

U.S. DEPARTMENT OF COMMERCE  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  
(NOAA)

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NATIONAL MARINE FISHERIES SERVICE (NMFS)  
ATLANTIC HIGHLY MIGRATORY SPECIES ADVISORY PANEL

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VIRTUAL PUBLIC MEETING

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WEDNESDAY  
MAY 26, 2021

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The Panel met via webinar at 9:00 a.m.  
EDT, Bennett Brooks, facilitating.

MEMBERS PRESENT

JASON ADRIANCE, Louisiana Department of  
Wildlife and Fisheries

PATRICK AUGUSTINE

ANNA BECKWITH, South Atlantic Fishery  
Management Council

RICK BELLAVANCE, New England Fishery  
Management Council

ANDREW COX, Shimano North America

MARCUS DRYMON, Mississippi-Alabama Sea  
Grant; State Representative for Alabama

MEAGAN DUNPHY-DALY, Duke University Nicholas  
School of the Environment

RAIMUNDO ESPINOZA, Conservaciòn ConCiencia  
Inc.

STEVE GETTO, American Bluefin Tuna  
Association

WALTER GOLET, University of Maine School of  
Marine Sciences and Gulf of Maine Research  
Institute

JOHN GRAVES, Virginia Institute of Marine  
Science  
YAMITZA RODRIGUEZ FERRER, Puerto Rico DNER,  
Recreational and Sport Fisheries Division  
SONJA FORDHAM, Shark Advocates International  
KRISTIN FOSS, Florida Fish and Wildlife  
Conservation Commission  
MARCOS HANKE, Caribbean Fishery Management  
Council  
LUKE HARRIS, Pure Harvest Seafood  
DEWEY HEMILRIGHT, Mid-Atlantic Fishery  
Management Council  
GREG HINKS, New Jersey Department of  
Environmental Protection  
EVAN HIPSLEY  
RUSSELL HUDSON, Directed Sustainable  
Fisheries, Inc.  
ROBERT HUETER, Center for Shark Research,  
Mote Marine Laboratory  
BOB HUMPHREY, Sport-Ventures Charters and  
Casco Bay Bluefin Bonanza  
STEPHEN IWICKI  
WALLACE JENKINS, South Carolina Department  
of Resources  
DAVID KERSTETTER, Nova Southeastern  
University Oceanographic Center  
SHANA MILLER, The Ocean Foundation  
ROBERT NAVARRO, Fly Zone Fishing  
JEFF ODEN, F/V Sea Bound  
TIM PICKETT, Lindgren-Pitman, Inc.  
MICHAEL PIERDINOCK, CPF Charters  
"Perseverance"; Recreational Fishing  
Alliance  
STEVE POLAND, North Carolina Division of  
Marine Fisheries  
GEORGE PURMONT  
KIRBY ROOTES-MURDY, Atlantic States Marine  
Fisheries Commission  
MARK SAMPSON, Ocean City Charterboat  
Captains Association  
MARTIN SCANLON, F/V Provider II  
DAVID SCHALIT, American Bluefin Tuna  
Association  
GREGORY SKOMAL, Massachusetts Division of Marine  
Fisheries  
PERRY TRIAL, Texas Parks and Wildlife  
Department

CHRISTINA VAETH, present on behalf of Dave  
Campo

RICK WEBER, South Jersey Marina

ALAN WEISS, Blue Water Fishing Tackle  
Company

KATIE WESTFALL, Environmental Defense Fund

ANGEL WILLEY, Maryland Department of  
Natural Resources

NOAA NMFS STAFF PRESENT

RANDY BLANKINSHIP, Division Chief, Atlantic  
Highly Migratory Species Management Division

KARYL BREWSTER-GEISZ, HQ Fish Branch Chief,  
Atlantic Highly Migratory Species Management  
Division

JENNIFER CUDNEY, Atlantic Highly Migratory  
Species Management Division

PETE COOPER, Branch Chief, Atlantic Highly  
Migratory Species Management Division

KELLY DENIT, Director, Office of Sustainable  
Fisheries

GUY DUBECK, Atlantic Highly Migratory Species  
Management Division

ADRIENNE LOHE, Office of Protected  
Resources

BRAD MCHALE, Northeast Branch Chief, HMS  
Recreational Coordinator, Atlantic Highly  
Migratory Species Management Division

DELISSE ORTIZ, Atlantic Highly Migratory Species  
Management Division

LARRY REDD, JR., Atlantic Highly Migratory  
Species Management Division

CARRIE SOLTANOFF, Atlantic Highly Migratory  
Species Management Division

TOM WARREN, Atlantic Highly Migratory Species  
Management Division

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

2 9:02 a.m.

3 MR. BROOKS: Good morning, everyone,  
4 and welcome to day 2 of the AP meeting. We'll  
5 have a three-day AP meeting so another full day  
6 tomorrow, and then on Friday there will be a  
7 Recreational Roundtable conversation, a  
8 discussion of the Large Pelagics Survey. That is  
9 an open meeting. That is more of a public  
10 workshop, not a formal AP meeting itself. So we  
11 hope to see all of you there as well.

12 We had a good full day yesterday, a  
13 lot of conversations, a lot of really helpful  
14 feedback from all of you so thank you as always  
15 for being so focused and attentive, and sharing  
16 your thoughts. It's really helpful.

17 Today we have another busy day. We're  
18 going to focus in the morning, several  
19 presentations and discussions related to shark  
20 fisheries. We'll start with the shark review and  
21 update you on the comprehensive review of the  
22 shark fishery known as SHARE.

23 After a break we will have a  
24 presentation on the Shark and Swordfish Retention  
25 Final Rule. And then we'll have a brief  
26 conversation and discussion on the petition to  
27 list shortfin mako shark as threatened or  
28 endangered.

29 We will break for lunch at 11:30, and  
30 we'll have a lunch break from 11:30 to 1 so as I  
31 mentioned yesterday that is the big chunk of time  
32 that we encourage you if there's a call you've  
33 got to take or work you've got to do, that's the  
34 best place to focus it. It's a pretty reliable  
35 90 minutes that you can grab and not to have to  
36 sort of share your attention between this  
37 conversation and other things that I know are on  
38 all of our desks. So please focus up there.

39 After lunch we'll come back and we'll  
40 hear about a new national initiative that's  
41 focused on best scientific information available.  
42 And sort of bring you up to speed on what this is  
43 and where that's heading over the coming months  
44 and years.

45 And then after another break we will  
46 hear about the electronic technology  
47 implementation plan, sort of both a look back and  
48 a look forward.

1                   We will take public comment today at  
2 3 o'clock. So from 3 to 3:30 we have a half hour  
3 set aside for public comment. So for members of  
4 the public who are here that will be the moment  
5 and the chance for you to weigh in with any  
6 perspectives and thoughts that you would like the  
7 agency to hear.

8                   I do want to welcome Christina Vaeth  
9 who is sitting in for Dave Campo today. So  
10 thanks, Christina, for joining us and good to  
11 have you in the mix. I think that's the only new  
12 AP member we have. And again, I think we've got  
13 a pretty good turnout today based on my AP sheet  
14 here so thanks everybody.

15                   To remind us of the ground rules  
16 because we've got some AP members who haven't  
17 been in the mix before, and always some public  
18 members who aren't here. Just our usual ground  
19 rules that we ask you to sort of abide by or to  
20 contribute so we can hear from you to share time  
21 so we can hear from everyone, really listen hard  
22 to each other, listen to the agency, ask  
23 questions, try to integrate across different  
24 things you're hearing.

25                   This is not a consensus-seeking body,  
26 but it's always helpful to hear where people are  
27 landing and why, to see where there's overlap,  
28 see where there's divergence, and understand that  
29 because that really helps the agency do its best  
30 decision-making.

31                   As always we ask everyone to engage in  
32 a spirit that is collaborative, and constructive,  
33 and ask you to do that again today.

34                   For members of the public again as I  
35 mentioned we have public comment at the end of  
36 the day. That's because this is a meeting among  
37 the advisory panel itself and so the conversation  
38 really is among the AP members. We're glad  
39 you're here and listening in, and again, if there  
40 are things that come up for you during the day  
41 just keep a piece of paper and a pen handy, and  
42 jot down a question or a comment so you can fold  
43 it in later in the day.

44                   Just because we're in this odd virtual  
45 world still, just want to remind folks who are  
46 new. The way this works is everyone is muted and  
47 off camera for most of the time we're on the  
48 phone on this call.

1                   When someone wants to get in all you  
2 need to do is raise your virtual hand which I  
3 know you are all good at at this point. But  
4 you'll find it next to your name. If that  
5 doesn't work just throw something in the chat  
6 saying hey, trying to raise my hand, can't do it,  
7 and we will bring you in. It seemed to work  
8 pretty well yesterday.

9                   If you are supportive of something  
10 that was said, or have a comment you can throw  
11 that in the chat. The chat just goes to HMS  
12 staff and myself. But as happened yesterday  
13 Delisse and Heather will grab comments that come  
14 in and then reflect it back out to the full  
15 group, assuming it's something substantive we'll  
16 send that back and around.

17                   As I said yesterday I do recommend  
18 people minimize the use of the chat. I think  
19 actually it was used very well yesterday. It was  
20 helpful with some quick comments. But if there's  
21 too much of a running commentary there it does  
22 take away and I think people wind up not paying  
23 attention to the actual conversation and  
24 presentations that are happening. So just use  
25 that with care and caution.

26                   I will run the queue just the way I  
27 did yesterday, generally taking hands in the  
28 order in which they come up, but also trying to  
29 deviate a little bit from that if we need a  
30 conversation, or if -- trying to bring in voices  
31 that we haven't heard from.

32                   I do ask folks when it comes to you I  
33 know that many of you will have lots of  
34 questions. Just out of respect for each other  
35 what I would say is ask what's the most pertinent  
36 question or two, and then let others come in, and  
37 then we can circle back to you. I just want to  
38 make sure we really are creating space for  
39 everyone to weigh in. So that just requires  
40 everyone to sort of play by that rule. And I  
41 would ask you all to do so.

42                   If you have any technical issues at  
43 all during the meeting just chat or email Pete,  
44 chat or email Nic, throw something in the chat  
45 and we will make sure to bring you in. For  
46 anyone who's new today we had a couple of  
47 questions yesterday from people saying I can't  
48 see the attendee list and that is right. You

1 cannot see the attendee list.

2 Unfortunately that's just sort of a  
3 quirk of the Webex events where we're unable to  
4 make that visible. So apologies, but just know  
5 that you're not missing a button. There's just  
6 no way to show that to you.

7 And lastly, just a reminder that we  
8 are recording these meetings so Pete, if that  
9 hasn't been pushed yet this would be a good time  
10 to do it. And I think that's it on what I wanted  
11 to say. Pete or Randy, anything that either of  
12 you care to add in?

13 MR. BLANKINSHIP: I'll just offer a  
14 quick welcome back this morning and we're really  
15 glad to be back here together with you again to  
16 continue the discussions. And yesterday  
17 certainly was a day of really good input and  
18 lively discussion. It was very valuable to hear  
19 the things that we heard. We're looking forward  
20 to another day of productive discussions today on  
21 other topics and a diverse range of topics today.

22 And I also just wanted to thank  
23 everybody for working through, being patient,  
24 working through technical issues that you may be  
25 having. I know it can be frustrating sometimes  
26 when your microphone doesn't pick you up and  
27 we've got to say that you're breaking up, but  
28 thanks for working through those and all that. I  
29 know sometimes it feels like you're going the  
30 extra mile, but in this setting it's -- we just  
31 appreciate the extra effort because we want to  
32 hear from you.

33 I also want to just mention and kind  
34 of echo some of the sentiments that Bennett  
35 shared which is -- and that is to encourage all  
36 of you, if you have thoughts or input to share is  
37 please do share it with the AP in our discussion.  
38 I think everybody benefits from being able to  
39 hear the different perspectives. And I know the  
40 agency does, but I think it also helps others to  
41 see the range of comments that are coming in from  
42 the AP as well. So please feel free and feel  
43 empowered to make those comments either verbally  
44 or in the chat. Thanks.

45 MR. BROOKS: Great. Pete, anything  
46 from your end?

47 MR. COOPER: Nothing to add. You guys  
48 got it covered very well. I'll be in the



1 background helping out, so if you guys run into  
2 tech problems or anything feel free to email or  
3 send something up in the chat. Thanks.

4 MR. BROOKS: Perfect. Thanks, Pete.  
5 And any questions from the AP before we start up  
6 here? Looking at the list I'm not seeing any  
7 hands raised. Okay. All right.

8 Then let me just note since we started  
9 up here we've had a few more AP members come in  
10 and our environmental representation is now full  
11 up so I think we've got a good balance of folks  
12 here which is great.

13 All right. Then let's -- oh wait, Tim  
14 Donaldson, I see your hand raised. No. Okay.  
15 All right. Let's jump in then. Let me hand it  
16 off to Guy DuBeck to start us off with an update  
17 on SHARE. Guy, over to you.

18 MR. DUBECK: Well, thank you, Bennett.  
19 Can everyone see my screen okay?

20 MR. BROOKS: Yes, we can.

21 MR. DUBECK: Perfect. Good morning.  
22 My name is Guy Dubeck. I'm here talking about  
23 the shark fishery review.

24 So here's a quick overview of the  
25 presentation. I'd like to start with what SHARE  
26 is followed by a description of the fishery.  
27 This is where we will focus on the four main  
28 parts of SHARE which is commercial fishery,  
29 recreational fishery, shark depredation, and any  
30 outside factors.

31 I'll give a brief overview of the data  
32 review from states, areas of success and concerns  
33 for each of the four main parts. Since it's only  
34 a brief overview it does not cover all the  
35 aspects and details described in the SHARE  
36 document. And then lastly I'll provide some  
37 potential ways forward and next steps.

38 Over the past few years NOAA has  
39 observed significant changes to the commercial  
40 and recreational shark fisheries. Thus we  
41 decided to do a complete review of the fishery  
42 and with our own review, SHARE.

43 SHARE focuses on recent years of data,  
44 so '14 through 2019. In some sections we also  
45 looked at historical data, or data, 2020 data for  
46 reference. We start with 2014 since this was the  
47 first year of data not used in Amendment 6, which  
48 was the last review of the commercial shark

1 fishery. And it was the first full year of data  
2 for the industry. Areas of success along with  
3 concerns in the fishery. Identify ways to  
4 improve the fishery.

5 So the first section is the commercial  
6 fishery. In SHARE we reviewed all the commercial  
7 permits. So we're going to talk about the  
8 federal limited access and open access permits,  
9 state water permits, and dealer permits. We  
10 looked at who was targeting and retaining sharks,  
11 along with the number of trips taken by the  
12 permit holders and the years used.

13 SHARE shows shark landings by shark  
14 management group along with where the dealers are  
15 reporting sharks and the percentage of annual  
16 landings. Lastly we reviewed the ex-vessel  
17 prices and revenue in the fishery.

18 So currently the number of active  
19 permits and trips landing and targeting sharks  
20 (audio interference). As I will show in a few  
21 slides, landings are at an all-time low and this  
22 decline in the shark fishery has led to drops in  
23 prices due to revenue for fishermen.

24 So the first slide here is the number  
25 of active limited access permits by region. So  
26 in the figure we have the directed permits on the  
27 left-hand side and then incidental permits on the  
28 right-hand side. You have the number of permits  
29 on the y axis, years on the x axis, and then the  
30 Atlantic permits are kind of the orange/red  
31 color, and the Gulf of Mexico permits on the  
32 bottom are a teal color.

33 As you can see there's been a decline  
34 in the number of active permits from 2014 through  
35 2019, and then also the majority of the permits  
36 are in the Atlantic region.

37 So this slide shows the landings in  
38 relation to quota for two different shark  
39 management groups. On the left-hand side you  
40 have the Atlantic aggregated large coastal quota  
41 and landings, and then you've got the Gulf of  
42 Mexico non-blacknose small coastal on the right-  
43 hand side.

44 In both figures you have the quota in  
45 the gold line, you have the landings in the blue,  
46 the y axis is the landings in pounds dressed  
47 weights. I also want to note that the scales are  
48 different between the two figures, and also it

1 does not go all the way down to zero. And then  
2 the years are on the x.

3 For the Atlantic aggregated large  
4 coastal landings you can see they were kind of  
5 consistent for '14 through '16 before a dropoff  
6 in 2019 with only 40 percent reported being  
7 harvested. In the Gulf of Mexico non-blacknose  
8 small coastal figure landings have stayed well  
9 below the quota once the current quota was  
10 established in '96, and that was in 2015.

11 So moving on to areas of success and  
12 concern. So regarding successes, you know,  
13 management measures have created a year-round  
14 fishery and added stability to the picture.  
15 Quotas have not been exceeded since 2015 and  
16 based on recent stock assessments, some shark  
17 populations are increasing. In addition, a  
18 number of our quotas are being under-harvested,  
19 which could be helping to rebuild shark stocks  
20 back up faster.

21 Areas of concerns: the fishery has  
22 declined over time. Some management measures  
23 have had a greater effect than intended, and  
24 fishermen are only in the fishery when they are  
25 unable to fish for higher revenue fisheries. It  
26 appears very few fishermen are focusing on  
27 sharks.

28 Moving on to the recreational fishery.  
29 We reviewed the shark endorsement permits, the  
30 directed and non-directed fishing efforts, survey  
31 data, and tournament landings.

32 The current state. Right now non-  
33 directed trips are catching and releasing most of  
34 the sharks. In recent years there has been an  
35 increased effort by state water and shore-based  
36 fishermen. Small coastal sharks and smooth  
37 dogfish account for the majority of the harvested  
38 sharks. And shortfin mako regulations have  
39 caused a decline in the directed, targeted  
40 pelagic shark trips and tournament landings.

41 So this slide shows the percentage of  
42 sharks harvested and released in the Atlantic  
43 region. You see the left pie chart has the  
44 number of harvested sharks. I want to point to -  
45 - everyone will see this in the figure. We're  
46 talking about 240,000 sharks that were harvested.

47 Over 50 percent of those sharks were  
48 small coastal sharks, so the light green color.

1 About 30 percent are smooth dogfish. That's the  
2 dark green color. And unidentified sharks are  
3 about 12 percent of the harvest. That's in the  
4 blue color.

5 So compared to the left-hand which on  
6 the left-hand side we're talking about harvested  
7 number of sharks, we have on the right-hand side  
8 the number of released sharks. And we're talking  
9 about 13 million sharks. So that's a big  
10 difference. I just want to point that out.

11 With that, 50 percent are reported as  
12 unidentified sharks in the blue color. Smooth  
13 dogfish and small coastal sharks are the highest  
14 released shark species, while pelagic sharks are  
15 less than 1 percent.

16 So here is a slide, the recent number  
17 of shortfin mako sharks kept which are in the  
18 green color, and then released which are more of  
19 the blue color. The y axis is landings in number  
20 of sharks, and years is on the x axis in the  
21 bottom. As a reminder the shortfin mako shark  
22 regulations were implemented in 2018 which  
23 explains the low harvest numbers and higher  
24 release numbers from '18 to '19.

25 Before the regulations the highest  
26 number of shortfin mako sharks were released in  
27 2015.

28 So again moving on to areas of success  
29 and concern of the recreational fishery. For  
30 successes, most permits are getting the shark  
31 endorsement and viewing the educational  
32 materials. Management measures have successfully  
33 met its target shortfin mako reductions with 85  
34 percent in the recreational fishery. Even though  
35 there's been a decrease in reported harvest of  
36 identified sharks, the real reason is hard to  
37 say. It could be because of angler behavior  
38 change, or improved identification by the  
39 interviewers.

40 As for concerns there's some  
41 differences between federal and state regulations  
42 that has led to some confusion for some anglers.  
43 And some sharks below 54 inches are being landed.  
44 Shark identification and HMS regulations or  
45 techniques are not known to some non-HMS anglers.

46 And then as I said earlier, 50 percent  
47 of the released sharks are unidentified, which is  
48 a large number of sharks. And the adage if you

1 don't know, let it go applies as good practice  
2 for the angler. However, sharks are often  
3 difficult to identify and survey data on released  
4 fish can suffer as a result of inaccurate  
5 identification.

6 So, moving on to shark depredation  
7 which has been a popular topic recently. We  
8 reviewed -- so we reviewed the comments received  
9 by NOAA staff to map out the initial extent of  
10 the depredation. We also looked at depredation  
11 mitigation techniques, shark populations, ongoing  
12 research, and future research avenues.

13 So as most of you know shark  
14 depredation reports are on the increase. And as  
15 Randy mentioned in the overview slide yesterday  
16 NOAA has a congressional directive to review the  
17 conflicts between dolphins, sharks, and  
18 commercial and recreational fishermen in the Gulf  
19 of Mexico and South Atlantic.

20 Based on the data there's been a  
21 stable trend in depredation in the pelagic  
22 longline fishery, and an upward trend in the Gulf  
23 of Mexico reef fish fisheries. Since there is  
24 little or no market value for the damaged fish,  
25 and repairing or replacing fishing gear can be  
26 expensive, fishermen are experiencing loss of  
27 revenue.

28 So here's a map of the comments  
29 received by NOAA on the shark species and  
30 affected fisheries or species. As you can see in  
31 the northeast I see like five shark species are  
32 affecting striped bass, groundfish, and bluefin  
33 tuna fisheries.

34 In the Mid-Atlantic region it's  
35 sandbar and dusky sharks seem to be affecting the  
36 tuna fishery. In the southeast and the Gulf of  
37 Mexico it seems that the large coastal species  
38 are affecting the reef fish, mackerel, and shrimp  
39 species.

40 So here are some areas of success and  
41 concern about shark depredation. Due to all the  
42 increased social media posts and pictures citizen  
43 science has improved along with an increase in  
44 data collection and research.

45 As shown in previous slides shark  
46 depredation has increased engagement across all  
47 stakeholders. However, the lack of data on shark  
48 species causing depredation and the full extent

1 of the issue is a concern. There's a lack of  
2 methods to deter this event, and also reduced  
3 efforts in the shark fishery are not helping.

4 So, moving on to the last section.  
5 We're talking about outside factors and other  
6 factors affecting the shark fishery. We reviewed  
7 the other fisheries the shark fishery participate  
8 in. We looked at state regulations, so fin bans  
9 and international regulations, ICCAT and CITES.

10 Based on our review shark fishermen  
11 appear to be prioritizing fishing in other  
12 fisheries due to their timing or higher revenue.  
13 Ninety percent of the shark directed permit  
14 holders hold at least one other non-HMS permit.  
15 State and international regulations are affecting  
16 the landing and transportation of shark products.

17 State and shark fin bans have created  
18 confusion and uncertainty in the fishery. And  
19 internationally U.S. fishermen are doing their  
20 part to help rebuild stocks worldwide.

21 So moving to areas of success and  
22 concern with the other fisheries -- other  
23 factors, excuse me. One success is that outside  
24 factors are assisting with the rebuilding of  
25 shark stocks. In addition, some fishermen and  
26 dealers are able to navigate these outside  
27 factors and continue to participate in the  
28 fishery.

29 Concerns are that the other outside  
30 factors are beyond HMS management authority.  
31 State shark fin bans are having direct and  
32 indirect impacts as shown by the decline in  
33 commercial landings, especially with the 2019  
34 western gulf large coastal landings.

35 And lastly, U.S. fishermen are feeling  
36 the burden of international regulations.

37 So after going through all the  
38 sections, reviewing all the current data and  
39 areas of success and concerns we've come up with  
40 a few potential modifications to the fishery.

41 The first one on the list is to  
42 potentially change -- make changes to the vessel  
43 permit structure. One option is to consider  
44 changing the incidental permits to open access  
45 permits with some restrictions.

46 Secondly, we could update the large  
47 coastal blacknose and other commercial retention  
48 limits to better reflect the current state of the

1 fishery.

2 Another option is to potentially  
3 revise the regional and sub-regional quotas based  
4 on current fishing efforts. And lastly, we could  
5 update recreational size limits to better reflect  
6 size at maturity, and consider increasing the bag  
7 limit for some shark species.

8 So all those are -- those potential  
9 modifications are really changes that involve  
10 some sort of type of rulemaking. Beyond the  
11 rulemaking changes NOAA fisheries can consider  
12 other options.

13 One is to improve communication within  
14 and outside the shark fishery. Outside the  
15 fishery we can better educate the public about  
16 the sustainability of the shark fishery. As  
17 Randy mentioned in the overview slide yesterday  
18 this summer we're doing that shark communication  
19 campaign using the hash tag #KnowSharksBetter.

20 We can continue to support U.S. shark  
21 fishermen domestically or internationally. And  
22 then lastly, we will need to work with fishermen  
23 to come up with better practices to mitigate  
24 shark depredation events.

25 So as for next steps, we are planning  
26 to release the draft document and have public  
27 webinars in the coming months. After we review  
28 the comments and potential suggestions of other  
29 areas to review, we'll plan to release a final  
30 version in 2022.

31 Any potential rulemaking that results  
32 from SHARE would be separate from the current  
33 actions that are ongoing right now. Right now  
34 we're talking about Amendment 14, the Shark ABC  
35 Control Rule, or the Amendment 14 follow-on rule  
36 which would be establishing quotas for the shark  
37 season. Thank you, everyone, for listening and  
38 we'll take your comments and questions.

39 MR. BROOKS: Great. Thanks very much,  
40 Guy. So let's invite folks in. Again, raise  
41 your hand and again I'll ask folks to just if you  
42 have a whole bunch of questions just start with a  
43 couple, let others talk, and then we'll circle  
44 back around. Let's start with Sonja, and then  
45 over to Kirby, and then Jason.

46 MS. FORDHAM: I'm not sure if it  
47 worked out well from yesterday but I'll take the  
48 first up. Yes, thank you for the presentation.

1 I'm afraid I quite am generally concerned that  
2 the program, or at least this presentation, I  
3 mean perhaps by design but it's not really  
4 specifically stated, it's completely overlooking  
5 the concerns to the conservation community and a  
6 decent portion of the public. And the status  
7 reviews a few shark species and the slides don't  
8 even include the current population status.

9 I'm interested to learn whether the  
10 concern columns listed on the slides are  
11 perceived as those of industry, or the agency, or  
12 both. And I'm particularly struck by the  
13 characterization of international and state  
14 obligations as other, and outside factors. I  
15 don't think this is helpful.

16 Specifically, I don't think it's  
17 useful to characterize CITES as some outside  
18 force. Just a reminder, the U.S. is a party to  
19 CITES that in the past has been an actual leader  
20 from the beginning in listing (audio  
21 interference) ranks under the CITES appendices.  
22 And in fact, not just the U.S. but the National  
23 Marine Fisheries Service that led the way to --  
24 was a clear intention to promote sustainability  
25 of sharks by listing them specifically on  
26 Appendix II.

27 And I'll just note that well managed  
28 fisheries can give the U.S. a competitive  
29 advantage with respect to their national trade in  
30 listed species.

31 There's this bit about the U.S. has  
32 been doing their part to rebuild sharks  
33 worldwide, and that statement plus some of the  
34 graphs are just leading -- sort of suggesting to  
35 me that this is about mako sharks. So, we talk a  
36 lot -- we've talked a lot about makos in the  
37 past, and certainly specifically now at the ICCAT  
38 intersessional I will just mention that I think  
39 it's great that the U.S. has significantly  
40 reduced mako mortality, but unfortunately the  
41 dire state of the population has led scientists  
42 to advise a complete North Atlantic retention ban  
43 through ICCAT and that's just a starting point,  
44 and the U.S. has been a major obstacle to the  
45 adoption of that scientific advice which has led  
46 to continued overfishing on the ocean scale.

47 And rather than discussing how  
48 fishermen have or can navigate outside factors,



1 I'd really like to see the agency work to  
2 integrate the factors, including U.S. obligations  
3 under international treaties, and not divide them  
4 and sort of contribute to an "us versus them"  
5 mentality.

6 For the record, I am not someone who  
7 supported fin bans, but I have to just say that  
8 the groups and the concerned citizens behind them  
9 were also stakeholders with a say in how U.S.  
10 resources were used, and their concerns and the  
11 reasons for them wanting to have these bans don't  
12 appear to be covered in this program at all.

13 And similarly I also think that it  
14 would be useful to explore generally sort of  
15 consumer concerns that factor into these kind of  
16 efforts, but also general market demand and  
17 changes in tastes.

18 So in a nutshell I don't find this  
19 approach constructive. I would like to see  
20 instead an integration of relevant factors and  
21 stakeholder concerns rather than what I see as  
22 division. Thank you.

23 MR. BROOKS: Thanks, Sonja. Let's go  
24 to Kirby --

25 MR. BLANKINSHIP: I'd like to -- if I  
26 could step in just real quickly just to comment.  
27 Sonja, thanks for the points. They're well  
28 taken. I want to point out as Guy has already,  
29 what we have here is a presentation that is an  
30 overview of an extensive document that conducts  
31 analysis -- that document will be coming out in  
32 the coming weeks.

33 I encourage you, and I know you will,  
34 take a look at that when it comes out. We'll be  
35 looking forward to getting feedback on that.

36 And that more information will be  
37 included in that document that we certainly  
38 weren't able to dive into in this overview  
39 presentation.

40 I did want to just kind of circle back  
41 a little bit on the comment related to  
42 international efforts related to shortfin mako  
43 shark. And while this -- what we're discussing  
44 certainly at this AP that is relevant, and we are  
45 concentrating on domestic efforts to a great  
46 extent. And not wanting to chase down  
47 discussions that let's say are appropriate at the  
48 ICCAT Advisory Committee level and for U.S.

