

DEPARTMENT OF COMMERCE
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NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

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NATIONAL MARINE FISHERIES SERVICE

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HIGHLY MIGRATORY SPECIES ADVISORY PANEL

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WEDNESDAY
SEPTEMBER 21, 2011

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The Highly Migratory Species
Advisory Panel met, in the Crowne Plaza Hotel,
8777 Georgia Avenue, Silver Spring, Maryland,
at 9:00 a.m., Bennett Brooks, Facilitator,
presiding.

PANEL MEMBERS:

TERRI BEIDEMAN (proxy for Gail Johnson)
RICK BELLAVANCE
ANDRE BOUSTANY
JIM FRANKS
WILLIAM GERENCER

ELIZABETH GRIFFIN-WILSON
DEWEY HEMILRIGHT (proxy for Sean McKeon)
RUSSELL HUDSON
ROBERT HUETER
STEVEN JAMES
JOHN JOLLEY
DAVID KERSTETTER
GERALD LEAPE
SHANA MILLER
KENNEDY NEILL
TIM PALMER
ELLEN PEEL
RALPH PRATT

VINCE PYLE

RICHARD RUAIS
MARK SAMPSON
MARK STEVENS (proxy for Sonja Fordham)
SCOTT TAYLOR (proxy for Vincent Montella)
MARK TWINAM
SCOTT VAETH
RICK WEBER
CHRISTOPHER WEINER
ROM WHITAKER

ICCAT REPRESENTATIVE:
JOHN GRAVES

ATLANTIC STATES MARINE FISHERIES COMMISSION:
ROBERT BEAL

STATE REPRESENTATIVES:
GREGORY SKOMAL, Massachusetts
AARON PODEY, Florida
WALLACE JENKINS, South Carolina
CARRIE KENNEDY, Maryland
JASON ADRIANCE, Louisiana

TODD NEAHR, Texas
RANDY GREGORY, North Carolina
CAROLYN BELCHER, Georgia

COUNCIL REPRESENTATIVES:
LARRY ABELE, GMFMC
DAVID CUPKA, SAFMC
MARCO HANKE, CFMC

FACILITATOR:
BENNETT BROOKS, CONCUR

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PETER COOPER
JENNIFER CUDNEY
JOE DESFOSSE
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GUY DUBECK
STEVE DURKEE
MEGGAN ENGELKE-ROS
GREG FAIRCLOUGH

OTHEL FREEMAN

BRAD MCHALE

SARAH MCLAUGHLIN

JULIE NEER

DENISE ORTIZ

RICK PEARSON

JOHN REGHI

MARGO SCHULZE-HAUGEN

ERIC SCHWAAB

LEANN SOUTHWARD HOGAN

JERON STANNARD

DIANNE STEPHAN

JENNIFER TABISZ

STEVE THUR

JENNI WALLACE

MEGAN WALLINE

TOM WARREN

JACKIE WILSON

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

8:58 a.m.

1
2
3 MR. BROOKS: All right. Good
4 morning, and welcome back. I hope everyone
5 had a good evening and an opportunity to think
6 and talk a little bit more about some of the
7 issues we were chewing on at the end of the
8 day yesterday.

9 In just a couple of minutes, we
10 will get back into our discussion on bluefin
11 tuna. But I wanted to just quickly remind us
12 of what is on tap for today.

13 So, we will be spending the entire
14 morning again delving deeper into this issue
15 around bluefin tuna and doubling back to a
16 number of the issues that we just pretty must
17 surfaced at the end of the day yesterday. And
18 this will give us a good chance to swing back
19 at all those different topics and get a better
20 feel for the thinking that you all have
21 regarding this issue.

22 Our intention is, just before
23 lunch, to fold in the name change that Rich
24 Ruais had put forward. Again, if you didn't
25 already get this one-page handout, I think he
26 pretty much distributed it around the table.
27 But if you don't, you should have that handy
28 because we will take that up right before
29 lunch.

30 After lunch, we will dig into
31 three topics: an enforcement update. Again,
32 we will take a look at some recent shark stock
33 assessment updates and rebuilding plans, and
34 talk about that issue for a bit. And then,
35 our last topic for the day will be to take up
36 the swordfish general commercial permit
37 concept. So, that is the primary agenda for
38 today.

39 One other note is we are
40 anticipating that Eric Schwaab will be coming
41 by later this afternoon. He does have a late
42 meeting. So, our understanding is that he is
43 hoping to come by about 5:15. That is 15
44 minutes after we are scheduled to adjourn. So,
45 we acknowledge that. Unfortunately, his
46 schedule today is not kind for flexibility.

47 So, our thinking is just to play
48 this by ear a little bit. If we have got a

1 good conversation going, maybe we will just
2 stay in plenary until 5:15, when Eric can join
3 us. If the conversation seems to be winding
4 down at around 4:30, then maybe it will just
5 be a more informal meeting and chat with Eric
6 for those that are able to stay around. So,
7 we will just have to play that by ear.

8 One other note is we did promise
9 you an updated presentation by Dave
10 Kerstetter. And so, we are expecting to slot
11 that in probably tomorrow morning, though,
12 again, that may be something we do later this
13 afternoon, as we are waiting for Eric to get
14 here. So, we are just going to play that by
15 ear a little bit.

16 I think that is all I wanted to
17 highlight right now. If your cell phones
18 aren't off, please turn them off.

19 And again, just for the benefit of
20 everyone in the room and the recording, please
21 be sure to use the microphones. Make sure you
22 are close enough to it to hear it. And when
23 you are done, turn them off.

24 Any questions about today's agenda
25 before I pass the microphone over to Margo?

26 (No response.)

27 Okay. Margo?

28 MS. SCHULZE-HAUGEN: Okay. I just
29 wanted to get back to folks on a couple of the
30 questions that came up yesterday.

31 The question in the White Paper,
32 whether the percentage allocations that are
33 from 1983 to 1991, if those are from the MFP,
34 and they are. They are straight out of the
35 FMP.

36 There were some questions on the
37 value of both the bluefin and HMS fisheries
38 overall. Those came from the NMFS dealer
39 reports and were a specific analysis for this,
40 the paper. And so, we can talk some more
41 about it, but that is coming straight from the
42 dealer reports.

43 And then, Table 3, where you all
44 noted so kindly our math didn't add, we have
45 provided a new page with the table as
46 corrected. I think there was a formula that
47 was copied in incorrectly. So, that is why it
48 didn't add up. So, you should have that. I

1 think you can just take the old page out
2 completely and insert the new.

3 And there were some questions on
4 whether there was any mortality of bluefin
5 assumed after a live discard. And the answer
6 is, no, there was no mortality, post-release
7 mortality, assumed.

8 And whether live discards were
9 extrapolated as the dead discards are
10 extrapolated, and the answer is yes.

11 So, I think those were the
12 questions that came up from yesterday. And if
13 more come up today, I can try to track those
14 down as well. So, I just wanted to let you
15 know.

16 MR. McHALE: Thank you, Margo.

17 So, building off of the discussion
18 that we started off yesterday afternoon, the
19 intent of this mornings two different
20 sessions, both on either side of the break, is
21 to really kind of get into some of these
22 overarching issues and, again, just have as
23 frank a discussion as we possibly can about
24 some of the issues and the management tools
25 that the agency should be thinking about when
26 it comes to managing bluefin tuna, and would
27 prefer to have it, as I referred to yesterday,
28 outside the box, behind the box, under/over.
29 And so, it should be a pretty open dialog.

30 I have a presentation here, but
31 really what I intend to do is just bring up
32 slides that we have seen at different Advisory
33 Panel meetings as the conversation goes back
34 and forth. So, if all of a sudden we are
35 talking dead discards, I will bring up a few
36 slides there. If we are talking recreational
37 splits, I will bring some slides up there,
38 versus really taking the time for the dialog
39 to present materials that have been updated
40 for a year, versus having them more as
41 reference to empower that discussion.

42 And so, starting there, I think,
43 and trying to think this through last night of
44 where do we really kind of start to engage,
45 there was one theme that I heard resonate from
46 around the table. That was, how do we reduce
47 waste, period? So, I heard that consistently
48 across all the various user groups. And so,

1 I figured that is probably one of the best
2 places to start.

3 There are a couple of different
4 ways that we thought about potentially to get
5 at waste of bluefin tuna. Some of them
6 pertain to the longline fishery.

7 And so, my intent was to throw out
8 a couple of ideas, get reactions, hear your
9 own ideas, and then we start the conversation
10 off there.

11 MR. BROOKS: Right. Maybe it
12 would be worth taking 30 seconds to walk
13 through the list.

14 MR. McHALE: Sure. So, some of
15 those issues that we touched on yesterday,
16 again, reducing waste, addressing discard
17 issues. Some of the items that had come up is
18 whether or not we should entertain amending
19 the commercial minimum sizes for bluefin tuna.
20 I think that had come up with some of the
21 comments Chris had made, that John had
22 responded to, of why do some other countries
23 not have the same level of discards, minimum
24 size being one of them.

25 Another item that we have in our
26 domestic regulations is our target catch
27 requirements. So, I would like to touch on
28 those and, again, open that up further.

29 We have also received some
30 comments whether or not we should look at our
31 quota allocations, whether across the
32 different categories, given some of the
33 changes that have taken place since the
34 percentages were established in 99 FMP. And
35 there has also been some discussion of looking
36 at within those categories. We have seen some
37 dramatic changes in the recreational
38 fisheries. Is there something that needs to
39 be revisited there, or at least looked at and
40 discussed?

41 We touched on potential ways to
42 address interactions between bluefin tuna and
43 the longline fleet. And those were a lot of
44 the case studies that I spoke to briefly
45 yesterday.

46 Chris, I think you added an
47 additional one where there was haddock bycatch
48 in a herring fishery and how certain areas are

1 managed and closed, very similar to maybe the
2 scallop or the shrimp in the red snapper
3 fishery.

4 We touched on whether or not there
5 is any value to looking at some sort of an ITQ
6 basis, similar to the sectors, where certain
7 quota or shares can be traded to address
8 certain bycatch issues.

9 The increase or the use of
10 monitoring across all fisheries, we had
11 touched on observers, logbooks, you know, some
12 of our standard tools that we use right now.
13 And then, Bob had also mentioned the video
14 technology that we presented on at previous AP
15 meetings, and we have looked at and have
16 discussed what the new VMS units are capable
17 of. So, also looking at ways that we can get
18 at more of this real-time monitoring across
19 all of our fisheries.

20 And then, what sort of different
21 ideas can be brought forth that don't require
22 Uncle Sam to insert themselves. And again, a
23 good example of that is what the University of
24 Massachusetts in the scallop fishery industry
25 has done in regards to yellowtail bycatch up
26 in New England.

27 And then, others. So, Rich, you
28 had brought up one item, talking about how
29 certain hand gear permits are entitled. So,
30 we will address that as well.

31 And then, again, the floor will be
32 open. If there is some specific issue/subject
33 that isn't captured by these topics here, that
34 we would like to get that on the table as well
35 and discussed.

36 So, that is, essentially, kind of
37 the game plan I will be working underneath.
38 Well see how it goes.

39 MR. BROOKS: Good. That is very
40 helpful. And again, the intent is to work
41 through these as sequentially as we can,
42 recognizing that there may be some connectors
43 between some of these issues, and that is
44 understandable.

45 I just want to observe that I
46 thought the tenor of the discussion yesterday
47 afternoon was very good, very productive. I
48 think it is in all of our collective interest

1 to keep that going today because there is a
2 lot of interesting ideas up here to explore.
3 And I think it was a very frank conversation,
4 but a very respectful conversation. So, I
5 look forward to keeping that going this
6 morning.

7 I will run the queue as I did
8 yesterday. But, again, to the extent that we
9 are trying to make sure we are bringing in a
10 diversity of voices, I may be a bit more
11 aggressive in calling people into the
12 conversation or messing with the queue a
13 little bit.

14 So, with that, lets see, lets dive
15 into the first topic, which is reduce waste by
16 prohibiting discards.

17 Brad, anything you want to say
18 upfront on this point?

19 MR. McHALE: No. Just skip ahead
20 to a slide that I think will help empower the
21 discussion.

22 We have been dealing with this
23 issue for a number of years, both from the
24 management side as well as the industry side.
25 As I outlined yesterday, some of the tools we
26 have had to address discard issues are
27 becoming somewhat pinched over time.

28 And so, building off of some of
29 the comments we have heard not only during the
30 rulemakings during 2011, but also around the
31 table yesterday, as well as one-on-one
32 conversations in previous Advisory Panel
33 meetings, I would like to kind of pose the
34 question of what folks think about the size
35 limit discussion.

36 I know normally that something
37 that we haven't necessarily openly
38 entertained, but where this is just literally
39 a discussion, I would like to get folks
40 thoughts because sometimes when a suggestion
41 is made in a vacuum, sometimes you don't
42 necessarily think it down the entire trail of
43 what are the ripple effects.

44 So, where we do have different
45 minimum sizes and we do have these target
46 catch requirements as they apply to the
47 longline fleet, as well as commercial, just to
48 get folks feedback on what their thoughts,

1 feelings, understandings would be if the
2 agency were actually to start to think along
3 that line of potentially addressing a
4 commercial minimum size, and then, how that
5 would affect the various user groups as it
6 would ripple through the fishery.

7 MR. BROOKS: Rich, you are first
8 in the queue.

9 MR. RUAIS: Okay. What I would
10 like to start off with is what I think is left
11 off of Brads dream list, if you will call it
12 that, or wish list or potential list of --
13 what is it?

14 MR. BROOKS: It is really a
15 nightmare.

16 MR. RUAIS: Nightmare? Okay. They
17 are all fertile ground for discussions. But
18 one that really stands out being absent from
19 there, I mean I see a need for some short-term
20 fixes and some long-term fixes.

21 In the past few years, we have
22 undergone a situation where quota has been
23 abundant, if you will, in the United States.
24 We are re-entering a period where quota is
25 going to become scarce and it is going to
26 become really scarce once again.

27 When it was abundant, we took some
28 actions internationally that are totally
29 missing from the picture of fixes, some of
30 which are potentially fixable in relatively
31 easy fashion that in the short-term can
32 provide us some relief and some time to fix
33 more of the long-term problems.

34 The one that is most glaring is
35 the United States singlehandedly, I might add,
36 over the protest of a few of us in the
37 delegation, led the charge to reduce the
38 rollover provision. Now I know you have heard
39 me talk about this before, but it is very
40 damaging when we are in the underage provision
41 to be putting a cap on that.

42 It originally, as some said -- and
43 I recognize you have to balance the interest
44 of not stockpiling, but yet having a
45 reasonable rollover, recognizing the
46 biological nature of highly-migratory fish,
47 that they don't always show up where and when
48 you want them to. So, therefore, it is

1 accepted that some reasonable amount of
2 rollover is necessary.

3 I thought we were there fine when
4 we were basically saying no nation can roll
5 over more than 100 percent. In other words,
6 you cannot ever have more than your initial
7 starting quota rolled over once, but you could
8 have two years to basically catch that.

9 Even the 50 percent, we protested
10 making that leap down to that level, thinking
11 that that really wasn't a necessary unilateral
12 concession. The European Community, just to
13 give some others some background, really
14 didn't care about our position and actions on
15 rollovers because they never had underages.
16 So, if the United States wanted to get out
17 front again and go and limit the future access
18 to quota, the finest kind, they gave it to us.

19 And then, we went to 10 percent. I
20 mean it just continued to restrict. That is
21 part of the reason why we are facing a bit
22 more of a trouble sooner than we would have
23 to, because, otherwise, we would have that
24 flexibility to roll it over.

25 So, one thing that needs to be
26 added is I think the AP has to make a very
27 strong recommendation at some point to the IAC
28 that one of the priorities for the IAC this
29 year is to revisit that question of rollover
30 and for the U.S., if necessary, since we led
31 the charge, we probably need to be the country
32 that needs to put a piece of paper on the
33 table with a high priority attached to it to
34 reconsider that reduction in the rollover to
35 something that is more reasonable.

36 I know you want me to go fast,
37 kind of fast, but Im going faster than I want
38 to go. Part of the point I wanted to make was
39 that, biologically, I would like to hear the
40 arguments that, when you left and allowed
41 quota, TAC, a biologically-determined, safe
42 rebuilding quota in the water for one year,
43 that it is a danger to catch that allowed fish
44 in year two.

45 Now I understand the stockpiling
46 dimension to it, the multiple years, huge
47 amounts that could damage the biomass. But
48 the only thing you have done in the short-term

1 for relatively-small amounts of quota is
2 allowed that fish those age classes and up to
3 those that are in the spawning class an
4 additional opportunity to spawn.

5 So, actually, I see the good
6 thing, and I don't see any harm in taking that
7 fish in year two. So, I wanted to add that to
8 the list that is not there currently.

9 And if I could have the floor for
10 one more issue, unless you want to move on --

11 MS. SCHULZE-HAUGEN: I would like
12 to respond, actually. While I think it is
13 important for the AP to understand and get the
14 connections with the international, and part
15 of the reason John sits on the panel is for
16 that connection, I think for our immediate
17 discussion, though, changes may come in ICCAT.
18 We don't know what they are. That could be
19 one.

20 But I think we should focus for
21 now the thinking and the feedback on what we
22 have right now. That is the 10 percent limit.

23 And think about, also, what kinds
24 of flexibility in the regulations and the
25 management we would like. So that, if the
26 limit increases or decreases, or other changes
27 come along, we would be able to adapt in a
28 fairly rapid manner, as rapid as we could.

29 Because right now the state of
30 flight is 10 percent. And so, lets try to
31 think about how we want to be able to respond
32 to not only changes at ICCAT, but changes
33 domestically in the fishery, availability of
34 fish, because then we will be ready, no matter
35 what happens.

36 And so, I am happy to try to get
37 that to the IAC. I think John can help carry
38 that message forward as well. But I don't
39 want to lose sight of the domestic need to
40 think about working with what we have.

41 MR. BROOKS: John wants to jump in
42 here.

43 MR. GRAVES: Thanks, Rich.

44 I just wanted to clarify some of
45 Rich's points. I mean, I appreciate his
46 perspective, but it may be a little bit
47 revisionist history.

48 There was an external review of

1 ICCAT. One of the strongest recommendations
2 that that review had was that, for any stock
3 that was overfished, that there should be no
4 carryforward.

5 And so, the United States was
6 supportive of that, but we didn't lead the
7 charge. In fact, even the EC, who pretty much
8 owns the North Atlantic albacore quota,
9 reduced their carryforward, which they had a
10 huge stockpile amassed, in doing that and
11 brought it down. And we have also brought it
12 down with bigeye.

13 So, the United States, I mean it
14 has put us in a pickle, no question about it.
15 But it was the prudent thing to do, and it
16 didn't go nearly as far as what was
17 recommended by the external review.

18 MR. BROOKS: Thanks, John.

19 What I want to do is I really want
20 to stick to the topic where we teed-up first,
21 which is reducing waste and discards. So, if
22 your comment is to that, Rich? Okay. So,
23 continue, and then I want to start broadening
24 it. Go ahead.

25 MR. RUAIS: Okay. Notwithstanding
26 the above, I didn't agree with the peer review
27 recommendation, obviously. But if Brad could
28 put back up the first figure that you showed
29 showing where the bluefin interactions were
30 taking place in, I believe it was 2007? What
31 year is that one?

32 MR. McHALE: Although the title is
33 obscured here, that is 2007.

34 MR. RUAIS: Okay. Very good. Very
35 good.

36 I think Andre Boustany pointed out
37 that there appeared to be some locations in
38 the southeastern United States that appeared
39 to be hotspots of interaction. So, I won't
40 touch upon that.

41 But the two that became fairly
42 obvious to me are, if you look at the southern
43 boundary of the Northeast June closure, which
44 was always intended, directly intended to be
45 an effort to minimize interaction with
46 bluefin, when the bluefin are first coming
47 into New England, if you will, in May and
48 June, it looks like we might have missed the

1 southern boundary, establishment of the
2 southern boundary to allow quite a bit of
3 interaction. Those circles look pretty -- I
4 mean, you can tell me better, Brad, whether
5 those numbers are significant, but they look
6 like a pretty consistent circle from the West
7 to the East, getting bigger as you go to the
8 East, just outside of the EEZ, in fact, if
9 that is the EEZ line or a fathom contour. I
10 am not sure which that is.

11 But, in any case, an extension of
12 that southern boundary looks like it would
13 capture a fair amount of interactions of
14 bluefin if you were looking for a two-year,
15 you know, an amendment to one of the closed
16 areas.

17 And also, I would be a big
18 supporter at looking at some of the closed
19 areas that, hopefully, Dr. Kerstetter is going
20 to talk to us about later, and that could be
21 expanded on the basis of his research showing
22 where there are low interactions with bluefin.

23 And the second point is in the NED
24 it looks to me, without seeing the boundaries,
25 that we have got considerable interaction with
26 bluefin somewhere on the southeast part of
27 Georgia, the eastern part of Georgia, some of
28 what I imagine are canyon areas that are
29 jointly fished by the Canadians and the U.S.
30 longline fleet.

31 Im not sure of the timing of the
32 peak effort. I know some of our boats are out
33 there in May. And then, when the Northeast
34 distant water fleet gets to work, they
35 probably might be making some sets on their
36 way up to the Grand Banks. So, that is
37 another area where we might want to look at
38 time/area, further restrictions to reduce the
39 interaction of pelagic longline gear with
40 bluefin.

41 So, anyway, I will stop with that.

42 MR. BROOKS: Thanks, Rich.

43 All right. I've got Ralph. Then,
44 I cant see if that is Ricks or Scotts card up,
45 and then Larry, and then over to Terri.

46 So, Ralph, you're up.

47 MR. PRATT: Actually, my comment,
48 I think I deviated from that. When Rich

1 brought it into an international perspective
2 and Margo brought it back to domestic, it sort
3 of killed my comment. So, maybe there will be
4 a better place later.

5 MR. BROOKS: Okay. Thanks.

6 Scott?

7 MR. TAYLOR: I actually would like
8 to talk about discards from the pelagic
9 longline fleet. And common sense dictates,
10 from at least my perspective -- and I know
11 this is going to sound a little obvious -- but
12 if you want to avoid the discards, stop
13 dumping them.

14 Our season, at least, on the East
15 Coast, which represents a 12-month-a-year
16 fishery. Unlike most of the other fisheries,
17 the pelagic longlining that goes on around the
18 United States really only interacts with the
19 bluefins for a limited period of time.

20 We do see some occasional fish in
21 the late part of December, early January, but
22 the majority of the fish that we see, at least
23 experience tells me, in the area off of the
24 FEC, in particular, is within a pretty finite
25 window, maybe middle March through the first
26 part of June.

27 One of the biggest problems that
28 we have, at least where the fleet is fishing
29 off of the East Coast fishes, is it is a very
30 limited area, that it is constrained by the
31 closure of the Straits of Florida. It is
32 constrained by south latitude lines. It is
33 constrained by north latitude lines, and it is
34 constrained by the EEZ to the east.

35 One of the suggestions yesterday
36 was that we, to a certain extent, avoid the
37 fish, which could be done with some help and
38 cooperation from this agency. I know that
39 Dave has done some studies slightly to the
40 west. As you move farther to the west off of
41 the grounds, there has been less interaction
42 for us.

43 I want to address, also, real
44 quickly the size issue. We don't see small
45 bluefins primarily out there to the east in
46 any kind of numbers. The majority of the
47 small bluefins are primarily in the Northeast.
48 And I am only speaking from experience.

1 You know, it is kind of
2 interesting in that when you all talk about
3 these numbers and that the scientists
4 extrapolate based upon logbook reports and
5 reportings from whatever that percentage may
6 be.

7 The commercial sector gets
8 frustrated sometimes because what we see from
9 our practical experience doesn't always
10 necessarily tie in with what is extrapolated
11 out. Ultimately, to reduce the size of the
12 fish being caught, I think what you would do
13 is that you would encourage take of more
14 immature fish in other areas that would fill
15 the quota, and not deal with the problem that
16 you have with the pelagic longline fleet.

17 So, I really don't think that that
18 is ultimately what the issue is. We all want
19 to avoid the waste. But in order to be able
20 to deal with the problem, you have to know
21 what that waste really is, which is why my
22 suggestion was with real observer coverage on
23 the pelagic longline fleet, and the ability to
24 determine whether or not the fish is a live-
25 take fish or would be truly a dead discard
26 when it came on the boat, then you would deal
27 with tangible numbers.

28 And this is not something that is
29 going to get fixed in one year. It would have
30 to be a moving dynamic. I know at least us
31 personally, that if we had the ability to move
32 and we were going to exceed our quota, and it
33 were to roll over into the following year, and
34 we would have to take less in the following
35 year, I think that there would be a concerted
36 effort on a lot of the boats to try to stay
37 within the quota that they were allotted.

38 So, I don't think the solution is
39 any one thing. To essentially close down the
40 swordfish fishery, if we reached a gap which
41 was presented yesterday, is not really a
42 viable solution. I don't think that with all
43 the problems that we are having with ICCAT,
44 with the low take numbers there, that that is
45 really where we want to go.

46 The goal here needs to be to take
47 a fish that is not capable of being released
48 alive and not letting it float to the bottom

1 of the ocean. I don't think there is a person
2 in here that disagrees with that.

3 And then, once you know exactly
4 what that take looks like, then rather than
5 dealing with extrapolated numbers, you can
6 deal with the problem more appropriately,
7 through season closures and through maybe some
8 additional area being opened up to where the
9 boats can move, and some just good common
10 sense that you need to give the credit to the
11 commercial sector to do.

12 Ultimately, we don't want to do
13 anything to hurt the stocks that we make our
14 living off of, you know, that common sense and
15 balance can ultimately dictate.

16 So, some additional area opening
17 would help. Leaving the size limitation that
18 there is, dealing with a real tangible number,
19 and essentially dealing with the use of the
20 resource, rather than having the resource
21 wasted, is what I'm suggesting.

22 MR. BROOKS: Thank you.

23 MR. ABELE: I'm still trying to
24 understand the process. But it looks like
25 such a tiny amount comes from the Gulf of
26 Mexico. Then, in the size frequency
27 distribution, most of -- well, they're
28 different scales, but a lot of large fish seem
29 to be discarded in the Gulf of Mexico compared
30 to, say, the East Coast. This is the size
31 frequency distribution. I am assuming that
32 those are dead discards and it was observed or
33 measured or somebody got data on it.

34 Could you explain to me why there
35 are so many very large discards in the Gulf of
36 Mexico when, of the total bluefin catch, it is
37 such a small amount?

38 MR. McHALE: That really speaks to
39 the target catch requirements that apply
40 coastwide as well as in the Gulf of Mexico.
41 And so, for the pelagic longline fleet, to be
42 able to retain an incidental bluefin tuna,
43 there are three tiers. You must have 2,000
44 pounds of target catch onboard to retain one
45 fish, 6,000 to retain two, and 30,000 for the
46 offshore fleet to retain three fish.

47 And so, in the even that a vessel
48 either does not have that capacity to put

1 30,000 pounds in its hold or if that is just
2 not what the trip equates to, that limits the
3 number of bluefin tuna that vessel can bring
4 in on any given trip.

5 So, as an example, if a vessel
6 were to have only, say, 7,000 pounds of yellow
7 fin bigeye swordfish onboard the vessel, and
8 they were to encounter five bluefin tuna, and
9 if use that Gulf of Mexico as an example, only
10 two of those fish would be able to be brought
11 in. The other two would be required to be
12 discarded, as per the regulations.

13 And so, the intent of those was
14 designed to try to keep targeting of bluefin
15 tuna in check. But what some of the tailend
16 results are, especially in the Gulf of Mexico,
17 where these fish tend to be of the larger size
18 classes, it equates in these larger fish being
19 discarded.

20 MR. ABELE: If two boats are out
21 fishing, can they trade quota back and forth?

22 MR. McHALE: Currently, in the
23 longline fleet, no, they may not. There is no
24 at-sea transfer currently authorized.

25 MR. BROOKS: Shana, do you want to
26 jump in on that?

27 MS. MILLER: Yes. On that point,
28 Larry, this is a plot of pelagic longline, and
29 the one showing commercial landings by areas,
30 that is all gear. So, that is why it looks
31 like the Gulf of Mexico percentage is such a
32 small amount. But, really, with the longline
33 fleet, the Gulf of Mexico is about 50 percent
34 of the mortality.

35 MR. BROOKS: Larry, did you have
36 any other comments you want to make? Okay.

37 MR. WEINER: I don't have much of
38 a specific comment at this point. But kind of
39 to echo sort of what Rick said yesterday, I
40 mean, I don't think anybody likes this
41 discussion. Because I think if we all had
42 enough quota and we didn't have to deal with
43 this, that would be great.

44 But the bottom line is I think we
45 need to have a discussion here of, instead of
46 just throwing out general ideas, I mean, if I
47 were in the longline industry, I would be
48 trying to come up with solutions on this, just

1 because the longer you wait, I think you are
2 going to have people pushing. You know, if
3 someone was trying to tell me how to deal with
4 this, I would want to get ahead of that
5 problem.

6 The bottom line is the solution
7 isn't going to be simply to just change things
8 to allow one quota to do more than the other
9 quotas. I mean, we all have to live within
10 our limits. There might be leeway at some
11 point with extra quota and all that, but the
12 long-term solution is there have got to be
13 some ways to reduce some of this.

14 As an outsider -- and I don't like
15 pushing things on an industry, so I am not
16 going to tell you guys how to do it, but I
17 think dynamic closures, you know, instead of
18 saying this area is closed one year, what they
19 do in the scallop fishery, basically, is the
20 first few boats that go out, what they do is,
21 if they see fish, yellowtail, they tell the
22 rest of the fleet, basically. That is what it
23 boils down to.

24 In the herring fishery, they are
25 proposing, another thing they are proposing is
26 with river herring with SMAST they are
27 proposing a similar hotspot avoidance-type
28 program. I think there are ways to do it
29 without -- you know, the whole point of a cap,
30 I think, at the end of the day is that it puts
31 teeth, so it forces someone to make these
32 changes.

33 I mean, I don't think anyone wants
34 to see or likes the idea of hard caps. But I
35 think before you get to that point, you should
36 be trying -- I think a lot of people like the
37 hard cap because it puts teeth to something
38 and forces the industry to do it. I think if
39 you could get to that point before their hard
40 cap goes in, I mean, if I was doing this, I
41 think the thing I would like the most is, if
42 one boat goes into an area and finds bluefin,
43 get on the radio or find some collaborative
44 program, so you get on the radio and tell
45 other guys don't go there. I mean, that way,
46 you move around.

47 It might not work every year, but
48 I don't think we are talking about that much

1 quota here. I mean, that is why I think the
2 ICCAT last year was such a tragedy, because 50
3 tons or 100 tons would go a long way right
4 now.

5 And the point is that I think the
6 longline industry, I mean in my dealings with
7 them, I think you guys come up with some
8 solutions. So, I mean, I don't think you want
9 us telling you how to do it. But I think it
10 is going to get that point if some ideas
11 aren't thrown out.

12 So, I would just suggest, I think,
13 Scott, you started down that road, of throwing
14 down realistic ideas. So, I mean, I think
15 that is the way to go.

16 I think a lot of us feel
17 uncomfortable. I think that is why this
18 conversation seems to go off at some point. It
19 is uncomfortable for one fishery to tell
20 another fishery what to do.

21 MR. BROOKS: Yes, quickly, go
22 ahead.

23 MR. TAYLOR: First of all, I don't
24 want to be confused by two things. I am not
25 suggesting that any of the quota that belongs
26 to what your type of fishery is and winds up
27 being used for the longline fishery, however
28 it is that the actual quota is ultimately
29 divided up would have to be lived within one
30 way or another.

31 Now what everybody else may not
32 understand around this table that you
33 certainly do, that if you are sitting on fish
34 chunking and somebody pulls up behind you in
35 the middle of your chum slick and anchors
36 there, you are going to take care of the
37 business your own way.

38 And to a certain extent, we cant,
39 as the commercial sector, ask the government
40 to do what we are doing out there. It is a
41 family out there, and you know that, to a
42 certain extent.

43 So, you have one guy that is
44 essentially going to jeopardize the livelihood
45 of a finite number of boats. We are not
46 talking about thousands of boats here, you
47 know. There is going to be a discussion
48 between how they cooperate out there.

1 And so, to a certain extent, you
2 cant ask agencies and government and lobbyists
3 to solve problems that are practical problems
4 that ultimately we have to solve. And what I
5 am suggesting is that, if there is a realistic
6 number and we are dealing with real numbers
7 for what is being there, and we have an
8 alternative to move away from the fish, so
9 that as we know that we are going to get close
10 to that cap, that you are not going to find
11 one boat coming in with 10 bluefins on a
12 particular trip because that is what he wanted
13 to target.

14 The second part of that, as a
15 solution, is something that I keep espousing,
16 which is 100 percent observer coverage on the
17 boat. So that you are not live-taking fish.
18 You are only dealing with the dead discard
19 portion that otherwise would be wasted.

20 MR. BROOKS: I think Margo had a
21 point on that.

22 MS. SCHULZE-HAUGEN: Yes, just a
23 couple of points on 100 percent observer
24 coverage. There have been limited instances
25 where we were able to do that in specific
26 areas, the Gulf being the most recent example.

27 The one caution I would give you
28 is that observer coverage is very expensive.
29 I mean the pelagic longline fishery right now
30 is operating with a target of 8 percent. And
31 so, it would be a significant increase in
32 funding to get to 100 percent.

33 Sorry, let me finish.

34 And the other concern I would want
35 people to think about is that the role of the
36 observer is one where we have, through a fair
37 amount of practical experience, tried to very
38 much separate the decisions of the vessel from
39 the observers function, the observers to
40 observe.

41 And if there is a decision that a
42 dead fish is kept and a live fish is released,
43 our experience is that puts the observer in a
44 very tough situation, and has been one that
45 the agency has avoided. So, it is just
46 something to think about.

47 MR. TAYLOR: I just quickly want
48 to respond to that.

1 I mean 100 percent observer
2 coverage. Let me quantify that. It is that
3 I have had the opportunity because of the
4 process that we have been involved in with the
5 MSC -- some of you know us, some of you don't
6 -- where we are proposing 100 percent observer
7 coverage for our boats. That observer
8 coverage is not in all cases live individuals.
9 That in some cases will be virtual observers.

10 Now there is some precedent for
11 that and some studies that are going on, some
12 stuff that actually the Canadians have done.
13 I had a lengthy conversation with Scott, I
14 believe his name is Walker, with the Suzuki
15 Corporation in Canada about the halibut
16 fishery that they have on the West Coast that
17 uses a virtual observer program.

18 So, it necessarily won't require,
19 and I think that you would find at least -- I
20 can't speak for the entire fleet. I can only
21 speak for the people that I know, maybe 15
22 boats, would be willing to go that route
23 rather than be in the position where they have
24 got to take a bluefin and dump it overboard as
25 waste. And these are people that are not
26 looking to target. They are looking to
27 utilize the catch rather than to have the fish
28 dumped over and wasted.

29 MR. BROOKS: I want to try to get
30 some new voices in the mix here.

31 Terri? Then, we will go to Mark
32 and then over to Gerry.

33 MS. BEIDEMAN: Sorry. Support for
34 looking at some of our ICCAT decision making
35 before we agree to things, how it is going to
36 kick us in the behind, when we come back here
37 and try to put it in place. Because, but for
38 some of those decisions, maybe we would have
39 more time to deal with issues rather than have
40 things be burning.

41 On that note, I have to say that I
42 am very disappointed that we continue to see
43 lots of information about discards in the
44 pelagic longline fleet because we have been
45 providing it to you since 1986 in very
46 detailed form every day that we fish. And
47 yet, all of us know that all of our fisheries
48 have discards, dead discards. Whether they

1 have them documented and you have ways to
2 quantify them, I continue to read in the
3 documents insufficient data exists to give
4 estimates. This is 15, almost 20, years of
5 reading those same statements. And it is
6 very disappointing because the truth is that
7 all of the fisheries have some level of
8 discards. We continually only have data on
9 ours that we have to examine.

10 That being said, if we had
11 sufficient numbers, because I believe that our
12 fleet is very efficient, they are out there
13 fishing for swordfish and other tunas; we are
14 not targeting bluefin. We are catching them.

15 There are some in my group who
16 say, are they looking at that as any kind of
17 an index? You know, we fish in the same place
18 with the same kind of gear all the time. Are
19 they using that?

20 I know that in some cases we have.
21 We provide a lot of data. We fish in a
22 geographically-diverse area. But we would
23 need a year-round accommodation to try to
24 continue our fishing, and at the same time
25 keep our bluefin catches at a reasonable
26 level, taking a share that was based on 1983
27 to 1991, before we had changes.

28 I mean, we were constrained in
29 1981. I remember our boat almost never could
30 land a bluefin because the quota was always
31 caught and filled in the Gulf of Mexico before
32 they even were in the neighborhood. So, we
33 had to toss them all.

34 Then, they ratcheted that back a
35 little bit, and we did have quota available,
36 but it could only be 2 percent of your catch.
37 You are fishing coastally and you are catching
38 5,000 pounds of bigeye tuna and yellowfin and
39 mixed. That doesn't allow for very many
40 bluefin.

41 So, we have been artificially
42 skewed, is I guess what I am saying, our
43 catches, our landings. We report our catches
44 and we have to document our landings, just
45 like everybody else, but we have been
46 constrained.

47 In order to try to maintain a
48 year-round fishery, you know, when we go to

1 ICCAT, when we report in the U.S. report,
2 pelagic longline catches -- and I think this
3 is low, from where we have been, but even in
4 2009 we caught 60 percent of the yellowfin and
5 70, almost 80, percent of the bigeye tuna, and
6 83 percent of the albacore, and 98 percent of
7 the swordfish.

8 And to give that up, we have,
9 admittedly, nobody -- I certainly didn't think
10 30 years later we would be looking at the same
11 level of quota that we had then. But we have
12 to try to find a way to equitably try to keep
13 all of our fisheries active, and to try to
14 constrain us to numbers that were set two
15 decades ago is unfair.

16 And to the issue of the discards
17 in those areas, I just wanted to point out, in
18 2007, that table that was put up there, those
19 areas in the south of the box seem to be small
20 discards. This is for a whole year, correct?
21 Okay. And my look at this -- and I might be
22 colorblind -- but it says one to five in each
23 of those little boxes. Okay, one to five per
24 year discarded in those 1-degree blocks, one
25 to five fish, not 1 to 5 metric tons, one to
26 five fish.

27 I did have some interest, however,
28 and I had inquired with NMFS, and not being
29 able to get the data directly, it is
30 difficult, to see on a monthly basis,
31 particularly with regard to an area that is
32 down off of Hatteras.

33 So, I would like to see a little
34 bit more detail in that. But I agree with
35 Scott and some of the others, this is going to
36 be a suite of actions, not a single bullet
37 that is going to work.

38 So, I would like to see us stay
39 within our limit, and I would like to see our
40 limits be something reasonable that we can
41 live with. It is a U.S. quota. It is meant
42 to cover our U.S. fisheries.

43 Thank you.

44 MR. BROOKS: Thanks, Terri.

45 Brad?

46 MR. McHALE: Mark, just to chime
47 in real quick here, you know, the point that
48 you make there, Terri, is that there isn't a

1 one cure-all in this. So, whether it is size
2 limits, whether it is looking at catch,
3 whether it is time/area closures, I think that
4 we have beaten some of these issues up enough
5 to know that there isn't one cure.

6 And that is why we kind of set up
7 this time to have the open dialog to, well, if
8 we were to do X, what would that, then, ripple
9 into? So, an example is that, if we were to
10 drop the minimum size, okay, then what that
11 would mean is, okay, that discards could
12 potentially be reduced, but yet landings are
13 increased. Do you attain quota quicker? Then,
14 what does that mean for how the regulations
15 are currently drafted? What would it mean for
16 that bigeye, yellowfin, swordfish catch if,
17 all of a sudden, if there was a choke species
18 dynamic?

19 So, thinking along all these
20 different lines, that there isn't going to be
21 one cure-all, that one will have ripple
22 effects into others. So, I agree.

23 MS. BEIDEMAN: Can I just ask one
24 more? Just one more point. In regard to
25 minimizing discards, we had a specific set-
26 aside for the Northeast distant that was done
27 through ICCAT with the recognition that this
28 was quota that we caught in the area of
29 eastern fish. You know, it was kind of our
30 hope that the United States would jump in and
31 kind of say, We have an interest in eastern
32 fish because they are over here.

33 But we have this lovely little
34 setup. Except for one year, which pretty much
35 everyone is aware is anomalous, it has worked
36 pretty well up there to minimize the discards.
37 And that is what you are talking about. That
38 particular little set-aside has accommodated
39 landings and discards, but for one very
40 unusual year. And catches since have borne
41 that out, that that was an anomalous
42 circumstance, and perhaps quicker reporting
43 will help with that.

44 But, anyway, that is an area where
45 you have now put a situation and maybe
46 increased discards, for no benefit.

47 So, thank you.

48 MR. BROOKS: Mark?

1 MR. TWINAM: Mark Twinam, Florida.
2 Now that is the Gulf of Mexico up
3 on top there, that little tip, the eraser?

4 MR. McHALE: Yes, the Gulf of
5 Mexico is that top bar.

6 MR. TWINAM: Okay. So, looking at
7 that, the Gulf of Mexico, shutting down the
8 Gulf of Mexico doesn't look to me like it
9 would be the solution for bluefin, but I could
10 see where, if you had to add the discards in,
11 you could double that.

12 But it looks like a Yankee
13 conspiracy there. All the fish are getting
14 caught up north.

15 (Laughter.)

16 MR. McHALE: There is no such
17 thing as a Yankee conspiracy.

18 (Laughter.)

