

UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE

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MEETING

OF

THE HIGHLY MIGRATORY SPECIES ADVISORY PANEL

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OCTOBER 2, 2007

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SILVER SPRING, MARYLAND

TABLE OF CONTENTS

Welcome and Introductions 3
 Welcome New AP members, Proxies & HMS Staff
 Purpose and Goals of Meeting

 Overview of HMS Actions for Lasts 6 Months

Dr. William Hogarth, Q & A. 38

Jeff Radonski, Enforcement Update 61

Rick Pearson, Swordfish Revitalization and

 Vessel Upgrade Restriction
 Implementation. 84

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

2 (1:30 p.m.)

3 MS. SCHULZE-HAUGEN: We really
4 appreciate the time you take out of your
5 schedules to come and give us your input and
6 advice on HMS management issues.

7 I'd like to first go through the
8 agenda, but before we do that I'd like to do
9 some introductions. There's a lot of new
10 faces here at the table so I am Margo Schulze-
11 Haugen. I'm the Division Chief of the Highly
12 Migratory Species Management Division. With
13 me is Dr. Bill Hogarth and Alan Risenhoover,
14 who is the Office Director of Sustainable
15 Fisheries.

16 Before we go around the room, I
17 thought I'd give you a couple of quick updates
18 on HMS staff. Just so folks know we have some
19 faces along the back, Heather Balchowsky, if
20 you could give us a little wave. Heather is
21 joining us on a rotational assignment from the
22 Southeast Fisheries Science Center. She's

1 very familiar with shark landings updates and
2 has decided she would benefit from seeing
3 management on the other side.

4 And we also have with us Bob
5 Smith. Bob has just joined us again on
6 another rotational assignment and today is his
7 second day with HMS, so please go easy on him.

8 (Laughter.)

9 And some more permanent staff, we
10 were able this summer to hire Jackie Wilson
11 who had been a Sea Grant Fellow with us and
12 then on contract for a number of years, so
13 we're very glad to have her aboard.

14 And one notable person who is
15 missing is Brad McHale who is on his delayed
16 honeymoon to Tahiti, so he is not missing us
17 even though we may be missing him.

18 (Laughter.)

19 So at this point I'd like to go
20 ahead and go through the agenda, see if there
21 are any suggestions or additions and then I'll
22 give a quick overview of what we've been doing

1 and hear from Bill.

2 Has everyone had a chance to look
3 at the agenda? You should all have one in
4 your folder. And so this afternoon we'll
5 focus on swordfish revitalization. After the
6 break, we'll have some breakout sessions, a
7 couple of presentations both on the final rule
8 that came out this summer, as well as a
9 presentation by John Ward from Partnerships
10 and Communications on some of the Seafood
11 Marketing Council options, as well as some
12 nonregulatory options. We'll have the
13 breakout sessions at the smaller tables and
14 then reporting back to the larger group. So
15 that should be a good discussion.

16 We'll have staff available for the
17 breakout sessions, but really to answer
18 questions and not necessarily play a strong
19 role, but we would ask that AP members could
20 first identify someone that could be the
21 scribe for the flip charts and then report
22 back to the group.

1 So then tomorrow morning, and
2 early afternoon, we have sharks on the agenda
3 with the amendments, followed with the
4 essential fish habitat amendment tomorrow
5 afternoon and then Thursday, we will have a
6 presentation by Science and Technology on the
7 Marine Recreational Information Program,
8 followed by a presentation on Greensticks as
9 we discussed at the last AP meeting.

10 If we don't have time for the
11 enforcement update today and I actually don't
12 see Jeff Radonski yet, so that really may not
13 be a problem, we have time on Thursday as in
14 closeout with some discussion of outreach.

15 Does anyone have any changes or
16 additions?

17 (Pause.)

18 Ellen?

19 MS. PEEL: -- on circle hooks that
20 you're going to share on specs or anything?

21 MS. SCHULZE-HAUGEN: I'll cover
22 that as part of the overview presentation.

1 I don't see any suggestions or
2 changes to the agenda, so why don't we go
3 ahead and go around the room?

4 Rich, do you want to?

5 MR. RUAIS: I guess. I was going
6 to suggest that if you're not sure you're
7 going to get the enforcement report today and
8 you've also scheduled an hour and 15 minutes
9 on swordfish revitalization, you might want to
10 be thinking about a backup plan in case we run
11 out of stuff to talk about before 5:30 p.m.
12 today.

13 (Laughter.)

14 I guess I'm not terribly
15 optimistic about taking up that much time on
16 the swordfish revitalization.

17 MS. SCHULZE-HAUGEN: Okay, well, I
18 think we have some other things we can talk
19 about.

20 Vince, you want to introduce
21 yourself?

22 MR. RUAIS: I was still on the

1 comments section. But I'm Rich Ruais with
2 Bluewater Fishermen's Association and also
3 with East Coast Tuna Association.

4 MR. PYLE: Vince Pyle, Fishing
5 Vessel Carolina.

6 MR. DePERSIA: Tom DePersia,
7 Stellwagen Bank Charter Boat Association.

8 MR. GRAVES: John Graves, Virginia
9 Institute of Marine Science here representing
10 the ICCAT Advisory Committee.

11 MR. GOLD: John Gold, Texas A & M
12 University.

13 MR. HUDSON: Russell Hudson,
14 Directed Shark Fisheries, Incorporated, as
15 well as proxy for the shark issues for North
16 Carolina Fisheries Association.

17 MS. JOHNSON: Gail Johnson,
18 Fishing Vessel Seneca.

19 MS. BEIDEMAN: Teri Beideman. I'm
20 here for the Nelson R. Beideman Charitable
21 Foundation, commercial representation.

22 MR. DELANEY: Glenn Delaney, a

1 commercial rep. associated with Bluewater
2 Fishermen's Association. I worked with the
3 East Coast Tuna a long time and former ICCAT
4 Commissioner.

5 MR. LYNCH: Val Lynch,
6 recreational E&R proxy for Mark Sampson.

7 MR. WEBER: Rick Weber, South
8 Jersey Marina.

9 MS. MILLER: Shana Miller, Tag-A-
10 Giant Foundation.

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

13 MR. MONTELLA: Vince Montella,
14 commercial swordfish tuna captain.

15 MR. SCHRATWIESER: Jason
16 Schratwieser, International Game Fish
17 Association.

18 MR. HINMAN: Ken Hinman, National
19 Coalition for Marine Conservation.

20 MR. CODDINGTON: Ron Coddington,
21 the Swordfish Club.

22 MR. GREGORY: Randy Gregory, North

1 Carolina Division of Marine Fisheries.

2 MR. KAVANAGH: Jay Kavanagh, I'm
3 Rom Whitaker's proxy from the Hatteras Harbor
4 Charter Boats.

5 MR. HUETER: I'm Bob Hueter from
6 Mote Marine Laboratory.

7 MR. HEMILRIGHT: Dewey Hemilright,
8 commercial representative, fishing vessel Tar
9 Baby.

10 MS. GREGG: Lisa Gregg, Florida
11 Fish and Wildlife Conservation Commission.

12 MS. PEEL: Ellen Peel, The
13 Billfish Foundation.

14 MR. NELSON: Russell Nelson,
15 representing The Billfish Foundation, the
16 Coastal Conservation Association.

17 MS. REGNERY: I'm Rebecca Regnery
18 from Humane Society International. I'm proxy
19 for Ramon Bonfil.

20 MR. AUGUSTINE: Pat Augustine,
21 Mid-Atlantic Fishery Management Council,
22 Chairman of the HMS Subcommittee.

1 MS. FORDHAM: Sonja Fordham, Ocean
2 Conservancy.

3 MR. GERENCER: Bill Gerencer,
4 commercial, Portland, Maine.

5 MR. DAUGHDRILL: Bill Daughdrill,
6 Gulf of Mexico Council.

7 MS. MERRITT: Rita Merritt, South
8 Atlantic Fishery Management Council.

9 MR. BOUSTANY: Andre Boustany,
10 Duke University.

11 MS. BELCHER: Carolyn Belcher,
12 Georgia Department of Natural Resources.

13 MR. FRANKS: Jim Franks,
14 University of Southern Mississippi's Gulf
15 Coast Research Lab and I'm proxy for Phil
16 Goodyear.

17 MR. LOEFER: Josh Loefer, South
18 Carolina Department of Natural Resources.

19 MS. SCHULZE-HAUGEN: Okay, well,
20 thank you. I see Jeff Radonski coming in
21 right now.

22 If we could now going around the -

1 - introduce ourselves around the side. Maybe
2 stand up and speak loudly. I don't think we
3 have mics.

4 (Off the record introductions.)

5 MS. SCHULZE-HAUGEN: If this
6 doesn't work, please let me know. We're tried
7 with the portable mics and so we're using
8 them. Don't get me wrong, John, they're
9 great. They seem to maybe work the best.

10 So before I start the
11 presentation, just a couple of housekeeping
12 things. Bathrooms are through the double
13 doors around the hallway there, so folks that
14 haven't found them yet, that's important
15 information.

16 So what I'd like to do now is just
17 go through and give an overview of what the
18 HMS Division has been doing for for the last
19 six months, roughly since we met last in
20 March. And so just to give you some quick
21 stats and hopefully everyone can see this.
22 This is the darkest corner. We heard that if

1 we turned off the lights they might not come
2 back on, so we decided to leave them on.

3 (Laughter.)

4 Hopefully everyone can see this.
5 I think it's a little off center, but it's
6 about as good as we can get.

7 We have published five proposed
8 rules with two more in progress. Also
9 published five final rules, not necessarily
10 proposed and final equally within that time
11 frame, but some were proposed that we talked
12 about in March. Others, a couple I think have
13 actually been proposed and finalized since we
14 last met.

15 We also issued ten exempted
16 fishing permits, scientific research permits
17 or letters of acknowledgement. Oversaw 28
18 workshops. This would be both the handling
19 and release workshops for protected resources,
20 as well as the shark carcass identification
21 workshops for a total of 44 held to date.

22 Prepared the predraft of amendment

1 1 on EFH. That's something that we'll be
2 talking about tomorrow afternoon.

3 We held ten public hearings and
4 consulted with all five of the Regional
5 Fishery Management Councils in the Atlantic as
6 well as met with the Atlantic States Marine
7 Fisheries Commission on the shark amendments.

8 Distributed more than 2600 DVDs on
9 billfish circle hook fishing. This was a DVD
10 produced by North Carolina Sea Grant and over
11 2100 people now have signed up for Atlantic
12 HMS News, the list serve. So a little plug
13 for HMS News. If you can help us get the word
14 out, that's really one of the best ways, one
15 of the quickest ways for us to get word out to
16 folks.

17 And so what I'll do now is go
18 through primarily the rulemaking first and
19 then follow up with some of the operational
20 things that we've been doing.

21 Swordfish revitalization, first up
22 on the agenda, just to bring everybody up to

1 speed, we had six listening sessions just
2 about a year ago. And this was in response to
3 a direct charge from the ICCAT Advisory
4 Committee to help us, to help the fishery more
5 fully catch its quota and so in order to do
6 that we held the listening sessions to obtain
7 recommendations on potential management
8 measures that would help more fully harvest
9 the quota.

10 There was a desire also to have a
11 proposed rule in hand for the ICCAT meeting in
12 November. And so because the short amount of
13 time between those listening sessions and the
14 ICCAT meeting, we weren't able to get to some
15 of the bigger picture, long-term issues, but
16 focused on things that we could do rather
17 quickly. We held seven public hearings in
18 January and the comment period on that closed
19 January 31st.

20 The final rule was published June
21 7th and finalized things as proposed including
22 increased retention limits for incidental

1 permit holders, charter head boat as well as
2 angling category permit holders, eased vessel
3 upgrading restrictions for pelagic longline
4 vessels and eliminating the horsepower limits.
5 And where we are on that is now we have just
6 mailed to all current permit holders via
7 certified mail what the new limits are for the
8 vessels. And there's 45 days from the date of
9 receipt. They were sent certified, for them
10 to get back with us if there's any
11 discrepancies in their records from our
12 records and that's an important time frame for
13 that.

14 And one of the reasons we're
15 continuing to talk about this is the comments
16 that continue to come in in terms of the final
17 rule is not sufficient to fully address the
18 problem and one of the things just so folks
19 know, it took us an extended period to produce
20 the final rule and part of that was because of
21 the breadth and scope of some of the comments
22 that we received in terms of recommendations

1 for changes in the fishery, changes in the
2 regulations, not all of the things that were
3 recommended to us are regulatory and so there
4 are things we were sorting through in the
5 final rule.

6 Just so folks know, one thing that
7 was happening at the same time was that the
8 pelagic longline fishery, we had some
9 preliminary information close to or might have
10 exceeded the incidental take statement under
11 the Endangered Species Act for sea turtles.
12 So we reinitiated consultation last December.
13 The final report that came out around June
14 confirmed that the ITS had been exceeded.

15 We most recently concluded that
16 consultation and the current biological
17 opinion with its requirements or circle hooks
18 and workshops remains valid. No further
19 adjustments made there. But it was something
20 we were considering as part of that final
21 rulemaking.

22 Also, kind of happening in the

1 last six months was the Bluewater Fishermen's
2 Association exempted fishing permit requests
3 that came in right before the last AP meeting.
4 It was something we talked about at some
5 length then. Because again, the amount and
6 depth of the comment that we were receiving on
7 this we extended that comment period twice
8 until June 20th and then some of the comments,
9 just so folks know that came in, there's a
10 fair amount of opposition to it, largely in
11 part claims that swordfish were not fully
12 rebuilt. They're at 99 percent VMSY and that
13 the stock was comprised mostly of juveniles
14 and that some of the areas were considered
15 juvenile nursery areas, as well as concerns on
16 gear conflict with the recreational fishery in
17 South Florida.

18 The Agency released its decision
19 not to issue those exempted fishing permits on
20 August 9th, but at the same time indicated
21 that we were going to be conducting some of
22 the rigorous scientific research in those

1 areas. And that's something that we are
2 working with right now. We're in the process
3 of contract negotiations with Dr. David
4 Kerstetter to conduct that research under a
5 rigorous sampling protocol and so the Agency,
6 I believe, feels that we do need to go back in
7 to get some additional data. There have been
8 additional requirements, changes in the
9 fisheries since those areas were closed and we
10 want to go back in to do some testing and then
11 see what the effectiveness of those bycatch
12 reduction measures is.

13 And so what you should expect in
14 the next couple of weeks is we would be
15 releasing the research design with supporting
16 analyses and environmental assessment for
17 public comment and then go from there.

18 Additionally, one thing that is
19 the request of an AP member who I think Vince
20 is representing was a chartering permit
21 request for a U.S. vessel owner to charter a
22 Canadian vessel to fish U.S. quota and so in

1 exploring that, looking at the ICCAT
2 recommendation, the regulations that we
3 implemented in 2004, based on that
4 recommendation as well as other statutes, it
5 became apparent that there were some larger
6 issues that there's a number of other statutes
7 that limit foreign fishing in the U.S. EEZ or
8 coming into port, but then also our own
9 regulations implementing the recommendation
10 really envisioned one way where U.S. vessels
11 would go abroad as opposed to foreign vessels
12 coming into U.S. waters or fishing U.S. quota.
13 And so that's something that I think he has
14 requested that we continue to discuss.

15 And then just to get everybody up
16 on the same page, I wanted to talk a bit about
17 the latest ICCAT Advisory Committee meeting,
18 some of the discussions that happened there in
19 August. There's a fair amount of overlap
20 between that Committee and this panel, but not
21 complete. And so for everyone's information,
22 there was a fairly strong discussion at the

1 ICCAT Advisory Committee meeting about what we
2 needed to do as the United States in
3 revitalizing the swordfish fishery, the real
4 possibility that we could lose quota at ICCAT
5 when negotiations for swordfish come up again
6 in 2008. And so that's another reason that
7 we're continuing the dialogue here because of
8 the links with domestic management.

9 Moving on to sharks, we had just
10 published the Shark Second and Third Season
11 Rule at the last meeting. As you recall,
12 there were significant over-harvests in 2006
13 and so that rule accounted for them and
14 because of the limited quota that was
15 available for both of those seasons, what we
16 proposed and ultimately finalized was merging
17 the seasons and opening the large coastal
18 fishery in the South Atlantic for four weeks
19 starting July 15th and opening the Gulf of
20 Mexico for three weeks starting September 1st.
21 The North Atlantic was open also for three
22 weeks in July. That rule also transferred

1 quota from the South Atlantic to the Gulf.
2 The South Atlantic had ample quota available
3 and we used that to cover some of the over
4 harvests in the Gulf of Mexico and we also
5 revised the allocations so they're more evenly
6 split and to prevent future over-harvests.

7 Since that time, one thing that's
8 happened is information on the reporting
9 databases showed that states of Louisiana
10 landings had already exceeded the Gulf region
11 quota prior to the federal opening. And so we
12 sent this data letter requesting immediate
13 closure and after some dialogue with them they
14 agreed and we have proof that they closed with
15 us September 22nd, and will remain so until I
16 believe January. And so this -- in talking
17 with them seemed to become an issue for the
18 first time, largely because the Gulf opening
19 was delayed from when their normal fishery was
20 in July when the federal season was open, so
21 it was less apparent and when we opened in
22 September, they also opened in July. So it

1 became an issue. And so we're continuing to
2 explore the options that we have for
3 accounting for those overharvests.

4 For the shark amendment, again,
5 this is one of the major focuses of this AP
6 meeting. The new assessments I'm not going to
7 go into much detail on this because we will
8 have a detailed presentation tomorrow, but the
9 new assessments for large coastal, sandbar,
10 blacktip, dusky and porbeagle sharks indicate
11 that changes in management or building plans
12 need to be revised. We released the proposed
13 rule after the March AP meeting discussion on
14 the predraft. The proposed rule came out the
15 end of July. We have completed all ten of the
16 public hearings at this point and met with all
17 the councils in the Atlantic States Commission
18 and based on requests from the Atlantic States
19 Marine Fisheries Commission, the Mid-Atlantic
20 Council and the Gulf Council, we are extending
21 the public comment period to November 2nd.

22 Now typically, we have AP meetings

1 at the end of the comment periods and so I'd
2 be interested to hear from you all, if you
3 were interested in finding out what some of
4 the later comments that have come in are and
5 how best we can get that information to you.
6 We will be presenting the comments we've
7 received to date and so just to briefly
8 summarize the amendment two, would limit
9 landings of sandbar sharks to a research
10 fishery, reduce or establish incidental trip
11 limits for nonsandbar, large coastal sharks
12 for remaining permit holders and then keep the
13 recreational limits at one shark, but then
14 reduce the number of species that could be
15 retained.

16 With the extension and the comment
17 period, which I think publishes tomorrow, we
18 would expect a final rule in the spring.

19 Now what published yesterday was
20 the shark 2008 -- we have a lot that's just
21 hot off the presses -- proposed rule for the
22 2008 first season. That comment period will

1 close October 31st and we are proposing to
2 close all large coastal fisheries until the
3 amendment is effective. And so that would
4 help us account for some of the over harvests.
5 We're continuing to have some under harvests
6 from 2006 in the South Atlantic to account for
7 as well as the over harvests in the Gulf.

8 Small coastals and pelagics would
9 open January 1 until the quota is reached.
10 Should the amendment not be effective prior to
11 the traditional start date in May for the
12 second season, what we've proposed -- we
13 wouldn't do another rule, but we would open
14 the second season with the baseline quotas and
15 we would follow up with any over/under harvest
16 adjustments as necessary.

17 We are having one public hearing
18 tomorrow night, so if there's interest for
19 additional hearings, please let me know.

20 Turning to the other focus of the
21 AP meeting, the Essential Fish Habitat
22 Amendment, just so folks remember, the

1 consolidated FMP released a little over a year
2 ago presented all the new information and data
3 that we had since the EFH boundaries and HAPCs
4 were first established in '99. There was a
5 couple of species that were implemented in
6 2003 in the then shark amendment -- but
7 really, this is a comprehensive review of the
8 EFH boundaries looking at HAPCs, new ones or
9 revisions to them since that time. And so we
10 have the predraft that's here. We'll be
11 talking about that at length tomorrow
12 afternoon. I think we're looking at a
13 proposed rule late fall, early winter, with
14 final rule expected next spring or summer.

15 And so one of the actions that we
16 also discussed in March was one that was
17 recently published at that point, the billfish
18 circle hook tournament requirements. This was
19 also something that was considered in the
20 consolidated HMSFMP and if people remember
21 when we released the EIS we got a lot of
22 comment after that that there were impacts to

1 blue marlin fishing, particularly, with
2 natural/artificial lure combinations. And the
3 final rule that followed just about a year
4 ago, we ultimately decided to implement the
5 requirements, effective January 2007, but had
6 included a plan to collect additional data on
7 the impacts of that method of fishing in the
8 tournaments through EFPs. That October AP
9 meeting gave us some fairly strong comments
10 that tournaments were not the places to
11 conduct standardized research. And so we
12 released a notice that we were not moving
13 forward with the EFPs, but were looking to
14 mitigate some of those impacts in other ways
15 and what followed was the proposed rule which
16 published March 15th with a very short comment
17 period on suspending temporarily those
18 requirements until January 2008.

19 Comments were fairly split. Folks
20 that felt strongly that it was a conservation
21 measure, we needed to move forward, others
22 that felt that the method of fishing with high

1 speed trolling would not have the impacts. It
2 was again fairly strong comment coming from
3 the AP and we ultimately in consultation with
4 the AP as well as consideration of a lot of
5 the other public comment, decided to move
6 forward with the temporary suspension. Those
7 requirements will go back into effect as
8 currently drafted, January 1, 2008.

9 Now since then we have also been
10 working with the tournament directors and hook
11 manufacturers. There have been a couple of
12 meetings, a meeting in February with a number
13 of the tournament directors and hook
14 manufacturers and coming to agreement, trying
15 to make sure that everything that's marketed
16 as a circle hook is actually performing as a
17 circle hook. We followed up with the hook
18 manufacturers in July and we still have some
19 ways to go with them, but we are continuing to
20 work with them towards that end.

21 And so in terms of specifications,
22 things like that to Alan's question, we have

1 no changes at this point, but we are
2 continuing that dialogue with them.

3 Turning now to bluefin tuna, the
4 bluefin tuna's specs, actually proposed and
5 final have come in between AP meetings. If
6 you recall in 2006 at ICCAT, the total Western
7 Atlantic bluefin tuna catch was reduced so
8 the U.S. share of that was also reduced
9 inclusive of dead discards and is now 1190
10 metric tons. There was a carryover cap
11 established of 50 percent of the initial
12 allocation as well as some transfer of
13 underharvest to Canada and Mexico. The
14 recommendation included a provision that would
15 allow contracting parties to transfer up to 15
16 percent of its allocation to another country
17 consistent with domestic obligations and the
18 school four-year consecutive quota was
19 increased to 10 percent. So the proposed rule
20 to implement those specifications published
21 April 4th, the final rule published June 18th,
22 and that rule also included establishing

1 general category retention limits of three
2 large, medium or giants per day. The rule
3 established that through June to August, which
4 is the first subperiods through in-season.
5 Actually, we extended that to September
6 through October as well.

7 The final rule also established
8 the angling category limits for the year of
9 one school and to large school, small/medium
10 per day.

11 What is publishing today, if
12 you're not checking your email and have seen
13 that was the proposed rule for bluefin tuna
14 2008 specs. And that comment period closes
15 the first of November and because we are still
16 in the '07 fishing season, what we proposed in
17 order to have it in place for the start of '08
18 which the fishing year there starts on
19 January, would be to establish the baseline
20 quotas fully carry over up to the carryover
21 cap and establish the same general category
22 and angling category limits for 2008.

1 Now we'll need to do or likely
2 need to do some adjustments in the spring once
3 the landings have settled out, but the target
4 for the final rule is to have it published by
5 December 1st, so it can be effective for the
6 start of the now fishing calendar year in
7 January.

8 Some other things that have been
9 happening on bluefin tuna include 100 percent
10 observer coverage requirement in the pelagic
11 longline vessels in the Gulf of Mexico during
12 the spawning grounds. This was to try and
13 gain a comprehensive view of the stock and the
14 fishery during the spawning period trying to
15 take advantage of any incidental catches that
16 are coming up.

17 We're also pursuing joint research
18 with Canada trying to do some high seas work
19 and work with Canadian Waters to get some of
20 the otoliths, microconstituents trying to
21 determine stock origin, better picture of
22 what's happening. As you may know, Canada is

1 having another good year and we're not, so
2 trying to really figure out what's going on
3 with bluefin is a priority for us and there's
4 a number of international issues that I will
5 defer to Bill.

6 For swordfish, we also proposed
7 specs consistent to implement the ICCAT 2006
8 recommendations. That tack was maintained as
9 well as the U.S. share was also maintained but
10 a carryover cap again, the 50 percent of the
11 original quota was also in the
12 recommendations. So we proposed that in the
13 rule in addition to transfer provision of up
14 to 15 percent of a country's quota could be
15 transferred to another country. And so that
16 proposed rule was published in June and we're
17 expecting the final rule to publish, if not
18 the end of this week or first thing next week.

19 This rule also included a
20 nontournament reporting internet option.
21 We've been working with the Aquilent
22 contractor so that we can move away from a

1 phone-based system where people can just go on
2 line and report their catches. And we're
3 hoping that that will really make it more
4 efficient and easier for folks to report.
5 That system goes live October 17th, so this
6 would be another thing that we're hoping you
7 can help us get the word out, that the system
8 is up.

9 And so I think this is the last
10 rulemaking issue would be use of greenstick
11 gear, harpoon on charter head boats for
12 bluefin tuna and sea turtle handling gear.
13 Greensticks have been discussed for multiple
14 AP meetings. Again, was discussed in the
15 consolidated FMP. Ultimately, in the final,
16 we decided to clarify the use, but are
17 pursuing that based on comment from the AP
18 that the continuing desire to have greensticks
19 authorized were for bluefin tuna and the other
20 tunas.

21 So we made a commitment in March
22 to go back, do our homework and come back at

1 this meeting and give you an update and where
2 we are headed and so we had some informational
3 meetings up and down the coast in June and
4 we'll have the presentation on what we're
5 looking up for a proposed rule on Thursday
6 morning.

7 A couple of other issues have
8 gotten bundled into this rule, including a
9 request from industry to allow harpoons for
10 bluefin tuna on charter head boats, and so
11 we're looking at that, as well as sea turtle
12 handling gear. The use of tethers, as
13 currently recommended and we are proposing, or
14 going to be proposing to require it. It's
15 been proven to be quite effective. And so
16 we're looking at a proposed rule in the late
17 fall with the target of a final rule by
18 spring.

19 And so moving now to some of the
20 operational aspects of what we've been working
21 on, it's not all just regs. Workshops, the
22 protected resources, handling and release

1 workshops, as well as the shark carcass
2 identification workshops. The handling and
3 release ones are required for pelagic and
4 bottom long line, vessel owners, and
5 operators, and is required for permanent
6 renewal in 2007. We've had 21 additional
7 workshops since March and we'll have a total
8 of 41 of these by the end of the year and so
9 far have issued 790 certificates, new
10 certificates, and over 120 grandfathered
11 certificates.

12 The shark carcass identification
13 workshops required dealers, shark dealers, as
14 of January, again, this was as of January
15 required for permit renewal and we'll have had
16 a total of 16 workshops by the end of
17 December, and have issued 163 certificates.

18 We're sending these notices out
19 quarterly to permit holders, tracking who is
20 been certified by location, trying to match
21 workshop schedules, located to where there are
22 remaining permit holders to be certified,

1 trying to get the work out on the web and list
2 serves. So if you have any suggestions for
3 helping us get the word out, that would be
4 helpful.

5 On exempted fishing permits, so
6 far we're on track to have a similar year to
7 the last couple. We can give you some of the
8 detail on those if you're interested. I don't
9 want to get into it now, but just a point for
10 you to know, all of them require some level of
11 analysis. That analysis in some cases for
12 shark display permits was done in another
13 action, but new ones typically require stand
14 alone type analyses. So there's a fair amount
15 of work that's behind these 34 permits.

16 On litigation, the Agency
17 prevailed on appeal in the Oceania Circle
18 requirement rule and we also prevailed in the
19 Blue Ocean Institute on the administrative
20 record. The briefing scheduled for the Blue
21 Ocean Institute case is coming up I think
22 later this fall or early winter. It's still

1 being developed and the Harrison case on the
2 first season 2007 shark rule was withdrawn by
3 the plaintiffs.

4 Some of the other things that are
5 in the hopper, the small coastal assessment is
6 final. We are working on reviewing it and
7 once we've done that and accepted it we'll put
8 out a notice and we're looking to the next
9 steps that will be required based on that
10 assessment. The white marlin status review is
11 underway and I think they are on track for a
12 final decision by the end of the year. We're
13 working on, this is one of the international
14 trade permit revisions. This is one of the
15 rules, the proposed rules in progress.

16 FYI, the tournament registrations
17 were at a record, 292, and so the non-
18 tournament landings to date, 232 swordfish.
19 That's again on a fishing year. We're still
20 in the fishing year for swordfish: 3 blues,
21 2 whites, and 72 sailfish on a calendar year
22 and we are expecting to release our safe

1 reports later this month, the annual updates.

2 And so in closing, a couple of
3 things, rulemaking schedules, quite full;
4 operations keep us pretty busy. Please
5 remember that rulemaking is a time-consuming
6 process between the public comment periods,
7 preparing, supporting documents for a proposed
8 and final, really takes five to six months to
9 get a rule done. So just bear that in mind
10 and at this point I just want to conclude my
11 remarks for saying thank you for coming, we
12 really look forward to all that you've got to
13 say and I'll turn it over to Bill.

14 DR. HOGARTH: Thanks, Margo. I
15 think you've said everything I was going to
16 say, so I'll just go over this quickly, but
17 first off, let me thank everyone for coming.
18 It's -- I know it's hard for people who have
19 other jobs to come and take your time to come
20 to these AP meetings, but they're really
21 worthwhile. You may not think we listen, we
22 do. It may take a while to get through our

1 thick heads sometimes, but a lot of issues we
2 have to deal with and I think your input is
3 valuable. Listening doesn't mean that we
4 always do what you say, but we do listen and
5 it may alter what we say, but we do need your
6 input.

7 These are difficult times in
8 fisheries and I think really the most
9 difficult seem to be in the highly migratory
10 and pelagics right now that we're dealing with
11 on an international basis. They just seem to
12 be very difficult to get meaningful management
13 across the many countries that we deal with on
14 some of these stocks and it does have a
15 financial impact on our fishing industry.

16 I just want to go over a couple of
17 things and just to reinforce what Margo said.
18 The billfish tournament requirement to use
19 circle hooks, this was a tough decision. I
20 want to thank IGFA again for hosting the
21 meeting in Fort Lauderdale. It was quite a
22 good meeting. We heard quite a bit about

1 circle hooks and the ability to fish for
2 marlin the way a lot of people had fished in
3 the past, particularly in Virginia and
4 Maryland and North Carolina.

5 So we talked, we tried to find a
6 way through this without totally suspending
7 the rule, but it didn't work and so we figured
8 it was better to take one more year and to try
9 to let the tournaments try to work through
10 this issue this year and hopefully learn and
11 be able to implement.

12 I can assure you that it will be
13 implemented in January 2008, so I hope the
14 people have learned from the summer. I hope
15 they've been able to work through these
16 tournaments to get ideas. I think circle
17 hooks are the wave of the future. I wished we
18 could get them in all of our recreational
19 fishing. We just about get them in all our
20 long-line fishing and we need to do it
21 internationally too, but circle hooks are the
22 way to fish and we need to continue the work.

1 So I know a lot of you wondered did we just
2 totally ignore the AP advice? Because I think
3 this was one time we got strong advice from
4 the AP, but we did listen, but we paid
5 attention to a lot of different folks in this
6 disagreement we sort of had.

7 We are trying to fund additional
8 research to get some more answers on blue
9 marlin survival. I think we need to do that.
10 So just be prepared, January, for the rule to
11 go in place.

12 We are continuing to work with the
13 hook manufacturers and ASA has been working
14 with us to try to look at the circle hook
15 designs to get a common definition and even
16 hopefully we can get some continuity in the
17 size of hooks, from one manufacturer to the
18 other. This is a very hard issue, but we are
19 continuing to work through it and I think
20 there is some -- looks like agreement,
21 possibly there, but it's going to take a
22 little while longer to work, but we are

1 working with the American Sport Fishing
2 Association to do this.

3 The other subject is swordfish
4 revitalization. I wasn't at the ICCAT
5 Advisory Committee and it's probably a shame
6 that I wasn't, but John Graves came up last
7 week and talked to me about the results and
8 I've listened to people internally.

9 This is a tough issue and I know
10 the industry doesn't feel like we've done
11 enough or that we've listened to them and
12 there's no doubt that we will lose some quota
13 at ICCAT. I think that's real. But we have
14 to continue to look at ways to utilize the
15 swordfish quota and continue to rebuild the
16 stock. I think the stock seems to be in great
17 shape, but I really am concerned when we lose
18 our quota or go to countries that will not be
19 as conservation-minded as we are and I don't
20 know that we're going to be able to fight that
21 battle much longer. I think it's important
22 that we go back into these closed areas and do

1 some rigorous scientific research. We will do
2 it. We'll do it through the Science Center
3 and David Kirstetter is helping with the
4 research design. It will be done on sets, the
5 numbers of sets we need for valid, scientific
6 study and I'm anxious to get this out because
7 I think it's something that we need to get
8 done. I know it's very controversial, but I
9 think it's something that we need. And so we
10 listened to the comments we heard about the
11 science of the original proposal, but we now
12 have the science and David Kirstetter and we
13 will be looking at it again and hopefully very
14 quickly.

15 On sharks, this is one that's a
16 real hard decision, I think to make both
17 domestically, but also internationally.
18 Sharks are becoming an issue that seems like
19 every RFMO wants to deal with. The
20 assessments we have don't give us much quota
21 to work with. We need to have monitoring
22 quotas so we can continue to look at the

1 condition of the stocks and to do research,
2 monitoring, and stock assessments. I know
3 there's some disagreement with the assessments
4 and I think we can discuss that. I understand
5 we'll hear some more in public comment over
6 the next couple of days.

7 We hope we're using what's the
8 best available science. It's what we've got.
9 We have to live with the results. So this is
10 the time for us to try to work together, to
11 listen to your ideas to see if we can make the
12 fisheries work, but it's got to be within the
13 science and I hope we can all agree on the
14 science.

15 Essential fish habitat, we are
16 starting to amend the essential fish habitat
17 boundaries and we're looking at the habitat of
18 particular areas of particular concern and we
19 really need you to take time to look at the
20 predraft and provide comments to HMS. We need
21 to get your input now. We need to get it
22 early and get the best document that we can

1 put together.

2 Bluefin tuna is an issue that
3 seems to be going almost day-by-day. It's
4 just the stock that is not doing well. We
5 don't have the information that we need to
6 really make a firm decision on whether it's
7 environmental conditions or whether it's
8 abundance or change.

9 I think if you look everywhere in
10 the world except Canadian waters right now,
11 everyone will say the stock has probably
12 collapsed, but if you look at Canadian waters,
13 it's very difficult to make that decision.

