

NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

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ATLANTIC HIGHLY MIGRATORY SPECIES
ADVISORY PANEL

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MEETING

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WEDNESDAY
SEPTEMBER 7, 2016

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The Advisory Panel met in the Sheraton
Silver Spring, Magnolia Room, 8777 Georgia
Avenue, Silver Spring, Maryland, at 9:00 a.m.,
Bennett Brooks, Facilitator, presiding.

PRESENT

BENNETT BROOKS, Facilitator
JASON ADRIANCE, State Rep
MAX APPELMAN, Proxy for Ashton Harp, Commission
Rep
ANNA BECKWITH, Council Rep
TERRI BEIDEMAN, Commercial
CAROLYN BELCHER, State Rep
RICK BELLAVANCE, Recreational
BENJAMIN CARR, Environmental
ANDREW COX, Recreational
PAMELLA DANA, Council Rep
DAVID DONALDSON, Commission Rep
J. MARCUS DRYMON, State Rep
MARTIN FISHER, Commercial
SONJA FORDHAM, Environmental
WALTER GOLET, Academic
JOHN GRAVES, ICCAT Advisory Committee
LISA GREGG, Proxy for Martha Bademan, State Rep
RANDY GREGORY, State Rep
MARCOS HANKE, Council Rep
DEWEY HEMILRIGHT, Proxy for Stephen Linhard,
Council Rep

RUSSELL HUDSON, Commercial
ROBERT HUETER, Academic
WALLACE JENKINS, State Rep
SHAWN JOYCE, Recreational
DAVID KERSTETTER, Academic
JAMES LAWSON, Recreational
MARK LINGO, State Rep
MICHAEL LUISI, Proxy for Angel Willey, State Rep
ANDREW MARSHALL, Commercial
SHANA MILLER, Environmental
ROBERT NAVARRO, Recreational
JEFF ODEN, Commercial
TIM PICKETT, Commercial
MICHAEL PIERDINOCK, Recreational
GEORGE PURMONT, Commercial
RICHARD RUAIS, Commercial
MARK SAMPSON, Recreational
MARTIN SCANLON, Commercial
MICHAEL SISSENWINE, Council Rep
DAVID STILLER, Commercial
SCOTT TAYLOR, Commercial
RICK WEBER, Recreational
KATIE WESTFALL, Proxy for Valerie Miller,
Environmental
ANGEL WILLEY, State Rep*
ROMULUS WHITAKER, Recreational

ALSO PRESENT

LARRY BEERKIRCHER, Supervisory Fishery
Biologist/Branch Chief, Fisheries Sampling
Branch, Fisheries Statistics Division,
Southeast Fisheries Science Center

RANDY BLANKINSHIP, Branch Chief, Southeast
Branch, Highly Migratory Species
Management Division

KARYL BREWSTER-GEISZ, Branch Chief,
Headquarters, Highly Migratory Species
Management Division

ENRIC CORTES, Research Fishery Biologist,
Southeast Fisheries Science Center

TOBEY CURTIS, Shark Researcher and Fisheries
Manager, Northeast Regional Office, Highly
Migratory Species Management Division

RUSSELL DUNN, National Policy Advisor on
Recreational Fisheries, Highly Migratory
Species Management Division

STEVE DURKEE, Fishery Management Specialist,
Highly Migratory Species Management
Division

CLIFFORD HUTT, Fisheries Management Specialist,
Highly Migratory Species Management
Division

BRAD McHALE, Branch Chief, Northeast Regional
Office, Highly Migratory Species
Management Division

SARAH McLAUGHLIN, Fisheries Management
Specialist, Highly Migratory Species
Management Division

RICK PEARSON, Fisheries Management Specialist,
Highly Migratory Species Management
Division

SAMUEL RAUCH, Deputy Assistant Administrator for
Regulatory Programs, NOAA Fisheries

MARGO SCHULZE-HAUGEN, Division Chief, Highly
Migratory Species Management Division

CARRIE SOLTANOFF, Fisheries Management
Specialist, Highly Migratory Species
Management Division

TOM WARREN, Fisheries Management Specialist,
Highly Migratory Species Management Division

*Present via telephone

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

(9:02 a.m.)

1
2
3 FACILITATOR BROOKS: All right. If
4 folks will take their seats we'll get going here.
5 Good morning and welcome, everyone, to the Fall
6 Meeting of the Highly Migratory Species Advisory
7 Panel.

8 I want to thank Margo Schulze-Haugen
9 and her staff here for all the work they do to
10 get ready and for all of you for setting aside
11 time to be here over the next couple of days. We
12 really appreciate it.

13 My name is Bennett Brooks and I'm a
14 Senior Mediator with the Consensus Building
15 Institute. It's good to be back here with you
16 all again.

17 And I'll be facilitating our
18 conversation over the next couple of days. We
19 really do value all the work and the time all of
20 you put in. I know there's a lot of always
21 challenging issues to talk about.

22 They're complex, they're difficult.
23 They defy often easy solutions and we appreciate
24 your attention and your focus and your
25 contributions.

26 In a minute I'll walk through the
27 agenda. But before I do that, what I'd like to
28 do is just walk around the table and then the
29 room, just so we all know who's here and with us.

30 And what I would ask is, we'll start
31 with panel members around the table. Just your
32 name and organization would be great.

33 If you're a new member we'd ask you to
34 just maybe say a couple of sentences more just so
35 people know a bit more about you. And we do have
36 a couple of new members.

37 And if you're also here as a proxy it
38 would be helpful if you would point that out as
39 well and who you are here as a proxy for.

40 So with that, let me start and Margo,
41 I'll start with you.

42 MS. SCHULZE-HAUGEN: Hi. Most of you
43 know me but I'm Margo Schulze-Haugen. I am the
44 Division Chief for the Highly Migratory Species
45 Management Division.

46 FACILITATOR BROOKS: And so if you
47 remember from the spring --

48 (Laughter.)

1 FACILITATOR BROOKS: And I'm sure none
2 of you remember that. We had some microphone
3 issues and we've worked hard on that and
4 hopefully they'll work better and nicely and
5 kindly. But bear with us. I know they've done a
6 lot of testing work and actually a training, I
7 believe.

8 So with that, just as you use the
9 microphones, you have to push the center button
10 to use it but when you're done, please turn it
11 off. So Rich, over to you.

12 MEMBER RUAIS: There we go. I'm Rich
13 Ruais, Director at American Bluefin Tuna
14 Association.

15 MEMBER CARR: I'm Ben Carr. I'm an
16 independent environmental representative.

17 MEMBER NAVARRO: I'm Robert Fly
18 Navarro, going by Fly. I'm here representing my
19 company, Fly Zone Fishing. Also I'm representing
20 the rec fishermen. This is my first meeting.

21 FACILITATOR BROOKS: Great. Thank you
22 and welcome.

23 MEMBER WEBER: Rick Weber, South
24 Jersey Marina and Tournaments.

25 MEMBER MILLER: Shana Miller, the
26 Ocean Foundation.

27 MEMBER LAWSON: Jimmy Lawson with rec.

28 MEMBER SISSEWINE: Mike Sissenwine,
29 representing the New England Fishery Management
30 Council.

31 MEMBER LUISI: Hi, my name is Mike
32 Luisi. I'm here today representing the Maryland
33 Department of Natural Resources, but you'll
34 likely see me in a little different capacity.

35 I just was recently elected as the
36 Mid-Atlantic Fisheries Management Council Chair
37 so I'll be coming to meetings probably as, and
38 sitting in the audience. But today I'm the
39 Maryland DNR person. Thanks.

40 MEMBER HEMILRIGHT: Dewey Hemilright,
41 proxy for Steve Linhard, Mid-Atlantic Fisheries
42 Management Council.

43 MEMBER WESTFALL: I'm Katie Westfall
44 with the Environmental Defense Fund. I'm a proxy
45 for Valerie Miller.

46 MEMBER STILLER: Dave Stiller, a
47 commercial shark fisherman in Alabama, Gulf
48 Coast.

1 MEMBER DRYMON: I'm Marcus Drymon.
2 I'm with the University of South Alabama and I'm
3 the representative for the State of Alabama.
4 This is my second meeting so I'm still pretty
5 new.

6 FACILITATOR BROOKS: Thanks.

7 MEMBER JOYCE: Shawn Joyce,
8 recreational.

9 MEMBER BECKWITH: Anna Beckwith, South
10 Atlantic Council.

11 MEMBER SCANLON: Marty Scanlon, owner
12 operator fishing vessel, Provider II, commercial.

13 MEMBER BELCHER: Carolyn Belcher,
14 Georgia Department of Natural Resources.

15 MEMBER GREGORY: Randy Gregory, North
16 Carolina Division of Marine Fisheries.

17 MEMBER WHITAKER: Rom Whitaker,
18 charter boat owner operator at Hatteras for 30
19 years, at least.

20 MEMBER LINGO: Mark Lingo, Texas Parks
21 and Wildlife.

22 MEMBER APPELMAN: Max Appelman, proxy
23 for Atlantic States Marine Fisheries Commission.

24 MEMBER JENKINS: I'm Wally Jenkins
25 from South Carolina Department of Natural
26 Resources.

27 MEMBER ADRIANCE: Jason Adriance,
28 Louisiana Wildlife and Fisheries.

29 MEMBER DANA: Pam Dana, Gulf Council.

30 MEMBER PICKETT: Tim Pickett. I'm
31 with Lindgren-Pitman, Incorporated, commercial.

32 MEMBER ODEN: Jeff Oden, North
33 Carolina, commercial longline.

34 MEMBER HANKE: Marcos Hanke,
35 Caribbean, charter operator.

36 MEMBER BEIDEMAN: I'm Terri Beideman.
37 I'm here from the U.S. Seafood Industry
38 Association, commercial, representing and uniting
39 commercial fisherman and all fisheries, including
40 HMS.

41 MEMBER SAMPSON: Mark Sampson, Ocean
42 City, Maryland. Charter boat captain.

43 MEMBER FISHER: Martin Fisher,
44 commercial, Florida.

45 MEMBER PURMONT: George Purmont,
46 commercial, Pura Vida, Inc.

47 MEMBER GOLET: Walt Golet, School of
48 Marine Sciences, University of Maine.

1 MEMBER KERSTETTER: Dave Kerstetter,
2 Nova Southeastern University.
3 MEMBER TAYLOR: Scott Taylor, Day Boat
4 Seafood, longline commercial.
5 MEMBER GRAVES: John Graves, Virginia
6 Institute of Marine Science here representing the
7 U.S. ICCAT Advisory Committee.
8 MEMBER HUDSON: Russell Hudson,
9 Director of Sustainable Fisheries.
10 MEMBER FORDHAM: Sonja Fordham, Shark
11 Advocates International.
12 MEMBER HUETER: Bob Hueter, Mote
13 Marine Lab, scientist.
14 MEMBER PIERDINOCK: Mike Pierdinock,
15 charter boat captain, Massachusetts Chairman of
16 Recreational Fishing Alliance. And I'm on the
17 Board of Directors of Stellwagen Bank Charter
18 Boat Association.
19 MEMBER MARSHALL: Andrew Marshall,
20 Northeast rod and reel bluefin.
21 MEMBER GREGG: Lisa Gregg, Florida
22 Fish and Wildlife Conservation Commission, proxy
23 for Martha Bademan.
24 MEMBER COX: Andrew Cox, recreational,
25 Marlin Magazine.
26 FACILITATOR BROOKS: Great, thanks.
27 And let's go down the back of the room and the
28 sides. And we'll start straight in the back
29 again. Just name and organization, please. Yes,
30 over there.
31 MR. GOLDSMITH: Willie Goldsmith,
32 Virginia Institute of Marine Science.
33 MR. FREIDEL: Rav Freidel, concerned
34 citizen from Montauk, near New Hampshire.
35 MR. DUNN: Russ Dunn, NOAA Fisheries.
36 MR. SARTWELL: Tim Sartwell, NOAA
37 Fisheries.
38 MR. SILVA: George Silva, Atlantic HMS
39 at NOAA Fisheries.
40 MS. ORTIZ: Delisse Ortiz, Atlantic
41 HMS.
42 MS. WILSON: Jackie Wilson, Atlantic
43 HMS.
44 MR. DUBECK: Guy DuBeck, Atlantic HMS.
45 MS. CUDNEY: Jennifer Cudney, Atlantic
46 HMS.
47 MS. SOLTANOFF: Carrie Soltanoff, HMS.
48 MR. WARREN: Tom Warren, HMS,

1 Gloucester.
2 MR. REDD: Larry Redd, HMS.
3 MS. BALCHOWSKY BAERTLEIN: Heather
4 Balchowsky Baertlein, HMS.
5 MR. DESFOSSE: Joe Desfosse, HMS.
6 MS. URIZAR: Cristina Urizar, NOAA.
7 MR. BLANKINSHIP: Randy Blankinship,
8 HMS, Saint Petersburg, Florida.
9 MS. REMSBERG: Loren Remsberg, NOAA,
10 Office of General Counsel.
11 MR. HUTT: Clifford Hutt, Atlantic
12 HMS.
13 MR. HOFFMAN: Aaron Hoffman, South
14 Jersey Marina, the Mid-Atlantic Tournament.
15 MR. COOPER: Peter Cooper, NMFS HMS
16 Headquarters.
17 MS. MCLAUGHLIN: Sarah McLaughlin, HMS
18 Gloucester.
19 MR. DURKEE: Steve Durkee, HMS
20 Headquarters.
21 MR. CURTIS: Tobey Curtis, HMS in
22 Gloucester.
23 MR. MCHALE: Brad McHale, HMS
24 Gloucester.
25 MS. BREWSTER-GEISZ: Karyl Brewster-
26 Geisz, HMS headquarters.
27 MR. BEERKIRCHER: Larry Beerkircher,
28 Southeast Fisheries Science Center.
29 DR. CORTES: Enric Cortes, Southeast
30 Fisheries Science Center.
31 MS. DAVIS: Katie Davis, HMS, Saint
32 Petersburg, Florida.
33 MS. WALLINE: Megan Walline, NOAA
34 General Counsel.
35 MR. COCKRELL: Creg Cockrell, HMS,
36 Silver Spring.
37 MR. BURNS: Anthony Burns, NOVA
38 Southeastern.
39 MS. MATTHEWS: Katie Matthews, Oceana.
40 MS. PFLEGER: Marian Pfleger, Oceana.
41 MR. PEARSON: Rick Pearson, HMS, Saint
42 Petersburg, Florida.
43 FACILITATOR BROOKS: Okay. Did we
44 miss anybody? And we don't have any
45 teleconference today, right? Any participants?
46 MS. SCHULZE-HAUGEN: We do.
47 FACILITATOR BROOKS: Do we have a
48 teleconference?

1 MS. SCHULZE-HAUGEN: We do.
2 FACILITATOR BROOKS: Teleconference?
3 MS. SCHULZE-HAUGEN: Yes.
4 FACILITATOR BROOKS: Is anyone on
5 teleconference?
6 MEMBER WILLEY: Hello?
7 FACILITATOR BROOKS: Hi, would you
8 introduce yourselves?
9 MEMBER WILLEY: Hi, Angel Willey,
10 Maryland DNR.
11 FACILITATOR BROOKS: Okay. That was
12 Angel --
13 MS. SCHULZE-HAUGEN: Willey.
14 FACILITATOR BROOKS: Willey, with
15 Maryland DNR.
16 MS. MOORE: Katie Moore, U.S. Coast
17 Guard.
18 FACILITATOR BROOKS: Great. Hi,
19 Katie.
20 MS. MOORE: Hi.
21 FACILITATOR BROOKS: Anybody else?
22 MS. STEPHAN: Dianne Stephan with NOAA
23 up here in Gloucester.
24 FACILITATOR BROOKS: Okay. Okay,
25 great. Well, thanks everybody. As always we've
26 got a fairly packed agenda.
27 The AP Meeting itself will be two
28 days. There will be a workshop as well on
29 Friday, which I'll talk about in a second.
30 But just to give a quick scan of our
31 agenda over the next couple of days, we'll begin
32 as always with Margo's overview of region HMS
33 activities and she'll give us a scan of what's
34 been happening and steps taken since our last
35 meeting.
36 The bulk of the morning, as you know,
37 we're going to jump right into it and start with
38 dusky shark management.
39 We'll get a pretty good update on
40 recent assessment results from the Southeast
41 Science Center and then an update on Draft
42 Amendment 1b. So this will be an opportunity to
43 catch the AP up on where the assessment is and
44 where HMS folks are moving on management
45 measures.
46 In the afternoon we've got a mix of
47 issues. We'll start with NOAA Fisheries
48 leadership remarks from Sam Rauch, will be here

1 with us. Then we'll spend some time on bluefin
2 tuna management issues.

3 A little bit of sort of catch up in
4 somewhat less detail but on the sort of Amendment
5 7 issues that we talked about in the spring.
6 Again, the intention here is to keep folks up to
7 date on what's happening there.

8 We'll then pivot and talk about
9 swordfish directed and tuna longline vessel
10 upgrading proposed rule. And then we'll review
11 the forthcoming IBQ proposed rule on in-season
12 transfers.

13 And the last sort of primary topic of
14 the day today will be on HMS rec fishing issues
15 and we'll hear about the recent marlin post-
16 release mortality science. And then we'll get a
17 presentation from MRIP on their regional action
18 plan related to HMS fisheries.

19 We will, for any interested members of
20 the public, have some public comment at the end
21 of the day and that will be from 5:45 to 6:00 or
22 so, is the intention.

23 I do want to note that after the
24 meeting today there will be a social hour and
25 that will be just taking place in the anteroom,
26 just sort of right through the two doors. We
27 really encourage and invite everyone to stay for
28 that.

29 It's a really good opportunity for
30 people to talk informally and, you know, just
31 have some side conversations on the kinds of
32 issue that we either talked about or that will be
33 coming up on Day 2.

34 So again, definitely invite and
35 encourage everyone to stay for that.

36 Tomorrow morning will start at 9:00
37 sharp, you know, gathering again at 8:45 so we
38 can start at 9 o'clock on the dot.

39 We'll talk about the HMS Essential
40 Fish Habitat Draft Amendment 10. We will also
41 then dive back into some Atlantic shark
42 management issues and we'll do that in two parts,
43 talking about 2017 commercial quotas, retention
44 limits, opening dates, et cetera.

45 And then we'll also talk about the
46 Atlantic Commercial Small Coastal Shark Retention
47 Limit Proposed Rule. And obviously your input on
48 all of that, on all of these topics is critical.

1 In the afternoon we'll be creating a
2 spot for all the councils to provide updates as
3 warranted and as they would like. This is
4 probably going to be something that will become a
5 standing item on the agenda.

6 I think the thinking is that there's
7 lots of issues that crossover between the council
8 and HMS and it's important to keep each other
9 apprised of what's happening. So I think this
10 will be probably an ongoing issue.

11 And then we'll talk about Atlantic HMS
12 Caribbean Fisheries management activities and
13 issues. And then we'll have a series of
14 international updates and a number of different
15 topics there that I know are important to all of
16 you.

17 And then finally we'll have a briefing
18 I think will be fairly short on National
19 Rulemaking and Policy Updates.

20 And then again, tomorrow we will close
21 with public comments and then Margo and staff
22 will do their distillation of what they heard and
23 what their takeaway is from the meeting.

24 I do want to note that on Day 3, and
25 I'm sure you are all are aware of this already,
26 there will be a workshop from 8:00 to 11:00 in
27 the morning. It is not an AP meeting. It is a
28 public workshop but it is obviously timed to
29 coincide with the AP meeting to make it easy for
30 all of you to participate.

31 Over the last couple of meetings
32 you've had a chance to have some briefings from
33 NOAA staff on the Deepwater Horizon Natural
34 Resource Damage Assessment Restoration planning.

35 Those conversations have been pretty
36 lively and I think NOAA felt that it would be
37 good to create an opportunity to take a deeper
38 dive into that topic and better understand what
39 that restoration planning is looking like, where
40 it's heading and really start a conversation with
41 you all in a very informal way just to understand
42 what are the issues you are thinking about and
43 get your ideas on engagement strategies as the,
44 you know, NOAA staff starts pushing forward with
45 this.

46 Again, it's not an AP meeting, it's
47 not a hearing. It's an informal conversation and
48 we really encourage as many of you as possible to

1 stay around for that on Friday morning.

2 Again, it will go from 8:00 to 11:00.
3 And if any of you have travel plans that
4 currently have you leaving Thursday or Friday
5 morning and want to change those, my
6 understanding and, Margo, correct me if I'm
7 wrong, is you can connect with HMS staff and we
8 can make it possible for you to change those
9 plans. So again, encourage you all to stay.

10 So that's a scan. Just quickly, are
11 there any agenda topics that AP members have that
12 aren't already on the agenda that we want to, you
13 want to make sure we're finding some time for?
14 Anybody? Yes, Rich?

15 MEMBER RUAIS: I'm just wondering if
16 there's going to be any review of the recent
17 science meetings on bluefin tuna, the panel, the
18 Bluefin Working Group in particular?

19 Is that going to be, is there going to
20 be an update or are we just going to wait for IAC
21 for that?

22 FACILITATOR BOOKS: Thanks, Rich.
23 Anybody else? Yes, please.

24 MEMBER COX: Will there be any updates
25 on the HMS Tournament Survey that I know is going
26 on this summer but I didn't know if there was a -
27 -

28 FACILITATOR BROOKS: As in results yet
29 --

30 MEMBER COX: Or status. How it went
31 from a participation standpoint?

32 MS. SCHULZE-HAUGEN: So it's ongoing.
33 And I might need a new mic. So we can maybe talk
34 offline or we can work some time in but we don't
35 have anything on the agenda.

36 FACILITATOR BROOKS: Is there anyone
37 who can adjust some of the feedback on this?
38 Okay. Thanks.

39 All right. So just before we really
40 get into it, let me just remind folks of the
41 ground rules and we do have new members. I'll
42 keep this short.

43 Obviously as you all know, the purpose
44 of the panel is to provide input and feedback to
45 HMS staff that they can use to inform their work.
46 This is not a consensus seeking body.

47 That said, it is always helpful to
48 hear the views and understand where they're, you

1 know, where is their overlap, where is their
2 divergence. And where there's divergence, what
3 are those different perspectives. So that's the,
4 sort of the fundamental, you know, aim of AP.

5 And so to that end, the way that I
6 will manage this conversation and ask all of you
7 to partner is, you know, we want to hear from
8 you.

9 It's really important to weigh in and
10 at the same time it's also important to be
11 succinct because there's so much to cover and we
12 want to make that we're really hearing from
13 everyone around the table.

14 When you weigh in we ask you to keep
15 your comments focused, really help us understand
16 what's driving your thinking. If there's a
17 concern what's, you know, help us understand that
18 perspective and the concerns that you have.

19 Obviously be respectful. We know
20 there are different opinions around the table and
21 sometimes they're, you know, quite oppositional
22 but there are ways to engage in that conversation
23 that really help us understand each other's
24 perspectives. And that's our ask of all of you.

25 NMFS will produce a meeting summary
26 again. In real time they'll give an overview of
27 the summary of the meeting at the end of the two
28 days. And I will try to do that at the end of
29 each of the conversation and as well, there's
30 always a summary that is produced of this
31 conversation.

32 As far as weighing in, when you want
33 to get in on the conversation, if you would just
34 take your tent card and turn it on its side, that
35 will help me to see who wants to get in on the
36 conversation.

37 I will do my best to, in general,
38 follow the order of the cards but again, in the
39 spirit of bringing other people's voices in, if
40 some folks had been having a lot of opportunity
41 to comment and others are just weighing in for
42 the first time, I might skip them to the head of
43 the line just so we have a chance to being in the
44 diversity of voices.

45 I will do my best to track all the
46 cards going up. If I miss it, Jeff Oden, please
47 let me know.

48 No, seriously. There are places in

1 the corners here where I just may not see it and
2 so it's never because I don't want you in the
3 conversation, I'm just not seeing it. So come
4 let me know and I'll make sure to correct that.

5 If your cell phones are not already
6 off, if you would do so or at least put them to
7 silent, we'd appreciate that.

8 There are pieces of paper around the
9 table that tell you what the WiFi passwords are,
10 so if you need that please feel free to grab it.
11 But if you're doing that please use it so you can
12 stay focused on the conversation and not be
13 multitasking. We need your thoughts here.

14 Obviously please don't engage in side
15 conversations at the table. I know folks think
16 they're whispering when they're doing it but it
17 really is loud and it really makes it hard for
18 everyone else to hear the conversation and that's
19 the main goal here, so.

20 I think everyone's familiar with this
21 facility. Restrooms are out the door and off
22 down the hall. So with that I think that's all I
23 want to say. Margo, over to you.

24 MS. SCHULZE-HAUGEN: All right. So
25 let's see. Hopefully people can, can you still
26 hear me?

27 All right. So thank you, everyone,
28 for coming. Before I get started I wanted to
29 give you a couple of quick staff updates where we
30 have some new folks that have joined us.

31 We have Cliff Hutt, who was with the
32 HMS Division a couple of years ago as a Sea Grant
33 Fellow, has now returned to the Division as a
34 full time staff member. So give a wave.

35 Carrie Soltanoff, who was with us as
36 a contractor, has now been hired as a full time
37 staffer so we welcome her.

38 Pete was recently promoted. He is now
39 the permanent AP guy. So if you have travel
40 issues, reimbursement issues, he's the one.

41 MEMBER MILLER: Why is that a
42 promotion?

43 (Laughter.)

44 MS. SCHULZE-HAUGEN: Come on, Shana.

45 FACILITATOR BROOKS: Be kind to Pete,
46 everybody.

47 MS. SCHULZE-HAUGEN: And I also wanted
48 to note Tobey Curtis, has joined us. He was with

1 greater Atlantic Sustainable Fisheries Division,
2 working on small sharks, and has joined the big
3 leagues on big sharks with us.

4 He is located with Brad in the
5 Gloucester office but works on Karyl's team as
6 the shark team. So you'll be hearing from him
7 later.

8 All right. So this is the overview.
9 This is where I will give you kind of a quick
10 snapshot of everything that we've been doing
11 since we met in March. We've been fairly busy.
12 And I'm not going to go into much detail at all
13 on anything that's covered later in the agenda.

14 So bluefin, sharks, essential fish
15 habitat, some of the rulemakings that we have,
16 will all get their own time and I'm basically
17 filling in with the other things that have been
18 going on.

19 So since March, we've published six
20 proposed rules on swordfish specs, archival tags,
21 the ICCAT porbeagle rule, small coastal shark
22 retention limit, vessel upgrade restrictions, and
23 our 2017 shark specs. And we've published five
24 final rules, including some of the very same
25 rules.

26 So this would be an instance where
27 we'll make things sometimes happen in between AP
28 meetings.

29 So ICCAT eBCD, which I'll talk a
30 little bit about, our electronic bluefin tuna
31 dealer reporting, swordfish specs, archival tags,
32 ICCAT porbeagle rule, and we've also done any
33 number of in-season actions on different
34 fisheries, as well as continuing the handling and
35 release and shark identification workshops.

36 And then in 2016 so far, we've issued
37 38, about to be 39, exempted fishing permits,
38 scientific research permits and letters of
39 acknowledgment, issued five shark research
40 fishery permits, registered 250 tournaments and
41 then we've got about 5700 people getting our
42 numerous emails that we send out over the
43 listserv.

44 So I won't spend much time here on the
45 electronic bluefin tuna catch document. That
46 final rule published right after the March
47 meeting.

48 This implements the ICCAT Electronic

1 Tracking System. It builds on the paper based
2 bluefin catch document. Basically it takes that,
3 converts it to an electronic system.

4 It's required by the HMS International
5 Trade permit holders. They are about to become
6 the International Fisheries Trade Permit holders.
7 The rulemaking will hear about tomorrow and is
8 required for all imports, exports, or re-exports
9 of Atlantic bluefin tuna.

10 And then there's a validating process
11 for exporting or re-exporting countries that we
12 are exempt from because we tag every fish.

13 So this has been in place for several
14 months now. I think it's been going maybe
15 perhaps surprising well. We were concerned, you
16 know, an international system at a global level,
17 lots of room for hiccups. But so far, so good.
18 There's actually an electronic technical working
19 group on this going on right now.

20 Okay. Moving on. Also in the spirit
21 of all things electronic, we did a very quick
22 final rule for electronic bluefin tuna dealer
23 reporting. So this is our domestic dealers.

24 This changes from the handwritten fax
25 landings reports to an electronic system. This
26 was done very quickly and it went straight to
27 final rule because the program was no longer
28 supported by the company that sustained it.

29 And so we had, it wasn't going to be
30 a, if it broke it was going to be when it broke.
31 And so since this is the basis for our bluefin
32 tuna quota monitoring for commercial fisheries,
33 we needed to get a new system up in a hurry.

34 This builds on the SAFIS Program,
35 which is the Standard Atlantic Fisheries
36 Information System. Many domestic dealers are
37 using this already and so you can go in, enter
38 your information and there's a pop up window to
39 enter the bluefin information.

40 So we are still working through
41 implementation but so far, so good. And we've
42 got a help desk both for the HMS components, as
43 well as the SAFIS help desk if people have
44 trouble with the system.

45 For Swordfish specifications, this was
46 a fairly straightforward rulemaking. We've been
47 doing these for several years. Proposed were
48 published early June, final published late July,

1 basically taking our landings and carrying
2 forward the maximum that we could for both North
3 Atlantic swordfish and South Atlantic swordfish.
4 There are some transfers to other countries
5 consistent with the ICCAT recommendations.

6 The one thing I would note here, is
7 what this rulemaking is also doing, is modifying
8 the regulation so that if we are simply following
9 the formula in the regulations for quota over and
10 under harvests and applying that to the quotas,
11 we are not going to be taking comment on that any
12 longer.

13 We have very little flexibility in
14 these cases. We're following the formula in the
15 regs that were established through notice and
16 comment rulemaking and so we intend, starting
17 next year, that we will issue basically a final
18 rule where we have the numbers.

19 And we'll follow the model that we
20 just completed for Northern albacore in the
21 bluefin tuna reserve.

22 So this was the kind of the final
23 proposed rulemaking process. So we'll take
24 comment on that and next year you'll just see
25 what the numbers are.

26 The one caveat here is, a big one, is
27 that if there is any change to the ICCAT
28 recommendation, to the formula or to anything
29 else, we will continue to go through the full
30 notice and comment, public comments taken, full
31 process. It's simply we're following the
32 formula.

33 The archival tag final rule also
34 published in late August and will be effective in
35 a few weeks.

36 This rule removes the requirement for
37 researchers using internal or external archival
38 tags to get written permission from NMFS to do
39 so. And it removes the requirement for fisherman
40 to report those fish to NMFS when they're caught.

41 And so this was established in the
42 late 90s when archival tags were fairly new.
43 There was uncertain mortality level associated
44 with them. They're often surgical implanted.

45 And so we established this kind of
46 permitting and reporting requirement so that we
47 could track mortality, if there was any. And in
48 the intervening 20 years we've learned that the

1 mortality is essentially negligible.

2 And so this rulemaking removed those
3 requirements for that permitting and reporting.
4 It does keep, however, the regulations that allow
5 for fishermen to retain a fish with an archival
6 tag, basically regardless of size or season,
7 things like that.

8 And that's so that that tag can then
9 be returned to the researcher. So we're trying
10 to preserve the scientific process data
11 collection but removing the reporting and
12 permitting.

13 So we will have fewer scientific
14 research permits that we issue next year.

15 The ICCAT porbeagle final rule,
16 published August 24th, is in effect September
17 23rd.

18 This implements ICCAT Recommendation
19 15-06 that requires fishing vessels to promptly
20 release unharmed, to the extent practicable,
21 porbeagle sharks caught in association with ICCAT
22 fisheries when brought alongside the vessel.

23 And it's even actually even more
24 awkwardly worded than that. But basically, if
25 you catch a porbeagle in an ICCAT fishery, which
26 is for us is the pelagic longline fisheries and
27 then recreational fisheries when there is a tuna,
28 swordfish or billfish on board, you will be
29 required to release that porbeagle alive to the
30 extent practicable.

31 So we have, in the ICCAT context, in
32 ICCAT measures, we implement domestically, we've
33 continued the model where we have, in
34 recreational fishery, the presence of tuna,
35 swordfish and billfish as indicating when it's an
36 ICCAT fishery.

37 If it's solely sharks that are present
38 it is not applicable, it is not considered an
39 ICCAT fishery.

40 So turning to in-season actions
41 looking at swordfish, we had another in-season
42 action for the July through December time period
43 maintaining the adjusted retention limit of six
44 swordfish per vessel, per trip, for the Norwest
45 Atlantic Gulf and Caribbean.

46 So that means basically for the entire
47 of 2016 that would be the limit that's in effect.
48 This Florida swordfish management area was

1 maintained at zero.

2 So on shark in-season actions in
3 March, when the quota was reached we closed the
4 Gulf of Mexico, blacktip, aggregated large
5 coastal, and hammerhead fisheries.

6 We adjusted the Atlantic aggregated
7 large coastal and hammerhead retention limit to
8 three in April.

9 If you remember what we proposed, to
10 open the season at a higher level, allow some
11 portion of the quota to be caught when sharks are
12 available in part of the range, and then reduce
13 that retention limit down to incidental levels to
14 ensure that there's ample quota left when sharks
15 are available throughout the range. So we did
16 that in April.

17 And then the last bullet here, we then
18 adjusted that retention limit back up to 45 in
19 mid-July. And so that's again following what
20 we've talked about for a while on this adaptive
21 management, of using the retention limit
22 adjustments to provide opportunities and ensuring
23 quotas available for all of the regions.

24 And then we closed the Atlantic non-
25 blacknose small coastal and blacknose fisheries
26 south of 34 degrees north latitude on May 29th.

27 And the rulemaking we'll hear about
28 tomorrow goes to some of the issues with that
29 action.

30 So the next couple of slides are on
31 landings. So this is our BAYS, which are bigeye,
32 albacore, yellowfin, and skipjack landings. You
33 can see on the left hand side an annual level for
34 '13, '14, and '15. 2016 obviously is a partial
35 year and then on the right hand side is the
36 monthly breakout.

37 Again, all of the species, one graph
38 there. You can see our yellowfin landings have
39 picked up in later summer.

40 Recreational swordfish. This is
41 through August 31st. Similar levels to what
42 we've had the last several years to the non-
43 tournament fish.

44 So this would be the commercial North
45 Atlantic swordfish landings, 2016, below '15
46 which was below '14. So continuing trends we're
47 seeing there.

48 And then recreational billfish

1 landings. Often our landings will be coming in
2 this time of year so I expect those numbers to go
3 up for 2016.

4 And then tournaments. On track to
5 have a very similar year as we've seen the last
6 several years.

7 So the economic study is underway. I
8 don't have a specific slide on that but we can
9 talk about that. It is ongoing and I think we're
10 getting some good representation, participation,
11 including from some of you all. So appreciate
12 that. We'll report out on that when we have
13 results.

14 And then our online tournament
15 registration reporting the beta testing is
16 continuing. Hoping to make that a real thing
17 soon.

18 On ESA updates, biological opinion.
19 As you know we have reinitiated for all of our
20 fisheries due to listings of coral as well as
21 scalloped hammerhead.

22 The Southeast Region is the one that
23 runs our consultations. They had a really large
24 backlog and they're making their way through it,
25 so I expect that we'll have more news on this in
26 the near term.

27 And then on shark petitions. There
28 have been a series of petitions, different
29 species to be listed under the endangered species
30 act. We've had a variety of decisions in the
31 late spring through the summer.

32 Common and bigeye thresher sharks,
33 smooth and hammerhead and porbeagle sharks were
34 determined to not be warranted for listing.

35 And the oceanic whitetip status review
36 is underway. I think we'll have a decision on
37 that out in the relatively near term as well.

38 So we continue to coordinate and
39 discuss things with councils and commissions, the
40 Atlantic Commission, especially for sharks.

41 We've got 469 dealers submitting
42 weekly reports for the positive and negative and
43 then the online individual bluefin tuna quota
44 system. We'll hear some more about that later
45 today.

46 And then I was asked to put up a slide
47 on the proposed legislation. I think a lot of
48 you have been engaged in this.

1 So very high level. The Shark Fin
2 Trade Elimination Act of 2016 would prohibit
3 possession, trade, distribution, sale.

4 Again, this is a summary of shark fins
5 or products containing shark fins, and would
6 require the immediate destruction of those shark
7 fins.

8 The Shark Conservation Act of 2010
9 would still be in effect which requires fins to
10 remain naturally attached to the point of
11 offloading and this bill would then require the
12 immediate destruction of those fins. Spiny and
13 smooth dogfish as well as rays are not defined as
14 sharks for the purposes of this act.

15 There is also the Access for
16 Sportfishing Act of 2016. Again, the high level
17 summary would prohibit shark feeding in federal
18 waters.

19 The administration has not taken a
20 position on these bills. If asked, we will
21 provide impacts of what the bills would do if
22 implemented and if asked, we may provide
23 technical drafting assistance so that the
24 legislation meets the intent of the bill.

25 But again, there's no administration
26 position on these. So we don't have that much to
27 say at this point, other than sharing for your
28 awareness.

29 And then the next couple slides, I
30 wanted to touch on some of the suggestions that
31 you all had for us at the spring meeting. We got
32 some very specific, concrete suggestions and I
33 wanted to follow-up on them.

34 Amendment 7, we had breakout
35 discussions. And so we are continuing to follow-
36 up on the recommendation to review fishery
37 trends, fishing locations, attrition of vessels,
38 new entrants.

39 We'll hear some of that continuing
40 analysis this afternoon. We're continuing to
41 look at things to, you know, share with you but
42 then also to inform our decision making.

43 Specific to the individual bluefin
44 tuna quota, suggestions to change accountability
45 from quarterly to annual. Allow use of Atlantic
46 IBQ in the Gulf of Mexico from July to December
47 when bluefin are not as prevalent.

48 Provide quota to active participants,

1 revisit allocation in the three year review,
2 including purse seine allocation, carryover of
3 IBQ, create a reserve pool of IBQ. So there was
4 a lot of discussion, obviously, on IBQ.

5 And so our coming action, which we'll
6 talk about later, addresses some of this. And I
7 think many of the other topics here are good
8 ones. But they are larger changes I think we
9 will likely look at in the three year review.
10 We're about a year and a half in so that's not
11 that far away. But they really take a larger
12 action to address.

13 Specific to electronic monitoring,
14 comment to change it so that you all could send
15 hard drives less frequently. Maybe bimonthly or
16 something, not necessarily every trip.

17 And then to revisit and eliminate
18 potentially the pelagic demersal species
19 composition, given that electronic monitoring is
20 in place. I think that's something we're looking
21 at and again, I think this might be something we
22 need to look at in the three year review.

23 And then on the reporting front,
24 increasing outreach to the commercial handgear
25 fleet. Check the phrasing on the website given
26 some of the issues that we were finding and look
27 at streamlining the website.

28 So we have done these. We've
29 increased outreach. We've facilitated others
30 that were doing outreach as well and then worked
31 with our enforcement agents to follow-up where we
32 were seeing non-reporting.

33 And then we've checked the website.
34 There wasn't the glitch that we thought there was
35 but we're continuing to look at that for ways to
36 have it maybe be a little more intuitive, easier
37 to use.

38 Continuing on suggestions specific to
39 swordfish on a suggestion to eliminate the vessel
40 upgrade restrictions. That proposed rule we'll
41 talk about later.

42 And then increase the incidental
43 retention limit from 30 to a higher number. We
44 started looking into that. We're not seeing that
45 many trips that are kind of limited by the 30
46 fish retention limit at this point. But again,
47 we're, it's under consideration.

48 The suggestion to pursue research in

1 pelagic online closed areas. This is ongoing.
2 Working with Dr. Dave Kerstetter with some of our
3 scientists on how that could be done. So I think
4 that is under consideration.

5 The suggestion to require weak hooks
6 in the Atlantic. This is actually under
7 consideration as part of the Pelagic Longline
8 Take Reduction Plan. They had a meeting last
9 December. I think it was agreed that that should
10 be pursued and that is a separate process but is
11 underway.

12 For our bluefin tuna we had specific
13 suggestions for retention limits for charter
14 headboat, for three school size, general category
15 for five, and then keeping the default harpoon
16 limit. You all have seen through the in-season
17 actions that that's what we did

18 On essential fish habitat, a
19 suggestion to pursue a lemon shark habitat area
20 of particular concern. Hopefully you all saw
21 that our EFH Amendment is out and that is
22 included as a proposal.

23 For small coastal sharks, there was a
24 lot of support from the AP on a eight blacknose
25 per trip limit, and we'll talk about that
26 tomorrow.

27 And then Caribbean, looking at
28 increasing swordfish retention limit and allowing
29 sharks to be retained. That is also under
30 consideration.

31 We went down and spoke with the
32 Caribbean council a couple weeks ago, as well as
33 a lot of the fisherman. Thank you, Marcos. And
34 so we are actively looking at that.

35 So looking ahead. Draft Amendment 5b
36 will be coming out in the near term and we expect
37 to have an AP meeting on that amendment during
38 the comment period. We don't have those exact
39 dates but we'll talk a little bit more about that
40 in a few minutes.

41 Some of the dates that we know now, I
42 guess when we're busy, we may get a little bit
43 busy for you all to submit comments on our
44 variety of rulemakings. You can see the dates
45 here. Many of them coming up in a couple of
46 weeks.

47 And then also in the fall we will have
48 our AP nominations. I'll try and touch base with

1 folks whose terms are expiring.

2 Our Exempted Fishing Permit Notice of
3 Intent, call for applications for the shark
4 research fishery, and then the pelagic online
5 closed area EFP, maybe in that time frame as
6 well. So it's a busy fall as well.

7 And then just, this is the same side
8 I've had for quite some time. Goals remain the
9 same. What I try and do here is make sure that
10 you all are aware of what we're considering,
11 things that are going on. Not only just within
12 the HMS Division, but other parts of the Agency
13 if they're relevant.

14 And I ask that you all engage with us,
15 share with us both here at the meeting what your
16 views are, but then back home with people,
17 constituencies that you're representing, so that
18 people know what the Agency is considering and
19 we're not surprised when the decision comes out
20 that there's an impact that we weren't expecting.

21 So open and honest, good, bad, and
22 ugly.

23 So with that I think I'll take
24 questions. We've got a lot to talk about and
25 looking forward to hearing your thoughts.

26 FACILITATOR BROOKS: Great. Let's
27 see. Marty. And then over to Ben and then over
28 to Rich.

29 MEMBER SCANLON: I don't recall that
30 the pelagic longline take reduction team that we
31 recommended weak hooks in the Atlantic. So I
32 don't know where that came from there. That was
33 not part of what we presented.

34 I mean we had rejected the fact that
35 of a need for weak hooks in the Atlantic. There
36 was the certain hooks that were suggested to be
37 removed that we would no longer use, but it was
38 not weak hooks.

39 You know, during the pelagic take
40 reduction team we did not recommend or did we
41 come up with consensus on anything to do with
42 weak hooks in the Atlantic. There was certain
43 hooks that we had decided that were not, you
44 know, that we shouldn't be using but it wasn't
45 weak hooks. So I don't know where that
46 recommendation came from.

47 MS. SCHULZE-HAUGEN: Oh, there it is.
48 Okay, so sorry, I wasn't there. That was my

1 understanding of what the discussion was but I
2 could be wrong. Karyl, you were.

