

**Summary of the October 2007 Meeting of the
Highly Migratory Species Advisory Panel**

November 2007
Highly Migratory Species Management Division
National Marine Fisheries Service
Silver Spring, MD

This document is a summary of what was heard by the Agency at the October 2007 AP meeting in Silver Spring, MD. This document is not meant to indicate any consensus by the AP or decisions by the Agency or to be a verbatim transcript. Copies of this document are available upon request or on the Agency webpage (<http://www.nmfs.noaa.gov/sfa/hms>). Transcripts of the meeting will also be available on the same webpage.

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1.0 AGENDA

Highly Migratory Species Advisory Panel Meeting October 2-4, 2007 Silver Spring, MD Agenda

Tuesday, October 2, 2007

- 1:30 pm Welcome and Introductions
Welcome New AP members, Proxies & HMS staff
Purpose and Goals of Meeting
Overview of HMS Actions for Last 6 Months
- 2:00 pm Dr. William Hogarth Q&A
- 2:30 pm Enforcement Update
- 3:00 pm Break
- 3:15 pm Swordfish Revitalization and Vessel Upgrade Implementation Presentation
- 3:30 pm Marketing and Promotion of Swordfish Measures
- 4:00 pm Swordfish Revitalization and Vessel Upgrade Breakout Session
- 4:30 pm Swordfish Revitalization and Vessel Upgrade Group Discussion
- 5:15 pm Public Comment
- 5:30 pm Adjourn

Wednesday, October 3, 2007

- 8:30 am Amendment 2 Presentation and Summary of Public Comments to Date
- 9:30 am Public Comment on Amendment 2
- 10:00 am Amendment 2 Breakout Session
- 11:30 am Lunch
- 12:30 pm Amendment 2 Report Back/Group Discussion
- 2:00 pm Group Discussion continued

- 2:30 pm Dr. William Hogarth in Attendance to Hear Swordfish Revitalization Group Report Out
- 3:15 pm Amendment 1 Essential Fish Habitat Presentation
- 3:45 pm Group Discussion and Public Comment on Amendment 1
- 4:45 pm Public Comment
- 5:00 pm Adjourn
- 7:00 pm Bluefin Tuna Specifications and Shark 2008 1st Season Rule Public Hearings

Thursday, October 4, 2007

- 8:30 am Marine Recreational Information Program
- 9:30 am Greenstick Presentation
- 10:15 am Break
- 10:30 am Greenstick Discussion
- 11:15 pm Outreach Plan Update
- 11:45 pm HMS Management – Looking Forward and Rule Change Requests
- 12:15 pm Open Forum/Public Comment
- 12:30 pm Adjourn

2.0 ADVISORY PANEL (AP) PARTICIPANTS OCTOBER 2007

Last Name	First Name	Organization
Augustine	Pat	Mid-Atlantic Fishery Management Council
Beideman	Terri	Nelson R. Beideman Foundation
Belcher	Carolyn	Georgia Coastal Resources Division
Boustany	Andre	Duke Nicholas School of Environment & Earth Sciences
Coddington	Ronald	Southeast Swordfish Club
Daughdrill	Bill	Gulf of Mexico Fishery Management Council
Delaney	Glenn	Independent Consultant
DePersia	Thomas	President, Stellwagen Bank Charter Boat Assoc.
Fordham	Sonja	The Ocean Conservancy
Franks	Jim	Proxy for Phil Goodyear, Academic
Gary	Marty	Maryland Department of Natural Resources
Gerencer	William	Marine Trade Center
Graves	John	Virginia Institute of Marine Science/ICCAT Advisory Committee Chair
Gregg	Lisa	Florida Fish and Wildlife Commission
Gregory	Randy	Proxy for Louis Daniel, North Carolina Division of Marine Fisheries
Hemilright	Dewey	F/V Tar Baby
Hinman	Ken	National Coalition for Marine Conservation
Hudson	Russell	Directed Shark Fisheries, Inc.
Hueter	Robert	Center for Shark Research
Johnson	Gail	F/V Pocahontas, Inc.
Kavanagh	Jay	Proxy for Rom Whitaker, Hatteras Harbor Charter Boats
Lingo	Mark	Texas Parks and Wildlife
Loefer	Josh	South Carolina Department of Natural Resources
Luisi	Michael	Maryland Department of Natural Resources
Lynch	Val	Proxy for Mark Sampson, Ocean City Charterboat Captains Association
Merritt	Rita	South Atlantic Fishery Management Council
Miller	Shana	Tag-A-Giant Foundation
Montella	Vince	Commercial Fisherman
Nelson	Russell	Nelson Resources Consulting, Inc.
Peel	Ellen	The Billfish Foundation
Pyle	Vincent	Proxy for Don Nehls, Lindgren- Pitman, Inc.
Regnery	Rebecca	Proxy for Ramón Bonfil, World Wildlife Fund
Ruais	Richard	East Coast Tuna Association/Bluewater Fishermen's Association
Sampson	Mark	Ocean City Charterboat Captains Association
Schrattwieser	Jason	International Game Fish Association
Stone	Richard	National Marine Manufacturers Association

Last Name	First Name	Organization
Vonderweidt	Chris	Atlantic States Marine Fisheries Commission
Weber	Rick	South Jersey Marina
Weiss	Peter	General Category Tuna Association
Public/Staff Attending October 2007 HMS AP Meeting		
Olsen	Harold	FV Bonsai
Griffin	Elizabeth	Oceana
Freittas	Ben	Oceana
Fallon	Sylvia	Natural Resources Defense Council
Ebert	David	Moss Landing Marine Labs
John	Musick	Virginia Institute of Marine Science
Burgess	George	University of Florida
Dick	Shawn	Aquatic Release Conservation
Leave	George	Metropolitan South Florida Fishing Tournament

3.0 DR. WILLIAM HOGARTH Q&A

Dr. William Hogarth, Assistant Administrator, National Marine Fisheries Service (NMFS), addressed the AP regarding the following issues: the billfish tournament requirement to use circle hooks, swordfish revitalization, sharks and the science behind their respective assessments, essential fish habitat, and bluefin tuna. Comments from the AP included the following:

- Are we going to get numbers soon from the 100 percent bluefin tuna observer coverage during 2007 spawning season in the Gulf of Mexico?
- The bluefin tuna issue is bigger than NMFS thinks. There are complicating factors such as a shift in the school fishery. We went this round before with a moratorium at ICCAT and we got a reduced quota from 2,600 to 1,000 pounds and established the 45° line. We have to learn from our past mistakes. A unilateral moratorium in the west would bankrupt the fishery. A total moratorium would be difficult, but okay as a strategy.
- What is being done about the management of dogfish? Reports say that the total biomass for female dogfish is around 233 million pounds. Our dogfish quotas in the United States are 6 million pounds. This means we are not even fishing 5 percent of the dogfish biomass that exists.
- Is NMFS looking at requiring circle hooks for buoy gear? The amount of vessels in Florida that fish buoy gear without circle hooks is growing every year. Please take a look at this.

4.0 ENFORCEMENT UPDATE

Jeff Radonski, NMFS Enforcement Agent, presented information on the most recent NMFS HMS and non-HMS enforcement actions. Comments from the AP included the following:

- My question is regarding the case involving a woman caught bringing undeclared shark fin noodles into the United States. Is this an actual U.S. violation, or was it more that the fins were undeclared?
- Enforcement needs more money and more agents.
- How many buoy gear (swordfish) cases are there where defendants had no permits?
- The swordfish buoy fishery in Florida contains those with no permits, or those with permits but are fishing the gear with multiple boats. The landings are also exceeding the allowable limit.
- Many times I have reported specifics on buoy gear violations, but specifics have not been shared down the line to all responsible enforcement agents who have the power to reconcile these issues.
- Regarding the sale of recreationally caught swordfish, can these fishermen sell to non-federally permitted dealers?
- Swordfish dealers in Florida have no customers left because of the illegally-sold and recreationally caught swordfish caught with buoy gear. Regarding recreational swordfish fishing with buoy gear, I can point you to several illegal vessels that leave each night. We hear them communicating over the radio. The funding for enforcement is in dire need, because I have reported this several times. Enforcement has told me that they do not have the manpower to send agents out at those times due to funding issues.
- Regarding the internet site for reporting swordfish and bluefin tuna catches, will the site have real-time updating of those catches?

5.0 SWORDFISH REVITALIZATION AND VESSEL UPGRADE RESTRICTION IMPLEMENTATION

Rick Pearson of the Office of Sustainable Fisheries, HMS Management Division, presented an update on the NMFS rule to revitalize the swordfish fishery as well as instructions on the corresponding amended vessel upgrading restrictions. NMFS has implemented management measures that would enhance opportunities for U.S fishermen to more fully harvest the domestic swordfish quota. Changes included in this final rule included incidental swordfish retention limits and amended vessel upgrading restrictions for vessels holding an incidental or directed swordfish permit, incidental or directed shark permit, and Atlantic Tunas Longline category limited access permit (LAP), or is eligible to renew this LAP combination, as of August 6, 2007. Synopsis of comments received on this rule, actions implemented to date, “big picture” constituent recommendations, and recommendations for future action were the main topics addressed. Comments from the AP included the following:

- We have already given our underharvest to several countries at the 2006 meeting and they will be expecting to get that quota at this year’s 2007 meeting. The reality of the quota reallocation will be a battle on the ground.
- How do we determine whether countries are playing by the rules with the quota we gave them last year?
- We will lose quota at the next International Commission for the Conservation of Atlantic Tunas (ICCAT) meeting to countries with more lax conservation measures than the United States. These countries have a tremendous amount of bycatch.
- Prior planning prevents poor planning. What has NMFS done while these swordfish issues were developing?
- When the United States loses quota, it causes violations of the Endangered Species Act and Magnuson Stevens Fishery Conservation and Management Act.
- Before ICCAT, we need a meaningful discussion on the topics at hand.
- With the revitalization, why keep any upgrade limits at all?
- The fishery will not upgrade boats if the fishery will be uneconomical due to the time/area closures.
- The time/area closures put 67 boats out of business. NMFS could rebuild the industry, but no one has any confidence in NMFS ability to do so.
- The historic swordfish fleet was a small boat fleet. Those are the ones that need help first.
- Freezer vessels might increase effort in areas with low bycatch.
- In order for the industry to invest in freezer vessels, there must be certainty that it will return profit and that there will be quota in the future.

6.1 *Swordfish Revitalization Breakout Session Comments from the AP*

Each breakout table was asked the following questions: 1) Are there other recommendations to “revitalize” the swordfish fishery (while minimizing bycatch) that should be added to this list? - Short term? - Long term?; 2) From the list of recommendations, what do you recommend the Agency do to amend the swordfish regulations?; 3) What do you think the swordfish fishery

should “look like” in future years (i.e., vision)? The following comments were presented from the AP twice. Once during the swordfish revitalization report out and once when Dr. William Hogarth was in attendance. These comments are from the first report out. The second report out is found later in this summary document. (Please note that the numbering of these tables does not correspond with the numbering of tables from other sections in this document.)

Table 1

- The United States needs a backbone in gaining the quota allocation at ICCAT 2007.
- The United States needs a research fishery as soon as possible.
- The United States needs to market U.S. conservation standards.
- NMFS should give chartering permits for foreign boats to fish U.S. quota.
- NMFS should provide the ability for permits to be leased.
- Vision: The fishery should look like what it was in the 1980’s and 1990’s. Lapsed permits should be reissued. The need for other permits for incidental catch should be eliminated.

Table 2

- Avenues such as the Marine Stewardship Council could be used for marketing. Market U.S. conservation measures in the industry.
- The United States needs to increase effort in areas with low bycatch rates.
- Buoy gear should be required to have number units allowed per vessel, required attachment to vessel, required pingers on buoys, and specific gear marking requirements.
- NMFS should allow lapsed permits to be renewed.
- Vision: Focus on smaller niche markets.

Table 3

- This is a complex problem, with no simple solution.
- There is no need for limits on the swordfish industry, but it may need geographic limits on use – spread the fishery out.
- Permits should be “use it or lose it.”
- Circle hooks should be required for buoy gear.
- Eliminate upgrade limits altogether.
- NMFS should allow lapsed permits to be renewed.
- Improve reporting for all catches.
- Seek methods to close U.S. market to countries without comparable conservation measures.

Table 4

- NMFS should be focused on getting the latent permits active. Bring back those who were displaced first and then bring in new permits.
- Create a general category swordfish permit.
- Eliminate the upgrade cap. The cap limits capacity.
- Improve catch reporting.
- Reissue tuna longline permits to those with swordfish and shark permits.
- Move to gear-based permitting.

- Give squid trawlers whatever permits needed.
- For time/area closures, there is a need for good science. If the science shows that there is no harm being done in those areas, re-open them.

Table 5

- NMFS needs to make sure all fish are counted for an estimate of true mortality.
- Make incentives for a sustainable fishery.
- Revisit the time/area closures.
- The industry needs certainty in the future, especially with the quota size.
- The United States should re-invent the way it acts at ICCAT to protect the quota and play hard ball. Mention that it will take us time to revitalize. This does not happen over the course of one year.
- The industry and government must work together.

6.0 MARKETING AND PROMOTION OF SWORDFISH MEASURES

John Ward of the Office of Sustainable Fisheries, Partnerships and Communications Division, presented information on a final rule to improve fisheries marketing. He highlighted how this rule was used for the shrimp industry. Comments from the AP included the following:

- Are tariffs possible?
- I want to caution you that there are no silver bullets out there. The shrimp industry effort is still down 70 percent.
- The Fishwatch marketing is not positive because it states too much about mercury content.
- Marketing can help. I am interested in a market that can absorb the U.S. catch.

7.0 AMENDMENT 2 TO THE 2006 CONSOLIDATED HMS FISHERY MANAGEMENT PLAN (FMP) AND SUMMARY OF COMMENTS TO DATE

Jackie Wilson of the Office of Sustainable Fisheries, HMS Management Division, presented Amendment 2 to the Consolidated HMS Fishery Management Plan (FMP) regarding proposed shark management measures. In addition, AP members received CDs with all comments received by NMFS since the publication of the Amendment 2 proposed rule and a summary of those comments. Comments are grouped below by issues within the alternative suite format. Comments from the AP and public included the following:

Landing Sharks with Fins Attached/Processing sharks

- I support landing sharks with their fins on. However, fins are actually not an issue since the directed fishery is essentially over with this proposal.
- NMFS should consider different fin-to-carcass ratios for different species.
- Different fin-to-carcass ratios would be too difficult to enforce.
- NMFS needs to collect data to show that the 5 percent ratio is wrong and should be higher.
- Making fishermen land sharks with the fins on will violate the 5 percent ratio. NMFS will be forcing fishermen to break the law and NMFS cannot leave possible violations of reported fins and shark carcasses in logbooks up to the discretion of enforcement.
- Scientists agree that the best alternative to the 5 percent ratio law to stop finning would be to mandate that sharks be landed with their fins on.
- If NMFS does require sharks to be landed with their fins on, NMFS should provide a diagram of how to properly dress a shark with fins on.
- NMFS does not need to provide a diagram but needs to work with the industry to create standards on how to do this.
- I support keeping the fishery fins requirements under status quo.
- Making fishermen land sharks with fins attached creates Hazardous Analysis of Critical Control Point (HACCP) concerns. Fishermen cannot ice sharks properly with their fins still attached because it will take fishermen too long to process sharks at the dock in the summer heat.
- Fishermen are not going to throw fins overboard to be in compliance. This would equate to very expensive regulatory discards.
- NMFS should not get too far out in front of the international community with regard to shark conservation.
- The United States should be a leader in conservation of sharks and should block imports on shark fins from countries that allow finning.
- Fishermen should be allowed to remove the tails to allow sharks to be packed better.
- Sharks landed in the research fishery should not have to be landed with their fins on since they will have observers on board.
- Dealers will be buying the sharks with the fins attached and will cut the fins “light” so that fishermen will get less money for fins.
- NMFS needs to address the conversion of whole weight to dressed weight. The 1.39 conversion is not currently accurate and will change if fishermen have to land sharks with their fins attached.

