

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 WORKSHOP

AMENDMENT 6/CATCH SHARES

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THURSDAY  
SEPTEMBER 22, 2011

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The Highly Migratory Species Workshop  
met in the Crowne Plaza Hotel, 8777 Georgia  
Avenue, Silver Spring, Maryland, at 1:00 p.m.,  
Bennett Brooks, Facilitator, presiding.

PARTICIPANTS

LARRY ABELE  
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PETE BOEHM  
JASON DELACRUZ  
GREG DIDOMENICO  
RICHIE DYAL  
RANDY GREGORY  
ELIZABETH GRIFFIN-WILSON  
KEITH "BUDDY" GUINDON  
MARCOS HANKE  
TOM HAUGEN  
DEWEY HEMILRIGHT  
GLEN HOPKINS

RUSSELL HUDSON

ROBERT HUETER  
WALLACE JENKINS  
JOE KLOSTERMANN  
ROBERT KNAPP  
DAVID KREBS  
CHARLIE LOCKE  
DEAN PRUITT  
CHRISTOPHER RHOTO  
MARK SAMPSON

JOHN SCHMIDT  
GREGORY SKOMAL  
BOBBY SPAETH  
JOHN DAVID STEED  
MARK STEVENS (proxy for Sonja Fordham)  
BRUCE STILLER  
DAVID STILLER  
T.J. TATE  
MARK TWINAM  
SCOTT VAETH

FACILITATOR

BENNETT BROOKS, CONCUR

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KARYL BREWSTER-GEISZ  
MICHAEL CLARK  
CRAIG COCKRELL  
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JOE DESFOSSE

KELLY DENIT  
GUILLERMO DIAZ  
GUY DUBECK  
STEVE DURKEE  
GREG FAIRCLOUGH  
OTHEL FREEMAN  
BRAD MCHALE  
SARAH MCLAUGHLIN  
EMILY MENASHES  
DELISSE ORTIZ  
RICK PEARSON  
SAMUEL RAUCH  
CONNIE SATHRE

MARGO SCHULZE-HAUGEN  
LEANN SOUTHWARD HOGAN  
JERON STANNARD  
DIANNE STEPHAN  
JENNIFER TABISZ  
JENNI WALLACE  
MEGAN WALLINE  
TOM WARREN  
JACKIE WILSON

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

1:08 p.m.

1  
2  
3 MR. DUBECK: So I guess we'll get  
4 started. I want to thank everyone for staying  
5 for this, the AP members and also I'd like to  
6 welcome the 14 guys we invited up here for  
7 this workshop. What we want to accomplish  
8 with this workshop is get some of the  
9 questions answered that we posed to you  
10 earlier in the presentation and we want to get  
11 your feedback on what direction do you think  
12 we should go. So with that do you want to go  
13 through the ground rules?

14 MR. BROOKS: Well, thank you,  
15 everybody for coming back. And thank you for  
16 those of you in particular who have been  
17 sitting patiently for a day or two or three  
18 waiting for this conversation.

19 So this is, just to be very clear,  
20 this is no longer the advisory panel meeting  
21 but this is the workshop. You know, the game  
22 plan today is this is the first of what will  
23 be I believe several workshops and this is  
24 really an opportunity to understand better how  
25 you all think about this issue and the various  
26 subparts of this issue. And again, we  
27 obviously understand that there are a  
28 diversity of views around the table and that's  
29 to be expected. And the point of this is to  
30 understand how you all think about this and  
31 hopefully through some conversations maybe get  
32 some new understandings that may inform how  
33 you think about this whole issue and therefore  
34 how the HMS staff should be approaching this  
35 issue. So that's our goal for today. Again  
36 we well recognize that people are bringing  
37 very different perspectives to this and you  
38 know, we understand that and appreciate it.

39 The game plan for the day, the  
40 agenda, let me just walk you through that. In  
41 a minute I'll walk through the ground rules  
42 and after that Guy will again give us a little  
43 bit more background on this issue. We've hit  
44 most of that this morning and trust that  
45 everyone here saw that this morning so we  
46 won't walk through that again. But it will  
47 once again sort of situate us in the context  
48 of this conversation.

1                   And then the bulk of the afternoon  
2 will be sort of chunked out in topics because  
3 we think that's the most fruitful way to try  
4 to work our way through this conversation.  
5 And so if you look at the agenda we'll spend  
6 the first half hour talking about regions.  
7 And so sort of if catch shares are a way to go  
8 forward what region would that look at? We  
9 know the proposal came from some fishermen in  
10 the Gulf of Mexico. Would we just be looking  
11 there? Are there other areas? So getting  
12 your perspective on that. Then, look at  
13 resource unit, again spend about a half hour  
14 on that. Once we've gotten a good sense of  
15 perspectives on that we'll talk about  
16 eligibility for another half hour. So then  
17 we'll have a break at about 3:15. Then we'll  
18 come back and we've saved the largest chunk of  
19 time to discuss allocation methods and  
20 strategies, understand that that's obviously  
21 going to be a topic that we've already seen  
22 from Karyl's presentation this morning there's  
23 lots of different ways to go at that, lots of  
24 different permutations that could be put  
25 together in understanding how you think about  
26 that. And the kind of issues that HMS folks  
27 should be thinking about as they look at that  
28 will be very important and very helpful.

29                   The last agenda item is additional  
30 management measures and this is a little bit  
31 of a laundry list of topics like duration,  
32 transferability, monitoring and data  
33 collection, enforcement and cost recovery. If  
34 we have time and we can get into those issues,  
35 great. If we need to burn up a little bit  
36 more time on some of those earlier topics that  
37 are really what we think are foundational to  
38 this conversation that's okay too. So we're  
39 not going to fall on our swords if we don't  
40 get through that list and so we hope you won't  
41 be disappointed either. But if we can get to  
42 them, all the better.

43                   And finally at the end we'll  
44 reserve a little time just to, you know, share  
45 our conclusions and we'll try to do some brief  
46 synthesis after each of these topics so we all  
47 have a sort of collective sense of maybe where  
48 the conversation came out. And again, we're

1 not here seeking consensus, we're here trying  
2 to understand what's all on your mind and how  
3 you think about these issues. And that's  
4 worth underscoring several times.

5 Ground rules. For AP members  
6 around the table or any of you who were here  
7 at the start of the first day this will sound  
8 familiar but there are people who weren't here  
9 at the beginning and it is worth spending a  
10 couple of minutes just going over those.  
11 First of all, this is a workshop so everyone  
12 here has equal status, there are no primary  
13 discussants and secondaries so we invite  
14 everyone to participate and engage equally.  
15 And yes, so for that purpose, to anyone who's  
16 not at the table if you would like to  
17 participate in the conversation please come  
18 join us around the table. There really is no  
19 distinction in who's in the room at this  
20 point. This is a public workshop. So  
21 everyone has an equal standing here.

22 The nature of discussion, again,  
23 recognizing that people have a diversity of  
24 views on this, our intent is to have a very  
25 collegial conversation here. We encourage  
26 people to be forthright in their perspectives  
27 but we really encourage you to speak to your  
28 interests and not characterize the interests  
29 of others. That generally doesn't work very  
30 well when people tell someone how they feel.  
31 It works a lot better when you talk about what  
32 you feel, what you're thinking and why. It  
33 also educates everybody else. So we really  
34 encourage everyone to focus their comments in  
35 that way. We do have a big group here, so  
36 again, encourage people to be focused in your  
37 comments. We want to make sure that we have  
38 time for everyone to fold in their thoughts so  
39 we really can understand what each of you are  
40 thinking. So to the extent that anyone has  
41 covered a topic and a perspective that you  
42 agree with by all means, you know, let us know  
43 that. Say I agree with Speaker X or Speaker  
44 Y but not repeating everything they said is  
45 also helpful and just saves time for everyone  
46 else to weigh in. I think that's the main  
47 points I want to emphasize.

48 In terms of how I'll manage it, if

1 you've been watching the way we've run this we  
2 have these placards in front with your names.  
3 I'm not sure everyone has a placard. If you  
4 do what we would ask you to do is when you  
5 want to be recognized just turn it on its side  
6 so I can see it and we'll get you in the  
7 queue. If you don't have one maybe fold a  
8 piece of paper up and stand that up or just  
9 raise your hand and I'll figure it out that  
10 way. In general I'll kind of work my way  
11 through the queue but as I've done with the  
12 advisory panel I will sometimes hop around the  
13 queue if there are people who haven't had a  
14 chance to weigh in and I'll do that just to  
15 bring new voices into the discussion.

16 If your cell phones aren't off  
17 which I think mine isn't please open them up  
18 and turn them off. And if you need to use it  
19 at all during the discussion or you want to  
20 have any side discussions please as a courtesy  
21 to everyone if you would just step out of this  
22 room so everyone can still stay focused on the  
23 conversation. Anybody up here want to add  
24 anything? Yes, we do have more seats at the  
25 table if anyone wants to join in.

26 MS. SCHULZE-HAUGEN: I think we  
27 are working on getting the cards for everyone  
28 at the table.

29 MR. BROOKS: Okay, great. Does  
30 anyone around the table or in the room have  
31 questions about either the agenda or any of  
32 the ground rules that I just stepped through?  
33 Dewey.

34 MR. HEMILRIGHT: It might get --  
35 something good for everybody that doesn't have  
36 placards to identify themselves so we can see  
37 who's sitting around the table and who they  
38 are and who they represent and stuff like that  
39 you know.

40 MR. BROOKS: Thank you, Dewey, and  
41 that was our next move. So, yes, agreed.

42 MR. SKOMAL: Greg Skomal,  
43 Massachusetts Division of Marine Fisheries.

44 MR. ABELE: Larry Abele, Gulf  
45 Council.

46 MR. SPAETH: Bob Spaeth, Southern  
47 Offshore Fishing Association, Florida.

48 MR. TWINAM: Mark Twinam,

1 commercial fisherman, Florida.  
2 MR. SCHMIDT: John Schmidt, Gulf  
3 Fishermen's Association, Madeira Beach,  
4 Florida.  
5 MR. KREBS: David Krebs, Gulf of  
6 Mexico Reef Fish Shareholders Alliance, Ariel  
7 Seafoods, Florida.  
8 MR. DYAL: Richie Dyal, north  
9 Florida shark fisherman.  
10 MR. HEMILRIGHT: Dewey Hemilright,  
11 commercial fisherman, North Carolina.  
12 MR. STEVENS: My name is Mark  
13 Stevens. I am filling in for Sonja Fordham  
14 with Shark Advocates International.  
15 MR. HAUGEN: Tom Haugen,  
16 commercial fisherman, Florida.  
17 MR. GREGORY: Randy Gregory, North  
18 Carolina Division of Marine Fisheries.  
19 MR. JENKINS: I'm Wally Jenkins  
20 from South Carolina Department of Natural  
21 Resources.  
22 MR. ADRIANCE: Jason Adriance,  
23 Louisiana Wildlife and Fisheries.  
24 MR. RHOTO: Kip Rhoto, commercial  
25 fisherman, Louisiana.  
26 MR. KNAPP: Rob Knapp, shark  
27 fisherman, Florida.  
28 MR. STILLER: Dave Stiller,  
29 commercial shark fisherman, Alabama.  
30 MR. STEED: I'm David Steed,  
31 commercial fisherman, Florida.  
32 DR. HUETER: Yes, I'm Bob Hueter,  
33 Mote Marine Laboratories, Sarasota, Florida.  
34 MR. STILLER: Bruce Stiller,  
35 Florida Shark.  
36 MR. SAMPSON: Mark Sampson, Ocean  
37 City, Maryland. Charter boat captain,  
38 recreational shark fisherman, Ocean City Shark  
39 Tournament.  
40 MS. BOEHM: Angela Boehm, wife of  
41 a Florida Keys commercial fisherman and  
42 founder of Sustainable Seafood Solutions.  
43 MS. TATE: T.J. Tate, Gulf of  
44 Mexico Reef Fish Shareholders Alliance,  
45 Florida.  
46 MR. GUINDON: Buddy Guindon,  
47 commercial fisherman, Galveston, Texas. I own  
48 a fish house and I'm treasurer of the Gulf of

1 Mexico Reef Fish Shareholders Alliance.  
2 MR. KLOSTERMANN: Joe Klostermann,  
3 shark fisherman, Florida.  
4 MR. LOCKE: Charlie Locke,  
5 commercial shark fisherman, North Carolina.  
6 MR. PRUITT: Dean Pruitt,  
7 commercial shark fisherman, grouper fisherman,  
8 Madeira Beach, Florida.  
9 MR. BOEHM: Peter Boehm,  
10 commercial fisherman, Key Largo, Florida.  
11 MR. DELACRUZ: Jason DeLaCruz,  
12 commercial fisherman, Seminole, Florida.  
13 MR. HOPKINS: Glen Hopkins,  
14 commercial fisherman, North Carolina.  
15 MR. VAETH: Scott Vaeth,  
16 commercial shark fisherman, Florida Keys.  
17 MR. HUDSON: Rusty Hudson,  
18 director of Sustainable Fisheries, member of  
19 the HMSAP and advisor to the East Coast  
20 Fisheries section of the Southeastern  
21 Fisheries Association.  
22 MR. CLARK: Mike Clark, HMS,  
23 Silver Spring.  
24 MS. GRIFFIN-WILSON: Elizabeth  
25 Griffin-Wilson, Oceana.  
26 MR. BEAL: Bob Beal, Atlantic  
27 States Marine Fisheries Commission.  
28 MS. SCHULZE-HAUGEN: Margo  
29 Schulze-Haugen. I'm the division chief for  
30 Highly Migratory Species.  
31 MS. BREWSTER-GEISZ: Karyl  
32 Brewster-Geisz, Highly Migratory Species.  
33 MR. DUBECK: Guy DuBeck, Highly  
34 Migratory Species.  
35 MR. BROOKS: And the HMS. Let's  
36 start around the room over here. Did we miss  
37 anybody? Okay, great. Well, then, Guy, I  
38 think it's yours to jump in.  
39 MR. DUBECK: All right. So let's  
40 start the meeting with any clarifying  
41 questions from the presentation today because  
42 some of the guys around the room did not, you  
43 know, couldn't ask questions earlier so some  
44 of the fishermen and people that came for  
45 this, do you have any other questions about  
46 the presentation? Okay.  
47 So let's start with the first  
48 topic here. We're going to talk about

1 regions. You know, should NMFS consider all  
2 regions, the Atlantic and Gulf of Mexico, or  
3 should we do only in the Gulf of Mexico for  
4 catch share program? So here's a slide of  
5 what we saw earlier today. So let's open up  
6 the floor to any comments and concerns.

7 MR. KNAPP: Rob Knapp, Florida.  
8 As far as the regions, if you hold a directed  
9 shark permit you can fish any region at this  
10 point so I think it should entail all regions  
11 if you go to catch shares. That's my comment  
12 for now.

13 MR. HEMILRIGHT: Yes, I kind of  
14 think even though you're putting this  
15 together, you know, when people look at  
16 regions you've got to know how the histories  
17 work. You've got to know a lot of different  
18 things before somebody's going to tell you  
19 about what region you think they should be in.  
20 You know, you've got the northern region who  
21 hasn't done much fishing at all in the last  
22 few years, you've got the South Atlantic  
23 who's. You know, it's almost like you're  
24 getting ahead of the game in wanting to know  
25 the region, how it should be done and you  
26 don't even know how the rest of the house is  
27 going to be built. Even though these are  
28 examples, could be potentials as you all would  
29 like to say sometimes. So you know, your  
30 regions, it's hard to define it but as an  
31 Atlantic shark fisherman your permits is -- it  
32 doesn't have a destination whether it's Gulf  
33 of Mexico, South Atlantic or North Atlantic.  
34 So it's kind of hard to talk about regions  
35 when you don't know how everything else is  
36 going together.

37 MR. BROOKS: I think that's a fair  
38 point in that all these topics are inevitably  
39 linked and how you look at any one of them  
40 will be shaped by sort of the direction we're  
41 going to take. But you know, we've got to  
42 start it somewhere and so our thinking was at  
43 least have an initial conversation about  
44 regions and it may well make sense to double  
45 back to some of these as we, you know, begin  
46 to dig deeper into some of these other sub-  
47 issues. So, fair point, Dewey. Bob.

48 MR. SPAETH: Yes, I think when

1 we're looking at all regions I can think of a  
2 few problems that come to mind. In the past  
3 history when if we go, depending on how you go  
4 with landings we had an Alabama and Louisiana  
5 that would never shut down their fishery for  
6 a number of years. Finally NMFS, when Dr.  
7 Hogarth was here, sent them a letter. But  
8 there's some question. We know boats from my  
9 fish house went over to Louisiana and Alabama  
10 and fished year-round and if we go and we look  
11 at histories we're going to have to find. We  
12 weren't allowed to fish in federal waters and  
13 abided by the law and the other people did.  
14 They counted against our quota and at that  
15 point we would be shut down more which I think  
16 overall in the Atlantic and Gulf made us have  
17 less catch history that we're in a directed  
18 fishery back at that time.

19 I also have concerns if you try to  
20 break up the regions that these fish have  
21 tails and fins and I think we have some mixing  
22 of the species so I think that would be very  
23 complicated in the design program. So those  
24 are my comments for now.

25 MR. BROOKS: Thank you. Are there  
26 -- perfect. Go ahead, Marcos.

27 MR. HANKE: I wait for my comments  
28 because in the morning we were in a little  
29 rush. I have a little -- some points that  
30 address the Caribbean. First of all, in terms  
31 of zonation exactly what we are discussing  
32 now, Caribbean has very peculiar things. My  
33 recommendation is to maybe consider the  
34 Caribbean as a unit for the allocation, the  
35 whole Caribbean areas for commercial  
36 fishermen. And I want to extend the point  
37 that I'm a shark operator and we don't intend  
38 to kill sharks or the recreational fishermen  
39 I don't think. Actually, they don't  
40 participate on a lot of shark-killing or using  
41 the shark for consumption. It's not  
42 traditional in Puerto Rico even though it  
43 happened but it's not something that happens  
44 all the time. And this fishing should be  
45 reserved more to the commercial fishermen.

46 There's something very unique to  
47 us is that we have different species  
48 composition in terms of abundance of the

1 species. And we have another issue related to  
2 that. For example, on some formats and some  
3 forms that the commercial fishermen report  
4 they mostly report there's reef shark or a  
5 generic group of sharks. And in Puerto Rico  
6 we need a lot of work and the HMS office has  
7 been conducting some workshops and some help  
8 on that that help a lot in terms of shark  
9 ID'ing for the area. For example, this is  
10 something that I'm struggling with now. I'm  
11 seeing the presence for the last years of a  
12 shark that I think is a silky shark but I  
13 don't want to kill them until I find some  
14 other way to identify them underwater. But  
15 they're very, very, very common on the drop-  
16 offs in Puerto Rico. For sure we have very  
17 specific sharks that could be part of the  
18 fishery for the commercials that should  
19 identify for the Caribbean. If you're going  
20 to make an allocation and try to make an  
21 allocation specific for us because it's very  
22 unique. That's it. Thank you.

23 MR. BROOKS: Thanks, Marcos.  
24 Please.

25 MR. STEED: Hi, Dave Steed. The  
26 one thing that maybe I misread or just skipped  
27 over, you haven't told us if our, like my  
28 landings are in the South Atlantic. If we go  
29 to ITQ am I going to be required to catch my  
30 fish still in the South Atlantic? I mean  
31 that's, I can't say I would like this divided  
32 if I don't know where I'm going to be allowed  
33 to catch my fish. I mean, I've traditionally  
34 caught them in the South Atlantic but if I  
35 decide to go to the Gulf when I get an ITQ  
36 will I be allowed to?

37 MR. BROOKS: The issuance is the  
38 reason -- whether you land them or where you  
39 catch them.

40 MS. BREWSTER-GEISZ: Those are the  
41 questions we'd love to hear from everybody  
42 about. If we do, and it sounds like a lot of  
43 people want to consider the whole thing. We  
44 still need landings or we should Caribbean  
45 separately, but if we do for example consider  
46 the Caribbean separately does that mean  
47 somebody from the South Atlantic would not be  
48 able to go into the Caribbean. And I'd be

1 very interested in hearing from all of you and  
2 the same issue comes with the Gulf. If we  
3 just do Gulf and not Atlantic would Atlantic  
4 fishermen be allowed to fish in the Gulf?  
5 Would Gulf fishermen be allowed to fish in the  
6 Atlantic? I don't have the answer. I'm  
7 hoping we can talk about that, talk about the  
8 pros and cons about it.

9 MR. STEED: Yes, I mean wouldn't  
10 that be something we would need to decide  
11 before we talk about regions?

12 MR. BROOKS: Sure, that's --

13 MR. STEED: Well, the question was  
14 to us presented here now of do we want regions  
15 or not.

16 MR. BROOKS: I think what you're  
17 hearing is you're raising a really good point  
18 and so that might be very good to talk about  
19 right now which is how do we even define what  
20 a region is. So I would invite people to  
21 weigh in on that. And again, if you want to  
22 start that conversation off please do. Do you  
23 have an opinion to share at this point?

24 MR. STEED: That's just one of the  
25 questions. I just can't -- I really haven't  
26 given that enough thought.

27 MR. BROOKS: Fair enough and it's  
28 a good point. Charlie?

29 MR. LOCKE: I don't know if this  
30 is the right time to say this or not but  
31 Karyl, you said something about if we're  
32 wanting to go forward with this. The first  
33 thing you present to us is which regions. And  
34 I don't know if by show of hands or consensus  
35 or what of how many people really do want to  
36 go forward with catch shares and this. I  
37 don't know if I should bring this up now or  
38 later or what. Like I said, this is about  
39 regions but you know, we're kind of like Dewey  
40 said putting the cart before the horse here.

41  
42 You know, I know there's consensus  
43 enough to have a meeting here about it but  
44 your poster child for ITQs was rec fish. I  
45 just talked to John Paulson at King Seafood  
46 this morning, a 2 million pound quota now  
47 reduced to a 250,000 pounds. Fifty thousand  
48 is going to the recreational fishermen or

1 whatever it is. But he lost 87 percent of the  
2 quota that was going to be given to his  
3 children to inherit, you know, invest in this  
4 when you all pushed it. That was a single  
5 species complex. It was brought up earlier.  
6 You're talking about multi-species here.  
7 We're hearing concerns with hammerhead,  
8 another choke species. I just don't even see  
9 where this is going to be relevant. I mean,  
10 I know there's consensus enough to have this  
11 meeting but I mean, do you want to have a show  
12 of hands? I mean, me and Dewey talked about  
13 this. I mean, how many people really want to  
14 go forward with catch shares in sharks as  
15 complicated as it's going to be?

16 MS. SCHULZE-HAUGEN: I think part  
17 of the reason we started with regions is  
18 because there is a very strong desire in at  
19 least one region to move forward. So I think  
20 the other regions may, you know, thinking  
21 along the historical regions may have very  
22 different views which is part of the reason we  
23 wanted to start here. So I think that's part  
24 of the thinking that we had.

