

U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ASSOCIATION
NATIONAL MARINE FISHERIES SERVICE

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HIGHLY MIGRATORY SPECIES ADVISORY PANEL

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MEETING

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WEDNESDAY
SEPTEMBER 11, 2013

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The Advisory Panel met in the Sheraton Hotel, 8777 Georgia Avenue, Silver Spring, Maryland, at 8:30 a.m., Scott McCreary, Facilitator, presiding.

PANEL MEMBERS PRESENT:

PAMELA BAKER
TERRI BEIDEMAN
RICK BELLAVANCE
ANGIE BOEHM (proxy for Scott Vaeth)
ANDRE BOUSTANY
RON CODDINGTON
SONJA FORDHAM
WILLIAM GERENCER
WALTER GOLET
MARIN HAWK (proxy for Bob Beal)
RUSSELL HUDSON
ROBERT HUETER
STEVEN JAMES
WALLACE JENKINS
DAVID KERSTETTER
GERALD LEAPE
SHANA MILLER
KENNEDY NEILL
JEFF ODEN (proxy for Sean McKeon)
TIM PALMER

ELLEN PEEL
RALPH PRATT
ROMULUS WHITAKER
MARK SAMPSON
SCOTT TAYLOR
STEVEN THOMAS
PERRY TRIAL
MARK TWINAM
RICK WEBER
CHRIS WEINER
ALLAN WILLIS
ICCAT REPRESENTATIVE:

JOHN GRAVES

STATE REPRESENTATIVES:

MARTHA BADEMAN, Florida Fish and Wildlife
Conservation Commission
RANDY GREGORY, North Carolina Division of
Marine Fisheries
CARRIE KENNEDY, Maryland Department of Natural
Resources

COUNCIL REPRESENTATIVES:

DAVID CUPKA, SAFMC
DEWEY HEMILRIGHT, (proxy for Stephen Linhard)
MAFMC

FACILITATOR:

SCOTT McCREARY

NOAA FISHERIES OFFICE OF SUSTAINABLE FISHERIES
HIGHLY MIGRATORY SPECIES DIVISION CHIEF:

MARGO SCHULZE-HAUGEN

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2 (8:42 a.m.)

3 MS. SCHULZE-HAUGEN: If folks could
4 take their seats, we're going to go ahead and get
5 started. All right, so welcome to Day 3. I
6 want to note that Angie Boehm has joined us as
7 a proxy for Scott Vaeth, so welcome Angie.

8 Oh, and Marin from the Commission
9 has joined us as well, Marin Hawk from the
10 Atlantic States Marine Fisheries Commission.

11 So good. First, just to start out
12 before we get started today, I'd like to take a
13 moment of silence in honor of September 11th, so
14 if we could take a moment.

15 (Pause)

16 MS. SCHULZE-HAUGEN: All right,
17 thank you. So this morning we're going to
18 change gears almost completely and talk about
19 sharks instead. So is there anything else we
20 needed to approach today?

21 MR. MCCREARY: No. I just wanted
22 to express appreciation to everyone for their
23 participation in the breakout groups,
24 especially the folks that did the reporting
25 back. It was very productive and, I think,
26 helpful for the staff, although that is not for
27 me to judge. That is for you to judge.

28 All right, so Pete, you're going to lead
29 off? All right.

30 MR. COOPER: Thanks a lot, Scott.
31 Good morning everybody. I'm Peter Cooper. I
32 work in the HMS Division here in Silver Spring,
33 and I'm just giving an update today on our
34 Amendment 5 work here, and Amendments 5a and 5b
35 now.

36 Just to recap where we came from,
37 where we are now, I'll start it with the stock
38 status and termination for scalloped hammerhead
39 sharks back in April of 2011. And along the way
40 we've had other stock status determinations and
41 stock assessments that were brought into this
42 amendment process, a number of advisory panel
43 consultations.

44 We had a proposed rule for Amendment
45 5 that published in November, and many of you
46 were at the HMS one-day advisory panel meeting
47 back in January that we had at the Civic Center
48 here in Silver Spring. So we met, discussed it,

1 proposed rule comment period ended in February.

2 And just another slide to recap, and
3 you've seen the slide many times, what we were
4 doing with the A5 proposed rule. We're looking
5 at some new stock assessments for scalloped
6 Hammerhead, Atlantic blacknose sharks and Gulf
7 of Mexico blacknose sharks, and rebuilding
8 Atlantic overfishing fishing for scalloped
9 hammerhead, dusky sharks, Atlantic blacknose,
10 and also addressing stock assessments for
11 blacktip, sandbar, and Gulf of Mexico blacknose.

12 So once we got through the comment
13 period we looked at all the comments and had a
14 number of comments on the proposed dusky shark
15 measures that were included in the rule. A lot
16 of them dealt with the data sources that were
17 used in the analyses of this data.

18 We also got a number of comments
19 requesting consideration of approaches that
20 were significantly different than what was
21 analyzed in the proposed rule, such as
22 exemptions to the recreational minimum size for
23 blacktip sharks or sharks that were considered
24 blue in color. Implementing gear restrictions
25 instead of additional PLL closures, those sorts
26 of things.

27 And so after taking all of this into
28 consideration, we decided not to proceed with
29 the dusky shark measures as proposed, and
30 instead to split the amendment and go forward
31 with the measures for scalloped hammerhead, the
32 two blacknose stocks, the Gulf of Mexico
33 blacktip and sandbar measures, and to reconsider
34 some of the dusky shark measures in a separate
35 proposed and final rule.

36 We wanted to keep those other
37 measures going to try to meet the Magnuson
38 two-year timeline for the scalloped hammerhead
39 rebuilding. And so we were able to get the FEIS
40 out in April, and final rule was published on
41 July 3rd, and commercial measures were effective
42 that day and the recreational measures were
43 effective on August 2nd. So right now we're
44 still working on Amendment 5b and our timeline
45 is expected to have a proposed rule sometimes in
46 spring of next year.

47 When looking at what came out of the
48 final rule for Amendment 5a and some of the

1 comments that we received, there were some
2 changes to what our preferred alternatives were
3 and what the final measures were. And so I just
4 want to touch on those real quick right now.

5 If you remember, we had a sort of,
6 most of the measures for scalloped hammerhead,
7 the whole group besides dusky were in those sorts
8 of alternative suites, and stand-alone measures
9 were mainly dusky shark measures.

10 The only one that was in the
11 alternative suites that pertained to dusky
12 sharks was increasing the recreational minimum
13 size to 96 inches. But we got the comment to not
14 link Gulf of Mexico blacktip shark with the Gulf
15 of Mexico aggregated large coastal shark and
16 hammerhead quotas. And we went back and looked
17 at some of the bottom longline observer data and
18 that data showed us that when the fishermen were
19 on trips that were targeting blacktip sharks
20 there was low catch of hammerheads or other
21 aggregated LCS.

22 So we felt more comfortable
23 splitting those two apart. The data kind of
24 showed that overfishing or exceeding one quota
25 while fishing on another would be less likely to
26 occur just because we didn't see those
27 crossovers in blacktip targeted sets.

28 So in the final rule, the Gulf of
29 Mexico blacktip shark quota was not linked to
30 those other quotas, and that was a kind of a
31 hybrid of some of the alternatives in the A5
32 proposed rule.

33 Our preferred alternative was to
34 link hammerhead, aggregated LCS and blacktip in
35 the Gulf, and we also had alternatives not to
36 link them. So this is a little bit of both the
37 hammerhead and aggregated LCS are still linked
38 in the Gulf of Mexico.

39 The other one was to increase the
40 recreational minimum size on hammerhead sharks
41 to 78 inches fork length. We got the comment
42 that that might be a good idea, age of 50 percent
43 maturity for scalloped hammerhead sharks is
44 similar for great and smooth hammerheads. So we
45 went forward with that measure and increased the
46 recreational minimum size for hammerheads.

47 And so here's a little look at the
48 new commercial TACs, quotas and management

1 groups. In the Gulf of Mexico you see that we've
2 got the hammerheads and the aggregated large
3 coastals linked. Blacktips are on their own,
4 and blacknose and small coastal sharks are
5 linked in the Atlantic.

6 Blacktip and aggregated large
7 coastals are in that aggregated large coastal
8 group and they're linked with the hammerheads,
9 and we have the linkage with the Atlantic
10 blacknose and Atlantic small coastal sharks.

11 And just a reminder, the small
12 coastal shark quota is split for management
13 purposes to prevent by catch overfishing on
14 blacknose sharks. And we recently did a
15 transfer of some of the quota from the Atlantic
16 to the Gulf.

17 They were still under their
18 blacknose quota in the Gulf but were creeping up
19 on 80 percent of the small coastal quota, so we
20 moved some over from the Atlantic to the Gulf to
21 keep that fishery going. And the rec measures
22 like I touched on, we did 78 inches fork length
23 for the hammerhead shark group.

24 And we're continually working on
25 additional public outreach and developed a new
26 recreational shark identification and
27 regulations placard. so pulled in some of the new
28 recreational measures into the placard, tried to
29 highlight some of our management measures, and
30 kind of make a little bit of a key for identifying
31 what's legal and what's not.

32 We worked closely with Southeast
33 Science Center, Katie Davis here did a lot of
34 great work on that. So those placards in the
35 back are, or they might have been in your
36 folders, I'm not sure, but I'd urge you to take
37 a look and let us know what you think.

38 So that kind of wraps up the Amendment 5a
39 portion of things, and our management measures
40 for scalloped hammerhead and the blacknose and
41 sandbar sharks. We still need to address the
42 dusky shark stock assessment results, and we're
43 at that point where we're going to develop
44 management measures for a proposed rule, and we
45 still have kind of our same problems.

46 You know, dusky sharks have been
47 prohibited from retention since 2000. We still
48 have an overfished status, or they're overfished

1 with overfishing occurring. And the stock
2 assessment results recommended about a
3 two-thirds reduction in fishing mortality to
4 reduce the rebuilding timeline from 400 years to
5 100 years, so modify our current rebuilding plan
6 for dusky sharks.

7 So in the Amendment 5 proposed rule
8 comment period, like I mentioned before, we
9 received a lot of comments on the dusky sharks
10 measures, and specifically questioning the
11 effectiveness of increasing the recreational
12 minimum size to 96 inches and the commercial
13 hotspot closures for pelagic longline gear, and
14 if they would, you know, reach the goals of
15 ending overfishing and rebuilding the dusky
16 shark stock.

17 There's common themes for the rec
18 and commercial side of things, just the overall
19 identification problems with dusky sharks,
20 comparing them to, you know, other ridgeback,
21 Carcharias species. You know, recreational
22 anglers might not encounter them often.

23 Pelagic longline vessels aren't
24 retaining them, cutting them off over the side,
25 maybe not getting as good a look at them as they
26 would need to, to identify them to species. And
27 then those identification problems running into
28 data issues as far as what's in the data, you
29 know, the rec surveys that we have aren't really
30 specifically designed for rare event
31 interactions with dusky sharks.

32 And, you know, the data that's in the
33 logbook was also questioned that we used to
34 develop the commercial hotspots. And so there
35 was a lot of feeling that those measures that
36 were proposed wouldn't reduce mortality. And
37 we still have the same problems, you know,
38 recreational, you can't keep it, hard to ID, and
39 some of the records that we do have to show that
40 the dusky sharks that were kept were under the
41 96-inch fork length minimum size anyway so how
42 would that reduce mortality.

43 And commercial side same thing,
44 can't keep. And we saw that a few of the vessels
45 were having a majority of the interactions
46 similar to a graph that we saw during the
47 Amendment 7 bluefin tuna stuff.

48 Looking at all of the interactions

1 with dusky sharks, a small percentage of the
2 fleet were having, I think it was up to 70 percent
3 of the interactions. And then also the highly
4 migratory patterns of, you know, the species are
5 not well known.

6 But along the way we've made a few
7 changes that could reduce dusky shark mortality.
8 We put a cap on dusky shark interactions in the
9 Bottom Longline Commercial Shark Research
10 Fishery, and that was implemented this year. It
11 was capped at 45 total interactions with dusky
12 sharks.

13 And we split up the Research Fishery
14 into six regions, so we allowed five
15 interactions in each region and we had a buffer
16 of 15 extra sharks that we could use if we needed
17 to get more data from a region and they went over
18 their allotment of five.

19 And then also emphasis on the
20 recreational rules regarding ridgeback and
21 nonridgeback sharks to just try to make that
22 point that most ridgebacks aren't allowed to be
23 retained. And we've put that right up front on
24 the new rec placard.

25 And so we want to continue to do that
26 so that people can look at those ridgeback sharks
27 and say, you know, okay, well, I'll let it go,
28 and I don't really need to know if it's a dusky
29 or not.

30 And so since we don't have a proposed
31 rule I'm just going to open it up for a general
32 discussion on dusky shark measures moving
33 forward in Amendment 5b. And these are just
34 ideas. A lot of the stuff we heard during the
35 proposed rule for Amendment 5.

36 For on the recreational side of
37 things we've heard to require shark endorsement
38 on an HMS angling permit in order to retain
39 sharks. That was one idea. And, you know,
40 there should maybe be additional measures that
41 are associated with that endorsement.

42 There's also the idea of prohibiting
43 all ridgeback sharks, just put it across the
44 board, no caveats. Other gear requirements
45 what would reduce mortality in the recreational
46 fishery, is it circle hooks? Is it something
47 else? Additional outreach and education, you
48 know, how can we better inform the public. And

1 just any other ideas, we're open for anything.

2 And then on the commercial side of
3 things especially with the pelagic longline, our
4 effort controls, is that something that would
5 help reduce mortality as far as soak time
6 restrictions, hook limits? Other gear
7 restrictions, use of weak hooks, is that
8 something that could be effective?

9 Individual vessel accountability
10 measures when looking at the data and the
11 majority of interactions are being contributed
12 by a few. Is that something that needs to be
13 explored? Also additional outreach and
14 education, other stuff.

15 Same with the commercial bottom
16 longline, you know, should we continue those
17 dusky shark restrictions in the research
18 fishery? And just other ideas in general. So
19 that's what I have for our Amendment 5 update.
20 Scott, you can open it up for comments and
21 questions.

22 MR. MCCREARY: Very good. Thanks
23 Pete.

24 So as Pete said, the agency is at a
25 bit of a crossroads in wanting to elicit new
26 ideas or refine the existing ideas on that list,
27 and let's hear what ideas you have.

28 Steve?

29 MEMBER JAMES: Yes, pertaining to
30 the dusky shark, I'll only point out that adding
31 more rules and regulations to a prohibited
32 specie is not sorting out our problem.

33 Of course, the real problem in the
34 recreational side of the game as far as I'm
35 concerned is of course education and outreach,
36 that people can identify that species in the
37 first place. So adding more, you know, length
38 restrictions and so forth is doing little.

39 I've kind of interfaced with you
40 before on this topic, Pete, but reaching out to
41 everyone from msn.com to their front page and
42 getting perhaps an educational tool put in
43 place. I've even proposed that you might think
44 about in the agency hiring an education director
45 from the standpoint of computer based education,
46 and you start to leverage the fact that
47 everyone's got a laptop, and the fact that people
48 enjoy little challenges.

1 And whether you throw out the top ten
2 sharks in the United States and one of them is
3 a dusky so that you can identify which is which
4 provides entertainment for people and I think
5 you could reach a lot of people, a lot of
6 fishermen.

7 And I know you've got lists of people
8 who have HMS permits, obviously you're trying to
9 reach a lot more than the guys with HMS permits.
10 You're trying to reach just the general angling
11 population. And whatever you can do to create
12 a product that reaches those folks, whether
13 you're working with the state or you're working
14 with the other registries that you have with
15 anglers, somehow you want to reach out to those
16 folks and encourage them to play the game which
17 is, can you identify the top ten species of
18 sharks in the U.S., or the ones that are
19 prohibited. So just a suggestion.

20 MR. MCCREARY: Thanks Steve. I
21 have Sonja, Mark and Pam. Sonja?

22 MEMBER FORDHAM: Thank you. Sonja
23 Fordham, Shark Advocates International. Thank
24 you for the presentation. It was very clear, as
25 usual, and I very much like this identification
26 guide. It's helpful, I think. Just on
27 dusky sharks, obviously very concerned about
28 dusky sharks, their severely depleted status and
29 what we're going to do about it. And along the
30 way through these various conversations that
31 we've had I've supported a variety of measures
32 to tighten up the restrictions from soak times
33 and more education.

34 And then particularly with the
35 proposals coming that we talked about in January
36 and through the public comment, supported the
37 NMFS rather bold proposals as well as tweaks to
38 address the concerns that I will acknowledge you
39 received in January, and after that from the
40 stakeholders, and as long as the biological
41 needs were met.

42 And I will acknowledge that the
43 support from the general conservation -- where's
44 Rick? -- from the conservation community for
45 your proposals were not overwhelming. I'll
46 acknowledge that and I'm sorry about that. And
47 certainly acknowledge that the fishermen's
48 displeasure with your options was certainly

1 apparent.

2 Generally I would just say today as
3 I talked to you yesterday about that I'm quite
4 disappointed at where we are at this stage in the
5 game, and I was either hoping or assuming that
6 we would just be discussing much more
7 fleshed-out proposals and options at this
8 meeting. I feel like we went through a lot of
9 this in January, and then prior to picking the
10 options that you proposed we've talked about
11 these measures.

12 So it's hard to pick a favorite among
13 the options that you had on the slide or to offer
14 any specific guidance from my perspective
15 without more detail on the, more specifics on the
16 measures and what effects they would have and how
17 many would have to be combined to get where we
18 want to go.

19 So in general, I'm pretty concerned
20 about the overall of what I would think are
21 really substantial delays considering we're not
22 looking at a proposal until this spring, which
23 puts us pretty far behind schedule. And I will
24 again acknowledge that it's a complex problem.

25 But it does appear that the
26 available options are somewhat limited. It's
27 not a huge universe in that we have been
28 discussing them for a very long time, and of
29 course you don't really need a reminder that this
30 species is probably the worst off of all the
31 sharks in the Atlantic.

32 And you have two pending ESA
33 proposals and that it was a rather unusual
34 decision to sort of scrap all that work and go
35 back to the drawing board. I don't remember
36 seeing much of that happening. So based on all
37 of those factors, I would have expected that the
38 Amendment 5b would have been a higher priority
39 and we would be further along as we talked about
40 yesterday.

41 So from there I would just continue
42 to, I mean, and this process has supported this
43 soak time work, the research, and looking at
44 those options based on the scientific advice and
45 recognizing that there may be some issues with
46 respect to enforcement that we've talked about
47 before, continue to support more outreach to the
48 recreational community.

1 I think banning take of ridgebacks,
2 I think I could support that. And I'm open to
3 hearing what other stakeholders have to say
4 about their preferences this morning. But in
5 general I would just urge a higher priority and
6 a more ambitious time frame for this, the rest
7 of the amendment.

8 It's difficult to give specifics
9 without more analysis. If we need to have a
10 special meeting to discuss proposals before
11 spring I would strongly support that and be happy
12 to participate in it. Thank you.

13 MR. MCCREARY: Thanks.

14 Margo?

15 MS. SCHULZE-HAUGEN: Yes. So we
16 have been talking about this for a long time. We
17 had pretty detailed analysis in Amendment 5. We
18 got a mix of comments, some which were fairly
19 detailed in suggestion, some which were just no.
20 So to now expect us to come back with yet more
21 highly detailed analysis is, I think there's a
22 little disconnect on what it is that we can do
23 without some suggestions from constituents and
24 advisors.

25 So I think we're looking for more
26 guidance, more input, more specifics from you
27 all as opposed to just come back, where we
28 continuously come back with something else.

29 And I would also just like to highlight how
30 busy we've been. Not to say that that's a reason
31 that we don't prioritize dusky sharks, but we've
32 finalized Amendment 5a, we've finalized
33 Amendment 8, we've proposed Amendment 7 and
34 we've implemented e-Dealer which takes a
35 significant amount of work and which was geared,
36 actually, for implementing ACLs for shark
37 limits.

38 So it's not that it's not a priority.
39 There's a limited number of us, limited number
40 of hours in the day, and I could tell you we've
41 been working pretty hard. So it's not for lack
42 of priority, it's not for lack of intent, but we
43 could use some additional ideas.

44 So that's what we're hoping,
45 actually, to hear from you all is what would
46 work, particularly on some of the longline
47 issues. So I would hope to hear more from you
48 all.

1 MR. MCCREARY: Thanks, Margo.
2 Well, our queue is growing here, and hopefully
3 we'll have some more ideas from this list of
4 speakers. I have Mark, Pam, Allan, Rusty and
5 Ron.

6 Mark?

7 MEMBER SAMPSON: Mark Sampson.
8 Yes, as far as the recreational end of it where
9 there's dusky sharks you're seeing or
10 hammerheads or whatever, at this point I think
11 that you have come up with some really good
12 educational tools for keeping people in
13 compliance and getting the word out and all.

14 This placard or whatever you want to
15 call is great. I think it's going to be a good
16 thing. I think though that maybe at this point
17 a little more emphasis needs to be put on getting
18 this in the hands of people, okay. You've got
19 it printed up. I assume you have about ten
20 million of them stacked someplace in a closet
21 around here and now it's a matter of getting them
22 in the hands of the anglers.

23 And not only that but also to get the
24 fishermen to realize that they need to know
25 these. They need to study this. You know, it's
26 one thing to shove a book in somebody's hands,
27 another thing to get them to read it and study
28 it.

29 And of course, so many of the
30 recreational anglers are not really interested
31 in sharks overall until they catch one, hook one
32 and get it to the boat and then have to make a
33 decision. At that point it's too late.
34 Probably even a simple study guide like this for
35 them to go through and realize what they have and
36 figure out what the rules are concerning that
37 species.

38 So I think that it's -- maybe one
39 direction to go would be to stress upon fishermen
40 the need to know or -- I'm trying to find the
41 right words how to put this. The importance,
42 before they take a shark they need to know that
43 most sharks they can't take, okay. I mean
44 overall there's a very small window there of
45 species and sizes and the right time of year and
46 the right place and all that before somebody can
47 harvest a shark, and that in most cases they
48 can't take it.

1 So they better be up to speed on
2 their regulations before they choose to retain
3 that fish rather than release it. And right now
4 I think there's just a lot of fishermen, you
5 know, again they could care less about sharks so
6 it's the last thing that they're going to do is
7 study up what they can keep because they figure
8 they're never going to keep one.

9 You know, we had an incident or, I
10 guess, a situation was uncovered this year in
11 Maryland where in the Chesapeake region around
12 Tangier Sound or something, an area where people
13 don't really think about sharks, I mean it's not
14 on the ocean side of the peninsula it's on the
15 bay side. And yet it was sort of uncovered that
16 for years the locals there have been catching
17 juvenile sandbar sharks, thinking -- calling
18 them sand sharks and retaining them.

19 And, you know, those guys, they
20 don't care about sharks unless they get one and
21 say, well, what the heck, we're not catching any
22 sea trout today, throw that sand shark in the
23 box.

24 And anyway there's just an example
25 of, you know, in certain regions people just
26 don't care. The shark fishermen are going to
27 know, and they're into sharks, they're going to
28 educate themselves and so on.

29 I think that the regulations that
30 you have right now certainly seem sufficient. I
31 don't think we need more regulations to keep the
32 recreational anglers on the right side of
33 conservation. We just need them to understand
34 what these regs are and then of course measure
35 that with the level of enforcement so that when
36 somebody does step over the line there's enough
37 examples made that it will kind of wise people
38 up.

39 But again, we need to -- or there's
40 not enough recreational anglers out there who
41 are aware of all the hoops they have to jump
42 through before they can retain a shark, okay.
43 And again, you've got material out here. We've
44 just got to give people the reason to read it and
45 understand that they need to do that before they
46 keep something.

47 MR. MCCREARY: Great, Mark. Thank
48 you.

1 Pam?

2 MEMBER BAKER: I have a couple of
3 questions that are kind of unrelated to each
4 other. The first is on the duskies. How does
5 the ESA petition impact 5b, both the substance
6 and the timing of it?

7 MS. SCHULZE-HAUGEN: Well, they're
8 different statutes and they have different
9 requirements, different criteria, different
10 processes. They're both run obviously by the
11 agency, but the Office of Protected Resources
12 has the lead on ESA. We participate so that the
13 information, particularly the management
14 information that they have at their disposal is
15 accurate and up-to-date because that's kind of
16 where our expertise is.

17 But ultimately, the ESA process and
18 ultimate decision on what happens in that is
19 their call, whereas we have the lead under
20 Magnuson and so meet the Magnuson statutory
21 requirements, you know, with their input as
22 appropriate as well. So they're separate, and
23 at this point parallel.

24 But there's not a direct, oh,
25 because it's proposed to be listed then we do
26 something over here.

27 MEMBER BAKER: Right. And I think
28 it was, I think, presented on Monday that there
29 would be a finding on the ESA petition next month
30 or November maybe?

31 MR. COOPER: I think Maggie
32 presented November, yes.

33 MEMBER BAKER: November. So if
34 that's the case I assume then you have to take
35 that into account as you proceed with 5b, is that
36 right?

37 MS. SCHULZE-HAUGEN: It's all part
38 of what's being considered.

39 MEMBER BAKER: The other is also on
40 the dusky issue. It seems that the individual
41 vessel accountability ideas are most promising.

42 I think at the January meeting in
43 discussion there was, you know, at-sea
44 monitoring being one idea either through
45 electronic monitoring or observers, but I think
46 the comment from NOAA was that there wasn't a
47 budget to do that.

48 Are there any of the area based

1 performance style metrics as you're using in
2 bluefin tuna that could be applied to this? I
3 don't know the particular areas well enough off
4 the East Coast, but just wondering if there's
5 some overlap there even between the vessels and
6 areas where you could think about applying those
7 same sorts of tools to this issue as well.

8 And then last, I would just -- can
9 you answer it, or do you want to comment on that
10 or can you comment on that?

11 MR. COOPER: We're going through
12 and reproposing, so pretty much everything's on
13 the table at this point in time. So that is
14 something that we could look at.

15 MEMBER BAKER: But there hasn't
16 been any particular -- you don't have any
17 information on that as yet?

18 MS. SCHULZE-HAUGEN: Unfortunately
19 there's not a lot of overlap between duskies and
20 bluefin tuna, in time. In fact, it's almost
21 uncanny how there is no overlap. And so
22 obviously there's some overlap in space, but the
23 timing by the species' activity isn't an
24 overlap.

25 MEMBER BAKER: And then lastly, I
26 would just echo what others have said about the
27 outreach and education for anglers. I heard
28 from some on the Texas coast that there was
29 recently a workshop, and I don't remember the
30 man's name. I think maybe he used to be in the
31 shark fishery who was doing some outreach among
32 the charter fleet, at least the charter fleet,
33 maybe it was broader. But that seemed to be
34 popular and really have a lot of people in terms
35 of understanding the issues that Mark and others
36 were talking about.

37 MR. MCCREARY: Thanks Pam.
38 Allan?

39 MEMBER WILLIS: Thanks. Allan
40 Willis, Recreational Florida. I'd like to say
41 I agree with just about everything Mark said.
42 Outreach is pretty much important and sharks
43 tend to be incidental for most recreational
44 fishermen.

45 I really appreciate the ways you
46 guys took blacktip in the Gulf of Mexico out of
47 LCS because there are a lot of guys in my neck
48 of the woods that target, recreationally target

1 blacktip, usually not in federal waters, closer
2 to shore.

3 But one thing that I continue to
4 wonder about is prohibiting take of immature
5 sharks and forcing take only of reproductive
6 mature sharks. Seems like a silly way to
7 rebuild by allowing people to take out the
8 reproductively mature individuals.

9 If that's the way you're going and
10 you're going to have those types of regulations,
11 I might suggest that for recreational fishermen
12 sharks are one of the few fish species that you
13 can tell a male from a female pretty easily, and
14 that you might not let -- even recreational
15 fishermen who can't identify a shark can tell you
16 if it's a male or a female.

17 So you might be able to protect the
18 female breed stock in the recreational fishery
19 by having regulation about retention of female
20 ridgebacks, if you had to do that, rather than
21 ridgebacks universally. And otherwise I think
22 that forcing recreational fishermen only to
23 retain large sharks also creates a safety issue.

24 If you have a guy who's willing to
25 retain a shark and he's only going to retain, you
26 know, an eight-footer, that's sketchy if a guy
27 is crazy enough to do that. Sometimes those are
28 dangerous. So those are my two cents. Thank
29 you.

30 MR. MCCREARY: Good. Thank you
31 Allan. So in the queue I have Rusty, Ron, Dewey,
32 Gerry, Rick, Jeff and to Carrie.

33 Rusty?

34 MEMBER HUDSON: Rusty Hudson,
35 Directed Sustainable Fisheries. I've got too
36 many notes, Peter, so I want to start with Slide
37 11. Can you explain the 45 total, five for each
38 region, what does region mean? Is that council
39 region, and the buffer.

40 MR. COOPER: It's not council
41 region and it's split that was made -- and I don't
42 -- Karyl, do you want to talk a little bit more
43 about the Shark Research Fishery?

44 MS. BREWSTER-GEISZ: So for the
45 Shark Research Fishery the scientists looked at
46 how they want to split the Atlantic and the Gulf
47 of Mexico up. So they have six regions set up
48 -- western Gulf, eastern Gulf. I want to say

1 there's one near the Keys, east Florida, and then
2 North Carolina and Georgia. So those
3 are the regions and it's set up specifically for
4 the Shark Research Fishery in order to get data
5 across the entire region for sharks.

6 MEMBER HUDSON: With that said, I
7 hypothesize that you're trying to have boats
8 that have observers in those regions for the
9 research, five regions. Basically one of those
10 regions, with North Carolina, is right in the
11 heart of the nursery ground for dusky sharks so
12 that makes it extremely problematic depending on
13 the time of the year.

14 If they're in shore, near shore or
15 if it's cold and they're off shore, I mean that's
16 a big problem that you've already seen, I think,
17 in your research fishery up there. With that
18 said, you've mentioned a scientific map or chart
19 or something of all this. Where can I find that?

20 MS. BREWSTER-GEISZ: The chart of
21 the regions?

22 MEMBER HUDSON: Yes, the regions
23 that the scientists put together. Is there like
24 a summary of it, a picture of it somewhere in a
25 document? I mean I haven't ever seen it.

26 MS. BREWSTER-GEISZ: We have it in
27 the permits, so we can come up with one for you
28 and get that to you.

29 MEMBER HUDSON: That would be a good
30 start, so thank you very much on that one.

31 Scott, I don't know how much time
32 you're going to allow me to have today on any of
33 this, but let's just take --

34 MR. MCCREARY: How many topics
35 would you like to skip through, Rusty? That was
36 one.

37 MEMBER HUDSON: Well, with that
38 said, I was just building off of the presentation
39 because there was more than just dusky in there.

40 MR. MCCREARY: Right.

41 MEMBER HUDSON: And so that's why I
42 had to sort of throw that out there. Let me sort
43 of stick with dusky right now.

44 MR. MCCREARY: Good idea.

45 MEMBER HUDSON: I had submitted a
46 comment with regards to the ESA listing of the
47 dusky shark which captured eight sections of
48 concern with regards to dusky.

1 The one was the geographic range
2 that jumped out immediately, and when you use the
3 flyways from some of our SEDAR work -- when I say
4 flyways, tag recaptures of dusky sharks, and
5 historically we've had like 16 to 20 percent of
6 our dusky shark being recaptured by Mexican
7 interests that then return the tags. It would
8 seem to me that we still haven't got them onboard
9 with regards to dusky, with regards to a lot of
10 species of shark down there, and the fact that
11 the expanded flyways show duskies from our
12 distinct population segment being caught
13 towards Costa Rica/Panama.

14 And so there's a further issue that
15 came out last year with some genetic work showing
16 that even if you look at our distinct population
17 segment there's not a great deal of genetic
18 difference, if any, with some of the rest of the
19 Atlantic range of dusky.

20 And then you have the further
21 complication of what appears to be the "oceanic
22 dusky," which is a Galapagos shark. I did copy
23 you on that Galapagos. Still waiting on an
24 answer on that with regards to the change from
25 dusky into the Galapagos when it was recaptured
26 in Guyana ten years afterwards.

27 With that said, you all need to do
28 that work, you know, in order to come to terms
29 with, one, the Atlantic-wide population of
30 dusky, and how much let's say international
31 populations of dusky that aren't being protected
32 that are actually coming into our country.

33 I don't know if NMFS can do an
34 outreach with certain kinds of sat tags and other
35 types of stuff that way, but some of the stuff
36 they did in the Gulf of Mexico was very
37 interesting, with over a third of those tags
38 coming back from, or showing indications of
39 being down there in the Mexican area.

40 So if you're really wanting to
41 reduce down from your 400-year rebuilding plan,
42 which I don't honestly endorse nor the 100, I
43 honestly think that we actually are seeing that
44 exploding populations can be extremely
45 problematic for anybody in regions where those
46 animals are sub-adults or juveniles, to get away
47 from them.

48 And Pam brought up the overlap

1 potential of bluefin and dusky. Historically
2 when I'd have my swordfishermen coming down off
3 of the east coast of Florida in the spring and
4 sometimes in the fall, they would put 50 hooks
5 on the west end of the gear, and if you know how
6 your swordfish gear would swing in to that 100
7 fathom and that's also where a lot of our golden
8 tile and other stuff are, you'll find a lot of
9 the adult duskies that range up and down we've
10 actually seen times where there's three boats
11 separated by 50 miles each and all of them are
12 seeing, you know, large animals.

13 And all of that is not being
14 observed. A lot of that isn't being researched.
15 And your timing with your research vessels is
16 really questionable. So in essence, I think
17 we've got some work to do with dusky.

18 Of course it is the poster child
19 right now based on a catch-free assessment where
20 we have a couple of issues with, one, the
21 truncation of the range in some fashion and form
22 with this DPS scenario. This fact that it's a
23 no-take since 2000 for the commercial, which is
24 13 years and 14 years for the recreational,
25 that's a pretty big deal because that is very
26 useful with these animals because a lot of your
27 mortality is natural in that first year of their
28 life with almost all of these sharks, and then
29 after that you have a pretty good survivorship.

30 And so I would say that you're going
31 to need to be able to work with the fishermen.
32 Because we're trying to avoid duskies. You're
33 starting to see an expansion of their range, and
34 that is a good indicator that you're well on your
35 way for a rebuild.

36 So we can talk about that more as we
37 get along because I know that when you come out
38 with 5b we're going to have to, you know,
39 readdress a lot of the same things that I
40 addressed in the ESA petition listing request.
41 And I found that the science was very
42 questionable, you know, in that request by those
43 two NGOs.

44 And so all that I can make available
45 to you if you haven't read it already, my 12-page
46 comment. And I would also further advise you to
47 read the American Petroleum Institute, et al.,
48 comment that was submitted. also because

1 having helped participate with supplying
2 information with that there was an extensive
3 scientific analysis that was put forward there.