- Shark finning bans are some of the only protection for sharks.
- Other countries are able to land and process sharks with the fins attached.

Science

- The latest NMFS stock assessments are flawed. I support the status quo until the stock assessments can be redone.
- Sandbars made up 80 percent of the landing in the Virginia Institute of Marine Science dataset, followed by dusky and blacktip sharks.
- NMFS said they asked Dr. John Musick for his data for the large coastal shark (LCS) stock assessment and Dr. Musick claims NMFS never asked him for his data.
- We supplied NMFS with catches of blacktip sharks in the Atlantic during the 1980s, but in the assessment, zero blacktip sharks were recorded as being landed in the Atlantic before the 1990s.
- Why were there no Mexican data of shark catches for the LCS assessment?
- NMFS does not need to implement a plan until July 12, 2009. In the meantime, NMFS needs to do new stock assessments for all 22 LCS with a data workshop starting in early 2008, an assessment workshop in early September 2008, and a review workshop in early December 2008.
- Reviewers in the porbeagle and the LCS assessment are biased against the industry; three out of the five reviewers on the LCS review panel had a conflict of interest.
- NMFS needs to have a data workshop to clean up the data in the dusky assessment. Fishermen cut up dusky sharks into chunks, which skewed the data in the assessment. Who were the reviewers in the dusky assessment?
- Having an assessment at least once every 5 years is not appropriate.
- 5 years between assessments is too short.
- I support the status quo for assessments every 2-3 years.

Research Fishery

- NMFS needs to develop a research plan for the research fishery.
- The research fishery needs to be spread out over space and time to ensure equitable resource allocation and sampling among regions.
- Boats participating in the research fishery need to be able to accomplish research and make the most out of the fish that they catch.
- Boats should be selected to participate in the research fishery based on the following criteria: an understanding of why the research is being done, an understanding of the cost associated with the research, the ability to fish in multiple regions; the ability to carry observers, major violators should be excluded (including both state and Federal violations), past participation with the observer program, and past participation in the shark fishery.
- A point system for the research fishery should be based on the above criteria. If there are more than 5-10 boats that fulfill the criteria, then the selection should be based on a lottery system.
- NMFS should administer the shark research fishery as they do with the exempted fishing program.

- Will the research fishery include charter/headboats? The research fishery should only include directed shark permit holders.
- NMFS should increase the number of boats in the research fishery and then reduce the number of sandbars per boat.
- The sandbar shark quota inside the research fishery should not close when the non-sandbar LCS quota is filled. This would stop research that should be allowed year-round.
- NMFS needs data collection for future assessments.
- Observer coverage should still occur outside the research fishery and the observer program may need additional funding.

Allocation/Quotas:

- Sandbar quota should be allocated to research fishery because giving a few sandbar sharks to those outside the research fishery would not be worth it.
- Sandbar quota should be divided up among only directed shark permit holders. Directed shark permit holders built the fishery.
- Reduction in quotas is the end of the directed fishery. NMFS should ensure that sharks are not thrown away. NMFS should accommodate incidental landings wherever possible.
- NMFS needs a more precautionary approach for hammerheads and common thresher sharks.
- Highgrading will be an issue outside the research fishery.
- NMFS should go with a more conservative quota for sandbar sharks and blacktip sharks and therefore NMFS should not strive simply for Maximum Sustainable Yield (MSY).
- Dusky bycatch will still be an issue both inside and outside the research fishery. 70 percent of dusky sharks are dead at haulback.
- NMFS should put a moratorium on LCS fishing in the Atlantic until the stock status of Atlantic blacktips is known. NMFS should take a more precautionary approach for blacktips in the Atlantic.
- Porbeagle sharks should not be prohibited. Canada has not prohibited the retention of porbeagles, and they have a directed fishery.
- Porbeagles should be prohibited.
- NMFS needs to reduce the number of limited access permits. NMFS needs to explore economic relief due to the reduce quotas and trip limits, such as a buyback program.

Regions/Seasons

- I support keeping seasons as status quo.
- What was the rationale for combining the regions?
- I support keeping the trimesters but only have one region.
- I support three regions and one season.
- If NMFS goes with one season, the season needs to start on July 15 to protect shark pupping.
- NMFS should change the regions so that the Florida Keys are entirely in the South Atlantic or entirely in the Gulf of Mexico.
- I support two regions (Gulf of Mexico and Atlantic).

- NMFS should either divide quota equally among regions or have one region since quotas are so low.
- State waters from Virginia to New Jersey should be closed from May 15 to July 15 to protect shark pupping.

Dealer Reporting/Thresholds

- NMFS needs more frequent reporting. There are many suggestions for electronic reporting that could occur at least once a week. NMFS could send a file electronically to each dealer that they could fill out and e-mail back.
- NMFS should have weekly, electronic no landings reports as well to make sure dealers are reporting.
- Dealers still need to be able to fax reports.
- More frequent reporting is not needed. NMFS needs to fix the current problems. NMFS should crack down on dealers that are not reporting. NMFS should not renew a dealer permit if they do not report on time.
- Making reports “received by” will not allow fishermen to know if NMFS got their report on time. NMFS needs to provide confirmation numbers.
- NMFS should be more proactive and contact dealers as the quotas fill up.
- Does NMFS have a specified time that it must turn-around the dealer reports?
- Unclassified sharks should not be taken out of the sandbar quota. NMFS should ensure correct species identification. If dealers report unclassified species, NMFS should pull their permits.
- Can the other 20 percent of the quota be filled in 5 days?
- The 80 percent threshold was justified given the overharvests in the past. 80 percent threshold should be sufficient.
- NMFS needs to look at past data and see if an 80 percent threshold would be adequate to prevent overharvests based on how much quota is caught after the seasons.
- Based on past catch rates, NMFS should predict how long the season can remain open to fulfill the quota.
- It is unjust to not transfer underharvest to the next season.
- NMFS needs to analyze the length of trips that land sharks and base the time needed to notify the fishery on that.
- NMFS should issue a 3 day warning to prevent overharvests.
- A 5 day notice will not work for PLL fishermen.
- Quota monitoring should not be an issue within the shark research fishery given scientific observers. Quota monitoring also should not be a problem outside the research fishery given the reduced trip limits.
- NMFS should consider re-opening the season if the quota has not been caught for a given season.

Dealer Definition

- The current dealer definition is fine.
- The proposed dealer definition is fine.

- The first receiver cannot be the shark dealer, there needs to be some intermediary solely for transport on land.
- The dealer definition should take into account multiple transfers.
- Right now, dealers do not want to be dealers due to workshop requirement. Many dealers are opting not to renew their permits.
- Why is NMFS asking the question about who should have a shark dealer permit? What is the underlying premise?

Recreational Fishery

- NMFS' choice of recreational species is arbitrary. NMFS is providing disingenuous information favoring the commercial industry by not fully vetting the pros and cons of allocating only six species exclusively for the use of the commercial industry.
- Is there precedence for putting certain species on the allowable recreational species list?
- Blacktip, spinners, and bulls need to be added to the list of species that recreational fishermen can land. These species are all non-ridgeback and would be easy to distinguish from other ridgeback species.
- Commercial and recreational fisheries should be able to land the same species.
- Blacktip sharks are healthy in the Gulf of Mexico. Why would NMFS not allow fishermen to catch a healthy stock? What is the status of spinner sharks? The only time a species should not be put on the recreational list is if the status of the stock is not favorable.
- Economic analysis was not done for the recreational sector. The Magnuson-Stevens Act demands analyses for each sector.
- Identification is only a problem for species that cannot be identified externally. Recreational anglers can identify sharks.
- Misidentification within the recreational sector is a major problem. The public does not understand the difference between a ridgeback and non-ridgeback species.
- Due to the number of recreational anglers, NMFS cannot send them all to school to learn how to identify sharks.
- NMFS needs to find a way to better educate the public.
- Recreational anglers in Maryland, Delaware, and parts of New Jersey are catching lots of pregnant thresher sharks during certain parts of the year. NMFS should deal with this now before it becomes a problem.
- Identification of sharks is a problem in both the recreational and commercial sectors.
- The current 54 inch size limit is not working. NMFS needs more enforcement for recreational fishing.
- There is concern over the number of shark tournaments. Impacts of such tournament is unknown and public perception is poor.
- Porbeagles should not be prohibited for recreational anglers. Only 4 species of sharks are caught recreationally in New England, and porbeagle is one of them. Other countries are more of a problem with landing porbeagles than fishermen in the United States.
- Hammerheads may need to be considered as being prohibited by recreational anglers. The IUCN is considering them as threatened. It is not easy to distinguish between scalloped and great hammerhead sharks.

- Silky sharks can be confused with dusky sharks and should remain off the list of what recreational anglers can land.
- Mortality of sharks due to recreational fishing does have negative impacts on sharks stocks (50 percent reduction in dusky sharks was due to tournaments in the 1980s with a 35 percent in sandbar sharks during that same time period).
- The list of recreational species is inconsistent in the text and presentation. Where is the correct list?

Which Alternative Suite is the Most Appropriate

- I support the preferred alternative
- I support the preferred alternative with modifications. NMFS should not allow the catch of blacktips in the Atlantic since they are unknown and the bycatch of dusky and sandbar sharks given their status. The list of recreational species seems arbitrary.
- I support the status quo.
- I support alternative suite 2, but porbeagle sharks should be allowed to be landed by recreational fishermen and sandbars should be allowed on PLL gear.
- None of the alternative suites are appropriate.
- Alternative suite 3 is the best for retention limits.
- NMFS should move forward with alternative suite 5 given the current status of many shark species.

Miscellaneous

- NMFS needs to consider an exit strategy in case things do not work out as anticipated in the amendment.
- NMFS should maintain consistency with state regulations whenever possible.
- NMFS needs to improve international cooperation with Mexico to manage sharks throughout their range.
- Gillnet fisheries may not catch sandbar sharks off Florida, but they catch sandbar and dusky sharks north of Cape Hatteras.
- Ecosystem balance was not taken into consideration.
- It is not fair for NMFS to take away species when there is no way to distinguish them from other species, such as the Caribbean sharpnose.

8.1 Amendment 2 Breakout Session Comments from the AP

Tables were divided into “A” and “B” groups based on a series of questions. For group A, the questions were as follows: 1. Some fishermen have requested a diagram of how to dress a shark with the fins still attached. Does the Agency need to supply fishermen with a diagram of how to dress a shark with fins on? If so, what should it look like?

2. Should NMFS allow a few fishermen to land the sandbar quota or should NMFS split up the sandbar quota amongst all shark permit holders? Should the quota be divided amongst directed and incidental permit holders or only directed permit holders?

3. What are the pros/cons of keeping the current regions and trimesters?

4. How should NMFS determine what are readily identifiable species that recreational fishermen can land? 5. Of the proposed alternatives, which one do you think is the most appropriate? For group B, the questions were as follows: 1. Assuming NMFS goes final with the alternative suite 4, to establish a small shark research fishery, what criteria should NMFS use to ensure the fair and equitable selection of fishermen for the research fishery? 2. Should NMFS increase dealer reporting for better quota monitoring? If so, how frequent should shark dealers report to NMFS? 3. How would you improve the proposed definition of a shark dealer to ensure that the entity responsible for the identification and reporting of shark products has a dealer permit? 4. Given the current lag in reporting times, is closing the different shark fisheries when the quotas are at 80 percent of being filled an appropriate threshold to avoid overharvests? Is a 5 day notice of a closure enough time to notify fishermen of a closure and avoid overharvests? 5. Of the proposed alternatives, which one do you think is the most appropriate?

Group A/Table 1

- We believe that NMFS should provide a diagram on how to land a shark with fins on, while consulting with the industry.
- Keep the 3 regions with one season.
- For recreational fishing, bull sharks, spinners, and blacktips should stay authorized.
- We support alternative 4 with these modifications.
- Other issues: Explore a buyout; Require international cooperation of shark management; fix the public perception problem; impacts of this alternative are uncertain; need education; make sure there are consistent state regulations
- The whole table does not agree whether to allow porbeagle or prohibit landings.

Group A/Table 2

- NMFS should be required to provide a diagram of how to land sharks with fins on.
- Requiring fins on/off is not worth the money it will cost for enforcement.
- Under the preferred alternative, the directed fishery is over.
- 22 fish for incidental permit holders is not enough. It does not matter how everything is allocated, since the fishery will essentially become incidental.
- It does not matter much whether there are 3 or 1 regions since there will be no true directed fishing.
- The selection for the research fishery should be spread geographically.
- Porbeagles do not need to be prohibited. We support some small quota for commercial and recreational landings of this species.
- 5 days notice to shut down the fishery is not enough for pelagic longlining (PLL).
- Closing the fishery at 80 percent with no carry forward is not right. Some quota could be lost.
- Regarding receipt time requirement for dealer reports, how do you know these dealers are in compliance?

Group A/Table 3

- Directed fisheries do not support fins on but we at least need a diagram on how to do it. We also need an explanation of how to stay within the 5 percent requirement. If there is a 5 percent violation, whose fault is it, the fisherman or the dealer?

- There are concerns with U.S. Food and Drug Administration Hazard Analysis and Critical Control Points (HACCP) regulations and the fins on requirement, as dock processing will be increased.
- The dressed weight to whole weight ratio conversions also need to be revisited.
- The preferred action here is status quo until the stock assessment is redone.
- The Magnuson-Stevens Act gives time until 2010 for economic relief. NMFS has micromanaged fishermen out of business. NMFS should declare this a disaster, as fishermen have already suffered.
- Keep the trimester regions. Keep in mind that we also have a shared stock with Mexico, so some international cooperation needs to happen in that regard.
- Porbeagle should not be prohibited. Keep the New England fishery.
- Enforce recreational regulations.
- Recreational and commercial should have the same list for authorized species.

Group B/Table 1

- Blacktip, spinner, and bull sharks should be kept on the recreational list.
- July 15 should be the season start date.
- Criteria for the research fishery: need an established research plan, geographic equality, temporal equality, and directed landings history all need to be considered. The research fishery needs to answer specific scientific questions.
- Increase dealer reporting, and implement electronic reporting.
- 5 days closure notice for PLL is not enough.
- First receiver should equal dealer. If it is a problem, the dealer needs to hire truck and team people.

Group B/Table 2

- Criteria for the research fishery: interest, must understand costs, 100 percent observer coverage, all regions used equitably, no charter/headboat (CHB) – bottom longline (BLL) only, enforcement violations should put a boat out of the running; NMFS should stagger the quota to get a temporal spread; NMFS should consider brownie points for carrying observers previously.
- Reporting should be frequent and electronic. Auto reply should be done so that the dealer knows it has been received.
- Dealer definition should equal first receiver.
- Closing the fishery at 80 percent is good to prevent overharvests. Consider 3 days advanced notice like bluefin tuna (BFT).
- 22 fish limit gave us concerns about high grading.
- Alternative 4 is preferred by this group. Consider lowering the sandbar quota to give a cushion. Also, recreational and commercial should be allowed to land the same species.
- The Ocean Conservancy (TOC) is concerned about continuing the blacktip fishery in the Atlantic (given unknown status and NMFS track record in conservation). TOC is also concerned about bycatch in the blacktip fishery. It is time to shift the burden and have a moratorium on large coastal species (LCS) fishing in the Atlantic until the blacktip status is known and bycatch can be minimized. TOC supports the concept of a research fishery, but the maximum rebuilding time frame and the maximum quota levels set are not right

under the preferred alternative at this time. NMFS has had these shark regulations for 14 years and has erred on the side of fishing. Now, most of the LCS species are in dire condition. TOC is concerned about thresher sharks which are on the World Conservation Union (IUCN) red list. TOC supports the counting of unknown sharks as sandbars, prohibition of porbeagles, and fins on requirement. The Endangered Species Act (ESA) will be likely down the road for some species. All in all, Amendment 2 is a good start with the above caveats.

