrative procedure rather than exempted
16 fishing permits? I'm thinking specifically
17 of perhaps an FMP amendment to specifically
18 address tournament fishing, and at least some
19 temporary rules to set up something along the
20 lines of what you're talking about, so you
21 wouldn't have to go through and provide a

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1 permit for each individual tournament.

2 MS. SCHULZE-HAUGEN: As far as
3 other administrative mechanisms, they're
4 always on the table in terms of rule making.

5 Whether an FMP amendment would be required,
6 I'm not sure, we'd need to look at that, the
7 magnitude of it.

8 I think the intent here is to
9 collect some additional data on the specific
10 comment that came in, and then consider
11 whether rule making is warranted. So yes,
12 EFPs can be a lot of work; absolutely. So
13 we're looking at that as well.

14 I don't necessarily think an FMP
15 amendment is less work, however. We would
16 still need some of the data in order to
17 analyze the impacts of it.

18 MR. DOLAN: Coby Dolan. And just
19 to sort of follow up on the comment of one of
20 the Glenn's over here--he's left--but, you
21 know, we've been through this two year

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1 process, you know, putting in place the
2 circle hooks, and I just want to be clear.

3 I mean, the sort of overriding
4 purpose of the use of circle hooks, you know,
5 isn't necessarily reducing the bycatch
6 mortality of the directive species, you know,
7 which although that's a very good benefit,
8 you know, under, you know, National Standard
9 9 of Magnuson, but it's under the Endangered
10 Species Act to avoid jeopardy to loggerhead
11 and leatherback sea turtles, and, you know, I
12 guess I've got big concerns about how would
13 this program comply with the biological
14 opinion, avoid jeopardy to these sea turtles,
15 and I guess also following up on what Glenn
16 said, it just seems to me, and what I've
17 heard from others, is that, you know, if
18 you're looking at ways to reduce the, you
19 know, post-hooking mortality of tournament
20 fish caught--and again, I don't know, I'm not
21 a expert in the tournament fishery--you know-

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1 -how much interaction there is with
2 endangered sea turtles, which is why we're
3 using the circle hooks, it just seems like it
4 would be better suited to some type of a
5 controlled experiment that I've heard some,
6 you know, some good ideas here. Maybe that
7 will come out of some of the breakout
8 discussion.

9 MR. DUNN: Yes. The interaction
10 with sea turtles in the marlin fishery is not
11 a big issue. This is really focused on
12 reduction or, or the circle hook regs were
13 really focused on reduction of mortality for
14 white and blue marlin. I have only, in my
15 four years in the agency, I've only heard of
16 one interaction with a turtle in that
17 fishery. It wasn't actually in a tournament.

18 So sea turtles aren't the focus of this
19 action, and using the J-hook in those various
20 configurations should not have any impact on
21 turtles.

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1 MR. : [Off mike].

2 MR. : Several people have
3 already mentioned, you know, this is science.
4 It's a form of science that's very popular
5 today. It's called citizen science, and it
6 involves people in the process. But let's
7 not make any mistake about it. The benefits
8 of doing citizen science, one, you're
9 probably not going to get that kind of
10 information through a peer review process.
11 It's really about getting people involved and
12 making them feel good, and based on what Bob
13 said, probably people going to a tournament
14 aren't going to be too interested in doing
15 it.

16 And it seems to me what we need is
17 a research project here, that pays attention
18 to standardization and controlled conditions,
19 if you're going to want to have particular
20 outcomes. I'm just amazed, that this thing
21 has gone--I think Louis said there was a fork

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1 in the road, and deciding to take it down
2 this data collection technique through
3 tournaments. It's awfully hard to collect
4 data in tournaments, to begin with, so--

5 MR. : [Off mike]

6 MS. : I have one question, but
7 also, since we're broken up in groups, I
8 brought with us one of the world's top
9 captains on rigging for blue marlin fishing,
10 Captain Skip Smith, here, in the back of the
11 room. So he ran one of the best known game
12 boats and mother ships in the world for 11
13 years. So whether tonight, or if you have
14 questions specific, Skip would be the expert
15 to ask.

16 A question, though. When we first
17 started the discussion, I thought we were
18 talking about, you know, a permit, and so,
19 for some reason, I took it that it would
20 probably be a one season process. But then
21 you started using the word program, Russ, and

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1 so could this be a multi-year process instead
2 of a one year season of collecting data?

3 MR. DUNN: There hasn't been any
4 decision with regard to the duration
5 whatsoever. When I say program, it's just we
6 refer to the EFP, you know, the system of
7 issuing EFPs and whatnot as the EFP program.

8 So that's the context in which I meant
9 program.

10 MR. McBRIDE: Thank you. Joe
11 McBride, Montauk Boatmen's and Captains
12 Association. One of them most useful
13 programs that the National Marine Fisheries
14 has come up with in the last 30 years, which
15 costs very little money to manage and
16 operate, because the only expense are
17 headquarters and some scientific labs, and
18 that's the Narragansett Sharking Fishing Lab.

19 And when Glenn and some other--
20 Louis--were talking about the use of archival
21 tags, which are certainly an upgrade in

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1 gathering information as compared to the
2 stainless tags we use for the tags, and I've
3 been in that program for 30 years, and it
4 appears it has some useful research
5 advantages to the shark fishery. You know,
6 to what degree, I'm not a scientist, I
7 couldn't tell you, but it's still ongoing,
8 very successful, and by relative terms,
9 inexpensive to administer.

10 Would this be of any benefit in
11 these exempted programs, these shark--or
12 these marlin tournaments? While it might be
13 more ideal to use archival tags, to use the
14 regular placement tags on a dorsal fin, and
15 would you get any information back on that
16 type of activity, which is inexpensive and
17 easy to do?

18 And most tournament participants
19 will acquiesce to doing it there, if it gives
20 you information. I don't know.

21 MR. DUNN: That's worth talking to

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1 some of our researchers about. It's not
2 going to give you the direct and immediate,
3 sort of mortality response, but it may add
4 some value to the studies. That's something
5 we can talk to the Science Center about.

6 MR. McBRIDE: If I may add to
7 that, Russ. Almost all the tournaments in
8 Montauk that pertain to sharks give a
9 separate award out and some of them are big
10 money tournaments. But they give a big award
11 out for those who tag the most. They have a
12 raffle, actually, because at one time they
13 used to just give it by the number of tags,
14 and would you believe, Joe Blow tagged 5000
15 fish in a day, and so it became more
16 equitable to have a raffle. The more fish
17 you tagged, the more chances you have to win
18 the raffle. But some substantial prizes.

19 The point I'm making--almost
20 everybody participates, with rare exceptions.

21 So I don't know if it would apply to a

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1 marlin tournament the same way.

2 MS. SCHULZE-HAUGEN: Okay. Let's
3 take a break. A lot of folks are standing in
4 the back already. But let's take a break.
5 We'll come back in, say, ten minutes.

6 [Break]

7 MR. : Okay, folks, let's go
8 ahead and draw this to a conclusion, and
9 we'll start our report out here, in just a
10 moment. So hopefully, by now, your tables
11 know who might actually do the report out, as
12 opposed to spring it on one of your
13 colleagues and we can--is there anything else
14 you want [off mike].

15 Okay. We don't have a
16 preconceived order of reporting, so we'll
17 probably just ask for a table to volunteer to
18 go first. Right here. Right front and
19 center. Okay.

20 Now what I'd like--if you could
21 turn that mike on; we'll leave this one on

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1 too.