25 MR. BROOKS: Let's go to Jason.

26 MR. DELACRUZ: I think what might  
27 be helpful is there's -- and I know the  
28 allocation part was laid out for this  
29 afternoon, but a possible understanding of  
30 where, if your catch history is generated from  
31 a certain region if that's where that quota  
32 might be used. In other words, an  
33 understanding of that would answer the  
34 questions as to whether the regions would work  
35 for someone. So, I mean maybe that's a  
36 fundamental idea that we can talk about now to  
37 see how you guys feel because that's a  
38 decision that you guys are going to have to  
39 lay out as far as how the TAC would be in a  
40 particular region. So maybe that's a good  
41 place to start.

42 MS. BREWSTER-GEISZ: So from my  
43 perspective if we were to go with regions and  
44 the landings history way of allocating we  
45 don't have very good information on where the  
46 landings were from. So we have -- and  
47 depending upon whether the landings remain  
48 with the vessel or remain with the vessel

1 owner that can make a difference as well. So  
2 from my perspective looking at it I think  
3 Dewey also said it would be much simpler if  
4 the regions, if we considered all of the  
5 regions. I think if people, if there was a  
6 strong movement from one of the regions, we  
7 really, really want to do it and a really  
8 strong movement from other regions no, no, no  
9 we could figure it out. We could make it  
10 work. I think it would be very difficult and  
11 I think we'd have to really face head on these  
12 questions.

13 I only fished in the South  
14 Atlantic. Somebody said that already today,  
15 I've lost track who already. I only fished in  
16 the South Atlantic. If we do catch shares in  
17 the Gulf would that stop me from fishing in  
18 the Gulf? My initial reaction is no, not  
19 necessarily. We could set up quotas for  
20 people who are not in the catch shares and  
21 then the quota for the people in the catch  
22 shares would be divided for the people in the  
23 catch share. Would somebody from the Atlantic  
24 fishing in the Gulf still have to pay  
25 attention to the restrictions that the catch  
26 share people have on them? For instance, the  
27 IFQs in the Gulf right now have the hail-  
28 in/hail-out, the certain locations where you  
29 can land. That's very likely, but those are  
30 different questions.

31 So, yes, putting in regions can  
32 really turn things around and ask very  
33 different questions. That's why we wanted to  
34 start with the regions. We wanted to find out  
35 who's for it, who's against it. Is there some  
36 consensus we can come to that yes, it's a  
37 great program but I really want to see how it  
38 works over here, or yes, it's a great program,  
39 maybe it's a good program, maybe it's better  
40 than what we have, let's go forward everywhere  
41 and work through it.

42 MR. BROOKS: And I think to go  
43 back to Charlie's earlier comment I think  
44 that's one way to approach that. To the  
45 extent that you or others around the table  
46 feel like this is not something I want to see  
47 in my region I think this is an appropriate  
48 point to make that point known because we are

1 talking about regions. And if the answer is  
2 I would want to see, you know, I want it to be  
3 region-specific so it's not in my region  
4 that's, you know, that's a valid response.

5 MR. SPAETH: First thing, I don't  
6 think a hand vote will work here today because  
7 there's -- I can count eight from one sector  
8 or -- of the same thing so I don't think we'd  
9 get a fair vote at this time. There's no  
10 voting anyhow or show of hands, whatever.  
11 Okay, that's what I thought.

12 Second of all, if you took it down  
13 and what Karyl's point, it's got to be all  
14 regions. It's been all regions so far. The  
15 only kind of complications and Karyl mentioned  
16 was, you know, the Reef Fish IFQ program where  
17 we check in, check out I think can be tweaked.  
18 But I think it's a program that is working  
19 very well. Andy Strelcheck or whoever the  
20 group put that together. There's a couple of  
21 things that we can go over later as we go down  
22 the process if that's the way that the agency  
23 is going to go. So I think all regions. And  
24 if you want to fish in the South Atlantic,  
25 fish in the South Atlantic. If you want to go  
26 over and catch it in the Gulf, go over and  
27 catch it in the Gulf. What difference does it  
28 make?

29 MR. BROOKS: Thank you. T.J.  
30 Sorry. Let's see. I had -- let's go to Rob.

31 MR. KNAPP: I don't know how far  
32 back it goes but the quotas on both sides have  
33 been shuffled many times and we've kind of  
34 lost track of that. So between weather,  
35 hurricanes, boats going from the South  
36 Atlantic to the Gulf I think we better  
37 simplify this. I used to fish in the North  
38 Atlantic. I don't fish there anymore because  
39 I can't go sandbar fishing, okay? There's not  
40 enough pie to separate the regions at this  
41 point. So if you're going to get anybody to  
42 vote a yea or nay they've got to know how much  
43 pie there's going to be and if it's a small  
44 pie in the South Atlantic you're not going to  
45 get a yea. But it is a directed shark permit.  
46 It's not a directed Gulf shark permit, okay?  
47 That's my comment for now.

48 MR. BROOKS: Thank you. We'll go

1 to Dave.

2 MR. STILLER: That's pretty much  
3 about it, what I was going to say. It seems  
4 kind of premature to have the guys in the  
5 South Atlantic in here when the guys in the  
6 Gulf, we've been talking about this for  
7 awhile. I don't know, we have more quota than  
8 -- the Gulf has more quota than the South  
9 Atlantic. So the South Atlantic, it would  
10 stand to reason why they would want to get  
11 into the IFQ thing so they can get, kind of  
12 divvy everything up kind of evenly. But I  
13 don't know, it seemed like the guys in the  
14 Gulf, we've been talking about this for awhile  
15 but the guys in the Atlantic had no clue  
16 really until here very recently it was even  
17 going on. I don't know how they're going to  
18 make a decision. I guess we ain't making a  
19 decision today anyway, are we?

20 MR. BROOKS: Again, just to be  
21 crystal clear, there is no decision going to  
22 be made here today. This is the first of a  
23 series of workshops. We're just trying to  
24 begin to tease out the issues that, you know,  
25 would be at play in consideration of an  
26 approach like this. That's our only goal here  
27 today. Okay.

28 MR. HUDSON: Rusty Hudson. Having  
29 been involved in this shark fishery  
30 perspective since the early '80s, been  
31 involved with the Shark Management Plan, the  
32 construction of it, from '88 through '93 when  
33 it got implemented. In '99 we went to the  
34 limited access permits. That already kind of  
35 changed the field once we had a limited access  
36 permit. But then we had some other changes  
37 with the three regions that took place. We  
38 never really had observer coverage from  
39 Virginia north as Dewey's pointed out. And  
40 most of the observer coverage was voluntary  
41 until 2002 and then it became mandated.

42 And then we had a little issue  
43 after we went from the three-region down to  
44 kind of a two-region situation. And in the  
45 two-region we tried to follow the council  
46 lines. South Atlantic Council takes up the  
47 whole Keys. U.S. 1, if you're south of it  
48 you're in South Atlantic Council. If you were

1 north of it you're in the Gulf Council region.  
2 So we had a problem with some dealers that  
3 when it was closed in the South Atlantic  
4 region they were south of U.S. 1, they were  
5 buying Gulf stock. That wasn't allowed. So  
6 that was the type of situation where we were  
7 able to draw the line right there at the Dade-  
8 Monroe County kind of like we do with Spanish  
9 mackerel in the south and we got rid of the  
10 North Atlantic region. So we had the two  
11 regions for the non-sandbar. Part of that was  
12 caused by state landings like in Louisiana for  
13 instance. They count against our quota but  
14 that's a little bit after the fact and so we  
15 had a problem with the Louisiana component  
16 taking a big share. Bill Hogarth before he  
17 left was able to get them to at least start  
18 mirroring the open enclosures of the area.  
19 But -- and we don't have observer coverage out  
20 there to speak of either through the years.  
21 So most of your observer coverage is in the  
22 east Gulf and over here on the East Coast from  
23 North Carolina down to the Florida Keys. And  
24 so really when you're talking about the non-  
25 sandbar quota of the last couple of years the  
26 Gulf actually has an individual quota. And  
27 over on our side we have an individual quota,  
28 but for sandbar since it's a research fishery  
29 after that quota got ratcheted down through  
30 the next to last science because the new  
31 science coming up may have further effect on  
32 the sandbar and the black nose. So keep that  
33 in mind. So with that you already have a  
34 division there as far as landings history.  
35 And I don't know how you all as the permit-  
36 holders, the stakeholders, the fish houses  
37 would want to see it all play out. You'd  
38 probably want to have traditional fleet.

39 And keep in mind that in '06 when  
40 we had a massive overage of the quota it  
41 caused impacts in '07 and '08 to the available  
42 quota. And so now we're in a situation that  
43 we're looking at some more quota changes and  
44 that, you don't know what that is yet. And  
45 until they go through their new rulemaking  
46 after they do their in-house review of what  
47 just got released, what, last week, week  
48 before for SEDAR 21 for Gulf black nose which

1 that assessment got kicked out, the Atlantic  
2 black nose, the sandbar and the dusky. Now,  
3 dusky is a prohibited species and just like  
4 Carolyn was saying, she's the head of our  
5 South Atlantic Council SSC, we have a lot of  
6 things we have to think about, over-fishing  
7 limits, how to set an annual catch limit, the  
8 idea of allocation between the directed permit  
9 which catches the lion's share, the incidental  
10 permit which is usually a minor component of  
11 the total catch. But keep in mind that we  
12 closed the whole east coast of Florida to  
13 Pelagic so that's where a lot of the large  
14 coastal incidental catch was. So now them  
15 guys are mostly up in the Pelagic regions, the  
16 Jersey, up north of Virginia and stuff like  
17 that, except for a certain time of year they  
18 can get out there.

19 So all of this stuff's going to  
20 have to get vetted out between the people as  
21 to where they want to go. And once we start  
22 getting numbers that we can plug in like Karyl  
23 was saying in her presentation this morning,  
24 the 80/20 where 80 percent's directed, 20  
25 percent is the recreational mixed with the  
26 incidental. We need to pull that incidental  
27 out to see what that's all about. And there  
28 may be some flux in that recreational  
29 allocation too because MRFS is getting ready  
30 to shift with a change into MRIP. That can  
31 affect the assessments, it can affect the  
32 allocation percentages, everything. So  
33 there's a lot of answers that they can't give  
34 us yet but it'll be a work in progress let's  
35 say. So I just wanted to give you a little  
36 history lesson.

37 MR. BROOKS: Thank you, Rusty.  
38 And one thing I neglected to do was ask people  
39 to state their names before they speak. So if  
40 you can that would be very, very helpful.  
41 I've got John in the queue and then after John  
42 we'll go to Marcos. Then to Dewey. Go ahead.

43 MR. SCHMIDT: John Schmidt. This  
44 may be redundant but one thing that you might  
45 consider when discussing regions is whether or  
46 not you have to manage by regions. In other  
47 words, if there's any area management issues  
48 that you have to deal with that could be a

1 factor in whether or not you should have  
2 regions and where they should be.

3 One other point is that in the --  
4 I think it's pretty obvious but in the Gulf  
5 quota programs landings was used to establish  
6 what region it was in so if the landings were  
7 in the Atlantic even if the fish were caught  
8 in the Gulf the landings didn't count for  
9 purposes of quota. And that seemed to make  
10 sense because that's the only real reliable  
11 data.

12 And a third point brought up, I  
13 think we're going to talk about permits and  
14 boats but they did use -- I'll reserve that  
15 until we talk about it.

16 MR. BROOKS: Good, thank you.  
17 Marcos, Dewey, Jason, Charlie, then over to  
18 Mark.

19 MR. HANKE: One thing that I  
20 wanted to state here for everybody on this  
21 meeting is that we don't have in the Caribbean  
22 the region issue in terms of we don't have  
23 neighbors, you know, to share. We are way far  
24 away. That's why I understand all being said  
25 here but for us it's very unique. The region  
26 concept is not, doesn't have the handicap for  
27 all the discussion have been done here. I  
28 don't think you guys are going to go to Puerto  
29 Rico to fish a few sharks, okay? And this  
30 will address a problem that we have over time  
31 for many years that the quotas when they was  
32 met, the fishermen didn't have access in  
33 Puerto Rico at all to those quotas. And the  
34 way the commercial fishing is done in Puerto  
35 Rico, they don't go out necessarily looking  
36 for sharks. It will be like a secondary  
37 species if it happened. And but reserve some  
38 quota for this region to allow them to report  
39 and to have access to it. It's something that  
40 makes sense to us. Don't forget that we are  
41 a multi-species approach on the fishery once  
42 we go out as commercial fishermen and we  
43 isolate from the rest of the U.S.-managed  
44 waters. Thank you.

45 MR. BROOKS: Dewey.

46 MR. HEMILRIGHT: Dewey Hemilright.  
47 Something else to consider about these  
48 regions, as we're sitting around the table the

1 majority of everybody here are federal  
2 permitted fishermen. There's no mention of  
3 what the states want, you know, how much  
4 effect that the states have landed to fish.  
5 You have up in Virginia for a number of years  
6 hundreds of thousands of pounds of  
7 unclassified fish. In Louisiana, state water  
8 fisheries. You know, it's just not us. It's  
9 almost like when you look at this piece of the  
10 pie you have to go back to how much fish is  
11 out there first, what's available, and then  
12 work your way back on who's going to be left  
13 in this.

14 So, with these regions it's -- I  
15 mean, there's closures off North Carolina,  
16 there's closures off the South Atlantic right  
17 there off Charleston that's been in effect.  
18 We have closures off North Carolina for the  
19 last, heck, I can't remember how many years we  
20 can't go fishing off of there, you know. A  
21 lot of these have to do when the fish are in  
22 different areas. So it's like you know, how  
23 about the states, they're playing a role in  
24 this because they've been landing a lot of our  
25 quota over the years, so what are the states  
26 got to say about this? It's just not us.

27 MR. BROOKS: Just a follow-up  
28 question, Dewey. So as you think about that  
29 and think about this issue of is it, would it,  
30 you know, does it need to be a regional  
31 approach or, you know, sort of an across-the-  
32 board approach? How does that factor into  
33 your thinking?

34 MR. HEMILRIGHT: Well personally  
35 I'm against catch shares altogether. But if  
36 it's got to be something, all or none.  
37 Because it's not right for the people up in  
38 the North Atlantic. I mean, I just think the  
39 pie is too small. I believe it's going to be  
40 crumbled up. If it goes to catch shares  
41 they're going to do stock assessments and  
42 they're going to pick you off one species at  
43 a time and there will be nothing left.

44 Second of all, while we're voicing  
45 my opinion here, sometimes I do, I believe  
46 that the science for the sharks, it's just a  
47 matter of time where this life can't continue.  
48 We see the amount of sharks out there, it's

1 just phenomenal, and the only avenue we have  
2 to see it is the observer program that that's  
3 not very forthcoming and some fishermen are  
4 gaining by it and a lot of them, that's the  
5 only way we get the data. But I just, I  
6 believe there's more sharks, I believe it's  
7 another way to pick us off and it just ain't  
8 right.

9 MR. BROOKS: Thanks, Dewey, that's  
10 helpful. Jason.

11 MR. ADRIANCE: Yes, this kind of  
12 goes to what Dewey was saying. If you go  
13 regional for example, the Gulf of Mexico, you  
14 have to consider state allocations, especially  
15 Louisiana. And catch shares have been deemed  
16 unconstitutional in Louisiana state waters.  
17 So there's, we do not privatize a public  
18 resource. And to Rusty's point, I believe the  
19 state shark permit has been around since the  
20 '80s.

21 MS. SCHULZE-HAUGEN: Jason, can I  
22 ask you a quick question about that? So,  
23 you're saying the state of Louisiana has a  
24 constitutional prohibition on catch shares in  
25 state waters. But there are Gulf fisheries in  
26 federal waters that have catch shares. So,  
27 how does that work?

28 MR. ADRIANCE: It's the state  
29 resources. Those resources within state  
30 waters. It's been deemed over time that it  
31 would be unconstitutional to have a catch  
32 share on a state resource, a resource in state  
33 waters.

34 MR. BROOKS: Thanks. Charlie.

35 MR. LOCKE: I think catch shares  
36 are Communist in my opinion. I'm pretty much  
37 like Dewey. I think that it's good Louisiana  
38 recognized that and said it's  
39 unconstitutional. It should be nationally  
40 like that. But I will say the big push is  
41 coming out of the Gulf for this and you're  
42 going to talk about regions, say this is  
43 specific to regions. I've got a 7-month  
44 closure off my state, the whole state's closed  
45 for seven months. That's affecting me when it  
46 was open January 1st and now it's affecting  
47 guys in Florida because they can't fish when  
48 the fish are there. We've both had poor

1 landings in certain years because of that.  
2 The Gulf has basically until last year when  
3 you all changed it to March has fished the  
4 same way with no closed areas, no really  
5 anything different. In my opinion I'm not for  
6 catch shares but I'll throw this out there.  
7 You have to add both quotas together, manage  
8 it as one stock directed to shark, wherever I  
9 want to go, whatever part of the pie I would  
10 get I would get part of the Gulf's pie too.  
11 I think that's the only way you can look at  
12 it.

13 MR. BROOKS: Thanks, Charlie. Do  
14 we have a follow-up question here?

15 MS. BREWSTER-GEISZ: Sorry,  
16 Charlie. I just, I guess I'm a little thick  
17 sometimes. So you're against catch shares,  
18 but if we go with catch shares in the Gulf all  
19 of the quota would need to be combined? Or if  
20 we go with catch shares at all, all of the  
21 quota would need to be combined?

22 MR. LOCKE: Well, I think the only  
23 way you can do this and to be fair, I mean  
24 they've got three times the quota we have.  
25 And there's probably less fishermen. I mean,  
26 other than your state water boats there's  
27 probably less federally permitted vessels in  
28 the Gulf. I don't know if that's a fact, I  
29 don't know my numbers. But I'm just saying if  
30 I'm going to get X amount of the quota and  
31 you're talking about regions where I'm  
32 basically a sandbar, we have sandbar landings  
33 in North Carolina, that's what we've called it  
34 for years and that's what's mainly up there  
35 which, you know, nobody said is that going to  
36 be a part of this. You know, we haven't  
37 really talked about further into that, this is  
38 still regions, but you have to take all the  
39 quotas and combine them and then divide it  
40 amongst the permit-holders. Because the 200  
41 and some permits you have, that's Atlantic and  
42 Gulf. And so I'm just putting that out there  
43 as my opinion. You could pretty much do away  
44 with the regions, combine the quotas together.  
45 See, the Gulf guys might not like that because  
46 they might not want me getting part of their  
47 pie, but that's just the way. If you're going  
48 to do it and be fair to everybody with a

1 directed permit.

2 I haven't chose to go to the Gulf,  
3 it doesn't mean I wouldn't want to in the  
4 future. But if that was the case there's a  
5 lot more quota in the Gulf than there is in  
6 the Atlantic and that's about the only way you  
7 could make this work if it works at all is to  
8 add it together and then divide it amongst the  
9 permits for the shares. And keep it one  
10 region.

11 MS. BREWSTER-GEISZ: Thank you,  
12 Charlie.

13 MR. LOCKE: Thank you.

14 MS. BREWSTER-GEISZ: And I have  
15 numbers if you want them. So, thank you,  
16 Mark. For when we started looking at this we  
17 started back in 2010. So all these numbers  
18 are 2009 numbers because that's what we had  
19 when we started looking at this. So for  
20 active shark directed altogether there's 102.  
21 In the Gulf of Mexico there are 26, South  
22 Atlantic is 71 and North Atlantic is 29.

23 MR. HEMILRIGHT: Okay, what's  
24 considered active? Sorry. What's considered  
25 active?

26 MS. BREWSTER-GEISZ: Active is  
27 landing at least one shark. But we can talk  
28 about that definition too if you would like.

29 MR. BROOKS: Mark.

30 MR. SPAETH: You know, speaking to  
31 Dewey and a couple of the other gentlemen here  
32 and being highly involved in the grouper IFQ  
33 one of your biggest problems in this multi-  
34 species shark fishery, I think if you do it  
35 you're going to be sorry if you go to an IFQ.  
36 I think one of the biggest problems is going  
37 to be discards and I think they're going to be  
38 huge. And part of the reason is that as we go  
39 down the road, the science, and we need more  
40 funding for it, we all know that is lagging  
41 behind what's really going on in the water  
42 like the recovery of sharks. And if you're  
43 doing it by species and you're doing this and  
44 all of a sudden which we are, you know.  
45 Fisheries is a new science. You look at the  
46 red snapper.

47 The reports we have of the sandbar  
48 sharks, the people that are fishing for them

1 in the experimental fishery are telling  
2 there's huge amounts out there. And that  
3 being the case if we don't have the science  
4 right when we go into this IFQ it's going to  
5 be a mess. And I think you're going to, I  
6 think you need to go to your observer data,  
7 there's some going on now, see what the reef  
8 fish fishery is discarding in sharks, the type  
9 of sharks they're discarding. Take a look  
10 back at some of your previous histories and  
11 try to get an analysis of what effects we may  
12 have on discards. I think that's a huge  
13 issue. And I think that's got to be solved.

14 The other thing that people around  
15 the table need to understand is that a catch  
16 share is a business plan. It isn't a  
17 fisheries biology management plan. You have  
18 other tools in the toolbox to work a business  
19 plan but it really doesn't have anything to do  
20 with the state of sharks. The only thing I  
21 can see it could turn to be negative because  
22 of the discard issue.

23 MR. BROOKS: Thank you. Mark.

24 MR. TWINAM: I was just curious.  
25 You know, I've fished in the Atlantic and the  
26 Gulf for various fish but never for sharks.  
27 I was just curious how many in this room have  
28 landed sharks in both regions. I mean, I  
29 haven't. Anybody else landed sharks? You  
30 guys have? That's all I had to say.

31 MR. BROOKS: David.

32 MR. KREBS: Thank you, Mr.  
33 Chairman. David Krebs. Just some thoughts on  
34 what Marcos was saying. You know, in the late  
35 '80s there was a shark fleet exodus of the  
36 Gulf that went to Honduras and they will show  
37 up if you don't protect yourself. It's effort  
38 shift. And I think as we sit around the room  
39 and talk about sharks I think regions and  
40 traditional fishermen and traditional  
41 communities need to be included in that  
42 discussion because what you don't want to see  
43 happen is have -- go to a catch share in one  
44 region and leave that directed permit still in  
45 the hands of the guy that got the catch share  
46 and then he goes and fishes in his neighbor's  
47 region because he didn't go to a catch share.  
48 So I think there needs to be some discussion

1 about if you start dividing this pie out and  
2 you do want to look at regions in historical  
3 communities and how they participated in  
4 fisheries, or in the shark fishery, how do you  
5 protect that community from not being subject  
6 to effort shift. And that's just my comments  
7 on that. Thank you.