Group B/Table 3

- Criteria for the research fishery: no violations for a specified period of time.
- The dealer definition is okay as it stands under the current regulations.
- The 5 day closure notice may be okay, but it depends on the fishery.
- Real time, electronic reporting is needed.
- We do not agree with the preferred alternative. This table prefers a mix. Alternative 2: quotas for the species complexes are okay, but it should not allow porbeagle to be caught recreationally. The time/area closures and marine protected areas (MPAs) should be status quo. Alternative 3: We do not agree with the research fishery. NMFS should make permit renewal contingent upon species specific reporting.
- Seasons should be status quo with no regions.
- Recreational and commercial fishermen should be allowed to land the same fish.
- Emphasize education for the recreational sector.

The following are additional AP comments and discussion on Amendment 2.

These were additional comments from the AP after the group report out.

- The recreational requirement of easily identifiable species is a huge problem. There should be more education so that everyone can land the same fish.
- NMFS should look internationally to see how other countries require sharks to be landed with fins on.
- NMFS thinks the 4.5 foot minimum size is not working.
- The dealer should not be the first receiver. There has to be an intermediary.
- There need to be exit strategies for FMPs such as for time/area closures and the swordfish industry not being able to catch the full quota.
- NMFS should tell Congress that this 5 percent law is wrong.
- There should be a species specific fin weight ratio.
- The fins on requirement is working in other countries.
- The problem with the research fishery is that NMFS will be telling everyone where to fish, and at what times. The fishery will close soon after opening. This does not collect very good data for a research endeavor. There used to be widespread data collected where fishermen wanted to fish, and at the right times.
- Closure at 80 percent is not optimal. The industry could reach greater than 80 percent of the quota if there were real time monitoring.

8.0 SECOND TABLE REPORTS ON SWORDFISH BREAKOUT SESSION RESULTS

Dr. William Hogarth returned to hear the AP report out results for the swordfish revitalization discussion. The report out results from the AP included the following:

(Please note that the numbering of these tables does not correspond with the numbering of tables from other sections in this document.)

Table 1

- NMFS must prevent swordfish from going the way of bluefin tuna.
- NMFS must get on with a research fishery and open the time/area closures.
- Our group thinks that chartering arrangements with other countries are a quicker fix than the revitalization rule.
- NMFS should allow for the leasing of permits.
- Losing quota at ICCAT is unacceptable. The industry needs backing from the Departments of Commerce and State.
- Pelagic longliners need year round access to the closed areas.
- The first thing to consider is lapsed permits. Those should be let into the fishery first.
- The squid trawlers *et al.* are not able to take advantage of the revitalization rule. This must be fixed.

Table 2

- There should be a limit on the number of swordfish permits removed with an even geographic distribution in mind. Permits should not be concentrated in one area.
- There should be a “use it or lose it” mandate on permits.
- Lapsed permits should be given the opportunity to renew.
- There is no need for vessel upgrade limits although there may be capacity issues.
- Require circle hooks for buoy gear.
- Improve reporting and data collection everywhere.
- Seek a means to block or control swordfish imports from countries that are out of compliance with ICCAT requirements and also those that do not have comparable conservation measures to the United States.
- Vision: The vision for the future of this industry depends on the available quota. An allocation battle at ICCAT is inevitable, as 2-3 countries have 70 percent of the quota. The United States has a bulls eye because we are not catching our quota share.
- Opening the time/area closures is not a solution at this time because it will increase bycatch and there are greater issues at hand such as economics and politics.

Table 3

- NMFS should remove minimum size limits.
- NMFS should revisit the time/area closures.
- NMFS should implement looser permit requirements and, possibly, create a general category swordfish permit.
- There should be truthful marketing of swordfish.

- If the United States loses quota at ICCAT, NMFS should tie conservation strings to that lost quota.

Table 4

- NMFS should improve marketing to include conservation requirements, much as the Marine Stewardship Council and European organizations.
- Effort should be increased where bycatch is low.
- There needs to be buoy gear monitoring such as pingers, circle hooks, and requirements for the buoys and vessel to have vessel i.d. markings.
- The recreational sector should be allowed to legally sell caught swordfish.
- Increase the value of swordfish with marketing.

Table 5

- Losing swordfish quota would be a disaster to the economy and also to bycatch.
- The United States needs time to reinvent the fishery.

9.0 AMENDMENT 1 TO THE 2006 HMS FMP

Chris Rilling of the Office of Sustainable Fisheries, HMS Management Division, presented the progress on Amendment 1 - Essential Fish Habitat (EFH) - since the March 2007 AP meeting. The presentation included mapping of EFH for HMS species as well as an introduction to the NMFS internet EFH Mapper website. Comments from the AP included the following:

- Are the criteria for NMFS EFH similar to that of the New England Fishery Management Council (NEFMC)?
- Will this EFH result in new vessel monitoring system (VMS) requirements?
- NMFS might want to review NEFMC and Mid-Atlantic Fishery Management Council (MAFMC) gear restricted areas.
- Will there be any EFH buffer zones in regard to fishing versus nonfishing activity?
- Bluefin tuna grounds in the Gulf of Mexico must be habitat areas of particular concern (HAPC). The spawning grounds satisfy the requirements: rare, critical, only spawning ground.
- NMFS should explore using catch per unit effort (CPUE) data and plot effort overlay with catch.
- This is good methodology, and a valid approach.
- Are any other countries doing EFH?
- Trying to close off major fishing areas with this is going too far.
- Areas of preaggregated spawners are important.
- The Gulf of Mexico should be a HAPC for bluefin tuna because there is one place/one time where all the western bluefin tuna spawners (March-June) are and they are no where else at this time.

10.0 MARINE RECREATIONAL INFORMATION PROGRAM

Dr. Ron Salz, Fishery Biologist, Office of Science and Technology, Fisheries Statistics Division, presented information on the Marine Recreational Information Program, a plan aimed at improving recreational fishing data collection programs. The goal of this plan is to provide a National framework for developing, testing, and implementing improved marine recreational fishing data collection. It is led by an Operations Team, and the tasks associated with different priorities are distributed among several work groups. There are five work groups: Analysis, Design, Data Management and Standards, For Hire, and HMS. Comments from the AP included the following:

- What is Atlantic Coastal Cooperative Statistics Program's (ACCSP) role in this?
- Census programs should be used for species too where the universe is small – not just for survey programs.
- There are overlapping reporting concerns here such as double counting and multiple reporting is a large burden on fishermen.
- There is a sense of urgency to get catches counted. Existing reporting gaps should be filled in the interim, until this program kicks in.
- This program would be good for focusing on swordfish reporting. This will increase U.S. quota catch numbers.
- There is a significant catch of yellowfin tuna that is not picked up by the large pelagics survey (LPS).

12.0 GREENSTICK, USE OF HARPOON GEAR ON CHARTER/HEADBOATS (CHB), TURTLE TETHER GEAR

Randy Blankinship and Sarah McLaughlin of the Office of Sustainable Fisheries, HMS Management Division, presented green-stick gear authorization, harpoon use by charter/headboat vessels, and sea turtle handling gear issues. Descriptions of the gear were discussed, as well as possible future implementation of these gears in specific HMS fisheries. Comments from the AP included the following:

Green-Stick

- Green-sticks might be an alternative to PLL in heavy bycatch areas, such as the closed areas.
- Green-sticks should be approved.
- There are virtually no bycatch problems and no gear conflicts.
- I want to reaffirm the importance of requiring logbooks for all catches. There must be strict reporting.
- NMFS should consider the use of green-stick gear for bluefin tuna.
- There are no problems with green-stick gear for targeting yellowfin off the shores of North Carolina, but further north there are problems. I object to the use of this gear north of a certain area – 42° N there are no yellowfin tuna.
- Will green-sticks be required to use circle hooks?
- North Carolina and South Atlantic Fisheries Management Council (SAFMC) support the authorization of green-sticks.
- Is there any data on greenstick, such as observer data?
- I support the use of green-sticks with a 10-hook limit.
- NMFS should redefine PLL: “a short line up to 50 hooks” to parallel the Atlantic States Marine Fisheries Commission (ASMFC) interstate shark plan.
- Will there be a commercial versus recreational configuration?
- Green-stick gear should be allowed for all categories.
- The definition really needs to be clear so as not to confuse with longlines (LL). It should require that the gear be attached to the vessel.
- There is limited application of this gear. LL boats cannot use this gear; they are simply too large.
- Green-sticks are not the same as rod and reel.
- A northeast boundary for green-sticks is a non-issue. There is a high release survival. In the northeast, use of this gear would be focused in areas where tuna feed on flying fish and there are none in New England.
- Would there be authorization of this gear for common use, or for the angling category? Green-sticks should be allowed for the angling category if allowed for CHB.

Harpoon

- Is there a rationale for using harpoon for hire versus not for hire? Is it safety?
- Will there be gear stowage provisions?
- This is a bad idea. These folks are really asking that harpoons be used to catch small fish. There will be too many small fish caught by this method. There might be lots of abuse such as taking school size fish and illegal sales. CHB will soon be harpooning giants.

- You need to have a lot of public hearings in the New England area about this gear authorization.
- NMFS should consider harpoon on LL vessels for swordfish.
- Harpoon mortality of any undersized tuna needs to be counted.
- Allow harpoon on rod and reel caught fish.

Sea Turtle Gear

- I thought a tether was already required?
- Tethers are a good idea. Another improvement would be an increase in diameter of the eyelet. I would like to have a full suite of dehooking/handling gear at workshops.
- I support this tether requirement to decrease bycatch.
- Have there been any studies done on the various handling gears?
- I support this flexibility in gear choice.

12.0 OUTREACH PLAN

The HMS Management Division has contracted with an outreach specialist to assist HMS staff in development of an outreach plan for the division. The contractor, Abbey Compton, presented an update of this outreach plan. Comments from the AP included the following:

- Most users enter the main NMFS page. It is hard to find HMS. However, once you find the HMS page it is easier to find information.
- The Compliance Guides are invaluable.
- Port agents should be tapped for information.
- It is hard to find old documents on the webpage.
- Make sure the AP page is easy to find.
- The right hand links do not have breaking news.
- There should be links to customs, trade tracking.

13.0 HMS MANAGEMENT – LOOKING FORWARD AND RULE CHANGE REQUESTS

Margo Schulze-Haugen, Chief of the HMS Management Division, presented a summary of the AP meeting. This included upcoming actions, suggestions from the AP, and reminders of upcoming plans, predrafts, and rule comment closures. Comments from the AP included the following:

- Regarding circle hooks, I am disappointed that the rule went into effect unchanged. As far as North Carolina tournament data goes, heavy tackle is not detrimental. The rule as written will drive tournament participation and fundraising down. NMFS is leaving it up to tournament operators to enforce this regulation.
- I am a strong supporter of circle hooks in the right circumstances. I have asked NMFS to fund research on combo rigs.
- The industry needs guidance on the circle hook definition.

APPENDIX 1 – POSTERS FROM BREAKOUT SESSIONS

The following are word for word typographical representations of what was written on AP group posters after the two breakout sessions for swordfish revitalization and Amendment 2/shark management measures.

Posters from Swordfish Revitalization Breakout Session (Please note that the numbering of these tables does not correspond with the numbering of tables from other sections in this document.)

Group 1

- Remove minimum size on commercial fish for percent or number of catch
- Revisit closed areas with research in bycatch reductions in all areas
- Restrict imports unless meet U.S. fishery regulations
- Loosen permit requirement for general category and upgrades
- Truthful market
- Transfer quota to other countries only if they adopt U.S. conservation measures

Group 2

- U.S. product/sustainable label – turtle safe, eco friendly, high quality
- Short term – charter agreements with foreign nations, leasing permits (allow immediately) without size restrictions, reopening of closed fishing grounds – research fishing; *can mandatory circle hooks replace closed areas – redefine boundary
- Provoke long term confidence to fishery to make investments
- Vision: revitalized fleet should reflect traditional and historical fishery to the extent practicable based on results of scientific research
- Coastal, high seas fleet, harpoon, recreational
- Allow lapsed permits to be reissued based on historical participation
- Fix problems with current incidental catch – eliminate need for multiple permits (tuna longline, shark permit) for squid boats
- Allow vessels to obtain incidental swordfish permit 15 fish retention limit
- Vision: conduct research in closed area and on that basis reactivate historic vessels rather than new entrants

Group 3

- Long term: marketing U.S. product, abroad, Europe?, Marine Stewardship Council certification schemes to increase value
- Short term: increase effort in areas with lower bycatch rates – accommodate distance waters fleet by removing all vessel restrictions
- Reduce minimum size to reduce discards
- Buoys – mitigate a potential increase in bycatch due to increase in effort by gear modification and pinger requirements (permit # and ID on vessels) (to locate lost buoys – buoy marking requirements)
- Short term: allow displaced license holders to re-enter the fishery
- Long term: open up to all (eliminate LAP)
- Vision: smaller/more profitable fishery – niche markets

Group 4

- Handgear – remove limits on #s, but impose geographic restrictions (spatial distribution v concentrations) on all categories
- Permits – “use it or lose it” and allowances for lapsed permits to be renewed
- Vessel Upgrades – no limits, PLL or handgear
- Buoy gear – require circle hooks to reduce discard (juvenile) mortality
- Improved reporting/data collection
- Imports – seek methods to close U.S. market to countries that do not require comparable conservation measures (compliance, bycatch, turtles, etc.)
- Vision: Current Quota – $X = X_1 + X_2$; X_1 = market/management to support a healthy sustainable U.S. fishery; X_2 = market/management to achieve other goals

Group 5

- Other recommendations
 - Short term
 - count the fish
 - estimate true mortality
 - closed area bycatch initiation
 - commercial and CHB and recreational work together to catch more fish
 - Long Term
 - Incentivize investment in and development of a sustainable and responsible fishery
 - closed area review is key
 - circle hook
 - bycatch avoidance technology
 - market U.S. fish/reduce foreign percentage
- ICCAT - play hardball; reinventing the fishery will take time (we do not want to return to past practices)
- What will the industry look like? Quota? A new fishery cannot be created over night; we need time recreation and commercial and environmental and government

Group 6

- Reinstate lapsed permits
- Create general category SWO (commercial/seafood safety)
- Remove – with oversight – upgrade restrictions
- Improve recreational data collection and verifiable reporting
- Gear-based permitting. If swordfish and shark permits held, give tuna permit
- Squid boats, e.g., to be issued incidental permit
- Closed area modifications based on sound science

Posters from Amendment 2 Shark Management Breakout Session (Please note that the numbering of these tables does not correspond with the numbering of tables from other sections in this document.)

Group A Questions/Table 1

- pelagics/PLL – 5 days will not work
- 5 percent v. fins on issue
 - logbook is ultimate; not enough enforcement to check fins on
 - need diagram – standardization
 - 5 percent is congressional requirement, but there is still a NMFS pathway to fix problem
- Porbeagles
 - do not prohibit; currently a small fishery
 - keep monitoring data
- Sandbar quota
 - since, under the preferred alternative suite, it will essentially be an incidental fishery, it does not matter how quota is distributed: incidental v. directed permit holders
- Regions/trimesters
 - since it will be an incidental fishery under the preferred alternative suite, either divide equal percentages among 3 regions or have 1 region

Group A Questions/Table 2

- Diagram – NMFS should provide, w/advance from industry (to maintain carcass to fin ratio)
- Research – 5-10 vessels (ITQ?); criteria for choosing – research goals
- Regions – keep the 3 with 1 season
- Recreational authorized species – leave blacktip, bull and spinner on the list
- Preferred Alt 4 with above modifications
- Other issues for NMFS to explore:
 - buyout/closure
 - international cooperation, data, conservation (Mexico)
 - monster shark tournaments (public education)
 - consistent state regulations, data collection and enforcement
- Porbeagle (1 for tournament); recreational = 1 ½ mt?