3 MS. BREWSTER-GEISZ: Hi Marty. So my
4 understanding is that it is a different weak hook
5 than in the Gulf but it is still a weaker hook
6 than is currently being used in the fishery and
7 that that was a consensus recommendation.

8 FACILITATOR BROOKS: I will look at my
9 notes in the break, Marty, and confirm.

10 MEMBER SCANLON: Okay. Thanks.

11 MEMBER CARR: I have a concern as
12 regards to the bluefin tuna management and
13 Amendment 10. It appears we're not talking about
14 the bluefin tuna proposed rules in the itinerary.

15 But this morning in the Federal
16 Register it posted that you're amending the EFH
17 for Atlantic and Gulf of Mexico bluefin tuna EFH
18 which comes out the minute this meeting ends. So
19 will we be talking about that?

20 MS. SCHULZE-HAUGEN: Yes. That's
21 tomorrow morning.

22 MEMBER CARR: But it's not list,
23 sorry, we're thinking it's not listed in the
24 discussion of the amendment. It talks mostly
25 about sharks and we need the correct agenda.

26 MS. SCHULZE-HAUGEN: So the Essential
27 Fish Habitat Amendment 10 is for all HMS.

28 MEMBER CARR: Right. But in what's
29 currently -- mine's dead. In what's currently
30 published, the agenda doesn't mention anything
31 about bluefin tuna.

32 It talks about sharks and other
33 species but it doesn't mention bluefin tuna and
34 what's currently outlawed.

35 MS. SCHULZE-HAUGEN: Well, I don't
36 know what the issue with the agenda is but we
37 will certainly cover bluefin tomorrow.

38 MEMBER CARR: Thank you.

39 FACILITATOR BROOKS: Thanks. Rich,
40 and then over to Bob.

41 MEMBER RUAIS: Just a relatively small
42 point. I did notice in one of the graphics that
43 the HMS news mailing list is being received by
44 about 5600 people or so.

45 The HMS permits, don't we have
46 somewhere around almost 20,000? More than that,
47 higher than that.

48 So 5000 of the, so a quarter of the

1 people who ask for permits want to be notified
2 of, only a quarter of the people who have permits
3 want your mailings on what's going on in the
4 fishery and what the Agency is contemplating.

5 I assume there is a check off on the
6 permit list to fill in your email address or is
7 it something separate that you have to sign up
8 for? Is that why it's, I'm trying to think of
9 why is it low? Why is it so low? I mean, if you
10 pay for a permit and you engage in the fishery,
11 why don't you want to know about it?

12 MS. SCHULZE-HAUGEN: So yes. We do
13 have the ability to collect email addresses but
14 we don't necessarily automatically sign people
15 up. People may be fishing for one species and
16 the HMS listserv will send everything.

17 And so there is a separate sign up for
18 the listserv. So that's why you're seeing maybe
19 a disconnect there.

20 MEMBER RUAIS: I guess it would just
21 seem to me that, you know, there might be some
22 value in trying to, you know, make the effort to
23 allow people who register, sign up, pay for, the
24 right to participate in a fishery, to check off,
25 I want to know of any future changes you're
26 planning on making to this fishery or what's
27 going on with the status of this fishery as you
28 generally sometimes put out.

29 I mean, you know, it just seems to me
30 a service that, you know, a service that could be
31 provided and it could benefit the fishery. Just
32 a suggestion.

33 FACILITATOR BROOKS: Thanks, Rich.
34 I've got Bob, then Scott, then Terri in the
35 queue. And I neglected to ask folks before you
36 speak to please state your name and organization
37 for the note taker. So, Bob.

38 MEMBER HUETER: Thanks, Ben. Bob
39 Hueter, Mote Marine Lab. Margo, just a real
40 quick question on the archival tag rule.

41 If a fisherman catches a tagged fish
42 and keeps it but does not return the tag what are
43 the consequences?

44 MS. SCHULZE-HAUGEN: Well, that would
45 be against the regulations. They are authorized
46 to keep the fish on condition of providing the
47 tag to the researcher, or to the Agency and then
48 would get it to the researcher.

1 Consequences would flow from Penalty
2 Schedule and the enforcement Summary Settlement
3 Schedule, so.

4 FACILITATOR BROOKS: Scott.

5 MEMBER TAYLOR: Scott Taylor. The
6 slide that showed the recreational landings of
7 swordfish. Is that 221 fish for the entire,
8 everything that's been reported this year from
9 recreational landings? Is that right?

10 MS. SCHULZE-HAUGEN: For non-
11 tournament.

12 MEMBER TAYLOR: You know, this has
13 been, you know, a huge area of contention in that
14 the risk of being in opposition to the
15 recreational sector, which is the farthest thing
16 from my mind.

17 We've got a serious problem. If you
18 go to the next slide and look at where our U.S.
19 quota landings are, that if this trend continues
20 we are going to be in real jeopardy at ICCAT.

21 And that 221 number is so unrealistic
22 it's almost laughable. And, you know, Andrew,
23 this particularly, you know, in our area in South
24 Florida, a good weekend that much fish is being
25 caught. You know?

26 That somehow the people around this
27 table that represent that sector have got to
28 figure out a way to get across to their
29 constituency that this is not a matter of choice.
30 You know, we hold the commercial HMS fleet to
31 such a high level of standard regarding reporting
32 to the point that it is almost abusive to account
33 for every single detail.

34 But yet in a lot of the HMS sectors
35 and even in terms of some of the council stuff,
36 you know, the we talked about with mahi, the
37 allocation for some of these species is actually
38 even higher for the recreational sector than it
39 is for the commercial sector.

40 And not to have a level of
41 accountability in reporting coming from this
42 sector when it is so detrimental to the
43 management of this fishery is really, really
44 unfortunate at the very least.

45 And the people that are sitting around
46 this table reach a lot of different people in the
47 recreational sector. This, we've got to find a
48 way to address this and deal with this.

1 That number is such a small fraction
2 of what's actually happening out there that it's
3 almost, that it really is almost, you know,
4 laughable.

5 And so that it's not so much of a
6 comment but it's a challenge to these people, you
7 know, that represent the sector around the table.
8 Those of you that have publications, those of you
9 that, you know, work within the tournaments to
10 try to get this message across that this really
11 needs to be reported.

12 And to the Agency, you know, that I
13 spent a fair amount of time up in the Mid-
14 Atlantic from the recreational sector.

15 You know, your bluefin reporting,
16 we've talked about this before, has gotten much,
17 much better than it was years ago because of the
18 need to really have, I think you have a card and
19 a tag that you have to fill out when you land.

20 I know it was like that in, you know,
21 in Maryland. That it was, you know, a pretty
22 substantial penalty for the cutters or for
23 anybody else to handle the fish that wasn't
24 accounted for.

25 It seems to me that in particular, I
26 think, that this is a huge problem for the South
27 Florida area because that's where these fish are
28 coming in.

29 But it's, you know, a finite issue but
30 it's something that I think that this panel and
31 the Agency really needs to devote some time to,
32 because this could put some substantial numbers
33 cumulatively back into our quota.

34 FACILITATOR BROOKS: Thanks, Scott.
35 Appreciate that. I have Terri and then over to
36 Anna and then we'll probably use up most of our
37 time and Terri, again, please introduce yourself.

38 MEMBER BEIDEMAN: I'm Terri Beideman.
39 I'm representing commercial fisherman. I also
40 would like to draw your attention to Slide Number
41 12.

42 I wanted to ask what was the source of
43 this information. It says non-tournament so that
44 sounds to me like potentially a survey estimate
45 information and survey. So do you have a source
46 for that number, those numbers?

47 MS. SCHULZE-HAUGEN: Yes. This would
48 be the fish that are reported to us, to the HMS

1 Division. These are not survey estimates.
2 Remember there's a requirement to call in
3 swordfish within 24 hours outside of tournament,
4 so.

5 MEMBER BEIDEMAN: Okay. Well, that
6 explains it pretty well. As we've sat here a
7 number of years noting that this call-in system
8 doesn't necessarily work well.

9 So I have, I would request that we
10 somehow put on here that this is self-reported so
11 that down in history when people pull up this
12 presentation they don't think this is really
13 real, because we all know that it's the minimum
14 possible number of people that actually reported
15 catching them.

16 And many people aren't getting the
17 information from the HMS news that they must do
18 this. They might see it in their permit app but
19 that's as much, so anyway enough on that.

20 I think if you tried to do an estimate
21 based on what minimal percentage people actually
22 report and try to just ball park it, that that
23 would go up magnitudes. So I join Scott in that
24 thought that many more people are fishing out
25 there and catching even in off of Jersey,
26 catching sport fish.

27 And now down to the next slide on
28 Number 13, which is troubling to say the least
29 and discouraging to see this continued trend.

30 And, you know, it doesn't have
31 anything to do with the status of swordfish. It
32 has to do with the huge debt of actual
33 regulations that are poured on this fleet and
34 trying to comply with them and having nowhere to
35 go fishing where we catch swordfish.

36 It isn't a matter of these fishermen
37 not being experienced. All of those things have
38 no factor. It is an effort reduction that's
39 causing this situation and that's because of
40 people choosing not to go fishing, quitting, not
41 being able to survive under the regulations.

42 And I expect if we have some negative
43 consequences from some of the other rules that
44 apply to this fleet, that we will see drops from
45 this and that's sad because it's pretty low
46 already.

47 And, you know, I share everyone's
48 concern. We're going to go to ICCAT eventually.

1 And, you know, when we look at swordfish
2 landings, particularly the pelagic longline,
3 we're also talking big yellowfin landings that
4 are going to be gone if that fleet goes down.

5 And big, you know, bigeye catches in
6 certain areas that are not going to be there.
7 There's other species that we catch and land and
8 feed Americans and we're going to be put out of
9 business. We are at the brink.

10 But I've talked about a number of
11 years, we are, I believe perhaps over it. And we
12 need to do something quickly to allow folks to
13 try to make a living and feed Americans with a
14 stock that we helped rebuild. So that's enough.

15 FACILITATOR BROOKS: Thanks, Terri.
16 We've got about just under five minutes and I've
17 got a few people in the queue. So I would love
18 to squeeze everyone inside and ask you to just be
19 as focused as you can. I think I've got, Anna,
20 you still want to be in?

21 MEMBER BECKWITH: Yes, please.

22 FACILITATOR BROOKS: Anna, let me just
23 call it out. So Anna, then Andrew, Tim, Rich,
24 George, and did I see, Shawn. Yes. So, Anna.

25 MEMBER BECKWITH: Just an observation
26 that at least off of North Carolina, the charter
27 and recreational fisherman are starting to
28 participate in the daytime fishing for swordfish
29 quite successfully.

30 And that I know Florida's done that
31 for a while but it is a relatively new and
32 successful way of fishing for swordfish, so just
33 --

34 FACILITATOR BROOKS: Thanks. Andrew.
35 And again, name and organization.

36 MEMBER COX: Andrew Cox, Marlin
37 Magazine. I just wanted to address Scott's. I
38 mean, unfortunately I've written about this until
39 I'm blue in the face.

40 But it's regretful to say the
41 conservation page in Marlin Magazine is not very
42 popular. But, I mean, it's something that I
43 accept your challenge and I think there's other
44 mechanisms that we can take as a recreational
45 industry.

46 You know, when I was at The Billfish
47 Foundation we were in full support of a tagging
48 system. Just like gators and deer, why are we

1 not doing something for swordfish especially when
2 we know when reporting is so low. And if it ever
3 came back up, if we open them, I'd be the first
4 one in line to do that.

5 To address the North Carolina, we know
6 that that's a booming industry. I've had six
7 captains call me in the last month suggesting us
8 to do it. So it's something that we need to keep
9 an eye on as a recreational industry and find the
10 solution because 221 is laughable.

11 I've also suggested to Randy a couple
12 particular boats in the charter sector that went
13 on 41 days tears, 41 days in a row and just
14 wanted to know if they had reported those fish.

15 You know, social media's a beautiful
16 thing because people are grabbing and want the
17 attention. Let's use that to check some of these
18 boats.

19 FACILITATOR BROOKS: Tim.

20 MEMBER PICKETT: Okay. Just a couple
21 of things. You know, I like Rich's idea of the
22 number of people that sign up for an HMS permit
23 should get all the emails.

24 It's not a lot of emails. I don't
25 think it would really be overly hassling anyone
26 and it certainly wouldn't allow them to claim
27 ignorance if something changes.

28 In terms of Scott, you know, what's
29 getting kicked around in the recreational
30 reporting. One thing, I think it should be
31 easier. I don't think a lot of people are aware
32 of the mechanism. With smartphones and stuff
33 like that it's easy enough.

34 You can come, when you're within ten
35 miles of the Florida coast you have phone
36 service. You can take a picture of the fish,
37 upload it, it's reported, you get a confirmation
38 number. If you get pulled over in the inlet you
39 say here it is and you're on your way. You know,
40 there's easy ways of doing this.

41 Another thing is, that 221 number
42 might seem low but one thing that either does or
43 doesn't account for is the number of fish that
44 are landed by recreational vessels that are sold
45 through the correct channels through somebody
46 with a permit.

47 It's something that's difficult to
48 track down obviously. But it might be worth

1 having a conversation how we would stop something
2 like that from happening.

3 You know, the trend is obviously down.
4 The hand gear fishery started 2005, 2006 and
5 really started going in earnest from 2009
6 onwards.

7 So you see the trend downwards, more
8 people participating in the handgear fishery that
9 have permits are geared up, have, you know,
10 accounts with fish houses and the correct
11 channels to get rid of fish, it's just as easy to
12 catch your fish on a buddy's boat, bring it,
13 throw it in the back of his truck and then it's
14 gone.

15 You know, it's just another level of
16 the conversation. But I think, you know, general
17 awareness, having people sign up for the email as
18 soon as they get their permits so they know
19 what's going on is a big thing, and the ease of
20 reporting in everything should be, you know, top
21 of the priority.

22 FACILITATOR BROOKS: Thanks. Clearly
23 this is a topic that I think we'll need to come
24 back to and have a conversation on maybe at a
25 future meeting. Clearly a lot of interest in
26 this.

27 I want to get two more people in the
28 queue and then I think we need to bring this to a
29 close for now and either revisit later in the
30 meeting or at the spring meeting. So George, and
31 then to Shawn.

32 MEMBER PURMONT: George Purmont. On
33 Slide 11 on your BAYS, it shows a reduction of
34 the landings which is rather significant. Is the
35 effort the same?

36 MS. SCHULZE-HAUGEN: So are you
37 talking about the 2016? Because that's the only
38 year to date. That's through July 16th, so
39 that's partial year.

40 MEMBER PURMONT: I think what I'm
41 looking at are the years 2013, descending through
42 2016 on annual landings.

43 MS. SCHULZE-HAUGEN: Yes, so I
44 wouldn't look at '16. Those aren't final
45 numbers. That's year to date. There is a
46 decline from '13, to '14, to '15 that, you know,
47 those are final numbers.

48 No, I think real Pelagic longline

1 effort has been decreasing, that being part of
2 it.

3 FACILITATOR BROOKS: Thanks.
4 Shawn.

5 MEMBER JOYCE: I'm going to the ICCAT
6 Porbeagle Final Rule. And does that include --
7 it says HMS Angling and HMS Charter/Headboat it
8 looks like. But it must include commercial too,
9 or no? Commercial is exempt from there?

10 MS. SCHULZE-HAUGEN: Pelagic longline
11 is considered ICCAT fishery. So that is our,
12 kind of commercial fishery that's an ICCAT
13 fishery. Other commercial fisheries for sharks,
14 like shark bottom longline, shark gillnet are not
15 ICCAT fisheries.

16 MEMBER JOYCE: No, I'm clarifying it
17 from Rod and Reel Guy's Commercial up in New
18 England, right?

19 So the way this seems to read is if
20 you have a porbeagle on the deck, and you catch a
21 bluefin, you've got to throw the porbeagle over.

22 MS. SCHULZE-HAUGEN: Are you talking
23 about general category? So that's the permit for
24 bluefin tuna. And so, that would not authorize
25 retention of porbeagle sharks.

26 MEMBER JOYCE: Just to clarify, if a
27 guy has a porbeagle on the deck, and he catches a
28 bluefin, he's going to throw the porbeagle over.
29 Is that correct?

30 MS. SCHULZE-HAUGEN: You need to
31 choose, yes.

32 MEMBER JOYCE: You're not going to
33 understand it, but yes, I get it. Okay, I know
34 there are --

35 MS. SCHULZE-HAUGEN: There's a long
36 history of the ICCAT porbeagle measure that I can
37 fill you in maybe tonight over a beer.

38 (Laughter.)

39 FACILITATOR BROOKS: Shana, if this a
40 clarification on the last point, jump in, if not
41 I'm going to ask you to hold it then.

42 MEMBER MILLER: Okay.

43 FACILITATOR BROOKS: Thank you. So
44 thank you all.

45 Again, I think obviously a lot of it
46 just on this, looking at the swordfish
47 recreational landings and thinking about how that
48 number more accurately reflect what folks around

1 the table think is happening out there. So
2 definitely something new we probably will want to
3 revisit.

4 Some interest around making better use
5 of the HMS permit holder list, to improve the
6 outreach and ensure better notification and
7 awareness. Some comments around just the trends,
8 the downward trends, and it's difficult and
9 challenging. And obviously something that is
10 always top of mind here.

11 And then lastly, I will take a look at
12 notes regarding the pelagic longline take
13 reduction team to answer your question, right.

14 So with that, let's shift to what
15 we're going to spend the rest of the morning
16 talking about, which is Atlantic shark management
17 and dusky sharks in particular. And Dr. Enric
18 Cortes with the Southeast Fisheries Science
19 Center and Tobey Curtis with the HMS staff will
20 take it over from here.

21 We will spend the bulk of, I think the
22 time between now and noon, on an update on the
23 stock assessment.

24 Enric, I guess I just want to ask you,
25 do you want to take questions during this? Or
26 will you pause at times? I know there's a lot
27 of, you know, fairly complex information you're
28 presenting. What's your pleasure?

29 DR.CORTES: It may be better just to
30 go over the whole thing, and then I'm prepared to
31 go back and --

32 FACILITATOR BROOKS: Okay, great. So
33 we'll let Enric walk it through. And undoubtedly
34 there will be questions that you all have, and
35 we, I think, have a good chunk of time here to
36 work through all of those.

37 And let me just note, we didn't
38 agendize a break this morning. So if at any
39 point you need a break, please just, you know,
40 help yourself as it were.

41 So with that, Enric.

42 Yes, Ben.

43 MEMBER CARR: Are we skipping the
44 Coast Guard report?

45 MS. SCHULZE-HAUGEN: So that is
46 available, but there's not a scheduled time on
47 the agenda.

48 FACILITATOR BROOKS: So just in case

1 folks didn't get what his question is, there is a
2 report and enforcement update from the Coast
3 Guard on line. That's just there as a
4 presentation, and won't be presented. Obviously,
5 if you look at it and have questions, we can
6 entertain them later, so, all right.

7 Enric, it's yours.

8 DR. CORTES: Good morning everybody.
9 I see a number of familiar faces and quite a few
10 unfamiliar ones. I haven't been here in a while.

11 So what I'm going to present to you
12 today is the results of the update assessment we
13 did to the SEDAR 21 dusky shark stock assessment,
14 which was conducted 2010, 2011.

15 First of all, let me clarify, what is
16 an updated assessment? So an updated assessment
17 is one that uses only the same data inputs that
18 were vetted during the previous benchmark, in
19 this case, SEDAR 21. It uses exactly the same
20 sort of assessment model. And typically it only
21 updates what we call the base run.

22 What was done for our update in 2016
23 dusky shark update, which you have seen in the
24 stock assessment report, so as I said we use the
25 same data inputs that were vetted in the previous
26 benchmark assessment, which had data up to 2009.
27 So we essentially updated with data from 2010 to
28 2015. Six more years updated.

29 And what we updated were the five
30 indices of relative abundance, CPUEs. And the
31 effort series which I will detail in a minute.
32 None of the other inputs were updated. The same
33 life history characteristics were used. The same
34 selectivity curves, and as I said the same stock
35 assessment model.

36 And to refresh your memory, the
37 assessment model that was used is a catch-free,
38 age-structured production model, which was used
39 because of, as I will elude to different times in
40 my talk, due to the uncertainty in the level of
41 catches. And we also used the same projection
42 methodology that was accepted and recommended by
43 the peer reviewers back in 2011.

44 Now, during the peer review, we were,
45 the reviewers identified what we defined as five
46 alternative states of nature. So five hypotheses
47 about the status of the stock, or what we believe
48 were indicative of the status of the stock.

1 And so that was the base run, a high
2 natural mortality scenario, a U-shaped natural
3 mortality scenario, and a high and low
4 productivity scenario. So most of these states of
5 nature revolved around the concept of different
6 productivity of the stock.

7 So now starting to look at the inputs
8 that we used. We had five CPUE series that were
9 made available to us, by different authors. They
10 had produced them before. The Virginia Institute
11 of Marine Science, Longline Survey is the longest
12 one and starts in 1975. And actually defines
13 what we call in our model, the modern period of
14 our model. Starting in 1975 to 2015. It has in
15 fact 31 years of data.

16 The Recreational Large Pelagic Survey
17 from 1986 to 2015 with 30 years of data. The
18 Bottom Longline Observer Program which runs from
19 '94 to 2015. But as you'll see next, we ended up
20 using only 20 years of data.

21 Then we have a survey that's run from
22 the Northeast, by NOAA Fisheries in the
23 Northeast. And I will go over these now in
24 detail. And that's starting in 1996 run 'til
25 2015, but it's only run every three or two years.
26 So there are only eight data points for that
27 series.

28 And finally, the Pelagic Longline
29 Observer Program which started in 1992 and has a
30 total of 24 years.

31 So, this is a depiction of the five
32 indices of relative abundance that were updated.
33 They're all here presented on a common scale,
34 divided by the mean of the overlapping years.
35 And so essentially, we have this five indices,
36 right.

37 Whoops, we have the VIMS Longline,
38 which -- sorry this is very sensitive. The VIMS
39 Longline which -- I'm going to get a neck ache,
40 so much.

41 But essentially, so yes this is the
42 VIMS Longline series. I mean you can see it on
43 the screen. The large, the LPS which starts in
44 1986, and first showed some degrees. And then
45 had a much more stable trend.

46 I'm going to show these in detail,
47 each of them. I'm just showing the composite
48 picture now so that you see how the different

1 indices have sometimes different trends. And
2 different signals for different years.

3 So we have the Bottom Longline which
4 we'll go into a lot of detail. The Northeast
5 Longline which essentially are these points in
6 blue here that increase. And the Pelagic
7 Longline Observer Program which showed a big
8 decrease in the early years. And then a much
9 more stable trend, at very low levels in recent
10 years.

11 This is just zooming in for the past
12 ten years. So you see a little more of detail on
13 this five indices. And you can see that this big
14 jump in 2012 for the Bottom Longline Observer
15 Program, followed by a very large dip to next
16 year.

17 As I was mentioning, the increase in
18 the Northeast Longline Series, the steady trend
19 in the LPS. The VIMS Longline series which had
20 shown an increase in the previous assessment of
21 2009. But then after that sort of unexpectedly,
22 showed a large decrease for the ensuing years.

23 And then the Pelagic Longline Observer
24 Program which as I said, shows very low levels.
25 Same as the previous assessment for the recent
26 years.

27 So let's look at things in a little
28 more detail. So this is the VIMS Longline
29 Observer Series. So what I have here is I'm
30 going to show each of the indices with the values
31 from the SEDAR 21 assessment. It's hard to see
32 the colors, but this blue, and then in black for
33 the new series.

34 And as I was mentioning there was a
35 decrease from 2009 on, in the updated series.
36 Just to go very quickly over this series, these
37 are standardized, all of these series are
38 standardized using statistical techniques, GLMs.

39 And I'm sorry if I go into too much,
40 or too little technical detail. But essentially,
41 all of these series have been statistically
42 standardized. They are not a nominal series.

43 And in this particular case, following
44 previous analysis, there were a number of years
45 as you can see that have no values. And they
46 were excluded from the analysis because there
47 were no dusky sharks caught in those specific
48 years. And in a couple of years, 1985, 1994

1 there were no sets conducted because of lack of
2 funding probably.

3 Also what is not shown in here is the
4 fact that during several of the years, the
5 uncertainty in these estimates was quite high.
6 Had large CVs, large coefficients of variation.
7 And so that was the case for a number of years.

8 Now, the Large Pelagic Survey you're
9 familiar with I'm sure. Pelagic stayed on the
10 catching effort in the real fishing trips. Real
11 interviews with fishermen at the dock and in some
12 years has collected information over the phone as
13 well.

14 The observations were limited in this
15 case by the people who did the analysis. On
16 anglers who indicated that they were targeting
17 sharks, and were employing the chumming fishing
18 method exclusively. Trips targeting others
19 species such as tunas were not included in the
20 analysis.

21 And as we'll discuss later too,
22 species identification is difficult as we know.
23 Duskie can be confused with other species such
24 as sandbars, but we can't really quantify if
25 there was a change in species IDs over time. But
26 the fact is that since 1999 the level, the trend
27 has remained pretty stable.

28 Okay, now we come to the Bottom
29 Longline Observer Program. And so essentially,
30 this is the new series. The series went up to
31 2015, and I'm going to go into this in more
32 detail a little later.

33 But essentially, because of changes to
34 the Shark Research Fishery what ended up
35 happening is that the model that was used to
36 standardize this data series, would not converge.
37 Would not give a solution because of very high
38 values in 2014. So this led to truncating the
39 series to 2013. Again, I will come back to this
40 in detail later.

41 And what is apparent here is that
42 there is a very high value in 2012, very low
43 value in 2013 which as we'll see is problematic
44 for the model, you know. Because the model
45 understands this as being changes in abundance.

46 And this very high changes in
47 abundance are very hard to reconcile with the
48 biology of the species. Because these are

1 sharks, they are not mice. And they cannot make
2 such large changes in abundance from year to
3 year.

4 This is the Northeast Longline Survey
5 which is run essentially from Key West to
6 Delaware in depths of about 9 to 80 meters. And
7 this is a fixed station survey. Just like I
8 didn't mention the VIMS Longline Survey.

9 And these are stations that are
10 generally located about 30 nautical miles apart,
11 accepting areas in North Carolina where the shelf
12 is more an arrow. And the sets are done for
13 about three hours.

14 And again, this shows clearly an
15 increasing trend since the inception of this
16 index. It's only run from every two or three
17 years. But again, it shows some increasing
18 abundance that are very hard to explain from a
19 biological standpoint.

20 And finally we have the Pelagic
21 Longline Observer Program which you are very
22 familiar with, which covers all the territory
23 from the Grand Bank in the North Atlantic, to
24 about 510 degrees south of the South American
25 coast, including Caribbean and Gulf of Mexico,
26 showed big declines the beginning of the series.
27 And then pretty much stable, but very low trends
28 since essentially the late 2000s.

29 Okay, so what's the other data inputs
30 that were updated? So the model considers three
31 fleets, the Pelagic Longline essentially, Bottom
32 Longline, Recreational Fishery being the third.
33 Now remember these are catch-free models. So we
34 don't have catches.

35 And we had some effort, so the effort
36 came from ICCAT's fisheries in the Northwest
37 Atlantic from 1960 to 2014. Again, we used the
38 same logic and methodology as was used for SEDAR
39 21. And we updated that series, although ICCAT
40 recalculated the effort with a better method, and
41 we used those new estimates because otherwise we
42 would not have had any values since 2008.

43 The way that we get the effort for the
44 other two series, the Bottom Longline and the
45 Recreational is a pretty convoluted one. And
46 it's explained in the document. And I can go
47 over it later if somebody needs the details.

48 But it's essentially looking at the

1 catches, which again are very uncertain because
2 they vary from one year to the other by several
3 orders of magnitude. So we didn't believe them.

4 But looking at period where those
5 catches were more stable, we calculated ratios
6 between the catches of the Pelagic Longline and
7 the Bottom Longline, and the Recreational. And
8 we used those scaling factors, those ratios then,
9 to come up with relative efforts for those two
10 other fleets based on the effort from the Pelagic
11 Longline fleet.

12 And this is essentially what it looked
13 like. There's just an update of the 2011, and
14 essentially, the new recalculated Pelagic
15 Longline effort are these yellow triangles. And
16 this is what was used for SEDAR 21. So the
17 relative trend which is, I mean is fairly
18 similar.

19 Again, because this was an update of
20 the SEDAR 21 assessment, we used the same logic,
21 the same methodology, and we updated that series
22 based on ICCAT catches for the Northwest
23 Atlantic. I'm sorry, ICCAT effort for the
24 Northwest Atlantic.

25 Okay, so that was just a brief
26 overview of the data inputs. Now let's look at
27 some of the main results of the assessment.

28 So first, I'm going to show you some
29 of the model fits to the CUPE indices. This is
30 the fit to the Bottom Longline Observer Program
31 which was, this is for the base run. Okay, we
32 have five runs, five states of nature. I'm just
33 going to show it for the base run.

34 So as you see, there is a big, very
35 big outlier, which can obviously not be fit by
36 the model. So the Bottom Longline was fit pretty
37 well. The Pelagic Longline was not and I must
38 say, apologies. The circles represent the
39 observed data points. The line with the blue
40 solid dots, represent the fitted line, the fitted
41 model.

42 So this was very similar fit to what
43 we had in SEDAR 21. We had issue with the fit
44 because, I'll discuss later, the different
45 signals from the different indices.

46 The Large Pelagic Survey was fit well.
47 In fact it was the series that was fit the best
48 in the model. The VIMS Longline series was not

1 fit. Again, the model cannot reconcile this
2 large interannual fluctuations in relative
3 abundance. And in all the Northeast Longline was
4 not fit at all. And this was exactly the same as
5 the SEDAR 21, what happened in SEDAR 21.

6 Now, so we tried to encapsulate the
7 uncertainty in these estimates. So what I'm
8 showing here are likelihood profiles of different
9 metrics of interest. So this is essentially the
10 uncertainty around the parameter estimates
11 through this method, called likelihood profiling.

12 And essentially, we have for you, four
13 panels. Top left is just the depletion from
14 virgin biomass. Top right is essentially what
15 gives us the overfished status. The current
16 status, sorry, the current SSF being spawning
17 stock fecundity which is what we use for sharks,
18 divided by the spawning stock fecundity at the
19 minimum stock size threshold.

20 Bottom left is with the same metric
21 but with respect to MSY. And bottom right is
22 what we use for the overfishing criterion, which
23 is the terminal fishing mortality, in this case
24 for 2015 with respect to F_{MSY} .

25 And essentially, as I'll show later,
26 this, the point here, the mode of this point is
27 actually the, the mode of this, the normal
28 approximation to this, like if you profile is
29 essentially the parameter estimate that I'll
30 show.

31 But just to show you that essentially
32 the stock was overfished. And the model
33 predicted that there was, or estimated that all
34 the density was about one. So that there was
35 overfishing.

36 Now these are very quickly, just on
37 top, the overfished status. And overfishing
38 status at the bottom for the other four states of
39 nature. Showing also the overfished status and
40 then overfishing except in the case of the U-
41 shaped M, whose parameter estimate was actually a
42 little under one, indicating no overfishing.

43 These are just time series now of the
44 overfish criterion. The one would be the MSY.
45 The lower line, horizontal line, is the MSST,
46 which is for sharks we use 1 minus natural
47 mortality, which is approximately 0.07 in this
48 case. So this would be a line about .93.

1 What this tells us is that the model
2 predicted at about 2003, the stock became
3 overfished. In terms of overfishing, since the
4 mid-1980s the model predicted there had been
5 overfishing occurring.

6 Now this is a composite view with the
7 five states of nature, showing the depletion.
8 What we call the apical F. The apical F is the
9 fishing mortality that would be experienced by an
10 age group, a certain age, that is fully
11 vulnerable to the year. And that's what we use
12 to calculate the F by year.

13 Then at the bottom we have essentially
14 the overfished criterion, SSF over SSF_MS_Y. The
15 MSST would be slightly lower than that. And then
16 here the overfishing criterion for the five
17 states of nature, with this one up here, the low
18 productivity being considerably higher than for
19 the others.

20 Okay, so these are the summarized
21 results. The columns here indicate the
22 different, the five different states of nature,
23 Base, High M, U-shaped M, High productivity, Low
24 productivity. And here I have highlighted the
25 two things that interest us the most, which are
26 the overfished criterion, the overfishing
27 criterion, in yellow.

28 And essentially, the results of the
29 assessment show that there was, the stock was
30 overfished, but there was still overfishing.
31 However, I have highlighted here in gray, the CVs
32 which are the coefficients of variation. The CVs
33 are all above one, so what that tells us is that
34 there is a lot of uncertainty in that estimate.
35 These are very imprecise estimates. Something to
36 keep in mind.

37 Another view of these results is the
38 phase plot with the biomass criterion in the X
39 axis. And the F criterion on the Y axis. So
40 essentially, this line is the MSY line, the
41 vertical line. And the line to the left is the
42 MSST line, right.

43 So anything to the left of this line
44 indicates that there is an overfished state.
45 Anything above the one, as you all know very
46 well, indicates that overfishing is occurring.
47 So with the exception of this U-shaped M
48 scenario, the other scenarios all indicated

1 overfished, with overfishing.

2 Now this is just the first part. We
3 have to do the assessment, then we have to do the
4 projections. And the projections actually take
5 much longer time than the assessment. Every
6 projection for each state of nature takes three
7 days of computing time to be done.

8 So we proceed to use the same set of,
9 the same population dynamics, the same equations
10 as used in the Age-structured Catch-Free Model.
11 We used Monte Carlo simulation to incorporate
12 uncertainty. And this was all adopted up to the
13 peer reviews that were conducted in SEDAR 21. So
14 we actually improved the projection methodology.

15 So for each simulation, we used values
16 for the 2015 biomass, the 2015 fishing mortality,
17 and pup survival. And I won't get into the
18 technical details, but essentially that's the way
19 to take into account the uncertainty in the
20 terminal stock status of the assessment. And
21 then project it forward with the projections.

22 Now there were a number of important
23 assumptions for the projections. They assume the
24 same selectivity as we had used for 2015. They
25 assume that the current for 2015, allocation of
26 effort between the fleets stays the same, stays
27 constant.

28 And they also assume that any change
29 in management would not take effect until 2019.
30 And we did that just following the same logic as
31 we did for the SEDAR 21. So essentially, the
32 levels, the fishing levels estimated for 2016,
33 2017, and '18 are the same as 2015.

34 Then we go into estimating a number of
35 quantities that are important for projections.
36 So the first thing we do is project the status of
37 the stock with no fishing, F equals zero. And we
38 find the year in which there's a 70 percent
39 probability that the stock will be rebuilt, will
40 be above MSY , right. If that's more than ten
41 years, we have to add the generation time to that
42 timeframe. So that gives us the rebuilding year
43 target.

44 Once we have that year, we calculate
45 it relatively, the level of F that would allow
46 recovery with a 70 percent -- I'm sorry -- with a
47 50 percent, or with a 70 percent probability.

48 Finally, we also actually look at the

1 annual level of total removals in weight that
2 would allow for that same probability of
3 recovery, 50 percent or 70 percent. And you may
4 be wondering how on earth did you do that, if you
5 have a catch-free model?

6 Well, because the managers need that
7 information, what we did in SEDAR 21, and we
8 continued here was to actually -- and I have the
9 details of this if you're interested. It's in
10 the assessment.

11 But essentially we fitted, we
12 calculated, or we estimated a scaling factor by
13 minimizing the difference between the observed
14 catches and estimated catches for a period when
15 we thought the catches were more believable,
16 which was between 1993 and 1998, which was after
17 the implementation of the FMP, but before the
18 dusky was prohibited.

19 But those projections as I'll say
20 later too, are really, really uncertain. And we
21 don't recommend them. But we did them anyway
22 just because there was a need at the time. But
23 they are based on very uncertain assumptions.

24 So this is just what I just explained.
25 This shows here for the base run how we do this
26 whole thing. So we first project the stock with
27 F equals zero. We add the 40 years, and we find
28 the year for rebuilding. In this case it was
29 2058.

30 What this shows here is the median, so
31 the 50 percent probability. And these are the 70
32 percentile, and 30 percentile. So essentially,
33 we take this at this point right here,
34 essentially uses the rebuilding year with a 70
35 percent probability of being above MSY,
36 essentially.

37 Then in the second step -- I'm sorry
38 -- this is just the first step where we find the
39 year where F, an F of zero will provide a 70
40 percent probability of the stock rebuilding.
41 Then we add the 40 years, so that's 2098. And we
42 reiteratively, calculate, or estimate the
43 probability of the F, that will allow rebuilding
44 with a 70 percent probability. Okay, that's just
45 for the base run.

46 So this is summarizing the results for
47 the five states of nature. And we have a number
48 of values here. So for example, the year in

1 which an F of zero will allow rebuilding is
2 denoted here. But because it's more than ten
3 years from present, we have to add 40 years,
4 which is the generation time. And these are the
5 year rebuilds for the different scenarios, which
6 as you can see can be extremely long.

7 But the quantities --

8 FACILITATOR BROOKS: You might want to
9 read out those years for people who don't --

10 DR. CORTES: I'm sorry.

11 FACILITATOR BROOKS: You might just
12 want to read those years for people who don't
13 have a computer.

14 DR. CORTES: Yes, so the years go
15 anywhere from 2086 to 2200. So you know, it's a
16 very long rebuilding timeframe given the biology
17 of this species.

18 But the numbers that we really want to
19 focus on right now, are the terminal F estimates,
20 for 2015. And then the F that we find
21 reiteratively that would allow 70 percent
22 probability of rebuilding, by this rebuilding
23 year. Right. So these two numbers.

24 And again, following what we presented
25 in SEDAR 21, this is essentially the proportional
26 reductions in F that will allow rebuilding with a
27 70 percent probability for each of the scenarios.

28 And these are the results of the 2011
29 assessment. And as you see those varied at the
30 time. Predicted the reduction from 47 to 97
31 percent with respect to current F.

32 With the stock assessment that we did,
33 it was very similar. It was from 47 to 91
34 percent. The median value -- because these are
35 five different states of nature, in theory would
36 equal probability of being correct -- so the
37 median value for this is 81 percent. Whereas for
38 the assessment we did, it was 69 percent. So
39 this indicates there were still 69 percent
40 reduction here.

41 But this is not the end of the story,
42 so it continues. So there were some post-
43 assessment changes that you haven't seen. That
44 were not in the document that were done
45 specifically for the BLOP, which is the Bottom
46 Longline Observer Program, that's how I call it,
47 that were done after the assessment.

48 So just to refresh the memory, in 2013

1 HMS implemented changes to the shark research
2 fishery that include the implementation of the
3 regional dusky shark bycatch cap. But in 2014,
4 HMS allocated in North Carolina, which was known
5 for having large number of interactions with
6 dusky sharks, more dead dusky shark quota so that
7 fishing could continue.

8 However, in order to counteract that
9 and still allow fishing, all vessels in the North
10 Carolina and southern Atlantic region were
11 limited to one main set with the soak time that
12 was not to exceed 3 hours.

13 So as I was saying at the beginning of
14 my talk, this regulation resulted in high dusky
15 shark CPUE in 2014, which led to the model not
16 converging. And that's why initially the series
17 was truncated up to 2013. So 2014 and '15 are
18 not used. And this is the original series that
19 you saw before.

20 So after the assessment, we were
21 informed that, well the peak in 2012 is a very
22 high peak. And the ensuing low in 2013 were
23 likely not reflective of real abundance, but that
24 instead they reflected the fact that fishing was
25 allowed inside the HMS bottom longline closed
26 area in 2012, but disallowed in 2013.

27 So this essentially showed, were
28 reflecting management changes. So that
29 invalidated the use of the single series we had.
30 So then we were faced with two options.

31 The first option was to use a series
32 with just the non-research fishery. Problem with
33 that was that for the non-research fishery for,
34 since the time that the shark-research fishery
35 was implemented, there were very few sets done
36 many times. So there were very low sample sizes.
37 That was very problematic, it was biased. And
38 you would have really produced a very, you know,
39 not believable results.

40 So the sensible thing to do was then
41 to split the series in a pre-shark research
42 fishery, what we call the non-shark research
43 fishery up to 2007. And a shark-research fishery
44 from 2008 to 2015. And this is what you see
45 here.

46 Again, these were standardized with
47 GLMs. So essentially, we re-ran the assessment
48 completely with the two BLLOP series split. So

1 now we have six series. We had five before, and
2 now we have six. And we are going to present
3 this. We're going to write this up in an
4 addendum in the next couple of weeks essentially.
5 And now I'm showing the results of this update to
6 the update assessment.

7 The non-shark research was fit well,
8 relatively well, but not the shark-research
9 fishery, which again showed very large
10 interannual fluctuations in abundance. And I'm
11 just showing this as I did before.

12 The fits to the other series were
13 very, very similar as with the previous
14 assessment, or the update assessment, as opposed
15 to the addendum. The LPS again, was the best fit
16 series. VIMS Longline Series was not fit very
17 well. Same thing with the Northeast Longline,
18 cannot fit that.

19 Now, you recall these were those
20 likelihood profiles. And in fact, the biomass
21 was slightly lower than what we had in the
22 update. But you see that the density for the
23 overfishing is now, there is some density below
24 one already. So, things have improved generally
25 speaking. And again, these are the results for
26 the four states of nature for the overfished and
27 the overfishing conditions.

28 Again, the time series of the
29 overfished condition in this case, it moved from
30 2003 in the update assessment to 2001 in the
31 addendum. That's when the stock was predicted to
32 have started to be overfished.

33 And now, this is the overfishing
34 condition. And as you see here, the F over F_{MSY}
35 is now much closer to the overfishing line.
36 There is a lower degree of overfishing with this
37 new analysis.

38 Again, composite view of the five
39 states of nature. With the overfished condition
40 and again the overfishing condition as you see,
41 four of the states of nature now are pretty
42 close, and indicating a lower degree of
43 overfishing, with the exception of the low
44 productivity scenario which still shows a high
45 degree of overfishing.

46 So in terms of phaze plot, now we have
47 this five states of nature, again with the
48 exception of the low productivity, now they are

1 all closer. There is still, obviously still an
2 overfished status, but overfishing, the degree of
3 overfishing has decreased.

4 And in terms of the projections, and
5 I'm just showing again for the base run, the
6 values were slightly different. Instead of 2058
7 in the previous, in the update assessment, with
8 this modification in the addendum it's 2053. And
9 the year which allows 70 percent probability of
10 rebuilding is 2093.

11 The F is smaller, that will allow for
12 that rebuilding. But also the terminal F is
13 smaller. And that's what we show here. So
14 again, this is the equivalent picture that I
15 showed before, the equivalent table. The year
16 rebuilds are fairly similar. Now they vary, they
17 range from 2093 to 2204.

18 But again, these are the numbers to
19 pay more attention to in terms of the overfishing
20 status. And these F values have decreased, but
21 the F values that will allow rebuilding have also
22 decreased.

23 What does that mean when we look at it
24 -- well first of all let's look at the whole
25 results. So let me walk you through this.
26 Again, these are the five states of nature. I
27 have three colors here. I have green, which is
28 the analysis that I just described. Okay, that
29 were done after the assessment. The update is in
30 gray. And in yellow we have the SEDAR 21
31 assessment.

32 And what I want to point out here is
33 that if we compare the results of this addendum,
34 the thing I'm presenting right now, to the SEDAR
35 21. The stock status has improved in all cases
36 except for the high productivity scenario. But
37 the overfishing condition has improved in all
38 cases with respect to what we had in SEDAR 21.