19 MR. TWINAM: They showed us last
20 night, didn't they?

21 Okay. Can I look at the landings
22 by category? Now the longline trap, that is
23 that little bit in there. So, we are trying
24 to see how we can beat some more out of there,
25 is what we are trying to do. Of course, that
26 would be double, too, if you counted the
27 discards, but that is still a small part of
28 the overall, it looks like.

29 So, we are trying to figure out
30 how to flog the longliners and get more of the
31 fish there, like they don't quite have their
32 fair share. I don't know.

33 Can you put up the allocation pie
34 chart?

35 Like Terri was saying, the
36 longliners catch, which is 98 percent of the
37 swordfish, 60 percent of the tuna, and the
38 bluefin were down there at 11 percent. And it
39 is not because we have changed anything. We
40 are catching pretty much what we have been
41 catching; just the rules were changed, that
42 now you have got to count dead discards. We
43 didn't double our catch. What we are allowed
44 to catch is being halved because we are not
45 allowed our discards.

46 And looking at the first pie chart
47 there, FMP-based category allocations, the
48 purse seine has 18 percent. And then, in

1 2010, actual landings, the purse seine has
2 none. In 2009, it has 1 percent.

3 Now I am sure Richard here is very
4 familiar with the people involved in this
5 fishery, and Im not so much so. But it is my
6 understanding that one person controls that 18
7 percent, and from what my understanding of it
8 is, he originated, maybe not originated, but
9 he was one of the first in the bluefin tuna
10 fishery. He was catching it and selling it
11 when they were selling it for cat food. He
12 has done very well in the fishery. If he
13 never caught another bluefin, it is my
14 understanding that he wouldn't have to skip
15 dinner. He is very successful, I understand
16 -- I could be wrong -- in other fisheries now
17 and doing really well.

18 I don't know why we couldn't go
19 with him with our hat in hand and ask him how
20 much he would charge the longliners to buy
21 some of that quota to use for us. Because we
22 are the HMS for swordfish and a good part of
23 it for tuna and everything. Of course, this
24 man has worked his whole life for this, and he
25 would deserve to be compensated for it. But
26 why cant we fish now?

27 MR. BROOKS: I think Brad wants to
28 jump in.

29 MR. MCHALE: Well, just a little
30 bit of clarification there, that there are
31 actually five permits that are issued in that
32 purse seine category. And you are absolutely
33 correct, they have not been active in the last
34 number of years.

35 A lot of that has been due to
36 economics in some of the fisheries. Some of
37 the vessels themselves have been sold. But,
38 also, the size composition of bluefin tuna on
39 the grounds hasn't necessarily made it
40 economically viable for them to go out and
41 make sets, given their own size restrictions,
42 without having to potentially discard a lot of
43 bluefin as well.

44 But they have been in contact with
45 our office over that time. And unfortunately,
46 they are not at the table today.

47 But what I also heard in there,
48 Mark, is that dynamic where, if they are not

1 operating in any given year, that if they
2 would have the ability to, say, sell, trade,
3 move their quota to a different category that
4 is in need, that that may be some sort of a
5 dynamic that we should be looking at to kind
6 of balance the books across the board,
7 especially if they are not going to be
8 operating.

9 MR. TWINAM: Can I go on for a
10 second?

11 MR. BROOKS: Just a second.

12 MR. TWINAM: I think that the
13 longliners are the most efficient, which some
14 people think that is not a good thing. But I
15 know, before I started having kids when I was
16 fishing full-time, for about 12 years, 365
17 days a year, an average of 400 people sat down
18 and ate dinners that we produced. And that is
19 producing every single day, 365 days, for
20 years on end.

21 So, some people can look and say,
22 well, what did I do for my citizens? What did
23 I produce in the last 24 hours for citizens?
24 Longliners are productive. We are the only
25 ones that can catch the swordfish. It doesn't
26 cost us a bit more bait or another gallon of
27 fuel to land these fish that we already have
28 at the side of the boat. We need to find a
29 way to get us some quota from somebody
30 somehow.

31 That's it.

32 MR. BROOKS: All right. I want to
33 remind folks that, I mean, these are all
34 valuable ideas. We are trying to stay
35 focused, if we can, on the dead discards
36 issue. We are clearly hearing loud and clear
37 some interest in rethinking how the quotas are
38 allocated, et cetera. But, if we can, I would
39 like to keep us targeted on dead discards for
40 right now and reducing waste. Okay. I mean,
41 that is the strategy, of course, to deal with
42 the dead discards, is to increase the quota.
43 Understood. Understood. Fair. Fair point.
44 Fair point. Fair point.

45 I've got Gerry, then Ellen, then
46 Jason.

47 MR. LEAPE: Thanks.

48 Well, on the dead discard issue, I

1 think our feeling is that we should require
2 mandatory retention of the dead discards. But,
3 of course, for that to work, it needs to be in
4 under a cap. You know, it needs to be
5 counted, and it needs to be under a coastwide
6 cap because, see, if you are going to require
7 this retention, which I think would work with
8 the sentiments I have been hearing around, no
9 one likes the waste; no one likes throwing
10 away dead bluefin. But we also need to try to
11 control mortality and, also, work on reducing
12 the interactions.

13 And while in the ideal world,
14 sure, we would love to see 100 percent
15 observer coverage. But when you are starting
16 at 8 and with the budgets that you guys are
17 dealing with, that is a dream for now.

18 And so, in order for it to work,
19 we feel there has to be a cap, and that will
20 help with some of keeping the control that we
21 need.

22 But, also, with the answers from
23 Margo this morning confirming that the live
24 discards, there is an assumption that there is
25 zero post-release mortality, I would like to
26 see some more work done on that because that
27 is certainly not true in most other fisheries
28 in which we have been involved. I think if we
29 are going to get a handle on the true impact,
30 we need some more information on that.

31 Thanks.

32 MR. BROOKS: Thanks, Gerry.

33 Ellen?

34 MS. PEEL: I was just going to
35 suggest, Margo, if, in fact, all of this
36 productive discussion ends up into a proposed
37 amendment, I would encourage you to make
38 certain there are some clear grass, that if
39 you retain the dead discards in the Gulf and
40 reduce waste, which I think we all agree on,
41 that tonnage, though, is coming off of our
42 total tonnage with a cap that each segment
43 understands with this last regulation I think
44 we removed some of the flexibility the agency
45 had to cover any of us who went over in the
46 past.

47 So, a cap means that, regardless
48 of your segment, if you reach that, you are

1 tied up; there is no fishing. So, I think, as
2 we look into this, we certainly want you,
3 Margo, to make sure that is really clear. We
4 all want to reduce waste and discards, but
5 that tonnage comes off. And as others have
6 said, we are not seeing an increase in tonnage
7 that is likely to be allocated to us.

8 And Gerry brings up post-release
9 and mortality. There are juvenile fish issues
10 that other nations are looking at, which I
11 realize I am stepping outside, but, more than
12 likely, we are going to have a smaller pie
13 than a larger pie to deal with. So, lets look
14 at caps and realize what it could mean to each
15 fishery.

16 MR. BROOKS: Good. Thank you.

17 MR. ADRIANCE: Yes, Jason
18 Adriance.

19 What was the observer coverage in
20 the Gulf, roughly?

21 MS. SCHULZE-HAUGEN: In 2007 and
22 2008, it was a target of 100 percent. I think
23 the actual coverage was closer to 80 to 85
24 percent.

25 MR. ADRIANCE: Okay.

26 MS. SCHULZE-HAUGEN: And since
27 then, it has been a target of 50 percent in
28 the last two years, I believe.

29 MR. ADRIANCE: Okay. And on the
30 East Coast, what is it, roughly?

31 MS. SCHULZE-HAUGEN: The target is
32 8 percent.

33 MR. ADRIANCE: Okay. So, those
34 extrapolations are based on 8 percent
35 coverage? So, those discards could
36 potentially be a lot higher? Or lower, I
37 guess?

38 But if you could go back up to
39 your number of discards? Yes, that one.

40 This kind of goes to what Larry
41 and Shana were discussing. By metric tons,
42 the Gulf is closer to 50 percent, but by shear
43 numbers, it is different. So, these two
44 slides, one is numbers; one is metric tons,
45 and the scales are actually quite different.

46 So, shear-number-wise, I mean, you
47 know, there is a lot of waste on the East
48 Coast. As far as the Gulf of Mexico is

1 concerned, I think that screams of partially
2 -- I mean, that is regulatory waste, a lot.

3 I know there is not one magic
4 bullet, as was mentioned, but in rethinking
5 some of this and reducing waste, one thing to
6 look at are those one, two, and three bluefin
7 percentages or pounds that have to be onboard.
8 You know, maybe go to three, period. Now,
9 obviously, you will have to make sure people
10 don't increase trips, but people aren't
11 looking to catch bluefin in the Gulf.

12 Anyway, That's what I have.

13 MR. BROOKS: Thanks, and it would
14 be good to hear a few more comments on that
15 last point because I don't think we have
16 touched on that. So, this ratio and whether
17 there is tweaking to be done there.

18 Bill?

19 MR. GERENCER: Bill Gerencer.

20 On that slide, Brad, well, first
21 of all, in my mind, there's three numbers
22 here. There's landings, discards, and catch,
23 and the first two add up to the third. Does
24 that make sense?

25 MR. McHALE: It does.

26 MR. GERENCER: Okay. So, if we
27 reduce discards, by landings, by making those
28 fish landable, will the actual catch go up a
29 lot? Or will the mortality change, I guess is
30 my point? I mean, you don't have to come up
31 with a whole answer, but just kind of ballpark
32 it.

33 MR. McHALE: No, no, but I just
34 want to make sure I heard you correctly there.
35 So that, if we were to take, say, some action
36 where those discards would be allowed to be
37 retained?

38 MR. GERENCER: Not just allowed,
39 but Aaron said that most of the Gulf of Mexico
40 discards are regulatory. I would contend that
41 almost all the discards in all the areas are
42 basically regulatory. I mean, nobody is going
43 to discard a fish unless they have to.

44 And again, I don't want to get to
45 a situation where we are encouraging targeting
46 of bluefin because that is not what we want to
47 do. But are all these discards, these are
48 things that have been going on every year. We

1 have been looking at them every year. We have
2 been accounting for them, more or less,
3 against our quota.

4 Will the actual mortality rate go
5 up if those fish are landed? And I guess the
6 shorter answer is, yes, if we encourage people
7 to target the fish. Okay. I don't know if Im
8 -- go ahead.

9 MR. McHALE: No, no, I think you
10 answered your own question there. Assuming
11 all things were to stay consistent, that the
12 number of sets, the number of hooks per set,
13 the number of trips, that whether it is
14 eliminating, modifying the target catch
15 requirements, or adjusting the commercial
16 minimum size, essentially, the mortality would
17 be the same. It would be whether or not it
18 came back to the dock. It would still need to
19 be accounted for in some form or fashion
20 versus being discarded.

21 MR. GERENCER: So, moving from
22 there -- and again, agreeing with Aaron -- if
23 you look these, they are not on the same
24 scale. One is zero to 110. The East Coast is
25 zero to 220 in numbers, I guess. And these
26 are all numbers of fish. And the NED is zero
27 to 25. Those are times? Okay.

28 Anyway, it looks like most of the
29 discards are coming from the East Coast area.
30 So, that might be a focus area for where to
31 attack our discards.

32 Now I am also in favor of the use
33 of a cap as a management tool, but one of the
34 things that we have to be careful of is a
35 coastwide closure. We might want to look at
36 this incrementally, so that we can pick
37 certain areas and say, okay, PLL, you can go
38 to commercial landings by area. If you are in
39 area No. 8, this much of your cap will go into
40 that, and when you hit it, that area is
41 closed. And then area 7, 6, 5, and you could
42 probably lump up the Gulf of Maine together,
43 4, 3, 2, 1. And I don't think theres much PLL
44 stuff going on in the Gulf of Maine.

45 So, anyway, that might be a way to
46 approach it because, if we end up closing the
47 entire coast for swordfish fishing early
48 because of interaction with bluefin, that is

1 going to be disastrous. That is going to be
2 a huge mistake. And that really is not what
3 we are charged with doing here.

4 And if you remember the scallop
5 example, they weren't closing all of scallop
6 fishing. They were closing access to a
7 discrete area.

8 And the first year, the fishermen
9 came up with this because they were given a
10 higher cap, they didn't manage it correctly,
11 and they were pushed out of the area before
12 harvesting somewhere around 30 percent of the
13 scallops. I may have my number wrong. The
14 next year they didn't harvest 20 percent of
15 that yellowtail cap, but they harvested 100
16 percent of the scallops.

17 So, that is an easier thing to do
18 because yellowtail aren't as mobile as
19 bluefin, and you are using a 12-foot dredge
20 versus a longline, which covers a lot more
21 area. But, still, the industry is pretty
22 sharp when it comes to that sort of stuff.

23 And as far as some kind of a
24 transfer or help, I remember a few years ago
25 when North Carolina came to this panel and
26 asked for help because they were concerned
27 about being able to harvest some bluefin. And
28 I believe the general category -- Rich may
29 remember this -- we basically said, yes, we
30 can help out.

31 So, that kind of thing has
32 happened before. There is precedent for that,
33 for the industry stepping up and saying, yes,
34 we don't want to make this a permanent thing,
35 but if you need some help, we are there for
36 you.

37 Thank you.

38 MS. SCHULZE-HAUGEN: One of the
39 points you raised earlier about, you know,
40 they are all regulatory discards, part of the
41 target catch requirements was to discourage
42 targeting. And so, if we are thinking about
43 revisiting the target catch requirements, it
44 may also bring into the discussion, how, then,
45 do we ensure no targeting? Because that
46 premise kind of puts you on a path. And so,
47 if we are starting to revisit the tool to meet
48 that objective, you know, are we revisiting

1 the objective as well? Are there other tools
2 to meet the same objective?

3 But that is part of why we have
4 those target catch requirements. So, maybe
5 some thinking and thoughts on that?

6 MR. GERENCER: Well, to that, that
7 is why a cap worked. Because the scallop
8 fleet didn't want to catch the yellowtail.
9 They didn't want to target it. Because there
10 wouldn't have been as much urgency to do
11 something about it if there was no consequence
12 for it, so the cap was a serious one.

13 But, again, it is going to be a
14 big mistake to put on a cap that will close
15 the entire swordfish fishery for the year and
16 leave tons of fish in the water and boats tied
17 up. So, you want to do it incrementally and
18 you want to be careful how you do it, but the
19 motivation was there to do it. They were able
20 to not target the fish. As a matter of fact,
21 they did it very successfully.

22 MR. BROOKS: You are ditto? You
23 are ditto, okay, got it.

24 MS. PEEL: No.

25 MR. BROOKS: Oh, you want to
26 comment on it? Okay, a quick comment.

27 MS. PEEL: You know, echoing what
28 Bill said, but it is a travesty to close any
29 fishery. We don't want pelagic longline for
30 swordfish, but angling. So, I like the idea
31 of perhaps a regional cap might be most
32 efficient and provide the most incentive to
33 those participants to really come up with ways
34 to minimize.

35 MR. BROOKS: Thank you, Ellen.

36 Lets get a few other voices in
37 here who haven't gotten to talk yet. We will
38 go over to John, then to Vince, then to Shana,
39 and then we will probably be at a break.

40 MR. GRAVES: All right. Thanks.

41 I realize we are focused on
42 bluefin here, but we cant operate in a vacuum.
43 I know Margo's position is she comes to the
44 ICCAT Committee meetings where we are looking
45 at a lot of unused swordfish quota and our big
46 push to revitalize the swordfish fishery,
47 which is a pelagic longline fishery. So, you
48 have got a problem now. That problem will

1 only be exacerbated.

2 We have got increased
3 interactions, increased discards with the
4 pelagic longline fishery, and we certainly
5 don't want to increase an incentive to have an
6 economic incentive for those.

7 So, one way that you could stop
8 the waste -- and I hate to see any dead fish
9 go back into the sea -- is to require the
10 retention of all dead bluefin; they're
11 retained. But you remove the economic
12 incentive.

13 So, you still have for the pelagic
14 longline fleet, they have to take these
15 animals. They have to go into the hold. But
16 they will not get an economic compensation for
17 them. So, when they come into port, they will
18 still get, if they have got their target
19 catch, they will get there one or two or three
20 bluefin. The undersized fish we could
21 probably figure a way to deal with the
22 marketing of those because they would be above
23 the ICCAT minimum size.

24 And you are going to have revenue
25 generated from that. You could have a
26 research set-aside, just like you have in a
27 lot of other fisheries.

28 So, the pelagic longline fleet,
29 which they will tend to move away from the
30 interactions with the bluefins simply because
31 of hold space. And they have to bring these
32 fish in and process them. So, they could
33 move.

34 They are not going to have an
35 economic incentive for the retention. And
36 face it, the ICCAT Advisory Committee has been
37 asking for, well, for the 16 years that I have
38 been Chair of it, to get some federal support
39 for highly migratory species research. And
40 here you have it.

41 I would much rather see these fish
42 going into the world food source than to be
43 going down to the bottom of the ocean and
44 feeding crabs.

45 MR. BROOKS: Thanks.

46 Vince, you're next in the queue.

47 MR. PYLE: Thank you. Thank you.

48 You know, that is certainly an

1 alternative and a good idea, John. But, then,
2 there have been other good ideas that I have
3 heard myself bring up for years, like
4 eliminating the two, six, thirty.

5 But I wonder -- and, Margo, this
6 is to you -- it seems like the agency itself
7 must be bound from keeping flexibility from
8 taking place because the history shows these
9 good ideas, they don't come to fruition.
10 Whether it is either fear of us going for
11 targeted, that we are going to target, it is
12 either that or you are unable to be flexible.

13 I mean, why cant we transfer at
14 sea quota? Why cant I sell, since my vessel
15 has little to no interaction most of the time,
16 why cant I sell some of mine? Why cant we
17 each have a number and then That's it? Why
18 cant we go by region?

19 These are all ideas. I have heard
20 nothing around the table of good ideas that I
21 have heard, Im sorry, but none of them were
22 just authored this morning, I don't think,
23 except Johns. That was a new one.

24 (Laughter.)

25 But other than that, for the last
26 15-20 years, I have been hearing it, too. And
27 I have also been hearing that longliners, for
28 the last number of decades, we seem to be the
29 only ones on the board with hard data. We
30 seem to be the only ones with observer
31 coverage. Can that be true after two or three
32 decades, that we are still the only ones that
33 have 8 to 100 percent coverage in our fishery?

34 Well, my God, I wonder what would
35 happen if we put a microscope on all of our
36 gear types, like we have on my gear type over
37 the decades that I have been involved in the
38 fishery management. I wonder what would
39 happen. But, Lord knows, I don't want to get
40 into that.

41 But is it flexibility that is
42 keeping us wasting fish or is it a fear of
43 targeting, Margo?

44 MS. SCHULZE-HAUGEN: I think some
45 of what you are touching on does go to how
46 things tend to evolve. We set up an
47 objective, and then we look at how do we meet
48 that objective. In the regulations there are

1 multiple factors that go into that: data
2 collection, enforcement. Something like
3 transfer at sea can really undermine the
4 ability to enforce a regulation. So, there
5 are multiple kind of factors coming into play
6 as the regulations are developed.

7 There are a lot of great ideas
8 coming out now. A lot of those would be
9 fairly significant regulatory changes, but we
10 can do those.

11 Part of why some of these
12 suggestions haven't been followed to date or
13 made to date is the opposing voices are
14 raising some of the issues. Remember, pelagic
15 longline, it is not just a bluefin issue
16 sometimes. As you all well know, theres
17 marlins. Theres turtles. Theres sharks.

18 So, a lot of times, when we start
19 getting into issues, something that sounds
20 really good from one angle, other factors come
21 in and maybe it is not workable in all ways.

22 I think flexibility, the ability
23 to adapt to have the fishermen having more
24 choice, reducing waste, is absolutely
25 something we should be pursuing. And there
26 are things coming out that I think we can
27 pursue. It doesn't meant that there aren't
28 going to be other issues that come up along
29 the way, and it doesn't mean that we can do
30 everything that has been discussed.

31 I also, from my perspective, am
32 hearing more people broaching issues that have
33 been kind of third rail for years. Things
34 that I think people kind of shied away from
35 are now entering the discussion more than they
36 had. So, I think that will open up more
37 potential for change as well.

38 So, I don't know if that answers
39 your question, but its what I've got.

40 MR. PYLE: Yes, great. But, on
41 the other hand, I think you are not going to
42 be able to answer all of your concerns or all
43 of everybody's concerns without some
44 implementation of the changes that have come
45 in over the years.

46 I think we fear that maybe this
47 persons third rail, this person touching that
48 third rail, keeps us frozen. And therefore,

1 we don't try them.

2 And you're right, I mean, we might
3 try the retention level. And my boat might
4 just go right, Oh, my God, three bluefin. Oh,
5 unbelievable. Lets go for them.

6 I say not a prayer that that would
7 happen. But until we see what the fleet does,
8 you might be right. But, to me, flexibility
9 is you try it, and if it is not working
10 properly, then you adjust.

11 But it is like we put the word,
12 you know, we make a time/area closure. I
13 don't know why we put the word time in there.
14 I haven't seen any adjustment to any time/area
15 closure since we started them because they are
16 frozen.

17 So, it is almost like, if we make
18 a regulatory adjustment here, it is carved in
19 granite somehow. Without being someone
20 nibble, I don't think we are going -- you
21 know, these regulatory wastes have been very
22 hard to swallow and it is very hard to get the
23 darts thrown out year after year, month after
24 month.

25 And we are the biggest lions share
26 of all of these species. We produce them. We
27 catch them. We feed America with them.

28 My portion of bluefin is
29 unproportionate in itself. Nowhere should we
30 be down to 8 percent when we are catching from
31 96 percent of one species to 65 percent of all
32 the rest. But we won't go there, either.

33 I just want to stop the waste. And
34 to that end, we need to be more flexible and
35 we have to implement some of these great ideas
36 I have been hearing for years around the
37 table.

38 Thank you very much.

39 MR. BROOKS: Well, there are a lot
40 of interesting ideas coming out here on the
41 table, and hearing some common themes of
42 interest in flexibility and being nibble, as
43 you said, which I think is a good way to sort
44 of frame an approach forward, and several
45 comments around the inevitability that you are
46 not looking at a single action here. It is
47 going to take a suite of measures, and I think
48 the challenge for you all in giving advice to

1 Margo and her team is, what suite of packages
2 might make sense? How do they interact with
3 each other? How do they deal with issues of
4 equity? And those are, I think, some of the
5 subthemes we want to keep pushing at as we
6 talk more about this.

7 I want to get two more people in
8 before the break. I do have in the queue
9 Shana, Tim, Rich Ruais, Chris, Rick
10 Bellavance, and then Elizabeth. But we will
11 take Shana and Tim and then break.

12 MS. MILLER: I just wanted to echo
13 support for the bycatch caps. I think Bills
14 idea of doing some sort of regional
15 allocation, we already have the north-versus-
16 south quotas within the longline fishery. So,
17 I think using those or an even finer breakdown
18 makes sense.

19 And as far as the incidental catch
20 requirements, I like Johns idea. But even if
21 you did mandatory retention, you could
22 eliminate those incidental catch requirements.

23 And, Brad, you had mentioned
24 lowering the commercial minimum size to reduce
25 the waste in the Northeast longline fishery.
26 I would think that you could lower the minimum
27 size for the longline fleet without doing it
28 for the entire commercial fishery because
29 study after study has shown that it is risky
30 to take fish before they mature. And at a 73-
31 inch minimum size, most of those fish aren't
32 mature yet anyway. So, to lower it still
33 further could really be risky.

34 But within the longline fishery,
35 to reduce that waste, lowering it to the ICCAT
36 minimum size, or what have you, might make
37 sense. And we already have a different
38 minimum size structure within the harpoon
39 fishery. So, giving the longline fishery a
40 different minimum size, you know, there is
41 precedent for that.

42 Then, as far as targeting the
43 fish, certainly you could look at it that it
44 is an economic incentive that the longline
45 fishery could land more fish, but it seems to
46 me that what Scott was referring to about the
47 peer pressure an self-policing within the
48 fleet, I would think that that would be a

1 strong disincentive that would outweigh any
2 economic incentive. But certainly I like
3 Johns idea of the research set-aside as well.

4 That's it. Thanks.

5 MR. BROOKS: Okay. Tim?

6 MR. PALMER: Yes, Tim Palmer.

7 I first wanted to say that I
8 thought Bills thoughts about having regional
9 separations was a really good idea. You don't
10 want to have a tragedy of commons when one
11 area which is known to have more interactions
12 causes us to go over the bycatch cap, and then
13 it shuts it down for everybody. It might make
14 them work a little bit more at trying to keep
15 from having the interactions.

16 Possibly another thing to look at
17 would be maybe take off what they go over for
18 the quota for this year, maybe take it off of
19 the next year, maybe as another kind of an
20 incentive to try to stay away from them.

21 I mean, being a fisherman, I can
22 tell you that most of the interactions are
23 purely incidental. I mean I really cant think
24 of too many places where you can go out and
25 say Im going to make a set and catch 10
26 bluefin tuna. It happens when you least
27 expect it, and it never happens when you
28 expect it.

29 You look back and you say, Oh,
30 many, we might have run into a bunch of
31 bluefin. Then you won't see one. So, it is
32 purely incidental when it does happen.

33 But I agree with the 2,000, the
34 6,000 pounds, you know, the tiered system
35 which allows you to catch one and then two
36 bluefins, but the 30,000 pounds just seems too
37 high to me because not many boats have the
38 ability to hold 30,000 pounds anymore. It
39 seems that the longline fishery has shifted to
40 being smaller boats.

41 With the price of fuel, it seems
42 that it is a lot more viable to go out in
43 smaller boats than it is to go out in 100-foot
44 boats and go out and fish the Grand Banks.
45 That is why there are really only about four
46 or five boats that go out to the Grand Banks
47 anymore. You know, fuel is approaching \$4 a
48 gallon. It just doesn't make sense.

1 Maybe something to look at would
2 be dropping that 30,000-pound limit to
3 something that would be more applicable with
4 most of the boats that are already out there.

5 Thank you.

6 MR. BROOKS: Any sense of what
7 size might be --

8 MR. PALMER: I was kind of
9 thinking something in the neighborhood of like
10 maybe 9,000 or 10,000 pounds, something like
11 that. Because a lot of the boats out there,
12 you know, most of those boats pretty much are
13 satisfied with the trip, I mean especially the
14 ones off the Florida East Coast.

15 Ten thousand pounds, Scott?

16 Yes, about 10,000 pounds, 12,000
17 pounds would be a number, but 12,000 would be
18 too high. Probably 10,000, because most of
19 the boats now have holds that can only hold
20 about that much. They only have the fuel to
21 keep them out for that long. They cant carry
22 that much ice.

23 And, of course, these smaller
24 boats have the ability to do shorter trips and
25 come in with a much higher quality product;
26 therefore, more economic incentive.

27 Thank you.

28 MR. BROOKS: Okay. Thanks, Tim.

29 I have got four people in the
30 queue. Again, we will go to break right now.
31 When we come back, Rich, you are first up. We
32 will reconvene in 15 minutes.

33 Thank you all for good discussion.

34 (Whereupon, the foregoing matter
35 went off the record at 10:22 a.m. and went
36 back on the record at 10:47 a.m.)

37 MR. BROOKS: Thank you all for a
38 good first discussion this morning.

39 We have actually, as you all are
40 aware of, touched on a number of the topics
41 that were on the slide that Brad put up at the
42 start of the morning. We want to come back
43 and make sure we have a focused conversation
44 around looking at quota allocations, and
45 specifically the angling the category and any
46 other topics people may want to take up under
47 that heading.

48 As well, we want to focus in on

1 expanding use of monitoring some of the data
2 needs associated with that sort of across all
3 the sectors.

4 But, before we do that, we do have
5 four people in the queue from before the break
6 that I want to make sure we are getting into
7 this conversation.

8 So, I have got Rich Ruais, Chris,
9 Rick Bellavance, and then over to Elizabeth,
10 and then Mark Sampson. We will squeak that
11 one under the wire. But we really need to
12 make sure we are moving to these other topics
13 because we want to make sure we are covering
14 the breadth of areas.

15 Rich, you are up.

16 MR. RUAIS: Thank you, Bennett.

17 Some of this, people are going to
18 have to jog their memory because I started
19 taking notes when the queue first started and
20 I was a long way around. You went all the way
21 around. So, you've got to have patience with
22 me.

23 But I wanted to emphasize Chris
24 point, Chris Weiners earlier point, that a lot
25 of us are looking to the pelagic longline
26 industry to take the lead on this issue,
27 primarily because they know best about what it
28 takes to reduce discards of bluefin tuna or
29 interaction with bluefin tunas. So, that is
30 the right place for it to come from. We
31 certainly have some ideas, but you might not
32 like our more simplistic ideas than what you
33 can come up with.

34 We are sympathetic to all the
35 comments that talk about lets address the
36 waste issue and make all discards be landed,
37 but that is really only half the problem. We
38 will feel good that now we know there is no
39 waste going on, but it still leaves you with
40 the problem, including, I assume, under Johns
41 notion of using research set-aside and food
42 banks, it still leaves you with the problem
43 of, how do you account for the 120 to 160
44 metric tons of their discards?

45 Whose category does it come out
46 of, to get back to Scotts point about we are
47 not expecting that we are going to take from
48 everybody else forever. You still have to get

1 at it, and I am not sure that just taking the
2 profit incentive away assures you that the
3 industry is going to then find a way to avoid
4 the interactions to begin with. So, that was
5 point No. 1.

6 These are going to be real quick.
7 Point No. 2, Scott talked about we don't see
8 the small fish, the small bluefin, that the
9 fleet doesn't really seem to interact with
10 that. Well, it may be that the dealers don't
11 see the small bluefin that come from pelagic
12 longline interaction, but I know that some of
13 the very same areas where the Canadians fish
14 and where the Japanese fish in the central
15 Atlantic, they abide by the 30-kilogram
16 minimum size. And we see them in the Japanese
17 marketplace. Those pelagic longline fleets
18 are catching and marketing 66-pound fish and
19 above, and our fleets fishing the same place.

20 We cant land them. Our boats cant
21 land them. Again, it is another unilateral
22 sacrifice that we make that causes discards
23 and waste. So, it is happening, maybe not as
24 great as the Japanese working between 45
25 degrees and 25 degrees, but it is happening,
26 and you are not going to see them.

27 To Terri's point, I was trying to
28 be kind and gentle by only looking at the
29 first chart, when I was pointing out that some
30 of the existing areas where the interactions
31 are heavy, I used the 97 as an example to show
32 you where the areas were. But if you quickly
33 just go fast-forward through 2008, 2009, 2008,
34 for example, the first interaction level is
35 right on the boundary of the southern New
36 England closure, is 101 to 200 fish, followed
37 by a red dot that is 201 to 488 fish that are
38 interacted with, to a blue doe that is 21 to
39 50.

40 And then, if you skip one more
41 year forward, it gets even a little bit more
42 frightening. The first dot you see in the
43 southern New England area is 201 to 277. Then
44 the green dot is 21 to 50. And then, if you
45 move up to the east in Geogia's bank, you
46 start hitting orange dots that are 101 to 200,
47 200 fish, et cetera, et cetera.

48 So, my point is those areas do

1 have considerable interaction, but I was
2 trying to downplay it in the beginning, and
3 knowing that you would eventually see that
4 those numbers are significant. So, if there
5 is something in that range of looking at
6 time/area-type closures, combining the time
7 when those interactions are taking place with
8 a smaller defined area that can still allow
9 you to fish, then help us out. Help us out by
10 contributing to that.

11 And the final point was made by
12 Mark. Another very concrete suggestion for
13 Margo and others to consider is looking at the
14 purse seine category. We all know that that
15 is where in the short-term the short-term
16 solution is, their underperformance the last
17 several years.

18 And by the way, part of their
19 reason for that or excuse, if you will, is
20 that the Commonwealth of Massachusetts has
21 made a decision that Cape Cod Bay, a historic,
22 traditional fishing ground for the purse
23 seiners is now a hand gear fishery only, and
24 they have precluded the seiners from operating
25 in that area. That has historically been a
26 place where they have caught fish, not their
27 entire quota, but they have caught some of the
28 fish and they are prohibited from one of their
29 prime fishing grounds. That is a legitimate
30 decision that the Commonwealth made that has
31 been tested in court and isn't likely to
32 change into the future.

33 But Marks idea about, isn't there
34 a way to pay them, I mean that was something
35 that was being pursued years ago. When I
36 still actually represented them, we broached
37 the subject of them being able to transfer
38 their quota outside of that category. But
39 there was opposition to it at that point in
40 time. And I don't represent them anymore. So,
41 I am not trying to lead anybody in that
42 direction. I am just saying it is an idea
43 that has been talked about in the past.

44 Thank you.

45 MR. BROOKS: Thanks, Rich.
46 Appreciate that.

47 Chris?

48 MR. WEINER: I will pass for now.

1 MR. BROOKS: And I really
2 appreciate that.

3 Rick?

4 MR. PEARSON: Thanks, Bennett.

5 Well, I had a big spiel all ready
6 to go, and after hearing John Graves comments,
7 I had to actually throw my support into those
8 ideas. I thought they were super-
9 well-thought-out and possibly a solution to
10 some of the discards. It would take all this
11 fish home without an economic benefit to the
12 fleet. So, they would still have an incentive
13 to try to stay away from those fish. I think
14 that is certainly something worth exploring.

15 And also, with Bill and his
16 comments in regard to a hard TAC being
17 distributed up and down the coast as opposed
18 to a coastwide approach, those are definitely
19 pretty valuable thoughts there.

20 Just leading back to what my
21 original thoughts were in regard to trying to
22 incentivize the pelagic longline fleet to
23 address their issue with their discards, I
24 find that a lot of the examples that were
25 given today and also in New England, in Rhode
26 Island with our summer flounder fishery and
27 the interactions with the squid fishery, all
28 those solutions come up because of a
29 regulation that forces the fishermen to act in
30 a particular way to avoid whatever it is that
31 they are overharvesting.

32 I think we need to keep in mind
33 that fishermen are some of the smartest folks
34 around, and they have the ability to come up
35 with solutions to problems. But, at the same
36 time, there needs to be a catalyst to get them
37 to do that, and I am not a huge fan of
38 regulation, but it does seem to work for
39 fishermen. We need to consider crafting some
40 regulations that do make them fish in a little
41 bit different manner because they have to, as
42 opposed to just allowing them to think about
43 it.

44 I mean they have been doing that
45 for a while, and I know that they are trying
46 hard, but if you put a set of regulations in
47 play that really force them to think outside
48 the box, they will come up with a solution.

1 That is what I think, anyway.

2 Thanks.

3 MR. BROOKS: Good. Thanks, Rick.
4 Elizabeth?

5 MS. GRIFFIN-WILSON: I would also
6 like to echo the support being heard around
7 the room for a system of bycatch caps.
8 Clearly, observer coverage is a very important
9 part of any system of hard bycatch caps. So,
10 I would like to echo what John was saying
11 about potentially using some of the fish to
12 help cover the cost of research, but that set-
13 aside could also be used to help fund
14 observers, which could be very useful.

15 I would also like to point out
16 Margo had made a comment about occasionally
17 solutions or options come up in the fishery
18 that are then derailed by concerns with other
19 species, like sea turtles. And if a system is
20 put in place for bluefin bycatch caps, you
21 could also do a system of sea turtle hard caps
22 where you allocated the current incidental
23 take statement to those regions and put a cap
24 in place, then, if a region hits their sea
25 turtle bycatch cap.

26 And that way, if the changes in
27 fishing did in some way increase sea turtle
28 bycatch, it would take care of it and make
29 sure the levels don't go up over the current
30 levels.

31 MR. BROOKS: Good. Thank you.
32 Mark Sampson?

33 MR. SAMPSON: Thank you.

34 Yes, just real quick, I think that
35 Margo's opening comments yesterday, she spoke
36 to the fact that we need to start looking
37 ahead to the future because so many of these
38 things just take so long to happen and all.

39 Sort of on that theme, I would
40 like to suggest, No. 1, it seems that most of
41 the discussion here has been revolving around
42 the fact that we are assuming these fish are
43 going to be caught. And, okay, what are we
44 going to do with them when they are caught?
45 When they bite, what are we going to do?

46 But maybe, well, lets not lose
47 track of the thought that maybe there are
48 avenues whereby we can minimize them being

1 caught in the first place, not so much by the
2 old methods that we have discussed so much of,
3 and that have been hammered over for so many
4 years, time/area closures, and so on and so
5 on. But maybe through, again, new technology.

6 Again, looking into the future,
7 who would have thought five or ten years ago
8 that so many of us would have been walking
9 around with computers in our pockets? It
10 would have been laughable.

11 So, if I were to suggest right now
12 that maybe five years from now we will have
13 smart hooks, smart gear, that when a bluefin
14 or a pilot whale, or whatever, or a sea turtle
15 comes and wants to bite a bait, the hook
16 releases from the leader and it doesn't
17 happen. So, while that is laughable now, five
18 years from now, ten years from now, maybe it
19 is going to be, hey, no big deal.

20 So, in the discussions and the
21 thinking ahead and planning ahead, I would
22 hope that everybody, and certainly fisheries,
23 but all of us, would keep our eyes and ears
24 and maybe some grant monies, or whatever,
25 available to help promote smart gear that
26 would eliminate the bycatch, not just the
27 bluefin tuna, but in all the fisheries, too.
28 Because that might really be the answer, the
29 big answer, to the future, and it might save
30 a lot of these fisheries and fishermen.

31 MR. BROOKS: Thanks, Mark.

32 Rom, since you haven't had a
33 chance to weigh-in all morning, we are going
34 to give you a special dispensation here.

35 MR. WHITAKER: Thank you. I did
36 put my card up before the break.

37 But, at any rate, I just wanted to
38 reiterate that I certainly agree with Bills
39 comments and also Johns comments. They have
40 some excellent ideas.

41 But the realistic thing is, in my
42 opinion, there is more bluefins out there than
43 I have seen in 25 years. So, the problem, I
44 think, for the longline industry is going to
45 get tougher, and regardless of Rich's
46 comments, which I do support, it is going to
47 be really tough.

48 But these longliners are some of

1 the best fishermen in the world. I think that
2 if they have the incentive, which the pie is
3 only so big and we all want a piece of it,
4 that we have to get a hard cap somewhere.
5 These guys will figure out how to live within
6 it. But I am all for no waste.

7 So, maybe Mark has got some great
8 ideas, but right now we have to live with what
9 we know works. I think the hard caps, maybe
10 the weak hooks in some areas, but I know in my
11 area that sometimes you are walking a
12 tightrope to put a longline out there because,
13 if they move in, you might have one on every
14 hook. I wish there were some guys here from
15 IA. I think they would concur.

16 Thank you.

17 MR. BROOKS: Thanks, Rom.

18 I know I've got about a half-
19 dozen, or maybe even more, cards, folks who
20 want to get in here. But I am going to draw
21 this moment to a close, just so we can cover
22 a couple of other topics. And then, we are
23 happy to double-back and reopen the
24 discussion, if we have time before the lunch
25 break.

26 So, Brad, maybe you can tee-up the
27 next topic you want us to be talking about.

28 MR. McHALE: Yes. One additional
29 item has come up over the last number of years
30 and at different meetings. I think it was
31 brought up at the spring meeting. It had
32 originally stemmed from some of the
33 recreational landings that we had, you know,
34 when you look back at 08 and 09, when we had
35 substantial recreational landings, and how we,
36 as an agency, had put in some slot limits to
37 kind of keep that in check, whether that was
38 based on effort or availability. And so,
39 there has been some back-and-forth dialog.

40 So, what I intended to do is touch
41 on this today as part of the overarching
42 discussion and kind of just go through how we
43 actually manage and allocate out the
44 recreational fisheries to kind of tee that
45 discussion up, to see whether or not changes
46 are warranted, status quo is fine, but just to
47 get feedback from folks around the room on
48 what we have been seeing, what some of the

1 management actions we have been taking, the
2 impacts they have had, and just to kind of get
3 into that sort of a discussion as well.

4 So, it will probably take me about
5 five minutes to sort of run through this
6 presentation real quick, again, with the
7 intent of leaving the most amount of time for
8 discussion versus the presentation itself.

9 So, if we could kind of hold
10 clarifying questions or comments until I get
11 through it, and then we can actually have more
12 of that dialog.

13 So, we have seen this pie chart a
14 number of different times throughout the day.
15 These are the allocation percentages as
16 established in the 99 FMP and carried through
17 the consolidated 06. Essentially, what I will
18 be focusing on is that 19.7 percent as it is
19 allocated to the angling category/recreational
20 fishery.

21 So, in a nutshell, how we break
22 that down is via the size categories that we
23 have. So, we have our school size class,
24 which would be those fish that measure between
25 27 and 27 inches. This is the size class
26 where we have a 10 percent tolerance that gets
27 balanced across two years. We also have our
28 large, medium, and giant suballocation. So,
29 that is our trophy fishery that we touched on
30 yesterday where we might be able to clarify
31 some of the communications that get
32 disseminated, so that fishermen know exactly
33 what it is we are referring to.

34 And then, what truly has been the
35 hotbed over the last few years is this large-
36 school and small/medium-sized class because
37 that, I think as we have shown, the marching
38 cohort slide, which I will bring up here
39 again, has really been those size classes that
40 are showing up, whether it be in the
41 recreational catch information, whether it has
42 been through conversations with commercial
43 fishermen, longline interactions, but there
44 has been an availability there.

45 And what that means where certain
46 sizes of fish fall within that range, and
47 whether you are talking numbers of fish or the
48 weights that those fish equate to, and then

1 how that marries up with our quota and trying
2 to manage within it.