Group A Questions/Table 3

- Industry does not support the fins on requirement
 - NMFS needs a diagram on how to dress a shark with fins on
 - NMFS needs to provide instructions/diagram on how to remove the fins and comply with 5 percent law particularly with sandbar
 - HAACP concerns with landing fins attached; NMFS needs to advise dealers on how to comply with HAACP
 - Address conversion from dress weight to whole weight for shark logs and for sharks with fins attached
 - Landing sharks with fins on makes fishermen land fish in violation of the 5 percent federal law and makes them rely on discretion of enforcement – this is unacceptable
 - NMFS should make the recommendation to Congress to change the statute to reflect the best available science on species level (i.e., sandbar sharks)
 - If the fisherman lands a shark with fins attached and dealer process/cut off fins and it results in excess of 5 percent, who is in violation? The fisherman or the dealer?

- Maintain status quo until the science can be revisited; data workshop early June 2008; assessment workshop early Sept. 2008; review workshop early Dec. 2008; for all 22 LCS species
- establish some form of economic relief until section 1.5 of DEIS can be promulgated
- Seasons
 - keep trimester seasons
 - start 2nd trimester on July 15th to protect pupping
- Regions
 - keep North Atlantic boundary as VA north
 - put the FL Keys in either the South Atlantic or Gulf of Mexico region jurisdiction
- Retention of porbeagles should not be prohibited for rec./for hire or commercial fisheries
- improve data collection/landings by recreational fishermen
- need enforcement for recreational fishery; any species a recreational fisherman can land commercial fishermen should be able to land
- no user groups should be able to target any species on the ESA list

Group B Questions/Table 1

- Any interest in participating in research fishery?
 - Important to consider costs (to NMFS, vessel owners, observers) logistics v. benefits
 - Criteria
 - should be open/able to carry observers w/o questions
 - should represent all relevant regions/sectors
 - charter/headboats included?
 - bar vessels/owners w/ major violations from research fishery
 - use most experienced vessels, crews and observers
 - favor vessels that have carried observers in past
 - consider random lottery from universe designed by previous criteria
 - concern over room for litigation
 - change trip limits to allow for more vessels in research fishery?
 - yet concern over reduction in economic benefits
 - ranking system that offers points for non-violations, observer history?
 - concern that lottery could skew broad geographic coverage
 - important to set research goals before fishery begins
 - must be true to research needs
 - concern over elimination of vessels and therefore reduced research value based on ability to carry observer
 - Dealer reporting
 - concern over quota overages based on dealer problems
 - electronic reporting preferred (email)
 - make it easy to comply
 - schedule at least every week
 - NMFS create an excel file for dealers to fill out and submit (by email or fax)
 - concern that landings not available on NMFS website
 - report even if no landings (weekly)
 - NMFS needs to follow-up with non-reporting dealers
 - lessons from Canada? (better tracking)

- is weekly frequent enough to address overage problems?
- Definition of dealer
 - concerns re: prohibited species landings, fin issues, species i.d.
 - middleman problems
- 80 percent closure? 5 day warning sufficient?
 - much depends on NMFS capability
 - concern to end overages
 - precautionary closure w/reopening possible if quota left (MA striper ex)
 - concern for high grading – re 22 fish
 - situation w/ 22 fish unpredictable (bycatch in small coastal fishery)
 - lower percentage if lengthen notice
 - need for caution based on poor track record
 - 80 percent with a 3 day warning
- Preferred alternatives
 - group leans toward alt 4 direction w/ caveats/concerns:
 - ✓ use of max sandbar rebuilding timeframe (consider lower limit)
 - ✓ blacktip fishery in Atlantic despite “unknown” status and bycatch of depleted LCS
 - ✓ define “very small” re: research fishery
 - ✓ choice of recreational species (inconsistent)
 - ✓ track record to date (re: recovery overages)
 - ✓ vulnerability of species

Group B Questions/Table 2

- Question 1)
 - no history of violations – establish time frame and violation type
 - historical participation in the fishery (prioritize \$ shark fishery)
 - voluntary participation in observer program (preference given)
 - establish eligible pool then select by lottery
- Question 2) No.
- Question 3) Proposed definition appears to be ok.
- Question 4)
 - Analyze last 3(?) years of past reporting history to determine if the 80 percent threshold is appropriate
 - offer advanced closure dates based on analysis
 - incorporate (larger) dealer polling into the process at the point that quotas are close to being filled
 - real time reporting necessary
- Question 5) None.
 - quotas/species complexes – alternative 2 ok except for porbeagle with respect to recreational harvest
 - time/area closures – alternative 2
 - retention limits – alternative 3
 - reporting – real time reporting; species specific i.d. – permit renewal dependant
 - seasons – status quo (equitable distribution)
 - regions – alternative 2 no regions

- recreational measures
 - status quo – if commercial harvest is allowed, then rec. harvest should be allowed
 - outreach/i.d.
 - economic analysis for reallocation (current analysis insufficient)
 - i.d. only an issue if invasive methods are required to i.d. – education the problem

Group B Questions/Table 3

- Question 1) Criteria research fishery – establish a research fishery plan!
 - time/area historical landings
 - Eq. resource allocation
 - scientific “usefulness”
 - EFP standards “in place”
 - examine landings from “all” waters (state/federal)
- Question 2) Yes – electronic reporting “frequent”
- Question 3) 1st receiver = dealer
- Question 4) See #2 above; 5 days?
- Question 5) Preference is difficult decision
 - add blacktip and spinner
 - 2 regions
 - start date July 15 (Atlantic)
 - 5 yrs? science based assessment

APPENDIX 2 - POWERPOINT PRESENTATION HANDOUTS

HMS Management Overview

HMS Advisory Panel
October 2-4, 2007
Silver Spring, MD

Rulemaking Update

- Since the March 2007 AP meeting,
 - Published 5 proposed rules with 2 more in progress
 - Published 5 final rules
 - Issued 10 EFPs, SRPs, or LOAs
 - Oversaw 28 workshops, for a total of 44 to date
 - Prepared PreDraft of EFH Amendment 1
 - Held 10 public hearings & consulted with 5 Councils & ASMFC on Shark Amendment 2
 - Distributed > 2,600 DVDs on billfish circle hook fishing
 - ~2,100 people signed up for Atlantic HMS News

Swordfish Revitalization

- 6 listening sessions – Sept 2006
 - To obtain recommendations on potential management measures to more fully harvest U.S. swordfish quota
- Proposed rule published Nov 28, 2006
 - Target to have rule in hand for ICCAT
 - 7 public hearings in January; comment period closed Jan 31
- Final rule published June 7, 2007
 - Increased retention limits for commercial incidental, Charter/headboat & Angling category permit holders
 - Eased PLL vessel upgrading restrictions & eliminated HP limit
 - Mailed permit holder letter with new upgrade limits Sept 2007
 - 45 days to submit written documentation of any discrepancies with Agency records
- Continuing comments that final rule will not address swordfish underharvests sufficiently

Swordfish Revitalization Con't

- BWFA EFP Request
 - Notice requesting comment published March 13
 - Comment period extended 2x thru June 20
 - Substantial comment received in opposition because:
 - Swordfish stock not fully rebuilt; mostly juveniles; nursery areas
 - Gear conflicts with recreational sector in S Florida
 - Notice denying EFP request published Aug 9
- NMFS will conduct rigorous scientific research on bycatch reduction measures via contract
 - Comment period expected Oct
- Chartering permit request
- ICCAT Advisory Committee Aug meeting

Shark 2nd & 3rd Seasons

- Proposed rule published March 8; comment period closed March 28
- Final rule published April 26
- Adjusted 2nd & 3rd seasons for 2006 over/underharvests
- LCS SATL merged season open for 4 weeks starting July 15
- LCS Gulf merged season open for 3 weeks starting Sept 1
- LCS NATL open 3 weeks in July
- SCS transfer from SATL & revised allocation to prevent future overharvests
- Louisiana state landings exceed Gulf quota prior to Sept
 - NMFS requested immediately closure of state waters
 - Louisiana closed state waters Sept 22 (match Fed closure)

Shark Amendment 2

- New assessments for LCS, sandbar, blacktip, dusky, & porbeagle sharks
- NOI to prepare EIS published Nov 7, 2006
- 7 scoping meetings held Jan 2007
- Predraft & scoping comment summary distributed Mar 5
- Proposed rule & DEIS published July 27
 - Public hearings, Council & ASMFC mtgs Aug & Sept
 - Comment period extended until Nov 2
 - Would limit sandbars to research fishery; incidental trip limit for non-sandbar LCS; reduce species kept in recreational fishery
- Final rule ~ spring 2008

Shark 2008 1st Season

- Proposed rule published Oct 1; comment period closes Oct 31
- Would close all LCS fisheries until Amendment 2 is effective
 - 1st and 2nd seasons
- SCS and pelagics open Jan 1 until quota reached; open May 1 with baseline quotas
- Accounts extensive overharvests in SATL in 2006 & Gulf in 2007
- One public hearing at HMS AP

EFH Amendment 1

- Consolidated HMS FMP was Phase 1 of EFH 5-year review – presented updated data
- NOI to prepare EIS published Nov 7, 2006
- Comment period closed Dec 22, 2006
- Scoping at March AP meeting & now
- Phase 2 reviews EFH and considers measures to minimize fishing impacts
 - Predraft discussion this week
- Target proposed rule late fall/early winter & final rule spring/summer 2008

Billfish Tournament Circle Hook Requirements

- Consolidated HMS FMP – July 2006
 - Preferred requirement for use of non-offset circle hooks in billfish tournaments when anglers aboard HMS permitted vessels deploy natural bait or natural bait/artificial lure combinations (July 2006)
- Final Rule implemented circle hook reqmts Oct 2, 2006
 - Plan to issue Exempted Fishing Permits
- Billfish tournament circle hook reqmts effective Jan 2007
- Notice that NMFS would not issue EFPs published Feb 1
- Proposed rule published March 15; comment period closed March 30
- Comments split among recreational constituents
- Final rule published May 11
 - Suspended implementation until Jan 2008
- Hook manufacturers meeting Feb and July

Bluefin Tuna 2007 Specs

- ICCAT 2006
 - Reduced WBFT TAC to 2100 mt
 - U.S. TAC, inclusive of dead discards, is 1,190.12mt
 - Carryover cap of 50% of initial TAC allocation
 - Transfer underharvest to Canada & Mexico
 - Transfer provision of up to 15% TAC allocation
 - School 4-year consecutive quota increase to 10%
- Proposed rule published April 4; comment period closed May 4
- Final rule published June 18
- General category limit 3 large medium/giant per day June – Oct
- Angling category limit 1 school and 2 large school/small medium per day

Bluefin Tuna 2008 Specs

- Proposed rule published Oct 2; comment period closes Nov 1
- Would establish baseline quotas with 50% rollover cap
- General category June-Aug proposed as 3 large medium/giant per day
- Angling category proposed as 1 school and 2 large school/small medium per day
- Final rule target Dec 1 to be effective Jan 2008

Bluefin Tuna

- Gulf of Mexico 100% observer coverage
 - PLL vessels; goal to obtain comprehensive view of stock & fishery on spawning grounds
- Joint research with Canada
 - High seas & Canadian waters; otoliths & microconstituents; goal to determine stock origin
- International issues

Swordfish 2007 Specs

- ICCAT 2006
 - Maintained NSW TAC at 14,000 mt
 - U.S. TAC is 3,907 mt
 - Carryover cap of 50% of original quota
 - Transfer 25 mt to Canada
 - Transfer provision of up to 15% TAC allocation
- Proposed rule published June 18; comment period closed July 18
 - Includes non-tournament reporting internet option – LIVE Oct 17
- Final rule will publish next week

Greensticks, Harpoon on CHB, & Sea Turtle Handling Gear

- Greensticks
 - FMP clarified use of greenstick gear; March AP meeting commitment to pursue & discuss at next AP meeting; informational meetings June
- Harpoons on Charter/HeadBoats for BFT
 - Consider industry request to authorize harpoon gear for bluefin tuna on CHB
- Sea Turtle Handling Gear
 - Require sea turtle handling gear (previously recommended) in longline fisheries
- Proposed rule ~ late fall
- Final rule ~ spring 2008

Workshops

- Protected Resources Handling & Release
 - Pelagic & bottom longline & shark gillnet vessel owners & operators
 - Required for permit renewal in 2007
 - 21 held since March 2007; 41 total by December 2007
 - 790 new & 122 grandfathered certificates issued
- Shark Carcass Identification
 - Shark dealers
 - Required as of Jan 2008
 - 7 held since March 2007; 16 total by December 2007
 - 163 certificates issued
- Outreach
 - Certified mailing & press release when HMS FMP final rule published; directed mailings to permit holders quarterly; HMS workshops webpage; list serve notices; fact sheets

Exempted Fishing Permits

- 2007 to date – total 34
 - 15 EFPs
 - 4 SRPs
 - 8 shark display
 - 7 shark letters of acknowledgement
- 2005: 32 total; 2006 37 total
- All require some level of analysis

Litigation

- Oceana circle hook requirements for turtles
 - Agency prevailed on appeal
- Blue Ocean Institute BFT closure in Gulf of Mexico
 - Administrative record contested; Agency prevailed
 - Briefing schedule TBD
- Harrison 1st 2007 shark season rule
 - Withdrawn by plaintiffs

Operations/Other

- SCS assessment final – next steps
- White marlin status review underway
- International Trade Permit revisions
- Tournament registrations – 292 (record)
- 2007 non-tournament landings (to date)
 - 232 SWO; 3 BUM; 2 WHM; 72 SAI
- SAFE Report

Conclusion/Looking Forward

- Rulemaking schedule is quite full
- Operational activities continue
- Your input is valued
- We need you to take the information from the AP meeting back to your constituents & give us feedback

NORTH ATLANTIC SWORDFISH FISHERY MANAGEMENT

Highly Migratory Species Management Division
NOAA/NMFS
HMS Advisory Panel Meeting
October 2 - 4, 2007



Status of the Stock

- ICCAT's Standing Committee on Research and Statistics (SCRS) completed a North Atlantic swordfish stock assessment in 2006. The relative biomass (B) and fishing mortality rates (F) were estimated to be:
 - B (2006) = 0.99 Bmsy (range 0.87 – 1.27)
 - F (2005) = 0.86 Fmsy (range 0.65 – 1.04)
- The North Atlantic swordfish stock is almost fully rebuilt and fishing mortality is low.

Background

- The U.S. swordfish quota is derived from the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT).
- ICCAT considers several criteria when making quota recommendations, including "historical catches" and "fishing patterns," among others.
- The Atlantic Tunas Convention Act (ATCA) requires the United States to follow ICCAT recommendations.
- U.S. swordfish landings have been below the ICCAT-recommended domestic quota (currently 3,906 mt) since 1997.

Recent NMFS Actions

- In 2006, NMFS was requested to amend its regulations to assist in "revitalizing" the U.S. North Atlantic swordfish fishery.
- An objective of this rulemaking was to demonstrate to ICCAT a commitment to increasing domestic swordfish landings.
- It was a priority to have the proposed rule "in hand" for the U.S. ICCAT delegation at the November 2006 meeting in Croatia.

Goal

- To implement management measures that would enhance opportunities for U.S. fishermen to more fully harvest the domestic swordfish quota.
- The proposed rule was available at the November 2006 ICCAT meeting, and the U.S. retained its historical swordfish quota share (30.49% = 3,907 mt).

