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HIGHLY MIGRATORY SPECIES ADVISORY PANEL

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C-O-N-T-E-N-T-S

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

TAPE 1

MS. SCHULZE-HAUGEN: (In progress)

-- point out a few minutes ago we had the map of the current oil spill closure area. The change came through yesterday. And so if you didn't notice it up on the screen, we can show it to you later. Some of the lower more southern portions are now open. And as we mentioned before the sampling for reopening is ongoing as much as we can.

And so this morning we'll start with Swordfish Fishery Revitalization. This is something that we have been talking about with you all for a number of years. We've implemented a number of regulatory changes and continue to talk about it and try and think of other ways to continue to increase swordfish landings while also keeping bycatch down. And so, this is one of the points where we've got a lot of things to talk about.

We're at different stages still

1 with a couple of ideas. We do have a plan for  
2 your input on one of them and then some others  
3 where we're looking for some creative thinking  
4 and potentially ask you to be approaching this  
5 with an open mind.

6 PARTICIPANT: Rich, good morning.  
7 You have something for the group here?

8 RICH: I do, thank you, and I  
9 apologize for taking up everybody's time.

10 But for some of us to be able to  
11 fully consider the swordfish revitalization  
12 options and issues that are on the table here,  
13 it's almost critical or it's very important  
14 that we have a sense of what the Bluefin Tuna  
15 Working Group came up with and where we're  
16 headed there. It has a great deal of  
17 influence over -- and I would think it would  
18 for the recreational community as well, but  
19 for the commercial community and the options  
20 before us it clearly has implications.

21 So, I'm again requesting a brief  
22 update by Guillermo of the results, or the

1 tentative results that will be shared with the  
2 SCRS, if they've not already been shared with  
3 the SCRS, prior to going into the  
4 revitalization efforts, which I'm fully  
5 prepared to talk about. But I need to have a  
6 sense of where I can make a judgment in my own  
7 mind as to the probability of an ESA listing  
8 moving forward, because it has an impact upon  
9 how we look at revitalization of the swordfish  
10 industry.

11 MS. SCHULZE-HAUGEN: Guillermo is  
12 prepared to talk about the growth curve, the  
13 change that was used and talk generally about  
14 things, but in terms of details on the  
15 assessment, they were not ready to share that.  
16 Unfortunately we're going to have to wait for  
17 the final report. The numbers are being  
18 checked. Things are being verified. And so  
19 we're not prepared to talk about that.

20 And potentially we could do that  
21 now. I would rather get into this because I  
22 don't think there's the information that

1 you're looking for at this point. Certainly  
2 as we proceed all of these things are related.  
3 We know that. We've been talking about these  
4 things. The 2009 ANPR was a bit of the  
5 kitchen sink because a lot of these issues are  
6 so interrelated and it's something that we've  
7 been talking about for awhile.

8 So, and we could do it, take maybe  
9 five minutes, but it's really not going to be  
10 that -- we don't have it to share at this  
11 point.

12 PARTICIPANT: Glenn?

13 MR. DELANEY: Yes, I just want to  
14 clarify also, because you know, I had the  
15 sense maybe reading between the lines there  
16 was a little bit of misunderstanding about the  
17 ESA petition process as it relates to ICCAT.  
18 I mean, personally I believe that the U.S.  
19 accepting the petition and moving to a status  
20 review sends a very confusing message to our  
21 ICCAT negotiating partners and that may very  
22 well complicate our negotiations in November.

1                   But there will be no result, or I  
2                   mean, it will be exactly the same point  
3                   essentially in the process then as we are now.  
4                   I mean, perhaps you'll have gathered some  
5                   scientific and commercial data from people, or  
6                   received it as input during that period of  
7                   time, but the status review process is likely  
8                   to go through the full 12-month process to May  
9                   of next year. And then you have to go through  
10                  a rulemaking process. So, any decision with  
11                  regard to the petition is way, way beyond this  
12                  November. And I'm not saying that to you  
13                  obviously. I'm saying it to the group.

14                  But, you know, I think really the  
15                  implications of the acceptance of the petition  
16                  for November, or just how the other members  
17                  will react to the fact that why is the U.S.  
18                  going down that road? It may misconstrue or  
19                  misunderstand our process. They're not  
20                  familiar with what it means to accept a  
21                  petition. More than there will be any  
22                  definitive result, what's going to guide from

1 a scientific standpoint the activities in  
2 November are indeed what Rich has been asking  
3 for, the results of the SCRS, and that alone.  
4 And that's pretty much all that's going to be  
5 really considered from the scientific  
6 standpoint at that point.

7 MS. SCHULZE-HAUGEN: So, what I  
8 would like to suggest is that we continue with  
9 the discussion on swordfish. The assessment  
10 information is not yet available. The things  
11 that we're talking about here are also not,  
12 you know, to the point where we're going to  
13 move out on some of them before that  
14 assessment result is final. And so, I think  
15 there will be continuing discussions. We'll  
16 have the assessment information as we  
17 progress.

18 And so, I would like to continue  
19 with swordfish. I think we've got a lot of  
20 issues to talk about and, you know, the more  
21 time we take away for other things, the less  
22 time we have for the discussion.

1                   Yes, that's a good point, too.  If  
2                   we do have the time, I mean, we could include  
3                   that before lunch so it is part of the  
4                   discussion with swordfish.  So, maybe that  
5                   would be a middle of the ground.

6                   RICH:  Okay.  So, I dropped the  
7                   issue.  The handout this morning, this one  
8                   here, Swordfish Fishery Revitalization, is  
9                   this identical to the one we've been working  
10                  off that we got by email?  I already have this  
11                  one all marked up.  Does this got new stuff in  
12                  it?  It certainly looks different.

13                  MS. SCHULZE-HAUGEN:  It's a  
14                  difference in how it's printed, but no, it's  
15                  exactly the same.  The content is the same.

16                  RICH:  It's exactly the same  
17                  material?

18                  MS. SCHULZE-HAUGEN:  The very last  
19                  slide, the order of discussion I think is  
20                  different, just based on how we've thought to  
21                  present it, but the content, the graphs,  
22                  information, everything else is exactly the

1 same.

2 RICH: So, I'm not going to get  
3 lost then between the two documents?

4 MS. SCHULZE-HAUGEN: We will do  
5 everything we can to keep you with us.

6 RICH: Want to make a bet? Want  
7 to make a bet?

8 MR. BLANKENSHIP: All right. Good  
9 morning. My name is Randy Blankenship and my  
10 colleague and I Rick Pearson will be  
11 presenting this morning.

12 This morning's two presentations;  
13 our long session this morning, are  
14 complementary of each other. In the title  
15 slide that's up before you kind of is meant to  
16 show the link between the two. The first one  
17 that we'll be talking about is of course  
18 swordfish fishery revitalization, and the  
19 second one is increasing fishery flexibility  
20 through further reduction of bycatch. And  
21 then we have the subtitle, "Putting the Pieces  
22 Together." And so, at least in introductory

1        comments I want to highlight that these two  
2        presentations and the morning sessions are  
3        related to one another and meant to build upon  
4        each other. So, keep that in mind as we move  
5        along.

6                    The fact of the matter is that --  
7        and the reason why they're linked is because  
8        the options that we have as we consider  
9        further swordfish fishery revitalization tend  
10       to be limited, and they're limited because of  
11       bycatch concerns in many different regards.  
12       And we're going to go through some of those  
13       this morning.

14                   But then also the second part is  
15       looking at ways to increase fishery  
16       flexibility through further bycatch reduction.  
17       And one of the principal things we're going to  
18       be talking about at that point is looking at  
19       ways where we can maneuver within the  
20       constraints that we have, potentially looking  
21       at incentives and performance measures in  
22       order to accomplish some of that. And so,

1 bear with us as we go through. We want to put  
2 those pieces together for you.

3 This morning's of course first  
4 presentation is related to swordfish fishery  
5 revitalization. We will look at investigating  
6 potential options that may facilitate  
7 additional opportunities to harvest swordfish.  
8 And then as I mentioned before, related to the  
9 bycatch portion, looking at incentives and  
10 performance objective standards for bycatch  
11 reduction and possibilities and options for  
12 utilizing some of those.

13 The presentation during the first  
14 portion will follow this outline. I will go  
15 briefly through some of the highlights of the  
16 swordfish fishery presentation that we had  
17 during the spring AP meeting. You may  
18 remember some of that and some of the slides  
19 may look similar, but we want to hit on some  
20 of those again because it sets the context for  
21 this morning's discussion, both in the first  
22 presentation and the second. I'll try to move

1 through that relatively fast because there are  
2 a lot of slides and some of it is not  
3 completely new information for you.

4 Then we will go through several  
5 different issues that NMFS has analyzed  
6 further. And we're looking for additional  
7 ideas related to those. As Margo mentioned  
8 some of them we're further along with and some  
9 of them are first opportunities for us to  
10 discuss the idea with you. And so, we will  
11 point out which is which as we go through  
12 them.

13 So, getting into kind of the  
14 summary of the history of the fishery, some of  
15 the bycatch issues and things that we need to  
16 consider in putting this whole morning's  
17 discussion into context, we want to go through  
18 some of the regulatory background. Some of  
19 this is up here. And hitting some of the  
20 highlights is in particular the '99 FMP which  
21 implemented limited access, a vessel  
22 monitoring system requirements and dealer

1 reporting requirements, and then also the June  
2 pelagic longline area closure in the  
3 northeast. And then in 2000 and 2001 we had  
4 several other restrictions implemented. One  
5 is the live bait closure or restriction in the  
6 Gulf of Mexico and the three pelagic longline  
7 area closures that were related to reducing  
8 billfish bycatch and undersized swordfish  
9 bycatch in addition to other bycatch concerns  
10 for other species. And those were the DeSoto  
11 Canyon in 2000, Charleston Bump and East  
12 Florida Coast in 2001.

13 This map shows you not only those  
14 closures, but some of the others that are in  
15 effect, and you can refer back to this as we  
16 go through the presentation.

17 From 2001 to 2004 a series of  
18 events triggered the need to address sea  
19 turtle bycatch in the pelagic longline  
20 fishery. It concluded with a final rule in  
21 2004 to implement circle hooks and bait  
22 requirements, require certain gears and reopen

1 the Northeast Distant as a gear-restricted  
2 area. Several of those steps are outlined in  
3 this slide.

4 The 2006 consolidated FMP  
5 implemented the workshop requirements  
6 contained in the 2004 Pelagic Longline and  
7 Biological Opinion and specified the  
8 conditions under which buoy gear could be  
9 utilized.

10 And in 2006 NMFS published a  
11 proposed rule that was made available or  
12 needed to be made available by the November  
13 2006 ICCAT meeting to demonstrate U.S.  
14 commitment to the swordfish fishery. The  
15 timing of the rule dictated that the actions  
16 be analyzed using an environmental assessment  
17 rather than an environmental impact statement.  
18 As a result of the short time line, the  
19 actions were limited in the magnitude of  
20 impacts. And for pelagic longline vessels the  
21 actions were to eliminate the horsepower  
22 upgrade restrictions, increase length, gross

1 registered tonnage and net tonnage upgrade  
2 restrictions to 35 percent of the permit  
3 baseline specifications. The one-time upgrade  
4 restriction was removed for the limit access  
5 permits. The incidental swordfish limit was  
6 increased from two fish to 30 fish and from  
7 five fish to 15 fish for squid trawl vessels.  
8 The recreational limits were increased from  
9 one fish per vessel to one per person, up to  
10 four per vessel for the angling permit and one  
11 per paying passenger, up to six fish per  
12 charter vessel for charter vessels, and up to  
13 15 fish for head boats.

14 Then the July 2008 final rule, the  
15 "sunset" rule, removed the termination date  
16 for Atlantic tuna longline permits so that the  
17 number of tuna longline permits could better  
18 match the number of available swordfish  
19 limited access permits.

20 And then in 2009, just this last  
21 year, the tuna longline permit, administration  
22 of that permit was moved to the Southeast

1 Regional Office Permits Office so they could  
2 be administered more efficiently in the same  
3 way as the swordfish and shark permits.

4           There are some other swordfish  
5 revitalization efforts that have been made  
6 that are non-regulatory. These activities  
7 have had mixed success, but have increased the  
8 amount of information available to the public  
9 regarding the rebuilt status of swordfish,  
10 nutritional profiles and facts about  
11 management of the species. Some of these are  
12 outlined here and you can see that they amount  
13 mainly to our reach within swordfish and  
14 seafood markets and at marketing events. The  
15 industry has also done quite a bit of work to  
16 do similar type of efforts, and it's reflected  
17 there in that slide.

18           So, the primary accomplishment  
19 thus far of management measures that have been  
20 implemented is that swordfish is fully  
21 rebuilt. It's been interesting to note, as  
22 many of you are aware, that that information

1 still is not widely known. And so we  
2 recognize that there's still work to be done  
3 related to that.

4           Impacts of the swordfish  
5 revitalization efforts that we've seen thus  
6 far include some of those that you see here.  
7 This is a comparison in this table between  
8 2003 information and information from 2009 to  
9 kind of make this comparison a little bit more  
10 easy to see. In particular, related to the  
11 total number of swordfish kept, which is these  
12 numbers right here, we can see that that has  
13 increased over these years from 139 fish to  
14 426 fish. And then the number of vessels with  
15 at least one swordfish landed, from 14 to 20.  
16 And then the average number of swordfish kept  
17 per vessel has increased from about one to  
18 about four over this period of time. So, one  
19 of the good things here is that we're seeing  
20 some improving trends particularly in the  
21 landings in the performance of swordfish  
22 incidental fishery.

1                    Yet challenges remain. And this  
2                    graph we see from the red line, which shows  
3                    landings in the swordfish fishery along right  
4                    here, compared with baseline quota, which is  
5                    the blue line or the middle line, against the  
6                    adjusted quota, which is the green line or the  
7                    top line. You can see the difference between  
8                    landings in the most recent time period there  
9                    between landings and baseline quota. And one  
10                   of the ongoing challenges is for the U.S. to  
11                   attain its swordfish quota even though we've  
12                   seen some improving trends. We recognize that  
13                   things have looked a little bit better in  
14                   recent years. And also we know that the  
15                   situation with the quota has been steady for  
16                   quite some time, but recognizing that the  
17                   current ICCAT North Atlantic swordfish  
18                   recommendation expires this year and will be  
19                   up for renegotiation.

20                   This slide has been presented  
21                   already this morning, I mean yesterday, and  
22                   has highlighted that there are some ongoing

1 challenges related to sea turtles. Most  
2 notably the proposed uplisting of loggerhead  
3 turtles within the Northwest Atlantic distinct  
4 population segment.

5 This information is a repeat of  
6 what you saw in the spring presentation, but  
7 it is meant to highlight what has been  
8 happening with loggerhead sea turtle  
9 interactions. The bar graph shows the three-  
10 year periods of the incidental take-statement  
11 that are implemented under the biological  
12 opinion for the pelagic longline fishery in  
13 2004. And then I show the comparisons there  
14 where loggerhead interactions have remained  
15 below the incidental take statement, however,  
16 the margin between interactions and the ITS is  
17 very small.

18 This graph similarly shows the  
19 interactions for leatherback sea turtles. And  
20 you'll see that in the period from 2004 to  
21 2006 that interactions were in excess of the  
22 ITS, however that was during the early periods

1 of that three-year period when the management  
2 measures were being implemented under the ITS.  
3 And so it took some time for those to become  
4 effective and for the results to be seen, but  
5 this is considered a one-time event and since  
6 that time the interactions have been below.  
7 However, the point of this slide once again is  
8 to show that the margin between interactions  
9 and the ITS remains very small.

10 An additional challenge is  
11 landings of bluefin tuna in the pelagic  
12 longline fishery. This slide indicates that  
13 the pelagic longline fishery exceeded its  
14 bluefin tuna quota by 30 percent in 2009. And  
15 of course dead discards for 2009 were 160  
16 metric tons and must be accounted for.

17 So, the challenge is how to  
18 provide additional opportunity for the  
19 commercial swordfish fishery given that the  
20 stock is rebuilt and landings are below the  
21 ICCAT-recommended quotas. The reduction of  
22 bycatch and bycatch mortality for sea turtles,

1 billfish, bluefin tuna and the continuing need  
2 for rebuilding overfished stocks and Atlantic  
3 HMS fisheries remain important management  
4 priorities for NMFS under the authority of the  
5 Magnuson-Stevens Act and the Endangered  
6 Species Act.

7                   An additional challenge is  
8 complying with the Marine Mammal Protection  
9 Act through the Pelagic Longline Take  
10 Reduction Plan. Under this there is the  
11 requirement to reduce serious injuries and  
12 mortalities of pilot whales and Risso's  
13 dolphins in the pelagic longline fishery to  
14 insignificant levels approaching a zero  
15 mortality and serious injury rate within five  
16 years from implementation, which was June  
17 2009. The plan has several management  
18 measures in place including, we need to  
19 highlight, that longlines within the Mid-  
20 Atlantic area can be no longer than 20  
21 nautical miles in length. There is also the  
22 Cape Hatteras special research area,

1 additional observer coverage requirements,  
2 workshops, placards on board and captains'  
3 communications as part of that plan.

4 So a combination of factors has  
5 contributed to a decline in domestic landings  
6 of swordfish. Management measures have been  
7 implemented to meet legal mandates to reduce  
8 bycatch and bycatch mortality of sea turtles,  
9 marine mammals, undersized and spawning fish,  
10 Atlantic billfish and some shark species. And  
11 these management measures include time/area  
12 closures, the requirement to use only circle  
13 hooks with specific baits, a prohibition on  
14 the use of live bait in the Gulf of Mexico,  
15 incidental catch limits for bluefin tuna and  
16 a reduction in large coastal shark quotas and  
17 retention limits. These combined with  
18 increased fuel prices, low ex-vessel prices  
19 and competition from less expensive imports  
20 have been factors contributing to U.S.  
21 swordfish landings being below the quota.

22 So, it's important to recognize I

1 think at this point that the pelagic longline  
2 fishery has done a lot in order to get where  
3 we are now with the swordfish stock. They  
4 operate under many management measures that  
5 are quite restrictive and have continued to  
6 perform. And one of the objectives that we  
7 have as managers is also to continue to work  
8 towards having a viable fishery. And that is  
9 why we continue to look at ways to revitalize  
10 the swordfish fishery within the constraints  
11 that we have, the constraints particularly  
12 that I mentioned before related to incidental  
13 take statements and other bycatch  
14 requirements.

15 So with that, we will shift now  
16 and be looking at some of the issues related  
17 to swordfish fishery revitalization.

18 The first one we're going to look  
19 at is related to swordfish marketing as a  
20 discussion point at this stage. This is a  
21 point of first discussion where we want to get  
22 your input and ideas and suggestions.

1                   So, one of the first questions is  
2                   what could be done to help increase domestic  
3                   demand by promoting a change in consumer  
4                   sentiment? Some of the things that are  
5                   considered is that is promoting swordfish as  
6                   sustainably fished? Also, to educate U.S.  
7                   consumers about bycatch reduction efforts in  
8                   the U.S. pelagic longline fishery and to  
9                   increase awareness of health benefits of  
10                  seafood consumption. NMFS continues to  
11                  highlight domestic swordfish at seafood trade  
12                  shows and through Fish Watch.

13                  There are also some non-  
14                  governmental initiatives underway, and this is  
15                  one that we'll mention, is the initiative by  
16                  Day Boat Seafood, incorporated in Florida to  
17                  work through the Marine Stewardship Council  
18                  assessments, which are underway currently for  
19                  the Southeast U.S., North Atlantic bigeye and  
20                  yellowfin tuna in the pelagic longline fishery  
21                  and the Southeast U.S., North Atlantic  
22                  swordfish in the pelagic longline and buoy

1 gear fisheries. And for more information  
2 about this non-governmental initiative, I've  
3 also included the website where you can get  
4 some of that information.

5 So, questions related to this are:  
6 What other promotion or outreach initiative  
7 should be considered, and what funding sources  
8 or partnerships are there to assist with  
9 marketing outreach? And another question is,  
10 "Are marketing initiatives NMFS'  
11 responsibility?"

12 The next issue that we want to  
13 have for consideration, and this one is again  
14 a point of first discussion on this issue with  
15 you, the AP, is looking at permit renewal and  
16 reissuing of expired permits.

17 Permit termination provisions are  
18 in place for swordfish and shark limited  
19 access permits and they've been in there since  
20 1999. What this means is that if permits are  
21 not renewed within one year of expiration, the  
22 permit terminates and it goes away.

1                   In 1999, of course the purpose of  
2                   capping fishing fleet capacity was  
3                   rationalizing fleet capacity to be  
4                   commensurate with stock status. And looking  
5                   back prior to 1999, in 1995 there were 1,200  
6                   vessels in the swordfish fishery in the United  
7                   States, and in 1997 there were 900 vessels in  
8                   the swordfish fishery in the United States.  
9                   Since 1999 the number of swordfish limited  
10                  access permits has and continues to decrease  
11                  through attrition. This is all with -- in  
12                  this situation now recognizing that North  
13                  Atlantic swordfish are fully rebuilt, which is  
14                  a different situation than we were in in 1999.

15                  So, looking at some of the  
16                  information here, from 2000 to 2009 the number  
17                  of swordfish limited access permit has  
18                  decreased. And the numbers here are  
19                  approximate, so this is since implementation  
20                  of the Limited Access Permit Program. The  
21                  swordfish directed numbers have decreased from  
22                  243 to 187, for swordfish incidental from 208

1 to 72, for swordfish hand gear from 114 to 81.

2 NMFS has conducted a capacity  
3 analysis in 2008 which looked at 2004 data,  
4 which indicated that there was not over  
5 capacity in the swordfish fishery. The  
6 capacity estimate from that study indicated  
7 that the fleet harvesting capacity for  
8 swordfish was below the commercial quota and  
9 NMFS has received a number of requests to  
10 consider reissuing or renewing limited access  
11 permits.

12 So, there are several things to  
13 consider when we think about permit renewal  
14 and reissuance of expired permits, and these  
15 include: If the termination provision was  
16 removed, how many original permit holders or  
17 most recent permit holders of record would  
18 renew? Also, if new permits were issued, how  
19 might NMFS decide to whom to issue them to and  
20 how many to issue? Would these be to the  
21 original permit holders or reissuing to  
22 others? Also, should some shifts be made in

1 the number of vessels authorized to use  
2 certain gears? Perhaps consider reissuing  
3 terminated permits as other permits authorized  
4 with other gear with lower bycatch. For  
5 instance, swordfish directed be reissued as  
6 swordfish hand gear is an idea. Also, what  
7 are the potential impacts on existing permit  
8 values? And should shark limited access  
9 permits be reissued as well, although many  
10 shark species are overfished and quotas are  
11 taken quickly. These are just a few questions  
12 and ideas and there likely are others. And  
13 so, we look forward to hearing your ideas in  
14 addition to some of these that are outlined.

15 And with that, Rick Pearson will  
16 continue the presentation.

17 MR. PEARSON: Thank you, Randy.  
18 The next topic that we'd like to discuss is  
19 relieving vessel upgrade restrictions.

20 Just a quick recap of some of the  
21 things that Randy had pointed out. In 1999  
22 and 2000, limited access permits were first

1 issued in the HMS fishery, so the number of  
2 permits was limited. HMS also implemented  
3 vessel upgrade restrictions in essence to  
4 limit capacity so that all the vessels, the  
5 limited number of vessels would not become  
6 gigantic.

7 In 2007 we modified some of the  
8 vessel upgrading restrictions for pelagic  
9 longline vessels so that vessels that had the  
10 three permits; swordfish, shark and tuna  
11 permits on the vessel at the same time, we  
12 modified the upgrade restrictions from 10  
13 percent, 10 percent, 20 percent to 35 percent  
14 and unlimited horsepower. One of the things  
15 that I want to emphasize is that whenever a  
16 vessel permit transfer occurs or a vessel  
17 upgrade occurs the receiving vessel needs to  
18 comply with all four specifications; length,  
19 gross tonnage, net tonnage and horsepower.

20 In 2007 we adjusted that so that pelagic  
21 longline vessels could be upgraded to 35  
22 percent and we did away with horsepower

1 restrictions.

2           Since then we've continued to look  
3 at upgrading restrictions and the potential  
4 exists that removing or relaxing either or  
5 both gross registered tonnage or net tonnage  
6 could more easily allow the transfer and/or  
7 upgrading of permits. This could allow a few  
8 more permits to be actively fished and may  
9 allow permits to be used on larger vessels.

10           One thing that I want to point out  
11 here is that it would not have an immediate  
12 huge impact on landings. Primarily if we were  
13 to move forward with this, it would facilitate  
14 a few more transfers from occurring, however,  
15 it's difficult to determine if tonnage is  
16 limiting to permit transfers. We spoke to  
17 several permit brokers and primarily what they  
18 say is that vessel length is the main limiting  
19 factor. The tonnage is not quite as  
20 accurately specified by surveyors and  
21 sometimes that can be modified. We also spoke  
22 to our staff in the permits office and they

1 said that it's difficult to determine whether  
2 or not tonnage is a limiting factor because by  
3 the time a transfer occurs the permit holder  
4 would have already found a vessel that fits to  
5 make that transfer occur. So we conducted  
6 some additional analysis that might illuminate  
7 this discussion.

8           Primarily what you see here is  
9 that by and large most of the vessels that are  
10 in our longline fleet, or actually our  
11 swordfish fleet right now still have a  
12 significant amount of room to upgrade. You  
13 can see that one bar. Most of them fall --  
14 they still have between 20 and 40 percent left  
15 to go for their upgrading. So, this indicates  
16 that most vessels have not taken full  
17 advantage of their available upgrades for  
18 gross registered tonnage, net tonnage and  
19 length. In fact, it doesn't even appear as if  
20 they've taken full advantage of the  
21 liberalized upgrading restrictions that we  
22 implemented in 2007. So, there still is room

1 in the fleet to grow, for some bigger vessels.  
2 You can see in the last grouping here that  
3 horsepower is no longer a limiting factor for  
4 the fleet.

5 As we were looking into this,  
6 however, there were some interesting things  
7 that jumped out at us, and some of that has to  
8 do with differences in tonnage between vessels  
9 of similar length. So, what this is is a  
10 graph of several vessels, 46, 48, 54. These  
11 are paired vessels, vessels of the identical  
12 length. And what you can see here is that  
13 gross registered tonnage can range widely for  
14 vessels even of the same length. In fact, if  
15 you look at the 57-foot vessel, the difference  
16 in tonnage for vessels of this same length is  
17 as much as 100 percent. So, I don't know the  
18 reason why this occurs, however, it seems  
19 strange that vessels that are essentially  
20 designed to perform the same function would  
21 have such widely varying tonnage  
22 specifications. So, when we saw this, it just

1       seems that this might be a particular area  
2       where we could relieve or relax some of these  
3       restrictions.

4                    You see a similar occurrence when  
5       you look at net tonnage.  It's not quite as  
6       varied.  And if you would look at the 57-foot  
7       vessels, you can see in this situation their  
8       net tonnage is almost the same.  However, when  
9       we go back to the -- can we go back?

10                   PARTICIPANT:  Yes.

11                   MR. PEARSON:  Okay.  Here we go.  
12       However, for those same two 57-foot vessels  
13       their gross tonnage varied by 100 percent, but  
14       their net tonnage is about the same.  So  
15       again, there seems to be some variation in the  
16       way that this particular specification is  
17       measured.

18                   So, we've been thinking about  
19       whether or not this might be worth pursuing,  
20       doing away with this particular specification.  
21       So, we'd ask what are your ideas about tonnage  
22       as a limiting factor to transferring permits

1 and vessel upgrading? How limiting are these  
2 to the transfer of permits? Is gross  
3 registered tonnage and net tonnage an  
4 appropriate measure of capacity? Would we be  
5 essentially -- what this would allow would be  
6 just one less requirement that a permit  
7 transfer would need to comply with when it  
8 occurs. Would modification of these  
9 restrictions facilitate swordfish  
10 revitalization? And finally, what level of  
11 priority would you place on this compared to  
12 other potential swordfish revitalization  
13 actions?

14 So, the next subject that we'd  
15 like to discuss is permit leasing.

16 Before I get into this slide, I'd  
17 like to draw an analogy. It's not a perfect  
18 analogy, however, it makes this concept a  
19 little bit easier to think about. And that  
20 would be we're all familiar with automobile  
21 leasing where somebody leases the vessel for  
22 a specified period of time and when the lease

1 is over, the owner gets the automobile back.  
2 It's a tangible object. Compare that with if  
3 you were leasing your driver's license, and  
4 essentially that's the right to operate the  
5 vehicle. So, you would lease your right to  
6 operate that vehicle and then at the end of  
7 that specified period of time it would go back  
8 to the original owner. So, it's different.  
9 It's not a tangible piece of property. It's  
10 the right to perform an action, in our case  
11 fishing.

12 So, we've received several  
13 comments requesting permit leasing during the  
14 ANPR and other public meetings. Currently the  
15 definition of owner at 50 C.F.R. 600 means  
16 that permits can be issued only to the owner  
17 of a vessel. Right now a permit transfer can  
18 currently be arranged through a private legal  
19 agreement between parties. Such an agreement  
20 usually specifies that the permits will  
21 transfer back to the original owner. What  
22 this essentially is treated as a regular

1 permit transfer. And when that occurs, the  
2 private legal agreement between the two  
3 individuals specifies that after a period of  
4 time that that permit goes back to the  
5 original owner, but it's treated like a normal  
6 transfer. One of the problems with that is  
7 the assumption of risk. There's no guarantee  
8 other than the legal agreement between the two  
9 individuals that the original permit owner  
10 will get that permit transferred back to him  
11 at the end of the lease. So if we were to  
12 move forward with this, what this would be  
13 doing is the assumption of risk would be  
14 transferred -- well, would be more guaranteed  
15 by the government if this were to occur.

16 We've also researched this issue  
17 by looking at the leasing of quota shares in  
18 IFQ systems. The difference there is that the  
19 quota shares are being leased, however, the  
20 person that's receiving the quota is a permit  
21 holder themselves.

22 Leasing of permits would affect

1 permit administration, enforcement and  
2 workshop administration, among other things.

3 This would essentially be a significant  
4 deviation from the way that permits are  
5 handled right now. They're linked to the  
6 vessel owner and the permit holder.

7 It would also affect enforcement.

8 If somebody were still owning the permit, they  
9 lease that permit to somebody else and an  
10 enforcement were to occur, who would assume  
11 the liability for that violation?

12 Similarly, workshop administration  
13 would be affected. Currently right now we  
14 require permit holders to attend the  
15 workshops. This would be a deviation from  
16 that. Would the lessee be required to attend  
17 the workshop or the original vessel owner?

18 So, there are some liability  
19 issues here and it would be a very significant  
20 deviation from the way that permits are  
21 administered right now.

22 So, does the existing system of

1 relying on private legal agreements between  
2 parties not work well because of the  
3 assumption of risk, because there's no  
4 guarantee that the person -- if they  
5 facilitate a full transfer, however there's a  
6 private agreement that the permit is being  
7 leased, that the original permit holder will  
8 get that permit back? Outside of this  
9 existing practice what does permit leasing  
10 mean to you and what advantage would it have?  
11 Again, what priority would you give the  
12 various potential swordfish revitalization  
13 actions?

14 We have limited time and  
15 resources. We can only pursue a few  
16 particular actions at a time. So, we're  
17 asking the advisory panel which of these  
18 actions would provide the biggest bang for the  
19 buck?

20 Next we'd like to move onto  
21 swordfish retention in squid trawls.

22 Currently three limited access

1 permits are required for squid trawl vessels  
2 to retain swordfish caught as bycatch;  
3 swordfish, shark and tuna longline permits.  
4 Also, several other fisheries may occasional  
5 catch HMS' bycatch. We've received numerous  
6 requests to reconsider the issue of HMS  
7 bycatch in other fisheries, but most  
8 particularly we've heard these requests from  
9 the squid trawl fishery.

10 So, what I'd like to do right now  
11 is sort of walk you all through the  
12 deliberative process that we've had over the  
13 past couple of years. And we have a potential  
14 alternative for consideration that we would  
15 like to seek comments on.

16 So, we've collected a great deal  
17 of data on this issue. These are self-  
18 reported vessel trip report data from the  
19 Northeast Region and it shows that a large  
20 number of HMS are caught in squid trawls. The  
21 vast majority or smooth dogfish, which will be  
22 addressed in the upcoming rule to allow the

1 retention of smooth dogfish incidentally  
2 caught in trawl gear.

3 So, I'd like to just take a little  
4 bit of time to look at this. Again, you can  
5 see that smooth dogfish is the predominant  
6 catch. This is self-reported data from 2000  
7 to 2009. The second most caught species is  
8 swordfish. The top pie chart shows the pounds  
9 that were retained. The bottom shows the  
10 pounds that were discarded. And this is the  
11 number right here that is the swordfish that  
12 are discarded that we would like to address if  
13 we were to move forward on this issue. Again,  
14 you can see though this is self-reported data  
15 and over 10 years 45,000 pounds of swordfish  
16 were discarded from squid trawl vessels. And  
17 I don't have any information on how complete  
18 the data are, but essentially that amounts to  
19 about 4,500 pounds a year, which amounts to  
20 between about 20 and 40 swordfish that are  
21 being discarded, and they could be being  
22 discarded for a variety of reasons. The

1 vessel may not be permitted to retain  
2 swordfish or they might be undersized.

3 This is observer data from 2000 to  
4 2009. It doesn't provide a great example on  
5 real numbers, but what this does show is some  
6 of the species that are caught in squid trawl.  
7 And as you can see, numerous prohibited shark  
8 species are caught and discarded, most notably  
9 sandbar sharks there and basking sharks.

10 These are prohibited, basking sharks, sand  
11 tiger. However, the predominant catch is  
12 swordfish. The majority of non-smooth dogfish  
13 HMS caught in squid trawls are swordfish.  
14 Also, and this is ironic, tunas are often  
15 caught and sold illegally. Even though some  
16 of these vessels may have tuna longline  
17 permits, they may not retain --

18 (End of Tape 10)

19 TAPE 11

20 MR. PEARSON: So, we have a couple  
21 of options. We know that HMS are caught in  
22 bycatch in several other fisheries. So, one

1 of our first thoughts was, well, perhaps we  
2 should create an HMS overall bycatch permit  
3 for all of the non-HMS fisheries that do have  
4 some HMS as bycatch. The other option would  
5 be to create or modify the current permits to  
6 allow additional squid trawl vessels to retain  
7 swordfish caught as bycatch. Right now there  
8 are about 10 vessels that are squid trawl  
9 vessels that do have the tri-pack and may  
10 retain swordfish. The additional 60 or so do  
11 not have the necessary permits to retain  
12 swordfish. So, swordfish is being discarded.  
13 And a lot of these fish are big fish and it  
14 just seems that this is something that we  
15 should address.

16 So, we're looking at the two  
17 options here, create an overall HMS bycatch  
18 permit or focus specifically on the squid  
19 trawl fishery. So, looking at an overall HMS  
20 bycatch permit. This could potentially  
21 address the issue of HMS bycatch in many  
22 fisheries, however, it could also require the

1 issuance of potentially thousands of new HMS  
2 permits. And we've listed several of the  
3 fisheries that may have HMS as bycatch,  
4 including the shrimp trawl fishery, the  
5 menhaden trawl fishery, the menhaden purse  
6 seine fishery, and the list goes on. And for  
7 the most part most of these fisheries likely  
8 interact with sharks. There's not that many  
9 that interact with the more pelagic species,  
10 swordfish, billfish and tunas, other than  
11 perhaps the dolphin/wahoo fishery, deepwater  
12 tilefish fishery and the squid, mackerel,  
13 butterfish trawl fisheries. So, it's  
14 primarily the distribution of sharks that  
15 impacts the number of fisheries that might be  
16 catching or interacting with HMS.

17 So, when we analyzed this, it  
18 occurred to us that a one-size-fits-all HMS  
19 bycatch permit would likely be very  
20 complicated and difficult to implement given  
21 the variety of potentially affected fisheries.  
22 You might have several different fisheries,

1 thousands of different permits, differing trip  
2 limits for each of these, a very complicated  
3 process. So, based upon that, we decided so  
4 let's focus upon the squid trawl fishery,  
5 because primarily that's where we've received  
6 the most comments from.

7 So, when we focused upon the squid  
8 trawl fishery, we asked ourselves, well,  
9 should we focus on the Illex fishery or the  
10 Loligo fishery, or both? So again, we looked  
11 at vessel trip report data from 2000 to 2009  
12 and we looked at observer data. What we  
13 found, that only 20 percent of the vessels  
14 that caught swordfish held the triple-pack of  
15 limited access permits and could legally sell  
16 swordfish. Seventy-three percent of the squid  
17 vessels that caught swordfish held an Illex  
18 moratorium permit. The observer data reveals  
19 a similar trend. The Loligo fishery caught  
20 2,468 pounds of swordfish, whereas the Illex  
21 fishery caught 120,567 pounds of swordfish, so  
22 several orders of magnitude more. So,

1 essentially this confirmed what we had been  
2 hearing, that the Illex fishery is the squid  
3 trawl fishery that interacts most with  
4 swordfish.

5 So, then our next question was how  
6 would we permit these Illex vessels that do  
7 not have the current triple-pack to retain  
8 incidentally caught swordfish? These are some  
9 of the options we discussed. The first one is  
10 the status quo. They must obtain the existing  
11 HMS triple-pack limited access permits through  
12 transfer.

13 The second option is that we could  
14 issue new HMS triple-pack limited access  
15 permits. Then you have a whole series of  
16 other questions that need to be addressed.  
17 Would those new triple-pack permits; that  
18 would be swordfish, shark and Atlantic tuna,  
19 would they have to remain permanently attached  
20 to the vessels, or would they be  
21 transferrable? And if they were, that would  
22 unleash a large number of potentially new

1 limited access permits and how would that  
2 affect the value of current permits for permit  
3 holders?

4 The third option would be to  
5 create a new HMS squid trawl permit.

6 And finally, we could eliminate  
7 the need to establish a permit at all and  
8 potentially create an exemption in the  
9 regulations for squid trawl vessels, either an  
10 exemption or potentially some type of an  
11 endorsement. There would be no need for a  
12 permit in that case.

13 So, if we were to move forward  
14 with that, what would the options be for the  
15 small number of current Illex vessel owners  
16 that hold the HMS triple-pack if a new permit  
17 or a new exemption was created? Some of the  
18 options there were that the Illex vessel  
19 owners could transfer or sell their existing  
20 HMS triple-pack permits or the Illex vessels  
21 holding the triple-pack would have to  
22 relinquish those permits to NMFS and a new

1 permit would be issued instead.

2 In addition to that there are  
3 several other things that would need to be  
4 considered. Should we allow for the retention  
5 of additional species, primarily thinking  
6 about BAYS tunas here, because these are  
7 caught in squid trawls as well? If so, what  
8 would the retention limits be for those  
9 species? Who would be eligible for a permit?  
10 Would the permit be limited access or open  
11 access? Would we implement upgrading and  
12 permit transferability requirements?  
13 Reporting requirements, would they be  
14 continued to be required to report in the VTR  
15 or the HMS log book? And would it be possible  
16 to implement this without a permit  
17 requirement?

18 So, I've just walked you through  
19 the deliberative process that the HMS division  
20 has been discussing over the past year-and-a-  
21 half. And based upon that and sort of the  
22 deliberative process, we've narrowed it down

1 and developed a potential alternative for your  
2 consideration that we would like to receive  
3 comments on, and this is it.

4 Create a new squid trawl HMS  
5 bycatch permit issued to any vessel with an  
6 Illex moratorium permit upon the owner's  
7 request. Allow for the retention of 15  
8 swordfish per trip. This is the current  
9 swordfish limit for squid trawl vessels. The  
10 permit would not be transferrable. As a  
11 requirement the vessel must already have an  
12 Illex permit. There would be no upgrading  
13 restrictions because the Illex permit is  
14 already a moratorium permit that has its own  
15 upgrading restrictions. And current HMS  
16 triple-pack permit holders could either  
17 transfer or sell those permits and instead get  
18 an HMS squid trawl bycatch permit.

19 So, this is sort of where our  
20 deliberations took us. We're seeking your  
21 comments on this and any of the other  
22 alternatives or options that we've discussed.

1                   Now I'd like to hand it back over  
2                   to Randy.

3                   MR. BLANKENSHIP:   Okay.   Very  
4                   good.   All right.   So, at this point we've  
5                   concluded the presentation on the swordfish  
6                   fishery revitalization, but we need to go back  
7                   and discuss the issues that we've presented.

8                   And so we in this slide are  
9                   showing -- and this is the one slide that is  
10                  different from your previous presentation that  
11                  was sent out.   This one shows the sequence for  
12                  discussion for this morning right now.   And we  
13                  will discuss this in order of permitting for  
14                  swordfish retention in squid trawls, which  
15                  Rick just presented; then relieving upgrade  
16                  restrictions.   Then we will move to permit  
17                  renewal and reissuing of expired permits, and  
18                  then to permit leasing, and then finish up  
19                  with swordfish marketing.   And so, in order to  
20                  keep this organized, we want to go through it  
21                  in this sequence.

22                  And with that, Bennett, I'll turn

1 it over to you.

2 MR. BROOKS: Thanks. And just to  
3 give you a sense of timing, our intention is  
4 to start the conversation now, take that until  
5 somewhere around 10:00-10:15. We'll take a  
6 break at that point. We'll come back. We  
7 think we'll have about another half-hour where  
8 we can chew on these topics as well. So in  
9 total we think we'll have about an hour to  
10 talk about the different issues again. And as  
11 Randy said, we want to take them in chunks so  
12 we can have a more focused conversation.

13 So, at this point we'd like to  
14 open up the floor for comments on the squid  
15 bycatch permit proposal or concept that HMS  
16 staff just put out there. And I've got in the  
17 queue Bill, Pat, Margo and Ron.

18 So, Bill, we'll start with you.

19 MR. GERENCER: Yes, actually this  
20 structured thing is a little difficult to  
21 speak about this, but I'll save my comments on  
22 marketing until we get to that bullet point.

1 And I think, Rick and Randy, you've done a  
2 great job and put a lot of thought into this,  
3 and thank you very much.

4 But my comment's a little more  
5 generic and it's very brief, and it's why the  
6 hell would anybody invest a penny in  
7 swordfishing right now? I like the way we put  
8 it. We're considering uplisting turtles. It  
9 actually sounds like a good thing. Let's  
10 uplist turtles. You know, the best we can say  
11 about a stock is it's not overfished. That's  
12 saying like instead of saying Bill's healthy,  
13 it's like saying I don't have gonorrhoea, you  
14 know? I mean, this is why the chefs I talk to  
15 have no idea that swordfish is fully  
16 recovered, because nowhere in big bold  
17 statement does it say anywhere that -- well,  
18 I wasn't going to talk about that.

19 Let me get back to the  
20 revitalization. If you look at the potential  
21 for bluefin and turtles being listed, why  
22 would you invest a penny in swordfishing? And

1 it's not up to the government to get us to  
2 upgrade these boats or do anything. And squid  
3 permitting aside, which I think represents a  
4 good and honest effort on your part, we're not  
5 going to get these revitalized.

6 And the other thing NMFS should  
7 get up and say is we're going to lose our  
8 sword quota publicly, because the public  
9 doesn't understand this. That message isn't  
10 getting out there. You guys got to help us  
11 get it out there. I think that is your  
12 responsibility. And without some of that  
13 help, this thing will happen in ICCAT and the  
14 public will find out after the fact. So, we  
15 got to start drumming up some support right  
16 now and we got to find a way to encourage  
17 investment.

18 But with the regulatory climate,  
19 no one's going to put money into sword boats  
20 or increase their gross tonnage and split a  
21 boat and add horsepower or whatever they need  
22 to do. I mean, this stuff costs a lot of

1 money. And you could be potentially put out  
2 of business anyway, so it's wait and see and  
3 it's just more of the same. If we're going to  
4 revitalize this fishery, let's get serious  
5 about revitalizing it and look at the  
6 comprehensive package. These little pieces  
7 are very difficult to be creative about.  
8 Thank you for tolerating my diversion from  
9 your rigid --

10 MR. BROOKS: Thanks. And let me  
11 add, you know, we do recognize we're asking  
12 you to focus on specific issues, and the  
13 intent there is so we can have a more centered  
14 conversation. We acknowledge, Bill, that  
15 obviously there's linkage here and, you know,  
16 to the extent that that helps you frame your  
17 comment, we invite you to do so.