4 And of course the genetics that were
5 relied on by the NGOs was older, more dated, and
6 with this stuff going on with Galapagos and dusky
7 and the stuff going on with bignose and sandbar,
8 and we have 19 prohibited species and only dusky
9 has been attempted since '99, or '97, we
10 supported your first five prohibited species.

11 The other 14 - I did not support the
12 expansion of the prohibited list based on rare
13 event or bad recognition of the species and stuff
14 like that. But you have a key here that's made
15 for the recreational component and
16 unfortunately you don't have sandbar, dusky,
17 Cuban night, Galapagos, silky, and bignose
18 images there.

19 How is a recreational going to have
20 an outreach education benefit if you don't have
21 an idea of comparing an apple and an orange?
22 Because there are differences and that's part of
23 what you need to be able to educated the
24 recreational about. It's not like you're
25 dealing with a dealer.

26 Now when you're dealing with a
27 dealer, where Eric Sanders has been teaching and
28 doing the outreach, he does a great job. He
29 works predominately off of the secondary fins.
30 And nowhere in this entire process since '93 have
31 you had an mechanism of being able to keep your
32 fins recorded to your species.

33 But now that you have them naturally
34 attached, what's the problem? Why can't you
35 keep that fin separation so that you can also
36 then judge the grade and that way you're judging
37 the adult versus the sub-adults versus the
38 juvenile sizes? I mean that's pretty important
39 stuff.

40 And that way you get to the
41 bottleneck of what we're doing domestically and
42 that's an important feature. Because I don't
43 mind, and as I was telling Guy this morning, with
44 your international trade permit for shark fin
45 dealers and stuff there's no paper trail. And
46 if you're going to be importing fins, that's
47 where your paper trail needs to start because
48 that's where the concern is over finning. It's

1 not here.

2 It's been against the law since July
3 1993 based on the Federal Register notice. And
4 so you need to be able to --

5 MR. MCCREARY: Hey, Rusty, can you
6 pause for a minute here? Karyl has a question.

7 MS. BREWSTER-GEISZ: I just have a
8 question for you. So if I'm understanding you
9 correctly, you're asking us to ensure that
10 dealers report fins to the species? Is that
11 what you're --

12 MEMBER HUDSON: That's very easy to
13 do.

14 MS. BREWSTER-GEISZ: Okay.

15 MEMBER HUDSON: With them naturally
16 attached it's very easy to do now.

17 MS. BREWSTER-GEISZ: All right, so
18 I would -- as we go along the room for the dealers
19 and fishermen, my understanding of how this
20 works is now with the fins naturally attached the
21 fishermen land at the dock and then they cut all
22 the fins off and they still put them in a bucket
23 before giving it all over to the dealer. So the
24 dealer's not necessarily getting the fins
25 attached to the shark. They're still getting
26 the fins in the bucket. So --

27 MEMBER HUDSON: The dealer is the
28 point of first landing. The fins are naturally
29 attached to be able to convenience law
30 enforcement. The only hassle with the whole
31 thing is the upper caudal because that goes over
32 into the garbage can.

33 The other fins especially the
34 primary fins, the one dorsal, two pectorals and
35 lower caudal, is really easy. I mean you're
36 going to have to identify all of your sandbars
37 if you have a sandbar coming in from the Research
38 Fishery. You're going to have to identify all
39 of your blacktips or spinners according to, you
40 know, the species ID being correct.

41 So what's the problem with setting
42 those four fins aside with that log and then just
43 do a collective? Because you're asking them to
44 put all of your blacktips into one big weight,
45 well, then put all of your blacktip fins in one
46 big weight. It's not hard to do.

47 MS. BREWSTER-GEISZ: I agree that
48 it doesn't sound hard to do, but everything I

1 hear tells me that it is hard to do. That's why
2 I'm asking, as we go around, you continue with
3 your comments, but as we go around afterwards I
4 would like to have opinions from others or off
5 the table.

6 MEMBER HUDSON: Having been a fin
7 buyer, having been segregating all of my fins
8 according to size and to species, that's a pretty
9 important thing that I had to do in order to get
10 into the dollars and cents of it.

11 With these shark fin bans that are going
12 on, they have affected our interstate commerce
13 in this our domestic production since January of
14 2012. We have lost probably 60 percent of our
15 values there. That's an important feature
16 about this situation.

17 And if we're able to help the
18 scientists at the SEDAR level for data, because
19 that's who's handling all of this, unfortunately
20 you're not getting enough science done so I won't
21 even go there. But we've got to be able to find
22 more reasonable ways to collect the information,
23 because you don't have the money, and to be able
24 to just put that into the system and get it
25 analyzed. We keep running into a lot of
26 problems, just like when I was with the SEDAR 34
27 stuff and they couldn't remember how they had
28 dealt with a situation back in SEDAR 13. And so
29 they couldn't backtrack on it so we had to guess
30 about were we selling Atlantic sharpnose.

31 MR. MCCREARY: Okay. So Rusty, can
32 you pause here and continue the queue and we'll
33 come back? I mean obviously I sense you could
34 go into great depth on many subtopics related to
35 this amendment and rule. So we'll come back,
36 and we'll see what else, what other ideas people
37 have in going around the table.

38 So Ron, to you.

39 MEMBER CODDINGTON: My comments are
40 pretty quick. Allan made a lot of comments
41 relative to our recreational shark fishery in
42 Florida. I just want you to recognize that
43 we've got a little bit of a -- when we talk about
44 an HMS endorsement, remember that in Florida
45 most of our recreational shark fisheries,
46 especially targeted recreational shark
47 fisheries, usually occurs in state waters.

48 Now remember we also have another

1 little weird thing going on especially in some
2 of the areas of southeast Florida that, you know,
3 we're allowed to land a swordfish or a billfish
4 in state waters without an HMS permit. But the
5 State of Florida requires us to call those fish
6 in. I can't recall whether or not I give my HMS
7 number, but just recognize that we are required
8 by state law to call in billfish and swordfish
9 landings and we may not have an HMS permit when
10 we do that. So that brings up, now here's the
11 little issue that's come up and it's a very small
12 issue but I just want you to be aware of it. We
13 do have a recreational shark fishery especially
14 in the areas along, oh, Fort Lauderdale to Palm
15 Beach, which is a kayak fishery.

16 That kayak fishery does fish in
17 federal waters, believe it or not, especially on
18 very calm days. They do interact a lot with
19 small sharks. I'm not sure the HMS process
20 allows you to get an HMS permit on a
21 nonregistered vessel like a kayak.

22 And that issue has come up a few
23 times in our state, and they've called me with
24 questions on it, the fishermen, and I really
25 don't have an answer. But when you're talking
26 about shark endorsements I just want you to
27 recognize we've got that little, those couple
28 weird things in the state.

29 MS. SCHULZE-HAUGEN: It is
30 possible. We've got, I think, at least one
31 bluefin kayaker that has managed to get enough
32 documentation together that they can get a
33 permit. But I don't think it's very common.

34 MR. MCCREARY: Ron, were you done or
35 do you have --

36 MEMBER CODDINGTON: Yes, I am done.

37 MR. MCCREARY: Thanks very much.

38 Dewey?

39 MEMBER HEMILRIGHT: Speaking to your
40 dusky analyses, and sometimes you say where you
41 had comments that people have constructive and
42 then they just said no, I'm going to go on the
43 no side here for a few things. Imagine that.

44 The stock assessment that was done
45 for the dusky shark had a 49 to 51 percent chance
46 that overfishing was occurring, basically a flip
47 of a coin, which changes a lot of things around.
48 Your closures that you're proposing in Amendment

1 5 for somebody catching two duskies off the coast
2 of North Carolina in one of the sections then
3 closing it down for a particular month, just
4 tells me on the no side how it's just, we can't
5 believe that.

6 When you look at a avenue that the
7 crowd has for listing stuff on Endangered
8 Species Act, the avenue, for the dusky shark, I
9 read over the paperwork but I see no mention in
10 their paperwork of telling of the Delaware
11 research cruises that so the catch per unit
12 effort in '07 going on, and I might be off a few
13 things, of 150 duskies per 10,000 hook hours.
14 In '09, it was like 335 per 10,000 hook hours,
15 and in '12 it was like 535 per 10,000 hook hours.
16 I might be off a few.

17 But your best magnitude to show
18 what's happening with the duskies is that
19 research cruise, and it shows it's continually
20 growing through the roof. Your guinea pig
21 fisheries, I've named it, the Research Fishery,
22 is limited to 150 hooks and probably one set a
23 day.

24 So if you look at this area where
25 you're allowed to go fishing, it'd be probably
26 taking like a gallon of gas and saying hey, how
27 far can you go with a gallon of gas to get out
28 to where you want to go fishing?

29 So you've got a guinea pig fishery
30 that's limited. It has nothing to do with
31 showing the abundance of sharks out there. It
32 has more to do with the little wish list that on
33 different types of research that you perform and
34 has nothing to do to show the abundance of the
35 sharks out there, basically. That
36 right there in itself tells you we've got
37 problems with the Research Fishery because
38 you're not allowed to go, you're only allowed 150
39 hooks one set a day, I believe, and so you cover
40 no ground. There's never been no research done
41 except for from basically with the shark
42 observer program, only one set from north of
43 Virginia since 1994 that had to do with shark
44 observation or research fisheries.

45 So as we're looking at these ways,
46 not we are but different organizations, the
47 Endangered Species Act for duskies, if that's
48 listed it has a great effect on us. But as we're

1 watching the only true meaning of seeing what the
2 abundance is out there going through the roof,
3 it's like you're on a catch-22 situation.
4 Really, what's going to happen here?

5 And so on the no section of saying
6 some of this stuff of being constructive, there
7 ain't a lot of things that we'd really believe
8 in that you've put forward. You're not very
9 forthcoming with your observer program data that
10 shows this dusky shark.

11 We've had these conversations here.
12 It's like you're hiding behind them. We're
13 going to take these few years, but you won't be
14 forthcoming to tell us, you know, and the
15 forthcoming part is you take an observation from
16 the, not from the shark but pelagic longline
17 observer program and you extrapolate it out for
18 all areas, but it's going to be for this area
19 right here, meaning that you've taken the
20 samples from all areas that come in to show the
21 one area of your dusky catches.

22 So therefore be more forthcoming
23 when, you know, it doesn't seem like nowadays --
24 back in olden days a lot of things coming out of
25 the National Marine Fisheries Service and the
26 shark observer program or stuff, it was real
27 transparent. Ray Charles could read it.
28 Nowadays the stuff that comes out, it's pretty
29 mumbo-jumboed up so you can't even get a hold of
30 it.

31 So basically the rehashing, I won't
32 be as long-winded and probably nowhere as good
33 as Rusty, but your shark observer program in my
34 opinion is pretty much a joke. The joke part is
35 doesn't show no abundance and cover no ground if
36 you want to see what's happening with the sharks.

37 Your catch per unit effort on the
38 research cruise Delaware for dusky sharks is
39 going through the roof. Everything that would
40 interact, a lot of things interact with the
41 duskies whether it would be gillnet fisheries
42 and all that, from monkfish fisheries, smooth
43 dog fisheries, your horn dog fisheries have all
44 been drastically reduced over the years.

45 So everything that would have a mortality
46 on a dusty shark has drastically decreased
47 including the pelagic longline industry, where
48 we fish at, the times of the years, replacing

1 hooks that are bitten off and using smaller mono.
2 So if I'm not catching something I can sell, it's
3 not doing me no good to go in that area to a
4 certain point because you're going to have
5 bite-offs.

6 So that being said, I hope that your
7 consultation with the other group, not the other
8 group that's wanting the Endangered Species Act
9 listing, but the other group who's ever in charge
10 here, will look over all this data.

11 And hopefully they've got the, well,
12 not smartness, but to read everything. Because
13 when I looked at the endangered species request
14 here I ain't never saw the organization, I never
15 saw them put all this good information that would
16 show the duskies going through the roof. But
17 I'm sure that's how it works.

18 But looking forward on this
19 Amendment 5b, I mean that's the major things here
20 that's got to be looked at. Our research
21 fishery's not out there to show how many duskies
22 it is that's currently going on.

23 I can go out there and go shark
24 fishing. I mean it's like your sandbar shark
25 fishery right now. It almost would be better to
26 give each fisherman that's out there ten or 15
27 fish, sandbar tags, and that way you'll be able
28 to see the range of where they're caught at
29 versus this little, you know, the guinea pig
30 fishery because it shows no abundance. And
31 thank you for allowing me to comment there.

32 MR. MCCREARY: Thanks Dewey.

33 MS. SCHULZE-HAUGEN: Let me just
34 jump in.

35 MR. MCCREARY: Yes, go ahead.

36 MS. SCHULZE-HAUGEN: Just one quick
37 point. The agency's review, the status review
38 may have been initiated by the petition, but the
39 agency's review would include all available
40 information. So we're not limited to what's in
41 the petition so we'll look at everything.

42 MEMBER HEMILRIGHT: I was just
43 making it known that they forgot to put on there
44 how it would increase, you know, all the
45 increases. But I know that's how it works.
46 They ain't going to put nothing in there that
47 shows anything good. We're used to that.

48 MR. MCCREARY: All right, Dewey.

1 Thanks.

2 Gerry?

3 MEMBER LEAPE: Thanks, and thanks
4 for the presentation. A couple of things.
5 One, while we can always improve the science on
6 which these decisions are made, at some point we
7 have to take actions on the science we have. And
8 so I'd like to support Sonja's comments earlier
9 about soak times and prohibition of ridgebacks
10 and looking for additional places to reduce
11 interactions.

12 But I think the other speakers
13 brought up the need for greater average, and I
14 think maybe NMFS hasn't explored all the options
15 in terms of how to get to these fishermen.

16 Pew undertook, and Shark Campaign
17 undertook putting a fin ID guide together and we
18 translated it in a bunch of different languages.
19 We got it out to the fishermen and we got it out
20 in all forms. We got it out over social media.
21 We got it out online. Because these are only
22 effective if you're using medium that fishermen
23 use to get their information.

24 It's fine if you mail them, you know,
25 mail each one of them paper copies of it, but that
26 may not be the way they get their information
27 these days. So I'd encourage you to take a
28 greater look at that.

29 And in terms of the regulations, you
30 know, in addition, it's important to educate
31 them as to what the regulations are. We're sort
32 of assuming they naturally know and they may not,
33 and as is becoming clear, there's no simple
34 solution here.

35 And for those who wouldn't naturally
36 want to comply with regulations, you need to give
37 them greater incentive to do so, and part of that
38 may deal with looking into this individual
39 accountability. I'm not sure about that
40 because I think that's a pretty complex way to
41 go about it, but you have to establish a greater
42 disincentive for not complying with regulations
43 otherwise they aren't as effective as they can
44 be with that sector of the fishing industry.
45 Thank you.

46 MR. MCCREARY: Thanks Gerry.

47 Rick?

48 MEMBER WEBER: Good lead-in, Gerry.

1 Thank you, because my recollection is that when
2 we were here in January, Dr. Salz put up that
3 presentation and a lot of this recreational
4 angst on dusky was being driven by a MRFSS time
5 series that was really bad. Some of those data
6 points I thought were extrapolated from a single
7 observation, and there was low confidence in it.
8 Nonetheless, following best available, in the
9 following years at the end of that time series
10 we had the reduction that you wanted. And if the
11 data is good enough to act I'm assuming that it
12 is also good enough to preclude action, you know.
13 There's a chance that the data says we are where
14 you wanted us to be. Two sides of the same sort.
15 Have we gotten new data since January? Did 2012
16 come in and did that trend continue?

17 MS. SCHULZE-HAUGEN: It should
18 have. I don't know what it says, honestly.
19 Ron? Dr. Ron? Do you know off the top?

20 MR. MCCREARY: You're going to be
21 asked to use a microphone, Ron. You know that.

22 DR. SALZ: I knew I shouldn't have
23 shown up until my talk was scheduled.

24 So there is 2012 data. I don't know
25 off the top of my head what the dusky estimate
26 was either for the MRFSS or for the LPS. We can
27 get that for you. I do know off the top of my
28 head that both estimates are going to be
29 extremely imprecise.

30 As is always the case with a species
31 that is landed -- first of all, it's a prohibited
32 species, but it's landed so rarely that your
33 sample size is going to dictate an extremely
34 imprecise estimate. So we can get that
35 information for you probably by the end of the
36 day.

37 MEMBER WEBER: That's fair enough.
38 But my point is, if that comes back again, you
39 know, I mean it was imprecise but best available
40 when we started getting the phone calls that said
41 the recs are overcatching these duskies and we
42 need to create a drastic reduction.

43 You know, that's what was driving
44 the eight-foot is we need a drastic reduction in
45 a prohibited species. The data that we saw in
46 January implied that we had had a dramatic
47 reduction. Did we do anything to cause it? No,
48 but we had a dramatic reduction.

1 And I'm just hoping that the trend
2 continues and that if that trend did continue,
3 although I'm in support of education always and
4 outreach always, we don't have as dramatic of a
5 situation as we thought we had as 5 was first
6 coming together.

7 MR. COOPER: That's something that
8 we'll take into consideration and look at when
9 we, you know, go back to the drawing board and,
10 you know, update with all of our new data as far
11 as what we see recreationally and commercially.

12 MR. MCCREARY: Okay, thanks.

13 I have Jeff, Carrie, Terri, Ron, Bob
14 and Rusty. Jeff?

15 MR. ODEN: First off, I'm Jeff.
16 And anyway, Dewey pretty much covered most of
17 where I was heading here, and essentially with
18 the Delaware cruise, the Shark Research Fishery,
19 and the fact that as Rusty said, this fishery is
20 exploding. I don't know, it's going off the
21 Richter scale.

22 And, you know, contrary to what, a
23 few phrases we hear, extremely depleted, or
24 what, I mean, I spend 2,700 hours a year on the
25 water. My eyes don't lie to me and it is
26 firsthand account, you know, versus the hearsay
27 that some -- anyhow a question is, how many sets
28 did it take in our area this year with the Shark
29 Research Fishery before that closed?

30 MS. BREWSTER-GEISZ: I want to say
31 it was two sets.

32 MR. ODEN: Well, anyway the same guy
33 who did those two sets, by the way, did 450 hooks,
34 I guess it was the year before. I just want the
35 panel all here to hear this. And as a former
36 shark fisherman he did 150 hooks in three areas.
37 I think they were about five miles apart.

38 He had 203 duskies. He had 78
39 sandbars, 30 assorted other sharks and no bait
40 on the rest of his hooks. That's a CPUE that's
41 going through the bloody roof. I mean if I had
42 been doing that back when I was sharking ten
43 years ago I'd have been ecstatic. I mean this
44 guy never, he just came into sharking. He'd
45 never done it before. He just started. I mean,
46 you know, he was a novice. And I mean, you can't
47 refute that day in and day out.
48 And again, to any of those who do honestly think

1 they're extremely depleted I'll make a challenge
2 to you. If you come out to a rock there, the 230
3 rock or so forth and we'll drop a bottom rig and
4 then crank it up once or twice, and if you can
5 swim around the boat five times and still tell
6 me that then -- anyhow, I mean --

7 MR. MCCREARY: All right. Thanks
8 Jeff.

9 MR. ODEN: One other question. As
10 for overlap, you know, the five months what we're
11 going to have closed off our area I beg to differ
12 on the overlap issue. I beg to differ.

13 You know, I mean I know I'm going to
14 be out of that fishery at that time and I don't
15 know many of my compatriots there off Hatteras
16 who are really going to take the chance over
17 bluefin, blah, blah, blah. And to me, those
18 five months are probably the more critical time.
19 So I don't see where you all get that.

20 But anyhow, that's pretty much all
21 I have. Like I said, most of what I was going
22 to say was along the lines Dewey had, and anyhow
23 he pretty well covered it. So I thank you for
24 your time.

25 MR. MCCREARY: Thank you Jeff.
26 Carrie?

27 MEMBER KENNEDY: Carrie Kennedy,
28 Maryland DNR. Well, speaking for myself, I'm
29 going to say that Amendment 5 certainly brought
30 to my attention the dearth of data that are
31 available, harvest and biological data for
32 sharks, especially for duskies and sandbars.

33 And through that conversation,
34 Maryland DNR with NMFS and Mark and some other
35 folks decided that, you know, maybe now is the
36 time for us to start a catch card program for
37 sharks. So in 2013 we started a catch card
38 program.

39 I couldn't tell you, you know, the
40 number of sharks right now. I couldn't tell
41 you, you know, how many cards and tags we've
42 given out. But I can tell you that when it comes
43 to education this has been a really big
44 opportunity and given us an avenue to educate our
45 anglers.

46 So I would absolutely say that, you
47 know, one of my recommendations is to work maybe
48 with ASMFC and the states to implement catch card

1 programs. Because not only does it give us an
2 opportunity to ground truth MRIP and LPS harvest
3 estimates, but it also allows us to collect
4 biological data for stock assessments, and more
5 importantly than anything else, interact with
6 our anglers and get them educated about what
7 sharks they can and can't keep. That's my
8 recommendations.

9 MR. MCCREARY: Very good, thank
10 you.

11 MS. SCHULZE-HAUGEN: Just on the
12 point of catch cards with states, this is
13 something that's been actively discussed with a
14 number of states, not solely for sharks but just
15 in general, and this is something that Ron can
16 touch on because their office is lead on it.

17 But it has not been universally seen
18 as, you know, embraced as a good idea. The
19 geographic conditions of different states have
20 different requirements. The Massachusetts
21 pilot for bluefin was a venture into a state with
22 a lot of port access, and so I think that was one
23 issue of many states.

24 So it's something we're pursuing for
25 sure, but I don't think it's essentially a
26 panacea.

27 MR. MCCREARY: Thank you. Let's
28 continue.

29 Terri?

30 MEMBER BEIDEMAN: While many of the
31 things that I would say have been said and some
32 that I'll say again, I guess, but when we looked
33 at the science, much of it based on the old data
34 and the stock assessment, you know, is getting
35 older and older all the time, the fact that there
36 was a decision made early on and it was a 51/49
37 flip of the coin whether or not we had
38 overfishing occurring.

39 Nobody seems to question that it is
40 overfished, but our United States fishermen have
41 been precluded from possessing them for more
42 than a dozen years. It seems to me that's
43 really, you know, kind of, well, it's unfair
44 without a doubt to have us have to go to less than
45 zero. I mean we're doing everything we can do,
46 but less than zero I don't think is fair.

47 You know, that mention about the
48 MRFSS and how that interacted in that stock

1 assessment, you know, that's a major deal. So
2 I really believe that that should be redone
3 incorporating, you know, the new indexes that
4 we've seen in more recent years and, you know,
5 considering some of the comments of fishermen on
6 the water before we start making boxes where
7 people can't fish, or let me say more boxes where
8 people can't fish.

9 And on that note I have to say that
10 if they're in such dire straits that we must put
11 boxes where people cannot fish, then it should
12 be all hooks capable of catching duskies, not
13 just the pelagic longline boats, all of them.
14 If they're in such horrible shape that we have
15 to go to that length, then that is the only
16 equitable way.

17 And I don't like to have to say it,
18 and I'm, you know, really, I can't see what else
19 more we're supposed to do in the United States
20 than less than zero. Mexico, we get all the
21 reports about all of that activity. You know
22 very well that they pay no attention to our laws
23 or theirs, and there are concerns these fish go
24 right down there.

25 You know, so to a very large degree
26 our conservation efforts potentially might be
27 being wasted elsewhere. Why should we be
28 punished? I know this is a domestic -- but we
29 fish highly migratory species. They don't stay
30 in our waters. They're not clams, you know, so
31 the effects of other countries cause issues for
32 us on and on.

33 So I think when you get to zero and
34 no possession for more than a dozen years, and
35 even with mistakes in ID, you know, there's a
36 point at which you have to say, listen, we've
37 done enough. We've done all we can do. Go look
38 elsewhere to get the work done.

39 MR. MCCREARY: Thanks Terri.

40 MS. SCHULZE-HAUGEN: I guess the
41 only thing, you know, there is uncertainty in the
42 assessment. You know, these have been
43 prohibited for a long time. I think the flip of
44 the coin kind of description of the assessment,
45 you know, I think there is a lot of uncertainty.

46 But I think the balance, the total
47 sum of the assessment, the scientists concluded
48 that overfishing was occurring. So yes, that

1 may be the tally of the individual runs, but the
2 assessment is the best available and I think
3 there's a lot of other information that went into
4 the expert judgment of the stock assessment
5 folks.

6 So I think it is what it is. Yes,
7 how do we go less than zero? Absolutely, this
8 is what we've been struggling with. But that's
9 what it said and so that's what we're trying to
10 do.

11 We can pursue things
12 internationally, absolutely. This isn't quite
13 like some of the others where we are a minor part
14 of the catches. We've got the bulk of the
15 nursery grounds, a lot of the range. So I think
16 it's appropriate we look to do something. By
17 law we have to.

18 So this is where we're looking for
19 some help. What can we do that minimizes
20 impacts, still meets the law? And, you know,
21 the ESA process is its own thing. We will make
22 sure that they have as much information as we do,
23 but that's not something that we, HMS Division
24 controls.

25 MR. MCCREARY: Good. Thank you.
26 Rom?

27 MEMBER WHITAKER: Yes, Hatteras
28 Charterboat. And as far as outreach goes, all
29 of the saltwater fishing magazines, Marlin,
30 Saltwater Sportsman, Sport Fishing, they all
31 have a conservation section in them now, and the
32 writers, I feel, are looking for things to write
33 about sometimes. So their most -- saltwater
34 fishermen read one of these issues, I think
35 another one's InTheBite, I think you get the
36 information to them they will certainly pass it
37 on down the line, and I think that would help a
38 lot in the short especially for the recreational
39 fisherman.

40 I can only speak for my industry in
41 North Carolina, but we're most of the charter
42 fleet. Very seldom are any sharks kept now
43 because everybody's -- I hate to say it but
44 they're not sure if they're legal or not so they
45 just don't keep them. So there's two or three
46 guys that do specialize in some shark fishing and
47 they're very up-to-date on what's legal and
48 what's not. And of course we have enforcement

1 people around so we certainly don't want a
2 ticket.

3 My other point was just to expand a
4 little bit on what Dewey and Jeff said. Of
5 course I've been fishing 27 years and I fish
6 close to 200 days a year, and I fish the areas
7 they're talking about off of Hatteras. And I
8 wish I had it up here on the screen where
9 everybody could see it, but Glen Hopkins just
10 drew a box and I think it's a little bit on the
11 deep side of where these abundance of sharks are,
12 but where this experimental research fishery is
13 going on where the catch per unit effort is off
14 the charts, they're not even getting to where I
15 think the sharks really are.

16 And I've not ever seen any
17 experimental fishery or research fishery in this
18 area, and it's almost to the point here the last
19 three or four years that I felt like their
20 duskies and sandbars have displaced other
21 fisheries in that area.

22 Used to, we had great bottom fishing
23 there with sea bass and some groupers. And now
24 if you're lucky enough to get it to the bottom
25 it's not going to come to the top. You're going
26 to have a bare hook or either you're going to have
27 a head and about 30 sharks chasing it.

28 And I would, like Jeff said, nobody
29 would want to get in the water around there. But
30 anyway, that's all. Thank you.

31 MR. MCCREARY: Thank you Rom.

32 Bob?

33 MEMBER HUETER: Thanks. Bob
34 Hueter, Mote Marine Lab. I would also like to
35 encourage you, even though the regulations seem
36 complex and many of them are disappointing, to
37 move forward with the process. I get the sense
38 that we've gone through a little of a quandary
39 period with respect to Amendment 5, maybe
40 because Amendment 7 has pulled so much of the
41 staff time, and I'm sympathetic to that.

42 But I feel that the ESA process is
43 kind of lurking so there's been perhaps some
44 delays just waiting to see what plays out. But
45 I would ask you to move forward on some of these
46 ideas.

47 And on the ridgeback prohibitions in
48 the recreational fishery, just a couple of

1 thoughts there. I don't know why oceanic
2 whitetips are exempted under any circumstances.

3 I would say for the ease of this
4 category, and also because of the biology of that
5 particular species that eliminate that
6 exemption, they should be prohibited at all
7 times in the recreational fishery. No caveats
8 as far as whether you have tuna or swordfish on
9 board.

10 It's an extremely rare animal, and
11 the reason it's rare is because it's been
12 severely depleted. So let's just eliminate
13 that exemption. I don't think you're going to
14 get much criticism on that.

15 Tiger sharks, you know, together
16 with hammerheads, tigers have been prohibited in
17 Florida state waters, retentions prohibited.
18 So beginning to see a sort of a disconnect here
19 between what the federal regs are and state regs
20 at least in those cases. So that's a concern.

21 I don't know whether the
22 recreational fishery would support making
23 tigers exempt because they're still a trophy
24 fish and people like jaws and things like that.
25 The meat isn't particularly sought after, but I
26 would not disagree with putting them on the
27 prohibited list. But the commercial guys might
28 have something else to say about that.

29 Finally -- and hammerheads, we're
30 just sorting through that right now with
31 obviously with the ESA and the issues of dead
32 discards. It's a big problem and
33 unfortunately, I apologize. I don't have a lot
34 of wisdom for you this morning. We're kind of
35 at that point.

36 But last on the duskies, I'm hearing
37 a lot from the commercial guys about the return
38 of duskies and I certainly believe their
39 observations, but I just want to point out I
40 think that the reports are coming from what I
41 would call population centers for this
42 particular species.

43 So they are seeing returns and good
44 year classes, places like off North Carolina and
45 even in the northern Gulf, duskies may be
46 increasing in number and that's certainly a good
47 thing. But they haven't recovered over their
48 former range.

1 And I've said it before that on the
2 Florida Gulf coast, for example, if you go back
3 to very good work that was done in the 1960s,
4 large duskies were not very common but they were
5 a very regular part of the shark fauna there.
6 And they simply have not returned at all to the
7 Florida Gulf coast, not in the coastal waters.

8 So the idea that these things have
9 magically reproduced and are spread everywhere
10 is not quite accurate. I think there are
11 population centers though where they're
12 building out from.

13 And it brings out the need for more
14 fisheries' independent surveys, which
15 unfortunately in these days of cutbacks, support
16 for research, we've got the opposite happening.
17 And we've got the Virginia longline survey
18 that's been helped along by HMS, but we have
19 other surveys that have been discontinued, and
20 those are the kinds of things that tell us what's
21 really happening with the stock over its entire
22 range.

23 Mexico -- Terri and Rusty are right
24 about at least the dusky leakage to Mexico.
25 Mexico, I'll disagree with you on some of the
26 other species, but on the dusky I have seen
27 evidence of massive takes of duskies down in
28 Mexico in the 1960s and '70s.

29 You know, a number of us work in
30 Mexico and we are trying to increase the linkage
31 between Mexico and the U.S. And we've even done
32 stock assessments now with Mexican
33 representatives which is a really positive sign.

34 But I don't think they're really
35 being caught anymore, not the dusky, because I
36 just don't see them down there anymore. But
37 your point is well taken and the need for
38 international work with a highly migratory
39 species seems to go without saying.

40 And last, and I really hesitate to
41 make this point but this just bothers me,
42 something that NMFS is doing. NMFS has what
43 they call the Atlantic Shortfin Mako Shark Live
44 Release Program and it's very prominent on the
45 HMS website.

46 And if you go to the website you'll
47 see, "NMFS encourages the live release of
48 shortfin mako sharks. If you catch 'em alive

1 let 'em live," which is terrific. That's what
2 we should be doing. At the same time NMFS is
3 doing that, NMFS scientists are going to kill
4 tournaments and supporting those tournaments by
5 collecting data from mako sharks that are being
6 brought in for those tournaments. And I see in
7 that an inconsistency in the message that the
8 agency is sending out, and it doesn't sit well
9 with me.

10 So I point that out that if you're
11 going to encourage live release, you need that
12 message to be clear and consistent and not do it
13 in some cases but, you know, in other cases it's
14 okay. Thanks.

15 MR. MCCREARY: Thanks Bob.

16 Go ahead.

17 MS. SCHULZE-HAUGEN: So are you
18 suggesting that if sharks are brought back in
19 they should not be sampled at all because we
20 encourage the live release of shortfin makos?

21 MEMBER HUETER: Well, I am
22 suggesting that either encourage live release or
23 not, and if you encourage live release then by
24 participating in public efforts that are killing
25 sharks for sport you're sending a mixed message
26 to the recreational fishing community.

27 If we need the data, we can get the
28 data in other ways. We can get the data through
29 dedicated research efforts. But by being at a
30 public event where people, children and so on,
31 are seeing the NMFS scientists there happy about
32 the dead sharks coming in and sampling them is,
33 I believe, sending the wrong message. Yes.

34 MR. MCCREARY: All right, Martha?

35 MEMBER BADEMAN: Thanks. Martha
36 Bademan, Florida Fish and Wildlife. I just
37 wanted to make a couple points. I wanted to echo
38 Rom's comments about the endorsement. That is
39 an issue. You know, there are a lot of sharks
40 caught in state waters and they don't have to
41 have the permit and, you know, they have to have
42 state licenses, and I see the endorsement as
43 being a complication.

44 I also just wanted to, you know, echo
45 a lot of the comments about outreach and say that
46 we're trying to do our part in this as well.
47 We're developing a shark guide for state waters.
48 It's focusing on state regulations. A couple of

1 folks have mentioned how our regulations are
2 different than what are in federal waters.

3 And then we're also starting a
4 campaign directed at recreational anglers
5 helping them improve survival of sharks that are
6 being released, focusing on handling practices
7 and also promoting use of circle hooks. So
8 that's all. Thank you.

9 MR. MCCREARY: Martha, thank you
10 very much. It's been brought to my attention
11 that we actually have another presentation.
12 And we are also scheduled for a break in minutes.

13 So Rusty, I know you have more things
14 to contribute. Jeff, maybe you have another
15 comment or maybe your card is still up. I would
16 suggest that we hear the next presentation and
17 then you two are first in the queue. Is that
18 reasonable?

19 Pete, are you presenting? Guy?

20 MS. BREWSTER-GEISZ: While Guy is
21 getting set up I just want to say I love e-Dealer,
22 e-Dealer is great, and it allows us to get actual
23 real information.

24 And Delisse brought it to my
25 attention that most if not all the states do have
26 the ability for dealers to report shark fins by
27 species, and we do have some of that being
28 reported. So we do have some species-specific
29 fin data coming in from the dealers.

30 So thank you, Rusty, for bringing that to
31 my attention.

32 MEMBER HUDSON: Which goes hand in
33 glove with the species ID increase that we've had
34 since we mandated that. That's been the good
35 thing from the commercial sector. We don't have
36 a data problem like we used to.