14 We did put, as Margo, said 100
15 percent observer coverage on the longline
16 boats in the Gulf of Mexico and now we're
17 trying to work with Canada on joint research
18 to get some otoliths and microconstituents
19 from their catches and from the high seas.
20 We've got a proposal that will set aside some
21 catches for October, November, and December.
22 We're working with the industry to see if they

1 can do some of this fishing. I know it's in
2 a tough area for them due to the size of the
3 vessels, but we hope that they can fish. It
4 is a joint proposal, scientific proposal
5 totally with Canada and we hope to get this
6 underway and will get it underway unless
7 something unforeseen happens.

8 You know, when Canada catches 50
9 tons or 145 fish in one day, that's like we
10 used to catch in 2003, 60 to 80 tons a day.
11 Now we're lucky if we get one ton. In fact,
12 we're not even getting one ton a day in U.S.
13 catches. In fact, we're probably catching,
14 right now, we're about 100 metric tons for the
15 year which is the lowest year we've had
16 probably on record. We just don't understand
17 what's happening, but we got to try to find
18 some answers to it. And we plan on doing it.

19 The EC has finally closed all
20 fishing and taken action against all of their
21 countries for not reporting. The alarming
22 news is what we heard in the last week is

1 France may have caught 9,000 to 10,000 metric
2 tons and so they didn't implement the plan.
3 They didn't have any compliance with the plan.
4 And this is probably six years in a row that
5 they promised us they were going to spend \$50
6 million to get their people in line, spend all
7 this money on data collection and so far they
8 haven't done it.

9 It puts us in a very awkward
10 position in the U.S. because, you know --

11 (End of Audio Tape 1; begin Audio
12 Tape 2)

13 -- (Tape 2 begins mid-sentence) --
14 for a fisherman to take more of a hit when you
15 know what's happening overseas and you know
16 there's mixing taking place. We've got to do
17 something.

18 I'm trying to get our scientists
19 together quickly because of all the work we
20 did and when I say we I mean the scientists
21 across -- John Graves, Jay Rooker, Dave Secor,
22 the whole group has been working together.

1 We've even got Canadians now who we're working
2 with. And John was telling me about no one
3 and two-year old fish recruitment is the worst
4 he's seen in two years. There's no good sign
5 of bluefin tuna that you see anywhere. And I
6 think we need to decide what's the best course
7 of action. I'm at the point that I think when
8 you don't have any eastern compliance and when
9 they're not implementing the plan, maybe it's
10 time for three to five-year moratorium on
11 bluefin tuna fishing, particularly in the
12 eastern, but I think what we're we do in the
13 western is dependent -- could be put in place
14 in the eastern.

15 I think we need to look at this
16 and be ready in November to fight the battle,
17 a valiant battle. I don't think we have too
18 many more years to look after bluefin tuna.
19 I know I have one year left to fight this
20 battle at ICCAT and I don't want to see
21 bluefin tuna go down the tube on my watch, so
22 to speak, both in the U.S. and

1 internationally.

2 It is, I think, at a critical
3 point and I think it's at a point which the
4 US. needs to come together and I think we'll
5 talk about it more at the ICCAT Advisory
6 Committee. I talked to Rich some last week
7 about where we are. We've let the fisheries
8 stay open pretty much for the last two years.
9 North Carolina had virtually a nonexistent
10 fishery last year. We let it stay open until
11 the end of the year. It's been opened pretty
12 much this year to very few restraints and
13 we've got 100 metric tons, 100 pound decrease
14 in the average size and just absolutely no
15 compliance, no heeding the science whatsoever
16 by the eastern countries. So we've got to
17 decide what to do.

18 I hope this is one time that we
19 can all come together. I think the science is
20 pretty much on our side now and I think we
21 need to do it. So, you know, we're glad
22 you're here. I wish news was better when we

1 talk about the highly migratory species.
2 We've got to do a better job internationally
3 and it's going to be a battle for us in the
4 future.

5 I'll be here most of this
6 afternoon. I'll be back over here tomorrow.
7 We're going to have our work cut out for us at
8 ICCAT and I hope we can sit down together and
9 find a way forward.

10 I just want to say also that on
11 the swordfish, John Ward is here to talk a
12 little bit some of you about the
13 revitalization and some things, maybe from
14 marketing and all we can do, separate from
15 just regulations. See if we can do something
16 with the market aspects, with the new Seafood
17 Marketing Authority we have. I look forward
18 to working with you. It's great to see so
19 many people in the room and with that, I'll
20 turn it back over to Margo and I'm here to
21 listen.

22 Any questions I can answer, I'll

1 be glad to try to.

2 Thanks.

3 MS. SCHULZE-HAUGEN: Thanks, Bill.

4 We're actually right on time, but if folks did
5 have a couple of questions for Bill, I think
6 he said he'd take them.

7 PARTICIPANT: Bill, you and Margo
8 both mentioned the 100 percent observer in the
9 Gulf. Are we going to get those results this
10 week?

11 DR. HOGARTH: Not this week. I
12 hope we will get them -- I'm trying to set up
13 a meeting on the science later this month to
14 get this all to stay together.

15 Right now, Clay, and most of our
16 scientists are the SARS going through all the
17 species and trying to finish that up this
18 week. You won't have it this week, but we're
19 working hard to get it out.

20 PARTICIPANT: Could you give us a
21 preliminary -- you know, a summary, a rough
22 overview?

1 MS. SCHULZE-HAUGEN: I know the
2 reports, we had just a straight tally of fish
3 caught and released and things, but I would
4 want to pull my notes on that before trying to
5 remember off the top, but that's what I've
6 got. I can provide that.

7 DR. HOGARTH: I don't think you
8 heard what Glen said. The catch of bluefin
9 was lower than expected, than we've seen --
10 But I don't have that number off the top of my
11 head.

12 Rich?

13 MR. RUAIS: Thank you. Just to
14 back up some of Bill's comments -- Rich Ruais
15 with East Coast Tuna on this comment. But as
16 Bill mentioned, the bluefin tuna season in the
17 U.S. and in particular has been deteriorating
18 quite dramatically, 100 tons this year is
19 probably less than half of what we did years
20 prior.

21 One of the confounding factors is
22 what's still going on in Canada. As Bill

1 mentioned just last week, the beginning of
2 last week, in a two-day fishery they caught
3 over 200 giants and giants between the range
4 of 650 and 900 pounds. Clearly, even by the
5 most pessimistic standards at the minimum size
6 of spawning capability are clearly capable of
7 western spawning.

8 And the only other unique thing in
9 the U.S. this year that we're seeing is in the
10 last two weeks we've also had some fairly
11 large purse seine sets in Cape Cod Bay of
12 slightly smaller fish than what's appearing in
13 the Canadian zone, but clearly spawning size
14 fish, average size dressing out probably
15 closer in the 500 to 600 range and not as many
16 900 pounders, but quite a few fish.

17 The other unique thing, it really
18 is a complex picture on the bluefin front.
19 Many people want to just look at it as
20 strictly an abundance issue. But then there's
21 so many things that tend to suggest there are
22 some complicating factors. The gentleman to

1 my right, Tom DePersia, can talk to the
2 development in the school fish fishery and the
3 shift in the school fish fishery from the New
4 Jersey, Maryland, south of New York fishery to
5 just in New England, we can't get away from
6 whatever -- wherever this recruitment is
7 coming from, whether you want to call it
8 Eastern Atlantic recruits. Maybe it's yet to
9 be defined and we're trying to help out to
10 find where those fish are. But we've seen the
11 younger-aged size classes, the age threes, the
12 age fours, the age fives are actually a
13 nuisance to the giant fishery. They're really
14 problematic with the giant fishery, as well as
15 the dog fish abundance that we have in some
16 forage issues in New England. We're certainly
17 there with the gravity of the situation.

18 The other quick point I wanted to
19 make and I know we can get into detail, we
20 went this round once before in terms of the
21 question of a moratorium for bluefin and I've
22 written about it in this upcoming National

1 Fisherman Magazine. It was back in 1981, a
2 lot of people in this room will remember it.
3 We reduced the quota down to 1100 tons from
4 the old 2600-ton level. But it ended up that
5 was the same year we drew the line in the
6 middle of the Atlantic Ocean and made believe
7 that the fish aren't mixing. And 26 years
8 later, it's clear that just simply looking at
9 a moratorium on one side of the Atlantic with
10 what we now know about mixing, is an
11 absolutely bankrupt strategy. We have to have
12 learned by that past mistake. Unfortunately,
13 I think with what we are seeing in Canada, the
14 resistance is not just going to be the
15 community this. The resistance is also going
16 to be in our own western zone to doing that.
17 It's a good idea. It would be quite a
18 mountain to climb. I haven't yet spoken to
19 either the East Coast tuna people or the
20 bluewater people about what the impacts of
21 that would be. But there is a lot of concern
22 out in the fishery that it's certainly

1 something we should explore. And I'm looking
2 forward to the ICCAT Advisory Committee,
3 particularly the closed sessions in terms of
4 the talk that we can do about that in regards
5 to strategy.

6 MR. HEMILRIGHT: Question here.
7 Dewey Hemilright. It has to do with dogfish
8 and it was kind of like Rich saying. I
9 noticed a little bit off the track, but the
10 best available science that's come out that
11 I've read that says there's a mature -- the
12 biomass for mature females is over 230 million
13 pounds. I guess the total biomass is over 400
14 million pounds, if I've read it right.

15 Our quotas that we're allowed to
16 catch is 6 to 8 million pounds. If you're
17 catching -- if you have a biomass of 233
18 million pounds that's best available, even
19 though I think it's larger from other regions
20 where we're not looking at, why are we only
21 fishing and you're probably not the one
22 because you'll say that the Councils, there's

1 three or four other people involved, we're not
2 even fishing on 5 percent of the total biomass
3 of spiny dogfish.

4 We hear this problem all up and
5 down the coast. I ain't no scientist and I
6 ain't no stock assessment person, but ain't
7 nobody can answer that question. Why are we
8 fishing on -- if we're fishing on 5 percent of
9 the adult females they say it's the best
10 available, that would be like 11.5 million
11 pounds. We're not even there yet. So why we
12 keep on wanting to do more studies or
13 alliances or all this other stuff, could you
14 might financial? Why couldn't we increase the
15 quota to 5 percent? And as we're watching our
16 flounder fisheries decrease that would have
17 by-catch maybe in trawl boating, there's going
18 to be more dogfish because there's less people
19 having interactions. And it seems like since
20 you're -- we don't get afforded much
21 opportunity to talk to the top dog, so to
22 speak, so maybe you could pass that down the

1 chain, that question. Thank you.

2 DR. HOGARTH: Dewey, I will. I'll
3 talk to Steve Goralczyk. This is an issue
4 that I have talked to Jim Jones in Canada
5 about, because we've been talking -- I asked
6 him was -- about dogfish, about herring, about
7 mackerel, about different things in their
8 waters to see if there's something different.

9 We've even talked about dogfish
10 and a number of dogfish in Canadian waters.
11 He seems to think there's quite a large
12 population in Canadian waters. I wondered if
13 there's a difference in behavior.

14 I will try to find an answer and
15 get back to you one way or the other. If I
16 can't find a straight answer, I'll let you
17 know, as soon as Steve Goralczyk gets back,
18 probably next week, I'll talk to him.

19 MS. PEEL: Ellen Peel. I have a
20 question to ask Rich for a clarification. Did
21 I understand you, you said a moratorium would
22 be absolute bankrupt, would bring that about.

1 But then at the end you tapered off and said
2 but we should explore. Were you meaning
3 explore strategies of changing the line and
4 the mixing as opposed to moratorium?

5 MR. RUAIS: I meant by bankrupt, I
6 meant a unilateral moratorium in the West and
7 Atlantic is a bankrupt strategy. If there's
8 anyone that can possibly think that any value
9 can come to that with the level of mixings
10 that's been identified and what we've seen
11 happen in the Central Atlantic, just in terms
12 of every time we take a reduction in catches
13 in the West and Atlantic, there's a pop,
14 substantial pop in the catches in the Central
15 Atlantic on the fish that we're releasing.
16 That's the bankrupt strategy.

17 I'm not against, personally, right
18 now, I don't know what kind of influence I can
19 have on it, but I'm not personally opposed to
20 thinking about a moratorium, at least as a
21 matter of strategy.

22 MR. CODDINGTON: Ron Coddington.

1 Changing the subject a little, talking about
2 circle hooks. One, we're glad to hear circle
3 hooks are going to go into effect the first of
4 January in accordance with the original plan.
5 But one of the questions I have is we've
6 limited the pelagic longline fish re the
7 circle hooks, very strict restrictions. We've
8 gone circle hooks in the tournament
9 billfishery. We've got this growing buoy
10 fishery that we all know is 90 percent in a
11 juvenile fish zone. It's a gut hook fishery.
12 It's not circle hook.

13 Are we looking at circle hooks for
14 the buoy fishery yet?

15 DR. HOGARTH: I've been asking the
16 same thing.

17 MS. SCHULZE-HAUGEN: Well, it is
18 certainly something that we are considering.
19 We're looking at that. There's not
20 necessarily a plan right now for our proposed
21 rule, but it is something that is in
22 discussion.

1 MS. PEEL: Ellen Peel. I just
2 want to echo what Ron said. Living in South
3 Florida and dealing with all the clubs there,
4 the buoy fishery and the fact that they are
5 not required to have circle hooks is causing
6 a great deal of consternation. And we would
7 certainly want you to look at that.

8 MS. SCHULZE-HAUGEN: All right,
9 well, thank you, Bill, for taking the time.

10 So now we have an enforcement
11 update. This is Jeff Radonski, who I think
12 many of you know, but do you want to push the
13 button there and --

14 MR. RADONSKI: I'm Jeff Radonski.
15 I'm Assistant Special Agent in Charge for NOAA
16 Fisheries Enforcement. I'm located down in
17 Miami and my responsibility is Miami, the
18 Florida Keys, and Tampa area, just to give you
19 some geographical boundaries.

20 But in the HMS world enforcement,
21 it is a priority for us and I know that I've
22 talked to you guys before. But some of the

1 things I don't think you understand is we have
2 other priorities as well. We have sanctuary
3 work that we're doing heavily right now. We
4 have fisheries management plans from different
5 councils. So we are doing a lot of work here.

6 But I just kind of want to give
7 you an update of what we're doing in some of
8 our cases as well as the HMS world. Right
9 now, probably in truth, for the Southeast,
10 some of our significant criminal cases now are
11 involving HMS issues. Major case that we
12 thought was going to trial today, but it's
13 not, it's continued to November, deals with
14 charter head boats or charter boats going
15 offshore, catching undersized billfish,
16 failing to report those billfish. But they've
17 been indicted for Lacey Act, wire fraud,
18 conspiracy, and obstruction of justice.

19 To give you an idea of this case,
20 what they're doing is they're taking clients
21 out to go fishing and then they want to have
22 the fish mounted. And for the crew members,

1 the price of the mount gains them 50 percent.
2 They get the whole deposit money that they
3 split amongst the crew. So now they take
4 their people out, even though they catch a
5 small billfish, they're going to tell
6 everybody it's the world's greatest catch.
7 They've never seen this catch this big before.
8 You really have to mount it and high pressure
9 is put on these people.

10 These people have been warned by
11 the State of Florida for this hard-sell tactic
12 before. So we have history with that that
13 we're dealing with. So that's where the wire
14 fraud comes in. They're frauding the public
15 and they're taking their money, putting it on
16 a credit card and there's the wire transfer of
17 monies and that is the fraud.

18 And it's not a small amount of
19 money. This part of the investigation, we're
20 looking at just the boat crews, during the
21 period we're looking out it was over \$300,000.
22 It's not a small amount. We're looking at

1 anywhere from \$500 to \$1000 to the boat that
2 went for these deposits for the billfish.

3 And my understanding is part of
4 this case, it's settling out. Someone is
5 going to plead soon to this case, but others
6 haven't. It has a major impact on the marine
7 resources. These people are purposely taking
8 undersized billfish just for the purpose of
9 making that amount of money.

10 Another interesting case that
11 deals with an HMS species, but really isn't
12 something that we can deal with. A lady was
13 caught coming across the border at Miami
14 International Airport. She had three
15 suitcases which was mostly containing noodle,
16 shark fin noodle. She failed to declare it
17 and that's how we were able to get it and
18 seize it. We're working with U.S. Fish and
19 Wildlife on it. But we kind of laughed when
20 she told us it was for personal use.

21 (Laughter.)

22 We sit there and go that's what

1 the drug people tell us all the time. It's
2 personal use. She also had dried seahorses
3 and dried bladder, fish bladders. And we
4 think it's for a big trade in the Oriental and
5 the Bay Area where she was from, San
6 Francisco.

7 But I think in the future that
8 will be something that we'll probably be
9 dealing more with is the import-export of the
10 sharks and the parts. But 60,000. That was
11 a lot we found there.

12 Also, major case that I'm hoping
13 to wrap up soon is an IEU case dealing with a
14 vessel flagged in another country, but was
15 owned and operated by a U.S. citizen. The
16 vessel was out fishing in the Caribbean seas
17 area and was smuggling their tunas into Miami,
18 Florida. So we are working on that case and
19 hopefully that will be resolved soon. But
20 that's just another facet of what our agents
21 are doing. IEU, high seas, another IEU case
22 that we did was a toothfish case, smuggling of

1 toothfish into the United States where we
2 seized 11 containers around the country valued
3 at the import side of \$3 million. That case
4 is completed. The individual got -- pled
5 guilty to obstruction of justice. He's a
6 Spanish citizen. In that case, I think
7 seizure-wise, we ended up getting in cash \$1.5
8 million and then we lost the other portion
9 because the fish went bad in storage. Then
10 penalties were over half a million.

11 The other things that we're
12 working as well, I mentioned the sanctuaries.
13 We just completed a case not too long ago, an
14 individual was chopping rock out of the
15 sanctuary in the Florida Keys which had
16 ricordea on it and the ricordea we intercepted
17 it at Miami International Airport. Two
18 Germans were actually carrying it out of the
19 country. We gained evidence there. Was able
20 to prove who was the harvester. We did a lot
21 of different law enforcement techniques that
22 I won't go into, but we were able to identify

1 the boat and watch the boat and we ended up
2 catching the guy in the act as well. He has
3 now pled guilty. We're still waiting for
4 sentencing on that. But that's another thing.
5 We're -- marine resources from our country are
6 being smuggled out of the country for sale.

7 The marine trade is big. A lot of
8 people are making huge amounts of money on
9 marine trade. It's very valuable. And most
10 of the agents you'll talk to you'll find out
11 they're actually working white collar crimes
12 because we're dealing in economics. We're
13 dealing with money. In our eyes now, the fish
14 is more dollars than it is the actual species.
15 It's just the tracing of the money that we
16 deal with on a daily basis.

17 We also have other cases going. I
18 know recently we have a live bait case. The
19 Coast Guard found, has referred to us that
20 we're working out of the Gulf of Mexico. I'm
21 trying to think of some of the other
22 highlights that we've had.

1 Lobster smuggling from the
2 Bahamas, an individual that we caught, he had
3 \$15,000 worth of lobster and conch. And I
4 thought I was going to go later in the week.
5 I would have had some pictures of this. When
6 the Coast Guard boarded the boat they found
7 conch piled up in the head. They found it
8 stored all over the place. The individual
9 said that he only had \$1500 worth and once we
10 sent an agent there, we determined it was
11 \$15,000. And then through investigation we
12 found he had been doing it 18 times.

13 So it was a considerable amount of
14 money there. We're working there, as well,
15 negotiations to settle that case out. But
16 that's a criminal case.

17 I want to open it up, but we are a
18 diverse group and what we investigate, what we
19 look at and it can be -- marine resources is
20 always our first concern, but it may be HMS.
21 It may be sanctuaries. It may be fisheries
22 management plans or it might be treaties

1 worldwide. But I'll open it up if anyone has
2 any real questions.

3 PARTICIPANT: Not a question, but
4 just want to applaud Jeff, your work on
5 busting those billfish boats. That's an
6 embarrassment to our fishery and we certainly
7 don't want bad players and making an example
8 of them certainly hopefully it will be a
9 deterrent for any other violators. So thank
10 you. We appreciate your work. We know you
11 need more money for enforcement, more
12 officers, so Bill, Alan, any way you can
13 request that certainly put it in for these
14 guys. They don't have enough staff. Thank
15 you.

16 MR. PYLE: Vince Pyle. How much
17 investigation or cases do you have of people
18 that are buoy fishing that don't have permits
19 to do so?

20 MR. RADONSKI: Offshore? If
21 somebody comes to us and let's us know
22 specifics, we do not have, especially in that

1 area, the Office of Enforcement, we do not
2 have any patrol vessels out there working. So
3 who would we rely on? The U.S. Coast Guard
4 and our --

5 (Off-mic comments.)

6 PARTICIPANT: Jeff, is your mic
7 on?

8 PARTICIPANT: It probably
9 shouldn't be that difficult if there was some
10 effort placed, myself and other swordfish
11 dealers in South Florida. We can't sell a
12 swordfish in South Florida. We have no
13 customers left and that used to be 80 percent
14 of my sales was in South Florida, because they
15 were all full from recreational fish.

16 I've handed six names -- I've
17 handed many times to different people in your
18 Agency and I'm just wondering if we ever
19 busted one person? So the answer is no.

20 MR. RADONSKI: Can I go through
21 and remember every case, I can't. I can't
22 remember

1 -- I know we have caught people doing illegal
2 sales through the --

3 (Off-mic comments.)

4 I cannot recall one federal.

5 MR. HUDSON: Russ Hudson, Director
6 of Shark. Jeff, good to see you.

7 You piqued my interest about the
8 lady that came into the Miami airport with I
9 believe you said loose noodles or shark fin
10 noodles or was that combfin?

11 MR. RADONSKI: Loose noodles.

12 MR. HUDSON: Loose noodles and sea
13 horses, dried, and you call it fish bladder,
14 we call it fish maw, I believe.

15 MR. RADONSKI: Right.

16 MR. HUDSON: If she had declared,
17 I don't know the lady, but if she had
18 declared, are those three items illegal to
19 bring in from a foreign source?

20 MR. RADONSKI: I think the only
21 one that would have been would have been the
22 sea horses.

1 MR. HUDSON: Okay, but with the
2 loose noodle, is there any prohibitions on any
3 species that she could have brought in?

4 MR. RADONSKI: We'll have to have
5 DNA tested on it and we will have to find the
6 country of origin, where they're from and see
7 if they have any species listed and if they're
8 illegal in that country and imported here,
9 that's a violation of the Lacey Act.

10 MR. HUDSON: Okay, that's the
11 answer I was looking for. Thank you.

12 MR. CODDINGTON: Ron Coddington.
13 Jeff, we have three specific problems down in
14 South Florida that revolve around the buoy
15 fishery, specifically they are one, people
16 fishing buoys without licenses. We know
17 they're doing it. The buoy guys, I got three
18 phone calls just before I left yesterday from
19 buoy fishermen complaining about one specific
20 boat that we all know is fishing buoys
21 illegally.

22 The second issue, buoy boats with

1 permits fishing multiple vessels to 10 buoys
2 so they can tend more buoys. We know of one
3 particular instance where there's three boats
4 fishing under one permit fishing a group of
5 buoys. Of course, the fish are always brought
6 in on the one boat that has a permit.

7 Third problem we have, now we've
8 worked with Dave Bingham with Florida Wildlife
9 Commission on this one. We've had operations
10 set up several times at night trying to catch
11 this specific one boat, but we all know
12 there's good fishermen and there's bad
13 fishermen. But when one fishermen
14 consistently reports and sells three times the
15 number of fish of anybody else, it should
16 raise a red flag.

17 In Hillsborough Inlet
18 specifically, he hear on Channel 72 at night
19 conversations between this one vessel and the
20 recreational fishermen talking about meeting.
21 I need to see you. I don't have much ice.
22 When are you going to be in the inlet? When

1 can I meet you? And what we basically have is
2 one buoy boat acting as a broker for lots of
3 recreational fish.

4 What's the good side of it?

5 You're probably getting a lot of recreational
6 fish reported that weren't reported otherwise,
7 because they're ending up in the commercial
8 fishery. But Florida Wildlife Commission, you
9 -- I'm sure you have the same funding issues.
10 The state, as you trickle down, states are
11 hurting even more, property tax issues and
12 everything, the Florida Wildlife Commission
13 can't get the people out there. Dave Bingham
14 himself has told me that he can't get people
15 to work night details for the kind of pay they
16 pay, people just aren't going to sit out there
17 in the inlet all night long waiting for those
18 two or three boats that are coming in. And
19 Florida Wildlife Commission won't go 12 miles
20 offshore for a report. But people like Dave
21 Bingham have done things like given me his
22 mobile phone number so if I see somebody at 2

1 o'clock in the morning, he's promised me it's
2 going to ring next to his bed and he's going
3 to get up and go investigate it. That's how
4 we're trying to do it, but they need some
5 help. They need some help from the Coast
6 Guard.

7 One of the suggestions is you know
8 these guys aren't flying their red over white
9 lights. Maybe they only have to do that when
10 they're actually fighting a fish, but that
11 would identify a buoy boat that's actually
12 fishing buoys.

13 The Coast Guard could help out
14 there. Florida Wildlife Commission can help
15 out the inlets, but we need more help down
16 there and specifically I'll give you the name
17 when we finish here of the one boat. It's
18 pretty simple. The problem is they don't come
19 to public ramps. They don't come to public
20 docks. That fishery works out of waterfront
21 homes in the Pompano-Fort Lauderdale-Miami
22 area and not many waterfront homes. You know

1 the issues down there. That's why it's so
2 hard to catch them, but we need some help down
3 there. It's a serious problem and you hear
4 Vince Pyle tell you you can't sell fish in the
5 area any more. The fish are coming off these
6 kind of boats and in that kind of market.

7 (Off-mic comment.)

8 PARTICIPANT: Just for those in
9 the room that may not be familiar, the
10 recreational fishery quota falls under the
11 incidental catch quota which is a 300-ton
12 annual quota which is also shared by
13 incidental catches in a midwater squid trawl
14 fleet off the Mid-Atlantic Coast and also by
15 the tuna boats in the Gulf of Mexico. And as
16 of July 31, which is two months of fishing in
17 this abbreviated year, there's a reported 1.7
18 metric tons of catch from everybody. That
19 doesn't include, admittedly, the recreational
20 catch which for some reason, maybe Margo can
21 expand -- or may be Rick Pearson or somebody
22 can actually tell us what they've gotten from

1 the call-in systems for the recreational
2 catches from South Florida. That 1.7 doesn't
3 include the recreational catches, but it is a
4 tiny, tiny number of fish that are actually
5 being reported in the incidental catch
6 category.

7 MS. SCHULZE-HAUGEN: That's
8 something we're looking at and actually right
9 now that's a wait report and the fish calls
10 are coming in by number, but we are collecting
11 the size information. So if we have -- what
12 we've been talking about is converting based
13 on that size, using a length/weight
14 calculation that we could start including that
15 in those reports.

16 PARTICIPANT: But ultimately, when
17 we get into the break up sessions, if there's
18 -- I think Rick and Russ both are probably
19 familiar with the numbers that come in there.
20 I mean we can -- we've done this in prior, Ron
21 Coddington and others have tried to put a
22 ballpark on what the estimate of catches are

1 coming out of the recreational community by
2 assuming average size of the fish coming in,
3 number of boats that you know are in the
4 fishery. So we should be able to get a handle
5 on where that number lies. And we, of course,
6 have to report -- ultimately, we have to
7 report these swordfish catches in weight to
8 ICCAT numbers, numbers as well for one of the
9 tasks, one or two data sources, but I think it
10 would be illuminating if we had those numbers.
11 Russ might have them right now.

12 MR. PEARSON: Just to illuminate
13 that a little bit. Margo had shown this
14 year's catch, at least those fish that were
15 called into us and at this point we have -- so
16 from June 1st through now, we have 262
17 swordfish that have been called in to us. The
18 average weight in the database right now is
19 about 91 pounds. That 1.6 or 1.7 tons that
20 you saw in the report, that's not rec. fish.
21 Those are all commercial fish. And so right
22 now, the preliminary estimate that we're

1 working with in the compliance table for last
2 year was about a little over 50 tons of
3 recreational, 50 metric tons of recreational
4 fish.

5 I don't know offhand what the
6 tournament, the RBS system it has in terms of
7 just the number of swordfish, but those
8 numbers have been going up pretty dramatically
9 each year. And from last year to this year in
10 terms of swordfish that are at least called
11 in, there was a 70 percent increase in the
12 number of fish that were called in. And one
13 thing that Margo, I don't think, mentioned or
14 I wasn't paying attention, was that on October
15 17th, we've been talking about this for a long
16 time. We're going to go live with the
17 internet-based reporting system for the called
18 in fish, so as of that date you can go right
19 to hmspermits.gov where people who report
20 recreationally, we've got bluefin going right
21 now, report your billfish and swordfish
22 through there. So that's -- we're hoping is

1 going to help increase landings, get us out of
2 the current sort of call in system.

3 PARTICIPANT: Where do the buoy
4 fish landings go? Is that on your commercial?

5 (Off-mic comment.)

6 PARTICIPANT: So that's part of
7 these 15 fish?

8 (Off-mic comment.)

9 PARTICIPANT: The 15 fish that
10 have been reported, 1.7 tons.

11 MS. SCHULZE-HAUGEN: The buoy
12 gears the directed permit. The bygear is
13 directed, so that would be coming out of the
14 directed column.

15 PARTICIPANT: That goes into
16 directed.

17 (Off-mic comment.)

18 PARTICIPANT: Do you keep it
19 separate at all, so that we can monitor that?
20 I'm just wondering what is being reported in
21 that fishery, in that gear?

22 (Off-mic comment.)

1 PARTICIPANT: Yes, sir.

2 (Off-mic comment.)

3 PARTICIPANT: Do we have any idea
4 of the number of fish they've caught?

5 MS. SCHULZE-HAUGEN: No, and these
6 monthly reports are based on dealer reports as
7 well, so that's not something we have
8 necessarily real time, although we do try and
9 provide what we do have. So it's not at that
10 level.

11 PARTICIPANT: Okay, thank you.

12 PARTICIPANT: Just to let you
13 know, Vince, in June, in your reports, your
14 landing reports you sent out, May and June,
15 you sent us two pages, one the general page,
16 and two the breakdown. In the June numbers,
17 buoys collected approximately 13,000 pounds of
18 fish and actually that was 7 percent of the
19 reported take in the direct fishery for June.
20 So the PLLs must have had a poor month in June
21 for that to be a fully seven percent. It was
22 actually 10 percent of the reported south of

1 35 latitude.

2 MR. PEARSON: Ken, go ahead.

3 MR. HINMAN: I just wanted to ask
4 Russ, Hen Hinman. The internet site that's
5 going to be up pretty soon for reporting
6 swordfish catches, recreational catches. Is
7 that going to have an up-to-date accounting of
8 the catches and average weight and that kind
9 of information?

10 PARTICIPANT: That's a good point.
11 We didn't in the initial construction of the
12 website, we didn't build that feature in, but
13 it's something that we're interested in, in
14 doing an enhancement. But because we didn't
15 put that sort of public information up on a
16 sort of public site, we have to go back
17 through the contractor and have them rebuild
18 it so we've got to wait for more money to go
19 back and do that enhancement.

20 (Off-record comment.)

21 MS. SCHULZE-HAUGEN: Any more
22 questions for Jeff? Thank you. I think Jeff

1 will be here all week so if you have any
2 follow up, he's available.

3 PARTICIPANT: I think we're ready
4 for a 15-minute break. So we'll reconvene and
5 swordfish revitalization after this break.
6 Thank you.

7 (Whereupon, the above-entitled
8 matter went off the record.)

9 MS. SCHULZE-HAUGEN: All right,
10 let's go ahead and get started. We're going
11 to have two presentations at this point.
12 We'll have Rick Pearson from HMS who will give
13 us an overview of the final rule, touching on
14 the highlights and some of the questions that
15 we have for the breakout session for your
16 consideration, followed by John Ward on some
17 of the marketing councils and other
18 nonregulatory options. We would like to
19 conclude the presentations and the breakout
20 sessions by 4:30. Bill had to leave, but will
21 be back, he promised at 4:30, but then needs
22 to leave at 5. So we'll have a short amount

1 of time. We'd really like for him to hear the
2 APs feedback on these issues. So hopefully
3 Rick and John can have a quick overview of
4 some of the options and we can get to the
5 breakout session.

6 MR. PEARSON: My name is Rick
7 Pearson. I work in the HMS Office in St.
8 Petersburg, Florida. Since I have the
9 pleasure of speaking on the first day, I too
10 would like to thank all of the AP members for
11 taking time out of their busy schedules to be
12 with us here today.

13 The topic of this discussion is
14 swordfish fishery management. Since this is
15 a subject that is important to a lot of
16 people, I would strongly would encourage your
17 input, your ideas and your participation in
18 the breakout groups later on this afternoon.

19 This is the good news. The
20 swordfish stock is almost fully rebuilt and
21 fishing mortality is low. ICCAT conducted a
22 stock assessment in 2006, found that the

1 biomass in 2006 to be at 99 percent of the
2 biomass at maximum sustainable yield. And the
3 fishing mortality rate was actually below that
4 necessary to attain maximum sustainable yield.

5 Just a quick background overview.
6 The U.S. swordfish quota is derived from the
7 recommendations of the International
8 Commission for the Conservation of Atlantic
9 Tunas. ICCAT considers several criteria when
10 making those quota recommendations, including
11 historical catches and fishing patterns among
12 others.

13 The Atlantic Tuna's Convention Act
14 requires the U.S. to follow the ICCAT
15 recommendations. And importantly, U.S.
16 swordfish landings have been below the ICCAT
17 recommended quota since 1997.

18 I just want to take one second.
19 It seems ironic looking at bullet point two
20 that organization that is entitled the
21 International Commission for Conservation
22 would reward a country that practices

1 conservation by taking its quota away. So
2 there are several other criteria that ICCAT is
3 supposed to look at. I just want to mention
4 a couple of those real quick. I know we're in
5 a hurry, but I believe that it's very
6 important to mention these.

7 One of them is that the country
8 has the ability to apply the conservation and
9 management measures of ICCAT to collect and
10 provide accurate data for the resources,
11 taking into account their respective
12 capacities to conduct scientific research on
13 these resources.

14 Another one is the record of
15 compliance or cooperation by qualifying
16 participants with ICCAT's conservation and
17 management measures.

18 Another one is the contribution of
19 participants to conservation and management of
20 the stocks to the collection and provision of
21 accurate data required by ICCAT and taking
22 into account their capacity to conduct

1 scientific research on the stocks.

2 The last one that I'd like to
3 mention in terms of some of the criteria that
4 ICCAT is supposed to consider when they make
5 their quota recommendations reads
6 "contributions to conservation made by
7 participants necessary to conserve, manage,
8 restore or rebuild fish stocks in accordance
9 with the objective of the Convention."

10 So I just wanted to mention those
11 fishing patterns and historical catches are
12 not the only ones, but they are a very, very
13 important criteria that ICCAT considers. So
14 that makes this last bullet point the fact
15 that we have been below by approximately 50
16 percent in recent years our quota that much
17 more important.