39 So I think that the results of this
40 re-analysis that we did are more encouraging.
41 And if we put everything together in a phase
42 plot, the empty symbols are the SEDAR 21
43 assessment. The ones, it's hard to see the color
44 here I believe, but the ones in yellow are, this
45 one, this one, this one, this one, and this one
46 are the results of the assessment.

47 But with the results of this addendum,
48 in green, as I mentioned before the degree of

1 overfishing has decreased quite a bit. And here
2 we have, just highlighting that four of the five
3 states of nature are in that general area.

4 Now again, what does that mean in
5 terms of required reductions in F? So, I'm going
6 to walk you through this table in a second.

7 So essentially, here we have these
8 three, these are the five states of nature.
9 These are the three assessments, right. So SEDAR
10 21, the stock assessment, and this addendum I'm
11 just referring to right now. And these are the
12 required reductions in F to achieve rebuilding by
13 year rebuild, with a 70 percent probability. And
14 here with a 50 percent probability.

15 And so the range of required
16 reductions in SEDAR 21 was as I mentioned before,
17 47 to 97 percent. Whereas in the stock
18 assessment, the 2016 stock assessment, it went
19 from 27 to 91 percent. If we look at the median
20 values of that, that would be 81 percent and 69
21 percent here.

22 With the addendum, the values, the
23 range of values went from 39 to 93 percent. And
24 the median value was 53 percent. So it has been
25 reduced from a median value of 81 percent in
26 SEDAR 21, to 53 percent now.

27 If we look at the 50 percent
28 probability, the range of required reductions in
29 2011 went from 42 to 90 percent, in the
30 assessment from 26 to 80 percent, or with medians
31 it would be 65 and 61 percent.

32 But in the addendum those reductions,
33 the range of reductions required to go from 24 to
34 80 percent, or a median value of 35 percent.

35 So from the SEDAR 21 assessment, to
36 2016, the degree of reduction required, the
37 median degree of reduction has decreased from 65
38 to 35 percent. That's when comparing, giving
39 equal credence to all this states of nature.

40 Okay, so I'm coming to the end. And
41 these are some caveats and conclusions for the
42 assessments. So the assessment results on
43 overfishing are uncertain, as they were in SEDAR
44 21. But even more because of the large CVs
45 associated with the terminal F estimates with
46 respect to MSY. So they were imprecise, the
47 estimate.

48 As you saw there was a poor fit to

1 several CPUE series. And why is that? Well,
2 presumably because there are conflicts in the
3 signals from the indices of abundance for a given
4 year. We have different estimates. The series
5 may go in different directions.

6 But there is also because of conflict
7 between these interannual changes in relative
8 abundance that are given to the model by the
9 CPUEs, but that seem to be incompatible with what
10 we know about the biology of the species. So the
11 model has to compromise some way. And that's why
12 often it takes essential tendency and doesn't
13 fit, cannot fit each of the series well.

14 In some cases, and we've had a couple
15 of internal reviews of this assessment which I
16 believe may be posted on line now. And the
17 indices of abundance, we are cognizant of that,
18 in some cases may not sample the whole
19 population.

20 And meanwhile the model takes into
21 account the portion of stock that is removed.
22 Through the selectivity we know that some of the
23 indices of abundance may not sample it. For
24 example, the VIMS perhaps because it doesn't get
25 all the animals of all different sizes.

26 Or in some cases, there may be
27 escapement of large animals that break through
28 the leader, or escape the recreational fishery
29 for example. We know that species ID is an issue
30 and that's the reason why we went with a catch-
31 free model in the first place. Because of the
32 uncertainty in the catches.

33 And we know that that's the case for,
34 particularly for recreational fishers. We know
35 it's hard to identify the sharks that can be
36 confused with different species. I mean and
37 going a little more into detail, I would say,
38 well for the observer programs the Bottom
39 Longline Program has been identifying,
40 photographing the observed sharks and actually
41 taking fin clips since the inception of the
42 shark-research fishery.

43 And I know also the Pelagic Longline
44 Observer Program takes photos of observed sharks
45 and particularly the problematic ones. That
46 being said, it's hard to quantify where there
47 have been changes with time in the skill of the
48 ID by observers.

1 In terms of the surveys, we have the
2 Northeast Longline and the VIMS Longline Survey.
3 Those are done by scientists. Those are fishery
4 independent surveys. And they are conducted by
5 trained biologists. So we have to believe that
6 they are correct.

7 And, but I want to highlight this. We
8 are aware that these are potential issues. And
9 just as a complimentary remark, I mean, let's
10 remember that this is a data-limited assessment.
11 We don't have catches. We have relative effort
12 for one of the fleets. And we have in theory,
13 good biology that's what allowed us to use this
14 model with some other census.

15 And I think I'll leave it here and
16 open it up for questions related to the
17 assessment. What I will be unable to answer,
18 management and my colleagues will.

19 FACILITATOR BROOKS: Great. Thanks,
20 Enric.

21 So I'm sure there are some questions.
22 Scott, I know your card has been up for a while
23 there. And we'll bounce over to Ben, and up to
24 Bob. And then see who else wants to fold in.

25 If we can, it would be great to get
26 clarifying questions first. Just to sort of
27 focus on, you know, people understanding what you
28 just walked through. Because I think there are
29 probably plenty of those, and then maybe segue
30 more into comments, if that's possible, Scott.
31 Appreciate it.

32 MEMBER TAYLOR: So I must admit that
33 I had some great level of difficulty following
34 everything that you were saying there, as an
35 understatement, as I'm sure that a lot of the
36 people in the room that are not necessarily
37 scientifically focused are. But there's a couple
38 of points that I really want to try to wrap my
39 brain around.

40 You initially were talking about the
41 way that the model is designed. And when you had
42 data points that you can't reconcile, where they
43 don't make any sense, the way you deal with them,
44 is you just discard them? That you essentially,
45 or that you don't take them into consideration.
46 Specifically into the model, that you look at
47 them as though they are an anomaly.

48 Let me finish my question and then,

1 I'll let you respond. That from a purely common
2 sense perspective -- and I was afforded the
3 opportunity about six weeks ago at another
4 meeting with Bob, and that Terri put on with EDF,
5 where we got to look at some of this preliminary
6 data -- that we have, you really have two main
7 data sets that I think that are the most
8 reliable.

9 One is the Pelagic Longline observed
10 data, because you have trained observers on the
11 boat. And secondly, the sets that have actually
12 been made with live observers on the boat, where
13 they've gone out and essentially in search of
14 dusky sharks.

15 I didn't hear anything in this
16 presentation particularly about the sets that
17 were made by Dewey Hemilright and Jeff Oden, but
18 I'm sure we're going to hear about the CPUE from
19 that, from them here shortly.

20 But it seems to me, that when there
21 has been targeted effort to actually look for
22 these dusky, that the CPUE data that you're
23 getting is not in line with the assessment that
24 you're basing all your calculations on for the
25 health of the stock.

26 That those two things do not
27 reconcile. That you've got this huge number of
28 interactions, I mean of catch numbers that are
29 verified by observers, but yet you're saying that
30 you've got a stock that doesn't exist.

31 It seems to me from a common sense
32 standpoint, and we've heard this from members
33 around the panel here since the beginning of
34 these dusky discussions, that the premise itself
35 is incorrect. And I want to reconcile that with
36 the data that was presented in particular for the
37 Pelagic Longline fleet.

38 So if when there's effort made to
39 actually target the dusky, you're getting huge
40 CPUE numbers, but when there's observed data on
41 the longline, you're basically getting zero level
42 of interactions, unless I'm mis-stating that. I
43 think that's pretty accurate, or in a general
44 sense.

45 Isn't it a logical conclusion that
46 maybe because the longline fleet was basically
47 tasked to avoid interactions, that we've actually
48 been reasonably successful at identifying where

1 these animals are? And as a result, you're
2 seeing far less interactions unless you're using
3 professional fishermen that are going out and
4 actually willing to identify where the sharks are
5 living.

6 So, you know that, it's a difficult
7 concept to understand the scientific premise on
8 how you actually do the science part of it. I'm
9 just trying to really understand, because in the
10 background here of this meeting, I'm also aware
11 that I believe it was Oceana, Margo? That has
12 required NMFS to take some sort of corrective
13 action here, by court order in the very near
14 future?

15 MS. SCHULZE-HAUGEN: We'll talk about
16 that in a bit.

17 MEMBER TAYLOR: But they're -- sorry,
18 not to get too far off the track, but --

19 FACILITATOR BROOKS: Let's focus with
20 a question, okay?

21 MEMBER TAYLOR: Okay, so the question
22 then becomes, that from purely a scientific
23 standpoint, how do you reconcile these huge
24 differences in the CPUE directed data, that when
25 the species are being targeted, and the
26 assumption that you're making in the health of
27 the stock?

28 DR. CORTES: So, you first mentioned
29 some elimination of points. I'm not quite sure
30 what you were referring to. I mean, so there are
31 two steps, right? Let me try to explain again.
32 One, is the standardization of the indices which
33 is done externally to the assessment model.

34 Then once that is done, it goes into
35 the assessment, would be uncertainty that comes
36 from that standardization. And the model then
37 tries to reconcile that with all the other data
38 inputs. So nothing is eliminated.

39 Your second point is good. And I
40 believe you all, however this is an update, first
41 right. We are updating, we cannot start using
42 series that we, have not been vetted. So this is
43 a new data set that would have to be looked at by
44 the assessment panel in another type of
45 assessment.

46 This was purely an update. So we were
47 only using the same data inputs. We're
48 constrained to use the same series that we used

1 before. And I agree with you, that there seems
2 to be, based on what I've been hearing, post-
3 assessment, that this targeted efforts at looking
4 at dusky shark abundance may need a different
5 depiction. I hear you.

6 But what -- the data that we're using,
7 we had used before, do not recognize that. And
8 in fact, not too with the Pelagic Longline
9 Observer Program, which yes has very low levels.
10 But with the Bottom Longline Observer Program,
11 you saw that when we did the splitting of the
12 series, that increase was at least recognized.
13 There was still a lot noise, you know. But that
14 increase was recognized.

15 Let me just finish this quickly and
16 then -- and that's problematic too, you know,
17 because many of these fluctuations, and I don't
18 care if it's going up or down, but those are very
19 hard to reconcile because the model thinks that
20 that's the real abundance of the stock, you know.

21 And we go through all this effort to
22 standardize the series. Taking to account
23 factors that may not be related to abundance. We
24 try to correct for that, but yet at the end we
25 still have these very large interannual
26 fluctuations which are hard to explain

27 But I hear your point. And that's
28 something that in the future will have to be
29 taken into account. If there is a long enough
30 series. And it's vetted by a group of, you know,
31 experts in the assessment panel.

32 FACILITATOR BROOKS: Thanks. So
33 again, the key point there is that -- yes. And
34 one second. It's a key, you know, that there's a
35 constraining factor there in how you are bound to
36 do an update.

37 DR. CORTES: Right.

38 FACILITATOR BROOKS: To use the
39 previous data sets. Yes. Just a brief one.

40 MEMBER TAYLOR: A brief one. And just
41 to clarify, that a lot of the other data that
42 you're using in the Bottom Longline sets come
43 from static stations, do they not? So, you
44 basically have stations up and down the coast and
45 that data comes from where you've made sets over
46 the years to specific places? No?

47 DR. CORTES: Not from the -- sorry.
48 Not from the Bottom Longline. I mean, the Bottom

1 Longline observer program chooses different
2 areas, based on a -- I'm not quite sure on
3 random, but based on a random allocation.

4 No, the ones that have fixed stations
5 are the Northeast, the survey and the VIMS
6 Longline. Those are fixed stations areas.

7 MEMBER TAYLOR: I'm going to, just
8 want to follow-up that I think that it's
9 important to note that we've seen this in other
10 species as well. When you use static areas and
11 fixed stations, that environmental conditions
12 will sometimes change. And therefore, the
13 abundance that you're reporting are therefore
14 going to change.

15 And it seems to me that when you've,
16 and I'm going to leave it at this. When we've
17 actually used the people within the industry to
18 show you where the abundance of these animals
19 are, you're getting a much different picture than
20 what you have with these other models.

21 FACILITATOR BROOKS: Thanks, Scott.
22 All right. Let me run through who I've got in
23 the queue. Obviously a lot of people wanting to
24 jump into this. I've got Ben, then Bob, then
25 Jeff, Rusty, Katie, Mike, Jason, Carolyn. And,
26 Shawn, was your card up to get into this, or was
27 that leftover? That's what I thought. Okay.
28 So, Ben, then over to Bob.

29 MEMBER CARR: All right. So, I have
30 a couple of questions. Scott, I can answer one
31 of your questions about the targeting. We've
32 seen this in cod. We've seen this in everything,
33 is you reduce the population, you get clumping of
34 the species for reproductive reasons. They, and
35 you know this. They try and herd to support
36 survival.

37 My questions regard more to why we
38 need multiple updates on this. If MSA calls for
39 a ten year rebuilding plan by definition, and
40 we're at 100 years, and there's a 95 percent
41 national mortality, and 30 percent of the fish
42 are being caught in the first year, that means
43 we're already out five generations,
44 optimistically, if there's no other mortality.

45 Why are we, and I understand there's
46 a process in everything. But I don't understand
47 why we keep doing these updates and revisions.
48 And, I mean, I've run the models too.

1 But if you have 95 percent mortality,
2 and 30 percent are caught in the first year, and
3 they don't mature until 20 years, there seems to
4 be a disconnect in even meeting a 100 year
5 rebuilding target.

6 FACILITATOR BROOKS: No. Okay. All
7 right. Bob Hueter.

8 MEMBER HUETER: Okay. Bob Hueter,
9 Mote Marine Lab. So, Enric, first of all I
10 wanted to say that I think you actually did an
11 exceptional job, excuse me, exceptional job in
12 presenting this very technical and difficult
13 presentation.

14 Bennet, are we just asking clarifying
15 questions at this point? Because I do have some
16 substantive issues that I want to discuss, that
17 go in line with what Scott was talking about.

18 FACILITATOR BROOKS: I was hoping to
19 keep it, but it's probably artificially not going
20 to work. So, just go for it, Bob.

21 MEMBER HUETER: Okay.

22 FACILITATOR BROOKS: I can ask. It's
23 not going to happen.

24 MEMBER HUETER: Okay. Well, let me
25 ask simple clarifying questions first. One is,
26 Enric, you mentioned that the internal review you
27 think is posted online. Can I ask where that's
28 online, so that we can see it? Does anybody
29 know?

30 DR. CORTES: Oh, I don't know.

31 MS. BREWSTER-GEISZ: If it's posted it
32 would be on the SEDAR web page.

33 MS. McLAUGHLIN: It's
34 sedarweb.org/sedar-21.

35 DR. CORTES: However, Bob, keep in
36 mind that because this was an update, the level
37 of review that was, is also related to terms of
38 reference of the assessments. So, it's within
39 the confines of the update.

40 MEMBER HUETER: Yes. And I appreciate
41 that. I appreciate that you're here. Your job
42 today is to defend the update. But I think that
43 we have questions about the assessment itself.
44 And you are, you know, you're one of NMFS best
45 assessment scientists, I think, the very best at
46 sharks.

47 So, we're going to ask you questions
48 about the assessment. And just simply saying

1 this, well, this was just an update, I don't
2 think is going to answer our questions.

3 So, secondly, for the Northeast
4 Longline data, why are the points not connected?
5 Is that because those, that was not run every
6 single year? Is that the simple answer to that?
7 Okay.

8 And third clarifying question is, in
9 the LPS who IDs the shark? Is it the fisherman
10 reporting the species? Or does the interviewer
11 actually see the fish and ID it?

12 DR. CORTES: I believe it's the
13 fisherman. I believe it's the fisherman. I'm
14 not that familiar with that survey to answer.
15 But I believe it's the fisherman. So, there is a
16 high, you know, I mean, there is concern that the
17 ID is problematic.

18 MS. SCHULZE-HAUGEN: So, a quick thing
19 on that. For fish that are discarded, the
20 interviewer doesn't have the ability to see. But
21 anything that's landed and intercepted would be
22 ID'd by the interceptor.

23 MEMBER HUETER: Okay. So that comes
24 back to the very large species ID problem we
25 have, especially in the recreational fishery.
26 Well, my big concern at this point is, I just,
27 actually, Scott laid out all the points. Is that
28 we were very possibly missing the recovery of
29 this fish.

30 And I think that the fact that the
31 Northeast Longline fisheries independent survey
32 is showing indications of that. And this new
33 Bottom Longline addendum, is indicating that is,
34 at least raises this to the level of the
35 question, are we missing the survey in some of
36 these other indices?

37 For the Pelagic Longline survey, I
38 mean, basically things have been flat since 2000.
39 Now, you talked about the fact that a management
40 change was made in the Bottom Longline fishery
41 in, whenever it was, 2008. And that's why you
42 did the addendum.

43 But there was a huge management change
44 made in 1999 to 2000, when the species was added
45 to the prohibited list. And as Scott indicated,
46 that could very well have changed the fishery, in
47 terms of the allocation of effort. Maybe not in
48 terms of numbers of hooks, but where they put

1 those hooks to stay away from the prohibited
2 species.

3 So, when you look at these curves that
4 keep going down in the Pelagic Longline fishery,
5 I'm concerned that we're missing the upturn. And
6 that upturn is in fisher avoidance, and possibly
7 a little bit in non-reporting. Although we have
8 observers, so that shouldn't be a factor.

9 So then you say, okay, well, a check
10 against that would be to look at the fishery's
11 independent work. Okay. So we have the VIMS
12 survey. We have the Northeast Longline survey.
13 Well, we've seen what Northeast Longline survey.
14 So, why doesn't the VIMS survey show this
15 increase?

16 So again, scientific question that's
17 completely valid is, well, maybe those animals
18 have changed their core distribution. And the
19 VIMS survey, which is an inshore survey that
20 doesn't move, and is stuck right there in the,
21 you know, the mouth of Chesapeake Bay, maybe it's
22 not seeing the return of the fish because they're
23 moving further offshore.

24 They're moving perhaps north, south,
25 who knows, due to climate change, due to other
26 factors. And the check against that would be the
27 New England, or sorry, the Northeast Longline
28 survey, which runs from the Florida Keys, all the
29 way up to Ocean City, Maryland.

30 This is my concern, that we're, you're
31 saying, these are the cards we're dealt, so this
32 is the result. Unfortunately, this result is
33 then used to cut down fishing, to restrict this
34 fishery. That's not fair if, in fact, these are
35 legitimate concerns about this assessment.

36 And we have to figure out a way to
37 come up with calibrations for these models that
38 incorporate fisher avoidance, and possible
39 changes in the distribution of the fish due to
40 things like climate change. Your response,
41 please.

42 DR. CORTES: Yes. These are good
43 points, Bob. The fisher avoidance is problematic
44 to model. But we are cognizant of it. Again,
45 I'm going to have to repeat the same. I know it
46 sounds like an excuse. This was an update. But
47 when we do a new benchmark we'll have to really
48 look into all these issues, more in detail.

1 I mean, you were probably involved in
2 SEDAR 21. We spent a tremendous amount of time,
3 16 months or so, vetting all the data sources,
4 going through an excruciating review process.
5 Everything was vetted.

6 But obviously, there are always things
7 that are missed, and were missed. And, you know,
8 we have to hear, you know, the voices of
9 everybody. We cannot ignore evidence, of course.

10 Having said that, to the issue of the
11 Northeast Longline versus VIMS, VIMS fixed
12 stations, I agree with you, there could be
13 changes. Also, as I noted, it may not be
14 sampling the whole population.

15 The other thing that concerns me too,
16 because it almost seems like a nice picture,
17 right. But if we believe that the VIMS Longline
18 ID is correct, which we have to, and that that
19 decrease is real, that like you say, well, what
20 caused this, you know? I mean, why is there such
21 a decrease in mostly small animals? Have they
22 maybe started moving? Are they missing?

23 Well, in theory we are correcting for
24 these things with the GLMs. But obviously not
25 well enough. Because the proof of that is that
26 we have these inter-annual changes in abundance.
27 Not necessary in VIMS.

28 But, for example, in the Northeast
29 Longline, right. Because it seems, oh, yes,
30 they're increasing there. Again, Northeast
31 Longline is a survey. We have to believe it.
32 But I'm also, we have to be aware that there, we
33 only have eight data points for the whole series,
34 you know. They run every two or three years.

35 And the other thing that concerns me
36 is these huge changes in abundance that are not
37 compatible with the biology of the species, when
38 you do it on an annualized basis. So, something
39 is being missed in those two. So, maybe those
40 increases are not as high as they are.

41 But, having said that, I hear you.
42 And again, that's something that has to be,
43 that's not something that I can unilaterally
44 decide. And we cannot use new series. We have
45 to sort it all on the table and kook at it again.

46 And, you know, if we want to consider
47 a new data series. But again, this was just an
48 update on an assessment that had been vetted in

1 2011. And those series at the time were
2 considered to be reliable, to the extent that
3 they were.

4 But, you know, I'm aware of this
5 point. And, I mean, I'm concerned as well. And,
6 but that's what the data we had, that's the play
7 they dealt us, you know.

8 FACILITATOR BROOKS: Thanks, Enric.
9 I mean, obviously we're already hearing some very
10 valid questions and concerns about the approach.
11 I think we're also hearing, yes, I hear those.

12 I have, you know, there's a constraint
13 and an approach that doesn't afford a lot of room
14 for addressing the kinds of issues that are being
15 very legitimately raised.

16 So, I think maybe when we talk about,
17 when we shift to the management questions in a
18 minute, we can, or in a few minutes, think about
19 that in that context as well. Let me get back to
20 the queue. And, Jeff, and then Rusty. And then
21 we'll keep working our way.

22 (Off-microphone comment.)

23 FACILITATOR BROOKS: Jeff, could --

24 MEMBER ODEN: I want to defer to Rusty
25 right now.

26 FACILITATOR BROOKS: Okay, fine.
27 Thanks. Rusty.

28 MEMBER HUDSON: Thank you. Rusty
29 Hudson. I've got a few questions. Of course, I
30 haven't seen the internal review myself. Were
31 the reviewers identified, or are they anonymous?

32 DR. CORTES: Yes. No, they are
33 identified.

34 MEMBER HUDSON: Okay.

35 DR. CORTES: This is the NOAA internal
36 review.

37 FACILITATOR BROOKS: NOAA internal
38 review?

39 DR. CORTES: Correct.

40 MEMBER HUDSON: But no external
41 review?

42 DR. CORTES: Updates do not require
43 reviews. But we got reviews anyway. Because,
44 since we don't have a formal SSC, we got some
45 internal reviews of people who are familiar with
46 shark assessments.

47 As you'll see, the people who reviewed
48 it -- And again, as I told Bob, it's, keep in

1 mind that it's within the confines of the update
2 that they conducted the review.

3 MEMBER HUDSON: A few years ago on the
4 Council level, the protocol on full benchmarks
5 and updates was changed. Updates used to involve
6 industry input. Then they created a hybrid
7 called the standard assessment in between.
8 Updates then became behind closed doors, with a
9 basically strict protocol.

10 But there were some liberties with
11 vermilion snapper, some of the earlier SEDAR
12 efforts to have to manipulate the model a little
13 bit, because of the changes in the model across
14 time. The catch-free seems to be a very
15 simplistic model. And as we have this expanding
16 biomass, just as dusky is the example.

17 And we look at the Northeast Longline
18 series, and as you mentioned, the eight sets. In
19 1996 there were, I mean, the eight surveys. In
20 1996 there are 95 sets. In 1998 there are 91
21 sets. In 2001 there are 85 sets.

22 Most of that began either in the east
23 Gulf, around Tampa Bay, down in the Keys, and
24 then they worked their way up to Delaware Bay.
25 So the north end would be around 38 degrees north
26 latitude.

27 Then we got to what I call the post
28 period, the prohibition period, effectively March
29 2001, April, whatever, was a commercial
30 prohibition for dusky. Actually, that's 2000.

31 In March 2001 was the closed area off
32 of Florida, year round for the Pelagic Longline,
33 and also the Charleston bump just to the north
34 for a couple of months. That changed the
35 behavior of the Pelagic Longline fleet.

36 Then, as we came into the future we
37 had an effort that began in '03, that led to the
38 January 1st, 2005 habitat area of particular
39 concern, off of North Carolina, which took into
40 account a lot of the records to be able to
41 protect sandbar and dusky, mostly juveniles and
42 pups, but also the pregnant females as they came
43 into that odd salinity that they don't stay in,
44 they don't feed in. They just dump their pups,
45 and they get back out into their regular realm,
46 or world that they like to live in.

47 That in 2005 changed the behavior of
48 the fishermen in Mid-Atlantic, where sandbar had

1 been a big part of our catch, 50 percent or our
2 large coastal catch predominantly through the
3 decades.

4 But then, 2008 we wound up taking the
5 sandbar away from the general, the directed fleet
6 and incidental fleet in general, and gave it to
7 three to seven boats, depending on the year, with
8 100 percent observer coverage. And then some of
9 those boats were allowed to fish into the half
10 sea, which then showed higher interactions with
11 duskies and sandbars, and stuff like that.

12 So, that was another behavior change
13 for the Bottom Longline, and for the fleet in
14 general, when you took the sandbars away from
15 Texas, all the way up to Massachusetts. That's a
16 big deal. The VIMS --

17 Well, let me keep on going on. So,
18 with that change, and then as we get into the
19 closer periods, then we started seeing stuff with
20 the SEDAR 21 2011 report. And then with that
21 report we wound up knowing we had to do more
22 reductions. We come down from the 400 years,
23 2006, down to the 100 years. Now we're down to
24 half a century, or three-quarters of a century,
25 or something like that, just depending on what
26 you want to believe.

27 Your addendum. I take it your
28 addendum was done so that the reviewers are able
29 to review that. But it wasn't -- No? They
30 didn't review that. Okay. Back to, again, to
31 these sets.

32 Once we started getting into the lower
33 number of sets with the Northeast Longline, they
34 started more or less starting at Fort Pierce,
35 around 27 degrees north latitude. And generally,
36 they'd try to work to Delaware back, up at the 38
37 degrees, thereabouts.

38 But for whatever reason, 2007 they've
39 been using spiny dogfish as their bait. They ran
40 out of bait. So, they only made 25 sets, down
41 from 69, 85, 91, 95 sets, going all the way back
42 to '96. '09 they managed to get 49 sets in, '12
43 48 sets in, 2015 50 sets in.

44 But yet, you have an exponential
45 increase in the number of duskies being caught
46 and tagged, and released. And I don't see this
47 high incidence of dead discard mortalities, you
48 know, associated with this, like we see what's

1 used in the model from SEDAR 21.

2 And that's something that needs to be
3 revisited. There are several things that need to
4 be revisited. Whether it's the age of maturity,
5 whether it's the straddling stock, the 16 to 20
6 percent of the tag recaptures, from '63 all the
7 way to 2009 that came from Mexico, and all the
8 way down to Panama. Almost South America now.

9 So that says a lot about the biomass
10 in general. And it's all one genetic stock for
11 the south end or to Atlantic Ocean. So we know
12 all this.

13 But again, this last year, with 50
14 sets getting truncated at North Carolina, not
15 even really getting up into maybe the areas where
16 some of the core dusky pupping and stuff may be
17 occurring, 312 duskies. It was the third most,
18 right behind 1,706 sandbars for last year.

19 And thank you, Bill Karp. He managed
20 to make available the very next day, the report
21 for the survey last year, you know. On July 8th
22 I got that.

23 FACILITATOR BROOKS: Rusty, I want to
24 just ask you to try to bring it to a question or
25 conclusion, just because we've got a bunch of
26 people who want to get in.

27 MEMBER HUDSON: The Bottom Longline
28 Addendum shows that we have increasing trends,
29 just like the Northeast Longline does. It begs
30 for a standard assessment, something with
31 industry involved so you can incorporate the
32 behavior changes.

33 So you can perhaps incorporate some of
34 the age to maturity changes too. Because that 19
35 to 26, and 42 year, you know, max age based on
36 the Magnuson paper, you know, is stuff that needs
37 to be revisited. So, this should never have been
38 an update. It should have been a standard at
39 very minimum.

40 Now, that's what we are approaching
41 with sandbar coming up. And we'll have similar
42 issues. The lookalike thing, the LPS, you and I
43 both know ID issues, recreational with the brown
44 sharks in the Northeast is a big problem. And it
45 never was a real big source of information for
46 those two sharks anyway.

47 So, again, all of these differences
48 would have made, I think you're, functionally

1 you're doing great work. Historically, I've
2 worked with you a long time. But even I said, I
3 would be glad to help you with any inputs. And
4 it's something that should have been done, could
5 have been done.

6 But then again, you have the Oceana,
7 you know, push, and the agreement back in May,
8 and the agreement for October, and the agreement
9 for March next year. And so, now we're
10 constrained by that, unless over fishing has not
11 occurred.

12 But we can't quite, or with the
13 addendum can we almost say that? In reality we
14 don't have to punish our people unilaterally with
15 the straddling stock we share with Mexico that's
16 doing nothing.

17 FACILITATOR BROOKS: Okay. Thanks,
18 Rusty. Enric.

19 DR. CORTES: Thank you for that
20 encyclopedic wrap up. No, it's very good. It's
21 very informative for everybody. I just wanted to
22 bring up a few things first on sort of, maybe on
23 a more personal note.

24 You know, we have limitations as to
25 how many and what kind of assessments we can do.
26 But I hear you. And sandbar will be that way, by
27 the way. Just one thing at the beginning, I was
28 trying to take some notes.

29 You said catch-free is simplistic.
30 The catch-free is pretty nice actually. And it's
31 not a matter of them all. It's a matter of the
32 inputs that we have. Because you could use any
33 other model. We don't have the input. So, you
34 know, garbage in, garbage out.

35 So, what we have to put more effort in
36 is in, like you pointed out, identifying all
37 this. And Bob pointed out, and Scott pointed out
38 these changes in management that have to be fully
39 taken into account when summarizing these
40 instances of abundance.

41 You referred to something I didn't
42 follow, was some bycatch mortality in SEDAR 21.
43 I'm not sure what you are talking about, since we
44 didn't consider any catches.

45 MEMBER HUDSON: Live releases and/or
46 dead releases in the discard mortality rate,
47 versus what may be seen. It's been brought up
48 already in 2016, but it's not vetted. That's the

1 next time go around. But that's an important
2 feature.

3 DR. CORTES: Okay, yes. Because we
4 did not take, as I said, any catches into account
5 in SEDAR 21. So, I mean, just to reiterate, yes,
6 you know, we need to look at this series,
7 scrutinizing even more than we have in the past.

8 With benchmark assessments we have a
9 week long data workshop. And there's a group
10 completely dedicated to trying to standardize
11 that, with which the, you know, the industry
12 participates fully. And still, that's, you know,
13 apparently was not sufficient enough in SEDAR 21.

14 So, what can you say? We have to keep
15 scrutinizing everything, you know. And I agree.
16 Because at the end of the day, no matter what the
17 model is, it relies on the inputs that are fed to
18 it, you know. And the CPUEs particularly for
19 this model are what give us the trends, you know.

20 FACILITATOR BROOKS: Thanks. Rusty,
21 I'm going to actually put you on hold. I'm going
22 to put you on hold. We got just a ton of people
23 to get in here. Hang on. Hang on. Let's let a
24 few people get in. Katie.

25 MEMBER WESTFALL: Thank you. Katie
26 Westfall, Environmental Defense Fund. Thank you,
27 Enric, for that presentation of very technical
28 topic. It was very clearly presented. I think
29 it's great that you're looking at the context of
30 the data, and acknowledging the management
31 changes, and how that impacts what you're seeing.

32 And separating the shark research
33 fishery, I think the results are a lot more
34 encouraging than what we saw in the pre-peer
35 review. That range, 24 to 80 percent reduction
36 in mortality is certainly a lot better than the
37 47 to 91 percent that we in the pre-peer review.

38 My question is, is that a reduction in
39 mortality? Or is that a reduction in effort?
40 The pre-peer review assessment called for a
41 reduction in effort. So I just want to clarify.

42 DR. CORTES: Well, as was done in
43 SEDAR 21, we equated the reduction necessary
44 enough to reduction in effort.

45 FACILITATOR BROOKS: Anything else,
46 Katie?

47 MEMBER WESTFALL: Yes. And what does
48 that new range correspond to in terms of total

1 catch reduction?

2 DR. CORTES: Well, that's the problem.
3 Because this is done with respect to effort. The
4 reductions in catch that it presented are
5 extremely uncertain, because of, as I explained,
6 the way that we --

7 Because it's a catch-free model we had
8 to come up with a way to include catches in the
9 model. And that was done by calculating that
10 scalar. But that only used data from when we
11 believed the catches were more believable, which
12 was up until the FMP was implemented, and before
13 the dusky shark was prohibited, '93 to '98.

14 But the catches are very iffy. That's
15 why we needed to catch them all in the first
16 place. So, we include them, because we did in
17 SEDAR 21. But it was also highlighted in SEDAR
18 21 that those tags, those required reactions in
19 tag were very uncertain. Because they were based
20 on very uncertain data.

21 MEMBER WESTFALL: Yes. I want to
22 second Bob's concerns and questions about this,
23 and as well, you know, Rusty and Scott. They
24 brought up some very valid points.

25 And I guess my question is, you know,
26 clearly there's a need for a better data
27 collection program that will translate to a more
28 certain assessment. And, you know, that data
29 collection requires long time series.

30 So, I'm wondering, you know, if
31 there's a better way to get at a more, you know,
32 a better assessment? When can that start
33 happening? And is that something that's being
34 considered for the draft amendment that is, you
35 know, expected to come out soon?

36 MS. SCHULZE-HAUGEN: We'll take it
37 into our consideration. I can't tell you what's
38 in the draft amendment right now.

39 FACILITATOR BROOKS: Okay. Thanks,
40 Katie. Mike.

41 MEMBER SISSEWINE: Yes. Thank you.
42 I'll be very brief. First, I'd just comment
43 that, you know, it's pretty obvious that the
44 scientists involved in this have been put in the
45 situation of trying to make a silk purse out of a
46 cow's ear.

47 And then, I think you've done a
48 terrific job at trying to make something out of

1 this. But it really is difficult, given all the
2 uncertainty in data. In particular the lack of
3 catch data.

4 Just to clarify two points. One is,
5 you give the various CVs for the assessment. But
6 I'm presuming that those would have to be
7 underestimated, given all the assumptions that
8 are within the assessment.

9 And as Scott pointed out, data that
10 isn't used. That obviously adds a level of
11 uncertainty that isn't reflected in the actual
12 calculations of CVs. I don't think there's any
13 way it could be. But the implication is that the
14 CVs are probably even larger than what you can
15 calculate. Do you have any view on that?

16 DR. CORTES: I'm not sure if I quite
17 follow what you're getting at. I mean, yes, the
18 CVs were all over 1, very large. And, I mean, in
19 the model we take into account different sources
20 of uncertainty, like process error as well.

21 We calculate, or we estimate this
22 additional variance parameter that comes out of
23 the, each of the indices. So we take into
24 account for the indices of abundance.

25 The CVs that come with the
26 standardization, okay. So that's inputted as an
27 input in the model. But then we also have this
28 additional variance parameter for process errors.
29 So, I mean, we take into account to the largest
30 extent possible the sources of uncertainty.

31 One thing we have, for example, were
32 recruitment deviations. Because we don't have
33 really indices of, you know, recruitment indices.
34 And that somehow may be reflected in one of the
35 reviews.

36 I actually pointed that out, may be
37 reflected in the, some of the estimated
38 parameters being more indicative of a more
39 productive stock than we assumed in the model,
40 with the prior information. So, I don't know if
41 they can be much more larger than they already
42 are. Because they are already very uncertain.

43 MEMBER SISSEWINE: All the actual
44 calculations of the CVs are made conditional on
45 various assumptions in the model, right? I mean,
46 for example, you calculate a CV of the fishing
47 mortality over F_{MSY} fishing mortality.

48 There's an assumption of at what level

1 F_MSY fishing mortality is, relative to M
2 parameters, or something of that nature. Is
3 there not? There's an assumption with the
4 minimum biomass threshold is relative to E_MSY,
5 with taking account of natural mortality.

6 So, there are a variety of assumptions
7 that are made. I mean, they're made in every
8 assessment. They're necessary. But all of the
9 actual calculations that come forward are
10 conditional on those assumptions. That's
11 basically the essence of what I'm asking.

12 DR. CORTES: Yes, sure. They are.
13 And we have, I mean, I haven't shown them. But
14 we have priors, because we use a Bayesian
15 approach. So we have priors for a number of
16 parameters that are estimated. And those were
17 vetted by the assessment panel.

18 And, but, I mean, there is a lot of
19 uncertainty in the estimates already taken into
20 account. Now, I see your point, that it could be
21 even larger. Well, it's possible. But as it
22 stands it's already pretty uncertain.

23 MEMBER SISSEWINE: Yes. Given that,
24 one would expect that the projections to rebuild
25 with 50 percent probability would be much more
26 robust in terms of the year it occurs in the
27 projections of 70 percent probability, or any
28 other probability. Just because of the asymmetry
29 in the distributions, and the problems of
30 estimating tails of distributions, and all that.

31 But, so that I don't take up too much
32 time. The key question I wanted to ask is, in
33 fact, after this is all done, is the assessment
34 actually giving catch advice?

35 DR. CORTES: We include it in the
36 report, as I was answering to, I forget your
37 name, sorry, Katie. Sorry. Because we had
38 produced some tags. So the equivalent of that
39 would allow that rebuilding.

40 But because of the variance written
41 into the assumptions used we essentially had to
42 refit them all with catches. We had to include,
43 anyway, the Baranov catch equation essentially.
44 We had to get a value that produced that scalar
45 that we can --

46 Because we needed that for the
47 projections, to do the projections in that. But
48 we really don't attach much credence to those,

1 because of the uncertainty.

2 And to your earlier point of the
3 median, the 50 percent, yes. I mean, the
4 projections themselves incorporate more
5 uncertainty. Because that was one of the, at the
6 time when we first did these projections for some
7 of the other species, not necessary for duskies.
8 Because we had done them for duskies, sandbars,
9 and others.

10 But the peer review was actually
11 wanted as to incorporate more uncertainty into
12 the projections. Because initially we were just
13 projecting with process area and recruitment.

14 And for sharks that's one of the
15 things that doesn't vary as much. So they wanted
16 us to incorporate that uncertainty in the
17 terminal biomass and in the terminal F.

18 And that's why we ended up using this
19 multivariate distribution of the three, biomass,
20 F, and pup survival, which is one of the ways
21 that productivity is expressed in sharks, to
22 incorporate fully that uncertainty in the
23 assessment, which was very large. So that, in
24 theory, is brought forward in the projections.

25 FACILITATOR BROOKS: I'm going to jump
26 in here. We've got five people left in the queue
27 who haven't had a chance to weigh in. And the
28 sixth, Jeff, if you're still looking to get in.
29 So, and we do have a brief presentation on
30 Amendment 5B that we want to get to.

31 So, I'm going to ask the folks who are
32 in the queue to try to focus on any topic that
33 hasn't been covered, so we can still have time to
34 work through that presentation. So, I've got
35 Jason, Carolyn, Dewey, Lisa, Terri, and then
36 Jeff.

37 MEMBER ADRIANCE: Thanks. Jason
38 Adriance. Michael just stole my thunder
39 basically. I do, I appreciate the level of
40 detail in this presentation. Thank you very
41 much.

42 My ultimate question was going to be,
43 given the uncertainties, and everything you
44 presented regarding the assessment, is the
45 assessment team recommending, or the review team,
46 that this be used for management advice?

47 DR. CORTES: Well, my final concluding
48 slides show that there's a lot of uncertainty.

1 And again, as I've mentioned before, the
2 reviewers were asked some specific questions
3 within the context of an update. And I must
4 refer you to SEDAR 21 where a similar assessment
5 was ultimately deemed appropriate for management
6 advice.

7 What I say is that it's highly
8 uncertain. It's a data limited assessment. So
9 that has to be taken into account, in terms of
10 your risk tolerance as well. And like Mike
11 mentioned as well, maybe in cases like this going
12 with the median, 50 percent probability may be
13 more appropriate. Just my personal thoughts.

14 FACILITATOR BROOKS: Thanks. Carolyn.
15 (Off-microphone comment.)

16 FACILITATOR BROOKS: Okay. Thank you.
17 Dewey.

18 MEMBER HEMILRIGHT: Thank you. Dewey
19 Hemilright. I'm going to focus on the Bottom
20 Longline observer program. And in here I got a
21 couple questions and comments.

22 My question is, tell me about the
23 regional dusky bycatch cap. Is that only for the
24 Bottom Longline, the one boat that fishes in
25 North Carolina for the observer program?

26 Because when you look at the second
27 part of it, it says HMS allocated the North
28 Carolina region, an area known for higher dusky
29 interactions in previous years, more did dusky
30 shark quota. So, is that dusky shark quota for
31 all fishers? Or is it just for the one boat that
32 fishes in the research fishery?

33 MS. BREWSTER-GEISZ: Hi, Dewey. So,
34 the dusky bycatch cap is set for all fishers.
35 But then we allocate certain numbers for the
36 different regions, which generally end up to be
37 one region, one fisherman. If a different region
38 is not reaching its cap, we do reallocate some of
39 those duskies to other regions that might have
40 reached it.

41 MEMBER HEMILRIGHT: And also, given
42 the area that you all have closed off, North
43 Carolina, that's known for higher interactions of
44 dusky shark interactions, why would you let a
45 research fishery operate in that area, knowing
46 that they're going to catch duskies?

47 MS. BREWSTER-GEISZ: So, that was a
48 request from the science center, in order for

1 them place PSATs and other tags on duskies. So
2 they are doing targeted research in the closed
3 area because they know they can actually reach
4 dusky sharks there.

5 MEMBER HEMILRIGHT: I think Enric's
6 presentation was a good presentation. I think
7 what we're seeing here, in my involvement in
8 fisheries, or shark fishing, used to for 20 years
9 or something, is you're seeing some surveys that
10 are actually working, and some surveys that are
11 outdated.

12 You're seeing some surveys that are
13 having environmental effects of probably the VIM
14 surveys with environmental conditions. You look
15 at the Bottom Longline observer program, and the
16 anomalies, or so called, of the dusky catches in
17 that area.

18 You also look at the Pelagic Longline
19 that's staying flat, probably because of
20 fisherman are getting lots more since 2000,
21 avoiding the duskies, using circle hooks, using
22 300 pound test mono, which was kind of
23 interesting in a project that we just did back in
24 June that's being proved and vetted, and all
25 that, to where we used hook timers and satellite
26 tags for post release mortality.

27 And I was amazed at just how long a
28 dusky lives on a, with hook times. And also the
29 300 pound mono with all the buy offs. And so, I
30 think you're seeing, you know, I know you're
31 seeing through the Northeast Longline survey that
32 they do, even though it's only a few years.

33 But you're still having a hard time
34 rectifying why there are so many sharks you're
35 seeing. Because it goes against reality of
36 biology. How about just maybe there are just
37 more sharks. That could be a possibility. But
38 I'm hoping that's what it is.

39 And some of the things that's
40 difficult here is the industry and the
41 constituents are looking at this as being a choke
42 species for other, for our Pelagic Longline
43 industry. And it's coming more to fruition with
44 the law suit, in which you all settled.