2 Thank you. If we could Alvarado
3 our attention, he's volunteered to go first,
4 set the bar high.

5 MR. ALVARADO: I don't know how
6 high. If it was John, yes, it would be very
7 high but--

8 MR. : Okay; very good. And
9 so we'll give you the floor and if everybody
10 else could just pay attention.

11 MR. ALVARADO: We puzzled about
12 this issue, and at first, we thought we were
13 not going to be able to contribute anything,
14 and probably we didn't. But, nevertheless,
15 clearly, we're not going to be able to
16 provide any kind of evidence in terms of the
17 type of gear that should be used in terms of
18 specifics.

19 But instead, we're concerned about
20 whether the entire exercise would be
21 scientifically sound, whether we would be

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1 able to obtain, in the way that is proposed
2 as a series of tournaments participating,
3 randomly, with all different kinds of
4 variables, any kind of data that would be
5 useful.

6 So then we thought that the
7 research should be conducted by NEMS
8 [phonetic], or sponsored by NEMS, or specific
9 individual researchers in universities, that
10 have done this type of research. They would
11 be the permit holders.

12 They would pass it along to the
13 particular fishing tournament, where they
14 would have the permit on the boat for those
15 individuals that are willing to participate
16 in the exercise. The protocols. My
17 perception is, or our perception is that we
18 should follow what has already been published
19 because that is the baseline data of what is
20 the comparison between different types of
21 protocols, and there's circle hook versus J-

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1 hooks. Otherwise--so therefore we have
2 Prince's and Graves' studies that actually
3 have demonstrated this with a lot of detail
4 in terms of what has to be done in order to
5 be a scientifically sound comparison.

6 That would make it consistent in
7 terms of catchability and mortality, and
8 therefore, the data would be specific in
9 terms of the gear, the weight that's been
10 fished, and it would be then compared against
11 what we perceive, the main concern--and
12 probably we are wrong--is an issue about
13 North Carolina fishing methods, in the way
14 that they employ the J-hooks, in terms of
15 speed and type of--if we are correct. Is
16 that correct? For most part.

17 MS. SCHULZE-HAUGEN: That's where
18 most of the concern was coming from, and
19 articulating those factors.

20 MR. ALVARADO: So in that regard,
21 we think, and strongly believe that then the

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1 tournament that would be compared, either A,
2 are circumscribed exclusively to North
3 Carolina or B, for the researcher to choose
4 and impose the fishing method that they
5 employ in North Carolina in the comparison
6 against the baseline data of the studies of
7 Grace and Prince. So that's what we have--I
8 think there's something else. No. That's
9 it.

10 MS. SCHULZE-HAUGEN: Thank you
11 very much. Did anyone have any questions for
12 that group? Any other comments from the
13 table before we move on?

14 MR. : [Off mike]

15 MS. SCHULZE-HAUGEN: [Off mike]

16 MR. : We were very concerned
17 about that, that there be a standardized
18 methodology on this and there be a controlled
19 scientific experiment, if the science was
20 going to be valid, if the data would be
21 valid, and hopefully, you know, there's one

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1 possible good outcome of this, would be that
2 you could demonstrate, using the North
3 Carolina fishing methods, that their
4 catchability, using those methods with circle
5 hook, you know, was just as good and
6 therefore the problem would go away.

7 The other side of that is that you
8 find out that they are right, and that their
9 fishing methods with J-hooks are comparable
10 in terms of mortality to the use of circle
11 hooks. But then we have the
12 problem that how applicable is this beyond
13 the North Carolina tournament setting? I
14 mean, if there are nuances to the way
15 tournament fishers fish throughout the coast,
16 you know, are you going to then substitute
17 the circle requirement with a new fishing
18 technique requirement as a substitute? And
19 that probably is not very acceptable to very
20 many tournaments.

21 So, you know, there's two ways we

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1 looked at this, solving this problem in North
2 Carolina where it seems to have originated,
3 but concern that it might, just focusing
4 there, might not be that applicable to
5 anywhere else. A lot of caveats.

6 MR. : [Off mike] in our
7 approach. I don't know if anybody can read
8 this but I will read it. The premise is that
9 the EF--oh, let me back up. One comment that
10 was very similar is that we didn't
11 necessarily have expertise to answer the
12 questions on the table, except for our guest
13 immigrant, I think they were referred to.

14 [Laughter]

15 MR. : Who explained an awful
16 lot to us, and that was very educational and
17 helpful and I think he answered a lot of our
18 questions. But we can't possibly answer
19 those questions. Most of the folks at our
20 table are from the commercial fishing sector
21 and really don't have that expertise.

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1 And so moving on, we made some
2 comments along the lines of I think table
3 one.

4 The premise is that the EFP is for
5 research, to answer a scientific question,
6 the burden being on the research to prove or
7 disprove what current law is, which is a
8 requirement to use circle hooks in the
9 tournament. So the burden is on the EFP
10 research program to come up with the same or
11 different result, that might generate a
12 different conclusion than what the process
13 has already generated.

14 So given that as a premise, we
15 would suggest limiting the EFPs to perhaps
16 two billfish only tournaments in North
17 Carolina where the source of this problem is.

18 Now taking to heart your comment, Ken, that
19 it may be a nuance unique to or peculiar to
20 the North Carolina billfish fishery, maybe
21 you want to do one in North Carolina and one

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1 somewhere else, to get that type of
2 comparison. But I think the concept here and
3 our first comment was to limit it, that it
4 wouldn't be a blanket program, that any
5 tournament could advertise in Sport Fishing
6 magazine, whatever--hey, we got our EFP,
7 we're circle hook free, come fish in our
8 tournament.

9 That's to answer your point about
10 people don't have to do it if they don't want
11 to. Well, you have a sneaking suspicion that
12 there may be some tournaments who will want
13 to promote the fact that they are circle hook
14 free because they got their EFP.

15 So some kind of limitation that is
16 reasonable within the scientific context. I
17 mean, what do we need for a sample size? And
18 one thing we asked, and came up with that
19 number, is particularly if we're--later on
20 here, we mentioned using satellite pop-up
21 archival tags. We asked the question, I

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1 think Big Rock, and what was the other name
2 of the tournament?

3 MS. : Pirate's Cove.

4T4 MR. : Pirate's Cove.

5 Each catch roughly the same in
6 catch and release, and could conceivably tag
7 with a satellite archival tag, roughly 30
8 fish in each tournament per season, and, you
9 know, if you had 60 archival tags out there,
10 I'm sure, you know, even John Graves would
11 agree, that's not a bad sample size to get
12 some significant data on, comparing circle
13 versus J-hook. So that was the notion. You
14 know, some limiting, that had some scientific
15 relevance rather than just a blanket
16 exemption for the entire fishery.

17 We would suggest also limiting it
18 in time, EFP for one year, and certainly can
19 be extended based upon a favorable evaluation
20 of the first year results and procedures, you
21 know, basically, how did it go.

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1 Number three uses strict
2 scientific protocol developed by NEM
3 scientists, the pelagic longline fishery, and
4 the folks at this table with that expertise
5 have been involved with programs that are
6 very standardized and that have very, very
7 specific design criteria or protocols that
8 are specifically designed to measure
9 comparisons between hook types and your
10 configurations, and there are people with
11 vast expertise in NMFS. John Watson was one
12 of them. Dr. Watson from the Pascagoula lab
13 is someone we worked with and there are a
14 number of people of that quality that can
15 develop a strict scientific protocol, again
16 going back to the premise that this is to
17 answer a research question, and the protocol
18 would be to design to measure J-hooks versus
19 circle hooks, and the effect of the use of
20 those on blue marlin mortality.

21 Again, we suggest using pop-up

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1 satellite archival tags. We're not quite
2 sure, other than sort of very subjective
3 visual examination of official alongside the
4 boat, what would be measured or evaluated in
5 a research program on post-release mortality,
6 and you could do some gross--well there's
7 some blood coming out, or there's no blood.
8 I mean, I'm not sure you would gain too much
9 from a research program based on that.