18 Pat?

19 MR. AUGUSTINE: Thank you. Great  
20 job, guys. Outstanding job as a matter of  
21 fact. From where we were a year-and-a-half  
22 ago to where we are now, we do have clear cut

1 options that we can take action on. As Bill  
2 said, there are other issues to deal with.

3 I thought, very quickly, why don't  
4 we have all these supermarkets that we have  
5 around the country preparing swordfish nuggets  
6 for you to taste when you go in as you're  
7 doing your shopping? Maybe that's the way to  
8 get the public get the smell.

9 On a more serious note, I looked  
10 at what we're trying to do here in terms of  
11 upgrading vessels, and I agree with Bill,  
12 who's going to invest this kind of money?  
13 We've heard it from the other commercial  
14 folks, is that really going to happen? You  
15 can have as much quota as you want, but  
16 where's the money to do it? What's the  
17 guarantee that they're going to be able to be  
18 sustainable for a long period of time?

19 I'd be more inclined to look at  
20 taking the latent permits or permits that  
21 could be reissued and put emphasis on those.  
22 Let's get more vessels in the water. Let's

1 get more exposure to taking more product out  
2 of the water.

3 The concern I had about the HMS  
4 bycatch permit -- and I -- right here, create  
5 a new squid trawl HMS bycatch permit. I  
6 immediately flashed back to the chart on all  
7 the sharks that are being caught. They're in  
8 dire straits. If you do that, I don't know  
9 why you would want to include the taking of  
10 any of the HMS shark species. I would  
11 consider that as being out the door.

12 As far as other bycatch permit,  
13 when you looked at this list on chart 41, you  
14 looked at all of the other possible places  
15 where you might include trawl gear being used.  
16 And it would just seem to me that some of  
17 those on that list might immediately be just  
18 dropped out, but there may be two or three in  
19 there that should be considered to be issued  
20 an HMS bycatch permit. Monkfish gillnet, I  
21 don't know. I doubt herring. Squid,  
22 mackerel, no. Dolphin/wahoo might be a tough

1 one. Wreckfish might be another on. But when  
2 I look at squid, menhaden purse seine and  
3 trawl, groundfish trawl, snapper, grouper,  
4 some of those -- my limited knowledge of each  
5 of those fisheries I would think would not be  
6 included as being able to retain HMS species  
7 now. They don't now, so I don't think they  
8 should be considered.

9 But it does seem that they may be  
10 one or two or three in there that might want  
11 to receive consideration at the same time.  
12 There is bycatch, definitely bycatch. And if  
13 we're trying to eliminate bycatch and turn it  
14 into product, I don't know of a better way to  
15 do it than doing that. The idea of creating  
16 a new bycatch permit to go across the board is  
17 probably the most clear cut way to do it.

18 Your suggestions I think as to how  
19 to do it are right on target. And I'd like to  
20 hear other people's thoughts on it, but those  
21 come to mind immediately. The work you've  
22 done is outstanding. It gives us some pointed

1 direction to go.

2           Again, whose responsibility is it  
3 to promote swordfish? It's a two-way street.  
4 We are going to lose, having attended the  
5 ICCAT meeting and the advisory panel, I don't  
6 know how we're going to hold onto that. If we  
7 don't use it we're going to lose it sooner or  
8 later, so I think it's a reality check. And  
9 maybe from a NMFS point of view or HMS point  
10 of view we have to send that message out as  
11 loud and as strong as we can. Will the public  
12 take note of it? I don't think so. The  
13 public is concerned about cheap product. If  
14 they can buy imported swordfish for \$7 a pound  
15 versus paying \$15 or \$16 for the best quality  
16 swordfish in the world, they're not going to  
17 do it. So, I think we have a limited market.

18           So, those are my thoughts and  
19 thank you very much.

20           MR. BROOKS: Thanks, Pat. Margo?

21           MS. SCHULZE-HAUGEN: Sorry, I  
22 zoned out there for a minute.

1           I guess I wanted to give positive  
2 feedback on trying to think of a broad range  
3 of options. Oceana doesn't want to see  
4 swordfish quota go to other countries with  
5 increased bycatch.

6           Also, we're happy to see that you  
7 acknowledge that we don't have a lot of room  
8 for error in our current level of bycatch in  
9 this fishery. Those are small margins, as  
10 Randy pointed out. So, I mean, in shaking  
11 things up, the ideal outcome for us would be  
12 to see increased swordfish landings and to see  
13 reduced bycatch.

14           We can't really accept any  
15 increase in bycatch at this point. We're  
16 looking for reductions for loggerheads and  
17 leatherbacks and bluefin tuna and billfish.  
18 I think we're looking for reductions on  
19 loggerheads particularly because the 2004  
20 Biological Opinion for loggerheads took place  
21 at a time when their populations were stable,  
22 and since then we've seen declines in that

1 turtle population. So, we just don't have a  
2 lot of wiggle room there.

3 The bycatch permit, anything that  
4 sets hard bycatch caps and increased observer  
5 coverage we feel like would be a good thing.

6 And then separately I wanted to  
7 respond and support what the first speaker  
8 said about the broader issues. And I don't  
9 have a lot of personal knowledge of how things  
10 like permit leasing and other things would  
11 affect the fishery, but I think it would be  
12 worth investing a bit in a social study and an  
13 economic study to see what these kinds of  
14 tweaks would actually do. Because I think  
15 that in some ways when you don't take a  
16 holistic view you could end up hurting some of  
17 the people that you're intending to help.

18 For example, when you talk about  
19 permitting squid trawls, I think, well, that's  
20 clever. They're catching swordfish anyway.  
21 Why don't we sell it and count it and get  
22 credit for it? But at the same time if that's

1 just creating more competition for the  
2 longliners that are already on the ground,  
3 because the list of five difficult factors  
4 that you've put up there earlier, maybe that's  
5 counterproductive.

6 Permit leasing. I don't really  
7 know anything about it. It sounds like in a  
8 good world it could make things easier and  
9 make things easier for small businesses,  
10 communities that want to shift around, have  
11 flexibility. But it could also be kind of a  
12 sharecropping and lead to consolidation and  
13 bringing in outside investors and taking money  
14 out of the community. I don't know which is  
15 the best way, but I would just encourage you  
16 to seek outside expertise on the social  
17 impacts and economic impacts. Because if  
18 that's the stated goal of increasing the  
19 swordfish and trying to retain our quota, we  
20 should make sure that we're reaching it. And  
21 that's not really, you know, obviously  
22 Oceana's agenda, but I think that's really

1 important, that rather than just sort of  
2 thinking in a loose way, oh, we might do this;  
3 it might help, it would be good to get some  
4 insight on that.

5 MR. BROOKS: Thank you. Let me  
6 just tell who've got in the queue here. I've  
7 got Ron, Sean, Rusty, Rich, Andre, Chris,  
8 Glen, Tim and Vince. So, let's try to move  
9 through it and ask people to keep their  
10 comments as focused as they can, knowing that  
11 this is complicated.

12 Ron?

13 MR. CODDINGTON: Yes, Ron  
14 Coddington. First of all, could I see the  
15 next slide with the issues just while I'm  
16 talking here, that last one you had?

17 I'm going to stick to squid trawls  
18 right now, so just leave me in queue, because  
19 I've got something to say on everything up  
20 there. It's the only reason I come here is to  
21 make sure the recreational swordfish fishery  
22 is considered at all times and to protect our

1 quota. It's the only reason I come here.

2 This is my 15th meeting. I feel like I'm in  
3 "Groundhog Day."

4 I'm sorry I can't jump on Pat's  
5 bandwagon and praise the work we've done here  
6 because I think it's been a total failure.

7 But I'm going to stick to the  
8 squid trawl. So I need one question answered  
9 so that I can explain my quick comments on the  
10 squid trawl.

11 These numbers were listed of  
12 120,000 pounds of swords in the Illex fishery  
13 from observer data '97 to 2006. Is that total  
14 '97 through 2006, or is that yearly, a yearly  
15 average? That's the total for those years?  
16 Oh, I'm sorry.

17 PARTICIPANT: That's total  
18 landings on observed trips.

19 PARTICIPANT: On observed trips.

20 MR. CODDINGTON: On observed  
21 trips? Okay. And one other question. How  
22 many squid trawl permits are there out there

1 that we're talking about right now on this  
2 subject?

3 PARTICIPANT: There's about 375  
4 Loligo permits and 75 Illex permits.

5 MR. CODDINGTON: Okay. Then  
6 that's a significant number. I thought it was  
7 a lot smaller. But remember when we're  
8 talking about this 54 tons over that observed  
9 period, that's only six tons a year. This  
10 isn't going to save our quota.

11 So, with the squid trawl fishery,  
12 if they're throwing fish back right now, they  
13 shouldn't be. If anybody's throwing back a  
14 legal size swordfish, shame on us for letting  
15 that happen. So, whatever you have to do to  
16 let those fish stay on that vessel as quickly  
17 as possible, that needs to be done. But you  
18 know what, if we're here in three more  
19 meetings talking about it again, then we've  
20 failed again, because this is the year we have  
21 the biggest assault on our quota allocation  
22 that we've ever had.

1                   We've been lucky to roll this  
2                   thing over. And maybe by luck we'll roll it  
3                   over again. Maybe something else will come up  
4                   and ICCAT will be too busy on something else  
5                   and we'll roll it over, but we need to do  
6                   whatever we're going to do on this squid  
7                   trawl. Let them catch the fish. Give them a  
8                   bycatch permit. Let them catch the fish not  
9                   in a year from now, not in two years from now,  
10                  but tomorrow. Let them catch the fish. Do  
11                  whatever you have to do or let's quit wasting  
12                  our time talking about it.

13                   MR. BROOKS: Thanks, Ron.

14                   Sean?

15                   MR. McKEON: Sean McKeon, North  
16                  Carolina Fisheries Association.

17                   I have pretty much similar  
18                  comments to Ron, so I won't run through them  
19                  all, but I would say the quickest way to do it  
20                  is just exempt those boats. These fish are  
21                  being caught. There's no reason in the world  
22                  they should be throwing them over in the Illex

1 squid fishery. And I know my guys have talked  
2 to me about it and others have talked to me  
3 about it. You have a problem? Simple  
4 solution, make it easy, just exempt them right  
5 now. And if you want to come up with a permit  
6 down the line, go ahead. But right now just  
7 exempt them, let them retain those fish. It  
8 is ridiculous that they're having to throw  
9 good legal fish overboard. That's all I have  
10 to say on this topic. Thanks.

11 MR. BROOKS: Thanks, Sean.

12 Rusty?

13 MR. HUDSON: Rusty Hudson,  
14 Directed Shark. I guess kind of like Ron I  
15 want to try to get at the number of vessels.  
16 He asked for permits. You got 450 permits  
17 there. Some people hold both permits or this  
18 is 450 different boats?

19 PARTICIPANT: Almost all of the  
20 Illex moratorium permit holders also hold a  
21 Loligo permit.

22 MR. HUDSON: And as a follow up to

1 that, what is the percentage of observer  
2 coverage?

3 PARTICIPANT: I don't have that  
4 information.

5 MR. HUDSON: So it's not 100  
6 percent probably. What concerns me is that  
7 like I see the sandbar shark, and it's, you  
8 know, 16,000 pounds that was sold at a certain  
9 point, and that had to have stopped at least  
10 when, you know, sales of sandbar was  
11 restricted. But it's just like basking  
12 sharks. Since '97 it's been a prohibited  
13 species and if we tangled up with it, you  
14 know, we'd probably catch heck for it. But  
15 I'm just, you know, looking at this saying --  
16 and as far as shark bycatch, it would be nice  
17 to see it utilized instead of discarded. And  
18 I don't know what it expands out to. If you  
19 only have five percent observer coverage, then  
20 some of these numbers on what's discarded may  
21 actually be much higher. And so, I just kind  
22 of would like to see a little more detail as

1 far as how all that works out as far as what  
2 we're going to be ultimately talking about.

3 PARTICIPANT: I do have a little  
4 bit more information. HMS bycatch as a  
5 percent of squid trawl landings is 0.2  
6 percent, so you know, obviously they're  
7 catching mostly squid. Additionally, there  
8 was 173 observed trips during this 10-year  
9 period. So that's where these numbers come  
10 from.

11 MR. BROOKS: Anything else, Rusty?

12 Okay. Rich?

13 RICH: Yes, I appreciate Bill  
14 Gerencer's opening comments and just glad I  
15 didn't make dinner plans with him for this  
16 evening. But I think he focused in right on  
17 the major issue. You know, I agree that a  
18 tremendous amount of work went into this  
19 document. I'm never really happy with a  
20 presentation that says you sit there while we  
21 walk through 50 pages and then we'll start  
22 over again and try and walk through it.

1 I also agree with Bill, what he  
2 was getting at and didn't want to say, was  
3 that the entire document misses the two major  
4 points for revitalization and that is more  
5 fishing grounds, which we've asked for  
6 repeatedly. That's what's going to get your  
7 production up. That's what's going to get  
8 revitalization.

9 And the second part to it is what  
10 I've been harping about at this meeting and  
11 prior meetings are the two laws that we have  
12 on the book to improve the market, which means  
13 the fishery will be more profitable. Like  
14 Bill said, who's going to invest a penny in  
15 this fishery with the outlook the way it looks  
16 right now? The market, the inaction of the  
17 agency for two years on two major laws that  
18 say do something about the imports that are  
19 coming in from countries that are not doing  
20 what we're doing right now. And those are the  
21 issues that really, really need to be  
22 addressed.

1                   In terms of the retention for the  
2                   squid trawls, before I make my comment -- I  
3                   basically agree with Sean, but before I make  
4                   my comment I want to say that throughout the  
5                   document I think it's important that people  
6                   keep in mind the vessels that rebuilt this  
7                   fishery, the directed fishery, that sacrificed  
8                   the most to rebuild this fishery. Those are  
9                   the boats that have to be kept in mind first.  
10                  Whatever else you do to revitalize should not  
11                  be precluding their opportunity to retain the  
12                  status that they once had as a major 30  
13                  percent player in the highly migratory  
14                  international swordfish fishery.

15                  That said, for the squid fishery,  
16                  you know, it looks like they're catching about  
17                  70 tons, if I'm interpreting these number  
18                  accurately. And given the view that the  
19                  directed fishery should not be impacted by  
20                  either new fisheries or revitalization at  
21                  lower levels, as long as these categories are  
22                  staying within the other category quota, we

1 really don't have a strong preference, or at  
2 least we have not polled the membership and  
3 have gotten little feedback from the  
4 membership on how the squid fleet should be  
5 allowed to retain that fish. Whether it's  
6 Sean's idea of there should be no permit at  
7 all, stop making them throw 70,000 pounds of  
8 swordfish away every year. Stop it as fast as  
9 you can.

10 But it is important to keep in  
11 mind those, in our view, sacred principles  
12 that you not impact the directed fishery with  
13 either new fisheries coming into revitalize or  
14 by incidental takes. They should stay within  
15 the category that they were originally defined  
16 to be and you should be focused in on the  
17 issues that really address the revitalization  
18 of the historic fleet, and that's  
19 profitability in the fishery through marketing  
20 efforts. We haven't gotten there yet. You're  
21 starting from the back end of the document  
22 instead of the front end of the document,

1       which is where we would have gotten into the  
2       meat of the issues first.  And like Bill, I'll  
3       have more to say on the marketing aspects when  
4       we get there.

5                   MR. BROOKS:  Thanks, Rich.

6                   Andre?

7                   DR. BOUSTANY:  Yes, just a real  
8       quick question and possibly a follow up.  Are  
9       the dead discards not currently counted  
10      against our quota as they are in most other  
11      fisheries?  I know with bluefin and other  
12      things the dead discards are counted against  
13      the quota.

14                  PARTICIPANT:  They would be  
15      included in what's reported to ICCAT and our  
16      quota monitoring in real time.  We don't have  
17      those estimates, but they do catch up in the  
18      final reports.

19                  DR. BOUSTANY:  So just a quick  
20      follow up there.  So, retaining those fish is  
21      not going to make any difference in terms of  
22      where we are as far as getting to our quota or

1 not? It seems like whether they're dead  
2 discards or kept, and you know, granted you  
3 can make the case that keeping them is better,  
4 it's not going to make a difference as far as  
5 how far away we are from our current quota.

6 PARTICIPANT: Where I would say  
7 that may not be the case is in some of the  
8 vessels that may not be reporting all of that  
9 if there's a gap in the coverage because  
10 they're not permitted. So to the extent we  
11 bring them into the fold with a permit and  
12 then they trigger the reporting requirements,  
13 we may get an increase there. And the  
14 profitability of turning discards into  
15 landings is a factor as well.

16 DR. BOUSTANY: And just a real --  
17 sorry, I didn't want to take up too much time,  
18 but from what we see in the observer data and  
19 what we see in the reported catches is there  
20 an indication that under-reporting is  
21 significant? Has anyone looked into that?

22 PARTICIPANT: I'm sorry. Under-

1 reporting in what context?

2 DR. BOUSTANY: Just what we think  
3 of what they're self-reporting. Do we think  
4 that there is significant under-reporting of  
5 swordfish bycatch from the self-reported, I  
6 guess, logbooks or whatever it is? I don't  
7 know how you get those data compared to the  
8 observer data. Is there some indication that  
9 under-reporting of swordfish bycatch is  
10 significant?

11 PARTICIPANT: I don't think we've  
12 specifically looked at that.

13 MR. BROOKS: Okay. Chris?

14 MR. WEINER: You know, I agree  
15 with what Bill and Rich have said, that you  
16 guys have to do a lot, or should be doing a  
17 lot better job on the directed fishery.  
18 Swordfish, I mean, we're starting to see them.  
19 There's definitely a lot more of them out  
20 there, so the more you can do the better.

21 On the squid permit thing, my own  
22 gut is that the squid trawlers -- I mean, I

1 think Sean's idea might work about the  
2 exemption, but where my issue comes in is with  
3 the idea of an HMS bycatch permit. I mean, in  
4 New England the tuna fishery has been dealing  
5 with the herring mid-water trawl and literally  
6 every one of the ten thousands of permit  
7 holders would fight that if you tried to let  
8 herring mid-water trawlers bring in tuna.

9 But in terms of the squid bycatch,  
10 they're catching the swordfish, I mean it  
11 sounds like to me if they're getting kicked  
12 over dead, what's the point of that? I'm not  
13 going to speak directly on this because I'm  
14 not in the swordfish fishery like some of the  
15 people in this room, but I think if you're  
16 going to focus on that issue, focus on the  
17 squid trawlers and whether you do an exemption  
18 or -- I just think where you're going to get  
19 into trouble is with this idea of an HMS  
20 bycatch permit. I wouldn't open up that can  
21 of worms.

22 But in terms of the squid bycatch,

1 I mean, these guys, if they're coming to you  
2 telling you that they have this bycatch and  
3 they want to be able to keep it, it seems nuts  
4 to me to not listen to them and I think  
5 there's a couple ideas here you could use. So  
6 again, I'm not going to speak because I know  
7 there are some people in this room that are in  
8 the directed swordfish fishery. Let them  
9 decide that one. But just my own feeling is  
10 focus on the squid guys that are coming to you  
11 asking for a problem -- and don't open this  
12 other can of worms.

13 MR. BROOKS: Thanks, Chris.

14 Glenn?

15 MR. DELANEY: Thank you. First I  
16 should say that unfortunately Blue Water  
17 Fishermen's Association has not resolved the  
18 position on this and other issues in the  
19 swordfish revitalization package that you've  
20 presented. And so, really any of the comments  
21 you're getting are largely, you know, just our  
22 own from our industry. But hopefully, you

1 know, we'll try to prepare something that will  
2 be submitted on behalf of the organization  
3 that will clarify their position collectively,  
4 because there is a great diversity of views on  
5 these issues within our industry and they need  
6 to be discussed and resolved and then properly  
7 reflected.

8 But just some comments, and of  
9 course I agree almost entirely with what Rich  
10 said. And what Bill said was right to the  
11 point, which is, you know, the reason we're  
12 talking about swordfish revitalization and  
13 have been for years was because the pelagic  
14 longline fishery, due to onerous regulations  
15 to protect bycatch and our collective U.S.  
16 failure to create a level playing field in our  
17 marketplace, has lost its ability to harvest  
18 our quota share at ICCAT. And yet -- and  
19 again this is not a personal criticism and I  
20 tell you when I like what you do and I tell  
21 you when I don't, but for the centerpiece of  
22 your swordfish revitalization plan to be a

1 non-swordfish fishery is a bit ironic to us.  
2 I mean, you know, I agree we should not  
3 discard swordfish that falls within our quota.

4 But that does nothing for the  
5 pelagic longline fishery. I think there might  
6 have been a perception, and I agree with what  
7 Andre said very much, and I was going to make  
8 the point that, you know, that does nothing to  
9 get us closer to being able to argue at ICCAT  
10 and defend our quota, which might have been  
11 one benefit to the pelagic longline fishery.  
12 So, you know, your centerpiece is directed at  
13 a non-swordfish fishery that has nothing to do  
14 to help revitalize the pelagic longline who  
15 were the folks that ultimately lost their  
16 fishery and who've been asking for you to help  
17 us revitalize it. So, it definitely misses  
18 the point. And the points that Bill and Rich  
19 made I won't repeat, but certainly the  
20 regulatory environment for pelagic longlining  
21 and the market environment for the pelagic  
22 longline fishery or for swordfish generally

1 should be the centerpieces of your focus and  
2 efforts.

3           On the squid proposal  
4 specifically, again I totally support the  
5 notion that we shouldn't be discarding legally  
6 caught swordfish, otherwise legally caught  
7 swordfish, but I worry a little bit, and I  
8 feel compelled to put on the table on behalf  
9 of those folks in both the pelagic longline  
10 and frankly in the squid fishery who have  
11 spent the considerable amount of money it  
12 might have taken to purchase the triple-pack  
13 limited access permits to have other people in  
14 the fishery who chose not to suddenly awarded  
15 free permits essentially, either by virtue of  
16 option No. 2, 3 or 4, frankly. You know, if  
17 I spent 50 or 80 or 100 thou, whatever it is  
18 that it took for me to operate under the  
19 current regs and the guy next door gets a free  
20 set of permits, you've created a competitive  
21 disadvantage for me.

22           So, you know, and all the guys in

1 the directed fishery have paid a lot of money  
2 for their permits at times when they've had  
3 to. Of course many of them hold original  
4 permits that they were issued and that  
5 wouldn't be the case for them. But I'd be  
6 just cautious about awarding free permits to  
7 people while others had to pay a lot of money  
8 for them.

9                   And the last thing I feel, you  
10 know, I was asked to raise, is that -- and I'm  
11 not sure how valid this is, but I will put it  
12 out there as a concern because it was raised  
13 by somebody in the pelagic longline fishery  
14 who's out there every day, and that was that  
15 we don't incentivize squid fisherman to fish  
16 for swordfish in any way. I don't know if  
17 that is a valid concern or not, but there is  
18 definitely not only the potential but the  
19 reality for serious gear conflicts between  
20 mid-water trawl gear and pelagic longline  
21 gear. It happens. And certainly the guys  
22 that are out there don't want to do anything

1 to exacerbate that problem that exists  
2 already. So, I don't know that a squid  
3 fisherman would chase swordfish. It's maybe  
4 implausible to me, but maybe they do. I don't  
5 know. But I just wanted to do due diligence  
6 and put that concern out on the table. So,  
7 thank you.

8 MS. SCHULZE-HAUGEN: If I could  
9 just respond to your comment about this being  
10 the centerpiece. I think this is one of a  
11 fairly long list of issues being addressed in  
12 addition to the second part of the discussion  
13 this morning in terms of increasing fishery  
14 flexibility. So, it's the order in which  
15 we're taking the discussion because I think we  
16 thought this would be the quickest and we  
17 would get the most positive comment on it,  
18 although we're getting a lot of comments on a  
19 variety of the topics as we go. But this is  
20 not the centerpiece.

21 And I guess the other point too is  
22 that this is the one where I think we actually

1 have gone through the deliberative process  
2 internally to have a proposal, a concrete  
3 proposal.

4 One comment just as a reflection  
5 is part of the reason I think we keep talking  
6 about some of the issues, to some of your  
7 dismay, is we're not getting a lot of concrete  
8 suggestions and we're getting a lot of don't  
9 do this, don't do that, don't do this, which  
10 means that what's left on the table for us to  
11 consider is fairly limited. A lot of  
12 comments, you know, protect the guys that  
13 rebuilt the fishery. Great. But we need more  
14 effort. How do we get that while also  
15 protecting? I mean, we need the concrete  
16 ideas. What are the reg changes that will  
17 accomplish that? And that's tough. And  
18 that's where we've been, and I think that's  
19 where we still are, at least in what I'm  
20 hearing so far.

21 So, I'm going to stop talking and  
22 this is your time. But just as a general

1 reflection we're hearing a lot of the same  
2 comments we have heard and that hasn't gotten  
3 us with a lot of concrete things to move out  
4 on. So, to the extent that we can get there,  
5 can get some of those suggestions, get some of  
6 the agreement on what we can do, that would be  
7 very beneficial.

8 MR. BROOKS: We've got three folks  
9 in the queue. Glenn, I see you want to just  
10 jump in on that last comment?

11 MR. DELANEY: I hear you, but  
12 you've also heard us for years ask for a  
13 definitive effort to modify access to the  
14 resource through modification of primary  
15 enclosures. That has been a consistent  
16 message from our industry for a long time.  
17 And so, that's a pretty concrete proposal from  
18 our perspective; maybe not from yours, but  
19 that's the way we see it.

20 MS. SCHULZE-HAUGEN: And some of  
21 the reasons I think we haven't done that is  
22 the reasons for those closures in terms of

1 bycatch have not gone away. We've got the  
2 research that's concluding. I'm really  
3 looking forward to seeing some of the results  
4 from that at the next meeting. Some of this  
5 is the discussion for later this morning is  
6 with the reasons and the bycatch hasn't been  
7 resolved. It will make it far more difficult  
8 to revisit the reasons those closures were put  
9 in place.

10 MR. BROOKS: Okay. Tim, Vince,  
11 Rick and then Ellen. Tim?

12 MR. PALMER: Yes, Tim Palmer,  
13 commercial swordfisherman from Florida. I  
14 also have a lot that I could say about the  
15 current state of the PLL fleet, you know, and  
16 the wall, you know, it's up against, but I'll  
17 save that for later.

18 But I don't see any reason why you  
19 can't have squid fishermen keep their fish.  
20 I actually have a connection with somebody who  
21 is a current squid trawler who doesn't have a  
22 swordfish permit on his boat, an incidental

1 swordfish permit and I can tell you that if he  
2 had one, that you would see more reporting  
3 from him. I mean, he does report his fish,  
4 but I don't think that he really -- he and the  
5 other 300-and-something fishermen are going to  
6 be -- you know, back up the truck for a  
7 second. I think that you're going to find  
8 that you're going to have a lot more  
9 incidental reporting if all of them did have  
10 an incidental permit where they could. I  
11 mean, they're catching the things. They're  
12 torn up and dead by the time that they get  
13 them because of the way that the --

14 (End of Tape 11)

15 TAPE 12

16 MR. PALMER: (In progress) -- how  
17 many if there is under-reporting. Based on my  
18 conversations with him, yes, there is under-  
19 reporting. And he tells me that the swordfish  
20 tend to pop up when you least expect them.  
21 You know, you can't really target them. You  
22 can't kind of go off the edge, use the mid-

1 water trawl and look for them. They just  
2 happen. It's almost like they make a mistake  
3 and they swim into the trawl, because you've  
4 got a fish that swims 60 miles an hour, you  
5 know, when he really decides he wants to. I  
6 think that they just get caught up in the  
7 moment and they're chasing the squid and the  
8 next thing you know the trawl catches them.

9 But to keep it short, I can't see  
10 any reason why we couldn't issue a permit to  
11 these guys to be able to retain their first  
12 yesterday. I don't see how it's going to  
13 impact any other HMS fisheries right now.  
14 Thank you.

15 MR. BROOKS: Rick Weber.

16 MR. WEBER: Rick, I know you  
17 walked us down how you got to the Illex  
18 fishery-specific permit, but in the concept of  
19 flexibility in the long run you pointed out  
20 some other fisheries that may or may not have  
21 HMS interactions. I think I'd encourage you  
22 to go back and look and see if it was possible

1 to do a species or specific complex bycatch  
2 permit in general. If you could develop a  
3 framework that you could apply to particular  
4 fisheries, maybe to address the concern that  
5 okay everyone's going to run out and get one,  
6 maybe you don't offer it that way. But if you  
7 had a thing that was a swordfish bycatch  
8 permit overall and then allow it based on  
9 these different contingencies, then if we  
10 decided to extend to Loligo, you've got the  
11 whole framework. If you do it within the  
12 Illex permit itself, then when one of these  
13 other fisheries comes up, we have to go all  
14 the way back to square one and run that all  
15 the way through, rather than saying we have  
16 this tool, let's just extend it. I just  
17 thought it would leave you more flexible.

18 And as a general note, the first  
19 time someone went looking for a longline  
20 permit who didn't intend to put a longline in  
21 the water, you should have scratched your head  
22 and said how do we create a permit that allows

1       them to do what they want to do rather than  
2       making all of your numbers wrong with people  
3       who have a gear type permit who never intend  
4       to put that gear type in the water because it  
5       just sort of skewed everything for you all the  
6       way through.

7                   MR. HEMILRIGHT:   Yes, I would go  
8       on record as for the allowing of more squid  
9       trawls, you know, to catch the swordfish.  Let  
10      them land them.  It's better than being  
11      discarded.  And with the increase of swordfish  
12      and more swordfish out there, you know, the  
13      likelihood is they'll have interactions or  
14      catch them is more possible.

15                   Something else to think about too  
16      is when Glenn mentions about the people that  
17      had to stay in this fishery and had to spend  
18      \$12,000 or \$15,000 to buy a permit staying in  
19      fishing.  It looks like here, you know, as you  
20      go on, look to revitalization, you already  
21      gave about 40 or so tuna permits back to  
22      people, allow them to go swordfishing.

1 Thinking your last go around where the people  
2 had to buy permits, people that you gave them  
3 permits to, they didn't follow the  
4 qualifications or follow the letter of the law  
5 at the time when they lost their permits. So,  
6 a lot of people have had to pay money to stay  
7 in this fishery. And now as it goes on, you  
8 know, sometimes it looks like what you all are  
9 doing in your revitalization you're just  
10 giving out free permits.

11           Something else that you should  
12 look at, you know, people with incidental  
13 permits that have to have -- that go longline.  
14 You know, maybe turn incidental into hand gear  
15 permits or something that gets some use there,  
16 because there's a lot of incidental permits  
17 around that would be used for nothing but for  
18 longlining, you know?

19           So, and revitalization, you know,  
20 seems like every time I come here for the four  
21 or five years all I hear about revitalization  
22 and some different things. You know, open up

1       some closed areas. Your horsepower  
2       restrictions you saw basically what happened  
3       there was people who had the money went and  
4       bought the permit to fishing in Florida. You  
5       know, you took off the horsepower, you know,  
6       I don't see too many commercial boats with  
7       1,000 horsepower engines.

8                So, anything to allow the squid,  
9       the guys that are catching -- if you're  
10      catching the swordfish, let them land them,  
11      report them, I think would be ahead of the  
12      game.

13               MR. BROOKS: Thanks, Dewey.

14               Rick?

15               MR. PEARSON: Yes, I'd just like  
16      to address one of your points, Dewey, and that  
17      was reissuing the expired tuna longline  
18      permits. It wasn't necessarily that we were  
19      giving out free permits. The tuna longline  
20      permit was administered basically on an  
21      automated system and there was no  
22      accommodation for no vessel ID. If that

1 permit was not on a boat, it could not be  
2 renewed. So, essentially if somebody for  
3 their boat sank, they were not able to put  
4 that tuna longline permit in no vessel ID  
5 status simply because of the way that the  
6 system was organized. So, based upon that,  
7 they lost their permit. So that was one of  
8 the primary reasons why we reissued a few tuna  
9 longline permits that had been terminated.

10 MR. HEMILRIGHT: I'll follow up  
11 for that. There wasn't 40 boats that sank,  
12 you know? There was some other paperwork and  
13 other things, because I know boats that got  
14 permits that at the time, you know, didn't  
15 have to follow the regs. They just were  
16 reissued and got put back in the fisheries.  
17 So, it wasn't that just boats sank or  
18 something like that, you know? One brush  
19 doesn't fill all the whole picture.

20 MR. BROOKS: All right. We've got  
21 one more person in the queue. Caroline and  
22 then after that in the back we have a squid

1 fisherman here who if he'd like comment we  
2 would invite you to come up to the table just  
3 so we can hear you through a mic.

4 But, Caroline, please.

5 MS. BELCHER: Thanks. As a member  
6 of the Scientific and Statistical Committee  
7 for the South Atlantic, we've had a lot of  
8 discussions over the last five or six years  
9 with issues of understanding that tacks are a  
10 function of OY and MSY, or maximum sustainable  
11 yield and optimal yield. When we've had  
12 discussions within the group, because we have  
13 socioeconomic people that are sitting on our  
14 panel, with all of the numbers of fisheries  
15 we've processed that we have overfished,  
16 overfishing statuses, their involvement in the  
17 group is very limited. And they keep asking  
18 us at what point do we jump in on this? And  
19 a lot of the biologists have pretty much said  
20 once we get these animals to where they're in  
21 a stable state and it's recovered, at that  
22 point you guys get to take over the reins and

1 design the fishery that is going to allow for  
2 OY and MSY to be sustained.

3 Is there anything that's been done  
4 for this fishery relative to socioeconomics  
5 that says how many vessels, what manpower,  
6 what's the optimal design on this fishery?

7 Because it seems like we keep shooting for an  
8 optimal design that's really kind of an open-  
9 ended question. I mean, it seems to me that  
10 there should be more form and function of a  
11 design relative to the socioeconomics of that  
12 fishery and then trying to design to reach  
13 those bars as opposed to -- it feels like we  
14 have a lot of discussion for shooting for an  
15 unknown height. You want to see boat numbers  
16 come up, but yet we really don't know what the  
17 number is. Is there ability to expand  
18 horsepower? All these questions should be I  
19 would think somehow absorbed into a  
20 socioeconomic analysis. And that's the main  
21 question I put forward, is where is the  
22 socioeconomics for it?

1 MS. SCHULZE-HAUGEN: Well, one  
2 thing we did mention was a capacity analysis  
3 that was done. I think one of the challenges  
4 that we have in looking at it for swordfish  
5 specifically is that this fleet generally is  
6 a multi-species fleet for tunas and some  
7 sharks and swordfish, and those species are a  
8 mix of statuses. And so, it's more  
9 complicated than swordfish is rebuilt, so  
10 let's gear everything towards swordfish. So,  
11 I agree more work on that would be excellent.  
12 We have some. I can share those reports with  
13 folks if you're interested in seeing them.  
14 And but again, it is a little more complicated  
15 than thinking just about swordfish.

16 MR. BROOKS: Okay. To the squid  
17 fisherman?

18 MS. SCHULZE-HAUGEN: Greg, did you  
19 want to address the group at all?

20 MR. DiDOMENICO: I'd love to.

21 MS. SCHULZE-HAUGEN: Okay. Can  
22 you come up to a mic, identify yourself for

1 the panel?

2 MR. DiDOMENICO: Thank you very  
3 much everybody. My name is Greg DiDomenico.  
4 I serve as the executive director of the  
5 Garden State Seafood Association. Also, on  
6 this particular issue we'll be speaking on  
7 behalf of a few boats from New York, a few  
8 boats from Rhode Island and the other boats,  
9 vessels who reside and land out of Cape May,  
10 New Jersey, all of which have been in the  
11 Illex fishery for awhile.

12 Before I get into the specific  
13 comments of the Illex permit, I would be  
14 remiss if I didn't immediately thank the HMS  
15 staff from -- this is a message from the Cape  
16 May fisherman four or five of which who  
17 through your rulemaking regarding the triple  
18 permit requirement were able to reapply for  
19 their incidental permits. That was extremely  
20 helpful. And also one of your actions I guess  
21 two years ago put the possession limit up to  
22 15, and I can tell you right now that's put

1 bread on a few people's table, and they wanted  
2 to make sure that I thank you for that.

3 To the other point, I think what's  
4 most important here is again thank you for  
5 focusing on this issue and really paring it  
6 down the best that you could given the data  
7 that you have. And I also want to thank  
8 everybody who spoke supportive and somewhat  
9 supportive to this issue from the industry and  
10 beyond. We really appreciate you considering  
11 this and appreciate your supportive comments.

12 The Illex universe of  
13 participants, while there are 70 permits,  
14 routinely 20 to 25 people fish every year.  
15 That's for a number of reasons. It's a highly  
16 specialized fishery. There are some latent  
17 permits out there that I believe -- I refer to  
18 as kind of blatant latent. They're never  
19 going to get into the Illex fishery most  
20 likely. It's highly specialized, requires a  
21 RSW vessel, refrigerated sea water. And no  
22 one's going to go after swordfish with a trawl

1 because of the issuance of this permit. But  
2 for the remaining 20 to 25 people who are in  
3 the fishery it would be greatly appreciated  
4 and I think that again whether it's five fish  
5 in a year, 15 fish for a particular trip, at  
6 the end of the year it does make a difference.

7 Also, wanted to remind everybody  
8 that the Illex fishery is also relatively  
9 discreet not only within the fleet, but within  
10 the time period. Routinely between May and  
11 September, that's really the bulk of the  
12 fishery. You won't see much effort beyond  
13 that.

14 And there were a few other issues  
15 of course. Oh, wanted to also clarify that  
16 the HMS division is going to have to clarify  
17 the gear. It is a bottom trawl. It is not a  
18 mid-water trawl. Those definitions of course  
19 occur in the list of fisheries under the MMPA  
20 rule and I think it adequately clarifies the  
21 issue for Illex vessels.

22 I think that's really about it. I

1 can't think of anything else that I wanted to  
2 clarify and thank everybody on. But again,  
3 this would be a tremendous benefit for some  
4 Cape May fishermen, some Rhode Island  
5 fisherman, and some Montauk fishermen from New  
6 York, so I thank you very much.

7 MR. BROOKS: Thanks, Greg.

8 At this point we'd like to take a  
9 15-minute break. It's 10:15. We will  
10 reconvene at 10:30 sharp and we'll continue  
11 the discussion. Thank you.

12 (Whereupon, a recess was taken.)

13 MR. BROOKS: All right. We need  
14 to get going again. If the folks who are in  
15 this room can please take their seats.

16 At this point we want to renew the  
17 conversation that we were having on swordfish  
18 revitalization. Folks could hold off on the  
19 side conversations at this point.

20 We want to acknowledge that there  
21 are a number of shark fishermen who are  
22 starting to arrive who will be joining in the

1 conversation this afternoon. And if you all,  
2 if you haven't already, can just take seats  
3 along the seats on the side. And then again  
4 in the afternoon session you'll be in the  
5 conversation.

6 We heard a call this morning to  
7 jump into the marketing conversation around  
8 swordfish revitalization, so our  
9 recommendation is that the next topic we take  
10 up is marketing so you all can have a chance  
11 to talk about that. We really want to make  
12 sure that we have an opportunity to have a  
13 good conversation around further reduction of  
14 bycatch, so we will at about 11:00 break so we  
15 can shift to that conversation, if even not a  
16 few minutes before. So, our plan is to, as I  
17 said, talk first about swordfish marketing.  
18 And then we'll just group together the three  
19 other topics; permit renewal and reissuing  
20 expired permits, relieving upgrade  
21 restrictions and permit leasing, and let folks  
22 comment on those to the extent that they seem

1 important to you and pertinent and you have  
2 something to say.

3 So with that, we will dive into  
4 swordfish marketing. I don't know, Randy, if  
5 there's anything you want to say to tee that  
6 up.

7 MR. BLANKENSHIP: The only thing  
8 I'll say is that I've gone back in the  
9 presentation here to have kind of the couple  
10 of questions that we had related to this issue  
11 up on the screen.

12 MR. BROOKS: All right. Let's  
13 start off with Ron and then head over to Bill,  
14 and then the rest of the queue.

15 MR. CODDINGTON: I'll be fairly  
16 quick on this one. With swordfish marketing,  
17 again it's something we've been talking about  
18 for awhile. I've seen the one brochure. It's  
19 pretty hard to really look at it and  
20 understand what American-caught swordfish is  
21 as opposed to foreign swordfish. I believe we  
22 need to increase the information that's

1 disseminated to let people know what they're  
2 buying when they buy U.S. swordfish.

3           Then when we cross that hurdle  
4 with marketing to get the outreach to let  
5 people know the difference, then we need to  
6 make sure we have some other initiative to let  
7 us know what we're buying. Unless I get a  
8 fish that's caught on Tim's boat or something  
9 like that, there's no way to know where a fish  
10 comes from. In South Florida you can begin to  
11 assume that the day caught fish came from  
12 right out front, so you're think you're eating  
13 American fish or U.S.-caught fish. But  
14 there's just no designation on these fish  
15 anywhere. We need an outreach to restaurants.

16           What I'd suggest is that the  
17 industry get together and take the lead from  
18 the campaign that you hated the most, the Save  
19 our Swordfish Campaign. Maybe there's a way  
20 to turn that around the other way and use that  
21 in a positive way, not save our swordfish, but  
22 save our swordfishery. Just some

1 consideration. That's all I have to say on  
2 that item.

3 MR. BROOKS: Thanks, Ron.

4 Bill?

5 MR. GERENCER: Thanks. I'm going  
6 to echo some of what Ron said.

7 I got your Fish Watch web site up,  
8 the page for swordfish, and it's well done,  
9 but just a couple of recommendation. The word  
10 "sustainable" has got to be -- it says  
11 sustainability status. But when chefs talk to  
12 us, the first question they ask most of the  
13 time is tell us about sustainability. So, it  
14 should be trumpeted on here in really big bold  
15 print that this stock is being fished  
16 sustainably, that it's fully recovered. I  
17 mean, if you go down, the words that are  
18 emboldened under sustainability status are  
19 bio-mass, overfished, overfishing, the first  
20 three bold words you see. And then in sort of  
21 light letters on the other side of overfished  
22 and overfishing it says no.

1                   Overfished and overfishing are  
2 regulatory terms, but they're not terrific  
3 marketing terms. They're pejorative. Even if  
4 I say the stock is not overfished, that's  
5 still two negative words that you're throwing  
6 out to people. And that's why I still talk to  
7 chefs today who say I can't use swordfish.  
8 It's overfished. It's depleted. They have no  
9 idea. So, we got to do a better job. And I  
10 think it starts with government as the  
11 authority because there are a lot of other web  
12 sites out there that don't mind glossing over  
13 the fact that this stock is fully recovered  
14 because they've got a different agenda.

15                   And then you've got to talk in big  
16 bold terms about the partnership of bycatch  
17 and the health benefits. And those are in  
18 there, but they're just kind of -- you really  
19 have to take your time and read through it.  
20 And the average person who looks at something  
21 doesn't take the time to do their homework.  
22 So, those words have got to jump out at you.

1                   And then the second part, as what  
2                   Ron said, the save our fishery campaign. It  
3                   starts with somebody; and it should start with  
4                   NMFS, getting out the word that we're headed  
5                   down the road to losing a big share of our  
6                   quota and this will not be a bycatch-neutral  
7                   transfer. It's going to be in my opinion a  
8                   bycatch disaster if we give up this quota.  
9                   And, you know, it comes down to, you know,  
10                  we're not revitalizing our fishery. We're  
11                  kind of skirting around the edges. As Rich  
12                  said earlier, we got to get right to the heart  
13                  of it.

14                  So, those are your two marketing  
15                  points, the sustainability and saving the U.S.  
16                  quota. I think if people got in their heads  
17                  that, you know, we're about to lose something  
18                  that we've worked hard for, then they would  
19                  get more enthusiastic about purchasing this  
20                  rebuilt stock, about putting it back on the  
21                  menus, about talking to their customers about  
22                  it, and that starts the ball rolling.