45 And now we're seeing what could be the
46 outcome of this law suit. Are we going to bill
47 the state fishing? You know, the Pelagic
48 Longline industry, we're using circle hooks,

1 we're using light mono.

2 The post release mortality that will
3 get vetted here in the future is going to be
4 probably south of somewhere, 15 percent versus
5 your 85 percent that you use for a blue dog
6 study. So, best available bill will take over
7 then.

8 So, I'm just hoping that the industry,
9 and other industries, commercial fishermen, can
10 weather this little storm here of what you all
11 hopefully didn't negotiate our livelihoods away
12 in the outcome of this, to keep our industry
13 going, and to keep fishermen, American fishermen
14 fishing. Thank you.

15 FACILITATOR BROOKS: Thanks, Dewey.
16 I've got three more speakers, and we've got about
17 three minutes. Lisa, then Terri, then Jeff.

18 MEMBER GREGG: Lisa Gregg, Florida
19 Fish and Wildlife Commission. Last year in the
20 September 9th meeting that we had, you guys did a
21 nice, really nice presentation on, what was it
22 called? It was Atlantic Shark Stock Assessments.
23 I don't know, it was dated September 9th, 2015.

24 On Slide 7 you guys talk about all of
25 the limitations that you have with dealing with
26 shark stock assessments, the fact that there are
27 42 species, 45 known stocks. There are only two
28 NMFS stock assessment scientists. And we talk
29 about how you want to do approximately one big
30 and one small assessment per year.

31 And I think, and one of the things you
32 guys were talking about doing was working on a
33 method to assess data poor stocks. So, I want
34 to, my first question is, what have you, within
35 the last year, what have you done to work on
36 methodologies to assess data poor stocks?

37 Since this was one of the things you
38 identified a year ago, that this was an issue,
39 and you needed to be working on. And one of the
40 things you pointed out in that slide also is that
41 most sharks need a benchmark assessment due to
42 changing data, changing info on stocks, and
43 changing assessment methodologies.

44 And this is what we're, you know,
45 we're hearing from, you know, with Rusty saying
46 that this is, there's changing data, there's
47 changing information, and also changing
48 methodologies. So, you guys have recognized

1 these things also. So, you know, here we are a
2 year down the road. What have you guys done?

3 DR. CORTES: Are you asking me?

4 MEMBER GREGG: You, or whoever can
5 answer the question. It doesn't matter.

6 DR. CORTES: Well, I can, you gave the
7 answer to people. And that's my answer.
8 Personally, I have been working on data limited
9 methodologies. But just as a scientific
10 endeavor.

11 However, we are not afforded the time
12 to pursue those. And I believe that's something
13 we want to do. We've been talking about it. But
14 when you have benchmarks that last at least a
15 year, you do the arithmetic.

16 FACILITATOR BROOKS: Lisa, one other
17 comment, please.

18 MEMBER GREGG: And I understand the
19 limitations. And I really do feel for you. But
20 again, there might just be solutions. And I've
21 mentioned this before, is that both the South
22 Atlantic Council and the Gulf Council have
23 processes for dealing with data poor sharks.

24 And I don't think we need to reinvent
25 the wheel. I don't understand why we can't
26 follow their lead, and put, you know, follow the
27 same methodology that they're doing. Maybe I
28 don't understand all of the ramifications.

29 Maybe it's different for HMS than it
30 is for other species that are managed. But
31 again, they already have a process. So why
32 reinvent the wheel?

33 DR. CORTES: Yes. Actually, I mean,
34 we've done some work in the past on ecological
35 risk assessments as a first step, that was then
36 as a NMFS group several years ago. And, I mean,
37 when we have some of the methodologies as well we
38 have even developed some of our own scientists.

39 But, so it's not a matter of that.
40 It's a matter of also having the time, and
41 putting all the species, identifying the species
42 and the methods to conduct those assessments.

43 FACILITATOR BROOKS: Okay. Terri and
44 Jeff. And again, we're getting very squeezed
45 here.

46 MEMBER BEIDEMAN: So are we. Terri
47 Beideman. I applaud your candor in openly
48 stating the last two slides with your caveats and

1 conclusions, and making it, you know, pretty
2 clear even to me that this is rife with problems
3 and a lot of, with this assessment, particularly
4 this crank-it-out assessment that uses the same
5 assumptions. So my question, and I have a
6 follow-up, when is the next standard survey for
7 dusky sharks planned?

8 FACILITATOR BROOKS: Terri, just ask
9 both questions right now.

10 MEMBER BEIDEMAN: Okay. Well, that's
11 the only question, then I have a comment.

12 (Off-microphone comment.)

13 DR. CORTES: You mean standard
14 assessment?

15 MEMBER BEIDEMAN: Yes.

16 DR. CORTES: It's not planned right
17 now. We have a long list of assessments before.

18 MEMBER BEIDEMAN: So, it's so far out
19 that you can't even see it? Okay. So, I have
20 concerns, you know. Other folks have raised lots
21 of concerns. I also echo their concerns with
22 using pelagic observer data as an index of
23 abundance. It likely reflects just operational
24 changes.

25 And for years we were told that you
26 couldn't make an index of abundance by using
27 Pelagic Longline gear data for Bluefin tuna,
28 because we weren't allowed to direct on them.
29 So, that was not a good way.

30 Now, we didn't necessarily agree.
31 However, you know, now we have one where, you
32 know, we haven't even been allowed to possess
33 them. And it's been made a very high priority
34 for people to avoid them since 2000, and again
35 through this process. So, I have a lot of
36 concerns with this.

37 But I really have problems with NMFS
38 being forced by litigation to overlook all of the
39 shortcomings, and all of these caveats that you
40 have, and move ahead with action just because of
41 litigation.

42 And I was a little concerned that you
43 were asked to incorporate more uncertainty by
44 internal reviewers. And I'm not sure what that's
45 all about. But I'll just leave that to the
46 imagination. Thanks.

47 FACILITATOR BROOKS: Thanks, Terri.
48 Jeff, you get the last word here.

1 MEMBER ODEN: Well, I'm just a lowly
2 fisherman that doesn't rely on in highs. I'm
3 actually on the water. I, you know, I don't do
4 catch-free modeling. I do catch modeling.

5 And I'd just like to give the people
6 a little review, since I don't think Walter's
7 going to get the opportunity. I don't know if
8 he's going to do it here or not.

9 But what we, Dewey and myself ended up
10 seeing there on our little study, which was Eric
11 and, who was the other, Craig. We had two
12 scientists from the Pascagoula Lab. We ended up,
13 they were in a set there. We were doing bycatch
14 mortality study, you know.

15 And, anyhow, we did it off of a, you
16 know, North Carolina there. Went inside of where
17 we normally fish, 50 fathoms and in, and some of
18 the gear drifted out. But anyhow, in this set we
19 ended up setting 673 hooks.

20 We had, let me see here, it soaked for
21 up to eight hours. In the process we caught 151
22 duskies, had 175 bite offs, had 204 empty hooks,
23 which in my case, whales ate half my bait. There
24 were both scalloped hammerheads and smooth
25 hammerheads, as well as spinners and sandbars,
26 and one mako, plus a handful of mahi.

27 This is the first time I've been shark
28 fishing in 12 years. You know, if I'd have set
29 that gear the way we used to, with 700 pound test
30 trying to target sharks, it would have been
31 unprecedented. I mean, it would have been off
32 the regular scale.

33 Conversely, a friend of mine that same
34 day was 35 miles on the beach fishing, caught a
35 dusky off the beach. I could have gone 100 miles
36 south. I could have caught probably the same
37 amount of dusky.

38 Three days later I went 130 miles
39 north, up off the Washington Canyon, and a friend
40 of mine was there with me. We were mahi fishing.
41 He made the mistake of going up inside, and
42 trying to test set. He only set three miles.
43 Same result, you know. They're through the roof.

44 The only people that don't seem to see
45 this is your lab, I guess, or your assessment
46 scientists. And, you know, I have a lot of other
47 questions, which I do have to get to a little
48 later.

1 But I just want the panel here to
2 understand what's on the water. The Bottom
3 Longline survey, I mentioned Charlie Loche going
4 inside there a few years back, 204 duskies out of
5 450 hooks. I mean --

6 FACILITATOR BROOKS: Thank you.

7 MEMBER ODEN: I don't know where
8 you're missing it. But anyhow, I just want, you
9 all need to know what's going on. And you're not
10 saying the truth. And I do have some more
11 questions for you, sir.

12 FACILITATOR BROOKS: Okay.

13 MEMBER ODEN: Thanks.

14 FACILITATOR BROOKS: Thanks, Jeff,
15 very much. While we get Tobey set up, and he's
16 going to do a lightning fast update for us on 5B.

17 Let me just say, obviously message
18 heard loud and clear from around the table.
19 There is, you know, obviously a strong sense that
20 there's a disconnect with what's happening out
21 there on the water.

22 There's concern about this serving as
23 a choke species, and a choke species not driven
24 by what you all are experiencing and seeing. And
25 obviously a strong hunger for a full and new
26 assessment approach that accounts for everything
27 from, you know, fisher avoidance, to
28 environmental changes, to rethinking the value or
29 location of static stations, involving industry,
30 learning from Council approaches. There's a
31 laundry list of suggestions that have come
32 through here.

33 MEMBER ODEN: Can I make one quick
34 comment?

35 FACILITATOR BROOKS: Go fast.

36 MEMBER ODEN: Okay. There's one other
37 thing of what we did. The preliminary data
38 showed that less than 15 percent mortality. Now,
39 five, five percent mortality in what we were
40 doing with our 300 pound leaders, versus what was
41 normally assumed was 700 pound test leaders in
42 the other assessment. And, anyway, that just
43 needed to be said for certain. And one other
44 thing --

45 FACILITATOR BROOKS: Jeff, we're going
46 to -- Let me, we got to --

47 MEMBER ODEN: There are 45 of us left,
48 47 active after A7. And it was AD5 or AD7, pre

1 A7. So, if you're looking for --

2 FACILITATOR BROOKS: Understood --

3 MEMBER ODEN: -- a solution, it's not

4 --

5 FACILITATOR BROOKS: Understood. All
6 right. Well, thank you all. Obviously this is a
7 topic that is going to require a heck of a lot
8 more conversation here. But, Tobey.

9 MR. CURTIS: Thank you. Yes, I'm
10 Tobey Curtis. So, I'm new to HMS. I was very
11 excited to join the team in May. And then they
12 told me I'd be working on Amendment 5B. So, here
13 I am.

14 So, this presentation I'll go through
15 quickly. It was sort of an exercise for me to
16 get updated with the background, how we got to
17 where we are with this amendment. So I'll run
18 through that quickly, and then where we're headed
19 in the near term.

20 So, with dusky sharks the first
21 assessment was in 2006, determined the stock was
22 overfished. And overfishing was occurring. 2008
23 we had Amendment 2, included dusky shark
24 rebuilding plan and 100 year rebuilding
25 timeframe, to rebuild by 2108.

26 And in August 2011 we had SEDAR 21,
27 which is the next full benchmark assessment.
28 Determined that duskies were still overfished,
29 and experiencing overfishing.

30 October 2011 NMFS announced its intent
31 to repair Amendment 5. November of 2012 we had
32 Draft Amendment 5 in the proposed rule. It
33 included measures for multiple species, including
34 dusky sharks, based upon SEDAR 21.

35 In April of 2013, based on comments on
36 the proposed rule, NMFS removed dusky shark
37 measures from Amendment 5 for further analysis.
38 And now is the notice of intent for Amendment 5B,
39 which would focus just on dusky sharks.

40 So, then May 8th, 2013 we had received
41 a petition to list dusky sharks under the
42 Endangered Species Act. And we had a positive 90
43 day finding. And a status review was initiated
44 for dusky sharks at that time.

45 Jump ahead to March 2014, we have an
46 Amendment 5B pre-draft was released for comment.
47 And it incorporated a lot of the comments on
48 Draft Amendment 5 and HMS AP input from previous

1 meetings for dusky sharks. And included a new
2 range of alternatives different than what was in
3 the original proposed Amendment 5.

4 October 2014 the ESA status review was
5 completed. It indicated a low extinction risk,
6 and some signs of rebuilding. And in December
7 2014 NMFS determined that ESA listing was not
8 warranted for dusky sharks.

9 So, and then September 2015 we had an
10 AP presentation here that showed that there had
11 been a reduction in dusky shark fishing mortality
12 since 2009, consistent with the targets
13 identified in SEDAR 21.

14 And based on all this information, the
15 status review and this new analysis, NMFS
16 prioritized the stock assessment update for 2016,
17 which is what Enric just went over.

18 In October of last year Oceana filed
19 a complaint regarding our management of dusky
20 sharks. And in May 2016 a settlement agreement
21 was reached. And under that settlement NMFS has
22 agreed to submit Amendment 5B proposed rule to
23 the Federal Register, and release the DEIS for
24 the action by October 14th. So, just about a
25 month away.

26 July and August, this past July and
27 August the SEDAR 21 assessment update was
28 completed. The peer review has been completed.
29 And the preliminary information that Enric just
30 went over indicates dusky sharks are still
31 overfished, and still experiencing overfishing.
32 Though it seems like the amount of overfishing
33 has come down from what was originally projected.

34 And here we are September 2016. We're
35 updating. We're giving you the updated
36 assessment, and the timeline for Amendment 5B.
37 Next month we will submit the Amendment 5B
38 proposed rule to the Federal Register, release
39 the DEIS.

40 And the proposed rule will include
41 measures to end overfishing, and rebuild dusky
42 sharks. The range of alternatives that we're
43 currently looking at are very similar to the
44 types of measures that were in the pre-draft
45 from, you know, from the previous pre-draft.

46 So, recreational alternatives includes
47 such things as education, outreach, gear size,
48 and species retention measures. Commercial

1 alternatives include things such as education,
2 outreach, gear, and time area measures for
3 Pelagic Longline, Bottom Longline and Gillnet
4 fisheries.

5 So, looking ahead, to wrap up, look
6 for Amendment 5B proposed rule next month.
7 Prepare to submit comments. We'll have a 60 day
8 comment period. There will be public hearings.
9 There will be an AP meeting in December to
10 discuss in detail the proposed rule, and
11 everything that's in it.

12 And under the settlement, again, the
13 final rule has to be submitted to the Federal
14 Register by March 31st, 2017. So, there's the
15 quick and dirty on where we're headed. If you
16 have additional questions on the timeline you can
17 contact Karyl or myself. That's it. Thank you.

18 FACILITATOR BROOKS: Margo, anything
19 you want to say before we --

20 MS. SCHULZE-HAUGEN: I think the only
21 thing I would add is that the settlement
22 agreement was strictly on timeline, not content.
23 We are working on the draft amendment now to meet
24 the Magnuson requirements.

25 What we negotiated was the timeline.
26 So, it's a bit fast for us, faster than I think
27 we would have liked. But it's something we
28 thought we could do. And it does not shorten the
29 public comment and public input timeframe. It's
30 still the same as it would be regardless.

31 FACILITATOR BROOKS: And again, I want
32 to thank the AP for a lot of thoughtful comments
33 here. I also want to thank Enric for, you know,
34 engaging. So, where are you, Enric? There you
35 are. You know, really stepping up to engage in
36 that conversation.

37 I know you're working, acknowledge the
38 constraint that you're working within, both from
39 a resource perspective, and what you have to do
40 with an update. But I think there are a lot of
41 important points here that need some
42 consideration as we go forward.

43 With that, I know there are still
44 commenters who want to get in on the dusky shark
45 conversation. But I think we are, we need to get
46 to lunch. I don't know, I will talk with Margo
47 at the break, and see if there's an opportunity
48 to find another ten or 15 minutes somewhere, so

1 we can come back and hit these points.

2 MS. SCHULZE-HAUGEN: Sure. And Enric
3 will be here today, including through tonight.
4 So that would be more opportunities to talk about
5 questions and things.

6 FACILITATOR BROOKS: So, we will
7 reconvene for lunch at 1:30 p.m. sharp. Sam
8 Rauch will be here to give some remarks from the
9 leadership. For folks who haven't been here,
10 there's lunch downstairs. There's a lunch place
11 across the street. But I think it gets crowded
12 fast. And then there's a bunch of lunch places
13 off to the left, if you head sort of back to the
14 main intersection. Okay, thanks. See you at
15 1:30 p.m.

16 (Whereupon, the above-entitled matter
17 went off the record at 12:06 p.m. and resumed at
18 1:30 p.m.)

19 FACILITATOR BROOKS: All right.
20 Thanks, everyone, for coming back from lunch on
21 time. Appreciate it. As promised, we have Sam
22 Rauch here to welcome us on behalf of NOAA
23 Fisheries leadership.

24 And Sam, as you know, is Deputy
25 Assistant Administrator for Regulatory Programs.
26 We have Sam for about 30 minutes. We have him
27 until 2 o'clock, I think. And he's got some, a
28 few remarks to give. And then, as always we'll
29 just open it up for questions and comments. The
30 floor is yours.

31 MR. RAUCH: Thank you. Welcome. I
32 have met many of you before at these gatherings.
33 Oh, thank you. I am Sam Rauch. I am the Deputy
34 Director of National Fisheries Service, one of
35 the three career deputies. I'm in charge of the
36 regulatory programs. And I want to welcome you.

37 This is an important get together that
38 you have every so often. It replaces the Council
39 in the HMS fisheries for us. It is our venue for
40 getting the public comment. And I know it takes
41 a lot of your time to be here. And I appreciate
42 that.

43 We find it extremely valuable. I hope
44 you find it valuable. We could not have the
45 partnership that we have without you spending the
46 time to be here. So, it's important to us. And
47 thank you for being here.

48 I did want to talk about a few things

1 before I open it up for questions. Some things
2 that we have done, or are going to do that are
3 relevant to the HMS fisheries.

4 One you talked about this morning,
5 which is the dusky sharks. So I won't go into
6 that in a great deal of detail. I don't think
7 anybody wanted to see the results of the stock
8 assessment come out the way that they did. But
9 they did. And now we have to deal with that.

10 And I know you talked about that a
11 little bit this morning. I won't spend much time
12 on that. But it is an issue of concern to us,
13 how that whole issue is going to play out.

14 I will talk about Amendment 7. As you
15 know, this was a enormous enterprise that we
16 implemented recently. And we've been trying to
17 work through all the kinks, and see how that is
18 going. I think it has been going pretty well.

19 It is the first large scale electronic
20 monitoring within that. That's not the only
21 thing it does. But within that is the first
22 large scale electronic monitoring system, cameras
23 that we've got on the coast. There are lessons
24 that we've learned. And I think that that has
25 largely been successful.

26 We continue to work on making it
27 better. But I think that that has been a very
28 good, positive impact there, from both management
29 perspective, and hopefully from industry as well.

30 I know that you have other issues,
31 including how we're going to deal, how the dusky
32 issues are going to interact with that fishery.
33 And we're going to continue to work through that.

34 I know you're going to talk about the
35 EFH amendment tomorrow. I want to hear, I look
36 forward to hearing how that goes with that. As
37 you know, as many of you may know, my belief is
38 that when we're talking about increasing
39 productivity in our fisheries we can only really
40 do that one of two ways.

41 Either we can decrease fishing
42 pressure on the fisheries, and thereby increase
43 productivity. Or we can invest in habitat and
44 increase their productive capacity, the
45 ecosystem. And there are very important linkages
46 between habitat protection or restoration, and
47 the success of our commercial recreational
48 fisheries.

1 So, this is why we think EFH is very
2 important. EFH is not the only habitat measure
3 that we work on. But it is a key tool that we
4 have. And I am pleased that you guys are going
5 to deal with it tomorrow. It is important for us
6 to get those things right.

7 One of the things that we did recently
8 in the beginning of August was a direct response
9 to a petition from some of the members of this
10 group, which was to impose on our international
11 partners some of the same MMPA requirements that
12 we have to face in the United States.

13 We issued the MMPA Import Rule. The
14 Marine Mammal Protection Act, the MMPA says that
15 we should ban import into our country of fish or
16 fish products that aren't caught in a manner
17 comparable to U.S. standards, or something close
18 to that effect.

19 And so, we had a tough time, I think
20 I mentioned it to this group before, to figure
21 out what the U.S. standards were. But we just
22 set out a final rule, which implements that
23 provision for all fish stocks, which says that we
24 have to do an analysis of all the imports that
25 are coming in to determine whether they meet U.S.
26 standards or not.

27 And so, there are declarations. There
28 are actions that other countries that other
29 countries may have to be changed, or is. Because
30 we are dealing with foreign countries, and we may
31 be requiring them to change some of their laws,
32 there is a long phase in time for that.

33 They've got five years to come into
34 compliance. But this is the first step to doing
35 that. And that final rule went out. And we're
36 very pleased that it did come as a result of some
37 of the members of this group, were part of the
38 original petition that petitioned us to do that.

39 Finally, I want to talk about a
40 measure that I hope will come out soon, which is
41 our broader seafood traceability rule. As you
42 all know, we've talked to you before, several
43 years ago the President put out a broad based
44 ambitious agenda to deal with illegal,
45 unregulated, unreported fishing, IU fishing, and
46 seafood fraud.

47 Part of that was a traceability
48 program for fish stocks that are at risk of being

1 subject to IU fishing or fraud. So, we put out a
2 list of those species, and proposed a
3 traceability program, which would require that if
4 you're importing those species in the country you
5 have to tell us which fishery they came from, so
6 that we can evaluate whether they were legally
7 caught or not.

8 That final rule is due any day under
9 the President's agenda. Whether it actually
10 comes out any day or not is out of my control at
11 this point. But we do need to work on that.

12 And I think it is close to putting
13 that rule in place, which would for the first
14 time have the U.S. adopting a traceability
15 requirement similar to some of our other foreign
16 countries, like the EU, and other kind of places.
17 So, we're excited to see that.

18 But that is also going to be a
19 significant workload when that comes down. So,
20 those are the sort of updates I wanted to give.
21 But I'm happy to take questions, as I normally
22 do.

23 You can ask me questions about that,
24 or anything else. You usually ask about the
25 anything else part. But I'm happy to take any
26 questions you may have.

27 FACILITATOR BROOKS: Great. Thanks,
28 Sam. Let's see what folks have to ask. Rich,
29 we'll start over with you.

30 MEMBER RUAIS: Hi, Sam. How are you
31 today? Yes, this is not entirely applicable just
32 to the Advisory Panel. But on the question of
33 the marine monument that's generated a lot of
34 controversy.

35 And we know the done deal that has
36 doubled the size of the one in the Pacific, and
37 the reaction that that's had, and political fight
38 that that's had.

39 But on the one here in the Atlantic,
40 a lot of us are disturbed that NOAA hasn't
41 played, or at least seemingly to us, it hasn't
42 been transparent to us that NOAA has played any
43 kind of role in insisting that monument
44 designations like that be science based.

45 And also that the work of the Mid-
46 Atlantic Fisheries Management Council and the New
47 England Council on the Omnibus Habitat, and the
48 deep sea coral protection action, that they've

1 taken place has really already addressed what the
2 monument, is supposed to do.

3 And we also know that there isn't any
4 interest in that area, from the last leasing
5 sales that went on for oil and gas exploration.
6 So, I guess I'm asking, has NOAA had any part in
7 this process that you can share with us? And is
8 NOAA supporting this?

9 Or, I mean, I guess you have to as
10 part of the administration. But isn't there, how
11 is it consistent with NOAA's stated science based
12 action oriented agency here, for us to watch this
13 political travesty take place? And that's the
14 only way I can describe it right now.

15 It's not a, it's a process that has
16 totally bypassed the regional councils. In
17 effect it's totally bypassed our, the fishing
18 industry and other stakeholders that are involved
19 in that. And we're just really disappointed with
20 the whole thing. And we know it's pretty much a
21 done deal. So, there might be a question in
22 there.

23 FACILITATOR BROOKS: There was a
24 question. Yes. I think, you know, what's NOAA's
25 role? And how does science based play in.

26 MR. RAUCH: So, for those of you who
27 may not be familiar with how the monument
28 designations operate, they are actions taken
29 under the Antiquities Act. The Antiquities Act
30 is not a statute that NOAA administers. The
31 President, on his or her own decides whether to
32 designate a monument.

33 And if you look at the past ones, what
34 NOAA's role has been in the past monuments, the
35 ones that are out in the Pacific Ocean, has been
36 to provide information, when asked by the White
37 House, what's going on in this area, you know,
38 what are the fishing, and how much money? We
39 provide that information when asked.

40 And we continue to do that when we're
41 asked various parameters about potential
42 monuments on the Atlantic coast. We have never
43 been, or at least NMFS, I can't speak for all of
44 NOAA, right.

45 At least, the National Fisheries
46 Service has never been asked, in any of the
47 Hawaiian monuments, West Pacific monuments, nor
48 these, as to whether or not we support them or

1 not. They are Presidential decisions. We
2 provide information. We do not provide an
3 opinion.

4 And that continues to be the case, all
5 right. We do not support nor oppose. We don't
6 have a position on that. If the President
7 decides to do one in the Mid-Atlantic or the
8 Northeast, we will implement it.

9 Because it will be under applicable
10 law, just like we've implemented all the other
11 ones. But our role, or at least the National
12 Fisheries Service role in this is simply to
13 provide information, and not opinion. And that's
14 what we do.

15 FACILITATOR BROOKS: Thanks. Michael.

16 MEMBER PIERDINOCK: Thank you. Mike
17 Pierdinock. Thank you, Sam. This somewhat
18 continues -- They're hearing it. We have
19 national monuments that we're concerned about up
20 in the New England area now.

21 We also have wind turbines. And vast
22 areas of wind turbines are proposed, and have
23 been leased south of the Cape, east of Rhode
24 Island and Connecticut and, you know, east and
25 north of Long Island. They're in their initial
26 phases of doing their evaluations the next few
27 years.

28 And fisherman, recreational fishermen,
29 charter boat fishermen, commercial fishermen, all
30 of us are concerned. And lack of transparency
31 and cooperation to be heard of our concerns and
32 issue associated with how that's going to impact
33 our fishery, you know, specifically with the
34 species that we're concerned with here at this
35 table, with the whole wide range, the yellowfin,
36 bluefin, swordfish, you name it.

37 Because this area is north of the
38 Bump, the Claw, the Fingers. Within that area
39 they're going to have hundreds of hundreds of
40 miles.

41 Will NOAA and this body, or others,
42 get more involved to make sure that once again,
43 as Rich said, we're always hearing that we've got
44 to do things based on science?

45 We're asking for the science to show
46 how the spatial distribution and placement of
47 these wind turbines are not going to impact us.
48 So they can place them at a significant enough

1 distance, so I can go in there and get pelagics,
2 or the commercial fishermen can go in there
3 without being hindered.

4 And at this point we don't get any
5 answers. Now, as I said, this is in the initial
6 phases. And I hope that we could see that down
7 the road we're going to see more science and
8 details that will help ensure that we continue
9 fishing those areas. So, I'd just like to hear
10 your thoughts. Thank you.

11 MR. RAUCH: So, on the wind turbines,
12 we are not the authorizing entity for those.
13 Those are done through the Department of
14 Interior.

15 We can consult, to the extent that
16 they want to build them, or authorize them in a
17 central fish habitat, which just, go back to the
18 discussion that you're having tomorrow.

19 So if you're going to drop a turbine
20 on essential fish habitat, that they are then
21 statutorily required for us to consult with them.
22 Barring that, then you go back to, we have
23 information about fishing patterns and
24 distributions and uses that are important to them
25 in their decision making process, right.

26 They have to do a NEPA process, do all
27 these other processes under their various laws.
28 And so, the information we have on the current
29 uses of the area, or the unique characterization,
30 you know, habitat, parts of the area, are
31 relevant to their decision making process.

32 And we do share them usually,
33 depending on what the proper time is. So, you
34 know, they have to do a NEPA process where they
35 take all of that into account. We share them --

36 Frankly, one of the drivers for these
37 big ocean documents that, the regional ocean
38 documents that are being worked on in the Mid-
39 Atlantic and the Northeast right now is offshore
40 oil and gas, and energy development. The idea
41 that we wanted to create better mechanisms to
42 share information about what's going on, so you
43 make better decisions.

44 So those documents, and I don't know
45 if you had an update on those. Those are coming
46 out this fall. I think the Mid-Atlantic one may
47 be very imminent. I think the New England one is
48 a little bit further away. But that's another

1 venue for us to try to share that.

2 So, we will share the information that
3 we have. And we have been sharing the
4 information with Interior and the other entities
5 that have to permit this, like the Corps, you
6 know, will have to sort of a fixed, they have to
7 issue a rivers harvest permit. But we're not the
8 decision maker. So --

9 MEMBER PIERDINOCK: One more question.
10 Because this kind of ties in a little bit with
11 the dusky sharks. Up in our waters, as a result
12 of the climatic shift, we're seeing fish that we
13 haven't seen ever, south of the Cape, north of
14 the Cape, and so on. So, now where they're
15 proposing to place these wind turbines, there's
16 now species there that weren't there 50 years
17 ago.

18 Now, BOEM tried to come out and map
19 out the whole ocean, where commercial fishermen,
20 recreational fishermen, charter boat fishermen
21 go. But that's flawed when we run into these
22 kind of issues with the climatic shift, and now
23 we see species where we normally don't see them.
24 Such as, now we're seeing them within the
25 proposed wind turbine areas.

26 So, I hope that's taken into
27 consideration. Because there seems to be a
28 selective use of the climatic shift, where it's
29 talked about by NOAA, it's observed, and the
30 data's presented.

31 But then when we ask for fishing
32 management decisions to be based on such, we
33 don't see that there's any confidence in that end
34 to use it.

35 MR. RAUCH: Maybe I can respond to
36 that. So, I can't speak to how BOEM may choose
37 to use it or not, in terms of the wind turbine
38 decision. We certainly collect that.

39 We certainly see that the fish stocks
40 seem to be moving, at least on the Atlantic
41 coast. That's not unique to the Atlantic coast.
42 We see that in many places. Other countries are
43 seeing that for their stocks as well.

44 I think a question is, how permanent
45 that shift is, or how long term that shift is?
46 Is it a short term thing? Or is it because of
47 climate, going to be around for a long time? We
48 are currently in all of our fisheries working on

1 climate management strategies. I forget the
2 exact title of it.

3 But we have tried to work with the
4 various councils to try to better incorporate
5 climate data into their decision making. The
6 idea -- And at the same time we also have an
7 allocation policy that we just put out, that
8 would indicate that the councils should more
9 adroitly address the change in needs.

10 It cannot just depend on this sort of
11 fishing allocations that happened in the '80s.
12 You have to update them at, you have to provide a
13 pathway for them to be updated so people
14 understand that.

15 And one of the things that might cause
16 you to update these sort of allocations, and give
17 more fish to better reflect the composition of
18 fish off the waters now, is this sort of shifting
19 climatic distribution. So we on the Fisheries
20 Management side would like to take advantage of
21 that.

22 It is still somewhat challenging to
23 try to get good accurate models that would model
24 those kind of shifts, and try to figure out, is
25 this a one year blip? Or is this a longer term
26 thing? How long is this going to last?

27 But we've embraced the idea that we
28 need to do that on the Fisheries Management side.
29 We need to try to better reflect what's off the
30 coast now, and figure out what the management
31 implications are there. So that's, so I can't
32 speak for BOEM, once again. But it is something
33 that we're trying to take into account.

34 FACILITATOR BROOKS: Thanks. Let me
35 go to Scott, and then down to Terri.

36 MEMBER TAYLOR: Good afternoon, Sam.
37 Scott Taylor, Dayboat Seafood. Appreciate your
38 time. I represent the commercial Pelagic
39 Longline sector. We represent quite a few boats
40 here on the East Coast.

41 Obviously the, and I'm sure you're
42 aware of the disturbing trend that we're seeing
43 in some of the catch data coming in up there, and
44 particularly for swordfish, and some of the other
45 pelagic species, primarily in our opinion, as a
46 result of effort.

47 This is as much of a question as a
48 suggestion to you. That I think that the

1 legislation that's proposed for the mammal
2 bycatch reduction, that trying to hold other
3 countries accountable to the same limitations
4 that we're required to goes to kind of the core
5 of the issue from the financial viability of the
6 industry.

7 Obviously that translates into effort.
8 And whether or not that we can afford to have the
9 boats out there on the water, fishing under the
10 regulatory constraints that currently exist.

11 That, I know that there's been some
12 discussion in past meetings about some of the
13 other vehicles in order to level that "playing
14 field", which we view as integral to our
15 survivability. It's just really become
16 impossible for us to compete with the onslaught
17 of imports coming into this country that
18 represent something like 90 percent of the
19 swordfish consumed in the U.S. at this point.

20 And so, I was hoping maybe that you
21 possibly could address any other things that
22 could potentially could come down the line, or
23 anything that this panel, or that we could do to
24 essentially hold other countries to the same
25 standard that we're being held to.

26 And I think that even the, everybody
27 would agree that that's really the best way to
28 effect change. Everybody wants access to our
29 market.

30 MR. RAUCH: So, as you yourself
31 indicated, to the extent that the regulations
32 which are causing a decrease effort are marine
33 mammal regulations. And maybe they're not all
34 marine mammal regulations, but to the extent that
35 they are, if there is a comparable fishery in the
36 world that has a similar impact on marine
37 mammals, the marine mammal program that I just
38 outlined will eventually bring that in line.

39 And one of the goals of that has been
40 to level the playing field for U.S. fishermen.
41 Given that we're dealing with international
42 countries and trade implications, it's not as
43 quick as I'm sure that you would want it. But we
44 are starting down that process of bringing those
45 in line.

46 To the extent that you are getting out
47 competed by illegal catches, and some of it it's
48 hard to say that, whether you are or not. I'm

1 not sure how much that happens in the swordfish
2 fishery.

3 But we are trying to bring that
4 traceability program, and there's a whole suite
5 of actions to try to bring other fisheries up to
6 similar caliber as the U.S. fisheries by trying
7 to address illegal catches across the board,
8 traceability being one.

9 This first rule is, has a subset of
10 fish it's going to apply to. But the stated
11 intent is to eventually go to all stocks and
12 species. And that will, illegal or not, the more
13 you can elucidate those supply chains, I think
14 the more competitive the United States will be in
15 those markets.

16 So, I think those are, at the moment,
17 you know, we are trying to work on many fronts to
18 try to bring them up, to bring other countries up
19 to our standards, to level the playing field.
20 We've been trying to do that.

21 It's hard to do it if it's not due to
22 marine mammal protection or illegal fishing. If
23 there's something else that is causing it we're
24 doing that.

25 I know that Margo and this group has
26 been looking at the ways to tailor the United
27 States regulations, to make them as minimally
28 burdensome as they can, but still achieve all the
29 other kind of things that we have to do.

30 In the United States we've got a lot
31 of burdens that we have to bear. So we cannot
32 just forego all those regulations. But I know
33 that's something that we struggle with a lot, and
34 this group has struggled with a lot is, how to
35 tailor the required restrictions on the swordfish
36 fishery in a manner that would still allow the
37 maximum profit.

38 So, I don't have a lot of good short
39 term answers. But I think the whole idea -- And
40 if you have any other thoughts I'd be interested.
41 But this administration has been very much
42 supportive of that idea that we'll try to level
43 the playing field to the extent we can. It will
44 never be completely comparable though.

45 MEMBER TAYLOR: So, you know, I,
46 actually it's a question and a statement, you
47 know. When we pass a regulation, or this agency
48 passes a regulation we basically post it in the

1 final rule in the Federal Register and it becomes
2 law.

3 This, as far as the marine mammal, and
4 I had a conversation with Rebecca Lent last
5 night, as a matter of fact. I understand that
6 the U.S. was given a five year period under the
7 mammal. And essentially that's why we're giving
8 five years to the other member countries.

9 But the, and this is also probably as
10 much of a challenge for the NGO as for this
11 panel, which is that it's not simply any one
12 individual thing that makes the U.S. fishery the,
13 probably the best monitored, most restrictive
14 anyplace in the world.

15 But I think in a general sense that
16 somehow we need to be able to translate that into
17 market access. So, meaning that it's, I know
18 that we're getting out of the area of where we're
19 necessarily dealing with NOAA, and we're dealing
20 into more of an area of commerce.

21 But it seems extremely unfair that we
22 hold the U.S. fishermen accountable for all of
23 these regulatory oversights, but that we give the
24 general population, you know, outside of, you
25 know, the world access to our market without
26 having to require any of those things.

27 So, the question really is, is there
28 anything that this agency can do to tailor the
29 direction of that, without it being
30 protectionist? I mean, I guess is the, you know,
31 I'm sorry. I'm trying to be politically correct,
32 you know.

33 MR. RAUCH: I didn't say that, right.
34 And that is the challenge, right, was we have to
35 make sure -- It is a very tricky thing for us to
36 put barriers to trade in place.

37 And so, we've, you know, been very
38 careful in how we have negotiated the MPA rule,
39 and how we're negotiating the traceability rule,
40 to try to avoid those. But there are a lot of
41 minefields there.

42 And if we don't do it correctly we're
43 going to end up in the World Trade Organization.
44 And so, we're very concerned about that. And
45 that means, you know, we can't be quite as
46 protective as we would like.

47 But the goal I think we share, you
48 know. The MPA is an indication that we share

1 that goal. And if you have other ideas about how
2 we can get there I'm happy to listen to that. We
3 are working on a lot of fronts. It's slow though
4 to get through them.

5 FACILITATOR BROOKS: Got one last
6 person. Terri.

7 MEMBER BEIDEMAN: Hi there. Hi.
8 Thanks. You brought up a bunch of things. And I
9 just really wanted to ask a couple of questions.
10 You said that you provide the data regarding the
11 monument. And I've had a few folks ask me, have
12 you been asked to provide more specific data?

13 Some of the information that we have
14 seen indicates a very low estimate in terms of
15 usage and value. And they question it. And so,
16 we wonder, especially with the Pelagic Longline
17 folks at VMS it's very easy to know where we've
18 been for quite some time.

19 And some of the other fisheries I'm
20 not so sure. But I've heard that it's very
21 valuable for some of the other commercial folks,
22 so at this table, and recreational folks as well.

23 So, I wondered particularly, since we
24 don't interact with the bottom, if NMFS has been,
25 or NOAA has been asked to provide dated data on
26 value or usage, and the impact that would cause?

27 MR. RAUCH: I don't know the specifics
28 of what we have provided. I know we've been
29 asked to provide a lot of fisheries data. And I
30 think we have given over all that we have about
31 the usage in this area.

32 But I don't know the specifics of what
33 they asked, or what we actually did. A lot of
34 that went through the Northeast. So I don't
35 know. But I know we've given that kind of --
36 Whatever we have, we've given over.

37 MEMBER BEIDEMAN: Thank you. You
38 mentioned the allocation policy. And I know that
39 this is a process that's just, you know, being,
40 will be being developed with the councils, and
41 also with Atlantic HMS.

42 And my question is about transparency,
43 and how that might work with our secretarial
44 plan. How much transparency we'll have in the
45 decision making process, and the science?

46 MR. RAUCH: Well, overall the
47 allocation policy is about transparency. It's
48 about telling, you know, the criticism we got is

1 that whatever allocations we have in the various
2 fisheries around the country, they were all, most
3 of them were done in the '80s.

4 And the fisheries have changed for
5 various reasons. But those were big bloody
6 battles that no one wants to re-fight. And so,
7 the allocations, for whatever reason, is that the
8 allocations are rusted shut. You can't get
9 there.

10 And what our policy fundamentally is,
11 is that the public and the stakeholders need to
12 understand, here is the pathway. Here are the
13 triggers. Here's how we can revisit that
14 allocation.

15 It doesn't say that the allocation
16 will have to change. But it does say that we
17 will identify a pathway, so people will know.
18 And that, you know, they'll know that if this
19 trigger is met, or if I petition, or if I do this
20 every three years, whatever that trigger is, that
21 there's a pathway that we all know.

22 So fundamentally it's about
23 transparency, right. It is about telling people
24 when and how they can revisit the allocation.
25 Once you get beyond that then if, to the extent
26 that the councils, or this group decides they do
27 want to look at the allocation, that process is
28 not clearly articulated there.

29 We would support transparency in that
30 process. I'm not sure how this group would go
31 about doing that. I don't recall how it did it
32 last time it sort of looked at these issues.

33 But as the Government agency we do
34 support those transparent, open public processes.
35 It is about creating a pathway that the people
36 can understand what it is.

37 FACILITATOR BROOKS: We are going to
38 lose Sam in about 30 seconds. But, Jeff, I
39 wanted to give you a chance to have a last
40 comment.

41 MEMBER ODEN: Just a quick question on
42 the allocation issue. As a fisherman who's been
43 on the other side of the fence there, and I
44 watched, and lost allocation in the various
45 snapper/grouper fishery, for instance. I'm just
46 curious to know, is the allocation a two way
47 street?

48 Because right now the mahi fishery is

1 a prime example of a fishery that needs to be
2 coming back our way. And when we hear about the
3 recreational allocation initiative, you know,
4 it's kind of hard not to look at that with, you
5 know, with concern.

6 And right now that particular fishery,
7 there is absolutely no reason for our fishery to
8 be held at bay, and throwing them back overboard
9 as we were last year, you know, on a species that
10 is underfished across the board. Anyway, I just
11 --

12 FACILITATOR BROOKS: Thanks, Jeff.

13 MR. RAUCH: So, quickly on that. So,
14 the allocation policy doesn't talk, it's not
15 designed to favor any particular sector. We hear
16 as much from various owners of commercial
17 fisheries that, you know, this one particular
18 gear type should be, you know, is getting too
19 much or too little, and so they're, your type
20 should be, you know --

21 So it is not intended to favor the
22 recreational fisheries, or the commercial
23 fisheries, or any particular sector. But it is
24 intended to make sure that our fisheries
25 management is up to date, that it reflects the
26 greatest needs of the nation today, and not in
27 1982.

28 And so, if you're correct, then you go
29 through an allocation. I'm sure that will be
30 what's happening. I don't know details of that
31 fishery. But it is not designed to protect any
32 particular sector. But it is designed to make
33 sure that we have updated, and we are meeting the
34 needs of the nation today. All right. I do have
35 to run.

36 FACILITATOR BROOKS: I know you do.
37 So, thank you very much. All right. We want to
38 shift to Bluefin Tuna Management. Before we do
39 that, I just wanted to answer the question that
40 Marty raised this morning, about the Pelagic
41 Longline take reduction team.

42 The answer is, the team did discuss
43 and put forward a consensus recommendation
44 regarding some gear configuration. And they
45 talked to monofilament width.

46 And they also talked to using 16/0 and
47 18/0 circle hooks with round wire and wire
48 diameters of either 4.05 millimeters if it was 16

1 ought, and 4.4 millimeters if 18 ought. And then
2 with a strengthening force of greater than 300
3 pounds.

4 So there were, that was discussed.
5 Were not however, talked about in terms of being
6 weak hooks. So it was more in terms of hook
7 characteristics. But it wasn't called a weak
8 hook, per se.

9 MEMBER ODEN: Can I?

10 FACILITATOR BROOKS: Yes.

11 MEMBER ODEN: They are weaker, per se,
12 than what we're normally using, or, for instance,
13 I am. I mean, normally we used a stamped 4/0
14 hook, and as carbon wire, or carbon steel.

15 And the wire hooks that we're going to
16 be forced to go to have far greater, you know,
17 resilience as far as straightening out. And
18 we're going to lose a lot of fish. And it is a
19 weak hook. It's weaker than what I'm used to
20 using, nonetheless.