8 MR. BROOKS: Bob.

9 DR. HUETER: Yes, I'm mostly -- oh  
10 sorry, Bob Hueter, Mote Marine Lab. You  
11 changed those rules with the advisory panel  
12 and then I've got to go back and do it again.  
13 It's like when we were all trained to take our  
14 boarding passes through the scanners and how  
15 you have to put them in the bin and I still  
16 get caught.

17 So, Bob Hueter, Mote Marine Lab.  
18 I'm mostly here to listen as an advisory panel  
19 member but just a quick comment on the  
20 regional thing. Yes, I think it would be  
21 ideal if a catch share system was designed to  
22 include all the regions because of the points  
23 that have been made about the sharks moving  
24 back and forth, there's stocks that straddle  
25 both regions and actually until Mark asked his  
26 question I thought a majority of the fishermen  
27 might fish in more than one of the regions but  
28 maybe that's not true. But anyway, that would  
29 be the ideal. My point is I think that it  
30 would be a shame if given that ideal that it  
31 was sort of an all-or-none situation that was  
32 decided. So either it's going to work for the  
33 entire Gulf and Atlantic coast or not at all  
34 if in fact the Gulf fishing community is ready  
35 for this and parts of the Atlantic community  
36 are not. So that one group would pull down  
37 the others.

38 We can assess Atlantic versus Gulf  
39 and in fact it's been done for a number of the  
40 species. And there is a division in quota for  
41 some of this. So there's precedent for at  
42 least going Atlantic versus Gulf. And to  
43 reiterate I don't think it should be an all-  
44 or-none situation. It would be great if it  
45 was all in my view but I don't think that  
46 should be the tipping point. You know, either  
47 it's all regions together or we don't do catch  
48 shares at all if in fact one of them, in this

1 case the Gulf, is embracing this.

2 MR. BROOKS: See if you can make  
3 an entire -- make it all work. If not, the  
4 fallback is either you can make just the Gulf  
5 work or whatever region might be interested  
6 and then a fallback would be well maybe you  
7 just can't make any of it work because it gets  
8 too complicated. Rusty, then over to John,  
9 then I think we should probably move to the  
10 next topic. Rusty.

11 MR. HUDSON: Rusty Hudson. With  
12 regards to Puerto Rico I believe we only have,  
13 what, one directed shark permit down there all  
14 these years? And so I think there might be a  
15 few incidental but I'm not real positive about  
16 all that because I think it's required with  
17 regards to the tuna and swordfishing. But  
18 they're a whole different world down there  
19 from our sharks and if anything they should be  
20 in their own world and whatever.

21 And so that said, keep in mind the  
22 quota changes that we've had. I think we're  
23 looking at nine years' worth of data and by  
24 the time you get through crunching everything  
25 you might actually be folding in the '11  
26 numbers and that might be 10 years' worth of  
27 data if you have the same starting point. But  
28 in '02 for instance we were at 2.8 million  
29 pounds in large coastals, all of them  
30 combined, sandbar, blacktip, et cetera. We  
31 jumped up to about 3.5 million in '03 based on  
32 the previous science done in '02 and then  
33 because the dealers couldn't be species-  
34 specific accurately we dropped down to 2.2  
35 million.

36 And then they started classes for  
37 the dealers in January '07 if I recollect  
38 correctly. And then it was figured, okay,  
39 we'll be able to eventually get species-  
40 specific. I think the last time I checked,  
41 about a year ago we were somewhere around 80-  
42 some percent identified going into the  
43 database. And that's a good thing. But since  
44 the middle of '08 we have had the experimental  
45 fishery for sandbar so that's sort of a stand-  
46 alone situation now. And of course the non-  
47 sandbar, we drew that line right there and we  
48 had to, like Fishbusters for instance, they

1 were on the south side and so we kind of  
2 looked out for them, keep them out of any kind  
3 of regulatory conflict.

4 And so it wouldn't make, you know,  
5 you've got whatever Karyl said, you said 26  
6 active boats in the Gulf of Mexico in '09 I  
7 think as far as your numbers. And you had 71  
8 in what you called the South Atlantic region  
9 and what's in the north is 29? Okay. So  
10 that's 126 vessels and that's small coastal,  
11 that's large coastal. Is that Pelagic  
12 landings in there too? I mean that's part of  
13 the way the permits work. And then so with  
14 that in mind, and then we have a very big  
15 difference in Bruce and David and a couple of  
16 others. Their gear type is a net and for a  
17 long time through the Atlantic large whale  
18 plan they've had to be scrutinized with VMS,  
19 with observer coverage at 100 percent and then  
20 it ratchets down after the right whales go  
21 through. So I know David used to fish a bit  
22 on the East Coast and then go to the West  
23 Coast. I know a lot of folks that are, you  
24 know, been fishing down in the Keys that are  
25 technically South Atlantic or, you know,  
26 having been considered East Coast until we  
27 recently made that change. So now they're  
28 considered Gulf when they're landing over  
29 there. So port of call is going to be  
30 somewhat important, it's right on the back of  
31 the boat and whatever's registered. But as  
32 far as the Gulf of Mexico, as far as all the  
33 permits, there could be changes made to  
34 permits, that's not a big deal.

35 The change that was done in 1999  
36 was very important. We went from 2,256  
37 permits, just a generic kind of permit, and  
38 then we broke out the incidental and directed  
39 and there were like I'd say somewhere around  
40 300 directed, 500 incidental and it ratcheted  
41 on down to where we got about 250 permits for  
42 directed and whatever on the incidental. But  
43 I think the incidentals only amount for about  
44 3 percent or something like that of our  
45 landings on large coastals and stuff like  
46 that. I'm not sure about all the particulars  
47 because there's a lot of stuff that's gone on  
48 in a couple of years. '06 was the last big

1 year. Well, just giving you a history lesson.  
2 All this will need to come out once we get  
3 into catch share analysis and/or kicking it to  
4 the curb.

5 MR. BROOKS: Thank you. One last  
6 comment on this. John.

7 MR. SCHMIDT: Thank you. Bob had  
8 kind of a good point about discards. I have  
9 a little bit of a different context. In the  
10 Gulf reef fishery we've been able to  
11 substantially reduce discards with a quota  
12 program without question. I'm certain that  
13 the science will prove that going forward.  
14 For example, in the Gulf reef fishery at one  
15 time there were 333 red snapper licenses.  
16 Most of those were held in the western Gulf.  
17 So most guys on eastern Gulf, in Bob's region,  
18 didn't have a red snapper license and if that  
19 were the same practice today would have to  
20 discard 100 percent of what they caught and  
21 they could not lease quota in red snapper. So  
22 a quota program can be configured to reduce  
23 discards and to Bob's point, that -- I  
24 wouldn't support a program that was not  
25 configured to reduce discards.

26 MR. BROOKS: Okay, well thank you  
27 all. I know there's more we want to get. I'm  
28 going to close this part of it just so we can  
29 keep hitting other pieces of this discussion.  
30 Are you wanting to jump in here? No, okay.

31 So, just to reflect back a little  
32 bit of what I heard and invite Karyl and Guy  
33 to join in here. I think we've heard a  
34 comment of as far as region-specific I think  
35 a fairly compelling argument that Puerto Rico  
36 should go forward as its own region. I don't  
37 think I heard anyone counter that. As far as  
38 whether, sort of looking more closer in, a  
39 sense that while there are some folks who  
40 clearly are voicing resistance to catch shares  
41 at all I think we also heard if you're going  
42 to go down that path though not doing it by  
43 region seems to be the way to make sense to  
44 most around the table and that was for a  
45 variety of reasons. From one, it's consistent  
46 with sort of the directed shark permit that  
47 you have which isn't tied to a region right  
48 now. It avoids a multitude of complications

1 from sort of varying histories by region from  
2 enforcement to closure, it's just all sorts of  
3 factors and histories that would make it very  
4 hard to sort of parse out a program and  
5 allocate in a way that would feel equitable to  
6 folks around the table. It spreads a limited  
7 resource among, you know, it takes a limited  
8 resource and when you divide the pie leaves  
9 folks with something that feels a little bit  
10 substantial. Easier management. So I think  
11 there's other reasons as well but those are  
12 some that come to mind.

13 Some other points that were noted  
14 in the course of the conversation, Bob's  
15 point, you know, don't think about this as all  
16 or nothing, which is it's not easy to do all  
17 regions together or nothing. Maybe you try  
18 for the, see if you can make all regions work  
19 in a way that works for industry but if not  
20 maybe there's a fallback of looking at the  
21 Gulf or another region that might be  
22 interested. You need to get the science right  
23 first, that how that's done is very important.  
24 You need to be mindful of other state  
25 restrictions and sort of Louisiana's  
26 considerations and how that plays out. And  
27 then there's an issue, the issue of dead  
28 discards and at least while we may have a  
29 divergence of views on how that plays out  
30 right now my guess is there's a shared  
31 perspective on yes, you sure better think that  
32 through and deal with it before you launch the  
33 program. So I don't know if either one of you  
34 want to add anything? Okay. All right.  
35 Well, that's a good start to that discussion.  
36 Let's shift now to the resource unit and I  
37 don't know if Guy or Karyl want to just tee  
38 that up a little bit in terms of framing the  
39 questions?

40 MR. DUBECK: Okay. Now let's  
41 shift to the resource unit. So earlier you  
42 saw the slide about whether the catch share  
43 program should include all species or should  
44 we only include large coastal sharks. And  
45 also we talked about should the catch share  
46 program be by gear types, what gear types  
47 should be included too, but I'll leave this  
48 slide up for the different kind of species

1 complexes. So let's start the room around  
2 with any questions.

3 MR. BROOKS: Rusty.

4 MR. HUDSON: With the impending  
5 action on hammerheads and that's affecting the  
6 ICCAT-regulated fisheries but not the directed  
7 fishery with the initial cut that I hear, that  
8 three hammerhead species or just the one  
9 specie might wind up in the prohibited species  
10 list. And some of those prohibited species  
11 lists like Carolyn told me in the hallway,  
12 like goliath grouper down in Florida may  
13 eventually go from zero to some kind of  
14 science that says hey, you can actually have  
15 a quota here on one of those species on that  
16 list. So keep that in mind when you're  
17 looking at the list that that could wind up  
18 actually being the bigger picture. Because  
19 we've got 72, 73 species we started out with  
20 originally of which about 20 or 30 of them are  
21 pretty routinely encountered. So these are  
22 the type of things that will affect your  
23 business plan in time. And science, it takes  
24 you a couple to three years just to do one  
25 assessment because by the time you do the  
26 assessment across a year or so and it's got  
27 reviewed then you've got to go through an  
28 amendment, and most amendments take a year and  
29 a half to two, three years to really  
30 accomplish and get it implemented.

31 MR. BROOKS: Thanks, Rusty.

32 Scott.

33 MR. VAETH: Scott Vaeth. Yes, I  
34 think that all the species should be included  
35 because I mean, our gear, we're not species-  
36 specific on what we're catching. And I mean,  
37 like the hammerheads. I know they're trying  
38 to pull them out but every hammerhead we catch  
39 is dead. And the sooner, if we were to put  
40 that on our quota the sooner the quota's full,  
41 the sooner our gear's out of the water and the  
42 less fish we're killing. I mean, that's the  
43 whole point of I thought going to this catch  
44 share program was to clean up the bycatch. I  
45 mean, that's the bycatch that's going on right  
46 now, the discards is unbelievable. You know,  
47 I don't know about in the state waters where  
48 you can fish, you know, a mile from the beach,

1 sure, it's easy to bring in all the smaller  
2 sharks and all that. Where we're having to  
3 fish 40-50 miles you cannot bring home 33  
4 blacktips and even pay for the fuel. It's  
5 getting discarded and that's the honest truth  
6 on what's going on out there. So my feeling  
7 is that you would have to include all the  
8 fish.

9 MS. BREWSTER-GEISZ: Scott? Just  
10 to clarify, when you say "all the fish" you  
11 mean Pelagic, small coastal, large coastal,  
12 all sharks. Or are you thinking all the fish  
13 of one complex or another?

14 MR. VAETH: I was thinking all the  
15 fish of one complex that we're actually  
16 fishing for at the moment, large and small  
17 coastals.

18 MR. BROOKS: Okay. By the way,  
19 Greg, you're welcome to join us up at the  
20 table if you'd like. Never mind, they shot  
21 you down. Okay. Rob.

22 MR. KNAPP: I'm wondering if you  
23 include the porbeagle, the blue sharks and the  
24 mako in this concept are you going to raise  
25 the large coastal quota? Because it's not in  
26 the same quota at this point, is it? So  
27 that's kind of confusing to some of us that  
28 don't catch blue sharks, porbeagle, okay? And  
29 we do catch an occasional mako, but I think  
30 you should include the small coastals because  
31 there are some of us that catch small coastals  
32 and large coastals. But as far as the blue  
33 sharks, the porbeagle and the mako if you're  
34 going to include that then I think we've got  
35 to raise the quota and use the quota from them  
36 species to divide up the pie.

37 MS. BREWSTER-GEISZ: So would we  
38 raise the quota like combine the quota or --

39 MR. KNAPP: Meaning you use the  
40 blue shark quota, you use the porbeagle quota,  
41 okay, and the mako quota over and above the  
42 large coastal quota because it's kind of  
43 confusing here. You'd have to show what the  
44 large coastal quota is, what the small coastal  
45 quota is, what the blue shark quota is, okay,  
46 what the mako quota is. I kind of think we're  
47 really discussing large coastal quota and  
48 small coastal quota here, right? I don't know

1 how we got to blue sharks. Can anybody answer  
2 that?

3 MS. BREWSTER-GEISZ: They are one  
4 of the shark species we manage. So we didn't  
5 want to just leave them out. But the question  
6 I have for you --

7 MR. KNAPP: Does that quota get  
8 full, the blue shark quota?

9 MS. BREWSTER-GEISZ: No.

10 MR. KNAPP: You see where I'm  
11 going, right?

12 MS. BREWSTER-GEISZ: So, my  
13 question to you is when you're saying  
14 combining the quota, you mean go to one  
15 overall shark quota and no more complex quotas  
16 or species-specific quotas.

17 MR. KNAPP: If we're talking about  
18 history we use our large coastal history  
19 including sandbars as far as the catch share,  
20 we use our small coastal fishery as a catch  
21 share and then I don't know how to approach  
22 blue sharks if we've never caught them, okay,  
23 and landed them. But if you're going to  
24 include that in do you -- do you give that  
25 catch share to people that did? I don't --  
26 you see where I'm coming from? There's a  
27 quota there that's untouched, a blue shark  
28 quota. If we combine it we'll have more of a  
29 pie to pass around so to speak. If we do go  
30 to catch shares. I haven't decided what I  
31 want to do at this point. I'm trying to  
32 absorb everything here. But when I see blue  
33 sharks and porbeagle on there and then I see  
34 a large coastal and a small coastal but I  
35 don't know the numbers on the porbeagle and  
36 the blue sharks so I'm kind of lost there.  
37 That's -- I don't even know what the question  
38 is I'm asking but I think if you're going to  
39 have a history it's a history in large and  
40 small coastal sharks, okay? As far as the  
41 blue sharks and the porbeagle I don't know how  
42 to address that unless you want to throw that  
43 quota in there and give us a little extra pie,  
44 I don't know. Okay, I guess I said enough.

45 MR. BROOKS: I just thought we'd  
46 let some of your colleagues here weigh in, see  
47 if they can think this through a little bit.  
48 Mark and then over to Bob.

1 MR. TWINAM: Mark Twinam. I'm on  
2 the fence myself with the catch shares. You  
3 know, I think in the short term it's going to  
4 be against my, against what would be better  
5 for me. In the long term I don't know, but as  
6 far as dividing up the complexes it seems like  
7 you're going to have to do some because if you  
8 have spinners and blacktips in the same  
9 complex as lemons and bulls then there will  
10 never be another spinner or blacktip landed  
11 again. So I just want to make that point.

12 MR. SPAETH: I was just, and I  
13 haven't swordfished in a long time, long time,  
14 but the Pelagics off there, off deep water at  
15 least off of where we're at we seem to have a  
16 different mix of those species. I don't know  
17 how you would fit that in. And then of course  
18 I never fished, Mark might be able to answer  
19 on the South Atlantic or in the coast. You  
20 don't have as much bottom to shark fish so  
21 they may have a lot more interaction with  
22 those species on the other coast than we do in  
23 the Gulf because of the distance we have to  
24 run, a hundred miles or so before we get into  
25 swordfish water. So I just wondered  
26 somebody's thoughts on that, whether it really  
27 needs to be included and how you might divvy  
28 that up amongst the swordfish fleet, because  
29 that's who catches most of them.

30 MR. BROOKS: Thank you. Charlie.

31 MR. LOCKE: Charlie Locke. I see  
32 sandbar up there. I've had a question, I've  
33 actually talked to Guy about this I think and  
34 I have no -- I'm a new entrant, 2006. I was  
35 a crew back when it was unlimited and then a  
36 4,000 pound. So I've been in the fishery  
37 since it's been a 33-head fishery. So I have  
38 two questions. One, I am in the shark  
39 research fishery. Are my sandbar large  
40 coastal landings in the research fishery going  
41 to be included in the landings figures? And  
42 also, and I don't know if this is going with  
43 the species thing but it was something that  
44 ought to have been brought up too. If you go  
45 to a catch share is it still a 33-head trip  
46 limit or do you then for discards like we're  
47 talking about allow the fisherman to land  
48 everything he catches? And that would include

1 sandbar, especially in my area, we're just  
2 huge amounts of sandbars. You know, if you  
3 include sandbar in the species are you  
4 eliminating the research fishery? And are you  
5 going to stick with a 33-head? You know, I  
6 don't know if that goes with the resource unit  
7 but that's my question. Being as I'm a new  
8 participant all my landings are under the 33-  
9 head so I have no 4,000 pound trip landings on  
10 my permit and that's just a valuable question  
11 for me.

12 MR. BROOKS: Karyl?

13 MS. BREWSTER-GEISZ: Excellent  
14 questions, Charlie. Your first question was  
15 being in the shark research fishery if your  
16 sandbar sharks would be included. The way I  
17 was picturing it, although you know what they  
18 say about assumptions, the way I was picturing  
19 it would be whatever species we decide to move  
20 forward with, those species' landings would be  
21 included. So if we were doing a sandbar,  
22 including sandbar in the catch share, yes,  
23 those would count. If we're not including  
24 sandbar in the catch share program the sandbar  
25 landings wouldn't count. But whatever other  
26 landings you had in the research fishery  
27 would. If that makes sense.

28 You asked if we go to the catch  
29 share program if the 33-head would still  
30 apply. I would say no. It would be up to you  
31 to decide your trip limit based on what your  
32 allocation is. If you only have an allocation  
33 of 8,000 pounds you might decide you want to  
34 use that full 8,000 pounds in one trip or  
35 maybe you want to split it up into several  
36 different trips depending upon where you fish  
37 and what species are available.

38 MR. BROOKS: I think this is the  
39 point that Karyl made in her earlier  
40 presentation this morning which is one of the  
41 advantages is management flexibility. It puts  
42 it in your hands and that's I think a good  
43 example of that point.

44 MS. BREWSTER-GEISZ: But I think  
45 your question about the sandbars and the  
46 research fishery is a really good one and it's  
47 something that we definitely need to think  
48 about.

1 MR. HEMILRIGHT: You know, most  
2 people here are probably bottom long-line  
3 fishermen, gill net fishermen or something  
4 that's sitting around the table. Why are we  
5 discussing putting Pelagics in a catch share  
6 program and there's nobody here basically that  
7 probably has a lot of interactions with them  
8 species? You know, that's more of a cold  
9 water fish, long-lining fish predominantly.  
10 We're here to talk about the bottom long-  
11 lining predominantly. I mean, you're asking  
12 a lot of different things here and people are  
13 throwing out but Pelagics shouldn't be  
14 included. That's another whole ball, you  
15 know, a whole 'nother ramification of  
16 international, what's our quota, what's the  
17 stock assessment for these species. So it's  
18 like, you know, I just think we're putting the  
19 horse before the cart because if you don't  
20 know what landings you have that's signed off  
21 on the rest of this stuff's irrelevant. So  
22 until you know what each permit-holder has in  
23 his landings and then you can decide well hey,  
24 you know what? Ninety percent of your  
25 landings ain't going to count because it ain't  
26 the right year. But until you know what your  
27 landings are sitting around this table it's  
28 pure speculation. And fishermen, you know, we  
29 tend, you know, you're fixing something so  
30 you've got to figure out, you know, we should  
31 be working, hey, what's this guy's landings,  
32 what's the approval, instead of all these what  
33 species are going to be included. Because  
34 Pelagics shouldn't be included I don't think.  
35 I mean, we're talking bottom long-line here.  
36 There should be a lot more people at the table  
37 if Pelagics are included.

38 MR. BROOKS: Well thanks, that's  
39 exactly the kind of perspective we're looking  
40 for, so that's helpful. Please.

41 MS. BREWSTER-GEISZ: So Dewey, I  
42 just have a quick question for you. Are you  
43 saying we shouldn't include Pelagic at all in  
44 any catch share program, or if we are thinking  
45 about including Pelagics we should have  
46 included more Pelagic longline people around  
47 the table, and since they aren't here we  
48 shouldn't talk about it right now?

1 MR. HEMILRIGHT: Yes, I mean I'm  
2 not for the catch share so I don't know what  
3 else to tell you. But I mean it should be,  
4 you know, included if we're -- you know, you  
5 all send us out this proposal and I've been  
6 around long enough to know when you all send  
7 something out you've pretty much got your mind  
8 made up it's just how are we going to fix.  
9 I've been here long enough, it ain't the first  
10 day on the rodeo so I understand that part.  
11 But I also understand a lot of people sitting  
12 around this table scratching their head, hey,  
13 look here. Here's this pie and which species  
14 we put in there. And once these species are  
15 put in then we'll do a stock assessment. But  
16 why haven't we already done a stock assessment  
17 before we decide which species the people are  
18 going to get to go catch? Because this stuff  
19 will get pulled out and all of a -- I mean,  
20 it's just a lot of -- I'm not explaining  
21 myself very well because the frustration tends  
22 to overwhelm me a little bit. But it's just  
23 we're sitting here talking about Pelagics. We  
24 shouldn't be. You know, I didn't know this --  
25 we were talking about Pelagics for this  
26 program. You didn't mention nothing in here  
27 in your white paper about Pelagics. You gave  
28 the whole world of scenarios of basically the  
29 bottom longline fishery and probably some of  
30 the gillnet fishery, your scenarios.

31 And then one of your scenarios on  
32 page 15 at the top you said that people chose  
33 to get out of the fishery. I didn't choose to  
34 get out of the fishery, I was forced out  
35 before my 33-fish limit, it's really  
36 unfeasible for me to go fishing with it. So,  
37 it's just, this is going to be a tough one and  
38 there's a lot of history here with people that  
39 go back in the early '90s. You know, we've  
40 been around a long time and we're just getting  
41 killed off on things. If you ain't  
42 participating in the guinea pig fishery it  
43 ain't happening for you. That's all over the  
44 page. No standards. As far as landings.  
45 Something else, if it goes to privatization of  
46 our landings everybody's landings ought to be  
47 public knowledge of what his landings were  
48 when they go into a catch share program

1 because you're going to see some of these  
2 accumulations over the last few years ain't  
3 the best above par landings of how they got  
4 there.