18 Recent NMFS actions. Last year I
19 believe it was at the ICCAT Advisory Committee
20 meeting in September or of August of '06, NMFS
21 was requested to amend its regulations to
22 assist in revitalizing the U.S. North Atlantic

1 swordfish fishery. The objective or an
2 objective of this rulemaking was to
3 demonstrate to ICCAT a commitment to
4 increasing our swordfish landings. It was a
5 priority to have this proposed rule in hand at
6 the November ICCAT meeting in Croatia in 2006.

7 Our goal was to implement
8 management measures that would enhance the
9 opportunity --

10 (End Tape 2; Begin Tape 3)

11 -- (Tape 3 begins mid-sentence)

12 and ultimately the U.S. did retain its quota
13 share of 30.49 percent which equates to 3,907
14 metric tons.

15 The reason for mentioning this and
16 some of the time frame was because there was
17 a relatively reduced time frame. And to
18 tackle larger, more controversial issues at
19 that time and still have this proposed rule in
20 hand by the November ICCAT meeting would have
21 been extremely, extremely difficult, likely
22 involved the preparation of an Environmental

1 Impact Statement which would have likely taken
2 several months. So instead, the Agency chose
3 to implement management measures that had
4 relatively minor environmental impacts that
5 could be analyzed within the context of an
6 environmental assessment and implemented
7 relatively quickly.

8 I'm not going to spend a lot of
9 time on this slide, but this is the process.
10 One item that I would like to note there is
11 last year, at this meeting in early October of
12 the HMS Advisory Panel, nothing had been
13 written yet. We had conducted a series of six
14 informational meetings, scoping meetings, if
15 you will. We brought those recommendations to
16 the advisory panel. From those
17 recommendations we condensed them, prepared a
18 proposed rule that was available within six
19 weeks and transmitted it to the U.S. ICCAT
20 delegation.

21 We conducted public hearings
22 during January of this year. The comment

1 period closed January 31st. We reviewed those
2 comments. HMS Advisory Panel also reviewed
3 some of those comments in March. And we
4 published the final rule this past June.

5 The regulations became effective a
6 month later in July. There was an August 6
7 eligibility deadline for vessels to achieve
8 the necessary criteria to be eligible for the
9 larger upgrades and I'll get into this in a
10 little bit more detail later of having the
11 three limited access permits on one vessel, on
12 August 6th. That's how we determined the
13 upgrading eligibility.

14 We have a little bit of extra time
15 if there were permit holders that wanted to
16 transfer certain permits onto a boat to become
17 eligible for these larger upgrading
18 restrictions.

19 Most recently, we drew up the list
20 and we sent out upgrade eligibility
21 notifications to all HMS limited access permit
22 holders this past September.

1 So what's in the final rule?
2 Basically, for vessels that hold the HMS
3 triple limited access combination, that is,
4 possessing swordfish and shark, directed or
5 incidental permits and the tuna longline
6 permits, these are essentially the permits
7 that are necessary to fish with longline, for
8 swordfish you have to have all three of them.
9 We generally refer to those as like the PLL
10 permit.

11 For those vessels, the maximum
12 upgrade limit was increased from 10 percent of
13 baseline to 35 percent of baseline.
14 Similarly, that same increase was for gross
15 tonnage and net tonnage.

16 Horsepower increased from a 20
17 percent allowable increase to no limit.
18 Finally, the one-time vessel upgrade
19 restriction was removed for all limited access
20 permitted vessels. That means that vessels
21 can now incrementally increase the size of
22 their vessel whether through upgrade or permit

1 transfer. In the past, it had been once
2 you've taken your upgrade, even if it wasn't
3 to the maximum limit, you were stuck at that
4 limit. Now you can upgrade incrementally.

5 With regards to retention limits,
6 the incidental swordfish retention limit was
7 increased from 2 fish to 30 fish, except that
8 incidental squid trawl vessels, the limit was
9 increased from 5 fish to 15 fish. For
10 recreational bag limits, for angling category
11 vessels, the limit was increased from one per
12 person to three -- up to three per vessel.
13 That's what it used to be. Now it's one per
14 person up to four per vessel.

15 Similarly, for charter -- it was
16 the same for angling charter boats and head
17 boats, was one per person up to three per
18 vessel per trip. Now for charter boats, it's
19 one per paying passenger up to six per vessel
20 per trip. And for head boats it's one per
21 paying passenger up to 15 per vessel per trip.

22 As a result of this final rule,

1 275 vessels are now eligible for a 35 percent
2 increase in vessel size relative to their
3 baseline vessel with no limitations on
4 horsepower. In addition, vessels which
5 possess incidental swordfish permit have a
6 significantly higher trip limit. We've
7 provided increased swordfish fishing
8 opportunities for angling and charter head
9 boat vessels.

10 And finally, the U.S. swordfish
11 quota allocation was maintained in 2006.

12 Where are we right now? As I
13 said, approximately 650 certified letters were
14 mailed to limited access permit holders in
15 2007, informing them of their new vessel
16 upgrade limits. This was a massive
17 undertaking involving essentially four
18 offices: the Gloucester office, the St. Pete
19 office, permits office, and headquarters, to
20 try to coordinate all of these essentially it
21 would be over 1800 permits because there's 3
22 permits involved for these 650 -- well, a lot

1 of permits, and determining -- matching them
2 up and determining if all of the baseline
3 specifications are accurate and then
4 calculating what their new upgrade allowance
5 is.

6 As a result, there may be some
7 inaccuracies in some of our records, so we
8 have provided permit holders with 45 days to
9 contact the National Marine Fisheries Service
10 from the receipt of their letter to let us
11 know if there are any inaccuracies in that
12 letter. So I'm asking you as AP members to
13 remind your constituents of this. Take a look
14 at this letter, does it look okay to you? If
15 not, contact us in writing and let us know
16 what the problem is and provide any supporting
17 documentation so that we can work to possibly
18 correct those inaccuracies.

19 Now I'd like to shift focus a
20 little bit, talk about some of the comments
21 that we received during this rulemaking.
22 Basically, there were four opportunities to

1 submit comments. First of all, we conducted
2 six scoping meetings last September. Then we
3 conducted seven public hearings on the
4 proposed rule this past January. We obtained
5 written comments during the comment period
6 between the proposed and the final rule.
7 Finally, we conducted two HMS Advisory Panel
8 meetings during that period. So we received
9 a lot of comments during this rulemaking.

10 Now I'd like to provide a synopsis
11 of the comments. This is very much an
12 oversimplification of the several hundred
13 comments that we received. But this is just
14 to articulate the issue to the audience today,
15 sort of where things kind of stand.

16 On the one hand, many constituents
17 believe that NMFS has not done enough and
18 should do more to revitalize the U.S.
19 swordfish fishery to fully harvest the
20 domestic swordfish quota to ensure that our
21 quota share is not lost.

22 On the other hand, many

1 constituents stated that the Agency should
2 exercise caution in amending the regulations
3 so that over-fishing does not occur, so that
4 bycatch of undersized fish, nontarget species,
5 and protected resources, does not increase
6 beyond acceptable levels. In addition, within
7 this second comment, there was a lot of
8 concern with regards to gear conflicts that we
9 obtained.

10 So that's sort of where the two
11 sides of the coin. I realize this is an
12 oversimplification. If you submitted
13 comments, you're saying that's not exactly
14 what I said, but this was the general nature
15 of the comments that we received.

16 Real quickly, these are the
17 actions that we've implemented to date. I'm
18 not going to spend a lot of time on them.
19 Incidental trip limits have been increased,
20 rec. and charter head boat bag limits have
21 been increased. Some limited access vessel
22 upgrading restrictions have been modified.

1 In the amendment which took place
2 over a year and a half ago, buoy gear was
3 authorized in the swordfish handgear fishery.
4 More recently, the Agency has initiated a
5 pilot research program to investigate catch
6 and bycatch rates in the pelagic longline
7 closed areas. That project is currently in
8 development. The Agency is working to secure
9 funds and to finalize contract negotiations on
10 that research project.

11 Finally, the Fish Watch website is
12 up and running. And that provides a lot of
13 accurate factual information to consumers with
14 regards to swordfish and many other species.
15 If you haven't had a chance to look at that
16 website, you really should take a look at it.
17 It's quite informative and I believe we're
18 going to talk a little bit more about that
19 later on. But anyway, these are the actions
20 that have been done.

21 In addition, we obtained some of
22 the more bigger picture recommendations and I

1 call them bigger picture because these are not
2 necessarily recommendations that HMS, in
3 particular, can implement. Just to go through
4 them real quickly: provide marketing and
5 promotional assistance for domestic swordfish;
6 restrict or regulate foreign swordfish
7 imports. I'm not too familiar with it, but I
8 understand that the new Magnuson-Stevens Act
9 might have some language in there addressing
10 that second concern, that second bullet point,
11 but I'm not entirely familiar with it. So
12 there might be some movement in that
13 direction.

14 Obtain access for U.S. vessels to
15 fish in foreign waters. Conversely, allow
16 U.S. captains to lease or charter foreign
17 freezer vessels or other types of vessels.
18 And finally, allow for the employment of
19 foreign crews on U.S. flagged vessels. Again,
20 these are not necessarily things that the HMS
21 division can necessarily do on its own without
22 the cooperation of other agencies.

1 These are the specific
2 recommendations that we could address and this
3 list I'd like for the Advisory Panel Members
4 to take a look at this when we break out into
5 the working groups, this list is one of the
6 things that we're going to be taking a look
7 at.

8 First of all, revisit the time
9 area closures. Remove the live bait
10 prohibition in the Gulf of Mexico. Allow for
11 additional vessel upgrades for pelagic
12 longline vessels or remove all upgrading
13 restrictions altogether. A lot of this we
14 received several comments concerning this, try
15 to develop a large freezer fleet, domestic
16 fleet in the United States. Let's do away
17 with upgrading restrictions or else let every
18 boat go to the largest boat in the fleet.
19 Remove horsepower upgrading restrictions for
20 hand-gear vessels. Currently, there's only
21 approximately 100 limited-access swordfish
22 hand-gear permit holders. Most of those

1 permits were issued to vessels back in '99
2 that were more like traditional hand-gear
3 vessels. Since then a lot of those hand-gear
4 permits have been transferred on to more
5 modern vessels that have high horsepower
6 outboards on them, possibly dual outboards.

7 So what these people are saying is
8 that the horsepower restriction is really
9 limiting the ability for us to obtain a hand-
10 gear permit to prosecute the swordfish rod and
11 reel commercial fishery. So those were the
12 upgrading recommendations.

13 The next series are kind of permit
14 related. Create a general category fishery
15 for swordfish. That would be more of a
16 commercial rod and reel type of a fishery or
17 allow general category permit holders to land,
18 catch and land swordfish. Issue new swordfish
19 permits, especially new hand-gear permits.
20 We're getting a lot of those type of comments.

21 Convert all of the incidental
22 swordfish permits to directed permits. Right

1 now, the incidental swordfish retention limit,
2 as you know, is 30 fish, but there is no limit
3 for directed swordfish permit holders. So
4 people are saying well let's convert all of
5 the incidental swordfish permits to directed
6 swordfish permits.

7 Reinstate lapsed swordfish and
8 tuna permits. These are tuna permits that
9 have expired beyond a year and have since not
10 been reissued. Allow anybody who ever held a
11 limited access swordfish tuna permit to renew
12 that permit.

13 Remove the three permit
14 requirement for longline vessels. Allow all
15 vessels issued an Illex squid permit to
16 obtain an incidental swordfish permit. We got
17 a couple of comment letters that I thought
18 that most squid boats had a swordfish
19 incidental permit. Apparently not, so they're
20 asking for an incidental permit.

21 This was an interesting one.
22 Allow all shark permit holders to obtain the

1 permits necessary to fish for swordfish.
2 That's in anticipation of any future
3 management measures that may occur within the
4 shark fishery. So they're saying let us fish
5 for swordfish.

6 Establish in-season adjustment
7 criteria for pelagic longline closed areas.
8 This is more sort of a flexible management
9 type thing. If the objectives of that closed
10 area are met or if we are below a certain
11 percentage of our quota, open up the closed
12 areas, asking for a little bit more
13 flexibility in the regulations to open and
14 close the closed areas on an in-season basis.

15 Modify the swordfish minimize
16 size. We got both increase and decrease it.

17 Improve recreational swordfish
18 data collection. This is to capture all of
19 the recreational landings. There's a high
20 likelihood that not all recreational landings
21 are being captured or recorded, so we improve
22 methods to record that data.

1 This reminds me of something I was
2 asked to do. By the way, the FAQs notice for
3 the online swordfish recreational reporting is
4 on the table over here, so if anybody is
5 interested in the website for doing that and
6 the procedures, it's on the table.

7 So we've taken some steps to
8 improving recreational swordfish data
9 collection. Perhaps there are others.

10 And finally, this one has come
11 about since the implementation of the final
12 rule. There's been a request to modify the
13 charter head boat bag limit from one per
14 paying passenger to one per person. It used
15 to be one per person. Therefore, if there was
16 one person chartering a vessel and two crew,
17 that boat would be allowed to keep three
18 swordfish. Under the current regulations that
19 boat, because it has only one paying
20 passenger, is only allowed to retain one
21 swordfish. So what they're saying is that
22 that final rule and instead of creating more

1 opportunities for us, has actually hurt us.
2 Some charter boat operators are saying that.

3 Here is your charge. Are there
4 other recommendations to revitalize the
5 swordfish fishery while minimizing bycatch
6 that should be added to this list? So is
7 there other things that we should consider?

8 From the list of these
9 recommendations, what do you recommend that
10 the Agency should do to amend the swordfish
11 regulations? Ideally, we're asking you to be
12 -- we're asking for specifics, possibly three
13 to five specific recommendations to look at in
14 the near term and the long term. The more
15 specific you are, the better our ability to
16 take those recommendations back, discuss them,
17 and begin taking action on them.

18 Finally, what do you think -- this
19 is a very, very important one for this group
20 right now. What do you think that the
21 swordfish fishery should look like in future
22 years? What is your vision for the swordfish

1 fishery? This is something that the division
2 has been sort of talking about amongst itself.
3 What I mean by this is do you envision a small
4 boat, lower volume, high quality, domestic
5 market type of a fishery or should we strive
6 towards a big boat offshore, high volume,
7 frozen product type fishery with a few big
8 boats? Should we have a mix? Should we
9 expand the handgear fishery?

10 The whole host, what do you think
11 that the swordfish fishery should look like,
12 and if we can get some of those ideas from you
13 all, we can take those recommendations back,
14 start to work on them.

15 That concludes my presentation.
16 I'd like to thank you all for your attention
17 and I hope I kept it short enough.

18 MR. GRAVES: John Graves,
19 regarding the ICCAT meeting and the fact that
20 the United States held on to their quota.
21 While that may, in fact, be true, it doesn't
22 characterize the situation.

1 The United States gave up 2600
2 metric tons of -- actually, a little more than
3 that -- of accumulated underage to be spread
4 over two years. So that's 1300 plus metric
5 tons a year. And it was with the
6 understanding of those parties receiving it
7 which included Mexico, Senegal, a variety of
8 countries, that if they fished it responsibly
9 they would actually get a hard share of quota,
10 not underage, which was one time, but a
11 national hard share of quota in 2008.

12 So we have already, in essence,
13 told several countries that if they play by
14 the rules and use this underage appropriately,
15 they're going to get quota. So to say that we
16 held our own, we did the best we could and it
17 took a lot of negotiation to end up where we
18 did, but we have already given up some of our
19 quota and there will be, undoubtedly,
20 repercussions in terms of bycatch and things
21 like that which nations that don't fish as
22 responsibly as we do for getting that quota.

1 So we've lost some. How much that's going to
2 be, I can't tell you. But I think each
3 country that got some of that underage assumes
4 that they're going to get that share in hard
5 quota in 2008.

6 PARTICIPANT: What I was meaning
7 in terms, I was referring to the baseline
8 quota, but you're absolutely correct in that
9 rolled over underages were transferred to
10 other countries. That's correct.

11 MR. SCHRATWIESER: Jason
12 Schatwieser. I have two questions. With
13 their inability to catch their quota, why was
14 there any restriction in upgrade proposed in
15 the first place? Why not an immediate
16 unlimited upgrade?

17 MS. SCHULZE-HAUGEN: Well, for a
18 variety of factors that we mentioned before.
19 In addition to the diverse public comment that
20 was not always supportive of that. A number
21 of the constraints in terms of expected
22 increases in effort that could accompany that

1 which could result in increased bycatch which
2 was a pervasive comment throughout the process
3 that we needed to keep the bycatch levels low
4 as well.

5 So it wasn't a straightforward
6 issue by any means.

7 MR. SCHRATWIESER: One other quick
8 questions for John Graves.

9 John, you mentioned that these
10 other countries that received underage could
11 come back for baseline quota if they quote
12 played by the rules. How do we determine if
13 these countries are playing by the rules with
14 their allocated underage that we gave them?

15 MR. GRAVES: It would simply be
16 that they've shown that they have the capacity
17 to catch and also that they report it to the
18 SCRS, their Task 1 and Task 2 data. I think
19 that would probably be the only hoops they'd
20 have to jump through.

21 MR. RUAIS: Rich Ruais, thank you.
22 I forget my name most of the time.

1 I was actually happy to hear Rick
2 start to look at the allocation criteria and
3 try to look for angles within that criteria
4 that benefit us. That was a four-year process
5 and a couple he cited, you normally would
6 think would be beneficial from us. And there
7 was a debate during the -- when we were
8 developing the ICCAT criteria. I think it
9 took four or five intercessional meetings and
10 there was a debate over should we prioritize
11 these criteria like for example, shouldn't
12 historical performance be more important than
13 something else and some of us wanted to push
14 that, but what was clear was it would have
15 extended the debate over the allocation
16 criteria and the non-developed countries
17 wouldn't have it. So we kind of lost the
18 battle over that.

19 So the -- even though you've found
20 a few that we certainly insisted be in there
21 that help us try to protect the quota, the
22 reality of what reallocation comes down to is

1 a political fight on the grounds and for
2 example, a good example, I don't know if Bill
3 is still here, Bill Hogarth, but at last
4 year's meetings, giving Mexico 200 metric tons
5 of swordfish quota and 175 tons of bluefin
6 tuna quota was really difficult for a lot of
7 us to swallow. Because of their lack of
8 compliance with a lot of other things like
9 data reporting and demonstrating an interest
10 to be a full-fledged member, the number of
11 years it took for them to actually join ICCAT
12 -- Belize, the same situation.

13 Belize got its start in ICCAT as a
14 flag of convenience for a lot of other
15 countries to do IUU fishing and they're second
16 in line. Morocco objects to the bluefin, a
17 critical bluefin agreement in 2001. They get
18 800 tons of swordfish quota, all in light of
19 these adopted swordfish allocation criteria.

20 My point is the criteria are the
21 criteria, but it becomes a political fight in
22 the case of Mexico. The man just literally

1 followed Bill around and chomped at his feet
2 until Bill -- and basically said we're going
3 to hold up -- we will hold up your other
4 agreements until you give us quota. So
5 regrettably, the criteria can't help us. It
6 was a process we were forced into because the
7 U.S. was one of the countries that was making
8 the loudest noise that you've got to get
9 everybody under the tent, and once you get
10 everybody under the tent, what's the incentive
11 for them coming in? You've got to give them
12 some quota. So we recognize that, but it's
13 still going to be difficult.

14 There were a whole bunch of other
15 comments, as you were walking through it, you
16 went through it, but I'll just leave you with
17 one. All of the efforts, and we certainly
18 appreciated the efforts to get rid of the caps
19 on expansion of vessels and capacity, but we
20 consistently made the point repeatedly
21 throughout that what seems like a two-year
22 process to get there, that rational

1 businessmen are not going to take advantage of
2 those types of new flexibilities brought into
3 the system when you currently have a fleet of
4 unviable economic operations going around
5 because there's a lack of fishing grounds.

6 And that's why we always put as a priority, if
7 you want to see some people put some money
8 into revitalizing and keeping the U.S. share,
9 the first step in the process has to provide
10 some of those -- well, you have to provide new
11 fishing grounds so some people can start
12 making money and show that it is indeed and
13 I'll cheat and say there is one more. When we
14 get to the vision thing, I would hope that
15 part of the vision in addition to the options
16 you mention include the notion that there was
17 a partnership between the existing fleet in
18 the late 1990s and the survivors, the few that
19 have survived. I think we have five long
20 distance boats right now and a spattering,
21 maybe 40 or so coastal boats.

22 Hopefully, there was a commitment,

1 since they're the ones that bore the brunt of
2 the rebuilding sacrifices that part of this
3 vision includes that fleet as well which
4 nobody seems to mention. They kind of in some
5 people's eyes might be at the top of the
6 vision of you heard us the most. You heard
7 our families the most. How about us before we
8 get to other visions of grandeur?

9 MR. DELANEY: I think Rich and
10 John just made a very strong point that I was
11 going to make which is -- don't take it the
12 wrong way: we need to go to ICCAT in 2008 and
13 use whatever arguments we can, allocation
14 criteria certainly, in the affirmative and
15 maybe even more importantly, criticisms of
16 what other nations have failed to do with the
17 allocations they got in 2006. And we do need
18 to make that a priority, not to get off into
19 the IAC land, but we need to make a priority
20 in finding out what those nations have done or
21 not done with the allocation we gave them last
22 time around.

1 But really, it's just rhetoric.
2 After 25 years of ICCAT insanity, I don't see
3 any amount of rhetoric in the world is going
4 to save U.S. quota share in 2008, other than
5 perhaps just a failed, a miserable failure by
6 those nations that received our underage last
7 time around and complete abuse of the process
8 and maybe we can use that against them to
9 somehow limit the amount of quota share that
10 we're going to have to give up.

11 The bottom line is it's going to
12 happen. And what's the consequence of that?
13 The consequence is that we're transferring
14 fishing opportunities to nations who have no
15 or minimal monitoring ability, controls over
16 their vessels, commitment to bycatch
17 reduction, swordfish conservation, tuna
18 conservation, turtle conservation, billfish
19 conservation, and so the net result of our
20 failure to use our own quota, just to set the
21 stage for folks that are as familiar with it
22 is the fact that we are going to diminish

1 substantially the conservation of all those
2 directed species, as well as protected
3 species. That's the bottom line. It's just
4 reality. We're going to kill more turtles.
5 We're going to kill more billfish. And we're
6 going to kill more small swordfish and it will
7 go on.

8 So there's a great impetus for us
9 to protect it. We have, of course, Magnuson
10 Act mandates to achieve ROI to give U.S.
11 fishermen reasonable opportunities to catch
12 the quota for highly migratory species. We
13 have the OI definition to maximize benefits to
14 the U.S. We're not meeting those statutory
15 tests, and of course the economic impact on
16 the U.S. industry and all those hundreds of
17 families that used to catch swordfish are
18 terribly impacted.

19 But really from the ICCAT
20 perspective, the real impetus here is the fact
21 that conservation is going to suffer
22 tremendously when we transfer this catch from

1 the most bycatch friendly and conservation
2 friendly longline fishery to the least
3 conservation friendly. So I hope we'll all
4 keep that in mind. We'll go and swing the bat
5 and make the good arguments at ICCAT, but
6 we're going to lose quota the next time
7 around. There's no question in my mind.

8 Another thing I wanted to point
9 out is a completely different set of comments,
10 but a lot of the ideas that you had put up or
11 things that we can consider deal with
12 increasing the number of fish that a given
13 fishery can retain as incidental catch. And
14 I guess if you look at how much discard do we
15 have right now of swordfish across all
16 fisheries, and you know, my guess is it's
17 maybe -- I don't know, what is it, Margo? A
18 couple hundred tons?

19 MS. SCHULZE-HAUGEN: I don't
20 recall off the top. We can get it.

21 MR. DELANEY: In the U.S. right
22 now, discards would be -- same goes for

1 bluefin. It would be a little cuckoo to be
2 throwing swordfish back just due to paper
3 regulations. But I think at the same time
4 that isn't going to dramatically change. I'm
5 not discouraging you for doing that. All
6 those fisheries that are currently, the squid
7 fisheries, all those should be accommodated.
8 No question about it. But at the same time
9 that probably doesn't add up to a whole lot of
10 tonnage. So just keep that in mind, that
11 those are important things to do, but they're
12 not going to cause the U.S. to suddenly catch
13 its quota.

14 Again, access to the grounds.
15 Fishing opportunities is what's going to spur
16 the investments, to the upgrading. Rich made
17 that point, very, very well. And it's all
18 about fishing opportunities right now, from
19 our perspective. And the more we focus on
20 that, the better.

21 Thanks.

22 MS. SCHULZE-HAUGEN: I'm not sure

1 if Glenn identified himself, but that was
2 Glenn Delaney for the record. Dewey, and then
3 Bill.

4 MR. HEMILRIGHT: Dewey Hemilright.
5 I have a couple of questions and I'd like to
6 echo Glenn's sentiments about this fiasco.
7 I'm probably not as tactful as Glenn, which I
8 know I'm not, but as a fisherman, I don't do
9 a whole bunch of swordfishing. I'm hoping to
10 do a little bit more. It's just unfathomable
11 to me that in 2007 that the U.S. is going to
12 give away its swordfish quota because of
13 mismanagement.

14 This train wreck didn't happen
15 overnight. Has the Agency taken any steps in
16 itself to practice the five Ps, I call it:
17 prior planning prevents poor performance. So
18 that this won't happen on another species.

19 This has been going on for four or
20 five years and now it gets everybody starting
21 to accept that somebody else is going to get
22 quota and look to the conservation, if that's

1 the word to use that everybody wants to label
2 different things. This stuff is getting ready
3 to go to other countries. They don't know the
4 practice or have to what the U.S. does. And
5 it seems like the Agency always wants to come
6 back and ask us what to do. Well, my question
7 back to you all, what are the heck were you
8 all doing for the last four or five years when
9 this was going on? This is getting ready to
10 have a dramatic effect probably long term
11 repercussions unless there's some wheeling and
12 dealing or swindling or whatever you want to
13 call it to get something done.

14 But I think the Agency needs to
15 look at how did we get ourselves in this
16 predicament with something that is so
17 important not only to the U.S. and its quota
18 share, but also as a manager of this resource
19 and also a use of taxpayers' dollars, because
20 I think you all have failed not only to the
21 industry, but the resource because once this
22 resource goes to some other country, they're

1 going to be catching a hell of a lot of other
2 things besides swordfish.

3 The second thing I have to ask is
4 why was when you have -- why wasn't the
5 horsepower rating taken away for the handgear
6 permit? What does it matter how fast you get
7 to the fishing grounds if it could have
8 helped?

9 PARTICIPANT: The concern there
10 was a lot of that effort is being expended in
11 the East Florida Coast closed area and there
12 was significant comment not to expand fishing
13 effort in the swordfish handgear fisher in the
14 East Coast of Florida.

15 MR. HEMILRIGHT: One other
16 question. When you have a no vessel ID or no
17 vessel incidental swordfish permit that's
18 stuck on the shelf, what are the criteria,
19 what do you allow, what's your baseline quota
20 for something like that? I happen to have an
21 incidental swordfish permit that I redo it
22 every year and I sit it on the shelf. It's

1 called a no vessel ID. I haven't received my
2 letter for that, but I received my letter for
3 my directed swordfish.

4 PARTICIPANT: You're going to be
5 getting that this week. We had 120 vessels
6 that solely had incidental limited access
7 permits. Incidental limited access permits
8 are not governed by any vessel upgrading
9 restrictions, so we sent those letters out a
10 week later. But there's no upgrading
11 restrictions on that permit. If it were later
12 combined with say shark directed permit, then
13 that shark directed permit would have
14 upgrading restrictions and you would be
15 governed by that permit. But there are none
16 associated with the incidental permit.

17 MR. HEMILRIGHT: And the last
18 thing, do you all have any feedback on my
19 comments on how this happened, the swordfish
20 fiasco here? Have you all done anything
21 different in the Agency when you look at
22 numbers and were so glaring and everybody

1 saying some is going to be given away? Do you
2 have the sense to say hey, wait a second here.
3 Maybe we need to hire a new person to look at
4 possible collapse of swordfishery or different
5 things like that down the road because
6 obviously this is just unfathomable and
7 probably the most irresponsible thing I think
8 has happened in HMS in a long time as far as
9 international issues.

10 MS. SCHULZE-HAUGEN: Well, to that
11 point, Dewey, I think we just a heard a
12 presentation about what we've been doing over
13 the last year. And prior to that I think a
14 lot of the reasons that some of the
15 limitations are on the pelagic longline
16 fishery have been driven by bycatch. There
17 were time area closures implemented to reduce
18 bycatch of billfish and juvenile swordfish;
19 time area closures for circle hook
20 requirements for bycatch of turtles. Those
21 issues haven't gone away.

22 As I mentioned in the overview,

1 the fishery exceeded its incidental take
2 statement. That is what prompted a couple of
3 years ago the circle hook rule, it was a
4 biological opinion. And so that's not
5 something we take lightly. And as we were
6 looking at how to revitalize the fishery, the
7 measures that we could undertake, particularly
8 in the short amount of time we had last fall
9 to have a rule in ICCAT that meant that we
10 didn't have the time to do a lot of very large
11 analyses and do any IS that might be required
12 for a real fleet restructuring.

13 We met the goal of having
14 something in ICCAT. But there are a number of
15 other factors that have been on-going in this
16 fishery that we heard the comments on, foreign
17 crew, there's fuel prices, hurricanes in the
18 Gulf. There's a lot of factors that have come
19 into play. Infrastructure, you know, the
20 working waterfronts. A lot of the fish houses
21 have gone away. This is a big problem. We're
22 feeling the effects of it. We're at the end

1 of the line of a lot of things that aren't
2 necessarily within regulatory control, at
3 least within fisheries. And so that's some of
4 the things we're hoping we can move to John
5 Ward's presentation, some of the nonregulatory
6 options that we have available to us for
7 moving forward.

8 Now there may be some additional
9 regulatory changes that we can look at and
10 that's where we're hoping to get some of your
11 input on what should we turn to first, what
12 should we do next in the next six months, next
13 year. Some of this stuff is not going to turn
14 around in a year. But some of it we hope will
15 help. The rule that Rick just talked about is
16 things that we hope will help. So that's what
17 I can tell you. It is something that's been
18 developing over several years and the reasons
19 for that are ample. But we're not ignoring
20 it. We're doing what we can within the
21 frameworks of what we can. So I don't know if
22 that answers your question, but that's at

1 least part of it.

2 PARTICIPANT: Dewey, that's a
3 very, very good question and as we were
4 developing these topics for AP discussion, one
5 of the questions that arose is why is the U.S.
6 fleet not catching its swordfish quota? This
7 is, in a sense, we're in a good situation in
8 that we have a rebuilt stock. Is there
9 something that's keeping a person and Terri
10 and Rich, very seriously, are very interested
11 in this question. Is there something that's
12 keeping people from making an investment in
13 this fishery? What kind of fishery has there
14 been on the Grand Banks this year? Are there
15 structural problems? Could an entrepreneur
16 seeing that they have a rebuilt stock and
17 swordfish, at least at the retail level, is
18 fairly expensive. What's keeping people from
19 getting into this fishery and pursuing it?

20 I think you raise an excellent
21 question, Dewey, but we're in a different
22 situation here and all the HMS stocks, this is

1 the one where there is some opportunity here.

2 PARTICIPANT: Rick, we have Bill.

3 I'm going to ask that we tie it up with Bill,

4 Pat, and Vince, and then we're going to move

5 to

6 -- go ahead.

7 MS. SCHULZE-HAUGEN: Just to

8 reiterate. Some of what John Ward is going to

9 be presenting, I think we'll touch on some of

10 these issues. I don't want to cut off the

11 discussion, but I would like to get that

12 presentation at least before you so that we

13 can get that in the discussion as well.

14 I think if we could take the

15 people in the queue now, but with an eye

16 towards getting some more information.

17 MR. GERENCER: Bill Genencer.

18 Looking up at the topics for AP discussion one

19 very small one, count the fish. National

20 Marine Fisheries Service has never had a

21 problem erring on the side of caution when it

22 comes to mortality and yet I know there's a

1 lot of uncounted fish out there.

2 Then when I stepped back and I
3 took a look at it, I mean none of those three
4 points really mean much if we're not sure what
5 we're going to have to fish with in the first
6 place. Why would I invest any money into this
7 industry when there's very little place to
8 fish, when there's great uncertainty as to how
9 much fish we're actually going to be able to
10 catch going into the future, unless we reflag
11 our vessels to other countries who are going
12 to take that quota from us.

13 And if we're looking for a
14 nonregulatory option, maybe it's time that we
15 got a backbone here. It's time to go to ICCAT
16 and not beg, but play hardball. Eighty
17 percent or more of the sword that's sold in
18 this country comes from other countries.
19 That's the stick and it's time to use it.

20 Mexico is running around digging
21 at our heels. They want to sell fish here,
22 fine. We're not going to reinvent this

1 fishery overnight and revitalizing the fishery
2 does not mean returning to the unsustainable
3 practices of the past just so we can catch
4 more fish. But that takes time to do it right.

5 And we've been asked to do it in
6 12 months or guess what, we're going to give
7 your quota away. Well, pardon my French, but
8 screw you.

9 It's time for the United States to
10 stand up for its fishing industry and say
11 these are our fish and we're going to catch
12 them and we're going to catch them the right
13 way and stop running around scared.

14 I think the ICCAT Committee has
15 done a great job given the tools they've got,
16 but National Marine Fisheries Service and the
17 U.S. Government has got to get behind them and
18 do some of this. As far as other things that
19 we can do, you know, again, in order to
20 encourage investment into the industry, you're
21 going to have to look at where people can
22 fish, give them some place to fish. You're

1 going to have to provide some kind of
2 incentive for people to get back into the
3 industry.

4 My final point is this, by giving
5 up our quota share, we're essentially allowing
6 violations of the ESA and the SFA to happen
7 and what does that make us? Thank you.

8 MR. AUGUSTINE: Thank you. Pat
9 Augustine. I've heard a lot of good comments
10 put on the table here and there are some major
11 concerns that aren't going to be answered in
12 this session. There's no question that the
13 last speaker and Dewey had some very good
14 comments and concerns, but I think sooner or
15 later we're going to have to bite the bullet
16 and get back to what we're here to talk about
17 and that's the swordfish revitalization
18 breakout session.

19 I think the stage has been set for
20 some of the things we possibly could do to go
21 back and capture some of the marketplace, if
22 you will, and I think that will be coming up

1 in this next presentation. But I think all
2 the concerns that have been put on the table,
3 some very emotional because they hurt us
4 financially, others because they hurt the
5 country, substantially, and economically, but
6 we aren't going to solve it by throwing new
7 problems on the table at this juncture. Maybe
8 they could be addressed in tomorrow's session
9 and the following day's session.

10 It just seems to me if we're going
11 to have a meaningful session this afternoon,
12 in about a half hour beyond where we should
13 have been right now, almost 45 minutes, that
14 I think we really should move forward, focus
15 on what's put in front of us and if we have
16 time go back and let's attack those hard
17 issues that Dewey and the other gentleman
18 brought up about the economics.

19 Thank you.

20 (End of Tape 3.)

21 (Tape 4 begins.)

22 MS. WILSON: Testing, testing.

1 PARTICIPANT: Can everybody hear
2 Jackie? Just a quick test, all the way in the
3 back of the room, can you hear Jackie?