Process

- September 2006 - Six information gathering meetings
- October 3 – 5, 2006 - HMS Advisory Panel review
- November 22, 2006 – Proposed Rule filed with the Federal Register and transmitted to U.S. ICCAT delegation
- November 28, 2006 – Proposed Rule published in the Federal Register (71 FR 68784)
- January 17 - 31, 2007 – Public hearings
- January 31, 2007 – Comment period closed
- February-May 2007 – Review comments; address administrative issues; prepare Final EA and Rule
- March 13-15, 2007 – HMS Advisory Panel review
- June 7, 2007 - Final Rule published in the Federal Register (72 FR 31688)
- July 2007 - Regulations effective
- August 6, 2007 – Vessel upgrade eligibility determined
- September 18, 2007 – Upgrade eligibility notifications mailed

Final Rule

- Amended vessel upgrading restrictions for vessels holding HMS triple LAP combination*, or eligible to renew triple LAP combination, as of August 6, 2007:

- Length: 10% » » 35%
- GRT 10% » » 35%
- Net Tonnage: 10% » » 35%
- Horsepower: 20% » » No restriction
- One-time upgrade restriction removed for all LAPs

* swordfish & shark directed or incidental permit, and tuna longline permit

Final Rule (cont.)

- Incidental swordfish retention limit: 2 » » 30, except squid trawl 5 » » 15
- Swordfish bag Limits
 - Angling: 1 per person up to 3 per vessel / trip » » 1 per person up to 4 per vessel / trip
 - Charter Boat: 1 per person up to 3 per vessel / trip » » 1 per paying passenger up to 6 per vessel / trip
 - Headboat: 1 per person up to 3 per vessel / trip » » 1 per paying passenger up to 15 per vessel / trip

Results

- 275 vessels are now eligible for 35% increase in vessel size (LOA, GRT, NT) relative to baseline vessel, with no limitations on HP.
- Vessels with Incidental swordfish permits have a significantly higher trip limit.
- Increased swordfish fishing opportunities for Angling and CHB vessels.
- U.S. swordfish quota allocation maintained.

Update on Current Status

- ~ 650 certified letters mailed to HMS limited access permit holders in September 2007 informing them of new vessel upgrade limits.
- Permit holders have 45 days from date of receipt of their certified letter to notify NMFS in writing of any perceived inaccuracies in the letter (baseline specifications, permits held, etc.), and to provide supporting documentation.

NMFS Received Many Comments During This Rulemaking

- Six public “scoping” meetings (Sept. 2006)
- Seven public hearings on proposed rule (Jan. 2007)
- Written comments (Nov. 2006 - Jan. 2007)
- Two HMS Advisory Panel meetings (Oct. 2006, and March 2007)

Synopsis of Comments

- NMFS has not done enough, and should do more, to revitalize the U.S swordfish fishery and fully harvest the domestic swordfish quota.
- NMFS must exercise caution in amending the swordfish regulations so that overfishing does not occur, and bycatch of undersized fish, non-target species, and protected resources does not increase beyond acceptable levels.

Actions Implemented to Date

- ✓ Increase incidental trip limits
- ✓ Increase recreational and CHB bag limits
- ✓ Modify some limited access vessel upgrading restrictions
- ✓ Authorize buoy gear in the swordfish handgear fishery
- ✓ Initiate pilot research program to investigate catch and bycatch rates in the PLL closed areas (currently in development)
- ✓ FishWatch web site includes swordfish

“Big Picture” Constituent Recommendations

- Provide marketing/promotional assistance for domestic swordfish
- Restrict or regulate foreign swordfish imports
- Obtain access for U.S. vessels to fish in foreign waters
- Allow U.S. captains to lease foreign freezer vessels
- Allow the employment of foreign crews on U.S. flagged vessels

Recommendations for Future Action

- Revisit time/area closures
- Remove live bait prohibition in the Gulf of Mexico
- Allow additional vessel upgrades for PLL vessels or remove all upgrading restrictions
- Remove HP upgrading restrictions for handgear vessels
- Create General Category fishery for swordfish
- Issue new swordfish permits (esp. handgear permits)
- Convert Incidental permits to Directed permits
- Reinstate lapsed swordfish/tuna permits

Recommendations for Future Action (cont.)

- Remove “3-permit requirement” for swordfish/tuna longline vessels
- Allow all vessels issued an Illex squid permit to obtain an incidental swordfish permit
- Allow all shark permit holders to obtain permits necessary to fish for swordfish
- Establish in-season adjustment criteria for PLL closed areas
- Modify the swordfish minimum size
- Improve recreational swordfish data collection
- Modify CHB bag limit from “1 per paying passenger” to “1 per person”

Topics for AP Discussion

- 1) Are there other recommendations to “revitalize” the swordfish fishery (while minimizing bycatch) that should be added to this list?
 - Short term?
 - Long term?
- 2) From the list of recommendations, what do you recommend the Agency do to amend the swordfish regulations?
- 3) What do you think the swordfish fishery should “look like” in future years (*i.e.*, vision)?

The Seafood Promotion Council Final Rule

Presentation to the HMS Advisory Panel



Christopher M. Moore, Ph.D.
John M. Ward, Ph.D.
Partnerships and
Communications Division
NOAA Fisheries

The Seafood Promotion Council Final Rule

- Published in the Federal Register on April 10, 2007
- The rule creates the regulatory framework to establish seafood promotion councils
- It does not directly create the councils

The Rule as Required by E.O. 12866 Improves Seafood Market Information

- Product endorsements will be based on scientifically valid information
- Misleading information will not be allowed as part of a marketing campaign

The Rule as Required by E.O. 12866 Improves Seafood Market Information

- The federal government's role is to insure that marketing councils provide accurate, unbiased, and objective information to consumers of seafood products
- Marketing councils, within these guidelines, can promote the government's support of their product messages

The Seafood Promotion Council Program is Voluntary.

- A petition must be submitted by the group proposing to establish a council.
- A referendum of all industry participants must be held.
- Only those wishing to participate in the council will pay fees.

The Seafood Promotion Councils will not be funded by the Federal Government.

- Any funds expended by the federal government
 - In establishing the Council
 - In the operation of the Council
- Will be recovered by the federal government
 - From the Council
 - Even if the Council is not formed

The Seafood Marketing Council

- Brand Labels
 - Can be established by Councils
 - Designate product quality standards
- Labels Indicate
 - Product origin
 - Quality standards have been achieved

The Secretary of Commerce or his Designee sits on the Seafood Promotion Council Board.

- The Secretary or his Designee will:
 - Approve marketing plans
 - Ensure compliance with all required federal regulations
 - Audit Council operating expenses

Recent Shrimp Industry request for business options

- Industry facing declining profits and market share
- NOAA Fisheries responded with a business options paper
- Since then:
 - Wild American Shrimp, Inc. established to promote niche market – received Congressional funding
 - NOAA Fisheries conducted industry-requested workshop to market shrimp products to the European Union

What we learned from the Shrimp Business Options Paper

- The Shrimp Business Options Paper examined several possible alternatives for improving the profitability of the U.S. domestic shrimp industry.
- The alternatives were selected by industry.
- Five of the seven alternatives showed varying levels of increased profitability.
- A marketing strategy to increase prices, and a cooperative strategy to reduce operating costs showed that the industry could be improved, but would have differing effects on the community.
- The Swordfish industry could benefit from a similar study, and would need to determine the options they would like analyzed.

What can be done? Fill the quota.

- Conduct scientific research in closed areas to determine if circle hooks would reduce bycatch levels. This would help increase commercial swordfish landings.
- Encourage the recreational sector to more accurately report their swordfish landings.
- Enlist the support of the environmental community

What can be done? Revitalization Plan

- Conduct a 2-year economic study of the U.S. swordfish fishery and its role within the larger Atlantic Swordfish Fishery. The study would focus on:
 - Developing ways to reduce operating costs
 - Investigating a variety of industry proposed management alternatives
 - Reducing regulatory costs
 - Reducing inefficient harvest methods
 - Improving market price
 - Investigating a market promotion program
 - Developing better information about swordfish attributes and qualities

Swordfish

Fish Watch

U.S. Seafood Facts



Swordfish population levels are high and no overfishing is occurring.

NOAA's strict fisheries management measures have improved the condition of the fishery.

The USDA warns that if you are pregnant, nursing, or thinking about becoming pregnant, it is important that you avoid consuming too much methylmercury. This substance can be found in swordfish.

About 37 percent of the swordfish sold in the U.S. comes from the Atlantic and Gulf of Mexico; the rest is Pacific swordfish, where population levels are also high.

Get the facts
fishwatch.noaa.gov

Thank You.

Questions?

NATIONAL MARINE FISHERIES SERVICE
 OFFICE OF SUSTAINABLE FISHERIES

Draft Amendment 2 to the Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP)

Highly Migratory Species Management Division
 NMFS/NOAA

August-October 2007

Presentation Objectives

- The purpose of this presentation is to give you an overview of the draft Environmental Impact Statement (DEIS) and its proposed rule
- This presentation will give you an overview of:
 - The current status of several shark species
 - Outline the alternatives/alternative suites analyzed in the DEIS
 - Outline the impacts of the current preferred alternative suite
- Please send comments to the address, FAX number, or e-mail address listed at the end of this presentation.

Results from Latest Shark Stock Assessments

Species	Overfished	Overfishing
LCS complex (2006)	Unknown	Unknown
Sandbar (2006)	Yes (rebuild in 70 yrs)	Yes
GOM Blacktip (2006)	No	No
Atl. Blacktip (2006)	Unknown	Unknown
Dusky (2006)	Yes (rebuild in 100-400 yrs)	Yes
Porbeagle (2005)	Yes (rebuild in 100 yrs)	No

Need for Action

- Based on latest stock assessments, new management measures are needed because:
 - Sandbar and dusky sharks are overfished with overfishing occurring
 - Porbeagle sharks are overfished
- **Timeframe: Final measures effective early 2008**

Key Topics Included in Each Alternative Suite

- Quotas
- Species Complexes
- Commercial Retention Limits
- Time/Area Closures
- Reporting Requirements
- Seasons
- Regions
- Recreational Measures

Alternative Suites

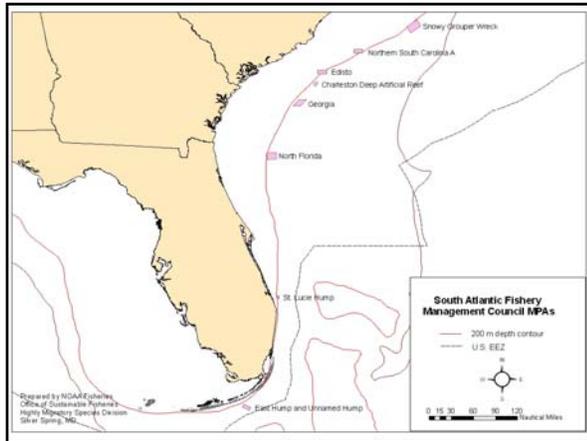
- **Alternative Suite 1: Status Quo**
- **Alternative Suite 2: Directed shark permit holders and recreational anglers**
- **Alternative Suite 3: Directed and incidental shark permit holders and recreational anglers**
- **Alternative Suite 4: Shark research fishery**
- **Alternative Suite 5: Close the Atlantic shark commercial and recreational fisheries**

Alternative suite	Quotas/Species Complexes	Retention limits	Time Area Closures	Reporting	Seasons	Regions	Rec. Measures
1 – Status Quo							
2 – SKD permit holders and rec. anglers							
3 – SKD & SKI permit holders and rec. anglers							
4 – Shark research fishery							
5 – Close Atlantic Shark Fisheries							

Alternative suite	Quotas/Species Complexes
1 – Status Quo	-1,017 mt dw LCS & 454 mt dw SCS -488 mt dw Pelagic Sharks -273 mt dw Blue Sharks -92 mt dw Porbeagle Sharks -19 Prohibited spp. -60 mt ww for EFPs -Remove or apply under and overharvest from same trimester the following year
2 – SKD permit holders and rec. anglers	-116.6 mt dw Sandbar Sharks -541.2 mt dw Non-Sandbar LCS -Status quo for SCS, Pelagics, and Blue Sharks -Add porbeagle sharks to Prohibited spp. list -60 mt ww for EFPs; 2 mt dw for sandbars; no dusky sharks -Remove overharvest from next season -Carryover 50 percent of base quota for species that are healthy -No carryover for species that are overfished, have overfishing occurring, or have unknown status
3 – SKD & SKI permit holders and rec. anglers	-Same as alternative suite 2
4 – Shark research fishery	-Same as alternative suite 2
5 – Close Atlantic Shark Fisheries	-No commercial quotas for Atlantic shark; all shark prohibited

Alternative suite	Commercial Retention limits
1 – Status Quo	SKD: 4,000 lb dw LCS trip limit; no trip limit for SCS or pelagics SKI: 5 LCS and 16 pelagics & SCS combined per trip
2 – SKD permit holders and rec. anglers	SKD: 8 sandbar sharks and 21 non-sandbar LCS per trip; no trip limit for SCS or pelagics SKI: no retention of sharks -All sharks landed with fins on -No sandbar sharks with PLL gear onboard
3 – SKD & SKI permit holders and rec. anglers	SKD & SKI: 4 sandbar sharks and 10 non-sandbar LCS per trip -No trip limit for SCS and pelagics for SKD -16 pelagics & SCS combined for SKI -All sharks landed with fins on
4 – Shark research fishery	-Within Research Fishery: higher trip limits of sandbar and non-sandbar LCS than fishermen outside the research fishery -Outside of Research Fishery: no retention of sandbar sharks; 22 non-sandbar LCS per trip for SKI & SKD; -No trip limit for SCS and pelagics for SKD -16 pelagics & SCS combined for SKI -All sharks landed with fins on
5 – Close Atlantic Shark Fisheries	-No retention of any shark species

Alternative suite	Time/Area Closures
1 – Status Quo	-Maintain current HMS time/area closures
2 – SKD permit holders and rec. anglers	-Maintain current HMS time/area closures -Implement the 8 preferred South Atlantic Fishery Management Council's (SAFMC) Marine Protected Areas (MPAs)
3 – SKD & SKI permit holders and rec. anglers	-Same as alternative suite 2
4 – Shark research fishery	-Same as alternative suite 2
5 – Close Atlantic Shark Fisheries	-Atlantic, Caribbean, and Gulf of Mexico regions closed for shark fishing



Alternative suite	Reporting
1 – Status Quo	-Current observer, logbooks, dealer weigh-outs requirements
2 – SKD permit holders and rec. anglers	-Dealer reporting with 24 hours of receiving shark products -Status quo for logbooks and observers -All unclassified sharks = sandbar sharks
3 – SKD & SKI permit holders and rec. anglers	-Dealer reports <i>received</i> by NMFS within 10 days of end of reporting period -logbooks, observers, & unclassified shark designation same as alternative suite 2
4 – Shark research fishery	-Scientific observer reports would be used to monitor landings in shark research fishery -Dealer reports <i>received</i> by NMFS within 10 days of end of reporting period would be used to monitor landings outside research fishery
5 – Close Atlantic Shark Fisheries	-Need to improve logbook discard reporting for Coastal Fisheries Logbook -Place observers in longline & gillnet fisheries to monitor shark bycatch

Alternative suite	Seasons
1 – Status Quo	-Trimesters (January – April; May – August; & September – December)
2 – SKD permit holders and rec. anglers	-One season -Close both sandbar and non-sandbar LCS fisheries when either reaches 80%; season would close within 5 days of a notice filing with the Federal Register (FR) -Pelagics and SCS fisheries would close when their respective quotas reach 80%; season would close within 5 days of a notice filing with the FR
3 – SKD & SKI permit holders and rec. anglers	-Same as alternative suite 2
4 – Shark research fishery	-Same as alternative suite 2
5 – Close Atlantic Shark Fisheries	-No commercial seasons

Alternative suite	Regions
1 – Status Quo	-North Atlantic -South Atlantic -Gulf of Mexico
2 – SKD permit holders and rec. anglers	-One region
3 – SKD & SKI permit holders and rec. anglers	-Same as alternative suite 2
4 – Shark research fishery	-Same as alternative suite 2
5 – Close Atlantic Shark Fisheries	-No commercial regions