37 MR. MCCREARY: Thank you.

38 Guy, you're up.

39 MR. DUBECK: Thank you. So I'm
40 going to give you an update on Amendment 6.
41 Here's a quick outline of the presentation. So
42 let's take a trip back in time.

43 We started this process three years
44 ago with the Future of the Shark Fishery Advanced
45 Notice of Proposed Rulemaking, or ANPR. In the
46 ANPR we had three major topics. They were the
47 quota structure, the permit structure and then
48 also catch shares. And then we went out with

1 workshops to get feedback.

2 Well, based on that feedback from,
3 and comments, two years ago we came out with a
4 notice of intent for Amendment 6, and in there
5 we looked at considering catch shares for the
6 shark fishery. We also established control
7 dates, but also we made available a white paper
8 describing the design elements of catch shares
9 in general but also some specific issues for the
10 shark fishery.

11 And then again we went back out and
12 had more workshops. So then here is some of the
13 comments we received from the catch share
14 workshops. We presented this about a year ago
15 at the AP, so I'm just going to go through some
16 of the comments.

17 Overall we got mixed review from the
18 NOI. We received some comments that opposed
19 catch shares and suggested other ideas we should
20 look at like increasing the trip limits or
21 considering establishing community quotas.

22 We did receive multiple comments
23 that we need to consider the regional
24 differences between the Gulf and the Atlantic if
25 we decide to go forward with a catch share
26 program. But we did receive some comments in
27 support of catch shares being that it would make
28 fishermen more efficient because there's no more
29 trip limits. They could save on fuel and then
30 maximize the price.

31 A couple more comments. Another
32 comment suggested that we should look at days at
33 sea instead of doing a catch share program.
34 Some Florida fishermen suggested that all we
35 need simply to do is open the Atlantic Large
36 Coastal Fishery in January under the current
37 trip limits and there would be no problems.

38 But we did get overwhelming comments that
39 we should consider doing a referendum or a
40 weighted referendum of all of the directed shark
41 permit holders.

42 So in addition to the catch share
43 comments, I also want to go through some of the
44 comments we received through the ANPR workshops
45 and also at the catch share workshops too. In
46 the ANPR, like I mentioned, one of the topics was
47 changing the quota structure.

48 Some of the ideas were, you know,

1 more species-specific quotas. Should we
2 reconsider the regions or look at changing the
3 time/area closures? Some of the comments we
4 received were that the stock assessments cannot
5 be formed quickly enough for species-specific
6 quotas, and dealers and fishermen find it very
7 difficult to have multiple species quotas and
8 actually, you know, look at them at a daily
9 basis.

10 And also we received comments that
11 the structure and quota opening dates should
12 coincide with regional shark availability.
13 Another idea in the ANPR was the change of permit
14 structure. One of the ideas could be permit
15 stacking. And permit stacking is putting
16 multiple permits on one vessel to get multiple
17 trip limits.

18 You know, some commenters felt that
19 it was a reasonable solution for the directed
20 fishery, but others thought that it would just
21 cause the fishery quotas to be harvested much
22 faster than currently current. Another
23 idea under change of the permit structure was the
24 use or lose provision. We got overwhelming
25 comments saying, well, that would just cause all
26 the latent permit holders to become active and
27 then have the same problem with the quotas being
28 harvested much faster.

29 So the last idea was to look at
30 changes to the retention limits and authorized
31 species. We've been hearing comments that we
32 should reanalyze the large coastal trip limits,
33 establish a separate Gulf of Mexico blacktip
34 trip limit, and also potentially consider
35 allowing commercial landings of sandbar sharks
36 outside the research fishery. Some of the
37 comments were that changing the trip limit would
38 be a very good idea especially since it's based
39 on the dead discards of sandbar sharks, and based
40 on the most recent stock assessment the stock has
41 improved.

42 And then based on the most recent
43 Gulf of Mexico blacktip assessment, it came back
44 healthy, and they're saying that, commenters
45 thought that can sustain a separate trip limit
46 on top of the already existing large coastal trip
47 limit.

48 And the last comment was to allow

1 commercial landings of sandbar sharks outside
2 the research fishery. We have to consider some
3 of the impacts to the Shark Research Fishery and
4 future stock assessments if we allow this, but
5 then there's also concerns monitoring such a
6 small sandbar quota and also authorized landings
7 outside the Shark Research Fishery.

8 All right, so that's kind of to bring
9 you up-to-date from the past three years of this
10 rule, but the fisheries changed so much in the
11 past three years we have, you know, more regional
12 and species-specific quotas from Amendment 3 and
13 Amendment 5a. There's the state fin bans in
14 Maryland and New York along with other states,
15 and then the potential impacts to the fishery
16 with Amendment 7 and Amendment 5b.

17 So now I'm going to go through some
18 of the recent trends of the shark fishery in the
19 past few years. The next couple slides will be
20 going through the large coastal shark landings.
21 The first up is the Gulf of Mexico. The quota
22 is in blue while the landings are in red.

23 As you can see, the landings in the
24 Gulf of Mexico have been pretty consistent from
25 2008 through 2012. The fishery was
26 overharvested in 2010 with the fishery only
27 remaining open for six weeks. But in 2011 and
28 2012, the fishery stayed open much longer and in
29 both years it closed in July.

30 In 2013, as Pete mentioned in
31 Amendment 5a, the blacktip and hammerhead sharks
32 were removed from the large coastal shark
33 complex. The aggregated large coastal complex
34 was overharvested this year. The blacktip
35 quota was underharvested, and based on the stock
36 results it being not overfished and overfishing,
37 any unharvested of the blacktip quota could be
38 carried forward to the 2014 season. And also I
39 want to make note that like 2011 and 2012, this
40 fishery stayed open until July again.

41 Now turning to Atlantic. Again,
42 the quota's in blue and the landings are in red.
43 In 2009 and 2010, the quota was overharvested,
44 and then also note that the landings have
45 steadily decreased since 2009. This
46 year, again, in Amendment 5a we removed the
47 hammerhead sharks from the large coastal complex
48 in the Atlantic. Currently the Atlantic large

1 coastal fishery is still open after nine months,
2 and that's been the longest the large coastal
3 fishery's been open since Amendment 2 was
4 implemented in 2008.

5 So now we turn to a couple slides to
6 talk about the active vessels that landed large
7 coastal sharks. This is based on federal
8 logbooks from federal fishermen using the
9 Coastal Fisheries Logbook. The Gulf of Mexico
10 is in blue and the Atlantic is in red.

11 As you can see, in the Gulf of Mexico in
12 2009 and 2011, they were more the average years
13 with the number of active vessels. In 2010 in
14 the Gulf of Mexico, as I mentioned, since the
15 fishery only lasted six weeks I think that
16 precluded some fishermen from participating in
17 that year.

18 In the Atlantic there was an
19 increase in the number of active vessels in 2009
20 and 2010, but also that coincided with a decrease
21 in large coastal shark landings.

22 Now here's the number of trips that
23 landed large coastal sharks. Again we used the
24 Coastal Fisheries Logbook. The numbers on top
25 of each one of the columns shows the average
26 large coastal shark landings per trip based on
27 the Coastal Fisheries Logbook. Again, the Gulf
28 of Mexico is in blue and the Atlantic is in red.

29 As you can see, Gulf of Mexico
30 fishermen had more shark targeted trips with a
31 higher landings per trip, and then in the
32 Atlantic in 2010 they had the highest number of
33 trips also with a decreased number of landings
34 when compared to 2009.

35 So the previous slides talked about
36 the whole commercial shark fishery, and now I'm
37 going to just, for the next two slides, focus on
38 the Shark Research Fishery. So the Shark
39 Research Fishery is implemented in Amendment 2,
40 where it allows shark research participants,
41 with an observer on board, to retain a small
42 sandbar and large coastal shark research quota.
43 Some of the benefits of the Shark Research
44 Fishery has allowed a collection of fishery
45 dependent data for current and future stock
46 assessments to conduct cooperative research to
47 meet the research objectives.

48 With this is that we're working with

1 the fishermen to harvest the sandbar shark
2 quota, and pretty much the fishermen are
3 choosing the fishing areas within the Shark
4 Research Fishery requirements and objectives.
5 The research fishery has also helped update the
6 life history information of the recent stock
7 assessments.

8 One of the most recent ones is the
9 sandbar assessment. The information from the
10 research fishery has helped with updating that
11 information. Also the research fishery has
12 helped to reduce fishery interactions through
13 bycatch mitigation.

14 It is evaluating the utility of the
15 mid-Atlantic closed area for the recovery of
16 dusky sharks and collecting hook timer and PSAT
17 information to determine vessel and post release
18 mortality of the species.

19 So this slide shows the shark
20 research landings. The sandbar quota is in blue
21 with the landings in red. The number on top of
22 each column reflects the number of research
23 vessels in the fishery each year.

24 I want to point out that the sandbar
25 quota in 2013 increased. That increased due to
26 the overharvested amounts of the large coastal
27 fishery from 2007, the payback, and did in 2013.
28 So all the large coastal and sandbar quotas
29 increased in 2013. As you can see, the landings
30 of the research fishery have decreased over the
31 years, and 2012 and 2013 are much smaller when
32 compared to the beginning of the research
33 fishery.

34 So now let's look about moving
35 forward for the research fishery. You know, a
36 majority of the comments from the NOI along with
37 the recent trends and the changes in the shark
38 fishery indicate that we should continue
39 evaluating whether our catch share remains a
40 good fit for the shark fishery.

41 We're evaluating what actions to
42 take next regarding the management of the
43 fishery particularly as it relates to a catch
44 share program and other potential measures such
45 as permit stacking. When thinking about
46 changes to the shark fishery, also considering,
47 you know, the differences between the fishery
48 with the regional split in the Gulf of Mexico and

1 Atlantic, upgrading restrictions and permit
2 combinations, retention limits, and also the
3 input of future and recent actions.

4 So I know I went through a lot, but
5 now open for questions and comments and also some
6 ideas of how you'd like to see the Shark Research
7 Fishery go.

8 MR. MCCREARY: So Guy, thank you
9 very much. We need to do a little time check.
10 We had been scheduled for a break at 10:15. We
11 have another speaker or two that's coming in.

12 I'm wondering if some of the
13 feedback for you should offline, if that would
14 be productive. And I know there were cards up
15 from the previous presentation. So my
16 suggestion is maybe we go for another ten minutes
17 now, take a break and then come back.
18 Dewey is shaking his head no.

19 MEMBER HEMILRIGHT: The stuff
20 that's being presented here is pretty important
21 --

22 MR. MCCREARY: I'm not saying we're
23 not going --

24 MEMBER HEMILRIGHT: -- for
25 everybody to listen to. So if we're going to
26 give presentations, even though we've got tight
27 schedules --

28 MR. MCCREARY: I'm not saying we're
29 not going to talk about it. I'm saying maybe
30 some of it goes offline. But there are cards up
31 that I want to honor from the last presentation.

32 So let's go for ten minutes, take a
33 break, and then come back and reengage. And I'd
34 take it from your comment just now that you may
35 have some questions for him, so we'll keep that
36 in mind.

37 All right, so let's go back to the
38 queue that we had before Guy's presentation. I
39 have Rusty, Jeff, Steve and Scott Taylor and Ron
40 Coddington again. All right, thanks.

41 MEMBER HUDSON: Rusty Hudson.
42 Going back to Peter Cooper's presentation, let
43 me get out of the weeds and get right on to the
44 putting green even though I don't play golf.

45 In Section 3, Page 6 of my comment
46 of the 12 pages I submitted on the dusky shark
47 petition listing I found a mistake, I believe,
48 on the DEIS that was produced in November of 2012

1 for Amendment 5. In that document, the quote
2 from November 15th, it's Chapter 4, Page 4-66,
3 was a quote from the HMS team.

4 "The 2011 stock assessment for dusky
5 assumed the size of maturity 349 centimeters
6 fork length, 419.1 centimeter total length for
7 males, 373 centimeter fork length, 450
8 centimeter total length for females."
9 Therefore, no dusky sharks outside the closed
10 area would have been close to maturity, talking
11 about the 2007, '09 and '12 research fishery.

12 Well, here's the problem. Back in
13 the 2006 dusky shark stock assessment, Natanson,
14 Lisa Natanson from the Narragansett Lab, et al.,
15 1995, reported that females became mature at 235
16 centimeters fork length or 284 centimeters total
17 length, which just with the females you're
18 seeing a difference of 280 centimeter total
19 length, just use that as the line, and yet you
20 all's quote had 450 centimeters.

21 So that is 166 centimeters in error.
22 What you have in your document is the max length.
23 So that's flawed, and I'm hoping that when you
24 get into Amendment 5b that that's corrected.
25 Because when you get into what Dewey was bringing
26 up about the '07, '09, '12 NMFS Fishery
27 independent dusky shark catch, yes, it's been
28 steadily increasing.

29 But you again use the max size
30 measurements as the proxy for the minimum size
31 maturity. That analysis has to be revisited
32 before we see 5b DEIS. And so -

33 MR. MCCREARY: Okay, hang on a
34 second.

35 Did you want to respond or not?

36 FEMALE PARTICIPANT: No.

37 MR. MCCREARY: Okay. So Rusty, let
38 me just say, you just spent three minutes
39 pointing out a fact that there is a discrepancy
40 between reported maturity in the scientific
41 literature and the agency document. I just said
42 that in one sentence.

43 Okay, can you be more concise?

44 Because we are pressed for time. And I know you
45 are passionate and knowledgeable about this
46 subject but we have to manage our time.

47 MEMBER HUDSON: In short, your
48 analysis is flawed as to what was inside and

1 outside the closed area for the independent
2 research. That's a big problem. And so we need
3 to be able to see that and rectify it by the time
4 we get into 5b later on. With that said, that
5 eliminated most of my dusky shark concerns.

6 I did have three little points that
7 I wanted to make. Historically, from the old
8 and I know it was a different style shark
9 fishery, but when you had 100 hooks you had four
10 to five animals, you know, with the stuff that
11 Stewart Springer observed between 1938 and 1951.

12 That's a big deal, because when
13 you're seeing the CPUEs that are going on now
14 with these exploding stocks of sandbars and
15 duskies and stuff like that, it is a huge
16 difference. So furthermore, with the key for
17 the recreationals as well as applied to the
18 commercial, you need to have like the hammerhead
19 heads are featured, but you also need those fins.

20 That's where Eric can help you and
21 Trey Driggers and all them, because that gives
22 you even more information to educate, outreach
23 and be able to identify what you're looking at.

24 With that said, with that done,
25 let's see, the other items. You need a key
26 exclusive to prohibited species. You've got 19
27 of them. You need to have all the pictures, all
28 the information and ranges. Caribbean reef,
29 for instance, is a southern Florida shark. It's
30 not really a problem from Maine to Texas.

31 I mean there may be in a case or two
32 of some being seen somewhere, but again this is
33 another animal that's been prohibited since '99
34 with no stock assessment and it's one of the
35 ridgebacks. But no pictures of ridgebacks here
36 besides the tiger and oceanic whitetip, which is
37 the easiest ones to identify, is a problem. So
38 let's see, that's done.

39 The recreational endorsement for
40 sharks. Will that cost the recreational people
41 money, or if it's like a tag will that cost them
42 money? Or is it just something that they can
43 just check a box and they want it? So that's a
44 question, not really going to find an answer
45 today.

46 Hammerhead sharks, you need all of
47 them to be assessed -- scalloped, smooth and
48 great, because there's a lot of fundamental

1 differences. I had problems with Chris Hayes'
2 dependence on MRFSS. We know we have MRFSS and
3 MRIP problems, and none of the conversions on
4 MRIP have occurred basically for a lot of the
5 shark stock yet. That's another problem.
6 We're already doing that at council levels for
7 bony fish.

8 Last thing, Chris Rogers eliminated
9 the shark tiger magazine or whatever, annual
10 report, on tags, recaptures, a lot of
11 information, because he said there wasn't enough
12 money, so I think the last one I have in my stuff
13 is from the late '90s.

14 It would be great to resume that
15 because the Narragansett Lab and in combination
16 with other types of tagging programs would be a
17 great report that NMFS and HMS could generate on
18 an annual basis for us to educate ourselves to
19 what's going on between the research and what
20 we're seeing particularly with highly
21 migratories. And so that ends my stuff for 5b.

22 MR. MCCREARY: Excellent.

23 MEMBER HUDSON: Now do you want me
24 to say anything on 6 or just stay off record and
25 just have to deal with that?

26 MR. MCCREARY: Can we ask you to
27 pause now? So you did just come up with a whole
28 series of good ideas, so thank you very much,
29 Rusty.

30 Jeff?

31 MR. ODEN: I have one comment for
32 one of the prior panelists, Mr. Hueter. And
33 anyway I heard him mention that, you know, a
34 certain area in the Gulf there was an area of
35 concern where they were not seeing, you know,
36 duskies in numbers as they used to.

37 In the course of a year, last year's
38 probably the first year I've longlined for the
39 full year, but up in North Carolina where I live
40 sometimes I'll execute eight different
41 fisheries in the course of a year.

42 Not one of those fisheries are being
43 executed exactly the way they were ten years ago.
44 Every one of them are changing. You all admit
45 it, climate change is having an effect. And
46 believe me, it is -- you know, it's like, I'll
47 give you a few for instances.

48 Stripers don't even come in our state

1 waters anymore. Big bluefish, which it was a
2 major fishery, rarely have shown in the last two
3 years, one or two days. I mean kingfish, that
4 used to be our main staple in the fall.

5 I mean now it's been altered
6 considerably. It's not even, you know, I don't
7 know, it's hardly even viable, and in a few of
8 the last few years it's been very sporadic. And
9 I mean, and they're not overfished. The point
10 is, I mean everything is being altered and we all
11 acknowledge it. I mean the agency even
12 acknowledges it.

13 But yet people seem to be able to
14 ignore it when it comes down to a stock
15 assessment or whatever. And I mean, we as
16 fishermen see it every day. We deal with it.
17 We can't ignore it. And I mean, I just wanted
18 to make that point.

19 So I mean, just because they're not
20 in a given area, and to that point as Dewey had
21 mentioned earlier, nobody's even going into the
22 mid-Atlantic, really, and looking. Because
23 I've heard of one charter operator up there who
24 had acknowledged catching a thousand duskies in
25 the course of his summer, you know, charter
26 industry. So I mean, anyhow I'm just trying to
27 add to what he had to say.

28 MR. MCCREARY: Thanks Jeff. Thank
29 you.

30 Steve?

31 MEMBER JAMES: Yes, I'll be brief.
32 In the overwhelming doom and gloom of the shark
33 fishery I would simply like to point out that
34 there's probably a success story to be told and
35 that's pertaining to the porbeagle shark.

36 I remember sitting here five years
37 ago and the stock assessment would imply that the
38 porbeagle shark was severely depleted, and I
39 remember arguing relentlessly to suggest that
40 maybe that was not the case.

41 But I will point out that in
42 Massachusetts there's been an incredible banner
43 year of landings for porbeagle. I'll point out
44 that it's been the same in Maine. I'll point out
45 that my shark fishing tournament was smaller
46 than it's been in the last decade, and yet there
47 were more porbeagles landed in the shark fishing
48 tournament this year than we've ever seen

1 before.

2 I'll also point out that all the way
3 out to the Hague Line and down to Georges Bank,
4 the guys that are going offshore for bluefin tuna
5 are having to wade through the porbeagle sharks
6 as well. They're not small porbeagle sharks.
7 They're sexually mature sharks and they're big.

8 And I think there's a story waiting
9 to be told of success in the shark fishery and
10 that maybe it's worthwhile to pursue that and
11 investigate. And I know you guys don't
12 necessarily direct the stock assessment, but
13 there's a story there and I would simply say that
14 it's a successful one. Thank you.

15 MR. MCCREARY: Thanks Steve.

16 Scott Taylor?

17 MR. TAYLOR: I actually have a
18 question that pertained to the presentation
19 about the dusky, because I really find the
20 general situation not only fascinating but
21 applicable to a lot of other issues that this
22 panel and National Marine Fisheries is likely to
23 face.

24 And that is that, you know, we have
25 a species here that is a no-take species that is
26 likely experiencing some level of recovery.
27 And because it's been petitioned for uplisting
28 as endangered, that on one hand you're required
29 to take some sort of action that goes beyond the
30 fact that it's already a no-take, but on the
31 other hand we have Magnuson and we have other
32 authority that requires us to look at the best
33 interest of other fisheries that are out there.

34 So to a certain extent, what we're
35 looking at are two regulatory authorities that
36 are in conflict with one another. Because a lot
37 of the actions that you're likely to take have
38 significant possible ramifications to other
39 fisheries whether it be recreational or whether
40 it be the commercial.

41 And it's been my experience in life
42 in general -- and I'm getting to the question --
43 that some things just don't have a solution and
44 that at which point, and I want to ask this
45 question, at which authority do you ultimately
46 look for? I mean, you ask the panel to come to
47 you for solutions to a problem that there really
48 may not be a solution to, because for every

1 solution for one thing may create a problem for
2 another. And so the way that this panel has
3 chosen to deal with it, which was interesting
4 because you held off from what the proposed rule
5 was, that seems to be reasonably apparent to you.
6 So I'm just curious at which point which
7 authority actually is the mandate.

8 MS. BREWSTER-GEISZ: Thanks Scott.
9 So I'm not going to speak to whether or not ESA
10 and MSA are in conflict, but what I will say is
11 that under MSA we are required to end and prevent
12 overfishing.

13 The stock assessment shows that even
14 though it is a no-take fishery overfishing is
15 still occurring. So that's the part that we are
16 trying to address. We are showing that we're
17 rebuilding, that's the good news. The bad news
18 is there's still overfishing so we still have to
19 take action under that authority, under MSA.

20 MR. TAYLOR: And I certainly
21 understand that. But, you know, under the
22 proposed rule we had some additional closed
23 areas that absolutely could dramatically impact
24 the PLL fleet, for example.

25 And what my question is really
26 proffered to is that so we deal with this issue
27 with duskies and maybe it is a gear restriction
28 like was suggested by Billy Mac at one of the
29 mini-meetings that we had up here where you would
30 go to a lighter monofilament leader in a given
31 area so that you're more likely to break the
32 sharks off or, you know, to have a situation
33 where they bite through or live release, but all
34 those things impact others.

35 So it's not the one thing that
36 concerns me, it's the cumulative effect of each
37 one of these things. And so ultimately there is
38 -- and what I'm asking is, as is certainly under
39 -- as other regulatory authority that is
40 supposed to protect one fishery, so you can do
41 one thing to prevent the uplisting and to protect
42 the dusky, but as a result of that you may be,
43 in fact, harming another fishery that's
44 absolutely healthy.

45 And so my concern is that right now
46 it's the dusky, and maybe it's the bluefin tuna
47 also on the table, and tomorrow it may be the
48 white marlin and the day after that it may be the

1 blue marlin. And so at what point which
2 authority actually dictates? Because if
3 continue to see uplisting, and this is a two-fold
4 question, we're not just talking about no catch
5 now, we're talking about minimizing
6 interaction.

7 And as the stocks recover because of
8 the action that you've taken you're going to
9 continue to have interaction. And this is why
10 I feel very strongly that there may not be a
11 solution. So you're saying we have to take
12 action for the sake of taking action, but we're
13 going to be blind on the other hand to the
14 consequences of that action.

15 So I mean, it's not an easy question
16 and I understand that but that is my point. My
17 point is, is that everything doesn't have a
18 clean, simple solution. You've got a pretty
19 talented group of people here, and I've been
20 listening for the last three meetings to these
21 issues, you know, over the dusky, and there's a
22 lot of overlap as we talk about one issue or
23 another.

24 MR. MCCREARY: Okay.

25 MR. TAYLOR: Okay, I'm not going to
26 ramble on.

27 MR. MCCREARY: So I mean the point is
28 that these statutes may create unintended
29 consequences. Your question is, does the
30 agency identify, anticipate and think through
31 them and what do they do when there's a conflict?

32 MR. TAYLOR: And which authority is
33 the -

34 MR. MCCREARY: Right. And as Karyl
35 says, this program has a guiding mandate that's
36 not the ESA, and they have to uphold their
37 mandate and, you know, that's their mission. So
38 it is a puzzle.

39 Do you want to add anything?

40 So we are actually going to take a
41 break now. And we know there are numbers of
42 cards up. We have a list that we've recorded of
43 the queue, and we also are mindful that we have
44 several speakers who have come in to address the
45 panel. So let's take a break and we will come
46 back and see how we need to adjust our agenda.
47 Thank you.

48 (Whereupon, the foregoing matter

1 went off the record at 10:45 a.m. and went back
2 on the record at 11:03 a.m.)

3 MR. MCCREARY: All right. We'd
4 like to get started here with our next
5 presentation, so please take your seats and
6 focus up front here.

7 As you make your way back to your
8 seats, an agenda update. We had said when the
9 meeting started that today we thought 4:30 was
10 a hard endpoint. That proves not to be true.
11 We have a little more flexibility which is good
12 because we need it.

13 And we're going to rearrange the
14 agenda a bit, but we are going right into the
15 recreational action agenda. We know there are
16 more comments to be heard on shark issues, and
17 in fact this afternoon we'll be able to
18 accommodate more discussion.

19 We are also going to switch the 2:30
20 and the 3:15 item because of the travel schedule
21 of some speakers. So we will come back to these
22 shark related issues this afternoon after we
23 hear about the recreational action agenda and
24 the large pelagic survey redesign.

25 So Russ Dunn is here with a team, and
26 Russ I will introduce you and you will kick off.

27 MR. DUNN: All right, hello. Good
28 to see many of you again. I spent a lot of time
29 in this particular room in my life, which is a
30 little bizarre, and with many of you.

31 And my name's Russ Dunn. I am the
32 policy advisor for recreational fisheries
33 within NOAA, and my main task is to sort of lead
34 the agency's efforts under what we call the
35 recreational fisheries engagement initiative,
36 to sort of build a relationship with the angling
37 community.

38 And just as the commercial fishing
39 industry is a traditional and important social
40 and cultural activity and economic driver, so is
41 the recreational fishery. The latest
42 statistics we have, we're just about to update
43 these so the next presentation you would see from
44 me would have updated statistics, but in 2011
45 there were about 70 million trips, saltwater
46 angling trips made by 11 million anglers.

47 The industry supported 455,000
48 jobs, and in aggregate in sales, direct sales and

1 value added impacts it was about \$102 billion
2 industry. So it is a significant economic
3 driver both regionally and nationally.

4 So as I mentioned, NOAA embarked on
5 an effort to sort of reengage with the rec
6 community and really establish a strong and
7 trusting partnership with them and do that
8 through action. Often the agency is accused of
9 providing lip service and not much more than
10 that. And it was important to us that we sort
11 of demonstrate our commitment by taking action.

12 And we built our effort around five
13 primary pillars which you can see there,
14 essentially improving fishing opportunities,
15 improving catch and effort data related to
16 recreational fisheries, improving our
17 socioeconomic data and analyses and the use of
18 that data in decision making, improving our
19 communication efforts.

20 And here today, the first thing I
21 heard as I walked through the door was a number
22 of folks talking about the need to improve
23 communications on sharks. That fits right in
24 with what I hear everywhere around the country.

25 And to improve our institutional
26 orientation, which is really just ensuring that
27 the agency is fully and appropriately taking
28 into account recreational issues and
29 priorities, because we have traditionally
30 really been -- and we initially started as a more
31 commercial-centric agency and we have been
32 working hard to expand that to all stakeholders.

33 So rather than rehashing a lot of the
34 past efforts of the initiative, I wanted to
35 really just touch on sort of where we have been
36 focusing our time in '13. And we had a series
37 of pretty significant activities this year which
38 you can see there.

39 Essentially the roundtables, we
40 went into each region around the country, talked
41 to the recreational community. That led into
42 our Managing Our Nation's Fisheries III
43 conference, and I'll touch on sort of the
44 findings of these in just a second.

45 We conducted what we call our Angler
46 Perception Survey which was the first of its kind
47 survey undertaken by the agency. We have really
48 actively engaged in the MAFAC Rec Working Group

1 on an interesting exercise, and we are now in the
2 process of developing and finalizing our
3 regional recreational action agendas which
4 you'll hear more about in just a minute.

5 We did a lot of work on release
6 mortality, and then Idle Iron, which is
7 essentially the removal of platforms, oil and
8 gas platforms from the Gulf of Mexico that are
9 no longer in use was in issue that really took
10 up a lot of time in the area of the country that
11 has the largest concentration of fishing effort.

12 So I wanted to touch on just some of
13 the findings from a few of those activities. So
14 with the regional roundtables, as I said we went
15 to each of the regions around the country and sat
16 down with anglers anywhere from six or eight in
17 one, to there were probably 40 or 45 in one of
18 the larger ones.

19 Unfortunately, two of the regions,
20 HMS being one of those, was caught up in the
21 sequestration problem, and so rather than doing
22 an in-person meeting which we had done with
23 everybody else except for the southeast region,
24 we ended up having to truncate that meeting and
25 do it virtually.

26 It was not ideal, and I think HMS and
27 the southeast region got a little bit
28 shortchanged by that but those are unfortunately
29 the realities of the current fiscal landscape.

30 So what I've done here is just
31 captured a few of the findings. And overall the
32 findings fell into three general categories --
33 data and science, management and
34 communications. And what we heard, and these
35 are general messages so it wasn't uniform, but
36 these are messages that came out pretty clearly
37 from each of the regions and there are many
38 others but I had to cherry-pick a few.

39 Essentially, confidence in catch and
40 effort data varies. It is better on the west
41 coast than it is on the east coast, but it's
42 generally still pretty low. We are working to
43 address that through MRIP and that is meeting
44 with mixed success, I would say, but we're
45 continuing forward with that.

46 There is great interest everywhere
47 I go in expanding use of electronic
48 self-reported data by anglers, and that is an

1 issue that the agency is, I think, really coming
2 to terms with. We've issued a policy position
3 or policy statement on that and there are a
4 number of programs which are focusing on how can
5 that data be used and how can those systems be
6 designed in a way that NMFS can put that data to
7 use.

8 There is also, related to data
9 collection there is a real intense interest on
10 the part of both managers and anglers in making
11 sure that there's better quantification of
12 releases and how that factors into population
13 health as well as eventually potentially
14 additional fishing opportunities.

15 From management there was a very not
16 surprising finding that management is generally
17 too biologically conservative. I don't think
18 anyone, or very few of you here would be
19 surprised to hear that. We found that there
20 certainly is a perception that the agency has an
21 inadequate understanding of the cumulative
22 effects of lost opportunities.

23 Now a lot of this focused primarily,
24 or focused heavily on the loss of fishing areas
25 to sanctuaries, to closed areas, for areas to
26 protect bottom habitat, et cetera, but it went
27 beyond that also to truncated seasons and things
28 like that, reduced allocations.

29 So there was just a general feeling
30 that the agency does not understand the real
31 cumulative effects of all those things combined,
32 and not just the federal agencies but the state
33 as well. That the states, particularly on the
34 west coast with the California Marine Life
35 Protection Act has not really understood how
36 impactful those reductions are.

37 And there is a pretty strong desire
38 out there for stability in fishing seasons and
39 regulations, that the constant turnover or
40 changes in regulations, seasons, is frustrating
41 for anglers and is extremely difficult for
42 for-hire operators to keep track of and comply
43 with.

44 Communications, as I said, there is
45 just a broad, broad interest in having expanded
46 communications. More, more, more is what we're
47 hearing. And two areas I found particularly
48 interesting, one was that there was a real

1 interest from the anglers in seeing more about
2 the results of data collections and studies, you
3 know, that the point was made that we give you
4 all this information either voluntarily or on a
5 mandatory basis, what do you do with it? Tell
6 us what you do with it, how you apply it, and how
7 that goes through the system.

8 And then finally there was a real
9 interest, and they said if you really want to
10 talk to us you need to get out to the shows and
11 clubs and sit down with us because that's where
12 we are.

13 So those findings and many more from
14 the regional meetings were then fed into what we
15 call the Managing Our Nation's Fisheries III
16 conference. I don't know how many of the folks
17 here were there, but there were three major
18 themes of that.

19 It was a national conference with,
20 I don't know, 600 people or so, something like
21 that. And it focused on those three themes --
22 improving fishing management essentials,
23 advancing ecosystem based decision making, and
24 providing for fishing community sustainability.

25 There was a specific recreational
26 discussion under the third of those themes
27 there. And again, just a handful of the
28 findings that stuck out from that are again, more
29 and better communication is desired.

30 There is an interest in trying to get
31 at stability by shifting how NMFS and the
32 councils manage. Trying to move away from
33 yield, move away from pounds, and start to look
34 at long-term mortality rates as a management
35 approach.

36 There was broad support and interest
37 in, I'll say broad interest in finding
38 additional flexibility with annual catch
39 limits, with standardizing how allocation
40 decisions are made and requiring transparent
41 public review of allocation. Again, there was
42 additional interest in socioeconomic analysis.
43 And then beyond that it went toward how that
44 information is applied, how it should be
45 applied.

46 And then I found it was interesting,
47 there was a very strong sentiment that hey, you
48 NMFS, you need to include us in your research

1 efforts. And if you do you're going to get
2 better results and you're going to have better
3 buy-in.

4 So the last thing I really want to
5 touch on here is a new survey which was conducted
6 this late winter/early spring. It was really
7 the first of its kind by the agency and it focused
8 on angler opinions of fishing quality and
9 management.

10 We distributed about 14,000
11 surveys. We got about 9,200 back, so we had
12 roughly a 60 percent return rate which I thought
13 was fantastic. We looked at the areas up there
14 that you can see, the trip attributes, what are
15 their preferred management strategies, how
16 important do they see various management
17 objectives, how satisfied are they. Some of
18 those were good, some of those were not so good
19 for us. And then what did they see as threats
20 to the marine environment.

21 So I'm just going to sort of touch
22 on the broad, my takeaways from it. The results
23 are still being developed, but looking at the
24 preliminary returns, basically what we saw -- oh
25 yes, I tweaked this slide so what I have is a
26 little bit different than this -- is really that
27 the interest of anglers are straightforward.

28 They want the opportunity to go out
29 there and fish with friends and families on
30 abundant resources with diverse fish stocks, and
31 they want management through really simple
32 regulations. The complexity of management and
33 the differences in some cases between state and
34 federal management is causing frustration out
35 there.

36 Anglers are interested in really
37 passing down the tradition to future
38 generations. This was the single strongest
39 finding in the survey with 95 percent of folks
40 saying that it was a substantial priority to
41 ensure high quality fishing opportunities for
42 future generations.

43 There's a strong conservation ethic
44 out there, and you can see that roughly three
45 quarters of respondents felt things like
46 protecting biodiversity, rebuilding overfished
47 stocks, protecting threatened and endangered
48 species were important management objectives.

1 The returns there were on the same
2 par with how important is it for you to catch fish
3 when you go out. How important is it for you to
4 max out your bag limit was much lower than these
5 sort of conservation findings.