1                   I won't waste your time with it,  
2                   but I can name numerous sort of backside  
3                   marketing campaigns that have been very  
4                   successful, for instance, with farm-raised  
5                   salmon being targeted by the West Coast salmon  
6                   and they were successful in getting it on the  
7                   menu, back on the menu. Well, this is sort of  
8                   a different angle, but you've got to really  
9                   get out there and say we need to protect our  
10                  quota and somebody from NMFS has got to be up  
11                  there pounding the podium saying that, you  
12                  know, unless you're really interested in  
13                  giving it up, which I don't think you are.  
14                  Thank you.

15                   MR. BROOKS: Thanks, Bill. Steve?

16                   MR. JAMES: First of all let me  
17                   say I don't have a horse directly in this  
18                   race, but I know a few jockeys in the game.

19                   But with that said, I love the  
20                   idea of the agency taking on the marketing  
21                   responsibility of this game. But if you're  
22                   going to take the marketing responsibility on

1 for swordfish, you owe it to the bluefin tuna  
2 fishermen, you owe it to the shark fishermen,  
3 you owe it to everyone in here that's involved  
4 in the HMS fisheries to spend money helping  
5 them market their fishery to the general  
6 public. But let me just simply say I'd like  
7 to see you do that.

8           With that said, I don't think that  
9 you're going to induce a wild hankering for  
10 fresh swordfish by telling the general public  
11 that the fishery is coming back, that you've  
12 got a sustainable fishery. I think the only  
13 way that you're going to induce that hankering  
14 is to put out entr,es that people want to eat,  
15 much like the blackened red snapper was  
16 created through a chef, Paul Prudhomme, right?  
17 He got his market share out there by promoting  
18 through restaurants. And I think that's the  
19 only way that you're going to create a market  
20 is by getting out in front of people with  
21 product and leveraging organizations such as  
22 the Food Network on cable TV. If you can

1 reach out to the organizations and have them  
2 do their cook-offs and do their competitions  
3 and so forth around swordfish, I think you're  
4 going to get market and mind share.

5           And I don't think, like I say,  
6 lobbying heavily to try to get people to  
7 recognize that we're going to lose some port  
8 of the U.S. fishery is going to have anyone go  
9 out and buy a piece of fresh swordfish. It's  
10 strictly a matter of putting the entr,e in  
11 front of people and reaching out through every  
12 mechanism that you have from YouTube to  
13 television, through anything you can do  
14 through promotion. It's got to be a multi-  
15 prong approach in order to reach these people.  
16 Thank you.

17           MR. BROOKS: I've got about six  
18 people in the queue. And again, we're wanting  
19 to hit a bunch of topics in the next 20  
20 minutes, so if people can be succinct as  
21 possible.

22           Rich, you're up next.

1                    RICH: Yes, thank you. We  
2 appreciate the efforts to date. The brochure  
3 that we got done couldn't have been done  
4 without the NMFS Office of Partnerships and  
5 Cooperative whatever. I mean, the name  
6 changes all the time. But Margo's staff also  
7 contributed to back up all the facts we were  
8 giving them and that resulted in the brochure  
9 that we put out that eventually got  
10 transformed into "Fish Facts" and went on the  
11 web site. And we appreciated all of that  
12 help.

13                    And I won't repeat some of the  
14 things that have already been said that there  
15 needs to be more emphasis on recovery. You  
16 know, I run a news portal, so I see the list  
17 of articles that come out day after day after  
18 day that still put swordfish on the top of the  
19 list of seafood not to consume because either  
20 it's overfished or because it's high in  
21 mercury. And two years ago at the Boston  
22 Seafood Show the admiral was there, Conrad --

1 PARTICIPANT: Lautenbacher.

2 RICH: -- Lautenbacher. Thank  
3 you. I was going to say Rickenbacker, but he  
4 was the father of the Navy and not the father  
5 of NOAA.

6 But anyways, two years ago I  
7 approached him during a forum and asked him  
8 when are we going to get some help from NOAA  
9 bringing the latest science to challenge both  
10 the FDA and the EPA standard which newer  
11 research by -- that has been discussed at  
12 international symposium and accepted but --  
13 one of the leading scientists happens to be  
14 Nick Ralston (phonetic) -- basically shows  
15 that selenium is -- that the standard is  
16 wrong? Using a parts per million on mercury  
17 is wrong. That you ought to be using a  
18 proportional relationship between the parts  
19 per million mercury to selenium because the  
20 mercury binds to the selenium; I won't give  
21 you the boring details, and it passes  
22 harmlessly through the body but the benefits

1 of the selenium still help in the case of  
2 pregnant women, still help the child in terms  
3 of -- test after test has shown their  
4 cognitive skills have improved, they do better  
5 on --

6 MR. BROOKS: Okay, Rich. Can we  
7 sort of summarize here?

8 RICH: Yes, okay. Well, I'm  
9 giving you the marketing -- I'm trying to give  
10 you the marketing, but okay, I'll skip that.

11 I'll go back to the other  
12 emphasis. The laws, the mandates that you  
13 have that continue to be, you know, processed  
14 to death while you're killing an industry or  
15 watching an industry die. And it's because,  
16 you know, we're not moving forward. You know,  
17 we've found a few handful of countries that  
18 when you put out the press release it says we  
19 want to work very closely with them to improve  
20 their efforts. Well, that doesn't help us  
21 very much while we're strangling on the vine  
22 to have NOAA say we found you, we got you, we

1 really want to work hard to get you  
2 straightened out and we're going to show you  
3 our circular hooks. You've guys have probably  
4 sent teams for all I know to the six countries  
5 that you identified out of the list of -- I  
6 mean, I can't imagine how it could have only  
7 been six that you found that are not using  
8 circle hooks and safe handling and release  
9 practices, turtle release devices, the whole  
10 darn deal.

11 I'll emphasize the recovery, the  
12 lack of NOAA emphasis on recovery. I called  
13 John Graves, not to put him on the spot, but  
14 I --

15 MR. BROOKS: Rich --

16 RICH: -- you know, people as  
17 bright as Guy Harvey -

18 MR. BROOKS: -- we know you're  
19 very frustrated about the lack of action in  
20 the international arena, but we need to be  
21 respectful of others around the table. So, is  
22 there another piece of advice about marketing

1 you want to share?

2 RICH: (No audible response.)

3 MR. BROOKS: Okay. Thank you.

4 All right. We're really wanting  
5 to make sure we have time for this bycatch  
6 reduction and trying to balance all this. So,  
7 we've got six people in the queue. We'd ask  
8 you to fold in new ideas or just quickly say  
9 you got a ditto.

10 I've got Dick up next. Dick?

11 DICK: Okay. I simply want to  
12 quickly support what others have said about  
13 marketing. I think that Food Network was a  
14 good idea. And also the morning news shows  
15 that have some food consumption on them might  
16 be a good idea, too.

17 MS. SCHULZE-HAUGEN: I'm just  
18 going to jump in. One of the things that I  
19 feel compelled to say as we're getting  
20 suggestions for the government to go and  
21 essentially lobby private organizations is  
22 that there are a lot of legal concerns. Our

1 authorities don't necessarily provide for  
2 that. And so, I'm happy to listen, but I want  
3 you to know that our abilities may be very  
4 limited and constrained on some of the  
5 suggestions coming in. They're great  
6 suggestions. Don't get me wrong. And they're  
7 are things that industry can do much more  
8 readily than I think we will be able to, if  
9 we'll be able to at all.

10 And so, we're taking notes. We've  
11 got our legal counsel in the room. They're  
12 listening. But I'm not sure what we can do  
13 actually legally. And so, you know, the  
14 comment about, well if you do it for  
15 swordfish, you got to do it for bluefin and  
16 you got to do it for sharks and you got to do  
17 it for this, and honestly, you know, we would  
18 likely need a holistic agency view on all of  
19 the fisheries. So, I like the suggestions.  
20 Please don't get me wrong. I think they're  
21 good, but I'll have to really think and talk  
22 with our legal counsel on what we can do.

1 MR. BROOKS: Twenty seconds.

2 PARTICIPANT: I agree with Margo  
3 and that's why I limited my comments to  
4 something that you can do. Changes to the web  
5 site are easy and they don't cost anything.  
6 And getting up there and talking publicly  
7 about what could happen to our swordfish stock  
8 is also an easy thing for you to do, and  
9 they'll have a lot more effect than you think.  
10 I spend a lot time in the restaurants selling  
11 restaurants and I've got a pretty good handle  
12 on what will move people. Thank you.

13 MR. BROOKS: Glenn, I hopped over  
14 you on the queue. Okay. At this point unless  
15 anyone has a burning thing to say on this  
16 issue, we would like to move to the next set  
17 of topics.

18 PARTICIPANT: (Off microphone.)

19 MR. BROOKS: Then I'll skip over  
20 you.

21 PARTICIPANT: You know, this is  
22 just a random thought off the top of my head,

1 and I do understand your constraints in  
2 reaching out to those organizations. But  
3 those certification organizations that are out  
4 there do play a significant role, and I'm sure  
5 Bill could speak to it much more than I, but  
6 the whole sustainability issue has really  
7 become a central focus of a lot of the seafood  
8 buying community out there and they have a lot  
9 of influence of what consumers buy. I mean,  
10 when you go into a restaurant, you order  
11 what's on the menu, not what's not on the  
12 menu. So, if swordfish isn't there, you've  
13 got a problem if you wanted swordfish.

14 So, my point is, and this may be a  
15 small thing, but rather than you reaching out  
16 to them, maybe there's some kind of a forum  
17 you could hold where they would be invited  
18 along with members of the industry and any  
19 other people who are interested in learning  
20 about and understanding the issue of  
21 sustainability as it relates to swordfish.  
22 And it would provide you an opportunity in an

1 educational forum to educate people and make  
2 it clear. Because for us to take information  
3 and go to one of those certification  
4 organizations means very little to them, but  
5 having real information come from the  
6 government to them may mean a lot more.

7 So, think about that. Maybe  
8 there's some sort of a forum that you could  
9 hold that would be legal and appropriate to  
10 your mission that you could invite those  
11 people along with others to have a very open  
12 discussion about what are the facts? And  
13 maybe they'll take that back home and do  
14 something with it. That's just one small  
15 thing that may be part of the puzzle.

16 MR. BROOKS: Thanks, Glenn.

17 At this point --

18 PARTICIPANT: (Off microphone.)

19 MR. BROOKS: Okay. What I would  
20 like to hear is if there is a completely  
21 different view or idea. Jim?

22 MR. WILLIAMS: First of all, I by

1 no means make any money off of the fishing  
2 industry. I'm representing the recreational  
3 angler. I don't own a charter boat, a  
4 headboat, a tackle shop. I only spend money  
5 on fishing. I'm a businessman and I'm a  
6 taxpayer.

7 Any goal of any marketing campaign  
8 should be to get the most bang for your buck  
9 and to create the most revenues, and in this  
10 instance on swordfish. And I think in a  
11 marketing campaign we're missing where most of  
12 the money of any fishing comes from, and  
13 that's the recreational side. And I think,  
14 you know, if you could work with the state  
15 tourism department, get recreational anglers  
16 coming in from all over the country to fish  
17 for the swordfish, they'd spend thousands of  
18 dollars on hotels, on charter boats, on boats,  
19 on fishing reels that thousands of dollars  
20 apiece. So, I mean, you could also look at  
21 marketing campaign that you're going to be  
22 able to make a lot of money off the

1 swordfishery, that there's no bycatch, and  
2 work with the states and the recreational  
3 fishing community on a marketing campaign  
4 there.

5 MR. BROOKS: Thank you.

6 Lisa.

7 MS. GREGG: Yes, I think that I  
8 want to support Margo and the HMS staff in  
9 saying that I don't feel that it's their  
10 responsibility to do marketing. I do feel  
11 it's their responsibility to provide the  
12 information for other people to do marketing  
13 and provide that information correctly so that  
14 it supports the marketing campaigns.

15 But you know, in Florida we have a  
16 Bureau of Seafood Marketing, and that's under  
17 our Division of Agriculture and Consumer  
18 Services, and they are separate from  
19 management, and it is their job to do seafood  
20 marketing. And at least a year, year-and-a-  
21 half ago they had applied for an SK Grant to  
22 lead an effort for all states to join in to do

1 a marketing campaign for swordfish. And they  
2 did not obtain that grant, but I know that  
3 they are still open to doing it. They're  
4 still looking for funding opportunities. So,  
5 I would just, you know, remind the HMS staff  
6 that if those funding opportunities come  
7 across, if they become available, that if you  
8 could, you know, make sure that we know about  
9 it and you support us in obtaining those, I  
10 think that's something you can do for us also.

11 MR. BROOKS: Thanks, Lisa.

12 At this point what I'd like to do;  
13 I know there's other people who want to weigh  
14 in on this, but some -- you got to talk? Yes,  
15 go. Last comment on this.

16 MS. JOHNSON: Gail Johnson  
17 (phonetic), fishing vessel Seneca. I  
18 appreciate the help that NOAA NMFS has done  
19 with that brochure, and I understand that a  
20 lot of the marketing is on our shoulders. And  
21 to that end, in Maine all of the supermarkets,  
22 the prominently display a little sign where

1 the seafood came from, product of the United  
2 States, product of Brazil, product of Vietnam,  
3 in the case of swordfish. And I think if  
4 everybody who is interested in doing this went  
5 to see the manager of the supermarket or even  
6 the fish market part, you can get this done  
7 and that will help. Thanks.

8 MR. BROOKS: Thanks, Gail.

9 So, at this point what we'd like  
10 to do is open the floor for comments on three  
11 other topics that were presented this morning;  
12 permit renewal and reissuing expired permits,  
13 relieving upgrade restrictions and permit  
14 leasing. And again, time is short. We'd ask  
15 people to offer focused comments, new  
16 comments, etcetera.

17 Ron, you want to go first?

18 MR. CODDINGTON: Thank you. Ron  
19 Coddington. Try to be as quick as I can.

20 One of the things we've been  
21 talking about with permits is the upgrades.  
22 A meeting or two ago I stated that I didn't

1 believe the upgrades did anything for the  
2 fishery. And Rick followed through, I think  
3 it was, with a very good presentation showing  
4 which vessels could be upgraded and showed  
5 that we had vessels that could be upgraded as  
6 high as 191 feet, or something like that.

7           The point to that is -- and I rely  
8 specifically on conversations with my esteemed  
9 colleague who's here a lot of times, Vince  
10 Pyle. His comment was, nice, there's a permit  
11 out there that can be upgraded to 191 feet.  
12 It's not my permit. And he was one of the  
13 ones that was willing to build a big boat, a  
14 big boat or another boat. And if the permits  
15 that you hold aren't the ones that are  
16 upgradable to the length, then you're stuck  
17 going out on the market and trying to buy a  
18 permit from a guy that has 150-foot boat and  
19 he doesn't want to sell his permit because he  
20 needs it for his boat, or whatever.

21           So, upgrades need to be across the  
22 board on the tonnage and the length upgrades.

1 If somebody wants to upgrade and if somebody  
2 is crazy enough to put money in a bigger boat  
3 to fish this fishery, they God let them do it  
4 and make it as easy as possible.

5 The other issues on the permits.  
6 We've talked about use it or lose it. Use it  
7 or lose it. And that's got to be done. And  
8 if we're going to try to protect the value of  
9 permits that's been created in part by what's  
10 going on in the fishery and just attrition and  
11 things like that, well then maybe those people  
12 that are being protected in the value of their  
13 permits ought to take responsibility for us  
14 losing our quota. Because if those permits  
15 aren't fished, they're the ones, it's not the  
16 charter boat operators, it's not the  
17 environmental groups, it's not the fishing  
18 recreational groups that are stopping this  
19 from happening. It's the people that are  
20 holding idle permits. So, look within  
21 yourself, industry. You're the ones that are  
22 putting yourself where you are.

1           The other thing too I've said both  
2           here and in open sessions of the IAC meetings  
3           is we need to embrace cleaner fisheries in the  
4           swordfishery, which means we need to embrace  
5           the buoy gear, we need to embrace hand gear.  
6           That's not going to make a big difference  
7           quickly, but over time it will make a  
8           difference. And if we're not going to embrace  
9           the PLL fishery because of bycatch issues,  
10          then you need to be looking at those other  
11          fisheries to allow them to enter this market.  
12          And at the same time though it can't be always  
13          in Florida. Remember, we're the only place  
14          where you can drive one hour on your boat and  
15          catch 500 pounds of swordfish, leave at 10:00  
16          in the morning after breakfast, travel for one  
17          hour, catch 500 pounds of swordfish, be back  
18          for dinner with your wife. That's the only  
19          place in the world you can do it.

20                 So, you have to take into  
21                 consideration that in some of these new  
22                 permits and relaxing of how permits are issued

1 is to maybe exempt Florida or a portion of  
2 Florida from that so that all of them don't  
3 end up there, because that's not good for the  
4 fisheries either. Our area can't take any  
5 more commercial fishing. Our landings will  
6 not increase. When we went from 20 buoys to  
7 40-buoy permits, the landings didn't increase  
8 one ton, and in fact they've gone down. So,  
9 just be careful that this permit relaxation  
10 doesn't all end up in this Florida region from  
11 Miami to Palm Beach, or wherever we decide  
12 that the Florida region is. Thank you.

13 MR. BROOKS: Thanks, Ron.

14 Margo?

15 MS. SCHULZE-HAUGEN: I just wanted  
16 to ditto what Gail and Ron said about seafood  
17 tracking, and specifically I know obviously  
18 seafood traceability is not something that HMS  
19 usually thinks about, but the agency as a  
20 whole engages and has legislative liaisons  
21 that could support efforts to increase  
22 tracking and traceability of seafood imports

1 and seafood generally because there is a lot  
2 of imported product that's sold falsely as  
3 U.S. seafood and that affects swordfish and  
4 that happens because no one's really looking.  
5 There's no like systematic tracking of seafood  
6 in the country. So, I think if there are  
7 opportunities for NOAA generally to weigh in  
8 in favor of seafood traceability and  
9 identification of U.S. product as that so that  
10 people who want to buy U.S. can and know  
11 they're not being shuffled some other thing  
12 under the table that's not actually  
13 benefitting our industry, then that would be  
14 good.

15 MR. BROOKS: Thank you.

16 Shana?

17 MS. MILLER: First, I just have a  
18 question. Just to confirm, the swordfish  
19 directed hand gear permit holders did not pay  
20 for those permits originally? The ones that  
21 had those permits when the program originally  
22 went to limited access, that they did not pay?

1                   PARTICIPANT: No, I mean that was  
2                   -- and they've been permit holders and had  
3                   proven landings to thresholds. So, but in  
4                   terms of an actual purchase price for the  
5                   permit alone, no, it was the standard annual  
6                   fee, which is fairly nominal.

7                   MS. MILLER: And along those  
8                   lines, I know that there are concerns about,  
9                   you know, preserving the value of the permits  
10                  that are now very valuable because they're  
11                  limited access and, you know, benefitting the  
12                  fishermen who have been involved through  
13                  rebuilding. But you know, we now have a fully  
14                  rebuilt stock, we have open access, general  
15                  category permits directing on bluefin tuna,  
16                  which are, you know, very overfished, but we  
17                  have a limited access clean hand gear fishery  
18                  for swordfish. And, you know, it seems like  
19                  perhaps rather than just opening access for  
20                  the directed hand gear, if there were like a  
21                  lower tier permit that maybe had a lower trip  
22                  limit or a shorter season, some sort of

1        limitation so you still have -- your  
2        traditional limited access directed hand gear  
3        has some sort of a competitive edge, but  
4        you're still allowing more effort in the hand  
5        gear fishery because, you know, everyone  
6        around the table, I think, would agree that  
7        the number one priority is to utilize the U.S.  
8        quota and maintain it.

9                                Okay. Margo?

10                                MS. SCHULZE-HAUGEN: Well, it's  
11        kind of funny, because the general commercial  
12        hand gear permit is exactly -- is what we  
13        talked about previously, as you described.  
14        Open access, lower retention level, and  
15        similar to the general category for bluefin.  
16        And my memory of those discussions at the  
17        panel was not a lot of support for that. So,  
18        I think it's interesting now people are kind  
19        of coming back to the idea. I don't know if  
20        it's just a matter of time, but that is still  
21        an issue that's open for consideration. And  
22        so, if there is now support for that, we can

1 continue to look at it. We had kind of tabled  
2 it based on the AP's general lack of interest.

3 MS. MILLER: Just quickly to that  
4 point, I mean, I know that it's not a popular  
5 option among people in this room because the  
6 people in this room are the people that  
7 already have permits, and I appreciate that  
8 those are the people that need to be most  
9 protected. But at the same time it will hurt  
10 the people even more if we lose a portion of  
11 our quota.

12 MR. BROOKS: Thanks, Shana.  
13 Glenn, then Rich.

14 (End of Tape 12)

15 TAPE 13

16 RICH: Thank you. Yes, I'll try  
17 to be quick. To Ron's point, I take a little  
18 issue that Florida is the only place that you  
19 can go out -- leave your home and be home in  
20 five hours and have a swordfish on the deck.  
21 I mean, we have a history boat from the  
22 islands off of Massachusetts, Martha's

1 Vineyard in particular, where that can happen,  
2 still occasionally happens. And in the Gulf  
3 of Maine right now we've got harpoon boats  
4 that can clearly leave home and be back with  
5 swordfish harpooned and at the dock within  
6 five hours, and that's coming back. And  
7 that's a nice sign to see, and maybe as a side  
8 structure continues to improve and the  
9 swordfish fishery will see more of that.

10 The other reason for -- back to  
11 the length or GRT -- and I'm not sure, as  
12 Glenn mentioned earlier, we don't have all the  
13 answers here yet; we've got to talk to the  
14 membership more about this, but we approached  
15 on the issue of doing away or greatly  
16 increasing -- and Ron makes a correct point  
17 that Vince says it's not my boat that can  
18 upgrade to 191 feet. But there are other  
19 people who are interested in being able to go  
20 much larger to be able to compete with some of  
21 the international fleet that uses a fishing  
22 practice, you know, freezer and fresh fish.

1 It's, you know, going offshore for much longer  
2 extended trips, can increase the catch, get  
3 away from the coastal zone and fill your  
4 freezer first and then fish some fresh fish  
5 before you come home. And it's a very  
6 profitable method of fishing for a lot of the  
7 foreign fleets right now. And right now 191  
8 foot might just be barely skirting the edge of  
9 the size of the vessel. I don't even know  
10 that. It might be a little smaller than that,  
11 but I suspect that most of the Japanese boats  
12 and the Taiwanese boats are bigger than that.  
13 So, one or the other, GRT or length may have  
14 to go. Both may have to go in order to be  
15 able to -- if we're going to make that  
16 transition. If the U.S. fleet is going to  
17 make that transition, if there's not going to  
18 be any modifications to the coastal area zones  
19 and you want to pretty much do away with our  
20 coastal fleet, then we're going to need some  
21 help in that direction.

22 Then on the leasing issue, we

1       approached the agency a couple of years ago.  
2       We actually brought people in. Glenn and I  
3       met and Bill Hogart's (phonetic) office trying  
4       to explain why leasing didn't work. And it  
5       was mostly legal risk. When you lease a  
6       vessel the captain of that vessel can get in  
7       trouble, can violate certain things, whether  
8       it's turtle handling or bycatch restrictions  
9       or not carrying the right tools. He can  
10      gather a whole list of violations that when  
11      the lease is up he could walk from, the  
12      captain who leased the vessel, and the captain  
13      with the vessel is stuck with a boat with a  
14      list of violations that --

15                   PARTICIPANT: The owner.

16                   RICH: The owner, I'm sorry. The  
17      owner is stuck with a whole bunch of things  
18      that preclude him from doing anything with  
19      that boat until he cleans up that record and  
20      that other guy, as far as we know, go to  
21      Brazil and enjoy the rest of his life and the  
22      money he made. So, there are difficulties

1 with permit leasing. I'll leave it at that  
2 for now.

3 MR. DELANEY: I won't repeat many  
4 of the good things Rich said, but I would  
5 reemphasize that there is a real diversity of  
6 viewpoints on these issues within the pelagic  
7 longline fleet and a lot of it boils down to  
8 who's in and who would like to be in.

9 But just on the upgrade issue, you  
10 know, I'm probably wrong on this, but it's my  
11 distant memory that the whole point of  
12 upgrades was, as it has been in other  
13 fisheries, to deal with a fishery that was  
14 very, very heavily if not over-capitalized,  
15 and obviously we don't have that situation  
16 anymore. And I'm not sure what the purpose of  
17 upgrade restrictions are in the context of the  
18 current fisheries reality.

19 What are we trying to achieve by  
20 keeping those in place? Are we trying to  
21 maintain some structure, you know, in the  
22 fishery where there's a certain number of

1 small boats and medium and large? You know,  
2 we do that in other fisheries where we try to  
3 protect small vessel interests versus bigger  
4 offshore vessel interests. I'm not sure it  
5 has any meaning in today's swordfish pelagic  
6 longline fishery.

7 I guess what I'm asking is, you  
8 know, think about what is the purpose of those  
9 vessel upgrade restrictions. Do they have any  
10 real meaning or value in the context of  
11 today's fishery? And I don't know the answer  
12 to that. And again, without going through a  
13 real formal process with the pelagic longline  
14 fishery, I don't know where they'd fall out on  
15 it. But I know that question would be raised.

16 The second question that would be  
17 raised is; and I raised this with you, Margo,  
18 on behalf of some folks that had left the  
19 Atlantic Fishery and gone to the Pacific.  
20 Some are on the West Coast, some are in  
21 Hawaii. And, you know, there was some  
22 expression of interest of getting or renewing

1 or being able to get old permits renewed; I  
2 don't know if that's the right word, and was  
3 that a way to help add capacity back into the  
4 Atlantic fleet? And without being an advocate  
5 for anyone of those individuals or individual  
6 businesses, you know, I just said, you know,  
7 put this on the screen as something to  
8 consider because we're always looking for more  
9 capacity in the fleet to increase or harvest  
10 of the quota. The problem with that of course  
11 are the people who are in the fishery today  
12 and they say, what do you mean? We don't want  
13 any more people in our fishery.

14 So, that's the diversity I'm  
15 talking about. And I don't know what the  
16 position is, but I guess it really has to  
17 relate to what is your goal? What are you  
18 trying to achieve here? And if your goal is  
19 to increase catch, then increasing capacity  
20 serves that purpose. I don't know if I added  
21 anything to the discussion.

22 MR. BROOKS: Thanks, Glenn.

1                   We'll take two more comments on  
2 this. Dewey and then over to Ralph.

3                   PARTICIPANT: (Off microphone.)

4                   MR. BROOKS: Oh, Gail? Okay.  
5 Dewey, can you pass -- okay. Ralph?

6                   MS. JOHNSON: Thank you.

7                   MR. PRATT: Just regarding the  
8 hand gear general permits, I guess in my own  
9 mind I sort of put that in the same ballpark  
10 as the squid trawl. It's not going to fill  
11 the gap, from what I understand, that we have  
12 in our uncaught swordfish quota to protect it.  
13 And I think focusing on those things that  
14 would fill the gap would be more productive to  
15 protecting what we want to end up with. Thank  
16 you.

17                   MR. BROOKS: Gail?

18                   MS. JOHNSON: Thank you. I kind  
19 of echo Glenn's concern about where are we  
20 going with the upgrades, and it kind of feeds  
21 into what I was thinking about when you were  
22 talking about the gross registered tonnage and

1 the net tonnage and the length. And that has  
2 I think everything to do with where you're  
3 fishing and what kind of boat you need. The  
4 Florida boats that go out and in again in one  
5 or two days, they need to be fast. They don't  
6 need so much hold space. If you have a  
7 displacement vessel like ours is, then you've  
8 got great big belly under and that in my  
9 opinion is the biggest thing to be looking at  
10 if you're talking about upgrades.

11 We're not in a position where we  
12 want to hold upgrades back, except; again,  
13 this is my opinion only, distant water boats  
14 need that, not so much the length, but they  
15 need that big hold capacity. If National  
16 Marine Fishery Service is contemplating  
17 allowing upgrades or new vessels for the  
18 freezer and fresh fishery; in other words, go  
19 out and freeze the first part and come back  
20 with fresh, that's a whole different thing.  
21 And chances are that one vessel, a company  
22 with one vessel isn't going to be able to make

1 it just because the boat stays out long  
2 enough. You need a constant cash flow. My  
3 husband and I looked into it once and, no, not  
4 for two people.

5 At any rate, the upgrade issue is  
6 really tied a lot to where you fish and where  
7 the participant who might want to upgrade  
8 might want to move to. Most of the boats who  
9 are happy where they are, they're not going to  
10 -- I doubt you're going to see much upgrades.  
11 Anyway, thanks.

12 MR. BROOKS: Pat, if you could be  
13 very succinct. Thanks.

14 MR. AUGUSTINE: Thank you very  
15 much. I would want to focus more on permit  
16 renewal and reissuing expired permits, and  
17 also about reissuing expired permits.

18 Was there an analysis completed as  
19 to the swordfish directed where you went from  
20 243 down to 187 as to why specifically? Did  
21 they just get out of the fishery? Did they  
22 decide they're not going to do this anymore?

1 They sold their boat?

2 And, you know, I would ask the  
3 same question for the incidental and for the  
4 hand gear. Just seems to me if these folks  
5 had been in it at one time and we could  
6 validate why they got out of it that would  
7 make sense to consider reissuing or renewing  
8 those, there would be the first hit. I think  
9 we could increase our capacity literally  
10 overnight. Dale's point about refrigeration  
11 and a larger vessel, extending the capacity of  
12 size, length and so on, yes, that would be  
13 great for again developing refrigerated  
14 vessels. But listening to the commercial  
15 side, it doesn't look like that's going to  
16 happen. There's not going to be money there.  
17 So quite frankly, I think we're beating a dead  
18 horse and wasting more time discussing that  
19 part of it.

20 But I would really like to get  
21 into this, why those folks did allow their  
22 permits to expire. Are there real reasons or

1 did they just decide they wanted to get out of  
2 the fishery? Seems to me they were permitted  
3 once. Why not go after that first and then  
4 eliminate them before we go on with something  
5 broader to go back in consideration of permit  
6 renewal and reissuing of expired permits.

7 PARTICIPANT: Just quickly to  
8 respond. I think it's a mix. Some people  
9 that potentially weren't fishing at the time  
10 for a variety of reasons got crosswise with  
11 paperwork requirements and so have lost the  
12 permits. But then there's a large volume of  
13 folks that we don't know. I mean, we lose  
14 touch with them after the permits are gone.  
15 So, unless they follow up with us later with  
16 some explanation, oftentimes we don't know.

17 And then over time, you know, the  
18 people that initially qualified in '99  
19 obviously had been participants because they  
20 met the threshold. But as those permits were  
21 transferred since then it's hard to know why  
22 the most recent permit holder of record may

1       have left, they didn't qualify, but you know  
2       they obviously obtained the permit at some  
3       point. So, it can be hard to figure out why.

4                   MR. AUGUSTINE: Okay. Just to  
5       follow up. Okay. That being as hard as it  
6       is, it still seems when you're talking about  
7       -- and directed fishery you got 50, 60, you  
8       got roughly 70 folks in that area that did  
9       participate at some time. You've got 100 --  
10      well, from 208 to 72 incidental, but just a  
11      large number of vessels that have been  
12      qualified. And just to out of hand say we  
13      can't track them -- and maybe there's no  
14      interest in them coming back in for paperwork  
15      purposes, whatever they are, just seems to me  
16      it should be a consideration to find out why  
17      they're not qualified anymore, whether they're  
18      interested anymore. And then if they're not,  
19      write them off the books and that's the end of  
20      that.

21                   But it just seems like we have a  
22      pool here of possible -- let's say we got 20

1 percent of those, 40 percent of them, we're  
2 back to capacity. And again, I don't know how  
3 we're going to get enough folks in this  
4 fishery to harvest enough swordfish to help us  
5 from losing quota. I think the fact was  
6 stated before, the reality is that we're going  
7 to have a hard time holding onto our overall  
8 quota from ICCAT. So, it would just seem to  
9 me this might be the quickest; I'd say  
10 dirtiest, but the quickest way to assess what  
11 we could possibly do immediately and in the  
12 short term.

13 Relative to reissuing expired  
14 permits, you asked several questions, the  
15 first one being if a termination provision was  
16 removed how many original permit holders and  
17 most recent permit holders of record would  
18 renew? We don't know, but your office might  
19 know the number. And then what do we do about  
20 that?

21 And likewise the next one, if new  
22 permits were issued how might NMFS decide to

1       whom to issue them and how many to issue? I  
2       think that's maybe one of the discussion items  
3       for our next meeting, because if we get this  
4       analysis done to determine who might be  
5       qualified again, it will give us a leg up as  
6       to what the next step is. We can beat that  
7       one to death, too, and not know how to address  
8       it until we find out how many possible  
9       participants we have. Thank you.

10               MR. BROOKS: Good suggestion, Pat.

11       Thanks.

12               I know there area couple other  
13       people that want to weigh in, and we're going  
14       to ask you to defer until the end of the  
15       bycatch conversation. We need to move onto  
16       the next agenda item. We know the morning is  
17       packed and we appreciate your flexibility.

18               Vince, I'm going to ask you to  
19       hold onto until a bit later and we will take  
20       it right before lunch.

21               So, let's continue to the next  
22       topic, please.

1                   MR. BLANKENSHIP: All right.  
2           Shifting gears. In looking at the second  
3           portion of our morning session, increasing  
4           fishery flexibility through further reduction  
5           of bycatch. This presentation and this  
6           discussion is meant to build upon the  
7           discussion that we just have been having and  
8           some of the information that was provided in  
9           that first presentation, particularly some of  
10          the early stuff that was highlighting some of  
11          the issues surrounding bycatch and has been  
12          highlighted again through the course of the  
13          questions and feedback that we've been  
14          getting.

15                    You know, point out again one of  
16          the things that we have consistently been  
17          dealing with as we look at ways to revitalize  
18          the swordfish fishery is the constraints that  
19          we have related to bycatch, related to the  
20          incidental take statements that are in place  
21          and other measures under other applicable laws  
22          that restrict what can happen. And as we

1 consider ways to expand the fishery, in  
2 particular the pelagic longline fishery, we  
3 find that expanding effort is a difficult  
4 thing to do. Expanding and getting access to  
5 closed areas is a difficult thing to do, as  
6 Margo highlighted in one of her answers to a  
7 questions earlier.

8 So, this portion of the  
9 presentation is meant to get into some of the  
10 discussions related to that, to see what other  
11 ideas potentially are out there that we can  
12 look at as being maybe innovative ideas to  
13 address our continuing need to revitalize the  
14 swordfish fishery, but then also  
15 revitalization doesn't just mean increased  
16 landings. It also means other aspects as  
17 trying to make the participants in that  
18 fishery more profitable, allowing more  
19 flexibility with the regulations that they  
20 operate under.

21 So with that, the outline of this  
22 portion of the presentation includes looking

1 at individual roles and performance objectives  
2 or standards for bycatch reduction, and also  
3 looking at testing electronic monitoring  
4 technology to potentially support with that  
5 and an additional aspect of training and  
6 education.

7 Currently bycatch management in  
8 HMS fisheries is conducted fleet-wide, which  
9 can in some cases result in disincentives for  
10 good performance by individuals when it comes  
11 to bycatch performance. For example, you  
12 know, if a few vessels catch a lot of sea  
13 turtles, the entire industry would potentially  
14 suffer from additional management measures  
15 instead of just the poor performers. There's  
16 in some ways kind of a tragedy of common  
17 situation related to a way that the fishery  
18 currently operates with bycatch.

19 So, the concept here is to look at  
20 increasing individual responsibility for  
21 bycatch avoidance and reward good performers  
22 via performance standards or objectives. Some

1 benefits for consideration with such a kind of  
2 a situation or scenario might be performance-  
3 based, customized or adaptive management  
4 measures that provide more flexibility with  
5 times, areas and methods. And let me stress  
6 this again, that one of the potential  
7 considerations that might be beneficial is  
8 performance-based customized adaptive  
9 management measures that provide more  
10 flexibility with times, areas and methods and  
11 an ability to continue to fish when others in  
12 the fleet might not be able to due to portions  
13 of the fleet reaching a certain bycatch  
14 restriction.

15 Now, as an example of this  
16 concept, and at this point we're bringing it  
17 to you as a concept for discussion, one  
18 example where this kind of a situation or  
19 management scheme has been set up is in  
20 relation to Bering Sea chinook salmon on the  
21 pollock fishery. And with that fishery  
22 chinook salmon in some river basins are a ESA-

1 listed species. And so, that is the  
2 constraining bycatch species within the  
3 pollock fishery. In some recent years the  
4 pollock fishery was forced to close before the  
5 annual pollock quota was achieved due to the  
6 chinook salmon interactions or catches. So,  
7 they were forced to close before the pollock  
8 quota, the allowable quota was achieved. They  
9 closed early and the whole fishery was  
10 impacted.

11 Under the bycatch management plan  
12 that has been developed chinook salmon  
13 allowable take is divided between the sectors  
14 in the pollock fishery including the trawl  
15 fishery. And within that management plan  
16 there are two levels of hard bycatch caps that  
17 are established. One is higher, the other is  
18 lower. The higher level is the level that  
19 voluntary participants in an incentive plan  
20 agreement get to operate under. The lower  
21 level is the level that everybody else in the  
22 fishery has to operate under, and it is more

1 restrictive. The incentive in this situation  
2 is for those that are participating in the  
3 incentive plan agreement under the higher  
4 bycatch cap, that they can continue to fish  
5 when other participants in the fishery under  
6 the lower cap achieve their cap and are  
7 closed.

8 Now, there are several things that  
9 go along with the participants in the  
10 incentive plan agreements. One is is that  
11 they have a much higher degree of monitoring  
12 of their bycatch level that takes place.

13 Another thing is that the speed at  
14 which they report that information is much  
15 faster and is coordinated in this particular  
16 example in this fishery through a third party  
17 contractor who gathers the information from  
18 the cooperatives, the vessels that are  
19 operating in that fishery and almost real time  
20 provides it back to the participants in the  
21 fishery so that they can avoid the areas where  
22 chinook salmon are being interacted with. And

1 in fact, they have implemented what they call  
2 rolling hot spot closures. And the  
3 participants in that agreement then actually  
4 have a system by which fines are levied for  
5 violators of the rolling hot spots, and they  
6 implement those pretty strictly.

7 And so, as you can see the  
8 incentive once again is for participants in  
9 that, which are voluntary, to be able to  
10 continue to fish when others in the fishery  
11 have already achieved the lower level more  
12 restrictive hard bycatch cap for chinook  
13 salmon.

14 And so I've briefly gone through a  
15 description of this as an example, as a  
16 concept. More information about it is at the  
17 web site that is on this slide.

18 So, one consideration for  
19 developing adaptive management and incentive  
20 plans is the presence of adequate monitoring,  
21 be it observers or through electronic  
22 monitoring. And in this particular slide

1       you'll see EM. EM means electronic  
2       monitoring. Observers are currently used in  
3       the pelagic longline fishery and coverage  
4       ranges from about eight percent to 100 percent  
5       and observer coverage is expensive and it  
6       doesn't provide 24-hour round the clock  
7       observations, because obviously the observer  
8       can't be awake all that time. So, there are  
9       some advantages with electronic monitoring in  
10      that it's generally less expensive and it can  
11      be available 24 hours a day to see, you know,  
12      all of the haulbacks, all of the hooks that  
13      come in.

14                 There have been several pilot  
15      studies that have been done exploring this  
16      technology and there have been a lot of  
17      advances in the electronic monitoring  
18      technology. And I've listed some of the pilot  
19      studies that have occurred related to it. The  
20      dependability has increased quite a bit.

21                 One of them related to the Gulf of  
22      Mexico reef fish fishery was done back in 2008

1 or so and information from that -- it was  
2 interesting in that fishery in particular  
3 because one of the concerns they have is  
4 related to sea turtles. And they compared  
5 their findings from electronic monitoring  
6 against observers that were both on the vessel  
7 at the same time and found that sea turtles  
8 were able to be detected, although there was  
9 one sea turtle in that particular pilot study  
10 that was not detected during a night haulback  
11 that the observer did detect, although the  
12 observer was not able to identify the species  
13 because of lighting. So, that was one  
14 instance.

15 In the Hawaii longline fishery  
16 which is, you know, in many ways similar to  
17 our pelagic longline fishery for the same  
18 species, swordfish and tunas, one of their  
19 major concerns is sea turtle bycatch. And  
20 once again, in that particular fishery there  
21 are some examples where, you know, they have  
22 successfully detected the sea turtles that

1 were encountered during an electronic  
2 monitoring program being established or being  
3 compared against observers.

4           Some other examples of the  
5 monitoring programs and pilot studies there  
6 are the Alaska halibut longline pilot study,  
7 which in this particular case was looking at  
8 sea birds as bycatch. And then another one is  
9 the British Columbia ground fish longline  
10 fisheries, and I don't have that listed up  
11 here, but I mentioned that because in  
12 particular that one's looking at rockfish and  
13 the need to identify specific species of  
14 rockfish. And so they modify the camera  
15 arrays in order to have every fish that's  
16 brought on brought in front of the cameras in  
17 a controlled situation so that they can get  
18 good species identification from that. And so  
19 depending on how the cameras are arrayed, you  
20 can meet certain needs of that fishery.

21           So, the objectives and the results  
22 varied from each one of these studies. And as

1 the technology has improved, you know, the  
2 performance of electronic monitoring has  
3 improved as well.

4 So, the next couple of slides are  
5 looking at, you know, in consideration of  
6 electronic monitoring kind of a little bit  
7 more of an idea of what it consists of. It  
8 consists of an array of cameras. There can be  
9 any number of cameras. Usually there are  
10 about, you know, three to five cameras within  
11 the array placed at different locations on the  
12 vessel to get a view of the certain places  
13 that you need to get the information from.  
14 There also can be hydraulic pressure  
15 transducer switches that turn the system on.  
16 When the hydraulic pressure increases that  
17 would turn on the winch. Also, a winch sensor  
18 that would determine when the winch is  
19 actually turning, and that would also turn the  
20 system on. A GPS receiver, a user surface  
21 interface port and then a control box or data  
22 storage that controls all of this together.

1 This is a typical situation or schematic  
2 supporting that.

3 The next slide shows kind of what  
4 this looks like in reality, and these pictures  
5 were taken from the Hawaii pilot study. You  
6 can see in -- where's that pointer? It's a  
7 little bit hard to see, but here are two  
8 cameras that would produce two different views  
9 off of this boom coming out the side of the  
10 vessel. This particular camera right here  
11 would produce a different view of the back  
12 deck coming off the handrail off the top of  
13 the cabin. And then these photos are a little  
14 bit dark here, but this is a picture of a  
15 leatherback sea turtle here that was caught on  
16 the camera and then a dolphin coming on board.  
17 Just to give you an idea of what some of those  
18 views look like.

19 PARTICIPANT: We're going to try  
20 and dim the lights so --

21 PARTICIPANT: There we go.

22 MR. BLANKENSHIP: If you imagine a

1 leatherback sea turtle, he's there.

2 PARTICIPANT: It's a lot clearer  
3 on the laptop, so maybe if folks want to see  
4 it we could come up at the end.

5 Can we have the lights back?

6 Sorry.

7 MR. BLANKENSHIP: Okay. So, you  
8 know, as a concept this may have some value in  
9 HMS fisheries and that's what we want to pose  
10 to you is, you know, what are your thoughts  
11 related to that? And what are the potential  
12 for a concept such as this type of bycatch  
13 management and this type of technology for  
14 supporting potentially additional flexibility  
15 within the fishery as it relates to bycatch.

16 And then we also want to get your  
17 input particularly on the potential for pilot  
18 studies. So, there are several questions we  
19 pose here. Is electronic monitoring  
20 appropriate for HMS fisheries? Is electronic  
21 monitoring feasible in HMS fisheries? What  
22 special considerations are there such as in

1 the setup of electronic monitoring arrays for  
2 cameras, the cost associated with it, species  
3 identification, regional concerns, et cetera?  
4 And are there partnership opportunities that  
5 we could take advantage of? Are there  
6 possible funding sources? And is there  
7 interest in pursuing electronic monitoring in  
8 HMS fisheries?