4 MS. WILSON: Can you hear me?

5 PARTICIPANT: Yes.

6 PARTICIPANT: Oh, now it's
7 working.

8 PARTICIPANT: If everybody could
9 be quiet, maybe we could hear Jackie.

10 PARTICIPANT: This is on now. We
11 have this one.

12 PARTICIPANT: All right.
13 They're --

14 PARTICIPANT: Yes, we're good.

15 PARTICIPANT: This one is on.

16 PARTICIPANT: Test, test, test.

17 PARTICIPANT: Everybody is good.
18 We're good.

19 MS. WILSON: All right.

20 PARTICIPANT: So if you have your
21 mic on, please turn your mic off.

22 PARTICIPANT: Why?

1 (Laughter.)

2 MS. WILSON: Okay. Are we good?
3 Okay. I'll talk loud, make sure you can hear
4 me. If you can't hear me, please just raise
5 your hand, tell me to speak up.

6 I am Jackie Wilson. What we're
7 going to do now is go through the draft
8 Amendment 2 to the Consolidated Highly
9 Migratory Species Fishery Management Plan.
10 I'm going to be basically giving you an
11 overview of what we have in the proposed rule
12 and draft Environmental Impact Statement right
13 now.

14 So the purpose of this is to give
15 you an overview of a draft Environmental
16 Impact Statement, or DEIS, that I'll be
17 referring to throughout the presentation, and
18 its proposed rule. And this presentation is
19 basically going to give you an overview of the
20 current status of several shark species.

21 I am going to also outline the
22 alternatives and alternative suites - I'll

1 explain in a minute what those are - that were
2 analyzed in the DEIS, and I will outline the
3 impact of the current preferred alternative
4 suite.

5 At the end, you will see where
6 comments can be sent via mail, fax, or email.
7 Just so you know, the original comment period
8 was slated to end on October 10th. We are
9 going to extend that to November 2nd.

10 So there were a number of stock
11 assessments on sharks that occurred in 2005
12 and 2006. There was the large coastal shark
13 complex, which is LCS, that you'll see on many
14 of the slides throughout the rest of the
15 presentation. The LCS assessment also
16 assessed sandbar sharks separately and black-
17 tip sharks, and it separated black-tips into
18 a Gulf of Mexico population and an Atlantic
19 population based on tagging studies.

20 There is also a dusky shark that
21 took place, and the Canadians did an
22 assessment on porbeagle sharks in 2005.

1 Now, the large coastal shark, or
2 LCS, stock assessment was done according to
3 the SEDAR process. That's the Southeast Data
4 Assessment and Review process. This consists
5 of three workshops that are open to the
6 public. The public can come, bring data.

7 Then there's an assessment
8 workshop that actually runs through the
9 models, and then in the review workshop, the
10 assessment is peer reviewed by independent
11 reviewers, and they give basically their take
12 on how the assessment was run, if it's the
13 best available science, et cetera.

14 So during the assessment, the peer
15 reviewers suggested that, due to the variation
16 in life history parameters, different catch
17 and effort abundances that took place, it was
18 not appropriate to assess the complex, the
19 large coastal shark complex as a whole. And
20 based on that, we are changing the
21 determination of the large coastal complex,
22 which previously was overfished, with

1 overfishing, to unknown.

2 Okay. In that assessment, sandbar
3 sharks, as I mentioned before, were also
4 assessed separately. The sandbar shark
5 assessment showed that sandbar sharks are
6 overfished. The assessment also recommended
7 a total allowable catch, or TAC, of 220 metric
8 tons whole weight, or 158 metric tons dressed
9 weight.

10 The assessment also showed that
11 overfishing was occurring for sandbar sharks.
12 So we've now made the determination that
13 sandbar sharks are overfished, and overfishing
14 is occurring.

15 Now for the black-tip sharks, as I
16 mentioned, they were assessed as two separate
17 populations based on tagging studies that took
18 place that showed that these are isolated
19 populations. So the Gulf of Mexico black-tip
20 sharks were assessed, and there was an
21 Atlantic population of black-tip sharks that
22 were also assessed.

1 The assessment showed that black-
2 tip sharks are healthy -- that is, they are
3 not overfished, and overfishing is not
4 occurring. However, the assessment could not
5 give reliable parameter estimates for the
6 Atlantic black-tip population, so it was
7 determined that it is unknown for that
8 Atlantic black-tip population in terms of
9 being overfished and overfishing occurring.

10 Now there was a dusky shark stock
11 assessment done in 2006. This is the first
12 time dusky sharks were actually assessed by
13 themselves. And this was done before the CR
14 process was actually in place for sharks. The
15 dusky sharks, as many of you know, have been
16 prohibited since 2000. However, the
17 assessment showed that, despite this
18 prohibition, that they are overfished, with
19 approximately 100 to 400 years for rebuilding
20 for this species, as well as overfishing is
21 occurring.

22 And finally, in 2005, the

1 Canadians did an assessment on porbeagle
2 sharks. The United States to date has not
3 done a porbeagle-specific stock assessment.
4 However, the NMFS scientists reviewed the
5 porbeagle stock assessment. They deemed it to
6 be the best available science, and appropriate
7 to use for domestic management measures. And
8 according to that stock assessment, porbeagle
9 sharks are overfished, with approximately 100
10 years for rebuilding. But overfishing is not
11 occurring.

12 So based on these number -- stock
13 assessments that were done, and on the results
14 that they found, a number of new management
15 measures need to be put in place. And this
16 mainly is to -- or because sandbar and dusky
17 sharks are overfished, with overfishing
18 occurring, and porbeagle sharks are
19 overfished.

20 So we need new management measures
21 in place to rebuild these stocks, as well as
22 stop overfishing and prevent it for other

1 species.

2 Right now, our timeframe to have
3 the final management measures in place is in
4 early 2008.

5 Okay. One thing you have probably
6 noticed in this DEIS is that we have
7 structured it slightly different than how
8 we've done other environmental impact
9 statements. What we've done this time is
10 we've actually take an approach of alternative
11 suites.

12 And what the alternative suites do
13 is each alternative suite - and there's five
14 of them, and I'll go through that in more
15 detail in a moment - but each alternative
16 suite has one of the seven topics that I'm
17 showing you here.

18 Typically what we've done in the
19 past is we would take these seven key topics,
20 and we would have alternatives for each one of
21 the alternatives -- or each one of the key
22 topics I'm showing you here. Then what we

1 would do is we would combine and try to
2 analyze what the impact was of the preferred
3 alternative for each one of those key topics.

4 Instead what we've done is we have
5 an alternative suite, which is comprised of a
6 different version, basically, of these seven
7 key topics here. And what that allowed us to
8 do is to analyze the cumulative impact of that
9 alternative suite, hoping that it would make
10 those impacts more transparent to the public.

11 As you'll see, it's also split
12 among different types of permit holders, so
13 we're also hoping that it would allow permit
14 holders with a directed or incidental shark
15 permit to understand better exactly how the
16 management measures would affect them in the
17 future.

18 So what I'm going to show you here
19 are the five different alternative suites. As
20 I mentioned before, each alternative suite is
21 comprised of different versions of those seven
22 key topics that were just on the previous

1 slide. The alternative suites are arranged so
2 that they -- we've analyzed the range,
3 basically, in our management measures, which
4 we're required to under the National
5 Environmental Protection Act, or NEPA.

6 And it ranges from alternative 1,
7 or alternative suite 1, which is the status
8 quo, and if we implemented that, that
9 basically would implement what the current
10 shark regulations are right now, all the way
11 down to alternative suite 5, which would be to
12 close all shark fisheries, including
13 commercial and recreational. So that is the
14 range, basically, we looked at in our
15 analysis.

16 Alternative suite 2 would be
17 management measures that only affect directed
18 shark permit holders, as well as recreational
19 anglers. But under alternative suite 2,
20 incidental shark permit holders would not be
21 able to retain shark products.

22 I am going to be going through in

1 detail what each one of these alternative
2 suites entails in just a moment.

3 Alternative suite 3 basically
4 would affect directed and incidental shark
5 permit holders, as well as recreational
6 anglers.

7 Alternative suite 4, which is
8 currently the preferred alternative suite,
9 would establish a shark research fishery. In
10 that shark research fishery, fishermen would
11 be allowed to land sandbars and other shark
12 species. Fishermen participating outside of
13 the shark research fishery would not be able
14 to retain any sandbar sharks. Okay?

15 And again, alternative suite 5 is
16 kind of the endpoint of our range in terms of
17 closing all shark fisheries.

18 So what I'm going to go through
19 next is a series of slides that are going to
20 be structured according to the table I'm
21 showing you here. Those seven key topics are
22 across the top, and we're going to be going

1 through each key topic for all of the
2 alternative suites, which are down on your
3 vertical axis there.

4 You'll see the acronym SKD. That
5 stands for the directed commercial shark
6 permit holders. SKI stands for the incidental
7 commercial shark permit holders. Okay. So
8 this is just to give you an idea of how we're
9 going to run through this presentation, key
10 topic by key topic, across all of the
11 different alternative suites.

12 Just so you know, we've got some
13 handouts that are also on the table up there.
14 There's a table that gives you -- it's also in
15 Chapter 2 of the DEIS, but it compares all of
16 the alternative suites for all of the
17 different management measures, which you're
18 welcome to take home for later comparison.

19 So the first thing I'm going to be
20 talking about are the species and quota
21 complexes. They're interrelated, so we
22 considered them in one basically big topic

1 here. I'm going to go through the species and
2 quotas for each alternative suite.

3 One of the things I want to stress
4 is the main focus of the EIS is basically
5 large coastal sharks. We are not going to be
6 changing quotas, management measures, for
7 small coastals in this particular action. And
8 for the most part, we're not going to be
9 changing pelagics, except for porbeagle
10 sharks, which I will go through in just a
11 moment.

12 In these few couple of -- the
13 beginning slides here, I'm also going to be
14 focusing on the commercial management
15 measures. There's going to be a slide where
16 I'm going to be talking about recreational
17 management measures in a moment, as well.

18 So under alternative suite 1, the
19 status quo, we would basically maintain what
20 we currently have in place in the shark
21 fishery. That is, there is a commercial quota
22 of 1,017 metric tons for large coastals, 454

1 metric tons for small coastals. We would also
2 maintain the current quotas that we have for
3 pelagic sharks, blues, and porbeagles. We'd
4 maintain our current prohibited species.
5 Right now, there's 19 prohibited shark
6 species.

7 We'd also maintain our 60 metric
8 ton whole weight display and research set-
9 aside for our exempted fishing programs. We
10 have people who submit applications to us to
11 either collect sharks for public display or to
12 conduct research on sharks under exempted
13 fishing permits. We have a specific quota
14 that's set aside for those types of permits.

15 In addition, we would remove or
16 apply an under or overharvest, as we do now --
17 that is, for the same trimester in the
18 following year. And we would also be
19 maintaining the species complexes as you see
20 now. We would have a large coastal, small
21 coastal, pelagics, and our prohibited species.

22 Okay. Under alternative suite 2,

1 we'd be looking at -- some things would change
2 just a bit. For instance, we would pull
3 sandbar sharks out of the large coastal shark
4 complex. We'd establish a separate sandbar
5 shark quota of 116.6 metric tons dressed
6 weight.

7 Now this quota is coming from the
8 recommendation from the stock assessment that
9 recommended 220 metric tons whole weight, or
10 158. And we did is we looked at mortality in
11 other fisheries outside of the directed shark
12 fishery. We counted -- we basically accounted
13 for mortality in those fisheries and
14 established a commercial quota that would then
15 allow the total mortality of sandbar sharks to
16 be under that 220 or 158 metric tons dressed
17 weight.

18 Again, there is a handout on the
19 table up there that also goes through step by
20 step how we calculated those quotas, if people
21 are interested.

22 Now we also established a -- the

1 complex that -- so sandbar sharks would be
2 taken out of the large coastal complex. The
3 remaining large coastal complex would now be
4 called the non-sandbar LCS complex. Okay?
5 This is basically all of the other large
6 coastals minus sandbar sharks.

7 And according to the stock
8 assessment recommendations, they recommended
9 that, for black-tip sharks in the Gulf of
10 Mexico and the Atlantic, that the catch does
11 not increase, and basically stays the same as
12 the historical catch rate.

13 So we established a non-sandbar
14 LCS quota of 541.2 metric tons, which is
15 basically the historical catch rate of all
16 those other species besides sandbar sharks.
17 That's how we came up with that quota. Again,
18 there's a handout in the back that explains
19 how we did that specifically.

20 Under alternative suite 2, we
21 would maintain the status quo for small
22 coastals, pelagics, and blue sharks. Now

1 based on the porbeagle stock assessment, that
2 shows that porbeagles are overfished. Under
3 alternative suite 2, we are proposing to place
4 porbeagle sharks on the prohibited species
5 list. This would basically curb any future
6 fishing for these species, and allow them to
7 rebuild at a faster rate.

8 We would still maintain our 60
9 metric ton whole weight for EFPs. However, we
10 would change how we allocate specific portions
11 of that set-aside for sandbar sharks and dusky
12 sharks. Specifically, for sandbar sharks, we
13 would set aside one metric ton dressed weight
14 for public display.

15 So out of that 60 metric ton whole
16 weight, only one metric ton would allow to be
17 taken for public display. Another one metric
18 ton dressed weight would be allowed to be
19 taken for research under exempted fishing
20 permits.

21 Also, because of the current state
22 of dusky sharks, we are proposing to not allow

1 dusky sharks to be collected under public
2 display, and mortality to do -- to research
3 would be at the discretion of the agency.

4 We would continue to remove over-
5 harvest from the next season. I'll explain in
6 a minute what we propose to do with seasons.
7 However, we would change on how we apply our
8 under-harvest, and that the carry -- we would
9 only allow a carryover of 50 percent of the
10 base quota for species that are healthy. For
11 species that are either overfished, have
12 overfishing occurring, or are unknown, we
13 would not allow any carryover of under-harvest
14 to help rebuild those species at a faster
15 rate.

16 Now for alternative suites 3 and
17 4, we're proposing to do the same thing that
18 I just outlined for alternative suite 2 in
19 terms of quotas and species complexes. So we
20 basically would have the same structure in
21 terms of a sandbar shark and a sandbar shark
22 quota, a non-sandbar LCS, and non-sandbar LCS

1 quota.

2 Under alternative suite 5, we
3 would have no commercial quotas, and basically
4 all shark products would be prohibited.

5 Okay. Next, onto commercial
6 retention limits. Under the status quo, we
7 currently -- the directed shark permit holders
8 are allowed a 4,000-pound dressed weight large
9 coastal shark trip limit. And there's no trip
10 limit for small coastals or pelagics.
11 Incidental permit holders are allowed five LCS
12 and 16 pelagics and small coastals combined
13 per trip.

14 Under alternative suite 2, this
15 would only apply to directed shark permit
16 holders. Okay? Under alternative suite 2,
17 what we would allow would be, for directed
18 shark permit holders, they could retain eight
19 sandbar sharks and 21 non-sandbar LCS per
20 trip. And there would be no trip limit for
21 small coastals or pelagic sharks.

22 Now again, how we came up with

1 these trip limits and the associated quotas is
2 available in a handout back on the table up
3 here as you come in, if you'd like more
4 details on that.

5 The incidental permit holders
6 would not be allowed any retention of sharks.
7 And in addition, we would state that all
8 sharks have to be landed with fins on through
9 their point of landing. Okay? Under the
10 status quo, fishermen land sharks with just
11 the second dorsal and anal fin.

12 Under the alternative suite 2,
13 fishermen would still be allowed to remove the
14 head and clean the shark at sea, but they
15 would have to land the shark with all of their
16 fins attached. All right?

17 Under alternative suite 2, we are
18 also proposing to not allow any sandbar
19 retention if you have pelagic longline gear on
20 board. Okay.

21 Alternative suite 3, again, this
22 is going to apply to directed and incidental

1 permit holders. Because we have a larger
2 universe of permit holders now, when we
3 established our trip limits, we had to take
4 that quota, basically, and spread it over a
5 larger universe of permit holders. So that
6 resulted in a reduction in terms of the trip
7 limits. So directed and incidental permit
8 holders would be allowed to land four sandbar
9 sharks and 10 non-sandbar LCS per trip.

10 For directed shark permit holders,
11 they would still have no trip limit for small
12 coastals and pelagics, but the status quo in
13 terms of pelagics and small coastal sharks
14 would still apply for incidental permit
15 holders.

16 Under alternative suite 3, we are
17 also proposing to have all sharks be landed
18 with their fins on. Okay?

19 Now alternative suite 4, our
20 preferred alternative, is a little different.
21 We're proposing, under alternative suite 4, to
22 establish a research fishery. Fishermen

1 within that research fishery would be able to
2 land sandbar sharks, as well as other shark
3 species, and they would be afforded higher
4 trip limits than fishermen operating outside
5 of the research fishery.

6 Fishermen operating outside of the
7 research fishery would not be allowed to land
8 sandbar sharks, but they would be able to land
9 22 non-sandbar LCS, as well as small coastals
10 and pelagics, depending on whether they had a
11 directed or incidental permit.

12 Now the one thing I want to just
13 clarify for the research fishery, the way we
14 have it in the proposed rule is currently
15 every year NMFS would come out with the
16 research objectives regarding sharks, and they
17 would put that out in a public notice.

18 Fishermen that were interested in
19 fishing in that research fishery, and
20 interested in helping us reach those research
21 objectives, would then apply. They would
22 apply under the exempted fishing research

1 program that we currently have in place. The
2 agency would then select fishermen. There's
3 a number of criteria that we're considering.

4 It's also a thing that we love to
5 have feedback on on the criteria that you
6 think is most appropriate in order to consider
7 fishermen to participate in the research
8 fishery. For instance, we would look at past
9 violation history, their ability and desire to
10 meet the research objectives, their
11 flexibility to be able to fish at different
12 times, and in different places.

13 So we would select -- right now,
14 we're suggesting between five and 10 boats,
15 just think what we could accommodate in that
16 research fishery. The whole idea behind the
17 research fishery is to allow a few individuals
18 to still basically fish for sharks and make an
19 income or a living, or parts of their income
20 off of shark products. Okay?

21 And the reason we would only have
22 five to 10 boats is because we have a reduced

1 sandbar quota. It's only 116.6 metric tons
2 dressed weight. So in order to accommodate
3 fishermen to actually make some portion of
4 their living off of shark products, we would
5 have to shrink that universe. And so we're
6 proposing to do that within the research
7 fishery.

8 Basically, fishermen fishing
9 outside of that research fishery will be
10 catching sharks in more of an incidental
11 manner. They wouldn't be directing as much on
12 sharks anymore.

13 The other thing with alternative
14 suite 4 is we're also proposing to have sharks
15 landed with their fins on. Again, sharks
16 could have their heads removed at sea, they
17 could be cleaned, but they'd have to be landed
18 with all of their fins attached.

19 And finally, under alternative
20 suite 5, there would be no retention of any
21 shark species.

22 Okay. So next, under time area

1 closures. Alternative suite 1, the status
2 quo, we basically would maintain our current
3 HMS, including both bottom longline and
4 pelagic longline and gill net time area
5 closures.

6 Under alternative suite 2, we
7 would maintain our current HMS time area
8 closures. But in addition, we would implement
9 the eight preferred South Atlantic Fishery
10 Management Council's marine protected areas.
11 And I'm going to show you a slide in just a
12 second that shows you where those green
13 protected areas are. But we would be
14 basically backstopping their measures, and we
15 would not allow bottom longline fishing to
16 occur in those marine protected areas.

17 Under alternative suites 3 and 4,
18 we would also have -- we would maintain our
19 current time area closures, and we would also
20 implement those eight marine protected areas
21 that are currently preferred by the South
22 Atlantic Council.

1 Under alternative suite 5, we
2 would have the basically --

3 (Recording interrupted, new
4 recording begins in mid-sentence.)

5 PARTICIPANT: -- cap the swordfish
6 breakout session discussion for him tomorrow
7 afternoon, so that he's able to hear all of
8 the input that you will be getting during the
9 small tables.

10 So this went a little bit longer.
11 We had some good discussion during the
12 presentation. So I didn't want to cut that
13 off. But I think we can still have Bill there
14 for the afternoon session tomorrow.

15 So what I would recommend, then,
16 if folks are okay with that, is that we have
17 the half-hour, 45-minute small table
18 discussion. We have NMFS staff that will be
19 joining you at your tables.

20 If there's a desire for you to
21 either move around, if you have a lot of
22 swordfish expertise at one table, and very

1 little at another, please feel free to mix it
2 up a little bit. And then we'll have the NMFS
3 staff there to guide the discussion.

4 There are flip charts that should
5 be around the room, so we can bring those. So
6 if you want to take any notes to guide the
7 discussion for report out, and then we'll have
8 some other staff around for taking notes at
9 the tables.

10 Why don't we break as we need to
11 at this point.

12 PARTICIPANT: Okay.

13 (Brief pause.)

14 PARTICIPANT: Rich Ruais is going
15 to give a high-level review. We have a two-
16 minute clock on every table. We are going to
17 watch it diligently, and we're going to give
18 him the hook at two minutes.

19 MR. RUAIS: (Inaudible.) Some of
20 us have done this for about four or five years
21 in a row right now, so it's a little bit
22 frustrating exercise that we haven't gotten

1 beyond the paper-block exercise. But since
2 I'm running out of my two minutes, I'll go
3 real fast.

4 The number one priority that we
5 come up with is that we need research fishing,
6 and we need it now. And the question is: can
7 mandatory circle hooks and safe handling and
8 release practices replace the closed areas?
9 Can it become a more refined fishery
10 management tool where you can achieve the same
11 conservation benefits that you do with the
12 closed area under the new mandatory practices
13 that the U.S. is taking the lead?

14 Our expectation of that research
15 fishing is it will result in the reopening of
16 closed fishing grounds based upon some
17 mandatory circle hook research that's done in
18 other parts of the world, but yet still has to
19 be done in the Charleston Bump area, and
20 wherever else you want to reopen the area.

21 We believe that, in turn, will
22 provide long-term confidence to the fishery to

1 make investments, and you'll be off and
2 running in terms of revitalizing the
3 fisheries. But it takes that research, which
4 is long overdue, and we have been begging for
5 for a long period of time.

6 Some other -- some other issues,
7 that is the top, number one issue. If I had
8 my preference, there would be 20 pages that
9 just said that and stopped right there, don't
10 need to go any further, and everything else
11 would (inaudible).

12 But the recommendations that we
13 had before to develop a sustainable level that
14 the U.S. product -- advertise the fact that
15 our fleet is the most resource-conscious in
16 the world, we've got the mandatory training,
17 we've got the mandatory possession of the
18 tools, we're using it. There still might be
19 some little pockets of problems, but between
20 NOAA outreach programs and Bluewater, we
21 intend to address them as best we can.

22 A couple of other short-term

1 problems -- gee, two minutes goes fast. A
2 couple of other issues that we've run into
3 while we've been trying to suggest
4 revitalization quickly, is charter agreements
5 with foreign nations. For some reason, we
6 found out when we tried to work a charter
7 arrangement to use up some of the U.S. quota,
8 to protect it, with Canada, we found out,
9 well, the U.S. only intended chartering to be
10 other countries chartering our boats, and we
11 can't charter other boats, which no one knows
12 how it came exactly to that permit, but the
13 bottom line was we weren't able to do any kind
14 of revitalization by using up some U.S. quota,
15 by chartering Canadian boats fishing up on the
16 high seas and on the Grand Banks. So that's
17 got to be a priority to get fixed.

18 Similar, leasing permits. We have
19 a bunch of inactive domestic permits right now
20 that we found out we can't even lease amongst
21 ourselves. There are currently vessels that
22 want to go longlining, but don't have the

1 combination of the three boats, and we tried
2 to get leasing among the boats, so we could --
3 we could, right off the bat, just go back and
4 begin fishing.

5 In terms of vision, our suggestion
6 is that the revitalized fleet, depending upon
7 the outcome of the research, should look very
8 similar to what the historical, traditional
9 fisheries looked like in the '80s and '90s
10 before the resource ran into a problem, and
11 before those existing players made commitments
12 to begin to rebuild the resource.

13 The first obligation is to the
14 historical users who sacrificed for the
15 rebuilding of the resource. That includes the
16 coastal fleet, a high seas fleet, a harpoon
17 fishery, and a vibrant recreational fishery at
18 the same time.

19 Finally, going fast, allow lapsed
20 permits to be reissued based upon historical
21 participation. If we find too many of the
22 people that are holding the unused permits

1 have died and gone away, then we might need a
2 few more permits, which is probably not
3 likely.

4 We need to fix the problems with
5 the current incidental catch, eliminate the
6 need for multiple permits for the ELECs
7 (phonetic) and (inaudible) squid holders.
8 They need to be able to make use of this five
9 to 15 increase in the incidental catch permit.

10 Forget this notion that the squid
11 boats need all three permits, the longline
12 permit, the shark permit, either a directed
13 shark permit or the tuna longline permit. And
14 that's two minutes and more.

15 PARTICIPANT: Very well done. I
16 think that was very well done.

17 (Appause.)

18 Lisa, do you want to go next? Do
19 you --

20 PARTICIPANT: (Inaudible.)

21 PARTICIPANT: You know something?
22 I don't think we are going to have time today

1 to ask questions -- to do that. We're trying
2 to get you out of here by 6:00, and we still
3 have a public hearing to do before 6:00, in
4 case there's anybody from the public.

5 So it is -- I'm going to suggest
6 that this is a chance for you to hear --

7 PARTICIPANT: Is there anybody
8 from the public?

9 PARTICIPANT: Well, there's -- I
10 think there's one -- at least one person.

11 PARTICIPANT: He just left.

12 PARTICIPANT: Oh. He just took
13 off?

14 PARTICIPANT: (Inaudible.)

15 PARTICIPANT: Okay. Well, we
16 still only have 20 minutes to do seven more
17 tables. So, do you have a burning question?

18 PARTICIPANT: No. Actually, Ellen
19 had the question.

20 PARTICIPANT: No, no. But we're
21 going to wait, hold questions until tomorrow,
22 right? Yes.

1 PARTICIPANT: Yes, we are going to
2 try to carve out --

3 PARTICIPANT: (Inaudible) again
4 tomorrow.

5 PARTICIPANT: Yes, that's fine.

6 PARTICIPANT: Yes. This is the --

7 PARTICIPANT: Okay. As long as --

8 PARTICIPANT: -- like a preview.

9 It is like the preview.

10 PARTICIPANT: This is a dress
11 rehearsal.

12 PARTICIPANT: Yes. Thank you. So
13 in that case, who wants to go next? Lisa?

14 MS. GREGG: I guess we'll go next.

15 PARTICIPANT: Okay.

16 MS. GREGG: Okay. We kind of
17 combined the first two questions. Both were
18 recommendations on revitalization and
19 connecting them with the recommendations for
20 the -- amending the swordfish regulations at
21 the same time.

22 First, long-term -- a long-term

1 recommendation would be marketing U.S. --
2 focus on marketing U.S. products abroad,
3 similar to how Europe does with -- right, what
4 -- well, the Marine Stewardship Council
5 certification schemes to increase the value of
6 sustainable fisheries.

7 And so we can do that, and Europe
8 has had some success with that. So if we can
9 kind of duplicate that, and concentrate on the
10 swordfish fishery, then we may be able to
11 increase the international market.

12 Short term -- right, increase
13 effort in areas that have lower bycatch rates,
14 accommodate -- make sure that regulations
15 accommodate the distant waters fleet by
16 basically removing the restrictions, such as
17 the vessel size and freezer limitations, and
18 things like that.

19 So then those are areas that have
20 lower bycatch rates, and that's where we
21 really need to focus on increasing the effort,
22 rather than areas that have potential for

1 having higher bycatch rates. Reduce --
2 potentially reduce minimum size limits to
3 reduce discards.

4 Let's see -- the buoy -- the buoy
5 gear (inaudible). Right. So require circle
6 hooks for buoy gear, potentially reduce the
7 number of buoy gear -- buoys that are allowed
8 per vessel, require permit numbers not only to
9 be on the buoy but also be attached to a
10 vessel. Therefore, several vessels can't all
11 fish the same buoys, and only the ones that
12 are -- only the vessels that are permitted can
13 fish those buoys.

14 So if you require pingers or
15 locators on all of the buoys so that when --
16 you can locate lost buoys.

17 And let's see -- okay. Then also,
18 allow more --

19 PARTICIPANT: Permits.

20 MS. GREGG: Allow more hand gear
21 permits. Okay. In the short term, you could
22 allow the displaced license holders to reenter

1 the fishery, and then, in the long term,
2 consider opening and eliminating all of the
3 limited access permits.

4 And then, for number 3, our vision
5 was to focus on the smaller, more profitable
6 fisheries, like the niche market, such as the
7 Marine Stewardship Council and those type of
8 -- through those type of actions.

9 PARTICIPANT: Okay, Lisa. Thank
10 you. Thank you very much.

11 (Applause.)

12 We are an appreciative crowd here.

13 Who's ready? Who wants to go
14 next? Ken.

15 MR. HINMAN: (Inaudible.)

16 (Brief pause.)

17 It's probably not a good thing,
18 and it's probably going to require a
19 comprehensive solution.

20 Hand gear -- we saw no reason to
21 have limits on the numbers of permits for hand
22 gear, but we did see potential reasons to

1 impose geographic restrictions on where those
2 permits are used, and we wanted sort of a
3 spatial distribution of those permits, not a
4 concentration of them. And I think that
5 particular recommendation could apply to all
6 categories, all gear categories.

7 Permits -- we had two
8 recommendations on that. First of all, that
9 if there is a permit out there that somebody
10 has, an active permit, there should be a sort
11 of use it or lose it thing to promote people
12 actually getting back there in the water and
13 using those permits to catch swordfish, and
14 that would be, for example, by some kind of
15 date chosen that they would have to actually
16 use that inactive permit or they would lose
17 it.

18 And the other side of that is -
19 and this was recommended by Rich's table -
20 some way to allow for lapsed permits to be
21 reissued to people that can use them to catch
22 swordfish.

1 Vessel upgrades -- we saw no
2 reason to have even the new limits on the
3 upgrades for pelagic longline vessels, as well
4 as hand gear vessels.

5 Buoy gear -- we see this as
6 something that is potentially one way to
7 revitalize the swordfish fishery. But there
8 are some changes, things that need to be done
9 to make sure that any of the bycatch problems
10 or dead discard problems, especially in
11 juvenile fish, are removed. And requiring
12 circle hooks is certainly one way to do that.

13 Improving the reporting of catches
14 and the monitoring of catches, the data
15 collection, to make sure that every fish that
16 is actually caught and landed is counted, or
17 even discarded, is counted against our quota.

18 And imports -- we were very much
19 in favor of the U.S., the Administration,
20 seeking methods to close U.S. markets to
21 countries that are catching swordfish and
22 exporting them to the U.S., countries that

1 don't require comparable conservation
2 measures. And this would include compliance
3 with all of the ICCAT measures, and there is
4 a lot of non-compliance we're aware of --
5 bycatch of all kinds, and certainly the sea
6 turtles is one that has -- carries I think a
7 lot of force of law in the U.S.

8 And finally, we sort of looked at
9 a vision -- and this is sort of addressing the
10 idea that we don't know what the U.S., after
11 2008, is going to be dealing with in terms of
12 what catch it has. But we tried to divide our
13 current quota into two things. One is that
14 what we can keep to support a healthy and
15 sustainable U.S. fishery, U.S. industry, and
16 what we would give up, and how we would do
17 that in terms of getting something back for
18 it. And that's to be determined.

19 These are the amounts and the
20 goals that we want to achieve with what we
21 have to give up at ICCAT -- really important.
22 We don't really want to go back in there

1 saying, you know, these are our fish, and you
2 can't have them under any circumstances. We
3 could be in a situation of losing something,
4 not controlling the terms of that loss, or
5 even the amount of that loss, so we need to
6 take a proactive response to that.

7 But I think the important part of
8 this vision is, what amount can sustain a
9 healthy and vibrant fishery?

10 PARTICIPANT: Thank you, Ken.

11 MR. HINMAN: That's it.

12 (Applause.)

13 PARTICIPANT: Rick, do you want to
14 take this one?

15 PARTICIPANT: Sure. Most of --
16 most of this has been covered by other folks
17 by now. I was fortunate I had two people very
18 experienced with longlines at our table. I
19 did a lot of learning, and we just sort of
20 bounced some things around. We did very
21 little with questions 1 or 3.

22 I think I would summarize what we

1 were most interested in was how to get more
2 permits that are out there back into being
3 active. How do we not discard fish? How do
4 we let those people who are catching it land
5 it? And so -- and in deference to these
6 folks, and I really don't disagree
7 emotionally, is bringing back those people who
8 were displaced first. And after we've done
9 that, then bringing in new people thereafter.

10 So we got these two reversed, and
11 I agree with reversing them. So we changed
12 number 1 to reinstate the lapsed permits for
13 those people who have accidentally forgotten.
14 Give people an opportunity who want to be back
15 in the fishery to get back in the fishery.

16 Second, and that was to allow the
17 -- create the general category of swords,
18 which is very similar to what a lot of people
19 have said about the hand gear. Specifically,
20 saying general category, because in my mind
21 that brings up the general category tuna, and
22 these are people who have experience in safely

1 handling seafood.

2 Remove the upgrade restrictions,
3 as Ken was saying, but we added, with
4 oversight, because we don't want everyone
5 rushing in and throw in a lot of capacity that
6 we regret five years later, because everyone
7 took advantage of no cap.

8 We felt the cap was there to limit
9 capacity, but you know, as I was using Gail as
10 a sounding board, if the Johnsons feel the
11 Seneca should be 50 percent larger, I want the
12 Seneca to be able to be 50 percent larger if
13 that's what market forces are dictating.

14 I absolutely agree -- I'm not
15 entirely sure how, with improving recreational
16 data collection, and I guess that we would put
17 buoy in there as well, because there was real
18 feeling that there's gears in use and fish
19 being landed that are not being reported, and
20 we were all in agreement on -- that they
21 should be.

22 Terry pointed out a hole that says

1 that there are people who have sword and shark
2 permits, but not tuna, which makes the sword
3 permit useless. If you don't have all three,
4 you're sitting there with the puzzle almost
5 complete, and the government has made it so
6 you can't get the important piece that makes
7 everything else go active. So we were
8 thinking that -- go ahead and reissue tuna
9 permits to them.

10 But what she would prefer, and I
11 -- really made sense to me, was gear-based
12 permitting instead. Rather than having all of
13 these parts and pieces, just permit the
14 longline gear, and everything else will just
15 come with it.

16 Squid boats, we thought that if
17 somebody, if they, for some reason they don't
18 have the incidental, go ahead and give it to
19 them. And you'll notice that we really did
20 dodge the whole closed area question, but one
21 place we did really come is, whatever happens,
22 it's going to need to be with good, sound

1 science that people are coming together on,
2 and agree that, if there is good, clean
3 science that says that we can fish in closed
4 areas without harming things, then that would
5 be okay.

6 And that's what we got.

7 PARTICIPANT: Rick, thank you.

8 Thank you and your table.

9 (Applause.)