3 So, just the one brief history,
4 here is that, currently, we have north/south
5 dividing line as it applies to the
6 recreational fishery. It is different from
7 the one that applies to the longline fishery
8 that Shana had mentioned earlier. It is
9 currently located pretty much at Great Egg
10 Inlet. It had previously been located just to
11 the south at Cape May. But based upon where
12 some of the fleet was operating and vessels
13 moving north and south of the line, we decided
14 to move that slightly north, based upon some
15 of the fishing areas.

16 So, as we continue to winnow away
17 and winnow away at the angling category quota,
18 the next few slides will essentially break
19 down how we managed to that north/south line,
20 and then specific to the school-size quota
21 split, what we also hold in reserve, more as
22 a backstop so we don't exceed that 10 percent,
23 as well as any research that is done on these
24 school-size fish is also attributed to that
25 18.5 percent that is allocated to the reserve.

26 So, essentially, once the school-
27 size category is split, then we apply the
28 north/south percentages of 47.2 and then the
29 52.8. That essentially divides the
30 allocation. Then, we, using our best efforts,
31 knowing that some of the data streams aren't
32 necessarily real-time, it is managing the
33 fishery to remain within those quotas.

34 When it comes to the trophy-size
35 class, we have a slightly different split
36 where it is 67 to the south, 33 percent of the
37 quota is allocated to the north, and a lot of
38 that I think primarily stems from how some of
39 the fisheries were operating back in those
40 late nineties, where the Mid-Atlantic fishery
41 had a lot of trophy charter/headboat fishery
42 versus at that point the commercial quotas
43 weren't available. So, that was one of the
44 back stories behind here.

45 But this is currently how it is
46 split. I must have highlighted something here
47 incorrectly. But the large-school/small-
48 medium quota is then split again into that

1 kind 53/47 percent level between north and
2 south.

3 And there has been a lot of
4 discussion of whether or not, because you have
5 two different size classes that are managed
6 within these quota bins, so you have your
7 large-school that are 47/59 and then your
8 small/mediums that are 59, you know, upwards
9 of 72 and change.

10 How some of those fishing
11 opportunities are distributed both up and down
12 the coast, and I know that we have had a
13 number of different conversations of,
14 depending on the amount of effort, depending
15 on the number of size classes that are
16 available, whether or not one area has access
17 to a size class that others may not, and how
18 that is perceived and how equity is brought
19 into that equation, whether or not we have the
20 opportunity to provide access to the same
21 sizes up and down the coast, but when we start
22 to get into managing within quotas, sometimes
23 we don't always have those luxuries, and
24 wanting to touch on some of those subjects
25 today.

26 So, we will beat this slide into
27 everyone's brain, so you see it when you close
28 your eyes at the end of each of these AP
29 meetings. But we have the marching cohort
30 once again. It has been updated for 2010.

31 If you recall, as a result of some
32 of the 09 landings, we implemented a slot
33 limit that, essentially, limited the amount of
34 harvest that could be brought back to the dock
35 of the small/mediums. These are larger fish
36 that would fall within the 59-to-less-than-73-
37 inch slot limit.

38 And the rationale for doing the
39 slot limit then, as well as to continue it
40 now, is that these fish are available, that
41 the effort is there. They are catchable,
42 although the white Slug-Go isn't necessarily
43 working as well as it did back in 09. By
44 landing the same numbers of fish because they
45 have grown both in weight and in size, that
46 even if we were to catch the same numbers when
47 it comes to accounting for our quota, they are
48 adding up much quicker, which was definitely

1 putting us in jeopardy of exceeding quotas,
2 especially given all the items that we had
3 spoken to yesterday that we, as an agency
4 managing the bluefin tuna fishery as a whole,
5 we have less wiggle room in addressing some of
6 these overages and really starting to need to
7 manage to the FMP, and then some of the tools
8 that we have to do that.

9 So, getting at some of the
10 numbers, how north and south has played out
11 over the last couple of years, I took a
12 breakdown of the numbers of fish. I
13 definitely will take the comment -- I forget
14 who had made it yesterday -- that providing a
15 sample size when using a pie chart that used
16 percentages really puts things into
17 perspective, and I will make note of that for
18 the next go-round, to include those sample
19 sizes here.

20 But, just as a breakdown of how
21 the size classes played out when it came to
22 landings of bluefin tuna, when we looked in
23 the north in 2009, about three-quarters of the
24 fish were in the large-school size category,
25 and only about a quarter fell within that
26 larger group contained within the quota.

27 In the South, almost a two-thirds
28 to one-third split, and this is with more
29 liberal retention limit, given that 2009 year
30 where there was access to those small/mediums
31 up and down the coast.

32 But when you consider that
33 marching cohort slide with where these
34 landings were coming in, when you start to
35 look at 2010, now, granted, we did have slot
36 limits in place. You see some of the
37 percentage start to change quite dramatically.
38 And some of this is regulatory-driven.

39 So that, in looking at landings of
40 the large-school/small-medium-size class, in
41 the northern area, we had about 86 percent
42 were landed in that large school and 14
43 percent. And again, that was primarily by
44 design, by having that slot limit in place and
45 knowing some of the impacts that had both on
46 the private fleet as well as the charter
47 fleet.

48 Whereas, in 2010, where the large-

1 school/small-medium retention was one fish
2 across the board for 2010, primarily through
3 that winter fishery, it was more of a 50/50
4 split. So, whether it is regulatory-driven or
5 not, obviously, there are changes as these
6 fish kind of move through the fishery, both in
7 size and year class.

8 But the one dynamic that we have
9 struggled with is, what tools do we have to
10 manage our landings within the quotas that are
11 allocated to the angling category, not only as
12 a whole, but also these sub-splitouts, and
13 then still trying to provide opportunities, as
14 both Randy and I had brought up as far as some
15 of the goals of the recreational action plan
16 of trying to provide opportunities and trying
17 to find that balancing point.

18 And theres been a number of
19 different ways we have tried to manage this
20 over time, knowing that the data that we get
21 isn't necessarily as readily available as we
22 would like to make in-season adjustments when
23 we know that a spike has occurred or we know
24 that the availability and the weather
25 conditions are leading to high landings.

26 In the past, we have tried to
27 manage that with compressed seasons, which
28 have had their own difficulties. All of a
29 sudden, the weather doesn't cooperate. A
30 hurricane shows up at an unfortunate time. Or
31 the fish just don't show up when they have in
32 years past. Our crystal ball doesn't do us
33 quite justice.

34 All of a sudden, we may have a
35 more liberalized retention limit. And sure
36 enough, as soon as the things get ratcheted
37 down, that is when the fish show up.
38 Apparently, they are not reading The Federal
39 Register as often as we would like.

40 So, again, some of the reasons we
41 are bringing this up today, especially in this
42 discussion forum, is to talk about some of
43 these allocations and how the recreational
44 fisheries proceeded at a higher level. To
45 note that, granted, these slides are in
46 percentage.

47 But when you start to look at the
48 volumes of fish that can be landed, especially

1 those large-school/small-mediums, there can be
2 orders of magnitude difference when you are
3 looking at, say, the New England fishery that
4 has been booming for the last number of years
5 and, say, some of the Mid-Atlantic fisheries.
6 The effort that we are seeing now in the
7 Northeast has the capability of landing
8 thousands of these fish, where when you
9 compare it down to, say, some of the Mid-
10 Atlantic fisheries, we are talking hundreds.
11 So, there can be orders of magnitude.

12 Some of the other issues that have
13 come up are also some of the species that are
14 available in the different areas. Where you
15 look at the New England fisheries, when you
16 are talking your blue water recreational
17 opportunities, you are essentially looking at,
18 at least north of Cape Code, you are looking
19 at your shark fisheries, your mako, your blue
20 sharks, porbeagle to a much less degree, and
21 your bluefin tuna, and some of the other
22 opportunities as you move up and down the
23 coast with some of your coastal pelagics,
24 yellowfin, billfish, what have you.

25 So, essentially, my intent was by
26 kind of running through this very quickly, was
27 just to kind of open up that dialog of how we
28 have been managing the bluefin tuna fishery
29 and, just like we did with discussing some of
30 the longline issues in the previous
31 discussion, to get thoughts, ideas, on ways we
32 may want to move forward, is how we are
33 managing the recreational fishery, or stay the
34 course.

35 But, again, to have that more open
36 dialog to get folks thoughts out there as we
37 start to think about where we move forward to
38 on some of these larger rulemaking packages,
39 to make sure that we are not missing
40 something.

41 MR. BROOKS: Great. Do you want
42 to weigh-in, Margo?

43 MS. SCHULZE-HAUGEN: Well, I would
44 just add that we did receive requests for
45 recalculation of the north/south proportional
46 shares of the England category quota from Tom
47 DePersia. And so, that is part of the impetus
48 for enfolding this into the larger discussion.

1 So, maybe we should give Tom a
2 couple of minutes to talk about the letter.

3 MR. BROOKS: Yes, yes. Tom,
4 you're up first. Then, we will go over to
5 Scott.

6 MR. DePERSIA: Okay. There are
7 two things that I would like to see happen
8 today. One is that we take a look at the
9 recalculation of the north/south proportional
10 shares of the angling quota.

11 And also, the closure of the
12 small/medium-sized bluefins in the North. For
13 two years in a row now, we have not been able
14 to keep these bigger fish, while the southern
15 region, North Carolina primarily, has been
16 able to catch them.

17 What happened the first year was
18 2010 we had our spring meeting, and we
19 realized there was going to be a problem with
20 the angling category. We went three and a
21 half times over our quota, that we would have
22 to take some measures.

23 However, up until that April
24 meeting, North Carolina had been allowed to
25 fish and took -- I forgot what the actual
26 number was, 25 to 30 percent of those
27 large/mediums up to that point.

28 Starting in June, they installed
29 the slot limit where we weren't allowed to
30 keep them. We weren't allowed to keep those
31 bigger fish, 59 to 72 inches. And we
32 understood the reason why, because we went
33 over our quota. The regulations didn't go in
34 until June. So, North Carolina was able to
35 catch those fish earlier.

36 However, we thought that, once we
37 got into the 2011 season, that we would be
38 able to retain those fish. However, when
39 January came around, the fishery in North
40 Carolina was allowed to keep those bigger
41 fish. And several of us had actually sent
42 emails to Margo saying that we didn't think it
43 was fair because the northern boats had to put
44 up with the slot limit for that whole season
45 prior to that, and we thought that perhaps,
46 until we meet again and new regulations come
47 out, that North Carolina should also be
48 subjected to the slot limit.

1 However, nothing happened. And
2 just prior to our April meeting, the large-
3 school/small-medium limit was caught by North
4 Carolina. And so, once again in 2011, we have
5 been stuck with the slot limit and we are not
6 allowed to keep those fish.

7 So, we are bringing these fish up
8 to the boat, some of them close to 200 pounds,
9 and having to let them go. We are losing tons
10 of business in the North because of this. We
11 would like to see some better distribution of
12 that size fish. I don't know what the answer
13 is, whether we are talking about a shorter
14 season perhaps for that size or not.

15 When I brought this up in April,
16 Brad had mentioned that a lot of it was
17 because of, at least that was my
18 understanding, that a lot of it was because of
19 this north/south split, and that they had the
20 allocation to catch these fish because of the
21 north/south split.

22 Now I have always been against the
23 actual proportions, the 53 versus the 47
24 percent, because I think theres more fish
25 being caught in the North than there is in the
26 South. I think that the fishermen in the
27 North are targeting bluefins specifically and
28 that, if you look at catch data, that you are
29 going to find that the North should get a
30 bigger proportion of the north/south split.
31 And that is what I would like to see us focus
32 our discussion on here.

33 MR. BROOKS: Thanks, Tom.

34 I've got Scott, Steve, Vince, and
35 Ellen in the queue. And then, I see a couple
36 of other cards, too. I see Rick and Terri, I
37 think.

38 All right. We will start with
39 Steven.

40 MR. TAYLOR: Yes. I want to
41 quantify something before I make my comment.
42 Besides my repertoire with the longline fleet,
43 I carry a 250-ton masters license and was
44 involved in the charter industry. I ran a
45 charter boat for 15 years, most of the time
46 out of Ocean City, Maryland.

47 And if we are going to have a
48 discussion about allocation of fisheries, I

1 don't understand why I am not looking at any
2 dead discards having to do with recreational
3 fishing. Anybody that knows and that fishes
4 out there, while they may not want to agree
5 with it or admit it, that is dealing with slot
6 limits of fish, is killing substantial fish
7 out there in order to be able to accommodate
8 it.

9 The recreational sector is fishing
10 J-hooks. A lot of the fishing that is done up
11 in the Northeast is done with chunking, which
12 for those who don't know is a dead piece of
13 bait with a hook hidden in it that is
14 essentially fed out into the current, and the
15 fish come up and eat it.

16 And my experience is there is a
17 lot of leakage when that happens. It isn't to
18 target it. It is just that, if you are going
19 to have a global discussion about allocating
20 the fisheries with the amount of recreational
21 fish that are taken, how can you have the
22 discussion when you've got this type of a
23 sector and allocation that isn't even taking
24 into consideration the very thing that you we
25 are focusing in on the longlining? It is an
26 inherent problem.

27 MR. BROOKS: Thanks.

28 Steven?

29 MR. JAMES: Okay. I want to throw
30 my support in -- first of all, Steve James,
31 recreational -- I want to throw my support in
32 full-hearted behind what Tom DePersia just
33 talked about with respect to consideration of
34 the northerly fishermen and our access to the
35 trophy fish.

36 I further would just like to point
37 out that the small-mediums, at some point in
38 time, we would love to have access back to
39 them. I realize this game is not about me or
40 my business, but I will point out that within
41 the South Shore Tuna Tournament, which had
42 been the largest bluefin tuna tournament up in
43 the north, at one time I was looking at 65
44 boats. I am now down to about 20 boats in the
45 event.

46 And largely because of the lost
47 opportunity to fish for those small-medium
48 fish, we were able to attract boats from as

1 far away as Maryland and New Jersey before.
2 Now it is pretty much a localized tournament
3 because there is not a great deal of interest
4 in driving 600 miles to the Northeast to catch
5 59-inch fish or lower.

6 So, with that said, I would like
7 you to consider opening up the small-medium
8 next year. I am not sure how that is done. I
9 am not sure if it is done with a limit of
10 number of fish or if it is done with a time
11 closure or area closure based upon maybe
12 September or August being the opportunity to
13 pursue those fish. But I ask that you give
14 some consideration to it.

15 The other point that I would point
16 out specifically to mortality of the
17 recreationally-caught fish, I believe there
18 have been some significant studies done with
19 the amount of mortality that we are seeing
20 with recreational fish that have been caught
21 and released at boat-side, and I believe it to
22 be very, very low.

23 So, it might be interesting if
24 somebody can cite a study and put up a slide
25 for future reference to show the mortality of
26 recreationally-caught bluefin tuna.

27 Thank you.

28 MR. BROOKS: Thanks, Steve.

29 Vince?

30 MR. PYLE: On these size limits,
31 no one can pick the size of a fish if you are
32 using a hook. So, all fishermen I think have
33 some discards based on these size limits. I
34 think the size limits are causing these
35 regulatory discards.

36 What is an estimate of regulatory
37 discards in the general category, in the
38 charter boat category? And even if a
39 harpooner might stick one that is just below
40 the minimum size, what estimates for discards
41 are there in other gear types?

42 MS. SCHULZE-HAUGEN: The Large
43 Pelagic Survey does collect information on
44 releases. It is not sufficient to produce
45 extrapolated estimates. So, we have some
46 information, but not at the same level. And
47 our information for general and harpoon is on
48 bluefin tuna landings. So, we don't have that

1 information.

2 MR. PYLE: Then, are we
3 calculating a zero discard for all other gear
4 types?

5 MS. SCHULZE-HAUGEN: It is not
6 calculated. I mean, it is not calculated.

7 MR. BROOKS: Okay. Ellen?

8 MS. PEEL: Well, I can appreciate
9 Tom's and Steve's desire to have more fish,
10 but, on behalf of the bluefin tuna anglers in
11 the Gulf, they have the same message. They
12 would like to see a change in the allocation
13 but an increase in the South.

14 They were closed out even before
15 the tournament season started in the Gulf this
16 year. So, I don't know what the solution is,
17 but there is equal concern and pressure to
18 have that allocation increase. So, how you
19 divide that baby, I don't know, but there
20 aren't many here, but their sentiments are the
21 same. But they need more fish.

22 Oh, back to the discards, Ron Salz
23 said that -- go ahead.

24 MR. McHALE: Just for the record,
25 there is no allowed directed fishing for
26 bluefin tuna in the Gulf of Mexico, period.
27 So, when you are referencing any tournament
28 opportunities, I would be very curious to hear
29 that.

30 MS. PEEL: It was the ability to
31 keep any trophy-size fish. Some of the
32 tournaments allowed that. And so, they
33 somehow hadn't gotten the message that it was
34 closed.

35 So, I was running around saying,
36 No, no, no. Don't you dare land one.

37 But they were saying we need the
38 opportunity to catch more trophy fish in the
39 South.

40 And, too, post-release mortality,
41 I was surprised -- I keep hearing what Vince
42 said -- that Canada is doing post-release
43 mortality studies on small bluefins in
44 particular. Im anticipating we will probably
45 hear all about it at ICCAT.

46 But Ron Salz shared with me at the
47 break that he has heard the post-release
48 mortality results based on satellite tags was

1 surprisingly low, that a lot of folks were
2 very pleased. Maybe John has more specifics.

3 MR. BROOKS: We have a point of
4 information from John.

5 MR. GRAVES: Yes, those were
6 giants. Okay. It was a specific fishery. And
7 actually, Canada, I think, advised you of that
8 study last year, or Russell anyway, in our
9 negotiations at the ICCAT meeting.

10 But they looked at giant fish with
11 circle hooks, barbless circle hooks. And they
12 did it as a way to see what the impact of a
13 complete release recreational fishery would
14 be. And they had very small, but they did a
15 reasonably number of tags, 56 tags or
16 something, and they had like 5 percent or
17 something post-release mortality, although two
18 tags that didn't report that counted as non-
19 reporting tags rather than potentially
20 mortalities.

21 But, for that size class of fish,
22 it was low. But, again, those were circle
23 hooks that were barbless.

24 And I think the point we had here
25 was, when you are chunking with a J-hook, you
26 could have very high mortality. We just don't
27 know. And there are really no studies on
28 that.

29 MS. PEEL: Thank you, John. Ron
30 did not share those details. I knew Canada
31 was doing a study last year, but didn't get
32 those details, either. But thank you.

33 MR. BROOKS: Rick Weber?

34 MR. WEBER: Sorry, I was
35 sidebarring there.

36 I cant resist going back to the
37 last topic very quickly. That is that I think
38 that reallocating the purse seine quota that
39 keeps up coming up in the long run will create
40 more problems for you than less if you do not
41 create a plan for all gear types of what they
42 do when those numbers -- it is a short-term
43 fix to get more allocation per segment, so I
44 don't use the word sector.

45 If you get more allocation per
46 segment, it is a short-term fix. What I would
47 point out is that we have been nowhere near
48 the 250 fish in the marlin, and there is a

1 plan you are ready to pull off the shelf as we
2 approach that. At this number, we do this. At
3 this number, we put in a bag limit. There is
4 a plan for what to do when we hit those
5 numbers, and that is kind of what should be
6 done on the bluefin tuna as well in all
7 segments.

8 Brad, on the 09/10 pie chart
9 differences, where the catches in 09 and 10
10 are up there, yes, do you know the allocation
11 differences of permits between the north and
12 the south? It seems to me that my gut is
13 telling me that certainly in the bluefin
14 fishery, the Carolina, you are going to see a
15 larger proportion of CHB that were allowed the
16 two fish, one above the line and one below the
17 line. And up north, my guess is you are going
18 to see more private boats who can only catch
19 above the line. That might explain the
20 differences as that pie wedge gets more
21 focused on the larger fish, you know, what the
22 availability was to catch the different size
23 classes, not just what its efficiency was.

24 MR. McHALE: I don't have those
25 numbers offhand, but I could definitely take
26 a look. The one downside of just looking at,
27 say, just the universe as a whole is,
28 depending on where you make that split, the
29 understanding that the recreational permit or
30 the charter permit, for that matter, isn't a
31 bluefin tuna permit. So, sometimes distilling
32 whether or not the interests are bluefin
33 versus, say, a billfish is somewhat difficult
34 to tease out of the data. But I may be able
35 to work with Ron to kind of get at it, you
36 know, from some of the catch statistics that
37 come out of the Large Pelagic Survey, to kind
38 of get at that number or that split between
39 private and charter.

40 MR. WEBER: I just thought that
41 might help explain it is not just what the
42 fish population looks like or the efficiency
43 in the different locations, but what was
44 regulatorily allowed.

45 As a suggestion, and I have no
46 idea what this would look like, consider it a
47 multi-year forward-thinking, I am looking at
48 your commercial landings chart with the 10

1 different districts, something that we were
2 just saying in the longlines maybe this is
3 something that they need to look at for their
4 bluefin interaction.

5 Maybe north/south is too coarse of
6 a cut. I was talking to Ron yesterday, and he
7 or Gordon is starting to think that MRIP will
8 be able to give us greater resolution of what
9 is being caught where. And perhaps because
10 when we talk about the South, I don't know
11 about Ocean City, Maryland -- I will let Mark
12 speak to that at some point -- but Cape May is
13 technically in the South, but we are not
14 participating in the southern fishery at all.
15 You know, we are far more mid -- we
16 voluntarily went to the South, and I know why
17 we did it. It is because we are more closely
18 aligned to Ocean City, Maryland.

19 The market that we are competing
20 against and the grounds we fish on is the same
21 as the Ocean City, Maryland, fishery, the
22 chartered and private boats there. So, we
23 wanted to associate and affiliate with that
24 fleet. We feel like one fleet coming from two
25 ports.

26 We are in the South but we are not
27 participating in the southern fishery at all.
28 That might improve if there was greater
29 resolution, more than just North and South.

30 And I think that is what I have
31 got for you right now.

32 MR. BROOKS: Brad?

33 MR. McHALE: A valid point and
34 that is something that I know, Rick, that you
35 have brought up over the years. Can you get
36 at a finer level of management of the
37 recreational fishery, just like it has been
38 brought up today in some of the other
39 commercial fisheries?

40 The one struggle, and not to say
41 that we haven't entertained that, we will get
42 at some of the other issues that have come up
43 around the table. And that comes to what sort
44 of monitoring are we using of the fishery
45 real-time. So, whether that be on a
46 commercial fishery, whether it is trying to
47 get at discards, regardless of gear type,
48 landings, whatever.

1 Kind of one of the reasons that we
2 had the discussion at the spring meeting is
3 looking at different tagging programs and why
4 we are partnering with the Commonwealth of
5 Mass is trying to get at some of the census
6 programs that have verification capabilities,
7 is trying to strengthen that data stream.

8 So, then, all of a sudden,
9 north/south, instead of the sledgehammer, can
10 we break out a little bit of a butcher knife
11 instead of the scalpel and start to kind of
12 get at some of those dynamics?

13 MR. WEBER: All right, and I said
14 I was done. I just want to go to one comment
15 on PRM. That is, just on a nationalistic
16 view, if we are going to go to PRM, I think it
17 is all gear types, all nations, at the same
18 time, and we have got to go back, and if we
19 are going to start including those numbers, we
20 have to go back and look at how that fits into
21 stock assessments. Because they are not going
22 to be suddenly-dead fish. They are fish that
23 were dead when all the stock assessments were
24 done as well.

25 And just as we said with the 250
26 fish, you know, when we discussed the Puerto
27 Rico situation, those fish were never counted
28 in before. We cant just add them in. You
29 cant just find new things to throw against the
30 measuring stick. If we are going to add new
31 things in the calculation, we have to go back
32 and recalculate the measuring stick as well.
33 That's the thought on PRM.

34 MR. BROOKS: Thanks.

35 We have got a few people in the
36 queue that I want to try to work through
37 before we shift over to monitoring the
38 information needs for the last 10 minutes or
39 so.

40 Terri, you're up next.

41 MS. BEIDEMAN: Okay. Well, on the
42 same note as everybody around the table seems
43 to get, you know, when you fish with hooks,
44 you don't know what for sure species or size
45 you are going to catch. And that includes all
46 of our user groups.

47 As raised by other people, what is
48 NMFS going to do about trying to provide a

1 baseline for discards in other fisheries
2 besides the pelagic longline that has
3 voluminous data?

4 What we are poised to do again --
5 and we have other species, and we have
6 billfish that, you know, we haven't even come
7 upon that. We keep pushing regulation on
8 other countries, but we don't calculate
9 estimates of mortality on our released fish.
10 It may be small, but it is what it is.

11 We are going down the path of not
12 including discards in our quota. It will come
13 back to bite us in the end.

14 So, I'm posing the question, before
15 we can really take a good look at how we have
16 to divide this pie for bluefin, is we have to
17 have an idea of what, in fact, we are
18 catching, landing, releasing, discarding, all
19 of it. And then, we can figure out, how are
20 we going to fit all the toes in the shoe the
21 best that we can.

22 And then, individual
23 accountability for certain categories is the
24 way to go. Because if you are a bad actor, I
25 don't want to promote bad acting. And if we
26 have got somebody in our midst who is breaking
27 the rules or disregarding, then those people
28 ought to be held accountable. Those
29 individuals need to be held accountable.

30 So, I think that direction is
31 where we are probably going to go, but how can
32 we have a conversation about what we do and
33 what we need if we don't have all the
34 information on what is really being caught
35 now, right now, not in 1983, 91? You know,
36 that was 20 years ago now. So, we need
37 current information.

38 Thank you.

39 MR. BROOKS: Thanks, Terri.
40 Rom? And then, over to Rick
41 Bellavance.

42 MR. WHITAKER: Yes, I can kind of
43 agree with Tom because I have been on the
44 receiving end of that stick, too. So, I
45 certainly can feel his pain.

46 But, you know, I know in the years
47 past that it seemed like the small fish were
48 always more important up north, and we met at

1 times and came up amongst users of a plan of
2 how we were going to work out the angling
3 category. And it seemed to work pretty good.

4 But, at any rate, on slide 11,
5 Brad, I think it was, is the large-school and
6 small-medium, is it suballocated also? Like
7 do you have hard TACs in, lets say, small-
8 medium? When you get to a certain point, you
9 say, Okay, That's enough.

10 MR. McHALE: So, the quick answer
11 is, when we break down the angling category as
12 a whole, there is a TAC, there is a quota that
13 is allocated directly to cover large-school
14 and small-mediums.

15 MR. WHITAKER: Okay.

16 MR. McHALE: That, in turn, is
17 then further broken down by that north/south
18 line allocation percentage. What we do not
19 have is a split between large-school and
20 small-mediums within that subcategory. They
21 are kind of managed as a whole.

22 MR. WHITAKER: Okay. So, I did
23 not turn off a microphone.

24 But, I mean, according to, I
25 think, the way it is set up, the North and
26 South is broken down into, I think, 53/47
27 approximately. So, I guess what is happening,
28 just due to delay and reporting, and whatever
29 reason, the fish are being caught in our area.
30 And by the time the data catches up with the
31 accounting, we have already exceeded the
32 quota. I assume That's what is happening?

33 MR. McHALE: No, and this is
34 actually a point of clarification that
35 apparently I have been struggling to
36 articulate, not that I ever have that problem,
37 over time, especially as it comes to this
38 issue. And so, lets see if I can get correct
39 this go-round.

40 When we divide our recreational
41 quotas by the size categories, North and
42 South, we consider those as separate entities.
43 So, we manage the North differently than we
44 will manage the South based upon what's
45 available, the amount of effort, all the
46 different variables that will go into the
47 fishery.

48 And so, it is not necessarily

1 accurate to say that all of the small-mediums
2 were harvested in the South and, therefore,
3 precluding fishing opportunities in the North.
4 When you start to break down the different
5 size classes that are available in that
6 southern category, there has been opportunity
7 to be able to land some of those larger fish
8 because fewer are being landed. There is less
9 effort. And so, by still having access to
10 those small-mediums, still being within quota.

11 Conversely, when you go to the
12 North and there is substantial more effort,
13 and the availability is increased, if we were
14 to provide those same fishing opportunities --
15 and we have seen this in 08 and we saw in 09
16 -- you blow right through the quota by orders
17 of magnitude.

18 And so, the number of small-
19 mediums that are being harvested, say, in the
20 South isn't triggering a prevention of having
21 access to those size classes in the North. It
22 is more of an accounting mechanism. You know,
23 there is too much availability and effort to
24 keep that within the slice of pie for the
25 North.

26 MR. WHITAKER: Okay. That answers
27 a lot of questions I had.

28 As far as mortality, I
29 participated in that study that John was
30 talking about. It was very low. And I think
31 -- and I am speaking strictly from my point of
32 view as a fisherman -- I certainly could live
33 with a circle hook fishery for a bluefin tuna.

34 Of course, we use them on the
35 bigger fish, and they were very effective. I
36 have used circle hooks for marlin, and they
37 are very effective. So, I really don't think
38 that would be a problem in the industry,
39 especially where everybody is trying to save
40 some fish out there.

41 Also, to add to that, I will add
42 that the southern region, our general
43 category, we are closed from February through
44 May. So, that is a fishery that is available
45 in the North and not available in the South.

46 Thank you.

47 MR. BROOKS: Thanks, Rom.

48 I have got three or four people

1 left in the queue, and then we will shift at
2 that point. I have got Rick Bellavance, Tom,
3 Steve, and then, if, Chris, you are still,
4 hang on.

5 Rick?

6 MR. BELLAVANCE: Thanks, Bennett.

7 If I remember right, and I am
8 fairly sure that I do, the reason that we put
9 that slot limit in effect was because of that
10 marching cohort.

11 If you could put up that slide of
12 the length distribution, the chart there?

13 I think you could make the
14 assumption at this point that that group of
15 fish has moved past that 59-to-72-inch range.
16 There is limited landings in 2010 because we
17 had a slot limit, and then again in 2011, that
18 you could assume that those fish are also
19 going to be at a low level.

20 But looking into 2012, I feel like
21 it is safe to assume that those fish are going
22 to be past that 73-inch range at this point;
23 the majority of them will be. And for that
24 reason, I think that it is fair to offer that
25 opportunity to the entire coast, actually,
26 North and South, to take those fish, if they
27 come across them.

28 There is a low likelihood. If you
29 look at the fish that are coming up behind
30 them, there doesn't seem to be too many. So,
31 I don't think there is that risk of
32 overfishing that size limit like there was
33 back in 2010. And for that reason, I support
34 removing that slot limit for the 2012 season
35 for both the North and the South.

36 And also, looking at those fish, I
37 see it in my head anyway as that gear class of
38 fish coming through is what is going to bring
39 our stock back here on the western side. And
40 we should think about maybe protecting those
41 fish, and we have through a reduced ICCAT
42 quota for the general category or for
43 everybody.

44 But I think that is going to be
45 the future of this fishery. And we could,
46 hopefully, give those fish a chance to breed
47 and get some smaller fish coming up through
48 the age limit there for the future. So, I

1 think that is something to think about as
2 well. That is our future there.

3 As far as circle hooks go, I can
4 let Scott know that my chunking box has
5 nothing but circle hooks in it. For trolling,
6 that is a different story, but chunking I can
7 deal with circle hooks for sure for that. I
8 choose to use them. I don't know if everybody
9 does, but I do choose to use circle hooks when
10 I am chunking.

11 And then, just one more sidebar,
12 in my particular fishery in Rhode Island, the
13 charter boat industry, we do catch smaller
14 fish from 27-to-47-inch range. And if this
15 stock does start to rebuild and we see some
16 good year classes coming through, it would be
17 super-helpful for us to have access to a
18 larger daily bag limit of those smaller fish.
19 Our customers need to find value in paying
20 \$1200-1300 to go tuna fishing, and to take one
21 27-inch fish home, they are just not finding
22 that value.

23 In 1988, I did 22 bluefin tuna
24 charters. In 2003, I did 20. This year, I
25 did three. And it is because of the lack of
26 value there for our folks.

27 So, just looking forward, if we do
28 see a little rebound in some smaller fish, it
29 would be helpful for us to be able to take
30 some of those for the industry.

31 Thanks.

32 MR. BROOKS: Thanks.

33 Tom?

34 MR. DePERSIA: A couple of things.
35 I think we got off the topic a little bit
36 here. It seems that a lot of comments were on
37 discards rather than on the issue here, which
38 I think is the north/south division and the
39 slot limit size fish.

40 A couple of comments addressed to
41 Scott here. We don't do a lot of chunking in
42 our area. It is very, very rare. We do chunk
43 for giants in the fall, and we don't catch a
44 whole lot of school fish. But most of the
45 people that are chunking are using live bait
46 as opposed to a dead bait.

47 And the great majority of the
48 school and small-mediums in our area are

1 caught trolling with squid bars. So, we do
2 use J-hooks. It is mostly a mouth, not a
3 swallow situation. But I would have to say
4 probably 95 percent, 90 percent at least, of
5 the fish that are caught in our area are
6 caught trolled with squid bars with J-hooks,
7 and the fish that are released are in good
8 shape.

9 I would like to make a suggestion,
10 so that we don't get into this situation next
11 year. That is, instead of going to a default
12 situation in January, that we maintain the
13 slot limit in January until we get our April
14 meeting and come up with the rules for the
15 following year. And perhaps whatever rules we
16 come up with in June should apply year to year
17 from June to June, primarily because we don't
18 have the capabilities of coming up with what
19 happened the year before until January,
20 February, and March. So, at least that would
21 prevent us getting into the same situation
22 next year.

23 And then, as of whenever the new
24 rules come out in June, we are all starting
25 from the same point. I don't know if that
26 would alleviate the problem that we had this
27 past year where the whole quota was taken up
28 ahead of time. And maybe we would get our
29 share of those small-mediums also.

30 One of the things Brad mentioned
31 earlier, north of Cape Code we don't have the
32 opportunities that they have in the South for
33 big game fish. It is primarily shark and
34 bluefin tuna. That is all we have available.

35 Rom had mentioned earlier that he
36 had caught blackfin and Allisons and bluefins
37 and all that on the same trip. We don't have
38 that luxury. We cant shift from bluefins to
39 yellowfins because we don't have any
40 yellowfins up in our area. We don't have
41 Wahoo. We don't have marlin and sailfish and
42 all the other fish that they have in the South
43 to fish for. All we have is bluefin in terms
44 of tuna and shark, which we don't get a lot of
45 call for. So, our opportunities are very
46 limited in our area.

47 Once again, Brad had mentioned the
48 fact that the great effort is being spent in

1 the Northeast and that the catch is much
2 higher in the Northeast. That is one of the
3 reasons why they didn't want to give us those
4 slot limit fish.

5 Well, that is another reason why
6 we need to recalculate this whole north/south
7 proportional breakout. I really believe that
8 you are going to see a dramatic difference, if
9 you recalculate it. It is not going to be 53
10 percent in the South. It is going to be
11 something much, much less, and that it is
12 going to be much higher in the North because
13 that is where the effort and that is where we
14 are catching the fish.

15 So, if we do have to have a
16 splitup of the quota, lets make it fair. Lets
17 make it where the actual quota is being
18 caught.

19 And it is hard to do that if you
20 use 2010 and 2011 because we have not been
21 able to keep those larger fish. So, I don't
22 know what you have to do; revert back to 2009
23 and 2008 perhaps and look at what the breakout
24 was then. I don't know.

25 MR. BROOKS: Thanks.

26 We are running really short on
27 time.

28 Steve?

29 MR. JAMES: Yes, I am going to be
30 very brief here. Just chiming in on what Tom
31 and Rick also said about basically J-hooks. We
32 use the J-hooks basically for trolling.

33 Just to give you an example of
34 what people are using technique-wise, when you
35 are recreational fishing, we are larger
36 dragging squid bars up north. I just ran a
37 tournament two weeks ago. There were 19 boats
38 participating. All 19 boats were dragging
39 squid bars with J-hooks. The circle hook, of
40 course, and the squid bar does not work. So,
41 we want to be careful about clarifying the
42 usage of J-hooks versus circle hooks, live
43 bait versus the artificial. Clearly, in the
44 artificial we want to have J-hooks used. Those
45 fish are hooked almost instantaneously because
46 of the drag pressure put on the reel.

47 The other point I want to point
48 out that wasn't specifically mentioned here is

1 that most people who are now recreationally
2 fishing, as Tom pointed out, they are not
3 chunking anymore. They are live lining, and
4 they are either live lining with a balloon, or
5 what has become even more popular is live
6 lining with a kite. And they use circle hooks
7 predominantly to keep the bait directly on the
8 hook, so it doesn't get the chance to flop
9 off.

10 Those fish are also getting hooked
11 in the corner of the jaw. So, we are not
12 seeing the gut-level hooks, the gut-hooking
13 that we used to see years ago back when we
14 were chunking up there. Chunking, as Tom
15 pointed out, largely being a commercial
16 endeavor these days as opposed to
17 recreational.

18 And the last point I will bring
19 forth here are the guys that are running and
20 gunning after the bluefin tuna with the spin
21 casting rods, those guys predominantly are
22 using a hard-bodied lure. And likewise, when
23 a bluefin tuna grabs it, it is not going to
24 swallow a 12-inch wooden stick. It is going
25 to get hooked up immediately. Even if they
26 are using a treble hook, those do not get
27 swallowed. They get hooked in the corner of
28 the mouth.

29 A lot of guys have switched over
30 to single J-hooks rather than trebles, but
31 both your types are being used. And again,
32 there is no gut-level hook. And I just point
33 this out, that, again, the post-release
34 mortality is going to be low with the way we
35 are fishing.

36 Thank you.

37 MR. BROOKS: Chris?

38 MR. WEINER: A couple of quick
39 things.

40 First, nobody really is chunking
41 anymore. I mean, I would add to that there
42 are so many dogfish you cant even throw a
43 chunk. I mean the days of when guys used to
44 go out there and throw 500 pounds of bait in
45 the water, I mean, theres a little bit here
46 and there, but nobody does that.

47 Guys in our area this year were
48 going out with three baits, maybe two, live

1 baits under their boat, and they had to change
2 it every five minutes because the dogfish
3 would be there every time. They cant throw
4 chum. I mean, those days are long gone.

5 Just in terms of this whole
6 mortality, I would caution certain people of
7 trying to use that to get at other parts of
8 the fishery. Because, remember, post-release
9 mortality isn't accounted in any part of the
10 fishery right now.

11 I don't know why anyone would want
12 to -- you know, we are sitting in this room,
13 and someone said to me earlier, you know, it
14 seems like our fishery is getting smaller and
15 smaller. I mean, you come to these meetings
16 and it is kind of scarey. I mean, post-
17 release mortality, look at all the things we
18 do that no other nation does. I mean, we are
19 starting to talk about things that scare the
20 heck out of me.

21 I mean, there are no studies out
22 there on post-release mortality and there are
23 some, if you look at the satellite tags, I
24 would call it pretty low, but that is just
25 another level of something that the screws
26 could be turned down on all of us. And I
27 think that we already are doing so much more
28 than every other nation, that lets just be
29 careful about -- I don't even know why we
30 would be bringing that up here. That is just
31 my own opinion.

32 And that is not coming from
33 someone that is worried about it because, I
34 mean, in the harpoon fishery we don't have
35 release. So, I am saying that as a whole. I
36 mean, we see it. I am saying this as a
37 fishery perspective: lets just be careful.

38 I think some people are throwing
39 this out to try to get back. And I don't
40 know. I don't know why we are bringing that
41 up.

42 But the closing thing I wanted to
43 say is that, again, it is funny that we are
44 having the discussions. We have longliners
45 that cant get away from tuna. We have got
46 recreational guys that cant get away from
47 tuna. We have got commercial guys that cant
48 get away from tuna. And then, there are some

1 people in the room that would try to tell you
2 theres no tuna out there.

3 I just think That's funny. I
4 think that what we have here is a tuna
5 problem. Theres too many of them out there.
6 And I am not saying that to sound funny. Im
7 serious.

8 Look at the problems we are
9 dealing with here. The recreationals, I mean
10 all of us, we cant get away from them. And
11 so, just keep that in mind as we see lower and
12 lower quotas every year and more and more
13 rules every year. Lets keep this in
14 perspective.

15 I mean, I would disagree with
16 Rick. I would say we are already well into
17 our rebuilding. I mean, this year we had so
18 many of the little ones around. I mean, its
19 funny, when you see them jump, they are so
20 little. That slug of fish that went through,
21 I mean this right here is mostly because there
22 was a batch of fish that lived, that one batch
23 of fish came and basically lived in Cape Cod
24 Bay. And that is where 90 percent of the
25 boats in New England charter fish or
26 recreational fish.

27 This isn't, anyone with- Ralph
28 could tell you with his Spotter Plane, I could
29 tell you as a harpooner, that isn't telling
30 you what is out in the ocean. That is telling
31 you what was caught, and that was just where
32 the majority of the fish were and the size
33 they were.

34 I mean, this year we had -- and I
35 hope it shows up in the data this year,
36 because I don't know how it didn't show up in
37 the data in the last few years -- the majority
38 of the fish being caught this year are small
39 fish, little fish. Guys had them so small
40 that they thought they were bluefish at times.
41 I mean, its like they're teeny.

42 And we are seeing that finally. We
43 are seeing these other year classes. We have
44 always seen these other year classes.

45 And so, I just hope everyone keeps
46 in perspective what is going on here as we
47 talk about more rules and more everything. I
48 think we are rebuilding. I think theres

1 plenty of these out there. And That's my
2 honest opinion.

3 MR. BROOKS: Thanks.

4 We are needing to take a break,
5 but we want to just do a couple of things
6 before we do that.

7 Marco, I know you have not been in
8 all morning. You're okay? All right.

9 Margo, you wanted to just touch
10 briefly on some of the information, the topic
11 which we have been dancing around for the last
12 bit, anyway.