21 FACILITATOR BROOKS: Understood. I
22 didn't mean to suggest they were not weaker. I
23 just meant to say that the team did not refer to
24 them as weak hooks by name, as used in the Gulf.

25 MEMBER TAYLOR: Before we get off this
26 subject I just wanted to ask Margo a question.
27 And maybe if the opportunity presents itself,
28 because there really wasn't time for a follow-up
29 with Sam.

30 It seems to me that the mechanism in
31 what we're talking about to really have some
32 meaningful change on this import front is through
33 the IUU fishing. And the real question becomes,
34 is there really a mechanism to determine whether
35 or not a country is involving themselves in IUU?
36 And is the supply clean?

37 And I don't think there's a mechanism
38 for that now. Because a lot of the stuff that we
39 see coming into the country is imports. It's
40 clearly coming from an area where it might as
41 well be the Wild West.

42 So, the direction, it seems to me in
43 order to level that playing field, which I think
44 everybody in this room would agree is absolutely
45 necessary for the fleet, would have to come out
46 of coming up with some sort of a mechanism in
47 order to hold a level of accountability for these
48 countries that are in fact exporting product and

1 importing product into the country.

2 And so, my question would have been,
3 what does exist? And how do you really identify,
4 you know, it, as it pertains to the pelagic
5 species?

6 MS. SCHULZE-HAUGEN: So honestly, I
7 don't know the details of what's in the IUU
8 world. Dr. Chris Rogers will be coming tomorrow
9 to talk specifically about that. So I would pose
10 that question to him.

11 And I think there is, you know, a
12 great desire to have comparability. It won't be
13 exact. And it will be, I think a risk based
14 approach. We're looking at shipments coming in
15 on a risk base. It's not necessarily 100 percent
16 of shipments will be examined.

17 But if there is evidence that there is
18 IUU in a particular area or particular fishery, I
19 think that would warrant a closer look at that.
20 So, I think we're trying to get at it. It's a
21 huge market. So shipments will be a lot. But
22 we're working on it. And I would pose that
23 question to Chris.

24 FACILITATOR BROOKS: All right. So we
25 want to pivot to bluefin tuna management
26 discussion. And what I'd like to do is just
27 invite Brad to introduce his team.

28 MR. McHALE: Sure. So we kind of have
29 one presentation, at least at this point in time,
30 broken out into two different parts. As you all
31 I think around the table know, Sarah McLaughlin
32 will be kind of giving some updates on what we've
33 been seeing in predominantly our directed
34 fisheries here throughout 2016, or at least since
35 we met last spring.

36 And then we'll actually segue into Tom
37 Warren kind of providing some updates that are a
38 little bit more directly relevant to management
39 measures that were put into place as a result of
40 Amendment 7, as well as some of the inquiries we
41 had around the table during the spring meeting,
42 regarding certain feedback on, you know, how
43 certain measures are going.

44 And so, what I'd like to ask folks to
45 do is just kind of refrain from any questions
46 like we've doing kind of as our standard
47 operating procedures. Once they're both
48 concluded we could then kind of open up to

1 questions and answers, whether they be
2 clarification or comments disguised as questions,
3 thinly.

4 FACILITATOR BROOKS: Thinly.

5 MS. McLAUGHLIN: Okay. So in the
6 spring AP meeting we provided a review of
7 information and actions through December of 2015.
8 And now we're providing a review of 2016 to date.

9 This includes various indices and
10 actions like quota transfers, and adjustment to
11 the northern albacore quota for 2016, and also
12 the bluefin reserve category quota, and some
13 information for the handgear for seine and
14 Pelagic Longline fisheries.

15 This is a list, and I'm going to get
16 into these things in the next slide, but a list
17 of the indices in Amendment 7, related actions to
18 date.

19 We had two Amendment 7 related quota
20 adjustments. The first was in January, transfer
21 of, I'm sorry, reallocation of about 100 metric
22 tons from the purse seine category to the
23 reserve. And that was using the Amendment 7
24 formula.

25 And then we had, also based on
26 Amendment 7 authority, we adjusted the northern
27 albacore and reserve category quotas. And I'll
28 have a slide on that.

29 Two in season quota transfers. The
30 first was, in January we transferred about 24
31 tons of December 2016 general category quota,
32 within the general category, and kind of back in
33 time to January through March of 2016, basically
34 doubling what we had available in January, for
35 the January fishery. And then also a 34 metric
36 ton transfer from the reserve to the longline
37 category fishery, or to that quota, also in
38 January.

39 For daily retention limits, I'll have
40 those on the coming slides. Those involve the
41 angling and general category. And two closures
42 within the angling category for the trophy
43 fishery.

44 We recently adjusted the northern
45 albacore quota and the bluefin reserve category
46 quota. This adjusted the northern albacore
47 baseline quota for 2016, with available
48 underharvest from 2015. And it augmented the

1 bluefin reserve category quota with available
2 bluefin underharvest from 2015. And these are
3 both consistent with the annual quota adjustment
4 processes that were established in Amendment 7.

5 So, for northern albacore, the
6 baseline quota under the latest recommendation is
7 527 metric tons. And the adjusted quota, based
8 on 2014 underharvest, was about 541 metric tons
9 for 2015.

10 The catch in 2015 was about 250 metric
11 tons. So we had an underharvest of almost 300
12 metric tons. Per the northern albacore ICCAT
13 recommendation we can only carry forward 25
14 percent of the total U.S. quota. So that's
15 131.75 metric tons.

16 So, consistent with the process in
17 Amendment 7 the adjusted 2016 northern albacore
18 quota is the base of 527 plus this 25 percent
19 amount that we can carry forward. So 658.75
20 metric tons.

21 Similarly, for bluefin per the ICCAT
22 recommendation we can roll forward ten percent of
23 the total 2015 U.S. quota. So we have a baseline
24 quota of 1,084, let's call it.

25 The adjusted quota is about 1,178.
26 The 2015 catch was almost 900 metric tons. So
27 there is a 2015 underharvest of about 282 metric
28 tons. So, the ten percent that we can carry
29 forward limits are carried forward to 108 metric
30 tons.

31 And then, consistent with the process
32 established in Amendment 7, where we take any
33 available harvest and augment the reserve with
34 it, the 2016 reserve category quota is the
35 baseline amount and the reserve, which is about
36 25 tons.

37 We had previously reallocated from the
38 purse seine category. And also transferred 34
39 tons to the longline category earlier in the
40 year. So now with this adjustment of an
41 additional 108 metric tons, the reserve is about
42 200 metric tons. So that's available for in
43 season, transfers, and research.

44 The angling category retention limit
45 started out at the default level for all private
46 and charter vessels. One school bluefin
47 measuring between 27 and just under 73 inches.

48 And then at the spring AP meeting we

1 had a breakout group for tuna handgear fisheries.
2 And we talked about what the appropriate limits
3 would be for private and charter vessels.

4 So, what we said was responsive to the
5 suggestion to have private vessels in the angling
6 category be able to keep two school bluefin, 27
7 to less than 47, and one large school or small
8 medium bluefin. Charter boats would get one
9 more, so a total of three school bluefin, and one
10 large school or small medium.

11 And the trophy category is a very tiny
12 amount of quota, 4.5 tons divided between north,
13 south and Gulf. The southern area closed first
14 in April. That's Great Egg Inlet, New Jersey
15 down to the, through the east coast of Florida.
16 And in the north up through Maine, New Jersey to
17 Maine, August 6th.

18 This slide summarizes large pelagic
19 survey data from 2014 through 2016 to date. So
20 it's up through July, is what's posted now. You
21 can compare the catch information by month and
22 size class across these years, with total catch
23 on the left, kept bluefin in the middle, and
24 bluefin released live at the right.

25 This year looks to have been a year
26 where the activity really got going in July
27 versus June. Numbers are very small. So you can
28 look at that here, or on the science and
29 technology website. You can do these queries
30 however you like them. This one is catch data,
31 obviously.

32 The commercial handgear retention
33 limits for the general category the default is
34 one. But we started out the year at two large
35 medium, or giants. These are 73 inches and over.
36 For the January period, which ran through March
37 this year. Sometimes it closes earlier.

38 For June through August we set the
39 limit at five large medium, or giant bluefin.
40 That's the maximum we can set it at over a range
41 of one to five.

42 And that was responsive also to the
43 spring AP meeting suggestion to have five, based
44 on the amount of quota we have, and recent
45 fishery performance. And then we recently took
46 action to maintain that limit of five for the
47 rest of the year.

48 For the harpoon category, same limits

1 as were in effect in 2015. That's two large
2 medium or, yes, sorry, two large mediums and
3 unlimited giants. And that fishery runs through
4 November 15th.

5 This is the latest update. We post
6 these landings on our permit website. So you can
7 see, as of toward the end of August the general
8 category had landed about half of its quota of
9 466 metric tons. The harpoon category is about,
10 over two-thirds of its quota of almost 39 metric
11 tons. Longline category is more than a third, 66
12 out of 182. And for the purse seine and track
13 category, zero.

14 Since Amendment 7 was implemented in
15 January 2015 vessels have been required to report
16 all of their bluefin retained or discarded dead
17 online, on the same system that you get your
18 permit. You report your bluefin within 24 hours
19 of landing, or the end of each trip.

20 The outreach continues, you know, we
21 talked a lot about this at the spring meeting.
22 And we put out another reminder listserv with
23 reporting instructions, including screenshots at
24 the beginning of June.

25 NOAA Office of Law Enforcement's been
26 very active, conducting extensive outreach at
27 tournaments, and just out on the water this
28 summer. And we currently are testing a mobile
29 app to do this reporting from your smartphone.

30 Margo mentioned that in July we put
31 out a final rule to implement the change in how
32 dealers report bluefin daily. It used to be a
33 landing card that they'd, a landing form they'd
34 fax in. Now they use SAFIS. And the other
35 reporting requirements, like tagging each fish
36 and submitting a bi-weekly report remain in
37 effect.

38 And NMFS is also developing technology
39 necessary to allow use of SAFIS file upload and
40 northeast trip tickets, in addition to SAFIS. I
41 have no idea what that means.

42 As far as reporting goes, we showed
43 you a table in the spring showing 2015
44 compliance. So you've got for general and
45 harpoon category, and then the total of those two
46 categories.

47 We're showing the amount of fish
48 reported by dealers, the amount of fishermen that

1 are being reported by the dealers as having
2 landed fish, and then the online reports, number
3 of fish, number of fishermen, and then the
4 percentage compliance.

5 So, we've added 2016 data through
6 August. So it's incomplete for 2016. But you
7 can see that based on reporting thus far, there's
8 been an increase in general category reporting,
9 both in the percent of fish reported, and the
10 percent of fishermen reporting. So that's the
11 yellow line.

12 And in the harpoon category there's
13 actually been a decrease. It's a very small
14 amount of participants in that fishery.

15 Overall the percent of fish reported
16 has increased from about 20 percent to 36
17 percent. And the percent of fishermen reporting
18 has increased from about 14 percent to 35
19 percent.

20 For the purse seine fishery the start
21 date is set annually under Amendment 7, within a
22 range of June 1 through August 15th. And the
23 season ends December 31st. This year we have not
24 announced a start date. And the fishery remains
25 closed until announced in the Federal Register.

26 We don't have vessels, any vessels
27 permitted with a purse seine category permit to
28 fish with purse seine gear thus far this year.
29 We did receive an EFP request, like we have in
30 the last couple of years, to request exemption
31 from the limit on large medium bluefin.

32 And also this year to request
33 exemption from having a permit, because we don't
34 have any permitted purse seine vessels. And we
35 are reviewing this request. Basically the
36 request came from the old owner, in conjunction
37 with the new owner of the purse seine vessel
38 that's been sold. That's what I have for non-
39 longline.

40 MR. WARREN: That's okay. As Brad
41 mentioned, this aspect of the talk will focus on
42 the longline fishery in 2016. You may recall
43 from our spring meeting that we provided
44 extensive data on the 2015 fishery, which was the
45 first year of Amendment 7 implementation.

46 So, I won't rehash that data. But
47 that data is available online if you want to
48 refer to it. And also, at the end of this

1 presentation, I won't present orally, but there's
2 additional data on the 2016 fishery that I won't
3 present.

4 So this, again, 2016 was year two of
5 Amendment 7 implementation. This first slide
6 shows bluefin landings by the longline fishery,
7 by month, expressed in numbers of bluefin. It
8 covers 2014 to 2016 through July.

9 The pattern is highly variable by
10 month. Overall, 2015 there was less bluefin
11 landed than 2014, with the exception of a notable
12 peak in November, which was a result of fish
13 landed from the northeast area.

14 And then it looks like 2016 overall
15 the landings are similar, maybe a little above
16 the level in 2015, with a large peak in June.
17 And that peak was a result of some concentrated
18 landings by a few vessels.

19 Specifically these fish were landed
20 from the Mid-Atlantic area, but also Southern New
21 England, northeast of the June Northeast closure,
22 which is south of Georges Bank and east of Long
23 Island.

24 And as an example of how concentrated
25 it was, three vessels were responsible for about
26 51 percent of all the bluefin interactions,
27 including live and dead discards, and retained
28 fish. But again, pretty concentrated among a few
29 vessels.

30 And not coincidentally, there was
31 approximately five vessels who leased about 56
32 percent of the individual bluefin quota from the
33 period January through June. So, these vessels
34 that had the high interactions are also leasing
35 bluefin quota to account for this bluefin
36 retained or discarded dead.

37 This slide depicts longline landings
38 and dead discards from 2012 through 2015. It's a
39 reiteration of information we showed in the
40 spring, but with 2015 dead discard information.
41 Dead discard information is in the red. And
42 landings, which are more stable, are in the blue
43 bars.

44 This dead discard estimate is from
45 observer data, which has been extrapolated based
46 on logbook fishing effort data. And you'll note
47 the decline in dead discards over time, and in
48 particular the decline from 2014 to 2015, the

1 year of Amendment 7 implementation.

2 This slide depicts bluefin quota and
3 catch in 2015. You'll note that two sources of
4 quota are the baseline quota, and quota from the
5 reserve. And then the catch is comprised mostly
6 of landings, but also dead discards. And you'll
7 note the catch compared to the quota is
8 approximately half.

9 This slide looks at bluefin numbers as
10 reported by vessel monitoring systems, and
11 compares that to the numbers of bluefin reported
12 by the dealer. And so, it's expressed as a
13 percentage.

14 To look at compliance essentially of
15 the bluefin reporting requirement, as you recall
16 Amendment 7 implemented a requirement that
17 vessels report their interactions at the end of
18 each set through vessel monitoring system, within
19 12 hours of the completion of the set.

20 So, the blue line represents 2015, and
21 the red line 2016. So, as an example, in January
22 there was approximately 25 percent of the bluefin
23 that were reported by the dealer, were also
24 reported through VMS.

25 In contrast, in June, looking at the
26 blue line, there was close to 100 percent of the
27 bluefin that were reported by the dealer were
28 also reported by VMS. And this is kind of a
29 monthly roll up and tabulation of total numbers
30 of bluefin reporting, reported just to look at
31 the overall compliance rate.

32 And it's interesting to note that both
33 2015 and 2016 show similar variable patterns.
34 You know, we were hoping after the end of 2015
35 that the increase would continue. Unfortunately,
36 it declined in the beginning of 2016, and has
37 climbed back up.

38 Overall, however, the number of
39 bluefin reported through VMS, when you roll up
40 all the numbers together, it's about 80 something
41 percent of the amount, 86 percent I think, of the
42 amount reported by the dealer.

43 So, in total the large percentage of
44 the bluefin reported by the dealer is in fact
45 being reported by the fishery.

46 To break this reporting compliance
47 down a little bit more, in 2016 from January to
48 June there were 52 vessels that landed bluefin at

1 a dealer. This is about out of approximately 70
2 or so active vessels.

3 Forty-four percent had instances where
4 they did not report a fish. In other words, they
5 would look at a specific dealer record for a
6 vessel, and determine whether that vessel had
7 reported any fish that month through VMS.

8 Only 12 percent however had multiple
9 incidences of not reporting bluefin. And
10 approximately 80 percent of the bluefin landings
11 were reported through VMS. And this is through
12 June. So that the figure I just mentioned, 87
13 percent, that's through July.

14 Similarly, we looked at the percentage
15 of vessels mailing in electronic monitoring hard
16 drives. Vessels are required at the end of a
17 trip using Pelagic Longline gear to send in their
18 electronic monitoring hard drives, which record
19 all the video and other ancillary data.

20 We looked at vessel monitoring system
21 data, which is real time, to determine fleet
22 activity for a particular month. And then looked
23 at the electronic monitoring records to determine
24 whether a hard drive was sent in.

25 The compliance is variable. The
26 lowest level of compliance on a monthly basis was
27 67 percent. The highest level was 90 percent.

28 Looking at individual bluefin quota
29 lease transactions, and comparing 2015 to 2016,
30 you'll see 2015 data in blue bars, and the 2016
31 later data in red. At the beginning of 2015, the
32 first year of implementation, there was no
33 leasing activity. It picked up during the year.
34 And then there was a spike at the end of 2015.

35 In contrast, 2016 there was a high
36 level of leasing activity in the beginning of the
37 year, which tapered off, which then jumped again
38 in June and July, presumably in response to the
39 larger number of bluefin folks are interacting
40 with, and having to account for.

41 Subsequently, in August both the
42 interactions and the amount of leasing has
43 dropped off.

44 This looks at the question of how much
45 fishing effort has there been in 2015 versus
46 2016, January through June, using various
47 metrics, both VMS, logbook, and electronic
48 monitoring.

1 The bottom line is the VMS data
2 provide a different picture than the logbook
3 data. The logbook data indicates less effort in
4 2016 than 2015. But the VMS data indicates a
5 more complicated picture.

6 So, for example, the first line,
7 numbers of trips based on VMS hailing data, 572
8 trips in 2015 from January through June, versus
9 591, and increase based on VMS. VMS catch
10 reports, in terms of numbers of sets, an increase
11 in 2016 over 2015. And the number of --

12 But in contrast, logbook data shows a
13 dramatic decrease in terms of numbers of trips,
14 numbers of sets. Also a decrease. And logbook
15 data also shows less numbers of hooks, whereas,
16 VMS shows an increase in the numbers of hooks.

17 So, somewhat contrary data. Part of
18 this is probably due to late reporting of
19 logbooks. But clearly, the whole picture is not
20 painted yet. We need to, you know, wait and
21 really see what the trend in fishing effort has
22 been when more time elapses, and we continue to
23 look at the data.

24 In terms of numbers of vessels
25 submitting electronic hard drives, this is not a
26 direct comparison of January through June.
27 Because in 2015 vessels didn't submit their hard
28 drives until June. So this is June to December
29 in 2015, and contrasting with the first six
30 months of 2016.

31 So it's not an apples to apples. But
32 there's, it indicates a slight number of, a
33 slight decline in the numbers of vessels
34 submitting hard drives.

35 This slide shows total Pelagic
36 Longline revenue, fishery wide by month, from
37 2013 to 2016. You'll see a similar pattern by
38 month of revenue increases and decreases.

39 The total revenue is shown in the box
40 at the lower right, 2013, '14, and the first half
41 of 2016 only. And there has been a decline in
42 total revenue from 2013 to 2014 to 2015. And
43 it's hard to say what the net result 2016 will
44 be. But it looks like possibly a decline there
45 also. We'll have to wait to determine what the
46 final picture is.

47 In terms of annual revenue per vessel
48 during a similar time period, 2013 to 2015, a

1 decline in both non bluefin revenue, and a
2 decline from 2014 to '15 in bluefin revenue. Non
3 bluefin target species revenue is in blue.

4 Revenue per trip, 2013 to '15, excuse
5 me, '16, not including bluefin also shows a
6 decline from 2013 to 2014 to 2015. 2016 some
7 good news. Revenue per trip seems to be slightly
8 up. But again, this could be a factor of the
9 fact that 2016 is only half of the year data.

10 So what have we heard in recent months
11 from owners and operators of Pelagic Longline
12 vessels? We've heard a lot of feedback on
13 Amendment 7, and other aspects of the fishery.

14 We've heard that the IBQ online system
15 is complex and difficult to use. We've heard
16 that disbursement of IBQ is not optimal. Some
17 expressed that rather than the allocation system
18 being fixed the way it is, that they'd prefer a
19 annual use or lose type system, in order to
20 basically get quota out of the hands of vessels
21 that are not fishing.

22 There's been concern about the timing
23 of the distribution of quota. Folks would like
24 more quota earlier in the year. Frustration
25 regarding the leasing of the, the price involved
26 in the leasing. The IBQ quota, the price exceeds
27 the value of the bluefin. And definitely
28 constrains operation.

29 We've had suggestions that folks would
30 like NMFS to be a broker in this leasing system.
31 Or at least help facilitate, to connect lessors
32 and leasees, and folks interested in getting more
33 quota.

34 We've heard that a directed bluefin
35 fishery has been created. And some folks are
36 targeting bluefin. We've had suggestions to
37 rescind trip level accountability, in favor of
38 annual accounting system that was in place in
39 2015, such that vessels would essentially balance
40 the books at the end of the year, and not at the
41 end of each trip.

42 We've heard folks really want access
43 to closed areas. The rationale being that facts
44 have changed since these closed areas were
45 implemented. And that IBQ system is adequate to
46 limit bluefin tuna catch.

47 One example of a frustration this
48 summer was the northeast closed area in June.

1 Folks were saying that it was counterproductive,
2 because bluefin were located outside the closed
3 area. The target species where they're
4 prohibited from fishing was located inside the
5 closed area. Thus, an understandable
6 frustration.

7 There's concern about the purse seine
8 leasing pattern. That purse seine vessels lease
9 only to vessels affiliated with their business.
10 And that purse seine leasing may be influencing
11 the profitability of the overall longline fishery
12 somehow.

13 Questions regarding NMFS' authority to
14 reallocate unused purse seine quota to the
15 reserve category, because to date there has been
16 no permitted vessels.

17 And then concern generally about the
18 overall fairness of the longline fishery, some of
19 which was expressed this morning by panel
20 members, as compared to, for example, the general
21 category.

22 The perception that in general the
23 longline fishery is more restricted than the
24 general category fishery. Concern that the
25 number of permits in the general category is
26 increasing, and not limited.

27 And concern about the disparate trip
28 limits, retention limits, the IBQ system having
29 an annual quota, versus the general category
30 having retention limit on a trip basis, but no
31 limit in terms of the number of trips they can
32 take.

33 So, we'll continue to closely monitor
34 the longline fishery. And as you are aware,
35 there is a three year review planned, that will
36 include data from 2015, '16 and '17.

37 This three year review is mandated by
38 the Magnuson Act, and also by the fishery
39 management plan. And it will compare this three
40 year period to data from prior to Amendment 7, to
41 get a handle on what the impacts have been and
42 the changes to the fishery.

43 There's a variety of metrics that have
44 been developed by NMFS, with specific guidance
45 for evaluating catch share, fisheries that will
46 be used. And the target date for having
47 preliminary information is the spring 2018
48 Advisory Panel meeting, with follow-up with a

1 draft document in the fall of 2018. So that's
2 all I have. Thank you.

3 FACILITATOR BROOKS: All right. Thank
4 you very much, Tom. Thank you Sarah. We'll have
5 a presentation in a little bit from Larry
6 Beerkircher on observer program data, before we
7 leave this topic.

8 But we do want to spend about the next
9 20 or 25 minutes hearing your questions,
10 comments. So, I will start over with Shana, and
11 then work down to Anna, and then over to Scott.

12 MEMBER MILLER: Thanks. And thanks
13 for your presentations. I just had a question
14 for Tom about the compliance for the general
15 category, charter head boat, as well as the VMS
16 reporting the longline fishery.

17 I mean, at what point does that become
18 a compliance issue? These are very clear
19 regulations. It's not like the recreational call
20 in reporting that you can't really double check
21 every single fish landed.

22 So, I mean, given how low the
23 compliance is, including even with the logbooks
24 to some extent, you know, is the Office of Law
25 Enforcement taking this on? And if not, why not?

26 MR. WARREN: I agree, it's a
27 compliance issue. And I agree, the question is,
28 when does law enforcement step up their efforts?
29 And I'll defer to Brad to characterize what
30 they're planning on doing, or may not be
31 planning.

32 MR. MCHALE: So, yes. Like with any
33 sort of reporting aspect and requirement,
34 regardless of the fishery, compliance is
35 essential for that program to be effective.

36 And the one thing that we've taken the
37 approach, since the implementation of Amendment
38 7, is to allow for some room for each of the
39 respective fisheries to adapt to those new
40 reporting requirements. And there have been a
41 lot of things that have been discovered as part
42 of that.

43 It's, you know, a prime example, as
44 you highlighted, is we have seen increased
45 compliance in the commercial handgear fisheries.
46 But yet, we've also discovered some of the
47 impediments that we've heard back from the
48 fishery of what's leading to that.

1 Prime example is, the Commonwealth of
2 Massachusetts requires vessels to complete a
3 report at the end of the month. And so, there's
4 a lot of confusion in the fishery of, is it a
5 state requirement? Is it a federal requirement?
6 Does one trump the other? Because in some of the
7 other federally managed programs, GARFO VMS is an
8 example, or the VTRs is an example, one does
9 trump the other.

10 And so, there's some of that education
11 there. One is to make sure it's clear what
12 reporting requirement is meeting, whether a state
13 or federal requirement. But also trying to
14 remove any sort of impediments in ascertaining
15 that information.

16 As Sarah had mentioned, we're
17 currently testing a smartphone/tablet app right
18 now, that wouldn't then require somebody to then
19 have to go home, get on a computer to make those
20 reports. They can actually make them right on
21 the fly, and submit them.

22 That all being said, is at what point
23 do you go from an education to more of the
24 enforcement aspect? And I've said this in front
25 of this panel I believe in the spring.

26 Based upon what the dealer reports, I
27 will know every single commercial handgear vessel
28 that didn't submit their own report. I can spoon
29 feed that to the Office of Law Enforcement. And
30 they could have a couple hundred violations,
31 every single one slam dunks.

32 It's definitely not how I'd care to
33 proceed. We've kind of worked with ABTA and
34 their membership, as well as through our own
35 efforts, to get that word out there, that it is
36 that easy to track down a compliance issue. So,
37 that's on that front.

38 In regards to some of the other
39 compliance related issues that stem from the new
40 measures of Amendment 7, you know, I think some
41 of that is still learning curve.

42 You know, when you run down the
43 laundry list of all the requirements, and we've
44 all heard them, whether it's us sitting in front
45 of the table, or from longline fishery
46 participants around the table. There's a heavy
47 load that lifted on their shoulders right now,
48 whether it's at sea or shoreside when it comes to

1 compliance.

2 And that is, you know, acknowledged
3 and recognized here, especially with myself and
4 my staff, and Margo. But that still doesn't
5 necessarily give a pass to that. So it's at
6 improvement.

7 I know there's a lot of collaboration
8 with some of the permit holders in regards to, as
9 we're doing our verification checks, to kind of
10 highlight some of those gaps.

11 So folks, you know, maybe they're
12 hitting their logbook timing right on the money.
13 And they're hitting some of the other things.
14 But they're lacking in another area.

15 And so, we're kind of pointing out
16 some of those gaps, to bring those folks up to
17 speed before we actually pursue the, you know,
18 the big stick with the rusty nail in it from the
19 Office of Law Enforcement perspective.

20 FACILITATOR BROOKS: Rich, you wanted
21 to jump on this?

22 MEMBER RUAIS: Yes. I wouldn't
23 normally try to interrupt the queue, but just
24 this is, to this issue, I would hope that we
25 wouldn't make this, this is the second AP meeting
26 and we start taking time out -- You're laughing,
27 John, that's great.

28 (Simultaneous speaking.)

29 MEMBER RUAIS: I know I talk out of
30 queue, I always wait for you, maybe talk too
31 much. But, anyway, but, you know, there has
32 never been, I don't think, any doubt that this
33 requirement was needed of general category
34 fishermen in order to know where does the general
35 category stand in terms of compliance with its
36 overall quota, or even when we had monthly
37 quotas.

38 The dealers have always been the main
39 responsibility, have had the main responsibility
40 to report by fax every night and then a two-
41 weekly report, and you can call the regional
42 office staff or you can go online and find out
43 the general category catch incredibly soon after,
44 it rarely gets more than a week or ten days old
45 and that's because staff is busy.

46 If you call you will get, you can
47 actually talk to Sarah or bother somebody else
48 and get the actual numbers you want. I think

1 when we, you know, supported this new measure it
2 was more because it was clearly, you know, a
3 feeling of we want you to, you know, those people
4 who were critical of the fact that general
5 category fishermen seem to be required to do less
6 wanted the general category to do something more,
7 so we gave into it.

8 Now just switching gears on that,
9 there was also a tactical, physical issue and
10 that was the phone that the fishermen were
11 supposed to call into the office shut down at 5
12 o'clock in the afternoon and it was a big issue
13 in the fishery because fishing in June, July, and
14 August, does not end with rod and reel boats and
15 harpoon boats at sea.

16 They often don't get home till
17 midnight or later and there was no recording
18 machine, which we offered to buy and put on
19 there, so I mean I think this is a really tiny
20 issue and we've got some very big issues to talk
21 about.

22 FACILITATOR BROOKS: Okay. Anna?

23 MEMBER BECKWITH: My comments are for
24 the charter headboat category. I think a lot of
25 the councils, I know the South Atlantic Council
26 and the Gulf Council, of course, are moving
27 towards mandatory reporting for our for-hire
28 industry.

29 The Mid-Atlantic Council is moving
30 towards electronic VTR reports and, you know, you
31 guys are moving towards development of an
32 application.

33 Just from a collaborative perspective,
34 where possible, I know the South Atlantic and the
35 Mid-Atlantic are trying to work together as we
36 develop this, the Gulf Council is a bit as well,
37 but where we can try and work together as we
38 develop these apps or just our folks touching
39 base with each other, that would be helpful
40 because our concerns with our Florida fishermen,
41 especially our North Carolina fishermen, that are
42 having to report to three or four different
43 entities and I know that one of the goals for the
44 South Atlantic is whatever application we make
45 mandatory for our charter folks should hopefully
46 be a one-stop shop.

47 And we will be weekly, I think VTRs
48 will be separate, I know the Gulf Council is

1 going to be, you know, on a trip level before
2 they hit the dock, you guys are 24 hours, so
3 there are some nuances there, but certainly
4 keeping it simple would be a great goal to have
5 amongst all of us.

6 MS. SCHULZE-HAUGEN: Yes, Anna, thank
7 you for that. And I think we have gone to great
8 lengths to integrate with existing reporting
9 systems where we could.

10 Our HMS electronic dealer reporting
11 system is, you know, working with all of the
12 existing programs. The electronic bluefin tuna
13 dealer reporting is in the safest environment.

14 So we hear that, we take that to
15 point, but I think the one thing you noted is not
16 all of our partners are moving at the same pace
17 or with the same requirements, and so that
18 obviously will create challenges for people that
19 are fishing from Maine to Texas, including the
20 Caribbean.

21 So we hear you, we will continue
22 working at it, but it's not always easy.

23 FACILITATOR BROOKS: Rick?

24 MEMBER WEBER: Oh, there we go. Thank
25 you. Just a quick comment, so last year as you
26 remember and you noted the panel got together
27 with some of the bluefin tuna fishermen and
28 advocated for an increase in the small bluefin
29 tuna for the recreational community and I just
30 wanted to take a minute to report back.

31 I made some phone calls to some
32 colleagues along the coast and tried to get some
33 sort of a flavor as to if it was effective, if it
34 was helpful, if there were increases in catches
35 or not, and just anecdotally I thought I would
36 just put that into the record.

37 So the general consensus that I got
38 from the for-hire guys was there was a small,
39 small uptick in trips related to HMS that they
40 could attribute to an increase in the bag limit.

41 Personally, my business I can recall
42 one client that decided to switch from a striped
43 bass trip to an offshore trip because of the fact
44 that he had a chance of taking a half of bluefin
45 home, so there was a small benefit there.

46 Looking at the catch data that you had
47 in the report it doesn't look like there was a
48 huge increase in catch, but there was a little

1 more of an increase in landings, so returning
2 some of those discards in the landing, so I
3 thought that that was a good sign. I am hopeful
4 that we can continue it.

5 The folks that I talked to did mention
6 that it was the first year that they had this bag
7 limit to offer to their clients and that it took
8 a little while to get the word out, so if it
9 continues we might be able to see more benefit
10 from that.

11 And then the other thing I just wanted
12 to mention is to also reiterate the electronic
13 reporting stuff on the for-hire side, the charter
14 headboat side.

15 It's already been mentioned that we
16 are moving towards electronic reporting and it
17 would be really good if we could try to get
18 everybody together to -- Yes, I collect all that
19 data on my eTRIPS mobile right on my tablet here,
20 length, frequency, the species and all of that,
21 and I send it in a VTR every day, but then I have
22 to go back and re-report that same fish through
23 your services and it's just an extra burden that
24 I think might be slowing down compliance a little
25 bit.

26 Folks are just getting used to using
27 this stuff and now they don't want to use another
28 one, so just something to keep in the back of
29 your mind.

30 Oh, and the last thing was I did see
31 the NOAA OLE guy around a lot, so he was doing
32 his job to send outreach for reporting.

33 MR. MCHALE: Actually on that, and a
34 last point there, Rick, is that we have been
35 working pretty extensively with our uniformed
36 officers of office of law enforcement and kind of
37 the tactic they have been taking in regard to
38 that compliance is that primary outreach where
39 even if they are encountering vessels, commercial
40 or recreational for that matter, that may not
41 have submitted a report, they are giving that
42 individual 24 hours to get their backlog squared
43 away and then following up.

44 And so, again, it's trying to take
45 more of that education outreach versus, you know,
46 violation and citation approach. You know, but
47 at some point, you know, for all the reasons that
48 have been mentioned on the table, whether it's

1 phone numbers, multiple applications, multiple
2 locations, multiple timeframes, there is
3 significant room for improvement to streamline
4 the data that's coming into the Agency.

5 And as Margo mentioned, there are just
6 nuances that contribute to that, but, you know,
7 we are looking with that same view as how do you
8 consolidate.

9 So whether it's an IGFA app, a South
10 Atlantic app, a Gulf app, it doesn't matter. You
11 know, the participants that are getting and need
12 the data can get it without imposing multiple
13 layers onto the constituents. Thanks, Rick.

14 FACILITATOR BROOKS: Let's go up to
15 Scott and then back down to George and then to
16 Terri.

17 MEMBER TAYLOR: So a couple of quick
18 comments that I want to at least pass on that I
19 must admit to you that the level of anxiety at
20 least in regards to the IBQ program seems to be
21 diminishing from the standpoint of the boats that
22 are out there.

23 But I want to temper that still with
24 the very strong feeling that I still believe that
25 the allocation needs to be into the hands of
26 those that are participating in the fishery.

27 I have two questions and I'm just
28 going to try to get them all out to give
29 everybody else some time. One of them pertains
30 specifically to the purse seine quota that I
31 understand the Leonard Family sold out earlier
32 this and that the purchaser, which was Blue
33 Harvest, that bought the boat, that there was a
34 problem with the actual structure of the way that
35 the permit was transferred which is why you
36 currently don't have a vessel permitted right
37 now.

38 My understanding is it being an LAP
39 that they didn't buy the corporation, they
40 actually bought the permit, and as a result the
41 permit was surrendered.

42 We've had this problem with the
43 snapper grouper fishery in the South Atlantic
44 where you can't actually transfer the permit, the
45 permit goes along with the corporation, you buy
46 the corporation.

47 So I don't know whether you can
48 comment on that, but if you can't comment

1 specifically on that does that mean that if that
2 permit is not straightened away that the
3 allocation goes away with the purse seine quota
4 and if it does where does it go and do you have
5 any specific intentions in regards to how you
6 might reallocate that?

7 And then the other is a very laser-
8 targeted question. Last year in December we had
9 quite a few boats using, obviously, the VMS
10 system for the first time with all of the bells
11 and whistles to go along with that, it landed and
12 put fish onboard the vessels in December.

13 They subsequently didn't land until
14 January. Those landings went against our 2016
15 numbers rather than our 2015 numbers even though
16 that they were actually caught and put onboard
17 the vessel.

18 I understand the difference between
19 the ICCAT reporting criteria, but that there is
20 some leeway of that as I understand where the
21 Agency can treat those landings, that that's the
22 time of the year where we will see some fish, and
23 I guess that kind of goes to the heart of the
24 same issue that we are talking about the
25 swordfish, which is is that there is a balance
26 between using the allocation that we have and
27 losing the allocation that we have from the
28 standpoint of fully utilizing the quota that any
29 individual sector is being given.

30 So even though this is an IBQ for the
31 longline fishery I strongly encourage you all to
32 look at the fact that even though this is not a
33 preferred revenue source for us it nonetheless is
34 revenue.

35 And that if we have conducted
36 ourselves reasonably and responsibly through the
37 year and there is quota there to use that, you
38 know, that it only makes sense from an economical
39 standpoint for us to want to use that quota up
40 before the end of the year and that, you know,
41 which poses, you know, it's going to, we're going
42 to obviously have conflicting views around the
43 panel about whether or not, you know, that we are
44 targeting.

45 But clearly the pelagic longline
46 vessels have the ability to harvest bluefins if
47 that's what they so wish certain times of the
48 year.

1 So that's sort of a mouthful. I'll
2 step back and if you could answer as much of it
3 as you possibly can I'd appreciate it.

4 MR. MCHALE: Okay. So I'll allude as
5 much as I can on the first item. So with the
6 management of the Atlantic bluefin tuna purse
7 seine fishery, that fishery had five participants
8 that were grandfathered in so it doesn't
9 necessarily mirror a lot of the other limited
10 access program fisheries.

11 You are correct that there was a sale
12 of the vessels in a lot of the infrastructure
13 corporations and what have you. With those
14 permits they are actually not transferrable.

15 Those permits can only be issued to
16 vessels that he or she owns, and the "he or she"
17 is kind of referring to the permit holder in that
18 case, so they don't -- You can't necessarily just
19 buy the permit, put it on your own vessel, and go
20 on your merry way.

21 And so that's ultimately what has led
22 to, you know, there not being the opening date
23 that Sarah had mentioned and there being a
24 request in an exempted fishing permit that we are
25 still entertaining as it relates to that
26 ownership and dynamic. So that's about what I
27 can say on that matter.

28 What I can also speak to is the purse
29 seine fisheries management that we did set up in
30 Amendment 7 where the allocation to that
31 particular sector of the directed fishery is
32 predicated on activity in the previous year.

33 And so their baseline allocations are
34 actually reduced based upon minimal activity or
35 no activity and where each of those historical
36 participants could either increase or have their
37 quotas decreased based upon that activity.

38 In all likelihood with the way things
39 are shaping up now is that we will probably have
40 zero purse seine catch for the 2016 season, which
41 then, in turn, would have ripple effects into the
42 2017 season.

43 And there we do have a very prescribed
44 methodology as far as how each of those
45 respective quotas are decreased and then the
46 balance results end up into the reserve category
47 for all, you know, the redistribution items that
48 we are all well aware of.

1 In regards to, you know, kind of long-
2 term management of say the same fishery, there
3 isn't anything that the Agency has put forward to
4 address it in a longer term manner.

5 You know, I think that might be
6 something that is right during that 3-year review
7 to entertain, to discuss, to deliberate, but at
8 this point in time there isn't anything to either
9 "sunset" that fishery or even to directly address
10 ownership-related issues.

11 I think those are still on the table
12 of, you know, where does that fishery need to go,
13 you know, as we collectively move forward.

14 The Agency always does have the
15 ability to reallocate quota, you know, on behalf
16 of the United States, so there are authorities
17 there that come into play with the balances, but,
18 obviously, just like with the IBQ participants
19 there are those sensitivities that we need to be
20 cognizant of given the business implications if
21 we were to execute said authority.

22 Just real quick regarding the second
23 item, that is something we could always kind of
24 look at in future rulemaking, but I want to make
25 sure that it's pretty clear that the regulations
26 coming out of Amendment 7 state that the landings
27 were going to be accounted for in the calendar
28 they occurred.

29 So even when you had those straddle
30 trips, when we finalize those rules that if a
31 trip comes in on January 2nd it's up against that
32 year's quota, but I understand the point you are
33 raising.

34 MEMBER TAYLOR: So just as a quick
35 follow up, does that mean that as the sale was
36 transacted and the permit no longer is on the
37 vessel the permit still exists out there and
38 there is still quota attached to the permits or
39 are the permits themselves not transferrable?

40 I mean I think it's a separate
41 question is what I am asking.

42 MR. MCHALE: All right, so the permits
43 do exist and allocation is associated with those
44 permits and currently those permits aren't
45 applicable to a vessel. That's the way
46 regulation is currently written.

47 MEMBER RUAIS: But they are to a
48 corporation.

1 FACILITATOR BROOKS: All right, let me
2 invite George and then I know Terri is waiting to
3 get in and I think Rich is waiting to get in, but
4 we'll put a pause on the comments, hear from
5 Larry Beerkircher, and then go back. George?
6 Last comment.

7 MEMBER PURMONT: Thank you. I think,
8 actually, Scott asked the better part of a
9 question that I was going to ask and I referenced
10 a question with Brad earlier in email and in
11 verbal conversation.

12 It was never, I thought, the intent
13 that a grandfathered quota was going to be in
14 some form or another, like a 401K plan, for
15 people that were absent from a fishery to have
16 the ability to lease their quota.

17 I would ask a couple of questions, one
18 is how much of the quota that they have available
19 to lease has in fact been leased this year?

20 MR. MCHALE: That number I would
21 probably have to get back to you. I don't have
22 that offhand, but that's something we could track
23 down in pretty short order.

24 MEMBER PURMONT: Thank you. And is
25 this an opportune time to talk about the concept
26 of a quota and whether or not fishing by calendar
27 should be reviewed as opposed to fishing by
28 quota, which is to say that a general category
29 fishery with a subquota starts on the 1st of
30 January and ends on the 31st of March for what
31 was at one time called the winter fishery, and
32 then if that quota is not caught by the 31st of
33 March that fishery stops, if it has been caught
34 that fishery terminates, and then it starts up
35 again on the 1st of June for the traditional New
36 England harpoon and general categories.

37 My point here being that I believe
38 strongly that there are fish that are available
39 to be caught in May and that denying the
40 opportunity for fishermen to take full advantage
41 of opportunity restricts them from landing their
42 quotas.

43 So maybe that comes in the third year
44 review or maybe this is a point of conversation
45 for now. Because what happens is is that any
46 uncaught quota is left at the very end to be
47 taken up by the longliners which turns into
48 basically a directed fishery.

1 I think that if the longline fleet,
2 which is just a fabulous fleet, had a better
3 handle on the amount of fish that could be caught
4 over a greater period of time it would be better
5 suited.

6 If we look at the shortfall under
7 harvest of this year, I mean last year you had a
8 shortfall of 282.36 metric tons, this year the
9 general category is 230 tons behind.

10 The harpoon category is ten tons
11 behind. The longline category has 120 metric
12 tons yet to catch and the purse seine quota
13 either exists or has already been leased out, and
14 that's 83 tons. So that would have been 443 tons
15 of fish yet to catch, or if we delete the seine
16 quota from that that's still 360 tons which is a
17 lot of fish coming into the latter part of the
18 season. Thank you.