5 MR. BROOKS: Thanks, Dewey. Rusty  
6 and then I'll head up to the corner there.

7 MR. HUDSON: Rusty Hudson. A  
8 couple of minor points. Gulf of Mexico  
9 blacktip is rebuilt. Atlantic blacktip status  
10 is unknown. I believe that might be in the  
11 queue for a SEDAR assessment in the near  
12 future that could change in the Gulf of  
13 Mexico. It could change on our side except  
14 they don't really have any commercial landings  
15 before '91 even though we landed blacktips  
16 since the early '80s.

17 That aside, as far as the blue  
18 shark quota currently available only 2 percent  
19 of it's been caught this year. Most of it's  
20 in the northeast. When I busted the NMFS  
21 database in February of '92 they quadrupled  
22 the quota. It was because millions of pounds  
23 of landings in Louisiana, blacktip, were  
24 misidentified as blue shark, mako. Got that  
25 straightened out and then brought in millions  
26 of pounds to the data and that helped make the  
27 plan get online in '93.

28 Since 2005 off North Carolina  
29 we've had a closed area out to 55 fathoms from  
30 January 1st to July 31st and there's a mandate  
31 that the bottom longliners have to have a VMS.  
32 And if you have hail-ins/hail-outs and  
33 everything else that may go with this catch  
34 share stuff all that may figure into the  
35 scenario.

36 The incidental guys, as I said,  
37 the closed area off of Florida year-round has  
38 eliminated a big chunk of large coastals.  
39 Then you get up a little further to the north,  
40 18 percent of the other than blue shark and  
41 porbeagle quota is consumed by common  
42 thresher, shortfin mako and oceanic whitetip.  
43 Oceanic whitetip is probably going to be took  
44 off the table. We see some of the oceanic  
45 whitetip down to the south, but again we don't  
46 have the Pelagic guys out there anymore. And  
47 I just thought that those little tidbits might  
48 help you.

1                   But the one thing Bobby brought up  
2 about his swordfish boats in the Gulf of  
3 Mexico. Common specie is a large coastal, is  
4 a bycatch out there. It's called a silky  
5 shark. And that is an animal that the  
6 recreation no longer has access to but it  
7 still is a viable bycatch for the commercial  
8 or directed if you wanted to do 33 sharks but  
9 you've got to go way offshore to get them.  
10 Just thought you'd want to know.

11                   MR. BROOKS: Thanks, Rusty.  
12 Please.

13                   MS. BOEHM: Thanks. Angela Boehm.  
14 I don't know if I understood you correct but  
15 you had said the research landings would be  
16 allowed to be considered towards allocation.  
17 And I kind of think that would be unfair  
18 because a lot of people don't participate in  
19 the research fishery. Did I understand that  
20 correctly?

21                   MS. BREWSTER-GEISZ: That is what  
22 I said. Yes, the non-sandbar large coastal if  
23 we are considering large coastal sharks to be  
24 in the catch share program, that those would  
25 be, in my mind those would be considered in.  
26 The fishermen who are participating in the  
27 research fishery could go out and fish for  
28 them, not part of the research fishery. Why  
29 wouldn't we consider all of their landings?  
30 But once again, that's just what I was  
31 thinking. That doesn't mean that's what we --

32                   MS. BOEHM: No, I believe the  
33 sandbar should be included so when the stock  
34 assessments say that fishing can resume  
35 absolutely we're ready to move into the  
36 program. But I understood that the gentlemen  
37 that are doing the research fishing now, they  
38 would be able to use those landings towards  
39 their allocation?

40                   MS. BREWSTER-GEISZ: I think the  
41 sandbar is the question. Because nobody other  
42 than the research fishermen have that access  
43 to the sandbar right now. The other fish that  
44 they're landing as long as the fishery is open  
45 other people have access to those. So. But  
46 a lot of these questions also should come up  
47 under our allocation questions because we  
48 don't, as I presented this morning we don't

1 have to include catch histories being poundage  
2 or species. It could be years of  
3 participation or equal allocation to  
4 everybody. There are other ways of doing that  
5 initial allocation that wouldn't necessarily  
6 raise the same issues as species-specific  
7 landings.

8 MR. BROOKS: Anything else? Okay.  
9 I've got a few more people in the queue. I've  
10 got John and Mark and Bob. And I want to, I  
11 don't know if you all feel like you've heard  
12 enough on this conversation particularly as it  
13 relates to gear types. Whether you want to  
14 hear any more conversation around commercial  
15 and rec gear types in this context.

16 MS. BREWSTER-GEISZ: If you could  
17 finish your queue.

18 MR. BROOKS: Okay. So John, Mark,  
19 Bob.

20 MR. SCHMIDT: John Schmidt. There  
21 are some ways that you can configure the quota  
22 to account for things like, for example,  
23 Pelagics that might be caught incidentally.  
24 You could have, for example, bycatch quota,  
25 shark bycatch quota that could include a broad  
26 range of species if the management of them was  
27 not critical. And I guess once you ran out of  
28 bycatch quota you can't land anymore bycatch  
29 but maybe there are some other options that  
30 could be considered. I'm not proposing any of  
31 them, just bring it up for thought.

32 You might have a couple of one or  
33 two control quotas and then say for example,  
34 you know, sandbar quota and everything else.  
35 The less you divide up the quota I think in my  
36 opinion the better so that we are able to land  
37 everything we catch without a problem. But  
38 one problem with doing that is that if shark  
39 quota is shark quota naturally we're going to  
40 target the more valuable ones and so you know,  
41 that has -- thought has to be given to that as  
42 well. So those are my comments.

43 MR. BROOKS: Mark.

44 MR. TWINAM: Yes, I didn't know if  
45 -- I got to thinking maybe you didn't  
46 understand exactly what I was talking about.  
47 But to that point there if the blacktips and  
48 spinners are in with the bulls and the lemons

1 they have about half the value. So if you  
2 want to maximize your IFQ you need to discard  
3 the bulls and lemons. Of course, you wouldn't  
4 want to do that but that's how it's going to  
5 end up a lot of times unless you had an  
6 observer onboard. The other thing is if the  
7 sandbars, they'd have to be in a large coastal  
8 species otherwise you'd be forced to discard  
9 sandbars. They don't all the time come with  
10 other fish but they do enough and most of the  
11 time the sandbars are alive when you catch  
12 them but why throw away one sandbar. That's  
13 all I have to say.

14 MR. BROOKS: Thank you. Bob.

15 MR. SPAETH: Margo, did I hear you  
16 say that historical participation isn't  
17 necessarily needed to be included in a catch  
18 share program?

19 MS. SCHULZE-HAUGEN: I don't  
20 remember saying that. But I think there are  
21 a variety of ways to look at, you know, kind  
22 of eligibility. You know, historical  
23 landings, participation in some other way,  
24 equal share. And then combinations of that I  
25 think have been used in other fisheries. So  
26 I think there's a lot of things that we could  
27 look at, not just landings.

28 MR. SPAETH: To that point, you  
29 know, and you all know who I am and I helped  
30 start this fishery way back when, caught  
31 hundreds of millions of pounds. And what  
32 happened in this particular case, because I  
33 was in the shark fishery and I kept in the  
34 shark fishery and my other fishery was the  
35 reef fishery those couple of boats that I kept  
36 in the shark fishery ended up getting no IFQs  
37 for grouper because I was in the shark  
38 fishery. Now if we don't go into historical  
39 participation I'm cut out of another fishery.  
40 That really is hard to swallow and I think  
41 there's a lot of people that have older  
42 permits and I would hope we would look that  
43 into some kind of consideration. I don't know  
44 what to do about it but I think we need to  
45 really look at that seriously.

46 MR. BROOKS: And again, we'll be  
47 coming back after the break and focusing down  
48 on the how do we allocate and talk about that

1 issue. I've got Greg DiDomenico in the back  
2 and then over to Dewey.

3 MR. DIDOMENICO: Thank you. Greg  
4 DiDomenico, Garden State Seafood Association.  
5 When you start to conduct your workshops I had  
6 sort of a list of questions or analyses that  
7 may be helpful when you conduct them. One  
8 sort of is important now. If you could  
9 segregate landings by gear type and by region  
10 and even, or by complex or species that would  
11 be a big help because as far as I know  
12 primarily we're talking about two major gear  
13 types, longline, bottom longline and gill net.  
14 And I think it would be helpful to see sort of  
15 where those -- how those landings stack up and  
16 if they correlate certainly to certain  
17 regions. Thank you.

18 MR. HEMILRIGHT: Yes, as to Greg's  
19 mention in there, you know, it should be done  
20 by like each state, the landings by the  
21 federal permitted dealers and federal  
22 permitted fishermen in the state water, what's  
23 separate from that's left in there. Something  
24 else. Your observer program, there should be  
25 reports here for people to read that tell what  
26 the makeup and the composition of the catch is  
27 would be very helpful, you know, in these  
28 conversations. You know, some fishermen fish  
29 different regions. I know you all are having  
30 a hard time, or not you all, probably I am  
31 haggling over the confidentiality of the  
32 observer program. Meaning that if you put up  
33 there a set number, the amount of hooks set,  
34 the amount of, get the CPUE and the amount of  
35 what was caught on that, precluding protected  
36 resources I don't see why that couldn't be put  
37 out there as transparency. I mean, nobody  
38 would know who the fisherman was, where he set  
39 and the date. Because the more you can show  
40 out there, the more questions that -- I mean,  
41 we have a lot of questions. And it would help  
42 out there.

43 And not only that, the  
44 transparency. Because the only avenue to  
45 gather this data we have in hand right now is  
46 this research fishery. And it seems like to  
47 me we're not getting a whole bunch of bang for  
48 the buck with the research fishery because

1 this wealth of knowledge and only a select few  
2 get to do it. And what happens if you don't  
3 get to do it if you applied? So that means  
4 you don't, you know, your landings, you don't  
5 get to participate because it's a random  
6 selection. I haven't participated or I  
7 haven't put in for it. But just more  
8 knowledge of the fishery would maybe help  
9 everybody sitting around the table for the  
10 different regions. But if you could have some  
11 more transparency in the fisheries, you know.  
12 Meaning what was caught, you know, the CPUE,  
13 catch per unit effort, because we're seeing a  
14 lot of stuff out there and there's no way to -  
15 - it's pretty anecdotal just sitting around  
16 the room here.

17 MR. BROOKS: Thank you. Rusty, is  
18 your card up again or is that historic? Okay.  
19 Do you want to hear any more conversation on  
20 this or should we be shifting to eligibility?  
21 Okay, so I don't know what you all want to  
22 fold in. It sounds to me like there's an  
23 inclination towards sort of a lumping of all  
24 shark species but at the same time a  
25 recognition that there are complications in  
26 doing that and concerns around the Pelagics.  
27 And maybe there's a carve-out there. There  
28 were some questions raised around the sandbar  
29 research fishery and whether that folds in or  
30 not and some interesting dead discard  
31 considerations which actually I heard cutting  
32 kind of both ways. If you go with a lumping  
33 strategy you might have a targeting of the  
34 most valuable species and therefore have some  
35 dead discards. But I think I also heard if  
36 you do more species-specific then you're going  
37 to have a dead discard issue there as well.  
38 So clearly that's an issue to be managed  
39 regardless. I don't know if there's any other  
40 points anyone wants to fold in? Okay, we'll  
41 go over here and then to Rusty. Please.

42 MR. BOEHM: Pete Boehm. Has the  
43 blue sharks and the Pelagics, makos and stuff,  
44 do you guys ever have that quota caught?

45 MS. BREWSTER-GEISZ: Blue shark  
46 and the other Pelagics have never been caught.  
47 Porbeagle has and in fact it's at 147 percent  
48 right now.

1 MR. BOEHM: But I mean as far as  
2 you're -- I think you're mainly talking about  
3 the mako and the blue shark, is that correct?  
4 I mean, pretty much --

5 MS. BREWSTER-GEISZ: -- oceanic  
6 whitetip.

7 MR. BOEHM: Pretty much that stuff  
8 you could just leave it alone. I mean, let  
9 the swordfish boats have it. I mean, Dewey's  
10 right. It's not an issue. I mean, we've got  
11 an issue with this other stuff that our quota  
12 is caught quick and it's drug out and we've  
13 got a bycatch issue. But that's, it's not my  
14 fishery but I don't think it's a problem.

15 MR. HUDSON: Clarification. I was  
16 talking about the misidentification of the  
17 landings in Louisiana being blues and they re-  
18 identified them as blacktip. Blue shark is a  
19 rare event animal in the Gulf of Mexico. It's  
20 very common up in the northeast and that's the  
21 big thing there. Shortfin mako of course is  
22 very valuable. And you pulled out the big eye  
23 thresher and the longfin mako recently and put  
24 them in prohibited so it's really just mako  
25 and common thresher and the blue shark up to  
26 the north. And once you get oceanic whitetip  
27 out of the mix then I mean that's pretty much  
28 it, it's going to be a northeast thing I  
29 think. Except for mako in the Gulf.

30 MS. BREWSTER-GEISZ: So one more  
31 to your list, Bennett, would be what Dewey was  
32 talking about about including more information  
33 on the observer program and the fishermen,  
34 more transparency.

35 MR. BROOKS: Yes, that's a good  
36 addition. Yes. More transparency, more  
37 information to inform the whole discussion.  
38 Good. I was going big, Dewey.

39 Let's shift at this point to the  
40 topic of eligibility. And again, Guy, maybe  
41 you can introduce that.

42 MR. DUBECK: Okay. So, let's  
43 shift to eligibility. All right. I'll find  
44 the slide eventually. So, should the catch  
45 share program include directed permit-holders  
46 or other permit-holders such as incidental or  
47 recreational permit-holders? And also, should  
48 the catch share program include all

1 permits/vessels in the fishery, the inactive  
2 permits and new entries or only some which are  
3 the active permits and vessels right now?

4 MR. BROOKS: Okay. So again,  
5 directed only or directed and also incidental  
6 or rec permit-holders, and included all  
7 permitted vessels in the fishery or just some.  
8 Bob, you are in the queue.

9 MR. SPAETH: I think that all  
10 directed shark permits ought to be allowed.  
11 A couple of rationales where I gave you  
12 reasons before. If you do go to a program and  
13 you take away their permits they will have no  
14 availability. If you go in to lease or  
15 trading to have an opportunity to lease some  
16 if you get into that program if you take away  
17 all of their permits.

18 Now, my thoughts on incidental, if  
19 you're going to an IFQ and the incidental  
20 permit really doesn't have very much IFQ I  
21 think the question would be are they going to  
22 be allowed to participate in leasing and  
23 trading if that becomes part of the program.  
24 Do you follow what I'm saying? Okay. Thanks.  
25 On which one? The incidental? No, I'm still  
26 pondering that one. I think they probably,  
27 I'm leaning towards not taking away anything  
28 but I don't know what the quota adjustments  
29 would be and what the effects would be so I  
30 can't really answer it. If I saw those  
31 numbers I might have a better opinion.

32 MR. BROOKS: Rusty.

33 MR. HUDSON: Earlier when Charlie  
34 brought up a question about eligibility of  
35 some of his landings, of course this science  
36 fleet for sandbar only started middle of '08.  
37 So where Charlie started in '06 he probably  
38 had sandbar, blacktip, whatever you know comes  
39 onto the line. Now you're specifically non-  
40 sandbar, 33, it's a different world from the  
41 4,000 pound trip limit. And of course you had  
42 ID issues. And if you're going all the way  
43 back to '02-'03 you've got serious ID issues  
44 with whatever they're accumulated numbers is.  
45 The sandbar is going to be mixed in there at  
46 some point.

47 MR. BROOKS: Do we have no  
48 opinions on this or are we all hitting the

1 kind of mid-afternoon lull and you need  
2 cookies and sugar?

3 MR. DUBECK: It was about  
4 eligibility. Should the catch share program  
5 include only directed permit-holders or should  
6 it include incidental and recreational permit-  
7 holders.

8 MR. HEMILRIGHT: Well, I think --  
9 Dewey Hemilright. I think it's going to have  
10 to include all because they're the ones  
11 catching the fish. Incidental, I mean it's  
12 all elements of it. I don't know where you  
13 see, I have yet to see what the incidental  
14 catch is as far as how many fish they land or  
15 whatever the deal is, but I mean anybody that  
16 has interaction with a shark, you know, has  
17 got to be accounted for some way.

18 MR. SAMPSON: Yes, Mark Sampson.  
19 Just clarification. You use the term  
20 "recreational permit-holders." You're just  
21 referring to all recreational fishermen who  
22 would have an HMS permit, is that what you're  
23 saying? Okay. I guess just my short comment  
24 would be please just leave us recreational HMS  
25 permit-holders out of the catch share  
26 discussion altogether. So I guess that pretty  
27 much sums it up, how we feel.

28 MS. BREWSTER-GEISZ: And Mark, do  
29 you include charter head boat with that or  
30 just?

31 MR. SAMPSON: Yes. The short  
32 answer, yes. Everybody recreational. Thank  
33 you.

34 MR. STEED: Yes, Dave Steed. I  
35 would think that any active permit should be  
36 included in this. For the people who hold  
37 directed shark permits and are landing no  
38 sharks say in the last five years I don't see  
39 where they have proved that they can hold a  
40 permit, but they have also provided that they  
41 do not depend on a shark landing to make their  
42 living. And there's not enough of this pie to  
43 cut up -- nobody's going to make a living  
44 shark-fishing out of what we're going to get.  
45 It's still going to be an incidental catch or  
46 it's going to be something that when the  
47 opportunity comes up we're going to be able to  
48 catch them. And to cut that pie even shorter

1 for the people who need to catch these sharks  
2 by giving somebody sharks who has proved they  
3 don't need sharks to me is just not right.

4 MR. TWINAM: You can carry that a  
5 step further, John, even by saying that  
6 anybody that didn't have at least 5,000 pounds  
7 in one year, you know what I mean. Because if  
8 you just say they had landed one shark that  
9 still when they divide it up is going to be  
10 mighty skinny. I don't know where it'll get  
11 to where you could have a decent amount to  
12 make a living out of it. I would say that,  
13 you know, if it was up to me personally I'd  
14 say that if you're born between 1954 and 1956  
15 and had red hair that would be the way to  
16 divide it up.

17 (Laughter)

18 MR. TWINAM: So it's really almost  
19 no matter what we're doing here it's self-  
20 serving to include ourselves in. Or I don't  
21 know how else you do it. I mean, now is the  
22 time to make it if it's going to be that way,  
23 you know what I mean? Because I don't know  
24 any other IFQ I've seen torn up. You never  
25 get your full amount. So if you've been  
26 catching 33,000 pounds a year, if this thing  
27 gets divided up with every eligible permit  
28 that landed one shark you might end up with,  
29 well they said 7,000 pounds a year. So you  
30 know, I don't know. It's kind of, that's why  
31 I'm on the fence. I'd almost just as soon  
32 leave it alone.

33 MR. STEED: Yes, but they didn't  
34 give us the number that that -- well, they did  
35 give us the number of the 250 shark permits  
36 directed they say was out there, what we would  
37 get. And nobody here is going to -- it's not  
38 even worth buying the mono to go catch 7,000  
39 pounds of fish. It's not worth me setting my  
40 spool on my boat to go do that. So if we  
41 divide that now it's become who can afford to  
42 buy up enough to make it viable to go fishing  
43 at all. So there's just something wrong with  
44 that when you -- somebody in this is going to  
45 win, somebody is going to lose. I mean,  
46 that's what's happening in our fisheries right  
47 now. I can no longer shark-fish where I live  
48 because the season doesn't coincide when the

1 sharks are there.

2 I can't put the effort out to  
3 catch 33 sharks because my fuel bill and my  
4 bait bill. I can go do other fishing and have  
5 a bigger paycheck at the end of the week. So  
6 I'm not shark-fishing here in the last two  
7 years. I haven't caught enough sharks to feed  
8 this room. But in years before that when it  
9 was a January 1st opening I caught enough to  
10 feed this, everybody around here all they  
11 wanted to eat. So we need to divide this to  
12 where some people at least are going to get  
13 enough to make it so they can buy out the  
14 smaller people who can't make it which sucks  
15 in my opinion but if that's the way it's going  
16 to be, that's the way it needs to be.

17 So somebody has to -- this has to  
18 get divided somehow so there is somebody that  
19 will have a viable fishery. If we all don't  
20 get enough to fish there's no reason to do  
21 this. I mean, that's the state we're in right  
22 now. Nobody's making any money shark-fishing.  
23 We need to do something to where that changes.  
24 You know, we divide it evenly among 250  
25 participants. Nobody has enough to be viably  
26 shark-fishing.

27 MR. TWINAM: I just, I think  
28 you're right and I really think if we go  
29 forward with catch shares I think it could  
30 mean the end of a directed fishery. You know,  
31 I mean there might be certain guys, I don't  
32 know if the net guys have their own thing.  
33 They could lease up enough and some guys might  
34 lease up enough, but it could go to just a  
35 bycatch fishery. If you've got 7,000 and  
36 you're grouper-fishing, our grouper fishermen  
37 catch three or four sandbars a trip all year  
38 long, throw them all away. Well now, if they  
39 had a dead one maybe they could keep it or  
40 something and that might be the way the shark  
41 fishery should end up. That way there's less  
42 discard and eventually maybe even a higher TAC  
43 you know because there would be less discards.  
44 So it's basically for somebody here to speak  
45 up and decide what you want. I don't know  
46 what I want.

47 MS. SCHULZE-HAUGEN: Maybe -- one  
48 question that has occurred to me that I think

1 will come up later, but maybe to get you  
2 thinking about it is what would the break  
3 point be for enough share that it's  
4 economical. I think we've got that for later  
5 in the meeting but that's one of the questions  
6 I think that it would be good to get your  
7 thoughts on. You know, how much do you need  
8 to really make a go of it versus it, you know,  
9 not being worth doing.

10 MR. BROOKS: A couple of people in  
11 the queue haven't gotten in yet this  
12 afternoon. I want to get them in the  
13 conversation. Please.

14 MR. HAUGEN: Yes, I wanted to talk  
15 about the incidental. Tom, Tom Haugen.  
16 Getting to this incidental permit. There's a  
17 lot of things that, you know, all of us  
18 haven't thought through. The incidental  
19 permit seemed on the face of it to be a  
20 problem. But if IFQ program is put in  
21 basically it becomes a non-issue because the  
22 IFQ program is not based on your license,  
23 it'll be based on your catch history. So the  
24 incidental permit, if he's caught fish with  
25 this incidental permit his IFQ will reflect an  
26 amount of fish that reflects his history and  
27 it will -- so basically what we'll be doing is  
28 rolling in the incidental permits into the  
29 direct permits. And you know, all through the  
30 fisheries are permits being taken away because  
31 they're not active. Your swordfish, tuna  
32 permits, shark. And so the idea that we have  
33 to leave all these incidental permits that are  
34 inactive in an IFQ program is, I mean I don't  
35 think everybody's got their head around this  
36 yet. So, we need to base it on history that  
37 will reflect your portion of the quota.