10 Go over here. Randy? Is it

11 Randy?

12 MR. DRIGGERS: Yes. Randy

13 Driggers.

14 PARTICIPANT: Okay. All right.

15 MR. DRIGGERS: We didn't really

16 come out (inaudible). Do we have anything

17 that's novel, guys? (inaudible) for either

18 percentage catch or a number of catch, and

19 that would prevent having a (inaudible) the

20 closed areas (inaudible) and one of the points

21 was, when we had our thing, was a lot of the

22 work was done for different (inaudible) in one

1 area, and maybe there needs to be site
2 specific information gathered. If -
3 (inaudible)

4 (Laughter.)

5 (Applause.)

6 PARTICIPANT: Thanks, Bill.

7 Thanks, everybody. That was great.

8 PARTICIPANT: So no public
9 comments?

10 PARTICIPANT: I don't know. Is
11 there -- should we just ask? Go ahead and
12 ask.

13 PARTICIPANT: Is there anyone from
14 the public that would like to make a comment?

15 (No response.)

16 Well, I think -- I guess, thank
17 you. This was a lot of good food for thought
18 here, and certainly we have our homework to
19 do.

20 You know, we'll go through this
21 again tomorrow with Bill. So if there's
22 anything that we went over too quickly, a

1 point you didn't get, there'll be another
2 opportunity, so -- with Bill in the room.

3 PARTICIPANT: Start time tomorrow?

4 PARTICIPANT: Start time tomorrow,
5 8:30. We'll start with sharks, a presentation
6 on Amendment 2. And then we'll have a --

7 (End of Tape 4.)

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A	94:3 97:13	advisory 1:13 8:10 15:3 20:17 21:1 42:5 49:5 56:2 87:19 89:12,16 90:2 95:7 99:3	allocation 29:12,16 93:11 109:2,15 110:19 113:13,21	amendment 6:4 13:22 23:4 24:8 25:3,10,22 26:6 97:1 132:8 177:6
abbreviated 76:17	achieve 90:7 115:10 158:10 170:20	acknowledgement 13:17	allocations 22:5 113:17	amendments 6:3 14:7
ability 40:1 86:8 100:9 104:15 114:15 153:9	acronym 142:4	affect 139:16 140:17 141:4	allow 29:15 34:9 98:15,18 99:10 100:17 101:10,14 101:22 120:19 139:13 145:15 147:6,16,22 148:9 148:13 149:17 150:18 153:17 155:15 161:19 166:18,20,22 168:20 172:16	AMERICA 1:1 American 42:1 amount 15:12 18:5 18:10 20:19 36:14 63:18,22 64:9 68:13 83:22 114:3 114:9 123:8 171:5 171:8
able 4:10 15:14 40:11,15 42:20 64:17 66:19,22 78:4 127:9 140:21 141:13 152:1,8 153:11 156:7 160:13 162:8 165:10 173:12	act 17:11 62:17 67:2 72:9 85:13 98:8 115:10 140:5	affirmative 113:14	afforded 57:20 152:3	amounts 67:8 170:19
aboard 4:13	acting 74:2	afternoon 5:4 6:2,5 14:2 26:12 50:6 84:18 130:11 156:7,14	allowable 91:17 135:7	ample 22:2 124:19
above-entitled 83:7	action 36:13 46:20 48:7 104:17 143:7	age 54:11,12,12	allowance 94:4	anal 150:11
abroad 20:11 165:2	actions 2:13 26:15 87:18 96:17 97:19 167:8	agencies 98:22	allowed 56:15 103:17,20 139:7 141:11 147:18 149:8,11 150:6,13 151:8 152:7 166:7	analyses 19:16 36:14 123:11
absolute 58:22	active 168:10 172:3 174:7	agency 18:18 19:5 36:16 70:18 89:2 96:1 97:4,8 104:10 118:15 119:5,14 121:21 148:3 153:2	allowing 129:5	analysis 36:11,11 140:15
absolutely 49:14 55:11 107:8 173:14	actual 67:14	agenda 3:8 4:20 5:3 6:2 7:2 14:22	alter 39:5	analyze 139:2,8
abundance 45:8 53:20 54:15	add 117:9	agent 61:15 68:10	alternative 132:22 133:3 138:10,12 138:13,15 139:3,5 139:9,19,20 140:1 140:6,7,11,16,19 141:1,3,7,8,15 142:2,11,16 143:2 143:18 144:22 146:20 147:3 148:16,18 149:2 149:14,16 150:12 150:17,21 151:16 151:19,20,21 154:13,19 155:1,6 155:17 156:1	analyzed 89:5 133:2 140:2
abundances 134:17	added 104:6 173:3	agents 65:20 67:10	alternatives 132:22 138:20,21	Angels 140:19 141:6
abuse 114:7	addition 32:13 93:4 96:6 97:21 107:19 112:15 144:15 150:7 155:8	ago 15:2 26:2 27:4 66:13 97:2 123:3	altogether 99:13	angles 109:3
accept 118:21	additions 4:21 6:16	agree 44:13 172:11 173:14 175:2	amend 44:16 87:21 104:10	angling 16:2 30:8 30:22 92:10,16 93:8
acceptable 96:6	address 16:17 99:2 159:21	agreed 22:14	amending 96:2 164:20	annual 38:1 76:12
accepted 37:7	addressed 130:8	agreement 28:14 41:20 110:17 173:20		answered 5:17 50:22 57:7 58:14,16 70:19 72:11
access 90:11,21 91:3,19 93:14 96:21 98:14 101:11 117:14 121:6,7 167:3	addressing 98:9 170:9	agreements 111:4 160:4		answers 41:8 46:18 124:22
accidentally 172:13	adjustment 102:6	ahead 4:20 7:3 82:2 83:10 126:6 174:8 174:18 176:11		anticipation 102:2
accommodate 153:15 154:2 165:14,15	adjustments 17:19 25:16 31:2	ain't 57:5,6,6		anxious 43:6
accommodated 117:7	Administration 1:4 169:19	airport 64:14 66:17 71:8		anybody 73:15 101:10 103:4 163:4,7
accompany 107:22	administrative 36:19	Alan 3:13 69:12		anymore 154:12
account 25:4,6 86:11,22	admittedly 76:19	Alan's 28:22		anyway 97:19
accounted 21:13 145:12	adopted 110:19	alarming 46:21		AP 2:10 5:19 6:9 18:3 19:19 23:5,13
accounting 23:3 82:7	adult 57:9	alliances 57:13		
accumulated 106:3	advantage 31:15 112:1 173:7	allocate 147:10		
accurate 86:10,21	advertise 159:14	allocated 108:14		
	advice 3:6 41:2,3			

23:22 25:21 27:8 28:3,4 29:5 33:14 33:17 38:20 41:2,4 84:10 94:12 125:4 126:18 apparent 20:5 22:21 Apparently 101:19 appeal 36:17 appearing 53:12 applaud 69:4 Applause 162:17 167:11 171:12 175:9 176:5 applications 144:10 apply 86:8 144:16 148:7 149:15 150:22 151:14 152:21,22 168:5 appreciate 3:4 69:10 appreciated 111:18 appreciative 167:12 approach 138:10 appropriate 134:18 137:6 153:6 appropriately 106:14 approximately 81:17 87:15 93:13 99:21 136:19 137:9 April 29:21 APs 84:2 Aquilent 32:21 area 46:2 61:18 65:5,17 70:1 75:22 76:5 99:9 102:10 120:11 122:17,19 154:22 155:4,7,19 158:12,19,20 174:20 176:1 areas 18:14,15 19:1 19:9 42:22 44:18 97:7 102:7,12,14 155:10,13,16,20 158:8 165:13,19 165:22 175:4,20	arguments 113:13 116:5 arose 125:5 arranged 140:1 arrangement 160:7 articulate 95:14 ASA 41:13 aside 45:20 144:9 144:14 147:13 asked 58:5 103:2 128:5 asking 60:15 94:12 101:20 102:12 104:11,12 aspects 34:20 50:16 assess 134:18 assessed 133:16 135:4,16,20,22 136:12 assessment 19:16 37:5,10 57:6 84:22 89:6 133:15,22 134:2,4,7,10,12,14 135:2,5,6,10 136:1 136:4,11,17 137:1 137:3,5,8 145:8 146:8 147:1 assessments 23:6,9 43:20 44:2,3 133:11 137:13 assignment 3:21 4:6 assist 87:22 assistance 98:5 Assistant 61:15 associated 9:1 121:16 150:1 Association 8:2,3,7 8:16 9:2,12,17 10:16 18:2 42:2 assumes 107:3 assuming 78:2 assure 40:12 Atlantic 11:8 14:5,6 14:11 21:18,21 22:1,2 23:17,18 25:6 29:7 54:8 55:6,9 59:7,11,13 59:15 85:8,13	87:22 133:18 135:21 136:6,8 146:10 155:9,22 ATMOSPHERIC 1:3 attached 150:16 154:18 166:9 attack 29:7 130:16 attain 85:4 attention 41:5 79:14 105:16 audience 95:14 Audio 47:11,11 August 18:20 20:19 30:3 87:20 90:6,12 Augustine 10:20,20 129:8,9 Authority 50:17 authorized 33:19 97:3 available 5:16 21:15 22:2 44:8 56:10,18 57:10 83:2 89:18 124:6 134:13 137:6 150:2 average 49:14 53:14 78:2,18 82:8 aware 170:4 awkward 47:9 axis 142:3 <hr/> B <hr/> Baby 10:9 back 3:19 5:14,22 13:2 16:10 19:6,10 28:7 33:22,22 42:22 50:6,20 52:14 55:1 58:15 58:17 82:16,19 83:21 100:1 104:16 105:13 108:11 117:2 119:6,7 127:2 129:2,16,21 130:16 131:3 146:18 150:2 161:3 168:12 170:17,22 172:2,7	172:14,15 backbone 127:15 background 85:5 backstopping 155:14 backup 7:10 bad 66:9 69:7 73:12 bag 92:10 96:20 103:13 Bahamas 68:2 bait 67:18 99:9 Balchowsky 3:19 ballpark 77:22 Bank 8:7 bankrupt 55:11 58:22 59:5,7,16 Banks 125:14 160:16 base 148:10 based 20:3 23:18 33:17 37:9 77:12 81:6 133:19 134:20 135:17 137:12 147:1 158:16 161:20 baseline 25:14 30:19 91:13,13 93:3 94:2 107:7 108:11 120:19 basically 74:1 91:2 94:22 111:2 132:10,19 134:11 139:6 140:3,9,14 141:3 142:22 143:4,19 145:12 146:5,11,15 147:5 148:20 149:3 151:4 153:18 154:8 155:2,14 156:2 165:16 basis 39:11 67:16 102:14 bat 116:4 161:3 Bathrooms 12:12 battle 42:21 48:16 48:17,20 50:3 109:18 Bay 53:11 65:5	bear 38:9 becoming 43:18 bed 75:2 beg 127:16 begging 159:4 beginning 53:1 143:13 begins 47:13 88:11 130:21 156:4 behavior 58:13 Beideman 8:19,19 8:20 Belcher 11:11,11 believe 19:6 22:16 55:6 71:9,14 86:5 87:19 95:17 97:17 158:21 Belize 110:12,13 beneficial 109:6 benefit 4:2 109:4 benefits 115:13 158:11 best 12:9 14:14 24:5 44:8,22 48:6 56:10 56:18 57:9 106:16 134:13 137:6 159:21 better 31:21 40:8 49:22 50:2 104:15 117:20 139:15 beyond 96:6 101:9 130:12 158:1 big 63:7 65:4 67:7 105:6,7 123:21 142:22 bigger 15:15 97:22 98:1 Bill 3:13 5:1 11:3,5 32:5 38:13 51:3,5 51:7 52:16,22 61:9 69:12 83:20 110:2 110:3 111:1,2 118:3 126:2,3,17 156:13 176:6,21 177:2 billfish 10:13,15 14:9 26:17 39:18 62:15,16 63:5 64:2
--	--	--	---	---

64:8 69:5 79:21 114:18 115:5 122:18 billfishery 60:9 Bill's 52:14 Bingham 73:8 74:13,21 biological 17:16 123:4 biomass 56:12,13 56:17 57:2 85:1,2 bit 20:16 39:22 50:12 56:9 78:13 90:10,14 94:20 97:18 102:12 118:10 145:2 156:10 157:2,21 bite 129:15 black 133:16 136:1 blacktip 23:10 black-tip 135:15,19 135:21 136:6,8 146:9 black-tips 133:17 bladder 65:3 71:13 bladders 65:3 blue 27:1 36:19,20 41:8 146:22 bluefin 29:3,4,7 30:13 31:9 32:3 33:12,19 34:10 45:2 48:5,11,18,21 52:8,16 53:18 54:21 79:20 110:5 110:16,17 117:1 blues 37:20 144:3 bluewater 8:2 9:1 18:1 55:20 159:20 board 150:20 173:10 boarded 68:6 boat 8:7 16:1 63:20 64:1 67:1,1 68:6 72:20 73:6,11 74:2 75:11,17 90:16 93:9 96:20 99:18 99:18 103:13,17 103:19 104:2	105:4,6 boating 57:17 boats 10:4 33:11 34:10 45:16 62:14 62:14 69:5 72:22 73:3 74:18 76:6,15 78:3 92:16,17,18 92:20 101:18 105:8 112:20,21 153:14,22 160:10 160:11,15 161:1,2 162:11 174:16 Bob 4:4,5 10:5 Bonfil 10:19 border 64:13 bore 113:1 bottom 35:4 114:11 115:3 155:3,15 160:13 bounced 171:20 boundaries 26:3,8 44:17 61:19 Boustany 11:9,9 Brad 4:15 breadth 16:21 break 5:6 77:17 83:4,5 99:4 157:10 breakdown 81:16 breakout 5:6,13,17 83:15,19 84:5,18 129:18 156:6 Brief 157:13 167:16 briefing 36:20 briefly 24:7 bring 14:22 58:22 71:19 134:6 157:5 bringing 172:7,9 brings 172:21 broker 74:2 brought 72:3 73:5 89:15 112:2 130:18 brunt 113:1 build 82:12 building 23:11 bullet 85:19 87:14 98:10 129:15 Bump 158:19	bunch 111:14 118:9 160:19 bundled 34:8 buoy 60:9,14 61:4 69:18 72:14,17,19 72:22 74:2 75:11 80:3,11 97:2 166:4 166:4,6,7,9 169:5 173:17 buoys 72:16,20 73:1 73:2,5 75:12 81:17 166:7,11,13,15,16 burning 163:17 businessmen 112:1 busted 70:19 busting 69:5 busy 38:4 84:11 button 61:13 bycatch 19:11 96:4 97:6 104:5 106:20 108:1,3 114:16 116:1 122:16,18 122:20 165:13,20 166:1 169:9 170:5 bygear 80:12 by-catch 57:17	Canadians 48:1 133:21 137:1 cap 29:10 30:21 32:10 156:5 173:7 173:8 capability 53:6 capable 53:6 capacities 86:12 capacity 86:22 108:16 111:19 173:5,9 Cape 53:11 caps 111:18 captain 9:14 captains 98:16 capture 102:18 129:21 captured 102:21 carcass 13:20 35:1 35:12 card 63:16 Caribbean 65:16 Carolina 8:5,16 10:1 11:18 14:10 40:4 49:9 Carolyn 11:11 carries 170:6 carry 30:20 148:8 carrying 66:18 carryover 29:10 30:20 32:10 148:9 148:13 carve 164:2 case 7:10 36:21 37:1 62:11,19 64:4,5,10 65:12,13,18,21,22 66:3,6,13 67:18 68:15,16 70:21 110:22 163:4 164:13 cases 36:11 62:8,10 67:17 69:17 cash 66:7 catch 15:5 46:10 52:8 56:16 63:4,6 63:7 73:10 76:2,11 76:18,20 77:5 78:14 97:5 100:18	107:13 108:17 115:11,17,22 116:13 117:12 127:10 128:3,11 128:12 134:16 135:7 146:10,12 146:15 162:5,9 168:13,21 170:12 175:18,18 catches 31:15 33:2 45:19,21 46:8,13 59:12,14 76:13 77:2,3,22 78:7 82:6,6,8 85:11 87:11 169:13,14 catching 46:13 56:17 62:15 67:2 120:1 125:6 154:10 169:21 172:4 categories 168:6,6 category 16:2 30:1 30:8,21,22 77:6 92:10 100:14,17 172:17,20,21 caught 47:1 52:3 53:2 64:13 68:2 71:1 81:4 169:16 cause 117:12 causing 61:5 caution 96:2 126:21 center 3:22 13:5 43:2 Central 59:11,14 certain 90:16 102:10 certainly 54:16 55:22 60:18 61:7 69:6,8,13 109:20 111:17 113:14 169:12 170:5 176:18 certificates 35:9,10 35:11,17 certification 165:5 certified 16:7,9 35:20,22 93:13 cetera 134:13
C				
		calculated 145:20 calculating 94:4 calculation 77:14 calendar 31:6 37:21 call 54:7 71:13,14 80:2 98:1 118:16 119:13 called 78:15,17 79:10,12,17 121:1 146:4 calls 72:18 77:9 call-in 77:1 Canada 29:13 31:18 31:22 45:17 46:5,8 52:22 55:13 58:4 160:8 Canadian 19:22 31:19 45:10,12 53:13 58:10,12 160:15		

chain 58:1	cited 109:5	coastals 25:8 143:7	78:1,2 80:13	Communications
Chairman 10:22	citizen 65:15 66:6	143:22 144:1	111:11 129:22	5:10
chance 5:2 97:15	claims 18:11	146:6,22 149:10	145:7 175:1	community 55:15
163:6	clarification 58:20	149:12,21 151:12	comment 15:18	78:1
change 45:8 117:4	clarify 33:16 152:13	152:9	18:6,7 19:17 23:21	comparable 170:1
145:1 147:10	classes 54:11	Cod 53:11	24:1,16,22 26:22	compares 142:15
148:7	Clay 51:15	Coddington 9:20,20	27:16 28:2,5 30:14	comparison 142:18
changed 172:11	clean 150:14 175:2	59:22,22 72:12,12	33:17 38:6 44:5	complaining 72:19
changes 6:15 7:2	cleaned 154:17	77:21	52:15 76:7 80:5,8	complete 20:21
17:1,1 19:8 23:11	clear 55:8 109:14	coin 96:11	80:17,22 81:2	114:7 174:5
29:1 124:9 169:8	clearly 53:4,6,13	collapse 122:4	82:20 89:22 95:5	completed 23:15
changing 59:3 60:1	clients 62:20	collapsed 45:12	96:7 101:17	66:4,13
134:20 143:6,9	climb 55:18	collar 67:11	107:19 108:2	completely 116:9
Channel 73:18	clock 157:16	collect 27:6 86:9	120:12 133:7	complex 53:18
Chapter 142:15	close 17:9 25:1,2	144:11	176:14	133:13 134:18,19
characterize 105:22	102:14 140:12	collected 81:17	comments 8:1 16:15	134:21 145:4
charge 15:3 61:15	169:20	148:1	16:21 18:8 24:4,6	146:1,2,3,4
104:3	closed 15:18 19:9	collecting 77:10	27:9,19 43:10	complexes 142:21
Charitable 8:20	22:14 42:22 46:19	collection 47:7	44:20 52:14 70:5	144:19 148:19
Charleston 158:19	56:3 90:1 97:7	86:20 102:18	71:3 90:2,3 94:20	compliance 47:3
charter 8:7 10:4	102:7,9,11,14	103:9 169:15	95:1,5,9,11,13	48:8 49:15 79:1
16:1 19:21 33:11	120:11 158:8,12	173:16	96:13,15 99:14	86:15 110:8 170:2
34:10 62:14,14	158:16 174:20	column 80:14	100:20 111:15	complicating 53:22
92:15,16,18 93:8	175:3,20	combfin 71:10	116:9 121:19	comprehensive
96:20 98:16	closeout 6:14	combination 91:3	123:16 129:9,14	26:7 31:13 167:19
103:13 104:2	closer 53:15	161:1	133:6 176:9	comprised 18:13
160:4,6,11	closes 30:14	combinations 27:2	COMMERCE 1:2	139:5,21
chartering 19:20	closing 38:2 141:17	combine 139:1	commercial 8:21	concentrate 165:9
103:16 160:9,10	closure 22:13	combined 121:12	9:1,14 10:8 11:4	concentration
160:15	closures 99:9	149:12 164:17	74:7 78:21 80:4	168:4
charts 5:21 157:4	122:17,19 155:1,5	come 3:5 13:1 16:16	100:11,16 140:13	concern 44:18
cheat 112:13	155:8,19	21:5 24:4 29:5	142:5,7 143:14,21	55:21 68:20 96:8
checking 30:12	Club 9:21	33:22 38:19,19	145:14 149:3,5	98:10 120:9
Chief 3:11	clubs 61:3	49:4,19 56:10 59:9	Commission 10:11	concerned 42:17
chomped 111:1	Coalition 9:19	75:18,19 77:19	14:7 23:17,19 73:9	concerning 99:14
chopping 66:14	coast 8:3 9:3 11:15	103:10 108:11	74:8,12,19 75:14	concerns 18:15
chose 89:2	34:3 52:15 55:19	119:5 123:18	85:8,21	129:11,14 130:2
chosen 168:15	57:5 67:19 68:6	134:6 150:3	Commissioner 9:4	conch 68:3,7
circle 6:19 14:9	70:3 75:5,13 76:14	152:15 158:5	commitment 33:21	conclude 38:10
17:17 26:18 28:16	120:11,14	174:15,21 175:16	88:3 112:22	83:19
28:17 36:17 39:19	coastal 10:16 21:17	comes 63:14 69:21	114:16	concluded 17:15
40:1,16,21 41:14	23:9 24:11 25:2	109:22 126:22	commitments	concludes 105:15
60:2,2,7,8,12,13	37:5 112:21	127:18	161:11	condensed 89:17
61:5 122:19 123:3	133:12 134:1,19	coming 11:20 20:8	Committee 8:10	condition 44:1
158:7,17 166:5	134:21 143:5	20:12 28:2,14	15:4 20:17,20 21:1	conditions 45:7
169:12	144:20,21 145:3	31:16 36:21 38:11	42:5 49:6 56:2	conduct 19:4 27:11
circumstances	146:2,3 149:9	38:17 54:7 64:13	87:19 128:14	86:12,22 144:12
171:2	151:13 161:16	74:18 76:5 77:10	common 41:15	conducted 84:21

89:13,21 95:1,3,7 conducting 18:21 confidence 158:22 confirmed 17:14 conflict 18:16 conflicts 96:8 confounding 52:21 connecting 164:19 consecutive 29:18 consequence 114:12 114:13 Conservancy 11:2 conservation 9:19 10:11,16 27:20 85:8,21 86:1,8,16 86:19 87:6 114:17 114:18,18,19 115:1,21 116:1,3 118:22 158:11 170:1 conservation-min... 42:19 conserve 87:7 consider 87:4 104:7 116:11 153:6 167:2 considerable 68:13 consideration 28:4 83:16 considered 18:14 26:19 142:22 considering 17:20 60:18 153:3 considers 85:9 87:13 consistent 29:17 32:7 consistently 73:14 111:20 consists 134:4 consolidated 26:1 26:20 33:15 132:8 conspiracy 62:18 consternation 61:6 constituents 94:13 95:16 96:1 constraints 107:21 construction 82:11	consultation 17:12 17:16 28:3 consulted 14:4 consumers 97:13 contact 94:9,15 containers 66:2 containing 64:15 CONTENTS 2:7 context 89:5 continue 16:16 20:14 40:22 42:14 42:15 43:22 148:4 continued 62:13 continuing 16:15 21:7 23:1 25:5 28:19 29:2 33:18 41:12,19 continuity 41:16 contract 4:12 19:3 97:9 contracting 29:15 contractor 32:22 82:17 contribution 86:18 contributions 87:6 control 124:2 controlling 171:4 controls 114:15 controversial 43:8 88:18 convenience 110:14 Convention 85:13 87:9 conversations 73:19 Conversely 98:15 convert 100:21 101:4 converting 77:12 cooperation 86:15 98:22 coordinate 93:20 corner 12:22 correct 94:18 107:8 107:10 Council 5:11 10:21 11:6,8 23:20,20 155:22 165:4 167:7	councils 14:5 23:17 56:22 62:5 83:17 Council's 155:10 count 126:19 counted 145:12 169:16,17 countries 39:13 42:18 46:21 49:16 106:8,13 107:10 108:10,13 109:16 110:15 111:7 119:3 127:11,18 160:10 169:21,22 country 29:16 32:15 65:14 66:2,19 67:5 67:6 72:6,8 85:22 86:7 107:3 119:22 127:18 130:5 country's 32:14 couple 3:17 5:7 12:11 13:12 19:14 26:5 28:11 34:7 36:7 38:2 39:16 44:6 51:5 86:4 101:17 109:5 116:18 118:5 123:2 143:12 159:22 160:2 course 48:6 73:5 78:5 115:9,15 cover 6:21 22:3 coverage 31:10 45:15 covered 171:16 CR 136:13 create 100:14 172:17 creating 103:22 credit 63:16 crew 62:22 63:3 103:16 123:17 crews 63:20 98:19 crimes 67:11 criminal 62:10 68:16 criteria 85:9 86:2 87:3,13 90:8 102:7 109:2,3,8,11,16	110:19,20,21 111:5 113:14 120:18 153:3,5 critical 49:2 110:17 criticisms 113:15 Croatia 88:6 crowd 167:12 cuckoo 117:1 cumulative 139:8 curb 147:5 current 16:6 17:16 80:2 103:18 132:20 133:3 140:9 144:2,4 147:21 155:2,7,19 162:5 170:13 currently 28:8 34:13 97:7 99:20 112:3 117:6 141:8 143:20 149:7 152:14 153:1 155:21 160:21 customers 70:13 cut 50:7 126:10 156:12	days 16:8 44:6 94:8 day's 130:9 day-by-day 45:3 dead 29:9 169:10 deadline 90:7 deal 39:2,13 43:19 61:6 64:12 67:16 116:11 dealer 81:6 dealers 35:13,13 70:11 dealing 39:10 61:3 63:13 65:9,13 67:12,13 119:12 170:11 deals 62:13 64:11 debate 109:7,10,15 December 17:12 31:5 35:17 45:21 decide 48:6 49:17 decided 4:2 13:2 27:4 28:5 33:16 decision 18:18 37:12 39:19 43:16 45:6,13 declare 64:16 declared 71:16,18 decrease 49:13 57:16 102:16 deemed 137:5 defer 32:5 deference 172:5 defined 54:9 definition 41:15 115:13 DEIS 132:16 133:2 138:6 142:15 Delaney 8:22,22 113:9 116:21 118:2 delayed 4:15 22:19 delegation 89:20 demonstrate 88:3 demonstrating 110:9 Department 1:2 11:12,18 dependent 48:13
D				
			daily 67:16 darkest 12:22 data 19:7 22:12 26:2 27:6 47:7 78:9 86:10,21 102:18,22 103:8 108:18 110:9 134:3,6 169:14 173:16 database 78:18 databases 22:9 date 13:21 16:8 24:7 25:11 37:18 79:18 96:17 137:2 168:15 Daughdrill 11:5,5 Dave 47:21 73:8 74:13,20 David 19:3 43:3,12 day 4:7 30:2,10 46:9 46:10,12 84:9	

depending 152:10 161:6	121:21 122:4 125:21 134:16	discussions 20:18	drafted 28:8	effective 25:3,10 27:5 31:5 34:15 90:5
DePERSIA 8:6,6 54:1	138:7 139:6,12,19 139:21 142:11,17 151:20 153:11,12 175:22	displaced 166:22 172:8	dramatic 119:10	effectiveness 19:11
deposit 63:2		display 36:12 144:8 144:11 147:14,17 148:2	dramatically 52:18 79:8 117:4	effects 123:22
deposits 64:2		distance 112:20	dress 164:10	efficient 33:4
depth 18:6	difficult 39:7,9,12 45:13 70:9 88:21 110:6 111:13	distant 165:15	dressed 135:8 145:5 145:16 147:13,18 149:8 154:2	effort 70:10 107:22 120:10,13 134:17 165:13,21
derived 85:6	digging 127:20	Distributed 14:8	dressings 53:14	efforts 111:17,18
design 19:15 43:4	diligently 157:17	distribution 168:3	drew 55:5 90:19	EFH 14:1 26:3,8
designs 41:15	diminish 114:22	diverse 68:18 107:19	dried 65:2,3 71:13	EFPs 27:8,13 147:9
desire 15:10 33:18 153:9 156:20	direct 15:3 81:19	divide 170:12	Driggers 175:12,13 175:15	eight 149:18 155:9 155:20
despite 136:17	directed 8:14 80:12 80:13,14,16 91:4 100:22 101:3,5 115:2 121:3,12,13 139:14 140:17 141:4 142:5 145:11 149:7,15 149:17 150:22 151:7,10 152:11 162:12	division 3:11,12 10:1 12:18 98:21 105:1	driven 122:16	Eighty 127:16
detail 23:7 36:8 54:19 90:10 138:15 141:1	directing 154:11	DNA 72:5	drug 65:1	EIS 26:21 143:4
detailed 23:8	direction 98:13	docks 75:20	dual 100:6	either 55:19 144:11 148:11 156:21 162:12 175:17
details 74:15 150:4	Director 3:14 71:5	document 44:22	due 46:2 117:2 134:15	Ellen 6:18 10:12 58:19 61:1 163:18
deteriorating 52:17	directors 28:10,13	documentation 94:17	Duke 11:10	email 30:12 133:6
determination 134:21 135:12	disagree 172:6	documents 38:7	duplicate 165:9	embarrassment 69:6
determine 31:21 108:12	disagreement 41:6 44:3	dodge 174:20	dusky 23:10 133:20 136:10,12,15 137:16 147:11,22 148:1	ELECs 162:6
determined 68:10 90:12 136:7 170:18	discard 116:14 169:10 172:3	dog 54:15 57:21	DVD 14:9	eligibility 90:7,13 90:20
determining 94:1,2	discarded 169:17	dogfish 56:7 57:3 57:18 58:6,9,10	DVDs 14:8	eligible 90:8,17 93:1
deterrent 69:9	discards 29:9 116:22 166:3	doing 4:22 12:18 14:20 45:4 46:18 55:16 62:3,5,7,20 65:21 68:12 71:1 72:17 82:14 103:5 117:5 119:8 122:12 124:20		eliminate 162:5
develop 99:15 159:13	discouraging 117:5	dollars 67:14 119:19	E	eliminating 16:4 167:2
developed 37:1	discrepancies 16:11	domestic 21:8 29:17 95:20 98:5 99:15 105:4 137:7 160:19	early 6:2 26:13 36:22 44:22 89:11 138:4	Ellen 6:18 10:12 58:19 61:1 163:18
developing 109:8 124:18 125:4	discretion 148:3	domestically 43:17	East 8:3 9:3 52:15 55:19 120:11,14	email 30:12 133:6
development 54:2 97:8	discuss 20:14 44:4 104:16	doors 12:13	eastern 48:8,12,14 49:16 54:8	embarrassment 69:6
Dewey 10:7 56:7 58:2 118:2,4 122:11 125:2,21 129:13 130:17	discussed 6:9 26:16 33:13,14	dorsal 150:11	easy 4:7	emotional 130:3
dialogue 21:7 22:13 29:2	discussion 5:15 6:14 20:22 23:13 60:22 84:13 125:4 126:11,13,18 156:6,11,18 157:3 157:7	double 12:12	EC 46:19	emotionally 172:7
Dick 9:11		doubt 42:12	echo 61:2 118:6	employment 98:18
dictating 173:13		Dr 2:15 3:13 19:3 38:14 51:11 52:7 58:2 60:15	economic 112:4 115:15	encourage 84:16 128:20
died 162:1		draft 132:7,12,15	economically 130:5	Endangered 17:11
difference 58:13			economics 67:12 130:18	ended 55:4 66:7 67:1
different 41:5 58:7 58:8 62:4 66:21 70:17 116:9 119:2			effect 28:7 60:3 119:10	endpoint 141:16

ensure 95:20	example 69:7	facet 65:20	fight 42:20 48:16,19	fish 6:4 9:16 10:11
entails 141:2	109:11 110:2,2	fact 46:11,13 61:4	110:1,21	19:22 25:21 40:1
entirely 98:11	168:14	87:14 105:19,21	fighting 75:10	40:22 44:15,16
173:15	exceeded 17:10,14	114:22 115:20	figure 32:2	46:3,9 48:3 52:2
entitled 85:20	22:10 123:1	159:14	figured 40:7	53:12,14,16 54:2,3
entrepreneur	excellent 125:20	factors 52:21 53:22	fin 64:16 71:9	54:10,15 55:7
125:15	exempted 13:15	107:18 123:15,18	150:11	59:15 60:6,11
environmental	18:2,19 36:5 144:9	factual 97:13	final 5:7 13:9,10	62:22 64:18 65:3
19:16 45:7 88:22	144:12 147:19	failed 64:16 113:16	15:20 16:16,20	66:9 67:13 70:15
89:4,6 132:12,15	152:22	114:5 119:20	17:5,13,20 24:18	71:13,14 73:5,15
138:8 140:5	exercise 96:2	failing 62:16	26:14 27:3 29:5,21	74:3,6 75:10 76:4
envision 105:3	157:22 158:1	failure 114:5,20	30:7 31:4 32:17	76:5 77:4,9 78:2
envisioned 20:10	existing 112:17	fair 18:10 20:19	33:15 34:17 37:6	78:14,20,21 79:4
equally 13:10	161:11	36:14	37:12 38:8 83:13	79:12,18 80:4,7,9
equates 88:13	expand 76:21 105:9	fairly 20:22 27:9,19	90:4 91:1 92:22	81:4,18 87:8 91:7
erring 126:21	120:12	28:2 53:10 125:18	95:6 103:11,22	92:7,7,9,9 96:4
ESA 129:6	expansion 111:19	fall 26:13 34:17	129:4 138:3	97:11 98:15 101:2
especially 69:22	expect 19:13 24:18	36:22 123:8	finalize 97:9	102:1,4 106:21
100:19 169:10	expectation 158:14	falls 76:10	finalized 13:13	116:12 123:20
essence 106:12	expected 26:14 52:9	familiar 4:1 76:9	15:21 21:16	126:19 127:1,5,8,9
essential 6:4 25:21	107:21	77:19 98:7,11	finally 46:19 91:18	127:21 128:4,11
44:15,16	expecting 32:17	114:21	93:10 95:7 97:11	128:22,22 153:11
essentially 91:6	37:22	families 113:7	98:18 103:10	153:18 166:11,13
93:17,20 129:5	expended 120:10	115:17	104:18 136:22	169:11,15 171:1
establish 24:10	expensive 125:18	FAQs 103:2	154:19 161:19	172:3 173:18
30:19,21 102:6	experience 172:22	far 35:9 36:6 47:7	170:8	175:3
141:9 145:4	experienced 171:18	122:8 128:18	financial 39:15	fished 40:2 106:8
151:22	expertise 156:22	fast 120:6 158:3	57:14	fisher 120:13
established 26:4	expired 101:9	160:1 161:19	financially 130:4	fisheries 1:5 3:15,22
29:11 30:3,7	explain 133:1 148:5	faster 147:7 148:14	find 40:5 46:17 50:9	8:14,16 10:1 14:7
145:14,22 146:13	explains 146:18	favor 169:19	54:10 58:14,16	19:9 23:19 25:2
151:3	explore 23:2 56:1	fax 133:6	67:10 72:5 161:21	39:8 44:12 49:7
establishing 29:22	59:2,3	feature 82:12	finding 24:3 113:20	57:16 61:16 62:4
estimate 77:22	exploring 20:1	February 28:12	fine 127:22 164:5	68:21 94:9 116:16
78:22	exporting 169:22	federal 22:11,20	finish 51:17 75:17	117:6,7 124:3
estimates 136:5	extend 133:9	71:4	fins 150:8,16 151:18	126:20 128:16
et 134:13	extended 16:19 18:7	feedback 84:2	154:15,18	140:12 141:17
Europe 165:3,7	30:5 109:15	121:18 153:5	firm 45:6	145:11,13 159:3
evenly 22:5	extending 23:20	feel 42:10 157:1	first 3:7 5:20 14:18	161:9 165:6 167:6
everybody 14:22	extension 24:16	173:10	14:21 22:18 24:22	fisherman 47:14
20:15 63:6 76:18	extra 90:14	feeling 123:22	26:4 30:4,15 32:18	55:1 118:8
111:9,10 118:20	extremely 88:21,21	173:18	37:2 38:17 60:3	fishermen 72:19
119:1 121:22	eye 126:15	feels 19:6	68:20 84:9 95:1	73:12,13,13,20
131:1,8,17 176:7	eyes 67:13 113:5	feet 111:1	99:8 107:15 112:9	115:11 141:10,12
everyone's 20:21	E&R 9:6	Fellow 4:11	124:11 127:5	150:10,13 151:22
evidence 66:19		felt 27:20,22 173:8	136:11 142:19	152:4,6,18 153:2,7
exactly 96:13	F	females 56:12 57:9	161:13 164:17,22	154:3,8
139:15 160:12	faces 3:10,19	fiasco 118:6 121:20	168:8 172:8	Fishermen's 8:2 9:2