1 position setting for their involvement at ICCAT.

2 We can talk a little bit about the  
3 U.S. approach. I understand your point there,  
4 and your point being the U.S. has been an  
5 obstacle to adoption of scientific advice related  
6 to no retention. However, I wanted to point out  
7 that the United States approach in negotiations  
8 internationally have been broad, in their  
9 approach at looking at fishing mortality  
10 reduction, and trying to accomplish what is  
11 consistent with scientific advice for rebuilding.

12 And those international discussions  
13 continue. And the United States is an active  
14 participant in those, working with its own  
15 proposal that is consistent with scientific  
16 advice. And I just wanted to kind of provide a  
17 little bit more perspective there related to  
18 that, and that there is a range of scientific  
19 advice available that the United States certainly  
20 is in keeping with, and is taking seriously. So  
21 thanks for the opportunity to comment a little  
22 bit further.

23 MS. BREWSTER-GEISZ: And Bennett, if  
24 I could also jump in.

25 MR. BROOKS: Go ahead, Karyl.

26 MS. BREWSTER-GEISZ: Thanks. So,  
27 Sonja, thank you so much for your comments. I  
28 wanted to weigh in on the "them versus us"  
29 factor, and that was not what we were trying to  
30 do with this presentation.

31 We are trying to look at the fishery  
32 as a whole which is why we did not focus on the  
33 status of the stocks because this is looking at  
34 what is happening in the fishery outside of the  
35 status of the stocks. We already have the stock  
36 assessment process. It goes on to give us that  
37 information.

38 We're looking more at the whole thing.  
39 We're not trying to make it a "them versus us" by  
40 saying "outside factors". We meant outside of  
41 the commercial fishery, outside of the  
42 recreational fishery. The document as a whole  
43 does bring it all together, it does integrate it.  
44 Sorry that the presentation did not bring that  
45 across. We are not trying to make it as a "them  
46 versus us". We are trying to just look at it  
47 through the other things.

48 The other question you had is whether

1 the concerns were from the agency or the  
2 industry. All of this document, both the  
3 concerns and what we see as the successes come  
4 from us. It does not come from the industry. So  
5 I hope that answers some of your questions.

6 MR. BROOKS: Thanks, Karyl. That's  
7 helpful. We've got about seven people who want  
8 to get into this conversation so let's go next to  
9 Kirby Rootes-Murdy, and then we'll go to Jason  
10 Adriance. Kirby.

11 MR. ROOTES-MURDY: Good morning. Can  
12 you hear me okay?

13 MR. BROOKS: You're quite faint,  
14 actually. If there's any way you can get closer  
15 to your microphone or speak louder that would be  
16 helpful. And if you're speaking now, Kirby, we  
17 can't hear you at all.

18 MR. ROOTES-MURDY: No.

19 MR. BROOKS: Try again?

20 MR. ROOTES-MURDY: Can you hear me  
21 now?

22 MR. BROOKS: Yes, that's better.  
23 Thank you.

24 MR. ROOTES-MURDY: Okay, great. Sorry  
25 about that. In the presentation there was a note  
26 about a mismatch, or differences between federal  
27 and state regulations. And I was hoping that  
28 could be drawn out a little bit more, just from  
29 the Commission standpoint as you guys know, the  
30 complimentary fishery management plan in much of  
31 the last few years has been trying to ensure that  
32 there is consistency across state and federal  
33 (audio interference). So it would be great to  
34 hear some more about those differences.

35 MR. BROOKS: Thanks. Does someone  
36 want to respond to that?

37 MR. DUBECK: Yes, I can. Yes, thanks  
38 Kirby. So it's just more looking at our  
39 regulations are 54 inches for one shark, for  
40 everything.

41 However, some states, you know Florida  
42 minimum size limits for -- have lower or minimum  
43 size limits for some species, but they also have  
44 higher minimum size limits. Or, you know,  
45 prohibited from landing some of the species. So  
46 that's what the differences is and some confusion  
47 for some fishermen who are not always familiar  
48 with the shark regulations and that there's a

1 difference between federal and state regulations.

2 MR. BROOKS: Thanks. Let's go to  
3 Jason Adriance, and then to Peter Chaibongsai.  
4 Jason.

5 MR. ADRIANCE: Thanks, Bennett. And,  
6 Guy, thanks for the presentation. I'm glad to  
7 see you mention Amendment 14 in here, and I'm  
8 going to jump on my blacktip and bull shark  
9 soapbox so bear with me.

10 I think that's important for this  
11 depredation issue is getting that true harvest --  
12 sustainably harvested amount of blacktip that can  
13 be taken out of the Gulf of Mexico, and hopefully  
14 those new quotas and specifications will deal  
15 with that.

16 I'm going to beg to differ on status  
17 of stock being important, not necessarily in the  
18 sense that Sonja mentioned, but I think until an  
19 assessment of bull sharks in the Gulf of Mexico  
20 is completed and you have some idea of what can  
21 be harvested in the Gulf of Mexico I think you're  
22 going to have continuing issues. That stock is  
23 likely very healthy, but I haven't seen any  
24 movement to address an assessment of that stock  
25 for the years I've mentioned it, and I think  
26 that's an important thing to consider here.  
27 That's all I have. Thank you.

28 MR. BROOKS: Thanks. Anyone want to  
29 jump in on that? Okay. All right. Thanks,  
30 Jason. Let's go to Peter.

31 MR. CHAIBONGSAI: Good morning, can  
32 you hear me?

33 MR. BROOKS: We can, Peter, welcome.  
34 Good morning.

35 MR. CHAIBONGSAI: Thank you. I just  
36 have a couple of questions. I know that I  
37 believe Randy was saying and Guy were saying that  
38 obviously what I'm hearing is that it's coming  
39 out probably early 2022.

40 And I want to ask specifically about  
41 the shark depredation slides that you had talked  
42 about during the presentation. Specifically,  
43 what was some of the -- or what are some of the  
44 ongoing research that's happening right now in  
45 regards to shark depredation as well as --  
46 because a lot of our constituents are dealing  
47 with this. Could you provide some of us an  
48 earlier sense, before this comes out, some of the

1 mitigation techniques that we can help spread to  
2 our constituency as well?

3 And then last but not least is I saw,  
4 I believe it was slide 18 or 17 stating the fact  
5 that there are improvements in citizen science.  
6 I'd love to know a little bit more about that as  
7 well as once again what's the data collection  
8 that's happening right now and the ongoing  
9 research that you had mentioned as a success.  
10 Thank you very much.

11 MR. BROOKS: Great. Thanks, Peter.

12 MR. DUBECK: Thanks, Peter. Yes, so  
13 to just correct you, we actually plan to have  
14 this out very soon as Randy mentioned, in the  
15 next couple of weeks, months, definitely before  
16 the summer. And we are just -- again, this is  
17 the draft stage, and the final stage will come  
18 out later in the year, and the final stage will  
19 be more what things didn't we look at or what the  
20 constituents want us to look at, or what areas we  
21 want more information on and things like that.

22 As for mitigation techniques there are  
23 people working on this where they're trying to --  
24 is it the time of the year or location of where  
25 the shark depredation events occur. Is it the  
26 type of gear they're using. Is it the way  
27 they're revving their engines. Some folks have  
28 discussed kind of like when you bring the engine  
29 or rev it it's probably the dinner bell for some  
30 shark species.

31 But those are some of the things we  
32 are mentioning in SHARE and that should be coming  
33 out in the next couple of months.

34 MR. BROOKS: Okay.

35 MR. BLANKINSHIP: So, just to jump in  
36 a little bit on some of the other things that  
37 Peter mentioned. I don't have a list of research  
38 projects available related to depredation. It  
39 has been highlighted as a topic for management  
40 research as a priority. And I know that there  
41 have been -- there's been a lot of attention to  
42 that through some of the federal research and  
43 project funding sources that are available.

44 And anticipate that through that  
45 process hopefully there will be some additional  
46 work that will be done. And I think we can  
47 definitely look forward to reporting out to you  
48 all about what some of those projects are in the

1 future. We can work on synthesizing potentially  
2 a list of those that we're aware of similar to  
3 what we've done for other HMS research projects  
4 through federal funding sources. We can think  
5 about doing that as well that might help.

6 To my knowledge thus far a lot of the  
7 work that's been done has been towards looking at  
8 ways to collect better information about the  
9 species that are involved, and in depredation,  
10 and working towards allowing that to inform  
11 consideration of the issue, to frame it, and then  
12 also to start to think about what potentially  
13 could be done to help address that through  
14 various methods some of which Guy has already  
15 mentioned, and certainly best practices is a big  
16 part of that.

17 We're open to discussions with various  
18 partners, inside the agency and outside the  
19 agency about how we might be able to approach  
20 getting that kind of information and  
21 disseminating it to allow for constituents and  
22 fishermen to be able to deal with the issue as  
23 best they can.

24 MS. BREWSTER-GEISZ: And to add on to  
25 what Randy was saying you had also asked about  
26 the citizen science. I know that on some of the  
27 apps where you can report your fish they also  
28 include whether or not the fish experienced  
29 depredation and what you did with it. So that is  
30 one of the aspects of improving citizen science.  
31 We are still working with those apps in terms of  
32 trying to find better ways to report that because  
33 as the congressional directive shows there's also  
34 marine mammal depredation, not just shark  
35 depredation that we're looking at.

36 In the report to Congress that we're  
37 pulling together we will also have the list of  
38 research that's going on. So it's not just going  
39 to be in SHARE. And there are -- if you listen  
40 in on the roundtable that Florida had just last  
41 week, two weeks ago that Kristin Foss mentioned  
42 you can listen to that on the Florida channel.

43 It goes through some of the research  
44 that is also being done in terms of trying to  
45 find ways to both avoid sharks along with making  
46 sure that sharks don't even want to come to your  
47 fishing gear. There was somebody there who was  
48 talking about -- I'm having a senior moment at

1 the moment -- avoiding sharks. Shark deterrent  
2 devices. That was the word I was looking for.

3 So there's a lot of research being  
4 done both genetically to determine what species,  
5 but also work on the gears and ways of avoiding  
6 it.

7 MR. BROOKS: Thanks, Karyl. I've got  
8 about eight people in the queue here. We've got  
9 about a half hour for conversation so I think  
10 we're good but let's try to work through it. And  
11 once you've spoken if you could again lower your  
12 hand. So Peter and Kirby, if you wouldn't mind  
13 lowering your hand that would be great. Let's go  
14 to Katie Westfall, and then we'll go to Dewey,  
15 and then Bob Hueter. Katie Westfall.

16 MS. WESTFALL: Hi, good morning.  
17 Thanks so much for the presentation, Guy. I  
18 first wanted to second Sonja's comments about  
19 shortfin makos, and then I had two quick  
20 questions.

21 On slide 11 where it shows the 50  
22 percent of sharks that are released are  
23 unidentified, I'm wondering if that's a snapshot,  
24 or if there's a way to see that trend over time,  
25 and get any indication as to how the agency's  
26 educational efforts on identification are  
27 working.

28 I guess I'll ask my second question  
29 and then you can tackle both of them. The other  
30 one relates to the rec sector. I'm wondering if  
31 you looked at directed targeting of prohibited  
32 sharks and the associated post-release mortality  
33 on some of those more vulnerable species. There  
34 was a really good paper on this topic a few years  
35 ago in AFS that included John Carlson as a co-  
36 author that shed some light on this.

37 I'm wondering if this trend is  
38 increasing or decreasing, and again, if the  
39 agency's educational efforts with the shark  
40 endorsement are helping to really decrease the  
41 direct targeting of prohibited sharks in the  
42 recreational fishery.

43 And I of course want to mention that  
44 collaboration with the states on this is  
45 incredibly important as some of this fishing  
46 occurs in state waters.

47 MR. BROOKS: Are you on mute, Guy?

48 MR. DUBECK: I am on mute. Sorry

1 about that.

2 MR. BROOKS: No worries.

3 MR. DUBECK: Your first portion about  
4 the trend of unidentified sharks being released,  
5 that is actually in the report in more detail.  
6 So when it comes out you can read through it and  
7 we can have some more discussions on that.

8 And then as you were saying about the  
9 portion on prohibited species. They are rarely  
10 reported as targeted in the MRIP data. So,  
11 again, the most commonly reported one is sandbar  
12 sharks. Some state waters, some fishermen are  
13 landing -- or not landing, excuse me, interacting  
14 with them.

15 MR. BROOKS: Okay. Let's go to Dewey  
16 and then to Bob Hueter.

17 MR. HEMILRIGHT: Can you hear me?

18 MR. BROOKS: I can, Dewey. Good  
19 morning.

20 MR. HEMILRIGHT: Can you go to slide  
21 -- I guess it's page 8? I've got a few questions  
22 and some comments. So on page 8. Under  
23 concerns. Some measures have had greater effect  
24 than intended. And could you tell me what  
25 measures have had a greater effect than you  
26 intended them to?

27 MR. DUBECK: Again, that's just kind  
28 of a broad one, but one of the ones that (audio  
29 interference) is we have the (audio interference)  
30 retention limit of eight right now. And some of  
31 the landings have -- are much lower than the  
32 quota so that could be one of the ones that it's  
33 had a greater effect than intended.

34 MR. HEMILRIGHT: Okay. How about on  
35 slide 12? In 2014, I take this numbers here in  
36 2014 of shortfin mako kept at around 2,800 or  
37 something like that. And this is for the total  
38 U.S. Atlantic recreational fishery, correct?

39 MR. DUBECK: Correct.

40 MR. HEMILRIGHT: How is it that we  
41 reported to ICCAT for U.S. recreational fisheries  
42 for mako I believe, and correct me if I'm wrong,  
43 just a little bit under 800 metric tons. And if  
44 I do the math of 2,800 into 800 metric tons it's  
45 a pretty big shark. And I'm just wondering  
46 what's the mix-up here, or what am I missing on  
47 that. And then I have a comment also.

48 MR. DUBECK: Dewey, these are the



1 numbers that we are reporting to ICCAT. I don't  
2 know what the average weights of the mako sharks  
3 are, but these are the numbers that are reported.

4 MR. HEMILRIGHT: Well, before we get  
5 finished -- because I don't believe it. I  
6 believe there's a difference of looking at the  
7 numbers of what we reported to ICCAT in 2014. I  
8 don't believe. So if we could get a  
9 clarification on that would be good before maybe  
10 the webinar gets over. And I'm sure you all have  
11 got access to look up quick what we reported to  
12 ICCAT.

13 My second thing on the shark in your  
14 presentation. National Marine Fisheries Service,  
15 when you all do regulations and put things in  
16 place, the magnitude of the effect has been ever  
17 expanding throughout the years to where it  
18 basically gives very little shark fishing left or  
19 shark fishermen.

20 And there's a part of me that just  
21 kind of chuckles when I see these types of  
22 presentations because you all get about 50  
23 percent of it, and then 50 percent of it the  
24 presentation is clueless to the effect that has  
25 happened over the years.

26 The U.S. has reduced the mortality of  
27 any interaction with sharks, whether it be gear,  
28 seasons, persons, a lot. So either there's a  
29 black hole swallowing all the sharks, or there's  
30 more sharks. And so the U.S. fishermen has done  
31 the sacrifice, particularly the shortfin mako of  
32 implementing circle hooks, the mono size. We've  
33 done the reductions. And so when I look at these  
34 presentations I just wish they would take the  
35 magnitude of what's happened over the years  
36 because obviously there's a disconnect between  
37 the fishers and what you all's view of the  
38 fishery is. And that was my comments.

39 But if you could definitely check on  
40 this 2014 number because I believe there's a big  
41 difference between 800 metric tons and 2,800  
42 sharks that you all are reporting here according  
43 to the ICCAT website and what I've seen before  
44 the U.S. report up to date. Thank you.

45 MR. BROOKS: Thanks. Thanks, Dewey.  
46 And I've captured that as a next step. We'll see  
47 if that's something that can be run to ground.  
48 Let's go to Bob --

1 MS. BREWSTER-GEISZ: Yes, we're  
2 working on it.

3 MR. BROOKS: Okay, great. Thanks.  
4 Let's go to Bob Hueter, and then to Marcus  
5 Drymon. And again, I've got about six folks  
6 still trying to get into this conversation so if  
7 folks can be succinct in their comments that  
8 would be great. Bob.

9 MR. HUETER: Okay, thanks, Bennett.  
10 If Dewey's numbers are correct, if what he's  
11 quoting is correct, then my calculation is that's  
12 about 630 pounds per mako. That's unrealistic.  
13 So there's something amiss there.

14 I look forward to seeing the whole  
15 report. Guy, thanks for the summary. I'm sure  
16 it was a tough job to summarize this report. And  
17 I do appreciate the five-year focus to look at  
18 what's happening now.

19 But I would emphasize that this  
20 process has a 30-year history, more than a 30-  
21 year history, beginning in the early nineties.  
22 And I hope that the document captures that entire  
23 history, and looks at the -- what I would call  
24 the successes versus the failures of the history  
25 of management of sharks here domestically in the  
26 U.S.

27 This is the problem I think in large  
28 part with the depredation issue is that most  
29 fishermen haven't been fishing for more than 30  
30 years, and if they started 30 years ago they saw  
31 the bottom of the situation, the least number of  
32 sharks. So we've been rebuilding since then and  
33 the impression is that sharks are out of control.  
34 In fact, we're trying to get back to what I call  
35 the old normal.

36 But to be blunt I would summarize the  
37 successes of this process to be that NOAA has  
38 used a precautionary approach over the years. We  
39 have rebuilt a number of sharks stocks back to  
40 sustainability with more coming.

41 I would say the public education  
42 component has been largely successful in  
43 explaining to people the value of sharks. We  
44 still have a problem with species ID as was  
45 pointed out.

46 And that the U.S. is perceived, with  
47 the emphasis on the word perceived, as a bright  
48 spot now for shark conservation. And I think

1 that's largely true when you look at the rest of  
2 the world.

3 The failures though, I would go beyond  
4 concern and talk about the failures and confront  
5 those, is that this management approach over  
6 these decades has been reactive and not  
7 proactive. That we do things like continue to  
8 add species to the prohibited list.

9 I think the program that Guy rolled  
10 out this morning is more of the reactive kind of  
11 approach of tweaking a quota, or tweaking a size  
12 limit, or a retention limit. We're not -- we  
13 didn't do what was necessary 25 years ago to  
14 start directing fishermen toward the more  
15 sustainable stocks like blacktip and that's  
16 resulted now in a commercial fishery that's  
17 completely marginalized and basically hurtling on  
18 fumes.

19 Where we have landings dropping, well,  
20 the populations are rebounding. So that's a  
21 failure if you look at it from strictly a fishery  
22 management standpoint I think.

23 There's no question that the  
24 disinformation campaign by the fin ban  
25 supporters, no matter the fact that they have  
26 good intentions has really confused the issue and  
27 hurt the U.S. situation. And I'm sorry about  
28 that. And I've done what I can to try to clear  
29 that up.

30 I'll leave it with one question for  
31 Guy, and that is you mentioned the smooth dogfish  
32 landings which in some ways is at this point is  
33 our only really successful commercial shark  
34 fishery. Are there numbers reported in the  
35 report, and I'd like to see the numbers of what  
36 we're landing in terms of smooth dogfish and what  
37 the history of that fishery is, and why that's  
38 worked when these others are still struggling to  
39 be sustainable from a fishery standpoint. Thank  
40 you.

41 MR. DUBECK: Thanks, Bob. To answer  
42 your smooth dogfish question. So in the document  
43 we do go through the whole management of dogfish.  
44 Again, we focus in on years of data from '14 to  
45 '19. So there's a couple of years of HMS  
46 management of smoothhound sharks.

47 We do go into detail about the HMS  
48 landings too. So it's a lot more detail in

1 there. But I'll leave it at that. There's a lot  
2 in there.

3 MR. BROOKS: Okay. Thanks. Let's go  
4 to Marcus Drymon, and then we'll go to Rusty.  
5 Marcus.

6 MR. DRYMON: Thanks, Bennett. Just  
7 briefly, I wanted to address Peter's questions  
8 about current research regarding depredation. I  
9 know it's been a long time coming. I know  
10 personally we've been applying for depredation  
11 research funds for a long time, and we're finally  
12 in a good spot to where we have some money to  
13 move forward.

14 So briefly, for the Gulf of Mexico we  
15 currently have a NOAA RESTORE Project where we're  
16 collecting and just starting with this basic  
17 characterization of depredation. Because when I  
18 think about depredation with sharks and marine  
19 mammals it starts with characterization before  
20 the mitigation. And we're still at that  
21 characterization phase.

22 So the first part of this RESTORE  
23 planning grant will characterize and synthesize  
24 available data. Ben Duffin did a really great  
25 job at a recent AP synthesizing what's known from  
26 reef fish and pelagic longlines. So we're going  
27 to start with efforts just like that, put all  
28 that together.

29 We're going to interview a lot of  
30 different commercial and recreational anglers to  
31 learn what they know about depredation that's not  
32 captured in our synthesis. And then we're going  
33 to build these mental models with Mandy  
34 Karnauskas in terms of an ecosystem type  
35 assessment where she can start to model how  
36 fishermen are seeing depredation in ways that we  
37 don't. So that's one thing that we've got going  
38 in the Gulf of Mexico.

39 We also have a currently funded Gulf  
40 of Mexico project where we're looking at  
41 depredation species and rates on descender  
42 devices. So, if we're encouraging folks to use  
43 descenders can we ensure then that they're -- the  
44 fish they release isn't going to be eaten by a  
45 shark or a dolphin. And so we're currently doing  
46 that, using some of the genetics Karyl mentioned,  
47 but also some cameras and things like that.

48 And then finally we have a recently

1 funded CRP where we're working with HMS, we're  
2 working with Cliff Hutt to better -- again, just  
3 characterize the specifics of this problem.  
4 We'll be working with that Facebook group,  
5 Sportsmen Fighting for Marine Balance because  
6 there's a wealth of information there on social  
7 media. That gets to kind of some of those social  
8 media aspects that Guy mentioned in the  
9 presentation.

10 So we're really going to be  
11 capitalizing on all of that information that's  
12 already out there. And then once we get to that,  
13 once we better understand that, then we can move  
14 forward with some of the mitigation.

15 And to that end we're working with a  
16 deterrent company, a company called Sharkbanz  
17 that makes something called the Zeppelin which is  
18 specifically designed to mitigate these types of  
19 interactions. And that's something that we've  
20 got ongoing.

21 So, all of that is to say there is  
22 actual research going for this moving forward.  
23 I'm really happy that that's finally happening.  
24 And I'd love to give maybe even a presentation at  
25 the AP at the next meeting with a brief summary  
26 of some of these results to date so that you guys  
27 can see what's actually happening finally.  
28 Thanks a lot.

29 MR. BROOKS: That's great. Thank you  
30 very much. Let's go to Rusty and then to Scott  
31 Taylor. Rusty, you're up.

32 MR. HUDSON: I am now, I hope.

33 MR. BROOKS: Yes, we hear you.

34 MR. HUDSON: Thank you. Karyl, thank  
35 you for bringing up the FWC (phonetic) May 12  
36 meeting on the depredation. Of course there's a  
37 lot of issue there. In the state of Florida, of  
38 course our state waters aren't really relevant to  
39 the commercial landings of shark for two reasons.  
40 One, longline was banned in '92. Then the second  
41 reason was gillnet had the constitutional ban put  
42 the gillnet shark fishermen out of state waters.

43 On our east coast that's three miles.  
44 On the west coast that's out to 10 miles. So all  
45 in that area has been benefitting, and most of  
46 the interaction is with the recreational. Most  
47 of the species that are found in those near-shore  
48 state waters and just outside of the state waters

1 are going to be your black tip, your spinner, and  
2 your bull sharks, and some lemon. We've had some  
3 awful big lemons here lately.

4 But that and all your small coastals,  
5 the blacknose, the bonnet head, the blacknose.  
6 There's plenty of catch there. They're doing a  
7 lot of catch and release with their blacktips  
8 because they have in most states minimum sizes,  
9 but in Florida we don't with the blacktip. But  
10 the spinners are look-alikes.

11 Spinner, just like Jason brought up  
12 about the lemon and the bull. We have some  
13 research needs over here. There's landing trends  
14 that has been used with lemon as an example to  
15 show that it's not going extinct. Bull sharks  
16 extremely healthy over here on our coast as well  
17 as spinners. A lot of the guys will tarpon fish  
18 out of St. Augustine, do a chum line and  
19 sometimes they get into the spinners and so do  
20 the tarp. That's been a thing going on for 30,  
21 40 years with the wrecks up that way.

22 What you all need to do is take a look  
23 at your percentage of lemon, bull, and spinner,  
24 and compare it to your two other large coastals,  
25 the blacktip and the, you know, as far as the  
26 landings trend there because the blacktip has  
27 been thoroughly the predominant catch because you  
28 have eliminated the sandbar except for a research  
29 fishery. And so the sandbar is a small component  
30 compared to what it could be if that allowable  
31 catch went up to receive an optimal yield.

32 That being said let me get back to  
33 that near-shore component of species I just  
34 mentioned. Our next component --

35 MR. BROOKS: And, Rusty, I just wanted  
36 to ask you to be focusing the comments because we  
37 have another seven people still hoping to get in  
38 on this --

39 (Simultaneous speaking.)

40 MR. HUDSON: That's what I'm trying to  
41 do, yes. And the reef fish, the 20 to 45 range  
42 or 15 to 45 range, that is predominantly sandbars  
43 and duskies destroying a lot of our fisheries up  
44 and down the coast. You get outside of that we  
45 have not had since 2000 a longline fishery  
46 offshore of Florida. So that whole pelagic  
47 region is attacking a lot of the recreational  
48 catch, sailfish, stuff like that. I keep hearing

1 about that.

2 I hear about it from the headboats up  
3 there in Georgia and stuff like that, the sandbar  
4 and dusky problem. That's been going on for  
5 several years.

6 How to achieve fullest utilization has  
7 always been my motto, to eliminate the shark fin  
8 sales that's a partial utilization that is thrown  
9 away. That doesn't work. And so just sort of  
10 trying to wrap this up I've been heavily involved  
11 with a lot of a lot of CITES things because as  
12 vice president of World Conservation Trust I am  
13 in charge of marine species, particularly sharks.  
14 And there's a lot of stuff that's going on  
15 unfortunately with the animal rights people in  
16 academia. And they don't want us feeding people.  
17 So thank you.

18 MR. BROOKS: Okay, thanks, Rusty.  
19 Let's go to Scott Taylor, then we'll go to Mike  
20 Pierdinock. Scott.

21 MR. TAYLOR: Just a couple of things  
22 that kind of stuck out with me and from Sonja's  
23 comments this morning about how people's tastes  
24 have changed.

25 I don't think that it's really that  
26 issue at all. I think that in the absence of any  
27 public outreach. The only public outreach that's  
28 gone on has been really the conservation side of  
29 this thing. And so in the absence of any real  
30 marketing for this, and the loss of the sharkfin  
31 sales, the commercial viability of this industry  
32 is minimal or none.

33 There is really no utilization in any  
34 real sense of the word of this fishery. It's  
35 continued to decline in basically every single  
36 one of the sectors. And this depredation issue  
37 that you're talking about is only going to get  
38 dealt with in one way, and it's not going to be  
39 with your mitigation, it's not going to be with  
40 anything else. It's going to be with responsible  
41 balanced harvests at sustainable levels on this  
42 product and a resurgence of a marketing campaign  
43 that isn't going to be driven solely by the  
44 misinformation of some of the sharkfin issues and  
45 the conservationists.

46 One final comment was about the  
47 agency's inability in terms of things that are  
48 outside of their scope. This isn't a little

1 problem. This is an absolutely huge problem that  
2 we have in terms of that this is a federally  
3 regulated species that is still covered under  
4 Magnuson-Stevens that should have maximum  
5 utilization at sustainable levels for the  
6 commercial side. I mean, NMFS and the  
7 organization still is last time I checked under  
8 the Commerce Department and there's a mandate not  
9 only to have these fisheries maintained at  
10 responsible levels, but also to maximize  
11 commercial value out of the fisheries.

12 And somehow we better figure out a way  
13 to address outside of this agency what's going on  
14 at the state level because it's physically  
15 impossible to move this product across state  
16 lines in some cases. You'd have to be insane  
17 right now to be a sharkfin exporter given the  
18 attention and what went on with Mark Harrison.  
19 And I'll limit my comments to that.

20 MR. BROOKS: Thanks, Scott. Let's go  
21 to Mike Pierdinock, and then Walt Golet, and then  
22 to Shana. Mike?

23 MR. PIERDINOCK: Thank you, Bennett.  
24 Good morning. I would just like to comment on  
25 slides 12 and 13 concerning shortfin mako.  
26 United States has led the way with post release  
27 mortality reductions in achieving the 85 percent  
28 reduction target for shortfin mako dating back to  
29 Morocco. That's our recreational as well as our  
30 commercial fishery that's done that.

31 I'm glad the United States is  
32 conservation minded and leads the way with that  
33 conservation effort. And we continue to achieve  
34 those goals. That's the positive aspect of it.

35 But one of the concerns that has not  
36 been listed is how that's impacted tournaments as  
37 well as the economy, or the blue water economy.  
38 There's a number of tournaments up and down the  
39 east coast. As a result of those size limits and  
40 measures are no longer going in business or have  
41 been significantly reduced.