38 And once again, I would also like  
39 to add that I think that since we have two  
40 quotas the only way that this system would  
41 work would be to have two IFQ programs, one  
42 for each quota, if you think about it. I  
43 don't think we've thought through this yet.

44 MR. KNAPP: Another possible  
45 solution, I don't know if the funding is  
46 there. There might be people sitting in this  
47 room that they don't want catch shares and  
48 they don't want to go shark-fishing. Is there

1 any funds to buy the permits out, put them in  
2 the pool and then take that quota pool and  
3 distribute it amongst the people that still  
4 want to be active in the fishery? That might  
5 make things a little simpler.

6 MR. BROOKS: Are you wondering  
7 whether that's like a viable option?

8 MR. KNAPP: Yes, I don't know if  
9 it is.

10 MS. SCHULZE-HAUGEN: So if there's  
11 any funding for this it would have to come  
12 from Congress.

13 MR. KNAPP: I understand, I've  
14 been told that before. But I guess --

15 MS. SCHULZE-HAUGEN: -- fishery,  
16 that was the approach -- thank you. What I  
17 was saying is that there's not appropriated  
18 funds right now from Congress to cover a kind  
19 of purchasing of permits or anything to create  
20 a fund like that. There can be ways within  
21 the fishery design to get at that but it's not  
22 that there's available money out there.

23 MR. KNAPP: IFQ program. Couldn't  
24 you take it from the IFQ program?

25 MS. SCHULZE-HAUGEN: Yes, that's  
26 what I'm saying. It would have to be  
27 something within the design of the catch share  
28 program because there's not other funds for  
29 it. So that would be something we could  
30 consider as we move forward here.

31 MR. KNAPP: It may simplify a lot  
32 of these questions that are on people's minds  
33 here. Especially people that have permits  
34 that are so-called latent permits with not  
35 much history that got put out of the sandbar  
36 fishery. They could still retain a shark  
37 permit if they're going tuna swordfishing and  
38 maybe have a simple little incidental catch if  
39 they were swordfishing, tuna-fishing and they  
40 needed to land a couple of sharks. But I  
41 don't think they'd want to burn their ice,  
42 really. But if you use that catch share  
43 monies to buy out some of these people at the  
44 table that are no longer shark-fishing it may  
45 mellow them out, it may mellow me out a little  
46 bit, I don't know.

47 MR. STILLER: Since the  
48 environmental groups are the ones that want us

1 out so bad anyway why don't they buy us out?  
2 Just a suggestion.

3 And the other thing, last year we  
4 had talked about the Atlantic. The Atlantic  
5 is still having a problem with the guys in the  
6 north and the guys in the south and the  
7 conflicting seasons. We had talked about  
8 doing a 33-head in the wintertime in the South  
9 Atlantic and then cutting it down, since you  
10 all couldn't just shut the whole season down  
11 right there at 40 percent. You could have cut  
12 it down like one head per trip, nobody's going  
13 to go for one head per trip and then let North  
14 Carolina and the guys up north have that  
15 second season. I mean, until we get something  
16 worth out with IFQs or whatever. It would  
17 probably help them both out, the guys in the  
18 north and the guys in the south.

19 MR. HEMILRIGHT: To David's point,  
20 you remember it wasn't -- I can't remember.  
21 We all sat around this table last year or the  
22 year before last and we discussed, I couldn't  
23 believe it because we got everybody to agree.  
24 Sitting around the table was fishermen and  
25 National Marine Fisheries Service thought it  
26 was a good plan. A good plan was to open up  
27 July -- the Gulf of Mexico was sitting around  
28 here, a few of you. And we talked about  
29 opening when it was good and everybody was  
30 agreeing. We talked about Florida and we  
31 talked about North Carolina. And I was kind  
32 of shocked because you ain't going to get none  
33 of us to agree on anything but everybody was  
34 in agreement about seasons opening at 40  
35 percent. We shut it down, or at 80 percent of  
36 40 percent we'd shut it down and then we'd  
37 open it back up. So I went home thinking well  
38 you know, hey, we're going to get a little --  
39 or people are going to get a little shot here,  
40 they're going to get a little shot, everybody.  
41 And come to find out ain't nobody getting no  
42 shot, they put it July 1. Everybody's looking  
43 at damn, North Carolina is getting it now.  
44 You know, so I mean one time when you think  
45 you've done something here something else with  
46 these elements of --

47 MR. BROOKS: Can you pause for one  
48 second. I think there is a response.

1 MS. SCHULZE-HAUGEN: So, we  
2 thought it was a great idea and we still do.  
3 One of the things that also came up in that  
4 discussion if you remember was with the  
5 current reporting system the significant lags  
6 in the data that we could have closed or  
7 reduced the trip limit to slow things down  
8 based on data that in the end we may not have  
9 ended up with much for kind of a second time.  
10 And so one of our thoughts was well, you know,  
11 until we get more timely reporting that we  
12 couldn't make a guarantee of that. I think  
13 the more timely reporting will increase our  
14 options that when we need to slow things down  
15 we're slowing it down, we've got the  
16 information, and there's not dealer reports  
17 sitting in, coming in late that will mean that  
18 what we are trying to do doesn't end up  
19 happening.

20 MR. HEMILRIGHT: It seems like  
21 we're sometimes always hashing over this  
22 timely reporting. You know, there's probably  
23 not, heck, probably less than 20 people in the  
24 majority of landing sharks from Key West,  
25 Florida, to Maine over in the Gulf or  
26 somewhere. Something else we need to look at  
27 is you know how about the Pelagic longline  
28 fishery and dead discards or anything, however  
29 it gets counted as this quota.

30 And second thing, for the timely  
31 reporting. When do you think that's going to  
32 get fixed? Because it seemed like it's always  
33 the timely reporting always gets talked about,  
34 you know.

35 MS. SCHULZE-HAUGEN: So part of  
36 the AP meeting the first day we covered our  
37 eDealer/electronic dealer reporting rule.  
38 That comment period closed in mid-August.  
39 August 12th. We are in final rulemaking now.  
40 We expect to have that in place in early 2012.  
41 We actually had a pilot program up and running  
42 where people could see what it looked like  
43 earlier. I don't know if that's still up  
44 right now. So we are making progress.

45 MR. BROOKS: Let's get Jason, then  
46 over to Bruce.

47 MR. ADRIANCE: Thanks. Jason  
48 Adriance. I must sound like a broken record

1 here but you talk about all these design  
2 elements and directed permits, incidental  
3 permits. But one thing to remember is the  
4 historical state waters fisheries. And you  
5 all talk about a small pie that's being split  
6 up. If you add in Louisiana state landings  
7 it's going to be a very small pie. Because  
8 Louisiana is going to request a fair share of  
9 our landings. So I just wanted to throw that  
10 out there.

11 MS. SCHULZE-HAUGEN: Yes, one  
12 thing that may affect that, Jason, is the time  
13 frame that we look at. That has not  
14 historically always been the case. So that  
15 would be something we would want to fold into  
16 the design for sure.

17 MR. ADRIANCE: Time frame? I'm  
18 sorry, I missed a little bit of that. You're  
19 talking about historical time frame? Yes,  
20 even using from '99 or 2004 or 2002 it's  
21 pretty significant.

22 MR. BROOKS: Bruce.

23 MR. STILLER: Bruce Stiller, shark  
24 fisherman. I agree with David Steed here,  
25 what he said a minute ago about on the  
26 eligibility. We have to have some lines drawn  
27 on eligibility.

28 And you asked something about the  
29 numbers for how much do we think we need.  
30 Well, there's two different categories here.  
31 There's a blacktip category and there's a  
32 sandbar category. I fit the blacktip category  
33 which we've already had testimony that falls  
34 into about half of the money that a sandbar  
35 qualifies for. On a good market blacktips  
36 will go for about, meat and fins, about a  
37 dollar a pound. It's real easy math. I need  
38 a hundred thousand pounds for a 6- or 8-month  
39 season. I haven't had a January open -- and  
40 this is where this price structure comes from  
41 is the January market -- in four years.

42 I just want to say a little bit  
43 more about the eligibility. I agree with the  
44 5,000 pound or 5,000 was it dollar or pound?  
45 Pounds? Pounds, right. Right. Some kind of  
46 category. Well, we have a restricted species  
47 here, right? Everybody's agreeing on that?  
48 We're dealing with a restricted species. All

1 of these species are involved in sharks.  
2 Well, I've been in shark catches since the  
3 market was developed in sharks. And whenever  
4 we started being managed I was promised by  
5 everybody that took your seat, Karyl, and it's  
6 been in several different agency's hands, the  
7 Shark Management Program, that if I would bite  
8 the bullet I would be rewarded. Guess what?  
9 I haven't been rewarded yet. The bullet went  
10 off, no.

11 But at our last meeting that I was  
12 here we came up with a consensus that there  
13 wasn't enough quota to go around. I was  
14 invited to a meeting and the house was full of  
15 people and this was the consensus. And the  
16 HMS or excuse me, Georgia and Florida were  
17 sitting nodding their head, we can increase  
18 this quota. We can increase this quota. HMS  
19 was saying we can't. They were shaking their  
20 head no. There was supposed to be some people  
21 sent from HMS to the South Atlantic Council  
22 meeting and they were going to show the HMS  
23 how they could do this. Now that it was a  
24 specie item human factors fit back into the  
25 quota, or to the formula. Was that ever taken  
26 any further or was this something that was  
27 dropped? To be able to increase this quota.  
28 I would really like to know what happened  
29 after the fact when that conversation was  
30 brought up at the last meeting. Oh, I'm  
31 sorry.

32 MS. SCHULZE-HAUGEN: I'm not sure  
33 we're remembering exactly what you're  
34 recalling. So you're saying Georgia and  
35 Florida? State representatives?

36 MR. STILLER: The council people  
37 from Florida and Georgia that's on the South  
38 Atlantic Council said there was a way to  
39 increase the quota and you all said there  
40 wasn't. And they offered for some HMS people  
41 to come to their next meeting that the South  
42 Atlantic Council had. Was anybody ever sent  
43 to find out how to increase that quota?

44 MS. SCHULZE-HAUGEN: I don't  
45 remember ever hearing about South Atlantic  
46 Council discussion where they said that they  
47 knew how to increase our quota. Was an HMS  
48 staff person there?

1 MR. STILLER: Yes, all of you guys  
2 were there. You're a staff member, right?  
3 Okay, it was at the public meeting. It should  
4 be in your minutes. I'd just like for you to  
5 follow up on that if you would and see where  
6 that went because the Georgia representation  
7 that was here and the Florida representation  
8 from the South Atlantic Council said there was  
9 a way to increase the shark quota. And you  
10 all said there wasn't. And I just, I called  
11 the lady from Georgia and I asked her if  
12 anything had come out of that and I might be  
13 out of order here because of the category  
14 we're in but I'd like to know if there was  
15 ever any follow-up on that.

16 MS. SCHULZE-HAUGEN: Okay. Jackie  
17 remembers something -- can you turn off your  
18 mic?

19 MS. WILSON: Sorry to butt in here  
20 but I think what you're recalling is when we  
21 were talking about going from the complex to  
22 establishing species-specific quotas. And we  
23 were discussing on whether or not that could  
24 change the overall level of the quota. If we  
25 had ratcheted down the quota based on like the  
26 most vulnerable species within the complex.  
27 And I think that's what other councils had  
28 potentially done and how they set their ACLs,  
29 et cetera. Carolyn Belcher, not to put words  
30 in her mouth because it's not fair and she's  
31 not here, she had mentioned that they were  
32 having their national SSC meeting and someone  
33 should go from HMS to hear how the other  
34 councils deal with these types of issues. So  
35 I personally went to that meeting.

36 But the underlying thing is that  
37 is not how the non-sandbar large coastal shark  
38 quota was initially set up. We set that up  
39 based on landings, the historical landings,  
40 because blacktips which were the predominant  
41 catch within that complex once you took out  
42 sandbar sharks, we looked at the landings and  
43 we split it by region and that was, the  
44 regions were based on the landings in the two  
45 different areas. So, based on that we didn't  
46 ratchet down the quota on the most vulnerable  
47 species. So what HMS was saying is that the  
48 overall quota is not going to increase because

1 of how we initially set up the non-sandbar  
2 large coastal quota. Okay, so I think that's  
3 where that was stemming from. And we did  
4 attend the national ACL meeting so that we can  
5 see how other councils handle similar  
6 situations.

7 MR. BROOKS: Thank you, that was  
8 very helpful. Something else?

9 MR. STILLER: That explains the  
10 question that I asked. And I was curious to  
11 find out what the answer to that was. And  
12 getting back to the rest of the question  
13 there, you asked for a dollar value, I've  
14 given you a dollar value. You can put  
15 \$50,000, you can put \$100,000. I am in favor  
16 of the catch shares as it stands. I know  
17 there's a lot of things to be hashed out.  
18 When I was talking a minute ago about  
19 restricted species there are things that come  
20 along with that. When you have a restricted  
21 species you have to restrict the effort, and  
22 the effort is going to have to be restricted  
23 here whether we go back and determine that a  
24 permit is active, a better answer than  
25 catching one fish. I say you need to catch  
26 enough fish to sustain your yearly gross  
27 income in order to maintain a shark permit,  
28 that's what I say. And when that is corrected  
29 there will be a lot less permits to be dealt  
30 with here and a lot more issues pointing to  
31 results rather than guessing like we're doing  
32 now. And if there's any way possible, I know  
33 we won't know anything until more of the  
34 reports come out about our management, our  
35 stock assessment, but I would really hope that  
36 the quotas would be increased. Because we're  
37 back to the same consensus that we had at the  
38 last meeting I was here. There's not enough  
39 quota to go around. And hopefully by the time  
40 we get, if this catch share flies there will  
41 be enough quota to be able to support the  
42 people that are in it to hold them a year.  
43 And I'm sorry about the ones, and even if I'm  
44 one of them, that don't survive the test,  
45 whatever it may be, that's how it is. We  
46 can't help it.

47 MR. BROOKS: Thank you, though.  
48 That was very helpful. I've got about four or

1 five people left in the queue. We're due to  
2 go for a break here in the next couple of  
3 minutes, so I've got John, then over to  
4 Marcos, I think you've been waiting to get in,  
5 and then to Rusty and then up to Dave and  
6 David.

7 MR. SCHMIDT: On the topic of  
8 eligibility. I agree with Mark's idea that  
9 redheaded people born between 1953 and 1957 as  
10 long as your hair only has to be red on the  
11 date the quota is issued. So.

12 (Laughter)

13 MR. SCHMIDT: The other thing, I'm  
14 not sure I understand the question entirely  
15 but I think that any permit-holder that has  
16 landings history during whatever ends up being  
17 the qualified period should be eligible to  
18 receive the quota that relates to their  
19 landings history. I don't think you should,  
20 we should exclude people who had low landings.  
21 That could be a perfectly viable business  
22 circumstance for them, they might want to  
23 catch that one shark incidentally next year or  
24 they, if they, you know, they have, what's the  
25 word for it, as much right to that allocation  
26 as someone who caught a whole bunch and maybe  
27 they want to sell that allocation to somebody  
28 that wants to catch more and get out of the  
29 fishery entirely. So that's my point on that.

30 And as far as gear types, I don't  
31 believe a quota program ought to specify gear  
32 types. The object of a quota program is to  
33 manage the amount of fish that are caught  
34 versus the other ways of management with, you  
35 know, how big your boat is and how big the  
36 motor is and do you live on an odd numbered  
37 street. All of the other things that starts,  
38 you know, how long the fish is. With a quota  
39 program it gives you, you simply have to  
40 manage how many fish get caught by pounds and  
41 it gives you even some other latitude as far  
42 as fish sizes to eliminate discards. For  
43 example, in a grouper fishery we used to  
44 manage by time constraints and size limits.  
45 So when they went to a quota program they were  
46 able to allow a little bit smaller fish  
47 without hurting the fishery, but those counted  
48 against the quota so we stopped fishing

1 earlier. So it was a more, what's the word  
2 for it, responsible way to fish. That's all  
3 I had.

4 MR. BROOKS: Thanks, John.  
5 Marcos.

6 MR. HANKE: In Puerto Rico in  
7 terms of if you are eligible to be a  
8 commercial fisherman or not we use a couple of  
9 mechanisms that I will address to you guys  
10 that try to be, to deal with the socioeconomic  
11 impact once you decide if this person will  
12 participate or not on the fishing. And it  
13 used the total income, the percentage of total  
14 income of the person once, let's say, right  
15 now in Puerto Rico 50 percent of the total  
16 income have to come from the fishing to have  
17 a commercial license in Puerto Rico as full-  
18 time. There is another category in Puerto  
19 Rico that is part-time but this doesn't apply  
20 here. And that's a good way in terms of if  
21 you depend of your income on a higher  
22 percentage from the shark-fishing industry  
23 should have higher priority.

24 And after listening to everybody I  
25 didn't want to make this opinion before in  
26 terms of eligibility but I think the full-time  
27 fishermen, that's why this definition that I  
28 gave prior is important, should be the ones to  
29 participate on the shark-fishing -- have  
30 access to the shark-fishing permits. And one  
31 of the advantage of this too is that will help  
32 because it is a professional fleet, that this  
33 will help with the data collection, it will  
34 help in terms of enforcement and also in the  
35 future in case that's the best scenario in  
36 case we need to maintain a quota because you  
37 are not fishing much and you might lose a  
38 quota or something like that. Having those  
39 professionals on the field with a fleet that  
40 are capable to increase the catches or manage  
41 the variability will be beneficial for the  
42 industry. That's my point.

43 MR. BROOKS: Thanks. There's a  
44 number of ideas there that haven't really come  
45 up before. Rusty.

46 MR. HUDSON: Rusty Hudson.  
47 Friday, September 16th, 2011, we have a  
48 control date for this effort with directed

1 shark, incidental shark, whatever shark. With  
2 incidental permits we have a tripack  
3 requirement. If you're getting tuna/swordfish  
4 you've got to have at least an incidental  
5 permit for shark. So we can't get rid of  
6 them. And with regards to the directed,  
7 they're starting at 2002 potentially as part  
8 of the design because that was when the  
9 appeals from the 1999 limited access permit  
10 situation concluded. So when you're looking  
11 at landings from 2002 all the way to let's say  
12 2011 because we've got a control date for that  
13 time here and they're going to have to be  
14 considered for those landings.

15 In your design, and I've seen this  
16 in some of the other designs, you have the  
17 historic period which a lot of folks got some  
18 serious landings from the 4,000 pound trip  
19 limit or the unlimited trips for the small  
20 coastals because I remember the '97 small  
21 coastal guys got in on the '99 limited access  
22 permit and didn't have to have two years if  
23 they only had one year. They just had to have  
24 the qualifying poundage. Some people I've  
25 seen use qualifying incomes or percentages of  
26 incomes from fisheries and stuff. One of the  
27 things that I also saw in the white paper was  
28 this idea about an owner-operator but then if  
29 you have a corporate control of it the  
30 corporate has loopholes so they can stick  
31 anybody at the wheel and not necessarily the  
32 owner. And so -- especially if they've got  
33 more than one boat.

34 And so when I'm looking at 2002 to  
35 2010 it wasn't until 2008 that we fleshed out  
36 the sandbar science fleet. So really when  
37 we're looking at the blacktip and the non-  
38 sandbar category, I mean almost an 800-  
39 something thousand pound quota for non-sandbar  
40 just in the Gulf of Mexico and another 420,000  
41 for the Atlantic. That's 1.2 million, plus  
42 you've got an additional non-sandbar of almost  
43 83,000 for the research fishery. So keep in  
44 mind that the blacktip is the dominant specie  
45 in this large coastal non-sandbar. And in the  
46 Gulf of Mexico it's rebuilt, at least until  
47 the next assessment. It's unknown in the  
48 Atlantic side. And things like bull sharks

1 and lemons is basically sort of an unknown  
2 gray area because they've never been species-  
3 specific. And in some ways we could actually  
4 go at it in a species-specific way. That is  
5 possible. And the log books that the  
6 fishermen fill out are probably going to be  
7 the greatest source of accurate information is  
8 to species. The dealer stuff is only just  
9 more recently accurate because of the way the  
10 percentages have been shown. The eDealer  
11 stuff will make it more timely but I don't  
12 think I see this thing getting online before  
13 probably 2013 or something like that, so we're  
14 kind of -- figure out how to design it.

15 And so when I'm looking at this  
16 2002 to 2010 I see a lot of guys around this  
17 table that have done some serious production  
18 across history, but that history before the  
19 LAP, the limited access permit, really isn't  
20 going to enter into this equation. What's  
21 going to enter is the stuff from 2002 until  
22 let's say the 2008 when the sandbar thing was  
23 fleshed out, or -- and that got rid of the  
24 4,000 pound trip limit. So then we'd have  
25 2008, 2009, 2010, 2011, the last four years  
26 that are going to need some kind of history to  
27 say that you're active now.

28 And when I saw some math not too  
29 long ago, and I'll have to figure out where I  
30 saw it, in 2006 when we overran the quota we  
31 had 137 boats I think from Maine to Texas that  
32 had landings on the directed permits. Then I  
33 saw something like 27 in one area and 20-  
34 something in another area that were doing  
35 stuff since then because it was a lot smaller  
36 quotas, different dates and stuff like that.  
37 And so to figure out where you want to go with  
38 a qualifier is really back to the guys with  
39 the history and the guys that want to stay  
40 active.

41 So there's several ways to design  
42 this and that's really what you're going to be  
43 doing through this scoping process. The  
44 comment period on the scoping process ends if  
45 I'm correct in March 2012. So we've got  
46 plenty of time to put a lot of written stuff  
47 together, and that's what's going to be real  
48 important, not the talk around the table but

1 the written stuff. And so back to blacktip,  
2 Margo, can you answer at this time whether  
3 we're going to be doing an assessment starting  
4 in 2012 for some species with SEDAR?

5 MS. BREWSTER-GEISZ: We're doing  
6 Gulf of Mexico blacktip in 2012.

7 MR. HUDSON: And not the Atlantic  
8 which has an unknown status on blacktip?

9 MS. BREWSTER-GEISZ: We only have  
10 one assessment scientist at this time, he can  
11 only handle one assessment at a time.