10 So if there are other ways to
11 measure post-release mortality, people like
12 Dr. Graves and others, familiar with that
13 sort of thing to focus on; but that's what we
14 knew about. Require some sort of captain
15 training. I mean, people have some expertise
16 or familiarity or understanding of what it is
17 they're out there to accomplish, in terms of
18 the CFP research, and that they should have
19 some type of a NMFS observer on board to
20 participate in both research and recording of
21 any important information that might come

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1 from the actual act of doing the research.

2 Then the last thing, which I've
3 got not very well-written there, is
4 incentives. You know, are there any
5 incentives for participation in this program,
6 that could be developed as well, to encourage
7 boats to participate? One just comment that
8 I'll make myself, this kind a came up in a
9 discussion afterwards, was, you know, we can
10 do this at a tournament level and that gives
11 us a good sample size, but it may be that you
12 don't necessarily need every vessel in a
13 tournament to participate.

14 Maybe there's select vessels that
15 want to participate and conduct research and
16 will do a really good job as a result, as
17 opposed to people who are in it, just to
18 avoid having to use the circle hook. And so,
19 you know, maybe there's some incentives to
20 get people to want to participate in the
21 research, answer this question in a very

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1 legitimate, scientific way, and then come
2 back to the agency, like we all have to do,
3 and prove our case, and say, okay, your regs
4 need to be changed, we need to do this
5 instead. And that's basically our set of
6 comments. Did I leave anything out? No.

7 Recognizing the fact that we have
8 one prominent dissenter at our table, who may
9 want to present a completely different
10 picture.

11 MR. : Okay. I'll be very
12 brief. I told, Glenn, I said, well, on the
13 surface--

14 MS. : Your name just--

15 MR. MOORE: Ben Moore, okay, and
16 I'm a director of the Big Rock Blue Marlin
17 Tournament, one of those tournaments that
18 would like to use J-hooks in North Carolina,
19 and I'll quickly comment on the tournament.
20 The tournament has 180 to 200 boats that
21 contribute \$12,000 or more, on average, so

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1 the prize money is over a million dollars a
2 year, we contribute over a 100- to \$150,000
3 to charity, and when you bring 180 to 200
4 boats to town, that are 50 foot in length, on
5 average, they spend a lotta money on fuel, I
6 guess liquor, soft drinks, food, whatever.

7 I mean, it's a huge event, it
8 lasts for like ten days, and very shortly,
9 we'll be celebrating our 50th Big Rock Blue
10 Marlin Tournament. That's quite an
11 accomplishment.

12 But besides all the "feel good"
13 stuff, the real issue here is not just the
14 Big Rock, but what are the requirements gonna
15 be to get an EFP, and are the tournaments
16 really gonna, well, apply for it based on if
17 we have criteria like the six we have listed
18 up here? I have my doubts about it. But
19 that's really not the point.

20 The issue is we need to have
21 whatever it is to get an EFP, it's whatever

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1 it is, and then if a tournament wants to
2 apply for it, they apply for it, and we go
3 from there.

4 I would say that the Big Rock,
5 five years ago, started having seminars on
6 rigging baits with circle hooks. And we have
7 encouraged the use of circle hooks in our
8 release division, where we give a 50 percent
9 point bonus for fish that are released with a
10 circle hook versus those with a J-hook.

11 So the winners of the release
12 division, the last four years, have been
13 people that use circle hooks. However, the
14 people that win the first three places in the
15 tournament, which has paid over a million
16 dollars for five years, use J-hooks. Now
17 these are just facts. this doesn't mean--you
18 know, we want to keep having the tournament.

19 That's primary. That's the number one goal.

20 I said I'd be brief, I hope that's
21 brief, but that's where we are.

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1 MR. : Thank you, Ben.

2 MR. : [Mike off] clarify
3 that, you know, I'm speaking for the results
4 of the conversation of the group here. The
5 first thing I think that, in our
6 conversation, when we talked about this idea,
7 was that if it's going to be implemented, it
8 has to be implemented in a way that's of a
9 manageable size. We talked, you know, at
10 length, before, about the administrative
11 nightmare of, you know, all tournaments
12 participating, or something like that. But
13 there's some criteria under which you have
14 to--you know, have already been talked about,
15 that need to be met of a program like this,
16 and that would be how you could go about
17 ending up with a limited fishing permit size,
18 in the number of permits, is through how that
19 study design occurs.

20 And up here we have written that
21 data collection needs to be to peer review

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1 standard. So if you, in designing and
2 scoping out this study, you would have to
3 design it in a way that collects the data in
4 a way that could be peer reviewed, critiqued,
5 and all of that, and that would be valuable,
6 because if you don't have it, it's not worth
7 it.

8 And to that end, in order to
9 achieve that with individual fishing
10 tournaments, one way, another way of, you
11 know, scoping it down in size, but also
12 maintaining that standard, perhaps would be
13 to put a stipulation on a permit applicant,
14 that they have worked out an agreement,
15 formally, with an independent research
16 institution such as a university or something
17 like that, under which the data would be
18 collected and the tournament would allow that
19 to take place.

20 In that process, you could also
21 have some kind of, you know, training, and

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1 work with the folks that will be collecting
2 the data, so that you know that it is
3 collected in a uniform way across different
4 tournaments, and different participants in
5 the permit program.

6 We also had some other thoughts
7 along this line, and one is to the idea of
8 possibly being able to work outside of the
9 tournament scenario with tournament boats,
10 and that would be through something similarly
11 to what we were talking about previously, of
12 a cooperative research partnership with, you
13 know, once again, a university or some other
14 research institution, to try and replicate
15 that fishing activity and answer the question
16 that way. That was another idea that was
17 brought up.

18 And we also had a few other
19 thoughts related to this, and one is is that
20 if you have an opportunity to collect data
21 with blue marlin, you don't pass up the

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1 opportunity to also collect other species, in
2 particular white marlin, to be able to, you
3 know, answer some questions related to the
4 effect of this particular fishing activity
5 and question on white marlin, but maybe other
6 species as well.

7 And then also related to--this is
8 kind of a technical issue--if you do set a
9 standard for a study to take place, and with
10 a control and with certain variables changed,
11 that you need to be able to account for, in
12 design implementation, the possibility of a
13 rigging learning curve.

14 In other words, if you're trying a
15 different treatment, a different variable,
16 you have to allow for people to have some
17 skill with how to rig that particular
18 treatment in question. So a couple of
19 additional thoughts there along those lines.

20 And I'll leave it up to the group.

21 Is there anything else that we left out, or

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1 anything else, other thoughts? We had a lot
2 of discussion here, so that's a really brief
3 synopsis of what happened.

4 Jack.

5 MR. : We also talked [mike
6 out] one of the points brought up over here,
7 and that was not necessarily having to have
8 all tournament participants participate in
9 the experiment. That perhaps there's some
10 kind of a different category, that you can
11 enroll into, you know, into the experiment,
12 and that at least--well, you know, we didn't
13 talk necessarily about what's the actual
14 percentage, but if every boat, you know, has
15 a cap on the number of hooks, or rods they're
16 fishing, if it's six, or something, maybe
17 three or four of them have to be the control,
18 which would be the, you know, the circle
19 hooks, and then the other part, the--but on
20 each boat, you have to be fishing, you know,
21 the experimental gear and the control.

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1 And the only other thing I had was
2 also on the white marlin, that there would be
3 some level of anticipated catch of white
4 marlin in this to--you know, the animals swim
5 together. You know, again, tournament guys
6 know a hell of a lot more about it than I do.

7 But need to get some "bang" out of some
8 white marlin research on this cause this is
9 the gun pointed at everybody's head.