13 MS. SCHULZE-HAUGEN: Yes. Right.
14 I guess that would be the point.

15 One of the things we wanted to
16 make sure to talk about was the data
17 collection. There are differences amongst the
18 categories and the kinds of information that
19 we have that has come up repeatedly and kind
20 of throughout the discussion.

21 Given where we are at timewise, I
22 thought I would just maybe conclude with the
23 agency is certainly going to look at that,
24 look at what other data collection, what
25 additional data collections may be warranted
26 to get at some of the issues that have come up
27 here. I don't have anything concrete at this
28 point, but I think we have gotten the feedback
29 again and throughout the discussion that
30 looking at some additional data collection
31 streams I think is warranted.

32 So, I guess maybe just leave it at
33 that, and we will have to pick that up later.

34 MR. BROOKS: Okay. Want to
35 comment on that? Go, Shana.

36 MS. MILLER: Yes, and I appreciate
37 that, Margo, and I know different catch cards
38 and using the ENT units have come up. But I
39 just want to point out your monthly reports
40 are very helpful, but I get a weekly email
41 from Canada -- and Im sure, Brad, you get it
42 as well. Really? Well, I get a weekly email
43 from Canada, how many fish were caught, by
44 area, by gear. If we could move to something
45 more real-time than the monthly landings and
46 include the angling category in those
47 landings, it would really help if we are
48 talking about bycatch caps and quota

1 restrictions, limited quota.

2 Thanks.

3 MR. BROOKS: Thanks, Shana.

4 Rich, you are what stands between
5 us and lunch.

6 (Laughter.)

7 So, borrowing from those earlier
8 comments around a cohort responding to
9 pressure -- no, we wanted to give you a chance
10 to introduce this issue around the name
11 change.

12 MR. RUAIS: Well, that is a fine
13 how-do-you-do.

14 (Laughter.)

15 Okay. This is apropos to after
16 Chris comments about the resurgence that we
17 have been seeing in the fishery and the recent
18 actions of NOAA to reject ESA and CITES, or
19 CITES rejection of this notion, preposterous
20 notion of proof that we are really facing any
21 threat of extinction.

22 This is actually the second time
23 we raise this issue before the Advisory Panel
24 about suggesting a name change for both the
25 general category and the harpoon category. It
26 basically is trying to capture on a movement
27 that several of us have followed both the
28 European news and other sources of news
29 internationally on bluefin tuna, capture in on
30 this both ENGO and certain management entities
31 preferential use of the term to describe
32 simple, small vessel fisheries as artisanal
33 fisheries, to more reflect their compatibility
34 with the resource, if you will, potentially
35 some quality issues there, and just sort of
36 give them a better marketing perspective.

37 And so, what we produced for the
38 panel, to make this as quick as possible,
39 knowing that I am standing in the way of
40 lunch, we produced the definition, with some
41 help of Dave Schalit, I produced a definition
42 of the FAO established international
43 definition of artisanal fisheries in the
44 ICCAT, definition of artisanal fisheries. And
45 you will notice that both general category and
46 harpoon category are perfectly consistent with
47 the major facets of both.

48 And so, I don't think this

1 requires -- we weren't looking for a plan
2 amendment. I don't believe this requires a
3 plan amendment.

4 But we are asking NMFS, and we
5 didn't really get a response from the last
6 time. So, maybe if there is some support from
7 this Advisory Panel, it would help. If NMFS
8 in Federal Register notices and other
9 communications with the public and the press
10 refer to both the general category and the
11 harpoon category as the U.S. artisanal general
12 category and the U.S. artisanal harpoon
13 category fishery, we could be included within
14 those circle of fisheries that people
15 understand. We are small craft, coastal
16 fisheries, sole proprietorships, small mom-
17 and-pop-type operations, because that is
18 generally what you have when you are looking
19 at the general category and the harpoon
20 category.

21 In the harpoon category,
22 obviously, you have one of the most primitive
23 gear types possible, one fish at a time with
24 a man challenged on the end of a stand trying
25 to toss at a moving object. So, it is really
26 about as consistent with the definition of
27 artisanal fisheries as possible.

28 And this is particularly important
29 to us from the perspective, if you look at
30 what is going on -- I hate to draw up the
31 reference, the old reference, to the Pew, give
32 swordfish a break campaign. But I know for a
33 fact swordfish -- Im sure you don't want me
34 to, either. But 15 years later, swordfish
35 with a biomass beyond Bmsy is still suffering
36 from the campaign that was started back then.

37 And now we have a campaign growing
38 against bluefin. We heard that CBD is proud
39 of the fact that they are launching this
40 campaign, and they have got 25,000 people in
41 the United States already who are committed to
42 not eating bluefin tuna on their perception,
43 highly untechnical, nontechnical
44 interpretation of some of the information that
45 is provided by the best scientists in the
46 world that bluefin are no more threatened with
47 extinction than -- I don't want to even
48 suggest what the analogy might be.

1 But were in great shape. And yet,
2 they have already got 25,000 people. That type
3 of thing is extremely damaging to us.

4 Right now, we have the benefit of
5 the Japanese market, but there are times when
6 the domestic market, the bluefin is extremely
7 important. And we are getting rejections. Our
8 dealers are getting rejection, particularly in
9 the early part of the season, from some people
10 who won't take bluefin because they have got
11 this notion in their mind that it is going
12 extinct and you are doing a bad thing by
13 consuming bluefin.

14 And in my own mind, there is a
15 moral obligation on some of these groups that
16 are leading this distortion campaign to
17 consider that, when you dissuade a consumer
18 from -- sorry, it's a rant -- but when you
19 dissuade a consumer from a nice, healthy piece
20 of bluefin tuna to pick up a piece of steak --
21 sorry, Vince -- that you are doing the public
22 health a great disservice as well.

23 So, anyway, the bottom line is we
24 would like the agency -- this is the second
25 time we have asked, and maybe we didn't put
26 enough emphasis or do it properly the first
27 time around. So, hopefully, this time we are
28 getting the message across that we want the
29 nature of the category reflected in its name,
30 and we are artisanal fisheries.

31 Any support from around the table,
32 I would appreciate.

33 MR. BROOKS: Thanks, Rich.

34 Anyone want to weigh-in on this
35 topic? Go ahead, Scott.

36 MR. TAYLOR: And that is
37 essentially what we believe the majority of
38 the U.S. fleet is at this point, that they are
39 small operations. They are not big-scale,
40 commercial operations, and that it does
41 differentiate. It does differentiate us from
42 the other international production that we
43 have to compete with domestically here. I
44 think it is a great way.

45 And I also want to apologize to
46 everybody in regards to my comment to the
47 recreational sector. It will only take a
48 second to do it. My intention wasn't to bring

1 up a discussion about post-release mortality.
2 It was inappropriate, and it really didn't go
3 to the nature of what we were discussing. So,
4 it was more of a comment along those lines.
5 Sorry.

6 MR. BROOKS: Thanks, Scott.
7 Terri?

8 MS. BEIDEMAN: I would just echo
9 what he said regarding the fact that we are
10 all pretty much small, mosquito fleet, as near
11 as I can tell, when we take a good look at
12 what is going on out there in the Atlantic
13 fishing-wise.

14 But I am curious, are there any
15 particular exemptions that you think that the
16 United States fisheries could benefit from
17 that you would be able to enumerate? There
18 has got to be a rationale for it.

19 Thanks.

20 MR. RUAIS: Bennett, if I could
21 respond, or through the Chair?

22 No, I don't know of a single
23 restriction that we would avoid, if you will,
24 right now. That is not the purpose of this.
25 The purpose is strictly public perception and
26 latching on, if you will, to the movement that
27 is favored by some leaders like Maria Damanaki
28 of the European Union right now. It is
29 particularly fond of small-scale fisheries and
30 artisanal, and is pressing that within the
31 environmental movement across Europe.

32 And it is catching on with some
33 groups here. I think Pew had some favorable
34 disposition to small-scale artisanal
35 fisheries. We want that recognized where we
36 can.

37 But we are not expecting special
38 treatment of the fisheries quota-wise or
39 share-wise or size limits or anything like
40 that. That is not the intent here. The
41 intent here is to counter the erroneous,
42 negative, damaging marketing efforts by some
43 radical environmental groups.

44 MR. BROOKS: Okay. Just keep
45 sliding into that rant, huh?

46 (Laughter.)

47 All right. So, we want to wrap up
48 the morning session here and get everyone out

1 to lunch.

2 I want to thank you all for a good
3 discussion.

4 I am going to hand this off to
5 Margo in one second. But just to tell folks
6 we are reconvening at 1:15 this afternoon, not
7 1:30, as we did yesterday. So, 1:15. So,
8 that is a little bit more than an hour.

9 Margo, anything before we adjourn?

10 MS. SCHULZE-HAUGEN: I would just
11 like to say that I really appreciate all of
12 the ideas coming forward. I think it was a
13 very productive discussion. I think we really
14 got some good input, productive discussion as
15 well. So, thank you all for that. We will be
16 working on it.

17 (Whereupon, the foregoing matter
18 went off the record for lunch at 12:09 p.m.
19 and went back on the record at 1:22 p.m.)

20 A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N 1:22
21 p.m.

22 MR. BROOKS: Okay. If folks will
23 take their seats and quiet down, we will get
24 started with our afternoon.

25 In a minute, we will have an
26 update on enforcement from John Reghi -- I
27 think I really botched that pronunciation --
28 and Meggan Engelke-Ross.

29 After that, we will go into a
30 discussion on shark stock assessment updates
31 and rebuilding plans, and, then, later,
32 swordfish general commercial permit concept.

33 I want to welcome Dewey Hemilright
34 to the table. He is sitting in for Sean
35 McKeon. Dewey is sitting over there where
36 Carrie Kennedy was sitting yesterday.

37 And I know there are folks who
38 arrived, some fishermen who will be sitting in
39 on tomorrow's session of the workshop. And
40 just for those of you who didn't hear the
41 general groundrules, the conversation while
42 the AP is meeting is around the table; there
43 will be a time at the end of the day today for
44 public comment. So, for any of you in the
45 audience who want to weigh-in on any of the
46 topics under discussion today, shortly before
47 5:00, about quarter to 5:00 or so will be the
48 opportunity to do that.

1 So, with that, Margo, I don't know
2 if you want to say anything in advance of
3 enforcement. If not, I will just hand it off
4 to John and Meggan.

5 MR. REGHI: Okay. Good afternoon,
6 everyone.

7 My name is John Reghi. I am the
8 Headquarters Special Agent. I handle
9 sustainable fisheries and HMS.

10 I will be delivering the Coast
11 Guards enforcement presentation today. They
12 had a planning meeting for fisheries that was
13 occurring at the same time this week, and they
14 send their regrets and hope to be at the next
15 Advisory Panel meeting. I will also be
16 following up with our enforcement
17 presentation.

18 And then, seated to my left is
19 Meggan Engelke-Ross, attorney advisor from the
20 Office of General Counsel, Enforcement
21 Litigation, at Headquarters.

22 So far, year to date, the Coast
23 Guard is reporting that they have invested
24 over 61,000 patrol hours on the East Coast for
25 living marine resources enforcement. Again,
26 that has been divided up between aircraft,
27 small boats, their patrol boats, and their
28 major cutters. And their HSM boardings for
29 fiscal year 2011 to date is over 188 boardings
30 for all units, and that spans D1, D5, D7, and
31 D8.

32 And since their April report,
33 District 7 reports the Coast Guard Cutter
34 Diamondback, they detected a shark finning
35 violation when they did a boarding inspection.
36 All fins were removed from the short-fin mako
37 shark.

38 Regarding foreign fishing vessel
39 activity, FY11 through July, as far as the
40 number of detections/interdictions go, all
41 units are reporting 77 detections, 59
42 intercepts, and 19 interdictions. Most of
43 them, as you can imagine, occurred in District
44 8, the Gulf of Mexico, with the Mexican Lancha
45 issue that they continue to handle.

46 And foreign fishing vessel
47 activity since the April report, Station South
48 Padre Island, HMS catch was eight sharks and

1 they had one hammerhead and one shark, again
2 from the Mexican lancha interdictions.

3 The next steps: the Coast Guard
4 is in the process of reevaluating and redoing
5 their long-term strategic plan. That was
6 Operation Ocean Guardian. They are taking a
7 long look at, evaluating their deterrence
8 strategies and, also, continuing on with their
9 interagency partnerships.

10 And Katie Morrigan will most
11 likely be at the next Advisory Panel meeting.
12 She requests that you please defer your
13 questions until then, and she will be more
14 than happy to answer them.

15 I was specifically instructed to
16 not talk about Coast Guard stuff; only OLE
17 stuff. So, I am trying to.

18 And now here is the enforcement
19 report. Lets see. Okay, first and foremost,
20 we have a new Director of the Office for Law
21 Enforcement. That is Mr. Bruce Buxton. And
22 Bruce sends his regrets. He wishes he could
23 be here today. However, he is at a national
24 leadership team management meeting in Seattle,
25 Washington, meeting with all the Special
26 Agents-in-Charge from all the law enforcement
27 divisions.

28 Director Buxton brings 29 years of
29 conservation law enforcement to the NOAA
30 Office for Law Enforcement. As many of you do
31 know, he comes to us from the Florida
32 Fisheries and Wildlife Conservation
33 Commission, where he was their Deputy Director
34 for Law Enforcement since 2007.

35 Starting in the Northeast
36 Enforcement Division, we have somewhat of a
37 small report this go-around. We did have one
38 bluefin tuna investigation where the catch
39 limit was exceeded, and another one for
40 unauthorized gear.

41 To be specific, around July of
42 2011, this year, we had a fisherman exceed his
43 catch limit for HMS bluefin tuna by four. We
44 had a summary settlement issue in the amount
45 of \$400, and that settlement was paid by the
46 respondent. That was handled out of our
47 Newport News, Virginia, office. And it was
48 also in conjunction with the Joint Enforcement

1 Agreement Patrol.

2 We have another unauthorized gear
3 patrol. We had NOAA OLE enforcement officers.
4 They worked with Massachusetts Environmental
5 Police and New Hampshire Fish and Game
6 officers. That was following up the
7 complaints concerning Atlantic bluefin tuna
8 vessels were possessing nets while fishing.

9 They did board and inspect four
10 trawl vessels that were determined to be
11 targeting Atlantic bluefin tuna, and they were
12 found to be in possession of nets on the stern
13 reel. And four written warnings were issued
14 subsequently to those boardings.

15 In the Southeast Enforcement
16 Division, we had two investigations queued for
17 lack of HMS permits. The first one was a
18 shrimp fishing vessel that was boarded by the
19 Coast Guard. They were found to be in
20 possession of HMS and reef fish. And that
21 case was referred to GCEL. They did not have
22 any permits onboard.

23 The second one was a recreational
24 fishing vessel boarded by the Coast Guard.
25 They were found to be in possession of tuna
26 without an HMS angling permit. And a written
27 warning was issued by the Coast Guard that
28 went unchallenged.

29 Any questions regarding the
30 enforcement report? No?

31 MR. RUAIS: Look, the high-tech
32 wizard here fixed it for me.

33 (Laughter.)

34 On the net violation for the
35 trawler, the net wasn't sealed? Aren't they
36 allowed to simply put some sort of a seal on
37 a net or they have to remove the net
38 completely?

39 MR. REGHI: Yes, what they are
40 saying is they are not supposed to have the
41 gear onboard.

42 MR. RUAIS: Im sorry, they're not?

43 MR. REGHI: They're not supposed
44 to have the gear onboard.

45 MR. RUAIS: Okay. So, not even a
46 sealed thing? Okay.

47 MR. BROOKS: Any other questions?
48 Okay, Meggan.

1 MS. ENGELKE-ROSS: Hi. Im Meggan
2 Engelke-Ross from NOAAs Office of General
3 Counsel for Enforcement.

4 I have been here at AP meetings a
5 lot of times in the past. But I actually saw
6 that another attorney from my office, Frank
7 Sprtel, just walked in. I would ask him to
8 stand up because he is the other attorney in
9 Silver Spring handling enforcement-related
10 matters for HMS and, in fact, will likely be
11 handling the majority of the cases going
12 forward.

13 This is going to be a pretty brief
14 presentation, as you might have seen from when
15 all the slides were up there. Because, like
16 the Office of Law Enforcement, we have been in
17 a pretty lengthy period of transition in GCEL.

18 When I came to speak to the AP
19 back in April, I mentioned that all
20 enforcement cases and matters relating to
21 Atlantic HMS are going to be handled out of
22 Silver Spring going forward.

23 I also talked a little bit about
24 some of the changes that we have had in our
25 process, including some information that may
26 be interesting for people to consult outside
27 this meeting, including periodic postings to
28 our website, which is up there. That is the
29 GCEL website in parentheses, which gives a
30 sort of summary report of charging and
31 settlement information in cases on a periodic
32 basis.

33 We have also made some changes to
34 our procedural regulations. We also recently
35 transitioned, just in the last week or two,
36 from having our administrative enforcement
37 cases be heard by Coast Guard Administrative
38 Law Judges to the Administrative Law Judges of
39 the Environmental Protection Agency.

40 Most of the processes for handling
41 those cases will remain the same. There are
42 four EPA ALJs. They are all located here in
43 Washington, D.C., but they have agreed in
44 hearing our cases to hold proceedings all
45 around the country, much as the Coast Guard
46 did in the past.

47 We talked a little bit about the
48 changes in case processing, and that HMS cases

1 will no longer be handled in the regions. And
2 in fact, at the moment, no cases are being
3 handled by the Northeast Region because all of
4 the enforcement attorneys in New England have
5 been reassigned to other parts of GC.

6 We are in a period of still having
7 to have upper-level review of case charging
8 decisions, which is going to go on for quite
9 a long period of time. We have 30 cases right
10 now in an HMS case disposition plan that are
11 downtown for review that Frank and I put
12 together. So, there should be some movement
13 in cases now. Those are all cases that were
14 referred to GCEL Silver Spring from other
15 components of GCEL.

16 We have also implemented a new
17 penalty policy and penalty schedules that are
18 also available on our website that talk a lot
19 more about how determinations are made, about
20 how penalties will be assessed within the
21 statutory maximum. Ranges are assigned based
22 on egregiousness of the violation and types of
23 violations.

24 It is a bit complicated. So, if
25 anyone looks at it and has specific questions
26 about it -- I won't go into detail about it.
27 It has several matrices and a lot of
28 explanation about how they will be applied.
29 But the intention is to have the penalties
30 assessed and enforcement cases be more
31 consistent around the country for similar
32 types of violations, and to have an increased
33 level of transparency for the public about
34 what they can expect the outcome of an
35 enforcement proceeding to be, or at least the
36 initial assessment by the agency.

37 And this is just to give you an
38 idea of the types of cases. As I said, there
39 are 30 that are in a plan that is currently
40 downtown for review, and probably about a half
41 a dozen other cases that have been more
42 recently referred to GCEL.

43 This gives you an idea the type of
44 violations that are reflected in those cases.
45 Some of them, of course, have more than one
46 count associated with them. So, it may be a
47 case involving someone operating without a
48 permit who also illegally sold recreational

1 fish, or something.

2 So, this breakdown reflects what
3 we considered at the time of making a
4 disposition recommendation to be kind of the
5 primary violation. So, you can see what those
6 are. And probably the breakdown remains about
7 the same for the other cases that we are
8 seeing.

9 And unfortunately, the colors are
10 a little bit mucky, but I can tell you what
11 the actual numbers are. There's about 10 cases
12 that are primarily permit violation cases.
13 Some of those, as I said, involve some other
14 kind of violation as well. Three dealer or
15 ITP, International Trade Permit, violation
16 cases; three observer cases; three cases
17 involving illegal sale of recreationally-
18 caught fish; six cases involving shark
19 violations; three involving violations of
20 minimum size requirements, and two involving
21 violations regarding unauthorized gear.

22 So, I didn't actually take a look
23 back in time to see if this kind of breakdown
24 has remained relatively consistent over time.

25 I am happy to answer any questions
26 about how enforcement might be progressing in
27 the future. And certainly, if Frank is still
28 here later on after this, you can feel free to
29 grab him as well.

30 MR. BROOKS: All right. We've got
31 two takers. First, Rusty, and then over to
32 Bob.

33 MR. HUDSON: Rusty Hudson,
34 Director, Sustainable Fisheries.

35 The illegal sale of recreational
36 fish, I would assume that would be either to
37 a seafood market or a restaurant. And when
38 that occurs, when you have somebody in that
39 predicament, does it cut both ways, the
40 receiver and the seller, as far as being
41 charged?

42 MS. ENGELKE-ROSS: It depends.

43 MR. HUDSON: Well, the reason I
44 brought it up, in Florida it is a big problem.
45 Even in the FWC, where Bruce has come from,
46 had to deal with no more backdoor, and it is
47 a problem.

48 MS. ENGELKE-ROSS: No, were aware.

1 Both GCEL and OLE have been hearing concerns
2 for a long time. Actually, I should also say
3 that, in developing some of the
4 recommendations for how the cases would move
5 forward, we consulted with HMS about both
6 priorities for the management regime and what
7 they are hearing from constituents as kind of
8 what the leading problems are in terms of
9 violations.

10 I know that illegal sale of
11 recreationally-caught fish continues to be a
12 problem. So, when I said, It depends, it
13 actually mostly depends on what kind of
14 information is presented to us in terms of
15 evidence to support charging. So, it is not
16 that we don't think that there are potentially
17 violations on both sides. It is just we may
18 not get that information referred to us.

19 MR. HUDSON: Well, I guess what I
20 am trying to say is that, if a person went out
21 and caught him some grouper, went in and sold
22 it to a restaurant, I would assume that you
23 would probably be seeking to do something with
24 the restaurant as well as the boat under that
25 circumstance, and not just the boat or the
26 person that caught the fish?

27 MS. ENGELKE-ROSS: I am not really
28 familiar with the grouper regulations, but it
29 would depend on what the regulations say and
30 what information we have. So, yes, we agree
31 that both are a problem. It would depend on
32 what the specific regulations are.

33 MR. HUDSON: Okay. Well, downtown
34 --

35 MS. ENGELKE-ROSS: The cases that
36 we are talking about here, some of the ones
37 that involve illegal purchase are probably
38 reflected in this chart more as buying fish
39 without a dealer permit. So, they might be
40 under the permitting category or the dealer
41 category. We have a lot of cases like that.
42 And we have seen over time a lot of cases
43 involving people buying fish without a dealer
44 permit.

45 So, that might be handled, might
46 be reflected differently in this chart than
47 what I am calling illegal sale of
48 recreationally-caught fish, which is where an

1 angler or someone catches a fish and sells it
2 out of the trunk of their car to a restaurant
3 or a supermarket or something.

4 Does that answer your question?

5 MR. HUDSON: Basically. I should
6 have said swordfish.

7 (Laughter.)

8 MR. BROOKS: Thanks, Rusty.

9 Bob?

10 DR. HUETER: Yes, the situation on
11 the border with the Mexican shark fishermen
12 creeping across the border and catching fish
13 in U.S. waters has just been going on for a
14 long time. Every time we get one of these
15 reports, we just see more and more cases.

16 It seems like the fishermen come
17 across the border and we arrest them,
18 confiscate the fish, and we send the fishermen
19 back. And they just keep doing it.

20 So, it is just a treadmill of the
21 same thing over and over again. So, my
22 question is, is the agency at some level, are
23 we having some talks with Mexican federal
24 authorities, say Conapesca or even the Mexican
25 Navy, about breaking this cycle? I mean, I
26 don't think this is really an acceptable way
27 to continue to do this. We need to have some
28 upper-level talks, I would suggest, with the
29 federal authorities there to see if we can
30 bring an end to this behavior.

31 MS. ENGELKE-ROSS: NOAA does have,
32 and Margo might want to jump in because she
33 might have more specific information, but NOAA
34 does have periodic bilateral meetings with the
35 Mexican Government to talk about fisheries
36 issues. This is one that is frequently on the
37 agenda.

38 I don't have specific information
39 about the content of that. I know that we
40 talk about other problems with them where I
41 don't see much action on the Mexican side. So,
42 I don't know more specific information about
43 that.

44 MS. SCHULZE-HAUGEN: Yes, I mean,
45 it does come up in the discussions. We had
46 Coast Guard folks with us yesterday. I don't
47 see them today.

48 I think it is something that is

1 certainly both governments are aware of the
2 issue. I think they have taken some steps
3 that maybe have helped some, but I think it is
4 a difficult situation. I think they continue
5 to focus on it, but I don't know that it is
6 easily solved.

7 DR. HUETER: Just some quick
8 feedback. If you are referring to the MEXUS
9 Gulf discussions between NMFS and Inapesca,
10 Inapesca is their NMFS-like body. It is their
11 fisheries institute. But they don't have any
12 regulatory authority, unlike NOAA.

13 So, it is Conapesca that you need
14 to be talking to and the Mexican Navy. I
15 would think this is something for the
16 International Division here at NOAA as well as
17 law enforcement and the judicial section to
18 take to.

19 Because if you are talking to
20 Inapesca, yes, they are going to say, Oh, you
21 know, were sorry, it's a problem; well look
22 into it. But they have no authority to do
23 anything. They are just the fish statistics
24 people and science.

25 MS. SCHULZE-HAUGEN: There's
26 multiple contacts between the governments and
27 the different arms. I believe enforcement,
28 Coast Guard, has its own contacts as well. So,
29 it is not just Inapesca.

30 I mean, I can certainly pass this
31 on to the Office of International Affairs.
32 There's typically a number of avenues that we
33 have with other governments. MEXUS Gulf is
34 one. There's a number of bilateral meetings in
35 different venues as well. So, I think there's
36 multiple opportunities to address it.

37 MR. BROOKS: Thanks, Bob. Anything
38 else? Anything else?

39 DR. HUETER: Just a postscript
40 that we would be happy to help in any way that
41 we can because we are active working with
42 Mexican shark fisheries management.

43 But that is, you know, in your
44 defense, that is a very tough place to work in
45 right now because the Mexican drug war is very
46 hot in that particular area. The ports there
47 are not places that you can easily walk into
48 and have easy discussions with people.

1 MR. BROOKS: Okay. Any other
2 questions for Meggan?

3 MS. ENGELKE-ROSS: Or John.

4 MS. SCHULZE-HAUGEN: Or John?

5 (No response.)

6 Okay. Well, thank you both very
7 much.

8 At this point, we are going to
9 switch over to start a discussion on the shark
10 stock assessment update and rebuilding plans.
11 So, give us a moment to get the new
12 presentations loaded here, and then we will
13 jump into that.

14 And we need to fit two more AP
15 members at the table. So, if you guys could
16 shrink, that would be helpful.

17 (Laughter.)

18 I think maybe one in this corner
19 here. Maybe somewhere in the back across from
20 us.

21 (Pause.)

22 MS. SCHULZE-HAUGEN: So, I think
23 one thing that is happening, and it is a
24 positive thing, is that we are having more of
25 the states and councils and commissions
26 starting to participate in the discussions,
27 which I welcome. It does mean, though, that
28 the fit around the table is getting a bit
29 tight. So, I hope you are all friendly with
30 your neighbor and ask you to bear with us.

31 I think there are some folks that
32 are going to have to leave tonight. So, I
33 think it is just this afternoon where we will
34 be as tight as we are. So, I appreciate
35 peoples willingness to squeeze in.

36 MR. BROOKS: I think we have
37 everybody around the table.

38 So, we are going to spend about
39 the next hour and a half focused on this topic
40 of shark stock assessment updates and
41 rebuilding plans. Our game plan is Pete will
42 give us an update on the stock assessment
43 results and sort of lay out some of the
44 challenges and possible actions associated
45 with going forward.

46 After he walks through that entire
47 presentation, we will open it up for
48 clarifying questions and sort of clarifying

1 comments around the assessment part. And
2 then, we will really try to pivot and have a
3 more forward-looking conversation around,
4 well, where do we go from here? So, That's
5 the game plan.

6 Pete and Jackie, its yours.

7 MR. COOPER: Thanks, Bennett, and
8 good afternoon, everyone.

9 For those who don't know me, I am
10 Pete Cooper. I work for the HMS Management
11 Division here in Silver Spring.

12 We have got Jackie Wilson here,
13 who is also with the Headquarters Division.

14 I also want to point out Julie
15 Neer, who is the SEDAR Coordinator, was nice
16 enough to join us today.

17 Thanks for coming out, Julie. We
18 really appreciate it.

19 And she will help assist us with
20 any of your SEDAR stock assessment needs here.

21 So, switching gears over to
22 sharks, we have an issues and options
23 presentation. We are doing some scoping for
24 an amendment to the HMS FMP regarding sharks.

25 And so, just a quick overview: we
26 are going to just touch on the need for
27 action. Why are we amending the FMP? Spoiler
28 alert: recent shark stock assessments.

29 And then, move on to possible
30 management alternatives and get your feedback
31 on things that we have been thinking about and
32 ideas you might have. And then, that will
33 cover the request for comments period.

34 So, the need for action is the new
35 and updated stock assessments for scalloped
36 hammerhead, dusky, sandbar, and blacknose
37 sharks that indicate management measures may
38 be necessary to end overfishing and rebuild
39 these stocks.

40 Back in April, the end of April of
41 this year, NMFS published a declaration of
42 stock status for scalloped hammerhead sharks.
43 So, we need to implement these new management
44 measures by April 2013.

45 Here's just a quick table
46 summarizing some of the stock assessments
47 results. Some of the things to note here,
48 that we have three new stock assessments, so

1 six new stock statuses there. One improved
2 stock status is the overfishing of sandbar
3 sharks.

4 The SEDAR 21 stock assessments,
5 which just became available, and you can find
6 them on the SEDAR website for dusky sandbar
7 and the blacknose, they are considered by NMFS
8 preliminary. We haven't published a
9 determination on stock status yet.

10 So, you will see on all these
11 slides that we have preliminary results, and
12 I will try to speak to them in that way. But
13 if I don't, refer to the big red preliminary
14 results on the slide.

15 So, for scalloped hammerhead
16 sharks, NMFS reviewed the Hayes, et al., 2009
17 paper, Stock Assessment of Scalloped
18 Hammerheads in the Western North Atlantic
19 Ocean and Gulf of Mexico, which was published
20 in The North American Journal of Fisheries
21 Management. And the Science Center
22 determined, MNFS, that the assessment is
23 complete. It is an improvement over the 2008
24 aggregated assessment for hammerhead sharks
25 and that the assessment is appropriate for
26 U.S. fishery management decisions.

27 It showed that overfishing is
28 occurring and that the stock is overfished.
29 The stock is estimated to be 17 percent of
30 virgin stock size, and it is suggested that an
31 annual TAC of 2,853 sharks would give a 70
32 percent probability of rebuilding in 10 years.

33 When looking at that in 2005
34 numbers, that is a 31 percent reduction. But
35 looking at 2009 numbers of commercial
36 landings, recreational landings, and using the
37 discard estimate that was used in the paper,
38 it is about a 20 percent mortality reduction.

39 For dusky sharks, which were
40 assessed in the SEDAR 21 that was just
41 finalized, we saw that they may be overfished
42 and may have overfishing occurring. The model
43 that was used was a age-structured, catch-free
44 variant model. And so, looking at fishing
45 mortality rate, an estimate of a fishing
46 mortality rate of .02 may provide a 70 percent
47 chance of rebuilding by 2099. The current F
48 that was used for 2009 was .06.

1 So, for rebuilding, that equates
2 to a two-thirds reduction in fishing mortality
3 relative to 2009. And that current fishing
4 mortality is estimated to have a low
5 probability of about 11 percent of rebuilding
6 the stock by, yes, 400 years from now.

7 There was a TAC suggestion of less
8 than 9.1 metric tons dressed weight. But my
9 understanding is the stock assessment
10 scientists have less confidence in that TAC
11 suggestion compared to the fishing mortality
12 rate.

13 For sandbar shark, also in the
14 SEDAR stock assessment, they used a states
15 space age-structured production model. That
16 showed that sandbar sharks may continue to be
17 overfished, but that overfishing may no longer
18 be occurring on stock.

19 The year rebuild improved a little
20 bit from the previous assessment, from 2070 to
21 2066, but stock might be slightly more
22 overfished. And there may be a greater than
23 70 percent probability that the stock will
24 rebuild by 2070 with the 2009 TAC of 220
25 metric tons.

26 Moving on to blacknose, the
27 previous assessment done in 2007 had one stock
28 for a blacknose shark. The SEDAR 21
29 assessment split the stocks based on genetic
30 life history and tagging information. So, now
31 we have two assessments, one for the Atlantic
32 and one for the Gulf of Mexico.

33 The Atlantic assessment indicated
34 that blacknose sharks may be overfished and
35 that overfishing may be occurring. It is
36 suggested an estimate of 7300 sharks may allow
37 70 percent probability to rebuild the stock by
38 2043. And just to note that the current TAC
39 of 19,200 sharks is for the Atlantic and Gulf
40 of Mexico combined.

41 Gulf of Mexico blacknose shark, in
42 the final assessment, the model was unable to
43 fit trends in some abundance indices, and a
44 fundamental lack of fit of some of the input
45 data in the model.

46 During the review workshop, the
47 Review Panel, consisting of three stock
48 assessment scientists from the Center for

1 Independent Experts, did not accept the stock
2 assessment for the Gulf of Mexico blacknose
3 sharks. Therefore, there is not any sort of
4 recommendation on overfished or overfishing
5 status. Those statuses are unknown.

6 And so, those were the stock
7 assessments that have come across the board
8 recently. Now I am going to get into the
9 possible management measures. And as my wife
10 tells me often, I don't have the answers to
11 everything; I don't have a lot of answers
12 here. I have got a lot of ideas on where to
13 go.

14 And so, what I am going to do is
15 present some of those ideas for management
16 measures to rebuild some of these stocks, and
17 then in the discussion portion, I want to get
18 feedback like, Yes, this is a good way to go,
19 No, its not, or I have an idea that could
20 possibly work. That is really what we are
21 looking for.

22 So, for scalloped hammerhead
23 shark, just talking about some of the
24 challenges with scalloped hammerhead, it is
25 overfished with overfishing occurring. Yet,
26 it is generally not directly targeted in a lot
27 of the commercial shark fisheries. Since the
28 implementation of Amendment 2 looking at
29 landings, all hammerhead sharks have made up
30 about 16 percent of the non-sandbar, large
31 coastal landings.

32 And the data that I was looking
33 at, 97 percent of those landings were
34 unclassified hammerheads. So, a portion of
35 that, 16 percent makes up scalloped
36 hammerheads.

37 Extremely high at-vessel mortality
38 rate in the bottom longline shark fishery,
39 according to observer data. The gillnet
40 observers have also been looking at at-vessel
41 mortality rates since 2009. They looked at
42 they had 52 caught and 12 were alive at
43 landing. So, just a quick estimate of about
44 75 percent mortality. We also have
45 recreational landings that have been averaging
46 about 1,000 sharks per year from 2006 to 2009.

47 And retention in ICCAT fisheries,
48 commercial and recreational, will be

1 prohibited next week, due to the final rule to
2 implement the ICCAT recommendations 10.7 and
3 10.8, which prohibit retention of oceanic
4 white and hammerhead sharks in ICCAT
5 fisheries.

6 So, thinking of potential measures
7 for rebuilding scalloped hammerhead shark,
8 what we will have to do is develop a TAC and
9 ACL for scalloped hammerhead sharks and create
10 the appropriate quotas for bycatch, commercial
11 and recreational landings.

12 Would gear restrictions help?
13 Limits on longline mainline length, number of
14 hooks, soak time? In the research fishery,
15 there is already limits on hooks. I think it
16 is 500 hooks per set. Initial reports that we
17 get from the observer program show that they
18 can still fill their trip limits with that.

19 Soak time, you see a large
20 increase in at-vessel mortality after four
21 hours. So, would something less than four
22 hours be appropriate? And the Panama City
23 NMFS Lab will be starting a study to look at
24 soak time impacts on scalloped hammerheads
25 later this year.

26 Time/area closures avoidance of
27 scalloped hammerheads, would that be
28 applicable for the commercial fishery or
29 recreational fishery, or both?

30 Gear-tending requirements, we have
31 gotten comments from the AP in the past on
32 gear-tending requirements for bottom longline
33 gear which would kind of effectively end the
34 practice of setting gear, hauling back a
35 partial set that completes a bag limit,
36 putting the gear back in the water, heading
37 back to the dock, offloading, and then coming
38 back and hauling the rest of the gear. So,
39 would that help with mortality on scalloped
40 hammerheads?

41 Should there be an individual
42 commercial quota for scalloped hammerheads
43 similar to what is currently in place for
44 blacknose sharks? And should that quota work
45 in the same way with the non-sandbar LCS quota
46 as the blacknose quota works with the small
47 coastal non-blacknose quota, where if you
48 reach the scalloped hammerhead quota, the non-

1 sandbar large coastal shark fishery closes as
2 well?

3 Bag and trip limits for commercial
4 and recreational fisheries. We already have
5 some bag limits in the rec fishery and an
6 overall bag limit in the commercial fishery.
7 But should we make it specific to scalloped
8 hammerheads?

9 Other gear technology. Would weak
10 hooks be effective? There have been studies
11 with electropositive rare earth metals that
12 suggest that they can reduce shark bycatch. I
13 don't know if that will be effective in a
14 directed shark fishery, but it is throwing it
15 out there.

16 Other techniques. An overall
17 retention prohibition or ideas of adding
18 scalloped hammerhead to the research fishery
19 priorities and make it available only for
20 harvest there.

21 For dusky sharks, their challenge
22 is that it is already prohibited from
23 commercial and recreational harvest. But
24 there needs to be a reduction in fishing
25 mortality by about two-thirds to reach some of
26 those rebuilding goals.

27 They generally also have a high
28 vessel mortality rate, around 75 percent on
29 the bottom longline and 50 percent on pelagic
30 longline gear.

31 So, would some of the ideas that I
32 just went over for scalloped hammerhead apply
33 for dusky sharks? The time/area closures,
34 gear and soak time restrictions, other gear
35 technology, and any other suggestions?

36 We also see in some of the
37 recreational landings data that was in the
38 SAFE report that there has been landings of
39 dusky sharks and averaging about 786 sharks
40 from 2006 to 2009. So, do we need to have
41 more outreach and ID efforts to eliminate
42 those landings?

43 For sandbar shark, they are
44 already prohibited from recreational harvest,
45 and commercial harvest is limited to the shark
46 research fishery.

47 Stock assessment says that the
48 current TAC has greater than 70 percent

1 probability of rebuilding. So, do we even
2 need to take action here? Or should we
3 maintain the status quo?

4 For blacknose shark, I lumped both
5 the Atlantic and Gulf of Mexico here because
6 that final assessment looks like it may split
7 the stocks. So, we might have two different
8 stock status results to address rather than
9 one that we had previously.

10 So, some of the options for TAC
11 allocations, which we will have to do TAC and
12 ACL for both of these stocks, is to consider
13 regional allocations based on current TAC
14 recommendations for Atlantic blacknose. We
15 have a recommendation there. We don't have
16 one for the Gulf of Mexico. So, the
17 recommendation was 7300 sharks. We would
18 apply that to the Atlantic, and then maybe
19 subtract that from the previous TAC that we
20 had for the Gulf of Mexico of 19,200 sharks.
21 And that gets you 11,900 in the Gulf of
22 Mexico.

23 Or we could take a look at the
24 split that was attributed to shark landings in
25 the 2007 assessment. Fifty-one percent of the
26 landings were attributed to the Gulf of
27 Mexico. So, do we take 51 percent of that
28 19,200, to be around 9800 sharks, and apply
29 that to the Gulf, and then the 7300 to the
30 Atlantic?

31 Should we reconsider linking that
32 blacknose quota to the small coastal quota?
33 Right now, it is. So, once we reach the
34 blacknose quota, the non-blacknose SCS fishery
35 shuts down. Should we continue to do that?

36 Should we consider new regions in
37 the Gulf of Mexico, a east or west split, a
38 north and south split in the Atlantic?

39 Should we reconsider recreational
40 size and bag limits? They are under the
41 current recreational bag limit of one shark at
42 54 inches fork length, which is kind of a de
43 facto prohibition since blacknose generally
44 don't get that large, but we see landings in
45 our SAFE report data in 2006 to 2009, an
46 average of over 7,000 a year. So, how do we
47 address that? Should we address it through
48 the bag limits? Should we do more outreach

1 and that sort of thing?

2 And should we consider blacknose a
3 priority in the research fishery as well, like
4 sandbar and what we talked about for scalloped
5 hammerheads?

6 So, that is what we have. And we
7 would love to get the APs comments on these
8 approaches for rebuilding.

9 Once NMFS publishes the stock
10 status determinations for the SEDER
11 assessments, you will be able to go online and
12 submit comments through regulations.gov. You
13 can use the keyword there. And we will always
14 take your comments via fax, email, phone.

15 And so, just a quick look at the
16 timeline we are on. We are going to run
17 scoping through the end of the year and try to
18 get on the Fishery Management Councils
19 schedules to present this information to them,
20 and we will probably do other scoping meetings
21 around those Council meetings. So, we haven't
22 scheduled those meetings, but we are working
23 on it.

24 We are looking at the pre-draft to
25 the AP in early 2012, moving forward with a
26 proposed rule and EIS in mid-2012, and just
27 cranking along to the final EIS late next year
28 and the final rule early in 2013.

29 So, thanks for listening.

30 And, Bennett, we can open it up.

31 MR. BROOKS: Yes, lets first open
32 this up to clarifying questions about the
33 stock assessment or any specific observations
34 people have about the stock assessment itself.
35 So, hold off on the Where do we go from here?
36 part.