19 MR. MCHALE: Thanks, George. I would
20 suggest that we probably table that discussion
21 for the moment only because I think when you
22 start to take all the various discussions,
23 whether it be a purse seine related matter, year
24 round related in the directed handgear fisheries
25 matter, or more certainty and availability in the
26 pelagic long -- they all have strong influences
27 on one another and I suspect that that 3-year
28 review will be the proper environment to vet all
29 that because, one, we'll have direct influence
30 over the others of how those pieces either
31 intertwine or not versus trying to then say
32 discuss a one off year round fishery discussion.

33 And we've had that around the table in
34 years past, but I think some of those other
35 variables, you know, then kind of warrant that to
36 be brought back up to the forefront.

37 MEMBER PURMONT: Thank you.

38 FACILITATOR BROOKS: Let's see if we
39 can have Larry come on up and run through his
40 slides and then see if we can squeeze in a
41 question or two after that.

42 MR. BEERKIRCHER: Good afternoon, I am
43 Larry Beerkircher. I am with the Southeast
44 Fisheries Science Center. I am the Chief of the
45 Fishery Sampling Branch down there.

46 I have two groups under me, one is the
47 port samplers, and then another smaller group
48 more germane to the AP here is the Pelagic

1 Observer Program which covers the pelagic
2 longline fleet Atlantic.

3 Today I am going to be talking about
4 a couple topics. The first is our expanded
5 observer coverage that we ran in 2015 and 2016.
6 I am only going to briefly touch on that.

7 It's just a quick data report because
8 the analyses have just been beginning, so there
9 are not a lot of results to talk about.

10 But I am also going to go into a
11 discussion of, I know it's been brought up in
12 this forum from reading the transcripts of a
13 couple meetings, I see that the discussion of the
14 Observer's Rule and violation reporting in the
15 pelagic longline fleet has been a topic of
16 discussion and I think there are some
17 misconceptions that can probably be taken care
18 of.

19 So some of the general objectives of
20 the expanded observer coverage, and just to let
21 you know this year we did expanded observer
22 coverage, the first year we did it in the MAB,
23 and I know this panel, at least the longline
24 people here have a decidedly Atlantic bite, but
25 just Atlantic point of view, but just to let you
26 know we have not expanded observer coverage in
27 the Gulf of Mexico for Bluefin tuna.

28 This, actually, was our tenth year of
29 doing that, and in some cases trying to get 100
30 percent observer coverage.

31 So we have been on the bluefin thing
32 for quite some time, it's just this is the first
33 year that we did expanded observer coverage in
34 the Mid-Atlantic.

35 So some of the general objectives when
36 we were asked to do this coverage that we came up
37 with is, you know, was there any difference in
38 Bluefin and other bycatch inside and outside of
39 the gear restricted areas versus out, inside
40 versus outside.

41 Some of the logbook data has suggested
42 that their performance in avoiding bluefin tuna
43 was related to the individual vessels and we are
44 going to try to confirm that.

45 There is only, you know, the logbook
46 data has only so much level of resolution. So we
47 are trying to confirm that with the expanded
48 observer coverage.

1 And then another thing we wanted to do
2 is compare estimates of bluefin bycatch between
3 various sources, the camera data, the observer
4 data, and then, of course, the self-reported data
5 which is the VMS data and the logbook data.

6 So we had to wait for all of the
7 logbook data to come in in order to do
8 estimations, and so those analyses are just
9 beginning.

10 So I am just going to talk a little
11 bit about what we tried to accomplish and what we
12 did in terms of what we are able to observe and
13 then I will move into the enforcement discussion.

14 So for the Mid-Atlantic bite we had a
15 sampling plan, we targeted the enhanced observer
16 coverage to coincide with the seasonal GRA from
17 December 1, 2015, through April 30, 2016.

18 Our initial analysis indicated that 50
19 trips would be a reasonable target based on
20 statistical power for Bluefin tuna and, of
21 course, that always was resource dependent.

22 A selection letter was mailed to all
23 current permit holders with a history of fishing
24 in the MAV, so we selected a total of 57 vessels,
25 permit holders.

26 The Gulf of Mexico, we targeted it to
27 coincide with bluefin abundance as well as the
28 implementation of the seasonal GRA, so the
29 seasonal GRAs were in there April and May so we
30 went with February 1 through June 15th. We are
31 targeting 90 trips and there were a total of 47
32 permit holders selected.

33 So for the MAB in the last season we
34 did 42 trips observed, 140 hauls, 19 different
35 vessels. That's roughly about 50 percent
36 coverage I would guess. We don't have the exact
37 final numbers of the logbook data to say, but
38 it's probably roughly that.

39 December had the most observed effort
40 with 77 observed hauls and in all that we saw 23
41 Bluefin tuna.

42 For the Gulf of Mexico there were 45
43 trips observed, 372 hauls, 20 different vessels.
44 That, again, is roughly 50 percent coverage.
45 It's about what we thought we were going to get.
46 March had the most observed effort with 95
47 observed hauls and 46 Bluefin observed.

48 So as I said those analyses are

1 currently underway. We are working with the
2 University of Miami, the Cooperative Institute of
3 Marine Atmospheric Science, to do those analyses.
4 We've got them all the data so they are going to
5 start working away on that.

6 One of the first things we are going
7 to try to do, which will be of interest to those
8 of you in this room, is to whether we are going
9 to alter the sampling plan for this year at all.

10 As of right now it doesn't look like
11 we will but we need to see some of the
12 preliminary analyses before we can figure out
13 what we want to do there.

14 All right, so the fun stuff. I'm
15 surprised you guys didn't desert me before this.
16 So for about this observers and violation
17 reporting and, of course, for those of you who
18 are not of the pelagic longline group, this only
19 has to do with the Pelagic Longline Observer
20 Program, that's all that my program covers and I
21 cannot speak for the other observer programs that
22 cover other HMS fisheries.

23 I'm going to give a little background
24 on how we got to where we got, clarification of
25 the observers rule and violation reportings, a
26 discussion of observer training and how that
27 applies to reporting on violations, and also a
28 clarification that we place on our, some of the
29 requirements we place on our observers and
30 reporting and what they have to report.

31 So, this whole idea of having the
32 observers report violations came as a result of a
33 referral from the Department of Commerce's Office
34 of Inspector General, they referred something
35 back to NOAA to look at. This all happened back
36 in 2012 and 2013.

37 That investigation found that, you
38 know, the observer program was not reporting
39 violations and we didn't report violations
40 because we saw ourselves as a scientific observer
41 program and not a compliance program.

42 But they did find that apparently all
43 other U.S. observer programs report fisheries and
44 MARPOL, that's marine pollution, violations, and
45 so we had to implement that and we started
46 implementing it back in 2014.

47 So I am bringing this up, you know,
48 we've had, we've been doing the Pelagic Observer

1 Program, you know, since 1992 and had never been
2 involved in violation reporting.

3 So those of you in the industry this
4 was totally new to you guys and something that
5 was an additional thing, but as it was told to us
6 it was merely bringing the Pelagic Observer
7 Program into the same realm as all of the other
8 U.S. observer programs.

9 So some clarification of the observers
10 role. Observers observe and report what they
11 see. That is their only role in the violations
12 reporting process.

13 They do not interpret regulations,
14 they do not recommend actions to office of law
15 enforcement, and when I say "they" I am not just
16 talking about the observers, I'm talking about
17 the program staff, the people that work for me.

18 The observers cannot write summary
19 judgments or make arrests. Observers observe,
20 that's their only role. And if you think about
21 the process leading up to an eventual enforcement
22 action you have witness, investigation, judge,
23 jury, executioner. The observer is only the
24 witness, nothing else. So that leads into, "Well
25 how qualified are they to be a witness?"

26 So a discussion of the observer
27 training, I know there was some talk about
28 comparison of how much training enforcement
29 agents get, office of law enforcement, either
30 their agents or their uniformed officers, I think
31 there ought to be a little clarification of what
32 the differences are between those two people.

33 Observers do not carry guns, they are
34 not authorized to use deadly force if necessary.
35 I think that would be a clear distinction in the
36 amount of training that one might need.

37 Observers are not empowered to make
38 arrests if they witness criminal behavior. An
39 observer is not empowered to write a summary
40 judgment if they witness violations of
41 regulations.

42 They are not required to have
43 knowledge of a full range of federal and state
44 fisheries regulations. We only train them on HMS
45 regulations strictly pertaining to pelagic
46 longline.

47 It's a very small subset of the total
48 realm of fishery regulations that say an

1 enforcement officer would have to be and have
2 knowledge of.

3 So POP observers are given a 1-hour
4 training specific to pelagic longline regulations
5 and also specific violations they could
6 reasonably expect to observe during the required
7 data collection activities.

8 So what I am getting at there is there
9 are lots of violations that have to do with
10 permits, things of that nature. If you have the
11 required permits, well that's not a data point we
12 collect, so as those of you guys who run boats
13 know we don't come on your boat and ask to see
14 your permit.

15 So we wouldn't be able to report on
16 that as a violation, only stuff that we see in
17 the normal course of collecting the scientific
18 data.

19 We are also giving, I didn't have it
20 in here, we are also given another 1-hour
21 presentation by an office of law enforcement
22 agent liaison and that's generally training on
23 how to write effective affidavits, you know,
24 witness observations.

25 This training is reinforced during the
26 debriefing process that occurs after every trip,
27 so it's an ongoing thing, it's not, you know, a
28 couple hours during their initial training and
29 they are done.

30 After every trip there is a discussion
31 about whether a violation was seen or not and how
32 well it was documented if there was one seen.

33 So given the role of the observer and
34 violation reporting, the training given just
35 would not be necessary.

36 And then there are some clarifications
37 of POP requirements. I think there was some
38 misunderstanding that POP observers of the
39 Pelagic Observer Program were required to find a
40 violation on every trip they went out on and I
41 think the misunderstanding here is they are
42 required to sign an affidavit after every trip
43 they go on, but the majority of those affidavits
44 are testimonies that they have not witnessed a
45 violation on that trip.

46 So they are required to write an
47 affidavit, but it's even a negative affidavit
48 most of the time.

1 They are required to revise
2 affidavits. There are times when they don't
3 submit that they saw a violation, but the
4 debriefer is looking at the data and said hey,
5 this, if you are going to stand by this data
6 point it's a violation.

7 And if they stand by the data point
8 then they have to revise it and send a new
9 affidavit, because if that's what they said they
10 saw they do have to send that affidavit in.

11 There are often times where we think
12 we may have seen a violation and it's brought up,
13 there is no -- the observer has not reported it,
14 the debriefer sees it, it's brought up to the
15 observer and they say, "Oh, I did see that turtle
16 dip net, I'm sorry, I just forgot to check it off
17 when I submitted my form", in which case so we
18 got it all clear.

19 And I think I have covered most about
20 what I wanted to cover. For all of the angst it
21 has caused everyone I will say that it's been 2-
22 1/2 years that we have been doing violation
23 reporting and I am not myself aware of any
24 enforcement actions that have come as a result of
25 that reporting with the exception of observer
26 harassment and, you know, observer non-compliance
27 cases, that's a different story.

28 But just fisheries violations, marine
29 pollution, I am not aware of anything that's
30 happened yet. So for all the trepidation, it's
31 been working out okay so far and I would be happy
32 to take questions.

33 FACILITATOR BROOKS: Thanks.
34 According to the agenda we should be pivoting to
35 the vessel upgrade, but let's take a couple of
36 quick questions here. Terri and Rich, you were
37 both in the queue from last time, and then over
38 to Mike and then to Tom.

39 MEMBER BEIDEMAN: Yes, my questions
40 don't refer to Larry's presentation, so I'm going
41 back all the way to Sarah.

42 I just wanted to ask a question. You
43 know, on Slide 7 you have the LPS data listed,
44 actually totaled for a couple years, and I wanted
45 to know is that the reported data or has that
46 been extrapolated in any way to reflect fleet-
47 wide catches?

48 So I'll just leave that lay, you can

1 let me know, or whatever you want to do. I will
2 be happy if you want to answer.

3 MR. MCHALE: The quick answer is those
4 are the final large pelagic survey numbers. So
5 those are the numbers that are extrapolated
6 between what is captured say dockside and then
7 compiled with the telephone survey.

8 So all the numbers there have been
9 cleared by the Office of Science and Technology
10 as those final estimates.

11 MEMBER BEIDEMAN: Okay. On Slide 16,
12 okay, which is not up there, but it showed a
13 graph of landings and dead discards percentage,
14 you know, liked a stacked graph, and, of course,
15 it showed a large reduction in 2015.

16 It had I think 2012, 2013, 2014, and
17 2015. But either way I wanted to know -- If you
18 could put that up, yes, why not. It's on 16,
19 there it is.

20 So, we could also infer from this,
21 okay, and it seems a very small point, but it
22 could be a big point, that perhaps the estimation
23 method used in those years was not as accurate as
24 we thought and that's why we had very high
25 estimates based on an extrapolation method
26 because that's how that's done and, you know, the
27 new numbers may reflect something else. So I
28 just want to make that point.

29 With regard to IBQ lease transfers I
30 would curious to know what were the total number
31 of permits that were involved, not necessarily
32 the number of transfers, but how many vessels
33 actually exchanged quota with each other.

34 I don't know, that was Slide 21 that
35 I am using for that, I think. So that has the
36 numbers, I'm sorry, then I missed it.

37 MR. MCHALE: Second row, number of
38 shareholders.

39 MR. WARREN: You didn't miss it, this
40 is additional information that I didn't show.

41 MEMBER BEIDEMAN: Yay, I didn't miss
42 it. Okay, and then the only other thing is I
43 would agree with George about the purse seine
44 quota, it would be interesting to know how much
45 was leased.

46 And also along with Scott's point
47 about the lag, our boats don't necessarily follow
48 a monthly cycle so when you start putting things

1 in perspective of a month, you know, that's how
2 we get 120 percent reporting in a month, it's
3 because of a lag.

4 And so I just wanted to like point
5 that out that it wouldn't necessarily infer a
6 compliance problem and just that our fleet leaves
7 a certain time and they land their fish in the
8 following the month.

9 They might have reported it on the VMS
10 during June but not land it till July. So that's
11 all I have to say. Thank you.

12 FACILITATOR BROOKS: Thanks, Terri,
13 that's a helpful clarification. Rich?

14 MEMBER RUAIS: Yes, thank you. First
15 I wanted to agree with Brad's earlier comment
16 when he suggested that we not get too deep into
17 this issue.

18 In fact, I had a conversation with
19 Margo about that last week. I really think some
20 of these issues, like what to do with the purse
21 seine, is they are very serious and then they
22 involve legal issues, fairness issues, and what I
23 think we need is a really good solid white paper
24 that the staff is clearly capable of doing that
25 points out what all the alternatives are.

26 I happen to agree with George, that I
27 don't think it was intended to be a 401K plan for
28 the seiners, but at the same time the only other
29 alternative that the Amendment 7 does suggest is
30 a possible option and the review in three years
31 is it at that point forcing the seiners to sell
32 it or lose it.

33 At that point in time sell the quota,
34 not lease it, no more leasing at that point, and
35 that begs the question of how you try and figure
36 out what kind of a price is fair at that point.

37 I also wanted to agree with Scott
38 about, he has emphasized several times today,
39 including while Sam was here, you know, the
40 importance of being careful not to keep these
41 underages going at the level they are going, both
42 in the swordfish and in the bluefin right now,
43 leaving 200 metric tons in the water.

44 You know, our neighbor to the north is
45 starving for both swordfish quota and bluefin
46 quota. They had to get it from Senegal last
47 year, if I am not mistaken. John, is that --
48 Well, I'm not sure where they got it. They lost

1 40 tons -- Was it Senegal?

2 FACILITATOR BROOKS: Iceland.

3 MEMBER RUAIS: Anyways, they were
4 begging and buying quota, swordfish quota, and
5 here they are looking at us, you know, right,
6 pretty, you know, as close by as can be with all
7 this extra quota ready for the asking.

8 So, you know, we have a lot of issues
9 we want to take up and, again, we hope the review
10 is, again, a long and thorough process. For
11 example, we want to consider buying boats again.

12 If our fishery is truly going to be
13 more of an offshore fishery, we have a fleet
14 that's designed to be a coastal fleet. Some of
15 the boats are, newer boats that are coming online
16 are taking that into account in a prelim capacity
17 and the size to handle the weather, but there
18 will always be a fleet of center console boats
19 that wants to run 180 miles offshore.

20 And, you know, we've got to be able to
21 instill some safety, have some safety concerns
22 about this as well. So, anyways, I'm going to
23 stop and wait for the white paper.

24 FACILITATOR BROOKS: Thanks. Mike?

25 MEMBER SISSEWINE: Yes, just very
26 quickly a leftover comment from earlier on that
27 relates to the one Rich just made. When Sam was
28 here he talked about the leveling of the playing
29 field and the use of various provisions to deal
30 with IUU and Marine Mammal Protection Act.

31 What wasn't mentioned is ESA, which I
32 actually think is probably going to be more
33 important than, or could be more important than
34 MMPA in terms of leveling the playing field.

35 There are striking differences in
36 terms of the strength of ESA provisions that
37 apply to the U.S. industry versus almost
38 everywhere else in the world, most notably, just
39 looking north to Canada.

40 Putting that aside though, the
41 observer discussion and the use of observer data
42 for enforcement, which apparently is a relatively
43 new situation with respect to the Pelagic
44 Observer Program, it actually is a change that
45 occurred in the northeast program about 20 years
46 ago. It was a pretty striking one so I am
47 surprised that things are just catching up here.

48 But I do think it's important for us

1 to actually step back and look at the tradeoffs
2 between the benefits for enforcement and good
3 compliance with fisheries, which we all believe
4 in, but the potential impacts it has on the
5 scientific quality of data.

6 And, you know, we just take it for
7 granted that you have to do both. There are ways
8 that one could separate the programs and improve
9 the likelihood of good scientific data and less
10 risk of what's called the observer effect, the
11 biasing that occurs when people change the
12 behavior because there are observers onboard and
13 the information could be used for enforcement.

14 We don't take any steps in that
15 direction because of the belief that, presumably
16 the belief, that the value gain for enforcement
17 purposes offsets the potential loss for
18 scientific purposes.

19 I think that's a rather tenuous
20 assumption, particularly when we hear that there
21 is virtually no use of the information for
22 enforcement purposes.

23 So I really do think that -- I mean
24 this is a much broader issue than the Pelagic
25 Observer Program, but broadly we need to be
26 thinking about the multiple uses we make of data
27 from observer programs and how we design them in
28 order to be the most cost effective for those
29 multiple purposes, and it may not be simply that
30 one size fits all. Thank you.

31 FACILITATOR BROOKS: Good comment,
32 thank you. Tim, you get the last word.

33 MEMBER PICKETT: Yes, just a
34 clarification thing from your presentation,
35 Larry. You had a bullet point that said that the
36 observers are educated in pelagic longline
37 regulations and you talked previously about
38 MARPOL violations and stuff like that.

39 What's the concentration of their --
40 I don't know if you can actually quantify it,
41 first of all they train in MARPOL regulations
42 and, you know, oil and plastic and all that stuff
43 and the ever-changing world of that.

44 And what's their concentration
45 supposed to be in that respect in terms of what
46 they are observing, is it egregious violations,
47 you know, dump 30 gallons of oil in the ocean or
48 is it, you know -- I have constituents that I

1 speak with that are concerned "Oh, geez, I
2 dropped a crimp with some mono on it, or they
3 threw a cigarette butt over", or a can, or, you
4 know, just kind of some clarifications on that in
5 terms of the concentration of the observers on
6 the MARPOL stuff?

7 MR. BEERKIRCHER: So, thank you, I had
8 forgotten in this presentation that in addition
9 to the one hour on fisheries violations and the
10 hour on writing affidavits there is about an hour
11 long presentation from the U.S. Coast Guard on
12 MARPOL and it's usually one of the most confusing
13 parts because the observers ask lots of questions
14 and mostly stymied the Coast Guard guy who is
15 making this, but to your point on --

16 We asked in both for both fisheries
17 violations and for MARPOL violations, we were
18 asked for guidance from law enforcement, both
19 from Coast Guard and from NOAA, about what's the
20 cutoff, what do you want to report, and we were
21 told we were not going to be given that cutoff.

22 In theory I am expecting that our
23 observers are writing affidavits when a single
24 piece of plastic goes overboard. So now nothing
25 is apparently being done, at least yet, about
26 those affidavits when they are being written, but
27 that's the expectation.

28 No, we were not given any level of
29 tolerance. We were told we would report all
30 violations that we saw.

31 But MARPOL is very confusing, as you
32 know. It's different in the Gulf, it changes
33 where how far off you are offshore, it's very,
34 very difficult.

35 But, again, as of yet, I am not aware
36 of any enforcement actions that have come
37 forward.

38 FACILITATOR BROOKS: Thanks. Marty,
39 I am going to give you the last and hopefully
40 quick word here.

41 MEMBER SCANLON: I didn't hear where
42 you said that they were trained in MARPOL, but I
43 guess they are. I don't know whether that's
44 through the debriefing or they are previously
45 trained in that.

46 The other thing is do you have any
47 idea of what the percentage of, you know, how
48 many vessels are in violation?

1 Do you have a number of that, of how
2 many vessels are in violations, you know, how
3 many violations per vessel, and are the vessels
4 notified when they are in violation, do they get
5 a notification at the end of each trip?

6 And the other thing is have you made
7 any comparison pre-EMs and, you know, post-EMs on
8 violations? Has that number gone down? Do you,
9 you know, have you observed a decrease in the
10 violations now that they have the EMs looking
11 over their shoulders?

12 Now that's a pretty, you know, loud
13 conscience that you have on all the time, you
14 know, when you are on the boat there, you are
15 working there, and you've got that camera on
16 there and, you know, like what do you call said
17 there about, you know, you have the observer on
18 the boat and if so are you acting differently
19 with the observer on the boat than without the
20 observer?

21 Well we've got the camera on the boat
22 24/7 now, so, you know, in that regard, you know,
23 we've always had an observer on the boat.

24 FACILITATOR BROOKS: Thanks.

25 MR. BEERKIRCHER: So real briefly on
26 that, we haven't looked at any hard and fast
27 numbers.

28 It started off as, if I am remembering
29 correctly there were a pretty decent number of
30 almost at least one small violation every trip,
31 but it did tail off pretty quickly.

32 I don't quite remember looking at it
33 once the cameras were implemented if there was a
34 further even quicker tail off, although that's an
35 interesting point, we should look at that, it
36 might have tailed off quicker.

37 As to telling the boat when a
38 violation has occurred, we do not do that after
39 the fact. We let that up to the observer at the
40 time.

41 You know, it's a big source of
42 friction putting somebody on, another human on
43 somebody else's boat, you know, extruding them
44 into their operation, and there are some
45 observers who would feel comfortable saying hey,
46 you know, you are not supposed to be doing that,
47 and some observers who would not feel comfortable
48 stating that, so we do leave that up to the

1 observer.

2 FACILITATOR BROOKS: All right, thank
3 you very much. We want to shift to have Rick
4 Pearson come on up to talk about the vessel
5 upgrading proposed rule.

6 And I'll just note in this last
7 conversation we heard a couple of I think
8 encouraging observations, one, about lower
9 anxiety around IBQs, we also heard about maybe
10 the bag limits are proven to be helpful.

11 But we definitely heard some comments
12 around opportunities to streamline and
13 consolidate reporting requirements, a bit of a
14 discussion around compliance and what do we make
15 of the compliance gaps and does that mean there
16 is a need and a role for OLE.

17 A lot of conversation around ways to
18 better utilize unused quota, there is quota out
19 there how do we take advantage of it, and then,
20 obviously, a number of discussions around the
21 purse seine quota, and a think a general sense
22 that that needs some more time and a thoughtful
23 consideration and probably a very good topic for
24 the 3-year review.

25 So with that, Rick, it's all yours.

26 MR. PEARSON: Thank you. My name is
27 Rick Pearson. I am joined by Steve Durkee this
28 afternoon and we are going to be discussing a
29 proposed rule to remove upgrade restrictions for
30 vessels issued swordfish directed and Atlantic
31 tuna's longline category permits.

32 So a little outline of the
33 presentation, first of all I am going to describe
34 the background prior to implementation of the
35 1999 FMP for Atlantic tunas, swordfish, and
36 sharks, then describe some of the actions that
37 have occurred since '99, and then briefly
38 describe the current status of the HMS pelagic
39 longline fishery.

40 Then I will discuss the proposed
41 regulatory change. It's very simple. We
42 proposed to remove vessel upgrade restrictions
43 for swordfish directed and Atlantic tunas
44 longline category permits, briefly describe the
45 ecological and socioeconomic impacts associated
46 with the proposed regulation, and then I will
47 provide information on submitting comments.

48 So prior to implementation of the 1999

1 FMP the HMS pelagic longline fleet was
2 overcapitalized. A common phrase at that point
3 in time was that there were too many vessels
4 chasing too few fish.

5 There were over 2000 open access
6 swordfish permits issued prior to 1999, open
7 access permits. There were temporary swordfish
8 closures in 1995 and '97 due to quota overages.

9 The swordfish stock was over-fished
10 and over fishing was occurring. In addition, in
11 1999 ICCAT implemented an International Swordfish
12 Rebuilding Plan that contained several
13 requirements.

14 Finally, there were ongoing concerns
15 about the bycatch of undersized swordfish,
16 billfish, and protected species.

17 In addition to other effort controls
18 contained in the 1999 FMP, which I will describe
19 later, NMFS implemented limited access permits
20 for many commercial Atlantic tuna, swordfish, and
21 shark fishing activities in 1998.

22 There were qualification criteria
23 associated with the issuance of these limited
24 access permits. Again, the idea at that point in
25 time was to limit capacity.

26 In order to do that if you are
27 limiting the number of vessels in the fishery
28 they also wanted to limit the size to which those
29 vessels could be upgraded to, so there were
30 vessel upgrade limits.

31 Basically it was you were not allowed
32 to upgrade a vessel more than 10 percent in
33 length or tonnage relative to the baseline
34 vessel, and that was the vessel that was
35 initially issued the limited access permit in
36 1999, nor could you increase a vessel beyond 20
37 percent in horsepower from the baseline vessel.

38 Those specific limits, 10 percent and
39 20 percent, were chosen in part to be consistent
40 with similar requirements that had been
41 implemented by the New England Fishery Management
42 Council and the Mid-Atlantic Fishery Management
43 Council at the time.

44 Other effort controls implemented
45 since 1999 include, but are not limited to,
46 seasonal and year round pelagic longline closed
47 areas, pelagic longline gear restrictions,
48 including non-stainless circle hooks, weak hooks,

1 live bait prohibition in the Gulf of Mexico, bait
2 restrictions.

3 Most recently, as we have discussed
4 earlier today, individual Bluefin tuna quotas,
5 and there is a whole myriad of prohibited
6 species, primarily shark, the different sharks,
7 minimum sizes, retention limits, there are
8 reporting requirements, there are observer
9 requirements that have been implemented on the
10 HMS pelagic longline fleet.

11 So that's a little bit of the history,
12 now I'd like to briefly describe the current
13 status of the fishery.

14 There has been an overall decline in
15 the number of longline vessels, the number of
16 active longline vessels, and by active in this
17 context I mean that have landed a swordfish.

18 In 1999 the number of longline vessels
19 that had landed a swordfish was 200. That has
20 been cut almost in half in 2015 to 104 vessels
21 that have reported landing a swordfish.

22 There has been an overall decline in
23 the number of swordfish directed and incidental
24 permits from 451 when limited permit access
25 permits were initially issued in 1999, that
26 number is now at 260 permits.

27 As we have discussed this morning and
28 in previous meetings there has been a persistent
29 underharvest of the swordfish quota and North
30 Atlantic swordfish are no longer overfished and
31 overfishing is not occurring.

32 In summary, the overall reduction in
33 pelagic longline fleet capacity in combination
34 with the totality of other effort controls
35 implemented since 1999 sufficiently limits the
36 fishery's capacity.

37 Thus, vessel upgrading and related
38 permit transfer restrictions are no longer
39 necessary or relevant for the pelagic longline
40 fishery at this time.

41 NOAA Fisheries propose to remove all
42 upgrade restrictions for vessels issued swordfish
43 directed and Atlantic tunas longline category
44 permits.

45 Our analysis indicated that no
46 ecological impacts or additional interactions
47 with protected species are anticipated.
48 Swordfish and tuna landings primarily are limited

1 by the available quota and other effort controls,
2 including IBQs. They are not limited by the size
3 of the vessel.

4 Protected species interactions are
5 governed by the 2004 pelagic longline ESA
6 biological opinion, the Atlantic large whale take
7 reduction plan, the pelagic longline take
8 reduction plan, and other requirements.

9 Moving to the socioeconomic impacts,
10 we recognize that this rule is very limited in
11 scope. However, the proposed action would have
12 short and long term minor beneficial
13 socioeconomic impacts.

14 This rule would ease a barrier to
15 entry into the longline fishery, it will
16 facilitate permit transfers, it provides
17 increased business flexibility, and it could help
18 vessel owners address safety issues by allowing
19 for larger and more seaworthy vessels in the
20 fleet.

21 If you wish to submit comments on this
22 proposed rule the key word is NOAA NMFS 2016-
23 0087. The comment period closes on September
24 26th. And that's all.

25 FACILITATOR BROOKS: Great. Any
26 questions or comments? Scott, and then over to
27 Martin.

28 MEMBER TAYLOR: So in the spirit of
29 the political climate that we find ourselves in
30 today and a reversal of what I said when you
31 first proposed this, you know, I think it's
32 probably a fine idea and what do you got to lose?

33 Because the reality of the situation
34 is that the only limitation before has really
35 been towards the larger size of the vessels and
36 that while it really has not been an impediment
37 for the general fleet, you know, from a practical
38 standpoint, because to build a big boat today,
39 one, you probably have to have your head
40 examined, and, secondly, that, you know, you are
41 talking about, you know, \$1 million plus platform
42 that the difference between, you know, a smaller
43 permit pack and a larger permit pack as they've
44 been traded on the street, really was not a
45 substantial financial impediment.

46 I think that you will find a few
47 examples. I know that Jeff struggled a little
48 bit with getting a bigger permit not too long

1 ago, but, you know, I agree with you that it has
2 outlived its usefulness at this point and that,
3 you know, for purposes of, you know, moving
4 forward there really is not much reason to
5 continue to leave it in place.

6 FACILITATOR BROOKS: Great, thanks.

7 Let's hear from Martin and then over to Katie.
8 And to the gentleman in the back we only have the
9 conversation now among AP members but there will
10 be public comment at the end of the day. You'll
11 have an opportunity then. Martin?

12 MEMBER SCANLON: The other thing as
13 far as size of the vessel is concerned is back in
14 '99 we did not have the observer requirements
15 that we have today, so, you know, a lot of these
16 boats, you know, are having a problem, like Jeff
17 does, with, you know, putting observers on the
18 boat in regard to the size of the vessel, so that
19 would help eliminate that problem, if it all
20 interrupts, you know, chose to upgrade the
21 vessel.

22 FACILITATOR BROOKS: Good. Martin?

23 MEMBER FISHER: Thank you. Great
24 presentation and thanks to staff and NOAA to
25 responding to the AP's recommendation from last
26 spring. It's definitely something that is
27 needed.

28 The only things I see missing are the
29 handgear permits. There was extensive discussion
30 at the spring meeting about including them and
31 removing the horsepower upgrades on those, but
32 they seem to be missing from this presentation so
33 I am curious about that.

34 MR. PEARSON: Yes, it was certainly
35 something that we strongly considered. The
36 problem from our perspective is that 80 percent
37 of the swordfish handgear vessels are located,
38 are fishing in the Straits of Florida right now
39 and there has been a great deal of concern about
40 increases in effort in that particular area.

41 It's the area where the pelagic
42 longline fleet cannot fish in, so that was the
43 main driving force behind keeping the upgrade
44 restrictions for the swordfish handgear permits.

45 FACILITATOR BROOKS: Follow up?

46 MEMBER FISHER: I don't know if this
47 is the right forum for it, but can that be
48 revisited or is that sort of like a command

1 decision that's been made?

2 Because there was a lot of support in
3 the group here to include the handgear permits in
4 removing restrictions, and, I might add, there
5 are, I don't know, how many handgear permits are
6 there? Is it like, it's 36?

7 MR. PEARSON: I believe it's closer to
8 90 to 95 permits. With regards to the first
9 question, it was not an alternative in the
10 proposed rule so it would need to be re-proposed.

11 MEMBER FISHER: Go ahead.

12 MS. SCHULZE-HAUGEN: So, you know,
13 that's certainly something we can revisit. While
14 I think it was discussed I think there is not a
15 great resolution to the issues unique to that
16 area and how to balance those issues with options
17 and availability in other regions.

18 So I think we need to sort out what
19 the options are at this point. We wanted to
20 proceed with this aspect of the rulemaking,
21 didn't have a clear idea on how to address these,
22 so I think it's something we can continue to talk
23 about moving ahead but we didn't want to hold
24 this up.

25 MEMBER FISHER: Thanks.

26 FACILITATOR BROOKS: Katie?

27 MEMBER WESTFALL: Thank you, and a
28 huge thanks to the HMS Division staff for their
29 work on this. It's great to see HMS updating
30 regulations as the situation on the water
31 changes.

32 And I am curious, considering the
33 underharvest of North Atlantic swordfish, are
34 there other regulations that were established to
35 reduce effort that are no longer needed that HMS
36 Division is considering updating as well?

37 MS. SCHULZE-HAUGEN: Well, as I
38 mentioned, I think some of the other ideas that
39 came up in the spring are things that would be
40 longer term or larger rulemakings that we have
41 identified the 3-year review as a potential
42 avenue for.

43 We also have an upcoming proposed rule
44 that we will talk about next that is also a
45 direct result of the spring AP discussions, and I
46 think the other would be the exempted fishing
47 permit that I think Dr. Kerstetter is working on,
48 that would be another potential opportunity, so

1 there are some others.

2 FACILITATOR BROOKS: Tim and Marcos,
3 I know that your card was up before, are you
4 good?

5 MEMBER HANKE: It's okay.

6 FACILITATOR BROOKS: Okay, all right.
7 So Tim and then Marcos.

8 MEMBER PICKETT: Okay. I just wanted
9 to say that this is all a good thing and, you
10 know, it shows that there is some flexibility
11 and, you know, it was kind of -- I don't want to
12 say it was a no-brainer, but this, you know,
13 overall makes very much sense and, you know, it's
14 a step in the right direction.

15 As far as the handgear fishery, one
16 thing I just wanted to clarify, in South Florida
17 I think the expansion that you would see, this
18 actually will help usher in I think more entrance
19 into the handgear fishery as well, because these
20 permit types can be used in the handgear fishery.

21 I think where it will expand, and from
22 just a gear sales and inquiry standpoint, there
23 are people that are pursuing the idea of using
24 handgear in different locations and the
25 availability of permits in those locations -- The
26 South Florida market seems to be very saturated
27 in terms of that, in terms of what the permits
28 are getting sold for and just kind of the room
29 for everyone in that fishery.

30 I think what this will do perhaps, and
31 maybe down the road with the handgear permit,
32 horsepower restrictions, and stuff like that is
33 it could open up other avenues for other areas.

34 So, you know, that was just kind of an
35 add-on, but overall I think this is a good thing
36 and it has my support definitely.

37 FACILITATOR BROOKS: Thank you.

38 MR. PEARSON: Yes, I'd like to just
39 address that. You raised an excellent point, is
40 that you can use buoy gear, which is a popular
41 gear in the swordfish handgear fishery, with
42 swordfish directed permits so long as you have
43 the accompanying tuna and shark permits as well,
44 too, so there can be a little bit of expansion
45 with the buoy gear fishery as a result of
46 removing these restrictions on the directed
47 permit. That's a good point.

48 FACILITATOR BROOKS: Thanks. Marcos?

1 Go ahead, Tim.

2 MEMBER PICKETT: No, just to follow up
3 to that, this is an easy way of testing that out
4 because it will immediately be available, a
5 certain number of permits that were otherwise
6 useless with way too low horsepower rating or,
7 you know, mostly horsepower rating is the biggest
8 thing. So, you know, this will be a good, you
9 know, test.

10 MR. PEARSON: Yes, I agree.

11 FACILITATOR BROOKS: Marcos?

12 MEMBER HANKE: Yes, a quick comment.
13 Because of our special characteristics in the
14 Caribbean, the distance and the way the HMS
15 fishery is being developed and is stated, right
16 now we have a swordfish fishery being developed
17 with different permits.

18 There is intention of exploring other
19 things. Once you evaluate what you just
20 presented you should consider and consult with
21 the fishermen in Puerto Rico which way that could
22 impact us.

23 Please keep in mind that we behave
24 differently there and the fishery is going to be
25 very different, for example, the size of boats
26 used on the fishery.

27 FACILITATOR BROOKS: Thanks. Scott,
28 we'll hear from you and then go to a break.

29 MEMBER TAYLOR: Yes, I just wanted to
30 kind of echo what Marcos said, is I think that
31 this handgear fishery, particularly as it
32 pertains to the South Florida area, really is a
33 lot more complicated than it looks at first
34 glance in the way that these permits are, you
35 know, allocated as far as Marcos is concerned.

36 And I actually have a couple boats
37 down in Puerto Rico right now that I have been
38 fishing and the guy that's, my facilitator is
39 working with a lot of these handgear fishermen,
40 but that has a special entry handgear permit that
41 we have authorized down there, correct, that it
42 was the entry-level permit and --

43 MS. SCHULZE-HAUGEN: It's the
44 Caribbean small boat.

45 MEMBER TAYLOR: The Caribbean small
46 boat, you know, permit, and that that is a
47 fishery and it's in a location where there has
48 been a great deal of success in the short term

1 down there and I hope that that continues to, you
2 know, develop down there.

3 But that we need to be very, very
4 cautious of the size of boats and the saturation
5 that we allow down there in the South Florida
6 Straits because with technology today AIS, that a
7 lot of these guys are looking at even dog track
8 satellite, I mean dog, you know, track collars,
9 on some of the buoys.

10 The original intent of the handgear
11 buoy fishery was a visual, you know, eight to
12 ten, you know, buoy fishery that you managed and,
13 you know, that there has been some modification
14 from some of the guys that are fishing that will
15 allow more gear to be fished that can kind of
16 undermine the very intent of the way that the
17 fishery is designed and you put bigger boats in
18 place and doing that and all of a sudden the 36
19 floats are floating around in there with GPS
20 locators on them, you know, and that's the way
21 that they are -- I'm serious, this is the way
22 that, you know, that it will go down there.

23 MALE PARTICIPANT: Absolutely.

24 MEMBER TAYLOR: And then you are going
25 to have a problem that you don't want to have
26 down there in the Straits of Florida, so it's a
27 much more complicated thing than at first glance
28 and that I would appreciate -- I think that it
29 was the right decision to wait and to separate
30 that from this particular mechanism.

31 FACILITATOR BROOKS: Thanks, Scott.
32 So I think in a nutshell kudos, keep at it, look
33 for more areas to rationalize and streamline and
34 some interest in thinking about the complexities
35 of handgear.

36 With that, we should go to a break.
37 We are about five minutes behind, so why don't we
38 all be back for a 4:05 p.m. restart. Thank you.
39 So five minutes after four.

40 (Whereupon, the above-entitled matter
41 went off the record at 3:49 p.m. and resumed at
42 4:05 p.m.)

43 FACILITATOR BROOKS: So we have a few
44 more topics we want to cover today. I know
45 today's a long day, but hang in there just a
46 little bit more.

47 At this point I want to hand it off to
48 Carrie Soltanoff with HMSwho will walk us through

1 the Individual Bluefin Quota Proposed Rule. So
2 Carrie, it's all yours.

3 MS. SOLTANOFF: Thank you. So I am
4 talking about an upcoming proposed rule to adjust
5 the individual bluefin quota for regulations for
6 the distribution of in-season quota transfers.

7 So first I'm going to walk through a
8 little bit of background, just a refresher on the
9 IBQ program and on what we've seen and heard over
10 the past year and a half that this program has
11 been in place.

12 So as many of you know, the IBQ
13 regulations state that IBQ allocation is used to
14 account for bluefin tuna bycatch landings and
15 discards in the pelagic longline fishery.

16 At the start of each year the
17 qualified IBQ share recipients who have their
18 Atlantic tuna longline permits on a vessel
19 receive annual IBQ allocation from the longline
20 category bluefin quota, and that allocation is
21 distributed according to the three different
22 shareholder percentages, which are high, medium,
23 or low tier, based on what was analyzed under
24 Amendment 7.

25 As of January 1st of this year, a
26 vessel fishing with longline gear must have a
27 minimum IBQ allocation to fish and vessels can
28 lease IBQ allocation in order to obtain that
29 minimum or in order to account for quota debt.

30 So looking at the two most recent in-
31 season transfers that we have done to the
32 longline category since the IBQ program has been
33 in place, those transfers were in July of 2015
34 and January of 2016, and in both instances, we
35 transferred 24 metric tons from the Reserveto the
36 longline category.

37 Those in-season transfers were done
38 considering the relevant regulatory determination
39 criteria and in both of those cases, we
40 distributed the in-season quota in equal amounts
41 to the qualified IBQ share recipients, so they
42 each received .25 metric tons, or 551 pounds.

43 So we've already talked about the 2015
44 pelagic longline fishing activity, but just to
45 reiterate, based on logbook data there were 104
46 vessels that fished with longline gear in 2015.
47 A hundred of those vessels were associated with
48 IBQ shares, and four of those vessels were not

1 associated with IBQ shares.

2 So that leaves 36 IBQ share recipients
3 that did not fish with longline gear in 2015.
4 And of those 36, five share recipients leased out
5 their quota. So there were 31 share recipients
6 that neither fished nor leased out their quota.
7 And ending 2015, there were 136 metric tons of
8 IBQ allocation that went unused.

9 So at the spring AP meeting, and in
10 other conversations, we've heard feedback from
11 the pelagic longline fishery participants. So
12 we've heard requests to distribute quota in-
13 season only to vessels that are currently
14 fishing, and this would be to optimize the
15 fishing opportunity and account for dead discards
16 and rather than distributing the quota equally to
17 IBQ share recipients as we've done in the past
18 two in-season transfers.

19 We've heard concerns about the
20 availability of IBQ allocation given the
21 accounting requirements that are effective in
22 2016, and we've heard that there has been
23 potential for IBQ program to negatively impact
24 vessel operations and finances given the pricing
25 of IBQ, the distribution of quota among permit
26 holders, and behavior of some permit holders, for
27 example such as holding on to IBQ for the entire
28 season without fishing or leasing their quota.

29 So after hearing this feedback from
30 the AP and the longline participants, we've been
31 considering ways to adjust the IBQ program
32 regulations. So we don't have a proposed rule at
33 this time, but we -- what I'm going to talk about
34 here is what we are considering in order to
35 adjust the IBQ regulations.

36 So we're considering adjusting IBQ
37 regulations in order to provide additional
38 flexibility regarding the distribution of in-
39 season bluefin tuna quota transfers to the
40 longline category.

41 So more specifically, for instance,
42 once we make a transfer of quota in-season, we
43 could distribute that bluefin quota either to all
44 qualified IBQ share recipients or to permitted
45 longline vessels with recent fishing activity,
46 and that could be whether or not they are
47 associated with IBQ shares.

48 So this type of additional flexibility

1 and distributing bluefin quota in-season could
2 assist NMFS in providing reasonable opportunities
3 to fish for target species under the IBQ program
4 and optimize distribution of bluefin quota
5 transferred in-season to the longline category.