9           Related to cost, we don't have any  
10 hard figures at this point, however I will say  
11 that some of the estimates from studies done  
12 before is that cost can range from 20 to 60  
13 percent of observer costs for electronic  
14 monitoring programs. And so, a lot of that  
15 varies on the equipment that you're using, how  
16 many cameras you have, the type of monitoring  
17 that's going on. There's a lot of variables  
18 that are associated with that.

19           And then on an additional note  
20 here; and this is not related to electronic  
21 monitoring but it is about training and  
22 education, is the concept of potentially

1       modifying the existing protected resource  
2       workshop curriculum to further educate  
3       fishermen about the importance of reducing  
4       bycatch and bycatch mortality. And the reason  
5       for this would be to strive to develop an  
6       increased sense of personal stewardship among  
7       fishery participants and in addition to  
8       continue to promote or publicize workshops to  
9       educate U.S. consumers about this innovative  
10      program, the workshops, the innovative program  
11      in the U.S. pelagic longline fishery.

12                   And with that, we'd love to get  
13      your input on a lot of these different  
14      measures.

15                   MR. BROOKS: Great. So, Randy,  
16      thanks very much. And just to be clear you  
17      are welcoming comments and suggestions  
18      regarding all of the kinds of ideas you just  
19      put forward, right? So, there was kind of an  
20      array of questions.

21                   MR. BLANKENSHIP: Yes, we'd like  
22      them on any of these, in particular the

1 concepts of incentive-based, you know, bycatch  
2 management and then also the electronic  
3 monitoring and pilot studies, that whole  
4 portion.

5 MR. BROOKS: Okay. So,  
6 incentives, electronic monitoring and  
7 training, those are the three topics.

8 Gail?

9 MS. JOHNSON: Thank you. The most  
10 important word in that whole delivery was  
11 "voluntary." Having said that, you talked  
12 about the cost, but who bears the cost and is  
13 there an ongoing cost? I understand about the  
14 cost of being shut down if there are too many  
15 leatherbacks, for example, from my area, but  
16 I'm interested in, you know, who bears the  
17 cost and how much is it? I don't know how  
18 much you really spend for an observer.

19 Thanks.

20 PARTICIPANT: Observer coverage is  
21 quite expensive. I think it's \$800 to \$1,000  
22 a day.

1 PARTICIPANT: It's up to \$1,200.

2 PARTICIPANT: Up to \$1,200

3 apparently. So, one of the advantages could  
4 be potentially reduced people observers on  
5 boats, but there would be then the cost of  
6 viewing the tapes, the initial setup costs.  
7 And that's probably the reason we're talking  
8 about pilot feasibility, start small, work out  
9 the bugs. If folks are interested in pursuing  
10 this, I think there are some opportunities  
11 within the government to foot some of those  
12 costs in the long term and I think that's  
13 something that we'll really have to see how it  
14 goes, to see how much it would be and if it's  
15 feasible for -- how that would work. But so  
16 I think there's some potential at least  
17 initially for us to purchase the cameras and  
18 things along those lines. But I'm not sure if  
19 the costs remain high how we would deal with  
20 that.

21 MR. MONTELLA: As far as the  
22 incentive-based, certainly bycatch should be

1 broken down by some type of region or, you  
2 know, there's no reason why, you know, I mean,  
3 turtles that are -- you know, guys that go  
4 over -- I know a couple years ago we had some  
5 problems in the Gulf of Mexico with turtles  
6 and, you know, the guys that are continually  
7 going over there, Northeast, you know, distant  
8 fishermen should suffer because, you know, the  
9 guys on the Mid-Atlantic Ridge are, you know,  
10 continually going over. So, yes, there should  
11 be some consideration to areas where there  
12 seems to be more interaction with bycatch and  
13 areas where there isn't and making fishermen  
14 suffer, you know, in the North -- you know, I  
15 know up in the Grand Banks fellows, you know,  
16 they tend to stay out of areas where they  
17 interact with more turtles. And in the  
18 Caribbean guys stay away from blue marlin, you  
19 know? So, yes, there should be some thought  
20 into that.

21 On the observer, the electronic  
22 monitoring, it's a great idea in a perfect

1 world. It brings me to the presentation Pat  
2 gave yesterday and how he, you know, kept  
3 saying how what a hard time it was to keep the  
4 VMSES operating on board the vessels. And I  
5 looked at his picture of two components and  
6 I'm looking at this one that has nine. Yes,  
7 you know, there would definitely have to be  
8 training. There would have to be -- who's  
9 going to clean the salt off of the cameras  
10 every morning? Where is the blind spot that,  
11 you know, I'm going to put my marlin on, my  
12 turtle's going to go to? It's a great idea.  
13 There's no doubt. But yes, I mean, almost all  
14 longliners have a leather wall on one side or  
15 other of the vessel, which is completely a  
16 blind spot from everything, you know? So,  
17 there's, you know, a lot of considerations,  
18 you know?

19 But I think the biggest part, you  
20 know, is keeping the cameras working. You  
21 know, heck, I mean, they have these cameras in  
22 banks and you can't -- you know, even today

1 you can't get a clear picture of a guy's face  
2 when he robs a bank for some reason. So,  
3 identifying the size of a fish or the species  
4 of a turtle or in the water, I mean, I've got  
5 crew members that can't tell the difference  
6 between a blue fin and a bigeye, and to be  
7 able to do it from a remote camera on an  
8 outrigger or something. You know, I  
9 understand the observer problem. You know,  
10 that Dave had with his observer program and  
11 the problems with it and the expense. Female  
12 observers. I understand all that. But I  
13 don't know if this is the answer.

14 And the expense, like Gail said,  
15 you know, obviously we can't get a VMS on  
16 board. We're not going to get NMFS or anybody  
17 else to pay for this. So, unless you're in  
18 the South Pacific island somewhere, they might  
19 pay for it, but not here. So, all right.  
20 Thanks.

21 MR. BROOKS: Thanks, Vince.

22 Tim?

1                   MR. PALMER: Yes, Vinny pretty  
2 much said everything I was going to say.  
3 Number one, I don't think that there's a  
4 fisherman out there right now that's surviving  
5 that could pay for all of this on the boat.  
6 Like Vinny said, you know, in a controlled  
7 perfect environment, you know, it would work  
8 beautifully, but unfortunately fishing hardly  
9 ever is that. The big thing that you would  
10 have would be you'd have to have somebody  
11 cleaning the lens on the camera about every  
12 half hour, you know?

13                   And I think the only way that you  
14 could ever get it to work, if it were  
15 implemented, would be to have like the safe  
16 handling and release workshops, you know, with  
17 the releasing of bycatch like turtles, have a  
18 crew member or preferably several crew members  
19 that were certified in how to -- you know, the  
20 rudimentary parts of keeping this stuff  
21 working and also keeping the lens clean,  
22 because that's a big problem. I mean, the

1 biggest problem with filming anything on a  
2 boat is the fact -- especially in the weather  
3 that you're in, like out on the Grand Banks,  
4 is making it where you can see through the  
5 lens. I mean, it gets salty so fast. I mean,  
6 you're constantly having to clean it. Pretty  
7 much it.

8 RICH: Thank you. You can tell  
9 you're wearing out your warming when you put  
10 your card up half way through the presentation  
11 and don't get recognized right away, but  
12 that's part of the job.

13 But the good news first is I think  
14 this would probably be the fastest -- putting  
15 cameras on the boat would be the fastest EFP  
16 ever approved by this agency. Took us two-  
17 and-a-half years to get two boats into the  
18 Charleston Bump to do a small experiment.

19 Second, and this is important, I  
20 think the process is wrong here. This is  
21 really an ICCAT issue. I think that the  
22 agency should take this to the swordfish

1 working group and say to the swordfish working  
2 group explain the same details. Explain the  
3 same potential benefits and say, "Are you  
4 willing to recommend to the IAC that there be  
5 an international agreement that the U.S.  
6 delegation should push for an international  
7 agreement requiring all PLL vessels in the  
8 Atlantic Ocean to carry cameras and work out  
9 the bugs?" Everybody does it. That's how you  
10 keep the playing field level. We seem to say,  
11 or at least mouth that there is agreement that  
12 leveling the playing field is right, but here  
13 we come up with another unilateral management  
14 measure.

15 The few members that I've had a  
16 chance to run this by are very suspect that  
17 where this is leading to is catch shares and  
18 caps on all bycatch, and that's somewhat  
19 troublesome, not just one or the other. And  
20 that raises the question of it's not just a  
21 common pool and you select a pool, one or two  
22 pools to be in, but you've got to have an

1 initial allocation of caps of bycatch of  
2 individual species. And then that raises the  
3 question of are they transferrable? Are they  
4 purchasable? And wherever you want to go from  
5 there.

6 The other thing is it potentially  
7 may disadvantage some vessels that because of  
8 their physical home port have proximity --  
9 their most economically feasible fishing  
10 grounds are areas that happen to be higher to  
11 bycatch. Now, maybe those are the boats you  
12 want to take out of the fishery next. And so  
13 it fits with that objective. But that's the  
14 likely impact is that, you know, they'll run  
15 out of either -- they'll either have to get in  
16 the higher pool or if it goes to a cap thing,  
17 they'd have to buy just an -- or a level of  
18 caps that they couldn't afford to possibly do.

19 And then finally others will raise  
20 it I'm sure, but there's the question of  
21 privacy rights, if there's anything such left  
22 on a fishing vessel. There is the question of

1 privacy rights. And take it from Tim, you  
2 know, who has a lot of experience with the  
3 original productions and swords living on the  
4 line. The camera issue is a real one.

5 Vinny's point about -- I mean, that was the  
6 other comment I heard from several caps. You  
7 know, if we want to there's plenty of ways of  
8 swinging the fish where there's no camera  
9 swinging, whatever, to where there's nothing  
10 that's going to see it. So, thank you.

11 MR. BROOKS: Thanks, Rich, and I  
12 assure you you haven't worn out your welcome,  
13 but Vince was left over from the queue from  
14 the previous discussion so I wanted to give  
15 him a chance to jump in.

16 PARTICIPANT: (Off microphone.)

17 MR. BROOKS: Still you were  
18 patient. Appreciated it.

19 Queue would be Ron, Margo, Shana,  
20 Rusty, Dewey, Glenn.

21 MR. CODDINGTON: Yes, Ron  
22 Coddington. This one's pretty quick. It

1 sounds like the people that would have to use  
2 it are saying EM won't work, but the next step  
3 would then be what we're really talking about,  
4 and Rich alluded to it, is some kind of catch/  
5 bycatch shares. And of course from a  
6 recreational perspective our biggest question  
7 would be how much bycatch they going to be  
8 allowed? I mean, just remember that  
9 recreational fishermen based on a universe of  
10 about 15,000 HMS angling permits were allowed  
11 0.016 marlin landed. So, I guess I get the  
12 anal fin, knowing my luck. If you're allowed  
13 one marlin on a PLL, that's 62 times what  
14 we're allowed as a rec on average. So, just  
15 keep it in perspective. And I'm not saying  
16 that the 250 marlin's right. I'm not saying  
17 any of it's right, but just keep it in  
18 perspective because we're extremely limited on  
19 what we can land in marlin, for instance.

20 MS. SCHULZE-HAUGEN: I guess I  
21 would just support the idea of hard bycatch  
22 caps and the general concept that if you want

1 to do low maintenance fishing you meet this  
2 more strict limit. And if you want to invest  
3 more and sort of do high maintenance fishing  
4 and have more people messing with you, then  
5 you're allowed to do a little bit more in  
6 terms of having a higher bycatch limit.

7 I totally agree with, you know,  
8 Vince and Tim and the comments that electronic  
9 monitoring is not ready for prime time. I've  
10 seen it growing it over, you know,  
11 presentations at the American Fishery Society.  
12 I do think it's something that's worth  
13 pursuing just in the general principle that  
14 technology changes and if it's going to get  
15 fixed, it should be out on the water getting  
16 fixed by people that know how it could work  
17 one day. But I would support that in the  
18 sense of a pilot or experimental program to  
19 try and improve that technology that might  
20 work some day. I really would never see it as  
21 a replacement for observers, but I do think  
22 it's worth pursuing as a future solution.

1       There are a lot of technologies that I never  
2       thought would work that now I use daily. But  
3       it's not ready for prime time and I would not  
4       see it as a replacement for observers.

5                   MS. MILLER: Just along those same  
6       lines just to, you know, emphasize the fact  
7       that observers are also providing, you know,  
8       valuable biological samples to NOAA and  
9       independent scientists. So, you know, again  
10      electronic monitoring would not be a  
11      replacement for that service of the observer  
12      program.

13                               (End of Tape 13)

14                                       TAPE 14

15                   MR. HUDSON: (In progress) -- so I  
16      believe they've probably evolved quite a bit  
17      since then.

18                   In the meantime, on a technical  
19      level, Randy, do you have any information as  
20      to the -- not the 110-volt systems, but the  
21      12-volt systems and just how much a 38 or 45-  
22      foot boat with a 12-volt system with VMS, with

1       these electronic monitoring, lets say two  
2       banks of batteries, how much strain can all  
3       those batteries take?

4                   MR. BLANKENSHIP:  Yes, I don't  
5       know exactly how much is the energy draw from  
6       those various systems, but we could probably  
7       look into that and I could discuss that  
8       further with you.

9                   MR. HEMILRIGHT:  Yes, I sat  
10      through a presentation yesterday about the  
11      vessel monitoring system, that if I don't get  
12      a coupon could cost me \$3,800 -- \$3,100 plus  
13      another increase of \$25 a month to what I'm  
14      already paying for a vessel monitoring system.  
15      And when I look at this here, you know,  
16      there's just a lot of -- I see more cons than  
17      pros.

18                           What Rusty brought up about the  
19      battery power.  I'm a 12-volt system.  I have  
20      two batteries.  I'm maxed out already.  Do the  
21      cameras got 360 degrees visibility?  Are they  
22      made for low light?  Who's paying for them?

1 Who's paying for the upkeep? You know, how  
2 about the other countries? When are you all  
3 going to recommend to them that they start  
4 putting cameras on all their boats at ICCAT to  
5 level the playing field?

6           It seems like it's always -- it's  
7 probably never ending; I'm sure it won't be,  
8 that you're always just putting more and more  
9 on the American fisherman, costing us more and  
10 more, taking away our fisheries more and more  
11 and we're -- you know, you say it costs \$1,200  
12 a day for observer. I mean, how much  
13 bureaucratic red tape's in that -- I'm sure  
14 you're not paying the observer \$1,200 a day to  
15 go fishing. Cut back on the observers, you  
16 know, on the observer money or the  
17 bureaucratic red tape that -- you know,  
18 administrative costs. It's not getting no  
19 easier trying to be a U.S. fisherman. I don't  
20 see our government helping us anymore. I just  
21 see them putting more regulations that cost  
22 the fishermen more money, you know?

1                   Take this to ICCAT and make  
2                   everybody else play by the same rules we have  
3                   to. You haven't done that with circle hooks  
4                   or any other thing that people want to import  
5                   swordfish and other things, you know, so start  
6                   with your cameras. I don't think technology  
7                   is there yet with the cameras and different  
8                   things. I got a small boat and I don't know  
9                   how to work on small boats, you know?

10                   MR. BROOKS: Thanks. Many  
11                   concerns and issues raised. I think, Margo,  
12                   you wanted to respond to one of them.

13                   MS. SCHULZE-HAUGEN: Yes, just on  
14                   the point that we haven't taken circle hooks  
15                   internationally. That's actually quite  
16                   inaccurate. We've been pushing it heavily  
17                   internationally and had multiple  
18                   recommendations at ICCAT and pursued  
19                   discussions with other countries. So, in that  
20                   specific instance we have taken it  
21                   internationally.

22                   MR. HEMILRIGHT: Well, one quick

1 follow up to that. Is every swordfish that  
2 comes into this country from every other  
3 country using circle hooks?

4 MS. SCHULZE-HAUGEN: That's not  
5 what I said. No, it's not.

6 MR. HEMILRIGHT: That's what I  
7 asked.

8 MS. SCHULZE-HAUGEN: Well, what  
9 I'm responding to is your comment that we  
10 haven't taken things internationally. In this  
11 case, we have.

12 MR. BROOKS: Glenn?

13 MR. DELANEY: Okay. Yes, I mean,  
14 in fairness to both sides on that one, the  
15 message has been taken to the international  
16 community. There hasn't been a lot of  
17 tremendous results, but some, no question, but  
18 the message certainly. I mean, I'll vouch for  
19 that.

20 I think you're biting off a big  
21 chunk. You know, I think the sentiment that  
22 you're getting is probably a lot lower volume

1 that I was expecting.

2 PARTICIPANT: We want to be nice.

3 MR. DELANEY: Everybody's being  
4 really nice.

5 PARTICIPANT: Yes, they are.

6 MR. DELANEY: If you get on the  
7 phone with some of the folks, it's a little  
8 louder.

9 But maybe one thing you might  
10 consider is really kind of narrowing the focus  
11 of this concept to something that would be a  
12 very easy to see and demonstrable benefit to  
13 the pelagic longline fishery, which would be  
14 something we've been asking for for a long  
15 time, which is access to the closed areas.  
16 And just maybe design a proposal and show  
17 people this is a concept that might provide a  
18 pathway for greater access to the closed areas  
19 on a voluntary basis. You know, and if you  
20 want to participate in a fishery in the closed  
21 areas, these are the things that you'd need to  
22 be able to do, because as Margo is saying,

1       which I don't entirely agree with, which is  
2       that all the same reasons for the closed areas  
3       exist today. Well, you know, swordfish is  
4       fully rebuilt now and swordfish was ostensibly  
5       really the start of the whole time/area  
6       closure discussion in the late '90s. And it  
7       was a very small area in the straits of  
8       Florida, which don't we wish we could go back  
9       to that, but then it kind of expanded to other  
10      bycatch species and much larger areas. So  
11      indeed, we still have bycatch of other non-  
12      small swordfish bycatch.

13                    But the point is if you want to  
14      try to get at that, tailor it to something  
15      that really is what the industry is looking  
16      for, because I think the larger group of  
17      fishermen -- there are many fishermen that  
18      might not even want to participate in a closed  
19      area fishery. They're truly distant water  
20      fishermen. There's a lot of suspicions about  
21      motivations and where this could lead people  
22      to. So, you know, make it voluntary, small

1 scale. Focus it on something that they really  
2 want and see what reaction you get? I mean,  
3 you may get the same blow back.

4 You know, in terms of the  
5 electronic monitoring, one comment I got was  
6 well, VMS cost us an awful lot of trips. We  
7 missed trips and we had broken trips because,  
8 you know, we're waiting for VMS equipment to  
9 be repaired or, you know, there's a lot of  
10 repair problems associated with VMS or  
11 functioning problems, transmission problems  
12 that captains and owners perceive have cost  
13 them over the years. This could be another  
14 layer of, you know, I'm not going to be able  
15 to go fishing or I'm going to have to break my  
16 trip because my camera doesn't work and  
17 there's going to be maybe all sorts of  
18 regulations that I'm in violation of if my  
19 camera isn't working. So, not only am I going  
20 to lose my trip, I might be liable for a  
21 penalty or, you know, a violation.

22 So, try that approach. Just a

1 suggestion. And maybe a very small start  
2 could lead to something.

3 MR. BROOKS: I agree. Go ahead.

4 MR. DELANEY: Thanks.

5 PARTICIPANT: Can I just to  
6 clarify?

7 PARTICIPANT: (Off microphone.)

8 MR. DELANEY: Access to the closed  
9 areas.

10 PARTICIPANT: (Off microphone.)

11 MR. DELANEY: I still don't  
12 understand your question.

13 MR. BROOKS: So, there were  
14 several ideas that Randy put on the table.  
15 There was the incentive program and parceling  
16 out bycatch. There was the electronic  
17 monitoring. There was training. You were  
18 mainly I think addressing the bycatch and not  
19 electronic monitoring in your comments, or  
20 both?

21 MR. DELANEY: Well, I think as a  
22 general comment on electronic monitoring,

1       whether it's VMS or cameras --

2                   MR. BROOKS:   Okay.

3                   MR. DELANEY:   -- they're not a  
4       perfect technology.  And it depends on what  
5       you link to the use of that technology.  Is it  
6       a legal requirement and therefore are there  
7       penalties?  Are you not allowed to fish  
8       without it?  That's what I mean.  It doesn't  
9       matter what the technology is.  If it doesn't  
10      work 100 percent of the time, it's going to  
11      cost fishermen something.

12                  MR. BROOKS:   Pat, did you have one  
13      more point?

14                  MR. AUGUSTINE:  Thank you.  I just  
15      wanted to elaborate on about what Glenn said.

16                  When he talked about closed areas,  
17      I believe he was talking about when we say  
18      HMS.  It could be again an option to anyone  
19      who wanted to fish in the closed areas.  Have  
20      we thought about it along that way as opposed  
21      to applying it for bycatch purposes only?  In  
22      other words, if I had a vessel and I wanted to

1 fish in a closed area and you made available  
2 to me an electronic monitoring system versus  
3 an observer at 1,000 or 1,200 bucks a day and  
4 I felt that I could catch enough product to  
5 continue fishing the closed areas using an  
6 electronic monitoring system, it would seem to  
7 make sense to me to do the electronic  
8 monitoring.

9 So, I guess I'm tagging along what  
10 Glenn said. Apply it to all closed areas that  
11 would have access to highly migratory species.  
12 And I guess would he direct that to just  
13 swordfish or pelagic longliners?

14 MS. SCHULZE-HAUGEN: Maybe just to  
15 clarify. Access to closed areas now is not  
16 available just based -- with -- you take an  
17 observer, you can go in the closed area. And  
18 that cost is a cost to the government, not a  
19 cost to the fisherman. And there are costs  
20 that go with carrying an observer in terms of  
21 space and things like that. But that \$1,000  
22 to \$1,200 is a cost borne by the government.

1 MR. AUGUSTINE: I thought that was  
2 back to the participant?

3 MS. SCHULZE-HAUGEN: No.

4 MR. AUGUSTINE: I stand corrected.  
5 Because if it goes back to the participant, I  
6 surely would say okay. I'd rather have  
7 another way of monitoring what I'm doing when  
8 I had the permit to go into a closed area.  
9 But I wasn't aware that --

10 MS. SCHULZE-HAUGEN: What I think  
11 we were posing --

12 MR. AUGUSTINE: -- hopefully paid  
13 for by the government.

14 MS. SCHULZE-HAUGEN: Yes.

15 MR. AUGUSTINE: I thought that was  
16 either cost shared or on behalf of the  
17 participating vessel.

18 MS. SCHULZE-HAUGEN: I think what  
19 has come up in the discussion is having the  
20 ability for 100 percent monitoring would  
21 potentially enable access to areas that are  
22 currently closed because of the, you know, 100

1 percent coverage. So, that's I think where  
2 we're --

3 MR. MONTELLA: And, Margo, it  
4 seems like, you know, you've kind of reached  
5 a dead end road here and we're trying to, you  
6 know, make something out of nothing.

7 We're reaching for how are we  
8 going to catch more swordfish but we have this  
9 bycatch thing, you know?

10 And in regard to pelagic longline,  
11 I mean, the upgrade restrictions, they've  
12 never made sense. Horsepower, length,  
13 tonnage, none of that stuff ever really  
14 coincided with the ability of a vessel to go  
15 to the Grand Banks or Georges Banks or the  
16 Caribbean. It never really worked. Okay? It  
17 was something that was imposed to say, okay,  
18 we have reins on the industry. Same thing  
19 with the buoy fleets. I mean, there's boats  
20 that are, you know, 30 foot long that have,  
21 you know, 750 horsepower on them, but there's  
22 90 foot boats on the Grand Banks today that

1       have 750 horsepower on them. So, it doesn't  
2       really work.

3                   And if you were to relax all the  
4       bycatch restrictions and you increase catch,  
5       you still have the bycatch deal. So, I mean,  
6       building more boats, you still have the  
7       bycatch. Bigger boats, they stay out longer,  
8       you still have the bycatch. So, really I mean  
9       that needs to be addressed before we start --  
10      I mean, why are we spending time worried about  
11      upgrade restrictions when you know if you  
12      increase harvest it creates another problem?

13                   Another point was every time  
14      somebody mentions the State of Florida, half  
15      this room rolls their eyes, like you know  
16      these Florida guys again. Well, there's a  
17      reason that when you look at the closed zones,  
18      the longline closed zones, State of Florida is  
19      the only one that has a coastal closed zone.  
20      There's a good reason for that. And every  
21      time Florida comes up, half you guys, aw,  
22      these guys again. There's a good reason for

1 it. Because you know what, we catch them  
2 right there. You can almost cast off the  
3 beach and catch them. Don't let Florida hold  
4 you back. You guys created a bycatch-free  
5 fishery with the buoy industry. Exempt  
6 Florida. Go to Texas. There's swordfish  
7 boats out there with rod and reel catching  
8 eight, ten fish a day with rod and reel. Let  
9 the guys in Maryland and Carolinas and New  
10 Jersey catch and sell their swordfish.

11 Shana, general category, the last  
12 meeting we had here, we all agreed it would be  
13 great, just not in a fishery that you can run  
14 ten miles offshore.

15 Don't let Florida hold you back.  
16 We're saturated. We're saturated with the  
17 buoy industry. We're saturated with  
18 recreational fishermen. Don't roll your eyes.  
19 There's a reason why that little red block  
20 comes right on our beach. So, if you want to  
21 have a general category, have at it. Issue  
22 1,000 permits, 1,500, 2,000. Catch all the

1 swordfish you want. You just can't do it in  
2 that area. It's saturated now. You create a  
3 war. But don't let Florida hold you back. Do  
4 what you have to do. I mean, I agree with it,  
5 you know?

6           And you guys created a perfect  
7 fishery. The gear is tended all night long.  
8 Take the horsepower and length restrictions  
9 off the buoy boats. They can tend more than  
10 35 buoys a day. Let these guys fish more  
11 gear. The gear can't be connected together.  
12 You can't just let it go like a longline. You  
13 cannot let it drift overnight. It doesn't  
14 work that way. Let them fish 50 buoys. Let  
15 them have a boat that's 50 feet long so they  
16 can stay overnight and pack their fish and  
17 fish two nights. Right now they can't do  
18 that. You know, right now most buoy permits  
19 are 200 horsepower. You know, you can put a  
20 single outboard, a small engine on a -- you  
21 can't go to Georges Banks and catch swordfish  
22 with a single 200-horsepower engine, not

1 unless you -- you know, you're a lot braver  
2 than we are, you know? So, you know, that's  
3 one of the things you need to consider.

4 But, you know, and I'm not saying  
5 that, you know, everybody's going to go -- you  
6 know but there's guys out there tile fishing  
7 that will -- you know, if they can go sell  
8 their swordfish off the Georges, they'll sell  
9 them. Every little bit helps. But, you know,  
10 there shouldn't be any -- I don't think there  
11 should be any, you know, restrictions on  
12 horsepower or length for buoy vessels. You  
13 know, let those guys do what they want to do,  
14 let them go catch some fish. Like I said, in  
15 Texas you've got some recreational reporting  
16 I know from those guys and, I mean, eight, ten  
17 fish a day. Those guys are just learning how  
18 to do it. You know, they're doing well.  
19 They're doing real well.

20 So, I mean, that's really all I  
21 have to say, but you know, like the eye  
22 rolling for Florida, you know, it's getting a

1 bit old in here. You know, there's a reason  
2 why we're protecting our fishery. I'm a  
3 commercial guy, you know, and I still want my  
4 kid to catch fish off Florida just like every  
5 -- you know, but there's a reason, because our  
6 fish are right there, man, and you cannot open  
7 it up to everybody with a general category.  
8 It won't work. But it will work almost every  
9 place else in the United States. And it's a  
10 clean fishery. No bycatch. You can't have  
11 anybody in here, you know, Greeny (phonetic),  
12 Pew, all you guys would be happy. It doesn't  
13 catch anything but swordfish.

14 MS. SCHULZE-HAUGEN: Can I ask one  
15 clarifying question? Were you talking about  
16 removing length and horsepower on buoy gear  
17 outside of Florida, or including Florida?

18 MR. MONTELLA: No, you can exempt  
19 Florida from that as well. They're fine the  
20 way they are. The guys that are there now,  
21 there's 20 or so boats that are working. No,  
22 I don't want it all. I'm not asking for --

1       you know, I mean, let the guys that are now  
2       active there fishing in Florida, they have  
3       restrictions, keep those restrictions. But  
4       boats -- they don't need it because they're  
5       close to shore. But length restrictions, a  
6       20-foot -- you know, a boat that only has 200  
7       horsepower and is 23 feet long cannot leave  
8       Hatteras, North Carolina and go swordfishing  
9       with buoys. He can't do it. You know, you  
10      need to make it able -- you know, somebody  
11      that can leave out of Ocean City, Maryland and  
12      go to the Canyons and fish four nights with  
13      buoy gear and come in with a reasonable catch  
14      of 4,000 pounds of fish and make it feasible  
15      for him to make some money.

16                   PARTICIPANT: Very quickly, Vinny,  
17      thank you very much. Remember you've heard  
18      that from a commercial, you've heard it from  
19      recreational and you've heard it from the  
20      fishing organizations. Florida is something  
21      different, but all of these things will work.  
22      And I just want to make sure you realize you

1 have concurrence from many different groups on  
2 that exact same opinion that came from a  
3 commercial fisherman talking. Thank you.

4 PARTICIPANT: Ron and Vince, when  
5 we were changing the horsepower restrictions  
6 for PLL vessels in 2007, we had overwhelming  
7 opposition to removing the horsepower  
8 restrictions on hand gear boats at the time.  
9 So, what I'm hearing now this is a little bit  
10 different than what we've heard in the past.

11 PARTICIPANT: What was the reason  
12 for that?

13 PARTICIPANT: Primarily because  
14 the hand gear permits were originally issued  
15 in New England to low horsepower boats. If  
16 you remove horsepower restrictions on hand  
17 gear vessels you enable a lot of these center  
18 console boats to put 800 horsepower -- and  
19 what you end up doing is getting -- this is  
20 what we heard -- getting a lot more effort in  
21 the Florida fishery, in the buoy gear fishery.  
22 And the hand gear fishery is one of two

1 fisheries that is authorized to use buoy gear.

2 PARTICIPANT: Rick, to that  
3 point --

4 PARTICIPANT: Florida is the only  
5 place where a 200-horsepower engine can fish,  
6 so it really doesn't make sense. I mean, it's  
7 the only place that a low horsepower permit  
8 will work.

9 PARTICIPANT: And when we said we  
10 weren't for horsepower upgrades on hand gear  
11 vessels it was because they were all going to  
12 Florida. If we created an ability to exempt  
13 Florida from these upgrades, you would no  
14 longer have that opposition from South  
15 Florida.

16 PARTICIPANT: But maybe by  
17 increasing the amount of buoys and the gear  
18 that they can use -- because the 35 buoys  
19 used, three buoys per unit is only 10 pieces  
20 of gear out there at night would give them the  
21 incentive to go out fishing in the Northeast  
22 if they could fish 15 units or 20 units and

1 monitor that at night, especially up there  
2 where there's no current. These guys here are  
3 fishing 10 buoys a night. When we say -- just  
4 so everybody knows, 35 floatation devices is  
5 -- they use three buoys connected to each  
6 gear. So, 35 buoys get spread out to 10 or  
7 11.

8 PARTICIPANT: Turns into 11.

9 PARTICIPANT: Yes, it turns into  
10 10 or 11 actual --

11 PARTICIPANT: It's 11 units.

12 PARTICIPANT: If it was a fishing  
13 rod, there would be 10 fishing rods. So --

14 PARTICIPANT: (Off microphone.)

15 PARTICIPANT: Okay. Great. At  
16 this point we're trying to catch more  
17 swordfish, right?

18 MR. BROOKS: I think we need to  
19 wrap this up. You guys can talk a bit offline  
20 of you want to continue the conversation.

21 Rich?

22 RICH: Well, there used to be a

1 national standard that talked about equity and  
2 conservation measures, and I think Vinny  
3 skipped over that one. That was my whole  
4 point about, you know, a fleet that rebuilds  
5 the resource. There ought to be some fairness  
6 and not just saying, okay, now you guys are  
7 all done. Sorry. We're throwing you all out  
8 because we're going to go with buoy gear. And  
9 it's a little self-serving to say, yes, and  
10 get rid of the GRT. Anything that's  
11 restricting that buoy gear fishery from  
12 growing anywhere else, get rid of it there,  
13 but don't do it in Florida. We're already  
14 saturated. I mean, what else do you want?

15 MR. BROOKS: Okay.

16 PARTICIPANT: (Off microphone.)

17 MR. BROOKS: Come on. Let's not  
18 make personal observations here of that  
19 nature, please.

20 PARTICIPANT: (Off microphone.)

21 MR. BROOKS: All right. Is there  
22 another observation on this presentation?

1 Pat?

2 MR. AUGUSTINE: I just think the  
3 point that Vince was making needs to be  
4 developed and reviewed. If they're going to  
5 talk offline, I would like to get some result  
6 as either a recommendation to the staff as to  
7 what we might do with this issue. We did hear  
8 it from all sectors of Florida, including  
9 environmental. I think it's one we've got to  
10 follow through.

11 And what Rich said, that's of  
12 concern to everybody, but the point is there  
13 may be a unique case where you can take action  
14 that would be corrective. And I do think I'd  
15 like to see something come back at a later  
16 meeting and forward through on that.

17 MR. BROOKS: Thank you, Pat.  
18 Good. Okay. All right. So, we are slated to  
19 adjourn for lunch and reconvene at 1:30. The  
20 1:30 item is on the future of the shark  
21 fishery. We'll then go into working groups  
22 starting around 2:15. So, we'll see you at

1 1:30.

2 (Whereupon, a recess was taken.)

3 PARTICIPANT: The registration fee  
4 is what's covering your coffee and the food in  
5 the back, so I think it's -- a lot of the  
6 folks that unfortunately weren't able to stay  
7 here. If you could follow up, that would be  
8 much appreciated.

9 (Whereupon, the hearing was  
10 recessed for lunch.)

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1                   A-F-T-E-R-N-O-O-N   S-E-S-S-I-O-N

2                   PARTICIPANT: All right. We're  
3 going to get started this afternoon talking  
4 about having two concurrent sessions. We're  
5 going to all be together to hear the shark  
6 presentation, but then the bluefin folks will  
7 head down to the breakout room and have the  
8 bluefin working group and we'll continue up  
9 here with sharks.

10                  But I just wanted to do a little  
11 touchback on the morning sessions where we  
12 were talking about swordfish and  
13 revitalization and bycatch. And I think how  
14 we view it is that there's the big picture  
15 obviously that I think a lot of us are in  
16 agreement on. And then there's lots of kind  
17 of components in that. And what we were  
18 trying to touch on was a series of them this  
19 morning. And so, no one of those issues is  
20 meant to be the be all and end all. But they  
21 all contribute. They all touch on each other.  
22 And so we're trying to have a detailed

1 discussion of some of those pieces, but you  
2 know, as we continue to move forward, both  
3 looking back where we've been and then trying  
4 also to look forward. So, I think we got some  
5 good ideas, certainly a good dialogue. And  
6 so, I think we'll have some options to pursue  
7 in the future and we'll be coming back at a  
8 future point. So, just wanted to say thanks  
9 for the input. Sometimes it's not always easy  
10 to see the clearest way forward, but we're  
11 certainly trying and value what you have to  
12 say.

13 MR. BROOKS: So, at this point  
14 I'll hand it off to Carol in just one second,  
15 but we are shifting into the afternoon which  
16 will be a very focused discussion. We'll  
17 break into, as we said, a shark working group  
18 and a bluefin tuna working group. And the  
19 shark working group will be staying up here.  
20 The bluefin tuna group will be going  
21 downstairs.

22 But before we do that, we felt it

1 was important and HMS felt it was important  
2 that everyone benefit from the presentation  
3 that Carol is about to give on the future of  
4 the shark fishery and the kinds of issues that  
5 that group will be chewing on.

6 So with that, Carol?

7 MS. BRUSTERGEIS: Thanks, Bennett.

8 Hello, everybody. I hope you all  
9 had a good lunch.

10 And we're here today or here this  
11 afternoon right now to talk about the future  
12 of the Atlantic shark fishery. This is  
13 something that we began discussions on at the  
14 May AP meeting and we wanted to continue  
15 having those discussions with all of you  
16 today. We published an advanced notice of  
17 proposed rulemaking on Monday, which lays out  
18 a lot of the details that I'm going to go  
19 through. And I also wanted to take a few  
20 minutes to thank a number of shark fishermen  
21 and dealers who have joined us this afternoon  
22 for this discussion, and we will introduce all

1 of them for the actual working group this  
2 afternoon.

3 So, the objectives of this  
4 discussion is to examine current issues in the  
5 fishery and discuss the different visions for  
6 the fishery. Where do we want the fishery to  
7 go? What do we want it to look like? Do we  
8 want it to be a fishery with 300 vessels who  
9 can only fish for a couple weeks a year? Do  
10 we want it to be a very small, concise fishery  
11 where people have a longer time to fish but  
12 there are fewer people in the fishery? How do  
13 we want it to look? And then discuss  
14 solutions to that vision.

15 I am going to very, very briefly  
16 go through some management process for that,  
17 some of the current issues and then spend most  
18 of the presentation on potential solutions.  
19 And then this afternoon we're going to have  
20 the big discussion.

21 So, around the room you will now  
22 notice four easels with information on it. A

1 lot of that information is what I presented at  
2 the May AP. It goes through some of the  
3 economics, some of the landings and quotas,  
4 the regulation history and the stock  
5 assessment history. So all the background  
6 information is up in the back of the room if  
7 you would like to take a look at it at some  
8 point.

9 Where I am going to start is much  
10 more recent. The fishery right now is managed  
11 under the 2006 Consolidated Fishery Management  
12 Plan. This fishery management plan  
13 establishes the basic framework that we need  
14 to manage under. So we have rebuilding plans  
15 in there, quotas are established, regional  
16 quotas, time/area closures. We have limited  
17 access permits. We have a number of  
18 prohibited species. All of it. If you think  
19 of the fishery and the regulations, that's  
20 established in the fishery management plan.

21 As we get new information there  
22 are a couple different paths we can take to

1       adjust the regulations.  If the new  
2       information comes from a stock assessment  
3       indicating for example that something is  
4       overfished or maybe something is rebuilt, more  
5       than likely that will end up with a fishery  
6       management amendment which would be changing  
7       those rebuilding plans, changing the quotas to  
8       come in line with the new science.  But we may  
9       also receive new information that something we  
10      put in place may not be working exactly as we  
11      thought.  Very recent example, amendment 2, we  
12      really thought the quota would last year-round  
13      or close to.  It did not.  It lasted a few  
14      weeks in some instances.

15                To fix that, we could take an  
16      approach of a regulatory amendment.  There  
17      we're not changing the quotas, rather we're  
18      changing how we expect the quota to taken.  
19      Maybe a trip limit, maybe adjustable trip  
20      limits.

21                Regardless of the type of  
22      information we get, we have to follow all the

1 statutes. We have to follow MSA, ESA, Marine  
2 Mammal Protection Act, NEPA, Regulatory  
3 Flexibility Act. If this is something that  
4 came out of ICCAT, we may have to implement it  
5 under ATCA.

6 So, I'm going to run through some  
7 very quick examples of what I mean by a  
8 fishery management plan amendment and a  
9 regulatory amendment so you can understand  
10 the differences. Amendment 3, we had new  
11 information. Small coastal sharks were  
12 overfished. And overfishing, shortfin mako  
13 had overfishing occurring. And we wanted to  
14 add smooth dogfish into the management unit.  
15 All of those required large charges to  
16 rebuilding plans, to set up rebuilding plans  
17 for blacknose, set up quotas to put that  
18 rebuilding plan in place. How are we going to  
19 deal with shortfin mako and prevent  
20 overfishing from occurring? So, that's a  
21 fishery management plan amendment.

22 It takes a long time. There's a

1 lot of public input in the process where we  
2 have scoping meetings. We then have the pre-  
3 draft, which we provide to all of you here  
4 around the table and then we have the proposed  
5 rule and public hearings during that process.  
6 The process generally takes a year-and-a-half  
7 to two years to put in place a fishery  
8 management plan amendment. So, it's a long  
9 time.

10 There are also regulatory  
11 amendments. This is where I said we have new  
12 information showing the fishery isn't  
13 operating exactly under the new regulations as  
14 we thought that it would. These are things  
15 like implementing the trip limits. Maybe we  
16 have some biological opinion requirement we  
17 need to put in place. Maybe we have changes  
18 to the regional quotas because all of a sudden  
19 a fishery in the Gulf of Mexico really picked  
20 up and the fishery in the Atlantic slowed  
21 down, so adjusting those regional quotas.

22 These regulations do not take as

1 long as an FMP amendment. They can be put in  
2 place in nine months to a year. So, it's a  
3 much faster action. It also has a lot less  
4 public interaction. For a regulatory  
5 amendment oftentimes it's just a proposed rule  
6 and public comment at that stage. Not always.  
7 We have done ones that have had scoping and  
8 the full round just like an FMP amendment.

9 The last type of rule we can have  
10 is a very fast rule, and by fast I mean we can  
11 get it done in about six months. So, it's  
12 still not fast, but it's the fastest we  
13 normally operate within.

14 And this is our annual  
15 specifications. It's where we put something  
16 out just establishing the quotas.

17 And the reason I went through this  
18 is to give you a sense of the timing, and  
19 that's going to be important as we consider  
20 where we want the fishery to go. Nothing we  
21 do is going to be immediate. It's going to  
22 take a long period of time. You're looking at

1 least a year, sometimes longer, depending upon  
2 what we want to do.

3 The fishery itself. And all of  
4 you have been here as I've been giving  
5 presentations and my team has been giving  
6 presentations about fishery management plan  
7 amendments, regulatory amendments, annual  
8 specifications. It seems every year we're  
9 doing a new rather large rulemaking for  
10 sharks, yet we continue to have the same  
11 issues.

12 The large coastal shark quotas  
13 continue to be exceeded, even though we are  
14 now stopping and closing the fishery when we  
15 project that they reach 80 percent.

16 The seasons continue to be short.  
17 On average through the year it's been about  
18 150 days, but this year in the Gulf of Mexico  
19 it lasted six weeks. In the Atlantic this  
20 year it's been lasting a lot longer.  
21 Hopefully it will continue going on for the  
22 rest of the year, but we'll see.

1                   The number of permits have been  
2 declining since limited access has been put in  
3 place.

4                   Market prices, they have just been  
5 getting lower and lower. They have not been  
6 increasing.

7                   So, that's why we're talking about  
8 this today. We want to find a way to try to  
9 solve some of these problems and bring the  
10 fishery up where fishermen can make money,  
11 where bycatch is not an issue, where we're  
12 doing all the right things and we want your  
13 help to do that.

14                   This is a short list of issues. I  
15 brought this up at the last AP meeting.  
16 There's a lot more than is on this list. I  
17 already raised some of them. The short  
18 seasons. Also over capacity in the fishery.  
19 High grading happens. Splitting trips  
20 happens. And by splitting trips, that's where  
21 a fisherman goes out, they catch the trip  
22 limit, they leave the gear in the water and go

1 back in shore. That obviously doesn't help  
2 the quality of the fish that have been on the  
3 line. Also the gear continues to fish,  
4 meaning that any fish that they do decide they  
5 don't want more than likely is going to be  
6 dead.

7 So, what should the goals be for  
8 the fishery? What do we want the fishery to  
9 look like? I am going to be presenting a lot  
10 of ideas and solutions. I want to make sure  
11 all of you know we are asking for your help.  
12 We do not have any idea of what we want the  
13 fishery to look like. And we have our own  
14 ideas, but we don't know what your ideas are  
15 and where you want to go. We want to make  
16 sure we're all in agreement on where we want  
17 it to go.

18 So, at the last AP we had some  
19 targeted fishery goals. Make sure the  
20 fishermen can make a living and continue to  
21 exist; ensure timely reporting from dealers  
22 including no reporting of unclassified sharks;

1 establish species-specific management and  
2 establish closures during pupping seasons;  
3 improve the observer program; achieve success  
4 through tri-lateral and other international  
5 efforts; fund more research and have timely  
6 assessments; improve essential fish habitat;  
7 and ensure rebuilding of stocks. Those are a  
8 lot of goals.