10 MR. : Thank you. Anybody
11 else?

12 MR. : Just one quick
13 clarification. If a tournament chose to
14 participate, unless--in the EFP program, as
15 we've sort of vaguely sketched out--there
16 would not be necessarily a requirement for
17 everyone fishing in that tournament to have
18 to use this J-hook configuration. It would
19 be up to the anglers within that, if they
20 wanted to participate, unless the tournament
21 happened to make a rule that said you will

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1 only fish with this J-hook rig in my
2 tournament this year.

3 So it sounded like there was a
4 misperception, that if an EFP were issued,
5 everyone would have to fish under it. This
6 is a way for a subset of anglers to fish in a
7 way different than the status quo, which is
8 now circle hooks are required with naturals.

9 MR. : [Mike off] in getting
10 the data collected, that one stipulation of
11 that permit could be that the tournament will
12 have a certain number of participants, in
13 order for it to be a significant number,
14 enough to be valid and be peer reviewed.

15 So, I mean, you know, that
16 obviously could be a constraint under which
17 the number of permits is reduced. So--

18 [Mike off]

19 MR. : And first off, I'll
20 tell you, in my personal opinion, this has
21 been an entire wasted afternoon because of

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1 this, but we're going to go through this
2 anyway.

3 The billfish tournament for the
4 EFP that--and what we talked about, was
5 required satellite tags on certain number of
6 vessels, and you would also require the
7 observer or scientists on board for that

8 Now one comment, too, was on the
9 satellite tags, was to have the tournament
10 pay for them rather than the Government, so
11 taxpayer money wouldn't be spent for that
12 satellite tagging stuff.

13 And a possibility of using digital
14 video on board to record the conditions,
15 release conditions. Require the tournament
16 to issue the same hook to all boats, plus all
17 bait, so everybody's be fishing with the same
18 bait.

19 Issue a limited number of permits
20 with a specific sensitive period, one to two
21 years. On data recording, you would list the

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1 hooking location, the bite time, drop-back
2 time, trolling speed. The question was what
3 is high speed, and that kind a came in the
4 Madison-Swanson study that's going on now, if
5 I remember correctly, and Steve can correct
6 me if I'm wrong, but I believe that four
7 knots or more is considered high speed, in
8 that particular study, that they're playing
9 with, so we kind a picked that.

10 Now what you would learn from this
11 hooking location and fight time, what they
12 would with release mortality and whatnot, we
13 don't know, cause it really wouldn't help you
14 there, I don't believe.

15 MR. : [Off mike]

16 MR. : Yeah?

17 MR. : Just one slight
18 correction, now that I think of it. Four
19 knots on the Madison-Swanson Steamboat Lumps,
20 that was in order to determine whether the
21 boat was trolling or trying to just bottom

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1 fish.

2 MR. : Right.

3 MR. : And the experiments I
4 believe went up to eight or nine knots.

5 MR. : They're got two or
6 three scenarios, like four to six, six to
7 eight, eight to ten, something like that.

8 MR. : Yeah. But the
9 regulations that went in place, in order to
10 make sure that somebody is actually trolling
11 and not trying to bottom fish, was that the
12 boat had to be going at four knots.

13 MR. : Right. And I mean,
14 and some of what we heard, we heard that they
15 were talking about pulling bit baits, and I
16 don't know, from my fishing experience, I
17 can't pull a big bait faster than about three
18 or four knots cause they just, they're flying
19 around on top a the water. You're not going
20 to catch anything that way. North Carolina
21 may be different.

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1 A concern about the unknowns in
2 the data, how it was collected and analyzed.

3 This would be cause it'd be separated
4 recorded data, I guess, unless you had
5 observers on there doing everything. And our
6 bottom line conclusion was to get more data
7 would be to hire a boat and use scientists
8 and conduct a study, and to add to this, I
9 think in the cooperative research thing, what
10 you could really--if you're really looking at
11 trying to get the data that you're want about
12 release mortality of blue marlin, would be to
13 use some cooperative research, maybe have the
14 Fishery Service do one or two tournaments off
15 of North Carolina, put in \$500,000, give
16 prize money away, put your scientists on the
17 boat, carry your pop-up tags, do all that,
18 and you would get a whole lot more
19 information from that than you would
20 otherwise.

21 Because when I hear the stuff

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1 about all the tournaments in North Carolina,
2 there's a tournament in Mississippi, they're
3 not 50 years yet but they're working on it.
4 You've also got an area that's been pretty
5 well devastated by a storm. So these
6 exempted fishing permits, you're opening up a
7 whole keg a worms to me, way past what they
8 were designed to do, because in Mississippi,
9 they generally have about 180 or so boats,
10 and you're spending about the same amount a
11 money, 10- to \$15,000. It's about four or
12 five days that they've got there.

13 It brings in a lot of high dollar
14 boats, from all across the country, that
15 people come in there, and they're spending a
16 lotta money, doing a whole lot for the
17 economy, so you've got the same kind of
18 situation.

19 Some of 'em fish J-hooks, some of
20 'em fish circle hooks.

21 MS. : Some fish islanders.

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1 MR. : We do all that.
2 You've got big fish. I mean, in Panama City,
3 we've had two 1000-pound fish in three years
4 landed there. In Mississippi, you had a
5 1000-pounder landed there about four years
6 ago.

7 But what I can see from this too--
8 this is my personal experience--if you can do
9 this to try to get tournament data this way,
10 I think that I would probably try to apply to
11 an exempted permit for my red snapper
12 fishery, for the by hire [phonetic] sector,
13 to catch the first four fish, eliminate your
14 bycatch mortality, which I'm throwing back 80
15 percent of my fish.

16 I'm also feeding dolphins in the
17 process. So you see where I'm going with
18 this exempted permit. You open up a whole
19 realm of possibilities, that I don't think it
20 was designed to do.

21 MS. : Wait. Was there

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1 another page?

2 MR. : Another page? Oh, I'm
3 sorry. The tournament will not provide the
4 necessary data, which I think we, I just said
5 all that, and require the tournament to
6 purchase the--which we said before--the pop-
7 up satellites and to pay other costs in the
8 tournament.

9 Have we got another one? Yup. We
10 defined large bait at greater than three-
11 quarter pounds. Heavy gear is greater, 80
12 pounds or greater, and vessel speed was where
13 I got the four knot thing from Madison-
14 Swanson.

15 MR. BOYLE: Robert Boyle. Just a
16 couple added things to that. We spend a
17 lotta time in the tournament circuit and I
18 fished a lotta [inaudible] we brought up from
19 South Florida also do that. We fish all
20 over, and in a lotta these different
21 tournaments, you have to understand as well,

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1 that when you're talking about implementing
2 circle hooks into a tournament, and let's
3 just say in a tournament I just fished in,
4 where you get more points to catch 'em on a
5 circle hook than you do on a J-hook, which in
6 some tournaments, not very many, but in some
7 they've implemented that.

8 There's not very many boats in
9 those tournaments, number one, I can tell
10 you.

11 Number two is it requires
12 observers. We have a declining observer
13 program. Okay. Number one. Number two is a
14 lotta the places where the tournaments are,
15 if you have 50, 60, 70, 80 boats, there's not
16 enough places for observers to stay, and it's
17 a huge problem.

18 So when you start looking at those
19 issues, from implementing those type of
20 things where circle hooks are put into the
21 mix, it draws other issues that are within

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1 the tournament, that pose problems, not only
2 for the tournament directors who are running
3 them.

4 I mean, if you realistically think
5 about it, I mean, the tournaments, long-term
6 tournaments that have a lotta boats in them,
7 have spent a lotta money, a lotta time, and
8 over the years, for all these big money boats
9 to come in and do all that stuff, basically
10 you're issuing them a pass to get by the
11 issue.