18:1	five 13:7,9 14:4 38:8	follow 14:19 25:15	frauding 63:14	generally 91:9
fishery 10:21 11:8	104:13 109:9	83:2 85:14	free 157:1	gentleman 53:22
14:5 15:4 17:1,8	112:19 118:16,20	followed 6:3,8 27:3	freezer 98:17 99:15	130:17
18:16 21:3,18	119:8 138:13	27:15 28:17 83:16	165:17	geographic 168:1
22:19 24:10 31:14	139:19 149:11	111:1	French 128:7	geographical 61:19
49:10 53:2 54:2,3	153:14,22 157:20	following 130:9	friendly 116:1,2,3	Georgia 11:12
54:4,13,14 55:22	162:8 173:6	144:18	front 53:18 130:15	Gerencer 11:3,3
60:10,11,14 61:4	fives 54:12	food 176:17	frozen 105:7	126:17
69:6 72:15 74:8	five-year 48:10	forage 54:16	frustrating 157:22	Germans 66:18
75:20 76:10 78:4	fix 162:4	force 170:7	fuel 123:17	getting 46:12 66:7
80:21 81:19 84:14	fixed 160:17	forced 111:6	full 38:3 70:15	74:5 100:20
88:1 95:19 97:3	flag 73:16 110:14	forces 173:13	fully 15:5,8 16:17	106:22 119:2,9
100:11,14,16	flagged 65:14 98:19	Fordham 11:1,1	18:11 30:20 81:21	121:5 125:19
102:4 104:5,21	fleet 76:14 99:15,16	foreign 20:7,11	84:20 95:19	126:16 156:8
105:1,5,7,9,11	99:18 112:3,17	71:19 98:6,15,16	full-fledged 110:10	168:12 170:17
116:2,13 122:16	113:3 123:12	98:19 123:16	fund 41:7	giant 9:10 54:13,14
123:1,6,16 125:13	125:6 159:15	160:5	funding 74:9	giants 30:2 53:3,3
125:13,19 128:1,1	161:6,16,16	forget 108:22	funds 97:9	gill 155:4
132:9 141:9,10,13	165:15	162:10	further 17:18	give 3:5,17,20 4:22
143:21 145:12	flexibilities 112:2	forgotten 172:13	159:10	12:17,20 34:1 36:7
151:22 152:1,5,7	flexibility 102:13	former 9:3	future 22:6 40:17	43:20 51:20 61:18
152:13,19 153:8	153:11	Fort 39:21	50:4 65:7 102:2	62:6,19 75:16
153:16,17 154:7,9	flexible 102:8	fortunate 171:17	104:21 127:10	83:12 111:4,11
155:9 158:9,22	flip 5:21 157:4	forward 27:13,21	139:17 147:5	114:10 115:10
161:17,17 165:10	Florida 10:10 18:17	28:6 38:12 50:9,17	FYI 37:16	118:12 128:6,22
167:1 169:7	61:3,18 63:11	56:2 124:7 130:14		132:14,19 134:11
170:15 171:9	65:18 66:15 70:11	found 12:14 65:11	G	136:5 142:8
172:15,15	70:12,14 72:14	67:19 68:6,7,12	Gail 8:17 173:9	157:15,17 170:16
fishing 8:4,18 10:8	73:8 74:8,12,19	84:22 109:19	gain 31:13	170:21 172:14
13:16 14:9 18:2,19	75:14 77:2 84:8	137:14 160:6,8,20	gained 66:19	174:18
20:7,12 27:1,7,22	120:11,14	Foundation 8:21	gains 63:1	given 74:21 106:18
30:16,18 31:6 36:5	flounder 57:16	9:10 10:13,15	Game 9:16	116:12 122:1
37:19,20 39:15	flying 75:8	four 21:18 57:1	gathered 176:2	128:15
40:19,20 42:1 46:1	FMP 26:1 33:15	92:14 93:17 94:22	gear 18:16 33:11,12	gives 142:14
46:20 48:11 56:21	focus 5:5 25:20	109:9 118:19	34:12 80:21 96:8	giving 110:4 129:4
57:2,8,8 62:21	94:19 117:19	119:8 151:8	97:2 100:10	132:10
65:16 69:18 72:16	130:14 143:4	157:20	150:19 166:5,6,7	glad 4:13 49:21
72:20 73:1,4,4	165:2,21 167:5	fours 54:12	166:20 167:20,22	51:1 60:2
75:12 76:16 84:21	focused 15:16	four-year 29:18	168:6 169:4,5	glaring 121:22
85:3,11 87:11 93:7	focuses 23:5	109:4	172:19 174:14	Glen 52:8
110:15 112:5,11	focusing 143:14	frame 13:11 16:12	gears 80:12 173:18	Glenn 8:22 118:1,2
114:14 117:15,18	folder 5:4	88:16,17	gear-based 174:11	118:7
120:7,12 128:10	folks 3:18 12:13	frameworks 124:21	gee 160:1	Glenn's 118:6
144:9,13 147:6,19	14:16 16:18 17:6	France 47:1	Genencer 126:17	Gloucester 93:18
152:19,22 154:8	18:9 25:22 27:19	Francisco 65:6	general 30:1,21	go 3:7,16 4:7,19,20
155:15 158:5,15	33:4 41:5 51:4	Franks 11:13,13	81:15 96:14	7:2,3 12:17 14:17
158:16 160:15	114:21 156:16	fraud 62:17 63:14	100:14,17 172:17	19:6,10,17 20:11
161:4	171:16 172:6	63:17	172:20,21	23:7 28:7,19 33:1

33:22 38:16 39:16 41:11 42:18,22 48:21 60:3 62:21 64:22 66:22 68:4 70:20 74:19 75:3 79:16,18 80:4 82:2 82:16,18 83:10 98:3 99:18 113:12 115:7 116:4 119:3 126:6 127:15 129:20 130:16 132:7 138:14 141:18 143:1,10 158:2 159:10 160:22 161:3 162:18 164:13,14 167:13 170:22 174:7,8,18 175:10 176:11,20	128:6,11,12,21 129:1,11,15 130:6 130:10 132:7,10 132:19,21 133:9 139:18 140:22,22 141:18,19,22,22 142:9,19 143:1,5,8 143:13,15,16 150:22 155:11 157:14,16,17 161:19 162:22 163:5,21 164:1 167:18 170:11 174:22	greenstick 33:10 greensticks 6:8 33:13,18 Gregg 10:10,10 164:14,16 166:20 Gregory 9:22,22 gross 91:14 grounds 31:12 110:1 112:5,11 117:14 120:7 158:16 group 5:14,22 47:22 68:18 73:4 104:19 groups 84:18 99:5 growing 60:9 Guard 67:19 68:6 70:3 75:6,13 guess 7:5,14 56:13 116:14,16 128:6 164:14 173:16 176:16 guide 157:3,6 guilty 66:5 67:3 Gulf 11:6,14 21:19 22:1,4,10,18 23:20 25:7 31:11 45:16 51:9 67:20 76:15 99:10 123:18 133:18 135:19 146:9 gut 60:11 guy 67:2 guys 61:22 69:14 72:17 75:8 175:17	handgear 97:3 105:9 120:5,13 handle 78:4 handling 13:18 33:12 34:12,22 35:2 158:7 173:1 handout 145:18 146:18 150:2 handouts 142:13 hand-gear 99:20,22 100:2,3,19 HAPCs 26:3,8 happen 59:11 114:12 118:14,18 120:20 129:6 happened 20:18 22:8 121:19 122:8 happening 17:7,22 31:9,22 46:17 47:15 happens 46:7 174:21 happy 109:1 Harbor 10:3 hard 38:18 41:18 43:16 51:19 76:2 106:9,11 107:4 130:16 hardball 127:16 hard-sell 63:11 harming 175:4 harpoon 33:11 161:16 harpoons 34:9 Harrison 37:1 harvest 15:8 25:15 95:19 148:5 harvester 66:20 harvests 22:4 25:4,5 25:7 Hatteras 10:3 Haugen 3:11 head 16:1 33:11 34:10 52:11 62:14 68:7 92:16,20 93:8 96:20 103:13 150:14 headed 34:2	headquarters 93:19 heads 39:1 154:16 healthy 136:2 148:10 170:14 171:9 hear 5:1 24:2 44:5 57:4 60:2 73:18 76:3 84:1 109:1 131:1,3,4,9 132:3 132:4 156:7 163:6 heard 12:22 39:22 43:10 46:22 52:8 113:6,6 122:11 123:16 129:9 hearing 25:17 163:3 hearings 14:3 15:17 23:16 25:19 89:21 95:3 Heather 3:19,20 heavily 62:3 heck 119:7 heeding 49:15 heels 127:21 held 13:21 14:3 15:6,17 101:10 105:20 106:16 hell 120:1 help 14:13 15:4,4,8 25:4 33:7 54:9 75:5,5,13,14,15 76:2 80:1 109:21 111:5 124:15,16 148:14 helped 120:8 helpful 36:4 helping 36:3 43:3 152:20 Hemilright 10:7,7 56:6,7 118:4,4 120:15 121:17 Hen 82:4 herring 58:6 hey 122:2 high 27:22 31:18 45:19 63:8 65:21 100:5 102:19 105:4,6 160:16 161:16
goal 88:7 123:13 goals 2:11 170:20 goes 33:5 80:15 116:22 119:22 145:19 160:1 going 6:20 7:5,7 11:22 18:21 23:6 32:2 34:14 38:15 41:21 42:20 45:3 47:5 50:3,7 51:9 51:16 52:22 55:14 55:15 57:17 60:3 62:12,14 63:5 64:5 67:17 68:4 73:22 74:16 75:2,2 79:8 79:16,20 80:1 82:5 82:7 83:10 89:8 96:18 97:18 99:6 106:15 107:1,4 111:2,13 112:1,4 113:11 114:3,10 114:11,22 115:4,5 115:6,21 116:6 117:4,12,15 118:11,19,21 119:9 120:1 121:4 122:1 124:13 126:3,4,8 127:5,9 127:10,11,22	Gold 8:11,11 good 5:15 13:6 32:1 39:22 48:4 55:17 71:6 73:12 74:4 82:10 84:19 110:2 116:5 125:3,7 129:9,13 131:14 131:17,18 132:2 156:11 167:17 174:22 175:2 176:17 Goodyear 11:16 Goralczyk 58:3,17 gotten 34:8 76:22 157:22 governed 121:8,15 government 128:17 174:5 Grand 125:14 160:16 grandeur 113:8 grandfathered 35:10 Grant 4:11 14:10 Graves 8:8,8 42:6 47:21 105:18,18 108:8,15 gravity 54:17 great 12:9 42:16 50:18 61:6 115:8 127:8 128:15 176:7 greatest 63:6 green 155:12	habitat 6:4 25:21 44:15,16,17 half 52:19 66:10 97:2 130:12 half-hour 156:17 hallway 12:13 hand 15:11 88:5,20 95:16,22 100:9 132:5 166:20 167:20,21 169:4 172:19 handed 70:16,17	H	

higher 93:6 152:3 166:1	holding 161:22	116:18	immediate 22:12 107:15	163:14 164:3 166:5 167:15
highlights 67:22 83:14	hole 173:22	hundreds 115:16	impact 39:15 64:6 89:1 115:15	175:16,17,19,20 175:22 176:3
highly 1:13 3:11 39:9 50:1 115:12 132:8	home 142:18	hurricanes 123:17	132:12,16 133:3 138:8 139:2,8	incentive 111:10 129:2
high-level 157:15	homes 75:21,22	hurt 104:1 130:3,4	impacted 115:18	incidental 15:22
Hillsborough 73:17	homework 33:22 176:18	hurting 74:11	impacts 26:22 27:7 27:14 28:1 55:20	17:10 24:10 31:15 76:11,13 77:5 91:5
Hinman 9:18,18 82:3,4 167:15 171:11	hook 14:9 26:18 28:10,13,16,17,17 41:13,14 60:11,12 122:19 123:3 157:18 158:17	I	89:4 139:10	92:6,8 93:5 96:19 100:21 101:1,5,16 101:19,20 116:13 120:17,21 121:6,7 121:16 123:1 139:14 140:20 141:4 142:6 149:11 150:5,22 151:7,14 152:11 154:10 162:5,9 174:18
hire 4:10 122:3	honeymoon 4:16	IAC 113:19	impetus 115:8,20	101:19,20 116:13 120:17,21 121:6,7 121:16 123:1 139:14 140:20 141:4 142:6 149:11 150:5,22 151:7,14 152:11 154:10 162:5,9 174:18
historical 85:11 87:11 109:12 146:12,15 161:8 161:14,20	hook 14:9 26:18 28:10,13,16,17,17 41:13,14 60:11,12 122:19 123:3 157:18 158:17	ICCAT 8:10 9:3 15:3,11,14 20:1,17 21:1,4 29:6 32:7 42:4,13 48:20 49:5 50:8 56:2 78:8 84:21 85:9,14,16 86:2,9,21 87:4,13 87:19 88:3,6,20 89:19 105:19 109:8 110:11,13 113:12 114:2 115:19 116:5 123:9,14 127:15 128:14 170:3,21	implement 27:4 29:20 32:7 40:11 47:2 88:7 89:3 98:3 140:9 155:8 155:20	include 31:9 76:19 77:3 112:16 170:2 included 27:6 29:14 29:22 32:19 106:7 includes 113:3 161:15 including 15:21 34:8 77:14 85:10 140:12 155:3 inclusive 29:9 income 153:19,19 Incorporated 8:14 increase 57:14 79:11 80:1 91:14 91:17,21 93:2 96:5 102:16 146:11 162:9 165:5,11,12 increased 15:22 29:19 91:12,16 92:7,9,11 93:7 96:19,21 108:1 increases 107:22 increasing 88:4 116:12 165:21 incrementally 91:21 92:4 independent 134:10 indicate 23:10
history 63:12 134:16 153:9	hooks 6:19 17:17 39:19 40:1,17,21 41:17 60:2,3,7,8 60:13 61:5 158:7 166:6 169:12	ICCAT's 86:16	implementation 2:22 103:11	incidental 15:22
hit 47:14	hope 40:13,14 44:7 44:13 46:3,5 49:18 50:8 51:12 105:17 112:14 116:3 124:14,16	ice 73:21	implemented 20:3 26:5 40:13 89:6 96:17 122:17 140:8	include 31:9 76:19 77:3 112:16 170:2 included 27:6 29:14 29:22 32:19 106:7 includes 113:3 161:15 including 15:21 34:8 77:14 85:10 140:12 155:3 inclusive 29:9 income 153:19,19 Incorporated 8:14 increase 57:14 79:11 80:1 91:14 91:17,21 93:2 96:5 102:16 146:11 162:9 165:5,11,12 increased 15:22 29:19 91:12,16 92:7,9,11 93:7 96:19,21 108:1 increases 107:22 increasing 88:4 116:12 165:21 incrementally 91:21 92:4 independent 134:10 indicate 23:10
HMS 2:10,13 3:6,18 4:7 10:22 12:18 14:12,13 44:20 61:20 62:8,11 64:11 68:20 83:12 84:7 89:12 90:2,21 91:2 95:7 98:2,20 122:8 125:22 155:3,7	hope 40:13,14 44:7 44:13 46:3,5 49:18 50:8 51:12 105:17 112:14 116:3 124:14,16	ID 120:16 121:1	implementing 20:9 48:9	include 31:9 76:19 77:3 112:16 170:2 included 27:6 29:14 29:22 32:19 106:7 includes 113:3 161:15 including 15:21 34:8 77:14 85:10 140:12 155:3 inclusive 29:9 income 153:19,19 Incorporated 8:14 increase 57:14 79:11 80:1 91:14 91:17,21 93:2 96:5 102:16 146:11 162:9 165:5,11,12 increased 15:22 29:19 91:12,16 92:7,9,11 93:7 96:19,21 108:1 increases 107:22 increasing 88:4 116:12 165:21 incrementally 91:21 92:4 independent 134:10 indicate 23:10
HMSFMP 26:20	hopping 12:21 13:4 40:10 41:16 43:13 65:19 69:8 84:2 112:22	idea 55:17 62:19 81:3 142:8 153:16 170:10	import 66:3	include 31:9 76:19 77:3 112:16 170:2 included 27:6 29:14 29:22 32:19 106:7 includes 113:3 161:15 including 15:21 34:8 77:14 85:10 140:12 155:3 inclusive 29:9 income 153:19,19 Incorporated 8:14 increase 57:14 79:11 80:1 91:14 91:17,21 93:2 96:5 102:16 146:11 162:9 165:5,11,12 increased 15:22 29:19 91:12,16 92:7,9,11 93:7 96:19,21 108:1 increases 107:22 increasing 88:4 116:12 165:21 incrementally 91:21 92:4 independent 134:10 indicate 23:10
hmspermits.gov 79:19	hopper 37:5	ideas 40:16 44:11 84:17 105:12 116:10	important 12:14 16:12 42:21 84:15 86:6 87:13,17 104:19 109:12 117:11 119:17 170:21 171:7 174:6	include 31:9 76:19 77:3 112:16 170:2 included 27:6 29:14 29:22 32:19 106:7 includes 113:3 161:15 including 15:21 34:8 77:14 85:10 140:12 155:3 inclusive 29:9 income 153:19,19 Incorporated 8:14 increase 57:14 79:11 80:1 91:14 91:17,21 93:2 96:5 102:16 146:11 162:9 165:5,11,12 increased 15:22 29:19 91:12,16 92:7,9,11 93:7 96:19,21 108:1 increases 107:22 increasing 88:4 116:12 165:21 incrementally 91:21 92:4 independent 134:10 indicate 23:10
Hogarth 2:15 3:13 38:14 51:11 52:7 58:2 60:15 110:3	horsepower 16:4 91:16 93:4 99:19 100:5,8 120:5	ideally 104:11	importantly 85:15 113:15	include 31:9 76:19 77:3 112:16 170:2 included 27:6 29:14 29:22 32:19 106:7 includes 113:3 161:15 including 15:21 34:8 77:14 85:10 140:12 155:3 inclusive 29:9 income 153:19,19 Incorporated 8:14 increase 57:14 79:11 80:1 91:14 91:17,21 93:2 96:5 102:16 146:11 162:9 165:5,11,12 increased 15:22 29:19 91:12,16 92:7,9,11 93:7 96:19,21 108:1 increases 107:22 increasing 88:4 116:12 165:21 incrementally 91:21 92:4 independent 134:10 indicate 23:10
hold 91:2 111:3,3 163:21	horses 71:13,22	ideas 40:16 44:11 84:17 105:12 116:10	imports 98:7 169:18	include 31:9 76:19 77:3 112:16 170:2 included 27:6 29:14 29:22 32:19 106:7 includes 113:3 161:15 including 15:21 34:8 77:14 85:10 140:12 155:3 inclusive 29:9 income 153:19,19 Incorporated 8:14 increase 57:14 79:11 80:1 91:14 91:17,21 93:2 96:5 102:16 146:11 162:9 165:5,11,12 increased 15:22 29:19 91:12,16 92:7,9,11 93:7 96:19,21 108:1 increases 107:22 increasing 88:4 116:12 165:21 incrementally 91:21 92:4 independent 134:10 indicate 23:10
holders 16:1,2,6 24:12 35:19,22 90:15,22 93:14 94:8 99:22 100:17 101:3,22 139:12 139:14 140:18,20 141:5 142:6,7 149:7,11,16,18 150:5 151:1,2,5,8 151:10,15 162:7 166:22	host 105:10	identified 59:10 118:1	import-export 65:9	include 31:9 76:19 77:3 112:16 170:2 included 27:6 29:14 29:22 32:19 106:7 includes 113:3 161:15 including 15:21 34:8 77:14 85:10 140:12 155:3 inclusive 29:9 income 153:19,19 Incorporated 8:14 increase 57:14 79:11 80:1 91:14 91:17,21 93:2 96:5 102:16 146:11 162:9 165:5,11,12 increased 15:22 29:19 91:12,16 92:7,9,11 93:7 96:19,21 108:1 increases 107:22 increasing 88:4 116:12 165:21 incrementally 91:21 92:4 independent 134:10 indicate 23:10
holding 161:22	hosting 39:20	identify 5:20 66:22 75:11	impose 168:1	include 31:9 76:19 77:3 112:16 170:2 included 27:6 29:14 29:22 32:19 106:7 includes 113:3 161:15 including 15:21 34:8 77:14 85:10 140:12 155:3 inclusive 29:9 income 153:19,19 Incorporated 8:14 increase 57:14 79:11 80:1 91:14 91:17,21 93:2 96:5 102:16 146:11 162:9 165:5,11,12 increased 15:22 29:19 91:12,16 92:7,9,11 93:7 96:19,21 108:1 increases 107:22 increasing 88:4 116:12 165:21 incrementally 91:21 92:4 independent 134:10 indicate 23:10
hole 173:22	hot 24:21	IEU 65:13,21,21	improve 102:17,21	include 31:9 76:19 77:3 112:16 170:2 included 27:6 29:14 29:22 32:19 106:7 includes 113:3 161:15 including 15:21 34:8 77:14 85:10 140:12 155:3 inclusive 29:9 income 153:19,19 Incorporated 8:14 increase 57:14 79:11 80:1 91:14 91:17,21 93:2 96:5 102:16 146:11 162:9 165:5,11,12 increased 15:22 29:19 91:12,16 92:7,9,11 93:7 96:19,21 108:1 increases 107:22 increasing 88:4 116:12 165:21 incrementally 91:21 92:4 independent 134:10 indicate 23:10
home 142:18	hour 7:8 130:12	IGFA 39:20	improving 103:8 169:13 173:15	include 31:9 76:19 77:3 112:16 170:2 included 27:6 29:14 29:22 32:19 106:7 includes 113:3 161:15 including 15:21 34:8 77:14 85:10 140:12 155:3 inclusive 29:9 income 153:19,19 Incorporated 8:14 increase 57:14 79:11 80:1 91:14 91:17,21 93:2 96:5 102:16 146:11 162:9 165:5,11,12 increased 15:22 29:19 91:12,16 92:7,9,11 93:7 96:19,21 108:1 increases 107:22 increasing 88:4 116:12 165:21 incrementally 91:21 92:4 independent 134:10 indicate 23:10
homes 75:21,22	housekeeping 12:11	ignore 41:2	inability 107:13	include 31:9 76:19 77:3 112:16 170:2 included 27:6 29:14 29:22 32:19 106:7 includes 113:3 161:15 including 15:21 34:8 77:14 85:10 140:12 155:3 inclusive 29:9 income 153:19,19 Incorporated 8:14 increase 57:14 79:11 80:1 91:14 91:17,21 93:2 96:5 102:16 146:11 162:9 165:5,11,12 increased 15:22 29:19 91:12,16 92:7,9,11 93:7 96:19,21 108:1 increases 107:22 increasing 88:4 116:12 165:21 incrementally 91:21 92:4 independent 134:10 indicate 23:10
homework 33:22 176:18	houses 123:20	ignoring 124:19	inaccuracies 94:7 94:11,18	include 31:9 76:19 77:3 112:16 170:2 included 27:6 29:14 29:22 32:19 106:7 includes 113:3 161:15 including 15:21 34:8 77:14 85:10 140:12 155:3 inclusive 29:9 income 153:19,19 Incorporated 8:14 increase 57:14 79:11 80:1 91:14 91:17,21 93:2 96:5 102:16 146:11 162:9 165:5,11,12 increased 15:22 29:19 91:12,16 92:7,9,11 93:7 96:19,21 108:1 increases 107:22 increasing 88:4 116:12 165:21 incrementally 91:21 92:4 independent 134:10 indicate 23:10
honeymoon 4:16	Hudson 8:13,13 71:5,5,12,16 72:1 72:10	illegal 71:1,18 72:8	inactive 160:19 168:16	include 31:9 76:19 77:3 112:16 170:2 included 27:6 29:14 29:22 32:19 106:7 includes 113:3 161:15 including 15:21 34:8 77:14 85:10 140:12 155:3 inclusive 29:9 income 153:19,19 Incorporated 8:14 increase 57:14 79:11 80:1 91:14 91:17,21 93:2 96:5 102:16 146:11 162:9 165:5,11,12 increased 15:22 29:19 91:12,16 92:7,9,11 93:7 96:19,21 108:1 increases 107:22 increasing 88:4 116:12 165:21 incrementally 91:21 92:4 independent 134:10 indicate 23:10
hook 14:9 26:18 28:10,13,16,17,17 41:13,14 60:11,12 122:19 123:3 157:18 158:17	Hueter 10:5,5	illegally 72:21	inaudible 157:19 159:11 162:7,20	include 31:9 76:19 77:3 112:16 170:2 included 27:6 29:14 29:22 32:19 106:7 includes 113:3 161:15 including 15:21 34:8 77:14 85:10 140:12 155:3 inclusive 29:9 income 153:19,19 Incorporated 8:14 increase 57:14 79:11 80:1 91:14 91:17,21 93:2 96:5 102:16 146:11 162:9 165:5,11,12 increased 15:22 29:19 91:12,16 92:7,9,11 93:7 96:19,21 108:1 increases 107:22 increasing 88:4 116:12 165:21 incrementally 91:21 92:4 independent 134:10 indicate 23:10
hooks 6:19 17:17 39:19 40:1,17,21 41:17 60:2,3,7,8 60:13 61:5 158:7 166:6 169:12	huge 67:8	Illex 101:15		include 31:9 76:19 77:3 112:16 170:2 included 27:6 29:14 29:22 32:19 106:7 includes 113:3 161:15 including 15:21 34:8 77:14 85:10 140:12 155:3 inclusive 29:9 income 153:19,19 Incorporated 8:14 increase 57:14 79:11 80:1 91:14 91:17,21 93:2 96:5 102:16 146:11 162:9 165:5,11,12 increased 15:22 29:19 91:12,16 92:7,9,11 93:7 96:19,21 108:1 increases 107:22 increasing 88:4 116:12 165:21 incrementally 91:21 92:4 independent 134:10 indicate 23:10
hoops 108:19	Humane 10:18	illuminate 78:12		include 31:9 76:19 77:3 112:16 170:2 included 27:6 29:14 29:22 32:19 106:7 includes 113:3 161:15 including 15:21 34:8 77:14 85:10 140:12 155:3 inclusive 29:9 income 153:19,19 Incorporated 8:14 increase 57:14 79:11 80:1 91:14 91:17,21 93:2 96:5 102:16 146:11 162:9 165:5,11,12 increased 15:22 29:19 91:12,16 92:7,9,11 93:7 96:19,21 108:1 increases 107:22 increasing 88:4 116:12 165:21 incrementally 91:21 92:4 independent 134:10 indicate 23:10
hope 40:13,14 44:7 44:13 46:3,5 49:18 50:8 51:12 105:17 112:14 116:3 124:14,16	hundred 95:12	illuminating 78:10		include 31:9 76:19 77:3 112:16 170:2 included 27:6 29:14 29:22 32:19 106:7 includes 113:3 161:15 including 15:21 34:8 77:14 85:10 140:12 155:3 inclusive 29:9 income 153:19,19 Incorporated 8:14 increase 57:14 79:11 80:1 91:14 91:17,21 93:2 96:5 102:16 146:11 162:9 165:5,11,12 increased 15:22 29:19 91:12,16 92:7,9,11 93:7 96:19,21 108:1 increases 107:22 increasing 88:4 116:12 16

indicated 18:20	101:21	34:7 39:1 54:16	junction 130:7	49:21 51:21 52:1
indicted 62:17	internally 42:8	62:11 74:9,11 76:1	June 15:20 17:13	54:19 55:10 58:17
individual 66:4,14	international 9:16	84:2 88:18 122:9	18:8 29:21 30:3	59:18 60:10 61:12
68:2,8	10:18 32:4 37:13	122:21 126:10	32:16 34:3 78:16	61:21 67:18 69:10
individuals 153:17	39:11 64:14 66:17	130:17 159:6	81:13,14,16,19,20	69:21 71:1,17
industry 34:9 39:15	85:7,21 122:9	160:2	90:4	72:16,20 73:2,11
42:10 45:22	165:11	item 89:10	justice 62:18 66:5	75:7,22 78:3 79:5
115:16 119:21	internationally	items 71:18	juvenile 18:15	81:13 86:4 94:11
127:7 128:10,20	40:21 43:17 49:1	IUU 110:15	60:11 122:18	94:15 101:2 110:2
129:3 170:15	50:2		169:11	116:16,17 118:8
influence 59:18	internet 32:20 82:4	J	juveniles 18:13	119:3 123:19
information 6:7	internet-based	Jackie 4:10 131:2,3		124:21 126:22
12:15 17:9 20:21	79:17	131:9 132:6	K	128:19 133:7
22:8 24:5 26:2	interrelated 142:21	January 15:18,19	Kavanagh 10:2,2	136:15 142:12
45:5 77:11 82:9,15	interrupted 156:3	22:16 25:9 27:5,18	keep 24:12 38:4	162:21 170:10
97:13 126:16	introduce 7:20 12:1	28:8 30:19 31:7	57:12 80:18	171:1 173:9
176:2	introductions 2:9	35:14,14 40:13	103:17 108:3	176:10,20
informational 34:2	3:9 12:4	41:10 60:4 89:22	116:4 117:10	knows 160:11
89:14	invest 127:6	90:1 95:4	170:14	
informative 97:17	investigate 68:18	Jason 9:15 107:11	keeping 112:8 125:9	L
informing 93:15	75:3 97:5	Jay 10:2 47:21	125:12,18	Lab 11:15
Infrastructure	investigation 63:19	Jeff 2:17 6:12 11:20	Ken 9:18 82:2	label 119:1
123:19	68:11 69:17	61:11,14 69:4 70:6	167:14 171:10	Laboratory 10:6
initial 29:11 82:11	investment 125:12	71:6 72:13 82:22	173:3	Lacey 62:17 72:9
initiated 97:4	128:20	82:22	kept 105:17	lack 110:7 112:5
inlet 73:17,22 74:17	investments 117:16	Jersey 9:8 54:4	Kerstetter 19:4	lady 64:12 71:8,17
inlets 75:15	159:1	Jim 11:13 58:4	key 138:19,21 139:3	land 100:17,18
input 3:5 39:2,6	involved 57:1 88:22	job 50:2 128:15	139:7,22 141:21	113:19 141:11
44:21 84:17	93:22	jobs 38:19	142:1,9,10	150:10,15 151:8
124:11 156:8	involving 62:11	John 5:9 8:8,11	Keys 61:18 66:15	152:2,7,8 172:4
insanity 114:2	93:17	12:8 42:6 47:21	kill 115:4,5,6	landed 150:8
insisted 109:20	in-season 30:4	48:2 50:11 83:16	kind 17:22 56:8	151:17 154:15,17
instance 73:3 145:2	102:6,14	84:3 105:18 108:8	59:18 62:6 64:19	169:16 173:19
153:8	ironic 85:19	108:9 113:10	74:15 76:6,6 82:8	landing 81:14 150:9
Institute 8:9 36:19	irresponsible 122:7	124:4 126:8	95:15 100:13	landings 4:1 22:10
36:21	isolated 135:18	Johnson 8:17,17	109:17 113:4	24:9 31:3 37:18
intend 159:21	issue 18:19 22:17	Johnsons 173:10	125:13 129:1	80:1,4 85:16 88:4
intended 160:9	23:1 33:10 40:10	join 110:11	141:16 160:13	102:19,20
interactions 57:19	41:18 42:9 43:18	joined 4:5	164:16 165:9	language 98:9
intercepted 66:16	45:2 53:20 58:3	joining 3:21 156:19	168:14	lapsed 101:7 161:19
intercessional 109:9	72:22 95:14	joint 31:17 45:17	kinds 170:5	168:20 172:12
interest 25:18 71:7	100:18 108:6	46:4	Kirstetter 43:3,12	large 21:17 23:9
110:9	159:7	Jones 58:4	know 3:18 12:6	24:11 25:2 30:2,9
interested 24:2,3	issued 13:15 35:9	Josh 11:17	16:19 17:6 18:9	53:11 58:11 99:15
36:8 82:13 103:5	35:17 100:1	July 21:19,22 22:20	25:19 31:22 36:10	123:10 133:12
125:10 145:21	101:15	22:22 23:15 28:18	38:18 41:1 42:9,20	134:1,19,21 143:5
152:18,20 172:1	issues 3:6 8:15	76:16 90:6	43:8 44:2 46:1,8	143:22 144:20
interesting 64:10	15:15 20:6 32:4	jump 108:20	47:10,15,15 48:19	145:3 146:2,3,5