Alternative suite	Recreational Measures
1 – Status Quo	-1 shark > 54" FL-vessel/trip (except prohibited species) + 1 Atlantic sharpnose and 1 bonnethead per person/trip
2 – SKD permit holders and rec. anglers	-Status quo size and bag limit -Recreational anglers can only land: bonnethead, Atlantic sharpnose, nurse, tiger, lemon, smooth hammerhead, great hammerhead, scalloped hammerhead, shortfin mako, common thresher, oceanic whitetip, and blue sharks
3 – SKD & SKI permit holders and rec. anglers	-Same as alternative suite 2
4 – Shark research fishery	-Same as alternative suite 2
5 – Close Atlantic Shark Fisheries	-Catch and release only

Summary of Preferred Alternative Suite 4

- Sandbars = 116.6 mt dw ; non-sandbar LCS = 541.2 mt dw
- **Small research fishery:** sandbar sharks & other sharks species can be landed (except prohib. spp.)
- **Outside research fishery:** no sandbar retention & 22 non-sandbar LCS trip limit for SKI and SKD
- Status quo SCS and pelagic quotas and retention limits for all fishermen; porbeagle sharks prohibited
- 8 SAFMC MPAs; Sharks landed with fins attached
- 1 region and 1 season; dealer reports *received* by NMFS within 10 days of end of reporting period
- Close sandbar and non-sandbar LCS when either quota reaches 80% with 5 day FR notice; all unclassified sharks = sandbar sharks
- Status quo recreational size and bag limits
- **Authorized recreational species:** bonnethead, Atlantic sharpnose, nurse, tiger, lemon, 3 hammerhead spp., shortfin mako, common thresher, oceanic whitetip, and blue sharks

Impacts of Preferred Alternative Suite 4		
ALTERNATIVE SUITE	ECOLOGICAL IMPACTS (compared to Status Quo)	ECONOMIC IMPACTS (compared to Status Quo)
Suite 4 - Establish a small shark research fishery (Preferred Alternative Suite)	<p>Positive ecological impacts are anticipated</p> <ul style="list-style-type: none"> -Reduce landings of sandbar sharks from ~728 mt dw to 116.6 mt dw/year and non-sandbar LCS from 582 to 541.2 mt dw/year -Increase discards of sandbar sharks from 9.6 mt dw/year to 13.1 mt dw/year but overall catch and discards below the recommended TAC -Reduce discards of non-sandbar LCS from 153.3 mt dw to 56.6 mt dw/year and dusky sharks from 33.2 mt dw to 9.2 mt dw/year -Reduce landings of porbeagle sharks by 1.6 mt dw/year, nominal increase in porbeagle discards 	<ul style="list-style-type: none"> -Fishery-wide estimated losses in gross revenues from reduced sandbar and non-sandbar LCS landings: \$1.8 million/year -Negative economic impacts for fishermen operating outside of the research fishery since they cannot land sandbar sharks -Total gross revenues for 5-10 vessels operating inside the research fishery from sandbar and non-sandbar LCS landings: \$490K/year (\$98K - \$49K/vessel) -Total gross revenues for all vessels operating outside of research fishery from non-sandbar LCS landings: \$1.5 million/year -Limited access and IFQ systems in other fisheries may not allow shark fishermen to redistribute effort to other BLL & gillnet fisheries

Number of Potential Affected Permit Holders

- Currently, there are 231 directed, 298 incidental, and 269 shark dealer permits
- An average of 129 vessels with directed shark permits and 62 vessels with incidental shark permits reported sandbar shark landings each year from 2003-2005 (*i.e.*, active vessels)
- Since only a few vessels (*i.e.*, 5-10) would participate in the shark research fishery, ~129 directed shark permit holders and ~62 incidental shark permit holders would be affected by the preferred alternative suite
- Most directed and incidental shark permit holders are in the states of Florida, New Jersey, and North Carolina; most shark dealers are in Florida and North and South Carolina

Other Items in the Proposed Rule

- Timing of shark stock assessments
- Timing of the release of the HMS Stock Assessment and Fishery Evaluation (SAFE) report each year
- Updating dehooking requirements for smalltooth sawfish
- Clarifying that dealer reports need to be species specific
- Clarifying the definition of who needs a dealer permit to receive shark products; 1st receiver of sharks products would be required to have a shark dealer permit

Tentative Timeline

- Scoping - ~January 2007 - Completed
- Predraft - ~March 2007 AP meeting - Completed
- Draft Environmental Impact Statement (EIS) and Proposed Rule: Summer 2007, 75 day comment period - Current Stage
- Final EIS: Late Fall 2007
- Final Rule: Late Fall/Early Winter 2007; Effective Early 2008
- Send Comments by 5pm November 2, 2007:

Michael Clark, HMS Management Division, F/SF1, Office of Sustainable Fisheries, 1315 East West Highway, Silver Spring, MD 20910 - indicate "Comments on Amendment 2 to the HMS FMP" on envelope

SHKA2@noaa.gov

FAX: 301-713-1917 - indicate "Comments on Amendment 2 to the HMS FMP"

Summary of Comments Received to Date

Quotas

- NMFS should have considered Individual Transfer Quotas (ITQs); NMFS should consider species-specific quotas
- The 60 mt ww shark display and research quota should be reduced; dusky sharks should be allowed for display
- The proposed non-sandbar LCS quota is too low
- Reducing the shark quotas will cause derby-style fishing
- The quotas should close at 90-95% since underharvests will not be applied in the next year; the quotas should close at 80% of being filled with a 5 day notice
- NMFS should preempt the states
- NMFS should reduce, not eliminate, the commercial porbeagle quota in the preferred alternative suite

Summary of Comments Received to Date

Retention Limits

- 22 non-sandbar LCS per trip is not economically viable
- The quota should not be split up among a few boats in the research fishery; the quota should be split among 40-50 boats making 1-2 trips annually
- Gillnetters are being unfairly penalized; they catch very few dusky and sandbar sharks; gillnetters should have a separate backup quota and associated trip limit
- Separate trip limits should be established for incidental permit holders; incidental permit holders should be allowed to retain sharks once the directed fishery is closed
- NMFS should have proposed regionally based trip limits
- If fisherman have an observer onboard, they should be allowed to keep all dead sharks
- Did NMFS consider bycatch when the retention limits were established? National Standard 9, to minimize bycatch, was violated; NMFS discards estimates of sandbars are flawed

Summary of Comments Received to Date

Time/Area Closures

- Will Vessel Monitoring Systems (VMS) be required for the SAFMC's MPAs?
- The SAFMC's MPAs should have only been considered for alternative suite 5, to shut down the shark fishery
- Will the MPAs include a transit exemption for vessels traveling through the MPAs with BLL gear?

Shark Research Fishery

- NMFS needs to provide more information on how fishermen would be selected for the shark research fishery; NMFS should select fishermen based on how much revenue they make from sharks, their ability to conduct research, and any past violations
- What kind of research does NMFS currently have on sharks and what does NMFS still need?; NMFS should place observers on all commercial shark fishing boats to collect data
- How will NMFS ensure that boats selected for the research fishery will be equally distributed geographically?; will NMFS determine when fishermen can fish in the research fishery?

Summary of Comments Received to Date

Reporting

- Dealers have not reported on a species-specific basis
- Having reports received within 10 days of the end of the reporting period is not enough time for dealers to report
- I support stringent restrictions on dealers reports
- Dealers should report within 24 hours; dealers should report every week; what is NMFS's mechanism to make dealers report on time?
- How are dealer reports used in the stock assessments if no one identifies down to species? How can NMFS continue to allow dealers to report sharks as "unclassified"?
- What is the current definition of a shark dealer? Can Federally permitted dealers buy state landed sharks? Do they have to report state landed sharks?

Summary of Comments Received to Date

Seasons and Regions

- I support one season and one region
- NMFS should consider closing April, May, and June to protect pupping even with one season and region
- The one fishing season should open July 1 so that catch is not dominated by the southeast; having one region will disadvantage some areas that do not have sharks present early in the season
- One region would penalize the Gulf of Mexico region where blacktip sharks are healthy
- The Gulf of Mexico should be managed separately; the Caribbean should be managed separately

Summary of Comments Received to Date

Landing Sharks with Fins Attached

- I support the requirement of landing sharks with fins on
- Sharks cannot be properly dressed and stored with fins on; this will result in wasting the resource
- Why keep fins on through landing? Is this an identification issue?
- Is NMFS going to re-look at the 5 percent ratio of fins-to-carcass ratio? Will NMFS consider a different ratio? What will I report in my logbook if NMFS does not keep the 5-percent rule?
- What is the proper way to dress a shark with the fins still attached? Will NMFS be providing a diagram of how this should be done?

Summary of Comments Received to Date

Prohibition of Porbeagle Sharks

- I support the prohibition of porbeagle sharks; people may be misidentifying porbeagle sharks as mako sharks
- Will NMFS propose similar measures at ICCAT for porbeagles?
- What would the rebuilding timeframe for porbeagle sharks be without the 1.6 mt dw annual landings of porbeagle sharks by U. S. fishermen?; Prohibiting U.S. landings of porbeagle sharks will not rebuild the stock
- Is there evidence that Canadian porbeagles enter U.S. waters? Is it appropriate to use a Canadian assessment for U.S. management?
- Tournaments have no impacts on porbeagles; the Large Pelagic Survey (LPS) and Marine Recreational Fisheries Statistics Survey (MRFSS) were not designed to gather reliable data on porbeagles; NMFS underestimated the impact of prohibiting porbeagles for recreational anglers, especially in New England

Summary of Comments Received to Date

Recreational Measures

- There should be no recreational retention
- Other species should be allowed including: spinner, blacktip, bull, and silky sharks
- Does NMFS have a plan for educational outreach for recreational fishermen?; why not have identification workshops for recreational fishermen?
- Are there any estimates regarding the level of misidentification by recreational fishermen? Identification is also a problem in the commercial sector; recreational anglers can identify sharks
- Why would the commercial fishery on depleted stocks remain open but be closed to recreational fishermen? Recreational landings of sandbar sharks were taken into account in the commercial quota, but recreational fishermen would not be allowed to land them under the proposed regulations
- Charter/headboat and recreational impacts were not analyzed; National Standard 4, to not discriminate among user groups, was violated

Summary of Comments Received to Date

Alternative Suites

- I prefer the status quo
- I support alternative suite 5, to close down the shark fishery
- I support the status quo, alternative 6, for the timing of shark stock assessments
- I support an incidental, year-round fishery for sharks; the small research fishery in the preferred alternative suite would benefit a few and disadvantage most fishermen
- The preferred alternatives suite would set a bad precedent by allowing a directed shark fishery to continue on depleted stocks
- NMFS should ban commercial fishery but still allow recreational fishing
- I support the preferred alternative suite 4 and the 2 mt dw allocation of sandbar sharks for shark display and research under exempted fishing permits; I oppose any reduction in the number of sandbar sharks for public display

Summary of Comments Received to Date

Science

- I do not agree with the findings of the sandbar shark stock assessment due to data issues and based on what fishermen are seeing on the water; the stock assessment did not use all the available data, including fin data; we have not been allowed to fish when the sharks are present
- How does NMFS account for Mexican landings?; NMFS should not use stock assessments conducted in Canada
- NMFS should take a more precautionary approach rather than rebuilding sandbar sharks within 70 years; NMFS should consider a total ban on sandbar shark landings in all fisheries
- Given the long rebuilding timeframes of these species, can NMFS ever truly rebuild these stocks?

Summary of Comments Received to Date

Economic Impact

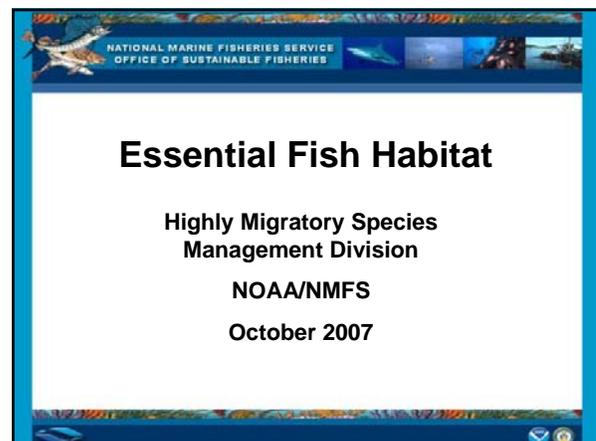
- NMFS only analyzed the impact of the proposed measures on commercial fishermen; NMFS did not analyze the impact on recreational fishermen
- All the alternatives suites besides the status quo would cause severe economic consequences
- Was a buy out of the commercial shark fishery considered?; the environmentalists should fund a buy out of the commercial shark fishery; has NMFS considered ways to re-train fishermen for other jobs?
- If only a few people can land sandbar sharks, who will want to buy them? Will dealers want to even buy shark product?
- If NMFS shuts down the shark fishery, then this will put more pressure on imports. Countries that do not have the same conservation benefits as the United States will benefit
- Did NMFS consider the economic hardships from these measures in addition to cut backs in other fisheries?
- If NMFS does not go with the status quo, NMFS should declare a fisheries disaster

Topics for Discussion (Group A)

- Some fishermen have requested a diagram of how to dress a shark with the fins still attached. Does the Agency need to supply fishermen with a diagram of how to dress a shark with fins on? If so, what should it look like?
- Should NMFS allow a few fishermen to land the sandbar quota or should NMFS split up the sandbar quota amongst all shark permit holders? Should the quota be divided amongst directed and incidental permit holders or only directed permit holders?
- What are the pros/cons of keeping the current regions and trimesters?
- How should NMFS determine what are readily identifiable species that recreational fishermen can land?
- Of the proposed alternatives, which one do you think is the most appropriate?

Topics for Discussion (Group B)

- Assuming NMFS goes final with the alternative suite 4, to establish a small shark research fishery, what criteria should NMFS use to ensure the fair and equitable selection of fishermen for the research fishery?
- Should NMFS increase dealer reporting for better quota monitoring? If so, how frequent should shark dealers report to NMFS?
- How would you improve the proposed definition of a shark dealer to ensure that the entity responsible for the identification and reporting of shark products has a dealer permit?
- Given the current lag in reporting times, is closing the different shark fisheries when the quotas are at 80 percent of being filled an appropriate threshold to avoid overharvests? Is a 5 day notice of a closure enough time to notify fishermen of a closure and avoid overharvests?
- Of the proposed alternatives, which one do you think is the most appropriate?