42 And as you know with those tournaments  
43 there's an economic -- it economically stimulates  
44 the entire waterfront area or the blue economy,  
45 and now that's been lost. Tackle shops, boats,  
46 the whole cross-section. So, I did not see that  
47 concern listed, but the facts speak for itself.

48 We continue to be proactive. We



1 continue to achieve those measures, and I'm proud  
2 that the United States continues to lead the way  
3 with that 85 percent reduction. Thank you.

4 MR. BROOKS: Thanks, Mike. Walt  
5 Golet, why don't you jump in here. And if I can  
6 ask the folks who have already weighed in to just  
7 lower your hands.

8 MR. GOLET: All right. Thanks,  
9 Bennett. I'll keep this really quick. So, I  
10 just wanted to say I certainly appreciate the  
11 agency focusing on this. I welcomed Marcus's  
12 comments. It's good to hear that this research  
13 is going on.

14 I just wanted to add, in addition to  
15 the fishery aspect sort of implications for  
16 product quality and things like that this, and I  
17 mentioned this before. This is also starting to  
18 affect the science. We are finding it difficult  
19 to go certain places, for example, and to try to  
20 conduct scientific work which is also a high  
21 priority for NOAA for other species. So I just  
22 wanted to emphasize that. Guy, great  
23 presentation and thank you for the time.

24 MR. BROOKS: Great, thanks. Let's go  
25 to Shana Miller and then Christina Vaeth. Shana.

26 MS. MILLER: Yes, and I'll be brief as  
27 well. I appreciate this effort and it will be  
28 good to see the full document, kind of look at  
29 the full picture. But just to give a little -- a  
30 voice of caution. This needs to be looked at  
31 very carefully. The pendulum can swing back very  
32 quickly and so any movement to release the  
33 restrictions on catch need to be done carefully.

34 We also need to not set the baseline  
35 of what an appropriately sized shark population  
36 are as when many of these species were severely  
37 depleted. I don't think any species are over  
38 populated. If we look to pre-fishing levels we  
39 need to think about what a natural shark  
40 population, what the abundance really does look  
41 like, and just not get caught in that trap of  
42 shifting baselines on this because it can work  
43 both ways. It can't be argued that these  
44 populations are overpopulated. I don't any  
45 science has suggested that. So we just need to  
46 be really careful with this effort. I'll hold  
47 that comment until we can see the full document.  
48 Thanks.

1 MR. BROOKS: Thanks, Shana. Let's go  
2 to Christina, and then to Jeff Oden. And I'll  
3 just note we are just about at time. I'm going  
4 to let this go about five minutes long. We'll  
5 see, try to get as many other folks in. But we  
6 may not get to everybody. But Christina.

7 MS. VAETH: Thank you for the  
8 opportunity to participate today. I'm sorry Dave  
9 couldn't be here and I just hope to accurately  
10 share his thoughts with you.

11 I wanted to thank Guy for the overall  
12 presentation of the fishery and recognizing that  
13 there is a decline in participation, and a  
14 decline in -- that the quotas have not met --  
15 recently the allowable, sustainable quotas have  
16 not been met.

17 You recognize that the fishery, the  
18 participants have moved into other more valuable  
19 fisheries, and that is true which means that  
20 those fishermen are fishing shorter periods of  
21 time. They have shorter windows in which to fish  
22 and so the retention limits at the moment would  
23 be what would affect that. Because when you're  
24 fishing a short period of time, and having those  
25 restrictions it makes the quota difficult to  
26 acquire.

27 One suggestion Dave had made was maybe  
28 having a separate blacktip retention. That might  
29 help. Also, he -- as part of your success he  
30 recognized that it's been a year-round fishery  
31 which offers stability. He would want to maybe  
32 try to maintain that.

33 And we talked about some of the  
34 hurdles and obstacles that we face. And  
35 retention limits would definitely be a reactive,  
36 immediate solution, but everything kind of led  
37 back to how each fisherman has navigated their  
38 own outside factors.

39 And they know their market. They know  
40 their fishery. And so a more proactive  
41 alternative might be something through like an  
42 IFQ because then each fisherman is responsible  
43 for their own fishery.

44 But thank you, and if you have any  
45 questions I'm -- I might be able to answer them,  
46 but thank you for giving me the opportunity  
47 today.

48 MR. BROOKS: Thanks, Christina. Let's

1 go to Jeff Oden.

2 MR. ODEN: Hello?

3 MR. BROOKS: Yes. Hi there, Jeff.

4 MR. ODEN: Can you hear me now?

5 MR. BROOKS: Yes, we can, Jeff.

6 MR. ODEN: Good deal, I'm sorry. I've  
7 been two days trying to get on. Anyhow, it's  
8 recently come to my attention that I guess at the  
9 advent of the smoothhound fishery that vessels  
10 that had that permit and also had a federal  
11 permit, be it a general cat or whatever, were  
12 disallowed from fishing and catching smoothhounds  
13 without actually having an incidental shark, or  
14 directed shark.

15 And my question is, and then I have a  
16 discussion item. My question to the agency is  
17 what's being done to address this, or are we just  
18 going to create another discard fishery?

19 MR. BROOKS: Anybody want to jump in  
20 on that briefly, HMS folks?

21 MS. BREWSTER-GEISZ: I'll jump into  
22 this one. So, for those of you who are  
23 unfamiliar with this issue, if you have a  
24 Smoothhound Shark permit, a federal Smoothhound  
25 Shark permit, you are not allowed to fish for or  
26 land large coastal sharks or small coastal sharks  
27 unless you also have a federal directed or  
28 incidental permit.

29 If you have an HMS Charter/Headboat  
30 permit you are restricted to follow the federal  
31 regulations even when you are fishing in state  
32 waters unless the state has more restrictive  
33 measures. There are some people who have the  
34 Smoothhound permit, and then some other HMS  
35 permit, or something, and they want to be able to  
36 fish in state waters for large coastal or small  
37 coastal sharks.

38 And the answer I would say to them is  
39 you do not need a federal Smoothhound permit in  
40 order to fish for smoothhounds in state waters.  
41 If you are fishing just in state waters you don't  
42 need a federal permit.

43 If you do have that Charter/Headboat  
44 permit you have to abide by it so then it makes  
45 sense for you to get -- if you want to fish for  
46 sharks, the relevant commercial shark permits. I  
47 don't know if that answers your question, Jeff,  
48 but that is the status of things.

1 MR. ODEN: It still creates a discard  
2 in on-shore fisheries for these guys. It just  
3 seems absurd. But secondly, I have one real  
4 quick question and then I want to comment.

5 What percentage of large coastals are  
6 caught in state waters versus federal?

7 MR. BROOKS: And Jeff, why don't you  
8 jump in with your comment as well right now just  
9 for sake of time.

10 MR. ODEN: Okay. And secondly,  
11 secondly, it was mentioned yesterday that the  
12 NEFSEC survey is ongoing as we speak and actually  
13 Eagle Eye is offshore here right now, or was a  
14 day or so ago. I saw them on the AIS which it  
15 should be phenomenal. I mean, from what we see  
16 inland, in-shore here it can't be anything but a  
17 lot of sharks caught.

18 Speaking to that, and I know I sound  
19 like a broken record because every time I come  
20 here I bring this up. The survey goes back to  
21 1986. That's almost 35 years and anyhow, the  
22 last -- three of the last four have been all-time  
23 highs of abundance across the board, and the only  
24 reason the last one which was 2018 wasn't an all-  
25 time high was because the previous one was a 56  
26 percent increase over the previous all-time high  
27 which was 2012.

28 So, to the point that they're seeing  
29 so much concern out there for these species the  
30 depredation going on is not an illusion. It's a  
31 fact, and it's based in real concern from  
32 everybody who actually lives on the water and  
33 spends a day there. Anyway, that's all I'd like  
34 to comment on.

35 MR. BROOKS: Okay. Thanks.

36 MR. DUBECK: Sorry, just real quick,  
37 Bennett. So, Jeff, that's actually -- that  
38 percentage you're looking for is in the document.  
39 We're looking for it right now but it will be in  
40 the document.

41 MR. BROOKS: Thanks. I am going to  
42 take one more commenter here, and then I think  
43 we're going to need to go to break because we are  
44 starting to get a bit late and already bouncing  
45 pretty far into break. Alan Weiss, I'll give you  
46 a moment. And then there's about four folks or  
47 so who wanted to get in or get back in. I would  
48 just invite you to please throw your comment or

1 question into the chat and if we have time later  
2 we'll get back to that. But at least we'll be  
3 able to see whatever it is you wanted to throw  
4 in, and we'll put that around to the full group.  
5 Go ahead, Alan.

6 MR. WEISS: Thanks, Bennett. Two  
7 things I wanted to mention. One is echoing some  
8 earlier comments that National Standard 1 has  
9 another part other than conservation, and that is  
10 the requirement to attain the optimum yield for  
11 each species on a continuing basis.

12 So, under that standard it's just as  
13 important for the fishery service to try to find  
14 a way to attain the optimum yield from these  
15 species as it has been to rebuild them to  
16 sustainable levels.

17 The other thing I wanted to mention is  
18 that in an earlier comment Sonja characterized or  
19 I think mischaracterized the United States effort  
20 at ICCAT on makos as being an impediment. That's  
21 really offensive to our delegation, our  
22 commissioners, and I think flies in the face of  
23 the facts.

24 We saw the documentation of the huge  
25 decrease in landings that the United States has  
26 taken since the mako issue came to the forefront,  
27 and the thing that is the true impediment is that  
28 we've yet to see from other nations compliance  
29 with the agreements that have already been  
30 reached at ICCAT.

31 It just would be ridiculous for the  
32 United States to try to squeeze more out of what  
33 little is being landed here now in advance of  
34 seeing any substantial movement from the other  
35 participants in this fishery elsewhere in the  
36 ocean. Thank you.

37 MR. BROOKS: Okay, thanks. Thank you  
38 all for the feedback. A lot there for the agency  
39 to take in. I think a number of the comments  
40 sort of got to the context and the big picture  
41 which you haven't had a chance to see the report  
42 when that comes out. I think we're hearing a  
43 little bit more of that, but clearly several  
44 different calls on sort of making sure that  
45 context, the history, or the broader sweep of  
46 both the challenges and actions already taken,  
47 and a number of very specific questions and  
48 suggestions around outreach and maximizing

1 utilization, thinking about blacktip, et cetera.

2 So let's get you all to break. I'm  
3 going to try to keep us pretty close to on  
4 schedule here. So let's come back at 25 of sharp  
5 which will mean we're about 5 minutes off  
6 schedule but I'm confident we can make that up  
7 either in the discussions or grab a little bit  
8 from lunch time.

9 So again, from those of you who were  
10 not able to get back in here on this last piece  
11 just please, I encourage you to use the chat to  
12 get back in. So thanks. We'll start up again in  
13 about nine minutes.

14 MR. BLANKINSHIP: Bennett, if I can.  
15 Just before we take off, I just wanted to just  
16 take a moment to just similar to yesterday I made  
17 kind of a comment about not calling out names and  
18 that was related to directing comments to the  
19 agency.

20 But in this particular case I just  
21 want to mention a little bit of a caution that if  
22 folks could as they make comments, certainly if  
23 they're addressing a comment and the substance of  
24 a comment of a previous commenter I think that is  
25 okay. I would just ask that you probably not  
26 call out individual names again to just keep  
27 things cordial and polite along those lines  
28 again. Thanks.

29 MR. BROOKS: Okay. Thanks. Thanks,  
30 Randy. Okay. We'll see you back here at 25 of.  
31 Thanks, everyone. Thanks, Guy.

32 (Whereupon, the above-entitled matter  
33 went off the record at 10:28 a.m. and resumed at  
34 10:37 a.m.)

35 MR. BROOKS: Okay. Let's jump back in  
36 here. I want to hand it off to Delisse Ortiz  
37 who's going to talk to us about the shark and  
38 swordfish retention plan a little.

39 We have 30 minutes for this  
40 conversation so we'll see how many questions and  
41 comments there are on this. Delisse, over to  
42 you.

43 MS. ORTIZ: Can you hear me now?

44 MR. BROOKS: Yes, perfectly. Thanks.

45 MS. ORTIZ: Okay.

46 MR. BROOKS: And we are seeing your  
47 screen.

48 MS. ORTIZ: All right, great. All

1 right, well, good morning everybody. Thank you  
2 for being here. And we're going to lead you to  
3 the exciting world of the final management  
4 measures for the swordfish and shark retention  
5 limit rule.

6 Just a little overview. We're going  
7 to go just give you a little background on what  
8 we had proposed back in April of last year. Some  
9 of the comments that we received and then some of  
10 the changes from the proposal to the final  
11 measures. And lastly, what current outreach  
12 effort we're doing to sort of complement this  
13 rule and help with some of the concerns relating  
14 to some of the shark identification and catch and  
15 release efforts.

16 So, just overall to start. What was  
17 the purpose of this rule. What sort of initiated  
18 it. In part it was to allow for increased  
19 fishing opportunities for shark and swordfish,  
20 primarily in three open access permits. That's  
21 the Swordfish General Commercial permit, the HMS  
22 Charter/Headboat permit, and the HMS Commercial  
23 Caribbean Small Boat permits.

24 And the second objective was to  
25 streamline and consolidate the regulatory  
26 procedures for this retention limit adjustment.  
27 So that means that some of the permits, for  
28 example, the Swordfish General Commercial permit  
29 had already an in season adjustment authorization  
30 criteria so that the retention limits can be  
31 changed during the season, whereas some of the  
32 swordfish retention limits and the shark  
33 retention limits under the Commercial Caribbean  
34 Small Boat permit did not. They were based under  
35 a framework adjustment which can be more time  
36 consuming and not as efficient.

37 So, for the proposed rule we created  
38 three management options. So the first one again  
39 was changing and consolidating and streamlining  
40 the in season adjustment of retention limits  
41 under the Caribbean permit, and then the other  
42 two options were related to making changes in the  
43 retention limits for swordfish, and then the  
44 other one was changing the retention limit for  
45 sharks under the Commercial Caribbean Small Boat  
46 permit.

47 And those -- the measures that we  
48 proposed for changing the swordfish retention

1 limits and the Caribbean Small Boat permits  
2 specifically for swordfish, we proposed limits  
3 that went from the no action, so leaving status  
4 quo, all the way to increasing their retention  
5 limit up to 18 swordfish per vessel per trip.

6 And for the sharks Caribbean Small  
7 Boat permit we looked at things like leaving the  
8 existing retention limit which was set at zero to  
9 increasing that all the way up to six sharks per  
10 vessel per trip.

11 So, we submitted our proposed rule  
12 last year. We were able to hold two public  
13 webinars and present the proposal during the  
14 advisory panel. And we received a total of 29  
15 comments. We finalized the regulations just  
16 exactly a year later. And I'm just going to go  
17 over some of the summary of the public comments  
18 that we received for those three management  
19 options.

20 So for the first one, the in season  
21 adjustment of retention limits, for the most part  
22 the majority of the commenters supported the  
23 proposed changes to those procedures.

24 For the second, alternative B,  
25 changing the swordfish retention limits there was  
26 general support for increasing the swordfish  
27 retention limit up to 18 swordfish per vessel per  
28 trip. That's the higher range of the retention  
29 limit alternatives that we proposed. We got it  
30 from zero to 6 to potentially 18. So there's  
31 support for the higher range.

32 There was some opposition to  
33 increasing the existing swordfish retention limit  
34 because of a variety of reasons, concerns over  
35 sustainability of the swordfish fishery, crew  
36 safety, more specifically from the smaller  
37 vessels in the Caribbean because the Commercial  
38 Caribbean Small Boat permit is limited to vessels  
39 that are less than 45 feet in size, the lack of  
40 accurate commercial landings data, and lack of  
41 law enforcement presence in the Caribbean region.

42 And the third was there was a lot of  
43 requests for additional outreach and education on  
44 permit requirements under the Commercial  
45 Caribbean Small Boat permit, and that included  
46 topics such as doing more focused work on shark  
47 species identification, catch and release, and a  
48 lot of additional education on what permits are



1 required, what gears to use, what species can be  
2 retained limits, and so forth.

3 And lastly, management option C which  
4 looks at the retention limits alternatives for  
5 sharks in the Caribbean Small Boat permit. Some  
6 support the no action alternative to prevent  
7 overfishing of sharks. Some comments opposed  
8 mostly not all sharks, but specific sharks such  
9 as oceanic whitetip, shortfin mako, hammerhead  
10 sharks.

11 And others supported a combination of  
12 some of the alternatives that we presented where  
13 we had limits between zero, we had three, we had  
14 six. And so they wanted a combination of a limit  
15 of six with only specific sharks being able to be  
16 harvested.

17 And lastly, the request for extensive  
18 outreach and education of fishermen and  
19 government agencies on species identification and  
20 permits in the Caribbean.

21 So what were the changes from the  
22 proposed to the final? So for the first one the  
23 in season adjustments we said there was generally  
24 a lot of support so we didn't change these. And  
25 there were two preferred alternatives under this  
26 management option.

27 So the first one was to adopt the  
28 Swordfish General Commercial permit in season  
29 adjustment criteria to the Commercial Small Boat  
30 permit. Like I said, both the Commercial Small  
31 Boat permit allows retention of sharks and  
32 swordfish, but they're done -- any changes in  
33 those limits are done on the framework  
34 adjustment. So we basically are using the  
35 Swordfish General Commercial permit criteria,  
36 adopting that into the Commercial Small Boat  
37 permit for swordfish retention limits, and then  
38 using the shark in season trip limit adjustment  
39 authorization criteria to adjust in shark limits  
40 under the Small Boat permit.

41 For management option B, so I'll just  
42 go over this table. So in the shaded area, the  
43 first column, you have the limits in the region.  
44 So the first one is the retention limit range  
45 that we proposed and what we went with in the  
46 final.

47 And then following those you have the  
48 different regions that are covered by the

1 Swordfish General Commercial permit. So you have  
2 north Atlantic and Gulf of Mexico. Then there's  
3 the Florida swordfish management area limit, and  
4 then there's the U.S. Caribbean limit.

5 In the second one that's what we  
6 proposed for changing the swordfish retention  
7 limits under those three permits that I  
8 mentioned, Swordfish General Commercial, the HMS  
9 Charter/Headboats with the commercial sales  
10 endorsement, and the Caribbean Small Boat permit.

11 So what we propose was to have a  
12 retention limit up to zero to six with the  
13 regions except for the Florida swordfish  
14 management area limit which stays at zero going  
15 up to six. And the default would be starting the  
16 season at six. Right now it defers by region.  
17 The Caribbean is set at two, the northwest  
18 Atlantic Gulf of Mexico is set at three, and  
19 usually we have to bump it up to six. So the  
20 proposal is like well, let's just have it at six  
21 and have that be the range.

22 Well, based on the objectives of the  
23 rule, trying to offer more fishing opportunities  
24 for swordfish as well as what we heard from  
25 commenters we -- for the final measure we went  
26 with the higher limit of 18 swordfish per vessel  
27 per trip for all permits. So we have a range  
28 where we can adjust that season from zero to 18,  
29 but we went final with the defaults, so starting  
30 the season at 18 for all the regions, for all  
31 three permits, except for the Florida swordfish  
32 management area limit which stays at zero.

33 The reason for the change like I  
34 already kind of mentioned was to -- one of the  
35 things we wanted to do was align the regional  
36 retention limits of these three permits,  
37 especially in the Caribbean where all three  
38 permits exist, and all had different in season  
39 adjustment regulatory procedures, and all had  
40 different retention limits. So we opted to have  
41 all the same limit to provide additional  
42 swordfish fishing opportunities as the stock can  
43 support higher removal within the established  
44 quotas and without jeopardizing the  
45 sustainability of the stock. I want to remind  
46 you we're not changing quotas, we're just  
47 changing the limits.

48 In terms of concerns over crew safety

1 the agency always defers to captain's vessel  
2 operators for carry -- capacity designs and  
3 leaves that at the discretion of the captains.

4 In order to improve compliance in  
5 landings information this hopefully creates an  
6 incentive for folks to get the permit. The more  
7 people that have the permit, the more people who  
8 report the data, the more data we have, we have  
9 more landings information, and more people fall  
10 into compliance.

11 Lastly, to streamline and increase the  
12 efficiencies in the in season adjustments because  
13 again all of them will have the same retention  
14 limit and we can now have regulatory procedures  
15 in place that are all the same, or we can change  
16 if needed that limit up or down as necessary.

17 The third management option, so C,  
18 looks at changing those retention limit  
19 alternatives for sharks under the Caribbean Small  
20 Boat permit. So, I'll start with the table.  
21 It's just -- briefly describe the first column  
22 talks about -- this is again focused, it's just  
23 Caribbean, Puerto Rico, and the U.S. Virgin  
24 Islands where this permit only applies.

25 And we have the retention limit range.  
26 So we propose zero to three. Just to remind  
27 folks the status quo was at zero. We're  
28 proposing a range of zero to three sharks per  
29 vessel per trip. And a default retention limit,  
30 so starting that season was three smoothhounds or  
31 tiger sharks combined per vessel per trip. And  
32 we had selected -- prefer that because we heard  
33 that those were some of the most commonly  
34 targeted species in Puerto Rico and the USVI.

35 But with the final rule we left  
36 retention limit at zero to three which is the  
37 third column per vessel per trip. We limited the  
38 retention of these sharks to specific sharks  
39 which are listed there. So basically the  
40 retention, we took out based on comments the  
41 retention of hammerhead sharks, all hammerhead  
42 sharks, any of the pelagic sharks, blacknose,  
43 silky, sandbar, and dusky sharks. So those  
44 species were not allowed to be retained under  
45 this Commercial Caribbean Small Boat permit.

46 The default was to be set at three and  
47 that's a three combined. So any combination of  
48 one tiger, two blacktip, but just three combined

1 total.

2 And so what was the rationale for this  
3 change. Well, one of the goals was to allow for  
4 additional fishing opportunities to harvest  
5 sustainably managed sharks. We also wanted to  
6 take into consideration public comment, and we  
7 wanted to avoid the over-harvest of sharks,  
8 specifically prohibited, pelagic, silky, sandbar,  
9 and hammerhead sharks. So that's why we  
10 specifically just left it to a specific subset of  
11 sharks that are allowed to be harvested under  
12 that permit.

13 And then also to improve catch and  
14 landings data in the U.S. Caribbean shark fishery  
15 by encouraging the adoption of the permit because  
16 now the Caribbean Small Boat permit will have not  
17 only the additional opportunity to land more  
18 swordfish as needed, but also the ability to land  
19 sharks which are not targeted in the Caribbean,  
20 but landed incidentally when catching other  
21 species.

22 And the last thing I wanted to talk  
23 about which was another comments that we received  
24 from the public which was the need for outreach.  
25 It was very much stressed that we needed to do a  
26 lot more education down there which we have in  
27 previous years.

28 One big effort that we're doing with  
29 this rule is creating educational placards and  
30 videos. So similar to the picture that I have  
31 there for shark identification ID in the  
32 recreational fishery we're doing one specifically  
33 for the Caribbean Small Boat permit holders in  
34 Spanish that can be easily understood and that  
35 identifies these specific species with their  
36 distinctive characteristics so that fishermen can  
37 have them available on the boat and help them  
38 characterize the sharks they're able to harvest.

39 In addition to that we're working with  
40 our territorial partners to create a series of  
41 educational videos in Spanish that will highlight  
42 specifically some of the key issues that we need  
43 more outreach. So the first one, shark  
44 identification, techniques for better catch and  
45 release to increase the survivorship of sharks,  
46 and then again, like I said, the third one would  
47 be just understanding what the regulations are.  
48 There's still a lot of confusion about that in

1 Puerto Rico, and specifically concerning these  
2 permits and what can they fish for, what are the  
3 limits.

4 And then the second one is fostering  
5 partnerships with state partners and local  
6 organizations. I've been doing workshops and  
7 educating folks in the Department of Natural  
8 Resources. I've been working with Puerto Rico  
9 Sea Grant. I have a plan to do a workshop with  
10 the local law enforcement, the rangers down  
11 there, to educate them as well on the new  
12 regulations that are going to be effective June 1  
13 of this year.

14 And then lastly, distribute  
15 information over social media, websites. So we  
16 expect this effort to be coming soon. It's  
17 ongoing. It's at full force, summer and fall of  
18 this year. And with that I thank you for your  
19 time and if you have any questions or comments  
20 let me know. Thank you.

21 MR. BROOKS: Great. Thanks, Delisse.  
22 Let's see if there are any questions or comments  
23 on this rule. I've got Marcos and Alan Weiss in  
24 the queue, and Walt Golet, I think your hand is  
25 leftover from before. So if it is if you would  
26 just lower that. Let's start off with Marcos,  
27 please.

28 MR. HANKE: Thank you, Delisse, for a  
29 great presentation. I'm very happy to see a lot  
30 of work being on the screen here with things that  
31 I think are a significant part of the fishery in  
32 Puerto Rico and the U.S. Caribbean.

33 Fishermen stress to me how heard they  
34 felt having access to the new fishing opportunity  
35 with swordfish. That's something that is slowly  
36 but surely growing in Puerto Rico.

37 I also want to say that remote is  
38 promoting compliance. That is many people are  
39 asking about how to do it and how they can follow  
40 up with the Caribbean's Small Boat permit,  
41 thoughts on loopholes that was being well  
42 addressed at this time.

43 It was very bad in our area. Thank  
44 you for that. Thank you so much for that. I  
45 have been hearing great feedback from people that  
46 was not expecting those changes. It was a  
47 positive tone and responsible to the resources.

48 And thanks for the aggressive

1 initiative for educational materials and shark ID  
2 that was coming out. I'm aware that it is  
3 already taking place with Sea Grant and different  
4 others. Thank you for the agency to be visionary  
5 and proactive on that part.

6 And I have a question just to make  
7 sure I understand because one of the sharks that  
8 are mostly caught on the deep water is (audio  
9 interference) fishery incidentally (audio  
10 interference). The question to the list is the  
11 fishermen can keep the three smoothhound in the  
12 trip or have to be combined with another species?  
13 That's the question that I keep receiving. Thank  
14 you.

15 MR. BROOKS: Thanks, Marcos.

16 MS. ORTIZ: You know, the limit is for  
17 three sharks total. So if they just happen to be  
18 smoothhounds then they can retain the three  
19 smoothhounds. So they're not limited by how many  
20 of each species they can catch, but rather by the  
21 total number of sharks they can catch per vessel  
22 per trip.

23 MR. BROOKS: Great. Let's get a few  
24 more folks in here. Let's see. Raimundo  
25 Espinoza, I'll bring you in next because I don't  
26 think we've had a chance to hear from you at all.  
27 So let's bring you in.

28 MR. ESPINOZA: Hello? Can you hear  
29 me?

30 MR. BROOKS: We can. Yes, Raimundo,  
31 we hear you. Go ahead. Raimundo, are you there?  
32 We had you a moment ago. Can you try to take  
33 yourself off mute again, Raimundo? All right.  
34 Let me go to somebody else and if someone can  
35 chat Raimundo maybe we can figure out how to --  
36 what's happening there.

37 MR. ESPINOZA: Okay. Hello?

38 MR. BROOKS: Oh, there you are.  
39 Raimundo, go ahead.

40 MR. ESPINOZA: Okay, great. Just for  
41 some reason I got disconnected. So thank you  
42 very much, Bennett, for cutting me in and thanks,  
43 Delisse, for the presentation. It's a lot of  
44 great information. I have a couple of questions  
45 on some of the details.

46 For example, just a question, there  
47 was a couple of things. For example, blacknose  
48 were included in the prohibited species as well

1 as -- and then fine tooth sharks were allowed.  
2 So I was just wondering what data was used, or  
3 what information, or how species composition went  
4 into the decision-making and to what the species  
5 were called.

6 Also, I saw on the list of things to  
7 do it said that to collaborate with local  
8 organizations. I mean, you only mentioned the  
9 government organizations. So, I was wondering  
10 when that would be reached out to the rest of the  
11 organizations, non-profit, academia, which are  
12 actually the ones that are doing any of the shark  
13 work in Puerto Rico because local government is  
14 not actually doing any of that work. So  
15 hopefully through your collaboration can get them  
16 up to speed. But that's one of the things I'd  
17 like to know just because for the past four or  
18 five years it's non-profits that have been doing  
19 all the shark work. So it was mentioned that it  
20 was mostly working with enforcement, Sea Grant,  
21 and the local government. So I was just  
22 wondering what that process was to engage with  
23 the folks that are actually working with sharks  
24 in Puerto Rico. Thank you.

25 MR. BROOKS: Delisse, why don't you  
26 jump in.

27 MS. ORTIZ: Yes. So to answer your  
28 first question what was the criteria used to  
29 limit the species that were allowed to be  
30 harvested under the Caribbean Small Boat permit.

31 So, specifically for blacknose. So  
32 one thing to keep in mind is the shark quota for  
33 the Caribbean, so the overall shark quota, not  
34 the limit, is part of the Gulf of Mexico shark  
35 quota. And in the Gulf of Mexico we don't allow  
36 the retention of blacknose. So the Caribbean is  
37 managed under that Gulf of Mexico region. So as  
38 part of that to be consistent we're not allowing  
39 the retention of blacknose sharks in terms of  
40 sandbars. Sandbars are not allowed to be  
41 retained unless you're in the shark research  
42 fishery. There's concerns of scalloped  
43 hammerhead is threatened under the distinct  
44 population segment in the Caribbean so we, you  
45 know, that's why we removed the all hammerhead  
46 sharks.