6 So we also found, I was pleased to
7 see that the anglers are basically, despite all
8 the problems we hear out there, are optimistic
9 about the future with nearly 80 percent of folks
10 saying that they plan on taking the same number
11 or more trips next year than last.

12 And for those who weren't, there was
13 about, I want to say about 13 percent who planned
14 to take less, and then there was sort of seven
15 percent who were either neutral or didn't
16 respond. And of that 13 percent the majority of
17 folks cited economic reasons, with regulatory
18 reasons being about a third of that 13 percent.

19 Anglers understood the role of
20 management. They wanted to see their opinions
21 and priorities reflected in management, but they
22 were gravely disappointed with how they felt
23 they were represented in management.

24 That was probably one of the worst
25 findings for the agency is that they felt --
26 there were very few people, only about 29 percent
27 of folks were satisfied with the level of
28 representation in management.

29 And then as you can see the last one,
30 there was a very broad understanding of
31 ecosystem effects and threats to the environment
32 by the angling community.

33 So we'll have more on that in the
34 next few months. We'll have the final report
35 out, we hope, in October or November and then all
36 the data behind it will be publicly available and
37 we will disseminate the results of it to councils
38 and states and within the agency to try and make
39 sure that decision makers have in front of them
40 sort of the latest opinions of anglers to help
41 guide their decision making.

42 So coming up in the future with the
43 rest of this year, we've got the MAFAC
44 Recreational Fisheries Working Group is working
45 on an exercise to try and provide the MAFAC
46 vision for where rec fishing should go.

47 As you'll hear in just a second, the
48 recreational action agendas from the regions

1 will be updated this fall. We should have
2 finals of those out in October. The angler
3 expenditure survey results from 2011 should be
4 coming out in the few weeks, and that's a
5 detailed breakdown of exactly how the money was
6 spent by anglers.

7 In '14 we've got an economics
8 workshop for stakeholders that will be put
9 together trying to help us figure out how to
10 field gaps in socioeconomic data collection
11 analysis. Importantly, the National Saltwater
12 Summit has been scheduled and funded for the
13 first week of April.

14 So if you recall, in 2010 we did a
15 summit that really kicked off this whole
16 initiative and gave us sort of a road map of where
17 to go. Well, we were able to work and secure the
18 funding for that for next year, so keep your eyes
19 open for a save-the-date, but just for those of
20 you here it's going to be the first week of April.
21 We're not sure, you know, if it's a
22 Tuesday-Wednesday, Wednesday-Thursday, or not.
23 And then from the feedback from that we will
24 develop the next generation of the national
25 action agenda.

26 And with that I will conclude and
27 hand it over.

28 MR. MCCREARY: Thank you Russ. So
29 do you have another component of your
30 presentation or do you want to take --

31 MR. DUNN: I'll do it however you
32 guys want.

33 MR. MCCREARY: I would say let's
34 roll forward if they fit together, and then pause
35 for questions at the end.

36 MR. BLANKINSHIP: That sounds good,
37 and I agree with that approach. My name is Randy
38 Blankinship. I'm the Southeast Branch Chief
39 for the Highly Migratory Species Management
40 Division.

41 So there are two recreational HMS
42 fisheries coordinators. Brad McHale is the one
43 for the northern area for HMS, I'm the one for
44 the southern area for HMS. And then also we've
45 had a couple of folks really help out a lot in
46 the work that we've been doing on the
47 recreational action agenda. And that's Cliff
48 Hutt, next to me, and Jen Cudney also, and so we

1 really appreciate their help.

2 So I'm going to step through these
3 slides relatively quickly because Ron Salz and
4 Cliff both have portions of the presentations to
5 come. This is kind of focusing down on HMS.
6 Russ mentioned that there are regional action
7 agendas that are being developed and will be
8 rolled out this fall, and HMS is treated in this
9 process like a region in and of itself and so this
10 is talking about the HMS action agenda itself.
11 It will be coming out in its final version later
12 this fall.

13 So the first agenda was released in
14 2011. They are on schedule to be updated about
15 every two years. And so this is the first update
16 of that agenda. It encompasses a lot of the
17 input that we received from the HMS recreational
18 fisheries public conference call and webinar
19 that we held on May 15th, and that had input from
20 HMS-AP members, from a couple of MAFAC
21 Recreational Fisheries Working Group members
22 that attended from the Atlantic coast and Gulf
23 of Mexico, and then also members of the general
24 public that weighed in. And some of
25 you here participated on that call.
26 Specifically, a couple of the takeaways that we
27 heard during that call was support for improving
28 catch and fishing effort data, concern about the
29 potential to underestimate landings of trips
30 from private docks and marinas in particular,
31 and then also interest in estimating economic
32 impact of HMS private and for-hire trips.

33 So on this slide, this shows kind of
34 the rough organization of the agenda. These
35 five overarching goals apply to the pillars for
36 this initiative nationally that Russ referred to
37 in his slide and so we'll walk through these
38 fairly quickly.

39 The first one is to improve
40 recreational fishing opportunities for HMS.
41 And under this particular goal we have some
42 projects that will help us to focus our efforts
43 at ICCAT to vigorously advocate for fair and
44 equitable treatment of recreational interests.

45 In particular we'll be looking at
46 bluefin tuna and then also maintaining the
47 marlin 250 fish limit for blue and white marlin
48 as well as other ICCAT managed species.

1 Also we'll be, through Amendment 7
2 we have proposed to provide equitable
3 opportunities to land trophy bluefin tuna
4 throughout their temporal and geographic range,
5 and that has already been discussed yesterday.

6 And then also we'll be working to
7 develop a proposal to assess angler satisfaction
8 in HMS fisheries. And this will be particularly
9 useful for us to kind of see where we are and what
10 we've been doing well and where we need to
11 improve. And so that will be dependent on
12 funding. We're hoping to get some funding to do
13 that.

14 Second goal, to improve
15 recreational catch, effort and status data
16 includes efforts that are primarily led by the
17 NOAA Office of Science and Technology in some
18 projects that Ron Salz will talk about a little
19 bit later, and a number of pilot studies that are
20 close to be being final, and final reports will
21 be coming out soon.

22 Also we'll be looking to improve the
23 speed and ease with which tournaments are
24 registered, and then also working on
25 incorporating new technologies for reporting of
26 catch information via the Web and app based
27 applications, as well as improvements in the
28 phone reporting system for billfish and
29 swordfish reporting as well as was referenced
30 earlier, the mako live release data collection
31 portal on the Web and through applications for
32 smartphones as well.

33 Goal 3 is to improve social and
34 economic data on recreational fisheries. And
35 this includes the first objective which was also
36 in the previous plan contingent on finding
37 funding for this kind of work for the benchmark
38 analysis of socioeconomic in recreational
39 fisheries previously done by Dr. Denton out of
40 Texas A&M. And we're looking to try to update
41 some of that work, and once again we'll be
42 working to secure funding for that work.

43 And then also we'll be looking to
44 collect socioeconomic data specifically from
45 HMS recreational anglers through MRIP
46 expenditures study, and then also for
47 charter/headboat owners and captains with a
48 study that's already begun, and Cliff will be

1 talking some more about that in just a moment.

2 Goal 4 is to improve communication.

3 And I want to take just a moment to tell you all
4 that you are a very important part of this
5 particular goal. The advisory panel is one of
6 the best ways that we can obtain information from
7 your constituents and that we can also
8 disseminate information out to constituents.
9 And so I want you to know how much importance that
10 we place on your role here at the table at these
11 meetings, and thank you very much for
12 participating.

13 We will also be working through
14 several other mechanisms, through tournaments,
15 through on the ground opportunities at boat
16 shows or at other fishing organization meetings
17 and other things that come along to disseminate
18 information and materials to the public.

19 We'll also be seeking to recruit
20 recreational participation and shark stock
21 assessments through the SEDAR process. That's
22 an ongoing challenge particularly for private
23 shark anglers. Those are folks that it is
24 difficult to find those representatives
25 sometimes that have the time to participate.

26 Also we will be working with the MRIP
27 group through their communication education
28 team to increase awareness of MRIP projects, and
29 then also work to distribute through new outlets
30 our recreational, commercial, and dealer
31 compliance guides, all of which have been or are
32 being updated right now and are available on the
33 Web, available right out here.

34 And so, you know, I want to make sure
35 that you all are aware of those and that you take
36 opportunities to let folks know that they're
37 available as well and that we're working to
38 improve through new products, you know, other
39 outreach opportunities as well such as the shark
40 identification placard that is out available
41 right now too.

42 Goal 5 is institutional
43 orientation. And a couple of things here relate
44 to maintaining the representation of
45 recreational and other interests, commercial as
46 well here on the AP, which is dictated and
47 specified in the 2006 HMS FMP.

48 And then also working in a dedicated

1 fashion to engage in outreach to the public and
2 to the advisory panel and to other groups to seek
3 input, and then also to use that input to help
4 inform our process and to inform leadership
5 about ongoing HMS measures and issues and all
6 that.

7 So there's a new section in the
8 agenda toward the end behind the goals that is
9 called Additional Activity Supporting
10 Recreational Fisheries, and these are things
11 that are ongoing. It doesn't mean that they're
12 not important, and in fact they are some of the
13 most important things going on.

14 And in fact, the first bullet there,
15 improving and maintaining healthy HMS stocks and
16 access to recreational fisheries, from a
17 recreational standpoint is one of the most
18 important things that we do and probably one of
19 the things that we spend the most time doing, and
20 so it actually supports everything else.

21 And it is through that that we want
22 to maintain fair and equitable access to
23 recreational fisheries consistent with legal
24 obligations, with stock health and the goals of
25 the HMS FMP and its amendments.

26 Now some of the other ongoing things
27 that we have going are listed here as well that
28 take up a lot of time and that provide, you know,
29 services to the recreational fisheries as well.

30 And with that I'll hand it over to
31 Cliff to continue with the presentation.

32 MR. HUTT: Thank you Randy. My
33 name's Cliff Hutt. I'm the Sea Grant Fellow for
34 HMS this year and I've been working on a couple
35 of different data collection projects
36 associated with our recreational fisheries that
37 I'm going to talk to you about today.

38 We have recently started a logbook,
39 a cost/earnings logbook study of our
40 charter/headboat fleet, and I've been working on
41 analyzing some data from the angler expenditure
42 survey that Russ was talking about earlier.

43 We developed the logbook study for
44 the charter/headboat fleet with the cooperation
45 and help of several people who are in this room.
46 We did a conference call and we sent out proposed
47 logbooks to several AP members to get their
48 feedback on them.

1 We eventually, once we had those
2 developed where we were happy with them we sent
3 the logbooks out to a sample of approximately 20
4 percent of our permitted charter/headboat
5 captains, and this is covering the full Atlantic
6 HMS region from Maine all the way down to the Gulf
7 states.

8 And these logbooks are designed to
9 collect data on their costs and earnings
10 associated with trips that are targeting HMS
11 species, only the ones targeting HMS, so if
12 they're going after other species they don't
13 have to fill in logbooks and send them to us.

14 We collect the data on what specific
15 HMS species they're targeting on these trips and
16 what fishing methods they're using. We did not
17 add in a bunch of questions about, you know,
18 their catch and about specific numbers of what
19 fish they've caught to try to minimize any kind
20 of repetitive data collection from other
21 logbooks.

22 Individuals who were selected were
23 provided with several of the trip summary
24 cost/earnings forms in addition to no fishing
25 forms, and these were mailed out in early July.

26 We asked the individuals to report
27 on a weekly basis, however, they have the option
28 on the no fishing forms if they know they're not
29 going to be targeting HMS for several weeks they
30 can indicate that on the no fishing form and
31 they're covered for that time period. The
32 logbook collections are ongoing as are follow-up
33 calls to noncomplying captains.

34 The other project I'm going to talk
35 about is our analysis of the expenditure data
36 from the survey that Russ was talking about
37 earlier. Because HMS anglers represent such a
38 small proportion of the overall saltwater angler
39 population, in order to get good data you kind
40 of have to do kind of separate targeted surveys
41 of them in order to get adequate sample sizes
42 that say anything. So as an add-on to that
43 expenditure survey they did a separate
44 expenditure survey of HMS angling permit
45 holders. And we've taken that data and done
46 some additional analysis with it on top of the
47 standard analysis that was being done by the
48 folks down at S&T.

1 For a little details on this survey,
2 these surveys were conducted in two-month waves
3 so every two months a different group of anglers
4 were selected to fill out the survey. For our
5 data we've got people from basically the LPS
6 region and they were asked for expenditures on
7 their most recent trip, which is why they did the
8 two-month wave thing because didn't want to send
9 out one batch of surveys at one time of year and
10 all the trips come from that one time of the year.
11 You wanted to get data on trips from throughout
12 the year.

13 For our analysis I divided the
14 anglers based on their target species group.
15 Were they going after tuna, billfish or sharks?
16 I then calculated their average expenditures on
17 different items for their trip.

18 At this point the survey asked for
19 trip specific expenditures like your gas, your
20 bait, travel expenditures in addition to your
21 durable good expenditures. Did you buy a boat
22 that year, rods and reels, other tackle?

23 At this point I've analyzed the trip
24 expenditure data and I'll be working on the
25 durable good expenditure data this fall. We
26 were able to estimate total expenditures within
27 the LPS region by expanding those average
28 expenditure estimates by the number of private
29 HMS boat trips that were conducted based on
30 analysis from the LPS.

31 And we were then able to assign total
32 expenditures by different items to different
33 economic sectors, and conduct an economic impact
34 analysis with a program called IMPLAN which
35 would allow us to estimate the total economic
36 impact of the trip expenditures within that
37 region and the amount of employment created.
38 And this data can be used to help support
39 rulemaking efforts.

40 For a sample we got a little over
41 1,000 tuna trips, about 100 billfish trips and
42 little over 100 shark targeting trips. Not
43 entirely surprising considering this is coming
44 from the LPS region and didn't include the south
45 Atlantic and the Gulf.

46 Average trip expenditures range
47 from about \$540 for tuna trips to over \$1,000 for
48 billfish, which kind of makes sense because tuna

1 trips typically a little closer in-shore up in
2 the northeast, and whereas with billfish trips
3 a little further offshore and they pretty much
4 spend their entire time trolling so they're
5 burning more gas.

6 The biggest expenditure for all
7 these trips was boat fuel, we're talking about
8 60 to 80 percent of the costs, followed by food
9 and drink and bait. From the LPS we've got
10 estimates of total directed boat trips for these
11 different groups. A little over 27.6 thousand
12 for tuna, over 5,000 for billfish, and almost
13 7,000 for sharks.

14 The total expenditures ranging from
15 around \$15 million for tuna, close to \$6 million
16 on billfish, and about \$3.8 million for shark
17 trips. And the shark trips being this region
18 we're talking mostly threshers and makos.

19 When we did the economic impact
20 analysis, those expenditures result in about a
21 little over 200 total jobs in the LPS region.
22 And when I say -- that number sounds small, I
23 know. But in these economic impact analyses
24 these numbers represent full-time equivalent
25 jobs, so 40 hours a week, 52 weeks out of the
26 year.

27 So there's a lot more jobs that are
28 probably being touched by HMS trips, but if
29 you've got 40 people who are only spending one
30 hour on average a week servicing HMS people, the
31 analysis only considers that as one job or one
32 full-time job for a year.

33 The total outputs for those were
34 about \$19 million for tuna trips, \$7-1/2 million
35 for billfish trips, and a little over \$4-1/2
36 million for shark trips. I've also broken that
37 out with the value added and labor income.

38 Value added represents that portion
39 of total output that is industry profits or labor
40 income. Of course labor income is that portion
41 of value added that's labor income. So from
42 these numbers you can see roughly half of the
43 value added was labor income and the other half
44 was industry profits.

45 And that's the end of that
46 presentation.

47 MR. MCCREARY: So let's pause and
48 see if there are any questions on this set of

1 presentations. Not seeing any -- there we are,
2 Rick Weber?

3 MEMBER WEBER: You said you had
4 about 25,000 permits issued last year and 4,000
5 C/HB, but the other day we celebrated having
6 4,400 people in the fish news list. Isn't there
7 a way to get the other 25,000 on the fish news
8 list?

9 MS. SCHULZE-HAUGEN: So the lists
10 serve as a self-registration kind of thing so
11 people have to go out of their way to do it.

12 MEMBER WEBER: And maybe it
13 shouldn't be. That's all I'm saying.

14 MS. SCHULZE-HAUGEN: Well, so I'm
15 not sure we're collecting as a requirement email
16 addresses right now through permitting. That's
17 what would have to happen.

18 MR. MCCREARY: Okay, any other
19 questions? Steve?

20 MEMBER JAMES: Steve James. I
21 didn't put my card up because I figured this was
22 more appropriate for an offline conversation,
23 but whoever's doing the recreational stock, the
24 shark stock assessment, I'd very much like to get
25 involved with you there. So thank you.

26 MR. MCCREARY: Okay, thank you.
27 Rom?

28 MEMBER WHITAKER: Yes, my question
29 is about the price of the HMS permit. I think
30 it's \$27. It seemed like somewhere in our
31 conversation that you all are limited as to what
32 that price can be.

33 MS. SCHULZE-HAUGEN: That's
34 correct. There's a formula where our costs and
35 personnel and things go into it. It's not
36 something that we have a lot of influence over.
37 So it's a formula of costs and then expected
38 issuance, and then that money goes back to the
39 Treasury, so we don't retain it.

40 MEMBER WHITAKER: Oh. Well, in
41 that case keep it where it is. If you all
42 retained it I would say that \$27 is a small price
43 to pay for that privilege.

44 MR. MCCREARY: Thank you.
45 Steve?

46 MEMBER THOMAS: Just curious. Do
47 you have any studies planned for a socioeconomic
48 impact to the Gulf of Mexico?

1 MR. HUTT: We have just in this past
2 week submitted proposals to Russ's shop for
3 funding, one of which would look at expanding
4 that angler expenditure survey through the south
5 Atlantic and the Gulf of Mexico. And we are also
6 proposing another one to look at the economic
7 impact of HMS tournaments throughout the HMS
8 management region.

9 And, you know, I mean if Russ can't
10 fund them we will pursue other avenues for
11 funding as well. His was just the first
12 deadline that came up.

13 MEMBER THOMAS: Just give it up Rick

14 --

15 MR. MCCREARY: Thank you.

16 Rick?

17 MEMBER BELLAVANCE: Thanks. Rick
18 Bellavance, a charter boat operator from Rhode
19 Island. I just had a question in regards to
20 regulations and changes in regulation and the
21 impact on the economics of fishing in a
22 recreational community.

23 Has there been any thought given to
24 looking back over time of regulation changes and
25 coming up with some sort of an idea of what effect
26 that may have had on the economics of the
27 recreational fishery in HMS?

28 MR. HUTT: We haven't particularly
29 talked about that, but I mean there's such a
30 thing, could be possible, you know, if you've got
31 past data on trips like we had from MRFSS and MRIP
32 of trying to -- there are certain analyses you
33 can do to try and look at trends and trips and
34 see if there are certain events where those
35 trends may have shifted, like time series
36 analyses. That would definitely be something
37 we could look into potentially.

38 MEMBER BELLAVANCE: I would
39 recommend that if possible.

40 MR. MCCREARY: Thank you, Rick.

41 Ron?

42 MEMBER CODDINGTON: Any plans for a
43 socioeconomic study in Florida, remembering
44 that Florida is number one in the nation in
45 saltwater anglers. We have 2.4 million
46 saltwater anglers. We have \$25 million in just
47 revenue for saltwater fishing licenses. Our
48 economic impact of saltwater fishing is

1 estimated at \$7.1 billion. You're missing a big
2 piece of the puzzle if you don't look at Florida.

3 MR. HUTT: And we are well aware of
4 that and Florida would be, as those two studies
5 I mentioned of looking at the south Atlantic and
6 Gulf, Florida would be a very big part of that
7 because that is a big part of the licensed
8 anglers in both those regions.

9 MR. DUNN: There are also other
10 efforts outside of HMS. So the Office of Science
11 and Technology, they're socioeconomics division
12 has various surveys or studies going as well as
13 the Southeast Regional Science Center also does
14 socioeconomic work.

15 So if there isn't something here
16 there may be something in one of those others.
17 I can try to poke around and see what's where.
18 But, for example, the breakdown of the 2011
19 expenditure survey will be very detailed.
20 It'll go down state by state and, you know, it
21 splits Florida, east coast/west coast and that
22 sort of thing.

23 MEMBER CODDINGTON: Thank you.

24 MR. HUTT: And my understanding is
25 that report should be out soon.

26 MR. MCCREARY: All right, I think
27 that is a perfect segue to Ron Salz'
28 presentation. And Walt promises to be concise,
29 so go ahead.

30 MEMBER GOLET: I just wanted to let
31 you know, we can talk about this offline, but
32 there is an app right now under development for
33 the bluefin rec fishery that's going to be cross
34 platformed that's under programming. Maybe we
35 can discuss that afterwards.

36 MR. MCCREARY: Great. Thank you
37 very much for that presentation.

38 Ron, welcome. Good to see you.

39 DR. SALZ: Thank you.

40 MEMBER WHITAKER: I did have one
41 more comment if it's okay.

42 MR. MCCREARY: Yes, go ahead.

43 MEMBER WHITAKER: And I've worked
44 with Ron and Cliff on this charter/headboat
45 survey and of course, you know, fishing every day
46 things get very busy, and in the middle of the
47 seasons and I'm sure they do for everybody. But
48 hopefully we can streamline this form much more

1 than it is, and even, I don't know, I'm hoping
2 you all got mine. When I mailed it back in the
3 pre-stamped envelope it was returned to me by
4 U.S. Mail saying there wasn't enough postage, so
5 I put it in another envelope and sent it again
6 with double stamps. But anyway, just bringing
7 up a problem.

8 MR. HUTT: I will talk to our
9 contractor about that.

10 (Pause)

11 MR. MCCREARY: Go ahead, Ron.

12 DR. SALZ: And realizing that I'm
13 the only thing that stands between all you and
14 lunch this is going to be the quick version.
15 I'll be around for more detailed questions or you
16 can always call me after the meeting. Let's
17 see, I think that's not the right slide to start
18 with. Let's go back to the beginning. There we
19 go.

20 Okay, so as always I appreciate the
21 opportunity to present to this group and more
22 importantly to get feedback. You know, as Randy
23 mentioned, how we view it is a two-way line of
24 communication, and we've used a lot of the
25 feedback, the ideas we've gotten from this group
26 in the past to help us with some of the MRIP pilot
27 studies, and I've even recruited some of the
28 folks on this AP to participate in those pilot
29 studies. So really appreciate that.

30 So for today I'm going to talk about
31 one particular study and it's a big project.
32 It's looking at the large pelagic survey. And
33 as some of you probably know, the LPS is
34 conducted from Maine through Virginia in the
35 months from June through October, and it is the
36 primary source for recreational bluefin tuna
37 data that's used to monitor that angling
38 category quota.

39 But it's not just a bluefin survey.
40 It also collects important information on other
41 HMS species. And so as part of MRIP, you know,
42 particularly with the additional resources and
43 funds that MRIP has provided my office, Science
44 and Technology, we have an opportunity here to
45 make some significant improvements. But I
46 don't want the message to come across that, you
47 know, something's severely wrong with the LPS
48 or, you know, why are we improving it now.

1 The LPS like all of our surveys has
2 never been static. We're always looking to
3 improve it. That's part of my job performance
4 and, you know, since I took over the LPS in 2005,
5 each year we have made improvements in terms of
6 data quality, data timeliness, coverage of the
7 survey. So it's continually improving.

8 But as I mentioned, MRIP affords us
9 additional resources to make some bigger
10 changes, and I'll get into some of that but
11 particularly also looking at the scope of the
12 survey, you know, the temporal and spatial
13 scope, the areas that are not covered currently.

14 So the project officially got kicked
15 off with a workshop we held in Alexandria, a
16 two-day workshop. This is for the project team
17 members, there's 13 of us, to meet face-to-face
18 and, you know, talk about the scope of the
19 project and the main objectives and then look at
20 some of the high priority areas that we want to
21 focus on.

22 I'm not going to mention all the
23 project team members, but we do have good
24 representation from, we wanted to make sure we
25 had the data users there so HMS management has
26 representation, the stock assessment folks from
27 Miami.

28 We have, as I mentioned there's two
29 members of this AP, Rick Bellavance and Rom
30 Whitaker are on the project team, and as well as
31 expert consultants from academia, two of whom
32 were on the original NRC review panel that
33 reviewed the recreational surveys in general and
34 particularly MRFSS.

35 And then the team is rounded out by
36 folks from science and technology with expertise
37 in survey design, survey implementation and
38 survey statistics.

39 So one of the key themes at the
40 workshop was to identify the management and
41 assessment needs for recreational HMS data.
42 And, you know, I think this is critically
43 important to understand for us, why do we collect
44 this data?

45 It doesn't exist in a vacuum, it's
46 collected to be used. And really, it's those
47 needs that should be driving the data
48 collection. It shouldn't work the other way

1 around that the data you collect limits what you
2 can do in terms of management and assessment.

3 So we're constantly aware of that
4 and, you know, I think this is what should drive
5 the redesign of the survey. And given that, you
6 know, I think the more specific you can be about
7 those needs, because anyone could say, we need
8 100 percent accurate, precise, full coverage and
9 timely, you know, to the minute data on every HMS
10 species.

11 Well, that's not feasible. And
12 this is where you get into priorities and
13 specifics as to what you really need. And when
14 I say specifics, you also don't want to forget
15 the surveys have variances, you know, we talk
16 about precision and the confidence intervals.

17 And so we need to hear from
18 management and the assessment folks, what types
19 of confidence intervals, what levels of
20 precision are you comfortable with in using the
21 data and for what purposes? So this is the
22 specificity that we're looking for as the data
23 collectors which will help in the redesign.

24 So out of the workshop we identified
25 at least for the current survey, three focus
26 areas, areas that we want to focus on first. And
27 these are not all the issues necessarily that,
28 you know, we may fix with LPS, but these are the
29 three that came out as priorities. And also
30 these were mentioned, if you read the NRC report,
31 the review of the MRFSS, there are similarities
32 between the NRC recommendations for the MRFSS
33 survey and the LPS. And so these are not, you
34 know, unfamiliar.

35 The first one, I'm not going to get
36 into the detailed statistics and the mathematics
37 behind this, but the mismatch between design and
38 estimation. So if you think of design as how you
39 go about collecting your data, but then the
40 estimation method is what you do with that data.

41 You take the data and you produce
42 estimates of catch and effort. And it's those
43 programs, it's those formulas that are
44 critically important. And so if these, if your
45 estimation method doesn't match how you went
46 about collecting the data you have a mismatch and
47 you have potential for bias.

48 And so we want to look at cleaning

1 up some of that mismatch and adding things like
2 sampling weights and taking into account the
3 probability of selection of each element that
4 you collect into the estimation programs
5 themselves. So it's a more sophisticated
6 approach, but we feel like in the end it gives
7 you unbiased estimates that, you know, you can
8 better support and stand behind.

9 The second area we wanted to look at
10 is departures from probability based sampling.
11 So getting back to your estimation method, if
12 you're going to take into account the
13 probability of selecting an element, and when I
14 say element it could be a fishing trip, an HMS
15 fishing trip, in your survey you need to know
16 what the probability is that that particular
17 trip was sampled.

18 And what gets you away from or makes
19 it difficult to know that probability is when the
20 samplers have some discretion in the field as to
21 who they're sampling or what sites they go to or
22 what times they sample at.

23 Now in defense of the current
24 survey, the reason we allow some discretion is
25 to basically increase our sample size, because
26 more sample size means you can improve your
27 precision. And so, you know, when the survey
28 was originally designed the budget was a lot
29 smaller and there was a big emphasis on, we need
30 more sample, you know, with the number of
31 assignments we're issuing.

32 And so it's a trade-off is basically
33 what I'm saying. You trade off and you allow
34 some discretion on the part of the sampler to go
35 to the site at a particular time because they
36 know they can get interviews as opposed to
37 forcing them to go to a site at a specified time
38 when nobody is returning from fishing trips.

39 So there are trade-offs here and
40 that's an important point. But we, in moving
41 forward with the design we want to try to clean
42 up these departures from probability based
43 sampling so we will know the probability that
44 each particular element was selected.

45 And then thirdly, another area that
46 was identified is private access. And the issue
47 here is not so much that we don't know who the
48 private access anglers or captains are, but it's

1 very difficult to pull up to somebody's house,
2 knock on their door and ask them to do a survey.

3 So if someone is keeping their boat
4 behind their house, we can't intercept them in
5 the field in our dockside survey. Where we can
6 get information from them is offsite, so if we
7 do a telephone survey, for example. And they
8 are included in our telephone survey frame so
9 they're part of our effort-estimate estimate.

10 But we use the dockside survey for
11 catch per effort, and so the real question here
12 is, do folks that take HMS trips that return to
13 these private access sites, private docks, say,
14 behind their house, are there catch rates
15 different than the catch rates of the folks at
16 the marinas and the boat ramps that we are able
17 to sample at? And this is a big question which
18 we have just started to, you know, dig into and
19 possibly consider some pilot studies to look at.

20 And so the third sort of major theme
21 at the workshop, and what we'll continue in this
22 project, is a question as to whether the large
23 pelagic survey can and should be merged with the
24 general survey. And here mostly we're looking
25 at the dockside surveys. So we do a
26 dockside survey which was formerly called the
27 MRFSS, now it's the MRIP, and we also do a
28 dockside survey for large pelagics. And there
29 are some ideas that are floating out there for
30 possibly merging the two, and I'll get into some
31 of the potential advantages and disadvantages
32 of that decision.

33 Okay, so as far as, I'm just going
34 to go through, you know, the areas what we've
35 actually done since the workshop in April, and
36 then talk about sort of the timeline and where
37 we're going with this project.

38 As far as improving the estimation
39 methodology, we have expert consultants on board
40 from Colorado State, one of whom was on the NRC
41 panel and both of whom participated in the MRFSS
42 reestimation. So we're going to utilize the
43 experience they had with the MRFSS to, you know,
44 it'll facilitate the LPS reestimation and make
45 it go a lot quicker, we hope.

46 I mentioned the MRFSS. There are
47 similarities between the surveys. There are
48 also important differences. But we can learn

1 from the experiences in what we did to improve
2 the MRFSS estimation method for LPS.

3 So sort of the grunt work is you have
4 to compile the data, you have to make sure it's
5 clean. Some of the data elements which we had
6 not previously used in estimation and we're now
7 considering using in a modeling approach have
8 had to be cleaned.

9 And also we're trying to evaluate,
10 you know, how good is the data the further you
11 go back, because there tends to be an erosion
12 over time. And not only how good is it, but how
13 consistent is it with the formats and the, you
14 know, as I mentioned the survey changes over time
15 so if it's not consistent it's hard to develop
16 a model that will cover all 11 years that we have.
17 So we need to think about, you know, how many
18 years back can we go.

19 So as far as estimation method, the
20 next steps as I mentioned, we need to determine
21 the scope. With the MRFSS they decided
22 initially to go back to 2004, so we've
23 reestimated MRFSS to 2004.

24 But we need to decide for LPS, you
25 know, how far back are we going to go. And then
26 consider, you know, sort of the difficult part
27 is developing the actual approach, developing
28 the models and the programs. Because since we
29 don't know, you know, going back in time we don't
30 know the probability that each element was
31 selected so you have to model that.

32 And you can model it in a number of
33 different ways, but we need to work with our
34 expert consultants from academia and also inside
35 the agency and figure out the best approach.
36 Once we come up with an approach it has to be
37 certified through the MRIP certification
38 process.

39 So MRIP is to a large extent a
40 certification program where, you know,
41 methodologies go through the operations team and
42 executive steering committee, and then once they
43 get that stamp of approval, then what that says
44 is you can then use MRIP funds, importantly, to
45 implement that particular method. So that's
46 really what the certification is all about.

47 So if certified we would apply the
48 new estimation approach to the historical data

1 as far back as we decide we want to go, and then
2 similar to what we did with MRFSS we'd compare
3 the old versus the new estimates, and hopefully
4 we'd put it online.

5 If you go into our Web query site
6 right now, you can click on a query that will
7 compare the old MRFSS data with the new MRFSS
8 data, so you can actually see the differences.
9 And we hope to do the same thing for LPS to keep
10 all our constituents informed as to what has
11 changed with this new approach.

12 I will say that as far as MRFSS goes,
13 the changes were not that big. So, you know, a
14 lot of the assumptions we were making under the
15 old estimation approach were actually not that
16 bad, and we're anticipating that, you know, the
17 changes similarly for LPS will not be all that
18 great.

19 But there will be new numbers to deal
20 with, and so we'll have to evaluate those
21 particularly for their impact on management and
22 on the stock assessments that have been done
23 using LPS data. And then if necessary, if the
24 changes are big enough and particularly if
25 they're uni-directional, you may want to
26 consider some sort of calibration approach so
27 that you can calibrate for any of the years that
28 we may not reestimate. So this was needed for
29 the MRFSS approach as well.

30 Okay, I'm going to quickly go
31 through, you know, I talked a little bit about
32 private access and why that is an issue. It's
33 an issue for all dockside fishery surveys, you
34 know, not particular to LPS.

35 But we know from the phone survey
36 data, at least what people are telling us is
37 anywhere from 20 to 25 percent of LPS trips are
38 returning to these private access sites that we
39 just can't interview at.

40 So we're working with Lynne Stokes
41 from SMU and one of her grad students. Lynne was
42 also on the NRC panel. And we're starting to
43 look at some of the phone survey data because
44 that's where we do have private access folks in
45 the mix.

46 We also, while we don't use catch
47 data from the phone for our estimation, for our
48 catch estimation, we do collect some limited

1 catch data on the phone. And so we have the
2 ability to compare some of that and we've started
3 to look at that data and, you know, I think
4 that'll help us decide how we want to address
5 this private access issue moving forward.

6 So some of the options could be to
7 try to interview them either more sampling at
8 fuel docks, you know, because everyone has to
9 stop somewhere to fuel up, or if they participate
10 in tournaments, you know, some private access
11 folks will stop to weigh their fish in.

12 So there may be ways you can actually
13 interview them in the field. But if not, then
14 we can start to look at some offsite methods.
15 And, you know, I mentioned you could do an
16 additional phone survey with just those private
17 access folks or you can do a panel study or a
18 longitudinal study, you know, where you follow
19 a representative sample of private access
20 anglers and over time to see if their fishing
21 behavior and particularly their catch rates are
22 different from the folks that you're actually
23 able to interview.

24 And then sort of the, you know, the
25 big question is should LPS, particularly the
26 intercept survey, the dockside survey, should it
27 be merged with the general survey?