Essential Fish Habitat

**Highly Migratory Species
Management Division**

NOAA/NMFS

October 2007

Essential Fish Habitat (EFH)

The Magnuson-Stevens Fishery Conservation and Management Act requirements:

- Identify and describe EFH
- Minimize, to the extent practicable, adverse effects on EFH caused by fishing activities
- Identify other actions to encourage the conservation and enhancement of EFH
- 305(b)(1)(A): the Secretary will set forth the schedule for amendment of FMPs to include the identification of EFH and for review and updating of EFH

EFH Regulations

- Identify EFH for each species and life stage
- Identify Habitat Areas of Particular Concern (HAPCs)
- Identify fishing and non-fishing activities that may adversely affect EFH
- Minimize fishing impacts that are more than minimal and not temporary
- Review all EFH information at least once every 5 years

Timeline

- **Notice of Intent:** Published Nov 7, 2006 (71 FR 65087)
- **Scoping:** March-Oct 2007 (AP Meetings)
- **Predraft:** Oct 2007, Comments by Oct 30
- **Proposed Rule/Draft EIS:** Winter/Spring 2007 with 60 day comment period
- **Final Rule/Final EIS:** Summer/Fall 2008

HMS Essential Fish Habitat History

- Original EFH descriptions for HMS were published in the 1999 FMP for Tunas, Swordfish and Sharks and in Amendment 1 to the Billfish FMP. Several HAPCs were described for sandbar sharks
- EFH for 5 shark species (sandbar, blacktip, dusky, nurse, and finetooth) was updated in Amendment 1 to the HMS FMP in 2003
- NMFS will consider updating all Atlantic HMS EFH in this amendment

Essential Fish Habitat Methods

- Phase I – Completed in the Consolidated HMS FMP
 - Data Collection: State, Federal, and non-governmental data (e.g. Observer program data, tagging programs, and data from individual researchers and institutions)
 - Data Mapping – Data were mapped and published in the FMP, but no changes to boundaries were proposed
 - Review of Gear Impacts: A review of all gears that may affect EFH was completed

Essential Fish Habitat Methods

- Phase II – Amendment 1 to Consolidated HMS FMP
 - Data Mapping and Analysis: A Geographic Information System (GIS) is being used to map each species and life stage
 - Update EFH: NMFS will amend EFH areas as necessary based on a review and analysis of the data
 - Fishing Impacts: NMFS may propose new HAPCs and measures to minimize fishing impacts, as appropriate

EFH Mapping Process

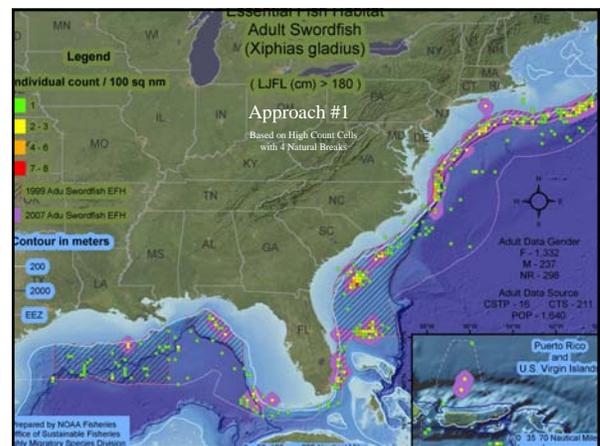
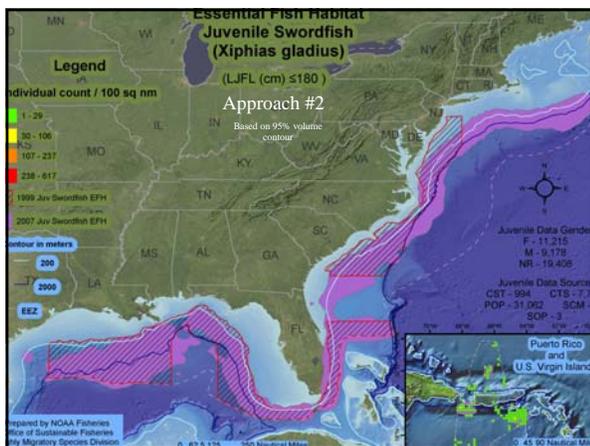
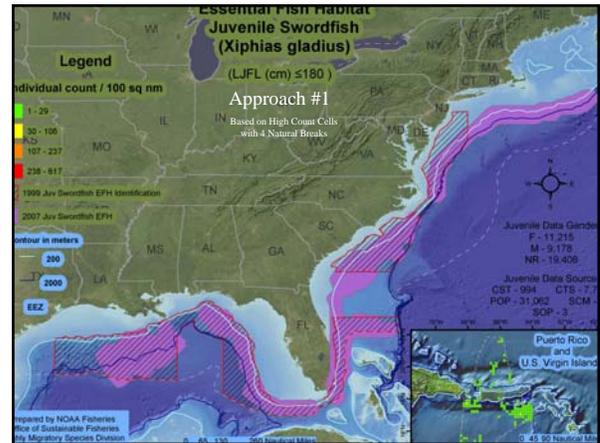
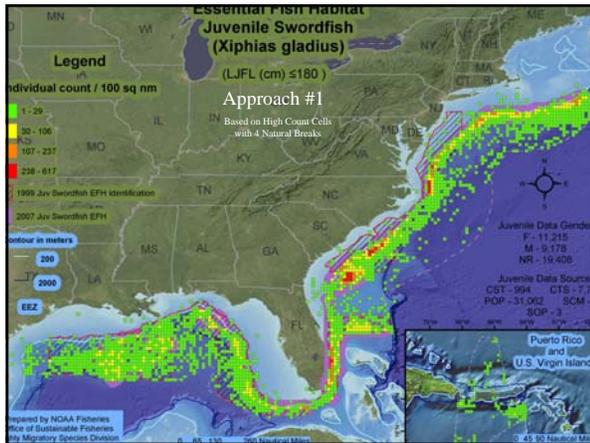
Approach #1

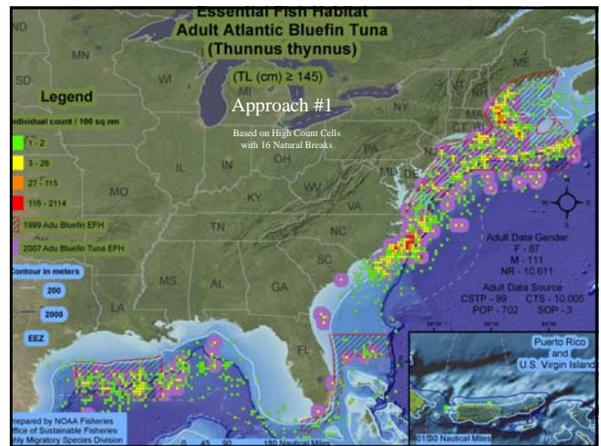
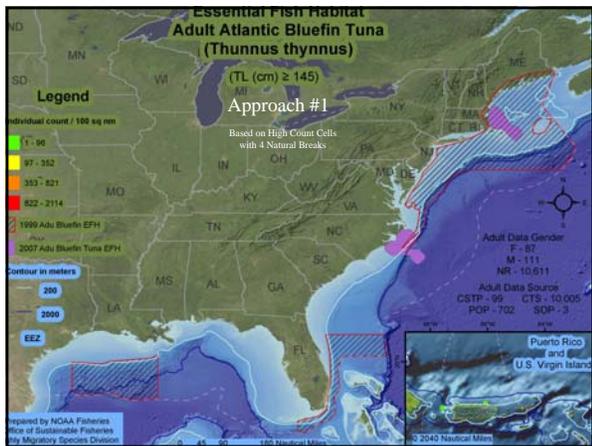
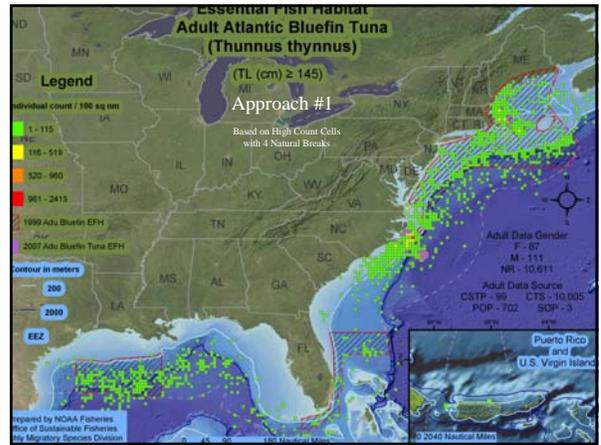
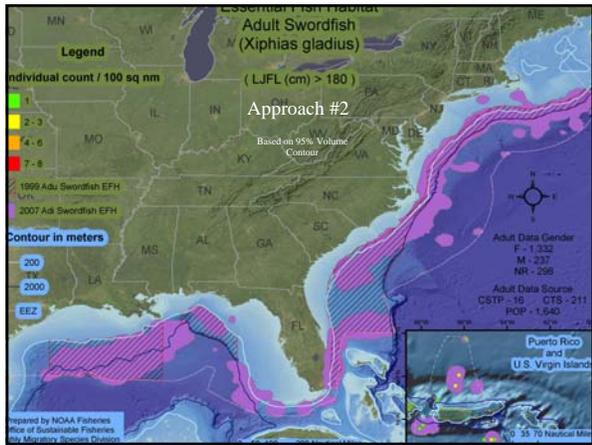
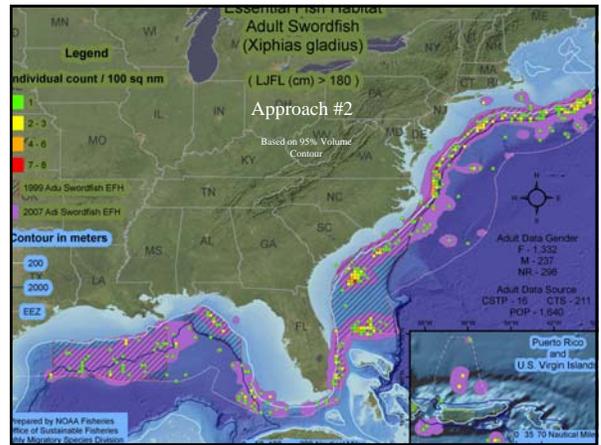
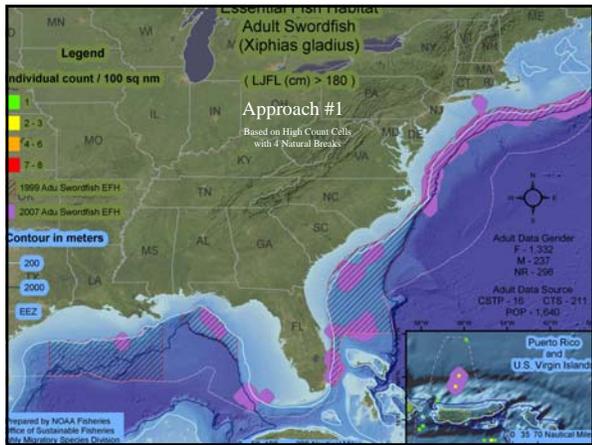
- Points are merged with a 10'x10' grid and a scale is created to reflect the number of points within each grid
- Thresholds are used to establish high count cells which are then used to delineate new EFH boundaries
- For coastal species, a 10 nautical mile buffer is created around all high count cells, and for pelagic species, a 20 nautical mile buffer is created

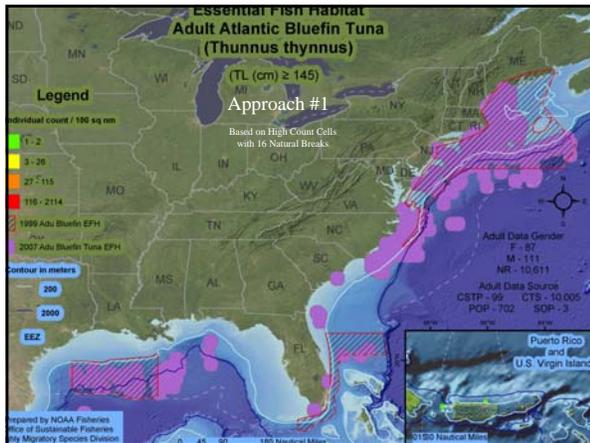
EFH Mapping Process

Approach #2

- Map individual points and create a probability boundary that includes a certain percentage of points
- Would require establishing thresholds similar to Approach #1, but using probabilities instead of natural breaks
- For example, a probability boundary of 95 percent of all points might be used to delineate EFH boundaries







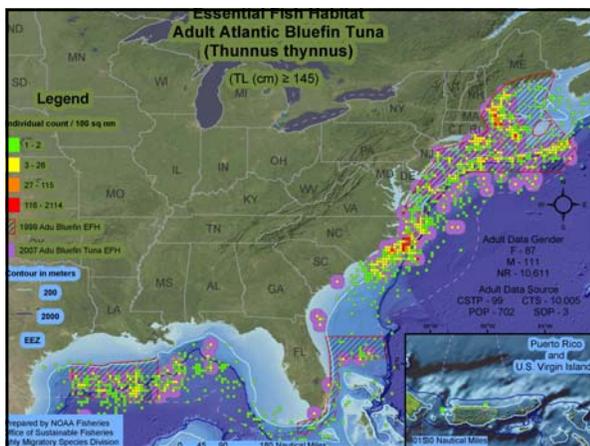
Essential Fish Habitat

EFH Mapping/Updating Process cont'd

- Once the maps are created they will be reviewed by NMFS Science Center staff
- NMFS will consult with technical experts on the interpretation of the data and the new boundaries
- Any proposed changes to boundaries will be corroborated by NMFS scientists, confirmed through literature, and distributed to an internal review team prior to publication of the DEIS

Habitat Areas of Particular Concern

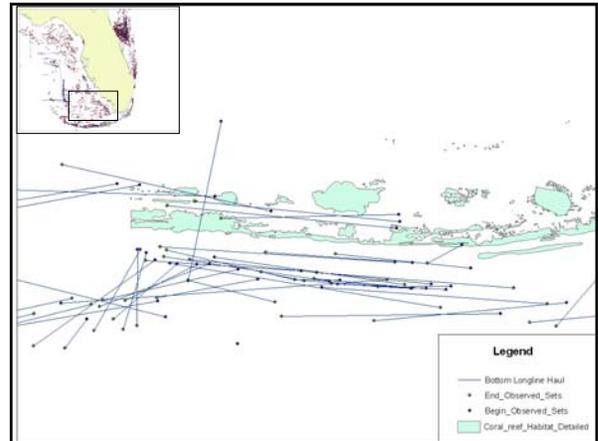
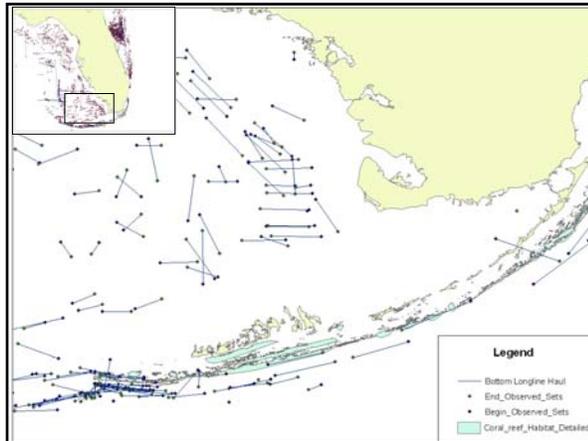
- Specific types of habitat within EFH based on one or more of the following considerations:
 - 1) The importance of the ecological function provided by the habitat
 - 2) The extent to which the habitat is sensitive to human-induced environmental degradation
 - 3) Whether and to what extent, development activities are, or will be, stressing the habitat type
 - 4) The rarity of the habitat type



Fishing Impacts

Process

- 1) Evaluate the potential adverse effect of fishing activities on HMS and non-HMS EFH
- 2) Minimize adverse effects from fishing on EFH, to the extent practicable



Essential Fish Habitat Summary/Questions

- Are there other approaches for delineating EFH or HAPCs that should be considered?
- What is an appropriate threshold for establishing boundaries?
- Are there any other issues or concerns NMFS should be aware of when modifying EFH boundaries?
- Any specific recommendations on HAPCs?
- Any considerations that NMFS need to be aware of for evaluating fishing impacts?

Send Comments on Draft to:

Chris Rilling or Sari Kiraly
 NMFS Highly Migratory Species
 Management Division
 1315 East-West Highway
 Silver Spring, MD 20910
 phone: 301 713-2347
chris.rilling@noaa.gov,
sari.kiraly@noaa.gov

Improving Marine Recreational Fisheries Information

Dr. Ronald Salz, NOAA Fisheries
 Presented at HMS Advisory Panel Meeting
 October 2007

An Initiative

To build a new program to
 improve the collection,
 analysis, and use of
 recreational data

Why is This Initiative Needed?

Ever greater demands for more timely and accurate data.