47 There was also a concern about oceanic  
48 whitetip and mako. So that kind of goes in the

1 pelagics. So we removed those as well. And then  
2 there's concerns about dusky. So basically it's  
3 species that are more vulnerable. And there's  
4 concerns about minimizing their over-harvest. So  
5 those are the ones that we sort of removed from  
6 that equation in the Caribbean.

7 And then to answer your second  
8 question not limited to the agencies. That's  
9 just where we started. The list is really long.  
10 So right now I'm reaching out to as many folks as  
11 possible, and I have probably a list of 10, 10  
12 different groups. That's just more where the  
13 conversation started, but I am planning on  
14 working with a lot of the NGOs and I believe you  
15 might have a voicemail message from me in your  
16 box, in your inbox, so check that as well.

17 But we are open to working on this.  
18 Like I said, the rule published and we've just  
19 been trying to focus on the creation of the  
20 educational videos and hoping for Sea Grant in  
21 collaboration with the council to help out in  
22 that endeavor.

23 But our main goal is to get the  
24 message across. I've also actually worked with  
25 some of the graduate students at the University  
26 of Puerto Rico that are part of Little Women --  
27 I'm trying to remember the name of their  
28 organization. But they're a group of women in  
29 Puerto Rico that study sharks and they're helping  
30 out in this effort as well.

31 MR. ESPINOZA: So you have reached out  
32 to other sectors, because I mean that's -- those  
33 are two folks. Because there's other women that  
34 are not part of that group. There's students at  
35 Interamericana, and Bayamon that are studying  
36 sharks. There's another person doing their  
37 master's in UPR Puerto Rico and Rio Piedras.

38 So I would suggest making sure that  
39 when you reach out you don't focus in because  
40 it's something that -- I mean, from what I'm  
41 hearing and working on this for the past several  
42 years, I'll check my voicemail. Beyond that it's  
43 something that needs to be a lot further open.

44 It's one of these things that we need  
45 to make sure we reach out because concerning some  
46 of this data, for example, that you mentioned,  
47 some of the things that are applying to the Gulf  
48 for the blacknose and other things doesn't apply



1 for scallops and the other hammerheads, but we  
2 are applying it here.

3 So I'm just saying that some of these  
4 things need to be consistent because when we're  
5 talking about what's not allowed in the Gulf and  
6 then what -- so where we're getting -- we're  
7 getting in the Caribbean which again, it goes to  
8 applying some of the suggestions that were made  
9 earlier as well in previous conversations about  
10 the Caribbean being managed separately from the  
11 Gulf. Because right now hammerheads are going to  
12 be prohibited, but that's not the case in the  
13 Gulf. But yet some of the ones that are being  
14 prohibited in the Gulf are prohibited in the  
15 Caribbean.

16 If you look at the data, you won't see  
17 a dusky reported since forever in Puerto Rico.  
18 So it's one of those things that it's great that  
19 it's prohibited, but it's like prohibiting  
20 sawfish in Puerto Rico. It's not going to make a  
21 difference because we don't see any. So it's one  
22 of those things.

23 However, blacknose is one of the ones  
24 that are caught every once in a while and we  
25 don't see them quite often. So it's one of those  
26 things that could be part of that one in three,  
27 but we need to make sure that we don't -- when  
28 we're doing the outreach to the fishing community  
29 it's not going to be received well when we say  
30 that it's because we're replicating from what's  
31 in the Gulf because they've heard that with  
32 lobster, and they've heard it with other species  
33 that the seasons and the dynamics here are very  
34 different than the mainland U.S.

35 So it's one of those things that -- I  
36 think this is a really great move, and a step in  
37 the right direction. And I think the measure  
38 with hammerheads, even though in the Gulf it's  
39 different and over there the retention is  
40 allowed, I don't think in the Caribbean it should  
41 be. And I think it's in the right direction.  
42 And that's a decision that was made solely based  
43 on the information from the Caribbean. So it's  
44 really important to continue that trend of what's  
45 good for the Caribbean based on the Caribbean  
46 data, not just what's --

47 MS. BREWSTER-GEISZ: If I could jump  
48 in just to help clarify things. So while Delisse

1 is correct that blacknose is prohibited in the  
2 Gulf and the Gulf quotas extend to the Caribbean  
3 under our management, I will also say that in  
4 terms of blacknose the stock information we have  
5 is that overfishing is occurring and they are  
6 overfished. So they are extremely limited  
7 throughout the U.S., not just in the Gulf and in  
8 the Caribbean north of I want to say 34 degrees  
9 you are also not allowed to keep them, and you  
10 are only allowed a very small amount per trip off  
11 of Florida and Georgia when you are fishing. So  
12 blacknose in particular we have a lot of  
13 concerns. It's not just that we willy-nilly  
14 decided to apply blacknose and say no landings in  
15 the Caribbean.

16 MR. ESPINOZA: No, no, we understand.  
17 We understand that. And again, it's a good  
18 measure. It's a good step in the right  
19 direction. And I think that they're overfished  
20 in general. That's exactly the reason why. We  
21 understand that.

22 But we want to make sure -- for  
23 example, fine tooth. We haven't had a report for  
24 fine tooth in fisheries data in the landings in  
25 forever. So there's other things. I think we  
26 need to continue the collaboration.

27 We're really excited that these  
28 measures are really positive in general for both  
29 the fisheries and for the --

30 MR. BROOKS: Raimundo?

31 MR. ESPINOZA: Yes.

32 MR. BROOKS: Sorry. I wanted to jump  
33 in just because we have several people wanting to  
34 get into the queue and we are almost out of time  
35 here. Actually we're five minutes beyond time.  
36 Is that okay?

37 MR. ESPINOZA: Of course.

38 MR. BROOKS: Okay, thanks. Let's go  
39 to Greg Hinks. Greg.

40 MR. HINKS: Hi, can you hear me?

41 MR. BROOKS: Yes, we can.

42 MR. HINKS: Great, thank you. I was  
43 just -- I was interested in your mentioning of  
44 foreign partnerships, whether they're states and  
45 organizations. I understand these issues being  
46 addressed here are -- that they're big changes  
47 for the Caribbean specifically. But I'm just  
48 curious what sort of partnerships you're talking

1 about forming, and what the goals of those  
2 partnerships are, and the problems being  
3 addressed.

4 MS. ORTIZ: Yes, hi. So the fostering  
5 partnerships relates to the outreach effort  
6 specifically. So any materials that we create  
7 for the Caribbean that they review that they help  
8 with, for example, these educational videos that  
9 we want to make. I'm trying to work with  
10 agencies like Puerto Rico Sea Grant, and the  
11 Council, and get the input from national  
12 resources, from academics to try and make sure  
13 that these videos kind of reach out to folks,  
14 make sense, are available, can be distributed,  
15 and that any other needs that they identify that  
16 are crucial to educating folks in the Caribbean,  
17 that we can meet, that we can provide more  
18 outreach as needed. So those are the type of  
19 partnerships that I'm referring to.

20 MR. HINKS: Okay. So, materials in my  
21 mind that maybe the other states perhaps take for  
22 granted that's been traditionally lacking down  
23 there?

24 MS. ORTIZ: I think we have  
25 partnerships and relationships, but in terms of  
26 creating the work together. There's additional  
27 barriers. There's cultural, language, and  
28 geographical barriers. So it's trying to foster  
29 more of those partnerships, especially with this  
30 role that will make some significant changes in  
31 that region.

32 MR. HINKS: Thanks.

33 MR. BROOKS: All right. I've got  
34 about four people left in the queue. I'm going  
35 to need to jump topics here in about three  
36 minutes, so if folks can be fairly focused in  
37 their comments we might get through everyone.  
38 Let's go to Marty Scanlon, and then Mike  
39 Pierdinock.

40 MR. SCANLON: Yes. It's good to see  
41 that NMFS is focusing on trying to help the U.S.  
42 catch its U.S. swordfish quota. However, it's  
43 continually disappointed us that none of these  
44 efforts pertain to the pelagic longline industry  
45 which is the directed fishery here. I don't see  
46 anything on this agenda here for this entire  
47 meeting on spatial management would have given us  
48 that opportunity. Just a continual insult to the

1 industry here.

2 MR. BROOKS: Thanks, Marty. Mike  
3 Pierdinock.

4 MR. PIERDINOCK: Thank you. Just a  
5 quick question. If I go to page 10. Once again,  
6 I agree it's good to see that we're having  
7 increased limits to try to use up the quota. But  
8 maybe I'm just not up to date on this. I don't  
9 see any corresponding increases for recreational  
10 swordfishing. Because I think this is only just  
11 for commercial. Could somebody address that?  
12 Thank you.

13 MR. BROOKS: Does anyone want to jump  
14 in on that?

15 MS. ORTIZ: So, this mostly is for  
16 three open access permits. So it includes the  
17 Charter/Headboats, but only with the commercial -  
18 - with the commercial sales endorsement on an  
19 permit. So it doesn't really go into any  
20 effects, any of the other recreational permits  
21 that we have.

22 MR. BLANKINSHIP: Right. And to build  
23 off of Delisse's response there, Mike, a few  
24 years ago we did work on a rulemaking that  
25 increased the retention limit recreational -- in  
26 fact, several years now. So, I'm understanding  
27 your question perhaps to be a comment along the  
28 lines of seeking an increase in the recreational  
29 retention limit. Is that what you're getting at?

30 MR. PIERDINOCK: Yes, certainly. And  
31 especially since we need to use this quota and  
32 provide opportunities also for the recreational  
33 sector. Thank you.

34 MR. BROOKS: Okay, thanks. Bob  
35 Hueter, could you come in with a brief comment or  
36 question?

37 MR. HUETER: Yes, just real quick.  
38 Puerto Rico is a tropical island environment.  
39 U.S. Gulf of Mexico is a temperate continental  
40 environment. Let's please stop coupling Puerto  
41 Rico with the Gulf of Mexico. It would be like  
42 managing Hawaii's fisheries using the rules in  
43 Alaska. So let's get away from that. This is  
44 force fed.

45 Secondly, Ray is too humble because  
46 he's been working on the shark fisheries of  
47 Puerto Rico for the last three years. And I hope  
48 that all the reports that we've filed over those

1 last three years have been used because I see a  
2 mismatch between the species list here and what's  
3 happening down in Puerto Rico and what Ray has  
4 actually documented.

5 And last, I don't believe I heard  
6 anything about the Caribbean reef shark.  
7 Delisse, is that also going to be on the  
8 prohibited list?

9 MS. ORTIZ: That is currently under  
10 the prohibited list. Not on the list that we're  
11 not allowing the retention, but under like part  
12 of the listed species of sharks that are  
13 prohibited.

14 MR. HUETER: So when this rule comes  
15 out in Puerto Rico it will be clarified that  
16 that's still a prohibited species. It cannot be  
17 part of this retention. Okay. I just ask that  
18 you be very clear because obviously the rules in  
19 the last decade or two have been very muddled,  
20 and the fishermen are asking for clarity in the  
21 rulemaking. Thank you.

22 MR. BROOKS: Thanks, Bob. Alan, I  
23 give you a last very quick word here.

24 MR. WEISS: Thanks, Bennett. I just  
25 noted that earlier in the presentation there was  
26 a mention that people had expressed concern over  
27 the sustainability of the swordfish fishery.  
28 That really shocked me. So I'd say evidently  
29 some better way to impart to the constituents the  
30 facts of the matter of the swordfish stock  
31 condition is needed because I don't know how  
32 people would come with that concern when we have  
33 a scientifically determined sustainable quota,  
34 and we -- in recent years we're generally not  
35 able to catch one-third of it. Last year we  
36 caught just over 26 percent of it.

37 So (audio interference) some better  
38 way of imparting this information to the  
39 constituents that are reviewing this stuff would  
40 be helpful. Thank you.

41 MR. BROOKS: Thanks, Alan. I know we  
42 want to go next to an update on the listing  
43 status of shortfin mako shark, but before we do  
44 that, Randy, I think did you want to jump in with  
45 some answers in responses to the earlier SHARE  
46 conversation?

47 MR. BLANKINSHIP: Yes, sure. Before  
48 I do that just real quickly to the previous

1 comment that was made there about swordfish  
2 stock. Some of those expressions of concern were  
3 I think, I'll just characterize some of them as  
4 being more locally concerned in particular, and  
5 what, for instance, a lack of information perhaps  
6 in questioning whether there were specific  
7 aggregations of swordfish that could be in and  
8 around the Caribbean.

9 And there's not a lot of information  
10 specifically available about that. And then  
11 questions about how that increased harvest might  
12 have impacted.

13 But the comment is very good related  
14 to the fact of the matter being is that  
15 swordfish, north Atlantic swordfish is managed in  
16 the north Atlantic basin-wide, it's an  
17 international fishery, and the stock is healthy.

18 So I wanted to circle back to a couple  
19 of questions from the SHARE presentation. Dewey  
20 had a question about the graph that Guy showed  
21 that showed trends in recreational landings and  
22 releases, I believe. And so I wanted to come  
23 back to that and point out that that graph is  
24 showing only Large Pelagics Survey information,  
25 and it was showing that in order to demonstrate  
26 the trend in that data source.

27 It does not show all of the data  
28 sources that go into the reports of landings and  
29 discards to ICCAT. And so that explains the  
30 discrepancy there, that there might appear to be.  
31 But I just want to point out that that is just  
32 the Large Pelagic Survey showing that trend a  
33 little bit more effectively.

34 And then the other one, Jeff Oden had  
35 a question about the percentage of large coastal  
36 shark landings between state waters and federal  
37 waters. And for the Atlantic large coastal shark  
38 landings the state water permit holders account  
39 for about 35 percent of the landings. And  
40 there's a range there over the years. The range  
41 is about 25 percent to 46 percent. But overall  
42 it's about 35 percent.

43 And so I hope that answers the  
44 question. That information as well as the  
45 percentages for the Gulf of Mexico are in the  
46 SHARE report once that comes out in a few weeks  
47 so I encourage everybody to look for that when it  
48 becomes available. Thanks.

1 MR. BROOKS: Great, thanks. Thanks.  
2 I'll also note there were a couple of comments  
3 put in the chat at the end of that discussion as  
4 well so I encourage people to scroll back and  
5 take a look at that.

6 At this point I want to hand off to  
7 Adrienne Lohe with NOAA's Fisheries Office of  
8 Protected Resources to catch the advisory panel  
9 up on the status of the petition to list shortfin  
10 mako shark. So, Adrienne, I will hand it off to  
11 you and let you put up your presentation. And I  
12 know we're slated to end at 11:30 but obviously  
13 if we need to run a little long we can do that.  
14 If you have the time.

15 MS. LOHE: Okay, yes. No problem.

16 MR. BROOKS: Okay, great. Thanks.

17 MS. LOHE: Okay, are you seeing the  
18 slides?

19 MR. BROOKS: We're seeing presenter  
20 view right now.

21 MS. LOHE: Okay. Let me switch that.

22 MR. BROOKS: There you go. Perfect.

23 MS. LOHE: Better? Okay.

24 MR. BROOKS: You're all set. Yes.

25 MS. LOHE: Great. So I'm Adrienne  
26 Lohe. I'm from NOAA Fisheries Office of  
27 Protected Resources.

28 MR. BROOKS: Adrienne, there is some  
29 -- there's a big gray block in the middle of your  
30 presentation that we're seeing. I don't know why  
31 that is.

32 MS. LOHE: Is that better?

33 MR. BROOKS: There you go. Good.

34 MS. LOHE: Okay. So, I'm going to be  
35 talking today about the Endangered Species Act  
36 listing process and the shortfin mako shark.

37 So, I will walk through the ESA  
38 listing process, the different steps that are  
39 involved, talk a little bit about the effects of  
40 listing a species under the Endangered Species  
41 Act, talk about the recent positive 90-day  
42 finding that came out on shortfin mako shark,  
43 walk through how the public can comment or  
44 provide information in response to that 90-day  
45 finding. And I have some resources at the end  
46 and we can have questions at that point.

47 I will start by walking through the  
48 process of listing a species under the Endangered

1 Species Act as either threatened or endangered.  
2 This is a really helpful chart that we have on  
3 our OPR website, Office of Protected Resources  
4 website. And so I'll just walk through the  
5 different steps and point out later on where we  
6 are with shortfin mako in this process.

7 So, to start the process starts when  
8 we either receive a petition to list a species  
9 from an individual or an organization, or we can  
10 self-initiate the process of a status review as  
11 well.

12 In the case that we are petitioned to  
13 list a species which is the most common we review  
14 the petition and to the maximum extent  
15 practicable within 90 days of receipt of the  
16 petition we make a finding on whether the  
17 petition presents substantial scientific or  
18 commercial information that listing the species  
19 may be warranted.

20 And substantial information is defined  
21 in our regulations as the amount of information  
22 that would lead a reasonable person conducting an  
23 impartial scientific review to conclude that the  
24 action proposed in the petition may be warranted.

25 So this decision at this stage is  
26 based on an evaluation of the information that's  
27 contained and cited in the petition in the  
28 context of other readily available information in  
29 our agency files.

30 So, at this stage we do not conduct  
31 additional research. We don't solicit  
32 information from parties outside the agency to  
33 help us evaluate the petition. It's really just  
34 based on what is presented in the petition and  
35 what we have available to us in our files at that  
36 time.

37 So, if we make a negative 90-day  
38 finding, going off to the left here, that arrow  
39 you see, if we make a negative 90-day finding we  
40 are concluding that the petition does not present  
41 substantial scientific or commercial information  
42 indicating that listing may be warranted. And  
43 that's the end of the process for that species at  
44 that time. It's not reviewed any further.

45 In the case of a positive 90-day  
46 finding, meaning that the petition was found to  
47 present substantial scientific or commercial  
48 information that listing may be warranted we open



1 up a public comment period that helps us compile  
2 the best available science on the species to make  
3 a determination as to whether listing is actually  
4 warranted or not.

5 So moving along, the next step after  
6 a positive 90-day finding is to conduct a status  
7 review of the species. So in this stage we  
8 compile and synthesize the best available science  
9 on the species status which includes its life  
10 history, demographic trends, and susceptibility  
11 to threats. And then we evaluate the extinction  
12 risk to the species. So the end result, the  
13 status review report is a peer reviewed document  
14 to ensure that it cites the best available  
15 information.

16 And within 12 months of the petition  
17 receipt date is when the conclusions of that  
18 status review. We publish a determination which  
19 we call a 12-month finding on whether listing as  
20 threatened or endangered is warranted or not. So  
21 that's kind of the next branch off here in that  
22 chart.

23 If we find that listing is not  
24 warranted we publish a negative 12-month finding  
25 which is the end product. No further review for  
26 that species at that time.

27 If we do find that listing as either  
28 threatened or endangered is warranted we publish  
29 the positive 12-month finding as a rule proposing  
30 to list the species as either threatened or  
31 endangered. And at this stage there is another  
32 public comment period.

33 So usually one year after the proposed  
34 rule we will publish a final determination to  
35 list the species. So those are the different  
36 steps, but what happens after a species is  
37 listed? That depends on whether the species is  
38 listed as threatened or endangered.

39 So just to go through the definitions.  
40 An endangered species is in danger of extinction  
41 throughout all or a significant portion of its  
42 range. A threatened species is likely to become  
43 endangered throughout all or a significant  
44 portion of its range in the foreseeable future.  
45 So as you can see the main difference here is  
46 that a threatened species is not currently in  
47 danger of extinction, but it is likely to become  
48 so in the foreseeable future.

1           So, if a species is listed as  
2 endangered certain prohibitions are automatically  
3 applied to that species. So I'll just go through  
4 them quickly. It is illegal for any person  
5 subject to the jurisdiction of the United States  
6 to import it or export it out of the U.S., to  
7 take the species within the U.S., the territorial  
8 seas of the U.S., U.S. EEZ, or upon the high  
9 seas, possess, sell, deliver, carry, transport,  
10 or ship any endangered wildlife that has been  
11 taken illegally, or to sell, offer for sale,  
12 deliver, receive, carry, transport, or ship that  
13 species in interstate or foreign commerce.

14           So, those are the prohibitions that  
15 are automatically applied to an endangered  
16 species. And just to clarify the term "take"  
17 here in the second prohibition includes to  
18 harass, harm, pursue, hunt, shoot, wound, kill,  
19 trap, capture, or collect, or to attempt any of  
20 these actions.

21           So for a threatened species if a  
22 species is listed that way these prohibitions are  
23 not automatically applied. If deemed necessary  
24 and advisable for the conservation of the species  
25 we can apply prohibitions through a special rule  
26 called a 4(d) rule. So if NMFS adopts a 4(d)  
27 rule for a threatened species we can offer any or  
28 all of the above protections.

29           And in issuing a 4(d) rule we consider  
30 the species biology, conservation needs, and  
31 threats, and then determine which activities need  
32 to be regulated or prohibited in order to  
33 conserve the species.

34           And listing under the ESA also  
35 triggers the section 7 consultation requirement  
36 where federal agencies must consult to ensure  
37 that any action authorized, funded, or carried  
38 out by that agency is not likely to jeopardize  
39 the continued existence of any endangered or  
40 threatened species, or to result in the  
41 destruction or adverse modification of critical  
42 habitat.

43           And so I won't get into too much about  
44 -- in too much detail about consultation because  
45 I don't work on section 7 specifically, but an  
46 example would be if the shortfin mako did end up  
47 getting listed that means that in sustainable  
48 fisheries would have to consult with NMFS Office

1 of Protected Resources under section 7 to make  
2 sure that the fishery isn't jeopardizing the  
3 continued existence of the species.

4 So, as you probably have all heard we  
5 recently published a positive 90-day finding on  
6 the shortfin mako shark petition that we received  
7 in January, meaning that we concluded that the  
8 petition presented substantial information  
9 indicating that listing may be warranted.

10 So the petition and 90-day finding are  
11 both available on our website, and I've linked  
12 that in the last slide of my presentation so you  
13 can go find it easily. But I briefly just wanted  
14 to discuss our determination here.

15 As you know, the species has a global  
16 distribution across all temperate and tropical  
17 ocean waters, and is highly migratory. It's a  
18 late maturing, slow growing species with  
19 moderately high longevity and low annual  
20 fecundity which gives it overall low  
21 productivity.

22 Looking at the status in abundance  
23 trends that were presented in the petition there  
24 were declines in abundance indicated across its  
25 global range by both stock assessments, CPUE  
26 data. The South Pacific is the one exception  
27 that we noted where there was some evidence of  
28 population increases.

29 And we were looking at the trends for  
30 the species as a whole across its global range,  
31 not just one region. And then we talked about  
32 the main threat to the species being overfishing  
33 through incidental catch in commercial fisheries  
34 and opportunistic retention when bycaught due to  
35 high-value meat and fins.

36 Overall based on that information that  
37 was cited in the petition we found that listing  
38 as a threatened or endangered species may be  
39 warranted.

40 So, going back to that flow chart that  
41 I walked through in the beginning, I've just  
42 highlighted where we are now with the mako shark,  
43 the shortfin mako. We've made a positive 90-day  
44 finding in April, and the public comment period  
45 is open now. And we are right in the middle of  
46 compiling information to conduct a status review  
47 of the species now.

48 So, by publishing the positive 90-day

1 finding we've opened up a 60-day public comment  
2 period. So people can submit information for us  
3 to use in the status review of the species.  
4 We're specifically soliciting comments on the  
5 historical and current abundance, the population  
6 trends, distribution, and population structure,  
7 the condition of habitat, data on threats  
8 including bycatch and trade, and information on  
9 management, regulatory, or conservation programs  
10 for the species that mitigate threats.

11 So, any member of the public can  
12 submit comments or information by going to  
13 regulations.gov and then searching for the docket  
14 number that I've highlighted here. It's NOAA-  
15 NMFS-2021-0028. That's also found right in the  
16 90-day finding.

17 And then once you search for that  
18 docket number on regulations.gov you'll see this  
19 image that I've put up here, and you'll just  
20 click the blue comment button and you can submit  
21 attachments, you can write something up. And  
22 that's how you would submit that to our agency.

23 So the comment period closes on June  
24 14. So, if you have any data or information that  
25 would help us in our review of the species status  
26 I encourage you to share that with us through the  
27 comment process.

28 So, just to conclude, until the status  
29 review is complete there has been no  
30 determination on whether the shortfin mako shark  
31 is going to be listed as either threatened or  
32 endangered, or listed at all. If the species  
33 does become listed the ultimate goal of the ESA  
34 is recovery, and we aim to recover a listed  
35 species so that they are no longer at risk of  
36 extinction.

37 NMFS does this through developing and  
38 implementing recovery plans for listed species,  
39 conducting interagency consultations under  
40 section 7, and coordinating and providing grants  
41 to states to carry out recovery actions.

42 And stakeholder input and involvement  
43 is essential along the way from compiling the  
44 best available information for the status review  
45 to implementing recovery actions if a species is  
46 listed.

47 So it was great to be able to come  
48 today. Thanks for inviting me to share this

1 information with you, and I encourage all of you  
2 if you want to to share any relevant information  
3 with us to use in our determination.

4 MR. BROOKS: Great. Thanks, Adrienne.  
5 (Simultaneous speaking.)

6 MS. LOHE: I just have some resources  
7 here and my email address if you want to reach  
8 out to me.

9 MR. BROOKS: Okay, great. Maybe you  
10 can just leave that up for right now. So, let's  
11 see if there's a few AP comments or questions for  
12 you before we go to break. Rick Weber, I see  
13 your hand up, and I think Marcos, and Marty, and  
14 Raimundo, I think those are all leftover from the  
15 previous conversation so if you would lower your  
16 hands that would be great. Let's go to Rick  
17 Weber and then we'll go to Rick Bellavance.

18 MR. WEBER: Hi, Adrienne. We spoke a  
19 couple of weeks ago. Same presentation and I  
20 think it's clear. I fully understand and even  
21 support why you've found a positive 90. As I've  
22 told you I think you're going to have a very  
23 difficult time -- not that anyone is trying to.  
24 I know you're trying to get to the facts. I do  
25 not think the facts are going to lay out that  
26 there is a future in which mako sharks do not  
27 exist basin wide or North Atlantic wide. I think  
28 the threshold is very high.

29 My question today is last time we  
30 spoke you mentioned DPS and there was some  
31 reference even this time in DPS. Who makes that  
32 DPS? Does the DPS already have to be created  
33 before your assessment, or can you determine that  
34 there is a distinct population segment during  
35 your analysis?

36 If you'd go from there and I'll see if  
37 it spurs anything secondary. Thank you.

38 MS. LOHE: Sure. Yes, so that is done  
39 during the status review. We're going to -- once  
40 we collect, and synthesize, and kind of walk  
41 through all the available data we're going to  
42 bring a team together to assess the extinction  
43 risk.

44 And part of the process that the team  
45 will go through is doing a DPS analysis to see if  
46 there are any distinct population segments that  
47 meet the two criteria for our policy, the  
48 discreteness and the significance criteria, and

1 see if listing as a DPS is needed for the  
2 management of the species I guess I would say.

3 MR. WEBER: Understood. Okay, thank  
4 you. And as I've said I think you will have --  
5 again, from a fairness. I don't think anyone's  
6 trying to do this. I think the bar is so high to  
7 say that it does not exist.

8 My next question then would be if you  
9 don't find a DPS and you guys agree with ICCAT  
10 that this is a North Atlantic wide stock how  
11 would you go about determining threatened?  
12 Again, I think you're going to have a hard time  
13 saying there is a chance that mako will not exist  
14 at all basin wide. Now I'm trying to figure out  
15 what your threshold would be and what things you  
16 would be looking at so that we can provide  
17 helpful data. Because I think there are people  
18 in this conference that have helpful data.

19 But how does a highly migratory  
20 species that is basin wide in my opinion become  
21 threatened? If you can give us any idea what you  
22 would be looking for to determine that something  
23 like that was threatened.

24 It's so simple when something lives in  
25 a particular pond, or a particular forest. I get  
26 it. We can have that discussion. When something  
27 is basin wide I don't know how -- I don't know  
28 what factors you're looking at. I don't know  
29 what data this group should provide to you.

30 MS. LOHE: Well, I guess if we didn't  
31 -- so you're asking if we didn't find any DPSSs.  
32 If we were looking at the species in its global  
33 range. We would want kind of the things that I  
34 mentioned, abundance data, past abundance trends,  
35 historical distribution, threats data.

36 And so for threatened we're going to  
37 also be determining what the foreseeable future  
38 is for the species. And that's a species-  
39 specific thing. And that's determined on a case-  
40 by-case basis for different species.

41 And then seeing how far out we could  
42 project the threats into that foreseeable future  
43 to see if the species meets the criteria for a  
44 threatened species, and what the extinction risk  
45 is over that foreseeable future.

46 MR. WEBER: Understood. I believe it  
47 can fall, but I don't believe it can fall to the  
48 point that it no longer exists. So, with that,

1 thank you very much. Bennett, you may mute me  
2 again.

3 MR. BROOKS: I would never do that to  
4 you, but someone else will. Rick Bellavance,  
5 come on in.

6 MR. BELLAVANCE: Thank you, Bennett.  
7 Thank you, Adrienne, for the presentation. I  
8 just had a quick clarifying question regarding  
9 the timeline. If I understood it right, I just  
10 want to make sure I get it.

11 If there is a 12-month finding in the  
12 later part of the process and a proposed rule is  
13 published, did you say that there was another  
14 year between the published rule and the final --  
15 the proposed rule being published and the final  
16 rule? So it's a 24-month period there? I just  
17 want to get that right.