28 And we just started, you know, really we
29 don't know yet where this is going to go but we
30 thought we should just lay out, you know, the
31 pros and cons. And some of those include, you
32 know, the efficiency gains of having the two
33 surveys combined so the information from both
34 can be combined.

35 As far as using the data it'll be
36 easier. You won't have to, you know, currently
37 I know a lot of the assessment folks when they're
38 doing an assessment of a species, you know, for
39 the Atlantic they'll use LPS data for Maine
40 through Virginia and then MRIP data for, you
41 know, south of Virginia. And, you know, so
42 they're different surveys, different methods.
43 You can't combine the variances. That's one
44 thing, so it's very difficult to produce a graph
45 of confidence interval for the whole region.

46 And so, you know, there is that
47 advantage. Also it could reduce reporting
48 burden to some extent, you know, if folks are

1 being selected for both surveys. And just
2 overlap in the field, you know, sometimes we'll
3 have two samplers, one LPS and one MRIP scheduled
4 to go to the same site on the same day. So it
5 will eliminate that problem.

6 But there are some hurdles, you
7 know, I put disadvantage, but really these are
8 more challenges or hurdles that I think are
9 important to consider. There are still
10 significant differences between the surveys in
11 terms of timeliness, in terms of the mandatory
12 aspect of the LPS.

13 And also many of the questions we ask
14 on LPS, which we have a time series now, are not
15 asked on the MRIP. So we would have to reconcile
16 some of those differences. In addition to that
17 the effort component of our surveys because, you
18 know, we're mostly talking about the dockside
19 where we get catch, catch per effort, but the
20 effort components are very different.

21 And for the MRIP we're actually
22 about to launch most probably, well, I don't want
23 to say next year because I don't know where it
24 stands right now, but we are in the process of
25 launching a new effort survey for MRIP. And so,
26 you know, that's going to be different than what
27 we're currently using for LPS to collect effort.

28 So there are these considerations
29 but it is something that we are at least thinking
30 about, the possibility of merging the survey
31 approaches. So quickly, the timeline, you can
32 see what we've done and what's in progress.

33 But, you know, importantly, as far
34 as estimation, if the report comes out in the
35 spring which is what we're hoping, you know, as
36 early as the summer of 2014 we could start the
37 actual process of producing new estimates. Now
38 they would have to go through internal review and
39 then, you know, we would put it out for external
40 peer review, but possibly by late 2014 we would
41 have new estimates posted and out there for the
42 public.

43 And then, you know, the report with
44 the design recommendations will also come out
45 the later part of 2014 and which would mean 2015
46 might be the first year we would consider pilot
47 testing a new design.

48 So we're not going to jump into a new

1 design, you know, without thoroughly pilot
2 testing it, particularly if we decide to merge
3 the two surveys which would be a very big shift.

4 So, you know, I think it's important
5 that we take our time to get it right because,
6 you know, the importance of the data and the time
7 series and we don't want to rush into a major
8 change with the survey. And so realistically
9 the earliest we would pilot test a new survey is
10 2015, and so, you know, the earliest we could
11 implement a new survey would then be 2016.

12 I'm getting the nod, so I think
13 that's pretty much it. That's the MRIP website,
14 and the second site is where you can go to
15 actually look at updates, either final reports
16 but also the monthly reports from this project
17 so you can sort of track the progress of this
18 project as it moves forward, or you can just call
19 me or email me if you want more details.

20 And that's pretty much all I had.
21 So if you want to do questions or just --

22 MR. MCCREARY: Ron, just a quick
23 question. So this presentation is online, I
24 believe, with the HMS agenda?

25 DR. SALZ: Yes, Jenny's shaking her
26 head. So --

27 MR. MCCREARY: Great. So it's a
28 very informative presentation so I assume that
29 folks will be able to get in touch with you.

30 I suggest that we do, in fact, go
31 ahead and take lunch. But if you are going to
32 be around today, and I think you said you will
33 be, perhaps you can entertain questions and
34 follow-ups offline. Thanks very much.

35 So we will take a break now. We are
36 scheduled to hear from colleagues from the
37 Department of State on the U.S./Bahamas maritime
38 boundary at 1:15. That may be a little bit late
39 but we should try to get back as close to 1:15
40 as possible, please. So we're adjourned for
41 lunch.

42 (Whereupon, the foregoing matter
43 went off the record at 12:11 p.m. and went back
44 on the record at 1:27 p.m.)
45

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

(1:27 p.m.)

1
2
3 MR. MCCREARY: All right, welcome
4 back from lunch everyone. We are eager to dive
5 into our afternoon series of presentations and
6 discussions.

7 And we have two colleagues with us
8 from the U.S. Department of State. Margo, do
9 you wish to introduce them?

10 (Off microphone comments)

11 MR. BAUMERT: Thank you Randy, and
12 thank you all. And before we get started, I just
13 want to express our appreciation to NOAA
14 fisheries for including us on the agenda at this
15 meeting.

16 For some of you who were here last
17 year at this meeting, you might remember we gave
18 a similar presentation. So we're going to over
19 some, we figure boundaries aren't something you
20 all think about every day.

21 So we'll rehash a little bit of
22 background, get you up to speed on what's going
23 on with our boundary negotiation with the
24 Bahamas. And what we thought we would do is kind
25 of divide our presentation into a couple parts.

26 First, I'll give background on
27 boundaries and an update on where we are with the
28 Bahamas. And then I'll turn it over to my
29 colleague Brian Van Pay to talk about some of the
30 fishing activity in the area and the data that
31 has been shared with us and to try to get some
32 input from you all on how best we can proceed in
33 advancing our work with the Bahamas on our
34 boundary.

35 So with that I'll jump right in.
36 And we would like to start here with a basic chart
37 on -- I should also apologize to you for my rather
38 beat up appearance. You know, the black eye and
39 all. The world of boundary negotiations is a
40 rough and tumble one. So you know, you got to
41 watch out for those Bahamians. You should see
42 the other guy, right?

43 So we'll start off here with a slide
44 just depicting the basic maritime zones,
45 starting with the 12-mile territorial sea
46 measured from the coast, and then of course the
47 zone that is of greatest interest to this group,
48 the exclusive economic zone extending from 12

1 miles to 200 miles offshore.

2 And also of relevance for our
3 boundary is the continental shelf, which is the
4 sea bed below the exclusive economic zone. But
5 as we'll get into a little bit, the continental
6 shelf can go even beyond 200 miles underneath the
7 high seas area.

8 And what happens, when we have two
9 EEZs, Exclusive Economic Zones or continental
10 shelves of neighboring countries that overlap,
11 then we have a boundary situation.

12 And that's exactly what we have with
13 the Bahamas where our exclusive economic zone
14 and their exclusive economic zone both overlap.
15 And therefore, we need to come together and try
16 to find agreement on the location of the
17 boundary.

18 And just some basics, a little more
19 background on the law. Even though the United
20 States is not a party to the Law of the Sea
21 Convention, it's provisions reflect kind of the
22 widely accepted customary rule on boundaries,
23 which is very simple, simple enough where it can
24 be summarized in just a couple bullets here.

25 The basic approach to boundary law
26 is that boundaries are to be affected by
27 agreement on the basis of international law.
28 What that means is that neighboring countries
29 are to agree by treaty on where the boundary is.

30 So if there's no treaty saying where
31 the boundary is, there's no boundary. Each side
32 can declare where they think the boundary should
33 be, but there's no boundary unless there is an
34 agreement between the neighboring states.

35 And then the agreement is in order
36 to achieve an equitable solution, so the law
37 pretty much leaves it to neighboring countries
38 to figure out amongst themselves where a fair
39 place to put the boundary is.

40 The law does not mandate that it be,
41 you know, splitting the difference or anything
42 like that. There's a lot of jurisprudence from
43 courts and tribunals, but the law is quite
44 flexible.

45 Another thing to kind of keep in mind
46 is permanence. You know, we don't go out and
47 renegotiate our boundaries when one side doesn't
48 like it. Once that agreement is reached, we're

1 pretty much, they go on forever.

2 And so that's one thing, you know,
3 for me and Brian that sticks in our minds. We
4 got to make sure that the United States gets this
5 right. And that's one of the reasons why we're,
6 you know, looking for input from this community.

7 In terms of U.S. practice, treaties,
8 our boundary treaties go through the Senate. So
9 it's not as though the Executive Branch just
10 signs the treaty and then that's done. It's
11 something that we can only finalize after it gets
12 approval of the Senate.

13 And our practice is to use a single
14 all purpose maritime boundary. So the first
15 slide we showed all those maritime zones. So
16 our practice is to have a single boundary that
17 delimits all of the different zones that the line
18 goes through.

19 Just a little more detail. I'm
20 going to breeze this on what's in a boundary
21 treaty you might wonder. Well, basically the
22 key thing is that it's got the line in it and the
23 coordinates, and it specifies that a geodetic
24 line connects the coordinates.

25 And basically what the boundary
26 treaty is is that each side is promising not to
27 assert jurisdiction or sovereignty on the other
28 country's side of the line.

29 Most of these agreements are pretty
30 simple, a few articles. They can be quite
31 complex, particularly if we get into provisions
32 related to resources, hydrocarbons, for
33 instance. But most of the agreements, in form,
34 are fairly simple.

35 In terms of our own boundaries, we
36 have 30 potential maritime boundaries, believe
37 it or not, with 16 different countries when you
38 factor in our Pacific Island territories and our
39 Caribbean territories.

40 And we have now concluded 15
41 boundaries by treaty. One by a decision of the
42 Chamber of the International Court of Justice.
43 And we still have 14 undelimited boundaries, I
44 mean unresolved boundaries.

45 And this is not all that uncommon.
46 It's about half of the maritime boundaries
47 around the world have yet to be finalized. It's
48 something that a lot of countries are working on.

1 Just to show you a little more
2 detail, this just lists the boundaries that we
3 have finalized by treaty. The last three are
4 highlighted just to note that it's a change from
5 last year.

6 Just, in fact, last week we signed
7 a boundary agreement with Kiribas, the Pacific
8 Island country of Kiribas which delimited three
9 of our Pacific Island boundaries. That's not in
10 force, like I mentioned. It has to get approved
11 by the Senate.

12 And then boundaries that are
13 undelimited are listed here. And of course, the
14 one of immediate concern is the Bahamas.

15 You can see it says EEZ and ECS,
16 meaning Exclusive Economic Zone and Extended
17 Continental Shelf meaning this is one of those
18 boundaries that does have a sea bed area,
19 continental shelf, that goes beyond the EEZ.

20 So how do we handle situations where
21 we have undelimited boundaries like Bahamas?
22 We basically declare our limit lines in the
23 Federal Register notice.

24 The Federal Register notice is where
25 we declare all the coordinates for our
26 boundaries and our unilateral limits. So we
27 tell our neighbors, we tell the rest of the world
28 yes, even though we don't have a boundary, this
29 is where we are setting our limit unilaterally.

30 And generally, that is our view on
31 where the boundary should be. The last notice
32 was issued in 1995. All right, let's get into
33 the Bahamas boundary in a little more detail.

34 This slide just shows you the
35 boundary area which, like I said, we favor a
36 single all-purpose boundary. But for
37 explanatory purposes, it's a lot easier, we kind
38 of break it up into three areas.

39 And the first area is the Straits of
40 Florida. And the U.S. position is that the
41 boundary should be on the basis of equidistance,
42 meaning like a line equal distance from the
43 shores of each country.

44 And that's pretty much the same
45 thing that's currently in the Federal Register.
46 So there's a little bit of a difference here, but
47 there's not much new regarding the straits.

48 The second area is north of the

1 straits, and that's really the area of greatest
2 concern and interest to this group. And this is
3 the area within the EEZ, north of the strait.

4 And our position, the U.S.
5 Government's position in the boundary talks with
6 the Bahamas is that the line should be located
7 the same as what is published in our Federal
8 Register.

9 So this is the line that some of you
10 may be familiar with. It's printed on our
11 charts. And it extends from this point here,
12 which is an equidistance point, all the way out
13 to 200 miles. And then it follows the 200 mile
14 line here.

15 And then the Bahamian position here
16 is an equidistance line. So their view is that
17 the approach that the two countries, we
18 basically agree on in the strait should just
19 continue, and we should have an equidistant
20 line.

21 So this yellow line is the Bahamian
22 position. And this whole crosshatched area is
23 what you might think of as the disputed area of
24 the Bahamas. And we'll get into this in more
25 detail.

26 Then the third area, which I'm not
27 going to dwell on much, is again like I
28 mentioned, the extended continental shelf area
29 where we have not officially asserted any
30 position. But that's, of course, not a fishing
31 area. That's high seas area under which there
32 is extended continental shelf.

33 Just to kind of just lay out some of
34 our key interests here, you know, that the
35 boundary team, Brian and I, others, are
36 constantly focused on.

37 You know, we want to maximize our
38 total area where the U.S. can manage and use
39 resources. That includes, obviously, this
40 disputed EEZ area.

41 But also we want to maximize this,
42 again, this extended continental shelf area, for
43 both countries. We want to not cut each other
44 off, in other words, to our maritime claims.

45 And you know, with boundaries we
46 want to provide certainty to users of this space,
47 to U.S. fishermen and others, other interests,
48 oil and gas being another one.

1 You know, we're very fortunate we
2 haven't had a problem with the Bahamas. But
3 it's certainly the case that they claim this
4 area, as well. So we're not in a situation where
5 we have certainty right now.

6 We want to manage the ocean space
7 well from a resource enforcement perspective. We
8 don't want to have, you know, Bahamian boats and
9 fishing boats and U.S. fishing vessels in the
10 same area.

11 And of course, you know, being the
12 State Department, we of course need to maintain
13 our good relations with all of our neighbors,
14 including the Bahamas.

15 And as the saying goes, good fences
16 make good neighbors. And the same is the case
17 with boundaries.

18 So in our negotiations, I'll just
19 say a little bit about this and turn it over to
20 Brian. We had our first round in April 2012.
21 And this is before we met with this group last
22 year.

23 And at that round, we asserted our
24 position and defended it vigorously. The
25 position that I described, which mirrors our
26 current line, current limit lines.

27 And then in the second round last
28 December when we met again, we got very strong
29 push back from the Bahamians asserting their
30 position.

31 And it became quite evident that
32 there was not, you know, a fairly big disputed
33 area like the one I depicted on the slide a few
34 slides ago.

35 But we did have a discussion about
36 a concept of exchanging areas. So you know,
37 what kind of flexibility might each side have?
38 And we talked about the fact that well, maybe
39 there are certain areas of U.S. EEZ that, you
40 know, we are willing to give up.

41 But if so, we would have to get
42 something in exchange for that. So we talked
43 about kind of equal area exchanges.

44 You know, we're not in a position
45 with the Bahamas, considering we have quite an
46 aggressive position, we're not in a position
47 where we're going to pick up a lot of space.

48 But we could view this as an

1 opportunity to get better space if we think
2 there's better areas available that are
3 currently under Bahamian jurisdiction.

4 And if there's, you know, an
5 opportunity for us to gain some of that space in
6 exchange for less valuable space, that's
7 something that we want to explore. And
8 obviously the user communities views on this are
9 of critical importance.

10 And then just a flag. We're
11 expecting, it's not entirely clear, but we're
12 hoping to meet again with the Bahamians later,
13 before the end of this calendar year.

14 So with that, I will turn it over to
15 my colleague Brian to talk about some of the
16 fishing activities and help us have a discussion
17 on how we might improve our situation.

18 MR. VAN PAY: Thanks, Kevin. So
19 much of the effort over the past year has really
20 been domestic. We've been working with a number
21 of our fellow agencies to get a better handle of
22 U.S. interests in this area.

23 So for instance, we've been working
24 with BOEM and USGS and, you know, tell us exactly
25 where we think the hydrocarbon resources are.
26 Even though we don't have any active lease blocks
27 out there, we would like to at least know where
28 the potential hydrocarbons might lie.

29 And then likewise, we've been doing
30 quite a bit of work with NOAA, and especially
31 NFMS on trying to get a handle on the fishery
32 resources. And we've gotten quite a bit of
33 information and data out of their offices from
34 St. Petersburg and Charleston and Silver Spring.

35 And special thanks to Randy and
36 Carlos Rivero, Jennifer Cudney, Steve Durkee,
37 Bonnie Ponwith, and Steve Turner among others
38 who have made some of these maps we're about to
39 show possible.

40 So let me walk through some of these,
41 tell you a little bit about what we're seeing.
42 But more importantly, what we're interested in
43 is getting feedback from you and maybe some of
44 the things that we don't see here, that there's
45 some other issues or aspects that perhaps we're
46 not able to pick up out of this data. And then
47 we'll conclude with a couple of more specific
48 questions than what we had when we were here a

1 year ago.

2 So this first map is VMS locations
3 of U.S. registered vessels over the course of
4 about five years. As you can tell, it's a fairly
5 well used area throughout our EEZ.

6 I think some of the other maps give
7 a little bit more detail in regard to more of the
8 hot spots.

9 So this one, too, is an amalgamation
10 of all the different species, total number of
11 hooks deployed by HMS permitted vessels, again
12 over the course of five or so years. And it
13 looks like there's a couple of hot spots in here.
14 The Charleston Gyre and that area kind of in the
15 southwest, just north of that east/west line.

16 And we recognize that this data's
17 incomplete, that we don't, you know, necessarily
18 know everything that's going on the Bahamian
19 side. And that also there's restrictions in
20 place when we don't necessarily have a handle in
21 regard to some of these other areas,
22 particularly in the straits.

23 So let me walk through some of the
24 individual species. And we recognize not all
25 these are HMS species. But we want to try to
26 again pull out those areas that we need to think
27 about as we're negotiating this boundary line
28 and get some reaction from the folks here in the
29 room.

30 So albacore tuna, again we get that
31 hot spot in the south there. Big eye tuna,
32 pretty similar. Yellowfin tuna, dolphin mahi,
33 swordfish, and then finally wahoo. So while
34 there are differences between these species, it
35 at least seems to us that there's a couple of
36 commonalities here, those two areas that I had
37 mentioned earlier.

38 Now that area to the north, that's
39 not going to be part of the boundary
40 negotiations. That's too far away. But that
41 area in the south certainly is.

42 And so that's where we have a few
43 questions in regard to if we were to make changes
44 to the boundary, might that be an area where we
45 might want to concentrate? And so if this
46 area's more valuable, might we want to bump that
47 area say farther southward in that southwest
48 corner, but in exchange for other areas?

1 So as Kevin mentioned, we may not get
2 a net gain in maritime space, but there's the
3 potential where if we construct the boundary
4 correctly, there might be a net gain, perhaps,
5 in resources depending on how it's structured.

6 So let me conclude with some of these
7 questions that we're facing here is, what new
8 areas should U.S. negotiators target? So it
9 appears to us we have that area in the southwest,
10 and you know, presumably there's also that hot
11 spot continues farther south.

12 We heard last time that the Blake
13 spur might be an area that we should also
14 consider, that that might be another potentially
15 hot spot area for fishing. And then what areas
16 might we be willing to exchange? So if there's
17 areas that we might get, what areas might we be
18 willing to cede in return?

19 And then recreational fishing. We
20 feel this is kind of one of those areas where we
21 don't quite have a grasp on it as much as
22 commercial fishing, because we had the VMS data,
23 it's a little bit easier to understand where our
24 interests lie.

25 And so we would be interested to
26 learn a little bit more about commercial fishing
27 and the extent of their interests, particularly
28 in the straits. Are there areas in the straits
29 where small changes might actually make a big
30 difference for U.S. interests?

31 And so with that, that's the extent
32 of our slides. But we would love to, you know,
33 hear more from the folks here today.

34 MR. MCCREARY: Thank you very much.
35 I assume these are the core questions to which
36 you would like feedback from the panel.
37 And so probably just keeping those questions up
38 on the board would be helpful. And as you
39 surmised, there are people that have advice.

40 Ron?

41 MEMBER CODDINGTON: With respect to
42 recreational fishing, right now with the current
43 status of no negotiated treaty for the EEZ, we
44 can regularly fish within 12 miles of the bank,
45 which is, like, fishing within 12 miles of land,
46 essentially up to their declared territorial
47 waters, also recognizing that we're only 50
48 miles from the Bahamas. So how do you

1 anticipate this affecting us in our blue water
2 fishing?

3 I mean, am I going to need a Lacey
4 attorney on retainer, because if the Coast -- the
5 Bahamians are most likely not going to do it,
6 except with commercial interests. But is U.S.
7 Coast Guard going to start pulling me over 30
8 miles offshore and arrest me for Lacey Act
9 violation every weekend? That's of great
10 concern to us because we've never had to deal
11 with an EEZ, although we recognize that we've
12 kind of recognized an EEZ.

13 Certainly we respect the historic
14 commercial fisheries in the straits before it
15 was shut down, they were brought back to a
16 halfway line. But how do you anticipate this
17 affecting my ability to stay out of jail?

18 MR. BAUMERT: I guess as the lawyer,
19 I'm stuck with having to answer that. But
20 unfortunately, that question is better
21 addressed to Coast Guard, because we really
22 don't have any, you know, the State Department
23 doesn't have a role in kind of the at sea
24 enforcement of U.S. Law.

25 However I'm not, you know, trying to
26 answer your question. But in the straits, you
27 know, we already have an EEZ limit there. And if
28 the agreement were to just maintain the same
29 limit, I don't see why actually having a boundary
30 agreement in place would change the way we
31 enforce our line.

32 We enforce our line right now as if
33 it's our line. And you know, we treat it like
34 a boundary. If Bahamian vessels are -
35 unregistered Bahamian vessels are fishing on our
36 side of the line, then you know, they're subject
37 to enforcement.

38 But that would be the same, you know,
39 if we had a treaty in place. So there's some
40 amount of speculation on my part, but I don't see
41 the treaty aspect being central to your
42 situation in terms of leading to any change in
43 the U.S. approach in that area because our line
44 is not expected to shift, really, in that area.
45 Sorry. Go ahead, please.

46 MEMBER CODDINGTON: To the point,
47 can I have one of your business cards before you
48 leave?

1 MR. BAUMERT: Absolutely.

2 MR. VAN PAY: Can I ask a question,
3 just a follow up question? So could you go back
4 to your explanation in regard to -- so there's
5 fishing by recreational fisherman on the east
6 side of the line in the straits within 12 miles
7 of the banks of the Bahamas?

8 MEMBER CODDINGTON: Yes.
9 Effectively, the way the Coast Guard is
10 enforcing the area right now, and Florida
11 Wildlife when they get involved and when the
12 interstate waters is, if we have bottom fish on
13 our boat coming from the Bahamas, they're
14 looking for us to prove that we legally entered
15 the Bahamas and have a legal fishing permit to
16 be there.

17 But never are they looking at us with
18 blue water species that are non-bottom dwellers.
19 So wahoo, dolphin, tuna. We actually, at times,
20 run into the northwest channel and dip our way
21 into the northwest channel chasing the yellowfin
22 tuna and never have a problem.

23 It's only the bottom fish that our
24 enforcement people actually look at. And they
25 want to see that permit when they look at the
26 bottom fish.

27 MR. VAN PAY: But you have a
28 Bahamian permit, then?

29 (Off microphone comments)

30 MR. MCCREARY: Good, Ron. Thank
31 you. Scott Taylor?

32 MR. TAYLOR: Could you put the slide
33 up of the actual fishing effort area? Doesn't
34 matter which one. Your disputed area, the
35 disputed area represents essentially, for all
36 practical purposes, 100 percent of the pelagic
37 longline fishery that takes place in the
38 southeast United States.

39 Okay, the area to the west is closed.
40 Area one there is nominal and incidental at best,
41 associated with the buoy gear. And if you
42 recall, I think we spoke last year, I was the one
43 that was involved with Bobby Kane and the boat
44 seizure down there. He was one of the boats that
45 worked for me.

46 So this area obviously, and a
47 substantial amount of that effort that takes
48 place in that box is associated with either, you

1 know, a constituency that I represent or our
2 fleet itself. So it's obvious of paramount
3 importance really, you know, to us about what
4 goes on, considering that that's really the only
5 place that we have to fish.

6 So you know, clearly that southwest
7 corner where you represented, the data that's
8 been collected is a fair representation that
9 that's generally a pretty good area because if
10 you will notice, it's probably about as close as
11 we really can get to the Gulf Stream.

12 So that as the fish come up and exit
13 the Florida Straits, that's probably the closest
14 proximal point that we can have. So you know,
15 any improvement down there in that area would
16 obviously help.

17 It's interesting the way that the
18 line is drawn because I've always questioned
19 what the definition of land is. And you're
20 smiling because clearly, that had something to
21 do with the way these lines were originally drawn
22 because Matanilla Shoals there on the corner
23 that comes off of the tip of the northwest
24 Bahamas, actually there is no dry land there.

25 And so I was always curious about the
26 way that initial line was done. The Bahamians
27 claim Matanilla Shoals is obviously part of the
28 bank there. And the line was drawn from the bank
29 itself.

30 But that impacts dramatically where
31 that line as you exit the straits and approach,
32 you know, the northern Bahamas and we start to
33 extend out to the northeast.

34 What's interesting is that, and my
35 neighbor over here, Ron, might want to shoot me.
36 But you know, one of the areas that U.S.
37 recreational fisherman sort of routinely go in
38 besides the northwest passage is all the way down
39 in the lower keys into the Cay Sal Bank area.
40 And that's always been an area of concern to
41 them.

42 And the only fishing activity that
43 takes place in the Cay Sal Bank by U.S. boats is
44 essentially done illegally. And it's done
45 illegally because the nearest place to clear
46 from there would be either Bimini or Cat Cay.
47 And so if there was area to give up, to give up
48 area within block two, no matter what you do

1 there is going to be hugely detrimental to us.

2 It's all that we got up there, you
3 know, unless from the good graces of the
4 recreational community and in cooperation with
5 national fisheries, there's some expansion of
6 that at some point.

7 But you know, any loss in there would
8 be catastrophic to us. So if there's a
9 negotiating point, I know that's always been an
10 area of contention not only to the Bahamians, but
11 also to the U.S. Coast Guard.

12 It's an area of interdiction that
13 they look very, very closely at because
14 essentially they know anybody that's coming
15 across the straits there by Key West in that
16 picture doesn't exactly show that quite all that
17 well.

18 And you know, Margo and maybe Steph
19 could help me, but I know that there's a very
20 small open area to the pelagic fishery down, it's
21 essentially east of Key West there, right, that
22 we would want to be careful not to get --

23 MALE PARTICIPANT: It's west.

24 MR. TAYLOR: Where they could
25 actually --

26 MALE PARTICIPANT: It's west.

27 MR. TAYLOR: Is it west of Key West?

28 MALE PARTICIPANT: Yes.

29 MR. TAYLOR: So maybe that wouldn't
30 be an issue. I'm not 100 percent familiar with
31 where that is.

32 MALE PARTICIPANT: It's south.

33 MR. TAYLOR: But there is a little
34 small area down there, very, very small that we
35 can actually go into. But as that EEZ, as the
36 lower Keys sweep away to the west and the bank
37 comes down from the Bahamas, that EEZ extends
38 fairly far out.

39 That might give you some wiggle room
40 down there, although when we start entering into
41 the discussion about hydrocarbons, I understand
42 that Cuba's recently been putting some oil rigs
43 down there, to the concern of the U.S. and the
44 members down there in the Keys.

45 But I don't know whether that's
46 helpful other than to implore you. I mean,
47 that's do or die for us in that area, too. You
48 know, that Blake spur has always been an

1 extremely prolific, really good area to fish.

2 Nobody's obviously been able to fish
3 there since, you know, the change to the regs
4 except for if you'll -- area three there actually
5 encompasses a little tiny bit of that from the
6 offshore side.

7 And sometimes the boats will get
8 right up there on the tip of that when they're
9 fishing on the high seas side, because that's
10 high seas there, correct? Isn't that right,
11 Dave, there?

12 You know, so essentially anything
13 that we can do to either preserve, at the very
14 least to preserve the area, at the best to expand
15 that area, I think you got to work very, very hard
16 at making sure that happens.

17 MR. MCCREARY: Scott, follow up
18 question. What is your thought about the swap
19 they were outlining? They asked specifically
20 for feedback on that. Do you have any point of
21 view on that?

22 MR. TAYLOR: Fishermen love it.
23 Not so sure about recreational sector. I have
24 to look at some of the data that's in there.
25 There's times that that east fence, it's a trade
26 off for us.

27 At times that east fence is where the
28 boats are stacked up in. You know? It's a
29 tough trade. And that it probably would not be
30 in the best interests of NMFS because while it's
31 going to probably produce more tunas, it
32 probably isn't going to produce as much
33 swordfish.

34 And it's going to produce a lot of
35 marlin coming up along that bank there, too.

36 (Off microphone comments)

37 MR. TAYLOR: There you go, Tim. So
38 I mean, it's a prolific area. It's probably not
39 the best solution.

40 MR. MCCREARY: Thanks. Dave or
41 Tim, do you want to comment on this with the
42 microphone?

43 (Off microphone comments)

44 MR. MCCREARY: Okay. Ron, did you
45 have a follow up, or anything else you wanted to
46 comment on?

47 MEMBER CODDINGTON: No. I'm
48 Googling Lacey Act attorney.

1 MR. MCCREARY: Okay. All right.
2 Carry on. All right, any other response?
3 Yes, Rusty?

4 MEMBER HUDSON: Rusty Hudson,
5 Directed Sustainable Fisheries. I guess we'll
6 be seeing you next week in Charleston. In the
7 meantime, last year's briefing book for the HMS,
8 I went back and I cannot find the presentation.

9 I do go back and pull it from the
10 briefing book of South Atlantic Council. We
11 used VMS pings last year. You can really get an
12 idea about that area south of the line from the
13 pings versus the concentration up north of that.

14 Two questions. One, can we get a
15 copy of this because it's not in this book,
16 briefing book for this meeting. And then
17 second, why didn't you use VMS pings again in
18 this presentation?

19 MR. VAN PAY: Yes, well in this
20 case, we wanted to get more specific on the
21 species then we did last time. And so we got
22 aggregated data from them. So we just put that
23 on a map just to give a general idea of where the
24 general fishing was.

25 So we wanted to do something that was
26 more specific. And this time, NMFS produced the
27 maps, which we think gave us a lot more detail
28 than what we had last time.

29 MEMBER HUDSON: Actuality, we have
30 the loop south of the red there, you actually do
31 have a lot of pings that mostly look like transit
32 pings.

33 And so the concentration is above
34 the line where they know they're normally legal
35 to fish. And I know that they would hate to lose
36 it.

37 (Off microphone comments)

38 MEMBER HUDSON: No, I'm not talking
39 about the eastern side. I'm talking about in
40 the Gulf with that open area there that they want
41 them to close off and make the deal.

42 But again, this is only, like, eight
43 months out of 2012, or maybe 7 months of the VMS
44 stuff. And then you also had the 2011 data
45 there, too.

46 And that again shows even less pings
47 in that little circle below the red line and a
48 high concentration above so that doesn't, you

1 know, anyhow that's what I'm trying to say. The
2 comparison of seeing the VMS where the
3 orientation of the boats come out, where they get
4 to where they're fishing, and then come back.

5 And I mean, you've got stuff from
6 South Carolina all the way down into the Keys
7 that's being affected by whatever deals you're
8 going to make here.

9 So it's just kind of two points.
10 One, I would like to have one for the record as
11 this presentation goes. And then two, it would
12 have been nice to see the VMS pings filled in for
13 all of 2012.

14 MR. VAN PAY: And I think also on the
15 VMS point, I think NMFS' interest too was
16 protecting confidentiality. And so in this
17 case, they wanted to aggregate the cells. And
18 then also it's grid cells with less than three
19 data sets were simply dropped from the map.

20 MR. MCCREARY: Thank you. Scott
21 Taylor?

22 MR. BAUMERT: I was just going to
23 respond to the question about availability of
24 the presentation. I think what would be best
25 from our perspective is if you could just email
26 us and then we could communicate it to you
27 directly. We have a little bit of
28 uncomfortableness, as you might imagine,
29 posting this on the internet. So I won't
30 elaborate on that.

31 But if you want to just send us an
32 email, we can find a way to deliver it in a more
33 targeted way with appropriate caveats. Thanks.

34 MR. MCCREARY: Yes, that makes
35 sense.

36 MEMBER HUDSON: Is that email
37 address the same one that's listed in 2012
38 September HMS Briefing Book?

39 MR. MCCREARY: Rusty, does that
40 work for you?

41 (Off microphone comments)

42 MR. MCCREARY: All right, thank
43 you. Scott?

44 MR. TAYLOR: Yes, well two things I
45 want to address. We're not just looking at VMS
46 pings because you broke it down by species.

47 And if you were paying attention, I
48 mean, I don't mean it like that. But the

1 concentration of the catch is clearly down there
2 in that southwest corner. Regardless of what
3 the species is there, it's not just simply where
4 the boats are pinging, it's that there's a lot
5 of activity of a lot of the different species
6 that are being captured down there.

7 But what I find interesting in this
8 whole thing, and I think that what you guys need
9 to stay focused on, if there was anything that
10 I really could tell you, this is a political
11 solution. This has nothing to do with
12 fisheries.

13 These people don't use that space.
14 They don't use the space that you're taking or
15 you're proposing, or that they're proposing for
16 the trade. I've never seen, in 25 years, a
17 Bahamian boat there for any purpose, on top of
18 the fact that they don't permit pelagic long
19 lining.

20 So they would have no use of either
21 one of those spaces. So essentially what
22 they're saying to you is yes, maybe we'll give
23 you a little bit, but we want to take a little
24 bit, too.

25 So what I'm proposing to you, if it's
26 a political solution and there's an opportunity
27 for us to gain some usable access to that area,
28 let's give them something that we're not using
29 anyway.

30 Do you know what I'm saying? That
31 if that's what pacifies them, because the corner
32 that you're dealing with was the start of the
33 problem with the Bobby Kane incident because
34 those boats coming out of south Florida, if you
35 want to put that chart back up again, when
36 they're coming out of that box there, they cut
37 that corner.

38 Okay, essentially what they're
39 doing is they're coming out of it regardless of
40 where they are and they're running at an angle
41 to bisect the Gulf Stream and to make the cross
42 back over.

43 And what happened with him was he had
44 a mechanical breakdown while he was traversing.
45 So you know, that area, and at the intersection
46 of the south closed line, which I believe is
47 2817, I think is where that line extends.

48 That's 2817 because a number that

1 we'll all continue to see a lot of, I'm sure. They
2 are generally coming out of that box, the number
3 two box and they are in Bahamian territorial
4 water as they make the cross over to south
5 Florida.

6 So there's some advantage to that.
7 But what I'm saying is that the area they're
8 asking you to give up up there is an area they're
9 not going to use anyway. You know, it's a
10 political trade off is what they're asking you
11 for, if that was in the terms of the discussion.