12 I mean, why would you want to
13 implement that into something that was
14 already successful? So I don't think that
15 you would see any tournaments want to
16 implement that on to a successful deal that's
17 already going on.

18 So the fact is, number one, I
19 agree with one of the comments that was made.

20 If you're going to test something, it's got
21 to be outside the tournament arena. There's

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1 too much money riding on the line. There's
2 too many detailed ingredients that come into
3 the detailed play, and even right now, the
4 tournaments that are happening with the
5 option of circle hooks and points, require
6 observers, and there's issues with that, all
7 the way around.

8 I'm not saying I'm for or against
9 it. I'm just basically making statements
10 that state the issues that arise when you
11 have that. Thank you.

12 MR. : [Mike off]

13 MS. : To the point of whether
14 you could provide observers for each of the
15 vessels, I know some of the tournaments in
16 the Gulf of Mexico that are all release, and
17 pay money, do require digital video, and some
18 of the tournaments that have had thousands of
19 people come out, look at big dead fish in the
20 past, had Comcast or other services to come
21 out with great big screens. And so when the

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1 digitized video came back and a panel of
2 judges looked at it, it had to have enough of
3 the fight time, so they know it was today,
4 they gave them something to identify this was
5 Thursday's flier or something, and they had
6 to have enough of the fight time to see the
7 fish came alongside and was released
8 properly, and then those pictures, those
9 videos were shown to the public, which was
10 exciting.

11 A lotta people that want to see a
12 big dead fish have never, and likely will
13 never go billfishing, and so it provided an
14 opportunity for entertainment, for them to
15 see a billfish alive, which was far more
16 spectacular.

17 And so if you're trying to get,
18 you know, pictures to data, to document
19 whether the fish was bleeding, whether it was
20 tailrapped or whatever, if you have a digital
21 DVD, you know, you could have that sent back

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1 to the agency, or have the tournament
2 director hold it.

3 Russ was saying that, you know,
4 perhaps not every boat had to participate,
5 that maybe some would prefer to use circle
6 hooks, and where there's a lotta money paid,
7 unfortunately the pressure is to keep using
8 whatever you've been successful with. So
9 maybe an EFP should only be considered for
10 tournaments that don't pay cash prizes, and
11 that way you do remove that incentive, that
12 if that's the driving force, that we're going
13 to keep fishing J-hooks because we know we're
14 gonna have the best chance over the sucker
15 that wants, you know, to be conservation-
16 oriented, and lose the money after paying
17 \$16,000 to enter the event. You know.

18 And so if you give it to a
19 tournament where there's no money paid, you
20 might remove that drive. But there are quite
21 a few big tournaments in the Gulf. Poco

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1 Bueno in Texas. Biloxi in Mississippi.
2 Panama City in Baypoint. And there are quite
3 a few people who pull the islander rig, the
4 same thing, high speeds, like they do at
5 North Carolina. So I don't think it's a
6 North Carolina phenomenon. Thank you.

7 MR. : Real quick. Most of
8 us in this room have been involved in this
9 process, now, I guess, since about 2000,
10 somewhere around in there, and I know that
11 I've personally, in my travels in the
12 tournament circle, in the Panhandle and
13 Mississippi, every one of those tournament
14 directors from Panama City through Biloxi,
15 I've made totally and completely aware of any
16 regulations that were coming, and whether or
17 not you all heard from those people, I don't
18 know. But I do know that the tournament
19 directors have been aware of circle hooks, of
20 the regulations, or the potential problems
21 that were going to be there. They've had

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1 ample opportunity to get up here and say
2 something, and it really bothers me in this
3 process--I mean, I appreciate the fact that
4 somebody's stepping out and saying, okay,
5 we're going to listen to one particular group
6 because we don't know where you've been, but
7 we're going to listen to you.

8 This has been covered, and that's
9 why I'm saying, in my opinion, this has been
10 a total waste of my afternoon, to sit here
11 and go through this over and over again. If
12 these people have enough clout to get this
13 here, they should have had enough clout in
14 the process to get something looked at
15 differently with the circle hooks that are
16 there.

17 Personally, I don't like the
18 requirement of circle hooks. I use circle
19 hooks and I think education is the way to go
20 with circle hooks, but to require by law,
21 because in my mind, it's totally

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1 unenforceable. That's a regulation that I
2 don't support.

3 But I was outvoted, I didn't have
4 the power to change that, but undoubtedly
5 some others may.

6 MS. : And in the record, I
7 would like, Russ, that you give them a copy
8 of Peter Wright's article where--I mean, he's
9 probably caught, next to Skip, they've
10 probably caught more large blue marlin than
11 anyone in the world, and, you know, they both
12 have caught them with large baits, 20- and
13 30-something pounds.

14 So there's a article by Peter. He
15 dislikes the rule only because you might miss
16 your dolphin or your whahoo, but he says to
17 North Carolina, "Get off of it. It's not a
18 good excuse."

19 MR. GRAVES: John Graves. I guess
20 I get the distinguished opportunity to
21 present here. First of all, I'd like to

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1 report that our table reached consensus. We
2 always try and do that.

3 And our consensus is that the EFP
4 program is not the way to go and tournaments
5 are not the way to do the science.

6 So that much said, I'd like to
7 address a comment that Glenn made about
8 assessing the fish condition. It's very easy
9 to assess the fish condition when it comes to
10 the boat. We did that in the study we did
11 with Vince, as well as recreational studies.

12 Just like you can take an infant and do an
13 Apgar test, you can do the same thing with a
14 fish, looking at color, bleeding, movement,
15 lacerations, things like that, and you can
16 get a score and that score is in fact very
17 closely correlated with survival.

18 So just it can be done. I think
19 you have to look at the problem. The problem
20 here is that circle hooks, the research has
21 shown that circle hooks do a good thing for

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1 white marlin, and so NFMS went ahead and
2 applied it to all billfish, which is great,
3 except they don't have necessarily the data
4 to defend that.

5 The existing studies--there are
6 four studies that really look at post-release
7 survival of Atlantic billfish, and the first
8 one that was done was just to see if the pop-
9 up satellite tags would work, was in the
10 high-speed troll fish off of Bermuda. Nine
11 fish were tagged, five day tags, eight of the
12 tags reported, the eight that reported were
13 all consistent with survival. What happened
14 to the ninth one? Could have been
15 nonreporting tag, could have been a
16 mortality. Don't know.

17 But those fish, which were caught
18 on either lures or on islanders over horse
19 ballyhoo, those fish were either foul hooked,
20 hooked in around the mouth, no dehooking.
21 They're trolled at high speed; no problem.

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1 We then went ahead and looked at
2 it on longlines, and again tagged nine fish
3 on longlines, and seven of those fish tags
4 reported and all seven of those animals
5 survived. So at least seven out of nine
6 survived.

7 That was enough data, by the way,
8 for ICAT to go ahead and mandate the live
9 release of billfish. So, you know, take your
10 data size, or your sample size for what it
11 is.

12 We then went ahead and looked at
13 the recreational fishery for white marlin,
14 which is a very different fishery than for
15 blue marlin, where you're slow trolling naked
16 baits and you're dropping back to the
17 animals, and with the J-hooks, we were very
18 surprised when we got seven out of twenty
19 mortalities, and we had no mortalities out of
20 twenty for the circle hook fish.

21 We've continued that study, with

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1 some funding recently, and now we're up to 58
2 fish that have been caught on circle hooks
3 and released, and we have so far, a total of
4 one mortality. So very low mortality, one,
5 one out of fifty, one white out of fifty-
6 eight; yeah. So I have two more tags to get
7 off in Venezuela in a couple weeks.