18 MS. LOHE: Yes. So, we have to --  
19 we'll be publishing our 12-month finding 12  
20 months from the receipt of the petition date  
21 which was January 25 of this year. And then if  
22 we do issue a proposed rule we will issue the  
23 final rule within 12 months if that.

24 MR. BELLAVANCE: So it's within, not  
25 necessarily 12 months, but within 12 months.

26 MS. LOHE: Within 12 months. There is  
27 some room for extension, but it's typically  
28 around 12 months.

29 MR. BELLAVANCE: Okay. Thank you for  
30 the clarification.

31 MS. LOHE: No problem.

32 PARTICIPANT: Bennett, we're not  
33 hearing you right now.

34 MR. BROOKS: Can you hear me now?

35 PARTICIPANT: Gotcha now.

36 MR. BROOKS: Thank you. Let's go to  
37 Dewey. Can we take Dewey off mute?

38 MR. HEMILRIGHT: Thank you. Can you  
39 hear me?

40 MR. BROOKS: We can, Dewey.

41 MR. HEMILRIGHT: Thanks for the  
42 presentation, and my comments are for  
43 clarification. What kind of data are you looking  
44 for, and what does the scientific and commercial  
45 data mean? So that's kind of clarification. And  
46 I've also got a comment after that, please.  
47 Thank you.

48 MS. LOHE: Yes, sure. So, scientific

1 and commercial information basically refers to  
2 obviously scientific information, studies, that  
3 kind of thing, data. But the commercial  
4 information side means that we can take  
5 information from commercial fisheries. So log  
6 books, or catch data, that kind of thing. It  
7 doesn't mean economic information. That kind of  
8 stuff can't be taken into account during the  
9 listing process. So it's more focused on the  
10 status of the species. That's what that means.

11 MR. HEMILRIGHT: Well, that leads me  
12 to kind of my next question is what data did you  
13 gather to make your assumption on the finding,  
14 and what other data would there be out there that  
15 you haven't seen or used or something? I'm kind  
16 of a little confused. You had to use something  
17 to make your determination. What data,  
18 scientific or commercial data, did you use  
19 already?

20 MS. LOHE: Yes. So we were basing our  
21 90-day finding determination on the citations in  
22 literature that were cited in the petition that  
23 was submitted to us which is available online.  
24 So all those citations are there for people to  
25 check out.

26 But we're just casting a wider net of  
27 things that may not have been cited in that  
28 petition, basically anything indicating anything  
29 about the threats, the abundance, any regulatory  
30 measures, management measures, that apply to the  
31 species. So it's more of a comprehensive review  
32 of everything about the species, where the  
33 petition just cites certain studies and articles  
34 that are making the case for listing what they're  
35 requesting in the petition. We're basically  
36 reviewing everything we can get our hands on that  
37 is appropriate to review for the status of the  
38 species at this point.

39 MR. HEMILRIGHT: So, one last thing  
40 here. Basically when you have a review of --  
41 that was sent in to ask for a determination you  
42 only review what the people put in that thing.  
43 You don't go -- so they can cherry-pick and put  
44 whatever they want to in there, and then that's  
45 the only thing you make your decision on instead  
46 of going outside and then if others to process.  
47 Is that kind of correct? And cherry-pick was my  
48 word in there because you said that it was



1 information that was in there. It don't appear  
2 like you went further beyond that yet.

3 MS. LOHE: Right. So we are required  
4 to not go beyond that. That's what the 90-day  
5 finding stage is for. We're required to not do  
6 extra research and look into other sources at  
7 that point. We're doing a review based on what  
8 we have in our agency files and what we know, and  
9 kind of seeing if the information cited in the  
10 petition stands up to what we know an impartial  
11 reviewer, what they would say.

12 So yes, at that stage it is only --  
13 it's mainly focused on what's found in the  
14 petition, and also what we have in our agency  
15 files already. But we're not really allowed to  
16 look outside of that at that stage. That's what  
17 the status review is for.

18 MR. HEMILRIGHT: My last comment would  
19 be that the greatest impediment for the mortality  
20 of mako sharks is a wire leader and a J hook that  
21 are used by many other international CPCs in  
22 ICCAT, and the fact that the U.S. fishermen are  
23 using circle hooks and lighter mono for numerous  
24 years should be taken -- hopefully will be taken  
25 into your account of the way it's fished here.  
26 So I appreciate it. Thank you.

27 MR. BROOKS: Thanks, Dewey. We're at  
28 20 of. I want to let this go for five more  
29 minutes. So let's see if we can be focused in  
30 the comments. We've got five or six people. I  
31 don't think we'll get to all of you, but we'll do  
32 our best to get to as many of you in the next  
33 five minutes. Tim Pickett, jump in, and then  
34 Scott Taylor.

35 MR. PICKETT: Yes, this is just kind  
36 of building on Dewey's last comment there. I  
37 think you need to seriously take into  
38 consideration the change in the dynamic of our  
39 domestic fishery, and of the fishery kind of  
40 worldwide.

41 A lot changes fishing tactic-wise both  
42 in the longline industry and in the -- even the  
43 recreational industry in a short period of time  
44 the way people are doing things.

45 You know, like Dewey said, circle hook  
46 and monofilament leaders. Deep set fishing on  
47 the longline side of things. Just a general U.S.  
48 reduction in fishing effort too over the last

1 several years with the Amendment 7 stuff, and  
2 closed areas and everything. I mean, it's a very  
3 dynamic thing that we need to look at.

4 Fishing effort is not necessarily  
5 fishing effort because like I said, the way  
6 people fish changes. To adapt to different  
7 situations and regulations and stuff like that.  
8 So I think that's something we need to be very  
9 sensitive to.

10 And that's the same way on the  
11 recreational side of things. The way guys fish  
12 and fishing pressure is something that we need to  
13 definitely consider. I mean, we can't be looking  
14 at -- and this is a broader brush that is talking  
15 about all the stuff we talk about. We're looking  
16 at data that could be 20 years old, 30 years old,  
17 or something like that. The way they did things  
18 then and the way we do things now are apples and  
19 oranges. So that's my general comment.

20 MR. BROOKS: Thank you, Tim. Scott  
21 Taylor.

22 MR. TAYLOR: So on and so forth. Me  
23 getting into a position of owning a boat and  
24 doing business like that.

25 MR. BROOKS: Scott, are you there?  
26 All right. Let's go to --

27 MR. TAYLOR: Can you hear me?

28 MR. BROOKS: Yes.

29 MR. TAYLOR: Yes. I was just -- it  
30 was a question that I had. In our past  
31 discussion over this mako issue in the past there  
32 was a great deal of discussion about the lack of  
33 international reporting, and the data that was  
34 reported to ICCAT, and then ultimately the U.S.'s  
35 -- the way that the U.S. dealt with this with the  
36 camera systems and with everything else.

37 So my question is in this process, and  
38 I don't mean to sound ignorant, are we required  
39 to essentially discount the fact that there's a  
40 lot of people that believe that there's real  
41 deficiencies in this international reporting and  
42 then reach our own conclusions on this listing?

43 Or are we sort of boxed in to the  
44 findings and the data that has come out of ICCAT  
45 in terms of the overall stock assessment?

46 MR. BROOKS: Thanks, Scott.

47 MS. LOHE: I guess what I would say is  
48 that we're required to rely upon the best

1 available data. And so even if the data is  
2 incomplete, or unreliable, if that's the only  
3 data that we have that's what we have to use.  
4 And we do certainly take into account the  
5 uncertainty in the different data sources that we  
6 use.

7 MR. TAYLOR: Thanks.

8 MR. BROOKS: Mike Pierdinock, you've  
9 got 30 seconds, then we're going to go to break.

10 MR. PIERDINOCK: Oh my. I wish I had  
11 five minutes. Nice seeing you again, Adrienne.  
12 I'm surprised there's been no discussion about  
13 what our observations have been on the waters.

14 Since 2017 we've implemented the ICCAT  
15 mortality reduction measures. For recreational  
16 for-hire or the commercial fleet I'll say for New  
17 England we see greater numbers, greater sizes as  
18 a result of those measures. So it's consistent  
19 with those conservation measures.

20 My question is that a few things.  
21 We're supposed to provide recommendations and I  
22 wonder whether one of the recommendations is that  
23 ICCAT puts greater -- the U.S. puts greater  
24 pressure on ICCAT contracting parties who have  
25 not met the fishing mortality reduction goal, and  
26 whether that could take place.

27 There's also another approach that  
28 could be taken that we could take action under  
29 section 301 under the Trade Act to force those  
30 countries that make efforts -- that will force  
31 those countries to make efforts to reduce mako  
32 mortality.

33 So are those acceptable comments that  
34 could then be utilized to address or get the  
35 international community to step to the plate and  
36 achieve these 85 percent mortality reduction  
37 measures that the United States continues to lead  
38 the way with the rest of the world being  
39 conservation minded to achieve those goals?  
40 Thank you.

41 MR. BROOKS: Thanks, Mike.

42 MS. LOHE: I think more of the  
43 international outreach to ICCAT and the  
44 international community is done not by our office  
45 or our team, but possibly through HMS and through  
46 the NOAA Fisheries International Affairs Group.  
47 So, it wouldn't really be the Office of Protected  
48 Resources taking that on necessarily.

1 MR. BROOKS: Thanks, Adrienne.  
2 Thanks, everyone, for the good discussion. I  
3 know there's a couple of folks still in the  
4 queue, but we really need to get folks to break.  
5 And I again, invite whoever didn't get a chance  
6 to either pose a question or a comment to throw  
7 it in the chat as well. On the slide right now  
8 is Adrienne's contact information so obviously  
9 you should feel free to reach out to Adrienne  
10 with any additional questions or thoughts you  
11 might have.

12 So with that let's go to a break.  
13 Pete or Randy, is there anything you want to say  
14 before we go to break?

15 MR. BLANKINSHIP: No. I don't really  
16 have anything else to say besides have a good  
17 one.

18 MR. BROOKS: Okay. Then just we will  
19 reconvene at 1 o'clock sharp with a conversation  
20 on HMS best scientific information available  
21 framework document. So, all right. Thanks,  
22 everyone, and Adrienne, thanks so much for the  
23 presentation. Talk to you all in a little more  
24 than an hour. Thanks, bye.

25 (Whereupon, the above-entitled matter  
26 went off the record at 11:49 a.m. and resumed at  
27 1:02 p.m.)

28 MR. BROOKS: Okay, I'm going to hand  
29 it off to Jen Cudney to talk to us about the  
30 Atlantic HMS Best Scientific Information  
31 Available Framework. And then after a break  
32 we'll hear from Brad McHale and others on  
33 electronic technologies and electronic  
34 monitoring. Following that, we'll take public  
35 comment and then we'll aim to wrap up around  
36 3:30. I will also note, Jeff Oden, when you were  
37 having all your technological issues yesterday  
38 you had been hoping to comment on A13 and didn't  
39 get an opportunity. So after the two  
40 presentations, assuming we have time, and I'm  
41 assuming we will have time we will do our  
42 darnedest to create an opportunity for you to  
43 share your thoughts since you did not get to do  
44 that yesterday.

45 With that unless Pete or Randy, you  
46 have anything to add I think I'm just going to  
47 hand it off to Jen. So Jen, it's all yours.

48 MS. CUDNEY: All right. Hi,

1 everybody. I hope you had a good lunch, or at  
2 least something that was as good as the bacon,  
3 spinach, and feta omelet that my husband and I  
4 just enjoyed.

5 I am going to be giving this  
6 presentation to give the AP an introduction to  
7 best scientific information available, or a BSIA  
8 framework that's being developed by our division.

9 So this presentation is going to  
10 refresh our memories on what BSIA is and how it's  
11 been integrated into the Magnuson-Stevens Act and  
12 regulations, and then consider how it applies to  
13 HMS management in the context of an upcoming  
14 procedural directive.

15 All right. So, we manage our nation's  
16 fisheries according to a set of principles or  
17 national standards that are intended to ensure  
18 sustainable and responsible fishery management.  
19 So the subject of this presentation is related to  
20 National Standard 2 of our Magnuson-Stevens Act.

21 And that national standard says that  
22 conservation and management measures shall be  
23 based on the best scientific information  
24 available, or BSIA.

25 So, in other words this is saying that  
26 fishery conservation and management requires  
27 high-quality and timely scientific information to  
28 effectively conserve and manage our nation's  
29 resources.

30 The successful fishery management  
31 depends in part on the thorough analysis of this  
32 scientific information, including the evaluation  
33 of potential impacts that conservation and  
34 management measures will have on living marine  
35 resources and things like EFH, our ecosystems,  
36 participants, fishing communities, and the  
37 nation.

38 BSIA is also intended to identify  
39 areas where additional management measures are  
40 needed.

41 Note that this statement is very  
42 broad. So, sometimes we need guidance to  
43 understand exactly what does and does not  
44 constitute BSIA under different circumstances.

45 We can get that guidance through  
46 rulemaking and policies that are developed by  
47 NOAA fisheries. National standard 2 guidelines  
48 were updated last through a 2013 rulemaking that

1 provided guidance on four new things. That was  
2 guidance on what exactly constitutes BSIA for  
3 effective conservation and management of  
4 fisheries, standards for peer review under the  
5 BSIA umbrella, the role of scientific and  
6 statistical committees, and the relationship of  
7 those SSCs to the peer review process, and  
8 finally, clarifications on the content and  
9 purpose of our stock assessment and fishery  
10 evaluation, or SAFE reports.

11 So why did they decide to finalize  
12 this rulemaking? Well, it was to ensure that the  
13 scientific information that's used for management  
14 and conservation of fisheries has been verified  
15 and validated to the extent possible, is subject  
16 to peer review, is transparent, and is used  
17 appropriately.

18 The next few slides are going to  
19 review some of this updated guidance in a little  
20 bit greater detail to give you a better idea of  
21 what it means.

22 So, what is BSIA? I said before it's  
23 broad. It can include, but is not limited to  
24 factual input, data, models, analyses, technical  
25 information, scientific assessments. It can  
26 include information or data that's compiled  
27 directly from surveys or sampling programs, and  
28 from models that are considered to be  
29 mathematical representations of reality  
30 constructed with primary scientific data.

31 Scientific information includes both  
32 established and emergent scientific information.  
33 And so what this means is established science is  
34 considered knowledge that's derived and verified  
35 through a standard scientific process and is  
36 generally agreed upon and is less controversial.

37 What we call emergent science is  
38 relatively new knowledge that is still evolving  
39 and being verified. So it could have additional  
40 uncertainty or controversiality associated with  
41 it, and in general should be considered more  
42 thoroughly when looking at it for science and  
43 management purposes.

44 One thing here that is very important  
45 is that scientific data is not static. Science  
46 is not static. It's a dynamic process. So the  
47 information that we base or that we use for our  
48 management decisions is going to also change.

1                   And finally, there's a great deal of  
2 language in these National Standard 2 guidelines  
3 concerning uncertainty. So, the scientific  
4 information that informs our management process  
5 should include an evaluation of uncertainty and  
6 identifying gaps in the information.

7                   So, in conclusion BSIA can mean a lot  
8 of different things. So again, it's important to  
9 remember the scale and scope and context when  
10 we're discussing BSIA so that we can manage  
11 expectations.

12                   Now, the National Research Council in  
13 2004 developed a criteria for evaluating BSIA.  
14 And this was later adopted in that 2013  
15 rulemaking.

16                   The revised guidelines don't  
17 necessarily provide a static definition of BSIA  
18 because science is a dynamic process involving  
19 continuous improvement. But they do recommend  
20 that these things listed on this slide are  
21 considered. And if you're interested the green  
22 sort of box that's on the lower right corner of  
23 the screen has a shortened link to this report.  
24 So feel free to go ahead and access it if you'd  
25 like to take a look at it.

26                   So, those criteria that can be  
27 considered when you're evaluating whether  
28 something is BSIA includes relevance. So is this  
29 information pertinent to the current questions or  
30 the management decisions that are being  
31 considered. Is it representative of the fishery  
32 being managed.

33                   Inclusiveness. So this refers to  
34 whether a range -- a relevant range of scientific  
35 disciplines and information are consulted to  
36 reasonably encompass the scope of potential  
37 impacts. So are we considering alternative  
38 points of view sufficiently, and also this folds  
39 in whether relevant local ecological knowledge is  
40 obtained and considered as well.

41                   Objectivity. Scientific information  
42 should be accurate with a known degree of  
43 precision, no addressable biases, and presented  
44 in an accurate, clear, complete, and balanced  
45 manner. So what we're really trying to avoid  
46 here is undue non-scientific influences and  
47 considerations.

48                   Transparency and openness. So of

1 course Magnuson requires us to make scientific  
2 information used in the process available to the  
3 public along with descriptions of how that  
4 information is collected, and how it's analyzed,  
5 whether there is that uncertainty that I spoke of  
6 earlier, and ultimately how that information is  
7 being used.

8 So we want to make sure that all of  
9 that is available to the public in some form or  
10 fashion, whether it's in our rulemaking  
11 documents, in our guidance documents, or in  
12 metadata.

13 Timeliness. So as I said, science is  
14 dynamic. It's ongoing. So, this part of the  
15 National Standard 2 guideline speaks to temporal  
16 aspects of data, and the extent that timing  
17 issues with regards to the availability of  
18 information should affect the management process.

19 So what does that mean? It means that  
20 mandatory management actions should not be  
21 delayed due to limitations in the scientific  
22 information or the promise of future data  
23 collection. So, we can always say that we need  
24 more information, but at some point we need to  
25 draw a line in the sand and say well, these  
26 interim results are better than no information at  
27 all, or as is the case with management, we have  
28 opportunities in the future to evaluate new  
29 information as it comes available.

30 And then also regarding timeliness, we  
31 also want to think about historical information.  
32 So, historical information can be very important.  
33 It can be highly relevant. But we need to think  
34 about how it's informing the current situation.  
35 So, some species life history characteristics  
36 might not change over time. However, there are  
37 other, certainly other examples where historical  
38 data that's providing time series information  
39 might indicate changes in populations or fishery  
40 participation or effort that would then inform  
41 management decisions.

42 Finally, we get to verification and  
43 validation, meaning that we want scientific  
44 information that's verified and validated to the  
45 extent possible, with verification meaning that  
46 results are reproducible and validation meaning  
47 that procedures are tested basically for  
48 soundness.



1                   And then finally peer review as I said  
2 is a pretty important part of the National  
3 Standard 2 guidelines. We want to make sure that  
4 we're using a process that ensures the quality  
5 and credibility of the scientific information and  
6 methods that we're using meet the standards of  
7 the scientific and technical committee.

8                   So the scientific information that  
9 supports conservation and management measures  
10 should be peer reviewed.

11                   All right. So, that kind of wraps us  
12 through what is BSIA. Now, there are -- as I  
13 said, there's a heavy emphasis on peer review, so  
14 another part of that update from 2013 focused on  
15 standards for peer review.

16                   And so specifically this is -- these  
17 are quality standards. They want to emphasize  
18 the importance of qualifications of those that  
19 are involved. We want to make sure there's a  
20 balanced knowledge and perspective  
21 representation, lack of conflicts of interest of  
22 course, and then we want to make sure that this  
23 process is transparent.

24                   And as I said, there has been some  
25 guidance also passed on SSC member involvement in  
26 the peer review process.

27                   So, the Magnuson Act provides that the  
28 Secretary and the councils can establish a peer  
29 review process for that council for scientific  
30 information that's used in management, mainly to  
31 advise the council.

32                   These formally established processes  
33 are noticed in the Federal Register and they're  
34 considered to meet the requirements for  
35 Information Quality Act and OMB standards, and  
36 are considered to be consistent with National  
37 Standard 2 guidance.

38                   So when we have these types of  
39 publications such as the 2016 Notice of Regional  
40 Peer Review Processes these are affirmations that  
41 those processes are consistent with all those  
42 rules that I just mentioned.

43                   And these types of publications are  
44 going to thoroughly describe the process, provide  
45 terms of reference, and other information all in  
46 the interest of transparency.

47                   So, as I said, there is another part  
48 of the update concerning the role of SSCs

1 clarifying those roles and responsibilities for  
2 SSC members in determining BSIA as scientific  
3 advisors and peer reviewers. It does clarify  
4 that those SSC members can participate in the  
5 peer review process, but we have to remember that  
6 HMS does not have an SSC.

7 And then finally, this 2013 guidance  
8 conveyed some new guidance on what needs to be  
9 included in the SAFE reports. So the SAFE  
10 reports are intended to periodically summarize  
11 the best available scientific information on a  
12 fishery. And this is going to include the  
13 biological condition of the stocks and the  
14 complexes that are being managed, information on  
15 things like OFL and ABCs, the stock status,  
16 fishing mortality, essential fish habitat, social  
17 and economic data, bycatch information, and  
18 thorough documentation of management actions.

19 So, the information presented within  
20 the SAFE report is done with the expectation that  
21 it can be used to inform the decision-making  
22 process. So for these reasons you often see  
23 cross references in our rulemaking documents back  
24 to a recent SAFE report. And you may also see  
25 particularly relevant information pulled from a  
26 SAFE report into our NEPA analyses, or in, for  
27 example, a lot of our EISs and EIAs have a  
28 chapter on the description of the affected  
29 environment. So the data that's presented in the  
30 SAFE report is a very rich resource to inform  
31 that background for these rulemaking documents.

32 We do take great pains to ensure that  
33 our SAFE reports are publicly available on our  
34 website. So if you ever have trouble finding it  
35 please do let us know. We will make sure that  
36 you have that information.

37 And I just want to also mention that  
38 our SAFE report does fully meet these National  
39 Standard 2 guidelines.

40 So, now that I've given you sort of  
41 the legislative context for how scientific  
42 information is used in management, what BSIA is,  
43 we have guidelines that are intentionally not too  
44 prescriptive regarding how you determine whether  
45 something is BSIA. So that raises the question  
46 of how are we operationalizing these guidelines  
47 that are presented in the regulatory text.

48 Well, NOAA Fisheries leadership

1 establishes policies to determine how natural  
2 resources are managed, and procedural directives  
3 are also developed which provide guidance for how  
4 to apply these policies.

5 So in 2019 NOAA Fisheries finalized a  
6 procedural directive that described a framework  
7 for determining that stock status determinations  
8 and catch specifications are based on best  
9 scientific information available.

10 So this national framework is intended  
11 to increase transparency in how BSIA  
12 determinations are made, to clarify the rules and  
13 responsibilities of the agency and all the  
14 managing partners in the fishery management  
15 process, and it is intended to be a reflection of  
16 status quo processes and roles, not to create new  
17 ones. So this is really, really important to  
18 remember. We are not recreating the wheel, we  
19 are just reflecting the wheel as it's currently  
20 designed.

21 And again, I want to remind everybody  
22 that while National Standard 2 covers many  
23 things, the scope of this framework is very  
24 specific to stock status determinations and catch  
25 specifications. So there are other policy and  
26 procedure documents, and regulatory language that  
27 provide guidance for other management programs  
28 and processes which require the use of BSIA. But  
29 right now we are just focusing on how is BSIA  
30 integrated into stock status determinations,  
31 catch specifications, and ultimately the  
32 rulemakings that come from those metrics for  
33 management.

34 So this National BSIA Framework  
35 essentially provides a recipe for  
36 operationalizing these guidelines. So what we  
37 have on the left of this slide is the national  
38 framework, and a very simplified schematic that  
39 says okay, we're going to create a regional  
40 framework that reflects how each region is  
41 applying this sort of overarching national BSIA  
42 framework to ensure within a region that  
43 management decisions are based on BSIA.

44 In general this NOAA Fisheries BSIA  
45 framework is going to include six broad steps,  
46 again, with a lot of flexibility for how these  
47 sort of steps are accomplished within a region.  
48 And that's going to include the stock assessment

1 process, peer review, revision, any specific  
2 rules and steps that are assigned to SSCs and  
3 NOAA Fisheries, the development of catch  
4 specifications, and finally, NOAA Fisheries  
5 approval.

6 And the schematic on this slide is  
7 from a presentation that NOAA Fisheries staff  
8 gave to the North Pacific Fisheries Management  
9 Council on the draft framework. It describes the  
10 process for those council managed fisheries that  
11 have an SSC, but since there is no SSC or Council  
12 for HMS management our process is going to look  
13 pretty different. And so this again speaks to  
14 that need for regional flexibility.

15 So, how does this translate to an HMS  
16 BSIA process? So, our marching orders were to  
17 create this regional framework for Atlantic HMS  
18 fisheries within three years of publication of  
19 the policy. And it was published in May of 2019  
20 so we are coming up on the two-year anniversary  
21 this month.

22 So our HMS framework has to concisely  
23 describe how the different stock assessment  
24 processes are used, how they're peer reviewed,  
25 and revised if necessary, what steps are taken by  
26 the agency to implement any sort of catch  
27 specifications or in the case of HMS speak quota  
28 rules that would change management in accordance  
29 with the results of these stock assessments.

30 So, our framework when it's going to  
31 be developed is going to focus on three different  
32 stock assessment processes. So we are going to  
33 try to for the ICCAT process, the SEDAR stock  
34 assessment process, and for some external  
35 assessments that we occasionally are made aware  
36 of try to describe how these six framework steps  
37 are applied through each of these processes.

38 And again, remember we're not trying  
39 to create something new. We're just trying to  
40 transparently describe what is already done.

41 So, the next three slides I'm going to  
42 quickly walk us through what each of these three  
43 processes are that are going to be included in  
44 our BSIA framework. The ICCAT assessments of  
45 course are going to include tunas, swordfish,  
46 billfish, and pelagic sharks.

47 If you're interested in them or  
48 checking out some of the recent assessments, or

1 the assessment schedule go to the website.  
2 That's on the second bullet here, and you'll find  
3 that information.

4 Assessments are generally completed by  
5 the Standing Committee on Research and  
6 Statistics, or SCRS. We do not have this as part  
7 of that noticed Federal Register process. And  
8 some of the ongoing and recent assessments that  
9 are included are listed on this slide.

10 The second stock assessment process  
11 that our HMS BSIA framework will include is this  
12 SEDAR process, or the Southeast Data Assessment  
13 and Review Process. This is for domestically  
14 managed sharks. The website is SEDARweb.org so  
15 go ahead and check that out if you're interested  
16 for more information on some recent stock  
17 assessments that have been completed.

18 The SEDAR process includes a variety  
19 of participants including the Councils,  
20 Commissions, the Southeast Fisheries Science  
21 Center, SERO, HMS Management Division, our SEDAR  
22 Pool, and also it features numerous opportunities  
23 for public comment. And again, that 2016 notice  
24 of the peer review processes that I spoke about  
25 affirms that consistency with the National  
26 Standard 2 guidelines.

27 And then I have a couple of examples  
28 of some of the ongoing and recent Atlantic HMS  
29 assessments that were completed through the SEDAR  
30 process at the bottom of the slide. There have  
31 been 11 HMS assessments that have been completed  
32 since 2005 using this process.

33 And then every once in a while NOAA  
34 Fisheries has been made aware of an external or  
35 third party assessment that might be appropriate  
36 for use in management. And typically this is for  
37 our domestically managed sharks.

38 These assessments usually fill a data  
39 gap for a low-priority species. However, they  
40 are not typically conducted as part of a process  
41 that's affirmed via the FORWARD notice as  
42 consistent with National Standard 2.

43 So in the interest of transparency we  
44 want to kind of nail down this procedure for how  
45 the BSIA is determined related to these  
46 assessments.

47 They may or may not include NOAA  
48 scientists at various stages of development. If

1 you go back and look in the literature there are  
2 two that we have either used for management, or  
3 that we are keeping an eye on. One was the  
4 scalloped hammerhead assessment from 2009, and  
5 more recently there has been a lemon shark  
6 assessment that we are looking at.

7 So, next steps. I talked an awful lot  
8 about National Standard 2, and that national  
9 framework, and our regional HMS framework. And  
10 we are in the development of that draft Atlantic  
11 HMS BSIA framework.

12 So, we are hoping that we will have  
13 something for you to look at by the next advisory  
14 panel meeting. So this summer we're in the  
15 drafting stage. We're consulting with numerous  
16 entities within the agency like International  
17 Affairs and the Southeast Science Center. And  
18 hopefully we'll have a document for you to look  
19 at by that fall AP meeting.

20 This winter and possibly early next  
21 spring we'll be looking at finalizing our draft  
22 framework in time to meet the deadline for that  
23 procedural directive which is May 2022.

24 So, next I guess I'll take some  
25 questions, but first I'm going to flip past this  
26 slide to a useful references slide because  
27 there's a lot of information that I referenced  
28 here, including our national standard guidelines,  
29 that national BSIA framework, the regional peer  
30 review processes, and three different stock  
31 assessment processes. So if you're interested  
32 please feel free to look for information on all  
33 of these things at these websites. So if you  
34 have any questions, and this will be the last  
35 slide in your copy of the presentation, but if  
36 you have any questions please let me know and/or  
37 Pete. So that's it for me.

38 MR. BROOKS: Great. Thanks so much,  
39 Jen. Lots of background and context there.  
40 Obviously this is something that will be coming  
41 back in the fall, but it would be great to hear  
42 what questions folks have for Jen, or any  
43 thoughts you might want to be sharing at this  
44 point. Tim Pickett, I think I see your hand up.  
45 Would you like to jump in here?

46 MR. PICKETT: Yes. Great  
47 presentation. It helps -- I keep going back to  
48 thinking about what the general public can see,

1 and what the general public has access to. I've  
2 sat through a lot of these meetings and still  
3 myself am coming up to speed with how decisions  
4 are made, and how stocks are assessed and things  
5 like that. I mean, it's a tremendous amount of  
6 information, and it's a tremendous amount of just  
7 trying to understand the process. I still  
8 struggle with that.