37 I have got Rusty in the queue. I
38 see Bob, and then, is that Mark? Okay, Mark.

39 Rusty?

40 MR. HUDSON: Rusty Hudson,
41 Director, Sustainable Fisheries.

42 Pete, I don't really know where to
43 start, but I will just start with scalloped
44 hammerhead since that was the first part of
45 your presentation.

46 I made the comment yesterday that
47 the failure to utilize the SEDAR system, where
48 we could have had a vigorous debate between

1 the industry and the academics and the data
2 involved, would have been proper. In the old
3 days before SEDAR, if we had gone to a shark
4 assessment workshop to do the stuff we did
5 back in the nineties and the early 2000s, we
6 would have basically had this as a paper, not
7 as a stock assessment. And as I have referred
8 to it, it is a trends analysis.

9 There are no foreign numbers
10 involved in this. And yet, this is a highly
11 migratory species that definitely goes into
12 international waters and other countries
13 waters besides ours.

14 The other thing is that, as I told
15 you all yesterday, we were dealing with --
16 hang on a second -- the Hayes, et al.,
17 document, and his data from 1981 to 2005 was
18 predominated by MRFSS landings, of which we
19 know it is going to be shifted, at least for
20 the stuff from 03 on, 04 on, into MRIP. So,
21 we don't even know what kind of effects that
22 will have.

23 But the early years of MRFSS are
24 considered entirely unreliable. And if you
25 take out the 48,000 animals in 1982 and the
26 one pound of commercial; 1983, the 21,000
27 pounds, or 21,000 animals -- Im sorry, not
28 pounds, 21,000 animals -- and the 365 animals
29 in commercial, and a whole lot of goose eggs
30 for commercial, just right on down, 44,000 in
31 1985, those years, in particular, I don't care
32 if it is red snapper, kind mackerel, sharks,
33 everything, that MRFSS stuff messes up every
34 modeling effort we have ever done in science
35 stock assessments for these particular
36 animals.

37 And now we have scalloped
38 hammerheads. Just using the Find function,
39 you cannot find a great hammerhead or a smooth
40 hammerhead or a bonnet hammerhead mentioned in
41 this document because, basically speaking,
42 there is no way to break out that scalloped
43 hammerhead.

44 And I know what I have got is a
45 fin dealer, including great hammerheads,
46 smooth hammerheads, bonnet heads, as well as
47 scalloped hammerheads, and that cryptic
48 hammerhead that looks a lot like a scalloped

1 that is off of South Carolina. I had seven or
2 eight samples of that particular animal.

3 So, the fact that it ends in 05
4 with this trends analysis, and then you start
5 seeing the things with the recreational
6 dominance dropping down to 500 and 800
7 animals, how does that compare to 44,000?
8 Well, in the document it uses that same
9 fiction from 1976 with the movie Jaws coming
10 out, and the recreational went out there and
11 wiped out half of all the sharks that there
12 ever was, all the coastal sharks.

13 Now this is a large coastal shark.
14 It should have been handled by SEDAR. HMS
15 sits on the SEDAR panel. They will be meeting
16 on October 13th again. When they met in
17 April, I told them, You have a problem here.
18 This should not be accepted as a stock
19 assessment. It, at best, was a trends
20 analysis, and that is something that needs to
21 be looked real hard by NMFS.

22 Now you all don't have an SSC like
23 we do on the Council levels. We need to have
24 the scalloped hammerhead to be able to be
25 dealt with in a different way than what you
26 are doing.

27 And so, my question is, just on
28 the scalloped hammerhead, and it will also
29 apply to all of the blacknose and the dusky
30 and the sandbar, who inside of NMFS is going
31 to be the reviewers? Is it going to be
32 another situation like the dusky catch-free
33 model from several years ago, where you keep
34 those peoples names anonymous?

35 When we go to a SEDAR, we know who
36 the reviewers are. We can read their
37 credentials. We know what kind of background
38 they have got. What is NMFS going to do with
39 this particular animal? And I will leave that
40 at that.

41 But are you ready for me to go on
42 with blacknose and sandbar and dusky? Or do
43 you want me just to stop at that moment?

44 MR. BROOKS: Why don't you
45 continue?

46 MR. HUDSON: Okay. Gulf of Mexico
47 blacknose assessment, as you said, was kicked
48 to the curb. It did not work correctly. You

1 have the shrimp fleet with its numbers of
2 animals. It was the predominant 50-something
3 percent of the 19,000 animals you all were
4 having to reduce. Now you are going to put it
5 on the Councils to have to deal with the
6 shrimp fleet and their bycatch of blacknose.

7 Yet, once we started looking at
8 that blacknose bycatch, it is like the turtle
9 excluders never made a bit of difference when
10 they were mandated. And I know they made a
11 difference because I worked with NMFS-
12 protected resources throughout the 1980s with
13 the original 6-inch bars, and we went down to
14 the 4-inch bars.

15 And you should bring Lindsey
16 Parker here from the Georgia Bulldog and he
17 will give you a lesson on what difference
18 those TEDs make. But in the modeling, it
19 doesn't seem to make an iota of difference
20 once again.

21 And so, with the Atlantic
22 blacknose and Gulf of Mexico blacknose, we
23 split them out. Everything is exactly roughly
24 the same, number of pups, the maturity age,
25 the max age. But what is different is the
26 biennial versus the annual. And for whatever
27 reason, there has been more pressure in the
28 Gulf of Mexico on the blacknose because I
29 know; I used to see the fins, buy them multi-
30 thousands, and I was one of smaller dealers,
31 when you talk about the numbers of fins.

32 So, over there, if they had an
33 issue before or after the TEDs and stuff with
34 the blacknose there, you need to be able to
35 not be going after the shrimp fleet like this.
36 It just is not right.

37 And so, with the Atlantic
38 blacknose, you have got stuff like here
39 anywhere from 2033 to 2086, an 82 percent
40 reduction in fishing mortality. Well, you
41 might as well have no fishing because you are
42 going to wind up still having a fishing
43 mortality from the discards, particularly in
44 the shrimp fleet, particularly in the
45 commercial bottom longline. And that is just
46 the nature of it. The recreational guys will
47 play with the fish and they will let them go.

48 So, getting down to sandbar, it is

1 supposed to be slightly better on your best
2 projection, 2047 to 2360. Now you are using
3 the 2.0 conversion rate. Finally, somebody
4 listened to me to get it right as far as
5 dressed shark to whole shark.

6 But, before, when you set your
7 other current TAC of 158 metric ton dressed
8 weight, you had a different approach. And so,
9 right now, you can go all the way up to like
10 261 metric ton for sandbar.

11 I say you should go to that
12 because you cannot get away from them animals.
13 You've got men in this room that can tell you
14 the catch-per-unit effort that is going on
15 with sandbars, off the chart. It is
16 incredible. It is a success story that you
17 should just really be dealing with.

18 Yet, they overwinter in Mexico. We
19 have, again, this whole concept that we will
20 unilaterally hurt our guys, and that is what
21 we are doing.

22 What does NMFS do about
23 socioeconomic? Not a thing.

24 Dusky, catch-free model. Okay,
25 400 years to rebuild and stuff like that. Even
26 if you eliminate all the fishing in this room,
27 it still could go extinct? I cant buy into
28 that.

29 And so, to me, this whole
30 assessment should be rejected? Why? Well,
31 part of it is because the models they were
32 originally going to use, like the Stock
33 Synthesis 3 Model, just like with king
34 mackerel, failed. For whatever reason, it
35 failed.

36 And so, they dropped back to the
37 old models and the old assumptions. With this
38 MRFSS driving all of this modeling, the
39 recreational component in this room has got to
40 recognize that they are having the finger
41 pointed at them, not the commercial guys, but
42 the commercial guys will take the hit.

43 And I will just leave it at that
44 for the time being.

45 MR. BROOKS: Thanks, Rusty.
46 Anything you guys want to weigh-in
47 on up here?

48 MS. SCHULZE-HAUGEN: The one thing

1 I would add at this point, I guess, is that in
2 terms of the reviewers for the Hayes, et al.,
3 that went through the Center review for --

4 MR. HUDSON: I cant quite hear
5 you.

6 MS. SCHULZE-HAUGEN: Oh, Im saying
7 the review of the Hayes, et al., did go
8 through the Science Center, and in terms of
9 appropriateness for use for domestic
10 management, that response and letter is a
11 matter of public record. So, if you haven't
12 seen it, we can provide that.

13 I don't know exactly which staff
14 persons were involved with that, but we do
15 know that Enric Cortes was not involved, as he
16 was one of the authors of the paper. So,
17 there was some separation there.

18 But if you haven't seen that, I
19 can get it for you.

20 MR. HUDSON: Well, to that, I
21 believe when we first started discussing this
22 about SEDAR approaches, and that is what we
23 are doing with this particular dusky and
24 blacknose and sandbar, and whatever you are
25 going to put in the queue for next year for
26 2012, and every other year after that, we need
27 some kind of transparency in this situation.
28 As far as it was going to be somebody like up
29 in the Northwest United States NMFS that was
30 going to take a look at these things.

31 And as far as the Southeast
32 Science Center rubberstamping something, well,
33 the Panama City Lab, of course, is part of
34 that conglomerate from Texas to North
35 Carolina. As you know, as I submitted on my
36 May 31st comment, I included the reality that
37 in 2004 to 2008 the Panama City Lab was the
38 principal place of business for the American
39 Elasmobranch Society. And in that particular
40 realm, a lot of communications, and possibly
41 membership monies -- who knows? -- hundreds of
42 thousands of dollars came through there. And
43 I have never gotten a square answer on that.

44 Of course, you all denied us our
45 shark disaster aid. We applied to it in
46 Florida. What caused that shark disaster? In
47 2006, the catch was off the charts because
48 nobody monitored the catch at the Miami Lab,

1 the Southeast Fishery Science Center.

2 And so, it hurt us in 07 and 08,
3 and then the science that was done I believe
4 was advocacy science in 06, wound up taking
5 our sandbar away, virtually stolen from us,
6 half of our catch. No mitigation of
7 socioeconomic impact again.

8 A lot of these fellows, you are
9 going to have them here talking about how to
10 divide up a little slice of a pie rather than
11 the real pie. They actually hoped that NMFS
12 was going to do something that would resemble
13 the reality you see at the side of the boat.
14 And until that science resembles what we see
15 at the side of the boat, something is wrong.

16 The catch-per-unit efforts are off
17 the charts. Some of this stuff, like
18 sandbars, should be considered rebuilt. We've
19 got guys golden tile fishing sinking gear with
20 big duskies and stuff. Yet, 20 percent of the
21 tags come from Mexico. We now have tag
22 recaptures coming from Panama and down south
23 in Central America. There is a lot to
24 consider here, and I don't think NMFSS is
25 doing a correct job.

26 MR. BROOKS: Thanks, Rusty.
27 Bob?

28 DR. HUETER: Wow! I am going to
29 try to ask a clarifying question because I
30 think that is what we were asked to do in this
31 round. My question is, Peter, now you say
32 that duskies are still being overfished. Now
33 they have been prohibited for how long, three,
34 four, five years, or so? Eleven years, okay.

35 Do you have any insight for us as
36 to how they can still be being overfished? I
37 mean, is it a matter of identification
38 problems, that they are being landed and the
39 fishermen don't even know? Is it that the
40 stock is so precarious that even one fish
41 landed means that overfishing is occurring? Do
42 we have any understanding of what is happening
43 here that these animals can still be
44 overfished?

45 MS. SCHULZE-HAUGEN: So, Bob, I
46 think that we didn't expect them to not be
47 overfished, the biomass levels. Are you
48 talking about overfishing?

1 DR. HUETER: Sorry. Yes, you're
2 right. Im sorry. That overfishing is still
3 occurring. Im sorry, I got that wrong.

4 Yes, how can overfishing -- yes,
5 of course, they are going to be overfished for
6 400 years, or whatever, but how can
7 overfishing be still occurring? That is what
8 I meant to say.

9 MR. COOPER: Yes, well, you know,
10 I guess I don't have a definitive answer to
11 your question. I mean, we are seeing some
12 recreational landings as well that may
13 contribute to it, and it might be a result of
14 bycatch as far as at-vessel mortality in other
15 fisheries, in our pelagic longline fishery and
16 bottom longline fishery. But I don't have a
17 definitive answer to your question.

18 MR. BROOKS: Bob, any other
19 clarifying questions? No? Okay.

20 Mark?

21 MR. STEVENS: I actually have a
22 comment. So, if someone else has a question,
23 I can wait.

24 MR. BROOKS: Any other clarifying
25 questions?

26 MR. SAMPSON: Yes, I guess this
27 would resort back to what Dr. Hueter was
28 asking about the dusky sharks and the
29 recreational fishery, the ones that are being
30 caught. I know I asked this question years
31 ago because it has been brought up every time
32 we talk about the recreational catch of dusky
33 sharks ever since the prohibition. Where?
34 Who? How many?

35 You know, because in the
36 recreational fishery theres ways where we, as
37 recreational shark fishermen, can work on that
38 through education, outreach, whatever. But,
39 you know, it would be helpful if we had a
40 better understanding of who we could target to
41 that end.

42 I mean, just off the top of your
43 head, can you give me that answer now? Just
44 generally speaking?

45 MR. COOPER: Right, and I cant as
46 far as locality and exactly where things are
47 coming from, no. The landings that I was
48 referring to come from our SAFE report, some

1 numbers that we have from there. I have 2,391
2 landed in 2008, only 447 in 2009. You know,
3 those numbers I don't have exactly where those
4 landings are occurring.

5 MS. SCHULZE-HAUGEN: We don't have
6 that information right at this moment. That
7 is the kind of thing that we can look into and
8 provide at a later date.

9 Does that make sense?

10 MR. SAMPSON: Okay, and I think
11 that That's important to know because here
12 theres no dusky shark retention allowed in
13 commercial or recreational fisheries. It has
14 been that way for quite some time. Obviously,
15 theres going to be some dead discards involved
16 in the commercial fishery. Theres going to be
17 some unintentional dead discards involved in
18 recreational fishery.

19 To indicate that within the
20 recreational fishery there is a number of the
21 dusky sharks that are being retained, whether
22 through mistaken identity or just for whatever
23 reason, obviously, from somebody like myself
24 who is a recreational/charter boat shark
25 fisherman, it gives us a black eye. We would
26 just like to know where it is happening.

27 I remember quite some time ago I
28 want to say that I was led to believe through
29 NMFS that a lot of these fish were being
30 retained as a result of the snapper/grouper
31 fishery down south, just mistaken identity.
32 They were catching these little fish and
33 thinking that they were whatever, little black
34 tips or something, and just throwing them in
35 the box along with their other catch, and that
36 was that. So, that would not qualify as a
37 shark fisherman, just a general recreational
38 fisherman, whatever.

39 I think it would be helpful for us
40 to have a real clear indication of where those
41 fish are coming from because, obviously, if
42 they are in such dire straits that we are
43 talking about years of 400, then every living
44 dusky out there is precious to the resource,
45 to the ocean. And whatever we can do, you
46 know, but we have got to know where to start.

47 Thank you.

48 MS. SCHULZE-HAUGEN: I think that

1 is a fair point. And that is something that
2 we will look into and get that out.

3 MR. BROOKS: Thanks, Mark.
4 Any other clarifying questions at
5 this point? Clarifying? Okay. And then,
6 Elizabeth.

7 MR. HUDSON: Rusty Hudson.
8 With the dusky numbers that you
9 just cited, Peter, is some of that expanded
10 out from some smaller number, just based on
11 the universe?

12 MR. COOPER: I believe it is a
13 MRFSS estimate that we got from the Science
14 Center, and it is in Chapter of our 2010 SAFE
15 report.

16 MR. BROOKS: Elizabeth?

17 MS. GRIFFIN-WILSON: Yes. For
18 scalloped hammerheads it was mentioned that
19 there needs to be about a 31 percent
20 reduction. Is that 31 percent from before the
21 ICCAT measures were implemented or after?

22 And on dusky sharks, I am curious
23 if there is any information about dead
24 discards and what fisheries that might be
25 occurring in, and what the magnitude might be.

26 MR. COOPER: The 31 percent
27 reduction estimate was based on commercial
28 landings, recreational landings, and that dead
29 discard estimate in 2005. So, working with
30 2009 numbers for commercial/rec and the
31 discard assessment, it came to 20 percent.

32 And the second question on dusky
33 dead discards, I don't have that information
34 now, but that is something that we can
35 definitely look into for you.

36 MR. BROOKS: Yes, please.

37 MR. GREGORY: Yes, Randy Gregory,
38 North Carolina Division of Marine Fisheries.

39 To Marks point on where the dusky
40 numbers are coming from, we need to add the
41 blacknose in there. I cant fathom how we are
42 catching 7,000 or 9,000 blacknose a year with
43 a 54-inch minimum size. The only place where
44 you could confuse those would be Atlantic
45 sharpnose, which is an easily-identifiable
46 fish.

47 So, where is that number coming
48 from? So, please add that with Marks question

1 about the duskies.

2 MR. COOPER: Yes, you're talking
3 about where locality-wise, correct?

4 MR. GREGORY: Just how in the
5 world are we getting that many blacknoses
6 being caught with a 54-inch minimum size
7 limit? I mean, from your own admission, they
8 don't even get that big hardly. So, where is
9 that coming from?

10 MR. BROOKS: There are two parts
11 to that.

12 MR. GREGORY: What I am asking, is
13 that number believable? And if it is, yes,
14 where --

15 MS. SCHULZE-HAUGEN: So, I am not
16 sure that the data is indicating that there
17 were that many sharks landed that were above
18 the minimum size. I think the number is the
19 number of blacknose sharks that were landed.
20 They may have been below the minimum size. Im
21 not sure that -- we may be getting two pieces
22 kind of joined there, that that is not what
23 that information represents.

24 MR. BROOKS: Clarifying question?

25 MR. HUDSON: Rusty Hudson.

26 On the dusky shark assessment,
27 Table 3.10, or Table 1 on PDF page 114 out of
28 the 414-page document, you have the 1981
29 through 2009 numbers for dusky shark in pounds
30 dressed weight, and it is broken down
31 commercial, recreational, and discards. And
32 quite honestly, the major contributor to that
33 is predominated by the recreational with some
34 amount of commercial before it was made
35 illegal in 2000.

36 MR. BROOKS: Okay. Any other
37 clarifying questions? Bob?

38 DR. HUETER: Okay. So, I went
39 back to being confused on blacknose. The
40 question that Randy asked, were those fish
41 allegedly being landed in the commercial
42 fishery, the recreational fishery? Those are
43 recreational?

44 MR. COOPER: Yes, they are
45 recreational fish.

46 DR. HUETER: Okay. And that is
47 the Atlantic blacknose?

48 MR. COOPER: Yes. So, Atlantic

1 and Gulf of Mexico.

2 DR. HUETER: Atlantic and Gulf?

3 MR. COOPER: Yes.

4 DR. HUETER: Okay. So, I think it
5 is conceivable that something like that is
6 coming in. The fishermen cant identify them,
7 and a lot of them don't even know the laws
8 about minimum length anyway.

9 So, it is not necessarily -- I
10 know I cant talk across here, but it is not
11 necessarily an identification problem. I
12 mean, as far as them calling them sharpnose,
13 it is just that they're bringing them in. So,
14 I don't think that is inconceivable, but I
15 think it does bear being confirmed.

16 MR. BROOKS: Aaron, you want to
17 jump in?

18 MR. PODEY: Yes, I just have a
19 clarification. In Florida State waters, we
20 have no minimum size for blacknose. So, we
21 could be catching, you know, undersized or
22 under the federal size limit for recreational.

23 MR. HUDSON: Rusty Hudson.

24 Blacknose, about the only thing
25 you could ever misidentify it with would be a
26 very juvenile lemon shark. They commonly were
27 called baby lemons or yellows, or whatever.
28 But you would never confuse them with a
29 sharpnose.

30 MR. BROOKS: All right. Well, it
31 sounds like there is a little bit of
32 information that we could be bringing back to
33 you all to help clarify this, but I don't
34 think That's going to happen right at this
35 moment.

36 So, lets go forward, then, with
37 pivoting more to looking forward. And where
38 do we go? What do you all think should be
39 done to address the challenges that have been
40 laid out here?

41 And, Mark, I think you are first
42 in the queue.

43 MR. STEVENS: Okay. Thanks.

44 Shark Advocates International
45 continues to urge NMFS to add scout
46 hammerheads along with great and smooth
47 hammerheads to the prohibited species list as
48 a first step to ensure recovery.

1 These species are exceptionally
2 sensitive, as Pete said, to fishing gear. They
3 are usually dead upon retrieval.

4 We also urge NMFS to conduct
5 research and promptly implement
6 recommendations for other measures to reduce
7 bycatch and discard mortality for these
8 species.

9 Thanks.

10 MR. BROOKS: Okay. Thank you.

11 Who else has some thoughts to
12 share on where we go from here? We will start
13 with Scott and then we will go to Elizabeth.

14 MR. TAYLOR: I guess I have two
15 comments. One pertains to the sandbar
16 fishery. We have a couple of fishermen down
17 there that are participating in the research
18 program. This is a good indication for us of
19 the problem that we see with the science and
20 the numbers. Because I am here to tell you
21 that the catch per effort is off the charts.
22 In literally one set, they are getting their
23 two quotas of the 33 sharks every time that
24 they go out for the trip.

25 So, some of the things that we see
26 from the commercial sector and observe as
27 fishermen cause us to question the way that
28 some of the science is done. I think that we
29 have kind of heard that.

30 And the second comment would be in
31 regards to the way that some of the openings
32 are done, particularly for the South Florida
33 Region. This is an area that I am only mildly
34 familiar with. We are dealers and do handle
35 a few fish. Florida opened this year on July
36 15th. Most of the targeted species that our
37 fishermen -- and I was asked specifically by
38 four or five fishermen that fish for us to
39 bring this point up, that when the fishery is
40 open, the target species, sharks, that they
41 would like to harvest are not available to
42 them. Essentially, they have migrated out of
43 the area.

44 And so, what winds up happening is
45 that what fishing gets done, the bycatch and
46 non-targeted species numbers, you know, create
47 an environment in which the food-take sharks
48 are not the predominant shark that is being

1 produced. So, if it is open, it needs to be
2 open in such a way that it is going to reduce
3 the bycatch issue as much as possible, allow
4 for the targeting of the sharks that we want
5 to be able to catch, and discourage the take
6 of sharks that are still legal to take that
7 are only being taken basically for the
8 commercial value rather than the overall meat
9 value.

10 And the last comment is the one,
11 again, that Mark raised yesterday, which is
12 the same bycatch issue and the same discard
13 issue that we have with other things that we
14 are talking about, which is rather than
15 discarding the shark that may be not available
16 now for take, if it is a true dead discard, it
17 seems an awful waste to essentially have to
18 dump the hammerhead overboard if it is, in
19 fact, dead at the time that it arrives at the
20 boat. I think that that really needs to be
21 addressed for the fishermen.

22 MR. BROOKS: Thanks.
23 Elizabeth?

24 MS. GRIFFIN-WILSON: Yes, I agree
25 with everything that Mark Stevens has said.
26 So, I won't repeat that.

27 In addition, I would like to point
28 out that the U.S. was so concerned about the
29 scalloped hammerhead that they put a proposal
30 forward at CITES for protection of that
31 species. There were then protections put in
32 place at ICCAT, which many of us had hoped
33 would lead to a prohibition of retention on
34 all hammerheads in the Atlantic in U.S.
35 fisheries. Many other countries have
36 implemented that recommendation that way, but
37 the U.S. has chosen to go a different
38 direction. We would hope that the U.S. would
39 use this rulemaking process to prohibit
40 retention of all hammerheads.

41 In addition, on dusky sharks, it
42 looks like we have a tough battle ahead of us.
43 A two-thirds reduction in fishing mortality,
44 when the species is already prohibited, is
45 going to be difficult to achieve. And so, I
46 think time/area closures are something we are
47 going to have to look at.

48 I think it is also worth adding to

1 the list the concept of hard caps on bycatch,
2 like we were discussing for bluefin tuna.

3 Thanks.

4 MR. BROOKS: Bob? And then, back
5 to Rusty, and then Gerry.

6 DR. HUETER: Okay. A number of
7 points. First, I want to say that I, for one,
8 as a marine scientist, do have a lot of
9 confidence in the SEDAR process. It is so
10 much better than what we used to have, and it
11 is an open process. There is a lot of
12 participation from the commercial sector, and
13 it has tremendous external review as compared
14 with the previous way we used to do things.
15 So, I think that these stock assessments are
16 the best estimate of the status of the stocks.

17 On the hammerheads, we do have a
18 hammerhead problem, I believe. I am glad to
19 see National Marine Fisheries Service now
20 being consistent domestically with what has
21 been recommended internationally, which is to
22 begin protection of hammerheads.

23 It is tough problem, though,
24 because we have got three different species,
25 the scalloped, the great, and the smooth, in
26 the fishing area that probably have different
27 statuses, if that is a word, as far as their
28 population. And you want to protect the one
29 that you know is in trouble, but I am
30 sympathetic to the fishermen who are perhaps
31 getting great hammerheads dead and are going
32 to be forced potentially with a broadening of
33 this rule into discarding those dead animals.
34 So, this is a tough one.

35 I was trying to think whether you
36 could look at size limits because the great
37 hammerhead gets to be appreciably larger. But
38 the problem with the size limit, if you cut it
39 off at the maximum size for the scalloped, you
40 are probably getting into mostly big pregnant
41 female great hammerheads beyond 14, 15 feet.
42 And so, you don't want to encourage fishing on
43 that. That's for sure.

44 So, I am looking at the list of
45 potential measures that Peter laid out here,
46 and I don't think your technology is going to
47 work, although Mark had a nice, optimistic
48 note this morning about who knows what we will

1 have in five years.

2 So, I would advocate really
3 looking at time/area closures for that, to try
4 to focus on this species and see where the
5 catches are occurring and their range where
6 they are vulnerable.

7 The dusky shark, as we have
8 already talked about is just an incredibly
9 delicate situation. I absolutely believe
10 these numbers and these projections for the
11 dusky.

12 I will tell you that, with all the
13 shark research we do on the Gulf Coast of
14 Florida, I had not seen a dusky shark in the
15 eastern Gulf since 1992 until last April,
16 where we caught a couple on the northern Gulf
17 in connection with oil spill research. They
18 are pretty much completely obliterated from
19 the eastern Gulf as far as we know and the
20 west Florida Shelf, where they used to be
21 relatively common.

22 So, everything we can do, I think
23 this is an animal that is in a very precarious
24 state. I don't usually talk about sharks
25 being endangered in the sense that we only
26 have a certain number of them left. But I
27 think in the case of duskies, every one of
28 them is probably important to the population.
29 So, I think we also should look at time/area
30 closures with respect to duskies and try to
31 zero-in on minimizing this problem.

32 With the sandbar shark, you ask,
33 is there a need to take additional measures?
34 I would say no. I think you have got it
35 restricted to a research fishery at this
36 point. I think it is important to have some
37 level of research fishery going on them in
38 order to monitor their rebuilding, if it
39 occurs, and hopefully it will.

40 I also, as a side note to that,
41 would also say that NOAA should continue to
42 support fisheries independent monitoring of
43 these species and stocks in order to get a
44 better handle on the status of the stocks.

45 And then, last, the blacknose, I
46 am pleased with this conclusion on the stock
47 assessment because I did not believe the
48 current or the previous conclusion the

1 blacknose were in trouble in the Gulf of
2 Mexico. And I think the uncertainty is
3 justified.

4 So, I would say let's decouple the
5 Atlantic blacknose from the Gulf blacknose for
6 the time being. And I would also decouple
7 blacknose from Atlantic sharpnose in any kind
8 of TAC or any kind of quota. I think that we
9 have got totally different situations there.
10 I think the sharpnose is in pretty good shape.

11 So, I think that's it for now.

12 MR. BROOKS: Thanks.

13 Let's see, we have got Rusty and
14 then over to Gerry.

15 MR. HUDSON: Rusty Hudson.

16 In the Gulf of Mexico blacknose
17 stock assessment 415 pages, page 347 -- and,
18 of course, this got kicked to the curb by the
19 reviewers, Bob, so it doesn't count -- but
20 shrimp bycatch, 23,663 animals. That is the
21 high-catch scenario. Recreational, 13,573
22 animals -- that's all in 2009 -- 20,710 from
23 the commercial.

24 Then, we get into a low-catch
25 scenario. In that low-catch scenario for the
26 blacknose shark, with the shrimp, it is down
27 to 7,673 animals; with the recreational, it's
28 32 animals. A big difference. And then, down
29 for the commercial, 2,226.

30 Atlantic sharpnose, much less. I
31 mean blacknose, the Atlantic blacknose, let's
32 see, make sure this is the high catch and low
33 catch here. This is the high catch, 2009
34 numbers, from the recreational, 3,041; from
35 the shrimp fleet, 1,548; from the commercial,
36 51,612. Now you have the 19,200 animals from
37 Texas to Maine right now as the current TAC.

38 Now on the low-catch scenario for
39 Atlantic blacknose, and this one was partially
40 accepted, but not totally. And this thing is
41 running away on me. You have 502 sharks in
42 the shrimp rigs. You've got seven
43 recreational on the Atlantic Coast, and you've
44 got 5,409 in the low-catch scenario. Great
45 big differences between the high-catch and
46 low-catch scenarios.

47 I don't see where you can have any
48 catch, and you are still going to have this

1 discard issue that is going to make it so you
2 are going to have people saying, "Oh, they're
3 going to go extinct any minute now." Quite
4 honestly, we have been instructing everybody
5 to say no to blacknose, so that we don't use
6 it as a choke species, which I wish I would
7 eliminate with regard to Atlantic sharpnose
8 and finetooth, because the blacknose, you
9 know, to go and catch 30,000 pounds under the
10 current TAC when you have got a 600,000 with
11 a carryover on those other small coasts, you
12 need to keep those people fishing. So, you
13 don't need to be shutting them down.

14 And probably by October, since you
15 are at 66 percent on your reports right now on
16 your blacknose, I would figure you are
17 projecting 80 percent pretty quick, shutting
18 it down, but at least we started it January
19 and we are to this point. A lot of people
20 started listening and quit doing the blacknose
21 in there.

22 MR. BROOKS: Thank you.

23 Gerry?

24 MR. LEAPE: Thanks.

25 Just briefly, yesterday I echoed
26 Pew's concern about the limited scope of the
27 recent ICCAT shark rule, and bringing that
28 back on scalloped hammerhead, we are deeply
29 concerned because of the majority of the takes
30 being in the directed fishery, wanted to give
31 our support to the comments by Mark and
32 Elizabeth on putting the scout hammerhead on
33 the prohibited list.

34 Thanks.

35 MR. BROOKS: Thank you.

36 I have got Dewey, then Carolyn,
37 then Mark Sampson.

38 MR. HEMILRIGHT: Dewey Hemilright,
39 sitting in for Sean McKeon, North Carolina
40 Fishery Association.

41 The last two years I haven't shark
42 fished. When they put in effect the 33
43 sharks, it basically eliminated me from
44 fishing, not that there wasn't sharks out
45 there, but physically the size of my boat, I
46 couldn't go fishing.

47 I chose not to participate in the
48 research fishery, which I call the guinea pig

1 fishery, for one reason, a couple of reasons.
2 It is not very transparent, meaning
3 transparent, it used to in the earlier days
4 when we could voluntarily take observers, we
5 would get stacks of information out that would
6 be like a telephone book. Ray Charles could
7 read it.

8 The information you get out
9 nowadays that comes out is so limited that it
10 is hard for a fisherman -- I used to be able
11 to see my set, what I caught. I would know
12 what was happening.

13 The information now coming out of
14 our research fishery is pretty pitiful,
15 meaning it is not transparent. We don't want
16 to know whose set. We don't want to know the
17 dates, but we like to know the hooks, the
18 catch per unit effort, and what species were
19 caught.

20 And we also don't worry about the
21 protected resources. We are not worried about
22 if they were caught. Let National Marine
23 Fisheries deal with that.

24 So, when I look up here at these
25 stock assessments, and I have sat through a
26 couple, mentally frustrated as heck, figuring
27 out how this was going to happen, probably
28 this year we have seen the most sandbars and
29 hear reports of fishermen than there has ever
30 been.

31 When I look at these stock
32 assessments and I see two of them,
33 particularly the dusky and the scalloped
34 hammerhead, a closed-door stock assessment,
35 not open to the public, done in secrecy, it
36 just frustrates the heck out of you from a
37 fisherman's point.

38 That being said, we caught more
39 duskies on the East Coast of North Carolina
40 and on up off New Jersey and Maine, New York,
41 and stuff. There is not even an observer
42 program that would sample them areas.

43 It is hard for me to sit here
44 today, and I know most of you, some of you
45 might be gullible enough and somebody might
46 just believe it, but these stock assessments
47 out here are not representative of what the
48 fishermen say. I would venture to say that

1 every fisherman sitting around this room --
2 and you would say, "Well, he's going to say
3 that." -- well, he is out there on the water,
4 every day looking at what is out there, trying
5 to make a living.

6 Something else, if you all don't
7 get it right, it doesn't matter about the
8 jobs. A fisherman, if he doesn't catch a
9 fish, he doesn't have a job.

10 With these stock assessments, I
11 mean to sit here and believe the dusky, 400
12 years, and I listened to some of the people
13 sitting around the table and it's just, well,
14 I'm used to what they say. So, I don't
15 believe these stocks, or in nowhere near
16 shape. We are being propagandized to through
17 the public.

18 I believe that a lot of it has to
19 do with the transparency. I think SEDAR is a
20 better process, but it is only as good as the
21 data that goes in there.

22 I would also advocate for a
23 transparency in the observer program with the
24 data that comes out of there because that is
25 what gives you a real representation of what
26 the fisherman is catching, and they don't want
27 to show that. For what reason, I don't know.

28 We are not looking for, like I
29 said, we are not looking for who set. And I
30 know they will tell me, well, it is a matter
31 of three boats or less. We just want to see
32 the data. We don't care about who the boat
33 was, because that is representative of what
34 the stock is that a fisherman is out there
35 catching.

36 And also, I wish that they would
37 expand their research areas from Virginia
38 north as a great area for the sharks.

39 But I think it is going to get
40 worse for the fishermen with the talk of catch
41 shares and the way the government is ramming
42 stuff down our throats and doing stuff to
43 other countries over in ICCAT, wanting the
44 U.S. putting fisherman out of business. It is
45 going to get worse.

46 But these stocks out there are in
47 a heck of a lot better shape than what we are
48 being told and most of you around the table.

1 So, thank you.

2 MR. BROOKS: Thanks, Dewey.

3 MS. WILSON: I just wanted to make
4 one quick response. There are observer
5 reports that are done every year, and they do
6 list what is caught. They do list the effort
7 that was done, the number of sets that was put
8 out in the water. They are summarized, and
9 the reason they are summarized is for
10 confidentiality issues and that they can't
11 actually report things, exact locations, et
12 cetera, if they don't have a certain number of
13 fishermen.

14 So, it is a summarized amount of
15 information. It is not going to give you
16 individual set by set, but they do put out the
17 information on what they catch, the number of
18 hooks that were put out that were observed,
19 and the number of sets, et cetera.

20 And I just wanted to clarify that
21 I think it is probably true to say the
22 scalloped hammerhead was the paper, but dusky
23 sharks were done within the SEDAR process in
24 this round. So, we had duskies, blacknose --

25 MR. RUAIS: The first one was
26 not --

27 MS. WILSON: The first one was
28 not, but this one was done through the SEDAR
29 process. So, just to make that clear.

30 MR. BROOKS: Thanks for the
31 clarifications.

32 Carolyn, you're up next.

33 MR. BELCHER: Thanks.

34 I know it kind of falls on hard
35 ears with Margo and Carol, with the
36 interactions that I have with the Council.
37 But, with a lot of the species of sharks that
38 we deal with, I still consider them more of a
39 domestic stock than I do an international
40 stock. The ones that we are talking about
41 that have been run through SEDAR, to me, fall
42 under a domestic type of purview.

43 So, not having information
44 available to me, like the overfishing limit,
45 the acceptable biological catch, the annual
46 catch limits, and not knowing how the TAC
47 falls for that, knowing what the Councils are
48 going through relative to stock assessments

1 and down-weighting based on the stock
2 assessment uncertainty, and then management
3 uncertainty, just having that one number for
4 a potential TAC is really difficult for me to
5 wrap my head around.

6 The other thing that is tough is
7 that, when you talk about a TAC, current TAC
8 has a 70 percent probability of rebuilding the
9 stock by 2070, is that a constant TAC through
10 2070? Is that constant "F"?

11 When we are looking at it at the
12 Council level, we are getting a broad scenario
13 to us, and David can attest to this. Whether
14 it is constant mortality, an "F" rate of zero,
15 constant quota, whatever you are doing to try
16 to get an idea on how quick the rebuilding
17 strategy is being done, and for us it is
18 basically built on the projection. The
19 probability goes across the entire projection,
20 just not an annual number.

21 So, for me, this is really, really
22 hard to sit and kind of get a handle on what
23 is going on with these stocks, in the
24 management realm, when you are used to putting
25 it into a different perspective that is being
26 held to the same type of standard under
27 Magnuson.

28 So, I mean, I am just kind of
29 saying that to throw that out for folks that
30 aren't familiar with how the Councils are
31 currently addressing all these and the
32 microscope that we are currently under and the
33 pressure that we are being hit, to be very
34 conservative in some situations.

35 I think it would be helpful for
36 those of us involved in that process in
37 helping reduce frustration with understanding
38 what you all are doing if you can somehow
39 build that segue for most of us to feel a
40 little bit more confident with what we are
41 looking at.

42 MS. SCHULZE-HAUGEN: So, I don't
43 mean to give an impression of deaf ears.
44 Sharks are not what we consider exempt, like
45 the other HMS, for the stock assessment
46 purposes.

47 I am not familiar enough with how
48 Council SEDAR may be different from what is

1 happening for the shark SEDAR. I mean, it is
2 the same kind of process. So, there may be
3 differences. I don't know if the assessments
4 themselves are giving you different
5 information. I don't know.

6 MR. BELCHER: It is what we have
7 kind of discussed relative to Magnuson, what
8 is required for us to look at and put forward
9 under Magnuson. Like we kind of have had
10 those interactions where I don't know how best
11 to get the language across to you guys.

12 We invited folks to the National
13 SSC to see what all we are doing, because
14 these are the things that we have been edicted
15 to do and how everybody is coming up with
16 these ABC control rules on how to best deal
17 with the uncertainty in the models.

18 Without seeing that structure
19 being put in at the HMS level relative to
20 domestic stocks, it is kind of hard to draw
21 the analogy. That is the hard part that I am
22 running into. Knowing what Magnuson is asking
23 for, and not seeing similar outputs in terms
24 of OFL, ABC at this part of it, and all I see
25 is a TAC, I don't know how TAC relates back to
26 those values.

27 How are you getting a TAC? Is it
28 down-weighted away from over fishing level or
29 not? That information isn't, that analog is
30 not there. At least for me, I'm not seeing
31 it.

32 MS. SCHULZE-HAUGEN: Well, just so
33 you know, I mean, this is not intended to be
34 the amendment yet. This was a presentation of
35 the assessment itself.

36 I think some of what you are
37 getting to will be some of the next steps in
38 the management plan.

39 MR. BELCHER: But the OFL is not.
40 OFL is part of the output.

41 MS. SCHULZE-HAUGEN: So, I think
42 it is in the assessment. So, I don't know
43 where the disconnect is. I would like to talk
44 to you offline.

45 The shark fisheries have been
46 determined to be compliant with Magnuson
47 requirements. So, I don't want to have an
48 iota of doubt there that we have done what we

1 need to do, just as the Councils are.

2 So, there are definitely among the
3 stocks. There are differences among the
4 management plans and the approaches based on
5 the fisheries.

6 So, maybe you and I can talk some
7 more offline.

8 MR. BROOKS: Greg?

9 MR. SKOMAL: Just a quick comment
10 with regard to the dusky shark and a couple of
11 the options here with regard to soak time
12 restrictions. I think that the at-vessel
13 mortality rate for this species, and most
14 likely hammerhead, will be driving the
15 continued overfishing condition. And it is
16 going to be very difficult, based on some of
17 the preliminary findings from research we have
18 been doing.

19 Specifically on the dusky shark,
20 we have been simulating demersal longline
21 capture using real gear and all that with hook
22 timers and physiological profiling and such,
23 and getting results along the lines of a
24 tipping point somewhere around three hours
25 soak time. So, keep that in mind.

26 And, of course, we are hoping to
27 complete this study in the next year, but we
28 will certainly provide preliminary findings.
29 I don't know how realistic it is to soak gear
30 for only three hours, given the time to set
31 and the time to haul, et cetera. But we will
32 contribute that information as it comes out.

33 MR. BROOKS: Thank you.

34 Mark Sampson?

35 MR. SAMPSON: Yes, a question
36 first, then a comment. In the directed shark
37 fishery, are circle hooks required? Okay.
38 And are circle hooks predominantly used in
39 that fishery?

40 MR. COOPER: They are used, but it
41 is a mix, and I don't have the percentage off
42 the top of my head.

43 MR. SAMPSON: Yes, we have plenty
44 of shark fishermen here. I am sure maybe
45 somebody would -- is it the hook of choice?
46 Okay.

47 MR. PODEY: Yes, it is.

48 MR. SAMPSON: Okay. Thank you.

1 In the recreational shark fishery,
2 because of the combination of regulations and
3 anglers' preferences, the recreational shark
4 fishery, again, is pretty much, you know, for
5 the most part, a catch-and-release fishery.
6 Even those group of guys might pile on a boat
7 and head out that day in hopes of bringing
8 back a good-eating shark such as a mako or
9 thresher or something. Probably in the
10 process they are going to be involved in
11 releasing far more sharks than the one shark
12 that they might be allowed to bring back.