9           There are also specific data needs  
10 that the AP came up with. Improve the  
11 transparency of stock assessments and observer  
12 program; collect resources to support  
13 research; use more science, not just the stock  
14 assessments; improve international  
15 collaboration and improve data collected.  
16 Specifically people wanted to know more about  
17 Louisiana state water fishery.

18           Through that we also had some  
19 short-term and long-term solutions.  
20 Continuing with the current management. Some  
21 people thought what we have is just fine.  
22 Explore permit stacking, and I will get more

1       into permit stacking later in the  
2       presentation. Divide the Gulf of Mexico into  
3       different regions or move blacktips out of the  
4       large coastal complex. Consider daily or  
5       weekly trip limits. Right now it's just a  
6       trip limit. It's neither daily nor weekly.  
7       And also possibly in the long term consider  
8       catch shares or sectors.

9               So, you're going to hear me say  
10       this again and again, where is the shark  
11       fishery going? Where do we want it to go?

12               Looking at the list of short-term  
13       and long-term solutions I'm estimating it will  
14       probably take one to two years to put in any  
15       of those short-term solutions and probably  
16       five or more years for the long-term  
17       solutions, which is catch shares. For those  
18       of you who were around during limited access,  
19       if you remember Pamela Mays (phonetic) started  
20       that process in 1995. We didn't finish it  
21       until April of 1999, so almost four-and-a-half  
22       years later. Catch shares would take just as

1 long, if not longer.

2 I am going to be presenting a lot  
3 of different solutions and possibilities in  
4 the next few slides. I'm going to go over  
5 quota structure changes, permit structure  
6 changes and then catch shares. In the  
7 discussion we're going to take each one of  
8 those, permit structure changes, quota  
9 structure changes and catch shares, and come  
10 up with what we think an ideal solution for  
11 each of those could be. I don't think we'll  
12 have time to work in any of the details, but  
13 we hopefully will come out with an idea of  
14 what type of quota structure changes we want,  
15 what type of permit structure changes we want  
16 and what type of catch share changes we want.  
17 And if we do have time, it would be great if  
18 we could then decide out of those three  
19 solutions which one do we want.

20 The comment period on the ANPR  
21 closes January 14th, so even if we don't have  
22 time at this meeting, there is plenty of time

1 to discuss that.

2 So, quota structure changes. Some  
3 of the ideas we have heard over the years, and  
4 again at the advisory panel meeting last time,  
5 continuing what was started in 1993 and have  
6 only complexes. Maybe moving into species-  
7 specific quotas. Those of you remember the  
8 '99 FMP, something that only went into place  
9 for a few months in 2003, would be ridgeback  
10 and non-ridgeback large coastal sharks. We  
11 could also consider moving species in and  
12 among the different complexes. Reconsider  
13 regions and time/area closures or seasons. We  
14 spent a little bit of time this morning  
15 talking about bycatch caps in the swordfish  
16 fishery, something we could look at here. And  
17 we're not just talking in this case about  
18 bycatch caps for protected resources. We  
19 could also be talking about bycatch caps for  
20 prohibited shark species. Something to think  
21 about. Looking at quotas by gear type or  
22 maybe type of permit as opposed to by species.

1 So you could have a longline quota, you could  
2 have a recreational quota, you could have a  
3 regional quota. There are lots of different  
4 ways to establish quotas.

5 I'm going to go through two  
6 examples with some of the questions we as a  
7 team have for people to think about as we go  
8 through that. So, if we have a species-  
9 complex quota, that would be going back to  
10 very similar to what we had in the '93 FMP.  
11 So, we would have a large coastal complex  
12 quota, a small coastal and pelagic. There  
13 would be no species in this extreme portion of  
14 an example.

15 We're still envisioning we'd  
16 continue closing at 80 percent. But how would  
17 we go about establishing those quotas for each  
18 of those complexes? Would we want to create  
19 new complexes depending on the status of the  
20 species? All the overfished species are in  
21 this complex. All the ones that are fine are  
22 in this complex. All the ones with an unknown

1 status are in this one. Do we want to  
2 rearrange them more on the biology of the  
3 species? We're basically looking at where we  
4 want the fishery to be. How much of what we  
5 currently have in place do we want to continue  
6 using? How much do we want to change? And  
7 through all of this when we do the complexes,  
8 if we close one complex, how do you account  
9 for dead discards in the other complexes?

10 The other extreme of going back to  
11 complexes would be to go to species-specific  
12 quotas. People keep talking to us and saying  
13 they want to move towards species-specific  
14 management. When I hear that, that says to me  
15 you want 20 different quotas. Twenty  
16 different opening dates, 20 different closing  
17 dates. I'm asking you is that really what you  
18 mean when you say species-specific management,  
19 because that is what I hear.

20 We don't have species-specific  
21 stock assessments on all of those stocks. How  
22 would we establish quotas for the ones that we

1 don't have stock assessments? Should quotas  
2 be linked? And if they should be linked, then  
3 what is the point of splitting out for the  
4 different quotas? How do dead discards -- how  
5 are they accounted for if we split these all  
6 out with the different openings and closings?

7 Moving away from the quota  
8 structure changes -- and these are just  
9 examples. They are not things we have to  
10 focus the discussion on, you guys may have  
11 different ideas of quota structure changes.  
12 But moving away from that into permit  
13 structure changes, we could certainly keep the  
14 limited access process we have now.

15 An idea that has been gaining  
16 momentum that I've been hearing more and more  
17 about would be permit stacking. This is where  
18 we allow multiple permits on a vessel and  
19 depending upon how many permits you have is  
20 how large your trip limit is. So, for  
21 instance, a person might have two vessels.  
22 They decide to put both those permits on the

1 same vessel. So they now have one vessel with  
2 two permits. They are now allowed to take two  
3 trip limits on that vessel. Questions we have  
4 for that -- well, that's actually the example  
5 for the next slide, so I'll move on.

6 Use or lose for all permits. That  
7 came up again this morning for swordfish.  
8 There are lots of different options for use or  
9 lose. If you don't use it for two years, you  
10 don't use it for five years, your directed  
11 permit switched to an incidental, maybe you  
12 lose it.

13 (End of Tape 14)

14 TAPE 15

15 MS. BREWSTER-GEISZ: There are  
16 lots of different ways that that could work.  
17 And then matching the permit capacity to the  
18 quota, that has come up numerous times over  
19 the years where we have too many vessels to  
20 take the quota.

21 Going back to permit stacking and  
22 going into more detail about that, some of the

1 questions we have are how many permits can be  
2 stacked on one vessel? Two permits on a  
3 vessel doesn't sound that bad. Three permits,  
4 maybe. Twenty permits? Where is that drop  
5 off? How many permits do we want to be  
6 allowed stacked? What about inactive permits?  
7 Can somebody just go around and start buying  
8 up all the inactive permits and what does that  
9 mean for the fishery? Incidental permits?  
10 Can somebody stack incidental permits? Can  
11 you mix? Can you stack incidental and  
12 directed permits on the vessel? Can a  
13 fisherman buy multiple permits -- or sorry,  
14 without multiple permits go around and buy  
15 them? That was an issue that came up last  
16 time. And how would this disadvantage some  
17 fishermen and would that be a bad thing? And  
18 what about the upgrading restrictions? In  
19 other words, we have lots of questions about  
20 all of these. I could go on for hours about  
21 all the questions we have.

22 Catch shares. Catch shares seems

1 to be a very hot button issue for a lot of  
2 people. People either like them or they hate  
3 them. I think we heard some of that at the  
4 last advisory panel meeting. I would like to  
5 just preface this that I'm going to spend a  
6 lot of slides on catch shares right now  
7 because we have had very specific questions  
8 from fishermen in the fleet about what catch  
9 shares would mean for the shark fishery.

10 We've had questions from gill net fishermen,  
11 we've had questions from bottom longline  
12 fishermen. So, I'm going to spend a little  
13 bit of time going through what catch shares  
14 are.

15 In general, they are an umbrella  
16 term used to describe programs that give a  
17 portion of a quota or a total allowable catch  
18 to either individual, communities, entities of  
19 some sort and how you define them can be  
20 pretty critical. They can include limited  
21 access privilege programs, individual fishing  
22 quotas and sector allocation or fishery

1 cooperatives. They address a lot of the  
2 issues we have in the shark fishery. They  
3 have been used successfully in the United  
4 States and throughout the world to address  
5 many of these issues. Lengthening the fishing  
6 season, lowering operating costs, improving  
7 market conditions, improving quota monitoring,  
8 improving timely reporting. There have also  
9 been cases where they have not been successful  
10 at addressing these issues, and I think that  
11 all comes into how you actually set up the  
12 catch shares to begin with. And I want to  
13 make sure it's clear to everybody if we do  
14 move forward with catch shares, we would want  
15 everybody to contribute to those discussions  
16 on how it would be implemented.

17 Some examples of fisheries that  
18 have implemented it in the United States and  
19 the goals they've been trying to achieve,  
20 eliminating overfishing; stopping derby  
21 fishing; reducing because; improving  
22 socioeconomic conditions for communities.

1        Sounds very similar to some of the problems we  
2        want to solve as well.

3                    They can also be used to address  
4        other concerns within the fishery. In the  
5        Gulf of Mexico they worried about the loss of  
6        the small boat fleet, so they limited  
7        transferability in the first few years. In  
8        Alaska they were worried about having a way  
9        for new entrants to come into the fishery, so  
10       they had low interest loan assistance  
11       programs. In the Northeast they were worried  
12       about community sustainability, so they worked  
13       in special provisions for that. In essence,  
14       there's no one size fits all. It's designed  
15       specifically for each fishery. We can learn  
16       from those different fisheries what went  
17       wrong, what went right, and implement what we  
18       feel we need to.

19                   Lots of things to consider as you  
20       go through with a catch share program. These  
21       are some of them. I'm not going to go through  
22       them in detail, but we can always come back to

1       this slide if you wanted to.

2                       There are lots of questions we  
3       have in general regarding catch shares and how  
4       it might work for sharks, and a lot of these  
5       have been echoed in the conversations I've had  
6       with fishermen.  Would catch shares encompass  
7       all sharks, meaning would we have it for large  
8       coastals, pelagics and small coastals?  Maybe  
9       we just want to have catch shares for blacktip  
10      sharks or for sandbar sharks.  What about a  
11      pilot program for catch shares for some  
12      specific species and/or regions?  What about  
13      states?  Right now the quotas we have apply  
14      for state fisheries as well.  How would that  
15      work with a catch share?  What about the  
16      recreational fishery?  We have had a lot of  
17      questions from recreational fishermen about  
18      the allocations setup when you do catch  
19      shares.  As I said before, before we do  
20      anything we want your input.

21                      One thing we've heard a lot about  
22      that we were thinking would be a good example

1 would be sectors. In a sector, instead of  
2 giving a quota allocation to an individual,  
3 you give it to a group of individuals, maybe  
4 a community. So, it's not that the share is  
5 given to a person, it's given to this group.  
6 That group of people then decide how the quota  
7 that they got, that quota share is allocated  
8 among its members. Sectors themselves  
9 negotiate and plan and enforce their  
10 agreements. Any sector participation is  
11 voluntary and the sector comes up with what  
12 rules they want to follow, bring that to NMFS.  
13 We work with them, negotiate with them and  
14 come up with rules for that sector.

15 Here are some examples of sectors.  
16 It seems to be mostly from the Northeast.  
17 Really those were the examples we had. If you  
18 remember a few years ago we actually had  
19 somebody from a sector come and talk to the  
20 advisory panel about how it worked.

21 As a team we thought about what  
22 sectors would mean for the shark fishery,

1 thinking that this could be used for season  
2 openings and quota shares. We've had a lot of  
3 renewed interest in regional quotas. A sector  
4 plan could be one way to address that. We  
5 have gill net fishermen who actually ask to be  
6 grandfathered in where they do not want other  
7 new gill net fishermen to come in. So we  
8 could set up a sector for the gill net  
9 fishermen where they get to follow a certain  
10 set of regulations. We could set up a sector  
11 for North Carolina fishermen where they get to  
12 start fishing later in the year so there's  
13 always quota available for them. Same goes  
14 for the Western Gulf of Mexico.

15           Anyone outside the sectors would  
16 have to follow the general regulations for  
17 everybody, which means that if you have two  
18 fishermen in the West Coast of Florida, for  
19 example, one of them might decide to join a  
20 sector that agrees that they're not going to  
21 start fishing until May and they're going to  
22 keep fishing for a certain time and decide how

1 much trip limit each fishermen has on their  
2 own. The other fishermen may decide they  
3 don't want to join the sector, and so they'll  
4 start fishing whenever we open the fishery,  
5 which could be January 1. So, the person  
6 outside the sector would start fishing January  
7 1. The person in the sector would start  
8 fishing May 1st or whenever that sector had  
9 agreed. Person outside the sector, maybe it  
10 was a busy year, they finished finishing  
11 within two weeks. The person within the  
12 sector, they keep going for several months  
13 because of the regulations they set up within  
14 their own sector. And it's what are the  
15 benefits for the fishermen in and what are the  
16 benefits for the fishermen out? But those are  
17 some ways we could see sectors working for the  
18 shark fishery.

19 So in summary, we're really  
20 looking for your help. We want a really good  
21 discussion this afternoon trying to come up  
22 with an ideal solution for the quota structure

1 changes, and those for example are the  
2 species-specific quotas, the permit structure  
3 changes such as permit stacking, or catch  
4 shares such as sectors. One thing I want to  
5 make sure to make note of is catch shares, one  
6 reason why they would take so long to  
7 implement is because they're implementing not  
8 quota structure changes or permit structure  
9 changes, but both. You can't just implement  
10 a catch share without looking at the quotas  
11 and without looking at the permit structures.

12 So, these are the questions we'll  
13 be thinking about this afternoon, keeping in  
14 mind where we want the fishery to go, keeping  
15 in mind the time limits.

16 And all of my team pretty much is  
17 here. I am here. We have Jackie in the back,  
18 Guy, Steve, Pete Cooper, Leeann's in the back.  
19 And for those of you who might remember him;  
20 it's been a couple of years, but Michael Clark  
21 will be coming back in October. So he will  
22 also be part of the team.

1                   So as you think about this, go  
2                   away today, if you continue to have thoughts,  
3                   you can call and talk to any of us about this.  
4                   As I said, the comment period closes January  
5                   14th and we have several more workshops  
6                   planned all along the coast next month,  
7                   November and December. So, thank you.

8                   MR. BROOKS: So the discussion  
9                   questions that Carol just outlined are  
10                  obviously what we'll take up in the working  
11                  group when we shift into those in a few  
12                  minutes here. But we do have a few minutes  
13                  just to see if there are questions about what  
14                  Carol presented, clarifying questions, things  
15                  that didn't make sense, some concepts that  
16                  maybe you'd like a little bit more detail on.  
17                  So, we'd love to hear any questions that you  
18                  have for Carol at this point.

19                  Pat?

20                  MR. AUGUSTINE: Good presentation,  
21                  Carol. I almost fell asleep, but I  
22                  (inaudible). Just a lot of information.

1           You said in here there was a group  
2           of fishermen that talked about sectors, they  
3           approached your group to talk about a  
4           particular sector. There's an inference here  
5           that there has been some interest shown, that  
6           they would be interested in either that or  
7           catch shares, one or the other. Do we have  
8           the background information and data on the  
9           number of vessels in each of the gear types so  
10          we could actually go forward to take a look at  
11          what that picture would look like if we  
12          decided to go in that direction?

13                 I know the answer to the question,  
14                 but I want to put you on the spot. Because we  
15                 went through the whole process of catch shares  
16                 with the Mid-Atlantic and we invited God and  
17                 everybody from the world to attend it. And at  
18                 the end of the day we found that it was very  
19                 difficult to look at one method or one size  
20                 fits all. And I think you alluded to that,  
21                 that we have the flexibility here.

22                         But I guess the real question is

1 do we want to spend, or can we, or should we  
2 spend the time even looking at that portion of  
3 how we might allocate quota with all of the  
4 other more basic issues that you put on the  
5 table before us? Maybe that's a better  
6 question.

7 In other words, it's like -- I  
8 guess simply stated it's more than we need.  
9 Do we want to look at capacity? Do we want to  
10 look at the flexibility of increasing the size  
11 of vessels and that sort of thing when we  
12 looked at one of the other fisheries earlier?  
13 It's nice to have all the possibilities in  
14 front of us, but how much traction will it  
15 get? Maybe that's a better question. How  
16 much traction will looking at catch shares at  
17 this stage of the game get in view of the  
18 status of the shark fisheries? Better  
19 question?

20 MS. BREWSTER-GEISZ: (No audible  
21 response.)

22 MR. AUGUSTINE: You still don't

1 have an answer. I'm just trying to move the  
2 process, you know, and I looked at several  
3 people around the table sleeping.

4 PARTICIPANT: Pat, we need you to  
5 turn off the mic so we can answer. That's  
6 all.

7 MS. BREWSTER-GEISZ: We do want to  
8 look at more than just catch shares and we're  
9 looking to see whether or not we do have  
10 traction for that or if we have more traction  
11 for another alterative.

12 MR. HUDSON: Rusty Hudson,  
13 Directed Shark. Anyway, with regards to a  
14 thing you put up there on the regulatory  
15 amendment, we're dealing with that as a fast  
16 track way of resetting trip limits and stuff  
17 like that. And it says in this short sheet  
18 from South Atlantic Council a 90-day comment  
19 period, but the people can send in comments  
20 sooner? They don't need a 60-day comment  
21 period for notice of availability, a 15 to 60-  
22 day comment period on the rule could be able

1 to be waived, notice and comment if needed if  
2 you were trying to fast track, like trip  
3 limits and stuff like that? We're doing it  
4 right now with like sea bass trip limits and  
5 stuff like that. It's Regulatory No. 9 and  
6 with the South Atlantic Council.

7 So, I think that when you're  
8 dealing with a plan amendment in EA, you were  
9 the one that had told me that generally you're  
10 talking about a year-and-a-half process, but  
11 you mentioned regulatory amendment and you  
12 said a year, but in actuality it could even be  
13 faster than that. So, if there were -- like  
14 next spring when we come here we're probably  
15 going to have the results to the  
16 sandbar/dusky/blacknose assessment, that we  
17 could make adjustments there. We could have  
18 potential changes to like choke species like  
19 blacknoses right now for our small coastal  
20 shark complex, little adjustments like that.  
21 The faster you can get it done it makes it a  
22 little easier on the fishermen.

1 MR. BROOKS: Thanks, Rusty.

2 Bob?

3 DR. HUETER: Yes, just a comment  
4 and a question on process. First, Carol, you  
5 said that if we were to pursue species-  
6 specific quotas we would need 20 different  
7 quotas. I just want to point out that that  
8 would only be true if we had no vision as to  
9 where this fishery was going, whereas if we  
10 instead come up with a vision and try to guide  
11 it toward specific sustainable stock such as  
12 blacktips, we might not have to, you know, do  
13 that much work. So, let's not let that deter  
14 us.

15 The other is I really question the  
16 assertion that catch shares would take five or  
17 more years to implement. I mean, I think that  
18 would be true if catch shares had never been  
19 done anywhere and this was a brand new  
20 experiment, but with the track record that we  
21 now have with catch shares and these other  
22 places, I think it should be done much more

1 expeditiously than that.

2           So, I hate to see that put out in  
3 front of everyone again to sort of be a  
4 deterrent, say oh, this is too big a rock to  
5 pick up so we're going to do these little  
6 micromanaging things instead rather than to  
7 get to where we really need to go.

8           PARTICIPANT: It's really good to  
9 hear movement towards species-specific  
10 assessment and management for sharks. I know  
11 we're not there yet, but just to keep going in  
12 that direction is great.

13           One thing you didn't bring up was  
14 the lack of international management for  
15 sharks and maybe that's in another part of the  
16 agenda, but we'd really like to see NOAA still  
17 be a leader in pushing for international  
18 management of shark to prohibit retention of  
19 vulnerable species and to work towards actual  
20 management and catch limits for other species.

21           MR. BROOKS: So, inevitably we're  
22 starting to get into the conversation and

1       deliberation about the merits of the ideas or  
2       some part of them that Carol presented, but  
3       the hope was to take a few clarifying  
4       questions and then release the bluefin group  
5       to go into their work group and continue the  
6       deliberation. So, I would ask you to try to  
7       really focus on clarifying questions. Of  
8       course we want to have the debate, but that  
9       will happen here in the work group shortly.

10               Dewey and then (off microphone).

11               MR. HEMILRIGHT: Yes, I had just a  
12       couple observations that Carol made about the  
13       fishery on the West Coast lasted six weeks  
14       this year. It's still under -- I believe that  
15       Louisiana state water fishermen are fishing  
16       illegally in federal waters catching half the  
17       quota. I've talked with you about this at the  
18       SEDAR stock assessment, brought this to your  
19       attention over numerous years. And that quota  
20       comes off the federal fishermen's quota.  
21       Comes off my quota, other federal fishermen.  
22       In Louisiana I believe there's only like three

1 fishermen that have federal permits. So,  
2 before we can do all these other things as you  
3 want to hear from us on the future of our  
4 fisheries, you have to reign in what's being  
5 caught and in what areas.

6 Another reason why off of North  
7 Carolina this year that you said the season's  
8 still going on in the South Atlantic area is  
9 because when we first started out this year  
10 all we were catching was sandbars, so  
11 everybody quit fishing because we can't have  
12 sandbars and so that's why the quota is still,  
13 you know, off our areas being left.

14 But until you reign in and we've  
15 -- you know, I guess this is an issue for  
16 enforcement, and maybe you'll pass this onto  
17 them as I've preached to you a few times and  
18 gave you valuable information to tell you  
19 what's going on; and you see it in Louisiana,  
20 that state water fishermen are fishing in  
21 federal waters, catching probably half the  
22 quota and it's coming off the federal quota.

1 And until we can get something resolved about  
2 who's catching what and where, you got to know  
3 who's catching before you can move on with  
4 other discussions.

5 MR. BROOKS: Thanks, Dewey. Last  
6 clarifying question, Caroline?

7 MS. BELCHER: Just because we've  
8 been involved with it at the council level,  
9 how is HMS implementing the current Magnuson  
10 requirements with providing ABCs, OFLs for  
11 species under fishery management plans? I  
12 mean, we're under deadline for 2011 and 2012.  
13 Snapper/grouper complex for us in the South  
14 Atlantic is very similar to this in that we  
15 have over 60 species within that FMP, all of  
16 which have to have estimates of overfishing  
17 levels, acceptable biological catch and then  
18 annual catch limits. So, how is HMS either  
19 not on that same time line or -- I mean, I'm  
20 kind of missing some of the -- as I'm trying  
21 to draw in parallels with what we're doing  
22 right now with management for other species

1 I'm kind of missing the mark as to how we're  
2 not discussing these things and determining  
3 what's happening with the fishery.

4 MS. BREWSTER-GEISZ: We  
5 established OFLs, ABCs, ACLs in amendment 2  
6 and in amendment 3 for the shark fisheries, so  
7 we have already implemented that.

8 MS. BELCHER: But that jargon  
9 hasn't been established until recently. I  
10 mean, we've been dealing with that just over  
11 the last two to three years. I guess I'm not  
12 understanding. You know, I'm just trying --  
13 again, in terms of trying to just figure out  
14 how this discussion is going to cycle through,  
15 some of those informational points I think  
16 would be helpful. I know relative to what  
17 we've been dealing with, that degree of  
18 separation, even with OFL to ABC, you know,  
19 building in that scientific uncertainty and  
20 then the uncertainty for management, I mean,  
21 I have not really seen those discussion  
22 points. So, I'm kind of curious how this is

1 all tying into that, especially as we start  
2 talking about how you're going to be  
3 potentially partitioning out your complex. Is  
4 it going to be species-specific? Is it going  
5 to be complexes? I mean, these are all  
6 questions that we've wrestled with over the  
7 last four to six years and we're still not  
8 finding answers to them because it's all  
9 relative to how you look at the problem.

10 Species complexes from a  
11 commercial standpoint is totally different  
12 when you do the breakouts and try to classify.  
13 If you try to do a biology, you get a whole  
14 different grouping and then the arguments  
15 ensue or the debates ensue as to which is the  
16 best way to approach it. So, I mean, but  
17 there's more information available and I have  
18 a real hard time with wrapping my head around  
19 what we're being asked to do and I don't have  
20 that information in front of me.

21 MS. BREWSTER-GEISZ: What I think  
22 maybe we could do is show you in amendment 3

1       how we handled it. You know, one of the ACMS  
2       is closing at 80 percent, so there are a  
3       number of ways that we had been managing the  
4       fishery already that we were able to match up  
5       with the new requirements and the new  
6       terminology. And so, I'm happy to walk  
7       through that with you, maybe take that  
8       offline. But we are on track. We're under  
9       those same deadlines as well, so we're there.

10               MR. BROOKS: Carol, anything you  
11       want to add before we move on.

12               (No audible response.)

13               MR. BROOKS: Okay. So, at this  
14       point we do want to take public comment  
15       because we're going to be sending you off into  
16       work groups. We will not reconvene as a full  
17       group today. We will do so again tomorrow  
18       morning at 8:30.

19               So, we want to pause and see if  
20       there's anyone in the audience who would like  
21       to fold in any public comments at this point.  
22       Again, in the working groups we'll have other

1 opportunities, but anything that's been  
2 discussed at this point? Any public comments?

3 (No audible response.)

4 MR. BROOKS: Okay. Pat, what do  
5 you have?

6 MR. AUGUSTINE: You made a comment  
7 that there were several fishermen here. I'm  
8 wondering if any of them have any specifics  
9 above and beyond what's presented. I mean,  
10 I'd like to hear from some of them now, and  
11 hopefully they'll participate in the shark  
12 meeting. If they have something general, I  
13 would like to hear it.

14 PARTICIPANT: Well, I think the  
15 idea was that those folks would actually join  
16 us at the table for the shark working group  
17 session and that the bluefin folks that are  
18 interested in that would leave, and then they  
19 fill in and are full members of this  
20 discussion.

21 MR. BROOKS: So, at this point we  
22 will begin to shift into the working groups.

1 Again, folks who are interested in the shark  
2 working group should stay in this room.

3 Panel members who are going to be  
4 staying here, please stay at your seats.

5 If you are one of the invited  
6 shark fishermen, we invite you to come up to  
7 the table. Please bring your placard.

8 Other members of the public, if  
9 you can just stay in the seats on the outside,  
10 that would be great.

11 The bluefin tuna working group  
12 will head downstairs to the Silver Room as we  
13 used yesterday. It's downstairs. You walk  
14 past the restaurant and head towards the exit  
15 and it's the room off to the right.

16 Any questions before we break up?

17 PARTICIPANT: Just a note on the  
18 bluefin group. As you see, there are  
19 presentations on the agenda. The three topics  
20 we want feedback on are the 2010 recreational  
21 bluefin tuna bag limit, ideas for revising the  
22 quota specification for 2011 onward, and

1 further ideas about avoiding and reducing  
2 bluefin tuna interactions with the pelagic  
3 longline fleet. So those are the three topics  
4 we'll engage in the bluefin breakout group.

5 Thanks.

6 SHARK WORKING GROUP

7 MR. BROOKS: Do we have everyone?

8 Okay. All right. At this point is everyone  
9 who things they're supposed to be around the  
10 table around the table?

11 Okay. So, we want to jump in  
12 here. So first, let me just welcome everyone  
13 to the shark working group. This is actually  
14 a little bit smaller than we thought it would  
15 be, which is great because it gives us a  
16 chance to have a more focused conversation.  
17 So, I think we have about two-and-a-half,  
18 three hours to chew on these topics and I  
19 think given the size we should be able to have  
20 a pretty good conversation.

21 As was mentioned earlier, this is  
22 an expanded working group. There are the

1 panel members, but we also have fishermen who  
2 have been invited in by HMS to take advantage  
3 of this opportunity to really make sure that  
4 we've got all the different geographies  
5 represented and fisheries and perspectives  
6 and, you know, really have a good cross-  
7 conversation.

8 So at this point I think the first  
9 thing to do would be to just pause and let's  
10 go around the room, introduce ourselves so  
11 everyone knows who's here.

12 Margo, you want to start?

13 MS. SCHULZE-HAUGEN: Sure, Margo  
14 Schulze-Haugen. I'm the division chief for  
15 HMS and so we're the group that would make  
16 these changes in the regulations depending on  
17 some of the discussion. I've met a lot of you  
18 over the years, but not all, so I look forward  
19 to an introduction when we have time.

20 MS. BREWSTER-GEISZ: Carol  
21 Brewster-Geisz. I'm the branch chief for the  
22 team that does most of the shark work and

1       apparently I'm good at putting people to  
2       sleep.

3                   MS. WILSON:   I'm Jackie Wilson.   I  
4       am part of Carol's fish team and I look  
5       forward to talking with you all.

6                   MR. GREGORY:   Randy Gregory, North  
7       Carolina Division of Marine Fisheries.

8                   MR. AUGUSTINE:   Pat Augustine,  
9       troublemaker from New York and the Mid-  
10      Atlantic Council.

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

14                   DR. HUETER:   Yes, Bob Hueter, Mote  
15      Marine Laboratory.   And it was only because it  
16      was right after lunch, Carol.

17                   MS. CAMHI:   Merry Camhi with the  
18      Wildlife Conservation Society, but I'm here as  
19      a proxy for Sonja Fordham who's head of the  
20      Shark Advocates International.

21                   MR. VATHE:   Scott Vathe.   I'm a  
22      commercial shark fisherman from the Florida

1 Keys.

2 MR. BOHAM: Pete Boham, commercial  
3 shark fisherman, Key Largo, Florida.

4 MR. COOPER: Pete Cooper, HMS  
5 Division.

6 MR. TWINAME: Mark Twiname, shark  
7 fisherman from Madeira Beach, Florida.

8 MR. HEMILRIGHT: Dewey Hemilright,  
9 commercial fisherman, North Carolina.

10 MR. HUDSON: Rusty Hudson,  
11 Directed Shark Fisheries.

12 MR. KNAPP: Robert Knapp, shark  
13 fisherman, Cape Canaveral.

14 MR. BRUCE STILLER: Bruce Stiller  
15 representing the gill net fishery of the east  
16 coast of Florida.

17 MR. McKEON: Sean McKeon, North  
18 Carolina Fisheries Association.

19 MR. LOTT: Charlie Lott,  
20 commercial fisherman from North Carolina.

21 MR. SAPP: Ed Sapp from Florida  
22 and the Gulf of Mexico Fishery Management

1 Council.

2 MR. DAVID STILLER: David Stiller,  
3 commercial shark fisherman, Alabama.

4 MR. RAUTUREAU: Kip Rautureau,  
5 shark fisherman from Louisiana.

6 MR. WEBER: Rick Weber, South  
7 Jersey Marina and Tournaments.

8 MR. DAVICK: Guy Davick, HMS,  
9 Silver Spring.

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

12 MR. SAMPSON: Mark Sampson, Ocean  
13 City, Maryland; charter boat captain, Ocean  
14 City Shark Tournament; recreational.

15 MR. DURKEE: Steve Durkee, HMS HQ.

16 MR. VALLERO: Eno Valero,  
17 Caribbean Council.

18 MS. HOGAN: Hi, I'm Leeann Hogan  
19 from HMS headquarters.

20 MR. BLANKENSHIP: Randy  
21 Blankenship, HMS St. Petersburg, Florida.

22 MR. LINGO: Mark Lingo, Texas

1 Parks and Wildlife.

2 MR. BROOKS: And Bennett Brooks  
3 with Concurrent. I've just been asked to  
4 remind everyone, as we have this conversation  
5 for the next couple of hours, please state  
6 your name before you make your comments so  
7 that the people who are taking notes can  
8 capture that, particularly since we have a  
9 number of guests who are not normally around  
10 the table. So, if you would please remember  
11 and we'll do our best to remind you if you  
12 don't.

13 MR. BROOKS: Okay. We miss  
14 anybody? Good.

15 So, we want to jump into the  
16 discussion. As Carol framed it before, you  
17 know, the way we've conceived this there are  
18 a couple of different options, you know, that  
19 have been talked about and that need further  
20 discussion. One around quota structures, one  
21 around permit structures, another around catch  
22 shares. Maybe there's a fourth topic that we

1 haven't framed out that obviously should be  
2 put on the table, if there is.

3           And our intention today is really  
4 to attempt to think as a group if we were  
5 going to pursue a quota structure, what would  
6 be the vision for doing that? What would be  
7 a structure that would make the most sense for  
8 the fishery? What would be the pros and the  
9 cons? What else would need to be in place?  
10 What information needs are there?

11           So, rather than sort of trying to  
12 figure out right from the start which of these  
13 do we want to go and have each person speaking  
14 for an approach that they think makes sense or  
15 the vision, try to see how we could go with  
16 each of these and create an approach that  
17 pushes forward at a vision that makes sense  
18 for the fishery. So, our intent is to work  
19 together.

20           If at the end of the day one of  
21 these seems to really be rising to the surface  
22 as making the most sense, as being consistent

1 and coherent and helping to put a vision in  
2 place, great. Let's call that. Let's try to  
3 bring that forward. But at a minimum let's  
4 try to flesh out these approaches. Think  
5 about them, understand them and figure out  
6 what makes sense, what would need to be  
7 changed, how you might want to think about it.

8 So, that's our game plan for the  
9 day. And our thinking is to sort of take them  
10 one by one, spend a little time thinking about  
11 quotas, spend a little time thinking about  
12 permit structures, spend a little time  
13 thinking about catch shares. At the end of  
14 the afternoon we'll break out into a couple of  
15 small groups; it may just be two or three  
16 people in each group, and attempt to do a  
17 quick synthesis of what were the main ideas  
18 and themes that emerged in our discussion.  
19 And then we will report back out tomorrow  
20 morning. Our assumption is that we will  
21 probably want to reconvene in the morning just  
22 so we can hear the synthesis that each small

1 group came up with, make sure that actually  
2 puts forward the vision that we talked about  
3 here today. So, just big picture that's the  
4 game plan.

5 Before we jump into it and before  
6 I go to the cards, I do know that Mary has to  
7 leave early. And so she's asked for an -- in  
8 just a couple of minutes. She's asked for an  
9 opportunity just to share some of her thoughts  
10 on this before she heads out the door, so at  
11 least we all have the benefit of her thinking.

12 Process questions, Lisa?

13 MS. GREGG: (Off microphone.)

14 MR. BROOKS: Please.

15 MS. GREGG: So, if I'm  
16 understanding this correctly, we don't need to  
17 worry about establishing ACLs or any of those  
18 kind of things because those things have  
19 already been established, we're within  
20 Magnuson Act requirements for all fisheries.  
21 Is that correct? That's not the goal here.  
22 The goal here is to create -- it's an economic

1 goal. It's to make a better fishery for the  
2 fishermen? Is that what we're looking at?

3 MS. BREWSTER-GEISZ: So, yes,  
4 ACLs, all of that are in place. We don't have  
5 to worry about that. That's not what we're  
6 here to discuss.

7 Economic goal is certainly one of  
8 the goals. I went through some of the goals  
9 that were listed at the last AP meeting for  
10 the fishery goals. And we can add more or  
11 take away, but the goal is to really where we  
12 want the fishery to go. Do we want to focus  
13 on those economic goals? Do we want to focus  
14 on biological goals? All of that.

15 PARTICIPANT: I would just add a  
16 little bit though. You know, certainly to the  
17 extent that we're envisioning or potentially  
18 thinking about fishery structure changes that  
19 could affect some of those issues, we would  
20 need to be consistent, remain consistent.  
21 There may be some options, but we can't  
22 suddenly not have ACLs.

1 PARTICIPANT: Think about it in  
2 terms of how do we make this a viable fishery?  
3 I think that's our task today.

4 MR. BROOKS: Mary, I know you want  
5 to comment. Apparently there's a burning  
6 comment in the corner. Yes, quick, Charlie?

7 MR. LOCK: Yes, Charlie Lock. I  
8 want to pose a question. You say there's  
9 possibly four things we need to look at, but  
10 before this even goes any further, I want to  
11 ask HMS what's their vision for the commercial  
12 shark fishery. Because Tuesday when I was  
13 making my arrangements to be up here, seven  
14 people stood up in front of the U.N. calling  
15 for all shark fish internationally to be  
16 stopped, and they were backed by Pew  
17 evidently, you know, the environmental group  
18 or whatever. But you know, the lady on CBS  
19 Good Morning America that morning said these  
20 fishermen are catching these sharks, cutting  
21 their fins off, throwing them overboard to die  
22 an agonizing death. You know, that's what the

1 public perceives. And I was questioning where  
2 was HMS? Where was NOAA? Where was the  
3 rebuttal saying for three years our fishermen  
4 have suffered because of rules and regulations  
5 that we've lived by, landing our sharks fins  
6 on, dealing with them at the dock in 90 degree  
7 heat, you know? And I want to ask what your  
8 vision is. I mean, I posed this to Guy when  
9 I got here this morning. You know, we can go  
10 through all these formalities, but where's the  
11 vision from HMS? That's my question, before  
12 we even go any further.

13 MR. BROOKS: Okay. Thanks,  
14 Charlie. And what I'd like to do is toss that  
15 to HMS folks. I think Carol I think in  
16 presenting was talking about part of their  
17 vision is to really understand what your  
18 vision is and where you want to go. And I  
19 think that's a big part of what we're going to  
20 try to accomplish here today.

21 But before I ask Margo or Carol to  
22 weigh in, I really do want to give Ellen a

1 chance to comment, because she head out the  
2 door, and I don't want to lose the chance to  
3 share her thoughts and -- I'm sorry, Mary. My  
4 apologies.

5 MS. CAMHI: Well, thank you very  
6 much for this time to do this, and I'm sorry  
7 that I'm going to have to book out of here.  
8 I have an event that I have to do for my own  
9 job this evening and unfortunately I'm really  
10 upset that I can't hear the perspective of the  
11 fishery because I think for me this would be  
12 a really valuable learning process. So, I  
13 really apologize ahead of time.

14 And thank you for your informative  
15 presentation, Carol. I didn't find it boring  
16 at all, so I don't know what Pat was saying.

17 Anyway, for me it's fun to be back  
18 here after all of these years and to see a lot  
19 of familiar faces. And I think we've made a  
20 lot of progress, but I have to say also that  
21 I find some of the things that were raised  
22 today a little bit disconcerting, and I'm just

1 going to raise a few points.

2 A lot of this actually comes  
3 Sonja, who also was very sorry that she could  
4 not be here. She's at the NAFO meeting today,  
5 so she asked me share some of her thoughts  
6 with all of you. And I apologize that I have  
7 to go through this laundry list, but I do have  
8 to leave. So, I will raise a lot of  
9 questions. I may not even be here actually to  
10 hear the answers unfortunately, but I hope  
11 this will at least stimulate some more  
12 conversation for the rest of the afternoon.

13 I think that one of our  
14 overarching concerns here; and maybe this is  
15 just because of a time limit, but is the shift  
16 -- what we're seeing is a shift away from the  
17 discussion of conservation issues. I  
18 understand the importance of addressing  
19 allocation and what we want this vision of the  
20 fishery to be, but there is nothing in here  
21 that I could see today; and Sonja I think  
22 feels the same, about some of the important

1 conservation questions that have been raised  
2 over the last couple of AP meetings. And so,  
3 I'm just going to go through some of those  
4 issues now.

5 Many of the questions and options  
6 that you actually raised, especially when we  
7 talked a little bit about going back to the  
8 complexes, seems to be a step backwards, and  
9 I'm not really understanding where that's  
10 coming from. We have been pushing, since I've  
11 been involved in shark conservation work,  
12 towards species-specific management, not only  
13 for sharks, but lots of other species. We're  
14 beginning to collate data. We have --

15 (End of Tape 15)

16 TAPE 16

17 MS. CAMYI: (In progress.) --  
18 species conservation. We are very concerned  
19 about what's happening with hammerheads. We  
20 do have some current, more recent population  
21 assessments from the last two years or so that  
22 indicate that hammerheads as a group have

1 declined by about 72 percent and scalloped  
2 hammerheads also by 83 percent. We know that  
3 IUCN has deemed these to be endangered. They  
4 have threatened species status. And the U.S.  
5 even took these species to (inaudible) these  
6 past year and although we didn't get any  
7 species listings, it raises the question we if  
8 can call for this stuff in an international  
9 convention, what are we doing here  
10 domestically for these animals? And so,  
11 that's one of the questions that I'd like to  
12 put to you and urge HMS to take some of this  
13 stuff on. I know that you're going to be  
14 evaluating those assessments, so I want to  
15 understand where we are in that process.

16 And as you point out yourselves,  
17 going through an amendment process is a very  
18 lengthy engagement. We're talking maybe two  
19 years. We know these animals are really in  
20 trouble. Why are we not speaking at this  
21 meeting about what we need to be doing on  
22 behalf of hammerheads? Why aren't we starting

1 that process right today?

2 We would like to see hammerheads  
3 made a prohibited species. We understand that  
4 there are problems with this because of  
5 mortality on the line, etcetera, in terms of  
6 how we would implement it. But shy of that,  
7 let's move towards species-specific catch  
8 quotas. And if you can't do it a species-  
9 specific and you have to do it at a complex  
10 level, then our suggestion is at least let's  
11 do it on the basis of the species that's in  
12 most trouble, that has the worst status,  
13 conservation status.

14 We're also concerned about some of  
15 the lack of progress on makos. Even within  
16 ICCAT we've been talking for the last four or  
17 five years about the need to end overfishing.  
18 I think that's the current status. In the  
19 U.S. it's overfished -- overfishing is  
20 occurring, not overfished. Okay. So, and  
21 I've been out of the loop on this stuff for a  
22 little while, so if you bear with me. But

1 strongly urge the U.S. to take a lead on makos  
2 at ICCAT this year. That would be something  
3 we'd really like to see, HMS make makos a  
4 priority and to go to ICCAT with a proposal.  
5 I'm not clear on all the details of what was  
6 proposed last year, but I think Sonja had  
7 suggested at least go back with that proposal  
8 again and really push hard for its success.  
9 And in order to make it a successful proposal  
10 the sense is that we need a really good  
11 strategy. And Sonja would argue that one of  
12 the ways to really move that, this proposal  
13 forward and gain some traction at ICCAT would  
14 be to do some leg work ahead of time by  
15 engaging for example some of the EU community  
16 members to support these efforts. And I think  
17 that's something where Sonja actually would  
18 offer her support and her expertise being  
19 currently based in the EU.

20 I know we as a country, the U.S.  
21 accounts for a relatively small proportion of  
22 the overall Atlantic mako catch, but we have

1 an obligation under Magnuson certainly to end  
2 overfishing. And in amendment 3 we made a  
3 commitment to address this issue. And I know  
4 a number of options were discussed over the  
5 last number of years, last couple of HMS  
6 meetings, actually over many years, including  
7 minimum sizes, a species-specific quota. And  
8 so the question we have for you is, you know,  
9 where are we in terms of those discussions?  
10 Are we getting close to doing a species-  
11 specific quota here?

12 I know also that in the last I  
13 think HMS meeting; I think it was the last  
14 one, rather than going forward with the quota  
15 recommendations, HMS decided that you would do  
16 public outreach to try to encourage the public  
17 and fishing communities to reduce mortality,  
18 to encourage live release, but my  
19 understanding is that there's a mixed message  
20 here. I know that the live release approach  
21 and outreach was discussed here, but the sense  
22 is that out in the community where HMS is

1 working in some of these fishing communities  
2 a mixed message is being sent. That is, a  
3 great opportunity to do outreach for mako live  
4 release would be at shark tournaments. And in  
5 a lot of cases there has been some indication  
6 that rather than encouraging live release,  
7 there is an interest in actually maintaining  
8 those kill tournaments for access to more mako  
9 data.

10 While I have no problem; I am a  
11 big supporter of data collection where it's  
12 needed, I also think that that becomes a very  
13 confusing message to the public. Are we  
14 trying to promote the conservation of makos  
15 and do these things need reduced mortality, or  
16 is NMFS supporting the perpetuation of some of  
17 this kill? So, we'd just like to see if  
18 there's a way that we can sort of get our  
19 message, and if we can't, at least get some  
20 kind of a quota in place. And the question we  
21 have is what are you actually doing to promote  
22 that change of perception about mako status

1 and the need for live release?