9 It's even more difficult for the  
10 general public to understand how the decision-  
11 making process happens. The biggest example I  
12 have is the shark depredation issue that we deal  
13 with here in south Florida. It's completely out  
14 of control and people have a difficult time  
15 understanding how these stocks are assessed, why  
16 it makes no sense to them versus what they're  
17 seeing on the water, and it makes them  
18 distrustful of the process that happens with this  
19 decision-making.

20 So, I mean maybe some more public  
21 outreach as to how these numbers are formulated.  
22 I mean, the public is inherently distrustful of  
23 what they're seeing on the water versus what  
24 they're being told in terms of -- it's an amazing  
25 thing I've seen down here. People down here are  
26 begging for -- people that you would never hear,  
27 Billfish Foundation, all these tournament  
28 organizers for billfish tournaments are begging  
29 for commercial longline fishing of sharks to  
30 happen in south Florida right now because of what  
31 they're seeing on the water. And the general  
32 public can't understand or wrap their head around  
33 why this isn't allowed.

34 And so I understand the need for best  
35 available science, and my segue into this is I  
36 think the best way of getting best available  
37 science is to have more science, not try and keep  
38 (audio interference) around as to what we  
39 currently have and what we currently have access  
40 to. We just need more of it. That's the best  
41 way. Have a study.

42 I mean, that's the best way to get the  
43 best available science is to -- let's have some  
44 guys go fishing. Let's collect some more data,  
45 rather than interpolating data from 20 years ago  
46 or something like that. That's my comment.

47 But great presentation. It helps me  
48 understand the way this works. And like I said,

1 something condensed and that would allow the  
2 public to understand the decision-making process  
3 would be a good thing.

4 MR. BROOKS: Great. Thanks, Tim.  
5 David Schalit, why don't you jump in here.

6 MR. SCHALIT: I'm jumping in.  
7 Jennifer, what can one say about this  
8 presentation. It was beautiful. I have a couple  
9 of questions and then I have a comment.

10 The first question is given that HMS  
11 has no SSC does peer review in this context  
12 reference outside peer review?

13 MS. CUDNEY: So peer review, it means  
14 different things under these three different  
15 processes. And so it can reference outside peer  
16 review. Certainly when we have those external  
17 assessments. An external assessment that's been  
18 peer reviewed makes a strong argument for  
19 inclusion and management because it has been  
20 through that process of being dissected by  
21 experts and returned to a hopefully prestigious  
22 journal that has its own publication standard.  
23 So by the time that we look at it. And of course  
24 we would do our own internal process of review.  
25 It's information that's already been kind of  
26 thrown out to the scientific community and kind  
27 of tested in some way from a logical sense.

28 Under the SEDAR process, for example,  
29 there are other mechanisms for peer review. So,  
30 and then ICCAT has its own procedures that we're  
31 going to be documenting in this framework to the  
32 best that we can.

33 MR. SCHALIT: Okay. My next question  
34 is relating to external assessment. My  
35 understanding of external assessment, I'll give  
36 you an example.

37 The RFMOs. WCPFC actually farm out  
38 their assessment on bigeye, for example, to -- in  
39 other words their process is very different than  
40 the SCRS's. Is that what you're referencing? In  
41 other words a group of people who would be  
42 commissioned to do an assessment who are outside  
43 the organization? Is that the idea?

44 MS. CUDNEY: So it can include that.  
45 Some external assessments, not necessarily for  
46 HMS fisheries, but I know that there have been  
47 some that -- one of the documents actually that I  
48 didn't focus on too much -- hang on just a second



1 -- is this Implementing a Next Generation Stock  
2 Assessment Enterprise. It's basically a stock  
3 assessment improvement plan. That speaks a  
4 little bit to external assessments. And it  
5 specifically says that in some cases an external  
6 assessment can be contracted out by say a group  
7 that's interested in maybe an alternative  
8 analysis than what's being done.

9 But typically what we're talking about  
10 here in regards to these external assessments for  
11 HMS to date has included things that are  
12 published in the peer reviewed literature that  
13 we've found out about after the fact.

14 I don't want to too narrowly define it  
15 because there's some inherent flexibility here in  
16 what that could mean though.

17 MR. SCHALIT: Okay. Bennett, are we  
18 still good? Can I continue for another minute?

19 MR. BROOKS: Grab another minute.  
20 Then after that I'll let you cycle back if you  
21 have more.

22 MR. SCHALIT: That's very generous of  
23 you. Okay. I'm typically thinking about dolphin  
24 fish, mahi mahi which is a very important species  
25 for HMS fishermen even though it is not HMS  
26 managed. It is an epipelagic species and it is a  
27 species of interest to ICCAT. It's on their  
28 species of interest list.

29 But it is managed by the South  
30 Atlantic Fishermen Council. And you mentioned  
31 SEDAR. Well, I should preface this by saying  
32 that dolphin fish in the context of best  
33 available science, dolphin fish has never been  
34 assessed. It has never had a peer reviewed  
35 assessment ever. It has had a four-page  
36 introductory paper written by Praeger in the year  
37 2000, but it has virtually never been assessed.

38 And I've spoken with the SEDAR  
39 committee and asked them would they -- is it  
40 possible that this fish could be put on their to-  
41 do list. You know they have a to-do list of  
42 assessments? And they refused. They basically  
43 said ICCAT should do this. It's a little odd  
44 situation.

45 In HMS is there any interface between  
46 SEDAR and HMS where we can actually have a  
47 conduit for dialogue I'm referencing, something  
48 like that?

1 MS. CUDNEY: So, we do have folks that  
2 are pretty tightly wrapped into SEDAR  
3 assessments. And Karyl is our best resource for  
4 that. So I can't necessarily speak very well to  
5 the mahi assessments or lack thereof. Not my  
6 area of expertise.

7 But you should know that we do have a  
8 pretty strong working relationship between HMS  
9 and the folks doing SEDAR.

10 MS. BREWSTER-GEISZ: And I'm just  
11 going to jump in since Jen mentioned me. I sit  
12 on the SEDAR steering committee and this  
13 committee meets twice a year, and we go through  
14 all the different requests from all the councils.  
15 There are three councils plus ASMFC, plus the  
16 Gulf Commission, all that meet during these  
17 meetings to decide what assessments are going to  
18 get done and what kind of resources we have. And  
19 it is a very interesting meeting twice a year  
20 with a lot of different competing interests.

21 MR. SCHALIT: I've attended that  
22 meeting in the past and I'm wondering, I mean  
23 just in a listening mode so to speak. But the  
24 problem here is I'm looking for a mechanism by  
25 which HMS is somehow connected to SEDAR. I've  
26 seen the Gulf Council and New England, the Mid-  
27 Atlantic, et cetera.

28 But there really doesn't seem to be  
29 any place where this interaction can occur. And  
30 I'm wondering maybe you have some advice on that.

31 MS. BREWSTER-GEISZ: I am the one who  
32 sits on that committee for HMS.

33 MR. SCHALIT: Oh you do. Then we need  
34 to have this conversation offline I guess. Okay.  
35 Okay that's great, Karyl. I appreciate that.

36 MR. BLANKINSHIP: And just to be  
37 clear, David, of course as Karyl is mentioning  
38 the SEDAR process involves and considers domestic  
39 shark management, well assessments for  
40 domestically managed sharks in the mix of the  
41 species that are assessed.

42 But related to mahi or dolphin fish is  
43 that that is of course as you stated, it is not  
44 an HMS, not defined that way under the Magnuson-  
45 Stevens Act. So just keep that in mind. Even  
46 though it is important for a lot of our fishermen  
47 there is that overlap.

48 MR. SCHALIT: Duly noted. Thanks. I

1 appreciate that, Randy.

2 MR. BROOKS: Thanks. I'll note Anna  
3 Beckwith is on if we want to talk about the mahi  
4 assessment in particular, but I had a sense that  
5 David's question was more sort of generic about  
6 SEDAR-HMS connections. I think I will push on.  
7 But if anyone wants us to double back down we can  
8 do so.

9 Let's bring in Dewey, and then Sonja.  
10 MR. HEMILRIGHT: How about now? Can  
11 you hear me?

12 MR. BROOKS: Yes, we can.

13 MR. HEMILRIGHT: A very good analysis  
14 on the best available information. I had a  
15 couple of questions. Is there anything new to  
16 this, or is this just giving us an awareness or  
17 something? And I've got a couple of more  
18 questions after that.

19 MS. CUDNEY: Sure. So, the newness  
20 here. I mean, yes, we did talk about a lot of  
21 stuff from 2013 and 2016. The newness is the  
22 direction that HMS got, HMS Management Division  
23 got to create a regional BSIA framework. So we  
24 have to take these national guidelines and create  
25 a document that is publicly available and  
26 transparent that describes how BSIA is achieved  
27 through the stock assessment process and in  
28 setting catch metrics.

29 MR. HEMILRIGHT: Let me also ask you  
30 a couple -- these aren't hypothetical questions.  
31 These are reality questions that I've experienced  
32 over the last couple of years. One of them is  
33 with your all's SAFE report, and particularly to  
34 sharks, the sections on sharks, recreational,  
35 some commercial.

36 It's at best misleading, and it  
37 doesn't give a complete picture of the landings  
38 of sharks based on what we've reported to ICCAT.  
39 And I've raised this question before and it just  
40 seems not to gain no traction.

41 My second question is how would this  
42 be treated. I serve on the Mid-Atlantic Council  
43 and a liaison to South Atlantic Council, familiar  
44 with HMS. And it seems like everybody's got  
45 different policies of how they deal with MRIP and  
46 the EFCs associated with MRIP.

47 Particularly, and I'll use the HMS  
48 here experience. Particularly the shortfin

1 makos, and I'm reporting to ICCAT. There is no  
2 like data workshop. Like for instance in January  
3 and February of 2019 (Wave 1) there was two  
4 intercepts that produced 100 metric tons of  
5 catch.

6 Now, the methodology might be the best  
7 available, but what it spit out clearly wasn't  
8 best available to think that it was 100 metric  
9 tons of mako sharks caught recreationally in  
10 January and February off North Carolina.

11 So how do we clean that type of stuff  
12 up? When you have PFCs that are 50, 75 and 80  
13 percent, 95 percent, but yet we went ahead and  
14 used mako landings that really in best available  
15 methodology, but it produced something nobody  
16 believed. How do we clean that up? Because all  
17 the councils are experiencing the same thing with  
18 MRIP, and nobody's got an answer to fix. They  
19 always kind of, very broadness of how it works.

20 And not only are they affecting in  
21 some cases allocation issues, it's also affecting  
22 credibility part. You know, suppose other  
23 countries went through the MRIP process of  
24 accounting their rec fishery. Hell, all of a  
25 sudden their landings would increase to  
26 magnitudes of ungodly amounts.

27 So how do we --

28 MR. BROOKS: Hey, Dewey? Let's let  
29 Jen respond. Go ahead.

30 MR. HEMILRIGHT: Thank you.

31 MS. CUDNEY: Sure. So, there's a lot  
32 to unpack with MRIP of course. A lot of the --  
33 so, let me back up. The purpose of this  
34 framework is to kind of provide a sort of high-  
35 level overview and description of these  
36 processes.

37 So, the questions that you have are  
38 kind of on a different scale entirely. Like  
39 you're really digging down into the particulars  
40 for a single data source that contributes to  
41 these processes which is a totally valid concern  
42 and question, and a lot of times those types of  
43 questions and concerns are going to be handled in  
44 the sort of throes of the data assessment, the  
45 stock assessment itself.

46 So, the folks that set up the terms of  
47 reference, that are actually looking at these  
48 individual data sources are going to be looking

1 at various concerns concerning things like MRIP.

2 I'm hearing you that there's a lot of  
3 issues with MRIP. And that jives with my  
4 understanding of the strengths and weaknesses for  
5 that particular data source as a whole. But I'm  
6 unfortunately not able to speak to the sort of --  
7 I guess the golden answer to your question. So I  
8 don't know if some of our MRIP people, or if  
9 Randy, or anybody else would like to weigh in  
10 here. But that is a little bit more fine scale  
11 than what we're aiming for here.

12 MR. HEMILRIGHT: I apologize for  
13 asking. And it wasn't a golden question, it's  
14 just a reality experience that's happening.  
15 Thank you.

16 MR. BLANKINSHIP: And I appreciate,  
17 Dewey, you mentioning the things you mentioned  
18 there. I do want to kind of circle back to your  
19 mentioning there about the SAFE report.

20 And we've heard your comments over the  
21 last couple of years related to the SAFE report,  
22 and have understood that one of the things that  
23 you were looking for in some of that was a better  
24 description of the data tables that are in the  
25 SAFE so that -- easier to understand what the  
26 sources of information are, where they're  
27 reported in different places in the SAFE that  
28 might provide a little bit more context around  
29 helping to understand what those are related to  
30 what's reported to ICCAT.

31 And so we're still -- we have those  
32 things in mind as well as we continue to move  
33 forward with each annual SAFE report that's  
34 produced.

35 Related to the MRIP, Bob, I saw that  
36 Brad came on and I think that that -- and he may  
37 want to build off this or not, but we could punt  
38 this discussion somewhat to Friday where we have  
39 the recreational roundtable discussion. Some of  
40 the MRIP discussion, while it is associated with  
41 the surveys that take place outside of the Large  
42 Pelagics Survey, it also encompasses part of the  
43 discussion related to Large Pelagics Survey which  
44 is the subject of the workshop on Friday.

45 And so I think rather than dig into  
46 this a whole lot further we can probably put that  
47 off until Friday to talk a little bit more about  
48 it. I'm sure it will come up there anyway.

1 PARTICIPANT: Hey Bennett, we're not  
2 hearing you.

3 MR. BROOKS: Got it, thank you.  
4 Sonja, why don't you jump on in here.

5 MS. FORDHAM: Yes, thank you. Thanks,  
6 Jennifer, for your presentation. Based on what  
7 we talked about yesterday in terms of concerns  
8 about so many shark species being classified as  
9 unknown it does kind of make me think that the  
10 external assessment route might be an important  
11 option to get at that unknown status.

12 I'm just curious about when you say  
13 that it's for domestically managed sharks only,  
14 is that based on what's happening currently, or  
15 what's possible, or what we actually need  
16 ideally? The example for that, I'm thinking of  
17 common thresher. So, does a pelagic shark I  
18 guess gain if ICCAT doesn't have any limits or  
19 any plans to limit it, or is this more about  
20 longer term what would be ideal?

21 And then similarly like if ICCAT has  
22 a ban or a partial ban like they have for silkies  
23 and a ban for oceanic whitetips, does that count  
24 as internationally managed even if it's not  
25 really active management. They don't do any  
26 follow-up.

27 And then the last thing I'm just  
28 trying to figure out and it's not urgent, but are  
29 there any other external options for getting a  
30 status that might be short of a full traditional  
31 stock assessment and might not necessarily be  
32 used for management in the way that you're  
33 talking about, but could just get at clearing up  
34 some of, again, the obvious examples of oceanic  
35 whitetip being listed as unknown. I just, you  
36 know, it would just be nice to get the right  
37 message across to the public. So is there an  
38 external way to do that, or does this have to be  
39 all about management? Thanks.

40 MS. CUDNEY: So the scope and context  
41 of this was pretty specific, but when you're  
42 talking about external assessments there's a  
43 variety of different tools, processes that could  
44 be used here.

45 So we didn't want to be too super  
46 prescriptive in saying it can only be an  
47 assessment that's published in a peer reviewed  
48 journal, for example, Fisheries, or North

1 American Journal of Fisheries Management, or  
2 Fishery Bulletin, or something like that. So  
3 there are other vehicles that these assessments  
4 could be completed through. What we've presented  
5 has largely been based on our experience to date.  
6 So thus far it has been just the more  
7 domestically managed sharks that have been  
8 assessed and so that's what we've put in here.

9 But certainly like I said, our intent  
10 is to not be too prescriptive in terms of what  
11 this could entail. So we're trying to kind of  
12 thread a needle between giving the public  
13 guidelines around what they could expect versus  
14 what we've experienced to date.

15 Certainly there are other tools for --  
16 like the citizen support tools that are out there  
17 for management. One that we've become recently  
18 aware of is called Fishpath. We are looking at  
19 that as -- for some assistance with regards to  
20 decision support analyses and future rulemaking,  
21 but we haven't really even scratched the surface  
22 of that yet. So as things like that come to our  
23 attention we would certainly give them due  
24 diligence. I hope that answered your questions.

25 MR. BROOKS: Thanks, Jen. I had a  
26 quick follow-up question just on the external  
27 assessments. Do you imagine that there will be  
28 more criteria outlined around sort of what type  
29 of external assessments, or what kind of  
30 circumstances they will be used? Will the BSIA  
31 framework choice speak to that, or will it again  
32 stay at a higher level?

33 MS. CUDNEY: So, it is going to be at  
34 a somewhat high level, but we have some  
35 capability to -- I'm kind of being wishy-washy  
36 here. We have some capability to be  
37 prescriptive. We can basically provide some  
38 detail here. And when we present this to the AP  
39 if you feel that we need more detail then we can  
40 certainly go back and take a look at that.  
41 That's part of the reason why we would want to  
42 get everybody's feedback on it.

43 MR. BROOKS: Okay. Thanks. I'm just  
44 hearing a bunch of comments sort of circling  
45 around that topic, just kind of wondering. Scott  
46 Taylor, and then David Schalit, are you wanting  
47 to be back in the queue or is that a leftover  
48 hand? Scott Taylor, why don't you jump in.

1 MR. TAYLOR: Appreciate the  
2 presentation and doing my best to absorb it. I  
3 kind of wanted to echo Tim Pickett's comment,  
4 though, and elaborate that a little bit because  
5 the mistrust of this process isn't limited just  
6 to what the Billfish Foundation, or recreational  
7 sector sees. It's clearly been echoed as well  
8 from the commercial side as well.

9 And whether or not we're talking about  
10 dusky sharks, and Jeff, and Dewey, or sandbars,  
11 or makos for that matter there seems to be a  
12 substantial disconnect in terms of a lot of this  
13 data that winds up getting presented to us in  
14 terms of the science.

15 And I'm certainly not a scientist and  
16 do the best I can to try to absorb the science  
17 and understand it in these meetings. It's  
18 difficult at best. I've been doing this for the  
19 better part of 50 years and I've always struggled  
20 with the disconnect between observation that we  
21 see out there on the water and what the science  
22 tells us.

23 And I'm not being critical of the best  
24 available science and what you have to work with.  
25 I guess my comment is much more along the  
26 process. We understand this is not a consensus  
27 body, but (audio interference).

28 MR. BROOKS: Scott, you just cut out  
29 on us.

30 MR. TAYLOR: So many of these  
31 decisions get made sort of I don't want to say  
32 behind closed doors, but without really  
33 necessarily full access or inclusiveness with the  
34 people that are trying to understand, their  
35 livelihood depends upon it, where the information  
36 really ultimately needs to be disseminated down  
37 to.

38 And I know I've raised this point  
39 before that this seems to be a place where  
40 observation does not nearly have the same level  
41 of credibility as a slide rule, and tables, and  
42 formulation. And I guess what I'm asking for  
43 from the agency because we've seen this time  
44 after time with this is that -- to be cognizant  
45 of just how much mistrust that's out there in the  
46 process, and what a disconnect that we're seeing  
47 in a lot of this data, and how maybe that we  
48 could work together to try and take care of that



1 void. We have a few voices here (audio  
2 interference).

3 MR. BROOKS: Cut out again, Scott.

4 MR. TAYLOR: I'm sorry. But you know,  
5 when the recreational people and everybody starts  
6 screaming about depredation and some of these  
7 other issues there's going to be a little  
8 different political wind from the standpoint of  
9 outcry. And not saying that the agency is driven  
10 by that, but this is a really in my opinion, from  
11 my constituency and from the sport fish side  
12 systemic problem in the disconnect.

13 And this always necessarily seems to  
14 more lean much more towards the environmental and  
15 the conservation side than it does towards  
16 balancing what the economics are if that makes  
17 any sense.

18 MR. BROOKS: Okay. Thanks, Scott.

19 MS. CUDNEY: Bennett, I did want to  
20 mention, actually Karyl reminded me that we've  
21 accepted the Canadian porbeagle assessment in the  
22 past before the ICCAT assessments were I guess --  
23 well, in the past we've accepted the Canadian  
24 porbeagle assessment. So that would be another  
25 avenue for looking at stock assessments.

26 MR. BROOKS: Got it. Thanks. I'm not  
27 seeing other hands at this time I don't think.  
28 So unless somebody wants to jump in maybe this  
29 would be a good moment before we go to the break.  
30 Jen, unless you have anything else to fold in to  
31 invite Jeff Oden to share his thoughts on A13  
32 which he was unable to do yesterday due to the  
33 technical snag.

34 MS. CUDNEY: I yield the floor to  
35 Jeff.

36 MR. BROOKS: Okay. Then let's bring  
37 Jeff off of mute if we can.

38 MR. ODEN: Can you hear me?

39 MR. BROOKS: We've got you, Jeff. Go  
40 ahead.

41 MR. ODEN: I'm sorry I wasn't born in  
42 the computer age. Yesterday it was the screen I  
43 lost. Today I only got about the last five  
44 minutes of the shark presentation because of  
45 audio. Thankfully I had a friend come by and  
46 help me out. But anyway.

47 To that point all I've got to say is  
48 -- well, I've got a lot to say. I'm sorry.

1       Anyway. It may take a while. You may want me to  
2       go over into public comment.

3               But when I saw the plan, Amendment 13  
4       as proposed by the agency all I can say is having  
5       been a part of Blue Water, being a part of, you  
6       know, buying into that plan I think most of us in  
7       the industry felt like we were on a good path,  
8       and we felt like you all were partners in that.

9               And last night I walked out on the  
10       porch and a big full moon was sitting up there,  
11       and I'm questioning my rationale for still being  
12       a part of this because I'm missing some good  
13       fishing, same as Marty. And it seems like  
14       everything we've done has been overlooked in this  
15       whole process.

16               I mean, you all came to terms with  
17       your own ideas and we've got to live with it or  
18       so it seems.

19               Yesterday there was a discussion, for  
20       instance, on RFDs and the General category  
21       restricted fishing days. And that was utilized  
22       to optimize the yield. You know, that was one of  
23       the ideas behind it.

24               Conversely, here we are being told  
25       that we need to optimize our yield and not seek  
26       value. So in other words now in the past when  
27       I've got a small juvenile yellowfin, instead of  
28       releasing it I would tag it and send Walt the  
29       tag. Now what do I do? I stack them high. You  
30       know.

31               So, on one hand you want to maximize  
32       one fishery, and on the other hand you're trying  
33       to minimize this. And just to keep us able to  
34       fish. In other words, if we don't seek volume  
35       now I'll probably never mahi fish again for the  
36       simple fact they're not included in this. And  
37       that's been a valuable part of our fishery.

38               So it seems like at every opportunity  
39       you try to minimize us. And here we have a  
40       quota. I mean, you have a golden opportunity to  
41       make us whole. Just as actually I might say you  
42       did a couple of years back under the previous  
43       administration when they asked us for input which  
44       we all gave, Scott, Marty, myself, perhaps Blue  
45       Water and I'm sure many others.

46               And I would truthfully like an answer  
47       on what did you all do on any of those  
48       suggestions that we made? I would like that, for

1 somebody to respond to that first. Can somebody,  
2 maybe Randy respond to that? Was anything done  
3 that we suggested then?

4 MR. BROOKS: Jeff, what are you -- I'm  
5 wondering if you can just be a bit more specific  
6 about which request were you thinking of.

7 MR. ODEN: I'm specific about the  
8 suggestion, the previous administration gave us  
9 the opportunity to seek flexibility with you all.  
10 And I don't believe anything was ever followed  
11 through on all the suggestions we made. Just  
12 pretty much similar to what we're going through  
13 here now.

14 We as an industry came up with a plan  
15 and you totally ignored it and moved on with your  
16 own plan. So anyway, I've got a few other  
17 things.

18 I would hope somebody would tell me if  
19 anything was done. It was March of 2018. That  
20 was part of the HMS process. The previous  
21 administration asked for input and I don't  
22 believe anything was moved forward that was  
23 offered.

24 Scott I know was talking about the  
25 Bump. Nothing has been done. Again, another  
26 opportunity squandered there as here.

27 But for perspective and speaking of  
28 the RFDs a little bit before, yesterday before  
29 the Council meeting I asked Craig to get me some  
30 info. And Tim spoke yesterday of the value of  
31 our fishery.

32 The HMS fishery is valued at \$34.5  
33 million overall. Of that the General category  
34 fishery is 25 percent or \$8.6 million, and  
35 ideally they would send every ounce to Japan  
36 given the possibility.

37 In our case we are valued at almost  
38 \$21 million, the PLL fleet, or 60 percent of the  
39 value of this fishery. And we are being totally  
40 overlooked in the reallocation process of this  
41 amendment.

42 And you know, I heard Marty yesterday  
43 -- well, let me think here. I heard Marty  
44 yesterday ask what are we supposed to do when we  
45 run out of quota. That is a good question. I  
46 mean, because are we supposed to quit fishing? I  
47 recently had a friend, he ended up having a  
48 disaster set. He had to dig in his pocket this

1 winter with one of the harshest winters fishing  
2 in memory. I mean, very little opportunity.  
3 He had to dig in his pocket. And  
4 anyway, what does he do in the future if this  
5 happens? So, you know, with no quota (audio  
6 interference) there is, you know, one can only  
7 wonder where this is heading. I mean, are we  
8 ducks in a shooting gallery? Are we just going  
9 to be picked off? Do we have to stop fishing in  
10 the middle of the year, or maybe even skipping  
11 two years if we're going way over? I mean, how  
12 do we address this?

13 MR. BROOKS: Thanks, Jeff.

14 MR. ODEN: I'm not done, I'm not done.  
15 (Simultaneous speaking.)

16 MR. BROOKS: Hey, Jeff, let me just  
17 ask you to kind of wind it down here just so we  
18 can start to get to the next one --

19 (Simultaneous speaking.)

20 MR. BROOKS: Yes, go ahead.

21 MR. ODEN: Okay. My friend, for  
22 instance, was also as compromised as he was with  
23 the having to dig into his pocket for quota. He  
24 also now has a deep hole trying to find a crew  
25 because he's compromised having found himself in  
26 the situation where he had to dig himself out of  
27 that hole. Nobody wants to work for nothing, and  
28 half the people coming looking for a job. I  
29 mean, it's hard enough for us to get crew now.

30 So anyway, just give us the  
31 opportunity to make it through the year. And  
32 anyway, at the very least, speaking to one other  
33 thing that Marty said yesterday, where we're  
34 heading is end of the year accountability.  
35 There's no other way. Because if you're not  
36 giving us any quota to doggone fall back on, to  
37 buy or whatever, or if we're just going to have  
38 to tie our boats up we have no future.

39 And anyway, we've simply got to come  
40 to terms with the fact is I asked for another  
41 data request today and I've yet to get it. I  
42 don't know what we have utilized as an industry  
43 in the last 10 years, what we've left on the  
44 table. But that, you know, considering that,  
45 instead of -- we've got the IBQ. At the very  
46 least we as an industry at the end of the year  
47 should be allowed the flexibility to settle up.

48 And I'm not trying to offer a --

1 frankly I thought Blue Water had a good plan.  
2 But right now I'm just trying to address what  
3 we've got laid at our feet which isn't very  
4 pretty from our perspective. And the only way  
5 we're going to be allowed -- I see any --  
6 envision any hope is having the flexibility at  
7 the end of the year as an industry as a whole to  
8 see what's left over and hopefully we can pay our  
9 bills.

10 Again, I would hope I can get that  
11 data acquisition I asked for and find out exactly  
12 what we have left, and see where it will leave  
13 us. Anyway, there's a couple that I'd like to  
14 address. One is the Paperwork Reduction Act.

15 MR. BROOKS: Jeff, I'm going to ask  
16 you to pause here just because we do need to push  
17 on with our topic, and I want to make sure we can  
18 do that.

19 MR. ODEN: Okay, but I --

20 MR. BROOKS: If we need to come back  
21 later we can, okay? I just want to make sure --

22 MR. ODEN: I definitely want to come  
23 back.

24 MR. BROOKS: Okay. Let's -- I just  
25 want to see if Randy has anything he wants to say  
26 in reaction to your comments, and then hand it  
27 off.

28 MR. BLANKINSHIP: Sure, thanks. So  
29 related to the data request, Jeff, we do have  
30 that. I'm aware that that's being worked on. So  
31 stay tuned on that issue.

32 And then also I think that you were  
33 making some comments about Amendment 13, and then  
34 I think you kind of moved over to making some  
35 comments in relation to the agency's request for  
36 ideas for management measures in the previous  
37 administration which there were a couple of  
38 those, and ideas for streamlining regulations in  
39 particular, and relieving regulations.

40 And so the agency had run a couple of  
41 initiatives to collect this information and we  
42 certainly took a lot of those into account, some  
43 of which were actually manifested in some  
44 rulemakings that we accomplished. But some of  
45 them are still not lost because we still have  
46 some of those ideas in mind. So I'll just  
47 mention that.