12 MR. HUDSON: And that's Enric?  
13 Well, anyway, you get the picture. The  
14 Atlantic blacktip which is actually in need  
15 of, you know, a little more accuracy but it's  
16 divided out. It's two different stocks. And  
17 so that's going to be a kind of scenario that  
18 you're going to be faced with because you  
19 don't know what the final numbers are, but  
20 what you can do is look at who does not have  
21 history with these limited access permits that  
22 have been issued since '99 and eliminate the  
23 ones that have no landings since say 2002.  
24 Just on the math and the piece of paper. You  
25 don't have to go and do it officially because  
26 you now have a control date as of this past  
27 Friday so there's no guarantee that they could  
28 go and catch a bunch next week or next month  
29 or next year and qualify. So honestly, the  
30 use-it-or-lose-it, that was a scenario that  
31 you can build in, but the fact is if they  
32 haven't used it since 2002 they really don't  
33 have a dog in the fight.

34 MR. BROOKS: Let me go up to the  
35 top of the table and then we're going to move  
36 to a break. And apparently Bobby managed to  
37 grab Dave's card and put it up. That was  
38 good. David, then Bob.

39 MR. STEED: My comment really is  
40 off of this. We got off of this a minute ago  
41 with Bruce talking about stocks and are they  
42 healthy and not. And there was talk of the  
43 seasons changing and how long it takes to  
44 change a season, you know, a number of years  
45 apparently. Somebody needs to consider that  
46 there are fishermen starving while you're  
47 trying to change a season date. I haven't  
48 been able to shark-fish in the last two years.

1 I could shark-fish -- I shouldn't say that.  
2 I'm not going to catch enough to make it  
3 viable in the last two years because the  
4 season has not been open when the sharks are  
5 where I have been.

6 And the other question I would  
7 have, when you do your stock assessment is  
8 that -- do you do it over the entire region?  
9 I mean, how do you -- do you do this off of  
10 catch effort? Does somebody go out and  
11 actually look at the sharks to see? Because  
12 I've just spent three months in the western  
13 Gulf fishing there and there are more sharks  
14 there than you can imagine. I can't imagine  
15 that there was ever more sharks in the water  
16 anywhere in history than there are right now  
17 in the western Gulf.

18 MS. BREWSTER-GEISZ: So stock  
19 assessments are done using a variety of  
20 different data through the years. So we use  
21 the log book data, dealer data, we use  
22 scientific data. It's independent of the  
23 actual fishery. So you have all this data  
24 throughout the region. So yes, it does  
25 consider the entire region when you do the  
26 assessment.

27 MR. STEED: It sounds as though it  
28 includes catches. I mean, if you're going off  
29 of fish house and stuff somebody has to  
30 actually catch them. I've spent many months  
31 in the western Gulf fishing and I have yet to  
32 see a shark-fishing vessel over there in the  
33 last 10 years that I've been going there. I  
34 mean, there is a huge stock of shark in the  
35 western Gulf of Mexico that is never fished  
36 on. The dealers over there are not permitted  
37 to handle the sharks, they're not capable of  
38 handling the sharks, they don't want to handle  
39 the sharks, so there's a 200-mile stretch of  
40 that Gulf of Mexico that never gets shark-  
41 fished anymore. It's not viable for -- if I  
42 went there and caught 33 head and come in with  
43 them they have nothing to do with them. None  
44 of the trucks come from Canada down to pick  
45 them up, none of the trucks going to New York  
46 come there to pick them up. So they will cut  
47 the fins off, buy the fins for nothing from  
48 you and throw the meat away and nobody can

1 make any money at that. So when you do your  
2 stock assessments over there somebody needs to  
3 go into that 200 miles west of the Mississippi  
4 River where nobody fishes and count them  
5 however you count them other than having  
6 commercial fishermen catching them. Because  
7 if I was allowed to catch 4,000 pounds over  
8 there or 10,000 pounds of viable catch I would  
9 be over there catching them. But at the rate  
10 you have now there's nobody, you can't catch  
11 them. The fish houses don't want a little  
12 spattering of 2,000 or 3,000 or 5,000 pounds  
13 of fish. They want some fish if they're going  
14 to get fish.

15 MS. BREWSTER-GEISZ: But we do  
16 have surveys that go throughout the Gulf of  
17 Mexico. There's one particular survey that's  
18 run out of Pascagoula Lab that goes Texas  
19 through Florida. They do it every year, every  
20 other year? Every year. So that does have a  
21 time series behind it for the species and that  
22 will be used. And one of the things you'll  
23 notice in the data reports is we actually  
24 have, when they look at the indices they try  
25 to get the entire range of the species with  
26 the indices. And you'll see those maps.

27 MR. BROOKS: Thanks. Let's have  
28 one final comment on this round. Bob, you get  
29 it.

30 DR. HUETER: Yes, Bob Hueter. As  
31 a side note I'm a little afraid that the  
32 Mexicans are catching all those fish when they  
33 go south, when they migrate south over the  
34 border which is something we discussed in the  
35 advisory panel meeting, so. So, Bruce made  
36 some interesting points that got me thinking,  
37 and I hope this doesn't come off as academic  
38 mumbo jumbo. But actually Rusty said some  
39 things that kind of rang true to the point I  
40 was going to make which is you know we like to  
41 in these panel meetings try to step back a  
42 little bit and be a little bit visionary in  
43 trying to, instead of just be always reactive  
44 to problems, guide the fishery. And what  
45 we're talking about here is the future of the  
46 shark fishery. So I'm just wondering, you  
47 know, the thing that Bruce said that really  
48 got me thinking was that he characterized this

1 as essentially a blacktip versus sandbar  
2 fishery. That's an oversimplification but  
3 there's some truth to that. And I wonder if  
4 in going through this major shift and this  
5 exercise in designing management that we need  
6 to sort of recast the categories or the  
7 sectors of fishing. And it's something I  
8 talked to I think one or two panel meetings  
9 ago.

10 Why is it that quota has always  
11 decreased? Is it that none of the stocks are  
12 doing well? Well, that's not true because  
13 blacktips are doing well. They are not over-  
14 fished and over-fishing is not occurring. And  
15 they are a productive, biologically speaking  
16 a productive commodity. So, what about the  
17 possibility of now getting a little bit closer  
18 to this species-specific goal which is we now  
19 have allocations for, this is only one  
20 starting point, that instead of like LCS, now  
21 we have sandbar and we have blacktip and then  
22 we have a mixed LCS group for those fishermen  
23 that simply don't target either sandbar or  
24 blacktip of which I know that there are a  
25 number. That would begin to get us to a point  
26 where, and since we're doing an assessment for  
27 blacktip, that would be able to get us to a  
28 point where quotas could go up in certain  
29 groups because we're no longer mixing  
30 everything together except for the sandbar.

31 I mean, I think that's the answer  
32 to Bruce's question, why is it that we've said  
33 that quotas should be going up but it's not.  
34 It's because in the groups, in the sharks that  
35 are doing well and they could sustain more  
36 fishing which by the way is what I am after  
37 myself. I'm not for shutting down the  
38 fishery, I'm for sustainable fishing. It's  
39 because the blacktips are still in the LCS  
40 complex. So can we maybe recast the sectors  
41 and talk about blacktip fishing, sandbar  
42 fishing and then the true mixed LCS. And with  
43 that maybe the allocations -- it makes it --  
44 it doesn't make it any simpler, believe me,  
45 but it might make the fishery a little bit  
46 more viable and give some incentive to  
47 fishermen to go after the more productive  
48 stocks. Is that too Pollyanna? I said

1 something good about you, Bruce, and you  
2 weren't even here.

3 MR. BROOKS: Okay. Let's, and I  
4 think that last comment probably goes  
5 obviously less to eligibility and more to our  
6 earlier conversation around you know resource  
7 unit which is fine. And as we said at the  
8 very beginning, obviously this conversation  
9 inevitably iterative, so. I know there are a  
10 few people left in the queue but I want us to  
11 go to a break. It's just about 3:30 here. We  
12 will come back in 15 minutes, we'll reconvene  
13 at quarter to 4:00 and then we will dive back  
14 into the allocation issue.

15 Just I guess a quick summation of  
16 what I heard. I think there was a number of  
17 people weighing in on, you know, focus on a  
18 directed active fishery that can be economic.  
19 You know, that is a theme that rippled through  
20 many of the comments. Maybe there should be  
21 a threshold of some catch level to focus in on  
22 the guys who really look at this for their  
23 living, though we did clearly hear from at  
24 least one person around the table that that  
25 didn't seem like the way to go because  
26 everyone has different business models,  
27 different approaches. But I think there were  
28 a number of folks who did weigh in suggesting  
29 that that was perhaps a way to go forward.  
30 And I think as Marcos pointed out there were  
31 other advantages to such an approach, anything  
32 from enforcement and data-collecting to the  
33 ability to scale up if suddenly quotas are  
34 changing and you've got a, you know, a  
35 professional fishery that's able to move.

36 Incidentals also needed to be in  
37 the mix but you know, but likely with a  
38 separate IFQ I think was the dominant theme  
39 that I was hearing. But there was also a  
40 sense that maybe we should be looking at ways  
41 to explore opportunities to buy out some of  
42 the folks that, either incidental or maybe the  
43 smaller quotas and then make that available to  
44 those that really, again, are looking at this  
45 fishery as their primary means of making a  
46 living, and that should be explored either as  
47 part of how a catch share was structured, or  
48 maybe there would even be a role for NGOs. I

1 don't know if that was offered as a tongue-in-  
2 cheek example or not but it's certainly  
3 something that's been done before and could be  
4 considered in the mix. We heard from Mark  
5 Sampson a clear thanks, but no thanks, on the  
6 recreational fishing side and I didn't hear  
7 anyone say anything different than that.

8 So, let's see, a couple of other  
9 points that came up. Don't manage the gear  
10 type. The importance of assessments, the  
11 importance of, and again, the drumbeat of  
12 obviously quotas need to get higher for this  
13 really to be viable so catch shares aren't  
14 going to solve this problem alone. And so we  
15 should always keep our eyes on that ball. And  
16 then again, as Bob was saying here, maybe  
17 there is some species-specific approaches that  
18 could allow quotas to rise for those species  
19 that are doing well at the moment. Anything  
20 to add? Yes.

21 MR. HUDSON: You said buy out  
22 incidental. You can't. They've got to have  
23 it to go with the swordfish, tuna.

24 MR. BROOKS: You made that point,  
25 yes. Let's go to a break. We'll reconvene at  
26 quarter to 4:00. Thanks.

27 (Whereupon, the foregoing matter  
28 went off the record at 3:35 p.m. and went back  
29 on the record at 3:56 p.m.)

30 MR. BROOKS: Okay, let's get going  
31 here and I think the folks in the other room  
32 when they hear us speaking they'll slowly come  
33 this way. So, we want to now dive into the  
34 last big chunk for the afternoon which is the  
35 topic of allocation. And again I'll ask  
36 either Guy or Karyl just to tee this up for us  
37 and remind us the kinds of feedback you're  
38 looking for on this topic.

39 MR. DUBECK: All right. So the  
40 last topic, the main topic we're going to  
41 probably talk about today is the allocation.  
42 On the agenda sheet we had a whole bunch of  
43 questions for you guys. The first one is  
44 which allocation formula or method should we  
45 consider for an initial allocation. I put  
46 them up here on the slide. You know, should  
47 we do equal allocation, should it be based on,  
48 you know, should there be catch history, level

1 of participation, or there should be a  
2 combination of them. And then if a catch  
3 history is used as an allocation method which  
4 qualifying year should a catch program use.  
5 And then should the landings history be  
6 matched to the vessel or to the permit. And  
7 then the last part was if a federal catch  
8 share program was implemented what might be  
9 the implications for the different states or  
10 the ASMFC. Might the states or ASMFC have  
11 either their own allocation or might it be  
12 included in the federal catch share  
13 allocation? So that will open the floor for  
14 everybody else.

15 MR. BROOKS: Okay, thanks Guy. I  
16 think John's not really in the queue since  
17 he's not here. Go up to David, then over to  
18 Charlie.

19 MR. STEED: I would think that a  
20 fair and appropriate way would be to go off  
21 your catch history. But we have to be very  
22 careful of going back too far and getting into  
23 in the last, since the 33-head's gone in the  
24 people who have continued to participate in  
25 this obviously have not landed very many fish  
26 because you're just not allowed to as compared  
27 to when we were allowed 4,000 or unlimited.  
28 So I would think that if you're going to go  
29 back into the 4,000 pound history you should  
30 include the people who still are actively  
31 fishing. Maybe if they are not, maybe not  
32 shark-fishing anymore, but if they are still  
33 actively a commercial fisherman you should go  
34 into their catches somewhat. But you're going  
35 to have to be fair to the people who have  
36 struggled through this whole mess and are  
37 still trying to make a living shark-fishing.

38 MR. BROOKS: Good, thank you.  
39 Let's go over to Jason.

40 MR. DELACRUZ: I had a thought  
41 kind of to his question when it comes to this  
42 issue. What maybe an easy, or not an easy but  
43 a fair way to do that would be to take  
44 whatever the year's annual allocation was or  
45 annual TAC was, and whatever that person  
46 harvested in that TAC works out to a  
47 percentage. So regardless of whether they  
48 were harvesting at the 33 time level they got

1 that percentage, and then if you go back to  
2 the 4,000 we know what that TAC was and what  
3 they harvested and they got that percentage.  
4 And then you work the percentages out as a  
5 formula as opposed to the actual pounds. So  
6 it was a fair shake as to what their  
7 participation level was in any scenario. So  
8 if a guy participated through the whole time  
9 frame he would obviously have the best catch  
10 history. But if he participated here he would  
11 get a fair shake, but if he participated here  
12 he'd get a reasonable fair shake.

13 MR. BROOKS: That's a clever idea.  
14 That's good. That's good. Charlie.

15 MR. LOCKE: I had -- I'll just say  
16 something to that real quick but I've got  
17 another point. If you do that though, Dewey  
18 and Glen would be very affected because we had  
19 the trimester going on at that time. I don't  
20 know a whole lot about it. I remember crewing  
21 when it was doing that. But basically you  
22 were eliminated from being -- having equal  
23 access in the mid-Atlantic because of the  
24 closed area. So it wouldn't be equitable in  
25 that aspect.

26 And as far as Guy talking about  
27 the vessel. The year before I bought my  
28 permit we caught 60,000 pound of shark nose  
29 with my boat. I didn't have a federal permit.  
30 That was in a state water fishery. And also  
31 my question too, we haven't really addressed  
32 this but as far as the large coastal and the  
33 small coastal, I have way more small coastal  
34 landings than large coastal because that's all  
35 I do in the summertime for the most part  
36 before large coastals open. Mainly gillnet  
37 fishing. And how would that play into the  
38 catch, you know, a catch share, the large  
39 coastal, small coastal. If you do a  
40 percentage is it a percentage off of each  
41 species which you've landed? So I would get  
42 a percentage of say small coastals and a  
43 percentage of say large coastals, or it would  
44 be a combination?

45 MR. DUBECK: So, you're saying  
46 about the different quotas for large coastal  
47 and small coastal. Those are different  
48 quotas, you get a different percentage for

1 each one of the quotas. Is that what you're  
2 getting at?

3 MR. LOCKE: Are you combining all  
4 the shark together? My first question was  
5 you're talking about how do you allocate it.  
6 Do you do it by vessel. What I'm saying is I  
7 landed a lot of sharks with my vessel before  
8 I ever had a federal permit under the state  
9 water fishery. If you do that then we get  
10 into the state water fisheries in Louisiana  
11 allocation. If you base it by vessel history  
12 there's going to be a lot of vessels getting  
13 a lot of landings in Louisiana that are in a  
14 state water fishery that don't have a federal  
15 permit. So what I'm saying is you know you're  
16 looking at two different things as far as  
17 allocation. You're saying does it go by  
18 vessel or permit. So I'm saying I've got a  
19 lot of landings without a permit and I've got  
20 a lot of landings with a permit. I've been  
21 involved in both state water fisheries and  
22 I've been involved in the federal fishery.  
23 But my question as far as, are you planning on  
24 a large coastal/small coastal I guess combined  
25 quota which I guess you answered my question,  
26 you would do it separately with percentages of  
27 both quotas is what you would get, your  
28 percentage to your vessel. Is that correct?

29 MR. DUBECK: That was my point,  
30 yes.

31 MR. BROOKS: And just a reminder.  
32 As you folks are weighing in on this, to, you  
33 know, when Karyl went through her scenarios  
34 there doesn't have to be one allocation  
35 method. There can be hybrids that bring in  
36 different facets of history or effort. So  
37 think about that as you're weighing in on this  
38 issue. Please.

39 MS. BREWSTER-GEISZ: So Charlie,  
40 just going back to the state. I think that's  
41 a really good point that we do need to  
42 consider the vessel landings and whether they  
43 were done when you were just fishing in state  
44 waters without a federal permit or if you had  
45 the federal permit and which landings do you  
46 include. I guess my thoughts initially were  
47 that we were just talking about the federal  
48 landings when you had a federal permit but

1 that is definitely open for discussion.

2 MR. LOCKE: Well, Guy said  
3 allocation and you were talking about permits.  
4 And even in the permit, the section that we  
5 brought up earlier it was how you did your  
6 permits, whether it goes to the vessel or the  
7 permit. So what I'm asking is, because this  
8 is going to be a huge issue with Louisiana.  
9 You have a lot of landings by state permitted-  
10 only vessels. If you choose to go the route  
11 of -- you go by the quota history of the  
12 vessel you're going to run into a lot of snags  
13 even though I've got a lot of landings without  
14 a federal permit myself on my vessel.

15 MS. BREWSTER-GEISZ: Right, but  
16 that vessel wasn't reporting federal landings.  
17 The vessel was reporting state landings.

18 MR. KNAPP: I'm wondering what you  
19 would do if you have two vessels and two  
20 permits with history. Could you combine the  
21 two permits on one vessel and sell the other  
22 vessel? I just have to throw that onto the  
23 list, okay? Whatever you want to call that.  
24 I've heard stacking, it was called stacking  
25 before. Okay.

26 MS. BREWSTER-GEISZ: And that's  
27 something that I have actually thought about  
28 and was thinking, well, there are a couple of  
29 ways of doing that one. You know, people just  
30 combine it now and we figure out where we end  
31 up. Or two, they wait and see where  
32 everything ends up for the catch share program  
33 and then they combine it themselves because  
34 they own both shares anyway.

35 MR. KNAPP: And I did hear owner-  
36 operator which I would be for because I think  
37 a fishery is too small to call it a corporate  
38 fishery where you could put crew members on  
39 the boat and make a viable business out of it.  
40 It's hard enough to make it as an owner-  
41 operator. I don't know how people can send  
42 crew members on their boat and make it on 33  
43 head. Or even with a catch share.

44 MR. VAETH: Scott Vaeth. Just a  
45 quick question. Has the state landings always  
46 gone against our federal quota? Yes? Well,  
47 then there shouldn't be any problems with  
48 trying to figure out what it is. Because I

1 mean, if you're catching that percentage of  
2 the quota if we go by catch history, then if  
3 you're catching that percentage of the quota  
4 then that should be your allocation, whether  
5 it was caught in state waters or federal  
6 waters. I mean, we're all catching the fish  
7 no matter whether we have a federal permit or  
8 not. I don't know if everybody agrees with me  
9 on that one but that's my thought. Thanks.

10 MR. BEAL: Great, thank you.

11 Well, since ASFMC shows up in one of these  
12 bullets I feel obligated to say something. I  
13 think, and I'm not promoting or discouraging  
14 catch shares for sharks along the East Coast.  
15 The commissioners in our commission haven't  
16 sat down and come up with a position yet. But  
17 sort of following along how our commission has  
18 handled other catch share ideas and how those  
19 discussions have went. I think it's going to  
20 be a pretty heavy lift to get all 14 states  
21 from Maine through Florida to come up with one  
22 single catch share system that works for all  
23 those states. States have a series of laws  
24 that may even prohibit catch shares for some  
25 of these fisheries. A number of states don't  
26 have directed or specific shark permits.  
27 There's a number of things that are probably  
28 going to make this a pretty heavy lift at at  
29 least the Atlantic coastal states level to  
30 implement a catch share system along the  
31 entire East Coast. So you know, I think it's  
32 probably reasonable at least as this process  
33 moves forward to think about what the options  
34 are for dealing with non-federally permitted  
35 state water harvest of sharks that, should  
36 something be a set-aside of some sort or  
37 something coming off the top to deal with  
38 those landings. I think it's, I'm not saying  
39 the commission can't do it or won't do it, I'm  
40 just saying it's just, following on the  
41 discussions and how it's gone for other  
42 fisheries it's going to be a pretty heavy lift  
43 to make it happen.

44 MR. HEMILRIGHT: When you look at  
45 the allocation of catch histories it seems  
46 like we're seeming to talk a lot about 2002  
47 and on and some. I would recommend that we  
48 start when the fishery started, when it became

1 a federally managed fishery I think in '93 or  
2 something like that, federal management plan.  
3 That's when we started voluntarily taking  
4 observers, gathering data for our stock  
5 assessments. That's probably one of the best  
6 times there where we had the most data from  
7 our observer program.

8 Something else. When we start to  
9 tie this stuff to a license or a vessel would  
10 there be determinations what the definition of  
11 a vessel is and how that landing is tied to a  
12 vessel, an entity or something like that?  
13 What's the definition of a vessel? Am I  
14 making myself clear? I just want to know how  
15 we're tying these landings, people that want  
16 to permit-stack and different things. Does it  
17 have to be a boat with a motor, or is it just  
18 a license stuck to the side, an extra license  
19 stuck to a box or a life raft or EPIRB? You  
20 know, what is it?

21 MS. SCHULZE-HAUGEN: You have to  
22 have a Coast Guard or state registration and  
23 there's baseline information for the limited  
24 access permits. So, you know, there's at  
25 least a vessel at some point. There is the  
26 ability to renew the limited access permits in  
27 a no-vess ID category to keep the permit even  
28 though you may have sold the boat. So there  
29 may not always be a boat at that moment but  
30 there was at one point. Is that getting at  
31 your question?

32 MR. TWINAM: As far as how far you  
33 go back it doesn't -- not too much concern to  
34 me other than the fact that in 2007 I went to  
35 my first shark identification workshop and at  
36 that time I was a fisherman and a dealer. And  
37 I could have ever cared less what kind of  
38 shark was. I mean, I knew a mako and a  
39 thresher, but anything brown or gray I didn't  
40 really pay attention to. And I know for a  
41 fact I've unloaded tens of thousands of pounds  
42 of bull sharks that I called sandbars,  
43 sandbars I called bull sharks. I didn't  
44 really care. However many you get on a scale.  
45 I caught 300 pounds bull sharks and the next  
46 300 sandbars, all mixed together. I just  
47 never paid any attention to it. So I don't  
48 know how much that, if you get species-

1 specific how much a difference that'll make.

2  
3 And I wanted to comment on the  
4 Louisiana thing. I don't know if the  
5 Louisiana state fishermen, are a lot of  
6 federal fishermen too? No. So then if you  
7 know what Louisiana caught you give that share  
8 to Louisiana and then Louisiana can give it to  
9 the state of Louisiana and then they can open  
10 their season and close it when their quotas  
11 fill and it doesn't even affect anybody else  
12 it would seem like. I don't know. I mean, it  
13 would be constitutional then, right?