149:8	levels 96:6 108:3	39:3	53:19 61:7 68:19	176:17
largely 18:10 22:18	license 166:22	literally 110:22	86:3 94:13,14	lots 74:2
larger 5:14 20:5	licenses 72:16	litigation 36:16	97:15,16 99:4,6	loud 132:3
56:19 88:18 90:9	lies 78:5	little 3:20 13:5	104:13,21 105:11	loudest 111:8
90:17 151:1,5	life 134:16	14:12 26:1 41:22	109:2,3 116:14	loudly 12:2
173:11,12	light 110:18	50:12 56:9 60:1	118:22 119:15	Louisiana 22:9
largest 99:18	lightly 123:5	78:13 79:2 90:10	121:21 122:3	love 153:4
Lasts 2:13	lights 13:1 75:9	90:14 94:20 97:18	124:9 127:3	low 84:21 108:3
late 26:13 34:16	likelihood 102:20	102:12 106:2	128:21 153:8	lower 52:9 105:4
112:18	limit 20:7 24:8	117:1 118:10	161:7	165:13,20
latest 20:17	91:12,17 92:3,4,6	127:7 151:20	looked 140:14	lowest 46:15
latitude 82:1	92:8,11 93:6 101:1	156:10 157:1,2,21	145:10 161:9	lucky 46:11
Lauderdale 39:21	101:2 103:13	159:19 171:21	170:8	lure 27:2
Lauderdale-Miami	114:9 149:9,10,20	live 33:5 44:9 67:18	looking 20:1 26:8	Lynch 9:5,5
75:21	151:11 173:8	79:16 99:9	26:12 27:13 34:5	
laughed 64:19	limitations 93:3	living 61:2 153:19	34:11,16 37:8	M
Laughter 4:8,18	122:15 165:17	154:4	43:13 44:17 55:8	M 8:11
7:13 13:3 64:21	limited 21:14 60:6	lobster 68:1,3	56:1,20 60:13,19	mackerel 58:7
132:1 176:4	90:11,21 91:3,19	locate 166:16	63:20,21,22 72:11	Magazine 55:1
law 66:21 170:7	93:14 96:21	located 35:21 61:16	77:8 85:19 123:6	Magnuson 115:9
LCS 133:13,15	101:11 121:6,7	location 35:20	126:18 127:13	Magnuson-Stevens
134:2 146:4,14	167:3	locators 166:15	145:1	98:8
148:22,22 149:11	limited-access	Loefer 11:17,17	looks 41:20	mail 16:7 133:6
149:19 151:9	99:21	long 9:3 35:4 66:13	loose 71:9,11,12	mailed 16:6 93:14
152:9	limiting 100:9	74:17 79:15	72:2	main 143:4
lead 158:13	limits 15:22 16:4,7	104:14 112:19	lose 21:4 42:12,17	Maine 11:4
learn 40:10	24:11,13 30:1,8,22	119:10 122:8	116:6 168:11,16	maintain 143:19
learned 40:14 55:12	92:5,10 93:16	159:4,5 164:7	losing 171:3	144:2,4,7 146:21
learning 171:19	96:19,20 149:6	167:1	loss 171:4,5	147:8 155:2,7,18
lease 98:16 160:20	150:1 151:3,7	longer 41:22 42:21	lost 66:8 95:21	maintained 32:8,9
leasing 160:18	152:4 166:2	156:10	107:1 109:17	93:11
161:2	167:21 169:2	longline 16:3 17:8	166:16	maintaining 144:19
leave 13:2 83:20,22	line 33:2 35:4 47:6	31:11 45:15 60:6	lot 3:9 24:20 26:21	major 23:5 62:11
111:16	55:5 59:3 110:16	91:5,7 97:6 99:12	28:4 39:1 40:2	64:6 65:12 129:10
left 48:19 70:13	114:11 115:3	101:14 102:7	41:1,5 55:2,21	making 64:9 67:8
72:18 163:11	124:1 160:13	116:2 122:15	62:5 65:11 66:20	69:7 85:10 111:7
length 18:5 26:11	links 21:8	150:19 155:3,4,15	67:7 74:5 84:15	112:12 125:12
length/weight 77:13	Lisa 10:10 162:18	162:11,13 169:3	89:8 93:22 95:9	man 110:22
letter 22:12 94:10	164:13 167:9	174:14	96:7,18 97:12	manage 87:7
94:12,14 121:2,2	list 14:12 36:1 90:19	longlines 171:18	99:13 100:3,20	management 3:6,12
letters 13:17 93:13	99:3,5 104:6,8	longlining 160:22	106:17 110:6,8,14	4:3 10:21 11:8
101:17 121:9	147:5	long-line 40:20	116:10 117:9	14:5 15:7 21:8
let's 69:21 83:10	listed 72:7	long-term 15:15	120:1,10 122:14	23:11 39:12 62:4
99:16 101:4	listen 38:21 39:4	158:22 164:22,22	123:10,18,20	68:22 84:14 86:9
130:16 166:4,17	41:4 44:11 50:21	look 5:2 38:12	124:1 127:1 129:9	86:17,19 88:8 89:3
level 36:10 55:4	listened 42:8,11	41:14 42:14 43:22	156:21 170:4,7	102:3,8 132:9
59:9 81:10 125:17	43:10	44:19 45:9,12	171:19 172:18	137:7,14,20 138:3
159:13	listening 15:1,6,13	48:15,18 50:17	173:5 175:21	139:16 140:3,17

142:17 143:6,14 143:17 155:10 158:10 manager 119:18 mandates 115:10 mandatory 158:7 158:12,17 159:16 159:17 manner 154:11 manufacturer 41:17 manufacturers 9:12 28:11,14,18 41:13 March 12:20 13:12 23:13 26:16 27:16 33:21 35:7 90:3 Margo 3:10 38:14 39:17 45:14 50:20 51:7 76:20 78:13 79:13 116:17 Marina 9:8 marine 1:5 6:7 8:9 9:12,19 10:1,6 14:6 23:19 64:6 67:5,7,9 68:19 94:9 126:20 128:16 155:10,16 155:20 165:4 167:7 Mark 9:6 market 50:16 76:6 105:5 165:11 167:6 173:13 marketed 28:15 marketing 5:11 50:14,17 83:17 98:4 165:1,2 marketplace 129:21 markets 169:20 marlin 27:1 37:10 40:2 41:9 Maryland 1:22 40:4 54:4 massive 93:16 match 35:20 matching 94:1 matter 59:21 83:8 120:6	mature 56:11,12 maw 71:14 maximize 115:13 maximum 85:2,4 91:11 92:3 McHale 4:15 mean 39:3 47:20 77:20 105:3 127:3 127:4 128:2 meaning 59:2 107:6 meaningful 39:12 130:11 means 91:20 108:6 meant 59:5,6 123:9 measure 27:21 measures 15:8 19:12 86:9,17 88:8 89:3 102:3 123:7 137:7,15,20 138:3 139:16 140:3,17 142:17 143:6,15 143:17 155:14 170:2,3 medium 30:2 meet 74:1 153:10 meeting 1:8 2:11 6:9 15:11,14 18:3 20:17 21:1,11 23:6 23:13 25:21 27:9 28:12 34:1 39:21 39:22 51:13 73:20 87:20 88:6,20 89:11 105:19 115:14 meetings 23:22 28:12 29:5 33:14 34:3 38:20 89:14 89:14 95:2,8 109:9 110:4 member 19:19 110:10 members 2:10 5:19 62:22 84:10 94:12 99:3 mention 86:3,6 87:3 87:10 112:16 113:4 mentioned 51:8	52:16 53:1 66:12 79:13 107:18 108:9 122:22 135:3,16 139:20 mentioning 88:15 merging 21:16 Merritt 11:7,7 met 12:19 13:14 14:6 23:16 102:10 123:13 method 27:7,22 methods 102:22 169:20 metric 29:10 46:14 47:1 49:13 76:18 79:3 88:14 106:2,4 110:4 135:7,8 143:22 144:1,7 145:5,9,16 146:14 147:9,13,15,16,17 154:1 Mexico 11:6 21:20 22:4 29:13 31:11 45:16 67:20 76:15 99:10 106:7 110:4 110:22 127:20 133:18 135:19 146:10 Miami 61:17,17 64:13 65:17 66:17 71:8 mic 70:6 131:21,21 microconstituents 31:20 45:18 mics 12:3,7 middle 55:6 midwater 76:13 Mid-Atlantic 10:21 23:19 76:14 mid-sentence 47:13 88:11 156:4 migratory 1:13 3:12 39:9 50:1 115:12 132:9 miles 74:19 Miller 9:9,9 million 47:6 56:12 56:14,16,18 57:10	66:3,8,10 mind 38:9 116:4,7 117:10 172:20 minimal 114:15 minimize 102:15 minimizing 104:5 minimum 53:5 166:2 minor 89:4 minus 146:6 minute 133:1 148:6 157:16 minutes 7:8 130:13 157:18 158:2 160:1 162:14 163:16 miserable 114:5 mismanagement 118:13 missing 4:15,16,17 Mississippi's 11:14 mistake 55:12 mitigate 27:14 mix 105:8 157:1 mixing 47:16 55:7 55:10 59:4 mixings 59:9 mobile 74:22 models 134:9 modern 100:5 modified 96:22 modify 102:15 103:12 moment 138:15 141:2 143:11,17 money 47:7 63:2,15 63:19 64:9 67:8,13 67:15 68:14 69:11 82:18 112:7,12 127:6 monies 63:17 monitor 80:19 monitoring 43:21 44:2 114:15 169:14 Montella 9:13,13 month 38:1 51:13 81:20 90:6	monthly 81:6 months 2:13 12:19 18:1 38:8 76:16 89:2 124:12 128:6 moratorium 48:10 54:21 55:9 58:21 59:4,6,20 morning 6:1 34:6 75:1 Morocco 110:16 mortality 84:21 85:3 126:22 145:10,13,15 148:2 Mote 10:6 mount 63:1,8 mountain 55:18 mounted 62:22 move 27:21 28:5 32:22 124:4 126:4 130:14 156:21 movement 98:12 moving 21:9 27:12 34:19 124:7 multiple 33:13 73:1 162:6
<hr/> N <hr/>				
name 75:16 84:6 108:22 names 70:16 national 1:3,5 9:11 9:18 54:22 94:9 106:11 126:19 128:16 140:4 nations 106:21 113:16,20 114:6 114:14 160:5 Natural 11:12,18 natural/artificial 27:2 nature 96:14 near 104:14 necessarily 5:18 13:9 60:20 81:8 98:2,20,21 124:2 necessary 25:16 85:4 87:7 90:8				

91:7 102:1	noise 111:8	78:5 79:7,12 81:4	offices 93:18	opinion 17:17 123:4
need 19:6 23:12	non 37:17	107:20 110:10	offshore 62:15	opportunities 93:8
31:1,2 39:5 40:20	nonexistent 49:9	116:12 123:14	69:20 74:20 105:6	94:22 104:1
40:22 41:9 43:5,7	nonregulatory 5:12	133:10 137:12,14	Off-mic 70:5 71:3	114:14 115:11
43:9,21 44:19,20	83:18 124:5	153:3 158:4 159:7	76:7 80:5,8,17,22	117:15,18
44:21 45:5 48:6,15	127:14	166:7 167:4	81:2	opportunity 57:21
49:21 69:11 73:21	nonsandbar 24:11	172:12 175:18	Off-record 82:20	88:9 126:1 172:14
75:4,5,15 76:2	nontarget 96:4	numbers 43:5 77:19	Oh 131:6 163:12	177:2
113:12,17,19	nontournament	78:8,8,10 79:8	OI 115:13	opposed 20:11 59:4
122:3 137:15,20	32:20	81:16 121:22	okay 7:17 11:19	59:19
157:10 158:5,6	non-compliance	166:8 167:21	72:1,10 81:11	opposition 18:10
159:10 162:1,4,6,8	170:4	nursery 18:15	94:14 132:2,3	optimistic 7:15
162:11 165:21	non-developed		135:2 138:5	option 32:20 127:14
169:8 171:5	109:16	O	141:14 142:7	options 5:11,12
174:22	non-sandbar 146:4	objective 87:9 88:1	144:22 146:4	23:2 83:18 84:4
needed 21:2 27:21	146:13 148:22,22	88:2	149:5,16 150:9,20	112:15 124:6
108:3	149:19 151:9	objectives 102:9	151:18 153:20	order 15:5 30:17
needs 49:4 83:21	152:9	152:16,21 153:10	154:22 156:16	128:19 153:6
119:14 176:1	noodle 64:15,16	objects 110:16	157:12 163:15	154:2
negotiation 106:17	72:2	obligation 161:13	164:7,15,16	organization 85:20
negotiations 19:3	noodles 71:9,10,11	obligations 29:17	166:17,21 167:9	Oriental 65:4
21:5 68:15 97:9	71:12	observer 31:10	175:5,14	origin 31:21 72:6
Nelson 8:20 10:14	normal 22:19	45:15 51:8	old 48:3 55:4	original 32:11 43:11
10:14	normally 109:5	obstruction 62:18	once 31:2 37:7	60:4 133:7
NEPA 140:5	North 8:15 9:22	66:5	54:20 68:9 92:1	otoliths 31:20 45:18
net 91:15 114:19	14:10 21:21 40:4	obtain 15:6 98:14	111:9 119:21	outboards 100:6,6
155:4	49:9 87:22	100:9 101:16,22	ones 26:8 35:3	outcome 161:7
never 63:7 126:20	notable 4:14	obtained 95:4 96:9	36:13 87:12 113:1	outline 132:21
new 2:10 3:9 16:7	note 89:10	97:21	166:11	133:2
23:6,9 26:2,8 35:9	notes 52:4 157:6,8	obviously 122:6	one-time 91:18	outlined 148:18
36:13 50:16 54:3,4	notice 27:12 37:8	occur 96:3 102:3	online 103:3	outreach 6:14
54:5,16 93:15 94:4	103:2 152:17	155:16	on-going 123:15	159:20
98:8 100:18,19	174:19	occurred 133:11	open 21:21 22:20	outside 141:12
112:2,10 122:3	noticed 56:9 138:6	occurring 135:11	25:9,13 49:8,10	145:11 152:4,6
130:6 137:14,20	notices 35:18	135:14 136:4,9,21	68:17 69:1 102:11	154:9
156:3 158:12	notifications 90:21	137:11,18 148:12	102:13 134:5	overdue 159:4
169:2 172:9	notion 112:16	Ocean 11:1 36:19	opened 22:21,22	overfished 134:22
news 14:12,13	162:10	36:21 55:6	49:11	135:6,13 136:3,9
46:22 49:22 84:19	novel 175:17	Oceania 36:17	opening 21:17,19	136:18 137:9,17
niche 167:6	November 15:12	OCEANIC 1:3	22:11,18 167:2	137:19 147:2
night 25:18 73:10	23:21 30:15 45:21	October 1:18 25:1	operated 65:15	148:11
73:18 74:15,17	48:16 62:13 88:6	27:8 30:6 33:5	operating 152:4,6	overfishing 135:1
NMFS 87:18,20	88:20 133:9	45:21 79:14 89:11	operational 14:19	135:11,13 136:3,9
95:17 137:4	nuisance 54:13	133:8	34:20	136:20 137:10,17
152:15 156:18	number 4:12 20:6	offhand 79:5	operations 38:4	137:22 148:12
157:2	24:14 28:12 32:4	office 3:14 70:1	73:9 112:4	overharvest 144:16
NOAA 61:15	52:10 58:10 73:15	84:7 93:18,19,19	operators 35:5	overharvests 23:3
159:20	74:22 77:4,10 78:3	officers 69:12	104:2	overlap 20:19

overnight 118:15 128:1	157:12,14 162:15 162:20,21 163:7,9 163:11,12,14,15 163:18,20 164:1,3 164:5,6,7,8,10,12 164:15 166:19 167:9 171:10,13 171:15 175:7,14 176:6,8,10,13 177:3,4	31:10 35:3 60:6 97:6 99:11 102:7 122:15 144:3 149:21 150:19 155:4 169:3	95:5,8 133:7 159:5	personally 59:17,19
Oversaw 13:17			periods 24:1 38:6	perspective 115:20 117:19
overseas 47:15			permanent 4:9 35:5	pervasive 108:2
oversight 173:4			permit 16:1,2,6 18:2 19:20 24:12 35:15,19,22 37:14 73:4,6 80:12 90:15 90:21 91:10,22 93:5,14 94:8 99:22 100:10,13,17 101:3,11,12,13,15 101:16,19,20,22 120:6,17,21 121:11,12,13,15 121:16 139:12,13 139:15 140:18,20 141:5 142:6,7 149:7,11,15,18 150:5 151:1,2,5,7 151:10,14 152:11 160:12 162:9,12 162:12,13,13 166:8 168:9,10,16 174:3,13	pessimistic 53:5
oversimplification 95:12 96:12		pelagics 25:8 39:10 143:9 144:21 146:22 149:10,12 151:12,13 152:10		Pete 93:18
overview 2:13 4:22 6:22 12:17 51:22 83:13 84:3 85:5 122:22 132:11,15 132:19	participants 86:16 86:19 87:7			Petersburg 84:8
over-fishing 96:3	participate 153:7	penalties 66:10		Phil 11:15
over-harvests 21:12 22:6	participating 141:12	people 14:11 26:20 33:1 38:18 40:2,14 42:8 47:6 50:19 53:19 55:2,19,20 57:1,18 63:4,9,10 64:7 65:1 67:8 69:17 70:17 71:1 72:15 74:13,14,16 74:20 79:19 84:16 100:7 101:4 112:7 112:11 125:12,18 126:15 128:21 129:2 144:10 145:20 161:22 168:11,21 171:17 172:4,7,9,13,14,18 172:22 174:1 175:1		phone 72:18 74:22
over/under 25:15	participation 84:17 161:21			phonetic 162:7
owned 65:15	particular 44:18,18 52:17 73:3 98:3 143:7 168:5			phone-based 33:1
owner 19:21	particularly 27:1 40:3 48:11 56:3 123:7			picture 15:15 31:21 53:18 97:22 98:1
owners 35:4	parties 29:15 106:6			pictures 68:5
o'clock 75:1	partnership 112:17			piece 174:6
	Partnerships 5:9			pieces 174:13
	parts 65:10 153:19 158:18 174:13			piled 68:7
	pass 57:22			pilot 97:5
P	passenger 92:19,21 103:14,20			pingers 166:14
page 20:16 81:15	Pat 10:20 126:4 129:8			piqued 71:7
pages 81:15 159:8	patrol 70:2			place 30:17 41:11 47:16 48:13 68:8 97:1 107:15 127:6 127:7 128:22 133:21 134:17 135:18 136:14 137:15,21 138:3 143:20 147:3 153:1 174:21
paid 41:4	patterns 85:11 87:11			placed 70:10
panel 1:13 20:20 89:12,16 90:2 95:7 99:3	pause 6:17 157:13 167:16			places 27:10 153:12
paper 117:2	pay 74:15,16			plaintiffs 37:3
paper-block 158:1	paying 79:14 92:19 92:21 103:14,19			plan 7:10 27:6 46:18 47:2,3 48:9 60:4,20 132:9
parameter 136:5	Pearson 2:19 76:21 78:12 82:2 83:12 84:6,7			planning 118:17
parameters 134:16	Peel 6:19 10:12,12 58:19,19 61:1,1			plans 23:11 62:4 68:22
pardon 128:7	peer 134:10,14			play 5:18 106:13 123:19 127:16
part 6:22 16:20 17:20 18:11 63:19 64:3 80:6 112:15 113:2 125:1 143:8 171:7	pelagic 16:3 17:8			played 108:12
PARTICIPANT 51:7,20 69:3 70:6 70:8 76:8 77:16 80:3,6,9,15,18 81:1,3,11,12 82:10 83:3 107:6 120:9 121:4 125:2 126:2 131:1,5,6,8,10,12 131:14,15,16,17 131:20,22 156:5		people's 113:5		players 69:7 161:11
		percent 18:12 29:11 29:16,19 31:9 32:10,14 45:15 51:8 57:2,8,15 60:10 63:1 70:13 79:11 81:18,21,22 85:1 87:16 88:13 91:12,13,17 93:1 127:17 148:9 173:11,12		playing 108:13
		percentage 102:11 175:18		plead 64:5
		performance 109:12 118:17		please 4:7 12:6 25:19 38:4 131:21 132:4 157:1
		performing 28:16		pleasure 84:9
		period 15:18 16:19 18:7 23:21 24:17 24:22 27:17 30:14 31:14 63:21 90:1		
			permitted 91:20 166:12	
			permitting 174:12	
			person 4:14 57:6 70:19 92:12,14,17 103:14,15,16 122:3 125:9 163:10	
			personal 64:20 65:2	

pled 66:4 67:3	possibly 41:21 59:8 94:17 100:6	82:5	product 105:7 159:14	34:22 96:5 115:2 155:10,13,16,20
PLL 91:9	104:12 129:20	prevailed 36:17,18	products 140:21 149:4 153:20	Protection 140:5
PLLs 81:20	potential 15:7 165:22 167:22	prevent 22:6 137:22 175:19	154:4 165:2	protocol 19:5
plug 14:12	potentially 166:2,6 169:6	prevents 118:17	profitable 167:5	prove 66:20
plus 106:4	pound 49:13	preview 164:8,9	program 6:7 97:5 153:1	proven 34:15
pockets 159:19	pounders 53:16	previous 139:22	programs 144:9 159:20	provide 44:20 52:6 81:9 86:10 94:16
point 4:19 23:16 26:17 29:1 36:9 38:10 48:7 49:3,3 54:18 78:15 82:10 83:11 85:19 87:14 98:10 110:20 111:20 113:10 116:8 117:17 122:11 129:4 150:9 157:11 177:1	pounds 53:4 56:13 56:14,16,18 57:11 78:19 81:17	previously 134:22	progress 13:8 37:15	provided 93:7 94:8
pointed 173:22	practice 118:16 119:4	price 63:1	prohibited 136:16 144:4,5,21 147:4 149:4	provides 97:12
points 127:4 175:20	practices 85:22 128:3 158:8,12	prices 123:17	prohibition 99:10 136:18	provision 29:14 32:13 86:20
political 110:1,21	predicament 119:16	primarily 14:18	prohibitions 72:2	Proxies 2:10
Pompano-Fort 75:21	predraft 13:22 23:14 26:10 44:20	prior 22:11 25:10 52:20 77:20 118:17 122:13	project 97:7,10	proxy 8:15 9:6 10:3 10:18 11:15
poor 81:20 118:17	prefer 174:10	priorities 62:2	promised 47:5 75:1 83:21	Ps 118:16
pop 59:13,14	preference 159:8	prioritize 109:10	promote 168:11	public 14:3 15:17 19:17 23:16,21 25:17 28:5 38:6 44:5 63:14 75:19 75:19 82:15,16 89:21 95:3 107:19 134:6,6 139:10 144:11 147:14,17 148:1 152:17 163:3,4,8 176:8,14
population 58:12 133:18,19 135:21 136:6,8	preferred 133:3 139:2 141:8 151:20 155:9,21	proactive 171:6	promotional 98:5	publish 32:17
populations 135:17 135:19	preliminary 17:9 51:21 78:22	probably 42:5 45:11 46:13,16 47:4 52:19 53:14 56:21 58:18 62:9 65:8 70:8 74:5 77:18 108:19 117:9 118:7 119:10 122:7 138:5 162:2 167:17,18	prompted 123:2	published 13:7,9 15:20 21:10 24:19 26:17 27:16 29:20 29:21 31:4 32:16 90:4
porbeagle 23:10 133:22 137:1,5,8 137:18 143:9 147:1,4	preparation 88:22	problem 6:13 16:18 57:4 73:7 75:18 76:3 94:16 123:21 126:21 161:10	proof 22:14	publishes 24:17
porbeagles 144:3 147:2	prepared 13:22 41:10 89:17	problematic 54:14	property 74:11	publishing 30:11
porbeagle-specific 137:3	preparing 38:7	problems 72:13 125:15 130:7 159:19 160:1 162:4 169:9,10	proposal 43:11 45:20 46:4,4	pull 52:4 145:2
port 20:8	presentation 5:9 6:6 6:8,22 12:11 23:8 34:4 105:15 122:12 124:5 126:12 130:1 132:17,18 133:15 142:9 156:12 177:5	produce 16:19	propose 148:6	purpose 2:11 64:8 132:14
portable 12:7	presentations 5:7 83:11,19	produced 14:10	proposed 13:7,10 13:11,13 15:11,21 21:16 23:12,14 24:21 25:12 26:13 27:15 29:4,19 30:13,16 32:6,12 32:16 34:5,16 37:15 38:7 60:20 88:5,19 89:18 95:4 95:6 107:14 132:11,18 152:14	purposely 64:7
portion 66:8 154:3	presented 26:2		proposing 25:1 34:13,14 147:3,22 148:17 150:18 151:17,21 154:6 154:14	purse 53:11
portions 147:10	presenting 24:6 126:9		process 19:2 38:6 89:9 108:2 109:4 111:6,22 112:9 114:7 134:3,4 136:14	pursuing 31:17 33:17 125:19
Portland 11:4	presses 24:21		prosecute 100:10	push 61:12 109:13
position 47:10	pressure 63:8		protect 109:21 115:9 160:8	put 37:7 45:1,14 48:13 63:9 69:13 77:21 82:15 112:6
possess 93:5	pretty 38:4 49:8,11 49:20 75:18 79:8		protected 13:19	
possessing 91:4				
possession 159:17				
possibility 21:4				
possible 122:4				

112:7 116:10 129:10 130:2,15 137:15 152:17 173:16 puts 47:9 putting 63:15 puzzle 174:4 Pyle 8:4,4 69:16,16 76:4 P-R-O-C-E-E-D-... 3:1 p.m 3:2 7:11	146:21 149:6 150:10 151:12 155:2 quota 15:5,9 19:22 20:12 21:4,14 22:1 22:2,11 25:9 29:18 32:11,14 42:12,15 42:18 43:20 55:3 57:15 76:10,11,12 85:6,10,17 86:1 87:5,16 88:12 93:11 95:20,21 102:11 105:20 106:9,11,15,19,22 107:5,8,13 108:11 109:21 110:5,6,18 111:4,12 114:4,9 114:20 115:12 116:6 117:13 118:12,22 119:17 120:19 125:6 127:12 128:7 129:5 142:20 143:21 144:13 145:5,7,14 146:14 146:17 148:10,22 149:1 151:4 154:1 160:7,14 169:17 170:13 quotas 25:14 30:20 43:22 56:15 143:2 143:6 144:2 145:20 148:19 149:3 150:1 quote 108:11	175:11,12 range 53:3,15 140:2 140:14 141:16 ranges 140:6 rate 85:3 146:12,15 147:7 148:15 rates 97:6 165:13 165:20 166:1 rating 120:5 rational 111:22 RBS 79:6 reach 152:20 reached 25:9 read 56:11,14 reads 87:5 ready 48:16 83:3 119:2,9 167:13 real 21:3 42:13 43:16 69:2 81:8 86:4 96:16 98:4 115:20 123:12 158:3 173:17 reality 109:22 115:4 realize 96:11 reallocation 109:22 really 3:3 5:17 6:12 14:14 20:10 26:7 32:2 33:3 38:8,12 38:20 39:8 42:17 44:19 45:6 53:17 54:13 63:8 64:11 84:1 97:16 100:8 110:6 114:1 115:19 127:4 130:14 165:21 170:21,22 172:6 174:11,19,21 175:15 reason 21:6 76:20 88:15 153:21 160:5 167:20 169:2 174:17 reasonable 115:11 reasons 16:14 122:14 124:18 167:22 Rebecca 10:17 rebuild 42:15 82:17	87:8 137:21 147:7 148:14 161:12 rebuilding 113:2 136:19 137:10 161:15 rebuilt 18:12 84:20 125:8,16 rec 78:20 96:20 recall 21:11 29:6 71:4 116:20 receipt 16:9 94:10 received 16:22 24:7 94:21 95:8,13 96:15 99:14 108:10 114:6 121:1,2 receiving 18:6 106:6 recognize 111:12 recommend 104:9 156:15 recommendation 20:2,4,9 29:14 145:8 165:1 168:5 recommendations 15:7 16:22 32:8,12 85:7,10,15 87:5 89:15,17 97:22 98:2 99:2 100:12 104:4,9,13,16 105:13 146:8 159:12 164:18,19 168:8 recommended 17:3 34:13 85:17 135:6 145:9 146:8 168:19 reconvene 83:4 record 12:4 36:20 37:17 46:16 83:8 86:14 102:22 118:2 recorded 102:21 recording 156:3,4 records 16:11,12 94:7 recreational 6:7 9:6 18:16 24:13 40:18	70:15 73:20 74:3,5 76:10,19 77:1,3 78:1 79:3,3 82:6 92:10 102:17,19 102:20 103:3,8 140:13,18 141:5 143:16 161:17 173:15 recreationally 79:20 recruitment 48:3 54:6 recruits 54:8 red 73:16 75:8 redo 120:21 reduce 24:10,14 122:17 166:1,2,3,6 reduced 29:7,8 55:3 88:17 153:22 reduction 19:12 59:12 114:17 151:6 reel 100:11,16 reenter 166:22 refer 91:9 referred 67:19 referring 107:7 132:17 refined 158:9 reflag 127:10 regarding 105:19 152:16 regards 56:4 92:5 96:8 97:14 region 22:10 Regional 14:4 regions 56:19 registrations 37:16 Regnery 10:17,17 regret 173:6 regrettably 111:5 regs 34:21 regulate 98:6 regulations 17:2 20:2,9 50:15 87:21 90:5 96:2 102:13 103:18 104:11 117:3 140:10
<hr/> Q <hr/>				
qualifying 86:15 quality 105:4 quarterly 35:19 question 28:22 54:21 56:6 57:7 58:1,20 69:3 116:7 117:8 119:6 120:16 124:22 125:3,11,21 129:12 158:6 163:17,19 174:20 questions 5:18 50:22 51:5 60:5 69:2 82:22 83:14 107:12 108:8 118:5 125:5 163:1 163:21 164:17 171:21 queue 126:15 quick 3:17 4:22 12:20 54:18 84:3 85:5 86:4 108:7 131:2 quickest 14:15 quickly 15:17 38:16 43:14 47:19 89:7 96:16 98:4 160:4 176:22 quiet 131:9 quite 34:15 38:3 39:21,22 52:18 53:16 55:17 58:11 97:17 quo 140:8 143:19	<hr/> R <hr/> R 8:20 Radonski 2:17 6:12 11:20 61:11,14,14 69:20 70:20 71:11 71:15,20 72:4 raise 73:16 125:20 132:4 Ramon 10:19 ramps 75:19 ran 161:10 Randy 9:22 175:10			

164:20 165:14 regulatory 17:3 124:2,9 rehearsal 164:11 reinforce 39:17 reinitiated 17:12 reinstate 101:7 172:12 reinvent 127:22 reissue 174:8 reissued 101:10 161:20 168:21 reiterate 126:8 related 100:14 relative 93:2 relatively 88:17 89:4,7 release 13:19 34:22 35:3 37:22 158:8 released 18:18 23:12 26:1,21 27:12 52:3 releasing 19:15 59:15 reliable 136:5 rely 70:3 remain 22:15 remaining 24:12 35:22 146:3 remains 17:18 remarks 38:11 remember 25:22 26:20 38:5 52:5 55:2 70:21,22 remind 94:13 reminds 103:1 remove 99:9,12,19 101:13 144:15 148:4 150:13 173:2 removed 91:19 154:16 169:11 removing 165:16 renew 101:11 renewal 35:6,15 reopen 158:20 reopening 158:15 rep 9:1	repeatedly 111:20 repercussions 106:20 119:11 replace 158:8 report 5:21 7:7 17:13 33:2,4 62:16 74:20 77:9 78:6,7 78:20 79:19,21 108:17 157:7 reported 74:6,6 76:17 77:5 80:10 80:20 81:19,22 173:19 reporting 5:14 22:8 32:20 46:21 79:17 82:5 103:3 110:9 169:13 reports 38:1 52:2 73:14 77:15 81:6,6 81:13,14 representation 8:21 representative 10:8 representing 8:9 10:15 19:20 request 19:19,21 34:9 69:13 103:12 requested 20:14 87:21 requesting 22:12 requests 18:2 23:18 require 34:14 36:10 36:13 166:5,8,14 167:18 170:1 required 35:3,5,13 35:15 37:9 61:5 86:21 123:11 140:4 requirement 31:10 36:18 39:18 101:14 requirements 17:17 19:8 26:18 27:5,18 28:7 122:20 requires 85:14 requiring 169:11 research 11:15 13:16 18:22 19:4 19:15 24:9 27:11	31:17 41:8 43:1,4 44:1 45:17 86:12 87:1 97:5,10 141:9 141:10,13 144:8 144:12 147:19 148:2 151:22 152:1,5,7,13,16,19 152:20,22 153:7 153:10,16,17 154:6,9 158:5,14 158:17 159:3 161:7 resistance 55:14,15 resolved 65:19 resource 119:18,21 119:22 161:10,12 161:15 resources 11:12,18 13:19 34:22 64:7 67:5 68:19 86:10 86:13 96:5 resource-conscious 159:15 respective 86:11 response 15:2 171:6 176:15 responsibility 61:17 responsibly 106:8 106:22 rest 133:14 restore 87:8 restraints 49:12 restrict 98:6 restriction 2:21 91:19 100:8 107:14 restrictions 16:3 60:7 90:18 96:22 99:13,17,19 121:9 121:11,14 165:16 168:1 173:2 restructuring 123:12 result 92:22 94:6 108:1 114:19 158:15 resulted 151:6 results 42:7 44:9	51:9 137:13 retail 125:17 retain 88:12 103:20 116:13 140:21 141:14 149:18 retained 24:15 retention 15:22 30:1 92:5,6 101:1 149:6 150:6,19 154:20 returning 128:2 reversed 172:10 reversing 172:11 review 26:7 37:10 134:4,9 157:15 reviewed 90:1,2 134:10 137:4 reviewers 134:11,15 reviewing 37:6 revised 22:5 23:12 revisions 26:9 37:14 revisit 99:8 revitalization 2:19 5:5 7:9,16 14:21 42:4 50:13 83:5 129:17 160:4,14 164:18 revitalize 95:18 104:4 123:6 169:7 revitalized 161:6 revitalizing 21:3 87:22 112:8 128:1 159:2 revolve 72:14 reward 85:22 RFMO 43:19 rhetoric 114:1,3 Rich 7:4 8:1 49:6 52:12,14 56:8 58:20 108:21 113:9 117:16 125:10 157:14 Rich's 168:19 Rick 2:19 9:7 76:21 77:18 83:12 84:3,6 109:1 124:15 126:2 171:13 175:7	ricordea 66:16,16 rid 111:18 right 11:21 18:3 19:2 39:10 45:10 46:14 51:4,15 54:1 56:14 59:17 60:20 61:8 62:3,8 71:15 77:8 78:11,18,21 79:18,20 83:9 93:12 100:22 104:20 112:20 116:15,21 117:18 128:4,12 130:13 131:12,19 132:12 138:2 140:10 144:5 150:16 153:13 157:21 159:9 160:19 161:3 163:22 165:3,12 166:5 175:14 rigorous 18:22 19:5 43:1 ring 75:2 Risenhoover 3:13 Rita 11:7 road 122:5 rock 66:14 rod 100:10,16 ROI 115:10 role 5:19 rolled 107:9 Rom 10:3 Ron 9:20 59:22 61:2 72:12 77:20 Rooker 47:21 room 3:16 7:3 50:19 55:2 76:9 131:3 157:5 177:2 rotational 3:21 4:6 rough 51:21 roughly 12:19 round 54:20 row 47:4 157:21 Ruais 7:5,22 8:1 52:13,14 59:5 108:21,21 157:14 157:19
---	--	--	--	--

rule 5:7 15:11,20 16:17,20 17:5 21:11,13,22 23:13 23:14 24:18,21 25:13 26:13,14 27:3,15 29:19,21 29:22 30:2,7,13 31:4 32:13,16,17 32:19 34:5,8,16,17 36:18 37:2 38:9 40:7 41:10 60:21 83:13 88:5,19 89:18 90:4 91:1 92:22 95:4,6 103:12,22 123:3,9 124:15 132:11,18 152:14	66:15 sandbar 23:9 24:9 133:16 135:2,4,5 135:11,13 137:16 141:14 145:3,4,15 146:1,6,16 147:11 147:12 148:21,21 149:19 150:18 151:8 152:2,8 154:1 sandbars 141:11 SARS 51:16 save 114:4 saw 78:20 167:20 169:1 saying 38:11 56:8 96:13 100:7 101:4 102:4 103:21 104:2 122:1 171:1 172:20 173:3 says 56:11 173:22 175:3 scared 128:13 scheduled 7:8 36:20 schedules 3:5 35:21 38:3 84:11 schemes 165:5 school 29:18 30:9,9 54:2,3 Schratwieser 9:15 9:16 107:11,12 108:7 Schulze 3:10 SCHULZE-HAU... 3:3 6:21 7:17 11:19 12:5 51:3 52:1 60:17 61:8 77:7 80:11 81:5 82:21 83:9 107:17 116:19 117:22 122:10 126:7 science 3:22 6:6 8:9 43:2,11,12 44:8,13 44:14 49:15,19 51:13 56:10 134:13 137:6 175:1,3 scientific 13:16	18:22 43:1,5 46:4 86:12 87:1 scientist 57:5 scientists 47:18,20 51:16 137:4 scope 16:21 scoping 89:14 95:2 screw 128:8 scribe 5:21 SCRS 108:18 sea 4:11 14:10 17:11 33:12 34:11 71:12,22 150:14 154:16 170:5 seafood 5:10 50:16 173:1 seahorses 65:2 seas 31:18 45:19 65:16,21 160:16 161:16 season 21:10 22:20 24:22 25:12,14 30:16 37:2 52:16 148:5 seasons 21:15,17 148:6 second 4:7 21:10 25:12,14 72:22 85:18 96:7 98:10 98:10 110:15 120:3 122:2 150:11 155:12 172:16 Secor 47:21 section 8:1 secure 97:8 SEDAR 134:3 see 4:20 6:12 7:1 11:20 12:21 13:4 19:11 44:11 45:22 48:5,20 50:15,18 58:8 71:6 72:6 73:21 74:22 112:7 114:2 133:5,13 139:11 142:4 144:19 166:4,17 167:22 169:5 seeing 4:2 53:9	55:13 125:16 seeking 169:20 seen 30:12 48:4 52:9 54:10 59:10 63:7 seine 53:11 seize 64:18 seized 66:2 seizure-wise 66:7 select 153:2,13 sell 70:11 76:4 127:21 sells 73:14 sending 35:18 Seneca 8:18 173:11 173:12 Senegal 106:7 sense 122:2 125:7 174:11 sent 16:9 22:12 68:10 81:14,15 90:20 121:9 133:6 sentencing 67:4 sentiments 118:6 separate 50:14 80:19 135:16 145:4 separated 133:17 separately 133:16 135:4 September 21:20 22:15,22 30:5 87:20 90:22 95:2 series 89:13 100:13 141:19 serious 76:3 seriously 125:10 serve 14:12 serves 36:2 Service 1:5 94:9 126:20 128:16 session 83:15 84:5 129:12,18 130:8,9 130:11 156:6,14 sessions 5:6,13,17 15:1,6,13 56:3 77:17 83:20 set 45:20 51:12	73:10 114:20 116:9 129:19 144:8,14 147:13 sets 43:4,5 53:11 settle 68:15 settled 31:3 settling 64:4 set-aside 147:11 seven 15:17 81:21 95:3 138:16,19 139:6,21 141:21 163:16 SFA 129:6 shame 42:5 Shana 9:9 shape 42:17 share 6:20 29:8 32:9 88:13 95:21 106:9,11 107:4 112:8 114:4,9 119:18 129:5 shared 76:12 shark 4:1 8:14,15 13:20 14:7 21:10 23:4 24:13,20 26:6 35:1,12,13 36:12 37:2 64:16 71:6,9 91:4 101:22 102:4 121:12,13 132:20 133:12,20 134:1 134:19 135:4 136:10 139:14 140:10,12,18,20 140:21 141:4,9,10 141:11,13,17 142:5,7 143:20 144:5 145:3,5,11 148:21,21 149:4,7 149:9,15,18 150:14,15 151:10 152:2 153:20 154:4,21 162:12 162:13 174:1 sharks 6:2 21:9 23:10 24:9,11 43:15,18 65:10 133:11,16,17,22 135:3,5,11,13,15
S				
sacrificed 161:14 sacrifices 113:2 safe 37:22 158:7 safely 172:22 sailfish 37:21 sale 67:6 sales 70:14 71:2 sampling 19:5 Sampson 9:6 San 65:5 sanctuaries 66:12 68:21 sanctuary 62:2				