6 It could provide flexibility in the
7 quota system and flexibility in the regulations
8 to account for the highly variable nature of
9 bluefin catch, which are objectives of both the
10 IBQ program and Amendment 7, and it could also
11 assist new entry to the fishery when there is in-
12 season quota transfer to the longline category.

13 So I mentioned that we would have the
14 flexibility to distribute quota to vessels with
15 recent fishing activity, so what does that mean?
16 Recent fishing activity could be determined by
17 logbook, VMS, or electronic monitoring data from
18 the subject and previous year indicating that
19 there has been fishing with longline gear.

20 So for example, if we were looking at
21 an in-season transfer in 2016, we could examine
22 fishing activity data for 2015 and 2016 to see if
23 there was any fishing during that period.

24 And as I mentioned, active vessels
25 could include both permitted vessels that are
26 associated with IBQ shares as well as permitted
27 vessels that are not associated with IBQ shares
28 but that have leased IBQ allocation in order to
29 fish with longline gear.

30 So when we distribute quota in-season,
31 we -- as we've done in the past two times that
32 we've distributed quota, we have assigned that
33 quota to a designation by region.

34 And so we could continue to designate
35 by region in that same way for qualified IBQ
36 share recipients where quotas designated either
37 as Gulf of Mexico, Atlantic, or both Gulf of
38 Mexico and Atlantic according to that share
39 recipient's regional designations.

40 In the case of vessels with recent
41 fishing activity that are not IBQ share
42 recipients, the quota could include a regional
43 designation of either Atlantic or Gulf of Mexico
44 based on where the majority of their recent
45 fishing activity has occurred for the period
46 analyzed.

47 So we, as I mentioned, we could decide
48 to distribute this in-season quota either to all

1 the IBQ shareholders -- share recipients or to
2 the active vessels, and in making that
3 determination, we could consider the following
4 factors looking at the subject and previous year
5 which are the number of bluefin landings and dead
6 discards, the number of IBQ lease transactions,
7 average amount of IBQ leased, average amount of
8 quota debt, annual amount of IBQ allocation,
9 previous in-season allocations of IBQ, amount of
10 bluefin quota in the reserve category, percentage
11 of bluefin quota harvested by other quota
12 categories, the remaining number of days in the
13 year, the number of active vessels fishing not
14 associated with IBQ share, and the number of
15 vessels that had incurred quota debt or that have
16 low levels of IBQ allocation.

17 So if we were to propose a rule such
18 as what we are considering here, it would not
19 change the annual IBQ allocation that's
20 distributed to the qualified IBQ share recipients
21 at the beginning of each year. It would also not
22 have any change to the regulatory determination
23 criteria used to determine if and when to
24 transfer bluefin quota in-season to the longline
25 category. It would only apply to the
26 distribution of bluefin quota transferred in-
27 season after it's been transferred to the
28 longline category.

29 So the next three slides that I'm
30 going to go over are illustrations of the
31 potential implications of these adjustments that
32 we're considering to the IBQ regulations.

33 So the left-hand side of the screen is
34 showing what our past two in-season transfers
35 looked like. So as I mentioned, in both cases we
36 transferred 34 metric tons to the longline
37 category. That 34 metric tons was then
38 distributed to 136 IBQ share recipients, and that
39 resulted in .25 metric tons or 551 pounds of
40 quota each.

41 And so as I mentioned, in what we're
42 considering here we would have the flexibility to
43 distribute quota exactly the same way as we have
44 done in the past. So assuming a future in-season
45 transfer of 34 metric tons as an example, we
46 could continue to distribute that among all 136
47 qualified IBQ share recipients, and they would
48 continue to receive the 551 pounds each.

1 So this slide is showing a second
2 implication of how we could distribute the quota.
3 So the left-hand side, again, is how we
4 distributed in the past, 34 metric tons to 136
5 IBQ share recipients. The right-hand side is
6 assuming another in-season transfer of 34 metric
7 tons. However, in this case we're transferring
8 to 104 vessels with recent fishing activity, and
9 that 104 is an example based on how many vessels
10 fished in 2015.

11 So if we transferred the same amount
12 of quota and then distributed it to 104 vessels,
13 each vessel would receive 721 pounds. So for
14 those who had received 551 pounds in the past,
15 they would be getting about a 30 percent increase
16 in the amount of quota.

17 And so this final illustration again
18 on the left shows what we've done in the past.
19 On the right it's looking at if we distributed a
20 smaller amount of quota to the longline category.
21 So we left more bluefin quota in the reserve, we
22 transferred 26 metric tons to the longline
23 category, and then distributed that to the 104
24 active vessels. And so they would continue to
25 receive the same 551 pounds each.

26 So in conclusion, please stay tuned.
27 As usual for a proposed rule there would be a
28 public comment period and a public hearing and
29 webinar in order for us to collect comment. And
30 if you have any questions or want further
31 information, feel free to contact Tom, Sarah, or
32 myself. And with that, I'll take any questions.

33 FACILITATOR BROOKS: Ben, I see you're
34 in the queue, and I think Scott just raised his
35 hand, but before I do that, just a question for
36 you, Carrie, or Brad.

37 Is there any particular feedback
38 you're looking for from the AP at this point?
39 Are there any particular questions that would be
40 helpful for you to have discussion on or just
41 general questions and comments?

42 (Off-microphone comments.)

43 FACILITATOR BROOKS: Okay. Fine. So
44 Scott?

45 (Off-microphone comments.)

46 FACILITATOR BROOKS: Scott is
47 speechless.

48 MEMBER TAYLOR: Thank you, good night.

1 FACILITATOR BROOKS: I think we should
2 still sit with that another minute longer, but
3 Ben, it's yours.

4 MEMBER CARR: Okay. So my question
5 has to do with IBQs and also the transfer of
6 quota in general, and hopefully John will comment
7 on this. Sorry to put you on the spot, John.
8 But we rolled the 2015 under into quarter one and
9 we moved quarter four into quarter one for
10 bluefin tuna.

11 And I know we're trying to do a
12 regional distribution so that everyone gets a
13 shot at tuna, but it seems odd that we're
14 targeting a large majority of our quota before
15 they get to the spawning grounds.

16 MR. MCHALE: I didn't quite follow you
17 there, Ben. So what Carrie just presented was a
18 potential alternative method to distribute
19 commercial bluefin tuna quota amongst the pelagic
20 longline fleet. Period.

21 MEMBER CARR: So my question is, why
22 did we move the quota for bluefin tuna commercial
23 from quarter four 2016 to quarter one 2016 while
24 also rolling the 2015 underharvest into quarter
25 one 2016 and then just roll it forward when we
26 know even though we're trying to give and sustain
27 harvest along the coast, that we're hitting them
28 before they get to the Mid-Atlantic and the Gulf?

29 MR. MCHALE: Okay, so I think I follow
30 you. You've got a couple of things blended
31 there.

32 So first, is you're referring to the
33 general category, quota transfer, that is for the
34 directed handgear vessels where we did an in-
35 season transfer and moved the allocation from the
36 December timeframe forward within the same
37 calendar year into January. And so this was --

38 (Off-microphone comment.)

39 MR. MCHALE: Handgear only. It was
40 discussed as part of Amendment 7 to provide
41 additional fishing opportunities early in the
42 year, given in the directed handgear management,
43 there was likelihood there would be quota
44 available at the tail end. So that's that
45 aspect.

46 In regards to the US quota, and our
47 allowances underneath ICCAT to carry forward ten
48 percent of our under harvest from one year to the

1 next, that also is allowed.

2 And so -- but that's at a US level.
3 It isn't at a longline level, it isn't at a
4 recreational level, which is those smaller size
5 classes of bluefin or the handgear. It's just at
6 an overall US level that's internally
7 distributed.

8 FACILITATOR BROOKS: Marty, and then
9 to Rich.

10 MEMBER SCANLON: You say there's 104
11 active -- there's 104, 106 active pelagic
12 longline vessels that have made the minimal
13 requirements, is that what you're saying? Or
14 what you're saying that -- are you counting
15 vessels that did not actually fish themselves and
16 transferred quota in that number? Or is it
17 vessels that actually left the dock and set
18 longline gear? Is that where you're getting that
19 104 number from?

20 MS. SOLTANOFF: Yes, so the 104 is
21 vessels that actually went fishing.

22 MR. McHALE: In 2015?

23 MS. SOLTANOFF: Right, in 2015.

24 FACILITATOR BROOKS: Rich?

25 MEMBER RUAIS: Just a quick comment
26 for my friend here. Industry has always
27 advocated and urged the agency to put out the
28 formal quotas as fast as possible, as soon as
29 possible for business planning purposes, both in
30 the longline industry and in the general
31 category, harpoon category, particularly with an
32 IBQ program you need to know what your
33 possibilities are and to have maximum amount of
34 time to work on it.

35 Same with the charter boat fleet in
36 terms of scheduling charters. You need to know
37 how much quota are we going to have of what size
38 fish, so where should we advertise or which show
39 should we go to? So it's our quota. It's
40 blessed by ICCAT, and I think we have a right to
41 have access to it as soon as we can.

42 FACILITATOR BROOKS: Tim and then
43 Shana and then Scott, who's no longer speechless.
44 And then Carrie.

45 MEMBER PICKETT: Okay, just kind of a
46 couple points of clarification. So you know, I
47 see there's kind of three options here with the
48 reallocation in the three different scenarios

1 that you have. One point I'd like to -- and
2 these are in whole weight, correct? This is a
3 whole weight number?

4 To me, just looking at it in general,
5 the second option was 721. That's a real --
6 that's a much more real number than 551 is, in
7 terms of it being a fish. 721 is a much more
8 realistic whole weight fish number than a 551 is
9 without you going over, if somebody were to be on
10 the cusp of anything. So that's just my general
11 remark for that.

12 So you know, out of the three, I would
13 say the second one is the most -- the second
14 picture here, where you reallocate the 34 to the
15 active boats, makes the most sense to me in terms
16 of a usable number.

17 The second is in terms of
18 differentiating where a reallocation would go to
19 in terms of a vessel that might fish between the
20 Gulf of Mexico and the Atlantic, just some
21 clarification. I'm not all that clear. If they
22 were reallocated additional quota, say an
23 additional 721 pounds, is that assumed to always
24 be in the Atlantic? Or if they have both quotas
25 or if there's an ability for an Atlantic boat to
26 get Gulf of Mexico quota through a reallocation,
27 how would that go down?

28 MS. SOLTANOFF: So the regional
29 designations for the 136 IBQ shareholders, for
30 those permits, those regional designations were
31 already established under Amendment 7, and we
32 would maintain those same regional designations
33 when distributing in-season quota.

34 We would only need to assign regional
35 designations if there are active vessels that
36 don't have shares, IBQ shares, and therefore
37 don't already have that designation. And in that
38 case we would look at where they went fishing
39 during the time period that we analyzed and use
40 that to designate the region for their
41 allocation.

42 MR. MCHALE: And let me, you know,
43 just to make sure that we're all on the same page
44 here is that there isn't actually a formal
45 proposed rule before you all right now to
46 actually get specific comments on a proposed
47 alternative.

48 So what I'm hearing you kind of -- so

1 one thing I would recommend is stay tuned. If
2 and when there is a proposed rule, that would be
3 feedback that we would want to hear on, is for
4 those vessels that were active, that may receive
5 an in-season distribution of quota, and they
6 happen to have activity both in the Gulf as well
7 as in the Atlantic, we would like to hear what
8 your recommendations would be and how to then in
9 turn distribute that allocation.

10 Would it be your last three trips were
11 in the Atlantic, therefore that, or would it be
12 in some proportions Carrie just mentioned for
13 those vessels -- excuse me, for those IBQ
14 qualified shareholders? We've already
15 established that ratio, whether it's 100 percent
16 Gulf, 100 percent Atlantic, or a percentage
17 thereof. So that's something we'll want to be
18 hearing back.

19 MEMBER PICKETT: Yes, just to follow
20 up. You know, I'm just trying to wrap my head
21 around the easiest way of not breaking this pie
22 into a million pieces. You know, and I guess
23 that's what my point was with the graphs, that,
24 you know, the 721 pound chunk is a useful piece.

25 And then, you know, you get into the
26 oh, Gulf of Mexico, Atlantic, it just -- I
27 applaud the efforts to make it as fewer pieces as
28 possible to make things useful in the better
29 utilization. I guess that's what my point was,
30 so.

31 MR. MCHALE: Thank you.

32 FACILITATOR BROOKS: Shana?

33 MEMBER MILLER: Thanks. First of all,
34 just to speak to the -- what I would perceive as
35 the success of Amendment 7, you know, the slide
36 Tom showed earlier, that dead discards in the
37 last five years have been 150 to 200 metric tons
38 per year, and I think it was 20 metric tons last
39 year, pretty striking difference.

40 And to get at Terri's point about
41 whether the extrapolation methodology was
42 incorrect, my understanding is that 20 metric
43 tons was calculated using the exact same
44 methodology.

45 So you know, that's not it. It seems
46 to me a direct result of Amendment 7, and there's
47 this three year review coming up, and so my
48 question is, is this proposed rule really just

1 going to be limited to how the in-season transfer
2 is allocated? Because, you know, I saw IBQ
3 proposed rule and I was like what, why are we
4 doing this now? Is it really just limited to
5 this, or is the laundry list going to creep in
6 there?

7 MR. McHALE: So one, thank you on that
8 first point because I didn't mention to bring
9 that up, is you're absolutely correct. In the
10 dead discard chart that you pointed out, Terri,
11 the methodology was the same across the board.
12 So we didn't get signals crossed there.

13 What proposed rule? There is no
14 proposed rule.

15 FACILITATOR BROOKS: Scott and then
16 Terri.

17 MEMBER TAYLOR: So to go kind of back
18 to what we talked about earlier about the fleet
19 using whatever help that it possibly can get, and
20 the fact of the matter is that there is still
21 value associated with these fish, even though
22 it's not a quote unquote directed fishery.

23 You can't paint it all with a broad
24 brush. For example, the highest value bluefins
25 that our Florida East Coast fleet is going to
26 land are in January, February, and March, at the
27 very time that we can't really take them because
28 we need to make sure that we're holding whatever
29 allocation that we have for any potential
30 problems that might exist during the calendar
31 year.

32 The converse would be applicable for
33 the boats that are fishing up in the Northeast
34 that don't see the fish really until June, July,
35 you know, and August.

36 So in order to really understand and
37 to utilize this quota as this develops because it
38 goes to the heart of really what Amendment 7 was
39 supposed to deal with, which is this individual
40 accountability but it still should not exclude
41 the user group from being able to utilize the
42 resource that's associated with it.

43 And so depending on the timing of how
44 you do in-season transfers either disenfranchises
45 or benefits different parts of the fleet
46 depending upon where you are.

47 And I don't have a solution for you.
48 I'm just pointing out to you that if we were

1 going to harvest, and make the decision to take a
2 live bluefin, which is the fish that's going to
3 have value to us, we're going to want to do it in
4 the early part of the year. That's the time that
5 the fish have got the best commercial value
6 because what we've essentially done to the
7 pelagic longline fleet is we've taken whatever it
8 was that it was producing economically and made
9 it worthless because essentially the only thing
10 that we're been retaining, and I think that your
11 numbers probably pan that out, Tom -- I mean
12 Brad, I'm sorry, that if you look at the ex-
13 vessel value of the fish, your numbers certainly
14 should be reflecting a decline in the value of
15 the fish because the fish that are being retained
16 on the boat are the fish that otherwise would
17 have been dead discards, and they have very
18 little commercial value.

19 Better to bring it in at three or four
20 dollars than to discard it and have no value for
21 it, but I mean, for our fleet in particular, I
22 don't have the exact number but I want to say we
23 probably had 20,000 pounds of unused quota last
24 year at the end of the year. But I would have
25 loved to have been able to -- even at \$8 or \$10
26 of value, that's a lot of value spread over the
27 hands of those fishermen that are involved. And
28 that in lies the challenge which was the big
29 difference for us, when you went from a year end
30 reconciliation to a real time reconciliation, how
31 we managed that changed quite a bit.

32 So all those things are interrelated.
33 And it isn't going to be the same depending upon,
34 you know, where you are for the fleet. The only
35 option that we really have now to harvest
36 anything that's going to be of any value is what
37 we were talking about at the end of the season.
38 I mean, certainly from a business standpoint you
39 can't blame me, although there's probably a few
40 people in this room that might look at it
41 differently, for if I've got 20,000 pounds of
42 usable quota that doesn't have a demand for me to
43 transfer in-season to another user group, the
44 most responsible thing for me to do for my
45 business would be to utilize it and harvest the
46 fish. And the question is how do I do that under
47 the current configuration without, you know,
48 without doing this?

1 So to come full circle, how and when
2 you decide to allocate has got a great deal of
3 impact on what it is that we're going to decide
4 to be able to do in how we manage the vote. And
5 you need to take that into consideration if
6 you're going to make any additional changes.

7 FACILITATOR BROOKS: Thank you.
8 Terri.

9 MEMBER BEIDEMAN: So coming right on
10 the end of that is the same thing. The value is
11 not just the ex-vessel value. You know, the
12 value is whether or not a fishing boat is going
13 to be able to go out fishing and make plans for
14 his future for the year, you know, like buy
15 hooks, buy bait, buy things ahead, and tackle
16 dealers and all other realms of people that have
17 to make decisions based on whether this pelagic
18 longline fleet is going to be able to be fishing.

19 So I'm pleased that you're taking a
20 look at it. I agree with Tim, I think that, you
21 know, if you distribute it to the ones who are
22 fishing, I'm concerned that you might want to go
23 with that well, we'll distribute less, because
24 people are so concerned that we might be doing
25 directed fishing with a one or two fish
26 potential, you know, which is what 551 pounds
27 comes out to be.

28 So I'm concerned that you're a little
29 bit wedded to, you know, holding back when this
30 fleet and our bluefin tuna quota, as well, is
31 available. You know, it's not being harvested.
32 We now, I believe this year, have had some
33 individuals that have run up to, you know, caught
34 their initial allocations and they're running
35 around trying to get quota.

36 But it's not easy and you can't really
37 make plans and try to run a business and know and
38 hope that you're going to be able to get your
39 hands on leased quota. And so from my position,
40 I think that we should try to maximize our full
41 potential of optimum yield out of this fishery.

42 And I'm not saying that other
43 categories or other fishermen shouldn't be
44 fishing, but it's very, very hard to make plans
45 when you really have basically a handful of fish
46 available. And if you get a lightning strike,
47 and it happens, and you're out. And you can't
48 get your hands on quota or people aren't

1 transferring and we heard issues regarding some
2 categories of IBQ shareholders who were only
3 leasing to people they wanted to, issues that we
4 raised in Amendment 7 concerns.

5 So I would love to see this. I'm
6 happy to see this coming forward and trying to
7 discuss how to work it out. I don't want to see
8 us wedded to trying to keep it as low as
9 possible. So we need to make sure that our
10 fishermen have a good chance to try to fill their
11 quota of swordfish. Thanks.

12 FACILITATOR BROOKS: Thanks, Terri.
13 I want to go to Michael, then up to Ben, and then
14 down to Jeff.

15 MEMBER LUISI: Okay, thank you. And
16 please forgive my ignorance regarding this
17 fishery. It's not something that I'm very
18 familiar with, but the subject is something that,
19 you know, strikes my interest and I would love to
20 hear about what you guys are thinking about how a
21 fisherman's activity -- how are you considering
22 defining activity?

23 And what I mean by that is, will the
24 activity that may at some point separate the
25 group of fishermen who get an extra allocation
26 from those who don't, would they be defined
27 throughout that particular year or would there be
28 some type of control date for defining activity
29 for an upcoming year because, you know, having
30 been involved in some other ITQ fisheries, IFQ
31 fisheries, there's always been a concern of mine
32 that when you go forward with this type of thing,
33 that behavior changes, and fishermen who may not
34 have been active decide to become active.

35 I don't know how easy that is to do
36 here. It sounds complicated and it's a lot more
37 than what fisheries that I'm familiar with, where
38 you can get on a boat and all of a sudden you're
39 in it and you're active. And I just would love
40 just to get your thoughts on activity and how
41 that might be defined moving forward.

42 MR. MCHALE: Well, that would actually
43 be contained in a proposed rule, if and when one
44 comes. But historically what we've done, at
45 least in Amendment 7, is look at whether it's,
46 say, logbook submissions where vessels have
47 documented they've fished with pelagic longline
48 gear. Or is it vessel monitoring reports, where

1 they're complying and sending in set reports, or
2 observer reports, something along that line.

3 I think then, as part of trying to
4 establish any sort of definition of what active
5 is in this particular context, you're then
6 looking at the temporal aspect of it. Are you
7 looking at activity within the current year which
8 kind of speaks to the point, you know, Scott is
9 is not everybody fishes in January. So if all of
10 a sudden that's your window of opportunity,
11 there's folks on either side of that line.

12 Or if you were to, say, look at the
13 previous fishing year, okay, that still then has
14 folks that are falling on either side of the
15 line. Let's say somebody was in dry dock but had
16 been active the last five years prior and were
17 bringing their vessel back on line in say '17 as
18 an example.

19 So that's something that we would have
20 to look at. Not only is -- what data elements
21 that we would be looking at to then say check the
22 box, there's some sort of pelagic longline
23 activity that's taking place, but then over what
24 time horizon.

25 And we don't have anything definitive
26 yet, but those are the, you know, two variables
27 that would really come into play. And with that
28 I have the same exact concern is that then what
29 sort of behaviors are modified as a result of
30 that?

31 Are vessels that may have been
32 historically on the sideline now going to go and
33 make that one set per year so they're part of
34 that group? And that's something that we would
35 kind of have to, you know, analyze and deliberate
36 and kind of collectively as a group here chew on
37 as what are the pros and cons, what are the risks
38 versus the rewards?

39 MEMBER CARR: Okay. So it wasn't to
40 handgear, the reallocation. It was December 14th
41 and it was a transfer -- a rollover and a
42 transfer from December to January. And it was
43 Brad and Sarah that did it, to general and
44 reserve.

45 And then in January, you reallocated
46 it through IBQs. So it is a reallocation to
47 allow northern fishing, which I understand and I
48 agree with you, Terri, that the pelagic longline

1 is the most regulated, most 100 percent
2 compliant, 100 percent --

3 (Off-microphone comment.)

4 MEMBER CARR: I know, exactly. And
5 I'm not trying to put you guys out of business.
6 But you mentioned optimal yield. Do we want --
7 and this is a discussion you've had long before I
8 got here. Do you want optimal yield or do you
9 want sustainable yield?

10 We have to find a balance. Like, if
11 we're hitting the fish before we get to the
12 spawning grounds, we know where the spawning
13 grounds are. There are four of them. If we're
14 hitting the fish before they get to the spawning
15 grounds and can lay eggs, then we're hurting
16 ourselves three years down the line.

17 MR. McHALE: I suggest that we talk
18 offline so I can make sure of the transfers
19 you're speaking to. But you're blending about
20 three different things and there wasn't
21 necessarily a question in there per se.

22 But I want to make sure I'm giving you
23 the right answers in regards to where we moved
24 quota from, where we moved it to, the rationale
25 why we moved it, and so I can kind of pick that
26 apart and get you the answers. Because it sounds
27 like there's other issues imbedded in there that
28 have nothing to do with the actual merits of the
29 transfer itself. So I want to make sure I'm on
30 the same page with you.

31 FACILITATOR BROOKS: Let's take two
32 more comments and then we're going to move to the
33 Rec fishing topic. So Jeff and then Rom.

34 MEMBER ODEN: Jeff. Maybe I've missed
35 something. Could you tell me where we are right
36 now longline versus our quota, you know, what
37 percentage we've caught? I'm just curious. To
38 date.

39 MR. McHALE: I would have to chase
40 those numbers down. I know Tom had shared --
41 excuse me, Sarah had shared that in regards to
42 landings that had been reported us via the
43 dealers were about 68 metric tons out of the
44 available 182. Thank you, Sarah.

45 But that isn't necessarily inclusive
46 of, say, dead discards. And so that number is
47 biased low. It's just those fish that have been
48 reported landing to date. So, you know, I can

1 get you the exact numbers, but, you know --

2 MEMBER ODEN: But discards -- I mean,
3 I'm just trying to follow up with what Scott had
4 to say. I mean, here we are talking about an
5 industry that's potentially going to be giving up
6 quota to other countries here if we don't utilize
7 it soon.

8 And what I'm concerned about is, you
9 know, the viability of -- there are a few
10 fishermen in this that are on the brink anyway.
11 One bad set and they're off the planet, I mean,
12 they're out of the fishery.

13 And again, my point was, and I've made
14 it before, you know, the last quarter
15 accountability. And if we as an industry are not
16 even coming close to our quota on that given
17 year, then why are we being made to jump through
18 these hoops?

19 And I'm not saying don't be held
20 accountable if you do. You know, at the end of
21 the year, I mean, look, you've got the cameras,
22 you've got the observers. If we catch them,
23 we're going to have to ante up at the end of the
24 year.

25 But in the meantime, you know, why
26 should we as an industry behaving to buy and sell
27 this quota and jump through all these hoops? I
28 understand the intent, and we don't want a
29 directed fishery.

30 And I don't want any. I've caught
31 three. The last three fish I've caught in my
32 timeframe, to Scott's point, I got \$1 for one
33 \$0.50 for one, and zero for the third one. And
34 again, I don't want to see them.

35 In our area, in the timeframe that we
36 catch them that we start trying to target other
37 fisheries might incidentally catch them. That's
38 what they're worth to us. And if you've got to
39 buy quota when they're that worthless, and, you
40 know, again, I've got a couple of friends that
41 are on the brink anyway. They can't even buy a
42 generator. And if they have a bad set, they're
43 out of the fishery. And pretty soon you're going
44 to be having to figure out who you're going to
45 give your quota to anyway. That's my point.

46 FACILITATOR BROOKS: Thanks, Jeff.
47 Rom, final comment.

48 MEMBER WHITAKER: Yes, I'll keep it

1 quick. But first, somebody put a button over
2 here on the table. I don't know if somebody lost
3 one off their suit or dress or something. But
4 it's a nice metal button, it's right here.

5 FACILITATOR BROOKS: What's it
6 attached to?

7 MEMBER WHITAKER: Well, I don't know.
8 Somebody laid it on the table. So anyway, might
9 be valuable to somebody. But it's laying here.

10 (Off-microphone comment.)

11 MEMBER WHITAKER: Oh, there you are.
12 How about that.

13 (Applause.)

14 MEMBER WHITAKER: We got something
15 done today.

16 (Laughter.)

17 MEMBER WHITAKER: I don't really have
18 a horse in this race, but it would make sense to
19 me that you give the quota to the guys that are
20 working, not to the guys that are sitting back or
21 doing something else.

22 And you're somewhat being asked to
23 predict the future, which is tough. I understand
24 that. But don't lose sight of there -- we all
25 want to utilize the quota, and there's certainly
26 people in my area that come from all over the
27 East Coast that would certainly enjoy more quota.
28 Thank you.

29 FACILITATOR BROOKS: All right, Rich,
30 we just sailed. Put the card back down. We're
31 going to have a happy hour where you can ask that
32 question, whatever that was.

33 Okay, sorry. I'm just going to push
34 here. We've got to get to the rec issues. So
35 I'm going to -- let's see, we're going to hear
36 from John first, right? Do you want to sit from
37 there or come on up front?

38 MEMBER GRAVES: I don't think that I
39 can do the slides from here.

40 FACILITATOR BROOKS: Okay, then come
41 on up here and we'll hear from John first on
42 post-release mortality for marlins and then we'll
43 hear from the MRIP program on their regional
44 action plan. So John, all yours.

45 MEMBER GRAVES: All right, thanks. I
46 guess this is Margo's payback when she called me
47 a few weeks ago. This is supposed to be the
48 meeting where I go below the radar and don't go

1 up to the front table.

2 But I guess I call her up for the
3 ICCAT advisory committee meetings every meeting,
4 so it's only fair. She asked me just to do a
5 real quick presentation on a study that we
6 completed last September and it's coming out,
7 published in a couple months. But it's one of
8 these studies that led off a previous study where
9 we came up with more questions than we had
10 answers like, I guess, most good science.

11 So just looking at white marlin, a
12 little background before we do it. We have
13 directed fisheries for white marlin in the
14 Atlantic, both the artisanal, there are some
15 small scale artisanal fishers that are directed
16 at white marlin. We don't have very good catch
17 reporting from those, but we have some idea. And
18 then we have a directed recreational fishery.

19 And then there's the incidental
20 bycatch fisheries, the pelagic longline. This is
21 believed to represent the vast majority of the
22 mortality, fishing mortality for this species.
23 But there's also some that are taken in purse
24 seine, in the surface fisheries, primarily in the
25 eastern Atlantic.

26 ICCAT, if you look at the assessment,
27 we're looking at a current biomass at the time of
28 the last assessment that's about half of that
29 necessary for maximum sustainable yield, and the
30 fishing mortality at that time was right at the
31 fishing mortality for maximum sustainable yield.
32 So it sort of maxed out there and would have to
33 drop from that if you're going to have recovery
34 of the stock.

35 ICCAT ignored the problem for many,
36 many years but finally became aware of the issue
37 in 2000 and there have been a series of
38 management measures since 2000 that ultimately
39 resulted in country-specific quotas without ever
40 mentioning the word allocation which is
41 unbelievable.

42 There's currently a 400 metric ton
43 total allowable catch. There are country-
44 specific quotas and there's also live release
45 from the industrial pelagic longline and purse
46 seine fisheries.

47 In the United States, commercial
48 landings have been prohibited since the late

1 1980s. Our US recreational fishery is limited to
2 a total of 250 white marlin and blue marlin and
3 round scale spearfish combined. That's a result
4 of the 2000 measure that required live release
5 and started the reductions in catches by a lot of
6 the countries.

7 In the United States, more than 99
8 percent of the white marlin are released. We
9 have a regulatory releases with a minimum size of
10 66 inches, lower jaw fork length, and that was
11 calculated actually to keep our catches within
12 our ICCAT allowable half of that 250.

13 But there's also anglers who show
14 great conservation for this species, and so
15 there's a lot of just voluntary release of
16 animals that are well above the minimum size.

17 What it comes down to is that each
18 year throughout the Mid-Atlantic, which is where
19 the vast majority of these animals are caught and
20 released, there's more than 10,000 releases per
21 year. That's a lot of animals.

22 And just to put it into perspective,
23 this year, if you just take two tournaments that
24 occurred over five days each with both fishing
25 for three to five days, the White Marlin Open
26 released over 1,300 white marlin and the Mid-
27 Atlantic a few weeks ago released over 800 white
28 marlin.

29 That's over 2,000 white marlin right
30 there with just a minimal amount of the total
31 effort, the recreational effort. So that's a
32 substantial number of animals.

33 So one has considered, you know, if
34 you have that kind of number of releases, you
35 want to think about what is the effect of post-
36 release mortality, and in our program we've been
37 looking at that for some time.

38 A little more than ten years ago we
39 were looking at white marlin. We were concerned
40 at that time people were using J-hooks, you use a
41 drop back in this fishery where you put the reel
42 in the free spool, let the animal take the bait
43 for some time, process it, and then you would set
44 the hook. Well, while the animal is processing
45 the bait, if you look at a free white marlin
46 under water, a lot of times what they do is they
47 orient the bait in their mouth, crush the head,
48 swallow it.

1 If you let it go for five, six, seven
2 seconds, the fish may have, you know, swallowed
3 that bait and you're going to then hook it in
4 soft tissues, potentially rip the gill arch.

5 And a preliminary study looking at J-
6 hooks and with pop-up satellite tags, we had
7 seven to 20 fish die in that study, or a post-
8 release mortality of 35 percent.

9 In that same study we looked at 20
10 fish on circle hooks, none of them died. And we
11 expanded our sampling with some additional funds
12 to look at different models of circle hooks, and
13 we finally did have one fish die out of 59, or a
14 post mortality rate of 1.7 percent.

15 Now the J-hook value of 35 percent,
16 that's a squishy number because it's a small
17 sample size. But still, if you just do the back
18 of the envelope calculation you take 10,000
19 animals that are released, a 35 percent post-
20 release mortality rate, an average size of 22
21 kilograms, you're coming up with 95.2 metric tons
22 of cryptic mortality.

23 Now again, there's huge confidence
24 intervals around this number. But you compare
25 95.2 metric tons of cryptic mortality with the
26 current total allowable catch Atlantic-wide which
27 is 400 metric tons. So we were having a
28 substantial cryptic mortality occurring off of
29 our coast.

30 And so if we address that, which we
31 believe that we have because there's been a major
32 conversion by many anglers from J-hooks to circle
33 hooks in this fishery, you reduce that mortality,
34 what would you expect to happen? You would
35 expect to see some change in catch rates. Well,
36 lo and behold, and to Margo, the Recreational
37 Billfish Survey tends to -- when they look at
38 their rates they look at any tournament that has
39 a place for white marlin.

40 If you look at those tournaments that
41 actually target white marlin, that they're the
42 star of the show, just for example the Mid-
43 Atlantic which concluded a couple weeks ago, and
44 you look at the trajectory of the catch rates
45 starting in 2005, if my retirement account had
46 done this, I wouldn't be here now. So obviously
47 there has been at least a local response. It may
48 be coincidence, maybe not.

1 So there's been voluntary adoption of
2 circle hooks by the recreational billfish
3 community. I would like to point out that the
4 community was very proactive with our original
5 results. Tournaments held seminars, they had
6 some of the captains and mates showing people how
7 to rig their baits. They pushed this. And then
8 later on NMFS got into the act with the rule that
9 requires the use of circle hooks and natural
10 baits in billfish tournaments.

11 So with the use of circle hooks, the
12 majority of those hooks are lodging in the corner
13 of the jaw. And so, I had a graduate student who
14 was interested in looking at the effect of fight
15 time on white marlin and also on the
16 physiological parameters with increased fight
17 time. And that was Lela Schlenker's Master's
18 thesis, and this sets up sort of the study that
19 we did subsequently.

20 So the short of it with Lela's plan
21 was she had 22 fish which were caught with
22 different fight times. She had three different
23 range of fight times, and she took blood samples
24 from the fish and attached 30 day or pop-up
25 satellite tags that were going to release after
26 30 days. There was no relationship between post-
27 release mortality and fight time for white
28 marlin.

29 This is not the case that some other
30 people have found for different types of fishes,
31 but it's not that unexpected really for a
32 billfish.

33 Serum potassium was the sole
34 physiological predictor of mortality. Now if you
35 go back to your basic biology you'll remember
36 that potassium has a higher concentration inside
37 of the cell, a lower concentration outside of the
38 cell. So when you have increased serum
39 potassium, you've had cellular breakdown which is
40 consistent with strenuous exertion.

41 But what was problematic about Lela's
42 results was that she had a post-release mortality
43 of 32 percent, which is well over an order of
44 magnitude higher than we had for fish caught
45 under identical conditions but not removed from
46 the water and not poked in the aorta with a
47 syringe to collect a five milliliter blood
48 sample.

1 And inasmuch as Lela nor myself or are
2 cardiac surgeons, you know, there could have been
3 some errors there. And so our high post-release
4 mortality rate was confounded. Was it because we
5 brought the fish out of the water, or was it
6 because we were actually putting a needle into
7 the aorta of the fish?

8 So increased post -- air exposure has
9 increased post-release mortality. This has been
10 demonstrated in other species. Steve Cooke and
11 his group up in Canada have noted this. The --
12 you know, the rationale is pretty simple. These
13 are animals that if they're fighting, they've
14 incurred an oxygen debt. You bring them out of
15 the water and, in the case of some fish like a
16 bonefish, their respiration is not as good out of
17 the water as it is in the water.

18 In the case of a ram ventilator like
19 a billfish, that has to be moving forward to
20 respire, it may not be really respiring at all.
21 And actually, NMFS was ahead of the game on this
22 one because they have a regulation that prohibits
23 removing billfish from the water unless they're
24 retained.

25 That's great, but all you have to do
26 on any summer day is go and look onto the web and
27 you can see that there's not very good compliance
28 with this measure, and people aren't too
29 embarrassed about posting it on social media. So
30 yes, you're getting your hero shot or your person
31 over beast photo, whatever it is that you want,
32 but are you doing damage to the animals?

33 And so again, the results from Lela's
34 thesis were confounded because we didn't know
35 whether it was collecting the blood and/or the
36 air exposure that resulted in the very high post-
37 release mortality.

38 So we got some funding from
39 Saltonstall-Kennedy just to do a real quick and
40 dirty look at air exposure. And our objectives
41 were to deploy PSATs on white marlin with varying
42 times of air exposure, one, three, and five
43 minutes, and then to look and see how that
44 impacted post-release mortality and convey our
45 findings in terms of outreach to the user groups,
46 which is I guess a little bit what I'm doing
47 here.

48 So anyway, we were notified of the

1 Saltonstall, of our S-K grant I think in June
2 when we were up at an ICCAT meeting, an
3 intersessional in northern Spain, in Bilbao.

4 I was able to get the tags right at
5 the end of last summer in August, and so we had
6 21 tags to deploy. We had three treatments, one
7 minute, three minute, and five minute. Those
8 were randomly assigned to the fish. They were
9 brought on deck, the head was covered with a wet
10 -- they were brought onto a wet deck, the head
11 was covered with a wet cloth. That tends to
12 really reduce the movement of the white marlin so
13 it makes it easy, you know, so they weren't going
14 to incur mechanical damage by thrashing around on
15 the deck.

16 We got the -- you know, the normal
17 data from the fish. And our comparison group was
18 the study of 59 white marlin that were caught,
19 many on the same boats by the same anglers, but
20 were not removed from the water and tagged and
21 released, in which case we had a 1.7 percent
22 mortality.

23 So inferring survival, a lot of ways
24 you can do it with pop-up satellite tags. One,
25 for those fish that live is their net
26 displacement. How far do they go? And here you
27 can see these were 11 of the fish that survived
28 here. These are 30 day movements. These fish
29 were all tagged right off of Norfolk Canyon. And
30 you can see that they moved as far south as Port-
31 au-Prince, Haiti or over 2,200 kilometers to the
32 east. So these fish are moving some great
33 distances.

34 The other way you can do it is you can
35 look at the depth and temperature data collected
36 by the tag. The depth is in the upper column,
37 upper panel, temperature in the lower one. And
38 this is actually for the track for the animal
39 that moved all the way to the east. And so you
40 can actually see it --

41 (Off-microphone comment.)

42 MEMBER GRAVES: Anyway, okay. I've
43 got to stand. All right. But you can see the
44 bump up in temperature. The animal was over the
45 coastal waters, it was over the shelf in
46 Virginia. It crosses the Gulf Stream, you see
47 that pop up on temperature? And you also when
48 you go into the Gulf Stream water you have a much

1 deeper thermocline and so the volume of water
2 available to these animals greatly expands, and
3 you can see that change in its behavior in terms
4 of they have its depth distribution.

5 Inferring mortality, five of the six
6 mortalities that we had happened within, like,
7 the first hour. And these were what we call mud
8 darts, they just have a one way trip down to the
9 bottom.

10 And for those of you that have done
11 pop-up satellite tagging, I screwed up on this
12 one. There was a miscommunication between me and
13 the tag manufacturer. And typically we have a
14 constant depth release. So if the tag is at a
15 depth for a period of four days and that depth
16 doesn't change, the tag automatically releases
17 from the animal, floats to the surface, and
18 starts transmitting.

19 So if an animal dies and is at the
20 bottom, then after four days, okay it releases.
21 Or if a tag happens to pop off of the animal,
22 come detached and is floating at the surface for
23 four days, then it starts transmitting.

24 All of our tags should have stayed on
25 for 30 days. Every single one of the tags for
26 the mortalities that we had came off prior to the
27 30 days from the animals who were down there and
28 that's because a white marlin going down to the
29 bottom is a real windfall, and there were a lot
30 of organisms down there, and a lot of those are
31 yours, Sonja, that like to turn these things over
32 very quickly.

33 And just as an example here, here's
34 one, an animal that went down and went to the
35 bottom at a little -- at about 90 meters over the
36 shelf there and was there for about 10, 12 hours.
37 And then all of a sudden -- oh, it was just
38 resting, right? It came up to the surface.

39 No, its behavior is not typical for a
40 white marlin. And if you look at the light data
41 for the tag, that the shaded period here it was
42 in complete darkness as opposed to the typical 12
43 hours light, 12 hours darkness cycle. So it was
44 in a shark's stomach at this time.

45 And so we have two of our tags were
46 recycled by sharks, but eventually sharks
47 regurgitate the tags and they keep on ticking and
48 we get our data back.

1 But there was also one problematic
2 one. And so here you can see a white marlin.
3 This one was a five minute air exposure, one we
4 called the marlin jerky. It was sad to see these
5 animals sitting on the deck for five minutes.

6 But when we released it, it had a
7 behavior for nine days that was very consistent
8 with white marlin over the shelf area. And in
9 fact, it made very consistent dives about ten
10 minutes before sunrise and ten minutes after
11 sunset every day for nine days.

12 And then all of a sudden its behavior
13 dramatically changed. And as you can see, it all
14 of a sudden started exploiting a much deeper
15 water column going much deeper than white marlin
16 do.

17 And at the same time you'll notice
18 that the temperature -- when this animal was
19 descending, the temperature didn't get colder.
20 And so in this case -- also the light data showed
21 that after nine days, this animal was consumed on
22 the fly. This was a living animal at the time,
23 and it was probably a shortfin mako that did it,
24 and then regurgitated the tag.

25 The question is is this a fishing
26 mortality or a natural mortality, and that's one
27 that we couldn't really say. Was the animal
28 after nine days back on its game completely that
29 it could do that, or was it still, you know,
30 maybe not quite there.

31 So we ended up considering this both
32 ways, as a natural mortality and as a fishing
33 mortality.

34 So real quickly, the results. We got
35 the tags late but we managed to get 18 of the 21
36 tags out before the wind blew for two weeks and
37 the fish decided to leave. All 18 of the tags
38 reported. Mind you, those are three tags that
39 went into and came back out of sharks. So that's
40 pretty good.

41 Thirty three percent of the fish died
42 within thirty hours, five of them within almost
43 the first hour. And again, two of those tags
44 were subsequently scavenged. One fish predated
45 on after nine days.

46 So if you look there -- the post-
47 release mortality -- if you consider that a
48 fishing mortality, that would be 38.3 percent.

1 Fight time, fight intensity, and fish size didn't
2 differ among the fish that survived and died.
3 But again those were -- when you're dividing 18
4 fish into two groups, those aren't huge -- those
5 are huge confidence limits that are associated
6 with that.

7 The fight times and the estimated fish
8 sizes are there for both this study and then for
9 the reference study, the 59 fish that we had
10 tagged previously. And so those were comparable.

11 Post-release mortality again, 33
12 percent or 38.9 percent for fish with either one,
13 three, or five minutes of air exposure, and
14 that's significantly different from those -- the
15 fish that were left in the water.

16 There was also a general increase in
17 post-release mortality with time of air exposure.
18 So you can see the numbers here. Graphically
19 they're shown here. On the left is the overall
20 air exposure, and again that's either 33 or 38.9
21 percent versus 1.7 percent for zero.

22 And then you can see the linear trend
23 going up from with one, three, or five minutes.
24 And again, the red dot there is if you're
25 considering that one white marlin that was
26 predated upon after nine days as fishing
27 mortality.

28 Now in Lela's study, she had her fish
29 out of water for about two minutes. And if you
30 plot in her post-release mortality from her
31 study, the 32 percent, you can see that there is
32 a general linear relationship. Although, again,
33 these are very small sample sizes, but there's
34 definitely a trend there of increasing post-
35 release mortality with time out of water.