14 MS. SCHULZE-HAUGEN: I think where  
15 it comes in is it's, you know, a piece of the  
16 pie. And so the idea of a set-aside or how we  
17 handle that comes into play, so.

18 MR. BROOKS: Rusty, Jason, then up  
19 to Bruce.

20 MR. HUDSON: Two things. To  
21 Dewey's point, 1999 we went from the 2,256  
22 generic shark permits down to a limited access  
23 permit in '99 that's got us to where we're at.  
24 The appeals were exhausted by the beginning of  
25 2002 so it's a clean history from 2002 on, and  
26 it's not until you get to 2008 that you get to  
27 the 33 sharks. So you've got almost six years  
28 of 4,000 pound history per trip on large  
29 coastals and unlimited on small coastals, and  
30 then you come over to the 33 and still  
31 unlimited on small coastals since the 2008 and  
32 by the time we fold in the 2011 numbers.

33 To Louisiana. You can't go by a  
34 pound approach because they had a lot of  
35 pounds. You'll have to do some kind of  
36 percentage of the overall quota in order to  
37 accommodate that state landings and then  
38 they'll have to somehow find a way to stay  
39 within that constraint of whatever it is. If  
40 it's a million pounds and they had 10 percent  
41 of it then they get 100,000 pounds for their  
42 fishery. The other 900,000 will have to be  
43 figured out, you know, through the Gulf of  
44 Mexico guys. Because I'm just talking non-  
45 sandbar right now. I'm not even going to go  
46 into the sandbar component because a lot of  
47 the log books and a lot of the dealer reports  
48 and stuff like that is not going to be like

1 Mark said, species-specific, or it's going to  
2 be in error with the species and stuff.

3 And so I've got to take off and I  
4 hope that between now and March when we submit  
5 comments from all around the table and across  
6 the neighborhood that some of these ideas will  
7 be presented next spring and that you'll have  
8 some better numbers up there. But as I said,  
9 you've got 250 directed permits. You cannot  
10 get rid of the incidental guys. So the 250  
11 directed permits I'm pretty much, and you can  
12 figure out your peak year, Karyl, as to who  
13 had one pound of landings on their directed  
14 shark permits from '02 forward. That would be  
15 very useful to everybody in here to understand  
16 that. And then you could apply it to a port  
17 of call to the vessel, you know, permit,  
18 whatever, just to try to kind of narrow it  
19 down to region. And then that'll give  
20 everybody an idea of allocation formulas  
21 because right now you're just guessing. And  
22 until you've got hard numbers in front of you  
23 you're guessing and that's going to make it a  
24 business plan. So you all have a good day.

25 MS. SCHULZE-HAUGEN: Thanks,  
26 Rusty.

27 MR. BROOKS: Jason.

28 MR. DELACRUZ: I just want to make  
29 a couple of quick mentions only because I have  
30 worked in an IFQ for quite awhile now or for  
31 a couple of years now. To Robert's point, one  
32 of the things he was talking about when it  
33 comes to stacking permits, I think that's a  
34 separate issue. I think maybe more of an  
35 issue that everybody needs to think about is  
36 transferability and how they want to keep  
37 transferability open or closed and, you know,  
38 who you want to let it go to. Because one of  
39 the issues we're definitely dealing with now  
40 is with red snappers, it's opening up to  
41 everybody in the United States if you're a  
42 U.S. citizen regardless if you have a permit.  
43 I would really, really recommend that as a  
44 group you guys come to a consensus and if you  
45 move forward you have something like that in  
46 there.

47 To another thought that I have and  
48 I hope the Louisiana guy doesn't take this

1 wrong. If you come up with this percentage  
2 for Louisiana, whatever it may be, what  
3 mechanism is there to keep them in their pie?  
4 Because I mean that's a scary thought. The  
5 beauty of the IFQ is as a natural we keep  
6 ourselves in our pie because you can't go over  
7 so it makes a very tightknit set of  
8 circumstances.

9 And one last comment which was,  
10 again, to Robert, is the owner onboard.  
11 Unfortunately I don't think that's a fair way  
12 to do it because in my grouper fishery we do  
13 come across sharks that we're having to throw  
14 back right now. I have a shark permit but it  
15 always seems to be closed when we come across  
16 the sharks. And I'd hate to throw away fish  
17 if I had the right permits and the right  
18 everything to do it. I would love, and in my  
19 case maybe it's different. I have a separate  
20 box where I could put those sharks. And so I  
21 don't think that's really a fair way to do  
22 that because then I'm just throwing dead  
23 sharks away for no damn reason. If I got a  
24 little bit of quota and I don't want to kill  
25 a fish for no reason. At least now it comes  
26 out of the whole of the pie and it's not  
27 getting wasted and the pie can keep growing  
28 because we're more consuming it, you know,  
29 more sustainably.

30 MR. ADRIANCE: Yes, Jason  
31 Adriance. As far as keeping us in our pie  
32 eDealer should help us tremendously with that.  
33 It's been late reporting with a few problem  
34 dealers and I think eDealer is going to do  
35 wonders for that.

36 MS. BREWSTER-GEISZ: Jason? One  
37 of the issues with eDealers, that would be for  
38 federal dealers. And I know ASMFC requires  
39 all the states to have federal dealers. Is  
40 Louisiana thinking of doing that as well?

41 MR. ADRIANCE: We would obviously  
42 have to look at something like that, but I'm  
43 willing to bet most of the state water  
44 fishermen are landing at a federal dealer  
45 anyway.

46 MR. HAUGEN: Yes, I wanted to just  
47 put in a comment for the pre-33 head in '07  
48 was the last year of the 4,000 pound. And for

1 the most part in Florida the shark fishery was  
2 built on the historical boats that were maybe  
3 a little bigger. And when we're going back on  
4 our catch history I think we ought to take  
5 into account 2007 back to 2002, 2003 and  
6 recognize that there are a lot of boats that  
7 were under the opinion when the 33-head  
8 started that this was just going to be a  
9 temporary thing and that we were going to go  
10 back and fix it and get stocks, a stock  
11 assessment was going to come back and blah  
12 blah blah. The years went slowly by and the  
13 IFQ program, right now everybody's looking at  
14 it as, well, 33-head, we'll just include the  
15 boats that fish for 33. Well, those are  
16 smaller boats. If the IFQ program is designed  
17 -- would allow them to then buy bigger boats  
18 and replace us that founded, that built the  
19 fishery to begin with. I mean, the shark  
20 fishery didn't start until the 1980s and a lot  
21 of us have been in it that many years. And to  
22 not use those as qualifying years would just  
23 be wrong.

24 And another thing, Karyl mentioned  
25 '09 there was only 26 boats in the Gulf. '09  
26 was -- and a lot of the East Coast fishermen  
27 kind of the impression there's only 26 boats.  
28 But that was after the 33 head. In '07 I'd  
29 like to know how many boats there was when we  
30 still had a viable fishery. And I think that  
31 would, you know, if you count back, from '07  
32 back five years and use that, and then if the  
33 boats, you know, from '08 to whatever want to  
34 count back I don't think that the boats from  
35 the pre-33 head should have to take blank  
36 years for the years when our boats weren't  
37 economically feasible. So I just want to  
38 stand up for the pre-33 head guys that want to  
39 get back in the fishery and could if we had  
40 the percentage of the quotas that we were  
41 catching before it was shut down. I mean, now  
42 it's a different fishery now. But we've been  
43 waiting to get back in it and this is the only  
44 reason that we're here is because the IFQ  
45 program would allow us to get back into the  
46 fishery that we fished for, some of us, 20  
47 years.

48 MR. DUBECK: Hey Tom, the question

1 you had about the vessels in the Gulf over the  
2 years? That's in the poster in the back by  
3 the soda. So I encourage you to look at that.  
4 And also it's on our website too, on the HMS  
5 catch share website. All the posters are too.

6 MR. BROOKS: Thanks.

7 MR. STILLER: With what stacking  
8 of the permits. I didn't get it real clear or  
9 if he explained it. Multi-permits. If you  
10 have landings on multi-permits would they be  
11 your allocation? Or whether you would be  
12 limited to one permit.

13 MS. SCHULZE-HAUGEN: I think  
14 that's an option to consider, if we want the  
15 ability to do that. It's a transferability  
16 kind of question. Things can be really  
17 tightly limited or not. So I think that would  
18 be a question on what would be the best  
19 design.

20 MR. STEED: Dave Steed. I just  
21 wanted to say to the suggestion of the  
22 percentage of your catch even going back into  
23 the port that is very good. I can't think of  
24 anything that would more accurately tell how  
25 well you participated in the fishery. You  
26 know, the poundage really doesn't. It's the  
27 percentage of your catch. And that would be  
28 fair to the people who fished in the 4,000  
29 pound fishery, you know, which most of us have  
30 anyway. There's very few of us here that  
31 didn't participate in that, you know.

32 MR. BROOKS: And what years did  
33 you look at?

34 MR. STEED: I have no idea. I  
35 haven't looked at, you know, how many  
36 participants it would involve. But the other  
37 thing is with the number of participants that  
38 go in we have to have a threshold somewhere.  
39 You have to have caught -- we did it with the  
40 snapper groupers when that went in. If you  
41 didn't have a thousand pound of landings you  
42 didn't get a snapper grouper. When we first  
43 came up with the sharks, if we hadn't caught  
44 a hundred sharks we didn't get a shark permit.  
45 So if you're talking of re-permitting people  
46 here to an ITQ which basically will be because  
47 if people who don't get it, their permits are  
48 no good anymore, we should put a threshold at

1 some point. I don't know what the point is,  
2 I'm not even going to suggest that because I  
3 don't want to piss people off. But that, you  
4 need to do that.

5 MR. BROOKS: That would be for  
6 eligibility?

7 MR. STEED: Yes. If you've held a  
8 permit for the last 20 years for whatever  
9 reason and you haven't caught any fish on it  
10 that permit shouldn't exist, you know, unless  
11 there's going to be some stipulation later  
12 down the line that somebody can purchase that  
13 permit and buy in. I mean, there should be a  
14 certain number of permits eligible who have no  
15 landings so if a new participant wants to get  
16 in they can purchase a permit and then  
17 purchase catch and be able to get into it.  
18 But to leave 250 of them out there, that's  
19 just, that seems a little excessive to me.

20 MR. SCHMIDT: Actually I had some  
21 other questions about eligibility. I don't  
22 know if you want to go back there yet, but I  
23 don't want to leave without --

24 MR. BROOKS: Let's hold onto it.

25 MR. SCHMIDT: Okay. Okay. As far  
26 as -- oh, sorry. It's on, I just need to look  
27 at it.

28 MR. DELACRUZ: My thought was  
29 really actually to John's thought. The thing  
30 about it is with the latent permits, I don't  
31 disagree but the beauty of the IFQ idea is  
32 that you're not controlling the fishery with  
33 the permits anymore, you're controlling it  
34 with the IFQs. So it doesn't matter. If that  
35 guy had a permit that doesn't have anything on  
36 it he's not going to get anything, so he's not  
37 even a figure. The only good idea with  
38 keeping the permits around is if somebody  
39 wants to get into it they can buy the permit  
40 and that becomes your control for that  
41 transferability. You can't transfer shark IFQ  
42 into your name unless you have that permit.  
43 So at least you keep the universe of potential  
44 people that can get it in that small 250  
45 number, and that's a tiny number. So, we're  
46 in the Gulf reef fish we're dealing 800-900.  
47 So I don't see that as a real problem, it's  
48 not really an issue.

1                   And as far as the transferability  
2 that he talked about on the staffing, that's  
3 all how you lay it out. If everybody here  
4 decides that, you know, I have, you know, say  
5 you have two different boats with strong  
6 histories on them, you can consolidate and  
7 move them over if you guys choose to build a  
8 plan that's a transferability plan. It's  
9 relative to your transferability. I would  
10 recommend that you keep your transferability  
11 within that universe of shark permits because  
12 then that keeps it in the core guys that are  
13 already there and you can just move it over  
14 here or move it over there, whatever you want.

15  
16                   MR. STILLER: I would just make it  
17 clear that we can do that.

18                   MR. DELACRUZ: Yes, absolutely.  
19 Well, it's relative -- again, that's the  
20 beauty of the IFQ theory or idea. What do you  
21 want to do? You've got no limitations. You  
22 can -- you guys get to build this system so  
23 let's build whatever you feel like you want.

24                   And just one more real quick  
25 question. Maybe one of the things that needs  
26 to come out of just today so that it's easier  
27 to move forward is one of the ideas of whether  
28 the history stays with the permit or the  
29 vessel because that seems like a really basic  
30 beginning step that everybody's going to want  
31 to talk about. So maybe if everybody can, I  
32 don't know, at least build the record talking  
33 about enough, about how everybody feels about  
34 that we can be clear about it. Because I  
35 think that's the first big tripping stone you  
36 guys are going to have to deal with. For me  
37 too, actually.

38                   MR. TWINAM: So what do you think  
39 about Jason?

40                   MR. DELACRUZ: I have a little bit  
41 of shark landings. It's not going to change  
42 much. It would be nice that I can stop  
43 discarding sharks that are perfectly good, you  
44 know, things, dead when we're catching  
45 grouper. So I would like it to stay with the  
46 permit that I have. Because I mean obviously  
47 I didn't catch any sharks because I wasn't in  
48 the fishery back then so I think it should

1 stay with the permit.

2 Plus it makes it so much immensely  
3 more complicated if it goes away and goes to  
4 the vessel. The guy that I bought my permit  
5 from, he moved to Boca Del Toro. How's he  
6 going to manage that? And then we're going to  
7 have to try to get him and talk to him. It  
8 just, it seems so much more complicated. At  
9 least this way you keep it in the universe  
10 that you kind of already know and everybody  
11 gets to deal with and they already have to  
12 keep track of. Now they've got to find those  
13 people just to begin to talk to them about  
14 this project.

15 MR. STILLER: Let me tell you what  
16 the government's -- unless you ask for them  
17 they're not transferred. Unless you ask for  
18 the landings they're not just automatically  
19 transferred at the permit department. That's  
20 what they told me. So I ask for them every  
21 time.

22 MS. SCHULZE-HAUGEN: So, yes, a  
23 couple of points. I think we have the ability  
24 to, we need to make that decision and I think  
25 it will make a big difference when we actually  
26 get to the point of running, you know, through  
27 the design, how people would shake out. I  
28 mean that's I think a very basic thing we've  
29 got to figure out. But there is also the  
30 potential for us to track that back, you know.  
31 Whether the permits office is doing it now we  
32 can recreate it. The other point too is that  
33 occasionally as you said people are very  
34 specific about what they want and the bill of  
35 sale will say includes landings history or  
36 doesn't. And so regardless of what the  
37 decision is we may need some allowance for  
38 unless specifically specified in the sales  
39 agreement and then we may need to honor that.  
40 We may need to check into that. But that's  
41 one of the other factors that's out there.

42 MR. BROOKS: Just to stay with  
43 this does anyone want to jump in on latent  
44 permits?

45 MR. KNAPP: I'm going to jump  
46 right here. I've been waiting, please. The  
47 idea of this workshop here is to downsize the  
48 fleet so now if we leave latent permits for

1 someone to have access to the fishery we're  
2 kind of moving away from our goal. We're not  
3 -- let me talk here a minute because this  
4 isn't apples and oranges like we have in the  
5 Gulf with your bottom fish that are worth \$3  
6 to \$5 a pound, okay. This isn't a valuable  
7 fishery at what we have for a quota here.  
8 Think about that, folks. When we start  
9 talking about holding onto latent permits,  
10 okay? The pie is this small and we're going  
11 to hold onto permits so we can let other  
12 people in? We're trying to downsize the fleet  
13 here. Think about that.

14 MR. BROOKS: It's been a long  
15 three days. Let's just stick with this  
16 scenario and Rob, point well taken, but let's  
17 just play it out for, you know. We can sort  
18 of see how this works. So let's imagine  
19 you've got all the permits in the mix here but  
20 we've got a catch history and we've got  
21 permits, a whole bunch of permits with in  
22 essence no catch history so they're not in the  
23 mix. Let's have comments, let's play out how  
24 that scenario goes. John.

25 MR. SCHMIDT: Sorry, okay. Yes, I  
26 personally don't think that the mission is to  
27 eliminate boats. I mean, I know that every  
28 time a management system is considered, you  
29 know, it's all about eliminating boats by how  
30 many landings you caught last year or 51  
31 percent of your income that's impossible to  
32 really prove and somebody got sick that year.  
33 All of those things are -- and how big the  
34 fish is. Those are the complexities that go  
35 with the current way of management. But a  
36 quota program at least the ones that we  
37 implemented and endorsed and felt right about  
38 also allows, it creates a viable business  
39 environment that's a lot better for management  
40 and for the fishery. It's not about  
41 eliminating boats. In our quota programs in  
42 the Gulf if you want to catch a few fish on  
43 the weekends and you're good with complying  
44 with all of the regulations it doesn't hurt me  
45 any. In the old way you're done. So I  
46 disagree that the object is to eliminate  
47 boats. But with a quota program that's  
48 properly built there's room for somebody who

1 periodically has bycatch of sharks to sell  
2 that shark instead of waste it. There's room  
3 for someone to, in my opinion, stack up  
4 permits and buy those few, you know, some of  
5 those 200 people that don't want to really  
6 fish their 50 pounds buy their pounds and turn  
7 your business into a better business. Take  
8 both your permits and put them on one. You  
9 can turn it into a viable fishery that is  
10 still, is better managed. There's a higher  
11 probability of keeping within the targeted  
12 limits. In fact, there's, if it's done right  
13 near zero risk. And even that means that you  
14 can have more TAC because you take out the  
15 uncertainty of how many fish will be caught  
16 with the other systems. So I personally  
17 wouldn't eliminate any permits, I wouldn't  
18 feel good about a quota program that tossed  
19 people out because we made a decision. I  
20 think if you have landings you have standing  
21 and let the permits fall where they may in the  
22 future. So that's my opinion.

23 MR. BROOKS: Thank you. Let's go  
24 -- go ahead.

25 MR. KNAPP: We had Atlantic  
26 snapper grouper permits that if we didn't have  
27 enough landings they were taken away, okay?  
28 So you still didn't hold that permit. I would  
29 have loved to have held that permit so I  
30 didn't have to buy two more to get back into  
31 the snapper grouper fishery, okay? And that's  
32 a lot more valuable than what we're divvying  
33 up here compared to the Gulf, okay? We  
34 already established a precedent on the snapper  
35 grouper permit, okay? This is not the Gulf of  
36 Mexico. This is the South Atlantic what I'm  
37 speaking for, okay? And we don't have the  
38 valuable fisheries you have there in the Gulf.  
39 Okay? We're scratching for pennies in the  
40 South Atlantic, scratching, okay, so it's a  
41 total different scenario than what you're  
42 trying to put across the board here, John.

43 I've been fishing these sharks for  
44 30 years, that's why this emotion is coming  
45 out and now I'm fishing for 33 head of sharks.  
46 Now to go through a process here where we're  
47 eliminating a lot of -- a lot of the people  
48 still have permits that -- sandbar. Sorry.

1 I thought I was speaking loud enough.

2 MR. BROOKS: No, I mean this is  
3 all great.

4 MR. KNAPP: My frustration is it's  
5 a small pie, okay? We're trying to downsize  
6 this fleet, okay, with a very, very small pie.  
7 Now we're going to leave latent permits in in  
8 case somebody wants to get in, okay? They  
9 took my snapper grouper permit away. If I  
10 want to buy another snapper grouper permit  
11 I've got to buy two for \$35,000 or \$40,000.  
12 These permits are worth \$5,000 and the catch  
13 share is worth nothing. You're out. You use  
14 it or you're out. This is not the Gulf of  
15 Mexico catch share program going on here and  
16 we're not talking about three to five --

17 MR. BROOKS: Okay.

18 MR. KNAPP: Sorry about the  
19 emotion.

20 MR. BROOKS: No, no, that's fine.  
21 I just want to make sure we're --

22 MR. KNAPP: -- years in the North  
23 Atlantic.

24 MR. BROOKS: Hang on. The emotion  
25 is fine and understandable. I want to just  
26 make sure we're as focused as we can be on the  
27 issue. I'll put out my own confusion there,  
28 maybe someone can help me understand that  
29 better. Because I'm a little tripped up on if  
30 one, well one thing I think I've heard is, you  
31 know, Rob, you've been mentioning that this  
32 is, oh gosh, I forgot the phrase you used.  
33 You know, the effort is to downsize the fleet.  
34 What I heard in the earlier conversation was,  
35 I don't think I heard it framed that way. I  
36 heard make it economic for folks who are in  
37 the business which is maybe a nuance but I  
38 just want to put that out there from the  
39 earlier conversation is how I heard that  
40 framed.

41 The piece that's confusing me is  
42 that if one is saying leave, you know, go by  
43 permits but that's married to you're  
44 allocating based on catch history, if a lot of  
45 those permits have little to no catch history  
46 --

47 MR. KNAPP: I understand what you  
48 are saying -- on them, okay? And they were

1 taken away from people, okay? And then if you  
2 wanted to get back in you had to buy two for  
3 one, okay? So even though you held that  
4 snapper grouper permit it was worthless if --  
5 and they took it away. They grabbed it and  
6 took it away, okay? So we've already  
7 established a precedent on them permits. I'm  
8 just saying that's why I'm frustrated.

9 MR. BROOKS: Understood. Let's  
10 let --

11 MS. BREWSTER-GEISZ: So, wait.

12 MR. BROOKS: Let's let Karyl  
13 respond.

14 MS. BREWSTER-GEISZ: So I  
15 understand where you're coming from, I  
16 understand the other comments. I think  
17 they're both valid comments. I want to go  
18 back to something we heard at the beginning of  
19 the workshop. I think it was Bob who said  
20 it's -- we're not the first. We can learn  
21 from the mistake of others. There's no  
22 precedent-setting. We want to build this  
23 program for this fishery. So even though  
24 that's what happened in the South Atlantic we  
25 have a chance to do that or we have the  
26 opportunity to move on and go in a different  
27 direction. Obviously there's, you have a lot  
28 of emotion in that. You are not, I would say  
29 you are not happy about how that program went.  
30 And so for the shark fishery is that really  
31 where you want to go where you're creating  
32 something that you're not happy about so you  
33 want other people to be unhappy about it too.  
34 Do you want to go with maybe a different  
35 approach which seems to have worked or being  
36 suggested by people in the Gulf who also have  
37 experience with the program? I think they're  
38 all valid viewpoints.

39 I would like to go back to the  
40 discussion because we only have a few minutes  
41 left on do we want the allocation to stay with  
42 the vessel or do we want the allocation to  
43 stay with the permit. I think if we could  
44 just have a quick, just run through the table  
45 on who's for vessel, who's for permit before  
46 we leave because I think we only have about  
47 five minutes left.