2 Another issue I'd like to raise is  
3 the prohibited species. As a follow up to  
4 this morning's discussion where we were  
5 talking about shark bycatch in the squid trawl  
6 fishery, I'm curious if you guys have gone  
7 through an effort to look at shark bycatch  
8 across all the HMS fisheries that you had  
9 listed in one of the slides this morning. Has  
10 that data been collated any place that we have  
11 an idea of where we have the biggest problems  
12 with the catch and possible discards of  
13 prohibited species? And if so, I'd love to  
14 see that information brought together.

15 We're very happy to see you guys  
16 follow up on the prohibited species -- on the  
17 fishery, the land-based recreational fishery  
18 that's taking place in Delaware Bay for sand  
19 tiger sharks. I think that is something  
20 that's -- while it may be a very small number  
21 of animals that are being harassed there,  
22 again it's a legal fishery and that they are

1 taking these prohibited species. So, thank  
2 you for your efforts in doing that. I know,  
3 Margo, you mentioned that you're looking for  
4 action out of ASMSC in the Fall, in their next  
5 meeting. And so, my one question is if they  
6 can't take action, if they don't do anything,  
7 does HMS have any ability to work to readdress  
8 that problem?

9           And again it's one small fishery,  
10 but we have concerns in general about the take  
11 of some of these prohibited species, how well  
12 it's documented and the need for more  
13 outreach. For example, in New York waters  
14 we're seeing numbers of -- I have photographs  
15 of sand tiger sharks on the docks. There was  
16 even a news report about a sand tiger taken by  
17 an angler in Long Island Sound this summer.  
18 And the expert failed to even say that this  
19 was a prohibited species, that they should not  
20 have landed this shark. And so, we need  
21 obviously more education and more outreach to  
22 make sure that --

1 PARTICIPANT: (Off microphone.)

2 MS. CAMYI: Okay. And thank you  
3 for these kinds of things. I think it's  
4 really helpful.

5 And actually I think that's pretty  
6 much the end of my comments. I think the most  
7 important thing is that we want conservation  
8 a part of these conversations on a regular  
9 basis. We would like to see more movement on  
10 some of the things that were raised in the  
11 past and not just have them put in the back  
12 burner as we move forward on questions like  
13 fishery allocation and what the vision of the  
14 fishery is. I think these are very important  
15 questions and conservation needs to be part of  
16 all those conversations, for sure about  
17 allocation. And that's it. Thank you very  
18 much for my time, and I'm sorry that I have to  
19 go in five minutes.

20 MR. BROOKS: Thank you. And if  
21 you could change your name to Ellen by the  
22 next meeting, I'd really appreciate it.

1 Thanks.

2 MR. McKEON: Yes, Sean McKeon,  
3 North Carolina Fisheries Association.

4 In all due respect, I find that a  
5 little bit offensive, and I'll tell you why I  
6 find it offensive. I understand trying to  
7 accommodate somebody who has to leave and who  
8 has to do -- those comments are not germane at  
9 all to what we're talking about. They could  
10 have been delivered in a written form. If  
11 someone has to leave, an advocacy group  
12 person, a representative, they should hand  
13 this in and not waste time that we have to  
14 talk about some very serious issues. So, I  
15 want to be on the record and say I find that  
16 very, very offensive.

17 MR. BROOKS: Understood. Thank  
18 you.

19 PARTICIPANT: (Off microphone.)

20 MR. BROOKS: You know what, I  
21 don't want to get into a discussion about it  
22 right now. I think we have a lot to cover.

1                   Before we jump into it, one thing  
2           I want to note just for the benefit of the  
3           fishermen who have joined us at the table and  
4           were in here earlier, just how we operate.  If  
5           you want to get into the discussion, if you  
6           look at Rusty's card, you turn your card up on  
7           your side and then we keep a list up here.  
8           And so right now we've got Rusty in the queue  
9           and I think Pat's in the queue.  And that's  
10          how we'll keep the conversation going.  
11          Obviously the intent of this group, though the  
12          issues can be sharp-edged, it's for us all to  
13          work together.  And so, we ask everyone to  
14          keep their conversations and their comments  
15          civil and productive.  That doesn't mean we  
16          don't have disagreements, but we got to work  
17          with each other in a way that helps us try to  
18          get as much clarity as we can.  So, that's  
19          what we'd ask of you.

20                   And, Margo?

21                   MS. SCHULZE-HAUGEN:  Maybe before  
22          -- just to respond to Charlie's comment about

1 kind of what's our vision? And I guess from  
2 my perspective; I have done shark work for a  
3 long time and we've tried over the years any  
4 number of different types of approaches,  
5 regions, seasons, ridgeback, non-ridgeback,  
6 trying to delay openings, January 1st all the  
7 time. And so, there's always been a constant  
8 I think tension between what we have been  
9 trying to do at a -- for the fishery either as  
10 a whole or as in a large region, you know, the  
11 Gulf, and have everyone operating under  
12 similar rules or the same rules. And I think  
13 what we continuously hear in individual  
14 conversations, either in meetings or in phone  
15 calls, is that a lot of those things that have  
16 been established for the fishery don't  
17 necessarily work for an individual. Some  
18 people would rather start fishing around  
19 another fishing season. Some people really  
20 want to start around a particular holiday or  
21 event.

22 And so, while we've got, you know,

1 the science that has to be followed; I mean,  
2 that's our starting point, is the best  
3 available information, it seems that there may  
4 be different ways of having the management  
5 structured so that some of those individual  
6 needs and desires can be accommodated. And  
7 that's a pretty different view from now we've  
8 established the regulations now where it's,  
9 you know, everyone follows the same rules in  
10 a region or sometimes even fishery-wide.

11 And so, trying to learn from you  
12 all that are in the fishery, you know, what  
13 those needs are, how things could be  
14 structured differently so that it is more  
15 viable, so that your needs, your market prices  
16 are the best that they can be. We still have  
17 to meet our conservation goals, have to follow  
18 the science. All of those things still apply,  
19 but that there may be different ways that we  
20 can structure things so that it's a more  
21 viable fishery.

22 And so that's kind of my goal is

1 that the fishermen are fishing and, you know,  
2 they're doing okay and the science is being  
3 met and the stocks are rebuilding, you know,  
4 that we're all getting what we need from it.

5 MR. LOCK: My concern is just with  
6 so much pressure from the environmental  
7 community against sharks; it's like the new  
8 pet, you know, the shark, and how does the HMS  
9 view the fishermen and the fishery in a whole,  
10 I mean, when you have so much negative press?  
11 You know, the U.S. fishermen are regulated to  
12 death. We set the standard, like she's trying  
13 to say, we're supposed to bend over backwards  
14 so that ICCAT or whoever forces these other  
15 nations to do it, but it's all at our back and  
16 all at our expense.

17 So, as an agency, the ones that's  
18 regulating, you're asking us to be here in a  
19 group. You know, I'm asking are you going to  
20 support us and when people come out like that  
21 and say, hey, these fishermen are discarding  
22 these sharks and they're dying an agonizing

1 death to cut the fins off, are you going to  
2 stand up and say, hey, no, we have rules in  
3 place. You know, they're suffering because of  
4 the rules. It makes our job three times  
5 harder. Anybody here will tell you that, the  
6 way we have to land these.

7 So, I'm asking is it a true vision  
8 of a healthy fishery in the future, and is it  
9 something that you're going to be proud of?  
10 You know, are you going to say, hey, our  
11 fishermen are -- we're setting the standard  
12 for the rest of the world? Because I'm not  
13 seeing that. I was waiting for somebody to  
14 come out Tuesday and say, hey, wait a minute,  
15 you know, this is biased opinion coming out.  
16 You know, that was my question. I just want  
17 to know if you're going to support us or are  
18 we wasting our time? You know, that's --  
19 truly.

20 MS. SCHULZE-HAUGEN: To that  
21 specifically, I mean, I can't control what  
22 people say and I can't every place that

1 somebody's saying something negative.

2 To the extent that our vision is  
3 fishery, that includes fishermen. That means  
4 fishermen fishing. That is a fishery. And  
5 so, you know, we've got a lot of things that  
6 we've got to do, a lot of laws we've got to  
7 follow, but that in the end means fishermen  
8 fishing, fishing on the water.

9 To the extent that, you know, in  
10 terms of supporting, you know,  
11 internationally, we do that all the time. It  
12 may not always be that visible, it may not be  
13 in the meetings that everyone is attending.  
14 They're international. They're in other  
15 countries. But we tout what we do. We talk  
16 about how, you know, our guys are fins  
17 attached and that's our policy here because of  
18 the needs and we are trying to get other  
19 countries to do that. And every time I turn  
20 around, you know, we're talking about that and  
21 we are holding it up. I mean, Sherry can  
22 speak to that in the international arenas.

1           So, to that extent, yes, we are  
2 holding you up as a great example of how it  
3 can be done. Other countries are like, oh,  
4 you can't possibly do that. Well, actually I  
5 say, yes, I can and we'll show you how. So,  
6 does that mean it's always easy? No. Does it  
7 mean we always succeed or that it maybe  
8 doesn't take time?

9           You know, we've been talking  
10 sharks at ICCAT for years and we're one of the  
11 main proponents. There was a U.S. proposal to  
12 get a five percent rule in 2004. We are  
13 taking shark proposals. I mean, we're doing  
14 what we think we can. And so we're trying.  
15 It's not going to happen every year and these  
16 are complicated negotiations. I don't know if  
17 that answers your question, but --

18           MR. BROOKS: Thanks, Margo.

19           So at this point let's try to jump  
20 in. Again, our proposal would be to start  
21 thinking about quota structures and start  
22 having some discussion around what does your

1 vision of the fishery look like if it were  
2 quota structures? What would make it  
3 feasible, practical, lasting vision for you?  
4 What do you see as the up sides, the down  
5 sides? Start to flesh this out.

6 Rusty, you've been waiting  
7 patiently and then over to Lisa.

8 MR. HUDSON: Rusty Hudson,  
9 Directed Shark.

10 Earlier in the beginning of this  
11 discussions you said what else needs to be up  
12 there? That's what I wanted to hand you. We  
13 need to know the state of the science via  
14 assessments on the species that are involved  
15 and quotas on catch shares, all of that. We  
16 don't see that list. We need to know the  
17 status; unknown, overfished, overfishing  
18 occurring, etcetera.

19 Also, just like Pat and Caroline  
20 brought up, we need the data; the landings,  
21 the boats. We need to know by the states, the  
22 seasons. We probably need at least five years

1 of back data as far as being able to examine  
2 it year by year by year, because if we're  
3 going to pursue any of these objectives, we  
4 need to look back in order to look ahead. And  
5 I think the discussion when we get into quotas  
6 and stuff is going to be a little tough  
7 without knowing where we're going to go.

8 Right now I'm involved as you know  
9 with the sandbar, dusky and blacknose  
10 assessment. In 2012 we tentatively have  
11 another assessment for other shark species  
12 that is going to be potentially on the books.  
13 John Carmichael (phonetic) had a seat, or we  
14 could actually be doing stock assessments each  
15 year for sharks we have some many species,  
16 particularly unknown status as applied to  
17 either the prohibited species of which none  
18 ever got assessed before it got expanded by 14  
19 additional sharks to the original five that we  
20 supported in '97. By '99 we had 14 extra  
21 ones. You've only assessed one, the dusky  
22 since that time.

1                   We need to be able to appoint it  
2                   our vision of what species might be important  
3                   to us commercially, what species have been  
4                   important to us commercially and by gear type.  
5                   I mean, when you start talking sectors you're  
6                   going to be talking areas and other types of  
7                   events. We're missing a lot of data that that  
8                   wasn't really in this PowerPoint, 33 pages,  
9                   but it probably would have only took an extra  
10                  three or four pages or slides in order to have  
11                  been able to have something to make this  
12                  dialogue today a lot more fruitful. That was  
13                  what I was thinking was a fourth  
14                  recommendation let's say up there.

15                  PARTICIPANT: We do have a lot of  
16                  that information in the back up on the -- in  
17                  the posters.

18                  MS. GREGG: With regards to quota  
19                  structure changes, I think it goes back to,  
20                  you know, in many respects what Rusty said  
21                  about the science. But I think we need to  
22                  decide whether or not we want to start looking

1 at individual species management rather that  
2 structure, you know, complex management,  
3 because I think that will greatly affect how  
4 we're going to -- you know, how we will look  
5 at quotas. So, I think that that may very  
6 well be probably the initial question that  
7 should be asked, you know, from everyone,  
8 whether things should be done on an individual  
9 species basis or complex.

10 PARTICIPANT: (Off microphone.)

11 MS. GREGG: Individual species  
12 basis. I mean, it's daunting. There's a lot  
13 of shark species, but it's no more than the  
14 snapper/grouper complex or anything else that  
15 we do in other areas of fisheries management.  
16 I don't see as how it's any different.

17 MR. HEMILRIGHT: Yes, from the  
18 looks at the quota changes there; I'll go back  
19 to a comment I made earlier about the  
20 Louisiana state water fisheries, until we know  
21 who's catching all the fish, the areas they're  
22 catching the fish by the states, it's kind of

1 hard to go with quota changes, you know,  
2 looking at quota seasons and stuff like that  
3 without knowing who's actually catching the  
4 fish. And I think you all have a lot on your  
5 plate, so before we can go to species-specific  
6 assessments and stuff, you know, I see a hard  
7 time of you all even handling what you got  
8 now. So, I would hate to put any more on your  
9 plate in fear of less people fishing.

10 But you've went through a few  
11 years where you've had specie identification  
12 filing with the dealers, you know? We've had  
13 years of unclassifieds in the State of  
14 Virginia, millions of pounds. Now everybody  
15 supposedly, you know, knows what they're  
16 catching. You've had the fisherman, he's all  
17 professional, you know, supposed to know what  
18 he's catching. But if we don't know what the  
19 states are catching and the different things,  
20 how can we continue on? And I would have like  
21 to have seen, you know, what each state's  
22 catching, you know? Why are we at 80 percent

1 of the quota? For instance, if the blacknose  
2 quota, if the blacknose is a choker species  
3 for the small coastal and say that was to shut  
4 down at 150 percent, at 150 metric tons left,  
5 does that get transferred to next year's  
6 quota, you know? There's a lot of unknowns  
7 here. We're almost putting the horse in front  
8 of the cart on some of this stuff.

9 But one thing is addressing, you  
10 know, state water fisheries and how they're  
11 going to go over quotas, because if you got  
12 more state water fisheries growing, then  
13 that's going to come off the federal quota.  
14 So, when will that get answered about  
15 Louisiana or when will that get looked into,  
16 because obviously you have the data from the  
17 state landings. And so, there's a problem  
18 there with half that quota being caught up by  
19 state water fishery that are not permitted to  
20 fish in federal waters. That could last a  
21 season longer for federal permitted fishermen  
22 in them areas in the Gulf of Mexico.

1 MS. BRUSTERGEIS: Thanks, Dewey.

2 I think a lot of the questions you ask are  
3 good, and I think that comes into play as to  
4 I think it was -- was it Bob's comment earlier  
5 about why it would take five years to  
6 implement catch shares if we were to do it.

7 I think it would take a long time to implement  
8 whatever we do, whether it's catch shares or  
9 even quota structures changes because we need  
10 to go through a lot of that data and figure  
11 out and determine what species are being  
12 caught where, I think you are correct, when we  
13 get into the details.

14 Right now I'm really looking at  
15 asking you, well, we don't have that data, but  
16 how do you want the quota to be allocated? Do  
17 you want us to allocate parts of the quota to  
18 certain states? Do you want us to keep  
19 working on individual species quotas? Do you  
20 like the quota structure as it is now? Not  
21 getting into the details of, well, we want  
22 Louisiana to have this much quota, but just do

1 we want Louisiana to have a certain percentage  
2 of whatever the total allowable catch is?

3 PARTICIPANT: (Off microphone),  
4 Dewey, that all the data were here and, you  
5 know, this team could make your vision come to  
6 life, I think that's the -- well, let me -- I  
7 went too far on that one. But I think the  
8 conversation that we are trying to have, which  
9 Carol just said, is, you know, if the  
10 information is there to support the quota  
11 structure, if that's where HMS put its  
12 efforts, what would you want that to look  
13 like? And that's the input that I think will  
14 be real helpful, and we really want to hear  
15 from you all what would make sense there, and  
16 then figure out how to get there.

17 MR. HEMILRIGHT: One follow up  
18 thing for this particular thing. How about  
19 more quota? How about more quota? In the  
20 Gulf of Mexico I think blacktips are fine as  
21 far as a species. Why not more quota? We  
22 can't even fish off North Carolina because the

1 damn sandbars are so thick, you know? So, I  
2 can't go out there and kill a few sandbars to  
3 go try to catch my 33. When you all  
4 implemented a 33 shark regimen, you brought  
5 out a lot of new fishers into it that were  
6 able to be small boat fishermen. I can't  
7 operate on 33 sharks. So more quota.

8 MR. BROOKS: Bob, you were next in  
9 the queue.

10 DR. HUETER: Bob Hueter, Mote  
11 Marine Lab.

12 I'd like to take a realistic  
13 approach to where we are now 17 years after  
14 federal management was begun, because when we  
15 started in 1993 we had a list of species under  
16 management that was divided up into LCS, SCS,  
17 pelagics and then prohibited. And what's  
18 happened in the 17 years is the prohibited  
19 list has gotten bigger and bigger, bigger and  
20 bigger and the LCS list has been diminished.  
21 And it seems like we're kind of dancing around  
22 the reality of what's happening here, which is

1 that there's really only a couple, a few  
2 species that we really have good information  
3 are sustainable stock at this point because of  
4 their biology, because of the fishery that we  
5 built around this. So, why continue to nip  
6 away, to eat away at the edges of some of the  
7 other species that may end up on the  
8 prohibited species list anyway? Let's focus  
9 the fishery on those sharks that we know can  
10 sustain a viable fishery that's economically  
11 beneficial?

12 So, what I'd throw out as sort of  
13 a proposal that instead of having the current  
14 structure that we just focus and guide the  
15 fishery for LCS to the blacktip, and maybe put  
16 the spinner in that group as well, allow  
17 fishing for blacktip, spinner and bull sharks  
18 with -- I have a question mark about silky.  
19 Keep the sandbar shark as a research fishery  
20 and get the rest of the species off the table  
21 for now for a variety of reasons.

22 In the pelagic fishery we direct

1 our fishery to fish on makos and threshers and  
2 turn the porbeagle into a research fishery  
3 like the sandbar has been done. Get the  
4 others off the table. And in the small  
5 coastal sharpnose and bonnetheads only until  
6 we know more about the blacknose.

7 Let's stop doing this sort of, you  
8 know, do we do this as a big complex? Do we  
9 do 20 different quotas? Let's work with the  
10 fishermen to figure out which of these species  
11 really works. I know it's a mixed-species  
12 fishery, but come on, you know, I know enough  
13 about the fishery to know that you guys can  
14 really target certain species and we'll deal  
15 with the bycatch in various ways. But let's  
16 focus on the species that really make this a  
17 viable fishery that we have the data to prove  
18 are in decent shape from a biological  
19 standpoint.

20 PARTICIPANT: (Off microphone.)

21 MR. BROOKS: Small coastal  
22 sharpnose and bonnethead. I mean, I

1 personally don't think blacknose are in that  
2 bad a condition, but while it's questioned we  
3 know that sharpnose and bonnetheads are doing  
4 fine. We know that blacktips are doing fine.  
5 We think that bulls are doing fine. The rest  
6 of these all have problems in the LCS list.  
7 Hammerheads. Lemons have already been  
8 prohibited in Florida. Nobody wants nurses.  
9 Sandbars is a research fishery. Tigers,  
10 there's really serious questions about its  
11 status. Keep that out. And the other one  
12 that's here that I said, you know, is sort of  
13 up for grabs is silky, but I don't know if  
14 anybody cares about silkies. People care  
15 about blacktips, bulls, sandbars and then the  
16 two LCS and then makos and threshers. And  
17 just take the rest of these out of the picture  
18 for now. Just, I don't know whether we call  
19 them prohibited or whether we just guide the  
20 fishery to focus on these key species and stop  
21 doing this.

22 You know, we would never do tunas

1       like this. We would never have a single quota  
2       for all the tunas. You know, those guys are  
3       downstairs talking about bluefin right now.  
4       What a luxury that is to be able to talk about  
5       one species. Let's be realistic. This is  
6       where is the fishery is and let's have a  
7       vision to take it there so that we can manage  
8       this thing properly and deal with sustainable  
9       stocks.

10                   PARTICIPANT: One of my questions  
11       was to repeat the small coastal, so thank you,  
12       Bennett. But I also want to point out it  
13       sounds very similar to the South Atlantic  
14       snapper/grouper fishery, I think, where they  
15       have quotas for a couple specific species;  
16       vermillion, gag, and then the other species  
17       are all in sort of a complex where they have  
18       trip limits. No.

19                   PARTICIPANT: Actually right now  
20       what we've had to do is come up with an  
21       unassessed stocks rule to apply to those  
22       species where we cannot do a stock assessment

1 and all we have is landings data. So, the SSC  
2 actually has to provide guidance as to how  
3 those catch levels are set for OFLs and ABCs  
4 based on catch data only. We've spent two or  
5 three meetings going around the table on that  
6 discussion.

7 So, that was one of the things  
8 that I was going to say is that we've  
9 discussed those things of looking at  
10 complexes, but you get into issues of  
11 indicator species, which ones do you use, what  
12 one is the best one? Again, socioeconomics  
13 will lead to one cluster, biology leads to  
14 another cluster. Then you get into the  
15 debates about which one is the most  
16 appropriate cluster.

17 But as far as what we're dealing  
18 with right now is wrestling with what's  
19 ecosystem component? What can you pull out  
20 that's part of the ecosystem? You know,  
21 things that are basically one fish that shows  
22 up in the catch landings every so often. But

1 right now, no, every species that is  
2 identified under the FMP has to have an OFL  
3 and an ABC and an ACL associated with it.

4 MR. BRUCE STILLER: I think it's  
5 imperative that we go back or go forward to  
6 species by species. I don't want to go back  
7 like the lady was talking about there awhile  
8 ago that had to leave us. Okay. I don't want  
9 to go back.

10 I was at the meeting whenever Bob  
11 -- yes, Hueter -- the first meeting we had he  
12 mentioned about a minute ago over in Sarasota.

13 PARTICIPANT: April '93.

14 MR. BRUCE STILLER: April of '93.  
15 I was invited to that meeting as a guest  
16 speaker, and I've been in this thing a long  
17 time. The sandbars have plagued my particular  
18 fisheries ever since the LCs have been  
19 established because the sandbar has been  
20 talked about being in trouble for a long time,  
21 and finally there was something done about it.  
22 Whether they're in trouble, I'm not arguing

1       that point.  Okay.  All I'm saying is the  
2       blacktips have been the whipping boy for the  
3       sandbar for a long time.  And the stock  
4       assessment on the sandbars are -- a good  
5       question to ask is are they healthy?  I keep  
6       hearing they're healthy, they're not  
7       overfished.  Who knows that information?

8                    PARTICIPANT:  (Off microphone.)

9                    MR. BRUCE STILLER:  Okay.

10                   PARTICIPANT:  (Off microphone.)

11                   MR. BRUCE STILLER:  Okay.

12                   PARTICIPANT:  (Off microphone.)

13                   MR. BRUCE STILLER:  Okay.  All  
14       right.  So, there's something going on right  
15       now to measure them, right?

16                   PARTICIPANT:  Yes.

17                   MR. BRUCE STILLER:  Okay.  All  
18       right.  So we'll know real soon whether  
19       they're healthy, but everybody's in pretty  
20       much an understanding between all of us that  
21       the blacktips are probably the most healthy  
22       shark on the list that's being reproduced or

1 produced as a human consumption.

2 I feel like it needs to be species  
3 by species and I'm concerned about how you  
4 reached a quota by eliminating a sandbar and  
5 only coming up with a small amount of quota  
6 whenever the blacktips are considered to be  
7 healthy. That's one of my main questions.

8 The only way that we're going to  
9 get to a point of compromise here is that we  
10 get enough quota to satisfy everybody. That's  
11 Louisiana a piece of it, North Carolina a  
12 piece of it, Florida a piece of it and the  
13 small coastals are going to be after that. I  
14 don't know whether Bob meant to leave  
15 finetooth out of the small coastal sharks --  
16 you meant to leave that one out?

17 DR. HUETER: (Off microphone.)

18 MR. BRUCE STILLER: Okay. Well, I  
19 think that's a problem. And that's the only  
20 place that I differ with Mr. Hueter's talk  
21 there because I think everything else he had  
22 to say was great.

1                   But there is very little  
2           production of the finetooth that I see, and I  
3           have worked in an area where finetooth are for  
4           25-plus years. I've never missed a year. I  
5           have a record. I have paper trail behind me,  
6           way back behind me. I've been observed with  
7           federal observers for 20-plus years. And I'm  
8           telling you I see -- and this is strictly  
9           personal testimony that I don't believe that  
10          National Marine Fishery Service would accept  
11          at one time, but I believe we're getting to  
12          the point of understanding and taking what we  
13          have to work with. And I'm telling you from  
14          my personal testimony I'm catching large  
15          finetooth and I'm catching a lot of finetooth,  
16          and I'm not targeting. We've only been open  
17          to large coastals for the longest I have in  
18          four or five years this summer, since July the  
19          15th. And I think I was open two years last  
20          year. And for the three or four years before  
21          then I wasn't even open to catch them. But  
22          I've been targeting blacktips and I'm finding

1 and I'm seeing, and I see every year --  
2 they're sometimes in different places than  
3 others, but as a general rule of thumb there  
4 are a lot of them. Okay?

5 But I really think that we need to  
6 separate species by species, and just like Mr.  
7 Hueter said, there's enough species to make a  
8 quota on without getting deep involved and  
9 doing a lot of research on the few, the other  
10 20. The 20 will scare you off if you think  
11 about having to do all -- you need to have  
12 five up there rather than 20. Twenty would  
13 make us work together and realistically pull  
14 together to make a good quota on five species.  
15 But 20 up there scares us off. Makes me not  
16 even -- you know, makes me think, whoa, it'll  
17 be 10 years by the time they do all of that  
18 science. I'm just telling you the feelings  
19 and thoughts of a layman, a guy that spends  
20 more time in the wheel house in a boat than he  
21 does on the land. Okay? And that's my  
22 thoughts.

1                   And I really appreciate you  
2           inviting me here today in Mike Baker's  
3           (phonetic) absence. And I'm glad I came  
4           because I feel like whether we go with the  
5           catch shares -- and I've looked at the sector  
6           and these things could work, they could really  
7           work. And I would be willing to be a part of  
8           a sector. I would be willing to be part of  
9           the shares, the share, the -- whatever they're  
10          calling it -- I want to say time share --  
11          catch shares. I'm not vacation. But I really  
12          feel like that if we were really going to get  
13          as much as we caught for the two months this  
14          year, or two-and-a-half months, ever how long  
15          it lasts, say three months, and be divided and  
16          come close to that to start out a catch shares  
17          system, that would be fine, would be great.

18                   PARTICIPANT: (Off microphone.)

19                   MR. BRUCE STILLER: Okay. All  
20          right.

21                   PARTICIPANT: (Off microphone.)

22                   MR. HUDSON: Rusty Hudson,

1 Directed Shark.

2 First off, for everybody's  
3 information April 18th to the 22nd we will  
4 have a review workshop for the sandbar, dusky  
5 and blacktip. The final assessment report  
6 will be submitted to the Southeast Fishery  
7 Science Center and to this body here, the HMS,  
8 May 20th. So, I don't know when you're going  
9 to have a spring meeting scheduled, but that's  
10 the earliest that we will have the final  
11 review. But we'll have preliminary, you know,  
12 assessment results from the actual assessment  
13 by the time we get into -- looks like the  
14 final submission of the paper will be March  
15 28th, thereabouts.

16 So with that in mind, Bruce is  
17 mentioning blacktip, but generically I agree  
18 with him that blacktip is one stock, but it's  
19 treated as two stocks. The Gulf of Mexico  
20 stock is the one that's totally rebuilt and  
21 has the ability to be a stand alone species-  
22 specific quota which I am totally for. And

1 the main reason I'm totally for that is  
2 because we wound up going from a three-and-a-  
3 half-million-pound large coastal shark quota  
4 in 2003 based on the previous science, which  
5 included virtually a 50/50 split between  
6 sandbar and blacktip, to where in 2004 it was  
7 informed to our shark dealers that they  
8 weren't being species-specific enough and  
9 needed to go to classes that Eric Sander  
10 (phonetic) has been teaching since. They've  
11 all gone to class. And so, they are doing  
12 species-specific identification at the dealer  
13 level. So, you're starting to get that  
14 information.

15 The problem with Atlantic  
16 blacktip, and I'm looking at SEDAR 11 here  
17 from 2006, is that between 1981 and 1985 you  
18 have us down for zero animals caught  
19 commercially. Then from 1985 to 1990 you have  
20 us at a peak in one year, in '87, of about  
21 looks like 6,000 animals, but for the most  
22 part about two or three-thousand animals.

1 That adds up to, if you use a 30-pound  
2 average, about 60 to 90,000 pounds dressed.  
3 Bruce I think could tell you of trips that he  
4 made single sets of 10 and 20,000 pounds of  
5 blacktip. I can also tell you that this is  
6 all before management, before trip limits that  
7 were implemented in '94 and we had lots of  
8 folks that targeted blacktip near shore and  
9 then we had other folks that went offshore to  
10 target sandbar, just the way they prosecuted  
11 the fisheries totally different.

12 So, 2012 we need to have a  
13 blacktip assessment. I'd rather it be 2011,  
14 but again the tentative date SEDAR has is  
15 2012. So, blacktip, Atlantic blacktip high on  
16 the list.

17 Julie Neer (phonetic) says don't  
18 need to bother with Gulf of Mexico blacktip as  
19 far as doing a full benchmark. Later you can  
20 do an update. That only takes a month or two  
21 comparatively to do all the work. But as far  
22 as the Atlantic blacktip, I gave private log

1 books to the Southeast Fishery Science Center  
2 in 1992 which included species-specific  
3 information. Eric Sander even gave his, which  
4 had a lot of blacktip being caught since '84.

5 So, if we're going to get real  
6 about this and we're going to have a vision  
7 for the future, like Dewey said, we need  
8 quota. In order to get quota we need good  
9 science. In order to do good science we need  
10 you to have the data to put into the  
11 assessment models.

12 So with that said, I'd go ahead  
13 and move onto the next subject later.

14 MR. BROOKS: Dewey in the queue  
15 and David and Mark. And again, I want to  
16 encourage folks, we really need to hear your  
17 sense of what you want this to look like.  
18 We've got a proposal from Bob on the table.  
19 To the extent that you want to talk to that,  
20 I'd love to hear your thoughts. If you have  
21 other thoughts on quota shares, we'd like to  
22 hear that, too. Quotas.

1 PARTICIPANT: (Off microphone.)

2 MR. BROOKS: Pardon? And Lisa,  
3 species-specific, exactly.

4 So, please, Dewey?

5 MR. HEMILRIGHT: Dewey Hemilright.  
6 There's one thing that you forgot to put there  
7 was hammerheads for large coastal sharks.

8 PARTICIPANT: (Off microphone.)

9 MR. HEMILRIGHT: Oh, so Bob makes  
10 a recommendation and that's what gets put on  
11 the list?

12 PARTICIPANT: (Off microphone.)

13 MR. HEMILRIGHT: Well, I'll  
14 suggest --

15 PARTICIPANT: (Off microphone.)

16 MR. HEMILRIGHT: Okay. I suggest  
17 hammerheads be put on the list up there.  
18 Thank you.

19 MR. AUGUSTINE: Thank you. I'd  
20 like to pass, but I'd like to hear from each  
21 one of the commercial fishermen that are here  
22 who primarily prosecute sharks. I think

1       you're the gentlemen who can bring the most  
2       ammunition and information to the table.  And  
3       I would pass if you would go ahead and do  
4       that.

5                       MR. DAVID STILLER:  Dave Stiller.  
6       I was going to ask Bob, any reason for not  
7       putting finetooth on there?  Any particular  
8       reason?

9                       DR. HUETER:  The reason is that  
10      finetooth has a very spotty distribution and  
11      in the past there have been determinations of  
12      overfishing for that particular species.  I  
13      know in the area where you guys work it might  
14      look like it's doing reasonably well there,  
15      but it's a strange species.  It doesn't have  
16      a continuous distribution, you know, from  
17      Atlantic to Gulf and I think it's got a  
18      precarious life history that makes it  
19      vulnerable.

20                      You know, these guys talk about we  
21      need quota.  Well the way to get quota is to  
22      concentrate on those members of the stock that

1 are reproductively able to give you quota.  
2 Those are the faster growing, more productive  
3 species, again to go back to the LCS, like the  
4 blacktip. Blacktip, for those that aren't  
5 versed in this, is in the LCS and yet it has  
6 a life history where it grows to maturity in  
7 five or six years and all the others in that  
8 group are pretty much animals that take 15  
9 years or 12 years or 20 years, or whatever it  
10 is to get up there.

11 So, focusing the fishery on the  
12 species that have a greater fecundity is the  
13 way to build quota, in my assessment.

14 MR. HEMILRIGHT: Yes, well I was  
15 going to say, I mean, there's very little  
16 effort on the finetooth. Bruce and I are the  
17 main two people. He's in the Atlantic; I'm in  
18 the Gulf, the main two producers of finetooth.  
19 And that's mainly what we produce whenever it  
20 comes to small coastals. And he works a  
21 pretty good area and I work a pretty good  
22 area. I mean, from Louisiana all the way up

1 the coast, all the way around the tip of  
2 Louisiana to Texas there's plenty of  
3 finetooths. Anywhere from Texas all the way  
4 up the Louisiana coast going north to Alabama  
5 all the way to Apalachicola, that's the home  
6 of them, Apalachicola. Just anywhere I've  
7 been, anywhere I've gone, or 90 percent of the  
8 places I've gone there's loads and loads of  
9 finetooths. There's no end to them. I mean,  
10 just -- I don't know, you're not out there  
11 everyday. We are. I mean, if you ever need  
12 help with any locating species and knowing  
13 where stuff are at like that, be more than  
14 glad to help you.

15 (End of Tape 16)

16 TAPE 17

17 MR. SAMPSON: I was talking to  
18 Rick. Mark Sampson.

19 You know, I'm not sure, I think  
20 Rick and I might be the only representatives  
21 from the recreational fishery here, and  
22 between the two of us I'm guessing -- and I

1 don't want to put words in your mouth, Rick --  
2 but I'm guessing I'm the only one who's proud  
3 to say I'm a recreational shark fisherman.  
4 And yet, Rick represents probably all the  
5 other fishermen in that, being as he is a  
6 fisherman, he is also a shark fisherman  
7 because at any time he might, you know,  
8 whether by design or by accident, he might  
9 hook a shark.

10           And I don't know if this is the  
11 appropriate time to make these remarks, but I  
12 didn't really see it in the agenda here as to  
13 where I might throw this in, so I'm just going  
14 to throw it out now as we're sort speaking  
15 about where to go with all this. Most of the  
16 discussion I know from here on out is going to  
17 be primarily commercially oriented on sharks  
18 and I, you know, realize -- no problem with  
19 that. You know, it's just a big issue, lots  
20 of things have to be dealt with. I just want  
21 you to know, everybody to know that we're  
22 here, too. And though there's just a couple

1 of us in this room, we represent a lot of  
2 fishermen because all fishermen are -- you  
3 know, recreational fishermen have the  
4 potential for interacting with sharks and have  
5 to make a decision, keep or release, whatever,  
6 you know, target or not target, however that  
7 goes. So, as discussions go, and it's mostly  
8 directed toward the commercial end of the  
9 shark fishery, again we don't want to be lost  
10 in that discussion.

11 In the past, I think that has  
12 happened a little bit and I just don't want to  
13 see that trend happen. And these comments are  
14 similar to what I made last year. While many  
15 of us, myself included, have no desire to take  
16 a sandbar shark, you know, for any reason. I  
17 can't. But there is a -- you know, the  
18 research fishery for sandbars, so effectively  
19 there is a commercial fishery for sandbar  
20 sharks. We were just sort of -- the  
21 recreational fishing was just not a part of  
22 that. They were just basically taking from

1 us. You know, again, we really don't care,  
2 but we maybe should have had a little bit of  
3 -- and I guess we did, maybe just because  
4 there wasn't enough of us to pick up on it and  
5 say, hey, we'd like to be a part of that  
6 research fishery, too, or whatever. We don't.

7           Anyway, the same thing holds true  
8 with the blacknose. Okay. There is a  
9 blacknose commercial fishery, correct? But  
10 effectively we're not going to catch a 54-inch  
11 blacknose recreationally that we can keep  
12 because that's the size limit for blacknose  
13 for recreational fishermen. So, we've been  
14 excluded from that fishery, too.

15           Again, hopefully as -- you know,  
16 whatever comes of the commercial end of it,  
17 more things like this won't happen that  
18 exclude us. Just remember that we're here and  
19 it is an important fishery. We make an impact  
20 obviously on the fishery, because there's a  
21 lot of us. Even though there's not a lot of  
22 us that target sharks, there is just a lot of

1 us. And so, you know, we make an impact in  
2 good ways and in bad ways, I think. But  
3 please don't forget about us, okay, because we  
4 are here. I'm listening. You know, again  
5 most of our guys went downstairs to talk about  
6 tunas because they would rather call  
7 themselves a tuna fisherman than a shark  
8 fisherman, but they're shark fisherman, too.  
9 You know, they probably don't want to hear  
10 that, but they are. So, that's all. Thank  
11 you.

12 MR. KNAPP: Robert Knapp. I came  
13 here with a lot of comments and now I don't  
14 even know what to comment on. I was once told  
15 that we were aiming toward a -- I'm not going  
16 to mention any names, but we were aiming  
17 toward a bycatch fishery. The shark fishery  
18 was a bycatch fishery. Now all of a sudden  
19 we're aiming toward a catch share fishery.  
20 Okay? So, I'm kind of a little confused here.

21 We have federal permits and we  
22 have state water boats catching a majority of

1 the quota. They don't have turtle classes or  
2 turtle gear for releasing the turtles, and  
3 they're catching half of the quota without a  
4 federal permit. So, it's like I don't even  
5 know how to comment on anything anymore as a  
6 shark fisherman for close to 20 years between  
7 here and Massachusetts, between Florida and  
8 Massachusetts. And I'm told the sandbars are  
9 overfished and I got to run away from them.

10 So, it's like I have so many  
11 comments to make I don't know where to start.  
12 I don't know how to help you. You called me  
13 here to help you and I'm lost. I'm totally  
14 lost. To make a catch share in five years?  
15 We've got guys like Dewey that really hasn't  
16 fished for sharks in how many years since it  
17 went to 33 head. What do we give Dewey for a  
18 catch share? Does he get a catch share? Is  
19 he out? He's been on this panel for how many  
20 years? So, that's why I said I'm totally  
21 lost. I'm sitting here quietly and Mr.  
22 Augustine wanted some comments from the shark

1 fishermen. Well, that's my comment. I don't  
2 know how to help you. I don't know if it  
3 makes sense what I'm saying, but I'm just  
4 overwhelmed by everything that's going on.

5 One year I'm fishing in the  
6 summer. The next year I'm fishing in the  
7 winter. I hire a crew in December and we're  
8 not opening until February. It's like I'm  
9 totally -- this is what we're here to work on?  
10 Is that what -- finally we're here to work on  
11 this?

12 PARTICIPANT: And what would make  
13 sense to you --

14 MR. KNAPP: Okay. Going back to  
15 the catch share deal, how do we address  
16 fishermen like Dewey that fished on sandbars  
17 when it was 4,000 pounds? Where does he stand  
18 as far as the catch share quota? Is he in or  
19 out? At 400,000 pounds on the Atlantic with  
20 everybody that has history catching sandbars  
21 we'll never have a catch share quota. I'll  
22 get 1,000 pounds. Everybody will get 1,000

1 pounds.

2 PARTICIPANT: Maybe.

3 MR. KNAPP: Let's do the math.

4 It's all math.

5 PARTICIPANT: Maybe not --

6 MR. KNAPP: I know, but I can --

7 PARTICIPANT: If we were,

8 allocation would be a huge issue and that

9 would be a stumbling block we would have to

10 address. How would we allocate any of the

11 quota? What quota would we be allocating?

12 And it's the quota right now that we're

13 focusing on. So, I know you're --

14 MR. KNAPP: -- keep hearing catch

15 share, so if we're going to be --

16 MR. BROOKS: So, what I'd like to

17 do for right now is focus us back on the quota

18 discussion for a few more minutes and then we

19 will take a break.

20 I had a couple people in the

21 queue. I wanted to give Mark a chance to

22 weigh in before I hit a couple other people

1 who've been in, just because he had another  
2 chance. So, Mark?

3 PARTICIPANT: Yes, I had forgotten  
4 about the Louisiana deal over there catching  
5 those sharks. I wondered where the quota went  
6 this year and last year, but a couple years  
7 ago I knew about it and I guess I forgot about  
8 it and Dewey brought that up. Maybe that  
9 would be a good reason to have state quotas,  
10 because that would control Louisiana. Then  
11 they get their quota, they catch them however  
12 you work it out and then that leaves Florida  
13 and the other states alone.

14 And the other thing I wanted to  
15 talk about was Dr. Hueter there, the lemon  
16 sharks. The lemon sharks might be closed in  
17 state waters, but you know, I'm just speaking  
18 for the West Central Florida fishermen, lemon  
19 sharks are important to us. But I like your  
20 idea of concentrating on the main species --  
21 yes, you can put it up there -- concentrating  
22 on the main species and maybe letting some of

1 the others go.

2 But we're using the observers. If  
3 you bring an observer with you, there ought to  
4 be different rules. And I think an observer  
5 should be on every shark trip. But if an  
6 observer is with you, there should be  
7 different rules.

8 They were talking earlier about if  
9 you have two levels of bycatch, that if you're  
10 good with your bycatch you'd have a longer  
11 fishing season. Well, I think if you're  
12 bringing observers with you, you ought to have  
13 different rules. You ought to be able to  
14 catch lemon sharks. If you got a dusky and  
15 he's alive, you let him go. If you got a  
16 dusky and he's dead and you've got an  
17 observer, you keep him. And if lemon sharks  
18 comes at a point where you're getting close to  
19 the quota, then if the lemon shark's alive,  
20 you keep him. If the lemon shark's dead, you  
21 let him go.

22 And I sensed Charlie's frustration

1       there. I heard him say you got to work three  
2       times as hard now to fin the sharks and that  
3       might have went over everybody's head, but it  
4       didn't go over my head, because I know what  
5       it's like being stooped over in 90-degree heat  
6       butchering the shark for the second time. And  
7       the most difficult and dangerous part of the  
8       shark fishing is cutting those fins off the  
9       sharks. It's not the shark's teeth, it's that  
10      12-inch serrated knife you're using, and  
11      you're killing us doing it twice. And then we  
12      have to do it again at the dock when the shark  
13      is -- it's just a lot harder to cut the fins  
14      off a shark once they've been gutted and  
15      headed than it is when they're alive. And  
16      that's another reason why if we had observers  
17      on the boat, you know, he might be able to  
18      work with us a little bit more to make our job  
19      a little bit easier. Right now you're feel  
20      like you're towing a 100-pound rock up the top  
21      of the hill and back just to clean the shark.

22                               I'd just like to say that the idea

1 of focusing on the sandbars or the blacktips  
2 is a good idea. With that any sharks that  
3 become bycatch, if we have an observers on,  
4 ought to be able to keep them. We shouldn't  
5 have to throw them back dead. And that's it.

6 MR. BROOKS: I've got Pat, Rusty  
7 and Lisa in the queue. And then I think we  
8 should probably take a break.

9 Pat?

10 MR. AUGUSTINE: Thank you. I  
11 wanted to agree with what Mark had said. I  
12 know Rick is concerned about the recreational  
13 side. Not to bring up history, but I did go  
14 to ICCAT a couple years ago and found that I  
15 was the lone voice around the table on  
16 shortfin mako. And there is an environmental  
17 push to get them listed, get them so that  
18 recreational could not keep them, that it  
19 would be catch and release. And I think the  
20 only thing that stayed that off was the fact  
21 that the SCRS had not come back with an  
22 assessment of that shark.