13 So, keeping in context the fact
14 that, again, the recreational shark fishery
15 has pretty much evolved in a primarily catch-
16 and-release fishery, I think that it is well
17 beyond time that we start considering looking
18 at the possibility of requiring circle hooks
19 in the recreational shark fishery across the
20 board, and probably in the commercial fishery
21 as well. But I am going to stick right now
22 primarily to the recreational fishery.

23 I mean, it is a proven tool. It
24 is just from probably most anybody who has
25 used them recreationally as a hook to an
26 extent can say that they are, just like in
27 most other fisheries, they are all the
28 advantages with none of the disadvantages.
29 And the conservation alone should help,
30 hopefully, in particularly some of these
31 overfished species, such as the duskies and
32 the scalloped hammerheads, and whatever. As
33 a conservation tool, it can only help.

34 So, I think that it is time that
35 we start looking at research and checking into
36 that end, possibly requiring circle hooks in
37 the shark fisheries, both commercial and
38 recreational.

39 MR. BROOKS: Thanks.

40 Rom, you haven't gotten in on this
41 conversation yet. So, why don't you jump on
42 in?

43 MR. WHITAKER: Okay. I am not a
44 shark fisherman, but to follow up on Dewey's
45 remarks, and I am speaking of being involved
46 in the SEDAR process, I think it is tremendous
47 frustration. And I have dealt with it on king
48 mackerel. I am dealing with it right now on

1 tilefish and grouper.

2 But the fisherman is seeing, you
3 know, what is happening in the ocean totally
4 different from what the management or the
5 assessments are showing. And I would like to
6 see in the SEDAR process involve some
7 fishermen in the process, and I am not talking
8 about you guys that started last year. I am
9 talking about guys that have been in it 10 or
10 15 years with 200 days on the water, and
11 recommended by their peers as being a
12 highliner in that fishery.

13 I think you really need to involve
14 them in the process, not only to help out
15 maybe with some science, but also let their
16 advice carry some weight in the process and
17 the final assessment. And I think it would
18 really help the process tremendously.

19 MS. SCHULZE-HAUGEN: Just a quick
20 point of information, the SEDAR pool, there is
21 a call for nominations I think every year at
22 the start of every assessment. We will be
23 having one coming up. And so, I think that is
24 an opportunity for a lot of the fishermen that
25 have that experience to participate.

26 And I believe a number of folks, I
27 think around even this table, have been
28 involved in some of the data workshops for
29 some of these assessments. So, I think it
30 does include some of the fishermen's input.

31 MR. WHITAKER: Okay. Thank you.

32 I just want their opinion to carry
33 some weight.

34 MR. BROOKS: I have got a few more
35 folks in the queue here.

36 Bob, are you back in? Okay. I
37 have got Bob, Rusty, and then over to Steve.

38 DR. HUETER: Okay. First, I want
39 to second what Mark Sampson said. I think
40 that the recreational fishery does need to
41 step up to the plate.

42 For those of you who may think
43 that the recreational fishery for sharks is
44 much smaller than the commercial fishery, in
45 the Gulf of Mexico it is about equal in terms
46 of landings by tonnage, about 700 metric tons
47 each. So, this is not just a problem for the
48 commercial fishery.

1 Second, I wanted to clarify my
2 position on hammerheads because I think I
3 might have not been clear. Based on the stock
4 assessment for the scalloped hammerhead, I
5 would be in favor of prohibiting retention of
6 the scalloped hammerhead.

7 However, what I spoke to, and what
8 concerns me, is that, again, we are
9 prohibiting, prohibiting, and we end up with
10 all these dead discards. So, that is why I
11 was emphasizing the need to look at time/area
12 closures to keep the fishing away from when
13 the fish would be there.

14 And eventually, I see this as a
15 problem for all the hammerheads to examine,
16 not just picking the scalloped out. That is
17 just the one that we have got the best data on
18 right now.

19 As you probably know, the State of
20 Florida has recently moved to prohibit
21 retention of all hammerheads in State waters,
22 which on the Gulf of Mexico side is nine miles
23 out.

24 And let's see, I had something
25 else, and I guess I wanted to get those two
26 points. Oh, I know.

27 Rusty referred to, and several
28 people have talked about, the international
29 problem here and the linkage, say, with Mexico
30 and shared stocks. Certainly, back in the
31 seventies and eighties, there was a great
32 leakage of these fish to Mexican fisheries,
33 especially the dusky. I think that the
34 Mexicans really whaled on the duskies in the
35 Gulf of Mexico and were largely responsible
36 for the depletion that occurred at that time.

37 The Mexican fishery right now in
38 the Gulf is about four or five times the size
39 of the U.S. fishery, commercial/recreational
40 combined. So, it is about 6500 metric tons.

41 And I have got data on the species
42 composition as we know it, and we are engaged
43 in a major project to improve the species
44 information for Mexico and Cuba.

45 But I see that scalloped
46 hammerhead shows up as one of the top five
47 species. It is actually 3 percent of their
48 landings.

1 So, we need to be engaged with
2 bilateral talks with Mexico if we want to
3 protect scalloped hammerheads and make our
4 plans effective. I suppose that is a message
5 not just for scalloped hammerheads, but all
6 these highly migratory species.

7 MR. BROOKS: Thanks, Bob.

8 Rusty? Then, over to Steve.

9 MR. HUDSON: Rusty Hudson.

10 The Panama City Lab picks the
11 number of guys that can sandbar fish. You get
12 a pool of about 10 boats. You could actually
13 fish more than three or four at a time and get
14 around that confidentiality scenario.

15 A lot of us actually talk amongst
16 the folks that are participating in that
17 fishery, and the catch-per-unit effort is off
18 the charts. It is just like the red snappers
19 that we catch off of our area in Daytona,
20 where we are the heart of it. The sandbar
21 sharks are all thick like they used to be back
22 in the sixties, and the red snappers are as
23 thick as they were in the sixties, and the
24 black sea bass are as thick as they were in
25 the fifties.

26 Yet, all of these stock
27 assessments say everything is not the way we
28 see it at the side of the boats. So,
29 something is really wrong with that picture.

30 Back to the dusky, when Dewey
31 referred to the original assessment done in-
32 house before the '06 stuff, that was a catch-
33 free model. And so, they brought in a fellow,
34 Paul Conn out of the Beaufort Lab, who didn't
35 know doodly about shark, and he got to run the
36 catch-free model, plus another U-shaped model
37 thing that actually had better results than
38 the catch-free.

39 And as I said, the other stocks
40 here was supposed to be done with a stock
41 synthesis model. And instead, they had to
42 drop back to the old models that they used.
43 So, again, I don't think we are getting the
44 bang for the buck there.

45 And as far as the Center of
46 Independent Experts that is paid for by the
47 National Marine Fisheries Services, that is
48 not really as independent as it needs to be.

1 And I can tell you a horror story that
2 occurred when they first were created by Bill
3 Fox back in 2000, but I won't.

4 I will just tell you that, as far
5 as it goes, the terms of reference constrains
6 those people. And right now, with this stuff,
7 it is going to be windfall for the shark
8 academics, and the environmental groups are
9 going to be pushing for endangered species and
10 CITES and stuff like that.

11 And in reality, you are just going
12 to wipe us off the map even more. Because I
13 watched the amount of money that has been
14 spent and this leverage, and the whole thought
15 way back when was that, if you have these
16 sharks interacting with these fisheries, those
17 fisheries will pay hell for having interacted
18 with those sharks, especially if you can
19 create the crisis and maintain it for an
20 entire career.

21 We are at 17 years of management
22 now. And I believe that we are really failing
23 the process here and the science, and the
24 science is what is the hinge pin of
25 everything.

26 MR. BROOKS: Clearly, we are
27 hearing that for some the assessment process
28 is really at odds with what you are seeing,
29 and that is a disconnect that is troubling and
30 hard to get past.

31 I do want to remind people to
32 speak to what your interests are and not
33 characterize where other people are coming
34 from. I think that is a really important
35 principle to honor because it is what enables
36 us to engage in a productive conversation
37 here. So, I just wanted to call that out.

38 MS. SCHULZE-HAUGEN: Yes, and I
39 wonder if Julie could come. There have been
40 a number of comments about the models, and I
41 wonder if she could add to our understanding.

42 MS. NEER: Hi. My name is Julie
43 Neer. I am one of the SEDAR Coordinators. I
44 was the Coordinator for SEDAR 21, this current
45 assessment, as well as SEDARs 11 and 13, which
46 were the previous assessments that came out in
47 2006 and 2007.

48 Yes, as a Coordinator, I am not

1 the technical analyst. I am not the one who
2 actually ran these models. I can comment
3 briefly on a few of the things that have been
4 said.

5 One thing regarding the dusky,
6 just so we are clear, dusky was never intended
7 to be used and run through an alternative
8 model other than the catch-free model that was
9 used this time.

10 The U-shaped model that Rusty
11 referred to is actually still a catch-free
12 model with just a different implementation of
13 mortality. It is a different representation
14 of how mortality may be happening over time.

15 So, to that, in terms of
16 participation in the SEDAR process, as Margo
17 stated, the appointments to those panels are
18 made by the Councils or the cooperators. So,
19 HMS is the one who appoints people to
20 participate in those panels.

21 So, if you are interested in
22 participating, please do send in an
23 application to them, and then when they make
24 the appointments, you can say which fisheries
25 you are particularly interested in or species.
26 Then, you can get appointed.

27 SEDAR, as a process, does not
28 actually make the appointments. It comes from
29 the cooperators, either from the Councils or
30 HMS in this case.

31 I am trying to think what other
32 comments about the models. Oh, with regard to
33 the synthesis model versus the SPASM model,
34 the SPASM model, the age-structured production
35 model that was used this time, was also what
36 was used last time. There were significant
37 efforts made to implement the synthesis model,
38 this other alternative. It is still an age-
39 structured model. It is still a production
40 model. It is just a different modeling
41 framework.

42 There was a lot of difficulties
43 using it, and we could not get it working in
44 time. This is not the first time that it has
45 happened. It has been used on the West Coast
46 quite a bit. We have been trying to start
47 moving to this modeling framework in the
48 Southeast. We have had quite a bit of

1 difficulty because the model itself was
2 designed for a much more data-rich situation
3 than we often have in the Southeast.

4 So, we have had trouble using it,
5 as Rusty alluded to, for king mackerel in the
6 past. We struggled and used it through two
7 assessments of the Gulf of Mexico last year.
8 One proved successful; one did not.

9 We are potentially going to be
10 using it again next year. So, it is not a
11 unique situation to think that, because that
12 model didn't work, this is all bad. We
13 couldn't get it working in this time. That is
14 an issue with modeling expertise as well as
15 data inputs. So, those two things together
16 alluded to that.

17 In terms of the blacknose, Gulf of
18 Mexico, and with those reviewers who had
19 issues with the model formulations, there was
20 quite a bit of variability. And in fact, they
21 were the ones -- which is why it was, as Peter
22 alluded to, one of the reasons that model was
23 rejected was that it was such highly variable,
24 and you could make changes and end up with
25 differing status, stock statuses.

26 So, the Review Panel is not always
27 just there to rubberstamp. They do throw
28 stuff back, and they do it quite frequently.
29 So, I just want to make sure that is clear,
30 that they have that option and they used it
31 here to talk about some of the very questions
32 you guys had brought up in terms of landing
33 streams, indices streams, and stuff.
34 Sometimes modeling doesn't work.

35 MR. BROOKS: Thank you.

36 Steve?

37 MR. JAMES: Yes, and I don't want
38 to belabor this point too much or beat a dead
39 horse. But, again, commenting on the dusky
40 situation, if we can't define the problem
41 itself, then I don't think it is fair to ask
42 this group of folks to try to define a
43 problem. And I don't know that, with what we
44 have been presented, we could possibly define
45 a solution to the problem as it is defined to
46 us.

47 So, back to the dusky problem,
48 again, more information: who's catching them,

1 where they're being caught, why they're being
2 caught, et cetera. Maybe then we can come up
3 with a solution.

4 The other thing I want to talk
5 about, and I have had this debate with people
6 multiple times, and I am all over shark
7 conservation; I am also all over saving
8 sharks. I certainly have a reputation. I
9 think I have donated some \$15,000 of my own
10 personal money for the acquisition of
11 satellite tags over the last six years for the
12 State of Massachusetts. I have a reputation
13 for saving sharks, maybe a reputation for
14 taking them as well.

15 But, back to this circle hook
16 notion, if you can show me a study that
17 confirms that circle hooks are saving sharks,
18 that the post-release mortality is significant
19 because you are using a circle hook, I will
20 jump on the bandwagon. But if you can't do
21 that, then don't ask me to buy into the logic
22 or the study that was done on striped bass or
23 tuna around circle hooks.

24 They are different species. They
25 have a different tolerance level toward being
26 hooked in various parts of their body.

27 And I will ask, if the research is
28 out there, please present it to this crowd.
29 I will jump on the bandwagon myself. But I
30 don't see it out there at all.

31 The last point I will make with
32 respect to the greater hammerheads, I don't
33 know if anyone is specifically targeting
34 greater hammerheads out there. I think this
35 is more pertaining to the commercial fishery.

36 But if these greater hammerheads
37 are on the line and they are dead, and we are
38 going to impose a moratorium on them, so that
39 nobody gets to take them home, we are just
40 cutting off more dead fish and sinking them to
41 the bottom. And if there is not clearly a
42 reason to do that, let's not. Let's not chop
43 these fish off, sink them to the bottom, at
44 the idea that somehow we are going to save the
45 scalloped hammerhead.

46 Because I don't necessarily see a
47 correlation between two fish hanging on the
48 line. They're both dead. One of them is a

1 scalloped and one is just a regular, old
2 greater hammerhead. If somebody can use that
3 greater hammerhead, let's let it come in.

4 I don't know there's a big
5 targeted fishery there. Maybe you can clarify
6 that, if anyone has any ideas or knowledge of
7 the hammerhead fishery.

8 Thank you.

9 MR. BROOKS: Thanks, Steve.

10 Let's see, we've got Scott, then
11 over to Rusty, then Bob, and then I think we
12 need to close out this conversation.

13 Scott?

14 MR. TAYLOR: I know that you all
15 don't really want to talk about the nature of
16 the science. But from the commercial sector
17 standpoint, it is kind of hard to have a
18 discussion about practical solutions if there
19 is such a divergence between what we are
20 practically seeing and what the science shows.

21 And the fact of the matter is that
22 most of the scientists would agree that
23 fisheries science by its nature is an evolving
24 process, that hopefully the more experience we
25 have, it is going to get better and better
26 with where the numbers are. But to take the
27 position that what the fishermen themselves
28 are seeing is essentially an attempt to
29 preserve their livelihood at the expense of
30 the health of the fishery stocks is itself
31 self-contradictory. Nobody wants to put
32 themselves out of business.

33 I think that we all want to
34 responsibly manage the stocks. But, like
35 Dewey said, there is a problem when from a
36 practical standpoint what is being seen at
37 boat side 200 days out of the year is
38 fundamentally different than what the science
39 is necessarily reflecting.

40 And my only comment is that maybe
41 there is also a part for the commercial and
42 the fishery sector to become more proactive
43 and try to have as much input as they possibly
44 can, because we do have a lot to bring to the
45 table from an experience standpoint and
46 modeling. If there's going to be real
47 solutions, I think everybody wants to know
48 that we are dealing with the real facts, not

1 just the scientists. The commercial guys can
2 be as opinionated and entrenched as what the
3 scientists are seeing through the process.

4 MR. BROOKS: Thanks, Scott.

5 I mean, clearly, the disconnect
6 between what fishermen around the table are
7 experiencing when they go out on the water and
8 what the stock assessments are showing is
9 meaningful and profound, and it is going to
10 ramify in any conversation we have here. It
11 is a challenge for everybody. It is a
12 challenge for the agency.

13 I think the best answer is to keep
14 talking about this, and whether it is getting
15 involvement of fishermen in the SEDAR process
16 and seeking out other ways to try to tease out
17 what is behind those different perspectives
18 and the different numbers that are coming out
19 of stock assessments, it is going to be a
20 critical challenge. And obviously, it is not
21 unique to this group or this fishery. That is
22 a constant theme and a constant challenge.

23 Rusty?

24 MR. HUDSON: Rusty Hudson.

25 To the idea of the J-hook/circle
26 hook, I have been informed by NMFS shark
27 scientists out of Pascagoula that they feel
28 that there is artery -- and Bob can back me up
29 on this, I believe -- when they get hooked
30 down in the throat with a J-hook, that it
31 could actually pierce that artery and then
32 they bleed profusely. Whereas, the idea of
33 the circle hook wound up being a corner-of-
34 the-mouth scenario, which would actually tend
35 to make more of a live release.

36 As far as great hammerheads, they
37 are more of a loner, maybe hang out with one
38 other. So, you don't really target them
39 unless you see them.

40 And there's like the shark
41 fisherman out of Cortes. It is a recreational
42 monster shark fisherman. He tries to go for
43 world records. Bob knows him quite well.

44 And at the same time, Bob has been
45 working on a trilateral management approach
46 with Cuba and Mexico and the U.S. He did ask
47 me to get involved, but we never had any
48 followup.

1 But I believe that is a good idea
2 and NMFS should actually get involved with
3 that. EDF is part of that effort with Dr.
4 Doug Rader, if I am correct, Bob. And it is
5 just something that should be done.

6 Now scalloped hammerhead is a
7 schooling shark, and there's guys that used to
8 be out there pelagic fishing for swordfish off
9 of Florida at certain points that would see a
10 thousand of them, you know. And they would
11 just be massively all across the surface.

12 And now smooth hammerhead is a lot
13 less in number, but it is going to be a
14 similar creature. And I know I would see on
15 a proportion of about one smooth for every
16 twenty scallops in my shark fins that I was
17 purchasing throughout the nineties there.

18 MR. BROOKS: Thanks, Rusty.

19 Bob, I think you get the last
20 word, though maybe Dewey will. Bob?

21 DR. HUETER: Dewey, you'll get the
22 last word.

23 (Laughter.)

24 Let's see. First, on the circle
25 hook effectiveness, I want to say that Steve
26 is absolutely right, we don't have good
27 scientific data. We are extrapolating from
28 what we have seen in other kinds of fish like
29 billfish, and that is not a fair
30 extrapolation. So, we need better, we need
31 real true studies of the effectiveness of
32 circle hooks in reducing post-release
33 mortality in sharks.

34 And I am happy to report that we
35 have a project at Mote that just started this
36 past week. Our first NOAA funding in two
37 years, Rusty, so we haven't just been lapping
38 from the gravy train for all this time.

39 (Laughter.)

40 But we have had no NOAA funding
41 for more than two years. And it is a
42 cooperative research project with recreational
43 charter captains to look at the effectiveness
44 of using circle hooks in catch and release of
45 the blacktip shark, which is a primary
46 species, recreational species in Florida. And
47 Greg Skomal is involved in that project. It
48 is a one-year, and we may have some stuff to

1 report to you by next year.

2 And the other thing I wanted to
3 say to Scott, and also to Rusty, is this whole
4 issue of the fishermen are seeing something
5 other than what the assessment is providing.
6 Well, of course, we have been hearing this
7 since the dawn of time, at least since
8 assessments were started.

9 And I think that that is a real
10 thing. I think it is not necessarily due to
11 an inaccurate assessment. I think it is due
12 to a number of things.

13 One of them is that we are dealing
14 with so many different species. And some of
15 these stocks are relatively healthy. So, we
16 have blacktip sharks that aggregate by the
17 hundreds, if not thousands, at certain times
18 of the year. And the public perception which
19 spreads to policy leaders is that sharks are
20 back. They're not.

21 The blacktip sharks are doing
22 fine. So, more fishing on the blacktip is
23 fine.

24 Another aspect is that sharks do,
25 as I just alluded to, they kind of spatially
26 aggregate in certain places at certain times.
27 So, if you go to Boca Grande, Florida, in the
28 springtime and see all the hammerheads there,
29 you would think hammerheads are absolutely
30 taking over the world. But that is just
31 something that happens in that location.

32 And when the assessments are
33 looking over the entire range of the stock,
34 that is when you see the depletion, when you
35 look over the entire geographic range.

36 And the last is that some of us
37 have been in this business longer than others,
38 and there is a very well-referred-to
39 phenomenon in ecology called shifting
40 baselines. I know it is kind of trite to say
41 it, but it really is a fact that, if you have
42 only been involved in shark fishing for the
43 last 10 years or so, maybe seeing the benefits
44 of some stock recoveries, and you think sharks
45 are doing great. But if you go back 30 years
46 and compare it to what we used to have, and
47 the fishermen that used to fish at that time,
48 they will tell you that the sharks are

1 essentially gone compared to what they used to
2 see.

3 As many fishermen that have said
4 you don't know what we're seeing out there,
5 there's more fish, there's more sharks than
6 ever before, I have had just as many, if not
7 more, fishermen from the old days tell me, "I
8 got out because there were no more sharks" or
9 "because I didn't want to be part of the
10 problem."

11 So, you know, when you take these
12 things to heart at the agency, keep in mind
13 that you are getting perspectives that may be
14 relatively short in time and, also, due to
15 seeing some of these other phenomena out in
16 the water.

17 MR. BROOKS: Thank you.
18 Dewey, you get the last comment
19 here before we take a break.

20 MR. HEMILRIGHT: I'm Dewey
21 Hemilright.

22 A couple of things here. One,
23 about the circle hook, for circle hook for
24 shark fish, I used to use the J-hook because
25 it was easier to get out of the shark for me.

26 Another thing, the J-hook, a 14 is
27 probably a dollar a hook. I would venture to
28 say a circle hook is probably 50 cents or
29 less. You might have to do something with
30 that.

31 And catching fish is how I get a
32 paycheck. I know some people's gravy train is
33 from other ways, but catching fish for the
34 fisherman doesn't necessarily mean there is
35 disconnect. When you do a stock assessment,
36 it is only as good as the data that is put in
37 there. You know, there is a big area that is
38 not even sampled from Virginia north for stock
39 assessments.

40 But there is a big difference, as
41 you were alluding to the gravy train, Bob. My
42 gravy train comes from catching fish.

43 MR. BROOKS: Okay. Well, I want
44 to thank you all for this conversation. It
45 is, obviously, a tough issue.

46 I think there were a couple of
47 common themes that came out here. One is
48 interest in more information in a number of

1 areas where it seems like, particularly in
2 terms of where the duskie are, where they are
3 being caught, where that is happening. There
4 seems to be interest in that.

5 Other information needs.
6 Obviously, this issue of the disconnect
7 between what the stock assessments are saying
8 and what many of the fishermen are saying they
9 experience on the grounds.

10 A number of different suggestions
11 around ways to move forward with this issue.
12 I don't think I heard, in particular, any
13 preponderance of comments in one area. There
14 were those who spoke for possible time/area
15 closures, some consideration of size limits.
16 I think maybe there was some varied voices
17 coming around the thought of decoupling
18 Atlantic from Gulf of Mexico in sharpnose, and
19 several other suggestions, which I think give
20 you something to work with. And clearly, this
21 is an area needing more discussion.

22 So, we will take a break for 15
23 minutes. So, we will convene no later than 20
24 of 4:00.

25 Thank you all.

26 (Whereupon, the foregoing matter
27 went off the record at 3:22 p.m. and went back
28 on the record at 3:45 p.m.)

29 MR. BROOKS: Okay. We are in the
30 final stretch for the afternoon.

31 We want to shift out of sharks now
32 and talk about swordfish for a bit here with
33 a discussion the swordfish general commercial
34 permit concept. I want to hand it off to Rick
35 and Randy here to walk us through this next
36 topic.

37 MR. PEARSON: Thank you.

38 My name is Rick Pearson. I work
39 in the HMS Office in St. Petersburg, Florida.
40 I am joined this afternoon by Randy
41 Blankinship, also from St. Petersburg.

42 The topic of this afternoon's
43 discussion is swordfish commercial rod-and-
44 reel handline harpoon permit concept.

45 There are currently only three
46 permits or permit combinations that allow for
47 the commercial retention of swordfish. Those
48 are the Swordfish Hand Gear Permit, which

1 provides for unlimited swordfish retention.
2 Buoy gear is authorized with this permit,
3 among other gears, rod-and-reel and handline.
4 And there are about 80 permits available.

5 The HMS Permit Triple Pack with
6 the Swordfish-Directed Permit. The HMS Permit
7 Triple Pack, as many of you know, is primarily
8 a longline permit that consists of a
9 swordfish, shark, and Atlantic tuna longline
10 permit. So, that Permit Triple Pack in
11 combination with a Swordfish-Directed Permit
12 provides for unlimited swordfish retention.
13 Buoy gear is authorized, along with pelagic
14 longline and most other gears. There are
15 about 180 permits available.

16 And finally, the HMS Permit Triple
17 Pack with the Swordfish Incidental Permit that
18 allows for 30 swordfish to be retained. Buoy
19 gear is not authorized, and there are
20 approximately 72 permits available.

21 All of these permits are limited-
22 access permits, which means that the National
23 Marine Fisheries Service is not issuing new
24 permits. They are available only by transfer.
25 Oftentimes, they are difficult to obtain and
26 can be very expensive.

27 So, there may be a potential need
28 for an additional swordfish permit.
29 Currently, the swordfish stock is fully
30 rebuilt. The U.S. is continuing to
31 underharvest its swordfish quota. As I
32 indicated, it is difficult and expensive to
33 obtain existing swordfish limited-access
34 permits.

35 The National Marine Fisheries
36 Service has continued to receive requests,
37 including from Advisory Panel members, to
38 provide more opportunities to commercially
39 harvest swordfish with rod-and-reel, handline,
40 and harpoon.

41 We first considered these requests
42 in 2009 in an Advanced Notice of Proposed
43 Rulemaking. We received significant comments,
44 both for and against this concept, primarily
45 from constituents in the South Florida Region.
46 NMFS has not taken any action since publishing
47 the Advanced Notice for Proposed Rulemaking.

48 So, the question is how to

1 increase swordfish fishing opportunities while
2 addressing the following considerations,
3 including the continuing need to minimize
4 bycatch and bycatch mortality, including
5 bluefin tuna, sea turtles, billfish, and
6 sharks; addressing constituent concerns from
7 both recreational and commercial fishermen
8 about additional fishing effort in the Florida
9 Straits, including the increases in the number
10 of fishermen and the amount of gear in a
11 restricted area, as well as market concerns
12 from current swordfish limited-access permit-
13 holders about impacts on swordfish limited-
14 access permit values, ex-vessel prices for
15 swordfish, product quality, and food safety.
16 These are some of the concerns that we heard
17 back in 2009.

18 So, a couple of options that we
19 are considering is to add swordfish to the
20 Atlantic Tuna's General Category Permit as
21 well as creating a new Atlantic Swordfish
22 General Commercial Permit.

23 So, the first potential options:
24 some of the implementation details might
25 include to maintain the limited-access nature
26 of the General Category Permit; to establish
27 a low retention limit, perhaps between one and
28 three swordfish per trip. Again, this would
29 just authorize rod-and-reel, handline, and
30 harpoon, no buoy gear.

31 Under this option, it would
32 essentially mirror the bluefin tuna
33 requirements. It would just add swordfish to
34 the General Category Permit.

35 Count the landings against the
36 swordfish-directed quota and possibly
37 establish a subquota within the directed quota
38 with in-season retention adjustments similar
39 to bluefin tuna. If we approach the subquota,
40 perhaps lower the retention limit from three
41 to one fish, as we approach it, or conversely,
42 if we are not catching the subquota,
43 potentially to increase it up to three fish.
44 And again, these are all just for
45 consideration.

46 To consider regional retention,
47 landings, and sale restrictions, possibly with
48 the subregions of South Florida, the Northeast

1 area, and the Gulf of Mexico. And again,
2 these regional considerations would be to take
3 into consideration the very distinct concerns
4 that we have heard from our constituents in
5 south Florida. So, perhaps there might be
6 different requirements in different regions.

7 Continue to allow tournament
8 participation for the General Category Permit-
9 holders and to require sales only to HMS-
10 permitted dealers.

11 Just to head off any possible
12 questions that we might obtain, there are
13 currently about 3,850 General Category Permit-
14 holders. So, that would be the potential
15 universe associated with this permit.

16 Just for the sake of providing a
17 frame of reference, if each one of those
18 permit-holders were to land one swordfish, we
19 have calculated that that would come out to
20 about 227 metric tons. So, not saying that
21 every General Category Permit-holder would 1
22 and a swordfish, but if they all landed one
23 per year, you are talking about a potential
24 increase of 227 metric tons.

25 The other option would be to
26 create a new Atlantic Swordfish General
27 Commercial Permit, pretty much the same
28 implementation details, open access.
29 However, there would be a separate permit
30 purchase required, and this might have the
31 effect of reducing the number of applicants
32 that obtained this permit. Instead of 3,850,
33 you may have fewer than that.

34 Count the landings against the
35 swordfish-directed quota, possibly
36 establishing a subquota with in-season
37 retention adjustments similar to the Bluefin
38 Tuna General Category.

39 Consider regional differences in
40 retention, landing, and sale of swordfish,
41 with the same general regions that I discussed
42 earlier: south Florida, the Northeast or the
43 North Atlantic, and the Gulf of Mexico.

44 Allow tournament participation for
45 these permit-holders, and require that sales
46 be made only to HMS-permitted dealers.

47 So, it is a short presentation.
48 It is pretty straightforward. We are asking

1 for your frank input.

2 First of all, should we even
3 consider to develop such a proposed rule? If
4 we were to develop a proposed rule for a
5 small-scale swordfish hand-gear-type permit,
6 what are your thoughts about the
7 implementation methods that I have described?

8 An open-access permit, concerns
9 about the potential number of permits that
10 might be issued, a low retention limit of one
11 to three fish per trip, the potential amount
12 of swordfish that might be landed as a result
13 of establishing this permit, and the fact that
14 the United States has been consistently
15 underharvesting our quota, and the fact that
16 this is a low bycatch gear. The establishment
17 of regional differences in managing this
18 potential permit.

19 Finally, what other approaches
20 should the agency consider if we were to
21 develop a proposed rule?

22 And that's all.

23 MS. SCHULZE-HAUGEN: Just a little
24 bit more context, too, is that I think we have
25 talked about this for a couple of years now.
26 And so, the initial reaction has changed to
27 the more recent action.

28 I think we are at the point now of
29 thinking about some of the nuts and bolts of
30 how to do something like this, to take in some
31 of the regional concerns. And so, that is
32 where we are really looking for some of the
33 input, given the differences in the regions
34 and what the issues are and objectives may be.
35 How do we structure that in a regulatory
36 framework?

37 MR. BROOKS: So, before we open it
38 up just to general comments, I just want to
39 see if there are any questions about any of
40 the information that Rick just presented,
41 anything that would just help clarify.

42 So, please, Scott. And then, over
43 to John.

44 MR. TAYLOR: Maybe this is a good
45 format to get an answer about incidental
46 permits that I don't see that are listed on
47 here. Because of the rod-and-reel day-drop
48 fishery that is taking place in the south

1 Florida area, it has come to light that at
2 least there may be some misconception that
3 permit-holders of other fisheries, shark, for
4 example, if they are in retention of an
5 incidental swordfish permit, could retain a
6 rod-and-reel-caught swordfish that might have
7 been caught while accidentally shark fishing,
8 for example.

9 So, I mean, it is really a point
10 of clarification, I guess. When we talked
11 about the three main categories and what you
12 are allowed to actually retain and sell, would
13 that be a legal retention under the way that
14 the incidental is currently provided?

15 MR. PEARSON: Yes, that would be a
16 legally-caught swordfish if they had the
17 swordfish incidental, a shark-directed or
18 incidental permit, and an Atlantic Tuna's
19 Longline Permit. They would have to have all
20 three of them.

21 And our basic rule of thumb is
22 that, generally, like I said, that is
23 primarily a longline permit, primarily a
24 yellowfin tuna permit combination. However,
25 they are allowed to fish down. So, yes,
26 catching those swordfish with rod-and-reel is
27 permissible, even though it is an incidental
28 permit.

29 MR. TAYLOR: Well, the incidental
30 permit is used in conjunction with a lot of
31 other fisheries other than just a Tri-Pack.
32 I mean, for example, isn't the incidental
33 required for various net fisheries, maybe
34 squid trawl, I think, or something like that,
35 that you all just addressed?

36 MS. SCHULZE-HAUGEN: There is a
37 separate trawl permit for the trawl fishery.

38 MR. TAYLOR: I got you. So, in
39 order for the incidental permit to come into
40 play, it must be used with the Tuna Tri-Pack,
41 would be the only way that that species could
42 then be targeted, is what you are saying?

43 MS. SCHULZE-HAUGEN: And with
44 currently-authorized gears.

45 MR. BROOKS: Okay. Ralph, I know
46 your card went up long ago. Do you have a
47 comment or was it a clarifying question?

48 MR. PRATT: A clarifying question,

1 I guess. Slide No. 5, it says, "Add sword to
2 Atlantic's General Category Permit" and forgot
3 to mention the harpoon category, because we
4 are the guys who need it, too. So, if you are
5 going to add it to a user group, it should be
6 to probably both user groups, the harpoon
7 category and the general category. However,
8 frankly, I think creating a new permit is the
9 way to go.

10 Thank you.

11 MR. BROOKS: Thanks.

12 John, I think you had a clarifying
13 question?

14 MR. JOLLEY: Yes, thank you.

15 Is this proposal a way to get at
16 some of the unreported landings that are
17 coming into south Florida? Do you envision
18 that as a help to get the count?

19 MS. SCHULZE-HAUGEN: I think there
20 may be some potential that folks who find that
21 the limited-access permits are too expensive
22 and would avail themselves of a less-expensive
23 permit to legally land, there might be some of
24 that.

25 MR. BROOKS: Go ahead, Rich.

26 MR. RUAIS: To John's specific
27 question, I think the original intent was sort
28 of more a revitalization. It was intended in
29 the direction of revitalization. We are
30 underutilizing swordfish quota by a little bit
31 more than 50 percent right now, and this was
32 just one additional method to get some
33 additional catch in play.

34 MR. BROOKS: Thanks, Rich.

35 Any other questions, John? Okay.

36 Chris, clarifying? No? Okay.

37 Marco?

38 MR. HANKE: This permit can be
39 applied by recreational fishermen or it has to
40 be a commercial fisherman with a state
41 license? What are the requirements that apply
42 to this permit?

43 MR. PEARSON: It would be a
44 commercial permit. They would essentially no
45 longer be able to catch and retain sharks,
46 tunas, and billfish except for when they are
47 participating in a registered tournament. So,
48 this essentially is a commercial permit.

1 MR. BROOKS: Rom, clarifying?

2 MR. WHITAKER: Yes. Of course, it
3 kind of says, to follow up on Ralph's,
4 charter/headboat is certainly a commercial
5 category. I didn't know if that number was in
6 there, too. I know you said general was
7 3,850. I just wondered what charter/headboat
8 would be.

9 And my second question was, am I
10 allowed to sell a swordfish, I guess a
11 recreationally-caught swordfish? I'm not
12 sure.

13 MS. SCHULZE-HAUGEN:
14 Charter/headboat permits are in the SAFE
15 report, and ballpark, about 4,000 permits.
16 So, for sale of swordfish, you still need the
17 combination of the limited-access swordfish
18 permits in order to sell. It could be hand
19 gear. It doesn't also have to be the Triple
20 Pack.

21 MR. BROOKS: Vince, I'm guessing
22 that got your question, or do you have one?
23 Okay.

24 MR. PYLE: No, because I need
25 clarification. Can any recreational fisherman
26 go out and catch a swordfish and retain the
27 swordfish if he is of legal size and land that
28 swordfish for consumption without such a
29 permit?

30 MR. PEARSON: Yes, if they have
31 the HMS Angling Category Permit, sure. Yes,
32 that is the recreational permit.

33 MR. PYLE: So, there is no, I
34 mean, we are not restricting anybody from
35 catching swordfish right now. This would just
36 allow them to become commercial through sale.

37 MR. BROOKS: Good clarification.
38 Scott, did you have another
39 clarifying question?

40 MR. TAYLOR: I actually had a
41 comment, though, about the issue about, for
42 lack of a better description, the black market
43 fish that are coming in south Florida, which
44 I think is really core to this particular
45 issue.

46 The fact of the matter is that
47 this directly pertains to the recreational
48 sector because we are in a situation where we

1 desperately need the quota, okay? There are
2 huge numbers. This is not incidental. There
3 are huge numbers of fish coming into our
4 market that are being sold, unregulated,
5 unreported.

6 Until you fix that problem, at
7 least in our area -- and I had a discussion
8 that pertains to other areas, but at least in
9 our area -- you are only going to make the
10 problem worse because the core issue is these
11 people are choosing not to report something
12 that they are legally allowed to catch anyway
13 right now.

14 So, to endorse them, effectively,
15 with a permit would be a good thing because I
16 would like to see the fish, you know, if they
17 are going to be sold, at least be sold
18 legally. But how do you account for it first,
19 which goes to the issue that we addressed
20 yesterday about some sort of an HMS tagging
21 system, some way to account for the fish when
22 it is landed, so that we know that it is going
23 to be part of the quota?

24 MR. BROOKS: Okay. Are we ready
25 to move into the comment portion at this
26 point? No clarifying question?

27 Ellen?

28 MS. PEEL: To Scott's point, it
29 would be my understanding that if you
30 authorized a new permit, essentially a General
31 Category Swordfish Permit, which would be a
32 commercial permit, you are likely to pick up
33 or clean up some of that illegal sale by
34 anglers as well as taking more tonnage to help
35 protect the U.S. quota.

36 If you keep it under just the
37 General Category Tuna Permit, then I would
38 anticipate a lot of that illegal sale will
39 continue. We know at least three years of
40 this meeting we have had guys from south
41 Florida say to law enforcement, you know,
42 "Here's the problem. We could give you boat
43 names. We can give you inlets." But I guess
44 funds have restricted their ability to get out
45 there and try to do anything on busting these
46 guys, which we would want to see that done.

47 But this would probably clean up
48 part of that fishery. If they are getting

1 paid, and they would be happy to, legally, I
2 think, it would clean up part of the problem.

3 Is that one thing? Maybe that is
4 what John was asking. Is that one thing you
5 see would be helpful here? We get the tonnage
6 legally reported and we clean up the illegal
7 sales?

8 MS. SCHULZE-HAUGEN: Yes, I think
9 that is definitely part of what is going on.
10 Some of what we hear is that the limited-
11 access permits are few in number and very
12 expensive. And so, financially, it is out of
13 reach, and people are choosing to pursue the
14 illegal sale without having that legal option
15 that they can afford.

16 MS. PEEL: But having a new
17 General Category Permit that is swordfish, it
18 would come at whatever the agency determined
19 to be the administrative price for that, which
20 would mean a lot of people could go into the
21 fishery buying that permit, not buying a
22 limited-access permit that is already out
23 there, correct? So, a lot more could go into
24 the fishery and help the U.S. retain their
25 quota?

26 MS. SCHULZE-HAUGEN: That would be
27 one of the options if we pursued an open-
28 access kind of permit.

29 MR. BROOKS: Okay. So, I think we
30 are sliding from clarifying to general
31 comments. So, let's open this up, so people
32 don't keep framing it as clarifying.

33 And let's go to, I've got Chris,
34 and then over to Terri, then over to Rich.
35 Then, I've got to work my way up this line.

36 So, you're up.

37 MR. WEINER: I was just going to
38 make a simple comment. I mean, as Ralph said,
39 I don't think it would make sense to try to
40 add -- I mean, it seems like it would be -- I
41 don't know the logistics of permits, but I
42 would think it would be a lot easier to, if
43 you were going to do it, to have a new general
44 permit. That way, I mean, you have three
45 separate tuna permits, and I don't even know
46 how you would do that. And then, I just think
47 it would be a lot simpler, I would think. But
48 there might be a reason why the agency would

1 want to do it the other way.

2 I mean, I think if you were going
3 to do it, I would think, I guess you do open
4 access. I think a retention limit of one to
5 three. I mean, I think if guys in our -- I
6 mean, I won't speak for everyone, but I would
7 think if a guy in our area was lucky enough to
8 get three, he would be pretty happy. I mean
9 I've seen two in my life. But I think one to
10 three, I mean, that gives you flexibility.

11 I mean, the other issue is about
12 how you count it. You know, that is outside
13 of my range. But I would think that you would
14 want to do in, like I said, a General
15 Commercial Swordfish Permit, instead of trying
16 to muddle up the other ones, and then open
17 access with a retention limit.

18 I mean, that would seem to make
19 sense, if you are going to do it. But I don't
20 know how the rest of the panel feels, but that
21 is just my initial opinion.

22 MR. BROOKS: Okay. Thanks, Chris.
23 Terri? Then, over to Rich.

24 MS. BEIDEMAN: Well, I wish I
25 could be like overwhelmed with this proposed
26 rule because, you know, I would like to fill
27 our swordfish quota. And if NMFS had jumped
28 on the bandwagon to help revitalize our fleet
29 following our tsunami of regulations that we
30 have been under for various reasons, then I
31 probably would have a lot more enthusiasm for
32 trying this.

33 As it appears to me, you are going
34 about trying to do anything you can besides
35 give us some more access to fishing areas and
36 increase and then revitalize the swordfish
37 fishery, which is the reason that we have a
38 quota of the size that we have.

39 So, I am also very concerned, as a
40 pragmatic matter, and I'm not trying to say,
41 "Me, me, me" or "Us, us, us," but each of
42 those rod-and-reel, handline, and harpoon
43 categories right now have no daily permitting,
44 no monitoring. We don't know what they
45 discard. These potentially, it looks like,
46 could be 3850 if you go with the tuna permits
47 or, if you open it up, it might be 7,000 or
48 8,000 open-access permits.