8 So then we also looked at whites
9 on longline and doing that in a cooperative
10 study research program, again thanks to
11 Vince, and we found no difference in the
12 survival of whites that were caught on circle
13 hooks and J-hooks, and our sample size wasn't
14 really big, again, 20 animals, so, you know,
15 you'd have to have a huge difference in
16 survival to see anything there.

17 But the point is is we had pretty
18 good survival on both hook types.

19 So what we don't have is really
20 knowing what happens in the recreational
21 fishery for blue marlin where you're not

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1 using just high-speed troll. So if you're
2 bait and switching, or you're controlling a
3 big bait, we just don't have that
4 information.

5 A tournament is not the place to
6 get that information. I mean, I've been
7 trying like hell, for the last year and a
8 half, to standardize things like what is a
9 knock-down, or actually, when you drop back
10 to a fish, and, you know, are you dropping
11 back to a fish, is it taking the bait or are
12 you just dropping back because the fish, you
13 know, was coming there?

14 What I may do is something
15 different than the next guy. Even taking
16 something like hook retention, so by the time
17 that a hook, the fish pulls out drag, and
18 then you take that, and what percentage of
19 those animals actually come to where you
20 touch the leader?

21 Well, it turns out hook sets are

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1 very influenced by the rigging that you use.

2 And so you can use the Guatemala rig, you
3 can use a Mexican rig, you can actually use a
4 dental floss bridle that you're slipping the
5 hook through. All of those make a difference
6 and that's--they talk about a learning curve.

7 Everybody goes through that.

8 And so for a scientist, you want
9 as controlled condition as you can, so you're
10 looking at the difference of one or two
11 variables. It doesn't happen even when I
12 have a situation like that in a tournament--
13 forget it--and having been in tournaments,
14 trying to mandate particular baits, trolling
15 speeds, gear to tournament participants--
16 well, I'd hate to say what they'd say to you
17 but it probably wouldn't be very nice. So
18 you've got a problem.

19 So trying to do something here,
20 bait size is probably not an issue, if you
21 look inside of blue marlin or white marlin

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1 stomachs, they're opportunistic feeders, and
2 you can see little fish like this inside of a
3 stomach of a 700-pound blue marlin. So hook
4 size is what's important. That's really the
5 mechanics of this operation.

6 The gear type is just really
7 what's applying drag to the fish. That
8 doesn't come into it as much, and the vessel
9 speed really depends on what bait you're
10 fishing, and so I don't know if, you know,
11 any of those are going to be important in the
12 information that you come in.

13 The one thing that you could get
14 out of a study, if you were using tournaments
15 and looking at circle hooks and J-hooks,
16 would be hook location. Unfortunately,
17 anglers are pretty smart, and so if people
18 really like to use a J-hook and they happen
19 to get a hook that's deep in there, they may
20 not report it necessarily as being deep.

21 So the veracity is to be in

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1 question. If you have a veracity problem,
2 then you have observers, and if you have
3 observers, well, the cost of that, why don't
4 you just do the study right, to begin with?

5 And so our group, like the other
6 groups, didn't necessarily try and set out
7 the sample design for the study, the
8 experimental design, but you should be using
9 pop-up satellite tags, you should be using a
10 few captains that are familiar with using
11 both types of hooks, you should have a
12 student or an observer on the boat.

13 This could be done through the
14 cooperative research program. You'd want to
15 have at least 20 pop-up satellite tags for
16 each tagging category, so circle hooks and J-
17 hooks, and you're looking at \$300,000.

18 And so our recommendation is even
19 though this was just published, the
20 credibility of the agency is at stake here,
21 and credibility is something that, you know,

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1 I have to give it to Glenn--you hammered that
2 home with me at ICAT for many years.

3 If the United States doesn't go to
4 ICAT and put something on the table, then we
5 don't think it has a chance of flying,
6 because anything else we put on, we've lost
7 our credibility. When the agency comes out
8 with something like this and presents it to a
9 lot of people in tournaments, they have a
10 credibility issue.

11 Our recommendation is that you do
12 an emergency rule and you scrap this. You
13 say okay, we don't really know what's
14 happening with the J-hooks and the circle
15 hooks on blue marlin. Right now, the
16 data that are there suggests that it isn't a
17 big issue with post-release mortality using
18 those hooks.

19 So you set a specific size hook
20 that you allow them to be J-hooks, that size
21 and larger. You may want to attach it to a

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1 50-pound test or an 80-pound test, choose
2 your gear, but then you go ahead and you do
3 the study to see if that, if the science in
4 fact supports that.

5 And if you find that it doesn't,
6 then you can go ahead and change your rule.
7 But right now, there really isn't any data
8 suggesting that the use of the large J-hooks
9 is going to be that detrimental to blue
10 marlin and to try and get your science this
11 way isn't the way to do it. Go ahead, put
12 out an RFP, or get into the cooperative
13 research program, get a couple of boats, let
14 the same captains be using the two hook
15 types, over one summer you're going to have
16 more than to deploy your tags, do it right,
17 consider the results, and then go ahead and
18 do your amendment.

19 But I think you do it once, you do
20 it right, and this is not the road to be
21 going down. I think that's, I've got most of

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1 what we had in here; right?

2 MR. WEBER: Rick Weber and I will
3 be brief. John summarized our conversation
4 properly. I just wanted to at least express
5 some support for what the people who came to
6 you were trying to say. I'm not certain they
7 were attempting to circumvent the new rule.
8 I think the heart of their question--we
9 allowed J's in the artificials. In the
10 general consensus of the agency, and most of
11 the AP, J's in the artificials were not
12 thought to be a real problem. And I think
13 what the people from Carolina brought to you
14 is the question of does a large fast-trolled
15 natural actually act more like an artificial
16 when a blue marlin bites it?

17 You know, it's not something that
18 they're making a meal out of, it's not
19 something that they're stopping to swallow.
20 By the way a blue marlin bites, especially on
21 the baits that have been described to you,

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1 for the most part it's acting identical to a
2 lure that happens to be made from natural
3 food but it is acting like a lure. That's
4 all.

5 MR. DANIEL: Louis Daniel. I
6 think we had the same discussion everybody
7 else did. I think we're more aligned with
8 what Bob Zales' table suggested in terms of
9 the satellite tags and that type a thing. We
10 suggested like a lottery system, so that you
11 didn't have 200 boats having to take
12 observers or using pop-up satellite tags. So
13 I don't think we had a whole lot more to add
14 from the discussion that went around the
15 table. I just would say, though, outside the
16 table, I agree with what John was just
17 describing, and I'm not sure what the comment
18 about "North Carolina--get over it" meant,
19 because it's more like what Rick described.
20 It's a different fish--we have the same kind
21 of fishery, I don't think we have a different

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1 fishery than anybody else.

2 I don't think anybody's ever said
3 that we did. But the concern from North
4 Carolina and the comments we made on the FEIS
5 was the billfish community has been, okay,
6 extraordinarily proactive and conservative to
7 manage billfish, and the tournaments in North
8 Carolina that I can speak to, have tried to
9 promote circle hooks by incentives and
10 everything they can.

11 And we were moving forward and
12 supporting it for whites and sails, because
13 the data from John primarily supported that
14 decision, and we were waiting for the
15 information to come in on blue marlins, and
16 if it said that circle hooks were the way to
17 go on blue marlins, then I think our
18 tournaments would have embraced that, when
19 shown how to do it.

20 But that hasn't been done yet and
21 that's why North Carolina raised such a stink

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1 over the requirement, was just because of
2 that.

3 So if we can get the information,
4 like John has suggested we get, and I think
5 having the scientists do it is a much better
6 idea than having a bunch of tournaments
7 trying to do it. Then I think we'll be much
8 better off.