1                   Relative to other species of fish,  
2                   as I recall, the reason recreational did not  
3                   get other species of fish, including sandbar,  
4                   was identification. It was as simple as that.  
5                   It was easier to recognize threshers and  
6                   shortfin makos and blue sharks. And so, I did  
7                   not hear a cry from any of the states I  
8                   represent saying, hey, we have to be able to  
9                   keep other fish. And so therefore, without  
10                  much ado, other sharks for us recreationalists to  
11                  keep was not even considered, at least as my  
12                  recollection was.

13                  Lisa, I think you recall that  
14                  also.

15                  So, I would think this would be  
16                  the only conversation we're going to have  
17                  about what we might want as recreationalists.  
18                  Now I have my recreational hat on. So, it  
19                  seems to me, if we want to do something  
20                  collectively, we should recommend it to NMFS  
21                  that recreational should be considered to  
22                  retain other species of fish. And in this

1 particular case, whether it's blacktip or  
2 whether it turns out to be sandbar, I think  
3 the recreational folks around the table should  
4 either have a little conversation about it and  
5 identify those sharks that we would like to  
6 have them have the recreational consider being  
7 able to fish for and/or retain, or otherwise  
8 it's going to become a dead issue. My concern  
9 from our constituents in the seven states that  
10 I represent are that we end up where they only  
11 retain -- not even retain short and makos.  
12 That it becomes a catch and release and then  
13 the only thing you can have in your possession  
14 will be a blue shark and/or a thresher. And  
15 there's a press to list thresher.

16 So, I do think we either speak now  
17 or forever hold our peace.

18 Relative to a conversation over  
19 here about the commercial and listening to  
20 what Bob had said, species-specific there's no  
21 question is the way to go, in my humble  
22 opinion. Identify those critical four, five

1 or six. You mentioned, Mark, lemon is an  
2 important species to you. Maybe we need to  
3 get NMFS to look at the numbers of pounds of  
4 those species of fish that are most  
5 prominently caught and then identify -- and  
6 maybe it turns out to be six or seven,  
7 although maybe five is the critical one. That  
8 way it gives everyone an opportunity to put  
9 meat in their locker, if you will, and get  
10 some money for what they're fishing for.

11 I just think if we squeeze down  
12 too small a number of fish that you can  
13 harvest, your bycatch rate is going to go sky  
14 high and then you're going to have another  
15 problem to deal with because your bycatch is  
16 going to be counted. So, it just seems to me  
17 that if you also go forward and look at catch  
18 shares now, which is three, four, five years  
19 down the road, you've got to be critical as to  
20 which one you want to use, whether you want to  
21 use a LAPP, a limited access privilege permit,  
22 which you got to understand the meaning of

1 that, and/or an IFQ. And IFQ has also similar  
2 limitations.

3 And then when you get to sector  
4 allocation you only have to go back and review  
5 what the New England Fishery Management  
6 Council is doing with their sectors. There  
7 are big, big, big, big winners and there are  
8 big, big, big, big losers. And so, when you  
9 go down that road and start that conversation,  
10 be very clear in your own mind which one of  
11 those work for you. You may find that the  
12 quota allocation is going to work as it is  
13 right now. We need to fine tune it. Maybe we  
14 need to fine tune the difference between  
15 federal waters and state waters. At ASMFC, we  
16 have states that typically -- North Carolina  
17 is one of the big ones -- they typically catch  
18 the better part of a harvest in the later part  
19 of the year for dogfish. In the meantime,  
20 Massachusetts has their percentage and they  
21 catch more than their share, and a couple  
22 years in a row, North Carolina had no fishery

1 because Massachusetts' season occurs earlier.

2           So, if you decide you want to go  
3 down that route of state-by-state quotas, you  
4 better take a hard look -- my humble opinion,  
5 take a hard look at what you're getting. Are  
6 your records clear that show what amount of  
7 sharks you have caught? And if you go on a  
8 specie-by-specie basis, it would seem to me  
9 that the number of pounds of each of those  
10 species that have been reported are going to  
11 limit what your percentage quota is.

12           Then the break between state and  
13 federal, you've got to be really careful there  
14 because within your state, it's a matter of  
15 determining who has state permits only versus  
16 who has federal permits only. And that's a  
17 killer. That is a killer.

18           So, all of those items have to be  
19 taken into consideration. Big picture first,  
20 determine whether or not you're happy going  
21 with the five or six or seven that Bob  
22 suggested as what we consider and look at the

1        ramifications of each one of those. Every way  
2        you go, you're going to have winners and  
3        you're going to have losers, and beware of  
4        whether you're going to be a winner or a  
5        loser.

6                    Okay. Well, those are my points I  
7        think for clarification purposes. I do think  
8        you have some points to make and I do think  
9        those are the things we should be talking  
10       about now so we can draw out more ideas from  
11       you fishermen as to what we could do. Thank  
12       you.

13                   MR. HUDSON: That's a oxymoron in  
14        itself. Just a little history real quick.

15                   SEDAR 11, sandbar. I participated  
16        in sandbar shark. Then because of the  
17        assessment wound up being taken away from the  
18        recreational from landing, taken away from the  
19        bulk of the commercial guys, which accounted  
20        for half of what we did.

21                   SEDAR 13. Finetooth had entered  
22        into SEDAR 13 as having overfishing from the

1 2002 assessment, but in 2007 when we did SEDAR  
2 13 it was found to not be experiencing  
3 overfishing nor overfished. So they could  
4 make a stand alone quota based on that  
5 assessment.

6 Blacknose shark, of course, was  
7 then suddenly found to have just the opposite.  
8 You know, it was no longer fine. It was  
9 overfished and overfishing, but there was  
10 problems with the way that they did the  
11 assessment.

12 SEDAR 11 was sandbar. There was  
13 problems with how they did the assessment.  
14 They went and grabbed some -- Rebecca Mersin's  
15 demographic extremes of age to maturity for  
16 the sandbar and ratcheted it up to 19 to 26  
17 years for a sandbar to become mature, but yet  
18 the oldest sandbar is 22 years for a male and  
19 27 years for a female. And yet you got 46  
20 years of tagging out of the APEX Predator  
21 Program, yet you don't have any 30-something-  
22 year-old animals. You should have seen one

1        somewhere.

2                    But that being said, we can get  
3        sandbar back. It would be nice if the  
4        recreational participated with scientists,  
5        also by having the fishermen with their  
6        expertise show up there. I had a scientist  
7        there at SEDAR 11. Unfortunately I did not at  
8        SEDAR 13 and I believe I was the only  
9        participant on the small coastal shark  
10       assessment, and yet I saw the handwriting on  
11       the wall when they didn't consider turtle  
12       excluding devices and they made blacknose into  
13       something that it wasn't. Now we're having to  
14       fix that. We're having to fix the sandbar.  
15       We're back to 13 to 14 years for maturity on  
16       the sandbar.

17                    These are things that matter. If  
18        you want your quota, if you want to have bag  
19        limits, you're going to have to have the  
20        scientific results to justify it. That's the  
21        way the table is set now.

22                    As far as the 80 percent rule, I

1 said it six months ago, I'm going to say it  
2 again, I don't like having to not see our guys  
3 be able to catch most of their quota. They  
4 should be able to. There's ways to do that.  
5 One of the ways was, instead of reporting  
6 every two weeks, have it report every week.  
7 Right now, we're waiting on a new update. The  
8 last data you have is from July 31st. We want  
9 to see if blacknose is going to be used 30-  
10 something-thousand pounds of potential  
11 landings at 80 percent to be able to shut down  
12 400,000 pounds of -- or whatever it is for the  
13 small coastals, the finetooths, the  
14 bonnetheads and the Atlantic sharpnoses. And  
15 there's ways to fix this. And we have to go  
16 forward.

17 I agree with Bob Hueter. There is  
18 the commonality of certain species. On my  
19 short list I have Atlantic blacktips stand  
20 alone. I have bull shark, whose status is  
21 unknown. Atlantic blacktip is unknown. Lemon  
22 shark is unknown. Spinner is unknown. And

1 you have a 2009-'10 assessment up there for  
2 scalloped hammerhead. I'd like to review that  
3 assessment. I know it wasn't done at SEDAR.  
4 And I don't want to see you use scalloped  
5 hammerhead as a proxy for smooth hammerhead or  
6 for great hammerhead. Two different animals.  
7 Three different animals. And yet, put them  
8 all together, bundled up, because we're having  
9 to identify them on a commercial level and I  
10 believe the recreationalists should do the same  
11 thing.

12 So, that's just the short --  
13 there's so much we could talk about here. If  
14 you want to fix it, we can fix it. But it's  
15 going to take you all listening to us and  
16 actually working with us and supplying the  
17 information. Because on these four poster  
18 boards the stuff I asked for is not there. I  
19 mean, you've got some nice, pretty graphs and  
20 other stuff, but we need numbers. We need to  
21 be able to take this unknown status and make  
22 it into a known status so that you all can go

1 ahead with your stuff. We need to know what  
2 did the state landings in Louisiana look like  
3 year after year from these people that don't  
4 have federal permits.

5 Okay, Bennett, I'm through.

6 PARTICIPANT: I guess in the  
7 summary in the bullet points we're supposed to  
8 be discussing, just to reiterate what Mark  
9 said, none of it's recreational. We don't  
10 have quotas for -- do we have a recreational  
11 quota, or do we have annual catch limits, or  
12 what's established recreationally for --

13 PARTICIPANT: The way the shark  
14 system works is we get the total allowable  
15 catch and the ACL from the stock assessment  
16 that we then partition out into dead discards,  
17 commercial quota and what we expect the rec to  
18 take. So, we sort of have the fishery sector  
19 ACL approach, but it's not hard coded into the  
20 regs that the recreational quota is X. But  
21 that is one of the things that we had up on  
22 the slides to consider.

1                   PARTICIPANT:   Okay.   So  
2                   essentially, recreational does have a quota,  
3                   but do we know -- I mean, basically the size  
4                   limits are what's limiting recreational  
5                   harvest.   I mean, the size limit was basically  
6                   set at 54 inches, which was appropriate for  
7                   sandbars, but it wasn't appropriate for a ton  
8                   of other species and it did eliminate a number  
9                   of species from recreational harvest.   And so,  
10                  I guess I'd like for us to add onto, you know,  
11                  managing or looking at management on an  
12                  individual species basis, that we probably  
13                  look at size limits on an individual species  
14                  basis also to accommodate the recreational  
15                  fishery.

16                  PARTICIPANT:   (Off microphone.)

17                  PARTICIPANT:   Yes, I mean I like  
18                  his approach.   I mean, I'd like to add  
19                  hammerheads and lemons to his list.   I  
20                  understand that those are important commercial  
21                  fisheries in other states, but I also  
22                  understand why he left them out just because

1 -- I mean, again of State of Florida  
2 prohibited them, but that was mainly because  
3 of spawning aggregations that were occurring  
4 directly off of Southeast Florida, and we knew  
5 about them and they were important. So, that  
6 may just be a state-specific situation. But  
7 yes, I mean, I agree with both the individual  
8 species approach and probably the more focused  
9 individual species approach on Bob's list, and  
10 you can add the hammerheads and the lemons,  
11 too. That's fine.

12 PARTICIPANT: Yes, I think I'm  
13 fairly similar to Lisa in that it seems to me  
14 that we need some individual species, you  
15 know, just thinking of it on-the-ground  
16 recreational. I would like to see possibly  
17 even a larger mako size limit in addition to  
18 some smaller size limits in others. But I can  
19 also see an other shark category rather than  
20 handing a recreational -- a list of 24s and  
21 they're all individual. You know, there are  
22 key species for the recs, there's no doubt,

1 but tagging into what Mark's saying, I don't  
2 want to see the recs excluded either. Maybe  
3 something like what we do with the trophy for  
4 the giant tuna or some such thing, where there  
5 is -- you know, if you feel that the recs are  
6 going to overfish if you gave them a daily  
7 limit or some such thing. Maybe in the other  
8 sharks category you can take a couple per year  
9 from the other sharks category, the ones that  
10 are not prohibited, that gray area that Bob  
11 left between prohibited and ones that we feel  
12 like we know their status fairly well.

13 BOB: Ah, the last word.

14 Yes, I just want to caution what  
15 I'm advocating in this proposal is  
16 simplifying, and I derived this list by using  
17 two criteria. One was the species should  
18 either show one and/or both of these, that  
19 they have a favorable life history to maximize  
20 production; in other words, they grow fast or  
21 they have high fecundity and/or there have  
22 been no questions about their stock status.

1 And because of the second one, I left  
2 hammerheads -- actually both of those, I left  
3 hammerheads and lemons off the list. And I  
4 would still advocate leaving hammerheads off  
5 the list for sure. Lemons, I think, is  
6 something that could be discussed.

7 So, I'd just say let's be careful  
8 about taking a list like this and start  
9 putting everything back in, because pretty  
10 soon we're back to the same mess that we've  
11 been in for 15 years.

12 As far as recreational, I think  
13 recreational, this is -- yes, I guess I was  
14 thinking mostly commercial, but recreational  
15 fits completely within this scenario. I mean,  
16 let's be honest, recreational fishing is just  
17 that. It's recreational. So, let's have  
18 catch and release on all those species that  
19 don't fit into these criteria. Yes, they can  
20 bring a blacktip back to the dock to eat.  
21 Maybe we can even relax some of the criteria  
22 on the recreational guys for blacktips in

1 terms of size limits and bag limits. But  
2 let's advocate catch and release in all these  
3 other species and remember that it is a  
4 recreational fishery.

5 And last, when we're talking about  
6 quotas and derivation of quotas, I think Margo  
7 from Oceana made this point before, and I  
8 thought it was a really good one, we do have  
9 to work internationally on this. We can't  
10 just work within our domestic jurisdiction  
11 because many of these species are shared  
12 stocks, at the very least, with Cuba and  
13 Mexico. I'm working in Cuba now. Cuba has by  
14 their estimation a 700-ton shark fishery.  
15 Those numbers are 10 years old, so I don't  
16 know whether those are even close. But  
17 they're heavily targeting and getting shortfin  
18 mako, and I'm quite sure that those are the  
19 same makos that you guys off of Maryland and  
20 New Jersey are getting. So, we are advocating  
21 an international approach to deriving these  
22 quotas. We can't just think within our

1 borders.

2 MR. BROOKS: Thanks, Bob. Let's  
3 take a break.

4 You know, I think we've heard a  
5 couple of themes here. Clearly a number of  
6 people calling for not moving away from  
7 species-specific management. Definitely Bob's  
8 approach to, you know, consider focusing on a  
9 more limited set of sharks and sort of keeping  
10 it viable has I think gotten a lot of  
11 attention and interest around the table.  
12 Whether there's complete agreement what  
13 species would go on that is not surprisingly  
14 needing a little bit more discussion, but that  
15 certainly seems like an idea that's getting  
16 some interest.

17 Obviously, there's discussions to  
18 be had around recreational fishermen and  
19 folding those interests into an evolving  
20 concept here.

21 Some other themes that came up  
22 were just from the very start about having

1 NMFS out there talking about what the  
2 fishermen are doing, the point that Charlie  
3 raised early on.

4 A theme that acme up again and  
5 again, and Rusty is always good about bringing  
6 this up, is the critical need for data and  
7 assessments to inform whatever it is that HMS  
8 is going to do.

9 And then working internationally  
10 and some discussions around how do state  
11 quotas fit into this and is that a direction  
12 you want to go?

13 So, let's take a break for 10  
14 minutes. We will reconvene at five after 4:00  
15 sharp and move into another topic. Thank you.

16 (Whereupon, a recess was taken.)

17 (End of Tape 17)

18 TAPE 18

19 MR. BROOKS: Could we get the  
20 folks in the back room to come in?

21 Okay. So folks in the back room,  
22 last call.

1 All right. Well just before we  
2 jump into the next topic, just to let folks  
3 know how we're proceeding, I've asked Bob and  
4 Mark Sampson and David to take a cut when we  
5 finish this evening, or when we finish this  
6 afternoon talking, to synthesize that last  
7 conversation. They have all agreed to do  
8 that. So, they'll spend some time after the  
9 meeting trying to capture the essence of that  
10 conversation. I'll be doing the same thing  
11 after this next conversation and trying to put  
12 together a team of three or four people who  
13 can help synthesize that for the full group  
14 when we get together tomorrow.

15 So, Caroline had had her card up  
16 and wanted to fold in one last comment from  
17 the quota conversation we just had, so I'd  
18 like to give her a chance to do that and then  
19 we'll jump into the permits discussion.

20 Caroline?

21 MS. BELCHER: Yes, just based on  
22 what -- I understand where Bob was going with

1 his suggestions of whittling down the species,  
2 but just from what again the South Atlantic  
3 SSC has been dealing with, especially with  
4 snapper/grouper complex, it's not as easy to  
5 drop species off of an FMP list. And right  
6 now there's 39 species, so to go back and drop  
7 species off, it requires a lot more work.

8 Then we were looking at easy shift overs to  
9 ecosystem components species as opposed to  
10 having to come up with a way to drop them out.

11 But you did offer the suggestion of making  
12 them catch and release only species, which at  
13 that point would be -- you know, my point  
14 would be moot. But I just did want it on the  
15 record that to drop back to only a few number  
16 of species you have to have an indication of  
17 why you dropped them. Then the other question  
18 would be what would you do with them, because  
19 they're still obviously encountered within the  
20 fishery.

21 MR. BROOKS: So at this point what  
22 I'd like to do is move the conversation to

1 permit structure. And I think probably it's  
2 worth taking a minute and, Carol, having you  
3 just kind of resituate us in the issues you  
4 want this work group to be focusing on,  
5 please.

6 MS. BRUSTERGEIS: So, we would be  
7 focusing on permit structure changes and what  
8 would be an ideal solution if all we did was  
9 to change how we issue permits right now. So,  
10 we're thinking permit stacking, use or lose-  
11 type situations or matching the permit  
12 capacity to the quota. And those were just a  
13 few of the solutions. Obviously the window's  
14 wide open.

15 MR. BROOKS: So again, your  
16 thoughts on permit structures, what fits with  
17 the vision of making -- what might make sense  
18 for the fishery, pros and cons of doing this,  
19 considerations that the Agency and the  
20 fisheries would need to be mindful of if they  
21 went forward. Ideas, please.

22 So, Rusty?

1 MR. HUDSON: Rusty Hudson,  
2 Directed Shark.

3 Permit stacking. Carol, is there  
4 any thoughts with regards to does a permit  
5 need to have history, have been active in say  
6 the last two years; even though I have a  
7 problem with two years? Three to five years  
8 usually, analysis I see, a lot for lapse and  
9 things like that. So, when you're talking  
10 about permit stacking, if you're taking a  
11 bunch of unused permits and give it to a boat  
12 that's already got some history on his permit,  
13 then he's starting to build history on that  
14 permit, you're actually increasing the take in  
15 that way. Whereas if it's a displaced  
16 historical permit that has history and then he  
17 gets that somehow and adds it to the one of  
18 his own, then he's actually only utilizing  
19 what another active guy had been using. So,  
20 in essence the quotas will still be caught in  
21 the same way.

22 One of the things that I believe

1 is very important, especially if you're going  
2 to go into sectors, is you're going to have to  
3 have gear type endorsements on those permits.  
4 It's something I've argued for for a long  
5 time, and it's important to realize that those  
6 people have their history built from that gear  
7 type and not just generic as we have the  
8 permits currently.

9 MR. BROOKS: Thanks. Pete?

10 MR. BOHAM: This is just an idea.  
11 Maybe on the permit stacking, because I'm for  
12 it -- I think it's a good idea. I mean our  
13 fishing's real good and we got a lot of places  
14 we don't even fish because there's a good  
15 chance we're going to get a big set and it's  
16 too far to run back and forth and we'd like to  
17 land more fish each trip. But I was thinking  
18 maybe something like the snapper/grouper work  
19 could be a two for one, or even a three for  
20 one, that you'd have to buy two or three of  
21 them to accumulate one more and that would  
22 eliminate a lot of permits. So maybe that

1 would make you all happy and it would still  
2 probably be worth it for us.

3 MS. BRUSTERGEIS: Yes, I just have  
4 a quick question on that. So, you're saying  
5 to stack two permits on your vessel. You have  
6 one already. So you want to buy another  
7 permit to stack on it. You would need to buy  
8 two permits and then you would have one to  
9 stack?

10 MR. BOHAM: Yes, that's basically  
11 what I was saying. Just whatever would make  
12 you happy so we could land more fish and our  
13 fish would be better quality. And we would  
14 stop spinning our wheels, because a lot of  
15 these trips it just doesn't work out, when we  
16 used to do real good at it.

17 MR. BROOKS: Bob?

18 MR. BRUCE STILLER: Bruce Stiller  
19 from the gillnet Florida fishery.

20 I'm in favor of the stacking. The  
21 only problem is, in my case or anybody else's  
22 case, if they had another permit and put it on

1 the one vessel, they're probably going to buy  
2 another permit and put on the other vessel,  
3 because that's all I'm doing. You got two  
4 vessels with one permit on each one, you're  
5 going to stack, right? To me it's a safety  
6 thing with having to transfer people at sea.  
7 This guy sitting right next to me here is a  
8 longliner and he does it and it's -- you're  
9 adding a lot of liability to your operation  
10 when you go to putting people on two different  
11 boats in the ocean. And that's one reason.  
12 That's one reason I don't use the other boat  
13 is because of one of those reasons right  
14 there.

15 But I'm in favor of the multi-  
16 stacking and I'm in favor of taking away  
17 permits that aren't being used. I mean, we're  
18 in a restricted business here. If it was all  
19 wide open, then we could leave things wide  
20 open. But the permits are restricted, we're  
21 restricted. Why should someone set out there  
22 with a permit and every time you open

1 something up here that we're the guys that's  
2 stuck with it, permits become a little bit  
3 valuable, they go to flying out? When they  
4 get a little valuable people go to buying  
5 them. So, is all we're doing --

6 PARTICIPANT: (Off microphone.)

7 MR. BRUCE STILLER: Excuse me?

8 PARTICIPANT: (Off microphone.)

9 MR. BRUCE STILLER: Well, shark  
10 permits. If you don't use it two years -- you  
11 know, and here again where are you going to  
12 start? If you behind us, I'm not in favor of  
13 that. I'm in favor of going forward with this  
14 thing, right, because you penalize people when  
15 they don't get a chance. And a lot of people  
16 got really hurt whenever the king fisheries  
17 and the shark fishery permits were taken away  
18 by going back.

19 MR. BROOKS: I've got Sean,  
20 Charlie, Rusty, Dewey.

21 MR. McKEON: Sean McKeon. I have  
22 just a couple of things to throw out, because

1 we've had these discussions in other fisheries  
2 in my organization with respect to permit  
3 stacking.

4 Certainly from a business point of  
5 view I totally understand it. And I'd just  
6 question whether guys who don't have multiple  
7 boats -- you know, just to throw that on as a  
8 caution or consideration. There's people that  
9 don't have multiple boats and they're going to  
10 go out and catch 33, whatever it is, and the  
11 other guy's going to be fishing next to him  
12 and be able to have 66. And I just wonder  
13 about -- you know, just a fairness thing.

14 Although from a business standpoint it is a  
15 very good idea, sensible idea. There's just  
16 some smaller boat owners, people have it.

17 With respect to use it or lose it,  
18 you know, there's people who don't shark fish  
19 for a lot of reasons. There are a lot of them  
20 got kicked out of it because they found other  
21 things they were doing. I think Charlie has  
22 a point he's going to make about the federal

1 permit side of it. But, you know, I kind of  
2 look at it a little bit differently, maybe,  
3 and again I understand why people would say  
4 that who are in there. But it's kind of like  
5 a fellow who has his commercial driver's  
6 license but he runs a hardware store and the  
7 hardware store's been good for a few years so  
8 he hasn't used his commercial truck driver's  
9 license. And then somebody says, a bunch of  
10 truck drivers say, well, you haven't used it;  
11 we're going to take it from you now. And he  
12 says, wait a minute, well, I've been paying  
13 for it. I'm upgrading my -- doing whatever  
14 I'm doing. I think you should be really  
15 careful. That's all I'm saying, just to throw  
16 these cautions out.

17 I don't come down with an official  
18 policy from NCFA on it, but I do have some  
19 cautions because I have members who certainly  
20 would benefit from permit stacking and I have  
21 members who say, wait a minute, you know, why  
22 does he get to catch twice as many fish?

1       Okay. He paid for it. He did that. And  
2       again I understand. They're cautions.  
3       They're really not coming out on either side  
4       of it.

5                   But I think the bottom line for me  
6       is -- I think Rusty said it, and Dewey said  
7       it, and Charlie said it, and other gentlemen  
8       have said it, is that I think if you're  
9       looking to -- I think sometimes we're looking  
10      at these Band-Aids to fix something that's  
11      broken, really broken, and that is I think the  
12      amount of fish out there that these guys can  
13      catch is just horrifically low. And I think  
14      that if that is addressed, I think that it  
15      would be a little bit more wide open and  
16      people would be able to make those longer  
17      trips without having to stack permits.

18                   Those are my comments. Thank you.

19                   MR. BROOKS: Charlie?

20                   MR. LOCK: I've got a relatively  
21      small boat. Permit stacking, I'm neutral on  
22      that. I will say that nine out of ten of the

1 problems we're addressing is quota. We just  
2 don't have enough quota. You're still going  
3 to be fishing with stacked permits on a small  
4 amount of quota. It's still going to get  
5 caught same amount of time. It's just going  
6 to be one guy catching more than anybody else.  
7 I mean, that's just my opinion.

8           The use it or lose it is not going  
9 to work because in North Carolina we have a  
10 lot of pelagic longline vessels, swordfish,  
11 tuna. They have to have a shark permit in  
12 order to have the other permits, but they  
13 don't land sharks. And a lot of the reason is  
14 because we have a seven-month bottom longline  
15 closed area. They're not allowed to land  
16 sharks even when it's open with their pelagic  
17 gear. So, you can't do a two-year use it or  
18 lose it because all the swordfishermen are  
19 going to be out of work. They have to have a  
20 shark permit in order to have the other two.  
21 That's one of the mandates I think you all  
22 created, if I'm right on that; I could be

1 wrong.

2                   And the third one there, you're  
3 still back at quota. We don't have enough  
4 quota. We have 220-some permits. A lot of  
5 them aren't being used, but we still don't  
6 have enough quota. And that's our number one  
7 issue here. We can do anything we want with  
8 having five sharks, six sharks, whatever, but  
9 we don't have enough quota for the amount of  
10 participants that want to participate in this  
11 fishery. That's my piece on it.

12                   MR. HUDSON: One thing I would  
13 suggest, the use it or lose it, we started out  
14 in early '99 with 2,256 permits in aggregate,  
15 and we created a limited access permit, is  
16 what we did then. Now we're at 220  
17 approximately directed permits, 275  
18 incidental, and if I remember off the top of  
19 head, about half of the directed have maybe  
20 some kind of history. The incidentals it's a  
21 much lower percentage. And that's some of the  
22 numbers that I was wanting to ferret out, you

1 know, Carol, when I made my suggestion  
2 earlier.

3           Somebody like Dewey that wound up  
4 last year when the season started at an  
5 earlier time, January, by the time it got to  
6 their time of the year when they could  
7 actually fish off North Carolina, August 1st,  
8 the quota was gone. And I think if you're  
9 going to use a two-year measurement on guys  
10 that have been fishing hard for many years and  
11 working with a system, you've just eliminated  
12 him.

13           And going back into the scenario  
14 of three to five years in most of the limited  
15 access situations I deal with, there's a way  
16 of taking the best of whatever the three or  
17 the five years and try to be able to construct  
18 some kind of allocation, if you're going to go  
19 to individual allocations. If you're going to  
20 go to a sector allocation for gillnet,  
21 longline, area, whatever, then it's first  
22 come, first serve. So, there's a variety of

1 ways to look at that.

2 But I would create a permit pool  
3 so you don't permanently retire those permits  
4 that are directed and incidental, particularly  
5 the directeds, because there may come a time  
6 next April or May where we have a sandbar  
7 increase of availability. Same with  
8 blacknose. All that could wind up meeting  
9 later, five years, ten years, whatever, to  
10 where you need to get some of those limited  
11 access permits activated and there's people  
12 that's willing to participate in an auction  
13 and get some.

14 So, just keep an idea. Don't just  
15 totally retire them forever. Keep a certain  
16 minimum threshold of the permits. Don't go  
17 down to zero or one permit left in the whole  
18 country.

19 MR. BROOKS: And as people are  
20 commenting on permit stacking, I want to just  
21 fold in other questions that Carol had  
22 mentioned earlier just to get your minds

1 thinking about it. How many permits can be  
2 stacked on one vessel? Should there be a  
3 limit? How are inactive latent permits  
4 handled as it relates to permit stacking? Can  
5 incidental shark permits be stacked? Can a  
6 fisherman without multiple permits buy  
7 additional permits to stack? So, just some of  
8 these specifics. That would be great. To the  
9 extent that you have thoughts on it, fold it  
10 in.

11 Carol?

12 MS. BRUSTERGEIS: And just a  
13 thought on the use it or lose it. I like  
14 Rusty's idea of maybe creating a permit pool,  
15 but there's also the idea that it wouldn't  
16 necessarily have to be use it or lose it for  
17 all permits. It could be use your directed  
18 permit or it becomes an incidental permit, and  
19 that's something else that could possibly  
20 work. So, there are lots of options there.

21 MR. BROOKS: Dewey and then  
22 Robert.

1 MR. HEMILRIGHT: Dewey Hemilright.  
2 With the permit stacking I see options there  
3 of where people could go out and buy permits.  
4 I think the quota will get caught a lot faster  
5 by the permit stacking. Why make it one? Why  
6 not make it like you can go out and buy five  
7 or ten permits? That way you can get your  
8 whole season done in a couple days, you know?  
9 It will catch the quota quicker without a  
10 doubt.

11 I look at persons like myself,  
12 been in the fishery a long time. Last couple  
13 years I hadn't been fishing because I can't  
14 make it on 33 sharks. We have a lot of  
15 sandbars in our area and I'm just not going to  
16 go kill sandbars to catch my 33. So, it's  
17 been difficult there. I think in the last  
18 couple years I landed -- I landed one shark  
19 the other day. Rest of the time we just  
20 probably cut some off or something during the  
21 times.

22 There was a prior year through

1 National Marine Fisheries regulatory policy  
2 there in North Carolina didn't get a season.  
3 Season started in January and Florida was able  
4 to catch the fish, the whole quota before it  
5 got there.

6 So, you know, lot of different  
7 scenarios, but let's just don't -- you know,  
8 why just a couple permits? Or, you know, if  
9 you're going to stack permits, make it five or  
10 ten, you know? Make it, you know, for  
11 something like that. So therefore, you know  
12 -- well, look -- it's kind of like in the  
13 scallop industry where you -- and then talking  
14 about flounder.

15 You know, if you got a couple  
16 boats, you know, from economics it makes  
17 sense, but the quota will get caught quicker  
18 without a doubt because that's just the nature  
19 of the beast, the way it's going to happen.  
20 If you're not using them now and people start  
21 stacking permits, it will be quicker. So then  
22 next year or in years in the future you'll be

1 saying, well, you know, the quota got caught  
2 quicker this year, you know? And so, I'd  
3 just, you know, it's kind of like a Catch-22.  
4 You know, we just need some more quota without  
5 a doubt.

6 MR. BROOKS: Okay. Robert?

7 MR. KNAPP: I'm for the permit  
8 stacking, but my suggestion would be two per  
9 boat, owner-operated and no incidental  
10 stacking. And this would keep us out of the  
11 sectors and the catch share conglomerates once  
12 again. That's my statement.

13 MR. BROOKS: Thank you. Pardon?

14 PARTICIPANT: (Off microphone.)

15 MR. KNAPP: Like we're  
16 experiencing the catch shares in the Gulf  
17 there where we have individuals owning six,  
18 eight boats, okay, they're not owner-operated  
19 and they own the lion's share of the catch and  
20 they're changing crews constantly. Okay?

21 MR. BROOKS: Jackie, you wanted to  
22 jump in with a comment?

1 MS. WILSON: I was just thinking,  
2 in response to, Dewey, what you were saying,  
3 I think one of the things to probably think  
4 about and balance is do you want to have  
5 seasons that last longer, or is it more that  
6 you would like to have higher trip limits to  
7 potentially -- I mean, I've heard arguments  
8 that it allows for better product but that  
9 ultimately because we only have a set quota,  
10 will come at a cost of a shorter season. And  
11 so just kind of keeping those in mind, what  
12 you're trying to balance there, what it is  
13 that you are going for.

14 Do you want a year-round fishery?  
15 Do you want very short discreet times where  
16 you can take advantage of big sets that you  
17 get, but you know, one of those things you can  
18 get at through permit stacking? So, just --  
19 and kind of give that to us so that we have  
20 some idea of which direction you'd like to see  
21 us go in.

22 MR. HEMILRIGHT: One response back

1 to that. I mean, any way you look at this,  
2 without a increase of quota it's going to get  
3 done quicker. I don't know what part of that  
4 I can relate across to you all to understand.  
5 If you stack the permits, go get caught  
6 quicker. If you add -- increase the limit,  
7 it's going to get caught quicker. The only  
8 way for it not to get caught quicker is put it  
9 down to two sharks every day. I mean, so I  
10 don't know what part that you all don't want  
11 to talk about increasing quota, because any  
12 other option is going to get caught quicker.

13 MR. BROOKS: I think the question  
14 Jackie was trying to get at, Dewey, was sort  
15 of given where the quota is at right now;  
16 because it is where it is, as a fisherman is  
17 your interest to be able to have a structure  
18 that allows a fishery to play out over a  
19 longer time, or is it more your vision to be  
20 able to let me get out there and do this in a  
21 shorter time because that makes more sense  
22 economically? And other considerations you

1 have.

2 MR. HEMILRIGHT: Well, one thing  
3 about that, off North Carolina we got a seven-  
4 month closure. So, I mean, heck, you can't  
5 even go out there on longline fishing and not  
6 even bottom fishing, not even catching  
7 duskies, can't keep the sharks. So, I mean,  
8 with this what we want, there's so many dag  
9 gone variables that's been in place for a  
10 little while that when you're asking from the  
11 fishermen what they want, you need to think  
12 about all the variables, about what they heck  
13 they've been through. And it just don't seem  
14 like it's resonating with them.

15 MR. BROOKS: Thank you. Robert  
16 and David. Robert? I'm sorry. Bruce. Bruce  
17 then over to Rusty and then over to David, and  
18 then to Charlie.

19 MR. BRUCE STILLER: I am for the  
20 stacking because the State of Georgia passed  
21 a law a few years ago that I have to travel  
22 like 50 miles into the State of Georgia back

1 to Florida to unload, and 33 head, the  
2 economic factor just doesn't enter into that.  
3 And the only other option I have is to pull  
4 another vessel that I have or run another  
5 vessel that I have to be able to bring the 66  
6 head. I know this isn't all about me, but I'm  
7 just telling you my part of it, you know?

8 The other side of it is I had  
9 rather catch it up and move onto something  
10 else, a lot of like the guys in the Keys. I  
11 mean, there's a method to our madness. We  
12 have a motive for what we're doing. And if it  
13 doesn't fly and you've got a better reason for  
14 it, then God bless you, you know? That's how  
15 it will turn out. But I'm just telling you I  
16 am not for the incidental shark permit stack,  
17 because an incidental shark fisherman is not  
18 a shark fisherman. This is for the shark  
19 fishermen. Okay? And that's it.

20 MR. BROOKS: Thanks. Rusty?

21 MR. HUDSON: Rusty Hudson,  
22 Directed Shark.

1                   We have until January 14th, 2011  
2                   to comment on this future shark fishery  
3                   vision. Hopefully by then we can get some  
4                   other numbers to be able to work with and see  
5                   where we're going with the current stock  
6                   assessment, et cetera.

7                   But we had to divide out our large  
8                   coastal shark quota into basically, as far as  
9                   non-sandbar -- into two parts. One was for  
10                  the Gulf of Mexico and one was for the  
11                  Atlantic Seaboard. They have twice as much in  
12                  the Gulf as we have over here. Using the 80  
13                  percent mark, you can actually take away  
14                  almost 100,000 pounds off our side and  
15                  whatever portion on their side so that, you  
16                  know, it winds up not being the 1.2 million,  
17                  but you're probably at a million pounds.  
18                  Doing the math, at 33 sharks a pop, most of  
19                  the averages we wind up, if the guys are good  
20                  at targeting what they want to target to get  
21                  the bang for the buck -- you know, that's  
22                  1,000 pounds a whirl I believe pretty much.

1 And so, three, four-hundred trips over here  
2 maximum, maybe less than 300 on the East  
3 Coast, and then whatever over on the Gulf  
4 Coast.

5 But again, we have the issue with  
6 how Louisiana guys don't have federal permits  
7 yet they're landing the lion's share of that  
8 quota that was allocated. We need to get that  
9 out of there so that the state stuff quits  
10 violating the federal quota because the  
11 federal quota is built by guys that have been  
12 participating all this time.

13 So, ultimately the vision, Jackie,  
14 is to be able to do like Bruce said and the  
15 gentleman from the Keys there, is that they  
16 want to spend as little money as they can and  
17 get the maximum profit they can, because this  
18 is a business. It's about profit. And so, if  
19 you're going to try to drag it out all year  
20 and you can't. On paper it just doesn't work  
21 out. And so, these are things that I've  
22 argued since back in the early '90s when even

1 Pamela Mace agreed with me that at a certain  
2 point with a 4,000-pound trip limit 27 people  
3 were capable of catching the best part of a 6  
4 million-pound quota. Now, we're talking about  
5 1 million pounds. And so there's a huge  
6 difference there when you're trying to talk  
7 economic profits, you know, that are generated  
8 by businessmen. So, just need to do the  
9 paperwork on that.

10 MR. BROOKS: Thank you. I've got  
11 David, Charlie, Mark and then Scott.

12 MR. DAVID STILLER: I'm definitely  
13 in favor for the permit stacking. Definitely  
14 if we had more quota or if the blacknose and  
15 the blacktip stock assessments come back good,  
16 we should have more quota. And if the science  
17 is done right this time, it should come back  
18 good.

19 And I think we ought to be able to  
20 catch 100 percent of the quota instead of 80  
21 percent. I know it was done this year because  
22 Louisiana helped us out with most of that,

1 Louisiana State. Btu like last year there was  
2 160,000 pounds approximately left on that  
3 quota that we didn't get to catch. That sure  
4 would have been nice to get to catch. And I'm  
5 definitely in favor of permit stacking.  
6 That's all I got to say right now.

7 MR. LOCK: I think everybody here  
8 would agree, the fishermen that are here,  
9 there's probably -- the problem we're facing  
10 right now is that most of this quota is being  
11 caught by a relatively small number of boats.  
12 Probably some of the guys sitting right here  
13 are doing it, myself included in North  
14 Carolina because I'm really one of the few  
15 guys that are actively targeting sharks. And  
16 I don't want to be a selfish person. I don't  
17 think Bruce does, but you're forcing us into  
18 a corner on self-preservation. What's going  
19 to be best for us? And that's what you're  
20 asking us to do in a way, because if you took  
21 a apple pie and sit it in the middle of the  
22 room over there and cut it up, there's 30

1 people in this room. Nobody's going to get  
2 enough to satisfy them. And that's what  
3 you're asking us to do.

4 How do we come up with a solution  
5 to take a little bit of permit, a little bit  
6 of a quota, I'm sorry, and satisfy everybody's  
7 need when you have basically a relatively few  
8 number of fishermen catching the quota?

9 I mean, would you agree, Bruce?

10 I mean, it's not like everybody's  
11 -- there's a lot of effort, but there's a lot  
12 of people with a lot more effort. And how do  
13 you justify the small amount of quota we have  
14 with the 200-and-some-odd permits? Where do  
15 you come up with the solution, you know, to  
16 divvy it up? That's what we're -- and nobody  
17 wants to be selfish and say, hey, I catch more  
18 than anybody else.

19 I'm a newcomer here. I shouldn't  
20 even be on this panel. I've had a directed  
21 shark for five years. You know, I've always  
22 worked for other guys when I was shark

1 fishing. So, you know, I probably don't even  
2 have a voice to say this, but I mean, that's  
3 what I'm saying. I could sit here and say  
4 I've got good landings for five years, but you  
5 know, we don't have enough quota. I mean,  
6 everybody's hammering on it. That's the  
7 problem. We don't have enough to satisfy  
8 everybody.

9 MR. SAMPSON: That's a good point  
10 there, because the problem we're running into  
11 now is where do you get from being self-  
12 serving? Because with the research fishery,  
13 the sandbars are the most valuable part of it,  
14 and there's only a few guys doing that. So,  
15 what does it make a difference how many  
16 permits are stacked? If there's just a small  
17 circle of guys in the research fishery, I  
18 don't know how you can work that out without  
19 being self-serving, because you could divide  
20 it up among seven guys and tell me how many  
21 head I can catch. And this way I went out in  
22 February when the water was 58 degrees, didn't

1 catch one shark. I went out again in May and  
2 set scared. I set five miles and 300 hooks  
3 and had 100 sandbars and I had to cut 66  
4 loose. Now, I didn't have any sharks that  
5 first trip. I made all the expenses. I paid  
6 my guys a little bit. That second trip it  
7 would have been nice if I could have had 66 or  
8 even 100 and made up for that short trip. So,  
9 that's where, you know, IFQs or catch shares  
10 would come in handy there. But really it's  
11 self-serving to sit here and say you should  
12 divide it up among these six or seven guys and  
13 the heck with everybody else. I don't know  
14 how you do that.

15 MR. VATHE: I just want to say  
16 that I'm all for of the permit stacking. I  
17 mean, the more fish we can bring to the dock  
18 at a time the more money we make. That's  
19 pretty obvious. But when you start getting  
20 more than two or three permits stacked on a  
21 boat, I mean, we're back to square one where  
22 we were five or six years ago. We might as

1 well have just stuck with the 4,000-pound trip  
2 limit. I mean, there's no changes at all.  
3 That's it.

4 MR. BROOKS: Thanks. I've heard  
5 most people, except for perhaps one, suggest  
6 that the permit stacking should be limited to  
7 just a couple. Is there anyone around the  
8 table who feels that that should not have a  
9 limit or should be able to go much higher?  
10 Yes?

11 PARTICIPANT: What's going to  
12 happen with the state? Are they going to be  
13 able to stack permits, too?

14 PARTICIPANT: Oops.

15 MS. BRUSTERGEIS: States don't  
16 have federal permits and most states don't  
17 allow commercial fishing in their state waters  
18 either.

19 PARTICIPANT: Yes, well,  
20 everybody's picking on Louisiana, and I'm not  
21 here to represent them, but that seems to be  
22 the biggest problem. So, when you do this,

1 they're going to adopt that law that you're  
2 going to make and they're going to put 10 guys  
3 on a boat. So, it's, you know -- I don't know  
4 where I'm at on this permit stacking.

5 PARTICIPANT: Unless they have  
6 their own state quota.

7 PARTICIPANT: And basically  
8 Louisiana has to have their own state quota.  
9 I think that would solve a lot of the problems  
10 probably in the whole room. But that's where  
11 the problem's at right now.

12 MR. BROOKS: Thank you. Lisa?

13 MS. GREGG: I have a question for  
14 HMS staff. Is there not a way to stay within  
15 the legal requirements of Magnuson-Stevens and  
16 still increase quota? I mean, I think  
17 everybody here agrees, even management, we all  
18 agree that this is not going to be a viable  
19 fishery unless we find a way to increase  
20 quota.

21 Now, can that happen if you're  
22 looking at individual species basis? I mean,

1        what science needs to be done or what can be  
2        done with what we have now to increase quota.

3                MS. BRUSTERGEIS: I think a lot of us  
4        are waiting for the current stock assessment  
5        to see where sandbars or dusky or blacknose  
6        might be. Depending upon the results those  
7        might be able to go up. I think we need to  
8        wait for other stock assessments or other  
9        science to show what the quota could be for  
10       the other species.

11               MS. GREGG: But if the species are  
12       being done on a complex basis, if you split  
13       them out, like blacktip, if you split that  
14       out, would that not affect the quota for the  
15       complex itself?