48 And then also once again like

1 yesterday I'll encourage you to as with everybody  
2 is to go in and take a look at the draft  
3 Environmental Impact Statement for Amendment 13  
4 and take a look at the different alternatives  
5 that are there, the analysis that was conducted,  
6 and think about it, and provide your comments  
7 back to us. Because we are definitely open and  
8 want the comments on that DEIS and the proposed  
9 rule that will help inform agency's decision.

10 As you know, as was just earlier  
11 described with the presentation for the swordfish  
12 and shark retention limit rule, the final rule,  
13 the presentation that Delisse made, there were  
14 two changes that were made from proposed to final  
15 based upon public comment. That's a great  
16 example of the fact that we can and do consider  
17 public comment and can make some changes within  
18 the scope of what's proposed.

19 MR. BROOKS: Great. Thanks, Randy.  
20 All right. Let's get to our break. We're about  
21 five minutes off the mark here. Let's take about  
22 a 10-minute break and we will come back at 2:15  
23 and then hand it over to Brad so we can talk  
24 about Electronic Technologies Implementation  
25 Plan. So, thanks all.

26 (Whereupon, the above-entitled matter  
27 went off the record at 2:07 p.m. and resumed at  
28 2:16 p.m.)

29 MR. BROOKS: All right. So just as  
30 folks are getting settled, just a reminder the  
31 rest of the afternoon I'm going to hand it off to  
32 Brad here in a second to talk about the  
33 Electronic Technologies Implementation Plan.  
34 After that we will shift to public comment at 3  
35 o'clock and we will be looking to wrap up at  
36 3:30. So, with that, Brad, I'll hand it off to  
37 you to walk us through your presentation.

38 MR. MCHALE: Thank you, Bennett. Good  
39 afternoon, everyone. Let me just pull up my  
40 PowerPoint here. And I'm assuming that it's  
41 showing on both screens.

42 PARTICIPANT: It is.

43 MR. MCHALE: All right. So, good  
44 afternoon. Thank you all for the dialogue --

45 MR. BROOKS: Brad, you just have a big  
46 gray box sitting sort of to the right side of  
47 your presentation. That's better. Okay, go.

48 MR. MCHALE: All right. So thank you

1 all for the good discussion over the past couple  
2 of days. I always find it easier to have some of  
3 these more heated and debated conversations. At  
4 least we're in the same space. I appreciate you  
5 all taking the time to do it here virtually for  
6 these last few meetings.

7 For those of you that had joined us in  
8 December of last year I gave a pretty cursory  
9 overview of an effort the agency is currently  
10 taking across all the various regions to update  
11 or to develop an Electronic Technologies  
12 Implementation Plan.

13 And those plans are still kind of  
14 currently having the final i's dotted, the t's  
15 crossed. But given the timing I figured I'd  
16 present on it today, and then hopefully those  
17 plans will hit the street sometime within the  
18 next week.

19 All right. So, just a little bit of  
20 background here. These plans had originally  
21 started about five years ago where each region is  
22 tasked. When we're referring to electronic  
23 technologies we're really referring to electronic  
24 monitoring as well as an electronic reporting.  
25 Both subject matters that we are all very  
26 familiar with regardless of what aspect of the  
27 fishery you are either interested or involved in.

28 As I mentioned all the various  
29 regional plans, it will be northeast, southeast  
30 regions as well as the Caribbean, as well as west  
31 coast, Alaska, they're all going to be rolled  
32 out. So the HMS plan will be rolled out to all  
33 of those. And I would highly encourage folks to  
34 not just focus on the highly migratory species  
35 one, but also pay some close attention to the  
36 northeast and the southeast plans because there's  
37 such immense overlap between our different permit  
38 holders and burdens that they have to incur when  
39 it comes to say reporting.

40 Essentially what this plan is trying  
41 to set up is to be kind of essentially a  
42 cornerstone to allow not just you all as Advisory  
43 Panel members, but also those stakeholders and  
44 partners in the fishery to have an ongoing  
45 dialogue of how various technologies can be used  
46 to meet the goals of the fishery, whether that be  
47 from resource monitoring perspective, whether  
48 it's social or economic dynamics of the fishery,

1 but really to kind of keep those channels open to  
2 explore ways that either technologies can be  
3 leveraged, or whether or not the cost  
4 effectiveness may not be there.

5 The intent of updating those plans  
6 here for 2021 is also from a monetary  
7 perspective, trying to tie in so that those plans  
8 can then be used and as various funding proposals  
9 or funding sources can be made available. So  
10 whether those sources are fishery information  
11 systems, whether it's electronic technology  
12 working groups, catch share programs, or even  
13 sometimes external funding sources like NFWF.

14 And then it allows for the continuity  
15 of an applicant to then say here's a priority  
16 that HMS or the northeast region has put forward,  
17 and carry that through the whole proposal to help  
18 support it again in the goal of trying to  
19 ascertain funds for whatever that ET program may  
20 be.

21 So essentially what you'll find when  
22 they do release these reports is a pretty cursory  
23 recap of how the last five years went, what went  
24 right, what didn't, what have we learned. Some  
25 of that will be discussed during these meetings  
26 prior. Tom Warren touched on some of these  
27 aspects regarding the electronic monitoring  
28 program in the pelagic longline fishery as part  
29 of that three-year review as well as even that  
30 was brought up on yesterday's discussion as well  
31 as today of different kind of reporting  
32 requirements in general. And this consistent  
33 effort to move away from having stovepipes that  
34 vessel owner and operators then need to report  
35 multiple times for a single trip. And what  
36 efficiencies can be made there.

37 But also what are some of the  
38 consequences of trying to build in those  
39 efficiencies.

40 This document is also just trying to  
41 lay out a vision of where we see some of our time  
42 and effort being spent as we not only look  
43 backward, but as we look forward for five years,  
44 especially as some of these technologies continue  
45 to evolve, as some of our agency partners  
46 continue to evolve their respective programs to  
47 be more inclusive of being able to collect HMS  
48 related information as well as then exploring



1 what are the priorities that we could see  
2 electronic technologies coming to bear in our  
3 fisheries.

4 And so we're actually putting our  
5 limited time, energy, resources, to those  
6 discussions that are going to have the biggest  
7 benefit for the fishery as a whole.

8 And kind of as I mentioned, this whole  
9 efficiency and streamlining across regional  
10 programs which I'll come back to in the slide in  
11 just a second.

12 And then the last objective for this  
13 implementation plan is to not belittle the  
14 challenges and the changing needs that come with  
15 these implementation of electronic technology  
16 programs, whether they be reporting or  
17 monitoring. Again, something that has been  
18 discussed for a number of years across the table  
19 amongst ourselves. None of these are new, but  
20 just to kind of highlight some of the overarching  
21 challenges.

22 What are the scopes of the various  
23 programs that we're doing. What sort of data are  
24 they collecting. Are we just collecting landings  
25 information. We're collecting landings and  
26 release information. How is that information  
27 being distilled by various partners in the  
28 agency. Are all permit holders doing it, or just  
29 some subset.

30 For example, above and beyond  
31 reporting when you look at some of the monitoring  
32 aspects. Some folks like to think electronic  
33 monitoring is always replicating what an at-sea  
34 observer is able to try to collect, but that  
35 isn't necessarily always the case. A prime  
36 example is the BOEM program that was essentially  
37 put forward to help verify data that's being  
38 collected through other pathways, whether it be  
39 logbook, whether it be an estimate. In fact,  
40 we're even looking at some electronic monitoring  
41 in a pilot program to look at silt times as it  
42 relates to some of our bottom longline fisheries  
43 and shark post-release mortality as well as  
44 protected resources.

45 As well as kind of how we share data  
46 amongst the different parts of the agency that  
47 the right hand knows what the left hand is doing  
48 so we don't necessarily have different sets of

1 numbers that can be -- being used for different  
2 purposes.

3 And this has always kind of been a  
4 challenge for HMS where the scope of our  
5 fisheries do overlap, not only the northeast or  
6 GARFO regional fisheries in the northeast, but  
7 also those in the southeast. The Gulf Council,  
8 the Caribbean, not to mention all the states, as  
9 well as Atlantic States Marine Fisheries  
10 Commission. So, there's significant overlap in  
11 the different authorities that can be applied to  
12 those that are fishing for highly migratory  
13 species. And so we need to be constantly  
14 vigilant in working with our partners to make  
15 sure that all that data is trying to be  
16 integrated, and being kept up to speed so we  
17 don't necessarily fall back into more of a  
18 stovepipe model that has historically been so  
19 prevalent in the agency's data collection  
20 methodologies.

21 Last but not least, cost. It's long  
22 been discussed that maybe electronic technologies  
23 are a cost-effective tool to get at data  
24 collection. That hasn't always played out in  
25 practice. I think that's why we currently don't  
26 see these sort of programs in every single  
27 fishery up and down the eastern seaboard.

28 And so when it comes to the potential  
29 value of the data that can be collected through  
30 these methodologies it also equally needs to be  
31 weighted in that the cost to actually implement,  
32 who's bearing those costs needs to be part of  
33 that discussion as well. So again, it's a more  
34 fully fleshed out discussion.

35 With the HMS kind of programs here in  
36 general what I've done is tried to highlight a  
37 number of those programs that we have that are  
38 directly associated with the vessel side of the  
39 house. And then the next slide will deal more  
40 with the dealer side of the house.

41 So as I mentioned that we had the  
42 pelagic longline, electronic monitoring program,  
43 we have instituted our HMS automated landing  
44 reporting system. So this is our General  
45 category tuna vessels, Harpoon category vessel,  
46 Angling, Charter/Headboat that's then collecting  
47 bluefin tuna, catch information, as well as some  
48 of our swordfish and billfish landings.

1                   But then we quickly segue into that  
2 efficiency discussion that we were talking about.  
3 There are other regional programs that we know  
4 HMS fishermen are -- have the opportunity to  
5 report through, some of them being eTrips which  
6 is a reporting application, some by ACCSP as well  
7 as the vessel trip reports as mandated by GARFO,  
8 or the Southeast For-Hire Electronic Reporting  
9 effort. So these are all avenues that fishermen  
10 are reporting information to the agency that HMS  
11 staff is on a regular basis collaborating with  
12 the individuals that own those programs or  
13 applications to help ensure that HMS data  
14 elements are being designed to those, again to  
15 reduce the number of times an individual has to  
16 report their information to the agency.

17                   And a number of my staff are multiple  
18 times a week engaging in these conversations and  
19 trying to make sure that we're trying in any way,  
20 shape, or form to build in a streamlined pathway  
21 to collect our information.

22                   But I think as Rick Bellavance had  
23 mentioned yesterday there is a flip side of that  
24 coin, because as we try to marry up all of those  
25 different reporting requirements that we  
26 sometimes end up having to answer more questions  
27 than we once did. And so therefore there's a lot  
28 of time and effort being expended there.

29                   Some of the other ones just to mention  
30 is the HMS tournament registration reporting.  
31 That all went electronic and went online. You  
32 had the VMS programs that have been in place for  
33 a number of years as well as our third party kind  
34 of proprietary software that is available to the  
35 overall community if it makes sense for their  
36 particular fishing practices to use that as a  
37 method to report information back up to the  
38 agency.

39                   When we start to get more shoreside,  
40 looking at some of the dealer electronic  
41 technology programs that the HMS division as well  
42 as those stakeholders are involved in we have the  
43 HMS e-dealer program. So primarily our  
44 electronic data collection dealing with our non-  
45 bluefin tuna species. That takes a lot of time  
46 and effort both on the dealer side as well as the  
47 administrative side to work through.

48                   We have the bluefin tuna dealer

1 reporting. There is biweekly reporting both at  
2 the international level for the ICCAT, electronic  
3 bluefin tuna catch documentation system, but we  
4 also have those requirements domestic. Actually  
5 I think that tournament was just a leftover in a  
6 cut and paste error. And then third party  
7 proprietary software once again.

8 So as we start to look forward to  
9 expand or refine some of the programs we have in  
10 place some of these same things are just going to  
11 kind of repeat themselves. It's building in  
12 efficiency, reducing redundancy. Ensuring that  
13 any modifications in our partner's programs are  
14 inclusive of HMS elements that are for reducing  
15 the number of times things need to be reported,  
16 or different systems folks need to engage in, and  
17 making sure those lines of communication both  
18 internally and externally are wide open. So not  
19 only are we hearing from you all what's working,  
20 what's not, but we're also then having those  
21 collaborations with our partners to ensure that  
22 there's consistency regardless of what system  
23 somebody is electing to use, that it's still  
24 going to meet the purposes so we don't run into  
25 any sort of compliance related issues.

26 As well as trying to figure out how  
27 electronic technologies can be used to help and  
28 aid in challenges that we don't necessarily see  
29 coming down the pike. 2020 was a prime example  
30 when it came to some of the data collection  
31 processes when at-sea observers was a challenge  
32 with some of the travel limitations we had.

33 And then lastly, kind of some of the  
34 examples as we're looking forward. As I  
35 mentioned in a previous slide looking at our  
36 shark research fishery and some of the sensors  
37 that are more commonly associated with the  
38 electronic monitoring programs to help refine our  
39 information and data collection regarding  
40 stovepipes as it relates to post-release  
41 mortality of some of our more sensitive shark  
42 species like dusky, and sharpnose, and  
43 hammerheads, as well as to those protected  
44 resources that might be interacted with during  
45 these fisheries.

46 We have a collaboration currently  
47 ongoing with the Greater Atlantic Regional  
48 Fishery Office as it relates to trying to

1 ascertain whether or not electronic technologies  
2 can help shed some light on what gear types HMS  
3 are being caught on and whether or not a  
4 longstanding regulation that states that no  
5 unauthorized gears can be onboard a vessel when  
6 bluefin tuna are onboard.

7 In years past I've used -- if you  
8 happen to have a lobster trap, or a crab pot on  
9 your boat technically those are not authorized  
10 for HMS and therefore you couldn't have a bluefin  
11 tuna while that trap was onboard.

12 Are there ways that we can dial that  
13 in to be more refined versus that broad brush  
14 stroke approach that we've done historically.

15 Whether or not there's technological  
16 gains as far as building in VMS units or EM units  
17 or reporting units. As technology continues to  
18 grow exponentially are we able to kind of make  
19 these systems easier and more cost effective to  
20 use, and serve multiple purposes simultaneously  
21 so it's not one more system that needs to be  
22 placed on a vessel with one more technician to  
23 help troubleshoot.

24 And then lastly, continue to  
25 collaborate with our regional fishery management  
26 organizations in trying to figure out at that  
27 international level how we can bring our  
28 experiences to bear to help inform some of the  
29 potential decisions being made from the  
30 international management perspectives.

31 So as far as the next steps. Pretty  
32 much this is going to be a living document, and  
33 the conversations, the dialogue is going to be  
34 ongoing. This isn't necessarily a milestone that  
35 just kind of gets placed in the sand and then we  
36 move on.

37 And to that same thing we're going to  
38 continue to collaborate with all of our regional,  
39 national, and international partners as well as  
40 all of you and folks that you represent that are  
41 participating in these fisheries, or those that  
42 have interest in the management and the  
43 sustainability of these fisheries to help  
44 troubleshoot some of the challenges that are  
45 associated with capitalizing on these  
46 technologies, but also making sure they're being  
47 used to the best benefit of both the biological,  
48 the social, and the economic aspects of the

1 fisheries as a whole.

2 And continue to evolve so we don't  
3 necessarily get too static and all of a sudden  
4 we're realizing that the systems that we were  
5 once using that were innovative are now better  
6 placed for some electronic technologies in a  
7 museum to sit beside a Commodore 64 or an Apple  
8 IIE as a prime example which also then has its  
9 own challenges. How do you stay on top of the  
10 speed that these technologies are advancing at  
11 when sometimes the regulatory speed can't  
12 necessarily keep pace.

13 So, to summarize here that the plan  
14 should be out within the next few weeks. We  
15 fully anticipate that the dialogue will be  
16 ongoing and continuous through whether it be  
17 advisory panel meetings, public hearings, or just  
18 direct conversations amongst ourselves.

19 As it relates to the HMS plan feel  
20 free to reach out to myself directly. I'll be  
21 the point of contact. But if you have some  
22 overarching, more national questions or cross  
23 regional questions you can come to me as well,  
24 but also Brett and Laura here are also good  
25 resources. And with that I will conclude the --  
26 I will conclude I guess at that point.

27 MR. BROOKS: I think Brad has  
28 concluded. All right, thanks, Brad. That was  
29 really interesting. Let us see if there are  
30 questions for you about this plan, or any  
31 observations or perspectives people want to  
32 share. Just please raise a hand if you do. Rick  
33 Bellavance, why don't you come in first.

34 MR. BELLAVANCE: Thanks, Bennett.  
35 Thanks, Brad, for your presentation. I really  
36 think you hit it spot on with some of your  
37 comments in particular relating to your bullet  
38 point about allowing AP member stakeholder and  
39 partner to continue to offer input in the process  
40 as we engage in improving these electronic  
41 technologies overall.

42 I think that's a critical component.  
43 We've established a lot of these programs and the  
44 foundation of the different systems and done a  
45 lot of work trying to coordinate across regions  
46 like you mentioned. And through that process  
47 some little snags will come up along the way, and  
48 making sure to get that input from the industry

1 and other partners is huge to moving forward.

2 And I actually think it's a priority  
3 really because the one thing I fear is as these  
4 programs get more complicated, especially for  
5 multi-regional permit holders, that there's going  
6 to be a disincentive created for people to  
7 actually report it. It's too cumbersome and too  
8 burdensome. So, definitely listening to industry  
9 and other partners to try to look to -- for any  
10 possible way to streamline reporting would be  
11 good to continue that. So I really appreciate  
12 your thoughts there.

13 Another thing I was thinking about was  
14 if at some point it would be possible to develop  
15 a document that kind of clearly articulates each  
16 data element's purpose in either management or  
17 the assessment process, for stakeholders to be  
18 able to read and say hey look, I don't know why I  
19 have to -- I'm looking at my eVTR right now and  
20 under bluefin tuna why do I have to put the time  
21 that I hooked the bluefin tuna in my report. Why  
22 do I have to put the fight time. Why do I have  
23 to put what kind of bait I used. Why is that.  
24 Right now I just say I'll do it because I have  
25 to, the line is red, but at the same time I say  
26 well, is that something that gets used anywhere,  
27 or is it something that just goes into a box and  
28 disappears. So it would be good to have the  
29 answers to those questions.  
30 And that goes for all of the regions too.

31 And then my last input would be under  
32 your thoughts on expanding electronic  
33 technologies one of the things that we're all up  
34 here in the northeast anyway and it will  
35 eventually work its way around the country is the  
36 expanding wind farm technologies that are being  
37 proposed all over. It's pretty front and center  
38 here in the northeast so it's on my radar.

39 And there's definitely a lack of  
40 information on the temporal and spatial  
41 footprints of the different fisheries, whether  
42 they're commercial, for-hire, or recreational.  
43 So using some of these technologies for -- I'm  
44 not saying mandating VMS for anybody, but if  
45 there are folks that are voluntarily want to  
46 track their trips or be part of a data collection  
47 program that helps to define the footprint of the  
48 different fisheries, and using the electronic

1 technologies to get that data for use in  
2 understanding potential impacts from these  
3 projects would also be super helpful.

4 So those are the three thoughts I had  
5 regarding your presentation. And again I really  
6 appreciate it. I think you did a great job.  
7 Thanks.

8 MR. MCHALE: Thanks, Rick. Appreciate  
9 that. Yes. These conversations are going to  
10 continue because again as we kind of minimize the  
11 stovepipes to bring together you're right, folks  
12 are all of a sudden going to see things pop up.  
13 And just as you articulated why is this question  
14 being asked. And I think it's apparent not just  
15 in the HMS context, but across the agency that  
16 for -- that that explanation is going to be  
17 essential for folks to understand the value of  
18 how that data is being used.

19 Prime example is that fight time.  
20 Well, maybe the scientists in the center are  
21 using that to help determine an indices to a  
22 stock assessment that could then influence quota  
23 allocations downstream. Instead of just one more  
24 question folks would have the context to then  
25 understand how important that may be, not  
26 necessarily there in the moment, but if that's  
27 going to help inform the health of a particular  
28 species and potentially allocation issues then  
29 it's good for folks to be able to connect those  
30 dots.

31 MR. BELLAVANCE: I think that would be  
32 helpful. Thanks.

33 MR. BROOKS: I'll just note in the  
34 chat that Anna Beckwith strongly endorsed the --  
35 your concept, Rick, around having some sort of  
36 document that articulates the use of the data,  
37 that that would be very helpful, particularly as  
38 she says the more data you collect kind of the  
39 less accurate it becomes. So anything that can  
40 help people understand the rationale seems like a  
41 good thing. David Schalit, why don't you jump in  
42 here.

43 MR. SCHALIT: Okay. Hi, Brad. What  
44 can I say, I'm assuming that you and Jen  
45 collaborated on how to clearly present complex  
46 issues. Very good presentation.

47 And actually I wasn't planning on  
48 mentioning this, but because Rick mentioned it I



1 think it's worth emphasizing a little bit. I'm  
2 in complete agreement with him regarding his  
3 comments having to do with data elements.

4 This winter we had a great many  
5 meetings, technical working groups. These are  
6 SCRS working groups looking at -- each group  
7 looking at a different index of abundance for  
8 bluefin tuna. And we did this with the Japanese  
9 and the Canadians, and found that there were  
10 certain data elements that the Canadians and the  
11 U.S. that were using that are really not actually  
12 needed.

13 So I like the idea of what Rick  
14 suggested, this notion that we would review these  
15 data elements with the scientists, with our  
16 scientists, to see if we can -- if everything  
17 we're asking for is precisely what is needed.

18 But that was -- my question has to do  
19 with page 6. I think I know the answer to my  
20 question, but I thought that would be a stupid  
21 idea. Why don't I ask Brad to elaborate on it.  
22 So, if we can go to page 6, I think it's the  
23 second item. Let me see. From memory it's the  
24 second item on page 6 having to do with --  
25 actually having to do with data elements as well.

26 (Simultaneous speaking.)

27 MR. MCHALE: So just so I don't break  
28 the system I'll read that bullet and make sure we  
29 have it accurate. So I was referring to  
30 potential -- the plan articulating potential  
31 expanding, refining electronic technologies for  
32 Atlantic highly migratory species.

33 And the second bullet was ensure  
34 highly migratory species data elements are  
35 included in all application developments. And so  
36 what that bullet there is really referring to is  
37 a lot of the collaborations we're doing say as it  
38 relates to vessel trip reports, whether it's  
39 eTrips, whether it be SEFHEIR, what other  
40 authorities the agency is asking fishermen to  
41 report data on we are fully supportive of one  
42 stop reporting.

43 And so we're collaborating with those  
44 partners and making sure they are aware of what  
45 those HMS data elements are to minimize multiple  
46 applications needed for one trip.

47 MR. SCHALIT: Okay. I follow you.  
48 Thanks very much.

1 MR. BROOKS: Thanks, David. I will  
2 also note that Bob Humphrey weighed in in the  
3 chat again. It comes up for Rick's comment about  
4 tracking to better assess potential impacts of  
5 wind development. So another endorsement there.  
6 Marty Scanlon, I think your hand is up.

7 MR. SCANLON: Yes. It seems to us, we  
8 talk about EM, especially the EM units here. We  
9 always look to expand the use of the EM on us.  
10 But it's never to our advantage. I mean, we're  
11 the incidental fishery on bluefin tuna fish and  
12 we're here (audio interference). Got a directed  
13 category that I'm sure if we were to get an  
14 update from enforcement I'm sure they're still --  
15 the majority of them boats are still non-  
16 compliant with the full regulations that they're  
17 under. They have no EM.

18 And it's probably -- when is the  
19 intent to put the EMS on them? And if you want  
20 to expand the use of EMS or the use of -- to  
21 utilize the EMS on the pelagic longline industry  
22 (audio interference) utilize those EM units to  
23 give us better access to these closed areas, like  
24 through spatial management which is not on the  
25 table it seems anymore.

26 I mean, every time you get a chance  
27 you seem to always want to be looking for more  
28 and more oversight on us, and you don't want to  
29 pass it on to anybody else. When are these  
30 cameras going to go on? When it came to the  
31 directed sword fishery the answer for me, to me  
32 two years back was the reason why we have the VMS  
33 units, why we've got the observer coverage, why  
34 we had the turtle schools, why we had all these  
35 rules and regulations put on top of us was  
36 because we were the directed fishery.

37 Now we go to the bluefin tunas. We  
38 have one group that's basically non-compliant. I  
39 mean, the pelagic longline industry is 100  
40 percent compliant. We're 100 percent -- we're  
41 totally accountable for our bluefin interactions,  
42 yet we get an amendment proposal where we get no  
43 increase in our quota, and a non-compliant group  
44 gets an increase. How is that possible? How can  
45 that be rewarded with additional bluefin tuna  
46 fish when they're not 100 percent compliant in  
47 the regulations as they stand?

48 We're talking about now Delisse puts

1 out a great presentation on how to increase our -  
2 - catching our swordfish with sustainable  
3 fishery. And here she goes, she's going to go  
4 from zero to 3 swordfish to 18 swordfish, but  
5 there's no talk on any increase in oversight,  
6 accountability, VMS, reporting, none of that's on  
7 the table. Just give them 18 fish.

8 There's nothing here at all that we've  
9 heard so far that's going to increase our ability  
10 to harvest our targeted species. Yet I'm sure as  
11 we go on here we're looking to expand. Everyone  
12 wants to expand the use. They want more of EM  
13 use of our footage. They want us to put -- they  
14 want to put booms on our boats now which is a  
15 dangerous sea, a safety at sea issue. They want  
16 to put mats on the thing. We want more and more  
17 oversight on the pelagic longline industry  
18 constantly. That's the only thing we get out of  
19 this is more and more oversight, and we get less  
20 and less from everybody else.

21 I mean if you want to know what's  
22 going on with the fish and these guys are  
23 harvesting fish, we just start selling fish, they  
24 should all have VMS units on the boat. You want  
25 a simple way to collect the data one step  
26 process? The pelagic longline units have VMS  
27 units on there within 12 hours of every haul back  
28 we need to report whether we caught those  
29 bluefins.

30 We answer all the same questions that  
31 these guys are complaining about that it's too  
32 hard for them to answer. Well, I've got a list  
33 of things on my boat every morning. When I wake  
34 up I have a list of things on my log sheet. I'll  
35 read them off to you. I've got to make sure my  
36 (audio interference) make sure that my logs are  
37 done at the end of every day.

38 And I've got to make sure I report my  
39 bluefin tuna report every single day. I mean,  
40 that's on a daily basis. On my way to the dock I  
41 have to declare where I'm coming into and when  
42 I'm coming into it. When I leave the dock I have  
43 to declare when I'm leaving, where I'm going, and  
44 what I'm fishing for. So I mean, you want to  
45 know what the hell's going on and you want to get  
46 better data, well how about passing some of the  
47 responsibility of the collecting of the  
48 development some of this data off to some of

1 these other categories.

2 And as far as the use of these EMS we  
3 just -- don't we have an executive order issued  
4 by this new President there to look at climate  
5 change and its effect on HMS fisheries? I was  
6 very surprised that we haven't looked at anything  
7 to -- we have this static closures which create  
8 black holes, and the collection and the  
9 development of this data that would answer that  
10 exact question, yet we have -- at this AP meeting  
11 we haven't addressed that at all. And I'd like  
12 to hear some answers from Randy of why not.

13 MR. MCHALE: Maybe before we see  
14 whether or not Randy wants to take any of that up  
15 now, or at a later date. I always appreciate the  
16 insight you bring to the table here, Marty, from  
17 the fishery, and I hear that frustration.

18 And I have throughout the entire  
19 development of Amendment 7. I think we as a  
20 division have maintained the scope as we've  
21 talked about it in the Amendment 7 process. We  
22 have not allowed any encroachment on that, and  
23 we've also made commitments to other parts of the  
24 agency that we're not doing any sort of scope  
25 discussions without clear transparent dialogue  
26 with the regulated community because that's the  
27 commitment we made to you during that Amendment 7  
28 process.

29 As far as benefits that have been  
30 derived from EM I would agree they're not as  
31 prevalent as we would like to see, but they're  
32 not absent. We have gear restricted areas and  
33 prior closed areas that have been converted to  
34 monitoring areas to determine whether or not  
35 those areas are still warranted. That does get  
36 to yours as well as Blue Water's commentary on  
37 static area management for highly migratory  
38 species as compounded by potential environmental  
39 changes.

40 So it's slow. I'll be the first to  
41 acknowledge that. But those efforts are  
42 underway. And they're there.

43 As far as kind of the equity across  
44 different fishery segments, we all need to  
45 recognize that there are different biological  
46 (audio interference) that apply to different gear  
47 types, that not every single gear is the same,  
48 and not every single fishery is going to be

1 managed the same.

2 But that does not dilute the desire of  
3 Randy and his staff and the predecessors in the  
4 division to try to strike balances of what are  
5 the needs biologically with what are those needs  
6 of those that are prosecuted these fisheries.  
7 And that will continue to be the case.

8 So, I look forward to more dialogue,  
9 and refinement of our understanding of trying to  
10 find middle ground, and finding places where we  
11 can agree to disagree. That's the only way any  
12 of this stuff is going to move forward. And I  
13 guess I'll just stop at that point then.

14 MR. BROOKS: Thanks, Brad. Randy, do  
15 you want to weigh in at all?

16 MR. BLANKINSHIP: Yes, thank you,  
17 Brad. I think you articulated things very well.  
18 And I'll just add in because Marty was  
19 specifically talking some about spatial  
20 management and that initiative, that that  
21 initiative has not disappeared. I touched on it  
22 very briefly in the overview presentation as  
23 something that we have going -- on an ongoing  
24 basis, something that we would love for it to  
25 move faster, but it is on a process. And we  
26 intend for it to move forward.