1 Recreationally, you can call it
2 commercial; it is still blurring the line. We
3 do it in bluefin. I think it is troubling for
4 seafood for consumption to be outside the
5 scopes of potential HACCP, Coast Guard
6 commercial fishing regulations. There's a
7 whole slew of items connected with this, in my
8 opinion, a lot of blurring of the line between
9 what is really commercial and what is really
10 not.

11 I hate to rain on the parade, but
12 it just seems like you are going to a very
13 long length to prevent a real revitalization
14 of the pelagic longline fleet, giving us some
15 access to areas where we used to fish
16 productively instead of squeezing a balloon
17 and pushing us offshore here, where we catch
18 things people don't want us to catch, and we
19 don't want to, either. You know, we have to
20 discard things. So, we have to fish longer,
21 potentially discard more.

22 You know, that's my opinion on it.
23 I wish I could say, "We have done everything
24 we can do and we are still falling short.
25 That's a great idea; let's figure it out."
26 That's really what I wish I could say, but
27 that is not my experience. And that's all I
28 can share with you.

29 I think that I am not opposed to
30 the concept if we were already at least doing
31 everything we could do to get us back to
32 revitalized, but we are not. What you are
33 doing there is going to supplant, okay?

34 And they are fishing in areas with
35 small fish that we're closed. Okay? So, they
36 are catching small fish, presumably. I mean,
37 if they were closed for a reason for our
38 hooks, why wouldn't they be closed to somebody
39 else's hooks? It's the same kind of catch.

40 So, yes, I know, but this is my
41 first shot at this particular thing. And I
42 think it is unfortunate that we are this far
43 down the road, and there is still really no
44 concrete proposal up there to revitalize us
45 instead of opening a new category, which I
46 think is a pretty big blur and question mark.

47 You know, observer coverage,
48 reporting, all the things that we do, where is

1 it going to get folded in? None of those
2 categories do that now.

3 So, that's my opinion. Sorry.
4 That's the way my fishermen feel, too.

5 MR. BROOKS: That is helpful.
6 Thank you.

7 Rich, go ahead.

8 MR. RUAIS: Yes, well, I have to
9 disagree with Terri here, and I am not sure,
10 I think she is being caught a bit offguard
11 because this has been ongoing for a while.
12 And some of your fishermen are well aware of
13 it, and some of your dealers are well aware of
14 it.

15 But I want to start from the
16 beginning because there are a few
17 clarifications. The original proposers of
18 this were not entertaining the idea, and were
19 very clear that it not be combined with the
20 General Category Tunas Permit. We wanted it
21 as a separate general category for swordfish,
22 using harpoon, handline, and/or rod-and-reel
23 gear.

24 And that it would be defined as a
25 commercial category, that sale would be
26 permitted only through authorized, legitimate
27 HACCP-approved dealers, as the general
28 category is. You can check with any dealer in
29 New England that sells bluefin tuna today.
30 They are HACCP-inspected, harassed at some
31 points constantly to make sure.

32 This would provide additional
33 fresh day production fish, legitimately,
34 through established swordfish-permitted
35 dealers, providing the American consumer with
36 more product.

37 It would address Ellen's concern
38 about the recreational black market backdoor,
39 whatever you want to call it, type of fish.
40 That recreational angler who is interested in
41 selling his fish, presumably, would secure
42 this Swordfish General Category Permit, and
43 now begin to legally, and not have to worry
44 about getting busted, not that there is any
45 enforcement, but just if there ever were to
46 become enforcement, he wouldn't have to worry
47 about it. And the south Florida situation
48 would resume in a legal market fashion.

1 And there were other comments I
2 wanted to make, but you did miss a couple of
3 years of the progression of this issue. We
4 have talked about it before.

5 And you're right, to the extent
6 that it doesn't -- well, before I forget, they
7 would also have to meet the minimum size
8 standards. There is no plan on allowing this
9 general swordfish category an exemption from
10 the established harpoon category. Now they
11 may have some incidental catch, but it is with
12 rod-and-reel gear, and, presumably, there will
13 be some release mortality and, presumably,
14 there will also be a lot of fish released
15 alive or the fish will be caught and they will
16 be large fish like you do have in south
17 Florida in many cases.

18 The other notion that was left out
19 of this conversation is this was not only
20 intended for south Florida, but there is a re-
21 emergence. First, we saw it in the Canadian
22 fishery. On Georges Bank we saw a
23 reestablishment, a rebirth, if you will, of
24 the Canadian harpoon fishery first, beginning
25 the United States for some of our unused
26 swordfish quota to support their harpoon
27 fishery.

28 And now we are seeing some
29 swordfish -- Chris isn't seeing them deep up
30 in the Gulf of Maine, but in other areas of
31 New England south of the islands, and I won't
32 say where else, just because someone might
33 clobber me. But they are being seen elsewhere
34 in New England where swordfish can be had.
35 So, there is interest in other areas to
36 commercially-utilize that resource.

37 The issue of a bag limit is one
38 that the public process could settle out over
39 time.

40 We would just urge, you know,
41 wherever this goes, that people learn from
42 what happened with the general category, where
43 we spent quite a number of years with Margo
44 and a lot of her predecessors finetuning the
45 regulations to framework and allow them to use
46 the specifications process to have a lot of
47 flexibility.

48 So, if you do want to change

1 operational rules on a seasonal/daily basis,
2 whatever, a monthly basis, to meet quota
3 restrictions and stuff or size restrictions,
4 that you provide the agency that flexibility
5 upfront. And this may be a case where you
6 want to do a swordfish general category,
7 looking very carefully at the progress that
8 has been made in the general category for
9 tuna.

10 Thank you. Sorry for being so
11 long.

12 MR. BROOKS: Thank you, Rich.

13 MS. SCHULZE-HAUGEN: Maybe just a
14 little further back, so this discussion really
15 kicked off in 2009 in the Advanced Notice of
16 Proposed Rulemaking, where we really, you
17 know, a kitchens-sink kind of proposal for
18 ideas.

19 One of the objectives was to
20 increase landings while minimizing bycatch.
21 And so, we were looking at gears that have
22 relatively low bycatch. This was one of the
23 ones that kind of evolved from that process as
24 an idea. It has come to be known -- we get
25 people calling us, "Where's the Swordfish
26 General Category?"

27 And I wanted to hand out a letter.
28 There was a gentleman who has been calling our
29 office regularly, and by that, I mean about
30 every week, about the status of this permit.
31 He very much wanted to come and was unable to.
32 And so, I said we would distribute a letter.
33 And so, that is being passed out. But it is
34 being discussed in the public as the Swordfish
35 General Category, which is why we are trying
36 to use the similar terminology.

37 I guess my point back to Terri is,
38 you know, someone made a point recently about
39 how revitalizing the swordfish fishery isn't
40 exclusively about revitalizing the pelagic
41 longline fishery. And so, we are looking at
42 multiple opportunities, particularly in places
43 where we can meet multiple objectives to
44 increase landings, provide access. Rich is
45 right, we are getting requests for access from
46 a variety of areas. And so, where can we do
47 that? This is one of those options.

48 MR. BROOKS: All right. I've got

1 a stack of people in the queue. So, let's try
2 to work up this line here, and we'll start
3 with John.

4 MR. JOLLEY: Thank you.

5 I believe the West Palm Beach
6 Fishing Club would support this idea of a new
7 Atlantic Swordfish General Permit with a one-
8 to-three-swordfish-per-trip limit.

9 And I would make one other
10 comment, which I know everybody is thinking.
11 But we certainly don't want to see this
12 fishery overcapitalized again, and I am the
13 guy that flew the East Coast from Jacksonville
14 to Key West counting longliners back in the
15 seventies. And we really got after them good,
16 and we overcapitalized it.

17 So, that's my comment.

18 MR. BROOKS: Thank you.

19 MR. VAETH: I just have a quick
20 comment. Yes, you are definitely going to
21 have to limit the permits to some extent.
22 Because I know, just in the Keys alone, you
23 are going to have hundreds of boats putting in
24 for these permits.

25 The daytime fishery down there
26 right now is already getting out of control.
27 And now you are going to be promoting every
28 recreational fisherman that goes swordfishing
29 will be allowed to sell it? So, I believe
30 that you are going to have to maybe have a
31 lottery system for it or so many permits per
32 area. Because I know in the Keys alone, it
33 would definitely be out of control.

34 MR. BROOKS: Margo or Rick, are
35 you wanting to hear thoughts on what that
36 limit might look like?

37 MS. SCHULZE-HAUGEN: Uh-hum.

38 MR. BROOKS: Is that helpful at
39 this point?

40 So, I would just put it back to
41 you: do you have any thoughts on how you
42 would think the limits on that might be
43 structured?

44 MR. VAETH: That is why I was
45 saying maybe a lottery system per area.

46 MS. SCHULZE-HAUGEN: So, 50 per
47 area?

48 MR. VAETH: No, I don't know.

1 MS. SCHULZE-HAUGEN: A hundred?

2 MR. VAETH: I wouldn't know the
3 number. I don't know the number.

4 MR. BROOKS: Fair enough. But, as
5 we continue on down the line into comments, if
6 folks have thoughts on that, please, it would
7 be helpful.

8 Bill?

9 MR. GERENCER: Bill Gerencer.

10 I am thinking that a lot of these
11 permits, even though we may see some of the in
12 New England, are really going to be in places
13 like the Florida Straits and the Keys, which
14 I am not necessarily opposed to. And I see a
15 lot less firm opposition to this sort of thing
16 than I heard in 2009, for a lot of reasons, I
17 guess.

18 One of the things you might want
19 to consider is a sunset clause, if you do
20 this. Because, right now, it looks like we've
21 got a gazillion pounds of swordfish quota, but
22 that could change, either with ICCAT or at
23 some point somebody might actually get behind,
24 other than the industry itself, get behind the
25 revitalization of the pelagic longliners.

26 I can foresee, and Margo has
27 encouraged us to think a little further down
28 the road, where we could overshoot our quota.
29 You know, a few years from now, we could be
30 here wringing our hands, having established
31 this fishery which could potentially be pretty
32 large, even though it is one to three fish per
33 boat. If enough guys get in on it, and they
34 are going every day, day trips, I mean, a
35 pelagic longliner might land -- what? -- 300
36 or 400 fish on a trip, on a good trip? On a
37 very good trip?

38 But my point is this: if you have
39 got 200 or 300 boats, each bringing in two or
40 three fish a day, that is a lot of fish. And
41 I welcome the day-boat fish, and it even
42 verges on being artisanal.

43 I think if these guys handle it
44 correctly, there could be some quality. And
45 another thing is it kind of encourages people
46 to become legal by legalizing what they are
47 doing, I guess.

48 But, again, I go back to the

1 sunset clause. You might want to like revisit
2 it in five years and have to reauthorize it in
3 five years because we may not need it. It
4 might be a wise way to do it.

5 And then, there was some comment
6 about the harpoon fishery being revitalized in
7 Canada. But what really happened was that the
8 fish were so easy to get to up here -- I was
9 up in Shag Harbor a couple of years ago, and
10 there were a lot of 50-foot boats going out.
11 They don't have to go out very far to get to
12 the swordfish.

13 They weren't bothering to set out
14 their longlines. They were just sticking them
15 all and then letting the barrels run, but they
16 were sticking a dozen fish in short order and
17 coming in in a couple of days with a big trip
18 of fish.

19 The DFO just said, "Yes, go ahead
20 and use your longline quota for that" because
21 they had wiped out the harpoon quota pretty
22 quickly. But the conservation benefit was
23 fairly positive for not running the longlines
24 out, and there are just so many fish. That is
25 why that harpoon fishery revitalized.

26 MS. SCHULZE-HAUGEN: Just a couple
27 of thoughts. The bluefin range is from zero
28 to three. And so, if we do get to a situation
29 of reaching quota, being overcapitalized, then
30 zero can be the number. There's also
31 restricted fishing days in the general
32 category for bluefin.

33 So, there are other mechanisms
34 within this kind of a structure that could
35 help bring that down. So, just some
36 additional thoughts.

37 And I would encourage you all, if
38 the advice coming back now is really strong
39 concerns about overcapitalization, that I
40 think we are fairly far from. But it is good
41 to think ahead, absolutely. And so, some of
42 these ideas, but things like limited-access
43 criteria, how something like a lottery would
44 be administered, there's a lot of depth in
45 what would have to go into that kind of a
46 structure.

47 So, if that is where the group is
48 leaning, I think we could really use some

1 additional ideas. We have been kicking this
2 around for a while already. So, I think we
3 are to the point of the details.

4 Did you want to say something?

5 MR. BLANKINSHIP: Just to add to
6 that, when we hear comments like
7 overcapitalization, the question would be, is
8 overcapitalization, in your mind when you put
9 it out there, is that within a certain area
10 overcapitalization, like the Straits of
11 Florida, or is that across the board?

12 And then, if you are talking about
13 regionally, within the Straits of Florida,
14 that adds a whole new component to eligibility
15 if you are talking about a lottery system.
16 You know, there is a whole lot that goes into
17 administering something like that. So,
18 fleshing that out is what we are looking for.

19 MR. BROOKS: Bill? And then, what
20 I am going to do is I am going to work our way
21 right around the room here, which is not an
22 invitation for everyone to put up their card,
23 Ellen.

24 (Laughter.)

25 I should have discussed
26 eligibility criteria.

27 Go ahead, Bill.

28 MR. GERENCER: Yes, the zero to
29 three is a fair idea, and that is the way it
30 is. But you still may be happy five years
31 from now if you put in a sunset clause. I
32 don't think it is going to be too difficult to
33 reauthorize it and maybe without a sunset
34 clause. But zero to three is still the
35 permit, and you may not want permits in five
36 years. It kind of gives you an out, if you
37 want to go that way.

38 MR. BROOKS: Okay. So, we have
39 got a bunch of people in the queue. At the
40 moment, I have probably about 10 people
41 waiting to get in. And again, as we walk
42 through, I ask people, one, to be succinct,
43 but also be mindful that you are really
44 hearing from folks up here that they would
45 love to hear your thoughts on the specifics of
46 how they move forward.

47 So, Scott, you're up.

48 MR. TAYLOR: This is all we do. I

1 deal with these buoy fishermen. This is our
2 market. Hence, the name Day Boat Seafood.
3 And you are not going to get under the current
4 configuration the result that you are looking
5 for, at least not in the Florida Straits.

6 But, having said that, I support
7 this idea. I think that it has its place, and
8 I would have to be crazy to essentially tell
9 the National Marine Fisheries that I didn't
10 think it was a good idea to see some
11 additional access and permits added.

12 However, the level of activity of
13 illegal fishing that is going on down there in
14 Florida right now is not going to change by
15 allowing somebody to have a permit different
16 than the HMS General Category Permit, which
17 allows them to catch the fish now versus
18 selling it. Because when they sell it to a
19 dealer, they are going to inherently get less
20 money for the fish than if they sell it to the
21 restaurant or into the black market trade.

22 You are setting in place a
23 situation in the Straits of Florida that you
24 cannot enforce. You cannot manage it. Tim
25 and me spoke about this. I am going to speak
26 for you. You are going to have buoys floating
27 all over the Straits, whether or not that is
28 what you intend or not to have happen, because
29 the very people that are operating illegally
30 now aren't simply going to turn around and
31 become legal, law-abiding citizens tomorrow.

32 So, while we all want to have the
33 result we want, secondarily, this is a very,
34 very highly-protected area, for more reasons
35 than one. It was closed originally in order
36 to support the revitalization of the swordfish
37 stocks.

38 One of the issues we are dealing
39 with as buoy fishermen right down in there now
40 is juvenile fish. Essentially, what you are
41 talking about is taking an entire recreational
42 sector in a \$4 fuel market and turning them
43 into commercial fishermen that are ill-
44 equipped without enforcement, without the
45 ability to manage.

46 Look at the huge numbers of
47 interdictions that we have had in that
48 briefing that went on. You have got FWC that

1 is overwhelmed/understaffed, okay? And until
2 you address the issue, at least in our south
3 Florida area, of a way to confirm that there
4 is a tag or a landing reported on the fish,
5 you can't expect these people, if they are
6 issued a permit to sell, to do anything
7 different than what they are doing right now.

8 And you'll notice I feel very
9 strongly about that. But I do support the
10 general idea. It is a question of how you are
11 going to implement it.

12 MR. BROOKS: So, it is a good
13 idea, but you don't think it is going to
14 eliminate --

15 MR. TAYLOR: I think that it is
16 good. And specifically, we were down -- Tim,
17 myself, Dave Kerstetter -- were down in the
18 Gulf for an alternative workshop program with
19 it Pew-sponsored. I think there is some
20 possibility down there. There needs to be
21 some additional permits that are issued. I
22 think that it would be good for access up
23 there in the Northeast for the harpooners and
24 maybe for some seasonal canyon fishing that is
25 there.

26 But to open this up, there is a
27 reason that the Sport Fish Association is in
28 support of this, because every sporty in south
29 Florida is going to be out there commercial
30 fishing. And it is going to flood the market.
31 There is going to be no quality control.

32 You've got quality control issues,
33 issues with the way the fish -- okay.

34 MS. SCHULZE-HAUGEN: So, a couple
35 of questions. This doesn't necessarily have
36 to include buoy gear. That would be something
37 to consider.

38 Hang on.

39 People that are fishing illegally
40 may continue to fish illegally. That doesn't
41 necessarily preclude an opportunity, in
42 particularly other areas, to provide access to
43 a fishery.

44 I mean, the balance of what I am
45 hearing is we are way under quota, "Do
46 something. Do something. Do something. But
47 don't do that." And so, where does that leave
48 us?

1 And what kinds of structures could
2 we put in place so that regional concerns are
3 addressed? I don't hear that there is a huge
4 problem with potentially sporties landing fish
5 commercially in the Northeast, but it appears
6 to be a very strong concern in south Florida.

7 So, what can we establish? What
8 would be the rationale that would give us some
9 of these differences, keeping in mind some of
10 the national standard for state kinds of
11 discrimination against residents of different
12 states? Some of those concerns, we can't just
13 do south Florida, because you live there, you
14 don't get to do this. We have got to really
15 think through the conservation objectives and
16 management structures that can get us to a
17 point where the regional concerns can be
18 addressed.

19 MR. BROOKS: So, I am going to
20 take that question and put it wide for
21 everyone to consider. And I want to give
22 other people a chance to fold in here.

23 So, think about that, Scott, and
24 then we will come back.

25 I'm sorry, Rick, do you want to
26 folk in here?

27 MR. PEARSON: Yes. One point that
28 I would like to emphasize is that,
29 historically, well over 80 percent, and closer
30 to 90 percent, of historical, non-tournament,
31 recreational swordfish landings have come from
32 the south Florida area. So, that is primarily
33 the area that we are talking about.

34 So, if we were to exclude that
35 area, it just might not necessarily make
36 sense. But if we were to include it, and that
37 is why we included that option there for
38 regional differences, perhaps -- and I hate to
39 use the word -- but perhaps some type of
40 sector management, some type of a negotiated
41 or industry/rec-driven agreements in terms of
42 which areas might be offlimits, tagging, these
43 types of things are what we are trying to
44 obtain from the Advisory Panel today.

45 Because south Florida is primarily
46 where this permit would be economically-
47 feasible. There are other areas. As you
48 mentioned, the canyons and Northeast, we are

1 seeing some landings off of Texas, a few off
2 of Louisiana, but primarily the bulk, the
3 large proportion of landings comes from south
4 Florida. So, we want your input.

5 MR. BROOKS: Thanks.

6 Rick?

7 MR. WEBER: I have supported this
8 for a while. But I very much hear what Scott
9 is saying about enforcement. He used two
10 terms that I don't know that I agree with. He
11 said you can't enforce it. I think at present
12 you don't enforce it.

13 And I know it is not directly
14 under you, Margo, but there has got to be a
15 way, excluding Coast Guard, which isn't us,
16 excluding FWC, which isn't us, but there has
17 got to be a way that we can use NOAA, Office
18 of Law Enforcement, or somebody that we can
19 help say that we have a problem.

20 I see you are reaching for your
21 microphone. Let me let you respond.

22 MS. SCHULZE-HAUGEN: Well, I have
23 been pressing this as a priority for a very
24 long time. And so, Meggan mentioned that as
25 well. They have gone through, as I am sure
26 you all know, a massive set of issues that
27 have affected, I think, a lot more than the
28 Northeast.

29 And so, where we are going to come
30 out on that, I don't know. We don't know what
31 the actions in process are. That information
32 is not shared until it is adjudicated. So,
33 there may be things in the works that they are
34 not able to share with us. I don't know.

35 But I have raised this repeatedly.
36 I mean, I'm done. I will just leave it at
37 that.

38 MR. WEBER: And I am sure,
39 speaking for the group, we appreciate it. And
40 that wasn't a chastise of you or the
41 Department at all. We appreciate where you
42 are pressing, and it would encourage you,
43 then, to continue pressing because Scott's
44 basic premise is right.

45 If the outlaws right now are
46 selling direct to a restaurant, offering them
47 a path to legality, when they have no fear of
48 law enforcement, isn't going to work. They

1 have a path that is functioning fine for them,
2 and they are going to snub their nose at it
3 until a couple of them get stung. And then,
4 they are going to go, "How can I do this
5 properly? How can I go through inspected
6 people and all of that?"

7 The other point that Scott made is
8 that all the recs will hop in. I don't
9 believe all the recs will hop in. What we
10 have seen in the general category for tuna is
11 there are enough hurdles there. Whether it is
12 an expensive SOLAS raft as opposed to a
13 different -- there are things that cause
14 people to start making the decision, do I want
15 to go down this path? Do I want to give up
16 the ability to take a swordfish home for
17 myself ever? Am I strictly a commercial boat?

18 I think there are those things
19 that cause people to choose and say, losing
20 these privileges is not worth the ability to
21 sell. And I think you will see a split there
22 and that everyone will not hop in.

23 In final comment, we are still
24 save the swordfish quota. To the extent that
25 we can give our delegation something new to
26 talk about, it is always good to have
27 something that is in the pipeline that they
28 can point to to say, "Don't take the quota.
29 This is coming."

30 And I don't know what else you
31 have in the pipeline for them to use as a
32 negotiating tool, but keeping this moving
33 forward would be good as well.

34 MR. BROOKS: Thanks, Rick.

35 MR. BLANKINSHIP: Yes, this is not
36 in return to anything from you, Rick. This is
37 a clarification from some of the thoughts that
38 are kind of hitting at edges of this. And
39 that is related to holding permits in
40 combination.

41 For one thing, Atlantic Tunas
42 General Permit currently cannot be held with
43 other bluefin tuna category permits. And if
44 you added swordfish to that, that same
45 principle would hold.

46 Similarly, the way we have thought
47 about this with a new permit potentially for
48 Swordfish General Category is that that same

1 principle may hold there, too, that you hold
2 that and an angling and you wouldn't hold that
3 or a charter/headboat at the same time.

4 So, just some clarification about
5 how that might work, and the consequences of
6 that, the benefits and consequences of that
7 related maybe not addressing some illegal
8 sales in all situations.

9 MR. BROOKS: Thanks.

10 Rom, you're up.

11 MR. WHITAKER: Yes, well, No. 1,
12 in my opinion, if you do it, it has to be a
13 separate permit, just so you know where your
14 universe is rather than just, all of a sudden,
15 8,000 boats are involved in it, or have a
16 permit, more or less, to do it. So, No. 1,
17 you have to do it.

18 Something that I have not heard
19 brought up is -- and I assume it is in other
20 states, but in my State I have to have a
21 commercial fishing permit to sell a fish in my
22 State. And that is limited to 6,000. It may
23 be less than that now.

24 So, I think I am not sure about
25 the other states, but that would certainly be
26 a factor in how many permits you are going to
27 have. I am sure some of these guys know about
28 Florida. But if they have that same system in
29 Florida, and you have to have a permit, well,
30 then, obviously, if all this backdoor stuff is
31 going on, then the enforcement people are not
32 doing their job.

33 A few tickets will go a long ways.
34 It doesn't take many tickets to get out to a
35 fisherman and word spreads real quick.

36 And also, I mean, it is a
37 commercial fishery, and I think that the boats
38 participating should have to buy the same
39 thing every other guy who commercial fishes,
40 the Coast Guard safety equipment. And that
41 certainly can be deterrent, too.

42 Thank you.

43 MR. BROOKS: I am going to toss it
44 over to Aaron, just to weigh-in on sort of how
45 Florida looks at this.

46 MR. PODEY: Yes, so in Florida you
47 would need a Saltwater Products License, but
48 there are no restrictions or caps on the

1 number. So, anyone could get one. It's 50.

2 MR. BLANKINSHIP: But swordfish is
3 on the restricted list, right?

4 MR. PODEY: It is not.

5 MR. TAYLOR: It is not a
6 restricted species in Florida. Okay.

7 MS. SCHULZE-HAUGEN: Would that be
8 a possibility, to add it?

9 MR. BROOKS: Could one put it on
10 the restricted list?

11 MR. PODEY: Well, we would have to
12 go through our Commission rulemaking to add
13 that. But that is a possibility.

14 MR. BROOKS: Thanks.

15 Ellen, you're up.

16 MS. PEEL: Thank you.

17 I just want to ditto Bill's
18 suggestion on five-year review, open it up as
19 a separate swordfish permit, new permit.
20 Let's see.

21 I think with Officer Buxton now
22 being in charge of the National Marine
23 Fisheries Service Law Enforcement he is a
24 well-respected officer from Florida. He knows
25 the fishery. Well, there are many of us that
26 do have respect, and maybe we haven't
27 interacted with him in the same way that you
28 have. But he has -- well, I don't mean that
29 disrespectful. I just mean our encounters
30 with him are positive.

31 (Laughter.)

32 So, he could bring perhaps some
33 insight on Florida and the dynamics between
34 the State and federal. I mean we want to see
35 the anglers busted as they keep as anglers.
36 If they opt to go purely for commercial,
37 that's great.

38 Lastly, well, Rich wasn't there
39 last year, but I will say Jack, representing
40 the commercial fishery last year, and Chris
41 did a horrendously good job at ICCAT trying to
42 protect the U.S. swordfish quota, and it just
43 continues. So, being able to put something on
44 the table that we are at least developing
45 might save quota for the United States.

46 MR. BROOKS: Thank you.

47 Dewey?

48 MR. HEMILRIGHT: Dewey Hemilright.

1 A couple of things I hear, when I
2 sit here and listen to it, is how expensive a
3 limited-access privilege is for swordfish.
4 Yes, it is expensive. Think about what is
5 going to happen if we go to cut shares on
6 certain things.

7 I had to go buy a directed-
8 swordfish permit, and it cost a lot of money
9 for me to keep fishing. I have heard for
10 about four or five years now the fishery in
11 south Florida is just a lot of fishermen, a
12 lot of people there.

13 In the Northeast, it seems like
14 the guys that commercial fish want to be able
15 to go out bluefin tuna fishing and catch a
16 fish or two, swordfish they see, and sell it,
17 help pay for their trips. Help make a living.

18 Maybe there is some portion of
19 your proceeds or something, some percentage of
20 your income you have to qualify for for this
21 thing. We have it in other fisheries where I
22 think king mackerel or something, 50 percent
23 of my income or something has to be from this
24 or that.

25 I see kind of people want to go
26 out fishing recreationally. They can go catch
27 that fish. There ain't nothing stopping them.
28 They just can't sell it. So, it is kind of
29 like I want to go fishing for fun, which is
30 all great and well, but I want to be able to
31 subsidize my fisheries.

32 And on top, how about safety
33 equipment on your boats, everything I've got
34 to go for, dehooking equipment, and all this
35 other stuff, you know?

36 The enforcement problem that we
37 hear about in Florida, I have been coming up
38 here for, this is probably my seventh year.
39 About five years ago, we have been hearing the
40 same thing. So, there ain't nothing changed
41 on the problem. It is just kind of like, you
42 know, it seems like sometimes the simplest
43 things that's brought up here take five,
44 seven, eight years just to address.

45 But the U.S. does need to catch
46 more quota. But subsidizing another fishery,
47 I mean the fishermen, we look at different
48 areas where you have to go. In Florida, I

1 don't know how far you've got to go to go
2 fishing. But in the Northeast, I would think
3 it is probably a heck of a lot further you've
4 got to go than down in Florida.

5 And you look at the water
6 temperatures and the quality of the fish,
7 where the fish is brought out of. I mean, I
8 just think you are opening up a whole ball of
9 wax. And you know, if the crowd wants to go
10 sell their fish too much, tell them to go buy
11 a doggone permit. I had to do it to go
12 fishing. So, what's good for the goose is
13 good for the gander sometimes.

14 But I do understand the part about
15 fishermen who are out there fishing, our
16 commercial fishermen, you know, they see some
17 swordfish, catch the swordfish, something to
18 help them out. I mean, but going out there
19 and subsidizing your fisheries, whatever you
20 do, you know, if you want to be a fisherman,
21 go be a fisherman. If not, you know, stay on
22 your land job.

23 But subsidizing fisheries ain't
24 what this is about. It is about landing more
25 swordfish. I just think you are opening up
26 other avenues to be able to sell fish, is what
27 I hear you saying.

28 And then, your permit process is
29 confusing as heck, that if you are a charter
30 boat or if you've got a HSM thing, you can't
31 go have this swordfish permit. Well, what's
32 going to happen there? I mean, just a
33 scenario is, hey, my buddy don't have a
34 swordfish permit. He catches the swordfish
35 and I sell them for him.

36 So, you are just opening, I mean,
37 tons of balls of wax here. I understand the
38 reason is to catch more swordfish, and I
39 understand that a lot of proposals from the
40 Northeast is looking, hey, if I'm a fisherman,
41 a commercial fisherman out there, maybe a
42 percentage of my income has got to come from
43 commercial fishing, instead of just a free-
44 for-all, because that's what you have got
45 here.

46 MR. BROOKS: Okay. Thanks, Dewey.
47 Ralph?

48 MR. PRATT: A couple of people

1 have touched on it. It has to do with
2 required safety gear for a vessel.

3 I already meet those standards. I
4 already have a \$4,000 raft. I've got a fancy
5 flare kit, and I have survival suits. I am
6 not sure what recreational fishermen have in
7 Florida, but if the cost of the permit is \$20,
8 they have got about another 7 or 8 grand to go
9 before they can make that permit work for
10 them.

11 It is also my understanding that
12 the Coast Guard has passed another rule coming
13 up where vessel safety inspections for
14 commercial vessels will be mandatory. So, any
15 vessel that would hold a commercial fishing
16 permit, I am guessing would have to have that
17 inspection. So, you are going to force
18 recreational vessels, if they want to get that
19 permit, to spend a whole lot more money, and
20 I'm not sure they are going to do it. I am
21 not sure they are going to get the permit.

22 Thank you.

23 MR. BROOKS: Okay. Shana, were
24 you in or no? No? Okay. Good.

25 Rich?

26 MR. RUAIS: Yes, okay, several
27 points. One, to Scott's earlier point about
28 a lottery, I mean, to me, that is just totally
29 inconsistent with open access. If you are
30 going for a lottery, you don't have open
31 access. And the whole intent of this was to
32 provide open access.

33 I don't think you need to be so
34 concerned about overcapitalization in the
35 context of a harpoon and a rod-and-reel
36 handline-type fishery. If you want to look at
37 an example, look at the general tuna category
38 where we have somewhere between 4500 and 5500
39 permits. Brad can correct me with the exact
40 number. And there's probably less than a
41 thousand of those people, less than 250 that
42 actually catch the bulk of the quota.

43 But the true value of that general
44 category to the United States, it is probably
45 one of the most valuable fisheries. It is so
46 overcapitalized, it is preposterous. But the
47 value in terms of bait and tackle, insurance,
48 fuel, oil, marina sales, boat-building sales,

1 is phenomenal. It is a great thing.

2 And that is the same thing that
3 some people should be looking at in terms of
4 the swordfish situation, in terms of Scott's
5 concern about, well, it is not going to stop
6 that angler who wants to go out there and
7 catch it and go and sell it to the backdoor of
8 a private restaurant that he has got a deal
9 cut out with because he is going to get a
10 higher price from that.

11 Well, I would wonder why that
12 person wouldn't, listening to Aaron's comment
13 on how Florida's commercial dealer permit
14 works, that you can get one for 25 bucks, or
15 something that, why wouldn't you pay the \$27
16 to get the General Swordfish Permit and
17 another \$25 or \$50, whatever it is, for the
18 Dealer Permit and become a dealer and a
19 fisherman and go and sell it legally to that
20 restaurant that he has a special deal worked
21 out with?

22 I mean, it might be additional
23 competition for you, but the fact remains it
24 is going to be legitimate, counted fish at
25 that point in time, which benefits the
26 swordfish, protection of the U.S. swordfish
27 quota, which is really where a lot of us were
28 coming from when we originally raised this.

29 The other reason why we didn't
30 want this -- and this will be my last point --
31 the other reason why we didn't want this mixed
32 with the general category tuna fishery is
33 because of concern that the general category
34 contributes to the U.S. rod-and-reel index
35 that is used in the stock assessment and is a
36 component of that.

37 I am just not confident that
38 somehow there couldn't be some messing up of
39 the consistency of that data over time and
40 that component of the stock assessment which
41 is very important to us.

42 If Bill thinks a sunset provision
43 is fine, I don't see any harm in doing that.
44 But I suspect that in five years you wouldn't
45 decide, and the people that were in it
46 wouldn't let you get rid of it. And several
47 people have commented.

48 But the vision that this

1 originally proposed was that this is a general
2 swordfish commercial category. You are
3 subject to all of the same commercial
4 requirements of any commercial fishermen, that
5 the Coast Guard applies to you. So, you just
6 can't jump into it willy-nilly. You have got
7 to spend the money, as Ralph mentions, to be
8 in the fishery.

9 Thanks.

10 MR. BLANKINSHIP: I wanted to take
11 just an opportunity to not change the
12 discussion too much here, but just point out
13 that related to some of the comments about the
14 south Florida area and concerns about that,
15 that in past AP meetings we have heard
16 specifically advice from south Florida
17 representatives that have suggested that maybe
18 that this not be done in south Florida. In
19 other words, the equivalent of no retention
20 type of an idea in south Florida.

21 And so, I haven't heard that
22 specifically mentioned. I will mention it
23 because we have heard it in the past.

24 And once again, like I did with
25 Scott's comment, I will say, if that was
26 something that folks were interested in, how
27 would you go about doing that geographically?
28 No retention, no sale. Under what
29 circumstances, those kinds of things?

30 MR. PEARSON: Yes, we heard loud
31 and clear at one AP meeting leave south
32 Florida fishery alone, and we haven't
33 necessarily heard any of those comments right
34 now.

35 MR. BROOKS: Right, and just a
36 quick time check. We are coming up on five
37 o'clock. We still have public comment to get
38 to.

39 Just let me see a quick show of
40 hands. Do we have any public comment today?
41 Two. Okay. We will get to you shortly.

42 I have got a few people left in
43 the queue, and I want to give everyone a
44 chance to weigh-in on this issue.

45 Greg, you're up.

46 MR. SKOMAL: Just as a further
47 disincentive, I think, to get this permit, if
48 it operates like a general category permit, in

1 essence, these fishermen will no longer be
2 able to fish recreationally for sharks and
3 billfish.

4 I know the canyon fishermen up in
5 the Northeast like to fish billfish. That is
6 why they are there. And then, they fish
7 swordfish at night. And now they can bring
8 those swords in, sell them to Nantucket
9 restaurants, along with the yellow fin. So, I
10 see them just continuing to do that as long as
11 that stipulation is in it.

12 DR. KERSTETTER: Thanks.

13 I guess I have been in south
14 Florida now six years. I kind of consider
15 myself a South Floridian. And I work with
16 both the recreational and commercial
17 fisheries. So, I am going to try to stay out
18 of that. I see the arguments for both of
19 them, especially the point about enforcement.
20 I see that and hear about that on a daily
21 basis, but I am not going to beat that dead
22 horse any longer.

23 What I will see, as a biologist,
24 is that there seems to be a strong difference
25 in bycatch and bycatch mortality between the
26 deep-drop rod-and-reel fishery during the
27 daytime and the nighttime rod-and-reel
28 fishery, which is essentially a drift fishery.
29 And so, to say that there is very little
30 bycatch, or if you include juvenile swordfish
31 in there, that is a pretty significant
32 bycatch, is not entirely accurate.

33 We have an ongoing project right
34 now where we are using satellite tags to
35 assess post-release mortality in that
36 nighttime drift rod-and-reel fishery. And it
37 is not insignificant.

38 So, I did want to make a
39 clarification there that you need to separate
40 out that daytime deep-drop fishery, which is
41 almost always very large fish, and the
42 nighttime drift fishery, which includes a lot
43 of juvenile swordfish.

44 And again, speaking as a
45 biologist, maybe the last thing that we want
46 to have in putative nursery grounds is another
47 commercial fishery or at least more commercial
48 effort.

1 MR. BROOKS: Thank you.

2 Vince, do you want to get in?

3 MR. PYLE: Yes, thank you. It has
4 been a long wait, but I have gone from coming
5 out of my skin to being half-calm.

6 But, Rich, you're fabulous. You
7 are so talented.

8 (Laughter.)

9 You are so talented that I am
10 going to have to put you on the personal
11 payroll, I think. Your memory is construed
12 lovely.

13 But this could be a nightmare. It
14 really could be, if not done right. I am
15 hearing things that I don't quite read in this
16 man's letter. I wonder if he knows about the
17 life raft he has to get and the survival
18 suits.

19 I think most of these people that
20 are pushing Ellen, and most of the
21 recreational leaders, and I have to agree, the
22 Southeast I think is where most of these
23 landings are, and it is where most of the
24 hotspots are. It is the easiest to find real
25 swordfish.

26 You know, I don't think anybody is
27 opposed to adding onto a general category the
28 ability to catch swordfish if they are now
29 coming up north of Hatteras. And if they are,
30 great.

31 But I think mostly they are
32 feeling, your constituents, is all they need
33 is their normal bathing suit and now a permit,
34 and they can go out and sell this. If they
35 are under the understanding that this 28-foot
36 mako that you are all of a sudden going to be
37 catching, taking out life rafts, and going
38 through the safe-handling and release process,
39 and filling out the daily logs, and stuff, and
40 if there is going to be a real advertisement
41 of what this permit might be, then the
42 universe of who is going to apply for this
43 permit might be much different than I what
44 initially was getting concerned about.

45 But, on the second hand, I mean,
46 with that said, I think the universe would be
47 much, much smaller. But I don't think it is,
48 the way I have heard, I mean, I live in Ft.

1 Lauderdale and have for 40 years, the way I
2 hear it, we want a general category permit so
3 we can sell our catch. And we go out at night
4 and we catch fish, and we catch two and three
5 fish, and we want to sell them. We don't want
6 to get caught. We don't get caught anyway,
7 but my wife would get mad if they took my boat
8 or I have to keep making the payments or I had
9 a big fine.

10 So, pretty much, I think they just
11 believe that they can go out and get this
12 permit and sell their catch. And if that is
13 the way in which we are looking to implement
14 this license, then I think it is going to be
15 a real nightmare.

16 It is going to be a real nightmare
17 for the fishery, commercial fishermen, period.
18 I don't care if you are a buoy fishermen or a
19 commercial day deep-drop fisherman or a
20 longliner. I don't care what gear you take.
21 You have gone through a lot of money. It is
22 your profession. You work real hard at it.

23 We have a hard enough time
24 controlling our market, which swings 100
25 percent in value or 50 percent in value every
26 four weeks because of unchecked, unregulated
27 imports that we have to deal with all the
28 time.

29 Can you just imagine an extra 500
30 fish a day getting through illegal channels?
31 And if you think they are going to seek out,
32 I think Richard's way, you just brought up
33 something and they will all jump on that. If
34 we can for 50 bucks become a dealer, 25 bucks
35 get that license, hell, we will be both, and
36 we will be legally selling it in the backdoor
37 of every market. I have already made a note
38 of that myself.

39 (Laughter.)

40 I mean, I am a dealer, but maybe I
41 can get 12 people to become one and get a
42 kickback.

43 (Laughter.)

44 But the point is that, if we don't
45 want it to be a cluster, then I can see the
46 marketplace. You know, people have developed
47 this buoy fishery. They have 15-20 vessels
48 that are working hard and increasing quota, I

1 mean increasing catches to help the quota.
2 They are going to be hurt in a marketplace by
3 doing the things the legal way.

4 So, I don't think it is clear. I
5 know one thing. It ain't clear to most of
6 your constituents, not the ones that I hear
7 talk about it. Most of them don't know who I
8 am. I own a boatyard. They don't get to see
9 my commercial pictures in my office.

10 I hang out with them. So, when I
11 am putting all the underwater lights on their
12 boats and stuff, you know, and talking about
13 it, they don't think I'm a commercial
14 fisherman. So, I am around more sporties than
15 I ever am commercial because, hell, there
16 ain't none of us left. So, I had to buy the
17 boatyard, so I could hang around with the
18 sporties.

19 And we catch the hell out of the
20 fish, and it's great. But catching the heck
21 out of them, taking them home to eat, that's
22 one thing. All becoming commercial fishermen
23 and calling that the way that we are going to
24 revitalize the swordfish, please, Margo, let's
25 not even go there because there have been too
26 many ways that we could really revitalize the
27 commercial fishery, and where we could
28 increase in a big way. Although I will say
29 this: this might increase the quota in a big
30 way, but it will be devastating in every other
31 aspect.