16               MS. BRUSTERGEIS: If we were to  
17       split blacktip out, I think it would be taking  
18       the current quota that we have for the non-  
19       sandbar large coastals and just taking  
20       blacktip out of it. It wouldn't be increasing  
21       the quota. The reason we stuck with that  
22       quota is because of the stock assessment that

1 peer reviewers told us not to increase catches  
2 of blacktips. Blacktip is healthy but the  
3 actual location of where they are on that  
4 healthy scale for the Gulf of Mexico is  
5 unknown. Stock assessment could not  
6 determine. In the Atlantic the range for  
7 blacktip went from really, really healthy to  
8 really, really not healthy at all, which is  
9 why the Atlantic is unknown. So, we would not  
10 want to increase catches against the science.

11 MR. GREGG: So no matter what we  
12 do, no matter how we look at things, we're  
13 stuck with the quota as it is right now? Is  
14 that what you're saying? I mean, there's  
15 nothing we can do to -- I mean, by splitting  
16 things out, by looking at things on an  
17 individual basis or by --

18 MS. BRUSTERGEIS: Until we have  
19 additional science indicating there's some  
20 reason for us to increase, I don't see how we  
21 can increase the quotas at this point. We  
22 would need new information.

1 PARTICIPANT: So there's no  
2 reconfiguration that grows the quota?

3 MS. BRUSTERGEIS: No. No. There  
4 has been a couple times people have talked  
5 about the sandbar and the research fishery.  
6 I do want to make sure people realize that a  
7 lot of the changes Rusty pointed out for the  
8 sandbar assessment, the change back to 12 or  
9 13 years of age for maturity happened because  
10 of research that's being done in the research  
11 fishery because of those samples. So, I do  
12 want people to know that we are working to try  
13 to improve the science by having these  
14 research fisheries and the research fishery is  
15 having results that are being used.

16 MR. BROOKS: Lisa, did you want to  
17 say anything else?

18 MS. GREGG: Well, I guess since we  
19 aren't going to get quota at this point -- and  
20 when are the results going to be back for  
21 those other species? I mean, when is that  
22 stock assessment going to be completed?

1 MS. BRUSTERGEIS: I believe Rusty,  
2 who had the schedule, said May something or  
3 other.

4 MR. HUDSON: For the sandbar/  
5 dusky/blacknose the current SEDAR 21, we're  
6 looking at the end of May when the reviewers  
7 have their final report done.

8 The research fishery I don't  
9 believe was responsible for the new age of  
10 maturity. I believe that was some work that  
11 Jack Nusicbims (phonetic) and some other  
12 sources put together. It did displace what  
13 Rebecca Mursin and them and Nancy and Casey  
14 and all them did with regards to that 19 to  
15 26-year thing that was used at the last  
16 assessment. So, that's a big deal when you  
17 got that swing from 13 years up to 20-  
18 something years and then drop them back again.

19 So, you know, that's where I think  
20 the sandbar is going to have some change, but  
21 then they're trying to also change from a  
22 biennial reproductive cycle to -- they tried

1 for a triennial, but instead they settled on  
2 a two-and-a-half, but they should have  
3 listened to the life history and use a  
4 baseline of two, as it's been forever, and  
5 then a sensitivity at three. But we got kind  
6 of outvoted by the SEDAR coordinator, and I  
7 have a little issue with that. That's  
8 something that we'll deal with as we get to  
9 the research phase.

10 But as far as the blacktip in the  
11 Gulf of Mexico, from SEDAR 11 the blacktip was  
12 -- you know, said not overfished, no  
13 overfishing occurring over there, but unknown  
14 status here because of the problem that we had  
15 with no history of blacktip fishing over here.  
16 Now, that means that those blacktips there,  
17 since the line is from the Dade-Monroe County  
18 line below Miami around Texas; because we  
19 anticipated the problem with Louisiana catches  
20 of blacktip, is that all the unknown status  
21 stuff, like the lemon, the bull and all that  
22 stuff over there is sort of held to the levels

1 that the blacktip can tolerate and then some  
2 allowance for those unknown. And over on this  
3 side with our unknown status for blacktip,  
4 Atlantic blacktip, and the same deal with the  
5 lemons and the bulls and stuff like that, it  
6 just creates a thing that until we can get to  
7 a new assessment around 2012 just to start  
8 with those lists of things that both Bob and  
9 I were talking about we need to get to.

10 MR. BROOKS: Yes, and then I want  
11 to try to wrap this up here. Yes?

12 MS. GREGG: So, I guess my  
13 question is to everyone sitting around this  
14 table, with the quota that we have now and not  
15 changing anything do we want to change things?  
16 Do we even want to do something, just start  
17 working on something different when we might  
18 have an assessment in May that may send us in  
19 another direction?

20 PARTICIPANT: I'll comment on  
21 that, Lisa. I think you're keeping it pretty  
22 simple and you're moving us forward. The only

1        thing I would like to change would be the  
2        opening dates. That's all I would like to do.  
3        And maybe, I don't know if you could find the  
4        funding, could you buy up them latent permits?  
5        Could we try for that?

6                    PARTICIPANT: Is that people with  
7        no history?

8                    PARTICIPANT: Throw them five  
9        grand. That's more than they make catching  
10       sharks. Right?

11                   MR. BROOKS: I think, Jackie, you  
12       wanted to jump in on this. And then I've got  
13       Rick and Caroline waiting to get in, and  
14       David. And then I want to wrap up this part  
15       so we can have a final conversation around  
16       catch shares.

17                   Jackie?

18                   MS. WILSON: I just want to  
19       quickly address in terms of how the quotas  
20       were set for the non-sandbar LCS. Those were  
21       based on recommendations from the SEDAR 11,  
22       which was to not increase catches based on

1 what was done for the complex, even though  
2 they said they couldn't assess them. But  
3 obviously we have lots of species in there  
4 that are rolled up into one that don't have  
5 individual assessments and based on what was  
6 found for the Atlantic and the Gulf of Mexico  
7 blacktip.

8           And so, we based an overall quota  
9 on the historical landings for blacktip and  
10 the other species that fall in that -- was  
11 that time the LCS complex when you took out  
12 sandbar shark. We then split that up between  
13 an Atlantic and Gulf of Mexico based on the  
14 proportion of landings between the two  
15 different regions. All right?

16           So, that's how that was set up.  
17 It wasn't taking away quota from anybody in  
18 the sense that sandbar sharks were taken out,  
19 which was the number one species that was  
20 targeted before then. So then the overall  
21 quota did go down as sandbars weren't a part  
22 of that figure anymore. Just to make that

1 clear on how that came out.

2 And the next thing too that I kind  
3 of was hearing from people in the support for  
4 the permit stacking; and maybe this will make  
5 the transition into the catch shares, is for  
6 people to kind of keep in mind what's the  
7 difference between those things? Are there  
8 preferences between the two different  
9 approaches versus kind of a catch share  
10 approach, or a permit stacking? Because  
11 there's a lot of similarity there as well.  
12 And so, I think it would be helpful for us.  
13 There's a time issue, time element to be  
14 considered.

15 And so, then if you could maybe  
16 give us some sort of priority of do you want  
17 us looking at permit stacking in a shorter  
18 time frame? Looking at catch shares in a  
19 longer term frame? Do you want us not to  
20 consider one or the other? But give us some  
21 direction in terms of what you're thinking so  
22 that we can have a priority of what we should

1 be focusing on as well.

2 MR. BROOKS: Good. That's a  
3 helpful question, Jackie. Thanks.

4 I'm going to ask people to hold  
5 their response to that just for a couple of  
6 speakers just to close out.

7 Rick, you're good.

8 Caroline, you wanted to jump in on  
9 this last piece.

10 MS. BELCHER: To Lisa's point, I  
11 do think there's a mechanism to look at to see  
12 if there's a way to change out quota. And the  
13 only reason I say that is because we do have  
14 an unassessed stock rule within the South  
15 Atlantic. Mid-Atlantic's working on it.  
16 Actually most of the national SSCs are working  
17 on that.

18 Because we have many species that  
19 all we have is a landing stream, we're looking  
20 at things like depletion corrected, average  
21 catch, the DBSRA approach, which is a stock  
22 reduction approach, both of which have Alex

1        McCall (phonetic) involvement in them.  
2        They're at species basis you have to know.  
3        There's some expert judgment that goes into  
4        that, because you have to know something about  
5        the catch history. One, you have to have the  
6        complete time series. The other one, maybe a  
7        shorter time series, but you have to infer  
8        something about the stability of the fishery  
9        and what that means to the sustainability or  
10       the sustainable state of that particular  
11       species.

12                    But I do think there is a way to  
13        look to see if that complex total could be  
14        adjusted differently. It's just a matter of  
15        who does the work. I mean, I'm recanting from  
16        what my involvement has been with the SSC,  
17        where there's actually a scientific  
18        involvement, there's a manager's involvement.  
19        We're kind of coming at this from a different  
20        approach here, and that ability for us to  
21        assess it like that isn't -- that mechanism's  
22        not here.

1                   But I do think that there is a way  
2                   that those levels can be looked at, because I  
3                   guarantee you if we've heard it, you'll hear  
4                   it.  Saying that you don't have any new  
5                   information will not get you out of that,  
6                   saying that we can't come up with a new catch  
7                   limit.  We've actually gone to with the  
8                   unassessed stock -- when you have to come up  
9                   with overfishing level and then setting an ABC  
10                  from that -- with an unassessed stock you  
11                  actually don't know what the overfishing level  
12                  is.  Because you don't have that information,  
13                  you can't do an assessment.  So you have to  
14                  start with what you think is an acceptable  
15                  biological catch based on what that catch  
16                  history looks like.

17                  MR. BROOKS:  Thanks.  Last  
18                  comments on permit stacking and permit issues.  
19                  Rick?

20                  MR. WEBER:  I was actually  
21                  thinking of the same thing Lisa was when she  
22                  started there.  Dividing these species out, if

1 you went species by species, I'm really  
2 surprised that there isn't any new flexibility  
3 that you pick up. I would have thought when  
4 you set that total quota you would have set it  
5 for a more at-risk species. And if you were  
6 then able to segment out that more at-risk  
7 species from the less at-risk species, I would  
8 think that just intuitively that you would be  
9 able to loosen up a little bit on the less at-  
10 risk species. I don't understand why picking  
11 up species by species management isn't letting  
12 -- I can only come from my rec view. We set  
13 a length that was based on our most concerned  
14 species that caused the wrong answer in the  
15 smaller sharks and probably not cautious  
16 enough on makos, but makos weren't why we set  
17 that length. We set it for a more at-risk  
18 LCS. And I think if we go segment by  
19 segment --

20 (End of Tape 18)

21 TAPE 19

22 MR. WEBER: (In progress) --

1 species in the recs, we're going to get limits  
2 that look right. I don't understand why in  
3 the commercials when you go species by species  
4 you can't give me more of the less at-risk  
5 fish.

6 MR. BROOKS: Thank you.

7 MS. BRUSTERGEIS: We pulled out  
8 the more at-risk fish.

9 PARTICIPANT: You pulled out the  
10 less at-risk fish, but you didn't pull out the  
11 unassessed stocks. And going back to the  
12 unassessed stocks, that's going to make a  
13 difference. And if there's a scientific way,  
14 you know, to approach it with an SSC approach,  
15 I think that we need to do that.

16 MR. BROOKS: Just to suggest that  
17 at this point it sounds like there's a very  
18 strong interest, at least from those we've  
19 heard from on this topic, to at least reopen  
20 that and confirm, reconfirm that a species by  
21 species look doesn't give you that additional  
22 flexibility. I don't think we're going to

1 solve that right now, but it sounds like it's  
2 a very live question that bears a little bit  
3 more investigation.

4 David, did you want to have the  
5 last word on permit stacking?

6 MR. DAVID STILLER: Well, I was  
7 going to say maybe if -- I don't know how this  
8 will fly with the other fishermen, but I mean,  
9 if you break the Atlantic quota in half, let  
10 the South Atlantic start January 1st, let it  
11 go until it's done and then open the Gulf --  
12 I mean, and then open up the Mid-Atlantic July  
13 1st, and even the Gulf on July 1st, because  
14 most of the Louisiana fishermen will be  
15 fishing for shrimp and everything else,  
16 they'll be pretty busy with other stuff. And  
17 so even if they're on the quota, let it go  
18 because most of their fish are going to go to  
19 Mexico anyway on a different market than North  
20 Carolina will go to and it won't mess with the  
21 North Carolina boats market. It won't hurt  
22 their market at all.

1                   And then on the other things about  
2 IFQs and stuff, I guess we don't want any big  
3 companies to come in and start buying them all  
4 up and then here we sit wishing we hadn't done  
5 it.

6                   MR. BROOKS: Thanks. I'd like to  
7 close out this topic at this point. I think  
8 we've had a pretty good discussion here on  
9 permit stacking. Sounds like there's pretty  
10 strong amount of support around the table.  
11 Some caveats there. Issues around equity,  
12 issues around safety, noting that the quota  
13 will go faster. I think we have, you know,  
14 varying views on the extent to which stacking  
15 should be permitted in terms of can you stack  
16 just two? Can you stack more than that?  
17 We've heard a couple of different perspectives  
18 that you don't allow incidental permit  
19 stacking, but focus it on the directed  
20 fishery. And that, you know, the overall  
21 value of it is limited. Don't kid yourself.  
22 Because of the quota limitation you're not

1 going to solve the problem. No silver bullet  
2 there.

3 On the use or lose it I think  
4 we've probably heard pretty mixed interest on  
5 that. I certainly didn't hear anything  
6 resembling broad support for that around the  
7 table. Some interest, but concerns that it  
8 really doesn't quite track reality with how  
9 folks are fishing. You know, fairly limited  
10 support and I think a sense that if you did go  
11 with it, a couple people spoke to the value of  
12 creating a permit pool so that you don't lose  
13 it forever.

14 Several comments around  
15 Louisiana's issues around how it touches on  
16 all of these discussions and needs to be  
17 addressed.

18 And then this last point we're  
19 talking about, which is: Explore the  
20 opportunity for any potential quota increase  
21 by taking a species by species look.

22 I would love to volunteer Lisa,

1 Pete, Dewey and Bruce to huddle for about 15  
2 minutes after we adjourn at 5:30 to help just  
3 put together a quick summary to present to the  
4 full group tomorrow morning. Would you all  
5 accept that?

6 Yes? Okay. Thanks.

7 PARTICIPANT: Are we getting ready  
8 to adjourn? Okay. All right. The segment of  
9 the small coastals, is this going to come up?

10 MR. BROOKS: Thanks. What we want  
11 to do is shift into talking about catch shares  
12 and then we intend to adjourn after that.  
13 Why, what's the --

14 PARTICIPANT: One of the main  
15 reasons I came here today was the small  
16 coastals, all of the species closing when the  
17 blacknose quotas fill. There's a large  
18 sharpnose and bonnethead fishery in the  
19 mackerel fisheries at Cape Canaveral that's  
20 sometimes 20 to 30 percent of the gross money  
21 out of a day's catch are dressed sharks. And  
22 it just really kills me to see sharks or fish

1 of any kind discarded when they're dead  
2 because of management. And I fish in that  
3 fishery and I'm testifying that there are very  
4 few blacknose caught during that time.  
5 There's been two years at least of observer  
6 reports or observers being on these vessels.  
7 They have reports, and I challenge you to look  
8 at those observer reports to see how many  
9 blacknose there have been taken or died or  
10 landed during these two months or three months  
11 of October, November, maybe a little bit of  
12 September and a little bit of December. You  
13 might include three months. And that's all  
14 I'm asking about that, if it could be looked  
15 at. It's a real serious thing. Okay.

16 MR. BROOKS: Thank you. At this  
17 point what I'd like to do is have us spend the  
18 next 20-30 minutes; and we'll get you out of  
19 here by 5:30 or so, to talk about catch  
20 shares.

21 And, Carol, again if you would  
22 just do a quick setup of that?

1 MS. BRUSTERGEIS: Quick setup,  
2 catch shares. They are the umbrella term.  
3 Can mean anything from limited access  
4 privilege programs to individual fishing  
5 quotas to sectors, how you set them up, how  
6 you allocate, how people become eligible for  
7 them, can be all over the board. There are  
8 examples throughout U.S. and throughout the  
9 world in how these have been handled.

10 We do actually have some very  
11 specific questions that I've put up regarding  
12 catch shares in the shark fishery. I think  
13 what we're mainly looking for are would people  
14 like us to continue looking at catch shares?  
15 And then if you are, just a very broad -- are  
16 you looking more for individual fishing  
17 quotas? Are you looking more at the sector  
18 idea? Are you looking at some other way of  
19 working in a catch share?

20 MR. BROOKS: Thank you.

21 DR. HUETER: Bob Hueter, Mote  
22 Marine Lab.

1 Well, we find ourselves with a  
2 fishery that after all this history has become  
3 kind of limited and the value has diminished.  
4 That works as both a positive and a negative,  
5 or a plus and a minus. The minus is that at  
6 some point we have to look at how much we're  
7 investing in managing this fishery and make  
8 sure that we're not putting more in than  
9 actually the economic value of the fishery  
10 itself.

11 But the positive of this is that  
12 because the fishery has kind of shrunk into  
13 some very definable entities, this is the kind  
14 of fishery that we can approach to do  
15 something innovative such as a catch share  
16 system. So, I would advocate pursuing an IFQ  
17 catch share system for this definable fishery.

18 And as far as the sectoring  
19 approach, I think we should try to get it down  
20 to the individual level as much as we possibly  
21 can. I saw one slide that talked about  
22 combining sectors with general regulations,

1 and that doesn't make a whole lot of sense to  
2 me. That's like a halfway solution, which is  
3 no solution at all. So, we need to get down  
4 to the individual level if at all possible.

5 And when it comes to allocations,  
6 I mean, everybody's got some real fears about  
7 how this is going to work and throwing out a  
8 lot of questions about how do you decide and  
9 so on. As Carol mentioned, this is what the  
10 process is all about is making those  
11 decisions. Nobody has one way of doing a  
12 catch share system and then jams it down your  
13 throat. Everybody will be just as much  
14 involved in those decisions as they are right  
15 now. But I have to say after being involved  
16 in this process for as many years as I have  
17 that I definitely would advocate honoring the  
18 fishermen who've been in this fishery all  
19 these years and have withstood all of these  
20 regulations, all these changes, all the ups  
21 and downs that are still here. I mean,  
22 there's a lot to be said for that. And I

1 think that that should be part of the  
2 mathematics as to how we figure out how to --  
3 or how it is figured out how allocation is  
4 done.

5 But, in general I'd just like to  
6 say that I think we need to move now toward a  
7 catch share system, not wait and not let the  
8 five-year time line be a deterrent, but start  
9 working on this as soon as possible.

10 MR. HUDSON: Rusty Hudson,  
11 Directed Shark.

12 IFQ. Well, you've already sort of  
13 expressed an individual fishing quota. Now  
14 what we'd like to see is the allocation  
15 analysis so that we can see who would first  
16 qualify with whatever minimum standard has  
17 been developed, one pound, whatever, as far as  
18 the minimum standard of history, and for how  
19 many years so that we can get to that point so  
20 they can actually visualize how much they will  
21 have in their pocketbook. Need to let  
22 everybody know that you're going to probably

1 be seeing a three percent part of your gross  
2 revenue going to the government as a payment.  
3 And you got to be careful about a referendum  
4 that might be a weighted vote also, because  
5 again if it's a one pound, that means at least  
6 you had a history. But if it's 1,000 or  
7 10,000 or a 100,000 pounds across however many  
8 years, then that makes it so that it can  
9 become more like the red snapper fishery in  
10 the Gulf of Mexico where a small group of  
11 people are going to control the whole quota.

12 And I didn't realize it until just  
13 a few minutes ago, Carol, but you all have a  
14 SEDAR pool now as of March of 2010 that lasts  
15 through March 2013. And I see there's four of  
16 us around this table; Bob, Caroline, David and  
17 myself, that are all in this pool. Could you  
18 explain briefly, because that affects how we  
19 can sort of judge assessments and everything?  
20 When do we meet? When do we get to decide how  
21 many of us out of this 30-some-odd people in  
22 the pool?

1 MS. BRUSTERGEIS: The SEDAR pool  
2 is not like this advisory panel. The only  
3 reason we have the SEDAR pool is we then  
4 select people from that pool to go to the data  
5 workshop. And then we go in again at the  
6 assessment workshop phase and we select other  
7 people to go to the assessment workshop.  
8 That's the only reason for the SEDAR pool.

9 MR. HUDSON: Okay. Which then  
10 makes sense, because that's how I'm at SEDAR  
11 obviously, as well as Dr. Heshner  
12 (phonetic).

13 But, in the council level,  
14 Caroline being the chairman of our SSC over at  
15 the South Atlantic Council, they make a  
16 determination to give management advice. Now  
17 in the case of HMS, I believe it's the NMFS  
18 science staff that actually is the proxy SSC  
19 at that particular point. Even though they  
20 participated in the assessment, they're the  
21 ones that sort of become the pseudo SSC. Am  
22 I correct in assuming that?

1 MS. BRUSTERGEIS: It's not just  
2 the people who participate in the assessment.  
3 In fact, we're trying to get away from that.  
4 So, it would be other scientists from the  
5 Northeast and Southeast Science Centers,  
6 Science and Technology, along with management  
7 being sort of the SSC proxy. But, yes, you  
8 are correct, there is no SSC for HMS.

9 PARTICIPANT: I have a quick thing  
10 to that point. Are you talking about the  
11 review level or are you talking about the SSC  
12 level? Because there's actually two levels in  
13 theory of review. You've got the review panel  
14 which comes out of the CIE is how some of that  
15 is populated. You do have SSC representation  
16 on those. But in the end that's been one of  
17 those -- the trying to figure out the new  
18 roles of the SSC is are we a secondary review  
19 to the review? Because that independent peer  
20 review basically stands as that science was  
21 correct. Then it's up to the SSC to determine  
22 is it correct for management within the region

1 in which we're receiving it?

2 PARTICIPANT: To that effect, as  
3 in red snapper, we have a review workshop  
4 occurring in October. And then you all meet  
5 in November to then give the final management  
6 determinations at that point. Now in our case  
7 we have in April the SEDAR 21 review meeting  
8 physically and then generating the report a  
9 month later. But at that point would be, I  
10 would think, the proxy SSC composed of NMFS  
11 staff somehow then giving you all advice,  
12 which probably won't be timely enough for the  
13 spring meeting, but would probably be timely  
14 enough for the fall meeting next year when we  
15 get together as a panel here.

16 You're shaking your head yes,  
17 so --

18 MR. BROOKS: Okay. Let's hear  
19 from Robert, Scott, Pete and Mark.

20 Robert?

21 MR. KNAPP: Well, my suggestion is  
22 use the catch share money to buy out the

1 permits that are inactive or people that  
2 desire to get out and get paid to get out.  
3 Would probably cost a lot less. Okay? And  
4 then allow the permit stacking. Think it  
5 would be a lot simpler. Then you work on the  
6 Gulf of Mexico and the state water situation  
7 you got going there. Be a lot simpler than  
8 trying to go species-specific history from  
9 people that haven't fished and how do they  
10 acquire a catch share like I mentioned before?  
11 Are they in or are they out? People won't  
12 even comment unless they know about that.  
13 There can't be four catch shares unless they  
14 know where it's headed.

15 So what I'm suggesting, allow the  
16 stacking, two permits per vessel, take  
17 whatever money you can get out of that catch  
18 share program and buy out the rest of the  
19 permits. That will keep it a lot simpler.  
20 Okay? Thank you.

21 MR. BROOKS: Scott.

22 MR. VATHE: Yes, I would like to

1 see the catch share program go forward. I  
2 agree with Robert and them over there that  
3 there does have to be some kind of template  
4 laid out so the fishermen can see where  
5 they'll actually stand before you get any  
6 input from most fishermen.

7 As of right now, I mean, I have a  
8 very good catch history so I would probably  
9 stand pretty good. But it would be a lot  
10 easier to fish, even if I could only catch 50  
11 percent of the fish that I normally catch. If  
12 I can catch them when I want, you know, with  
13 no trip limits and not having somebody tell  
14 me, okay, you have to go January 1 or you have  
15 to go July 15th, I could make my profit a lot  
16 more. I feel that, you know, I could catch  
17 half the fish and probably do it in half the  
18 time and make my profits a lot higher. That's  
19 it. Thank you.

20 MR. BROOKS: Thanks.

21 MR. KNAPP: One more question on  
22 that, or comment. You would also have to know

1 if you're not involved in the sandbar fishery  
2 now, how do you distinguish what your share is  
3 in the quota? Okay? And there's a lot of  
4 people that have more access to the fish than  
5 others, or the sharks, I should say.

6 PARTICIPANT: Yes, one question  
7 to --

8 MR. BROOKS: Scott.

9 PARTICIPANT: Do you have a good  
10 fisheries in what, sandbars or blacktips, or  
11 what they're allowing us to catch now, or --

12 MR. VATHE: Yes. I mean, the  
13 sandbar fishery is something completely on its  
14 own. I have a good catch history in just the  
15 regular shark fishery itself.

16 MR. BROOKS: Pete and then Mark.

17 MR. BOHAM: I was pretty much  
18 going to say what Scott just said. You know,  
19 I think the catch share I'd benefit from it,  
20 too. But for a quick fix, I'm all for the  
21 permit stacking, even if it's one permit.  
22 Just because, like we said over and over,

1 we're just running too far and there's not a  
2 whole lot of profit left in it. A long season  
3 doesn't mean anything if when you're all said  
4 and done you didn't make out good. I mean,  
5 the last time we had the 4,000-pound limit it  
6 was open for two weeks in the Gulf and we did  
7 really good, way better than we're doing  
8 fishing six months now, or six weeks like last  
9 year.

10 And there's just a lot of things,  
11 like our bait. This year here, you know, the  
12 season closed in six weeks. We just bought  
13 \$15,000 worth of bait. We still got it in the  
14 freezer in Miami, because nothing -- we have  
15 no clue what's going on and it's a bad way to  
16 run a business. And I think there could be a  
17 lot of improvements.

18 And one other thing, too. I agree  
19 with these guys, I mean, we shouldn't be  
20 throwing away these dead fish. If we get a  
21 dead fish, especially with an observer on the  
22 sandbar fishery, let's keep the thing and put

1       it on the quota. Just anything dead, even  
2       with dusky, whatever. We shouldn't be  
3       throwing this away. Thank you.

4                   MR. BROOKS: Mark?

5                   MARK: I think regardless of  
6       whether it's good for me or bad for me or good  
7       for any other fishermen or bad for any other  
8       fishermen in this room, IFQ is always best for  
9       the fish and I think it would be a good idea  
10      to go to catch shares.

11                  MR. BROOKS: Thank you. Sean?

12                  MR. McKEON: Thank you. Sean  
13      McKeon.

14                  I just caution about catch shares.  
15      There are myriad problems with them and  
16      they've become very popular and in vogue now  
17      with certain folks. You know, and I  
18      understand why you'd all be for them if you  
19      have that history, but again there's a lot of  
20      people who've been disenfranchised from these  
21      fisheries and they've been disenfranchised  
22      because we're back to quota again.

1                   And I do think some of what Lisa  
2           -- and I know what Bob was talking about  
3           before I think has some merit. I can't see  
4           how if you really get in there and separate  
5           some of these out you're not going to increase  
6           quota because catch shares have been sold  
7           predominantly by environmental defense as a  
8           panacea and a silver bullet to fix these  
9           problems. And in many instances they  
10          exacerbate them. When people lease them out,  
11          they always talk about it eliminates the race  
12          to fish and in many examples it exacerbates  
13          those problems because someone is really in a  
14          share cropper situation. The guy that's  
15          leased it to him wants his money and it  
16          doesn't eliminate it. So, without getting  
17          into the merits of them, there's a lot of  
18          problems with catch shares.

19                   And I think long before we go down  
20          that road I think what Rusty was talking  
21          about, I mean, we need to have -- see what  
22          it's absolutely going to look like. I don't

1 think there's any problem with pursuing the  
2 idea. I'm opposed to them, my organization is  
3 opposed to them, with pursuing exploring. But  
4 I think way more information has to come out  
5 before we decide. You know, 11 people or 15  
6 people are going to be able to have the lion's  
7 share of a quota that other people have  
8 contributed also to building those fisheries,  
9 and for many reasons, through no fault of  
10 their own, a lot of them are not in that  
11 fishery right now. They've had to do other  
12 things to survive. And I don't like the idea  
13 of -- we have to be very careful about that  
14 allocation issue. I think it's a very crucial  
15 issue. So, that's my comment on --

16 MR. BROOKS: Thanks, Sean. Mark,  
17 you wanted to get back in. Then Pat and then  
18 over to Rusty.

19 MARK: Allocations, you know, the  
20 initial allocation is always messy and people  
21 are disappointed and there's no good way to do  
22 it. The only good thing about allocation is

1 all the alternatives are worse. That's the  
2 only problem. All of the alternatives are  
3 worse. Once the allocation is done, it's  
4 better for the fish and the fish are going to  
5 flow to the most efficient user by market  
6 share.

7 And the share cropper thing, it is  
8 true. There's guys in my area, they get \$3 a  
9 pound for red snapper and the fishermen goes  
10 out there and gets a \$1 a pound. But before  
11 the fisherman was throwing those fish away,  
12 you know what I mean? Now he's bringing in  
13 500 pounds, getting a lousy 500 bucks, but  
14 it's better than nothing. And the other  
15 fishermen that owns his shares, he's not going  
16 fishing at all, so those 500 pounds of fish  
17 are being sold instead of being thrown away.  
18 So in the end of the year there's more fish  
19 out there swimming. I know it's no fun if  
20 people get left out and people are -- the  
21 problem that these people are disenfranchised  
22 are disenfranchised anyhow in this fishery

1 right now. I mean, like you said, everybody's  
2 out of it. There's just no better way to do  
3 it, that's all. There's lots of worse ways to  
4 do it.

5 MR. BROOKS: Pat.

6 MR. AUGUSTINE: Thank you. We had  
7 a brief discussion on the possibility of doing  
8 something with the 80 percent, that wanted to  
9 reach the 80 percent level, were pretty well  
10 cut back, but then someone mentioned that  
11 roughly 150,000 pounds were left on the table.  
12 The question is has that been consistent every  
13 year? Hundred-thousand? Two-hundred-  
14 thousand? Has there been an ongoing number?  
15 And then I'd like to follow it up.

16 MS. BRUSTERGEIS: So, last year,  
17 2009, was the first full year of going with  
18 the 80 percent. Gulf of Mexico, we projected  
19 they would reach 80 percent and we closed them  
20 down. They reached 80 percent and didn't go  
21 beyond that, so they did not have the chance  
22 to use that quota. The Atlantic, we projected

1 they would ready 80 percent. They did. They  
2 went over the quota. This year in the Gulf of  
3 Mexico we projected they would reach 80  
4 percent. They did. They've gone over the  
5 quota.

6 So, last year Gulf of Mexico did  
7 not catch the full quota. They caught up to,  
8 I don't know whether it was 82 or 83 percent.  
9 This year they've caught I think it was 107  
10 percent at the last landings update.

11 And then the Atlantic, they  
12 haven't caught the full quota yet, so we  
13 haven't closed them. The Atlantic's still  
14 open.

15 MR. AUGUSTINE: Just a follow on.  
16 So, is it a question of reporting where  
17 they're either late reporting and then that  
18 information comes in and then that creates  
19 that overage? In other words, what I'm asking  
20 is are they reporting on a weekly basis,  
21 biweekly basis, month? I don't recall what  
22 the cycle is of reporting. So, that would be

1 helpful.

2 MS. BRUSTERGEIS: It's a biweekly  
3 cycle, so all fish that are landed between the  
4 1st and the 15th of any month needs to be  
5 reported to us by the 25th of the month. And  
6 then any fish between the 16th and the end of  
7 the month need to be reported to us by the  
8 10th. So, we are always several weeks behind.

9 MR. AUGUSTINE: Okay. So, I guess  
10 the follow on question would be then is it  
11 possible during the latter part of the season  
12 to increase your review on a weekly basis as  
13 -- I know it's going to incur costs, but to be  
14 more accurate would the likelihood of using  
15 the full quota -- I know what happens when  
16 they go over. It comes off of the next year,  
17 and that's the penalty that fishermen are  
18 going to have to pay. It just seems to me  
19 that in one case you had an underage of  
20 150,000 that could translate into quite a few  
21 bucks. So, maybe during the last -- once you  
22 reach, pick a number, 70 percent or 80

1 percent, that you immediately go from a two-  
2 week cycle to a one-week cycle. And maybe  
3 that will extend that season.

4 It just seems to me to have any  
5 fish left in the water like we have with  
6 scuff. We had millions of pounds of scuff in  
7 the water, commercial side, and the  
8 recreational went dry. They weren't able to  
9 do anything. And so there could have been a  
10 transfer there. Can you answer that question?

11 MS. BRUSTERGEIS: I can. We are  
12 actually looking at two things, one in the  
13 2011 annual specs at the proposed hearing  
14 tonight, proposed rule hearing tonight. We're  
15 looking at ways of slowing down the quota in  
16 order to fully take the quota. And then the  
17 other thing we're doing is we're looking at  
18 electronic dealer reporting. And we hope to  
19 have a proposed rule out probably before the  
20 next AP meeting maybe.

21 MR. AUGUSTINE: Thank you.

22 MR. BROOKS: Okay. I want to be

1       sure to get you all adjourned here in about  
2       the next five minutes, because I know we've  
3       also got some drafting teams set up to spend  
4       at least 10, maybe 15 minutes pulling things  
5       together.

6                   I've got Rusty in the queue and  
7       then Charlie.

8                   MR. HUDSON: Rusty Hudson,  
9       Directed Shark.

10                   This isn't what I was going to  
11       talk about, but Pat brought this up and Carol  
12       perhaps can answer the question. Since  
13       Louisiana state landings from non-federally  
14       permitted people caused that overage in our  
15       estimation, how fast do you get your reports  
16       from Louisiana and able to incorporate that  
17       with our federally-monitored catch.

18                   MS. BRUSTERGEIS: Jackie, you're  
19       saying at least six weeks? So, it's a long  
20       time for that. And each state is different  
21       when we get their reports.

22                   MR. HUDSON: Now, to my actual

1 comment. To the people that want the catch  
2 shares, do you want it to become as EDF Vice  
3 President David Festa said April 2009 at the  
4 Milken meeting where the Wall Street types  
5 were, to become a tradable commodity so that  
6 they can buy out your permit and sit on it, or  
7 lease it as a sea lord or whatever in order to  
8 make that 400 percent return on their  
9 investment? Are you for them being able to  
10 make it into a tradable commodity to non-  
11 fishing interests?

12 PARTICIPANT: I think it will be  
13 and it has to be. It's just that the  
14 alternatives --

15 MR. HUDSON: To non-fishing  
16 interests.

17 PARTICIPANT: Well, the problem is  
18 the fishing interests sold them to them of  
19 their own free will and the fishing interests  
20 would have to lease them back to them of their  
21 own free all.

22 MR. HUDSON: So you're for Wall

1 Street --

2 PARTICIPANT: I don't know if Wall  
3 Street's going to own them. I think the  
4 jury's still out. It is on snapper and it is  
5 on grouper. The jury's still out. We don't  
6 know, but the alternatives, what's the  
7 alternatives? This is a mess. It's been a  
8 mess.

9 MR. BROOKS: Charlie?

10 MR. LOCK: Yes, this will probably  
11 the last thing I get to say, so I'm just going  
12 to -- we're talking about catch shares. North  
13 Carolina, very multi-species fishermen. I've  
14 fished for 10 different species in the course  
15 of a year. Sharks have become a big part of  
16 it for me. Like Scott I could say, yes, I've  
17 got a lot of history in the last five years.  
18 Dewey's got a lot of history in the last 20  
19 years. So without us seeing what we're going  
20 to get, I don't think any of us can in our  
21 right mind say we want a catch share, because  
22 we don't even know what we're going to get.

1                   And to add to that, you know, when  
2                   an environmental group is pushing for catch  
3                   shares, it can't be good for us. I don't care  
4                   what anybody's saying. I mean, you got to  
5                   come to reality with that. If they're pushing  
6                   it, it ain't no good. I'll end with that.

7                   MR. BROOKS: Okay. Let's see.  
8                   Scott, you wanted to jump back in, right?

9                   MR. VATHE: Yes, I just had a  
10                  question about the over/underages. You know,  
11                  two years ago we went under. I think it was  
12                  17 percent that we were under. How come we  
13                  can't roll that over to the following year?  
14                  I mean, if we were to roll that over to the  
15                  following year to this last season, I mean,  
16                  this year we went over seven percent, I mean,  
17                  we would still be 10 percent of the game.

18                  MS. BRUSTERGEIS: The way we  
19                  worked it out in amendment 2 is that if a  
20                  species is overfished, has overfishing or has  
21                  an unknown status, you cannot roll over under-  
22                  harvests. If something is healthy, you can

1 roll over the under-harvest up to I think it  
2 was 50 percent.

3 So, in the case of non-sandbar  
4 large coastal sharks, that complex has unknown  
5 species in it, or species with an unknown  
6 status, so you cannot roll it over.

7 In the case of the non-blacknose  
8 small coastal quota, all of those species have  
9 a healthy status. So, if that quota is not  
10 taken this year, the under-harvest is rolled  
11 over, 50 percent of it.

12 MR. BROOKS: Thanks.

13 PARTICIPANT: Okay. If the small  
14 coastal quota is rolled over and the blacknose  
15 gets caught before the rollover, we're still  
16 going to have a problem. It's not going to be  
17 caught. So, we have to do something about the  
18 blacknose. When the blacknose is full, you  
19 shut the blacknose down. But you have to  
20 leave open the small coastals. We're walking  
21 on sharpnose. We're walking on them.

22 PARTICIPANT: All right. Just one

1 thing. We've discussed a lot of discussion  
2 here about trying to get the quota raised and  
3 wiggling and trying to see if there's some  
4 way. We need to wiggle and see if there's  
5 some way to keep these open during this  
6 closure like this. Is this already carved in  
7 granite?

8 MS. BRUSTERGEIS: During what  
9 closure?

10 PARTICIPANT: When the blacknose  
11 closed.

12 MS. BRUSTERGEIS: When the  
13 blacknose closes, the non-blacknosed small  
14 coastal closes as well. And that is because  
15 of the discards that would happen with the  
16 blacknose.

17 PARTICIPANT: Well, that's why  
18 we --

19 MS. BRUSTERGEIS: We took all that  
20 into account. This is what we calculated, and  
21 but we also worked in the framework. If it  
22 shows that you can avoid it, we can do things

1 with that. If it shows that you're not and  
2 you're continuing to catch the blacknose, then  
3 everything goes down. We worked that into the  
4 framework after the public hearing where you  
5 told us you could avoid it. So, it's much  
6 better than what we proposed, if you remember.

7 PARTICIPANT: I've got about 20  
8 fishermen down there that are going to be  
9 screaming to the top of their lungs. And, you  
10 know, I just hate to see it happen, because  
11 right now they're no different than anybody  
12 else. We need all that we can get right now.  
13 We're just hanging on. Okay.

14 MR. BROOKS: David, you get the  
15 last word here.

16 MR. DAVID STILLER: Well, first of  
17 all, is there some way you all are going to  
18 let us know who's catching the blacknose right  
19 now so we can pistol whip them or whatever and  
20 stop them, because we don't exactly know who's  
21 doing it. We can successfully target other  
22 sharks. We're the gillnets. And we don't

1 know where it's coming from or what's going  
2 on.

3 And the other question was can you  
4 go to 100 percent on that blacknose thing  
5 instead of 80 percent?

6 MS. BRUSTERGEIS: The way it's set  
7 up right now is 80 percent and that's because  
8 of -- as we talked about the reporting, by the  
9 time we know you're at 80 percent, you're past  
10 80 percent most of the time except for last  
11 year in the Gulf.

12 MR. DAVID STILLER: Well, for the  
13 blacknose. And everybody knows it will be 80  
14 percent. And everybody gets the bulletins out  
15 and all that and then everybody just totally  
16 quits blacknose. No more directed fishing for  
17 blacknoses, period. It will only be an  
18 accidental thing in the mackerel fishery or  
19 something.

20 MS. BRUSTERGEIS: And these are  
21 all good ideas and they're things we can keep  
22 exploring over time. But as I went through in

1 the beginning of the presentation, I can't  
2 just change regulations. There is a process  
3 and going through them and that's --

4 MR. BROOKS: Okay. So, thank you  
5 all. I think on this conversation I think it  
6 maybe boils down to just a couple of points.  
7 There's clearly several people around the  
8 table who I think are strongly endorsing an  
9 IFQ catch shares. See it as an opportunity  
10 to, you know, focus their effort and their  
11 economics as best as possible. There's also  
12 obviously a fairly significant group around  
13 the table that just simply don't know enough  
14 to weigh in in favor of it, and a number who  
15 are leaning -- you know, who suggest -- they  
16 don't see it as working right now. But I  
17 think certainly for many there's a feeling  
18 that until you know more and until you can see  
19 how it would play out, how the allocations  
20 would be assigned, et cetera, it's pretty  
21 impossible to weigh in.

22 So, I think that's where this

1 wound up.

2 What I would like to do is  
3 volunteer a few people to again present back  
4 to the full group tomorrow some color  
5 commentary on this discussion. And if I can  
6 volunteer Scott, Robert, Sean and Jackie.  
7 Where did Jackie go? I was going to ask her  
8 to sit in on that. So, Scott, Jackie, Robert  
9 and Sean to huddle here for, you know, 10 or  
10 15 minutes afterwards and just do a quick  
11 synthesis of this catch share discussion to  
12 report back to the full group. You all  
13 accept?

14 Thank you. So, here's the game  
15 plan before I hand it off to Carol just to  
16 close us off. We'll adjourn here. The full  
17 group meets tomorrow at 8:30. What I would  
18 like to do is ask this group to convene at  
19 8:00 and that will give us a chance to hear  
20 from each of the groups that are drafting the  
21 synthesis and confirm that how they're  
22 portraying back this discussion is consistent

1 with what we did here. I've tried to balance  
2 them of course and I trust that everyone will  
3 be doing their darnedest to reflect back what  
4 the group has done here. But I want to give  
5 us a chance just to confirm it. And if they  
6 drop something inadvertently, get a chance to  
7 get something back on there. We're going to  
8 ask folks from Carol's shop to join each of  
9 those three huddles with a laptop so that we  
10 can make some bullet points so we can just  
11 project it up tomorrow for the full group.  
12 So, that's the game plan.

13 Is there anyone who wouldn't be  
14 able to get back together at 8:00 tomorrow  
15 morning? Charlie? Okay.

16 All right. So for everyone else  
17 who can -- understand you guys, you know, just  
18 came in for the day, so we very much  
19 appreciate your being here for just today.  
20 So, if folks could be here at 8:00, we'll just  
21 bar the other folks from coming in. We'll get  
22 coffee and huddle. Thank you.

1                   And, Carol, you just want to close  
2                   us off here?

3                   MS. BRUSTERGEIS: Yes, before  
4                   everybody leaves, a reminder that there's the  
5                   public hearing tonight at 6:30 on the 2011  
6                   shark specs and the other adaptive management  
7                   measures we proposed.

8                   And then I just wanted to do a  
9                   quick rundown of the other workshops we're  
10                  going to be holding on this ANPR. So, we're  
11                  going to be holding five other ones; October  
12                  21st in Minnewaukan, October 26th in Manteo,  
13                  November 8th in Belle Chasse, Louisiana,  
14                  December 15th in St. Pete and December 16th in  
15                  Ft. Pierce. So, if you want to go through all  
16                  of this again with a different group of people  
17                  and/or if you want to just invite people and  
18                  tell people about these workshops, I would  
19                  really appreciate it. Thank you.

20                  MR. BROOKS: And again, thanks to  
21                  the fishermen who joined in with the panel  
22                  today and our drafting teams for quotas; Bob,

1 Mark, David; for permits, Lisa, Pete, Dewey,  
2 Bruce; for catch shares, Scott, Jackie,  
3 Robert, Sean. If you all could just huddle  
4 now and write that up.

5 Leeann?

6 MS. HOGAN: I just have a comment  
7 real quick. The information that Carol just  
8 provided about the public hearings for the  
9 ANPR, that information is in the Federal  
10 Register notice, which we have copies of that  
11 Federal Register notice outside. So, pick up  
12 a copy so you can get those dates.

13 MR. BROOKS: Bob, did you have a  
14 question? Okay. You had a question?

15 PARTICIPANT: Yes.

16 (End of tape 19.)

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