36 So air exposure is not good for fish.
37 Again, these fish are coming up with oxygen debt.
38 They are ram ventilators, they have to be moving
39 forward to respire.

40 So you bring them out of the water --
41 imagine that you just ran a quarter mile as hard
42 as you could, I mean really running a quarter
43 mile, and then somebody sticks your head under
44 water. How long will it take before you go into
45 some kind of stress, right?

46 FACILITATOR BROOKS: That's tomorrow's
47 program, by the way, just so you know.

48 (Laughter.)

1 MEMBER GRAVES: So clearly we see this
2 relationship. And then in terms of outreach to
3 the billfish community, again this is really as
4 an outreach thing because the law's already on
5 the books. So, it's -- what wasn't there was the
6 rationale for the law.

7 Here's the rationale. I mean, it's
8 pretty obvious. And I would like to thank Andrew
9 as well as Doug Olander. They were very
10 responsive and as soon as we had these results
11 they got them out to the billfish community. So
12 that helped a lot.

13 And again, thanks to the captains that
14 tolerated us on their boats as well as the S-K
15 program for funding us.

16 FACILITATOR BROOKS: Great, thank you
17 very much, John. We have time for a question or
18 two or a comment or two if there are. Please.

19 MEMBER PIERDINOCK: Thank you, John
20 and everyone that assisted you on this study. I
21 mean, last year I had requested and hoped that we
22 would see more studies at the recreational end
23 with different hook types and different species
24 and see the impact of such.

25 As you indicated, the data is a small
26 data set, which -- I have my concerns. I haven't
27 had the opportunity to comprehensively look at
28 the study which I believe you said is still going
29 to be published.

30 So I would hope I could see more
31 information. But as you know, there's a lot of
32 variables. When the fish was on the deck was it
33 95 degrees, was it 70 degrees? When you were
34 landing the fish were you in eight foot seas,
35 were you in calm seas, were you using the five
36 pound test line with 1,000 yards of line to run
37 him out and run out of gas or use an adequate,
38 you know, test line and drag and so on to quickly
39 land and release it.

40 So as I look at this, you know, I'm
41 not sure whether there's some other variables
42 that could have contributed to the mortality. So
43 I would hope that we wouldn't make any fishery
44 management decisions based in this data because
45 it is a small data set, and that you could get
46 more funding, do more specific studies to address
47 these issues.

48 Or, you know, ultimately let's get a

1 white marlin stock assessment to address what the
2 population is out there and further address our
3 concerns. Thank you.

4 FACILITATOR BROOKS: Thank you.

5 MEMBER GRAVES: I appreciate your
6 concerns with the small sample sizes. And in any
7 of these studies, you know, you really want to
8 compare apples to apples.

9 And so in all of these cases we were
10 fishing with 20 or 25 pound test and we had 60
11 pound test leaders. And it was the same boats
12 and the same anglers. So I mean, the results are
13 consistent within there.

14 Now whether that reflects what
15 everybody else is doing, maybe not so much. And
16 the term -- and the issue with fight time in
17 billfish is that most people fish white marlin on
18 lighter tackle. You know, it's unfortunate when
19 they hit something you have out there for a blue
20 marlin because what's the point in bringing it in
21 on a 50.

22 But you are becoming sensitive to
23 weather. And so, you know, you can get a fish
24 where you could do a Palm Beach release like
25 that. But on a windy day, the fish can hang
26 right off of the boat and you can't -- you're not
27 going to pull the leader on it and it's just
28 hanging off of there.

29 It's using the wind on the boat. That
30 fish isn't fighting it, it's using the wind to do
31 it. It's actually recovering. And I think some
32 of the -- you know, in Lela's study where we
33 actually had higher rates of mortality -- post-
34 release mortality for fish with shorter fight
35 times, those were the sprinters I think that we
36 came up on.

37 They were out of gas. We would bring
38 them up on the deck, they just -- that was it.

39 FACILITATOR BROOKS: Rom -- Marcos.
40 Sorry.

41 MEMBER HANKE: More or less on the
42 same lines, if you compare the Caribbean with the
43 warmer water versus where you conduct your study,
44 you're expecting any difference on the release
45 and the effect of that?

46 MEMBER GRAVES: That's a good
47 question, Marcos. But if you look at the
48 temperature, we were out near the Gulf Stream.

1 You know, so it isn't that much warmer in the
2 Caribbean, you know, during our summer offshore.
3 So you're looking at essentially tropical waters
4 up off of Virginia. So that's what these animals
5 prefer.

6 Now they will come in -- they will
7 come over the shelf to feed in slightly cooler
8 waters. I mean, the baits aggregated there. But
9 I don't think that was an issue.

10 FACILITATOR BROOKS: Rom.

11 MEMBER WHITAKER: Yes, thank you, John
12 for all your good work. You pretty well nailed
13 it. But this issue, it really bothers me that --
14 and you're exactly right. You say that you can
15 go on the internet probably right now and see
16 pictures of white marlin caught today or in the
17 last week in the boat, pictures, throwing them
18 back.

19 And this could have a really great
20 impact on our fishery, or I think it could just
21 by the sheer numbers on the mortality you're
22 showing. I mean, we are limited to 250 fish a
23 year, and if you started looking at it a little
24 different, then we're -- we could exceed that
25 number and that would be devastating our
26 industry.

27 So I mean, Andrew, I know you put it
28 in the magazines, but maybe we need to have more
29 peer pressure amongst ourselves and maybe even to
30 the extent of a fish can't be boated except in a
31 HMS-registered white marlin tournament.

32 So it just -- it's a wonderful
33 fishery. And from looking at the release without
34 removing it from the water and removing it from
35 the water, it seems pretty obvious to me that we
36 need to -- people just need to realize that it
37 kills them when you drag them in the boat.

38 Anyway -- and I'm sure we weren't too
39 long ago sitting at this table where we were
40 worried about white marlin going on endangered
41 species, or at least threatened. So I don't want
42 to fight that battle again. Thank you.

43 FACILITATOR BROOKS: Dewey.

44 MEMBER GRAVES: Can I --

45 FACILITATOR BROOKS: Oh yes, please.

46 MEMBER GRAVES: Just to that point.
47 Rom, the idea that we're limited -- our landings
48 are limited to 250 white marlin, blue marlin, and

1 roundscale spearfish combined. And that wasn't
2 based on any calculations of post-release
3 mortality. Those were landings.

4 And the idea was that the United
5 States was not going to increase its recreational
6 landings and that's what helped get the measure
7 in place that had -- that resulted in live
8 release for the longline-caught blue marlin and
9 white marlin, and also ended up with being the
10 reductions in catch limits for countries, and
11 eventually the country-specific quotas.

12 So ours is a landings limit for the
13 recreational fishery. It is not a mortality-
14 based limit, and that's the measure.

15 MEMBER WHITAKER: Okay, well thanks
16 for clearing that up. But still, from a
17 mortality standpoint, I agree with you, leave
18 them in the water.

19 FACILITATOR BROOKS: Thanks. Dewey?

20 MEMBER HEMILRIGHT: Thank you. I just
21 thank you for the presentation. It's pretty
22 interesting when you look at this that there's a
23 law in the books and clearly it's not followed.

24 Second of all, what is the status of
25 the stock of the white marlin? Is it overfished,
26 overfishing occurring, or is it unknown?

27 MEMBER GRAVES: There's a lot of
28 uncertainty associated with the assessment, but
29 the last assessment had the biomass of 0.5 of
30 that necessary for MSY. So it is overfished.
31 But the fishing mortality is a 0.99 of the MSY,
32 so you would say that it is fully fished, but it
33 is not -- overfishing is not occurring.

34 MEMBER HEMILRIGHT: Something else
35 that the U.S. fishing industry and recreational
36 industry might be cognizant of is, you know, if
37 you look at this -- like, for bluefin tuna the
38 commercial fisherman has to be -- account for his
39 dead discards and all like that.

40 I could see a scenario of where a
41 simple lawsuit by some NGO brings attention to
42 this here in the United States -- and maybe to
43 other countries -- that the U.S. is not
44 accounting for its post-release mortality of
45 marlins, given the exponential amount of
46 information out there through these studies, and
47 that, you know, it's something that they need to
48 be aware of.

1 And it kind of behooves me that the
2 agency has seen this, all the pictures of pulling
3 fish out of the water. I know on the commercial
4 end for law enforcement I've had friends that
5 have had \$5,000 fines for different scenarios of
6 pictures.

7 And I just wonder if HMS leadership is
8 going to do anything else to address all of the
9 blatant picture-taking of marlins out of the
10 water?

11 MS. SCHULZE-HAUGEN: So we have
12 forwarded Facebook posts and things of that
13 nature. They're lovely. They are GPS and
14 timestamped. And if you can get a clear shot of
15 the vessel identifiers, that is a case.

16 And so we are forwarding them as we
17 see them. You know, I think there's a lot more
18 out there and that's where I think education and
19 outreach can come into play as well. Enforcement
20 is one tool, but it's only one. So we do pursue
21 it when we can.

22 FACILITATOR BROOKS: And we have a few
23 people left in the queue, but we do have one
24 other presentation. I just wanted to invite
25 Andrew to hop the queue just in case you have a
26 comment on the outreach, and then I think we'll
27 hear from MRIP program and then we'll come back
28 if we have some time for those that we didn't get
29 to. So Bob, Michael, Terri, and whoever else I
30 missed.

31 MEMBER COX: Andrew Cox, Marlin
32 Magazine. And obviously this is near and dear to
33 my heart. In the magazine you'll never see a
34 fish out of water unless it's hanging at a scale.
35 It's something that I've challenged every -- all
36 of our fishing magazines in the company to do.

37 I echo the charter -- or I encourage
38 the charter operators in North Carolina and so
39 forth to do the same thing, come up with creative
40 ways to take that release photo.

41 You know, deck checking in tournaments
42 is an issue. But I also think, you know, the
43 study was the best case scenario, a wet deck, a
44 wet cloth over the eyes. But five minutes is a
45 little extreme for a quick photo and throw it
46 back over.

47 But needless to say that's the best
48 case scenario, and even one minute at a 20

1 percent post-release mortality multiplied by
2 10,000 is scary to think about.

3 But one thing to clarify, Dewey, I
4 think it's a regulation, not a law. But I wish -
5 - I have encouraged you guys to pursue some of
6 these from an OLE standpoint, especially from the
7 charter sector.

8 FACILITATOR BROOKS: Thanks, John,
9 really interesting, interesting work. So with
10 that, let's turn to our last presenter, Cliff
11 Hutt with HMS who will update us on the Marine
12 Recreational Information Program's Regional
13 Action Plan. All yours.

14 MR. HUTT: Good afternoon, everybody.
15 As you're all aware, MRIP is NOAA Fishery's
16 program for collecting and reporting marine
17 recreational catch and effort data and
18 statistics.

19 It consists of a multitude of surveys,
20 some examples being the Access Point Angler
21 Intercept Survey, the Fishing Effort Survey, the
22 For-Hire Survey, and near and dear to us in HMS,
23 the Large Pelagic Survey.

24 Since the 2006 review of the MRIP
25 program of the National Research Council -- which
26 then was called MRFSS -- MRIP has been working to
27 develop and certify a series of scientifically
28 sound surveys to meet recreational fisheries'
29 management data needs.

30 This has been a three-tier process
31 involving evaluation of existing surveys, finding
32 innovative ways of improving them, and then
33 implementing them.

34 A key component of this implementation
35 strategy has been to develop regional
36 implementation plans. The goals of these plans
37 are to get each region an opportunity to provide
38 a lead role in determining which survey methods
39 are most suitable for their management and
40 scientific needs.

41 These plans would basically contain an
42 enumeration of the region's data collection
43 needs, an analysis of existing data collection
44 programs and identifying gaps in those programs,
45 identifying strategies for implementing improved
46 methods of data collection, outlining processes
47 for integrating data from multiple different
48 sources, and providing budget estimates for

1 conducting the proposed data collections.

2 The final documents for these will be
3 submitted to the MRIP Operations Team and
4 Executive Steering Committee, both of which
5 largely consist of NMFS employees as well as
6 people from the various regional fisheries
7 management commissions and councils, and various
8 advisory boards. Russ Dunn is one of the
9 individuals on the Executive Steering Committee.

10 The team that we have put together for
11 our working group to develop the Atlantic HMS
12 implementation plan includes multiple members of
13 the Atlantic HMS Division, other NMFS staff --
14 primarily in the Office of Science and
15 Technology's Fisheries Statistics Division, which
16 oversees the MRIP program -- the Southeast
17 Fisheries Science Center, and various state and
18 regional partners from the various state
19 commissions and some of the key state agencies in
20 our region.

21 Our timeline for developing a plan,
22 it's a pretty ambitious timeline for now. We've
23 been working on it for the last several months.
24 We're looking to have various sections drafted
25 between -- the first couple drafted by the end of
26 this month with additional sections being drafted
27 through December with hopefully having a final
28 document sometime this winter.

29 We have identified about a dozen
30 different surveys that collect recreational data
31 related to HMS in addition to the LPS throughout
32 the southeast region.

33 We rely heavily on the other MRIP
34 surveys such as the Access Point Survey, the
35 Fishing Effort Survey which is replacing the
36 Coastal Household Telephone Survey, the For-Hire
37 Survey, the Northeast Vessel Trip Reports inform
38 some of our data as does the Southeast Region
39 Headboat Survey, the Maryland North Carolina
40 Catch Cards, the Recreational Billfish Survey
41 that collects data on tournament landings,
42 various mandatory reportings for billfish,
43 swordfish, and bluefin tuna that are directly to
44 the HMS division, and also to a lesser extent the
45 state-run surveys in Texas and Louisiana.

46 To give you an idea of how we are
47 analyzing these different data collections, this
48 is a very abbreviated outline but we're basically

1 looking at providing a description of what each
2 one does, identifying the geographic and temporal
3 timeframe over which the survey is conducted,
4 identifying the sample frame used by the survey,
5 the organization responsible, and the pros and
6 cons in terms of how good they are at providing
7 our data needs.

8 We have also identified a list of
9 tentative priorities for HMS recreational data
10 collection needs, and these are primarily what we
11 want to get feedback from the Advisory Panel on
12 in terms of the priorities.

13 The first two of these are completing
14 the LPS re-estimation based on the feedback from
15 the National Research Council, re-estimating our
16 statistical calculations for our estimates of
17 catch and effort so that we can identify any
18 potential improvements in those methodologies
19 that can be expanded when we do the LPS redesign.
20 Most of all the other major MRIP surveys have
21 already gone through redesigns to improve their
22 methodologies.

23 We are still working to do that with
24 the LPS, and we want to make sure that
25 incorporates appropriate non-response waits,
26 improved data collections on trips originating
27 from private access sites -- which is a continual
28 issue that has been brought up at various
29 advisory panel meetings -- and optimize the
30 sample size to improve standard errors on rare
31 event species.

32 And using all this, we want to develop
33 and implement improved sampling design for on-
34 site surveys used to estimate catch rates. We're
35 also considering options of expanding targeted
36 HMS recreational fisheries data collections
37 throughout the rest of the HMS region, either
38 through expanding the Large Pelagic Survey or one
39 option that has been brought up by the folks in
40 the Office of Science and Technology was adding
41 an offshore stratum to the existing MRIP
42 intercept survey where they would have a stratum
43 of sampling sites that were known to be used by
44 the offshore fleet much as is done in the LPS.

45 We are working to make sure Atlantic
46 HMS charter headboats are included and
47 incorporated in the various electronic logbooks
48 that are being developed for the for-hire sector

1 by the different councils.

2 We've been working a lot with the
3 South Atlantic and the Gulf Council on this. We
4 need to improve our data collection on
5 recreational shark fisheries. This has come up
6 time and time again with the dusky shark issues.

7 The LPS is kind of designed to target
8 access sites for offshore anglers, but a lot of
9 coastal shark fisheries are done in inshore
10 waters and not by the offshore fleet.

11 We generally need to improve HMS
12 recreational data collection in the Caribbean
13 region. We are considering the options of
14 expanding tournament reporting beyond simply
15 billfish tournaments but to include tournament
16 reporting for all HMS tournaments, and evaluating
17 the option of expanding catch card data
18 collections to additional states other than North
19 Carolina and Maryland as an alternative for
20 mandatory call-in reporting.

21 Under this we're also considering that
22 -- you know, we're developing that app for
23 reporting that Brad was talking about earlier.

24 So progress so far, we have drafted an
25 initial list of the data priorities as you just
26 saw. We have conducted initial analyses of our
27 existing data collections, identifying their
28 various pros and cons.

29 And our next steps are working on
30 incorporating feedback from the Advisory Panel on
31 our priorities lists, finalizing the sections
32 that we've already started on and drafting
33 sections looking at improved data collection
34 methods, and drafting budgets.

35 So main questions we have for the
36 Advisory Panel are, you know, do you have any
37 suggestions for additional data collection
38 priorities that weren't already listed here, do
39 you have any feelings on the ideas of expanding
40 the LPS versus incorporating an offshore stratum
41 in the existing MRIP surveys, requiring
42 electronic logbook reporting in the HMS for-hire
43 sector, are there any thoughts on that and any
44 thoughts on expanding tournament and catch card
45 reporting?

46 FACILITATOR BROOKS: Great. Thank
47 you, Cliff, very much. We've got about ten or
48 fifteen minutes for some discussion on this. Who

1 would like to weigh in? I see a few. Why don't
2 we start at the top of the table? Andrew.

3 MEMBER MARSHALL: How are you doing?
4 Andrew Marshall. Sorry. Andrew Marshall,
5 commercial bluefin guy out of Green Harbor,
6 Massachusetts. I just wanted to give you a quick
7 run-down, you know, with the surveys coming into
8 Green Harbor on any given night. We're one of
9 the busiest ports in New England. And on any
10 given night, we may have a state survey person,
11 we might have a federal survey person, and these
12 are paid survey people so they are very
13 aggressive.

14 So you've come in from a long, hard
15 day of fishing, maybe you didn't get a tuna,
16 you're not having a good day. And you have two
17 or three different survey people, you know, right
18 after you. After you get through with their
19 survey, then you have a QuanTech survey that
20 shows up, and they call you like a bad
21 telemarketer or collection agent every hour on
22 the hour until people start blocking their phone
23 calls, which is happening.

24 And people talk about it all over
25 social media, you know, I have QuanTech calling
26 me until 9 o'clock at night. And so I think
27 that, you know, you're lacking in some of that
28 data collection.

29 And you also have the issue where
30 people see that as reporting. They see that oh,
31 I talked to QuanTech, I talked to a survey
32 person, I talked to two different survey people,
33 I'm reporting my catch when you're not doing the
34 correct federal reporting. So that's one thing
35 just from our point of view. So, thanks.

36 FACILITATOR BROOKS: Mike?

37 MEMBER PIERDINOCK: And I have to
38 reflect that up in Massachusetts we have, you
39 know, either Division of Marine Fisheries or
40 QuanTech or so on. But the good thing is that
41 they've selectively gone to ports where the HMS
42 or other species will go in. So that's a step in
43 the right direction.

44 But we have two issues. We have the
45 private recreation angler and then we have the
46 charter boat headboat end. And ultimately GARFO
47 and I know Division of Marine Fisheries are going
48 to be doing pilot studies with electronic

1 monitoring.

2 That's a great way to go in my opinion
3 that I can input the data and boom, everybody's
4 notified. I catch a mahi, it goes to the
5 Southeast Office, it goes to the Northeast Office
6 if I have a Northeast Federal Fisheries Permit.
7 So that's going to eliminate a lot of issues
8 there. And then you can make timely fishing
9 management decisions. So I know that's in the
10 works but from what I understand a few years
11 away.

12 Then a phone app for the recreational
13 anglers, maybe that's going to work. I think if
14 you really look at the data, that's where the
15 biggest problem is with standard deviations and
16 PSEs over 100 percent and we're here making
17 fishing management decisions where we have bad
18 data from the beginning. So phone app interviews,
19 phone interviews and by mail. Now, one thing I
20 just want to point out if this starts to occur in
21 other locations. As a charter boat captain, if I
22 take out six people that are from, let's say,
23 Ohio, they come in once a year. I take a family
24 out, I'm going to fill out my VTRs.

25 They come off the boat, then they're
26 interviewed by, let's say, Division of Marine
27 Fisheries. How many fish did you catch? Well
28 they're good on how many fish they caught because
29 it's in the box.

30 Well, how many did you throw back?
31 I'll just use cod as an example. I don't know,
32 one or two hundred. They don't have a clue of
33 really what they threw back. So then that skews
34 the data.

35 Then you take our VTR data where we
36 put the dead throwbacks in there, and there's a
37 disconnect. So we've been running into that with
38 a number of different species, and something has
39 to be done to address that inconsistency.

40 I think that's it. Thanks.

41 FACILITATOR BROOKS: We'll go across
42 to Shana.

43 MEMBER MILLER: Thanks. Yes, you
44 know, we've been encouraging the expansion of the
45 catch card program for years now. And so I'm
46 glad to see that's on the list.

47 But along those lines, just a couple
48 of questions. Maybe one for Anna, what the

1 compliance is with the catch card in North
2 Carolina. And then also for Cliff, I know they
3 trialed the catch card up in Massachusetts which
4 as you said is a different kind of fishery.

5 I'm from New York, it's the same
6 thing. You have people landing fish in their
7 backyards. It's not like North Carolina where
8 people are in marinas. And is there a final
9 report of that Massachusetts study?

10 MS. SCHULZE-HAUGEN: You know, there
11 should be but I don't know it offhand. And I
12 think there were some recommendations in there
13 that are kind of feeding through the process as
14 well.

15 FACILITATOR BROOKS: Anna, did you
16 have answers on the catch card question?

17 MEMBER BECKWITH: I'm going to volley
18 that over to Randy -- who's our state rep at this
19 meeting -- because I don't know specifically. My
20 sense is that it's pretty good, but we also use
21 it for very specific fisheries and it's in
22 specific areas. So it's not sort of a broad
23 program. But I'll let Randy try and answer a
24 little bit more.

25 MEMBER GREGORY: It is fairly broad.
26 I mean, it's all up and down our coast and it's
27 at the marinas. And Rom just made a good point
28 that everybody needs fuel. So we try to position
29 the catch cards in that area.

30 We feel like we have pretty good
31 compliance. There may be some issues at times,
32 but we feel like it's pretty good and probably
33 better than most of the other things out there.
34 Just kind of short and sweet.

35 FACILITATOR BROOKS: Mark.

36 MR. HUTT: For the Massachusetts
37 report, I think it is out or it's supposed to be
38 out pretty soon. But I'll double check that for
39 you.

40 FACILITATOR BROOKS: Mark?

41 MEMBER SAMPSON: Okay, there we go.
42 Mark Sampson. Yes, just -- you're asking for
43 comments on electronic logbooks for HMS and the
44 charter headboat sector. So it was already
45 alluded to a little bit a few moments ago. But
46 the only thing I would ask if you're
47 contemplating whether it's electronic or on
48 paper, please don't give us charter headboat guys

1 another logbook to fill out.

2 Most of us are already doing the VTRs.
3 It's pretty extensive, and what we're including
4 in there, that's not available online yet. I
5 spent a couple days ago during the hurricane
6 getting caught up in all my VTRs. We're doing it
7 for the state, we were threatened. I don't know
8 where it stands to the Southeast Office of
9 possibly having to do it for dolphin and wahoo
10 this past spring, and I don't know where that
11 went.

12 But anyway, if it could all be
13 consolidated in one report, it would be awesome.
14 And if that one report could also go to our
15 states if they're requesting that, that would be
16 even better. But just please no more logbooks
17 for us.

18 MR. HUTT: We want to try and avoid
19 duplication and that's why we've been working
20 with the councils in the southeast and the Gulf
21 to try and get HMS included in their efforts so
22 that people who were reporting through their
23 logbooks already will be reporting the HMS data.

24 FACILITATOR BROOKS: Rusty?

25 MEMBER HUDSON: Rusty Hudson. Thank
26 you. Being part of the SEDAR process for a
27 little while, lately in the Gulf and in the South
28 Atlantic -- in particular with red snapper --
29 we've had to deal with the APAIS situation.

30 Can you describe where you're at with
31 APAIS because we're still stuck on method one,
32 having to get another couple years under our
33 belts so that we can potentially entertain method
34 two or three so we can -- you know, it seems to
35 be causing a lot of increase in the recreational
36 component. So can you explain that a little bit
37 for everybody?

38 MR. HUTT: I work with the HMS
39 Division, so I don't work directly on APAIS. But
40 I spent the last two years in the Office of
41 Science and Technology.

42 I do understand that that redesign for
43 APAIS has been completed and they're now at the
44 point of, like, testing. Now the big thing
45 they're doing is transitioning from the Coastal
46 Household Telephone Survey to the Fishing Effort
47 Survey which is a mail-based survey. It's being
48 run by Gallup.

1 And obviously those two surveys were
2 used to estimate the effort estimates, the trip
3 estimates, which would be used to extrapolate the
4 catch pre-unit effort estimates from APAIS to get
5 total catch.

6 They are in the process -- right now
7 they're doing both of those surveys
8 simultaneously so they can have the comparison
9 for the time series down the road. But my
10 understanding is the APAIS redesign is largely
11 done, and that has been certified, that survey.

12 MEMBER HUDSON: I think you nailed it
13 with the fact that that part was done, but it's
14 the overlap, and that overlap's going to take
15 another year or so and then we can finally start
16 crunching some of the other methods to see if it
17 makes a difference by lowering, you know, instead
18 of just the steady increase of recreational
19 estimates.

20 I mean, it's gotten worse in our
21 estimation since it went from MRFSS to MRIP and
22 now the APAIS. Just wanted to throw that out
23 there.

24 FACILITATOR BROOKS: Rick?

25 MEMBER BELLAVANCE: Thanks. Rick
26 Bellavance, a charter boat operator from Rhode
27 Island. I just wanted to jump on the bandwagon
28 for the electronic reporting.

29 I think that it's really important,
30 and I advise that you move away from a survey
31 collection process for the for-hire side of the
32 rec community and move towards a census through
33 electronic reporting, or paper. But whatever it
34 is should be a census.

35 I guess old enough, we're lucky enough
36 to have a bulkhead spot at my marina. And I
37 listen to the intercept folks talk to the clients
38 that come off the charter boats throughout the
39 day.

40 I know the captains, I talk to them on
41 the radio all day long, and I know what they
42 caught, and then I listen to what their clients
43 say they caught, and it's not always the same.

44 So I think you get better data going
45 directly to the captains. I think you would also
46 go a long way to create some trust within the
47 data if the captains are providing it, and a lot
48 of the issues that they have of uncertainty and

1 the industry's unconfidence in it would certainly
2 help if they knew that they were providing it.

3 You could take all the funds for these
4 survey folks and put it into validation tools of
5 some sort. And you know, maybe that same guy
6 could validate the catch instead of surveying the
7 clients or something, use them that way. But
8 either way, a census reporting system I think is
9 much better for the for-hire side.

10 And on the private angler side, I
11 think it's probably -- I would recommend
12 incorporating that offshore strata to the already
13 existing APAIS survey. I think it would be --

14 (Off-microphone comment.)

15 FACILITATOR BROOKS: It went off.
16 Okay, so Marcos.

17 MR. HUTT: Can anybody -- okay, you
18 can hear me.

19 (Off-microphone comment.)

20 MEMBER HANKE: Now it's working. I
21 want to highlight in your presentation that you
22 made a list of programs or places that you can
23 get information that are collected at HMS.

24 I want to state that in Puerto Rico,
25 the catch report that the commercial fishermen
26 fill out have some HMS reports in there,
27 specifically tuna -- the most common tunas caught
28 in the area.

29 There are sharks in those areas where
30 they could identify the shark as specific --
31 going to the species, I want to mention that.
32 And now we have a very good opportunity because
33 the council is evaluating the management of the
34 three different islands.

35 And that management is going to start
36 from zero pretty much, you know, on the --
37 there's an opportunity to improve the information
38 of HMS once we make the new arrangement.

39 The electronic report using the
40 smartphones are what people are asking for, but
41 you shouldn't limit it to that. People should be
42 able -- on the application or whatever program
43 you run -- to use also a computer and the paper
44 because in Puerto Rico you don't have everybody -
45 - or in the Caribbean everybody that use
46 electronic. You cannot totally exclude the paper
47 or other venues to report.

48 And about Rick's comment, I can

1 testify that that's very, very important some way
2 to consider the captain's report. For example, a
3 client that go with me and we release many
4 undersized tuna, skipjack, yellowfin, whatever,
5 and the guy asks him what is your target species,
6 tuna. Do you catch any, no, because he didn't
7 take a piece of tuna home. And I see that very
8 often.

9 You should consider that if the
10 release is going to be considered, the captain
11 position on that is important because sometimes
12 release the fish in the water not to damage the
13 fish, and the client don't have access to
14 identify the fish or to know what is going on.

15 MR. HUTT: Good point. One other
16 thing I want to note, the Caribbean Region is
17 working on their own implementation plan as well,
18 and Randy Blankenship is representing the HMS
19 division on that.

20 MEMBER DANA: Thanks, Clint, for the
21 presentation. You said you were working closely
22 with the South Atlantic and the Gulf Councils on
23 the electronic logbooks for the charter for hire.
24 Who specifically or what -- who specifically are
25 you guys working with?

26 MR. HUTT: George --

27 MS. SCHULZE-HAUGEN: We would be
28 talking with the Southeast Regional staff, the
29 NMFS staff, and on their planned development
30 teams. So we're participating in those.

31 MEMBER DANA: Are you at all working
32 with the pilot project that's already in place
33 for the charter for hire in the Gulf? We're
34 reporting right now.

35 MS. SCHULZE-HAUGEN: Are you asking if
36 there are HMS vessels in the pilot program, or if
37 we're aware of it?

38 MEMBER DANA: My question was just to
39 Cliff, he stated he was working closely with the
40 Gulf. And so my follow up question was we
41 already have a pilot project in place in the Gulf
42 amongst charter for hire in electronic reporting.

43 And I was wondering if you had, if
44 you're working at all with that group yet.

45 MR. HUTT: I think I said it was we
46 are working with them, our team. George Silva,
47 an economist, is particularly the one who has
48 been sitting in on those meetings.

1 FACILITATOR BROOKS: Pam, does that
2 answer your question somewhat?

3 MEMBER DANA: And I do agree with what
4 Rick and Marcos said with the captain verifying
5 the catch.

6 FACILITATOR BROOKS: We have about
7 maybe five or six folks who are still in the
8 queue, and we would actually like to, you know,
9 keep this conversation going.

10 I am mindful that it is quarter to
11 six. So I would like to ask the members of the
12 public who have been, you know, very patiently
13 waiting how many commenters we have. I see one.
14 Would it be okay for us to continue this
15 conversation for another five or ten minutes and
16 then go to you for comment?

17 Great, thank you very much, appreciate
18 that. Yes, go ahead, Randy.

19 MR. BLANKINSHIP: Pam, so the
20 Southeast Fishery Science Center in their pilot
21 program does incorporate a collection of HMS data
22 with that. So to the extent that those vessels
23 that are selected for that overlap with HMS
24 fisheries, that is where that's being
25 incorporated. And so HMS data is a part of that
26 electronic logbook pilot. Does that answer your
27 question?

28 MEMBER DANA: It does.

29 MR. BLANKINSHIP: Yes. So Ken Brennan
30 is the one that's the lead on that at the
31 Beaufort Lab in Southeast Center.

32 FACILITATOR BROOKS: Rom, over to you.

33 MEMBER WHITAKER: Yes. I feel like
34 electronic is definitely the way to go. But I
35 will say, and -- I know the commercial guys will
36 say we have provided. Well, I have to provide
37 economic information also in my, because I have a
38 king mackerel commercial permit.

39 If you want compliance from the
40 charter boat guys, don't make them tell you all
41 that stuff every day. It can be hard enough to
42 get fishery information. So just some advice.

43 FACILITATOR BROOKS: Thanks, Rom.
44 Scott.

45 MEMBER TAYLOR: I think that the
46 biggest area that we're still missing out is the
47 average recreational single user, that the
48 charter boat people, certainly the commercial

1 sector, we're getting reasonable reporting from.

2 The charter boats because of the
3 professional nature and the fact that they're
4 limited in numbers makes it much easier to gather
5 the information from them.

6 Certainly in the South Florida area
7 that -- I know they reported it earlier in the
8 conversation about the swordfish reporting
9 numbers. I know their HMS is abysmal.

10 And it's not just going to be a simple
11 matter of creating a reporting app that although
12 that is clearly the way to go, is certainly in
13 our area and in most areas smartphone access,
14 very few people don't have access to that at this
15 point.

16 And an app that would include, and
17 this is almost a question for Lisa, but there's
18 other overlapping like mahi and wahoo that are,
19 that zero gets reported on from the recreational
20 sector. These are numbers that we really
21 desperately need because of the sheer numbers of
22 individuals.

23 So without a level of accountability
24 tied to the app, maybe as simple as, you know,
25 that when you're coming in the inlet that you
26 fill out a 15 or a 20 item survey of whatever it
27 was that you did, click it and you get a response
28 and a confirmation number so when enforcement
29 comes up to you, all you got to do is show him a
30 confirmation number.

31 Then, you know, you could have some
32 level of compliance because without the ability
33 for a -- I've lived down there a long time. I
34 don't think I've ever seen anybody get a citation
35 for non-reporting. It just doesn't happen.

36 In the commercial end, in the charter
37 end, if there's accountability, but by numbers,
38 especially with the onset of these small center
39 console outboard type vessels that are reasonably
40 inexpensive that are giving people access to the
41 HMS fisheries that are out there, by numbers
42 those people represent huge numbers in landings
43 that are not being accounted for.

44 So an electronic app that is simple,
45 that is clear where the data can be shared
46 regardless of what the area is, whether it's
47 northeast, southeast Florida, where you're not
48 going to have all this overlapping stuff and a

1 level of accountability so that enforcement knows
2 all they got to do is say did you report what you
3 landed today and there it is. That's my
4 suggestion.

5 FACILITATOR BROOKS: Thanks. Lisa.

6 MEMBER GREGG: I think that the issue
7 of an app, reporting app has been explored in a
8 number of areas, I mean, gulf red snapper, a lot
9 of areas. That's what the anglers are asking
10 for.

11 But the one thing you have to
12 understand too is with enforcement of an app or a
13 confirmation number is that law enforcement has
14 to have access to that, immediate access to that
15 database in order to confirm that that's actually
16 a valid number.

17 MEMBER TAYLOR: That gets transmitted
18 back to the user and they could just show it to
19 them on their phone like --

20 (Simultaneous speaking.)

21 MEMBER GREGG: Potentially,
22 potentially that could be a work around. But
23 just so that you understand, law enforcement
24 doesn't ever have access to that information.

25 MEMBER TAYLOR: But when you make a
26 plane reservation, when you get a confirmation
27 back in 30 seconds and you've made a reservation.
28 So all it would take is a confirmation of the
29 report.

30 MEMBER GREGG: Yes, if you could
31 incorporate an R-code or something that can be
32 verified by law enforcement, then yes, it's a
33 work around. But just so that you understand
34 that that would have to be incorporated into that
35 also for both.

36 And also, state law enforcement has to
37 have access to that information. That's a lot of
38 times the problem with joint enforcement
39 agreements with states that have that, and where
40 state enforcement enforces federal regulations.
41 They don't necessarily have all the tools they
42 need in order to do that.

43 MEMBER TAYLOR: Thank you.

44 MEMBER SISSEWINE: Yes, very quickly.
45 There's a National Research Council study going
46 on right now for the recreational program. How
47 was that fitting into the next steps, and when do
48 you expect to receive it?

1 MR. HUTT: That is ongoing. I
2 personally am not involved with that. It is
3 taking up a lot of time of some of the lead
4 people in the Office of Science and Technology.

5 My understanding is that one is
6 particularly evaluating the changes they have
7 already made to the other MRIP surveys. Since we
8 haven't included those changes in the LPS
9 redesign, they really aren't evaluating the LPS
10 yet.

11 But any feedback they get on the
12 changes they've made to the other surveys will
13 help to inform the redesign that we ultimately do
14 of the LPS. But that should be done this year.

15 MR. DUNN: We're anticipating in
16 December and in time -- I'm Russ Dunn, I'm the
17 Recreational Policy Advisor. So we're
18 anticipating that coming back in December and
19 incorporating the findings of that into the
20 developing strategic plans.

21 MRIP is -- there was a GAO review last
22 year. We got the results back and one of their,
23 their only finding was that MRIP needed to
24 develop a strategic plan.

25 So in the course of developing that
26 time wise, it is basically working out to then
27 incorporate the NRC findings into that. And as
28 Cliff said, what the NRC report is really looking
29 at has the MRIP program and the changes that are
30 made so far really address the intent of,
31 Congress' intent in from 2006 or '07 when they
32 said develop the program and implement it, and
33 then asking for necessary or appropriate course
34 corrections as well from here forward.

35 FACILITATOR BROOKS: Thanks very much.

36 MEMBER SISSEWINE: Just a quick bit
37 of information. I have had some interaction
38 recently on that. I think the timeframe you're
39 talking about is probably realistic but perhaps a
40 little optimistic. But it's the way those things
41 go.

42 FACILITATOR BROOKS: Thanks. Katie,
43 I know your card was up before. Did you --
44 you're good? Okay. Great. I think we got
45 everyone in then. So thank you, Cliff, very
46 much.

47 A few big picture messages, census
48 over survey, electronic reporting, a lot of

1 support for that but don't leave the paper behind
2 entirely. Be mindful of inconsistent reporting
3 and definitely focus in on the captains for that.
4 Handful of other comments too, but thank you all
5 very much.

6 So with that, let's shift to public
7 comment. Again, I think we have one public
8 commenter, two public commenters. If you would,
9 let's get up to the table so we can get you by a
10 mic and just state your name and affiliation.
11 Thank you very much.

12 MR. FREIDEL: Rav Freidel. I'm from
13 Montauk, New York. I don't represent anybody.
14 I'm just a concerned citizen. I fished Montauk
15 for 55 years, I've seen pretty much everything
16 that goes on in the water there.

17 This is the August 31st East Hampton
18 newspaper. The headline is Great Whites are
19 Locals. I'll give this to you guys. What it's
20 about is that the OCEARCH crew has discovered the
21 great white nursery off of Montauk.

22 And I also have reason to believe that
23 the shortfin mako breed off Montauk too since
24 they all release shark tournaments I've been
25 involved in in Montauk have caught a lot of two
26 foot, two and a half foot long makos.

27 So the greatest pressure on these
28 sharks will be from longliners and from shark
29 tournaments. There are very few recreational
30 shark fishermen. The guys go into the
31 tournaments.

32 If these sharks are caught again in
33 New York waters, they're going to be caught on
34 circle hooks because it's the law in New York.
35 It was just renewed, and it's the right thing.

36 OCEARCH caught nine pups. They were
37 all with circle hooks, all corner hooked in the
38 mouth. And eight of the sharks are pinging in.

39 So I'm here to request that since you
40 have the power and you also have the proof thanks
41 to Mark Sampson and Maryland Department of
42 Natural Resources that circle hooks are more
43 benign than j-hooks, to mandate circle hooks for
44 all shark tournaments.

45 I've given out with my partner, artist
46 April Gornik, 50,000 circle hooks for anglers to
47 use in these shark tournaments. And they still
48 wouldn't use them until they were mandated. And

1 now they love the hooks. They get more hook ups
2 and they're better for the sharks.

3 You have an opportunity to do
4 something to help the great white nursery, to
5 help blue sharks, to help sharks live longer.
6 You're only allowed to keep one shark per day per
7 boat. The other 99 percent are cut loose.

8 You know, give them a better chance at
9 survival. You know, this is a no-brainer to me.
10 Anyway, that's why I came down here. Thanks for
11 you guys and thanks for finding my button.

12 FACILITATOR BROOKS: And thank you for
13 hanging in during the very long day. Appreciate
14 it. Please come up to the table. And again,
15 start with name and affiliation.

16 MR. JAMES: My name is Sam James, and
17 I came over from Delaware today to talk about
18 swordfish handgear permits and hope that the
19 baseline changes for the longline permits could
20 continue to the directed swordfish handgear
21 permits.

22 Everybody knows what a great
23 conservation tool they are, no bycatch mortality
24 and all that stuff. But the problem is the
25 distance from shore in the United States is only
26 accessible in Florida.

27 And you guys have got the regulatory
28 issue down there that most of us understand as
29 far as changing the baseline on the handgear
30 permits.

31 But if you treated that particular
32 fishery as a Florida specific issue and a lot of
33 the folks, if they had a different baseline in
34 their handgear permits would fish year round
35 other places, probably.

36 My particular circumstance is I'm 16
37 miles from the canyon. I've got a ten knot boat
38 on a good day. And if I wasn't going out there
39 fishing for something else, I probably won't go
40 out and swordfish out there.

41 The fishery holds a ton of potential,
42 and I think that we've underfished the ICCAT
43 quota for years. And I think it would be a great
44 idea if you made some kind of adjustment,
45 particularly one that was as environmentally
46 friendly as the swordfish handgear permit.

47 FACILITATOR BROOKS: Okay, thank you
48 very much. Appreciate that. We are just about

1 done here. Two things. Alan, I understand you
2 have an announcement you want to make?

3 DR. RISENHOOVER: Thanks, and thanks
4 to everybody for coming and indulging me one more
5 minute here. I think we all recognize that the
6 HMS staff do a great job putting these meetings
7 together, and there's a lot of hard work that
8 goes into them.

9 This year, however, we have a little
10 extra recognition for two HMS staff. Each year,
11 the Agency nominates employees of the year. And
12 those employees are nominated by other employees.
13 So I don't nominate them, the supervisory chain
14 doesn't do that. Their peers nominate them.

15 So this year HMS is lucky to have two
16 employees of the year. So Brad McHale, stand up.

17 (Applause.)

18 DR. RISENHOOVER: And Steve Durkee,
19 stand up.

20 (Applause.)

21 DR. RISENHOOVER: So I think we'll
22 close out here in a few minutes. And if you see
23 them around tonight, give them a pat on the back
24 and an extra thank you. And again, thanks to
25 everybody for coming.

26 FACILITATOR BROOKS: Thank you, Alan,
27 and congratulations to both of you. Ben, I know
28 you had a question or a comment. Is that
29 something that could be done just one on one with
30 Margo or is it something that you want the AP to
31 hear?

32 (Off-microphone comment.)

33 FACILITATOR BROOKS: Okay, just grab
34 a mic.

35 MEMBER CARR: My only concern is that
36 District 8, the Gulf of Mexico only had four
37 boardings this year, all on one day, yet they
38 still issued five citations.

39 And I know we have a shortage of
40 cutters, but there's so much going on in the
41 Gulf, I just want to bring it to the AP's
42 attention that there was one patrolled day for
43 all of the Gulf of Mexico and they boarded four
44 ships and issued five citations.

45 FACILITATOR BROOKS: Okay. Well thank
46 you all for hanging in here. Just before you get
47 up and leave, please remember there is going to
48 be a social hour right through those doors. If

1 you haven't heard the thunder, it's a perfect
2 incentive to stay inside and visit.

3 And we will reconvene tomorrow at
4 8:45, 9 o'clock sharp we actually start talking.
5 Thank you.

6 (Whereupon, the above-entitled matter
7 went off the record at 6:01 p.m.)
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Advisory Panel Meeting

Before: US DOC/NOAA

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