9 But from our recommendations, I
10 think we covered it. Joe may have an
11 additional comment.

12 MR. McBRIDE: Thank you, Lou.
13 Just a simplistic truism. Joe McBride. It's
14 a simplistic truism that J-hooks and high-
15 speed trolling--I'm using a term that we use,
16 six to eight knots, are not gonna create any
17 more mortality than a circle hook, which
18 wouldn't catch anything at that speed.

19 So as far as our fishery is
20 concerned, which is a little different in
21 technique than the Southern fisheries that

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1 Lou and I and the table were talking about
2 before.

3 Circle hooks are bait hooks, and
4 when you drop back a bait to a white marlin,
5 say, hypothetically, and we don't necessarily
6 do it because most of our marlin fishing is
7 incident to tuna fishing, and it's all high
8 speed, and we don't run into this problem.
9 But if I were to bait striped bass, bait
10 sharks, bait anything, where I'm dropping a
11 bait into the water, the shark or the fish
12 can swallow, then you should be using circle
13 hooks.

14 And, you know, this doesn't
15 require brain surgery. I'm a retarded
16 educator. Retired. Sorry. You know, it's
17 not something we should be spending a whole
18 day on. I do like what John said,
19 scientifically, this is not place for
20 amateurs to be coming up with scientific
21 data, that's going to create a mess, and I do

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1 think we--and I agree wholeheartedly--maybe
2 for the sake of the agency, you should look
3 and see what--you might want to revise this
4 regulation. I don't know. I don't recall,
5 and I made almost every one of the AP
6 meetings, that we came to a consensus that we
7 wanted only J-hooks in tournaments. You
8 know, so I don't remember that consensus.

9 Certain types of fisheries,
10 they're appropriate; other types, they're
11 inappropriate. You're not gonna catch a tuna
12 fish on an artificial lure with a circle hook
13 being the mechanism. That's a simple fact,
14 and you're just not gonna get anybody--you're
15 gonna have a war in the Northeast, I'll tell
16 you right now, if you come up with something
17 like that. For general fishing, particularly
18 for tuna fish. Thank you. I don't know if
19 anybody else has anything to say about that.

20 MR. : [Mike off]

21 MR. McBRIDE: I'd like to turn

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1 Mark Murray Brown in for sneaking out. He
2 was supposed to present the chart. But
3 that's all right. Oh, he's right behind me?
4 Okay. He knows I don't like this type of
5 activity.

6 MR. : [Mike off]

7 MR. McBRIDE: Oh. I'm sorry.

8 MR. : [Mike off] has a quick
9 question for John.

10 MR. : I just wanted to ask a
11 question of John Graves. Just to clarify.
12 Were you recommending that there be an
13 emergency rule to repeal the requirement for
14 circle hooks in tournaments, until--and then
15 you would conduct research, and then revisit
16 whether a regulation was appropriate? Or are
17 you suggesting leave things--when you said
18 "scrap this," I guess is what I didn't
19 understand. Did you mean scrap this proposal
20 for an EFP program? Or scrap the regulation?
21 And if you meant scrap the

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1 regulation, in other words, allow J-hooks in
2 all tournaments again, what do you do about
3 the white marlin catch that occurs side by
4 side with the blue marlin?

5 MR. GRAVES: No, Glenn, what I was
6 suggesting was in scrapping it, one, I don't
7 think that the science can be done in a
8 tournament situation, or the tags should be
9 deployed on a whole bunch of different boats.

10 There's a learning curve to getting the fish
11 near the boat and deploying the tag.

12 What my suggestion was, and I'm
13 just speaking for the group here, was that
14 you keep the requirement of using circle
15 hooks, especially the smaller size circle
16 hooks, cause it has an obvious conservation
17 benefit for white marlin. So keep that.

18 But then, rather than having this,
19 using the EFP as a mechanism to use larger
20 hooks--and I mean, EFPs, I have a couple of
21 'em, one for billfish, one for bluefin tuna,

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1 that I've been going on through the years,
2 and I really get a lotta help from the HMS
3 people. But it's still a labor and time-
4 intensive process.

5 I can't imagine, you know, the
6 administration of this program for
7 tournaments.

8 The suggestion would be, is that
9 you put the emergency rule, just allow for
10 the use of J-hooks above a certain size with
11 a certain gear type, and then you go ahead,
12 you do the science with the blue marlin, find
13 out how the data fall, and then reconsider.

14 MR. : [Off mike]

15 MR. GRAVES: Yeah; yeah. And what
16 happens is, you know, you can't always tell
17 the fish which bait to get, but if a white
18 marlin goes for a big bait, it's not gonna go
19 and swallow it. No way.

20 MR. ZALES: Bob Zales. Just a
21 quick comment, cause I support what John's

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1 talking about too, because that makes sense
2 to me, and I really like his comment about
3 the problems that's been encountered by the
4 fishery service and public perception. I
5 think that goes a long way to trying to help
6 with that, and it shows that you're trying to
7 work out something. You're still keeping a
8 regulation, in a sense, and maybe not to do
9 an emergency route to eliminate it, but I
10 mean temporarily suspend it until you get
11 that. But there's--surely they've got
12 attorneys smart enough to word it properly to
13 do whatever they need to do with it.

14T5 MR. : Folks, if we could keep
15 it down for just a second. We have one more
16 person, one person from the public
17 [inaudible].

18 CAPTAIN SMITH: My name is Captain
19 Skip Smith. I was involved in one of the
20 very first tournaments in Florida, a sailfish
21 tournament. We implemented circle hooks. We

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1 had the very first tournament. We beat Miami
2 out. We both decided to do it at the same
3 time. And our anglers didn't like it at all.

4 And I actually was the rules
5 committee, and I wrote the rules, and I wish
6 I could a gotten you a set for yours, I could
7 a explained the North Carolina and the rest
8 of it.

9 But after the anglers learned to
10 use the circle hooks, those same anglers that
11 cursed and swore at me, and told me to go get
12 a new life, if you sent 'em out today they'd
13 use circle hooks.

14 Now we're talking live bait, you
15 know, taking that all into consideration, and
16 what you guys are, what the North is about to
17 go through, and what NMFS is trying to apply
18 here.

19 I've fished around the world in 27
20 countries, I've caught 49 world records for
21 the IGFA, most of them being billfish. So

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1 I've fished plenty a heavy tackle. When you
2 undress your heavy tackle and you want to
3 dress J-hooks, we strike, drag fish at 45
4 pounds in Australia. That's a strike. We
5 push it up to 70-80 pounds; no problem. Most
6 a your mortality that you're gonna get with
7 J-hooks, and you're gonna get 'em with circle
8 hooks or any gut hook fish--that's where the
9 damage is done, we've seen it done years and
10 years, and a lot of it comes from the
11 wiremen. In the rules, they've said that
12 when you release a fish, no jerking on the
13 leader, you must cut it.

14 So any time you gut hook a fish,
15 of course the mortality's gonna go up, and I
16 think Dr. John expressed it best when he said
17 that, you know, his studies, he can look at
18 the fish and tell whether it's gonna live or
19 not.

20 And I can tell you, your own gut
21 tells you. When you look down at a gut hook

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1 fish and you see him bleeding and you see the
2 gut hanging out, and you see he's turning
3 brown, you know in your gut what you just did
4 to that fish. I'm sorry.

5 You can do a lotta research, and
6 the research he's doing is absolutely
7 fabulous. I commend him on it. But you
8 really know what's going on with it.

9 As far as dumping big baits, this
10 big bait stuff, I brought a bunch a stuff. I
11 want to show you what is in question for what
12 they want to do there. I brought some big
13 baits with me. They're all fake baits cause
14 I didn't want to put you through it.