12 MR. MCCREARY: Thank you.

13 MR. BAUMERT: Just one reaction.
14 Well, I appreciate the input, it's very helpful
15 and the points are well taken. I think just a
16 couple things to keep in mind.

17 One is the permanent aspect of this.
18 So while what you're saying may be entirely
19 correct for the foreseeable future, in 100
20 years, you know, boundary folks think in long
21 terms, not in terms of what's going to be used
22 in the next couple years or even the next decade.

23 And then another factor is it's not
24 just about fishing. There are other factors at
25 play, and other reasons why Bahamians might want
26 certain areas that are not related to fishing,
27 but are related to continental shelf issues. So
28 the points are still absolutely well taken.

29 MR. TAYLOR: Which quite frankly is
30 why you can't give up that area. Okay, I mean,
31 you know, that if you're looking at what they're
32 asking for, they're asking for the transition
33 point on the edge of the Continental Shelf where
34 the upwelling occurs.

35 So you know, essentially what you
36 have is that's where the greatest effort is going
37 to take. There's two things that pelagic folks
38 look for. Okay?

39 They look for bottom structure and
40 upwelling, and they're looking for surface water
41 condition that is a lot of times effected by that
42 exact condition of those upwellings. That's
43 why the sea mounds and the structure that's out
44 in deep water will generally hold large pelagic
45 fish, because it creates the nutrients and the
46 upwelling as that current runs down the Abaco
47 channel, which is what we're seeing there.

48 You have a convergence there.

1 That's why this area is so prolific. You have
2 the convergence of essentially the Gulf Stream
3 moving north through the straits and the Abaco
4 current that runs along, you know, the Bahama
5 chain.

6 And there's another one that's out
7 there, I think, that actually converges from off
8 the Sargasso Sea, isn't there, that we get?

9 But essentially, we get that
10 upwelling that's right along that transition
11 perimeter, and they're looking to take that all
12 away in the trade off for that little bit of area
13 south, as I understood the slide.

14 MR. VAN PAY: To clarify, too, this
15 isn't something that we proposed to the Bahamas.

16 MR. TAYLOR: Oh, okay.

17 MR. VAN PAY: This is just something
18 that we're trying to --

19 MR. TAYLOR: Did you propose that or
20 did the Bahamas propose that?

21 MR. VAN PAY: No, yes it was never
22 discussed.

23 MR. TAYLOR: Okay.

24 MR. VAN PAY: So we're just trying
25 to poll some things that we see in the data that
26 we might want to propose.

27 MR. TAYLOR: Oh, I got you. I
28 understand now.

29 MR. VAN PAY: So there's actually
30 never been, you know, really some of those
31 specifics figured out yet. We want to do that
32 and then put something on the table.

33 MR. MCCREARY: Thank you. Mark?

34 (Off microphone comments)

35 MR. MCCREARY: Use the microphone.

36 MEMBER TWINAM: I'm Mark Twinam.
37 So the area that is showing the heavy
38 concentration of fishing in, if you wanted to
39 expand that, how far south are you talking about
40 coming?

41 MR. VAN PAY: We don't know. We're
42 trying to figure out where, if that is in fact
43 worth expanding southward. And then I think we
44 would go back to NMFS and see what data we
45 actually have on that side of the line.

46 MEMBER TWINAM: Right, okay. The
47 area there you were thinking about maybe giving
48 up to them, where is that on that chart there?

1 MR. VAN PAY: It's just in real
2 general terms what we have in this slide here.
3 So we haven't really even tried to draw this in
4 any kind of, you know, coordinates or lines or
5 anything.

6 MEMBER TWINAM: Can you give us an
7 idea by using a pointer on the other chart? So
8 there is quite a bit of fishing there. It just
9 seems like the fishing closer to the United
10 States would be used a lot more. Any way you
11 drop that line south is giving the guys out of
12 Canaveral and the east coast there a closer area
13 to fish. Seems like all we could get there would
14 be the better.

15 MR. MCCREARY: Are you gentlemen
16 getting the feedback you want? Is there
17 anything else the AP members can do to provide
18 feedback that would be helpful to you?

19 MR. BAUMERT: It's very helpful,
20 and we really are grateful for the input. If I
21 may, just on Scott's point, if I may just ask
22 another question.

23 I guess if this area, it looks like
24 along the outer, you know, the 200 mile limit,
25 the shelf break, that there is a lot of activity
26 but not as much, if you will, as the area just
27 on the sort of southeastern end of the azimuth.

28 So I'm curious, it just, you know,
29 we're novices looking at the data. But it
30 didn't seem to quite square with what you were
31 saying about the productivity of the area on the
32 shelf break. You know, we have to think in terms
33 of trade offs. So we certainly don't want to
34 make any bad trade offs.

35 But you know, we're just trying to
36 square with what you said with what looks like
37 the data. But again, we're just looking at this
38 as novices.

39 MR. TAYLOR: We have a little
40 problem. It's called a VMS. And if we cross
41 that fence, we have problems with Coast Guard
42 enforcement, National Marine Fisheries
43 Department, and Office of Law Enforcement.

44 So when the conditions are not
45 correct, where there's current that's going to
46 flow across that edge there, those boats won't
47 get up very close to the fence there.

48 So you won't, during a lot of periods

1 of time if there's a different alternative, see
2 a lot of effort directly right alongside the
3 fence. But it's seasonal, you know what I'm
4 saying? That it's just additional options.
5 That may look like a big area. In the wintertime
6 when the rest of the northeast fleet happens to
7 come down there for whether or not it's two or
8 three or four months, that space gets pretty
9 packed, pretty crowded.

10 Clearly, the smaller boats, and it's
11 logical that you're going to see more effort in
12 that southwest corner, you know, down there.
13 But that doesn't mean that there isn't
14 substantial value along that fence, if that
15 makes any sense to you whatsoever.

16 So it's logical that you're going to
17 see the higher level of effort, which is going
18 to translate into a higher level of catches in
19 the most proximate areas there within the box.
20 But don't think for a second that those other
21 areas are not extremely economically valuable to
22 us.

23 MR. MCCREARY: Thank you. All
24 right, is there anything else you want to cover?

25 MR. VAN PAY: I think the only thing
26 that I would add is if there's any additional
27 information on recreational fisheries,
28 information that's sort of similar to this,
29 particularly in the straits or anything that
30 might influence how we place that line would be
31 very valuable.

32 MR. TAYLOR: Just one last comment.
33 I mean, that's not going to be an area where you
34 have really any recreational activity. You're
35 talking about 120 miles off the coast.

36 You know, it's not something
37 somebody's going to -- the only place that
38 there'll be any effort from a recreational
39 activity will be on the, they call it on the other
40 side where they'll fish coming out of Cape
41 Canaveral area just on the other side of the Gulf
42 Stream there.

43 But that's actually in the area that
44 is our closed zone, you know, as it extends to
45 the north of the Bahamas. So no recreational
46 activity there. The real recreational activity
47 will take place in the northwest passage between
48 Isaacs and Freeport.

1 And that from the orange K area south when
2 they're sort of asserting this 12 mile limit deal
3 where they don't have to necessarily go in and
4 clear customs or it's being overlooked.
5 Okay? I don't think that's
6 probably legally correct, but you know, that's
7 what they do.
8 MR. MCCREARY: Okay, thank you.
9 Ellen?
10 MEMBER PEEL: Ellen Peel. I had
11 stepped out of the room for a minute but
12 understand that you had asked about recreational
13 data.
14 I'm president of the Billfish
15 Foundation. And we will send you our tagging
16 data that would help with the highly migratory
17 billfish in that area.
18 MR. VAN PAY: Great, thank you.
19 MR. MCCREARY: Thanks, Ellen. I
20 think we're wrapped. Are we good? All right,
21 well thank you gentlemen, very much.
22 MR. BAUMERT: I would just add one
23 thing. Just please, anyone, feel free to be in
24 touch with either me or Brian. Our email
25 addresses are up there, and you know, we would
26 be pleased to speak with anyone about these
27 issues. Thanks a bunch.
28 MR. MCCREARY: But we should not
29 expect to see your presentation on the website
30 because we don't publicize our international
31 negotiation options on websites, generally.
32 That's right, all right. Thank you very much.
33 MR. BAUMERT: Thanks.
34 MR. MCCREARY: Thanks for joining
35 us. Very informative. So now our intention is
36 to move on to the item that had been agendized
37 for 3:15, the Billfish Management Discussion.
38 And we understand that Dr. Russell
39 Nelson is here. Presumably he has a
40 presentation? Welcome.
41 (Off microphone comments)
42 MR. MCCREARY: Yes. Yes, Jerry.
43 MEMBER LEAPE: Are we expected to
44 hear later any further shark conservation --
45 MR. MCCREARY: We are.
46 MEMBER LEAPE: When?
47 MR. MCCREARY: 3:15.
48 MEMBER LEAPE: Okay.

1 MR. MCCREARY: Will you be here?
2 Okay, yes duly noted.

3 DR. NELSON: Hello, folks. It's
4 good to be back in front of most of you, in fact
5 all of you. I haven't been to an HMS AP meeting
6 in a good while.

7 But I'm going to take a little bit
8 of time today to talk about a potential project
9 that the Billfish Foundation has bound me into
10 in a bit. And that's the development of a
11 Caribbean Billfish Conservation and Management
12 plan.

13 I guess the genesis of this started
14 several years, three or four years ago when the
15 Billfish Foundation began to increase their
16 activity in the Caribbean region, particularly
17 with tagging and working with artisanal
18 fishermen to try to increase the return of
19 captured marlin that were taken in those
20 fisheries.

21 And Ellen Peel is on the board of
22 directors of the Gulf and Caribbean Fisheries
23 Research, whatever, Institute. And she's been
24 getting more and more involved.

25 So I didn't even know this group
26 existed, frankly, until about this time last
27 year. The Western Central Atlantic Fishery
28 Commission, which as not been overly active
29 RFMO.

30 But it does consist of, as you see,
31 a whole lot of members of the Caribbean. And the
32 people, the new director there, Raymon Van
33 Anrooy, contacted Ellen and suggested that TBF
34 and perhaps IGFA might be appropriate private
35 sector recreational anglers groups to enter into
36 a joint project with WECAFC and apply for a World
37 Bank fund. This is basically the area of
38 jurisdiction for WECAFC. They, last year, last
39 February, over a year ago, they began working
40 more with -- Raymon came on and I think he became
41 a lot more active.

42 They began working on a number of
43 things. And last year at their 14th annual
44 meeting, or their 14th semi-annual meeting, they
45 decided to create a recreational fisheries
46 working group.

47 They set short term goals of
48 developing assessment methods, sort of simple

1 socioeconomic assessment methods for looking at
2 economic impacts, value of fisheries that were
3 coming into different regions. They wanted to
4 have the manual developed and then do some trial
5 tests on the assessment methodology, develop a
6 recreational fisheries data scheme.

7 And they've prepared a draft
8 fisheries management plan for the wider
9 Caribbean for endorsement ultimately by WECAFC,
10 OSPESCA, which is the fisheries and aquiculture
11 body for the Central American nations, CRFM,
12 CFMC and ICCAT.

13 So last October, almost a year ago,
14 TBF was invited in some preliminary discussions
15 with representatives from the World Bank and
16 WECAFC to discuss the practicability of a pilot
17 project, do an introduction of billfish
18 management in the Caribbean.

19 The scope of this is to try to
20 combine government entities, RFMOs with the
21 private sector to see if that synergy can work
22 in developing a management plan in the
23 Caribbean.

24 And particularly, they were
25 interested in having the Billfish founded and
26 IGFA, as I said again, partnering. TBF took it
27 on to fund the preliminary work by Rob Southwick,
28 and to an extent by Brad Gentner to develop an
29 economic impact assessment manual for use in the
30 Caribbean.

31 And then in November of last year at
32 the meeting of the Gulf and Caribbean Fisheries
33 Research Institute, we held a one day symposium
34 to present the assessment manual in Santa Marta,
35 Colombia. We had representatives from the
36 Caribbean, Caribbean Netherlands, Colombia,
37 Costa Rica, El Salvador, et cetera. You can see
38 them up there in all the alphabet.

39 And this meeting was facilitated
40 very kindly by the GCFRI. And it was consisted
41 of the first working group meeting that had been
42 created by WECAFC for their working group on
43 recreational fisheries.

44 The outcome of that meeting was that
45 the manual was presented, reviewed and approved.
46 It has since been translated also into Spanish,
47 so it's available both in Spanish and English
48 now.

1 The Caribbean Netherlands, Colombia
2 and Trinidad Tobago offered to test it, to work
3 it out in different projects. And the group
4 agreed to back a World Bank pilot project on
5 introduction of Billfish Conservation and
6 Management into the Caribbean.

7 TBF was asked to lead the plan in
8 terms of technical development. We were asked,
9 along with IGFA, to hold the first stakeholder
10 workshop for the Caribbean in early 1913. And
11 this group also went on, and I won't have
12 anything else to say about this, but to endorse
13 a similar approach for dolphin fish in the
14 Caribbean.

15 These are all the people who were
16 there. We did have a meeting in February with
17 folks from the World Bank. It was basically a
18 sniff and tell meeting, see how they liked us and
19 how we liked them.

20 And we discussed possible ways to
21 approach this problem and came to a consensus
22 that we could put together a proposal that the
23 World Bank would consider, and that this
24 billfish would particularly represent
25 opportunities to demonstrate how benefits from
26 transfer of fishing effort from one fishery to
27 another, one sect to another, could, in fact,
28 have good economic returns for some of these
29 nations in the Caribbean.

30 We then held another meeting in Fort
31 Lauderdale in March. And this was the first
32 working group for the billfish working group.
33 There it was, the people in case you missed
34 anybody. Pretty much the same people that were
35 in Colombia.

36 The group approved, on behalf of
37 WECAFC, a proposed World Bank pilot project,
38 approved the basic format for the technical
39 logistic format, the editorial format for the
40 Caribbean Billfish Conservation Management
41 Plan, and established that WECAFC would take
42 oversight on the World Bank Pilot Project.

43 We would establish a Caribbean
44 Billfish consortium to produce the Billfish Plan
45 with TBF to be the secretariat for that
46 consortium. At that meeting then, TBF and
47 WECAFC were tasked with producing the formal
48 proposal to submit to the World Bank, and a

1 memorandum of understanding to establish the
2 consortium to work on the plan.

3 And then of course, we agreed to meet
4 again upon acceptance and funding of the
5 projects through the World Bank.

6 We have prepared a memorandum of
7 understanding, which is being circulated to the
8 parties below, the Billfish Foundation, WECAFC,
9 the World Bank, the Caribbean Regional Fisheries
10 Mechanism, Central American Fisheries, and
11 OSPESCA, the International ICCAT, Caribbean
12 Fisheries Management Council, IGFA, the
13 Caribbean Network of Fisherfolk Organizations,
14 and the Conservation International, two groups
15 which came in somewhat later in the process, but
16 expressed an interest in being a part of the
17 project and exhibited some ability to offer
18 talent and resources that we thought would be
19 helpful.

20 So we're going to develop, the plan
21 is to develop a regionally agreed upon billfish
22 management plan that spans both the waters
23 within the national jurisdiction and across
24 waters of international jurisdiction within the
25 west central Atlantic and the Caribbean.

26 We're trying to work on reforming
27 regulatory and institutional frameworks in the
28 Caribbean to enable approaches for investment
29 and responsible billfish fishing management at
30 the national level.

31 We are looking to develop two pilot
32 projects in two of the small islands, or
33 developing nations and use economic tools of as
34 yet undefined economic tools to look at pilots
35 for trying to look at the most optimal way that
36 billfish resources could be used, depending on
37 the social, cultural and political context of
38 the various nations.

39 Where these pilots are going to be
40 performed is not even close to being determined
41 yet.

42 We hope to help as a function of this
43 project increase the capacity to, many of the
44 nations that are part of WECAFC within the
45 Caribbean to more effectively engage the
46 management of their fisheries, both at the
47 national level and internationally by
48 increasing their engagement and involvement

1 with ICCAT.

2 We hope to develop original billfish
3 management and information system, catch and
4 effort data that would be held and tasked at
5 WECAFC and business plan developed for
6 investment in long term sustainable manage.

7 All right, where we are now is a
8 memorandum has been distributed. As some of us
9 probably thought, the World Bank decision was
10 supposed to have been made in June, is now, we're
11 looking for maybe December to see about the
12 funding side of this thing.

13 So everything is really on hold
14 right now waiting for that outcome. But should
15 we go ahead with it, we would hope by the end of
16 2014 to have a draft of the management plan with
17 numbers of different management alternatives,
18 or options, available for distribution.

19 We would, during 2014, conduct a
20 survey of likely states where the economics
21 pilot projects might be undertaken. There's a
22 projected to make a presentation at the seventh
23 World Recreational Fishing Conference to be held
24 next year in Brazil on the project.

25 We will be convening, if we're
26 funded, in 2014 an expert group on economics
27 based fisheries, policies and tools. Brad
28 Gentner, who is here, is going to be, again
29 assuming the funding comes through, leading our
30 economics team.

31 And then we would have from 2000
32 through 2018 to finalize the project, the
33 management plan and the economic pilot projects.

34 So that's kind of brief, and it's
35 hard to talk about a research project that hasn't
36 begun yet, so I guess I just told you the story
37 of how we got there.

38 And if there are any questions for
39 me or for Brad, who's back there and can come and
40 sit here next to me, we'll take them now. And then
41 I got to jump in the car, run back to the airport.

42 MR. MCCREARY: Excellent briefing.
43 Brad please feel free to come up. Are there
44 questions about this new initiative from the AP?
45 Maybe it was all crystal clear. There we go,
46 Rusty? Rusty.

47 MEMBER HUDSON: Hi, Russ. I just
48 wanted a clarification. Was Rebecca Lent's

1 name World Bank, is that our Rebecca Lent or a
2 different one?

3 DR. NELSON: That is our Rebecca
4 Lent. Yes, she's been on assignment to the
5 World Bank and was, I'm sure, responsible for
6 some of the interest in this project.

7 MR. MCCREARY: Gerry?

8 MEMBER LEAPE: Just briefly on
9 that, yes she was quite a force at the bank. But
10 as most of you know, she's back as head of the
11 Marine Mammal Commission.

12 MR. MCCREARY: Thank you. Brad,
13 did you want to elaborate at all on the
14 presentation, or comment on your role?

15 MR. GENTNER: Well, you know, I
16 mean, there's a lot yet to be determined, and we
17 don't have this work yet.

18 But you know, my role will be looking
19 at the sorts of institutions, and what types of
20 institutions can we set up, to kind of redefine
21 how local artisanal fishermen interact with the
22 resource, and try to increase value in the use
23 of that resource.

24 MR. MCCREARY: Any other questions?
25 Scott?

26 MR. TAYLOR: Yes, I'm just curious,
27 you know, that part of the Caribbean and lot of
28 those nations that you are talking about
29 actually utilize billfish, some of the billfish
30 that you're interested in protecting as food
31 source.

32 DR. NELSON: Absolutely.

33 MR. TAYLOR: And you know, I'm just
34 wondering how you're going to square the general
35 overall, you know, conservation effort that the
36 Billfish Foundation stands for with the
37 commercial utilization of those fish in that
38 area.

39 Are you looking to try to change the
40 psyche so to speak, and promote recreational use
41 of the fish and the elimination, or are you
42 looking to include that as part of the process?

43 DR. NELSON: Scott, in my
44 experience, you know, working with other
45 countries and other cultures, it's not very
46 positive to go in someplace and think you can
47 tell them how to do things and change their mind.

48 The point is to look at how the

1 resources are being used. Certainly they are a
2 part of food security in some of these nations.
3 Some of them are not.

4 In some of these nations, their
5 utilization of billfish and other resources to
6 ensure their food security is in some ways
7 threatened by the high sea distance waters
8 fleets, which are often conducting a lot of
9 fishing in the area, and can in fact be in
10 competition with the artisanal fishers.

11 So we don't know what we're going to
12 do or where we're going to do it. But I'm pretty
13 sure we're not going to go in and tell anybody
14 you're going to have to change your whole life
15 and do something different.

16 We're going to bring what we can
17 bring to the table and draw from the cultural and
18 political resources that currently exist. And
19 there's a diversity of them across the
20 Caribbean. All those nations don't think
21 alike.

22 MR. GENTNER: And within the WECAFC
23 area, you know, the management plan is going to
24 encompass the entire region. However, the work
25 for World Bank is to come up with two case
26 studies.

27 And those cases will be based on what
28 nations are willing, have the sort of
29 infrastructure necessary to sort of put the
30 institutions into place and that, you know, sort
31 of culture and use of the resource that makes
32 sense.

33 So everything Russ says, but in
34 addition to that we're not trying to solve all
35 the problems in the region. We're looking at
36 putting together two cases.

37 DR. NELSON: Everybody here is
38 sophisticated enough in fisheries management to
39 understand that if you're developing a plan that
40 has to ultimately be approved by about six
41 regional fisheries management bodies as well as
42 a couple nations, including ICCAT is, you know,
43 it's going to be a very deliberative,
44 transparent process.

45 MR. MCCREARY: Indeed. Alan?

46 MEMBER WILLIS: I was curious if
47 there was going to be a developmental component
48 in terms of teaching the locals in those places

1 how to understand the economics of a
2 recreational billfish industry, because my
3 mother's from Belize. And I get calls from my
4 fishing buddies down there going well, why don't
5 we have a Panama style, Costa Rica style
6 billfishing industry.

7 And I sit down, we talk about the
8 cost of boats, cost of tackle, probability of how
9 many charters you're going to get, how much
10 you're going to be able to charge. And it never
11 works for them. And I think that kind of
12 educational component, because they just don't
13 know how to plan a business, how to do that kind
14 of stuff, would maybe be very good.

15 DR. NELSON: Yes, you're right.
16 You're absolutely right. And having myself
17 worked on two different projects, one that
18 looked at the economic value of sport fishing in
19 Costa Rica and then a second one that looked at
20 the same thing in Panama, I've got a pretty good
21 understanding of some of the what you have to
22 have and what you have to know to be able to
23 develop a competitive sport fishing
24 destination. And that will certainly be part of
25 this project.

26 MR. GENTNER: And we've already
27 developed, Rob Southwick and I have developed a
28 rapid assessment manual and tool that's right
29 now being tested with a few nations in the
30 Caribbean.

31 And so that will be sort of a jumping
32 off point that's actually sort of outside of this
33 project. You know, making those assessments,
34 determining what we've got on the ground. And of
35 course, education's going to be a huge part of
36 getting, you know, from here to there in sort of
37 this business case scenario.

38 MR. MCCREARY: Thank you. Ellen?

39 MEMBER PEEL: Ellen Peel. Yes, and
40 we have also done two studies, or surveys, the
41 type that Brad was referring to for Puerto Rico,
42 Virgin Islands, it's being done in Colombia now.
43 So as many areas as we can get these surveys out
44 to.

45 We're working to try to get the
46 locals to participate with us. And so far, it's
47 been quite productive in Trinidad, Tobago and
48 Andrew, which other country? Trinidad, Tobago

1 and Colombia. Yes.
2 MR. MCCREARY: Thanks. Would you
3 turn your mic off? Thank you. Ron?
4 MEMBER CODDINGTON: Yes, Russ. I
5 was wondering if you were anticipating this
6 project would ultimately get some kind of
7 information out of the artisanal fishery, which
8 could be very interesting and beneficial to our
9 discussions at ICCAT with respect to the
10 artisanal billfishery.
11 DR. NELSON: Well, if we're
12 successful at establishing the data program, and
13 WECAFC is interested beyond just the billfish.
14 They're interested in establishing recreational
15 catch data for the region.
16 So ours will be sort of the first
17 effort to get that going. But hopefully yes, if
18 we're successful, we will be getting better
19 artisanal information as well as information on
20 the sport fisheries.
21 MR. MCCREARY: Good, thank you.
22 Margo?
23 MS. SCHULZE-HAUGEN: I was just
24 wondering about the engagement with ICCAT. I
25 mean, notice if there was someone's name from
26 ICCAT on the list and what the plans were.
27 DR. NELSON: Fabio is on our expert
28 working group.
29 (Off microphone comments)
30 DR. NELSON: No, I think he's doing
31 it, I don't know who he's representing. And
32 Freddie Arocha from Venezuela has been with us
33 from the beginning, too. He's also in the SCRS.
34 But I believe that the project, the
35 memorandum is going to be presented to at least
36 SCRS for their review by Fabio this fall. And
37 maybe it'll be on the commission region, but I
38 don't know.
39 MR. MCCREARY: I'm sorry, Ellen.
40 And use your mic.
41 MEMBER PEEL: Is Fabio also going to
42 bring it up before Panel Four?
43 DR. NELSON: I believe that's his
44 intention.
45 MEMBER PEEL: Okay.
46 DR. NELSON: At the SCRS. Oh, you
47 mean at the meeting? He said that. I don't
48 know what he's done to do that. But I'm certain

1 there'll be some discussion of it.

2 MR. MCCREARY: Good, any other
3 questions from the AP? Or final comments from
4 you gentlemen?

5 DR. NELSON: Hopefully, if we get
6 the money, we'll be able to come back in a year
7 or so and tell you what was actually done as
8 opposed to what we're hoping to do.

9 MR. MCCREARY: Very good. Well,
10 thank you very much for joining us and giving us
11 the briefing. I think at this stage, Margo,
12 we're on to a break.

13 MS. SCHULZE-HAUGEN: Well, so part
14 of the idea behind this agenda topic actually
15 came from John Jolley, who unfortunately
16 couldn't be here at this meeting but had said to
17 us that it has been some time since we talked
18 about kind of billfish issues specifically.

19 And so wanted to make some time.
20 Obviously this was a good fit to have the WECAFC
21 initiative update. But wanted to open the floor
22 and see if there were other particular issues
23 that people are interested in talking about,
24 want to raise and kind of open it up to see just
25 to make that time on billfish issues. I think
26 Randy had a few ideas as well. So let me just
27 open the floor after Randy has a chance.

28 MR. BLANKINSHIP: Thanks. Yes, so
29 as Margo said, I guess it's been several meetings
30 since we've had an opportunity to kind of have
31 a general billfish management discussion.

32 And we don't have a presentation
33 here queued up or anything like that. But
34 because we have had some periodic input from
35 folks like John Jolley and others over time about
36 billfish management things, we did want to
37 provide some opportunity to do that.

38 And so while things that you all may
39 bring up we might not have answers for, they are
40 things that we can take away as, you know, future
41 work and things to consider for the upcoming
42 months.

43 And things that we have had input on
44 include, you know, a lot of the data collection
45 improvements that were outlined in the
46 recreational action agenda. Some of that is out
47 there.

48 We have ongoing work to improve our

1 tournament, non-tournament reporting processes
2 as well as the survey improvements that Ron Salz
3 already talked about. There's the ongoing
4 issues about enforcement of reporting
5 requirements.

6 There are other considerations that
7 are out there, including time/area closure
8 adjustments and ideas related to that, bait and
9 gear restrictions as well as size limits and
10 other management measures that are in place.

11 And so with that, I think I would
12 just like to give you all a chance to talk.

13 MR. MCCREARY: Okay any -- go ahead,
14 Ellen.

15 MEMBER PEEL: Ellen Peel.
16 Certainly, I mean, singing to the choir here.
17 More money is needed in the budget for billfish
18 research.

19 You know, some basic aging gross
20 studies. I mean, there's a whole long list of
21 billfish research that is needed. Within the
22 agency and outside the agency, experts can help.

23 Secondly, it was mentioned earlier
24 when Russ Dunn was presenting, and hopefully
25 money will be in his budget.

26 But a Gulf of Mexico socioeconomic
27 study for the HMS sport fishery would be, as well
28 as one for Caribbean U.S., both would be very
29 helpful. Certainly the Gulf of Mexico first
30 because it is huge. Thank you.

31 MR. MCCREARY: Thank you. Rom?

32 MEMBER WHITAKER: Yes. I guess I
33 don't get to say good things much. But anyway,
34 I will have to say that anybody that's fished on
35 the east coast has seen the white marlin has
36 made, in my opinion, an outstanding comeback.

37 I guess that's due to some
38 management, some circle hooks, more releases.
39 But the blue marlin is positive. I think it is
40 getting better. My catch records this year have
41 been better than the last two years. So I'm
42 hoping that's going to continue to go up. But
43 I bring this up again, and I don't know if
44 Russell's in here or not.

45 But it probably wouldn't take me
46 very long to get on the internet and find some
47 pictures of marlins in the boat, white, sails,
48 maybe small blues. But I just don't think

1 people understand. I mean, I talk about it all
2 the time. But that you can't bring one in the
3 boat. I may even have one out there. So I might
4 be guilty.

5 But any rate, it is a \$500 fine, and
6 I guess we need to do a little bit better on
7 outreach to bring that out. Thank you.

8 MR. BLANKINSHIP: Thanks, Rom.
9 And what he's talking about there is if you're
10 going to release a fish, you have to release it
11 in a way that maximizes it's chance of survival
12 without removing it from the water.

13 So you can land a billfish. You've
14 got to report it. So you can remove it out of
15 the water if you're going to keep it. But if
16 you're going to release it, you can't remove it
17 from the water.

18 MR. MCCREARY: Good, thanks.
19 Ellen, did you have a further comment? No?
20 Yes, Rick?

21 MEMBER WEBER: Just because it was
22 rattling around in my breakout group yesterday,
23 I don't know if the Florida closures were
24 nominally for billfish.

25 But as Rom's talking about, that
26 improvement that we've seen, we can't really
27 write off the fact that they had no effect. And
28 if you need to look at methods to allow vessels
29 into the FEC, you need to explore that.

30 But you have to keep the billfish in
31 mind that we probably got a benefit from that
32 even though, you know, that's as it was sold to
33 the billfish community at that time was yeah,
34 yeah, yeah. We're doing this for the swordfish,
35 but we know it's really going to help the marlin.
36 And as we went and talked about the juveniles,
37 and as that improved, there was talk of it then
38 but now we've got the bluefin discussion.

39 And I'm not saying absolutely no.
40 I'm saying we need to be aware that that was a
41 factor it was part of.

42 MR. MCCREARY: Thank you. Tim?

43 MEMBER PALMER: Yes, Tim Palmer.
44 There's so many reasons why white marlin, you
45 know, you might be getting more incidences.
46 Some people might look at the Florida east coast
47 closure as one of the reasons.

48 But I can tell you having fished

1 there for 35 years, we never caught very many
2 white marlin, you know, west of the east edge of
3 the Gulf Stream. Just hardly ever happened.
4 That's the area that's closed. You know, very
5 few blue marlin. I mean, I've caught probably
6 my share of blue marlin.

7 But you can't look at the east coast
8 closure as being 100 percent the reason. I
9 actually have one theory why sail fishing has
10 gotten better, sword fishing, blue marlin and
11 white marlin I'm seeing some increase, not huge
12 increases yet.

13 White marlin more in the northeast,
14 you know, in the mid-Atlantic. But one of the
15 things I've noticed as a fisherman being out
16 there is about the time when the dolphin
17 population started to go down, the billfish
18 population started to go up.

19 And anybody who's ever cleaned
20 dolphin fish or mahi mahi knows that probably the
21 number one predator of billfish are dolphin
22 fish. I mean, it sounds crazy because we know
23 of, you know, we see a billfish as being so much
24 bigger. But they don't start out that way. You
25 know, so what I'm saying is that we can all put
26 one thing up on a pedestal and say that's the
27 reason.

28 But sometimes there's a lot more
29 abstract reasons why things might be showing an
30 improvement. So just a little food for thought,
31 you know, when we're talking about area
32 closures.

33 MR. MCCREARY: Thanks. Terri?

34 MEMBER BEIDEMAN: Yes, Terri
35 Beideman. Just a little historic note, I guess.
36 I was involved in the initial discussions
37 regarding these various sundry closures for
38 juvenile swordfish.

39 And though it seems like it was a
40 little bit revisionist history over time, their
41 genesis was to protect juvenile and nursery
42 areas of swordfish. And no one can doubt that
43 if you close off an area to fishing, you're
44 certainly going to have benefits for other
45 species, no question.

46 And to Tim's point, I have to say
47 just maybe a side. I remember Nelson came in
48 from fishing and he had frozen on a board a

1 little, it was a billfish about this big. And
2 we had to, like, call and say is it allowed, can
3 we bring it? It was in the stomach of a mahi.
4 And it had, like, one little bite mark on it, but
5 it was intact. And Jerry Scott, I think, said
6 okay. So we wrapped it all up and shipped it
7 down to Miami.

8 But it was very cool. It was so
9 small that you couldn't even really tell which
10 kind of billfish it was at that point, you know,
11 really. So anyway, off topic maybe?

12 MR. MCCREARY: But a good story.
13 Jeff?

14 MR. ODEN: Jeff. Actually,
15 hearing you're not supposed to take a billfish
16 out of the water to, you know, in other words are
17 you telling me I'm not allowed to take one up on
18 the rail, say a sailfish, to get the hook out of
19 his mouth?

20 Do you want me to cut the leader, or
21 do you want me to stick my head down there and
22 try to take it out while he's trying to take me
23 out? Or I mean, what is going on here? Tell me
24 something.

25 (Off microphone comments)

26 MR. BLANKINSHIP: So Jeff, in
27 answer to your question, yes it should be
28 released in the water. Or use the de-hooking
29 device to remove the hook.

30 MR. ODEN: Have you ever tried to
31 de-hook, one thing a sea turtle maybe. You
32 know, but those de-hooking tools, I mean, they
33 really are a joke. I mean, unless the curlicued
34 one there, the one we talk about going down the
35 leader. I mean, the H ones do work. You know,
36 but there again they don't work well with a
37 circle hook.

38 They would work great with a J hook,
39 which essentially, you know, a lot is used in the
40 recreational community. But a circle hook and
41 a billfish that's dancing around and trying to
42 poke you anyway, it's just okay, I guess I'll cut
43 the leader.

44 MR. MCCREARY: All right, thank
45 you. Scott?

46 MR. TAYLOR: Yes. I was in Rick's
47 group yesterday and I just, you know, kind of
48 want to add something to his comment because with

1 everything we've been talking about, we can't
2 help but talk about the close up on the FEC.

3 And what's interesting is the
4 resilience that we're seeing in the recovery of
5 the white marlin. And as Tim pointed out, we
6 don't see very many white marlin and blue marlin
7 in that particular area.

8 But boats are not engaged right now
9 in swordfishing. Boats are engaged right now in
10 tuna fishing. And when we tuna fish, we let the
11 gear soak during daylight hours.

12 And when they're soaking during daylight hours,
13 the observer data, the data that I could be more
14 than willing, that I have, to make available to
15 you will show a much higher level of billfish
16 interaction because they're not nocturnal
17 feeders.

18 They're primarily daytime feeders.
19 So the longer that that gear soaks during
20 daylight hours, the more likely that we are to
21 encounter billfish. And this has really been a
22 change in the last few years in the technique
23 that the PLL fleet, at least in the FEC area, you
24 know, is exhibiting.