32 So, I just hope there is a real
33 understanding of what sort of permit we are
34 talking about.

35 So, I will stop right there right
36 now.

37 MR. BROOKS: If Margo wants to
38 clarify that point?

39 MS. SCHULZE-HAUGEN: Yes, just to
40 clarify, I mean, we have been thinking about
41 this as a commercial permit with all of the
42 things that go with that. So, safety
43 requirements, reporting, I mean all of that
44 would apply. There would be no relief of that
45 with this as a commercial permit.

46 So, I hope that is clear and
47 addresses some of the concern.

48 MR. BROOKS: All right, we will go

1 to Rusty, Marco, and Tim. Please be concise.
2 We need to get to public comments.

3 MR. HUDSON: Rusty Hudson.
4 Having participated in the South
5 Atlantic Council process recently, the
6 Deepwater Fishery Management Plan for the
7 Deepwater Coral Plan, there I have seen some
8 concern recently about the deep-drop
9 recreational fishery. So, I am not certain
10 how the impacts of that fishery will be and
11 what it may do or not do to some of these
12 plans.

13 MR. BROOKS: A fair point.
14 MR. BLANKINSHIP: Yes, there is a
15 little bit of a history there in reviewing the
16 plans and the concerns over deepwater corals,
17 Rusty. There have been, in conjunction with
18 the South Atlantic, some reviewing of some of
19 the documents that are available related to
20 deepwater corals in some of those habitat
21 areas. And basically, it was determined that
22 the fishing takes place in slightly different
23 areas than where those deepwater corals, those
24 habitat areas of concern are.

25 And so, we have looked at it in
26 the past. I can drum up some more information
27 on that, but, off the top of my head, that is
28 my response to your comment.

29 MR. HUDSON: To that effect, I
30 believe they recently discovered some inshore
31 colonies of these particular deepwater coral
32 as well as additional colonies of the Oculina
33 coral up our way. And there is no telling
34 what they are going to find when they continue
35 to look.

36 MR. BROOKS: Thanks.
37 Marco?

38 MR. HANKE: Thank you for the
39 opportunity.

40 We have a very interesting
41 experience. I think the Caribbean in this
42 case can shed some light for you guys, the
43 problem that you are discussing right now.

44 We have for many years state
45 requirements for commercial fishermen that it
46 is not that easy. You cannot just go pay and
47 have the license. You have some other
48 requirements that include, in the past

1 include, income tax form to prove that you was
2 a commercial fisherman in the past. Right
3 now, that was eliminated, but you need to pass
4 through the fishery laboratory showing that
5 you are reporting your fish in order for them
6 to certify that you are a bona fide fisherman.

7 And there are many ways that in
8 Puerto Rico we have been addressing the issue
9 of being or not being a commercial fisherman.
10 Saying that, you never change the real true,
11 realistic, real situation on the island, and
12 that includes, also, St. Thomas and St. Croix,
13 that everything is sold to the backdoor, you
14 know. I think this will not address that
15 problem.

16 We are going to create maybe
17 another season, another license, commercial
18 license, but this will not address that
19 problem. In my personal opinion, I think that
20 dealing direct to the restaurants, putting
21 some pressure and some responsibility to them
22 is the way to go.

23 And on the other hand, this
24 experiment goes hand-in-hand in some ways with
25 the amendment for it that they are going to
26 discuss in the future for the Caribbean. I
27 think it is a good alternative for the
28 commercial fishermen, this experiment. It is
29 an alternative. It would have to be deeply
30 discussed in the future, but it does match
31 with the size of the boat and the fishing
32 methods that those guys can realize.

33 For the Florida issue about the
34 nursery fishing ground on the swordfish, my
35 only concern, which was just mentioned by
36 David, is that maybe allowing just the day
37 fishing for this license is something to
38 really analyze and to prevent fishing from the
39 juveniles of swordfish. This is something
40 they are really concerned with this
41 discussion.

42 That's it.

43 MR. BROOKS: Thank you.

44 MR. PALMER: I know that there are
45 people that want to make public comments. So,
46 I will just want to make a few quick points.
47 I have some ideas, but I am planning on
48 putting them on paper and sending them to you.

1 But one of the things that I want
2 to kind of make clear is that, if there is one
3 place where it is easy to become a commercial
4 fisherman, it is Florida. You know, all you
5 have to have is a Saltwater Products License,
6 which anybody can apply for in the mail. You
7 don't have to have an RS at this time. A
8 Restricted Species Endorsement means that you
9 can only fish for certain fish. Most of them
10 are the only fish worth fishing for.

11 So, that is something that needs
12 to be looked at, maybe that there needs to be
13 some kind of an income qualifier.

14 Also, the safety equipment that we
15 would need in Florida is nothing like what you
16 need up north. You know, we are dealing with
17 warm water. The Coast Guard has different
18 regulations, as far as I know, for warm water
19 fisheries. You know, you don't have to have
20 a SOLAS life raft, although both of my boats
21 have them. I mean, I have way more than what
22 I need to be in compliance, only because I
23 have had a lot of things happen to me
24 offshore.

25 (Laughter.)

26 That could take an hour, you know.

27 And I also kind of want to make it
28 clear, I mean, this letter that you guys got
29 kind of says something to me because this has
30 my own home area code on it. This is where
31 you are going to get most of your interest.

32 I would like to see a general
33 category permit. I think it is hard to argue
34 against, even though I do have thoughts racing
35 through my mind that maybe it would be too
36 much to handle right now.

37 We need to try to find ways where
38 we can fish and reduce our bycatch and add to
39 our quota. That can't be argued. But what is
40 going happen, and I can see this happening, is
41 that you will have an absolute stampede in
42 Florida.

43 And I don't know. I have a few
44 things in my mind that I plan on putting on
45 paper that might be able to slow it down, but
46 there needs to be something done on the State
47 level where there should be some kind of an
48 income qualifier, which basically means you

1 are already a commercial fishermen. You
2 already have the facilities to properly hold
3 the fish under the HACCP regulations. You
4 have the training. You have an idea of doing
5 safe-handling release for things that you
6 don't want to keep. Like I said, I have a lot
7 of ideas, and I plan on putting them on paper.

8 Also, what Bill said I thought was
9 a really good idea. Whether you pursue this
10 general category permit, you know, all across
11 the country or if you do with like you have
12 like the Gulf area, a Northeast area, a Mid-
13 Atlantic area, you know, there needs to be
14 some kind of a sunset clause where you have a
15 time where you review after three or five
16 years.

17 And I guess that I also kind of
18 have a little bit of a problem with the fact
19 that one of our main reasons for doing this is
20 to try to stop the black market swordfish
21 sales. Essentially, what we are doing is
22 saying, well, you have been a bad boy for five
23 years, but we are going to go ahead and reward
24 your non-compliance. And I think that that is
25 kind of the wrong attack to take: well, let's
26 just go ahead and make all of this legal.

27 Like I said, that all, once again,
28 I mean, this horse has been beaten so hard, it
29 has got maggots coming out of its nose about
30 the enforcement issue that we have in Florida.

31 Sorry about the graphic, but, you
32 know, that's basically what we are all feeling
33 down in Florida. I mean I have tried to aid
34 enforcement a few times, and it has come to a
35 very bad end.

36 Anyway, I know there are lots of
37 other people who want to talk. You will hear
38 from me later.

39 Thank you.

40 MR. BROOKS: Terri, do you need to
41 jump in?

42 MS. BEIDEMAN: Yes, I will go
43 ahead and be very quick.

44 I would chime right in and support
45 everything that Timmy just said because that
46 is the truth. I think that bona fide
47 commercial fishermen should get the first
48 crack. If we are going to do this, let's see

1 what we can do. We have got shark fishermen
2 that are being told they can't fish and
3 they've got to throw more stuff away. Let's
4 find a way to help them out of their corner,
5 if that is what needs to be.

6 You know, let's look at some, as
7 Dewey mentioned, eligibility for bona fide
8 commercial fishermen first, rather than taking
9 recreational fishermen, some who may or may
10 not be selling to the backdoor now, and open
11 up yet another class when we have, clearly,
12 hurting commercial fishermen along in our
13 fishery and other fisheries, too. So, that
14 would be my suggestion.

15 But there are other things that I
16 wish that we could do. I am hoping that we
17 can. We have the data to do some trimming of
18 our areas, and that really would help our
19 landings. And that is the reason that we are
20 here. It is because we aren't filling our
21 quota, which we should.

22 Thank you.

23 MR. BROOKS: Well, thanks,
24 everybody, for a good discussion here.
25 Clearly, we will be coming back to this again.

26 I think we have heard that there
27 is broad, if perhaps not universal, interest
28 in pushing at this. I think we have also
29 heard that we shouldn't kid ourselves and
30 think it is a panacea for dealing with all the
31 illegal sales going on. We shouldn't kid
32 ourselves and think it is a panacea for
33 addressing revitalization. It's not. It is
34 not getting fully at any of these issues.

35 And that there are serious issues
36 around criteria that we need to be thinking
37 about, perhaps income qualifications, et
38 cetera. So, lots to chew at here.

39 With that, I want to see if any of
40 you three want to weigh-in here before we open
41 it to public comments. All right. In that
42 case, thank you again.

43 And let's open it for public
44 comment and invite you up to the table here
45 and, again, ask, of course, that we have
46 focused comments.

47 Please. If you could limit it to
48 two to three minutes, we would appreciate it.

1 MR. ZALES: Okay. Thank you.
2 Some of you all know me; some
3 probably don't. My name is Bob Zales, II.
4 I'm President of the National Association of
5 Charter Boat Operators. I'm from Panama City,
6 Florida, and I have been involved in this
7 process way too long.

8 A couple of comments, and I missed
9 the public comment yesterday. So, if I could,
10 I would like to talk a little bit about the
11 catch/share thing which is coming up, but
12 also, right now, the topic at hand is
13 swordfish.

14 I am a technical advisor on the
15 ICCAT deal. I brought this issue or talked
16 about this issue to the folks at that meeting,
17 at the last meeting.

18 And when it comes to swordfish,
19 clearly, the reason why swordfish is where it
20 is today, from my viewpoint and many others,
21 is because of the sacrifices from the people
22 around this room, primarily the commercial
23 fishermen, had a lot to do with the
24 recreational people.

25 I have been promised forever and a
26 day, for the 20-some-odd years I have been
27 involved in this process, by Fisheries
28 Service, "Work with us, Bob. As these
29 fisheries recover, you're going to reap the
30 benefit." I've yet to see any of that benefit
31 in any fishery I have played with.

32 I see an abundance of fish, but I
33 see constant restrictions. Now you are
34 talking about the possibility of losing quota
35 share, sending it to some other country. That
36 is just as wrong as wrong can be, I'm sorry.

37 So, whatever can be done to
38 increase the harvest of swordfish, whether it
39 is a private rec guy, whether it is a charter
40 guy, whether it is a commercial guy, anybody
41 who is not able to do it today, they should be
42 allowed to do it.

43 And when it comes to these
44 enforcement things, I have played this game,
45 too. What used to be Colonel Buxton, who now
46 is head you all's thing, I have known Bruce a
47 long time. Bruce is very good at what he
48 does. He is a fair guy. If he is allowed by

1 his bosses to do what he wants to do, you are
2 going to see a tremendous job in enforcement.
3 That is from my viewpoint.

4 When it comes to the illegal sale,
5 that happens in charter, it happens in private
6 rec, it happens in commercial. But my problem
7 is the person buying it, which is that
8 restaurant. They need to be popped. You pop
9 several of them for buying illegal fish;
10 they'll stop it. You shut that restaurant
11 down and I guarantee you the word will get
12 out.

13 So, it is not just the fishermen
14 that are doing this. That needs to be taken
15 into consideration.

16 The comments around this table,
17 when you commercial fish, you have distinct
18 things that you have to comply with, just like
19 I do in my charter business. I've got a
20 certified vessel from the Coast Guard. I have
21 spent a lot of time and money to keep that
22 certification.

23 Commercial fishermen do the same
24 thing with their vessels. If you are going to
25 jump into the game, you are going to have to
26 play it. If you don't want to play it, then
27 don't get in it.

28 Basically, that's it on swordfish.

29 On the catch/share stuff, we are
30 working with a whole lot of people over the
31 past couple of years. We put together the
32 United We Fish Rally that was held here two
33 years ago and brought private rec, charter,
34 and commercial people together arm-in-arm,
35 standing for a common cause, that has never
36 been done before. We have always been
37 fighting each other.

38 I'm up here with commercial people
39 now, up on the Hill, standing together toe-to-
40 toe to get some things done. Catch/share is
41 one of them. You have got an outfit called
42 Environmental Defense. They are pushing
43 catch/shares for a handful of people to make
44 a handful of people wealthy.

45 There's two people here with me.
46 One is Bob Spaeth, who just left here. He
47 owns IFQ shares. Greg Abrams, who is here, he
48 owns a bunch. They will both tell you they

1 will give them away today to go back to
2 another program. It doesn't work except for
3 the lucky few that get those shares.

4 It doesn't help discard mortality.
5 Only in their directed fishery; in the
6 peripheral fisheries, in red snapper, the
7 grouper fishery, in the Gulf of Mexico it is
8 killing thousands and thousands of pounds of
9 red snapper. They cannot get the quota share
10 to sell them.

11 You talk about lease. You talk
12 about buying. In theory, it's great. In the
13 practical world, it doesn't work.

14 So, when you are talking
15 catch/shares in your sharks, in your other
16 fisheries here, be very cautious of what you
17 ask for and go for because you probably won't
18 get it. You need to be real careful here.

19 Whatever money is out there to
20 work on catch/shares needs to be placed in the
21 science. We need to figure out how many
22 people are in this room to divide up before
23 you start sharing them. The Fisheries Service
24 wants to share them up and then figure out
25 where they are.

26 That's my comment. Thank you very
27 much.

28 MR. BROOKS: Thank you.

29 I also want to let everyone know
30 that we understand that Eric Schwaab is on his
31 way here now. So, if folks can hang in, there
32 will be an opportunity to hear from him.

33 So, please. Oh, I'm sorry, let's
34 take her, and then we will get to you. No,
35 come up, come up, come up, come up.

36 MS. GREENBERG: Hi. I am Rebecca
37 Greenberg from Oceana.

38 If I may, I wanted to bring up a
39 new topic that is not on the agenda, but
40 something that we wanted to touch on here,
41 which are impacts to sea turtles and
42 violations to the biological opinion for the
43 Atlantic pelagic longline fishery for highly
44 migratory species.

45 Earlier this year, Oceana carried
46 out an analysis that showed that crucial
47 measures of the 2004 reasonable and prudent
48 alternatives of the buyout have not been met.

1 The 2004 RPA made clear that its four elements
2 must be implemented in its entirety to avoid
3 jeopardizing leatherback sea turtles.
4 However, the Fisheries Service failed to
5 implement some of the elements, including the
6 first and most important measure, maximizing
7 gear removal to maximize post-release
8 survival.

9 Sea turtle post-release survival
10 is highly dependent on the amount of gear left
11 following a release. The biological opinion
12 for the HSM pelagic longline fishery
13 establishes a post-release mortality ratio
14 target that is supposed to reflect the fleet's
15 improved sea turtle handling and gear removal,
16 leading to increased probabilities of sea
17 turtle survival.

18 The post-release mortality target
19 was set at 13.1 percent for leatherback sea
20 turtles and 17 percent for loggerheads,
21 starting in 2007.

22 Earlier this year, Ocean reviewed
23 2007, 2008, and 2009 data from the pelagic
24 longline fishery observer program, as
25 published in NOAA Technical Memorandums.
26 Using the NMFS criteria for assessing marine
27 turtle post-interaction mortality after
28 release from longline gear, we estimated real
29 mortality ratios. Our analysis showed that
30 the real post-release mortality ratio for
31 observed trips over these three years
32 considerably exceeded the mortality ratio
33 targets set in the RPA.

34 In March of this year, we
35 presented our findings in a letter to NMFS.
36 Their only response indicated that they were
37 reviewing and evaluating data to ensure the
38 HMS pelagic longline fishery was operating in
39 compliance with ESA obligations. We have yet
40 to see any action taken to remedy the problems
41 raised in our letter.

42 Recently, NMFS released new
43 information on protocols for categorizing sea
44 turtle interactions for post-release mortality
45 estimates. This new information includes
46 additional assumptions and situations in which
47 the protocols differ from the criteria
48 previously released.

1 In addition, various hooking
2 locations reported by observers, which were
3 previously difficult to categorize, were
4 clarified. Using these clarified protocols,
5 we were able to improve our analysis of the
6 post-release mortality ratio of sea turtles in
7 the HMS pelagic longline fishery.

8 For leatherback turtles, using
9 these updated protocols to category the
10 published observer data, our estimated real
11 mortality ratios for leatherbacks was 24.3
12 percent. Again, the target that was set in
13 the RPA was 13.1 percent. For loggerheads,
14 our estimated real mortality ratio was 21.7,
15 while the target set in the RPA was 17
16 percent.

17 Using our new estimated mortality
18 ratios and NOAA's estimated takes for the
19 entire fishery, we calculated a total
20 estimated mortality of 295 leatherback sea
21 turtles from 2007 to 2009 and 349 for
22 loggerheads in the same time period. These
23 mortality estimates exceed those estimated by
24 NOAA in the Fisheries' biological opinion.

25 This is clear evidence that the
26 first element of the RPA maximizing gear
27 removal to maximize post-release survival is
28 not being met in the HMS pelagic longline
29 fishery.

30 In addition, the fourth element of
31 the RPA, which outlines corrective management
32 action to avoid long-term elevations in
33 leatherback takes and mortality, has also been
34 violated. This RPA stipulates that, if
35 fleetwide gear removal rates are not
36 sufficient to meet the mortality rate
37 performance targets, then the HMS Division
38 must implement an immediate closure of the
39 entire Gulf of Mexico whose timing and
40 duration is sufficient to offset through
41 reducing the number of total interactions, the
42 effects of the higher post-release mortality
43 associated with the poor gear removal levels.
44 Despite missing the post-release mortality
45 rate targets, NMFS did not put a Gulf of
46 Mexico closure into place, as required.

47 In April of this year, a new study
48 by Lesley Stokes, another NMFS scientist, was

1 published in The Journal of Endangered Species
2 Research. This study showed that a
3 significant reduction in sea turtle mortality
4 could be achieved by requiring larger circle
5 hooks, prohibiting the use of squid bait, and
6 requiring single, instead of threaded, baits.

7 NMFS is required by law to
8 protect, conserve, and take necessary measures
9 to restore threatened and endangered species.
10 To address failures in gear removal
11 maximization and mortality levels and
12 exceedance of authorized levels, NMFS should
13 begin a rulemaking to require the use of these
14 bycatch reduction measures, as identified in
15 the Stokes, et al., 2001 paper.

16 Thank you.

17 MR. BROOKS: Thank you very much.
18 Do we have any other public
19 comment? I know there was one other person,
20 but I think I just saw him leave the room. He
21 left? Okay.

22 Anyone else?

23 (No response.)

24 Okay. Then, in that case, I think
25 I saw Eric Schwaab come in. Why don't you
26 come on up here?

27 MS. SCHULZE-HAUGEN: So, I wanted
28 to thank Eric for coming. He had another
29 meeting, and I think that ran kind of long.
30 And so, now he is just walking over to see us.
31 So, I wanted to thank him for taking the time.

32 And I also wanted to point out I
33 see Russell Smith talking to Kim over on the
34 side. So, any particular international
35 issues, he may have a few minutes as well.

36 So, thanks for coming.

37 MR. SCHWAAB: Well, thanks, Margo.
38 Thanks, everybody. And I'm glad to know you
39 didn't wait for me.

40 MS. SCHULZE-HAUGEN: No. No,
41 perfect timing.

42 MR. SCHWAAB: But I did think I
43 was actually getting here for happy hour.

44 (Laughter.)

45 Just kidding.

46 And Russell did come over with me.
47 So, he might be interested in jumping in, if
48 anything relevant arises.

1 I did want to primarily just be
2 here to touch base and answer questions or
3 hear some direct comment that you might have
4 with respect to issues that are particularly
5 important to you.

6 We have been all day in a NOAA
7 leadership retreat. Needless to say, one of
8 the prominent issues for us right now is
9 budget and how to deal with the various
10 scenarios that are under discussion.

11 We had, as I think some of you
12 know, a new low this year from the perspective
13 of, given the fact that we got our spend plan
14 approved about two or three weeks ago. That
15 is our fiscal year `11 spend plan, the year
16 that ends in two weeks.

17 So, the expectation right now is
18 that we are going to be, you know, I think
19 more than expectation, the strong likelihood
20 is that we are going to be going into at least
21 a Continuing Resolution to start the year,
22 probably for a period, if you believe what you
23 see in the papers, to go into about early to
24 mid-November, to coincide with the Super
25 Committee's deadline for providing their
26 initial set of findings.

27 And so, in all likelihood, there
28 will be some continued uncertainty around our
29 budget climate for the foreseeable future. We
30 do expect that our fiscal year `11 spend plan
31 is likely to be above our best-case scenario
32 at this point. So, we are having to make a
33 lot of assumptions and preparations for
34 various levels, which impacts every aspect of
35 our organization from science right through to
36 management.

37 And so, I would just certainly ask
38 you to keep those kind of circumstances in
39 mind in the course of your deliberations, and
40 any perspectives that you might have with
41 respect to priorities in responding to some of
42 the different potential scenarios would be
43 appreciated.

44 I know that you have all been
45 wrestling today with a number of important
46 issues. And obviously, we wrestled with the
47 quota final rule for 2011, based in large part
48 on advice that you provided us. And while I

1 know there are many different perspectives
2 around both how we headed into that and where
3 we came out, we did see the step we took with
4 the 2011 rule as a step in the right direction
5 with respect to accountability around
6 discards, and at the same time trying to
7 maintain some ability to take advantage of
8 quotas in other fisheries.

9 Clearly, there is work yet to do
10 there, and your advice in that regard will
11 continue to be important to us as we go
12 forward.

13 I know you probably already talked
14 about swordfish.

15 MS. SCHULZE-HAUGEN: We just did.

16 MR. SCHWAAB: Yes, yes. And so,
17 we obviously continue to pay close attention
18 to that issue.

19 And I know you also talked, and
20 will again tomorrow, focus on a number of
21 important shark issues. And just as in
22 swordfish, we are looking at a number of
23 different scenarios to help achieve the
24 diverse management objectives that we have
25 around those important species.

26 So, let me just stop there and
27 really dedicate whatever time is available to
28 us to comments or questions from the panel.

29 MR. BROOKS: Anybody? Rich?

30 MR. RUAIS: I will lead off.

31 Thank you.

32 Eric, thank you very much for
33 coming and gracing us with your presence, and
34 thanks for all your hard work.

35 I'm sure on the budget side you
36 are going to survive. NMFS always has a way
37 of pulling it out in the end.

38 And I would ask, since I hear from
39 a lot of bluefin tuna researchers that it
40 seems to be more and more difficult to get
41 bluefin tuna research funds, if anything, I
42 think a lot of the attention, both with the
43 recent CITES episode and the ESA -- and we
44 thank you again for making the right decision
45 on the ESA and rejecting the petition for
46 bluefin.

47 It is critical that we continue,
48 that the agency continue to answer a lot of

1 the scientific questions that remain
2 outstanding on bluefin tuna. So, we hope it
3 is one of your higher priorities in terms of
4 research because I know from talking to
5 several researchers that are out there, they
6 are starving for money. I have heard that
7 again, just my attendance here, from a couple
8 of the key players, that there is not a lot of
9 money out there. We hope the agency can fill
10 in.

11 The other thing I wanted to
12 mention was I did attend the signing ceremony
13 between Commissioner Damanaki and Lubchenko,
14 and was really pleased to see that high level
15 of attention being given to an issue that has
16 been a thorn in ICCAT's side for a long time.
17 And we hope, even though that was just a
18 statement, there was a lot of meat on the back
19 side of the statement calling for specific
20 future actions. And I hope that is followed
21 through.

22 The one part that I did note was
23 missing in that was sort of -- and maybe I
24 just plain missed it, and maybe it has been
25 happening behind the scenes, but involving the
26 State Department more than just making it a
27 Commerce type of deal.

28 And I always felt that we haven't
29 really gotten the attention from the State
30 Department that we really need at ICCAT to
31 help us along. So, in that future work, along
32 those lines of eliminating IUU fishing, which
33 is incredibly detrimental to all of us that
34 comply, if we can be more effective by using
35 the State Department, that would help.

36 Thank you.

37 MR. SCHWAAB: Yes, thanks, Rich.
38 Just a couple of comments.

39 One, around the Commissioner
40 Damanaki visit, I think you are absolutely
41 right, it was a substantial engagement.
42 Clearly, Dr. Lubchenko and Commissioner
43 Damanaki have very strong and shared views on
44 some issues, and the ability to work together
45 around some of those shared objectives I think
46 is very real.

47 The State Department was engaged
48 in the buildup to that visit and continues to

1 be an important partner for us, obviously, in
2 those, and an assertive leadership role in a
3 number of those important areas.

4 I would just say one thing about
5 your budget comment. I would caution against
6 the assumption that, while the agency has had
7 an historical ability to pull rabbits out of
8 a hat, if you will, and therefore, will be
9 able to do so in the future, that neglects the
10 fact that it is one thing to pull rabbits out
11 of the hat in an ascending budget
12 circumstance, but in the context of,
13 obviously, a lot of important, competing
14 objectives, versus one where there is a real
15 decrease year-to-year in the available
16 dollars.

17 So, we are in a very different
18 budget environment than anything that we have
19 been in for a long time. And so, the ability
20 to magically find ways to meet a whole series
21 of priorities is going to be much more
22 constrained than anything that any of us have
23 ever experienced, at least in recent history.

24 MR. BROOKS: Terri. Then over to
25 Steve.

26 MS. BEIDEMAN: Hello, Mr. Schwaab.
27 It is nice to see you again. I also was at
28 that signing, and it was very interesting to
29 speak with particularly Commissioner Damanaki
30 about their efforts on the other side to try
31 to rein in some of this pirate fishing that
32 hurts everyone. And I am very glad to see you
33 here today.

34 This panel works. It is a very
35 difficult job trying to balance all of the
36 interests. In the case where we have very
37 small quotas, it is very difficult to try to
38 fit all the toes in the shoe, which is
39 unfortunate, but it is stuck in my brain. So,
40 there you go.

41 But we know that there's a lot of
42 things that are out there that we could try,
43 and we are looking to find a good solution
44 that is fair. And we appreciate your interest
45 in all of it.

46 Our harvests in this country
47 primarily provide revenue and jobs and food,
48 mostly for Americans, and we think that is

1 rather important as the scheme of things goes.
2 So, our fleets are the best, most
3 environmentally-friendly fleets in the whole
4 globe, and particularly in the Atlantic.

5 As we go to ICCAT and as we are
6 working on these things, it is very important
7 that we take a look-see on how this is going
8 to impact us before we agree to things,
9 because then we end up having to come back and
10 hurt ourselves.

11 And the truth is, if we lose quota
12 to any other country, it is a conservation
13 loss. That would be like the most perverse
14 way for this whole thing to result, to recover
15 swordfish and do bad things for billfish and
16 turtles and other things.

17 So, I know that that is already in
18 your brain and I appreciate your listening to
19 me. Thanks.

20 MR. SCHWAAB: Thank you, Terri.

21 MR. BROOKS: Steve?

22 MR. JAMES: Eric, it is always
23 nice to see you. Last time we saw each other,
24 I think you were in New Bedford, if I am not
25 mistaken, or Fairhaven, Massachusetts. So,
26 always great to see you.

27 I have a request. I think I have
28 made this before here, and most people are
29 aware of this. And I am not completely
30 understanding of your relationship between
31 National Marine Fisheries Service and the
32 Sanctuary Program, but I will request your
33 assistance and help to stop what I would
34 consider empire-building at the Stellwagen
35 Bank National Marine Sanctuary.

36 We are currently under a proposal
37 to induce a SERA program, a Sanctuary
38 Environmental Research Area, that consists of
39 some 89 nautical miles directly in front of
40 Boston, up north to Gloucester, sitting on the
41 highly-productive fishing grounds of the
42 Stellwagen Bank area.

43 We fought diligently to try to
44 keep that from happening. We ask for your
45 assistance to keep the vision of Gerry E.
46 Studs. When he put the program in place, the
47 entire Sanctuary, it was there for some very
48 clear and specific reasons, to stop mineral

1 mining, to stop offshore gambling, to stop oil
2 exploration, and to conserve and continue to
3 promote traditional fishing methodologies.

4 And unfortunately, Superintendent
5 Craig MacDonald, who sits on top of the
6 Sanctuary over there, and his 10 subordinates
7 have clear alternative plans which basically
8 work diametrically-opposed to what we are
9 trying to do in the fisheries, working to stop
10 access to fishing, all fishing, in fact, in
11 that 89 nautical square miles.

12 And in this time of economic
13 hardship among fishermen, I ask for your
14 assistance, even if it is not within your
15 jurisdiction. As I look at this whole program
16 under this SERA proposal, in my mind, it has
17 about as much significance as trying to shut
18 the Greater Boston Area down to all traffic,
19 foot traffic, and business, so we can study
20 the red spotted newt. It just doesn't make
21 sense.

22 And the significance behind the
23 proposal, again, is to try to study an area
24 without the influence of fishery and fish
25 methods on the flora and fauna of that area.
26 I just can't see the merit of it. I don't
27 think anyone other than the people who reside
28 in the Sanctuary can see the merit of it.

29 But I ask, again, for your
30 assistance, even if it is no more than the
31 persuasion of another Department to stop that
32 program from going through.

33 MR. SCHWAAB: So, thanks, Steve.
34 I can just provide a little perspective on
35 that issue.

36 The Sanctuary Program is under the
37 auspices of the National Ocean Service, a
38 sister agency to us. There is generally at
39 least a consultative relationship there.
40 While they had some independent authorities
41 around the country in Sanctuaries with respect
42 to fisheries management, there is a
43 predisposition to try to address fishery
44 management regulation first through the
45 Council process.

46 So, there was some discussion
47 about this ecological restoration area or
48 research area, and there was consideration of

1 putting a proposal before the New England
2 Fishery Management Council in its current
3 cycle as it evaluates a number of existing
4 closed areas in the context of the Omnibus
5 Essential Fish Habitat Amendment there.

6 So, there was within NOAA some
7 discussion of whether this was the right time
8 for that proposal to be put before the Council
9 for its consideration as a part of that
10 Omnibus EFH Amendment. Ultimately, we
11 concluded, because of a lot of the transition
12 that is underway there, resulting from the new
13 catch limits and accountability measures, and
14 obviously the pressures that are on the
15 industry, that perhaps that wasn't the best
16 time to be evaluating that proposal. So, that
17 proposal wasn't put forward at this point.

18 I think it certainly remains an
19 interest of the Sanctuary group, but at this
20 point it hasn't been formally submitted for
21 consideration by the Council.

22 MR. BROOKS: I think we have two
23 more people who want to pose some questions,
24 if you have got the minutes.

25 MR. SCHWAAB: Sure.

26 MR. BROOKS: Okay. We will go
27 over to Dewey, and then to Rusty.

28 MR. HEMILRIGHT: Mr. Schwaab,
29 thank you for being here this afternoon.

30 About a year and a half ago, I
31 addressed you on a matter of 17B, a bottom
32 fishing closure off the South Atlantic
33 jurisdiction, South Atlantic Council. That
34 bottom fishing closure was to protect two
35 species of fish, speckled hind and Warsaw
36 grouper that were both labeled overfished, and
37 I believe overfishing was occurring.

38 In this Draconian closure, there
39 was a 240-foot closure eastward. We fought
40 against it, the fishermen, because we don't
41 catch the fish, we said. Well, the majority
42 of the Council, under Mr. Cupka's leadership
43 as Chairman, voted for this closure. And they
44 sent it up to the Secretary of Commerce. The
45 vote was 8-to-5.

46 And in this closure, how fishermen
47 look at something, you know, we were telling
48 them that this closure shouldn't be; we don't

1 catch the fish. Well, they sent the closure
2 up to the Secretary of Commerce, and I don't
3 know if it came across your desk or you might
4 have had some input on it at that stage, but
5 I know you did have some input at a further
6 stage.

7 But the remedy here for this
8 closure is, after they voted for this closure,
9 and I am asking for your help in future
10 closures, is that before something can be
11 closed down, you have to know where this fish
12 is caught, meaning by logbooks, headboat
13 landings, MARMAP, everything that is used for
14 a closure. You don't just go on somebody's
15 thoughts or comments. You have to have the
16 data to back it up, like you would do stock
17 assessments and stuff.

18 So, this closure went into effect,
19 and it has hurt a lot of folks. It hurt a lot
20 in North Carolina. It should have never
21 happened because I have never heard of a
22 Council closing something where they never
23 knew the two fish were caught. And the
24 darnest thing about it, it got sent up to the
25 Secretary of Commerce, and he said, yes, close
26 them. You know, he signed off on the closure.

27 So, after they did that, they
28 decided to go back and revisit the idea.
29 Well, three months later, they go back and
30 they go get the data. Well, they should have
31 had the data before they closed the people
32 down, but they didn't.

33 And so, now it is nine months
34 later. The State of North Carolina had to do
35 an exemptive fishing permit. We are back
36 fishing. But, I mean, how do we close an area
37 and we don't even know? I understand the
38 Council; they are allowed to vote or do
39 whatever they want. But when it gets up there
40 to your authority, I mean, how can we close an
41 area and we don't know what is caught there?
42 It should be based on the landing data,
43 logbooks, and everything, before you go put
44 people out of business.

45 And I would hope that in the
46 future that, before any closures of putting
47 people out of work, that we would at least
48 know where the two fish are caught.

1 MR. SCHWAAB: Yes, thanks, Dewey.
2 Obviously, some of these issues are very
3 complex. Large closures of that nature aren't
4 the norm, and they aren't, obviously, our
5 preferred approach.

6 I do think that the place where we
7 are now, having worked with North Carolina to
8 get those experimental fishing permits in
9 place, to help gather a bit of additional
10 data, will help us obviously move forward a
11 little more effectively. And without
12 rehashing all of the science and the decision
13 making process, I am hopeful that we can go
14 forward in a way that will, through those
15 experimental permits, provide some additional
16 data to help inform decision making in the
17 future.

18 I see Mr. Cupka will maybe want to
19 jump in.

20 MR. CUPKA: Yes, just to mention
21 we have since then done a regulatory amendment
22 to withdraw that closure. So, that area is
23 being reopened.

24 And we are going to look at
25 dealing with speckled hind and Warsaw in a
26 different approach. But we went back and
27 looked at the data and realized that that was
28 not the right way to go. And there is a
29 regulatory amendment now that is winding its
30 way through the system, which we are trying to
31 get in place before the new fishing year. So,
32 that has been rescinded or will be, assuming
33 it is approved by the Secretary, of course.

34 MR. BROOKS: Thanks.

35 Rusty, a final comment from you?

36 MR. HUDSON: Mr. Schwaab, good to
37 see you. Rusty Hudson, Director of
38 Sustainable Fisheries.

39 I believe what David was talking
40 about is Regulatory Amendment 11. We have
41 done a lot of work to try to undo that mess.

42 And just to give you a little
43 information, I supplied the Beaufort Lab with
44 a series of fishing numbers from Cape
45 Canaveral up to Jacksonville for speckled hind
46 and Warsaw from my own records. And
47 hopefully, it will be useful, just like I
48 supplied them with the red snapper stuff and

1 the golden tile stuff, simply because they
2 didn't know.

3 And so, now they are actually
4 trying to expand into those regions. But that
5 is not what I want to talk about.

6 What I do want to talk about is
7 something that happened just before you came
8 onboard, and that was a comment period on
9 National Standard 2, as to the best scientific
10 information available.

11 And last year, I dealt with Samuel
12 Rauch. If I messed up his name, I'm sorry.
13 I believe he will be here tomorrow. He had
14 told me that pretty soon we are going to have
15 the final rule on National Standard 2
16 complete.

17 Well, earlier this year, I
18 inquired again with Emily who was replacing
19 Alan Risenhoover. And of course, she said,
20 "Pretty soon."

21 Well, here it is now September,
22 two and a half years later, and we don't have
23 that final rule on the National Standard 2.
24 But what I want to know is, do you envision
25 that when that final rule comes out, that
26 there will be a minimum threshold of the
27 usefulness of the science before somebody just
28 engages either closures or moratoriums or
29 quota reductions? Because, honestly, some of
30 the science that has been utilized in recent
31 years is having profound impact, socioeconomic
32 impact. And NMFS may have a mandate to do
33 something about it, but we have not seen them
34 do that.

35 Just like the shark disaster aid
36 we requested, and we went through all that
37 stuff, working with the State of Florida and
38 having it submitted, to have it rejected
39 earlier this year, saying that regulations
40 caused the problem. And indeed, actually, it
41 was the monitoring system of the National
42 Marine Fisheries Service in 2006 failing to
43 monitor the new dealers that came into the
44 fishery, basically, destroying the shark
45 fishery for '07, '08, and stuff like that.

46 So, again, we would like to see a
47 minimum threshold of the soundness of the
48 science before SSC and NMFS, Highly Migs, and

1 everybody just rushes off.

2 So, if you could give me some idea
3 when we could see National Standard 2?

4 MR. SCHWAAB: So, thanks, Rusty.

5 Actually, I don't know the status
6 of the rule. It is not something that I have
7 focused on since that rule package itself, but
8 will be happy to check on that.

9 I will say that we have spent a
10 lot of time on managing, making decisions with
11 respect to data-poor stocks in the course of
12 working with the Councils to put these
13 required catch limits and accountability
14 measures in place.

15 So, in addition to actions around
16 National Standard 2, there has been a
17 considerable focus, and some fairly innovative
18 approaches, to meeting our requirement to put
19 catch limits and accountability measures in
20 place, even in the case where we lacked
21 significant fishery independent data. And
22 some of those have used different degrees of
23 fishery dependent data that were available,
24 and there are a number of approaches that we
25 could share a little more detail with you
26 around that, if you are interested.

27 MR. HUDSON: Yes, I would be. We
28 have got a lot of concerns about some of the
29 data, the lack of independent data in the
30 South Atlantic Region. We have had to really
31 deal with a lot of obstacles there. So, we
32 would like to see the science and the data
33 improved.

34 MR. BROOKS: Good. Well, any
35 final comments you want to share?

36 MR. SCHWAAB: So, you know, one of
37 the comments did remind that I should make at
38 least -- I don't know if you updated on some
39 of the important personnel changes.

40 MS. SCHULZE-HAUGEN: We talked
41 about Bruce Buxton coming onboard.

42 MR. SCHWAAB: Right.

43 MS. SCHULZE-HAUGEN: I think
44 that's about it.

45 MR. SCHWAAB: So, we just a couple
46 of weeks ago brought on a new Office of Law
47 Enforcement Director, Bruce Buxton. You have
48 heard about that.

1 We also just named a Fisheries
2 Chief Science Advisor to replace Steve
3 Murawski, who left us at the end of last year.
4 Dr. Richard Merrick, most recently out of the
5 Northeastern Science Center has been appointed
6 to that position. He is actually officially
7 in the job and will be setting up shop in
8 Silver Spring in early October.

9 We are very close to having
10 announcements out on the street to replace Pat
11 Kurkul, who has announced her intention to
12 retire at the end of this year as the Regional
13 Administrator in the Northeast. So, look for
14 an announcement for a new Northeast Regional
15 Office Administrator, as well as a new Science
16 Center Director for the Northeast. Nancy
17 Thompson stepped down to take a different role
18 in the agency from the Science Center, and
19 Frank Almeida, the Deputy there, has been
20 serving as the Acting Center Director, but
21 Frank is also retiring at the end of this
22 year.

23 So, lots of changes in the
24 Northeast, some big losses there and important
25 shoes that we will have to fill.

26 And back to the budget question,
27 it was actually what reminded me, Rich, when
28 you talk about budget magic, John Oliver is
29 leaving us. And so, John is going to be
30 leaving in early November. And I am hard at
31 work to find some at least modestly-suitable
32 replacement for John, and those are,
33 obviously, very big shoes to fill.

34 For those of you who don't know
35 John, he is my Deputy who handles all of the
36 budget and operational side of the house. I
37 tell people that I'm not worried so much about
38 replacing the things that I know John does for
39 me, as replacing the things that I don't even
40 know that he does for us. And that is really
41 the truth. Because from an operational
42 perspective, John has been just a critical
43 part of the organization for a long, long
44 time.

45 He leaves November 4th. There is
46 a party scheduled for him in late October. If
47 any of you know John and are interested in the
48 detail of that, we can get that to you.

1 And I think those are all the big
2 ones. We are still working on a permanent
3 replacement for Usha Varanasi, who left us at
4 the end of last year as the Northwest Center
5 Director. And hopefully, well, we will have
6 an announcement coming out for that in
7 conjunction, a new announcement coming out for
8 that in conjunction with the Northeast Center
9 Director announcement.

10 So, if you know of candidates, pay
11 close attention to those impending
12 announcements.

13 So, thank you all.

14 MR. BROOKS: Well, thank you very
15 much for coming by.

16 We have kept you all way past the
17 time we promised you that you could leave
18 this room. So, thank you all for hanging in
19 until the bitter end here.

20 And just a reminder that we will
21 reconvene tomorrow morning at 8:45. We will
22 end tomorrow probably a little bit before
23 12:00, if we can, maybe shoot for more like
24 11:30, 11:45. I know there are folks who need
25 to catch planes.

26 And then, there will be the
27 Workshop on the Future of the Shark Fishery
28 tomorrow afternoon.

29 Thank you all.

30 (Whereupon, at 5:51 p.m., the
31 meeting was adjourned for the day, to
32 reconvene the following day, Thursday,
33 September 22, 2011, at 8:45 a.m.)
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This is to certify that the foregoing transcript

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Before: NMFS

Date: 09-21-11

Place: Silver Spring, MD

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

Neal R Gross

Court Reporter

NEAL R. GROSS

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