15 I wouldn't mind putting the
16 airline through a real bait but you guys, I
17 definitely brought fake baits.

18 But a lotta the stuff you guys try
19 to imply here with your baits--a gentleman
20 over here said something about the rigging of
21 baits--it comes to angling skills too. And

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1 some a the things that you guys, that you
2 probably don't understand, especially with
3 this Hawaiian eye, this islander lure--it's a
4 type of a bait that we call "down and tight."

5 It works sort a like a lure. They
6 don't gut hook very many fish, and that's
7 what they're concerned about. They use quite
8 a few of 'em up here. We use 'em in Florida.

9 They use 'em in the Gulf. The gentleman
10 from the Gulf there, he said, you know, their
11 tournaments, they haven't responded.

12 Probably cause about 95 percent of 'em all
13 use lures. The baits really don't apply to
14 'em, so they're not gonna get in a frizzy.

15 But these guys in Carolinas, New
16 Jersey, baits is very important. The guys
17 that want to catch numbers use baits. If you
18 want to just try to catch a fish and you've
19 got what I call "pilgrims" for anglers, not
20 real experienced, then we use lures or we use
21 the "down and tight," let 'em come down, let

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1 'em catch it. You'll catch some nice big
2 fish but you won't catch the numbers.

3 The guys out here catching the
4 numbers, "Bull" Tolson, Paul Spencer, John
5 Bayliss, they're out there pulling natural
6 baits, and they got a great angler, and
7 they're dumping the bait to 'em, and the
8 circle hook will help your survival rate
9 overall.

10 The plan you're implementing is
11 very, very effective, because the guys that
12 catch most of 'em is where you want to stop
13 the bleeding.

14 I fished in Venezuela in the early
15 '80s, when we used to all go out and catch
16 20, 30, 40 a day. When we got down there,
17 the Venezuelans would kill 'em. It wasn't a
18 bad theory. If you killed 'em, the school
19 would stay around. But they were only
20 catching four or five. We went down there,
21 we caught 30, 40 a day, and now you're

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1 struggling to catch ten a day. I wish we had
2 J-hooks--I mean, I wish we had circle hooks
3 back then.

4 But with the technology of the
5 tackle, the anglers, the crews, the boats,
6 you know, we've come to be able to present a
7 bait very well to these fish, and the one
8 change you've really got to look at is the,
9 when you get into it, it's the bait
10 combination, and the rules for the Fort
11 Lauderdale billfish tournament, which we're
12 fifty something years--is really--if it has a
13 wig on it, a lure on it, I didn't really
14 care, because the people are really
15 targeting--you know, you're not going to gut
16 hook that many fish. So when I wrote the
17 rules for our tournament, dead or alive,
18 whole bait, had to have a circle, period.
19 Okay.

20 But if you put a dead bait behind
21 an islander, whatever it was, we really

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1 didn't care. You're gonna lose a few but
2 you're doing what's best for all people in
3 these tournaments to make it fair. The
4 science, as Dr. John says, are for the
5 scientists, go keep it, do it the right way.

6 But with these tournaments and the
7 exceptions, you guys are just--you know--
8 you're just giving yourself another excuse.

9 All you'd have to do is really
10 change that one, that if it's a natural bait
11 and it's got a wig, or a lure in front of it,
12 or whatever you want to call it, let 'em go
13 with it. They're gonna catch their tunas,
14 their whahoos, they're gonna get a few extra
15 bites out of a few fish, but the damage
16 overall is with the naked baits. I mean,
17 this is the hook that we fish in Australia,
18 in front of any dead bait, a J-hook, and when
19 they swallow this bait, this is the size of
20 hook that's gonna be stuck in their throat
21 latch, and I don't care what kind a day you

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1 want to do the blue marlin, you're still
2 gonna do it to a blue marlin. I don't care
3 about the tackle. I've caught blue marlin on
4 four pound test. I've caught black marlin,
5 over a thousand pounds, on one thirty.

6 This really lets you wind up black
7 marlin to the boat real fast on one thirty.
8 It gags 'em out, and I guarantee you the
9 survival rate--if they want to search for
10 those tags out in Australia, you better look
11 into shark bellies and on the bottom of the
12 ocean.

13 This is the lure that they, is
14 what they really haven't questioned over
15 there, but they use a horse ballyhoo, the
16 bait's like three times bigger. With a lure
17 like this--and I've watched fish feed at a
18 tower, I can go on for another hour, but I've
19 watched these fish feed outta the tower, I've
20 done all sorts of crazy, wild things watching
21 these fish over a 25 years career.

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1 But when they bite this, it's just
2 down and tight. The J-hook sits way down in
3 here. Very, very few fish, especially whites
4 and sails, could ever swallow this bait. A
5 blue marlin will, but that's just the price
6 you pay for, you know, making sacrifices out
7 there. The real fishermen that are using--
8 this is a bonita--but a mackerel the guys
9 use, if you put the circle hook on it,
10 actually, it's gonna be easier for the bait
11 to spin. The baits won't spin so bad, like
12 they do for most deckhands, and you're gonna
13 hook a high percentage a fish, and those are
14 the bigger fish, the "big bait" theory here,
15 which is a bunch of BS, is gonna be fine with
16 it.

17 They've proved it in Australia.
18 They catch a lot bigger fish than they catch
19 here. These guys troll out here, four or
20 five knots. You can troll it out to six
21 knots, like this, seven knots, put some

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1 formaldehyde on it. You can troll at eight
2 knots, nine knots.

3 So, you know, just to "cut to the
4 chase" here, the basic problem is going back
5 to the "Hawaiian I." You know, for years,
6 they've been using this rig, with a real
7 bait, down in Venezuela. All the videos I
8 see of all those guys catching those blue
9 marlin down there, 150, 300 pounds, most a
10 the time you see the bait in the corner of
11 the mouth. It's designed to come down and
12 tight, it takes the angler outta play, and
13 that's sort of the other--my science--that
14 you guys didn't, I didn't hear anybody
15 talking about. Someone did get close and say
16 rigging, and that has a lot to do with it,
17 but there's still angling and there's a whole
18 bunch more that comes into it on our end.

19 So when it comes, you know, down
20 to whatever decisions you guys make, I mean,
21 I figured someone's gonna yell out--well,

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1 tell 'em to use fake bait. Here it is. You
2 know, this solves half the problem.

3 But it's really not--you know,
4 fishermen are very superstitious as you know.

5 A lotta people fish one way or another,
6 commercial, recreational, they want to put
7 that real meat in there, and to me, I think
8 you guys can--I think the public can live
9 with that decision, and I think you can live
10 with that decision. The Carolina boys'll be
11 happy if they can put their Islanders out
12 with bait.

13 Dr. John said with the Islanders
14 on those blue marlin, the Hawaiian I's, and
15 the horse ballyhoo, the survival rate was
16 good. So you've got some numbers to work
17 with, and I wish you all good luck and thanks
18 for inviting me.

19 [Applause]

20 MS. SCHULZE-HAUGEN: Well, I
21 think, you know, I think we can wrap it up

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1 for today. I appreciate everyone taking
2 time, sticking with it, sticking with the
3 groups. I think we got a lotta good comment
4 and a lotta things to think about.

5 So I really appreciate everyone
6 "hanging in there." Tomorrow, we're going to
7 start bright and early, 8:00 o'clock, talking
8 about sharks.

9 There will be food here at 7:30,
10 so you don't have to actually eat breakfast
11 before you get here. But we will need to
12 start promptly because we have a full day
13 tomorrow and I guess--I think folks that want
14 to stick around and talk about the baits and
15 the riggings, I think the gentleman will be
16 available and we can talk some more.

17 So thank you, everyone. See you
18 tomorrow.

19 (End of recording.)

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