25 So I just think that it's important
26 that as we look for solutions to all these
27 things, and that all of us can recognize
28 necessarily that whether or not it's the mahi or
29 whether or not it's, you know, closing a
30 particular area, that the intent and action that
31 we take, if we've achieved the result that we're
32 looking for, maybe that there's opportunity or
33 time to consider some other options.

34 MR. MCCREARY: Thank you. Alan?

35 MEMBER WILLIS: Thanks. I think
36 the information from guys like Scott and Tim, in
37 terms of what they encountered in those areas,
38 is probably some of the most useful information
39 that is going to be there if long lining isn't
40 allowed in that closed zone.

41 And if it is, I would strongly
42 encourage, I believe you'll have observers on
43 board, I strongly encourage National Marine
44 Fisheries to really review the data, do a really
45 strong comparison as quickly as possible just to
46 understand the tradeoffs that are being made,
47 one area versus the other so that a management
48 decision can be made relatively quickly about

1 what the best fisheries decision is.

2 MR. MCCREARY: Thank you. Further
3 comment? No? Rusty?

4 MEMBER HUDSON: Rusty Hudson,
5 Directed Sustainable Fisheries. Having
6 participated in careful handling of these
7 protocol workshops for a little while, couple
8 years, we did have some footage of pole mounted,
9 pigtail de-hooking devices being used on those
10 big sailfish down in Costa Rica.

11 And with the fact that they were
12 circle hook fishing, there's a patent pending,
13 but there's a notch that's built into the pigtail
14 in order to facilitate the use of the circle hook
15 with the pigtail de-hooking device.

16 Otherwise, the one without the notch
17 works great for the J hook in case you're dealing
18 with that. Otherwise, all of the vessels that
19 are having to have the turtle mitigation kits,
20 they also have to have a pole mounted line
21 cutter.

22 And in this particular case, you've
23 got your two sets of blades, and you have a four
24 or eight foot pole, or whatever you need. And you
25 can just cut it close to the hook. And most of
26 the hooks, I believe, were designed to corrode
27 and then fall out over time.

28 MR. MCCREARY: Thanks. Randy, is
29 there more in the way of feedback you're hoping
30 to get, or anything else you want to convey?

31 (Off microphone comments)

32 MR. MCCREARY: Okay. So should we
33 take it to a break?

34 MS. SCHULZE-HAUGEN: Sure.

35 MR. MCCREARY: All right.

36 MR. TAYLOR: Can I say one more
37 thing?

38 MR. MCCREARY: Yes please, go
39 ahead.

40 MR. TAYLOR: Yes, it's going to be
41 an interesting balance for the PLL fleet
42 because, you know, our instructions to the boats
43 have always been to get as close as we can.

44 We have a billfish that's a live
45 billfish. Our instructions to the boats, and I
46 actually have some footage here for anybody
47 that's interested of a billfish, of a blue marlin
48 release, is to get as absolutely close as we

1 possibly can to the leader and cut the fish off
2 because the reality of the situation is you get
3 a couple hundred pound blue marlin up alongside
4 of the boat, that you're going to do far more
5 damage to the fish by trying to bring that fish
6 in close rather than leaving a short tagline on
7 the hook.

8 And what's going to be interesting
9 is to balance as we move forward with this 100
10 percent accountability and whatever it is that
11 we're going to be doing electronically to
12 balance the ability to be able to visually
13 identify, you know, that species whether or not
14 by electronics or whatever the case may be while
15 preserving the integrity of the well being of
16 that animal that we're releasing because, you
17 know, like was suggested by Billy yesterday with
18 that device that slides down, actually, into the
19 base of the hook and cuts, okay, that may, in
20 fact, be one of the most effective ways to do a
21 release.

22 But you may not be able to identify
23 what it was that you were releasing, which will
24 defeat the purpose of the other issues that we're
25 looking at.

26 So that I think a clarification of
27 the way that we go about doing these releases,
28 you know, is really an important topic to find
29 that balance.

30 MR. MCCREARY: Well said, thank
31 you. All right, let's take a 15-minute break,
32 and we'll reconvene and pick up the Shark and
33 Billfish Conservation Act Rulemaking Updates.

34 (Whereupon, the foregoing matter
35 went off the record at 2:58 p.m. and went back
36 on the record at 3:21 p.m.)

37 MR. MCCREARY: All right, we are
38 ready to resume. So we are now going to pivot
39 to our next presentation and we have some
40 additional colleagues who are here and I will let
41 them introduce themselves and explain the
42 sequence of their presentation, so welcome.

43 MS. ABRAMS: Thank you. Oh, there
44 it stayed on. So I'm Karen Abrams. I'm with
45 the Office of Sustainable Fisheries. Thanks
46 for inviting me here today to talk to you about
47 the rulemaking for sharks.

48 And with me, we had a last-minute

1 schedule change and we are lucky that my
2 colleague Seema Balwani was able to join me and
3 she'll be picking up with an update on the
4 billfish rulemaking, also from the Office of
5 Sustainable Fisheries. So I push this button?

6 FEMALE PARTICIPANT: Yes.

7 MS. ABRAMS: All right, so first a
8 little overview of the 2010 Shark Conservation
9 Act, which is why we're even talking about the
10 rulemaking for sharks.

11 The 2010 Shark Conservation Act was
12 signed into law January 2011. It amended the
13 High Seas Driftnet Fishing Moratorium
14 Protection Act and the MSA to improve domestic
15 and international shark conservation measures.

16 And it prohibits the removal of
17 shark fins at sea but does not impose a universal
18 prohibition on the possession and sale of sharks
19 after they've been landed. Wrong button.
20 There we go.

21 So the way we're approaching the
22 implementation of the 2010 Shark Conservation
23 Act is through three separate rulemakings.

24 One is a rulemaking for the
25 identification and certification procedures to
26 address shark conservation. That's been
27 finalized. It went into effect January 2013.

28 There's a proposed rulemaking in the
29 works dealing with the savings clause for
30 smoothhound sharks and that's still in
31 development.

32 And what I'll be talking about is the
33 third component, which is a rulemaking to
34 implement the domestic provisions of the Shark
35 Conservation Act.

36 So a little bit about the proposed
37 rule. We needed, obviously, to put this
38 proposed rule together to bring U.S. federal
39 domestic shark fisheries into compliance with
40 the 2010 Act. The existing regulations were out
41 of date.

42 We published the proposed rule in
43 May of 2013 with an initial comment period
44 through June 17 of 2013. We wound up extending
45 the comment period twice for a total of 91 days.
46 It closed July 31st.

47 Some of the key elements of the Shark
48 Conservation Act proposed rule was it basically

1 restated what was already in the 2010 Shark
2 Conservation Act.

3 So it prohibits the possession of
4 shark fins aboard a fishing vessel or landing,
5 transferring or receiving shark fins or
6 carcasses unless the shark fins are naturally
7 attached to the corresponding shark carcass, so
8 it's the fins naturally attached policy.

9 It clarifies that this rule does not
10 apply to skates, rays or individuals fishing for
11 smoothhound sharks.

12 And in the preamble of the proposed
13 rule, we also describe the agency's
14 interpretation of how preemption works.

15 And the reason we did that is because
16 prior to us publishing this proposed rule
17 several states had put into place shark laws at
18 the state level that on the surface appear to
19 potentially create some conflict with the
20 implementation of the Shark Conservation Act, so
21 in the proposed rule we laid out our
22 interpretation of what this preemption stuff
23 might mean.

24 The current status of the proposed
25 rule is comment period closed. We received over
26 180,000 comments. We are right now reviewing
27 those comments.

28 We are also in active coordination
29 with the states and that's in accordance with
30 Executive Order 13132, which requires us to
31 coordinate with states whenever there's a
32 federalism kind of issue.

33 And if you wish to see the proposed
34 rule or any of the comments, you can see all the
35 comments too, they can be viewed at
36 regulations.gov.

37 So with that, I'm going to turn this
38 over to Seema who will update you all on the
39 Billfish Conservation Act.

40 MEMBER PEEL: Not going to ask
41 questions on this one first?

42 MR. MCCREARY: What's your
43 preference?

44 MS. ABRAMS: That's fine. I don't
45 mind. I don't care.

46 MR. MCCREARY: You don't mind. All
47 right, we'll take a few questions on this and
48 then we'll pivot to you, Seema, if that's okay.

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MS. BALWANI: Sure, that's fine.

MR. MCCREARY: All right, go ahead, Ellen, Ellen Peel.

MEMBER PEEL: Ellen Peel. My question is a procedural one. Why is the Office of Sustainable Fisheries handling this rulemaking and not the Highly Migratory Species? I know it's fairly recent legislation, but why is your office handling it instead of the Highly Migratory Division?

MS. SCHULZE-HAUGEN: Well, so this is a national rulemaking and so HMS Division is Atlantic only and HMS fisheries, so the smoothhound savings clause rulemaking would be one that we're doing but then the national rules for both billfish and sharks are not my job.

MEMBER PEEL: Thank you. Makes sense.

MR. MCCREARY: Okay, we have a few other questions. We'll go to you, Gerry.

MEMBER LEAPE: Thanks for your presentation. There's concerns with state preemption.

Could you talk a little more about that, sort of which states that you're currently in coordination with and have any of the discussions progressed any further, because naturally I would think that the initial reaction, in some cases anyway, may have been quite harsh.

MS. ABRAMS: Yes. There is a lot of concern about the preemption language in the preamble. So there are 11 states right now with shark laws in place that we have flagged as potential areas of conflict.

We have been in communication with all 11 of them and this is at the highest -- well, Sam Rauch and Lois Schiffer have been leading those conversations so they are actively engaging with them.

It's a high priority related to this rulemaking and the goal is really to work with the states and their Attorney Generals' offices to make sure we all understand what the goals of the states are, how those goals relate to us and where we can find and minimize the conflict as much as possible. So that's really the goal of those conversations and those are ongoing.

1 MEMBER LEAPE: Can you just indulge
2 me with which states they are? I know I should
3 have them up here but --
4 MS. ABRAMS: Okay, I didn't bring
5 the list with me but they are, let's see if I can
6 get them in order, California, Hawaii, CNMI,
7 Samoa, Washington, Oregon, Illinois, New York,
8 Maryland, Delaware and I'm missing one.
9 MEMBER LEAPE: That's pretty good.
10 MS. ABRAMS: Did I say Guam? I
11 missed Guam.
12 MEMBER LEAPE: Guam. Thanks,
13 thanks.
14 MR. MCCREARY: Thank you. By the
15 way, Sam did allude to this series of
16 conversations in a very brief way when he was
17 here, so folks have heard mention of it. Sonja.
18 MEMBER FORDHAM: Sonja Fordham,
19 Shark Advocates International. I have a
20 nitpick and an inappropriate question.
21 The nitpick is on your last slide.
22 I mean, one of the concerns that I've had through
23 all this is the confusion between shark fin bans
24 and finning bans.
25 So when you talk about states
26 enacting shark finning laws, I think you mean fin
27 bans or laws about shark fins. There's a big
28 distinction.
29 MALE PARTICIPANT: It's not a
30 nitpick.
31 MEMBER FORDHAM: Okay, he says it's
32 not a nitpick.
33 MALE PARTICIPANT: It's not a
34 nitpick.
35 MEMBER FORDHAM: My inappropriate
36 question is, I guess, I was just reminded not for
37 you but for HMS and, as you know, the loophole
38 and exception for smoothhound sharks is of great
39 concern to me. Because you mentioned that the
40 rulemaking is in development, I was wondering if
41 there's any updates on the timing of that. No?
42 Okay, thank you.
43 MS. SCHULZE-HAUGEN: Well, I'll
44 give you one anyway. So it is in development.
45 We'll have to go through the OMB process because
46 it has been declared significant.
47 So part of the reason you haven't
48 been hearing too much about timing is because

1 that's really outside our control and is very
2 hard to predict, but it's still with us and so
3 I really don't know.

4 MR. MCCREARY: Bob, do you have an
5 appropriate question?

6 MEMBER HUETER: I think so. Well,
7 the first question is 180,000 comments, is that
8 unusual or you guys deal with that all the time?

9 MS. ABRAMS: It's a lot. We've had
10 other rulemakings with, I think, that volume of
11 comments.

12 FEMALE PARTICIPANT: It's up there.

13 MS. ABRAMS: It's pretty high.

14 MEMBER HUETER: I don't know how you
15 handle something like that, but I hope you don't
16 do it by weight.

17 MS. ABRAMS: There's some pretty
18 good software out there that is helping us.

19 MEMBER HUETER: Yes. The other
20 question is I can't remember whether this is part
21 of the SCA or this is a different congressional
22 directive.

23 But I think it's NOAA that's
24 supposed to be putting together a list of all
25 foreign nations in terms of kind of a
26 certification process of whether or not they
27 have a shark management plan, whether they
28 sustainably manage their sharks, whether they
29 have anti-finning laws, whether they enforce
30 them.

31 Is that process linked to this and,
32 whether or not it is, what is the progress on
33 that?

34 MS. ABRAMS: Are you talking
35 internationally?

36 MEMBER HUETER: Yes.

37 MS. ABRAMS: I do not know.

38 MEMBER FORDHAM: Inappropriate.

39 MS. ABRAMS: I don't know but I
40 could find out and get back to you.

41 MEMBER HUETER: Yes, I thought that
42 was part of the SCA.

43 MS. ABRAMS: I think that's related
44 to there were three components. There are three
45 different rulemakings that we're doing to
46 implement the Shark Conservation Act.

47 And the first one, the final rule for
48 the identification and certification

1 procedures, I think that's what you're referring
2 to.

3 And that's actually been handled out
4 of the International Affairs Office and I am
5 personally not involved with that. All I know
6 is that it went into effect in January but I'm
7 happy to try to get that answer for you.

8 MEMBER HUETER: I personally
9 believe that that's actually an appropriate
10 issue to raise because there is linkage between
11 that and the preemption question with the
12 states.

13 If we're going ahead with this
14 certification process, then there's a different
15 road we could take other than domestic fin bans
16 and that is to look at imports. Really that's
17 where the problem is. It's not domestic
18 fishery. It's other countries.

19 You know, the domestic fin ban, in
20 my mind, has done nothing but punish the wrong
21 people and that's our domestic shark fishermen
22 who are fishing now under -- I guess I'm getting
23 into a comment. Is this inappropriate now?

24 MS. SCHULZE-HAUGEN: No. No, I'm
25 ready to jump in because it is the Office of
26 International Affairs that's lead on this. I
27 think they are in kind of a data collection
28 phase.

29 I know that we've submitted to them
30 what our rules are that would then be compared
31 to programs in other countries, and I was going
32 to note that Dr. Chris Rogers will be here
33 tomorrow and this might be a question that he
34 could help answer.

35 MEMBER HUETER: Good.

36 MR. MCCREARY: Do you have anything
37 else?

38 MS. ABRAMS: I don't have anything
39 else.

40 MR. MCCREARY: If not, you'll have
41 to turn off the microphone.

42 MS. ABRAMS: Okay.

43 MR. MCCREARY: Scott.

44 (Off microphone comments)

45 MR. MCCREARY: Okay. Rusty, do you
46 have a very brief and appropriate question?

47 MEMBER HUDSON: Yes. How brief I
48 don't know but, Karen --

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(Laughter)

MEMBER HUDSON: Okay. Karen, Rusty Hudson, Director, Sustainable Fisheries. I had submitted two comments, one on June 13th, four days before the end of the very first comment period. I wish I had waited till June 17th. I was the 28th comment.

Now you're using 180,000 up there. I'm looking at the website. It's 3,103, so you have a lot of petitions and you counted the individual people. We have a tendency to handle a lot of that as one comment, so the 3,103 I think is more appropriate.

As a result of this outpouring of extensions and stuff, I submitted a revised comment on July 31st.

So could you expand for people on the Supremacy Clause, United States Constitution, and it being inconsistent for these state bans that are trying to ban sustainably caught domestic shark from federal waters transiting into state waters?

That's where we're having our problem because our entire East Coast Atlantic Shark Fishery was built with NMFS encouraging us to develop the fishery since the early '80s from Maine to Texas, and we did it.

And then the California in particular, as well as New York, shark fin buyers were the ones that helped get that end of the product took care of.

Now, recently there was an international trade permit put on all of the fin buyers, and I told them then you need to have a paper trail, especially on the imports of shark fin.

That was the way, like Bob and I both realize, to be able to nip some of that shark finning in the bud because of the fact that if it's coming from a nation that is not cooperating with the different national and international plans of action for shark, it's an important feature.

And so because I'm also advising the lawsuits and stuff, this is why I found this in your May 2nd, 2013, Federal Register notice, and having commented on it, that was probably why having submitted it four days earlier now we got

1 180,000 people out there.

2 So I'd like to make sure that we
3 don't interrupt with federalism, you know, the
4 federalism thing, the interstate commerce
5 situation because it's already hurt our market
6 over 60 percent that we've developed since the
7 early '80s, mid '80s, from Maine to Texas and
8 it's just got to stop and so --

9 MR. MCCREARY: Thanks, Rusty.

10 MEMBER HUDSON: -- we're glad the
11 Department of Justice has stepped forward.
12 Thank you, Scott.

13 MR. MCCREARY: I think, then, your
14 core question is would you please comment on the
15 Supremacy Clause and how it applies to this
16 issue, to the extent you're able.

17 MS. ABRAMS: There we go. So the
18 issue really has to do under the Magnuson Act to
19 what degree are state laws in conflict with our
20 ability to manage federal fisheries and achieve
21 MSY and optimum yield.

22 So that's the potential conflict
23 area and that derives from the statute and that's
24 what we are trying to tease out right now in our
25 conversations with the states.

26 MR. MCCREARY: Thank you. Dewey.

27 MEMBER HEMILRIGHT: Dewey
28 Hemilright. I'm pretty familiar with the Shark
29 Conservation Act and the loophole that some
30 would say for the smooth dogfish.

31 Maybe the reason why you got 180,000
32 comments is because you gave two extensions.
33 That's pretty much unheard of. We don't get
34 that in some real major issues.

35 Something that might would help the
36 180,000 that gave comments is to the science
37 behind the fin ratios for the smooth dogfish.

38 Had this amendment went through as
39 it was written, we would have had to throw back
40 half our fins just to meet the requirement of the
41 Shark Conservation Act.

42 I went through my Senator, Burr, and
43 laid out the science of the state of North
44 Carolina and what this would do to our fishery
45 had this had to go through.

46 Any sitting senator can put a hold
47 on a bill. Over the year and a half of putting
48 a hold on this bill, started getting calls from

1 Pew Charitable Trusts, people in Costa Rica, how
2 could we work to fix this law?

3 Well, the line was pretty much drawn
4 in the sand. We have to build and process these
5 sharks and harvest all the fins. And the fin
6 ratio, based on two studies from the state of
7 North Carolina and the state of New Jersey, is
8 10 to 12 percent. Atlantic States has that
9 information.

10 So as good partners the National
11 Marine Fisheries or HMS Division has with
12 Atlantic States, maybe they could go look over
13 that report and it would help them.

14 So when it came time for this law to
15 either die or pass, the author of the Senate part
16 of it, which was the -- man, Senator Kerry, he
17 switched it to a groundfish bill that had to do
18 with Canada and Maine trans-ocean fisheries.

19 So we started getting calls from
20 people in the Northeast to say, hey, what are
21 doing with the bill here, you know? Hey, it's
22 your guy that changed the ball.

23 So they came through negotiations
24 and said we'll give exemptions to Maryland, and
25 this is the education that I got, they will give
26 exemptions to North Carolina and Virginia for
27 this smoothdog.

28 And they asked me and I said no way,
29 either here to here, either from Maine to Florida
30 out 50 miles. Harvest the sharks and have fin
31 ratios based on science.

32 And it seems like nobody else around
33 the room can figure out where it came from and
34 that's how the so-called loophole happened.

35 And it's based on the state of North
36 Carolina and the state of New Jersey's fishermen
37 who've been harvesting these sharks, smooth
38 dogfish, that been sending the information to
39 National Marine Fisheries Service that are going
40 to come up with the annual catch limits here in
41 the next few years.

42 I was asked one time had it been
43 published or peer reviewed. I don't know if
44 it's been but maybe somebody wants to do that,
45 but that's where the information came from for
46 the range of this 10 to 12 percent.

47 These shark fin bans in the states
48 isn't about -- it's about killing the U.S.

1 domestic shark fishing. If they wanted to do a
2 shark fin ban and keep the U.S. fishermen alive
3 and fishing on sustainable things, they would
4 have done a different thing.

5 You're probably not going to be able
6 to write back to your 180,000 people, but you can
7 give them an idea where it came from and maybe
8 some of the people in the room around here will
9 tell some of their constituents where the 10 to
10 12 percent came from.

11 I'm sure the state of North Carolina
12 and New Jersey would be glad to provide the
13 paperwork that was done to show the 10 to 12
14 percent ratio of where this come from. Thank
15 you.

16 MR. MCCREARY: Thanks, Dewey. I
17 don't know if you need to respond or wish to, but
18 if you want to go ahead.

19 MS. ABRAMS: Just thank you for that
20 comment and for the offer.

21 MR. MCCREARY: Thanks. Pam.

22 MEMBER BAKER: Just a clarifying
23 question if I might. In some of the comment
24 letters that I've seen and in some media and
25 outreach materials, there seems to be a
26 perception that NOAA has changed or altered its
27 preemption rules to capture the impact of the
28 shark fin trade bans.

29 It's my understanding really that
30 you're explaining how existing preemption
31 applies to the bans, so I just want to clarify
32 that.

33 MS. ABRAMS: Thanks, Pam. That's
34 correct. The language -- is this okay? Sorry.

35 MR. MCCREARY: Yes, yes.

36 MS. ABRAMS: Okay. The language in
37 the preamble to the proposed rule is simply
38 stating a preexisting condition that existed
39 prior to the publication of this proposed rule,
40 which is the possibility of preemption as it
41 exists in Magnuson. It's not something that's
42 suddenly created with sharks. It could be an
43 issue with any fishery so, yes, that's correct.

44 And the preamble, all we were trying
45 to do is be transparent and up front, recognizing
46 that this could present itself as an issue that
47 we wanted to lay out there and explain that in
48 the preamble.

1 MR. MCCREARY: Thank you. Thanks
2 for the question, Pam. Angie.

3 MEMBER BOEHM: Yes, Angie Boehm,
4 Boehm Seafood. We're very glad to see the
5 Justice Department step up and take the industry
6 side, if you're taking our side or just
7 clarifying it. We appreciate that.

8 I also agree with Bob. The state
9 fin bans are only penalizing U.S. fishermen.
10 It's no longer viable to shark fish in the United
11 States.

12 The U.S. should be a leader. We
13 should lead by example, and how can we lead if
14 we're not even allowed to harvest sharks?

15 And on behalf of the industry,
16 again, I'd just like to say, you know, thank you
17 for clarifying that and hopefully something good
18 will come of it.

19 MR. MCCREARY: Thank you, Angie.
20 Gerry.

21 MEMBER LEAPE: Part of my question
22 got answered in terms of I was trying to puzzle
23 with this coordination with states on preemption
24 when you're in the midst of a proposed rule that
25 hasn't become final yet.

26 And so is that really the thrust of
27 the coordination, that you're explaining to
28 them, you know, the clause here or are you taking
29 more definitive actions which some of us might
30 sort of wonder whether they should wait until the
31 rule becomes final?

32 MS. ABRAMS: I don't know what you
33 mean by definitive action.

34 MEMBER LEAPE: Other than just sort
35 of explanatory because presumably, and under a
36 proposed rule the rule can change, and so
37 including the elements that can lead to, you
38 know, preemption. Are there other actions?
39 Have they been just explanatory that the
40 government's taking in terms of moving forward
41 on the preemption under this rule?

42 MS. ABRAMS: The goal right now is
43 -- sorry. I'm facing this way because the mic
44 is facing this way.

45 But the goal right now in those
46 conversations is to make sure both parties
47 understand the interpretations of the state laws
48 and the federal laws, so that's the goal.

1 And it's a requirement. The
2 Executive Order 13132 requires that we consult
3 with states prior to finalization of regulations
4 where federalism could be an issue, so that's why
5 we're doing it.

6 MR. MCCREARY: Thank you. Bob, you
7 had your card up before. Do you pass?

8 MEMBER HUETER: Yes.

9 MR. MCCREARY: Yes. Okay. Seema,
10 I believe we're on to your portion of the
11 presentation.

12 MS. BALWANI: Okay. So the
13 Billfish Conservation Act was passed on October
14 5th, 2012, and the billfish that are covered
15 under this act are four species of marlin, four
16 species of spearfish and one species of
17 sailfish.

18 This does not include swordfish and
19 that has been a concern for folks but that's
20 clearly swordfish are not included.

21 So this bill prohibits any person
22 from offering billfish or billfish products for
23 sale, selling them or having custody, control or
24 possession of them for purposes of offering them
25 for sale.

26 So it doesn't ban imports outright
27 but it does say that you cannot possess or
28 transport them with the intent to sell, and
29 that's a key provision and a key to understanding
30 this bill.

31 The exemptions, Section 4.c, are a
32 little trickier to understand. The first
33 exemption, if you're a domestic vessel and you
34 land fish in the Pacific insular areas or in
35 Hawaii you are allowed to sell your fish for
36 local consumption or you can transport it to the
37 mainland U.S. for sale.

38 If you are a foreign vessel, you
39 aren't allowed to land in Hawaii, but you can
40 land your fish in the Pacific insular areas for
41 local consumption.

42 And by local we mean the Pacific
43 Islands including Hawaii, Pacific insular
44 areas, and you can export it to other countries.
45 So these two are the exemptions for this rule.

46 We did an advance notice of proposed
47 rulemaking, or an ANPR, and unlike on the shark
48 issue we got 19 comments. So this is the other

1 extreme of comments. We didn't get so many.

2 Actually all folks were in favor of
3 the rulemaking so people wrote in to support this
4 Act.

5 But the majority of them, most of
6 them, were concerned with the sale of billfish
7 on the U.S. mainland, billfish that were caught
8 and landed in Hawaii and the Pacific insular
9 areas.

10 So we got petitions. We've got
11 academia, NGOs, government and industry who
12 commented and those comments are available on
13 regulations.gov, but that was the gist of them.

14 There were a few comments, folks who
15 were concerned. Private recreational anglers
16 still wanted the right to be able to hold
17 tournaments and do taxidermy with their fish.

18 You know, there were a few
19 commercial fishermen who wanted to keep the
20 exemption because they felt that the commercial
21 fishery in Hawaii was important to maintain.
22 So, again, those comments are available on our
23 website.

24 So since this Act addresses trade
25 and has trade implications, we are going to be
26 following up with the U.S. trade representative
27 and other partners to see if it's an issue that
28 we need to address.

29 As part of the rulemaking, we did the
30 ANPR. The next step would be to have a proposed
31 rule and there would be another opportunity for
32 folks to comment. There would be a comment
33 period, and then the next step would be a final
34 rule. So that's where we're headed.

35 MR. MCCREARY: Thank you, Seema.
36 Any questions? Ellen Peel.

37 MEMBER PEEL: Thank you. Thank
38 you, Seema. I do have questions because the
39 exemption is very concerning.

40 I do concur with your interpretation
41 that this exemption does allow the sale of
42 PI-area caught billfish to be sold in the
43 continental U.S.

44 I know some people keep using the
45 word transportation in lieu of the word trade.
46 If you're moving in commerce a product that will
47 be sold, it seems like that would be trade.

48 If it is trade, can Congress mandate

1 a law without violating GATT? Could this not be
2 a problem, that it's a unilateral action by the
3 United States that would violate GATT?

4 MS. BALWANI: So we know that there
5 are trade implications and we're going to let the
6 U.S. trade representative work those out with
7 us, but we are not at the stage where we can
8 comment on those. A lot of folks brought that
9 up in the comments so we are considering that.

10 MEMBER PEEL: And I know Eric
11 Schwaab, when he was head of the National Marine
12 Fisheries Service, testified on the Hill. He
13 said the agency had serious concerns that this
14 was a trade issue and perhaps not a fishery
15 management issue.

16 And if the fish do come in from
17 Hawaii and the insular territories, certainly
18 that means there's very little reduction in the
19 Pacific billfish coming into the continental
20 U.S. for sale.

21 MR. MCCREARY: Thank you.

22 MEMBER PEEL: Thank you.

23 MR. MCCREARY: Seema, do you have
24 anything else?

25 MS. BALWANI: No, other than to say
26 that that's part of what we're looking into right
27 now, so we will address that.

28 MR. MCCREARY: Thank you. Ellen.

29 MEMBER PEEL: And if it is a trade
30 issue, I mean, there are questions whether it
31 violates GATT or other big issues. And so that
32 raises the whole question, the National Marine
33 Fisheries, or I guess it was you, asking whether
34 the agency has the authority to implement the
35 Act. And if it's trade, then it would not be the
36 National Marine Fisheries Service, correct?

37 MS. BALWANI: I would not comment on
38 that. I'm sorry. We have to have the lawyers
39 and USTR is, they're looking into it.

40 MEMBER PEEL: Yes, this is
41 definitely trade and a legal question.

42 MR. MCCREARY: Good. Thank you.
43 Terri.

44 MEMBER BEIDEMAN: Well, that was an
45 interesting discussion and, you know, given the
46 fact that we have so many things that get tangled
47 up with the USTR that's an interesting thought.

48 I was just curious if you can share,

1 did you have the WESTPAC Council, did they have
2 any position on this? Did you hear any of that?
3 I know that it came from Congress but, you know,
4 I'm curious.

5 MS. BALWANI: I think they
6 submitted a comment letter on behalf of Hawaii.
7 So I don't remember the exact comments that were
8 from them but I think that they were, if I
9 remember correctly, they spoke about the Hawaii
10 fishermen and the position that they would want
11 to take.

12 MEMBER PEEL: But they did oppose
13 implementation, was it not?

14 MS. BALWANI: I don't think so. I
15 think that they wanted to ensure that they had
16 the ability for local consumption, to be able to
17 continue their heritage on the cultural side, to
18 be able to eat marlin which is quite popular in
19 Hawaii.

20 MR. MCCREARY: Thanks. Bob.

21 MEMBER HUETER: Just a quick
22 comment on the GATT --

23 MR. MCCREARY: There we go. Got
24 it.

25 MEMBER HUETER: Thanks, John. On
26 the GATT issue, because we actually looked into
27 this on the shark fin issue and whether banning
28 imports would be a serious problem.

29 There actually are provisions in
30 GATT for protecting, I'm not sure exactly the
31 language, but basically threatened or
32 endangered species as well as critical habitats
33 in other countries.

34 So you can base a ban or a
35 restriction on protecting the biology of another
36 country actually. If you say that the trade in
37 that material is going to affect -- like what we
38 did with elephants and so on.

39 You can actually say that this
40 material is endangering a species or endangering
41 a habitat in some other place and so GATT allows
42 for that.

43 MEMBER PEEL: You're saying the
44 trade, though, in that would cause the harm,
45 right?

46 MEMBER HUETER: Right. That you
47 can say that this country will not participate
48 or any country will not participate in trade of

1 that material because it impacts negatively an
2 endangered or threatened species or a critical
3 habitat for that species. So it's a big, you
4 know, it's a lever that you can use.

5 MEMBER PEEL: But neither billfish
6 are threatened or endangered.

7 MEMBER HUETER: Well, I don't think
8 it has to meet ESA or CITES. You know, that's
9 where the gray zone is so there is some --

10 The question I had was in talking to
11 the law enforcement officials that were here the
12 other day they expressed some frustration with
13 this Act in that, according to the way they
14 explained it to me, that the provisions in here
15 do not allow them -- they allow them to arrest
16 someone who's got possession of billfish wrongly
17 but they don't allow them to cease the material
18 so the person gets to keep it.

19 Are you aware of this? Did you get
20 any comments on this and are there any provisions
21 to try to fix that in this Act before it goes
22 forward?

23 MS. BALWANI: I know that the
24 enforcement folks are working on a review of this
25 and looking into it but we have not gotten that
26 far yet.

27 Also I just wanted to mention that
28 in terms of this discussion of trade, my
29 understanding is that movement from Hawaii to
30 the mainland U.S. would be interstate commerce.

31 So the trade issues are, the problem
32 that might arise if the USTR brings it up would
33 be that the domestic fishermen have an unfair
34 advantage and are able to sell in the U.S. where
35 foreign fishermen are not and that would be the
36 issue we would be looking, or that USTR would be
37 looking into.

38 MR. MCCREARY: Thank you. Scott
39 Taylor.

40 MR. TAYLOR: I must have missed
41 something. Maybe you can clarify for me having
42 to do with the exception. I thought that you
43 said that it was illegal to possess or sell
44 marlin.

45 But on the other hand it's legal to
46 export it to the United States, to mainland
47 United States. Is it legal to be in possession,
48 a distributor for example? Can it handle

1 product that has been shipped to the United
2 States?
3 MS. BALWANI: So the exemption is
4 for domestic vessels who land marlin in the
5 Pacific insular areas and in Hawaii. Those
6 fish, if they have been landed there, are
7 exempted so they can be sold, transported, you
8 know, transported with the intent to sell, so
9 only if they were landed by domestic vessels in
10 Pacific insular areas and Hawaii.
11 MR. TAYLOR: So a foreign vessel
12 doesn't have the ability to sell marlin to
13 mainland U.S.?
14 MS. BALWANI: No.
15 MR. TAYLOR: We'd like something
16 like that for swordfish.
17 MS. BALWANI: I can't help with that
18 unfortunately.
19 MR. TAYLOR: I'm sorry. Couldn't
20 miss an opportunity, you know.
21 MR. MCCREARY: Outside the sphere
22 of this rule, yes. Allan Willis.
23 MEMBER WILLIS: My question
24 actually is kind of similar to Scott's. The way
25 I understand it, foreign vessels can sell to
26 Hawaii and Pacific insular and Pacific insular
27 and Hawaii can sell to the U.S. mainland.
28 What system do you have or will you
29 be implementing to ensure that there's no
30 co-mingling between fish that are landed on
31 foreign fleets, sold to Pacific insular and
32 Hawaii and then guarantee that those fish aren't
33 sold as landed in Pacific insular and Hawaii and
34 simply resold to the continental United States?
35 MS. BALWANI: So enforcement is
36 looking into these issues. I can't answer those
37 questions yet.
38 MR. MCCREARY: Is this a new
39 question?
40 (Off microphone comments)
41 MR. MCCREARY: Okay, all right.
42 MS. BALWANI: I'm happy to follow up
43 with anyone if you'd like to get in touch with
44 any further questions.
45 MR. MCCREARY: Great, thank you
46 very much. Thank you both for coming and
47 responding to questions and making the
48 presentation, very helpful.