48 MR. BROOKS: So, what I'd like to

1 do is just, there's a couple of people who  
2 haven't weighed in on this topic. So let's  
3 get a couple of voices in and then just again,  
4 not voting but just so these guys can get a  
5 sense of how people feel about it. So Tom,  
6 let's go to you. Then we're going to go over  
7 to Scott. Okay. Tom.

8 MR. HAUGEN: But I think in all  
9 reality you have to use the permit.

10 MR. BROOKS: Hang on.

11 MR. HAUGEN: You're going to have  
12 to use the permit for eligibility. Now, if  
13 you want to further restrict it then you could  
14 have stipulations to where the person that  
15 owns the person would have had to caught the  
16 allocation. I think everybody understands  
17 that. That way, you know, but you have to  
18 start with the permit, the catch has to go  
19 with the permit. And then if you want to  
20 further reduce it like Mike says then just say  
21 that the person that owns that permit, the  
22 history from that landing will only go back as  
23 far as the person's name on that permit. How  
24 about that?

25 MR. BROOKS: Okay. Thank you. I  
26 want to bring in a couple of other voices who  
27 haven't gotten to weigh in on this. Charlie,  
28 I don't think you've weighed in on this topic.

29 MR. LOCKE: All right, I'm safe to  
30 say that I'm probably the only one here that's  
31 been in this fishery when it became a 33-head  
32 fishery. And I've had, I've got major issues  
33 with this whole thing. And this is, I need to  
34 be clarified on this. The allocations, you're  
35 talking about, you know, effort and this and  
36 that, and you have a non-sandbar large coastal  
37 fishery as it stands right now. And I  
38 completely agree Dewey, Glen, everybody here  
39 all the way back should have all their  
40 landings counted. I'm completely for that.  
41 Those guys don't need to lose that. If you  
42 have no sandbars in the fishery as it stand  
43 now, if you're not intending to open the  
44 sandbars again then how can you use sandbar  
45 landings in a fishery that no longer entails  
46 sandbars? That's just a valid -- I'm not  
47 dissing anybody about it, I still confuse  
48 that. Karyl, I've asked you this and Guy, I

1 think I've asked you this both. But if it's  
2 a blacktip fishery they're talking about  
3 everybody's pretty well in agreement blacktips  
4 are pretty healthy. That's basically what  
5 we're catching. When I first got into it it  
6 was a net fishery for me with my federal  
7 permit catching three limits today, close to  
8 my inlet running trips. That's what  
9 interested me. My boat's fast, doesn't burn  
10 much fuel, it worked, I made money.

11 I still have a question how can  
12 you go back to sandbar landings to qualify for  
13 a non-sandbar large coastal quota. That's --  
14 I just don't understand how that's going to  
15 work without -- well, I know that but I'm  
16 saying now you've got a totally different  
17 fishery. And I'm not -- that's what I'm  
18 saying, I'm completely in agreement with these  
19 guys. They deserve their landings, it's their  
20 landings. But how do you incorporate me? I'm  
21 just asking how do I fit into this because  
22 when I --

23 MR. BROOKS: Let's give Karyl or  
24 Guy a chance to weigh in.

25 MS. BREWSTER-GEISZ: That's  
26 something we need to go back and look at.  
27 Those are the questions we need from people in  
28 order to really get into this. So you're  
29 asking great questions, Charlie. I'm afraid  
30 I don't have any good answers for you.

31 MR. BROOKS: Dean, you've been --  
32 Dean, do you want to jump in? Is that not  
33 Dean? Sorry, Pete.

34 MR. BOEHM: Yes, I just -- I think  
35 the history needs to go with the permit. You  
36 know, I just, that's how I feel about it. And  
37 I think the allocation should be given out on  
38 your catch history because that's what made up  
39 the quota and whoever put into it that's how  
40 it should be divided back out.

41 MR. BROOKS: When you talk about  
42 catch history --

43 MR. BOEHM: Yes, you know,  
44 whatever percent, whatever you caught made up  
45 that percentage of the quota. So, however you  
46 average it out that's how it needs to be. And  
47 whether it's the states or the individual  
48 fishermen, we all together made, we catch this

1 existing quota every year and it seems pretty  
2 simple to split it up.

3 MR. BROOKS: Let's take a couple  
4 of final comments and then I think we probably  
5 need to start wrapping up here. David.

6 MR. STEED: I would just say that  
7 if you didn't catch the sharks you shouldn't  
8 get them. If somebody has purchased a permit  
9 that has a history that they did not  
10 personally catch there's no reason why they  
11 should get them. They never earned their  
12 living with those particular fish, they've  
13 only earned their living with the fish that  
14 they captured after they purchased the permit.  
15 And I agree with we should go back to when  
16 these guys caught sandbars. I personally  
17 fished bull sharks and blacktips most of my  
18 shark-fishing. I've caught very few sandbars.  
19 But you're going to have a big problem when  
20 you add in their poundage onto this little  
21 quota we have now. Their poundage for their  
22 4,000 pound trips are going to come up than  
23 more than what your quota is now, I know that,  
24 because these guys went fishing, they caught  
25 fish. So there's going to be a real juggling  
26 act there to when the allocations come up to  
27 three times what the quota is who do you cut  
28 to give these guys a fair share? You're going  
29 to have to take it away from some recent  
30 participant to give to somebody else and  
31 that's not fair to the recent participant and  
32 it's not fair to these guys to not get  
33 something. So we're going to go right back to  
34 the same thing that when this gets divided  
35 nobody's going to make a living.

36 You're going to have a fishery  
37 that's not viable for anybody to leave the  
38 dock to target a shark. It's going to be  
39 profitable to the grouper fishermen who  
40 incidentally catch a shark on their grouper  
41 line. That, you know, that will be a great  
42 asset to them. But for me to leave the dock  
43 I don't think, I can't say where in this I'm  
44 ever going to get enough share to leave the  
45 dock to go shark-fishing.

46 MR. BROOKS: And maybe as you all  
47 continue to talk about this again some of  
48 these hybrid approaches may, while it won't

1 solve the basic problem you're spelling out,  
2 maybe it will provide some platforms to think  
3 it through differently. Let's take a final  
4 three comments here. We'll go to Dewey, then  
5 to John, and then over to Jason and then we'll  
6 wrap up here.

7 MR. HEMILRIGHT: Dewey Hemilright.  
8 There's one thing I firmly believe, that this  
9 catch shares is about reducing the fleet  
10 without a doubt. It's, you're naive or  
11 ideology -- if you don't believe that because  
12 just listen to Jane Lubchenco in Environmental  
13 Defense Fund, it's about reducing the fleet.  
14 We have a very small pie here. In this small  
15 pie, I've been fishing since, you know,  
16 everybody will say how long they've been  
17 fishing. Been fishing since about '94 I made  
18 my first hit. In the summertimes I travel  
19 north fishing. We had a lot of problems. You  
20 have, you know, just we have a litany of I  
21 call it mismanagement where we would have  
22 states, unidentified sharks in Virginia,  
23 hundreds of thousands of pounds would be  
24 counted off the sandbar quota. You have  
25 Louisiana fishing when there would be closures  
26 in the federal thing that they've come onboard  
27 now. It's good to see finally for the first  
28 time have been in seven years a state guy here  
29 from Louisiana to be at the table.

30 It's not going to be no easy thing  
31 and it's going to get a lot rougher on this  
32 stuff, but what's going to happen is once --  
33 the longer it takes to assess these species  
34 the few people if it goes to catch shares are  
35 going to be the winners. Because once they  
36 assess these species they don't have the data  
37 to assess the species. It's going to show  
38 over-fishing, over-fishing is occurring. No  
39 matter what, it just ain't going to work. So  
40 the only thing I can hope for that maybe this  
41 will take till over 2013 and we'll have a new  
42 president and a new administration and they'll  
43 put people back to work and this stuff about  
44 putting people out, prioritizing our oceans  
45 will be over with, you know. Because it's  
46 going to get worse than this in our fisheries  
47 and sitting around this table. It's just the  
48 way it works. And you're dealing with a low

1 dollar fish compared to \$3 or \$5 fish, or in  
2 scallop industry \$15-\$18 a pound fish. So  
3 it's just going to get a lot worse in here.  
4 But that's, you know, that's the only thing I  
5 can hope for, my thoughts. Thank you.

6 MR. BROOKS: Thanks, Dewey. John.

7 MR. SCHMIDT: I personally think  
8 the only way to do it is that the catch  
9 history needs to go with the permit. It  
10 should go to the current permit-holder. If  
11 you don't do it that way then none of you guys  
12 can acquire additional quota between now and  
13 the time that the system is implemented. When  
14 I purchased a fellow's ongoing business, his  
15 boat, his permit, his history, if you take  
16 that business enterprise away from me I don't  
17 see that as being fair. And all prior quota  
18 program implementations which have even  
19 enabled small boats to get back in the  
20 fishery, they went by the permit history. If  
21 I had a permit and I bought a few different  
22 boats and kept that permit, I mean would the  
23 quota go to the owner of the boat that bought  
24 it from me 10 years ago? I don't think so.  
25 So, that's my opinion.

26 MR. BROOKS: All right. I want to  
27 know, we have to be out of this room at 5:00.  
28 I'm sorry, we don't have to be out of this  
29 room but we have to be done talking so we can  
30 get out of this room by something after 5:00  
31 because they need to use it for something  
32 else. So let me get Jason.

33 MR. DELACRUZ: I want to clarify  
34 something for you guys. Catching four or five  
35 or ten sharks on my grouper boat is not going  
36 to change anything for me. But I can tell you  
37 this whether you believe it or not, they're  
38 counting my five or ten sharks and they're  
39 guessing, and they're taking them from you.  
40 So by you letting me get those sharks and  
41 showing them what I catch for them sharks your  
42 numbers become more certain. It helps you.  
43 It doesn't help me, it doesn't change anything  
44 for me. But my point is you have to let those  
45 fish -- if you just say the guys like the  
46 grouper guys, it's going to be only profitable  
47 for them, ten sharks isn't really profitable  
48 for me. It actually helps you more for me to

1 catch those fish so they know what I'm  
2 catching because they're guessing.

3 And if you guys think they're not  
4 guessing at those numbers -- and I'm not  
5 talking bad about you guys. You know you have  
6 to put, they have to quantify that number.  
7 They have to look at it and go we have to  
8 figure it out. That's the way Magnuson's  
9 written. They have to put a value on it.  
10 They're putting that value, and this is not  
11 just me and you, this is every fishery that  
12 you interact with. You're getting, if you  
13 guys trip over a grouper or a red snapper when  
14 you're setting gear and you happen to catch  
15 one they're kind of figuring on that because  
16 that's what the observers pick up on. You  
17 guys need to begin to understand that  
18 everything that happens in this whole industry  
19 is going towards an ecosystem management. And  
20 as that becomes more and more of a push, and  
21 more and more of a reality we're going to have  
22 to deal with everything that we interact with.  
23 And you better start thinking about ways to  
24 solve those problems. Otherwise it'll be  
25 another problem that pokes you in the butt you  
26 can't deal with. So I'm just trying to -- my  
27 only goal here was to help.

28 If you guys don't want the history  
29 to go with me because I didn't catch those  
30 fish, whatever, but I'm still going to keep  
31 catching a handful of sharks when we're  
32 grouper-fishing, that's not going to stop.  
33 And the observer on my boat that's there four  
34 times a year because every quarter I get an  
35 observer, he's going to see it and he's going  
36 to write it down, they're going to know about  
37 it and they're going to figure it out and  
38 they're going to put a number to it. It's  
39 simple. That's my only thought. I just don't  
40 think I'm trying to take anything from you  
41 guys, I'm just trying to maybe let you see  
42 this in a way that I think I finally figured  
43 it out after beating my head against it for a  
44 long time.

45 MR. STEED: I was trying to imply  
46 that the only person who would see a true  
47 economic value from that would be the person  
48 who was catching them incidentally.

1 MR. BROOKS: So I know that there  
2 are more people who want to get in but I am in  
3 the unfortunate position of having to say we  
4 can't take on anymore. But I can also say  
5 that this is not the last conversation you're  
6 going to have for a long time, I'm quite  
7 certain of that.

8 So this last conversation has been  
9 I think dynamic is a fair way to describe it.  
10 And you know, and to Mark and to others, you  
11 know, it's very fair and it's very realistic  
12 that you're bringing a lot of histories and  
13 emotions to this and that's okay and fair.  
14 Our goal is to learn from the history, though,  
15 and figure our way forward in a way that's  
16 going to make sense. I think Bob said that  
17 well early on and it bears repeating.

18 This one's a challenge to  
19 summarize but I'll make a cut at a couple of  
20 thoughts if I can figure out which one of  
21 these little notepads has my thoughts on it.  
22 I think there is a, you know, there was a  
23 strong sense that obviously working off of  
24 catch history is important you know in terms  
25 of the different allocation schemes that are  
26 out there. That was repeated again and again.  
27 The time period for that seems to be a bit  
28 over, you know, all over the map, ranging from  
29 1993 to 2002 when the limited access permit  
30 began to 2007 forward. But I think there was  
31 a common thread there. One interest in this  
32 idea of not working off of raw numbers but a  
33 percentage of overall effort, that that's at  
34 least an equalizer and a way to assess  
35 contributions as, you know, relative to the  
36 entire fishery. So that idea seemed to get  
37 some traction.

38 Also, a sense that, you know, to  
39 the extent that you can you want to honor the  
40 history of the catch that fishermen have been  
41 doing for a lot of years here, a recognition  
42 that that's challenging, that that my squeeze  
43 the little quota you have if you start  
44 dragging in big numbers from the past. But at  
45 least I heard an intentionality to try to  
46 honor that in some way. I don't think there's  
47 clarity yet on what that would look like.

48 In terms of permit versus vessel,

1 while clearly there are some at the table who  
2 feel strongly that permit's not the way to go,  
3 I do think the preponderance of what we heard,  
4 and again this is not a vote, but I'm just  
5 trying to capture what we heard here, is that  
6 permits for many of you seem to make sense as  
7 a cleaner way to go forward, and particularly  
8 if you tie that to other stipulations, to  
9 catch history, to issues around  
10 transferability, that that may become more  
11 palatable. And if you approach it in a  
12 careful way you can address some of the  
13 issues.

14 Other considerations. Obviously  
15 there's a whole issue of state landings and  
16 particularly with Louisiana, but other states,  
17 how do you deal with that. How do you deal  
18 with as you look at catch histories for  
19 individual fishermen the closures that folks  
20 have been impacted with and how that impacts  
21 their ability to have developed a strong catch  
22 record over the years.

23 So I think I'll leave it at that.  
24 That is not exhaustive but it's what I have to  
25 share at the moment. I'll see if others want  
26 to fold in here.

27 MR. DUBECK: No, you hit the  
28 majority of the main topics. But to finish  
29 this up I was thinking of going through some  
30 of the main points real quick, the main  
31 findings of what we heard. So pretty much for  
32 region we heard, you know, Puerto Rico should  
33 stay its own region. Then there should be no  
34 regions with a catch share program or, you  
35 know, all or nothing kind of scheme.  
36 Definitely to increase the science and reflect  
37 what the fishermen are seeing.

38 For species, pretty much to  
39 include all species but there's concern about  
40 the Pelagics. You know, to -- there was also  
41 concern with the dead discards, you know, with  
42 the bycatch and the different other fisheries.

43  
44 For eligibility pretty much, you  
45 know, directed active fishery. Then there was  
46 talk about the economic level. And then we  
47 discussed the threshold for eligibility  
48 between having a certain poundage that you

1 have on the landings to include them into  
2 this. But also there was discussion about a  
3 money threshold too. There should be a  
4 separate, you know, incidental IFQ or to buy  
5 them out. No gear type catch share program  
6 and also there was discussions about a  
7 species-specific quota.

8 Then just to reify what Ben just  
9 said, you know, especially to use the catch  
10 history in anything we decide to move forward  
11 with. We had such a range of qualifying years  
12 that was discussed. There was a push for  
13 landings to go with the permit and then also  
14 to include state landings and how do we work  
15 that into a catch share program.

16 So they were kind of the main  
17 points we heard. We've gotten all your notes  
18 taken down. So pretty much what the next  
19 steps are for this is that we're going to  
20 continue having workshops, numerous workshops.  
21 We're still determining where to have those  
22 out and when to have those. You will be  
23 notified through our website but also our  
24 listserv notice through email where and when  
25 these will be at. And also that we're  
26 encouraging more comment through our  
27 regulations.gov to use. In the presentation  
28 at the end Karyl showed about -- sorry, I  
29 didn't include. You can either call us up or  
30 you can use regulations.gov. It's in the NOI  
31 how to submit comments. You know, especially  
32 to look at our catch share website. We're  
33 going to be putting more documents up there.  
34 The posters in the back that you guys were  
35 looking at, they're all on the website too.  
36 But again, I just really want to say thank you  
37 very much for all coming. You know, this is  
38 great. We got a lot of information and again,  
39 we're having more workshops so once we have  
40 those and get more information we'll move  
41 forward. So, anything else? Okay.

42 MS. BREWSTER-GEISZ: I always have  
43 more. I do really want to thank you all for  
44 coming today and for staying for the full day.  
45 I know usually we end around noon so for the  
46 AP members who stayed that's great, I love it.  
47 I love having fishermen from throughout the  
48 fishery come. I find the discussions are very

1 fruitful and very dynamic but also just, it  
2 just helps me to hear all the thoughts and  
3 conversations from all the different sides at  
4 once.

5 And I definitely encourage you to  
6 come to all the workshops, or at least the  
7 workshop in your area. The differences there  
8 is, one, we won't have Bennett being able to  
9 do the quick summaries at the end. I'm going  
10 to miss that. We also won't have the court  
11 recorder in the back who's recording all of  
12 our words through the microphones which is  
13 great for us. But more importantly when we go  
14 to the regions we tend to get the views of  
15 that region and it's very hard to explain to  
16 them what the other views are. So if we have  
17 people who are here who can also help us  
18 explain what happened at this meeting that's  
19 very helpful as well. So I encourage you all  
20 to try to come to at least the workshop in  
21 your area, and if you can come to more that  
22 would be great. Thank you all for coming  
23 today. Bob has a question.

24 MR. BROOKS: Bob, your card is up  
25 and as one of the two AP members that are at  
26 the table to the bitter end here we'll grant  
27 you a special -- more than two? But Scott was  
28 not there from day one. Okay, maybe Jason.  
29 Oh and Marcos was. You're in my blind spot,  
30 that's the problem, I always miss it. Anyway,  
31 you get to go.

32 DR. HUETER: I love getting the  
33 last word because when I go home I certainly  
34 don't get it there. Just in this panel  
35 meeting.

36 I was just thinking as we're going  
37 through the allocation issues and all of these  
38 discussions that this process I think would  
39 really benefit from a true economic analysis  
40 working backwards from the number of pounds of  
41 sharks that are available to figure out what  
42 constitutes a viable share for the fishermen.  
43 In other words, establish like a unit of  
44 currency, call it one shark pound. How many  
45 shark pounds does it take to make an  
46 individual fisherman's activities profitable?  
47 And Bruce gave us a number earlier today. And  
48 I'm not sure that's actually been done but I

1 think it would help steer the process.

2 And it's, any smart businessman  
3 going into a new enterprise trying to make it  
4 profitable does a business plan. And this  
5 essentially would be like a business plan.  
6 So, I would ask you to consider, the agency  
7 consider doing that. And do that absolutely  
8 in cooperation with the fishermen.

9 MR. BROOKS: Thanks, Bob. Marcos,  
10 did you need? Okay, all right. Then I just  
11 want to add my thanks to all of you for those  
12 of you that have been here from the start and  
13 for those of you who joined in and shared your  
14 perspective here. I do think there's a  
15 tremendous amount of cross-learning to be had  
16 here. It is one of the challenges and  
17 advantages of having folks around the table  
18 who are bringing different experiences and  
19 different level of awareness to this dialogue.  
20 It means you're coming at it from different  
21 places but it does mean you have the ability  
22 to sort of learn from each other and bring  
23 your perspectives. So I encourage you to  
24 continue pushing at what is a difficult issue.  
25 But I think there are some good discussions to  
26 be had. So thank you for this afternoon and  
27 the full three days. Marcos, anything?

28 MR. HOPKINS: I have one quick  
29 question -- all and ask about landings. But  
30 along with what Bob said, we're all money --  
31 we're all going to be vying for position here.  
32 What kind of a -- how long before you get  
33 those numbers published and they will be  
34 accessible to us so we can be looking at what  
35 we got?

36 MS. BREWSTER-GEISZ: So what we're  
37 hoping to do is once the scoping is over we'd  
38 have a good sense of where we might want to go  
39 in terms of the allocation. So we would  
40 provide you not only the numbers but where  
41 that would be for the different options,  
42 thoughts of allocation. So you can actually  
43 see, okay, well if they go this route that's  
44 really good for me. If they go this route, I  
45 don't really like that as much. So you'd have  
46 something to really bring forward to the next  
47 stage.

48 MR. BROOKS: There might be

1 options.

2 MS. BREWSTER-GEISZ: There would  
3 be options to be put forward and it would also  
4 give us the opportunity at that point if you  
5 notice a discrepancy in the data, what we're  
6 giving you does not match what you have in  
7 your own records, you can come forward to us  
8 and we'd be able to work through all those  
9 numbers.

10 MR. HOPKINS: So you're still  
11 talking several months out?

12 MS. BREWSTER-GEISZ: Yes, well  
13 scoping goes until March 1st so I wouldn't  
14 think we'd get anything --

15 MR. HOPKINS: Another time we were  
16 talking about this years ago you all asked for  
17 data already. And I was presenting at one of  
18 the scoping meetings what my actual numbers  
19 were. Are those numbers that are available  
20 and you just don't want us to swap them, or?

21 MS. BREWSTER-GEISZ: No, we're  
22 still going back through it. One of the  
23 issues we have is for the shark permits we  
24 don't -- in 2006 they switched how they do the  
25 permits to a completely new database and they  
26 started providing numbers on the permits. So  
27 your permit has a number and when you sell it  
28 that permit number goes to a new owner which  
29 is great. So the permit database through 2006  
30 has all the numbers. We're busy going back  
31 through to 2002 to associate each permit with  
32 the appropriate number. So we're still  
33 working through that stage right now. And  
34 then once we get there we have to start  
35 associating the landings with the permits. So  
36 there's still a lot of work to be done. It's  
37 not like we're sitting around on the numbers,  
38 we know exactly where they are. No, we're  
39 still trying to just figure out the permit  
40 numbers.

41 MR. BROOKS: I want to recommend  
42 we adjourn. And if there are other questions,  
43 probably just come up individually. But thank  
44 you all very, very much. Appreciate it.

45 (Whereupon, the foregoing matter  
46 went off the record at 5:06 p.m.)

47  
48

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Highly Migratory Species Adv. Panel  
Amendment 6/Catch Shares

Before: NMFS

Date: 09-22-11

Place: Silver Spring, MD

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