27 Amongst all of the other things that  
28 we have going on and keeping in mind priorities  
29 that we have to keep in mind. So, that process  
30 is not lost.

31 And I'll also just mention that I  
32 noticed that there was a question I think, and  
33 I'm not sure if it was to everybody or not. I  
34 don't think it was actually. But I got wind of  
35 kind of a follow-up when I mentioned in one of my  
36 comments to Jeff Oden about suggestions that had  
37 been made in the past couple of years of ideas  
38 before the agency.

39 And that some of those had been  
40 incorporated, and that some of them are just not  
41 lost and still within the realm of consideration.  
42 And I will mention that spatial management is one  
43 of those.

44 And then we have other initiatives  
45 that we have undertaken recently that are in that  
46 deregulation realm, or idea, or streamline. GRA-  
47 Weak Hook Final Rule being one of them.  
48 Swordfish and shark retention limit final rule

1 that was presented earlier being one of them.

2 And so we have not lost the other  
3 ideas specifically that Jeff Oden had mentioned  
4 previously related to that associated with  
5 commercial species lists that allow for some  
6 other gears to be used in non-pelagic longline,  
7 that that idea is not lost even if we don't have  
8 a rulemaking active on it. So I just want to  
9 touch on that a little bit because it kind of  
10 falls into the overall group of some things here  
11 that between what we're hearing from Jeff and  
12 what we're hearing from Marty. Thanks.

13 MR. BROOKS: Thanks, Randy. And I  
14 want to just fold in, if you folks haven't seen  
15 it in the chat, is a comment from Katie Westfall  
16 endorsing a couple of the ideas that Rick put  
17 forward, and also folding in a -- I think a new  
18 thought in this conversation around the  
19 importance of using performance standards in  
20 regulations as opposed to sort of prescriptive  
21 technical requirements. And it was just I think  
22 a thought that hasn't come up yet in this  
23 conversation. And she put a link to a paper that  
24 EDF put out on that.

25 I'm going to bring two more folks into  
26 this conversation and then we should probably be  
27 moving to public comment. Shana Miller, why  
28 don't you jump in here.

29 MS. MILLER: Yes, thanks. And thanks,  
30 Brad. I think it's great you guys are working on  
31 this to really kind of streamline the different  
32 efforts that are going on. It does -- the  
33 programs you presented are for multiple different  
34 fleets, and as it should be.

35 I guess I would just mention at this  
36 point that as you probably know ICCAT is  
37 undertaking some EM development and it will just  
38 be important for you all to be active in that to  
39 make sure that the U.S. program standards get  
40 reflected in the ICCAT program. So U.S.  
41 fishermen don't have to change their approaches.  
42 Thanks.

43 MR. BROOKS: Thanks, Shana. Alan  
44 Weiss.

45 MR. WEISS: Thanks, Bennett. I want  
46 to echo what was just said about ultimately ICCAT  
47 initiatives in this regard being hopefully  
48 brought along to the same standards that the

1 United States has already pioneered and the  
2 fishermen are living under.

3 I also want to get back to something  
4 that Marty said a few minutes ago. His  
5 discussion somewhat drifted away from this  
6 particular presentation, but I think it was very  
7 important nonetheless.

8 We all have to recognize that there's  
9 a lot of work to be done in a lot of different  
10 areas, and the work takes time and all that  
11 stuff. But I want to emphasize again something  
12 that I've said before which is that the -- at  
13 this point the pelagic longline fishery is  
14 largely populated by people in their mid-fifties  
15 to mid-sixties.

16 We don't have much time for things to  
17 come along to rescue and preserve this fishery  
18 going forward for the future, and hopefully it  
19 won't die out by attrition and just the aging of  
20 the participants before some relief comes from  
21 the National Marine Fisheries Service,  
22 particularly in regard to the area or spatial  
23 management issues that are so important.

24 And really, if you look at the trends  
25 in the fishery, and I'm not talking about the  
26 trends of what's being caught, but the trends of  
27 the fishery itself, if you did a stock assessment  
28 on pelagic longline fishermen it would be a  
29 resource emergency.

30 So, I'm just trying to give you all  
31 possible urging and encouragement to move along  
32 on these issues while we still have a window for  
33 them to make an important difference. Thank you.

34 MR. BROOKS: Thanks, Alan. David  
35 Schalit, I'm assuming your hand is leftover from  
36 earlier, is that right?

37 MR. SCHALIT: Yes.

38 MR. BROOKS: Good. Okay. I think  
39 then, Brad, I'm not seeing any other questions or  
40 comments coming your way so thanks very much for  
41 the presentation. Do you have any final thoughts  
42 you want to share before we shift to public  
43 comment?

44 MR. MCHALE: No, just communication  
45 lines are perpetually open.

46 MR. BROOKS: Okay. Great. All right  
47 then. At this point I want to shift to public  
48 comment. We do have a number of members on the

1 call and we'll see how many are interested in  
2 weighing in here.

3 So just as folks are sort of shifting  
4 to this a couple of reminders for the public.  
5 One, if you do want to get into the queue here if  
6 you could raise your virtual hand which you can  
7 find by sort of having your -- looking at the  
8 attendee list, or hovering over your name. If  
9 that doesn't work for you please just throw  
10 something in the chat letting us know that you  
11 would like to be getting into the conversation.  
12 We'll make sure to bring you in.

13 We do ask folks to kind of limit their  
14 remarks to three minutes or so, particularly if  
15 we have a number of people who want to get in.  
16 We'll see what that is.

17 And then just remind people that this  
18 is an opportunity for you all to share your  
19 thoughts with the agency. It's not really  
20 intended to be a dialogue back and forth with the  
21 agency, or with AP members. But again, an  
22 opportunity for you all to share your thoughts,  
23 and then if there's a narrow fact question, a  
24 clarification that can be helpful manage that  
25 too. We'll take public comments. With that,  
26 Glenn Delaney, I see your hand up so why don't we  
27 open up your line.

28 MR. DELANEY: Okay. I assume you can  
29 hear me.

30 MR. BROOKS: Yes, we can, Glenn.  
31 Good.

32 MR. DELANEY: Yes, I am Glenn Delaney,  
33 Blue Water Fishermen's Association. I also have  
34 the privilege of currently serving as an  
35 alternate U.S. commissioner to ICCAT. And I  
36 mention that because I would just like to address  
37 myself briefly to the questions raised during  
38 your meeting about shortfin mako situation at  
39 ICCAT, and particularly the U.S. commitment to  
40 make conservation in that forum.

41 I won't take time to restate all the  
42 excellent substantive points made by Randy  
43 Blankinship to clarify the facts along with some  
44 of the AP members which apparently I'm  
45 discouraged to mention by name, but hopefully I  
46 can say that I agree with those statements and  
47 appreciate all their efforts to set the record  
48 straight.



1           In fact, the U.S. has achieved the  
2 highest standard of shortfin mako conservation of  
3 any ICCAT nation pursuant to ICCAT scientific  
4 advice and 85 percent reduction in fishing  
5 mortality in both the U.S. commercial and  
6 recreational fisheries.

7           And it has issued the most aggressive  
8 conservation proposal of any nation this year  
9 that would advance a broad suite of measures, and  
10 importantly place the binding obligation on all  
11 ICCAT nations to achieve that 85 percent fishing  
12 mortality reduction.

13           Under that U.S. proposal only if and  
14 when other nations do achieve -- and I stress  
15 maintain that 85 percent reduction would they  
16 allow retention of mako as documented by observer  
17 or electronic monitoring of those fish already  
18 dead when brought alongside the vessel.

19           So, it's important for folks to  
20 understand what's in those documents and what the  
21 U.S. stance has been, and to correctly  
22 characterize those. And I'd be glad to share  
23 that U.S. proposal with anyone who asks. Just  
24 send me an email.

25           So I just wanted to take this  
26 opportunity to assure the HMS AP community that  
27 the U.S. ICCAT team is dead serious about mako  
28 conservation and looks forward to other nations  
29 stepping up to do the same, including Canada and  
30 the EU who for some reason have been identified  
31 by some as being the paradigm of mako  
32 conservation proposals which is just not the  
33 case.

34           I in addition just want to make a  
35 brief comment on the proposed ESA listing for  
36 mako. The perverse reality is that despite all  
37 the U.S. has achieved in its mortality reduction  
38 by 85 percent and the fact that all the other  
39 nations for this same species have not achieved  
40 that degree of conservation it will only be the  
41 U.S. and its fishermen that will be held  
42 accountable and potentially subject to more  
43 restrictions under an ESA listing.

44           ESA only applies to us. Given the  
45 mortality reductions we have already achieved a  
46 listing will do nothing meaningful or even  
47 measurable to stop overfishing, or to rebuild the  
48 shortfin mako population because it simply has no

1 application to all the other fishing nations.

2 In my view having participated in the  
3 ICCAT process for 40 years this will serve to  
4 weaken our hand in negotiations to advance mako  
5 conservation in ICCAT. Our multilateral efforts  
6 will be preempted by our domestic regime.

7 One would think that we might have  
8 learned that by now, that other nations are  
9 simply not moved to take action with respect to  
10 their fisheries when the U.S. commits itself to  
11 yet another unilateral self-sacrifice. That  
12 doesn't get them going. Trust me on that.

13 So, that's what I have to say about  
14 mako. I was going to give my overall observation  
15 on this meeting so far, but I think Jeff Oden and  
16 Marty and others really captured and expressed  
17 from their hearts the new and different direction  
18 we fear things seem to be heading.

19 I mean, the Amendment 13 proposed rule  
20 is a real stunner in that respect, as is the  
21 radio silence we are hearing on spatial  
22 management at this meeting. It's like all those  
23 meetings we had for years. I mean, I have  
24 documents going back to 2017 on this, and '18 and  
25 '19, and presentations in our meetings in Silver  
26 Spring and at our annual meetings. It's like  
27 they never happened, and all those documents and  
28 comments we submitted never existed.

29 It's apparent to me now that we should  
30 have had those meetings up in Gloucester instead  
31 so Tom Warren could have had our direct inputs.  
32 It's like they never were heard.

33 So I just hope that we're all wrong in  
34 this perception and that things have not gone off  
35 track, or just stalled in place. We've got a lot  
36 more work to do and progress to make.

37 For those of us and this whole  
38 community that are concerned about conservation,  
39 believe me when I say the best place for  
40 internationally managed fish to be caught is by a  
41 U.S. fishing vessel. Shutting down our fisheries  
42 and having those fish caught by other nations is  
43 the worst conservation move we can make. That's  
44 what I had to say today. I'm sure I'll have more  
45 to say tomorrow. Thank you.

46 MR. BROOKS: Thanks very much. I  
47 believe Captain Johnny Johnson is wanting to jump  
48 in here. Captain Johnson, I think your line is

1 open. Are you hearing me, Captain Johnson? Are  
2 you able to take yourself off mute at your end?  
3 Captain Johnson, are you hearing me or no? I'm  
4 afraid we're not hearing you if you're trying to  
5 speak. I wonder if anyone from the AP HMS staff  
6 is able to shoot him a text and do any kind of  
7 troubleshooting from afar.

8 PARTICIPANT: It seems like we can  
9 hear him typing or something.

10 MR. BROOKS: I'm hearing movement, I  
11 agree.

12 PARTICIPANT: Can you hear me?

13 MR. BROOKS: Yes, we can.

14 PARTICIPANT: Hi. He wanted to be on  
15 today, and he got an unexpected call so I will  
16 take my hand down at the moment.

17 MR. BROOKS: Okay, great. Thanks very  
18 much.

19 PARTICIPANT: Thank you so much.

20 MR. BROOKS: Okay. No worries. Okay,  
21 let me just see if there's any other members of  
22 the public who would like to be commenting and  
23 haven't had a chance to do so. I am only seeing  
24 an AP member hand at this moment. So all right.  
25 We've got about 15 minutes left or so. I know,  
26 Jeff, you wanted to come back in, and I know  
27 Stephen Iwicki, you wanted to come back in as  
28 well.

29 So, Stephen, why don't we go to you,  
30 and then we'll go back to you, Jeff.

31 (Simultaneous speaking.)

32 MR. BROOKS: Yes, I just ask both of  
33 you to be fairly focused in your comments just  
34 because this is intended to be much more of a  
35 conversation and a dialogue.

36 MR. IWICKI: I'll be real quick. I  
37 wanted to go back to yesterday when we were  
38 talking about the zones for the trophy for  
39 bluefin for recreational.

40 One of the comments I got a lot of  
41 feedback last night from various forums I'm in.  
42 The biggest thing it came back to is the idea is  
43 welcomed very much as a chance to give people  
44 that are typically in a closed zone before they  
45 ever get a chance to get the fish.

46 But the main comment that kept coming  
47 back though was when I put this in the chat  
48 yesterday, consider moving the live harbor down

1 to Ocean City because by the time the southern  
2 zone closes the fish are still south of Ocean  
3 City, usually out of range, and Ocean City,  
4 Maryland through south Jersey never really gets a  
5 shot either.

6 I think the rule is being looked at in  
7 order to give everybody a fair shot, so we just  
8 ask that in addition to the way you've got it  
9 just consider moving that southern line down a  
10 little bit further south so that it achieves that  
11 overall goal and everybody gets a shot at a  
12 trophy fish, the maybe once in a lifetime kind of  
13 deal. That's it. Thanks.

14 MR. BROOKS: Okay. Thank you, Steve.  
15 Dewey, I see your hand up. I'm going to go to  
16 you before I go back to Jeff.

17 MR. HEMILRIGHT: Yes. I'd like to ask  
18 that -- I recently had to take place, took part  
19 in the turtle classes where you have to get every  
20 five or three years get finalized to (audio  
21 interference) turtle certificate.

22 I was wondering if there's any way  
23 possible we could get that done every five years  
24 instead of every three years. It seems like it  
25 just seems repetitious for us and nothing really  
26 changes. And I just wonder if that's a possible  
27 thing, that we could do it every -- have renewals  
28 every five years instead of three years. Thank  
29 you.

30 MR. BROOKS: This is on the turtle  
31 certification you said, right?

32 MR. HEMILRIGHT: Turtle certification.  
33 And one other thing. I noticed -- I was reading  
34 the South Atlantic updates, and there it's  
35 mandatory I believe that charter vessels and  
36 maybe commercial vessel or snapper/grouper  
37 permits have to have this gear. But it makes no  
38 mention of turtle classes. And I was curious, if  
39 you're made mandatory to have the gear why  
40 wouldn't you want the folks to be able to know  
41 how to use it. And I was wondering if there's  
42 any consultation with the South Atlantic with HMS  
43 particularly to this rule of why that wouldn't be  
44 appropriate. If you're made to mandatory to have  
45 the gear would it not be good to learn how to use  
46 it. Thank you.

47 MR. BROOKS: Thanks. Anyone from HMS  
48 want to jump in on either of those points?

1 MR. BLANKINSHIP: I'll say that,  
2 Dewey, I appreciate the comment there about  
3 flexibility on the length and time of the  
4 validity of the workshops. I've thought about  
5 that from time to time and it's outside the realm  
6 of possibility of continuing to think about that.  
7 It is the case that some information can change  
8 from time to time, for instance addition of new  
9 species to the curriculum and things along those  
10 lines.

11 And certainly extending out the period  
12 of time between when those workshops are taken,  
13 that might mean that fishermen aren't quite as  
14 informed.

15 But I will also say that we are  
16 actively working towards some additional  
17 flexibility about the ability to take the  
18 workshops through an online capability. And we  
19 hope before too long to be able to share some of  
20 that information out as well which will be  
21 helpful.

22 MR. BROOKS: Thanks, Randy.

23 MR. BLANKINSHIP: Yes. And related to  
24 South Atlantic requirements for bycatch  
25 mitigation gears we're certainly open to  
26 discussion with what might be appropriate between  
27 programs. But I'm not off the top of my head  
28 familiar enough with the requirements under the  
29 South Atlantic to be able to speak to the  
30 applicability of that. But I take the suggestion  
31 though. Thank you.

32 MR. HEMILRIGHT: Hey can I have  
33 another question?

34 MR. BROOKS: Just quickly because I  
35 think we have Captain Johnson back in.

36 MR. HEMILRIGHT: These turtle classes  
37 are mandatory for a reason. And I just think it  
38 would be good if -- to know how to use the gear  
39 if you're not familiar with it. And it would be  
40 really good if we could also, like you talked  
41 about, maybe have some type of webinar instead of  
42 having to attend class. That would be a lot  
43 helpful at somebody's time. Like you had to go  
44 look at a video or do something for any updates.  
45 It would help us on the time and travel, and just  
46 giving a day up of volunteerism to participate.  
47 Thank you.

48 MR. BROOKS: Thanks, Dewey. It's a

1 good thought. Captain Johnson, are you back  
2 there now?

3 CAPT JOHNSON: Yes, sir. Can you hear  
4 me?

5 MR. BROOKS: I can. Welcome.

6 CAPT JOHNSON: Thank you. I have a  
7 couple of things to say. I think -- I've been a  
8 tuna boat captain, this is my 35th season. I've  
9 also been a longline captain for 15 years out of  
10 Honolulu.

11 The first thing I'd like to say is  
12 that we want this to work for everybody, not just  
13 the longline guys, not just the commercial guys,  
14 not just the weekenders, not just the tournament  
15 guys, but we want to see a solution obviously  
16 which is obviously very hard to do. We want to  
17 see it work for everybody.

18 And I'm for anybody that is involved  
19 in the industry, no matter if they've been here  
20 for a year or 2 years, or 10 years, or 50 years.  
21 And I want to make that clear that I'm not just  
22 commenting on what I do.

23 I was a commercial fisherman for 23 of  
24 those years. I did not charter at all. And it  
25 came to a point where we just couldn't make a  
26 living commercial fishing anymore. I went to  
27 school, got an architecture degree and got hooked  
28 on bluefin tuna fishing, and yellowfin fishing,  
29 bigeye fishing when I was 17 years old. Been  
30 doing this my whole life.

31 It's a business. It's how I support  
32 my family. It's how I feed my family. And we  
33 run hard. We run 7 days a week, 30 days a month.  
34 I'm very fortunate, very blessed to have a solid  
35 group of people that charter with me every year.  
36 We run 120 plus trips every year.

37 A lot of my customers are two and  
38 three-day trips. Not necessarily saying we're  
39 staying out overnight, but a lot of those guys,  
40 they fly in from Dallas, and Atlanta, and all  
41 over the country for that matter. They fish with  
42 me three or four days.

43 And for us to get the information that  
44 you're going to close down Tuesdays, Fridays, and  
45 Saturdays a week before the season opens is going  
46 to completely devastate my entire business. And  
47 it will not just mine, but most of all the  
48 charter captains.

1 I mean, I start booking and we do a  
2 thing for Christmas where people buy tuna trips  
3 for their husband, or their family. And by  
4 February or March I'm 40 percent booked. By the  
5 end of April I'm 80 percent booked. So I've got  
6 guys coming in from all over the country that  
7 have already bought plane tickets, already got  
8 reservations at motels. And they're spending a  
9 lot of money to come bluefin fishing. And now  
10 we're hearing that we can't harvest the fish on  
11 Tuesdays, Fridays, and Saturdays.

12 It's going to bankrupt us. Probably,  
13 you know, for the guys like me it's going to  
14 bankrupt us. It's going to literally put me out  
15 of business.

16 Even the fact that we figure out a way  
17 to catch and release those fish, it's just not  
18 the same. It just isn't.

19 I want to take care of our species as  
20 much as anybody. I want to take care of our  
21 ocean as much as anybody that's here today, I  
22 promise you that, I do. I care about it greatly.  
23 But it's going to be -- for us to get this  
24 information a week before the season starts, it's  
25 just going to be devastating. And not only to  
26 the charter boat guys and commercial guys, but to  
27 the communities up and down the coast that depend  
28 on this money. The hotel owners, and the  
29 restaurant owners, and -- I mean the chamber of  
30 commerce in Gloucester says that for every 100  
31 charters we bring to Gloucester, \$750,000 to the  
32 local economy. That's their math.

33 And if you add it up it makes sense.  
34 And I can go through that formula some other  
35 time, but it makes sense. And if you think about  
36 all these guys that are going to have to cancel  
37 these charters, I'm going to lose those guys that  
38 I've spent years building the relationship with.  
39 I'm going to lose those customers.

40 And yes, I'd rather lose some  
41 customers than devastate our bluefin population,  
42 but we all know that there's more bluefin  
43 swimming around right now than there's been in a  
44 long time. I mean, we all know that. I mean,  
45 the population is healthy.

46 The other thing that I'd like to say  
47 is that we're hearing the word on the street that  
48 the reason this is happening is to kind of

1 control the sale of the bluefin to help the price  
2 come up. And that couldn't be further from the  
3 truth.

4 I mean, that makes absolutely no  
5 common sense at all. If you don't fish on Friday  
6 and Saturday what's going to happen Sunday?  
7 Every single boat in the fleet that can make it  
8 to the grounds is going to be out there. And  
9 again, I'm not against weekend guys at all. I'm  
10 not against anybody, but there's a lot of folks  
11 who don't know how to properly take care of their  
12 fish. They get out one day a week, maybe two  
13 days a month, and that Sunday opens up and the  
14 whole entire fleet is sitting on the grounds, and  
15 we have so many fish come in on that Sunday that  
16 the price goes down. The fish aren't bled  
17 properly, they're towed in behind the boats, and  
18 it's just on and on and on.

19 If anything it drops the price of the  
20 quality bluefin. Here we are supposedly the  
21 Boston bluefin is the number one tuna in the  
22 world. And we're not getting the price of a  
23 yellowfin for our bluefin.

24 I have 50 some pieces last year. I  
25 can show you my average price. And I know how to  
26 take care of my fish. And my average price is  
27 less than \$5 a pound. You get \$2 fish because of  
28 the subpar quality and the gluttony in the  
29 market.

30 And it just doesn't make sense. I  
31 don't understand why we can't keep it simple and  
32 do one or two fish a day, and fish until the  
33 quota runs out, and when it runs out let us catch  
34 and release so we can still charter, feed our  
35 families, and then go back.

36 Now, I don't want to hurt the harpoon  
37 guys, but I can remember when you all were  
38 letting the harpoon guys get whatever they  
39 needed. They had a quota, let them meet it. I  
40 think we need to really reexamine the closure  
41 dates, and the economic impact it's going to have  
42 on our industry.

43 MR. BROOKS: Thanks, Captain Johnson.  
44 Appreciate it. All right. We've got about just  
45 a few minutes left here. I think there are two  
46 AP members who want to come back in. Jeff Oden  
47 and David Schalit. If we can -- we'll need to do  
48 this in no more than five minutes. So Jeff, I'll



1 let you take first bite for two minutes or so,  
2 then over to David Schalit.

3 MR. ODEN: I've got three topics I'd  
4 really like to touch. I don't see where time is  
5 that big a problem with us, but anyway, if it is.

6 With rebuilding bluefin population,  
7 this is the last comment on A13. Without a quota  
8 set-aside there is nothing but increasing the  
9 headwinds in our sails in our industry. I just  
10 can't understand, fathom how you all are  
11 excluding us in this process.

12 There's two other things I want to  
13 talk to. One, you all just touched on, protected  
14 species workshops.

15 The other day I was going to one. A  
16 friend not too long ago had to go all the way to  
17 Houston to one, fly there. But the one I went to  
18 the other day when I told a friend who worked at  
19 Newport News ship building, he refuels nuclear  
20 carriers, and his job is to prevent the next  
21 seagoing Chernobyl. He laughed when I told him  
22 we had to go every two years to this workshop.  
23 He said heck, five years maybe. I mean, so I  
24 just need to throw that out there. We are  
25 certainly the most sustainable fishery in the  
26 world.

27 And so my last comment was the  
28 Paperwork Reduction Act. And I did miss that  
29 yesterday. The IBQ cost recovery concerns me. I  
30 mean, we've got enough going on with log books.  
31 I've got four different log books and that's just  
32 in this fishery. The economic -- I've been asked  
33 four years in a row to do an economic survey  
34 which is supposed to be a 20 percent random  
35 sample.

36 And I don't know how I can be that  
37 unlucky, but four years running, seriously? And  
38 anyway, is there going to be additional paperwork  
39 with IBQ cost recovery if that comes down the  
40 road? That's a question. And that's all I  
41 really have.

42 MR. BROOKS: All right, thanks.  
43 Thanks, Jeff. Appreciate it. Before I hand it  
44 off to David Schalit for the last comment here  
45 I'll also -- just a comment from the chat. A  
46 comment from Rick Weber suggests perhaps Trophy  
47 lines should have odd years and even years.  
48 Moving the line to south of Ocean City would

1 likely deprive north Jersey of what was a good  
2 and successful season this year.

3 And then a comment from Anna Beckwith  
4 just regarding the online class. A comment is  
5 that it would make sense to wrap that requirement  
6 into the South Atlantic Fisheries Management  
7 Commission. Sorry, that just moved here.  
8 Otherwise she says it would stand now our number  
9 of permits would likely overwhelm the system for  
10 in-person classes.

11 So, and then another one just came in  
12 from Marty which I haven't digested yet so I  
13 think I'll let David Schalit make the last public  
14 comment and then I'll take a look at what Marty  
15 has in there in the chat. So David, over to you  
16 for the last comment.

17 MR. SCHALIT: Thanks. I wanted to say  
18 something about the Endangered Species Act and  
19 shortfin mako earlier but didn't have the chance.

20 The Endangered Species Act is a Nixon-  
21 era law in the United States, and it has nothing  
22 to do with any countries outside the United  
23 States. If an ESA listing will be based on a  
24 determination made by scientists, and they're  
25 going to be looking at the status of the stock,  
26 and making a determination using that criteria,  
27 scientific criteria, for determining this.

28 It's not going to be very successful.  
29 We're not going to be very successful arguing  
30 other elements other than scientific elements in  
31 this.

32 And I just want to remind everyone  
33 that Endangered Species Act may work quite well  
34 for the blue footed warbler that lives only in  
35 the Rocky Mountains. Some species that exist  
36 well within the United States, we might be able  
37 to bring that species back to a healthier state.

38 But the problem here is we're talking  
39 about shortfin mako whose critical habitat is the  
40 entirety of the North, Central, and South  
41 Atlantic Ocean including its adjacent seas. And  
42 the U.S. represents a very, very, very small  
43 amount of this mortality.

44 And as anyone knows who's involved  
45 with ICCAT the data on catches of shortfin mako  
46 from many other nations is on the order of, I  
47 don't know what you'd call brouhaha, bally-  
48 hopefully, and balderdash. They're essentially

1 saying they're not catching these fish, but it's  
2 virtually impossible that they couldn't be  
3 interacting with these fish because we know where  
4 they're fishing, and that's just not a  
5 possibility.

6 So Glenn's statement reminded me that  
7 really the United States taking a position on  
8 shortfin mako, determining that it is an  
9 endangered species will probably have little or  
10 no effect on the international community at  
11 ICCAT.

12 So it seems to me that we are entirely  
13 dependent upon the science. And to see this  
14 report that they're going to develop. But I  
15 wouldn't want anyone to be suffering from the  
16 notion that doing this, that for the U.S. to do  
17 this, for the U.S. to determine an endangered  
18 status for shortfin mako is anything other than a  
19 polemical statement coming from the U.S. when  
20 it's made in the international arena. Thanks.

21 MR. BROOKS: Okay. Thank you, David.  
22 All right. I think we are at the end of our day  
23 together today. I just want to remind folks that  
24 we will be starting tomorrow at 9 o'clock and  
25 invite you to sort of look in around 8:45 or so  
26 so we can just make sure everyone is connected,  
27 work out any tech issues in the morning.

28 We'll start with a report on the  
29 fisheries economic situation which I know HMS  
30 staff have been doing for a couple of times now.  
31 It seems to have some pretty important  
32 information in there.

33 There will be an update from  
34 leadership at 10:30, both Paul Doremus who's  
35 Acting AA for fisheries will be there as well as  
36 Sam Rauch who's deputy assistant administrator  
37 for regulatory programs.

38 Before lunch we'll have an update on  
39 the Deepwater Horizon Oceanic Fish Restoration  
40 Project, and then after lunch we'll come back  
41 with a law enforcement update, and then more  
42 public comment.

43 We will then be ending earlier  
44 tomorrow than the other days. So public comment  
45 will be at 2 o'clock, and we'll wrap up at 2:30  
46 and just remind people that on Friday there will  
47 be the HMS recreational roundtable. So that is  
48 the game plan going forward.

1 I think that's all I needed to hit  
2 right now. Randy or Pete, anything either one of  
3 you want to fold in before we sign off for the  
4 day here?

5 MR. BLANKINSHIP: Just to say thank  
6 you for another good day of discussion and input.  
7 Really appreciate everybody's time. Looking  
8 forward to tomorrow.

9 MR. BROOKS: Great. All right, well  
10 thanks, everybody. Thanks for hanging in there  
11 and we'll see you tomorrow bright and early.  
12 Appreciate it. Take care, bye.

13 (Whereupon, the above-entitled matter  
14 went off the record at 3:31 p.m.)  
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In the matter of: Recreational Roundtable

Before: US DOC/NOAA

Date: 05-26-21

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

*Neal R Gross*

-----  
Court Reporter

**NEAL R. GROSS**

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