135:20,21 136:2 136:12,14,15 137:2,9,17,18 141:14 143:5,10 144:3,11,12 145:3 145:15 146:1,6,9 146:16,22 147:4 147:11,12,12,22 148:1 149:19,21 150:6,8,10 151:9 151:13,17 152:2,8 152:16 153:18 154:10,12,14,15 177:5 shelf 120:18,22 shift 54:3 94:19 short 15:12 27:16 83:22 105:17 123:8 165:12 166:21 short-term 159:22 show 112:12 139:18 155:11 showed 22:9 135:5 135:10,18 136:1 136:17 showing 138:17,22 141:21 shown 78:13 108:16 shows 147:2 155:12 shrink 154:5 side 4:3 12:1 49:20 66:3 74:4 126:21 168:18 sides 96:11 sign 48:4 signed 14:11 significant 21:12 62:10 120:12 significantly 93:6 SILVER 1:22 similar 36:6 160:18 161:8 165:3 172:18 Similarly 91:14 92:15 simple 75:18 simply 55:8 108:15	sir 81:1 sit 50:8 64:22 74:16 120:22 site 82:4,16 176:1 sitting 174:4 situation 54:17 105:22 110:12 125:7,22 171:3 six 12:19 15:1 18:1 38:8 47:4 70:16 89:13,18 92:19 95:2 124:12 size 41:17 46:2 49:14 53:5,13,14 54:11 55:9 77:11 77:13 78:2 91:21 93:2 102:16 165:17 166:2 SKD 142:4 SKI 142:6 slated 133:8 slide 89:9 140:1 143:15 155:11 slides 133:14 141:19 143:13 slightly 53:12 138:7 small 25:8 37:5 63:5 63:18,22 105:3 115:6 126:19 143:7 144:1,20 146:21 149:10,12 149:21 151:11,13 152:9 156:9,17 smaller 5:13 53:12 167:5 small/medium 30:9 Smith 4:5 sold 127:17 solely 121:6 solution 167:19 solve 130:6 somebody 69:21 74:22 76:21 118:21 168:9	174:17 Sonja 11:1 soon 58:17 64:5 65:13,19 82:5 sooner 129:14 sort 41:6 80:2 82:15 82:16 95:15 96:10 102:8 105:2 168:2 168:10 170:8,9 171:19 sorting 17:4 sound 174:22 sounding 173:10 source 71:19 sources 78:9 south 9:7 11:7,17 18:17 21:18 22:1,2 25:6 54:4 61:2 70:11,12,14 72:14 77:2 81:22 155:9 155:21 Southeast 3:22 62:9 134:3 Southern 11:14 Spanish 66:6 spatial 168:3 spattering 112:20 spawning 31:12,14 53:6,7,13 speak 12:2 48:22 57:22 132:5 speaker 129:13 speaking 84:9 Special 61:15 species 1:13 3:12 17:11 24:14 26:5 50:1 51:17 64:11 67:14 72:3,7 96:4 97:14 115:2,3,12 118:18 132:9,20 136:20 138:1 141:12 142:20 143:1 144:4,6,19 144:21 146:16 147:4,6 148:10,11 148:14,19 152:3 154:21 specific 72:13,19	73:11 99:1 104:13 104:15 144:13 147:10 176:2 specifically 72:15 73:18 75:16 146:19 147:12 172:19 specifications 28:21 29:20 94:3 specifics 69:22 104:12 specs 6:20 29:4 30:14 32:7 speed 15:1 28:1 spend 47:5,6 89:8 96:18 spiny 57:3 split 22:6 27:19 63:3 139:11 spoken 55:18 Sport 42:1 spread 106:3 151:4 spring 1:22 24:18 26:14 31:2 34:18 spur 117:15 squid 76:13 92:8 101:15,18 117:6 162:7,10 174:16 St 84:7 93:18 staff 2:10 3:18 4:9 5:16 69:14 156:18 157:3,8 stage 114:21 129:19 stand 12:2 36:13 95:15 128:10 standardized 27:11 standards 53:5 stands 142:5,6 start 12:10 25:11 30:17 31:6 77:14 105:14 109:2 110:13 112:11 177:3,4,5 started 83:10 starting 21:19,20 44:16 118:20 starts 30:18 state 63:11 74:10	147:21 150:7 stated 96:1 statement 17:10 89:1 123:2 132:12 132:16 statements 138:9 states 1:1 14:6 21:2 22:9 23:17,18 66:1 74:10 99:16 105:20 106:1 128:9 137:2 stats 12:21 status 37:10 132:20 140:7 143:19 146:21 149:6 150:10 151:12 155:1 statutes 20:4,6 statutory 115:14 stay 49:8,10 51:14 stays 146:11 Stellwagen 8:7 step 112:9 145:19 145:20 stepped 127:2 steps 37:9 103:7 118:15 Steve 58:3,17 Stewardship 165:4 167:7 stick 127:19 stock 18:13 31:13 31:21 42:16,16 44:2 45:4,11 57:6 84:20,22 125:8,16 133:10 134:2 136:10 137:3,5,8 137:12 145:8 146:7 147:1 stocks 39:14 44:1 86:20 87:1,8 125:22 137:21 Stone 9:11,11 stop 128:13 137:22 stopped 159:9 storage 66:9 stored 68:8 straight 52:2 58:16
---	--	---	---	--

straightforward 108:5	140:7,11,16,19 141:3,7,8,15 143:2 143:18 144:22 146:20 147:3 148:18 149:2,14 149:16 150:12,17 150:21 151:16,19 151:21 154:14,20 155:1,6 156:1	42:15 50:11 70:10 70:12 78:7,17 79:7 79:10,21 82:6 83:5 84:14,20 85:6,16 88:1,4 91:4,8 92:6 93:5,7,10 95:19,20 97:3,14 98:5,6 99:21 100:10,15 100:18,18,22 101:1,3,5,6,7,11 101:16,18 102:1,5 102:15,17 103:3,8 103:18,21 104:5 104:10,21,22 105:11 110:5,18 110:19 114:17 115:6,17 116:15 117:2 118:12 120:2,13,17,21 121:3,19 122:18 125:6,17 129:17 156:5,22 164:20 165:10 168:13,22 169:7,21	135:17 Tag-A 9:9 Tahiti 4:16 take 3:4 17:10 31:15 38:19,22 40:8 41:21 44:19 47:14 51:6 59:12 63:3 81:19 85:18 94:13 97:16 99:4 104:16 105:13 112:1 113:11 123:1,5 126:14 127:12 134:11 138:10,19 142:18 151:3 157:6 171:6 171:14 taken 46:20 89:1 92:2 103:7 118:15 120:5 146:2 147:17,19 takes 38:8 128:4 159:3 talk 7:11,18 16:15 20:16 49:5 50:1,11 54:1 56:4 57:21 58:3,18 67:10 94:20 97:18 129:16 132:3 talked 13:11 18:4 40:5 42:7 49:6 58:4,9 61:22 124:15 talking 14:2 22:16 26:11 58:5 60:1 73:20 77:12 79:15 105:2 142:20 143:16 tally 52:2 Tampa 61:18 Tape 47:11,12,13 88:10,10,11 130:20,21 177:7 tapered 59:1 Tar 10:8 tarde 67:9 target 31:3 34:17 Task 108:18,18 tasks 78:9	tax 74:11 taxpayers 119:19 techniques 66:21 Technology 6:6 tell 63:5 65:1 76:4 76:22 107:2 124:17 132:5 telling 48:2 temporarily 27:17 temporary 28:6 ten 13:15 14:3 23:15 tend 53:21 73:2 tent 111:9,10 Teri 8:19 term 104:14,14 119:10 165:12 166:21 167:1 terms 16:16,22 28:21 54:20 56:3 59:11 79:6,10 87:3 106:20 107:7,21 136:8 141:16 148:19,21 151:6 151:13 159:2 161:5 170:11,17 171:4 Terri 125:9 terribly 7:14 115:18 Terry 173:22 test 131:2,16,16,16 tested 72:5 testing 19:10 130:22 130:22 tests 115:15 tethers 34:12 Texas 8:11 thank 11:20 38:11 38:17 39:20 52:13 58:1 61:9 69:9,14 72:11 81:11 82:22 83:6 84:10 105:16 108:21 129:7,8 130:19 164:12 167:9,10 171:10 175:7,8 176:16 Thanks 38:14 51:2 51:3 117:21 176:6
strong 5:18 20:22 27:9 28:2 41:3 113:10 strongly 27:20 84:16 structural 125:15 structure 148:20 structured 138:7 141:20 stuck 92:3 120:18 studies 57:12 133:19 135:17 study 43:6 stuff 7:11 57:13 119:2 124:13 Subcommittee 10:22 subject 42:3 60:1 84:15 submit 95:1 144:10 submitted 96:12 subperiods 30:4 substantial 59:14 substantially 115:1 130:5 success 165:8 suddenly 117:12 suffer 115:21 sufficient 16:17 suggest 7:6 53:21 160:3 163:5 suggested 134:15 suggesting 153:14 suggestion 161:5 suggestions 4:21 7:1 36:2 75:7 suitcases 64:15 suite 133:4 138:13 138:16 139:5,9,20	suites 132:22 138:11,12 139:19 140:1 141:2 142:2 142:11,16 148:16 155:17 summarize 24:8 171:22 summary 51:21 summer 4:10 5:8 26:14 40:14 support 170:14 supporting 19:15 38:7 94:16 supportive 107:20 supposed 86:3 87:4 sure 7:6 28:15 74:9 117:22 127:4 132:3 165:14 169:9,15 171:15 173:15 survival 41:9 survived 112:19 survivors 112:18 suspending 27:17 40:6 suspension 28:6 sustain 171:8 sustainable 3:14 85:2,4 159:13 165:6 170:15 swallow 110:7 swindling 119:12 swing 116:4 sword 127:17 174:1 174:2 swordfish 2:19 5:5 7:9,16 9:14,21 14:21 18:11 21:3,5 32:6 37:18,20 42:3	swordfishery 122:4 swordfishing 118:9 swords 172:17 synopsis 95:10 system 33:1,5,7 79:6,17 80:2 112:3 systems 77:1 <hr/> T <hr/> table 2:7 3:10 79:1 103:4,6 129:10 130:2,7 141:20 142:13,14 145:19 150:2 156:17,22 157:16 168:19 171:18 175:8 tables 5:13 156:9,19 157:9 163:17 TAC 135:7 tack 32:8 tackle 88:18 tactful 118:7 tactic 63:11 tagging 133:19		

176:7	108:18 109:6,8	127:15,19 128:4,9	142:10,10,22	92:21 93:6 96:19
they'd 108:19	112:19 113:9	130:16 136:12	topics 125:4 126:18	149:9,9,13,20,20
154:17	117:3 119:14,20	138:9 154:22	138:16,19,22	150:1 151:3,6,9,11
thick 39:1	122:7,11,13	155:4,7,19 159:5	139:3,7,22 141:21	152:4
thing 17:6 19:18	125:20 126:9,14	161:18 162:22	total 13:21 29:6	triple 91:3
22:7 32:18 33:6	128:14 129:14,19	164:21 177:3,4	35:7,16 56:13 57:2	trolling 28:1
53:8,17 60:16 67:4	129:22 130:1,14	timeframe 138:2	135:7 145:15	true 105:21
79:13 102:9	153:6,15 156:13	times 39:7 68:12	totally 40:6 41:2	truth 62:9
112:14 116:8	162:16,22 163:10	70:17 73:10,14	46:5	try 31:12 40:8,9
120:3 121:18	168:4 170:6 171:7	153:12	touch 126:9	41:14 44:10 46:17
122:7 138:5	171:22 176:16	time-consuming	touching 83:13	51:1 58:14 81:8
142:19 148:17	thinking 7:10 59:20	38:5	tough 39:19 42:9	93:20 99:14 109:3
152:12 153:4	174:8	tiny 77:4,4	46:2	109:21 139:1
154:13 167:17	Third 21:10 73:7	tip 133:17 136:2	tournament 26:18	164:2
168:11 175:21	thought 3:17 62:12	today 4:6 6:11 7:7	28:10,13 37:16,18	trying 28:14 31:14
things 7:18 12:12	68:4 101:17	7:12 30:11 62:12	39:18 60:8 79:6	31:18,20 32:2
14:20 15:16,21	174:16 176:17	84:12 95:14	tournaments 27:8	35:20 36:1 41:7
16:18 17:2,4 28:22	three 21:20,21 30:1	162:22	27:10 40:9,16	45:17 47:18 51:12
31:8 37:4 38:3	48:10 57:1 64:14	told 64:20 74:14	tracing 67:15	51:17 52:4 54:9
39:17 50:13 52:3	71:18 72:13,17	106:13	track 36:6 37:11	67:21 73:10 75:4
53:21 58:7 62:1	73:3,14 74:18	Tom 8:6 54:1	56:9	160:3 163:1
66:11 74:21 95:15	90:11 91:8 92:12	tomorrow 6:1,4	tracking 35:19	tube 48:21
98:20 99:6 104:7	92:12,17 101:13	14:2 23:8 24:17	trade 37:14 65:4	tuna 8:3 9:3,14 29:3
106:20 110:8	103:17 104:12	25:18 26:11 50:6	67:7	29:7 30:13 31:9
116:11 117:11	127:3 134:5 161:1	156:6,14 163:21	traditional 25:11	33:12,19 34:10
119:2 120:2 122:5	162:11 174:3	164:4 176:21	100:2 161:8	45:2 48:5,11,18,21
124:1,4,16 128:18	threes 54:11	177:3,4	train 118:14	52:15,16 55:19
129:20 143:3	throw 173:5	tomorrow's 130:8	training 159:16	76:15 91:5 101:8,8
145:1 165:18	throwing 117:2	ton 46:11,12 144:8	transfer 29:12,15	101:11 110:6
169:8 170:13	130:6	147:9,13,15,16,18	32:13 63:16 90:16	114:17 162:13
171:20 175:4	Thursday 6:5,13	tonnage 91:15,15	92:1 115:22	172:21 174:2,8
think 7:18 12:2 13:5	34:5	117:10	transferred 21:22	tunas 33:20 65:17
13:12 19:19 20:13	tie 126:3	tons 29:10 46:9,10	32:15 100:4 107:9	85:9
24:17 26:12 33:9	time 3:4 6:10,13	46:14 47:2 49:13	transferring 114:13	tuna's 29:4 85:13
36:21 37:11 38:15	7:15 9:3 13:10	52:18 55:3 76:18	transmitted 89:19	turn 38:13 50:20
38:21 39:2,8 40:16	15:13 16:12 17:7	78:19 79:2,3 80:10	transparent 139:10	124:11,13 131:21
41:2,9,19 42:13,16	18:20 22:7,18 26:9	88:14 106:2,5	trawl 57:17 76:13	158:21
42:21 43:7,9,16	38:19 41:3 44:10	110:4,5,18 116:18	92:8	turned 13:1
44:4 45:9 48:6,7	44:19 48:10 49:18	135:8,8 143:22	treaties 68:22	Turning 25:20 29:3
48:12,15,17 49:2,3	51:4 59:12 61:9	144:1 145:5,9,16	tremendously	turtle 33:12 34:11
49:4,19,20 51:5	65:1 79:16 81:8	146:14 154:1	115:22	114:18
52:7 55:13 56:19	84:1,11 88:16,17	tool 158:10	trial 62:12	turtles 17:11 115:4
58:11 59:8 61:11	88:19 89:9 90:14	tools 128:15 159:18	trickle 74:10	122:20 170:6
62:1 65:4,7 66:6	96:18 99:8 106:10	toothfish 65:22 66:1	tried 12:6 40:5	twice 18:7
67:21 71:20 77:18	108:22 113:22	top 52:5,10 57:21	77:21 160:6 161:1	two 13:8 24:8 48:4
78:9 79:13 82:22	114:7 116:6 117:3	113:5 116:20	170:12	49:8 53:10 66:17
83:3 104:18,20	117:8 122:8,17,19	141:22 159:7	trimester 144:17	74:18 76:16 78:9
105:10 107:2	123:8,10 127:14	topic 84:13 142:1	trip 24:10 92:18,20	81:15,16 83:11

85:19 95:7 96:10 103:16 106:4 107:12 135:16 157:15,18 158:2 160:1 162:14 164:17 168:7 170:13 171:17 172:10 two-day 53:2 two-year 48:3 111:21 type 36:14 100:16 100:20 102:9 105:5,7 167:7,8 types 98:17 112:2 139:12 144:14 typically 23:22 36:13 138:18	Unfortunately 55:12 unilateral 59:6 unique 53:8,17 United 1:1 21:2 66:1 99:16 105:20 106:1 128:9 137:2 universe 151:2,5 154:5 University 8:12 11:10,14 unknown 135:1 136:7 148:12 unlimited 107:16 unsustainable 128:2 unused 161:22 unviable 112:4 upcoming 54:22 update 2:17 6:11 34:1 61:11 62:7 updates 3:17 4:1 38:1 upgrade 2:21 90:20 91:12,18,22 92:2,4 93:16 94:4 107:14 107:16 173:2 upgrades 90:9 99:11 169:1,3 upgrading 16:3 90:13,17 96:22 99:12,17,19 100:12 117:16 121:8,10,14 up-to-date 82:7 use 33:10,16 34:12 39:18 64:20 65:2 106:14 113:13 114:8,20 119:1,19 127:19 137:7 160:7 162:8 168:11,16,21 173:18 useless 174:3 users 161:14 utilize 42:14 U.S 19:21,22 20:7 20:10,12,12 29:8	32:9 46:12 47:10 48:22 52:17 53:9 64:18 65:15 70:3 85:6,14,15 87:22 88:12 89:19 93:10 95:18 98:14,16,19 111:7 112:8 114:4 115:10,14,16 116:21 117:12 118:11 119:4,17 125:5 128:17 158:13 159:14 160:7,9,14 165:1,2 169:19,20,22 170:7,10,15,15	127:11 160:21 166:10,12 169:3,4 vibrant 161:17 171:9 view 31:13 Vince 7:20 8:4 9:13 19:19 69:16 76:4 81:13 126:4 violation 72:9 153:9 violations 129:6 violators 69:9 Virginia 8:8 40:3 virtually 49:9 vision 104:22 112:14,15 113:3,6 161:5 167:4 170:9 171:8 visions 113:8 VMSY 18:12 volume 105:4,6	83:16 126:8 Ward's 124:5 warned 63:10 wasn't 42:4,6 79:14 92:2 108:5 120:4 watch 48:21 67:1 97:11 157:17 watching 57:15 water 168:12 waterfront 75:20,22 waterfronts 123:20 waters 20:12 31:19 45:10,12 58:8,10 58:12 98:15 165:15 wave 3:20 40:17 way 20:10 40:2,6,22 50:9 58:15 69:12 103:2 113:12 128:13 131:2 140:10 152:13 168:20 169:6,12 ways 14:14,15 27:14 28:19 42:14 web 36:1 Weber 9:7,7 website 82:12 97:11 97:16 103:5 week 32:18,18 42:7 46:22 49:6 51:10 51:11,18,18 53:1,2 58:18 68:4 83:1 121:5,10 weeks 19:14 21:18 21:20,22 53:10 89:19 weight 78:7,18 82:8 135:8,9 144:8 145:6,9,17 147:9 147:13,16,18 149:8 154:2 welcome 2:9,10 142:18 went 54:20 64:2 66:9 83:8 111:16 156:10 176:22 weren't 15:14 74:6 160:13
U		V		W
ultimately 21:16 27:4 28:3 33:15 77:16 78:6 88:12 uncertainty 127:8 uncounted 127:1 underage 106:3,10 106:14 107:3 108:10,14 114:6 underages 107:9 underharvest 29:13 undersized 62:15 64:8 96:4 understand 44:4 46:16 58:21 62:1 98:8 139:15 understanding 64:3 106:6 undertake 123:7 undertaking 93:17 underway 37:11 46:6,6 under-harvest 148:8,13 undoubtedly 106:19 unfathomable 118:10 122:6 unforeseen 46:7	Val 9:5 valiant 48:17 valid 17:18 43:5 valuable 39:3 67:9 value 59:8 165:5 valued 66:2 variation 134:15 variety 106:7 107:18 version 139:6 versions 139:21 vertical 142:3 vessel 2:21 8:5,18 10:8 16:2 19:21,22 35:4 65:14,16 73:19 90:11 91:18 91:22 92:12,14,18 92:19,21 93:2,3,15 96:21 99:11 103:16 120:16,17 121:1,8 165:17 166:8,10 169:1 vessels 16:4,8 20:10 20:11 31:11 46:3 70:2 73:1 90:7 91:2,11,20,20 92:8 92:11 93:1,4,9 98:14,17,17,19 99:12,20 100:1,3,5 101:14,15 111:19 114:16 121:5	wait 77:9 82:18 122:2 163:21 waiting 67:3 74:17 walking 111:15 want 7:4,9,20 19:10 36:9 38:10 39:16 39:20 48:20 50:10 52:4 53:19 54:7 61:2,7,12 62:6,21 68:17 69:4,7 85:18 86:3 112:7 119:12 126:10 127:21 143:3 152:12 156:12 157:6 158:20 160:22 162:18 170:20,22 171:13 172:14 173:4,11 wanted 20:16 54:18 82:3 87:10 90:15 109:13 116:8 168:2 wanting 57:12 wants 43:19 119:1,5 164:13 167:13 Ward 5:9 50:11		

West 59:6,13	159:18 163:1,20 170:4	47:19 50:7 62:3,5 69:4,10 74:15 84:7 94:17 105:14 160:6 175:22	101:9 106:5 120:22 122:13 124:13,14 125:14 144:18 152:15	1.7 76:17 77:2 78:19 80:10 1:30 3:2 10 29:19 73:1 81:22 91:12 151:9 153:14,22 10th 133:8 10,000 47:1 100 31:9 45:14 46:14 49:13,13 51:8 52:18 99:21 136:19 137:9 11 66:2 11.5 57:10 1100 55:3 116.6 145:5 154:1 1190 29:9 12 74:19 128:6 120 35:10 121:5 13,000 81:17 1300 106:4 145 46:9 15 7:8 29:15 32:14 80:7,9 92:9,21 162:9 15th 21:19 27:16 15-minute 83:4 158 135:8 145:10,16 16 35:16 149:12 163 35:17 17th 33:5 79:15 175 110:5 18 68:12 18th 29:21 1800 93:21 19 144:5 1981 55:1 1990s 112:18 1997 85:17
western 29:6 48:13 53:7 55:16	we've 4:22 14:20 24:6 25:12 32:21 34:20 35:6 37:7 42:10,11 44:8 45:20 46:15 47:16 48:1 49:7,13,16 50:2 52:9 53:10 54:10 58:5,9 59:10 60:5,7,9 67:22 73:7,9 77:12,20 79:15,20 82:18 93:6 96:17 103:7 107:1 122:12 128:5 135:12 138:8,9,10,18 139:4 140:2 142:12 159:16,17 160:2,3 172:8	worked 9:2 73:8 working 19:2 28:10 32:21 34:20 37:6 37:13 41:13 42:1 45:22 47:22 48:1 50:18 51:19 64:18 65:18 66:12 67:11 67:20 68:14 70:2 79:1 97:8 99:5 123:20 131:7 works 75:20 workshop 35:21 134:8,9 workshops 13:18,19 13:21 17:18 34:21 35:1,2,7,13,16 134:5 world 45:10 61:20 62:8 114:3 158:18 159:16 worldwide 69:1 world's 63:6 worst 48:3 worth 68:3,9 worthwhile 38:21 wouldn't 25:13 109:17 154:11 wrap 65:13 wreck 118:14 writing 94:15 written 54:22 89:13 95:5 wrong 12:8 113:12	years 4:12 47:4 48:4 48:18 49:8 52:19 55:7 87:16 104:22 106:4 110:11 114:2 118:20 119:8 123:3 124:18 136:19 137:10 157:20 173:6 year's 78:14 110:4 yesterday 24:19 72:18 yield 85:2,4 York 54:4 younger-aged 54:11	1.7 76:17 77:2 78:19 80:10 1:30 3:2 10 29:19 73:1 81:22 91:12 151:9 153:14,22 10th 133:8 10,000 47:1 100 31:9 45:14 46:14 49:13,13 51:8 52:18 99:21 136:19 137:9 11 66:2 11.5 57:10 1100 55:3 116.6 145:5 154:1 1190 29:9 12 74:19 128:6 120 35:10 121:5 13,000 81:17 1300 106:4 145 46:9 15 7:8 29:15 32:14 80:7,9 92:9,21 162:9 15th 21:19 27:16 15-minute 83:4 158 135:8 145:10,16 16 35:16 149:12 163 35:17 17th 33:5 79:15 175 110:5 18 68:12 18th 29:21 1800 93:21 19 144:5 1981 55:1 1990s 112:18 1997 85:17
we'll 5:4,6,12,16 14:1 26:10 31:1 34:4 35:7,15 37:7 43:2 44:5 49:4 65:8 72:4 83:4,12 83:22 116:3,4 126:9 157:2,7 164:14 176:20 177:5,6	whatsoever 49:15 wheeling 119:11 Whitaker's 10:3 white 37:10 67:11 75:8 whites 37:21 Wildlife 10:11 64:19 73:8 74:8,12 74:19 75:14 William 2:15 Wilson 4:10 130:22 131:4,19 132:2,6 winter 26:13 36:22 wire 62:17 63:13,16 wish 49:22 wished 40:17 withdrawn 37:2 wondered 41:1 58:12 wondering 70:18 80:20 word 14:13,15 33:7 36:3 119:1 work 12:6,9 28:20 31:18,19 36:1,15 40:7,9,15,22 41:12 41:19,22 43:21 44:10,12 45:17	world 45:10 61:20 62:8 114:3 158:18 159:16 worldwide 69:1 world's 63:6 worst 48:3 worth 68:3,9 worthwhile 38:21 wouldn't 25:13 109:17 154:11 wrap 65:13 wreck 118:14 writing 94:15 written 54:22 89:13 95:5 wrong 12:8 113:12	zone 53:13 55:16 60:11	Z
we're 4:13 12:6,7 16:14 19:2 21:7 23:1 25:5 26:12 31:17 32:1,16 33:2 33:6 34:4,11,16 35:18 36:6 37:8,12 37:19 39:10 42:20 44:7,17 45:16,22 46:11,12,13,14 48:1,12 49:21 50:7 51:4,18 53:9 54:9 54:16 56:15,20 57:1,8,11,15 59:15 60:2,19 62:3,7 63:13,19,21,22 64:18 66:11 67:3,5 67:12,12,20 68:14 75:4 77:8 78:22 79:16,22 82:13 83:3,10 86:4 97:17 99:6 100:20 104:11,12 111:2 114:10,13 115:4,5 115:5,14 116:6 123:21,22 124:4 124:10,19,20 125:7,21 126:4 127:4,5,9,13,22 128:6,11,12 129:5 129:15,16 130:10 131:14,18 132:6 139:13 140:4 141:22 142:8 143:8 148:17 151:21 153:3,14 154:5,14 157:17	world 45:10 61:20 62:8 114:3 158:18 159:16 worldwide 69:1 world's 63:6 worst 48:3 worth 68:3,9 worthwhile 38:21 wouldn't 25:13 109:17 154:11 wrap 65:13 wreck 118:14 writing 94:15 written 54:22 89:13 95:5 wrong 12:8 113:12	zone 53:13 55:16 60:11	\$	zone 53:13 55:16 60:11
				\$1.5 66:7 \$1000 64:1 \$15,000 68:3,11 \$1500 68:9 \$3 66:3 \$300,000 63:21 \$50 47:5 \$500 64:1
				0
				06 87:20 07 30:16 08 30:17
				1
				1 14:1 25:9 28:8 47:11 108:18 140:6,7 143:18 155:1 171:21 172:12 1st 21:20 31:5 78:16 1,017 143:22 1.6 78:19
				2
				2 1:18 37:21 47:12 47:13 74:22 88:10 92:7 108:18 132:8 140:16,19 142:15 144:22 146:20 147:3 148:18 149:14,16 150:12

150:17 155:6 177:6 2nd 23:21 133:9 20 91:16 159:8 163:16 20th 18:8 200 53:3 110:4 2000 136:16 2001 110:17 2003 26:6 46:10 2004 20:3 2005 133:11,22 136:22 2006 21:12 25:6 29:6 32:7 84:22 85:1 88:6 93:11 113:17 133:12 136:11 2007 1:18 27:5 35:6 37:2 93:15 118:11 2008 21:6 24:20,22 27:18 28:8 30:14 30:22 40:13 106:11 107:5 113:12 114:4 138:4 170:11 21 35:6 149:19 2100 14:11 22 152:9 22nd 22:15 220 135:7 145:9,16 230 56:12 232 37:18 233 56:17 25 114:2 26 55:7 2600 14:8 106:1 2600-ton 55:4 262 78:16 275 93:1 28 13:17 292 37:17	155:17 167:4 171:21 3,907 88:13 30 92:7 101:2 30.49 88:13 300-ton 76:11 31 76:16 31st 15:19 25:1 90:1 34 36:15 35 82:1 91:13 93:1 38 2:15	61 2:17 650 53:4 93:13,22		
	<hr/> 4 <hr/>	<hr/> 7 <hr/>		
	4 130:21 141:7 148:17 151:19,21 154:14 155:17 177:7 4th 29:21 4,000-pound 149:8 4:30 83:20,21 40 112:21 400 56:13 136:19 41 35:8 44 13:21 45 16:8 94:8 130:13 45-minute 156:17 454 143:22	7 81:18 7th 15:21 70 79:11 72 37:21 73:18 790 35:9		
	<hr/> 5 <hr/>	<hr/> 8 <hr/>		
	5 57:2,8,15 83:22 92:9 140:11 141:15 149:2 154:20 156:1 5:30 7:11 50 29:11 32:10 46:8 63:1 79:2,3 87:15 148:9 173:11,12 500 53:15 541.2 146:14	8 56:16 8:30 177:5 80 46:10 70:13 80s 161:9 800 110:18 84 2:22		
	<hr/> 6 <hr/>	<hr/> 9 <hr/>		
	6 2:13 56:16 90:6 6th 90:12 6:00 163:2,3 60 46:10 144:7 147:8,15 60,000 65:10 600 53:15	9th 18:20 9,000 47:1 90 60:10 90s 161:9 900 53:4,16 91 78:19 99 18:12 26:4 85:1 100:1		
<hr/> 3 <hr/>				
3 2:9 37:20 88:10,11 93:21 130:20 141:3 148:16 150:21 151:16				