1 MS. BALWANI: Thank you.

2 MR. MCCREARY: So at this point we
3 are going to keep our promise to reopen
4 conversation on sharks, although I see Gerry's
5 out of the room. I know he had some things he
6 wanted to say on that. Several cards were up
7 when we were still talking about sharks, Rusty,
8 Dewey, a few other speakers.

9 So we had a conversation. We had
10 two presentations this morning. We had a number
11 of questions about the first one. We did not
12 have time for a lot of conversation about the
13 second presentation, so we want to give a little
14 bit more time. Our hope is that perhaps if we
15 take 15 minutes that that's going to be
16 sufficient.

17 And then we know there are people
18 here who have come for public comment and we are
19 hoping that we can get to public comment in about
20 15 minutes or so. So that's kind of our game
21 plan right now. Sound agreeable?

22 (Off microphone comments)

23 MR. MCCREARY: All right. So I see
24 Rusty's card. Go ahead.

25 MEMBER HUDSON: Rusty Hudson,
26 Director, Sustainable Fisheries. I did take a
27 little bit of time with Guy and deal with,
28 offline, with some of the stuff with Amendment
29 6.

30 Steven James had brought up a great
31 point about the porbeagles and I sent around to
32 the whole HMS AP the document from Steve Campana
33 where they had put the sat tags on the porbeagles
34 and that they had finally figured out where the
35 nursing ground is down in the Sargasso Sea.

36 That has been since the porbeagle
37 assessment was originally done in 2010 and so
38 that needs to be updated and that's what's
39 driving our lack of porbeagle quota over here so
40 we need to get that worked out with the Canadians
41 since they were pretty much the lead on it.

42 Amendment 6 itself, the first thing
43 that leaped out at me was the control date,
44 September 16th, 2011.

45 By the time we get really off and
46 going with this thing we're going to have three
47 years already behind that we're going to need to
48 be able to backfill for those people, the little

1 bit of history and a little bit of active stuff
2 that I've been seeing in that presentation.

3 Personally I think that since we
4 have a limited access permit in place since 1999,
5 using a referendum not weighted is a better way
6 to go than a weighted referendum, which I felt
7 caused a lot of problem in the Gulf of Mexico with
8 the red snapper.

9 The stacking issue, I don't know
10 exactly how that's supposed to work but in my
11 mind I kind of felt like, you know, we do not need
12 to lose any more limited-access permits.

13 And, you know, if we kind of raise
14 the threshold landings for people, it makes it
15 a little easier than having to go out and either
16 borrow permits or whatever you have to do. I'm
17 not sure how all that's supposed to work.

18 But that said, minimum level of
19 threshold to freeze these limited-access permit
20 is important for the tri-pack issue with regards
21 to swordfish, tuna and stuff, in particular with
22 the incidental permit.

23 But the directed permits have been
24 pretty much frozen in time here the last few
25 years but I still see a little bit of a drop in
26 the incidental over the last several years
27 versus where it was originally.

28 Also I believe that we need to
29 eliminate this blacknose linkage ASAP. That
30 4,000 pounds can get caught easily or even 80
31 percent of that and you do not allow for
32 transferability from our bigger blacknose
33 allocation on the East Coast.

34 I think that you need to eliminate
35 that linkage in the Gulf of Mexico so that those
36 fellows with the smaller non-blacknose, small
37 coastal shark allocation over there don't lose
38 it, particularly if somebody went out in the
39 month of January and then they wipe out the
40 entire year, and somebody could do that with
41 malice and forethought. Believe me, I know.

42 Increase the blacktip Gulf quota.
43 In my comment's, because I had participated with
44 SEDAR 29, brought in the scientists for that, and
45 it looked like even if we went to 4 million pounds
46 across 40 years we still would not overfish or
47 have overfishing occurring with that animal.

48 The 500 and some odd thousand pounds

1 is now closed even though it's not quite reached.

2 I think that it would be nice to have
3 a year-round fishery over there and I believe
4 that the Louisiana component definitely wants to
5 be able to have some benefits.

6 And also remembering and she's not
7 here but Carolyn Belcher's words to this body,
8 that if you're going to go with a complex and try
9 to do a catch share you're going to have the
10 weakest species being the driving force within
11 that complex.

12 That's one of the reasons to push for
13 the Gulf blacktip quota, you know, and it's not
14 overfished, not overfishing and it's got a lot
15 of good news with it.

16 If EDF is going to work with the
17 constituency in the Gulf, eventually we need to
18 get our Atlantic blacktip took care of. We do
19 have some data issues back in the '80s. That'll
20 have to be somehow worked out because I did
21 actually give them a lot of the data.

22 And some of the data John Hoey is
23 holding on to right now from that period, from
24 1986 through 1991, and it's been in his
25 possession for three or four years now.

26 Last two things, Slide 16/Slide 17,
27 16 the active vessels and the 17 was the number
28 of trips for 2012. We'd like to see those
29 numbers. I'm sure the next go round, they'll be
30 in there. Thank you very much.

31 MR. MCCREARY: Thanks, Rusty.
32 Appreciate the focused speed round. Nice job.
33 Angie.

34 MEMBER BOEHM: I feel ITQs are the
35 best long-term way to manage the fishery but
36 realize Amendment 6 is still a long ways away.

37 A couple short-term measure
38 suggestions that could help fishermen,
39 redistribute the unused sandbar research quota
40 to the fishermen. Between '08 and '13 it looks
41 like, and this is just quick, rough math done by
42 me so it's probably not even close to correct,
43 but looks like 465,000 pounds of research quota
44 went unharvested. If that could be --

45 (Off microphone comments)

46 MEMBER BOEHM: Yes. If that could
47 be redistributed to the fishermen, that would
48 help us a lot.

1 Two, I think I prefer permit
2 stacking to trip limits. It's a little more
3 rigid. It's a federal permit with a cap of
4 three but removing the horsepower. And, three,
5 increase the blacktip quota. Thank you.

6 MR. MCCREARY: Thank you, Angie.
7 Dewey, we are now talking about shark rules
8 again. I know you had points about that before
9 so if you want to get in the queue go ahead and
10 put your card up and I'll call on you. Thanks.
11 Mark.

12 MEMBER TWINAM: Mark Twinam. On
13 the sandbar research fishery, the underage over
14 the last five years looked like it could be as
15 much as 10,000 fish.

16 And I was just hoping we could either
17 get more hooks in the sandbar fishery or maybe
18 outside of the sandbar fishery in a large coastal
19 fishery have a trip limit of five or ten sandbars
20 per trip, something like that, to use up some of
21 the quota. With the fin drop in price, we could
22 use the money. Thank you.

23 MR. MCCREARY: Thank you, Mark.
24 Dewey.

25 MEMBER HEMILRIGHT: Thank you. I
26 haven't shark fished in the last probably three
27 or four years because the way they have the
28 quotas and the 36 fish is not feasible. I don't
29 participate in the guinea pig fishery because I
30 think it shows no level of abundance, the
31 research.

32 Something earlier on some of the
33 slide presentations, if you're giving a quota
34 that's being caught, federal quota, you need to
35 show how much of it's caught by the states and
36 how much is caught by the federal-permitted
37 dealers because some of your slides up here
38 didn't show that. Majority of your stuff in the
39 Gulf is caught by probably state-water
40 fishermen.

41 On the East Coast something else
42 that needs to be looked at is your research that
43 would show abundance of the sharks. You hear us
44 talk about your research fishery is not -- it's
45 basically on doing how long something lives on
46 a hook, doing different types of tests and stuff.
47 It's showing nothing, the abundance of sharks
48 that we're talking about.

1 The only thing that's out there as
2 the research crews is pretty limited but it's
3 showing the increases, the number of duskies and
4 stuff, nothing up in the Northeast.

5 Second of all, since the sandbar
6 quota is not being caught, it should be given
7 like 10 to 15 fish trip limit throughout the
8 range if you're a federal-permitted vessel that
9 has a shark permit.

10 What would happen then if you're
11 fishing in another fishery and you incidentally
12 catch a sandbar, you're allowed to keep it. And
13 what that would also do, would show the range of
14 where you're catching sandbars at.

15 Like if a guy's fishing up in New
16 England and over a two- or three-month period of
17 time he's catching sandbars there in other
18 fisheries, it would show the distribution
19 because since 2000 the dusky shark has been on
20 the prohibited list.

21 And so as we've done a stock
22 assessment it's poor and from my perspective as
23 the fisherman pretty, I mean, well, wasn't very
24 favorable.

25 We have to go show as the amount of
26 fishing or, you know, the distribution,
27 something that's out there right now, there is
28 nothing out there that shows this, that would
29 show distribution.

30 You know, these little side things
31 they got going on, pretty, not very good to show
32 that because as the protection of these sharks
33 you're going to have more shark increases and
34 you're seeing that in different levels.

35 Something else to make mention about
36 that also, the amount of levels of fishing for
37 monkfish, soaking nets overnight and different
38 things, the levels that would interact with
39 sharks have greatly decreased over the years,
40 greatly.

41 So, therefore, there's a lot more
42 sharks out there or a black hole to swallow them
43 up and I haven't heard that theory yet.

44 So increase the sandbar quota for
45 everybody, finally give them a chance. Take it
46 off the guinea pig fishery and give everybody 10
47 or 15 sharks.

48 When you look at the Florida East

1 Coast, they're allowed to go fishing for the 36
2 sharks because it's a lot closer to shore, you
3 know?
4 People up in the Northeast, north of
5 North Carolina, up in the Northeast, they've
6 been pretty much shut out for a long time.
7 So 10 to 15 sharks, heck, we'll say
8 15 sandbars, you know, you report where you catch
9 them. People are not going to be going out
10 directing for 15 sandbars because as you get
11 farther away from Florida you got to go a farther
12 distance.
13 And that would also help you to see
14 the distribution, you know, a lot more because
15 right now you're not getting nothing. So I
16 think that's good enough. Thanks.
17 MR. MCCREARY: Thank you very much,
18 Dewey. Ron.
19 MEMBER CODDINGTON: Anytime I'm in
20 a meeting here and I see these two words, I'm
21 going to have the exact same comments. I don't
22 know what gives anyone in this room the right to
23 be talking about catch shares.
24 You're giving away my grandkids'
25 fish, giving perpetual ownership to a public
26 property. You're violating our public property
27 rights.
28 It's the most disgusting thing
29 that's ever gone on in fisheries management. We
30 have no right to give these fish away forever.
31 And the only reason I'm saying this,
32 and I'm done, is because when the transcript is
33 available I'm going to print this part of the
34 transcript so when my great-grandkids ask me why
35 I got to go to Walmart to buy quota before I can
36 go out and fish for dolphin or snapper, I'm going
37 to pull it out and say your great-granddaddy
38 fought against it.
39 MR. MCCREARY: Thank you. Rusty.
40 MEMBER HUDSON: Two things. Rusty
41 Hudson, Director, Sustainable Fisheries. One,
42 with the sandbar sharks. I think Dewey's onto
43 a great idea.
44 We are seeing the range of those
45 animals increase so much that they're coming in
46 as close as ten fathoms off the Florida coast.
47 And the guys that normally fish the
48 non-sandbar, this bull, lemon, blacktip, stuff

1 like that, sometimes those are inside safe
2 waters where we're not allowed to be so it would
3 be nice to have a little extra when we do get them
4 instead of having to cut them off.

5 Second off, as far as the catch share
6 thing, two years ago we had a meeting here and
7 had people from the Gulf and so as far as whatever
8 those people choose to do that's not my
9 situation.

10 I was just trying to give caution
11 that we did not need to put catch shares on things
12 that either, one, haven't been assessed, two,
13 has not got a good scientific basis because if
14 it is not rebuilt and stuff like that, overfished
15 and stuff, it becomes very problematic.

16 Personally, on our East Coast, we
17 have a great majority that are against it. They
18 ran into a buzz saw with my mackerel people and
19 everything else.

20 And that was, again, the Gulf people
21 that tried to bring it to us in '09 and 98 percent
22 of the people were against it on the mackerel.
23 You'll get the same thing with almost anything
24 else over here on our East Coast unless it's a
25 very small fishery.

26 We tried with the golden crab at the
27 South Atlantic Council. We had 11 permits and
28 8 boats. We could not get 100 percent
29 consensus. Roy Crabtree wanted 100 percent
30 consensus.

31 As to whatever with the other
32 groups, again, it's going to be a situation where
33 there's a vote. Here we have no vote. We only
34 have consensus.

35 MR. MCCREARY: Thank you. Just a
36 time check. So our aspiration is to pivot to
37 public comment roundabout now-ish.

38 I will call on Pam and if people who
39 have already spoken have additional comments to
40 make, please be concise about it, and then we
41 will, very shortly, pivot to public comment.
42 Pam.

43 MEMBER BAKER: Just quickly. I
44 think this has come up in the shark meeting back
45 in January. Amendment 6 has some tools that
46 might help with duskies and because of the sort
47 of sequencing of things makes that difficult so
48 I think just keep that in mind and think about

1 whether there are options to combine those in
2 some way.

3 MR. MCCREARY: Thanks, Pam.
4 Dewey.

5 MEMBER HEMILRIGHT: I wasn't here
6 for some other comments. I'm not for catch
7 shares, even if I was the only one to be able to
8 go fishing.

9 I think over time an instant with the
10 black sea bass fishery in the South Atlantic,
11 they went to an endorsement for sea bass potters.

12 Had they waited for a couple of years
13 with the stock assessment that come back from sea
14 bass, them guys that didn't get endorsed in would
15 be fishing now. They wouldn't be out of a
16 fishery.

17 So I'm not a fan of catch shares in
18 any way. There's a lot of money that goes into
19 the different organizations to get a few
20 fishermen to sip the Kool-Aid and that's them
21 sipping, doing it, but I'm no way for any catch
22 shares. Thank you.

23 MR. MCCREARY: Thank you, Dewey.
24 All right, at this point I would like to ask
25 people that may have come to make public
26 comments, we need to find a chair for public
27 comments. How about Rich's chair?

28 Right there. Jeff, you're making
29 it available? Thank you. All right, so are
30 there individuals who are here to give public
31 comments? Glen, go ahead.

32 MR. HOPKINS: I got to warn you
33 guys, they're ready to leave but I've been
34 coached by Rusty all day on how to public speak.
35 (Laughter)

36 MR. HOPKINS: I'll try to be short.
37 It's pretty hodgepodge, but I'll just start by
38 saying that you could tell me that we're having
39 a snowstorm outside right now and I'd believe
40 that more than I believe duskies and scalloped
41 hammerheads are still in trouble.

42 I mean, I see it every day with my
43 own eyes. I hear it on the radio with my own
44 ears. Every day we're out there people are
45 complaining about it.

46 Rom's sitting right here next to me.
47 I think he'll back me up, that, I mean, he's been
48 fishing as long as I have too and we've never seen

1 them and had the interaction with them as far as
2 eating fish.

3 And, I mean, my boat this morning,
4 I'm not saying it was a dusky that ate it but
5 every trip we have sharks that are, you know,
6 eating off the line and we had a 150-pound bigeye
7 that they ate up.

8 I mean, there's some days that the
9 sharks get, and those are duskies that are
10 getting their stuff and, you know, some days the
11 sharks get more of the tunas than the party does.

12 Anyway, I know what I know, what I
13 know, what I know, what I know, and it doesn't
14 jive with the current science.

15 On another note, Dewey touched on it
16 just now and I just want to try to emphasize. I
17 mean, we mention this monk net fishery and I
18 don't know if anybody's familiar with it or not
19 but years ago a lot of the guys from the Northeast
20 were coming down and fishing for monkfish and
21 this consists of like, you know, five, sometimes
22 10,000 yards of net that they'd leave out full
23 time and go work, you know, every couple days or
24 whatever.

25 And you take 20 boats, say 5,000
26 yards at a minimum, that's what, 15,000. Two
27 and a half nautical miles times 20 boats is,
28 what, 50 miles. Fifty miles of, you know,
29 8/10-inch net is the perfect size for these
30 juvenile duskies, sandbars and what and most of
31 the time they had no problem.

32 But they'd stay till the spring
33 happens and once that warm water wedge starts
34 coming up all these fish are moving on the
35 forefront and literally thousands of these
36 sharks were being killed.

37 And I know there's no documentation
38 of that. They didn't land them, blah, blah,
39 blah, but -- and longlines too was, pretty sure
40 Karyl and Margo remember, but we had all these
41 unclassified sharks up on the eastern shore of
42 Virginia.

43 And if Jack Musick was here he'd
44 probably agree with me that probably a high
45 percentage of those were small dusky sharks.
46 They were never identified. That fishery's no
47 longer happening.

48 So that's two major, major -- and I

1 would call those curtains of death that those
2 duskies aren't having to deal with anymore.

3 One thing on the presentation this
4 morning, the landings in the Atlantic weren't
5 very high and I just hope that nobody thought
6 that that's because there was a lack of fish. I
7 would maintain it was lack of effort due to the
8 no longer economically viable because of the fin
9 crash.

10 I already talked about the sharks
11 eating more and more stuff. And I should know,
12 but is there another dusky stock assessment
13 scheduled any time in the future?

14 MS. SCHULZE-HAUGEN: I think the
15 assessment schedule is still in flux, so not yet.

16 MR. HOPKINS: Okay. And just kind
17 of a question that I was kind of wondering about
18 as we're talking, you know, I'm sitting here
19 frustrated because I'm seeing all these sharks.

20 I'm seeing all these sharks and then
21 I got people that are saying that they're so
22 worried about them that, you know, so extreme we
23 need to put them on the endangered species list
24 and I'm, like, I don't know what constitutes
25 something being endangered.

26 I mean, is there any kind of
27 quantity, say a billion of them, you know, would
28 you feel like it was enough? Or see 1,000,
29 1,500, you know, what -- I know that's a crazy
30 question but is there any kind of quantity, that
31 if you saw that many you'd say, well, maybe
32 they're okay?

33 MS. SCHULZE-HAUGEN: So again, this
34 is not the area of our expertise but what I do
35 know is that they look at each species. They
36 look at its population, growth rates and things.

37 And then they look at, it's an
38 extinction risk analysis but each species they
39 look at a different time period and different
40 factors.

41 So there's no one that's the same as
42 the others and no, like, magic number that means
43 if you're over it you're fine, if you're under
44 it you're below it.

45 So I've heard a number questions on
46 ESA process so that may be something we should
47 revisit next time, get a little more depth on
48 that, because it's really something that I don't

1 know the full detail.

2 MR. HOPKINS: It's just my little
3 simple mind, that, you know, if I'm seeing
4 thousands and thousands of these fish, are they,
5 you know, I guess they're endangered but, you
6 know, maybe because they're, you know, I just
7 don't get it.

8 I mean, I've seen so many of them I
9 don't know what makes something endangered,
10 specifically duskies. You know, how many would
11 you have to see to be satisfied?

12 And do they have to be everywhere?
13 As to Bob's comment this morning about the
14 northern Gulf, or the Gulf wherever it was, I
15 mean, 50 years ago they were there.

16 I mean, five years ago the strikers
17 were in Hatteras. We haven't seen one since.
18 Of all places, environmental factors affecting
19 that place, I can see why a shark would
20 definitely not even want to be there.

21 I mean, we got the population, the
22 massive development, oil and oil rigs, boat
23 traffic. Just as a side, when I used to target
24 duskies, they didn't like traffic.

25 Anyway, Margo, if you would issue me
26 a EFP permit and give me a target, I'll just go
27 tag and try to show you as many as I could to maybe
28 a reasonable person could say they're okay.

29 And as far as the scalloped
30 hammerheads, if we could get an airplane, and
31 I'll pitch in to charter the thing next spring
32 on a migration, I think Rom and just about
33 anybody from, probably even in the Northeast
34 too, never seen so many of them on top.

35 I mean, if it takes 5,000 of them to
36 say maybe they're okay, if you can sit there and
37 count them with your eyes and not have to go
38 through the growth process and the stock
39 assessments and everybody's data, but if you sit
40 there and look at them, maybe they're not
41 endangered. Thanks a lot.

42 MR. MCCREARY: Thank you, Glen.
43 Others who may want to address the Advisory
44 Panel, any other members of the public? Marty.

45 MR. SCANLON: Yes, Martin Scanlon,
46 Fishing Vessel Provider II, pelagic longline.
47 Just a couple of comments.

48 I would be against, you know,

1 individual quotas in the shark amendment. You
2 know, I'm fearful of you wanting to make this
3 another, you know, choke fishery which, I mean,
4 we're already going to have to deal with the
5 bluefin issue here.

6 And, you know, if you just keep
7 finding everything we need to be reduced is going
8 to become a choke fishery. I think sooner or
9 later we're going to be choked out, you know. I
10 mean, there's only so much we can deal with,
11 especially at one time or another.

12 The other issue I see here is that
13 we have the ability to compile, you know, compile
14 permits on top of each other, you know, put one
15 permit on top of the other there.

16 And one of the things I want to just
17 say is that, you know, a lot of times we have
18 regulation after regulation after regulation
19 put on us.

20 Like, Margo, you said that, you
21 know, you're mandated to do something but
22 sometimes, you know, we may have already done
23 something since the stock assessment has been
24 established.

25 So, you know, I'd like to know if you
26 have gone back from the time that the stock
27 assessment was taken and looked and seen if any
28 of the regulations put on us, you know, is
29 applicable to, you know, doing something in
30 that, you know what I'm saying?

31 Each individual as it comes up --
32 it's been interesting. We've had all these
33 amendments to deal with and we're dealing with
34 them on an individual basis.

35 And sometimes one answer, you know,
36 some of the things we do is an answer to all of
37 those. Some of those, not all of them but, you
38 know, one answer may be in one thing, may be
39 answerable for a lot of things.

40 And, you know, we need to apply them
41 to everything that we can apply them to, not just
42 to the specific amendment that we're dealing
43 with, you know?

44 The other thing that I want to talk
45 about is, and I haven't seen it in the
46 presentation here at all, is that we had taken
47 the time to write up in the public comment period
48 on the duskies there, here in set protocol that

1 we had written up for the longline industry there
2 to avoid interaction with these duskies.

3 You know, I think that would have
4 been nice to see that, you know, and present it
5 to the panel here to review.

6 You know, I think it was a pretty
7 effective way in which that we could
8 dramatically reduce our interaction with these
9 duskies, especially since the duskies, the
10 interactions that we had, were compiled by I
11 think as little as seven or eight boats.

12 And, you know, it wasn't throughout
13 the entire fleet that has seen that we had a
14 dramatic impact on these duskies.

15 So, I mean, the set protocol and the
16 gear protocol that we had written up in there I
17 think is a very effective way of dealing with the
18 issue. I mean, I believe it would resolve the
19 issue without a doubt, you know?

20 The other question here I have is,
21 I mean, the one gentleman right here, you know,
22 he was talking about -- we talked about the stock
23 assessments and certain research groups have
24 come up with these numbers.

25 Like Dewey pointed out how, you
26 know, duskies are hooked to landings where, you
27 know, we're dramatically increasing each year
28 and each year.

29 And the gentleman right there
30 pointed out that, well, there are certain areas
31 that these duskies have not come back yet.

32 Well, the way I'm thinking of it is
33 that, you know, sometimes these species sort of,
34 you know, they get kind of lazy and they may not
35 want to migrate to certain areas.

36 And then they may only have been in
37 those areas in the first place because of some
38 kind of ecological event, you know, say a
39 hurricane or a particular storm or a particular
40 tidal occurrence.

41 And, you know, they've deposited a
42 certain amount of them sharks in a particular
43 area along a particular bank and those fish sort
44 of found a home there and those fish may never
45 come back there unless that event occurs again.

46 And one of the things that I was
47 thinking of and it might sound, you know, maybe
48 unreasonable. It may not even be practical.

1 But I'm just curious if anybody's
2 even thought of sort of like a seeding program
3 where you can, you know, transfer certain amount
4 of sharks to some of these areas and see if they
5 take, sort of like you do in the shellfish
6 industry where they take, you know, beds will be
7 dry for years and rather than wait for nature to
8 take its course and gradually -- you know, if you
9 only got like us, you know, we're catching fish
10 and, you know, I make a set, I have a bad set and
11 one of the things I think about, do I want to move
12 or how do I want to do this?

13 You know, and I'll say, well, if I
14 only had 100 pounds of fish today and even if I
15 double my effort, I'm only going to have 200
16 pounds of fish. Well, if you only have one shark
17 there and if he doubles or triples, how many
18 sharks you going to have there?

19 So I don't know whether it's
20 feasible or don't know if anybody in the
21 scientific community has thought of it but, you
22 know, take some of this funding that you've got
23 and try to deposit some sharks in some of these
24 areas and see if they take.

25 You know, help nature along a little
26 bit and you might see more of a dispersal of these
27 sharks up and down the coast. You know, some of
28 these sharks may never go back to those areas.
29 They're just too lazy.

30 You know, the other issue with that
31 is that some of the food that those fish were
32 eating in those areas may not be there anymore.
33 You know, I mean we've got in-shore stocks that
34 have depleted and there's nothing for those
35 sharks to really go there to feed on anymore.

36 And, you know, the stock could be
37 fully restocked and you may never see sharks in
38 that area again and that's something to think
39 about.

40 You know, so to go by that criteria,
41 that just because your shark's not along a
42 particular bank anymore, that doesn't
43 necessarily indicate that the stocks aren't
44 healthy, you know, and I think that's something
45 to really look at there.

46 I mean you got to look at the overall
47 assessment of these sharks and since they are
48 migratory, you know, that's a serious

1 consideration. You know, it's a concern, of
2 course, that the sharks might not be there but,
3 I mean, the area changes, the migration of the
4 fish changes.

5 Like Jeff said, you know, they don't
6 see the bluefish anymore there. They don't see
7 this over there anymore. You know, and if
8 there's certain things that were there that were
9 holding those sharks there, if those fish aren't
10 there, why would the sharks go back there?

11 So, I mean, I don't think you can
12 judge the stock assessment by certain areas that
13 don't have any sharks. I mean, it's a highly
14 migratory fish.

15 And I think you have to assess it on
16 the overall stock, not in individual areas, so
17 I think that's something to think about and look
18 at, you know, when we go forward with these
19 regulations.

20 And I appreciate the science, you
21 know, and I appreciate finding out what's there
22 but, I mean, those are some serious concerns that
23 I have. I mean and I think it's logical that,
24 you know, that could be the occurrence, you know?

25 Like we see that in the swordfishing
26 industry. You know, some years we go up there
27 and we're catching nothing but swordfish.

28 We'll go to the same area the very
29 next year and we'll catch nothing but yellowfin
30 or bigeyes. I mean, why those swordfish aren't
31 there --

32 MR. MCCREARY: Thanks. Marty, do
33 you have other points or is that pretty much it?

34 MR. SCANLON: But I think pretty
35 much that's about it.

36 MR. MCCREARY: Thank you.

37 MR. SCANLON: All right.

38 MR. MCCREARY: Thank you very much.

39 MR. SCANLON: Thank you.

40 MR. MCCREARY: All right, who else
41 would like to address the panel? Yes, sir.

42 MR. MCINTYRE: Bill McIntyre,
43 Fishing Vessel Shady Lady. I just got a couple
44 questions there and a couple comments.

45 I'd like to direct a couple
46 questions to Dr. Kerstetter. Yesterday in your
47 presentation, you had a bunch of numbers up there
48 and I wasn't quick enough to catch them. You had

1 trips --
2 MR. MCCREARY: This pertains to the
3 presentation he gave right before lunch
4 yesterday.
5 MR. MCINTYRE: Correct. One of the
6 pages there you had trips and then poundage. Do
7 you happen to know what that is?
8 MR. MCCREARY: He's looking.
9 MS. SCHULZE-HAUGEN: So we'll post
10 those too so we just haven't had a chance to do
11 that yet.
12 MR. MCINTYRE: Okay. Well, it's
13 pertinent to what I want to say here. The other
14 question I want to ask is did you say there was
15 zero interaction in bluefins? That one I need
16 to know also.
17 MR. MCCREARY: Dave's pulling up
18 the presentation. Hang on just a second.
19 MEMBER KERSTETTER: Okay, I got it.
20 MR. MCCREARY: Okay. So ask that
21 last question again, please.
22 MR. MCINTYRE: Did you also say
23 there was zero interactions with bluefins?
24 MEMBER KERSTETTER: Right.
25 MR. MCINTYRE: Okay. And what was
26 the trips and poundage?
27 MEMBER KERSTETTER: We had 182
28 fishing days. You're talking green stick here
29 specifically?
30 MR. MCINTYRE: Whatever you had up
31 there on the --
32 MEMBER KERSTETTER: One hundred
33 eighty-two fishing days with green stick over
34 the course of the year, so starting before the
35 spawners moved into the Gulf and not being done
36 until last month, so after they were gone, 28,479
37 pounds of yellowfin.
38 MR. MCINTYRE: Okay. Do you happen
39 to know what that average would be then per trip
40 there?
41 MEMBER KERSTETTER: It varied over
42 the course -- average is kind of meaningless
43 because the catch rates and poundage increased
44 over the course of the project.
45 MR. MCINTYRE: Okay. So you don't
46 have an average.
47 MEMBER KERSTETTER: Well, I do,
48 it's just meaningless. Big difference.

1 MR. MCINTYRE: All right. Maybe
2 meaningless to you but I'd just like to -- I'll
3 figure it out myself here then. Just give me one
4 second.

5 MR. MCCREARY: And like Margo said,
6 the presentation will be put online shortly.

7 MR. MCINTYRE: Okay.

8 MEMBER KERSTETTER: And I'd be
9 happy to go over any data myself with you while
10 you're still here.

11 MR. MCINTYRE: Okay, I would just
12 like to point this out right now. Is there any
13 reason why you might stipulate that you had zero
14 bluefin interactions, because my question to you
15 is they catch the bluefins in Hatteras on the
16 green sticks.

17 Is it the time of year that you
18 fished there? Do you have any reason
19 whatsoever, because the green stick has been
20 shown to catch bluefins.

21 I just want everybody here that
22 doesn't fish and all the rest to realize that.
23 In this particular study, it did not come up. I
24 just wonder if you have any reason for that.

25 MEMBER KERSTETTER: Well, I mean,
26 in the report I gave yesterday it was that we
27 observed no bluefin interactions, not that
28 bluefin tuna interactions were unlikely with
29 extensive use in the Gulf of Mexico. That was
30 all that was.

31 My gut feeling is that it probably
32 has to do with the different thermal structure
33 that you see in the Gulf of Mexico --

34 MR. MCINTYRE: Okay, okay. I was
35 just wondering and then did --

36 MEMBER KERSTETTER: -- as well as
37 the willingness to feed.

38 MR. MCINTYRE: Was your study
39 offshore during the wintertime when the bluefins
40 are there or --

41 MEMBER KERSTETTER: Correct.

42 MR. MCINTYRE: It was done then?

43 MEMBER KERSTETTER: We were
44 offshore, yes.

45 MR. MCINTYRE: Okay, okay. All
46 right, I just wanted that qualified and I just
47 want to -- I did some quick math here and the
48 average is 156 pounds per trip.

1 Now, I just want to let everybody
2 know here that in the fishing industry we
3 consider that a broker. I wouldn't go out on a
4 sailboat and catch that much fish and make any
5 money on it.

6 Now, granted, it's only an average.
7 I'll give Mr. Kerstetter that. The point I want
8 to make to everybody that doesn't fish is this
9 is a great technique for conservation. I don't
10 deny it.

11 There is little bycatch, live
12 release, all the rest, and it's really a great
13 conservation measure because, guess what, you
14 don't interact with the fish.

15 So it is a super conservation
16 measure and I got to tip your hat to that, but
17 as far as an economically viable way, at least
18 in the Gulf, it doesn't look like it. That's my
19 one comment on that.

20 The next comment's to Margo and
21 everybody up there. I just would like to see one
22 thing here. The individual boat quotas I'd like
23 to see go with the permits if at all possible.
24 I don't know what the reason for that is, but
25 that's my only other comment. Thank you.

26 MR. MCCREARY: Thank you, Bill.
27 Other speakers? Anyone else wish to speak?
28 Bob, you wish to speak?

29 MEMBER HUETER: Could I just
30 respond to a couple of the comments that were
31 made about comments that I've made, or no?

32 MR. MCCREARY: Well, let's see if
33 there are other members of the public and then
34 --

35 MEMBER HUETER: Oh yes, of course.
36 I'll wait till then.

37 MR. MCCREARY: Anyone else wish to
38 speak?

39 MEMBER HUETER: Actually want to be
40 inclusive in my comments.

41 MR. MCCREARY: Yes, we strive for
42 inclusion here, absolutely. I guess not. All
43 right, be diplomatic and concise please.

44 MEMBER HUETER: Yes, well, I just
45 want to say that I think some of the points that
46 Jeff raised, I think it was yesterday, and the
47 gentlemen just raised today about how you
48 measure stock abundance, there's a lot of

1 validity to a lot of things they said, that it's
2 not just a matter of the number of fish, that
3 climate change is real, changes in distribution
4 are real.

5 There's a thing called localized
6 stock depletion with sharks, that when they're
7 removed from an area it does take them a while
8 to come back to that particular area because they
9 do have migratory routes where they imprint on
10 the nursery areas that they use.

11 So there's actually a lot of
12 validity to what was said, and it is complicated.

13 And the only reason that I brought
14 up the example of not seeing duskies in my
15 particular area is not because my area is more
16 important.

17 It's just to say that you cannot
18 measure abundance just in one area. You've got
19 to look over the whole range of this highly
20 migratory species, and it's actually the point
21 that the gentleman was just trying to make.

22 You know, if you come to my part of
23 the world during tarpon season in the spring and
24 look in Boca Grande Pass you'd think the great
25 hammerheads were more abundant than ever. I
26 mean, that's where they come to feed. It's a
27 population center where they come to.

28 But you look over the entire range,
29 which is the only valid way to do it in terms of
30 stock assessment, and you don't see those
31 animals where they used to be.

32 So I actually agree with the point
33 that was just made, that you can't do just
34 localized measures but you've got to look over
35 the entire range and just because you work an
36 area that seems like the animals are exploding,
37 as I've heard, that doesn't mean that the
38 population as a whole has recovered.

39 MR. MCCREARY: Margo, any
40 concluding thoughts from you? We've heard a lot
41 today.

42 MS. SCHULZE-HAUGEN: We have.
43 And, you know, it's been three very full days and
44 so, you know, I think this is good. I appreciate
45 all the input and particularly circling back on
46 shark stuff. I know we didn't get quite the time
47 we needed.

48 So, no, I appreciate it all. I look

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forward to wrapping up tomorrow. We've got a little bit more, so hang with us for Day 4 and have a good night.

MR. MCCREARY: Thank you. We're adjourned for today.

(Whereupon, the meeting in the above-entitled matter was concluded at 4:39 p.m.)

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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
Advisory Panel Meeting

Before: NMFS

Date: 09-11-13

Place: Silver Spring, MD

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