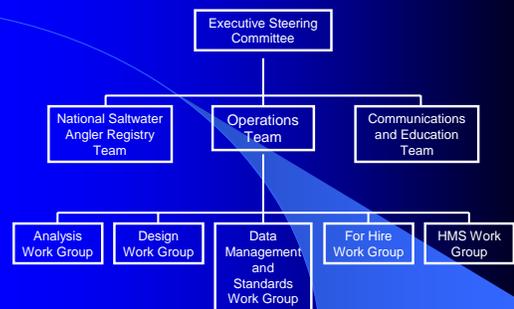
Better Information is a Priority

- **Independent scientific review**
 - National Research Council
- **Congressional mandate**
 - Reauthorization of the Magnuson-Stevens Act

The Process

1. **Securing funds**
2. **Assemble expert work groups and teams**

MRIP Initiative Structure



Executive Steering Committee

Fishery Management Councils

- Kitty Simonds (WPFMC)
- Miguel Rolon (CFMC)

Interstate Commissions

- Vince O'Shea (ASMFC)
- Larry Simpson (GSMFC)
- Randy Fisher (PSMFC)

Federal Advisory Committee

- Bob Fletcher (MAFAC)

NOAA Fisheries

- Doug Mecum (NMFS – AKRO)
- Nancy Thompson (NMFS – NEFSC)
- John Boreman (NMFS – ST, Chair)
- Tom Gleason (NMFS – MB, Executive Secretary)

Operations Team

Fishery Management Councils

- Paul Dalzell (WPFMC)
- Graciela García-Moliner (CFMC)
- Jason Didden (MAFMC)

Interstate Commissions

- Dave Donaldson (GSMFC)
- Russ Porter (PSMFC)
- Megan Caldwell (ASMFC)
- Dick Brame (ASMFC/CCA)

States

- Richard Cody (FL)
- Bob Clark (AK)
- Mike Armstrong (MA)
- Mark Fisher (TX)

Federal Advisory Committee

- Rob Kramer (IGFA)

NOAA Fisheries

- Gary Shepherd (NMFS – NEFSC)
- Guillermo Diaz (NMFS – SEFSC)
- Cindy Thomson (NMFS – SWFSC)
- Ron Salz (NMFS – ST)
- Rob Andrews (NMFS – ST)
- Pres Pate (*Chair*)

HMS Work Group

Fishery Management Councils

- Josh DeMello for Paul Dalzell (WPFMC)

Fishery Industry Representatives

- Ron Coddington (SE Swordfish Club & HMS AP)
- Hiram Quiñones (Puerto Rico Sport Fishing Association)

NOAA Fisheries

- Guillermo Diaz (SEFSC)
- Mark Terceiro (NEFSC)
- Stephen Stohs (SWFSC)
- Craig Brown (SEFSC)
- Joe Desfosse (SF1)
- Ron Salz (ST1, Chair)

States / Territories

- Dave McGowan (FL)
- Greg Skomal (MA)
- Grisel Rodríguez (PR)

The Process

1. Securing funds
2. Assemble expert work groups and teams
3. Answering the important questions

HMS Work Group Charge

- Evaluate current HMS data collection programs.
- Expand HMS data collection programs to meet management and stock assessment needs.

HMS Work Group FY08 Project Plans

- Evaluate current methodology for sampling HMS tournaments in the LPS.
- Characterize HMS charter boat fisheries in the S. Atlantic and Gulf of Mexico.
- Fishing effort and characterization pilot survey of HMS private boats in S. Atlantic and Gulf of Mexico.
- Explore options for expanding HMS private boat data collection programs into the Caribbean.

HMS Data Collection Issues Explored by Other Work Groups

Analysis Work Group

- Evaluate potential bias due to undercoverage of private access and night fishing.
- Evaluate whether estimation procedures appropriately match sample design.

For-Hire Work Group

- Explore options for electronic reporting system or logbooks for for-hire vessels.
- Improve for-hire data collection methods in the Caribbean.

What to Watch For

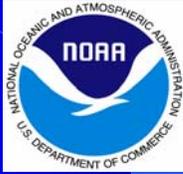
1. Project Proposals (end of October)
2. Proposed Rule on the National Saltwater Angler Registry (late Fall)
3. Initiate priority research and pilot projects (early 2008)

Please Stay Connected



Visit us on the web at:
<http://www.st.nmfs.noaa.gov/>

Gear Authorization for Atlantic Tunas & Sea Turtle Handling Gear



Highly Migratory Species Management Division
 Advisory Panel Meeting
 October 2007

Green-Stick Gear Authorization

In response to:

- Public request for authorization
- Favorable response at March AP Meeting
- Input received at 5 public information meetings



Green-Stick Gear Authorization

Considering:

- Underharvest of U.S. bluefin tuna quota
- Prospect of bluefin tuna quota underage transfers (ICCAT Recommendation 06-06)
- Non-overfished status of yellowfin tuna (the primarily targeted species)
- Relatively low bycatch rate



Green-Stick Gear Authorization

Potential Alternatives:

Authorize for harvest of bigeye, albacore, yellowfin, skipjack and bluefin tunas by:

- General Category
- Charter/Headboat
- Longline Category



Green-Stick Gear Authorization

Potential Alternatives:

NMFS may consider alternatives to require data reporting for users of green-stick gear in:

- General Category
- Charter/Headboat



Harpoon Use by Charter/Headboat Vessels

NMFS may consider a request for authorization of harpoon gear for harvesting bluefin tuna on charter/headboat vessels fishing under the General category quota.

Intent:

- Flexibility and efficiency in harvesting bluefin tuna
- Regulatory Consistency re: authorized handgear used historically for commercial harvest of bluefin tuna
- Increase opportunities to attain General category quota

Harpoon Use by Charter/Headboat Vessels

Potential Alternative:

Authorize harpoon for Atlantic tunas fishing on charter/headboat vessels

- a - Allow use of harpoon on non-for-hire trips.
or
- b - Allow use of harpoon on both for-hire and non-for hire trips

Sea Turtle Handling Gear

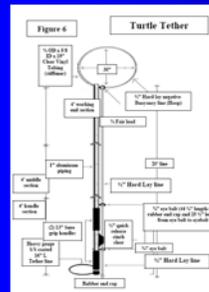
Potential Alternatives:

NMFS may consider alternatives to add sea turtle handling gear to the list of required equipment for sea turtle release in:

- Pelagic Longline Fishery
- Bottom Longline Fishery



Turtle Tether & Turtle Grabber/Ninja Sticks



Timeline for Rulemaking

Proposed Rule Expected – Later this Fall 2007

Public Comment Period and Hearings – Winter 2007-08

Final Rule Expected – Spring 2008



Prior to a Proposed Rule...

What questions, comments, or suggestions do you have?

- Green-Stick Gear Authorization?
- Green-Stick Gear Data Reporting?
- Harpoon Gear for Charter/Headboat – Not-for-hire trips only or all trips?
- Sea Turtle Handling Gear?

Prior to a Proposed Rule...

What thoughts do you have about data reporting (logbooks) for general category and charter/headboat fishermen using green-stick gear?

Prior to a Proposed Rule...

What thoughts do you have about harpoon gear for charter/headboats?

- Non-for-hire trips only?
- Both for-hire and non-for-hire?

Prior to a Proposed Rule...

What thoughts do you have about sea turtle handling gear for pelagic and bottom longline vessels?



HMS Management Division Outreach Planning - Part II

- Outreach plan development
- Outreach plan overview
- Follow-up questions on website navigation

October 2007

Outreach Plan Development

- Draft Outreach Plan
 - Reviewed by HMS Staff, Office of Sustainable Fisheries outreach staff, & NOAA Public Affairs
 - Finalized after AP comments considered
- Plan Implementation
 - Prioritization of Outreach Resources (a.k.a. "activities") ("bang-for-buck" analysis)
 - Development of Annual Activity Plans

Outreach Plan Development

- **Research**
 - Comments from the AP and HMS staff
 - Evaluated current outreach activities
 - Analyzed outreach needs
 - Focused on needs that were identified by more than one source
- **Planning**
 - Set outreach goals to address needs
 - Identified priority audiences
 - Determined effective strategies for each audience
 - Assigned appropriate outreach resources

Outreach Plan Overview: Goals

- Facilitate public understanding of the HMS Management Division's regulations, including public access to clear, complete, concise, and timely information.
- Promote constituent stewardship of HMS and HMS fisheries, including participation in HMS management actions and fishery-dependent research.

Goal 1 - Need 1: Changes in regulations should be well communicated to constituents

- **Commercial fishermen, dealers and charter/headboat owners**
 - **Direct mail:** Letters on reg changes
 - **Email:** HMS News sign-up info on letters, faxes, email signatures and hand-outs to be distributed by port agents (tentative)
 - **Port agents:** Provide port agents information to be shared with constituents through HMS News, a Division port agent liaison and hand-outs on reg changes

Goal 1 - Need 1: Changes in regulations should be well communicated to constituents

- **HMS Angling permit holders**
 - **Media outreach:** Media advisories to relevant editors and columnists for each issue/regulatory change and add those individuals to the HMS News list
 - **Email:** HMS News sign-up info on a postcard insert in permit renewals
- **Tournament directors**
 - **Email:** sign them up for HMS News

Goal 1 - Need 1A: Some government agencies and constituents still want the option to receive updates by fax.

- **Government agencies and offline constituents**
 - **Fax:** Send faxes when reg changes occur

Goal 1 - Need 1B: Plain-language summaries of regulations, such as those found in the Compliance Guide, could be more available to constituents.

- **Commercial fishermen/Dealers and Anglers/Tournament directors**
 - **Third Party:** Work with associations, regional outreach staff and states to distribute separate (com. and rec) Compliance Guides
 - **Face-to-face:** Distribute at public meetings
 - **Internet:** Post online Compliance Guides with easy search functions and include links on email receipts for permits issued online
 - **Email:** HMS News emails for regs changes with links to updated online Compliance Guide

Goal 1 - Need 2 : The HMS website could be easier to navigate

- **Online constituents**
 - **Landing pages** (short-term): Web pages devoted to a rule and promoted through other outreach resources, such as Compliance Guides
 - **Site reorganization** (long-term): Develop a site map, look to shorten the click stream and work with the CIO office on entry to the HMS pages from www.nmfs.noaa.gov, consistent with NMFS guidance

Goal 1 - Need 3: Compliance with the HMS Angling Permit requirements should be increased.

- **Unpermitted anglers**
 - **Face-to-face**: Provide dockside samplers with talking points
 - **Print media**: Media advisories prior to opening day
 - **Third party**: Inserts for state license renewals

Goal 1 - Need 4: HMS staff could be easier to reach by phone.

- **Callers**
 - **Phone**: Answering schedule and script for each field office

Goal 2 - Need 5: Constituents could be better engaged early in the rulemaking process

- **Commercial fishermen and dealers**
 - **Direct mail**: Letters on potential need for action
- **Anglers, charter/headboat owners, tourn. directors, NGOs and Academia**
 - **Email**: Ad hoc emails explaining issues and concerns for the fishery
- **All constituents above**
 - **Third party**: Contact AP members for help with constituent involvement
 - **Face-to-face**: Public meetings (eg. Greensticks)

Status of Outreach Efforts: Increased Public Participation in Rulemaking

- **HMS is considering holding more public meetings:**
 - So NMFS and stakeholders can communicate sooner to aid in developing the most appropriate alternatives
 - So NMFS and stakeholders can discuss need for potential management action
 - So stakeholders can ask questions and provide feedback
- **Strategy implemented for Greenstick gear issue authorization**

Goal 2 - Need 6: Constituents could be more aware of HMS management successes

- **Online constituents, NGOs and Academia**
 - **Email**: Send annual email highlighting successes of the previous year through HMS News
- **Anglers, commercial fishermen and dealers**
 - **Media**: Develop fact sheets in coordination with AP for relevant media

Comments on Outreach Plan to:

Dianne.Stephan@noaa.gov

Dianne Stephan
1 Blackburn Drive
Gloucester, MA 01930

Comments due: **October 15, 2007**

Follow-up Questions on Website Navigation

- Feedback during March '07 AP mtg indicated HMS website is difficult to navigate
 - HMS website or NMFS website?
 - Where are users entering the site?
 - What specific information is difficult to find?
 - Which pages do you typically visit?
- Are there websites for other NOAA offices you find more user-friendly?

HMS AP Summary

October 2-4, 2007
Silver Spring, MD

Upcoming Actions

- Proposed Rules:
 - Greensticks, Harpoon for BFT on CHB, Sea Turtle Handling Gear
 - International Trade Permit revisions
 - EFH Amendment 1
- Final Rules:
 - BFT 2008 Specifications
 - Shark 1st Season 2008
 - Shark Amendment 2
- Pelagic Longline Research

Suggestions from AP meeting: Swordfish

- Require circle hooks on buoy gear/pingers on buoys/VMS?
- Change CHB retention limit to 1/person
- Permits:
 - Renew/issue lapsed permits
 - Allow permit leasing
 - Establish gear-based permits
 - Use or lose permit requirement
 - Reopen SWO handgear permits
 - Create SWO General category permit
 - Eliminate triple permit requirement for squid trawlers
- Allow chartering arrangements of foreign vessels to catch U.S. quota

Suggestions from AP meeting: Swordfish

- Do time/area research
- Eliminate upgrade limits with monitoring of fleetwide capacity
- Remove minimum size/allow X% of undersized fish
- Control imports/impose import bans for countries out of compliance (at ICCAT) or without comparable conservation management
- Improve marketing
- Improve all landings reporting

Suggestions from AP meeting: Sharks

- Similar comments
 - Review 5% fin ratio, recommend change to Congress
 - Allow landings of blacktip, spinner, & bull sharks in recreational fishery
 - Improve dealer reporting, i.e., electronic reporting
 - Increase advance notice of closure to accommodate PLL & grouper vessels
 - Improve education for recreational species ID

Suggestions from AP meeting: Sharks

- Contrasting Comments
 - Quotas - too low/too high
 - Porbeagles - prohibit/allow
 - Fins - on/not on
 - Science - reexamine/move forward with Amendment
 - Provide diagram of dressed shark with fins attached
 - Keep 3 regions or seasons or go to 1 region/season
- Other
 - If there is one season start on July 15, not January 1

Suggestions from AP meeting: Bluefin Tuna

- Quota Specifications
 - Potential transfer of 15% of TAC - use individual quota categories rather than Reserve
 - Increase school subquota if possible once LPS estimates for 2007 available
- Effort controls
 - Discontinue use RFDs
 - Set General category retention limits for longer than June-August, i.e., whole season
- Revisit and consider adjusting PLL incidental catch limits to reduce dead discards
- EFH: establish HAPC in Gulf of Mexico & explore use of CPUE data

Suggestions from AP meeting: Greensticks, Harpoons, and Sea Turtle Handling Gear

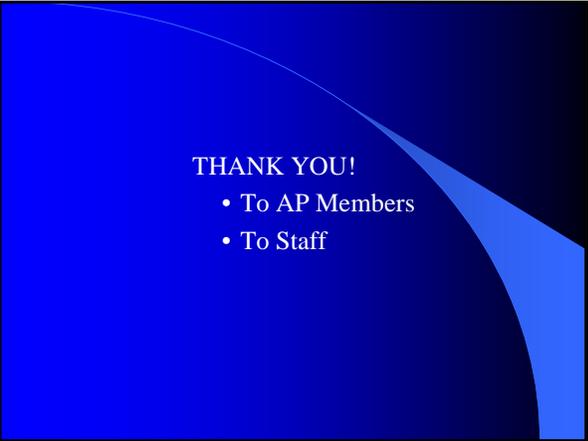
- Approve use of green-stick gear for tunas, including BFT
 - Consider some geographical restrictions for green-stick
 - Clearly define green-stick gear to minimize confusion
 - Review definition of longline to avoid problems with greenstick gear
- Approve/don't approve harpoon for use on CHB
 - Consider gear stowage provisions for harpoons on for-hire trips
- Require catch and effort data collection for new gears
- Identify/print allowable gears on each permit
- Require gears to restrain turtles, one may be sufficient

BOLOs "Be On The Lookout" for...

- Marine Recreational Info Program
- MSRA:
 - ACLs
 - National Standard revisions
 - IUU/bycatch certification
- ICCAT

Reminders...

- Travel vouchers: Oct 12
- Comments by:
 - Outreach Plan - Oct 15
 - EFH predraft - Oct 31
 - Shark 1st Season 2008 - Oct 31
 - BFT 2008 specs - Nov 1
 - Shark Amendment 2 - Nov 2



THANK YOU!

- To AP Members
- To Staff