

U.S. DEPARTMENT OF COMMERCE

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NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
(NOAA)

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HIGHLY MIGRATORY SPECIES ADVISORY PANEL MEETING

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WEDNESDAY
MAY 10, 2023

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The Panel met at the DoubleTree by Hilton Silver Spring, 8777 Georgia Avenue, Silver Spring, Maryland, at 9:00 a.m. EDT, Bennett Brooks, facilitating.

MEMBERS PRESENT

Academic Sector:

DEMIAN CHAPMAN, Mote Marine Lab
JEFF KNEEBONE, New England Aquarium
ZACH WHITENER, Gulf of Maine Research Institute

Commercial Sector:

CHARLIE BERGMANN
STEVEN GETTO, American Bluefin Tuna Association
JAMES HULL, Hull Seafood
MATT HUTH, Fresh Catch Seafood
AL MERCIER
CHINH NGUYEN, F/V St. Joseph & Peter
TIM PICKETT, Lindgren-Pitman, Inc.
GEORGE PURMONT
DAVID SCHALIT, American Bluefin Tuna Association
SCOTT VAETH

ALAN WEISS, Blue Water Fishing Tackle Co.

Environmental Sector:

JOHN BOHORQUEZ, The Ocean Foundation
 RAIMUNDO ESPINOZA, Concervación ConCiencia Inc.
 SONJA FORDHAM, Shark Advocates International
 JACKSON MARTINEZ, Environmental Defense Fund

Recreational Sector:

PETER CHAIBONGSAI, The Billfish Foundation
 WILLY GOLDSMITH, American Saltwater Guides
 Association
 MARTHA GUYAS, American Sportfishing Association
 EVAN HIPSLEY
 BOB HUMPHREY, Sport-Ventures Charters and Casco
 Bay Bluefin Bonanza
 ERIC JACOBSEN
 CHAD McINTYRE
 ROBERT NAVARRO, Fly Zone Fishing
 MICHAEL PIERDINOCK, CPF Charters "Perseverance";
 Recreational Fishing Alliance
 BRUCE POHLOT, International Game Fish
 Association
 MARK SAMPSON, Ocean City Charterboat Captains
 Association
 RICK WEBER, South Jersey Marina

Council Representatives:

TOM FRAZER, Gulf of Mexico Fishery Management
 Council
 DEWEY HEMILRIGHT, Mid-Atlantic Fishery
 Management Council
 MARCOS HANKE, Caribbean Fishery Management
 Council

State Representatives:

JASON ADRIANCE, Louisiana Department of Wildlife
 and Fisheries
 AMY DUKES, South Carolina Department of
 Natural Resources
 YAMITZA RODRIGUEZ FERRER, Puerto Rico
 DNER/Recreational and Sport Fisheries
 Division

GREG HINKS, New Jersey Department of
Environmental Protection

CHRISTINE KITTLE, Florida Fish and Wildlife
Conservation Commission

GREG SKOMAL, Massachusetts Marine Fisheries

PERRY TRIAL, Texas Parks and Wildlife Department

ABBY VAUGHN, Mississippi State University

ANGEL WILLEY, Maryland Department of Natural
Resources

ICCAT Advisory Committee:

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

NOAA NMFS STAFF PRESENT

RANDY BLANKINSHIP, Division Chief, Highly
Migratory Species Management Division

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

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

2 (9:00 a.m.)

3 MR. BROOKS: Good morning, everybody.

4 Welcome back to Day 2. Thank you for yesterday's
5 conversation. I thought it was a really good set of
6 conversations yesterday. For those of you that were
7 you not here, we covered the sort of usual HMS updates
8 that start these meetings.

9 We had an update from ICCAT, updates on
10 climate vulnerability assessments. We had one of
11 Brad's briefings on bluefin tuna. Looking back at
12 2022, thinking ahead for this year. We heard from Sam
13 Rauch. I had a good chance for a little back and
14 forth with him. And then had a long conversation with
15 Brian Hooker from BOEM. At the end of the day on
16 offshore whaling, which is always an important topic
17 here.

18 So before I talk about the game plan for
19 the AP meeting today, I think I'm going to hand it off
20 to you, Randy, for some updates you might have.

21 MR. BLANKENSHIP: Good morning, everybody.

22 It's good to see you again this morning, and for

1 others that have joined us in the room as well. I
2 wanted to just give a couple of quick announcements.
3 One is related to the ANPR for e-reporting, which is a
4 topic that we will be talking about tomorrow, that,
5 that ANPR is filing in the Federal Register today.
6 And so you will be getting an email on the HMS email
7 list coming out later today about that. So just a
8 heads up, the context about what that will contain.

9 Additionally, in the vein of my overview
10 presentation where I have several things that I
11 mention that are about like there's lots of things
12 happening outside of HMS that we give you heads up
13 about, one of those things that came out yesterday
14 that I would have put on that list had it come out in
15 time, I wanted to give you at least a quick heads up
16 about. This is related to Rice's whale in the
17 northwest Gulf of Mexico. And so it's relevant to any
18 recreational, commercial interest in that area.

19 The Gulf of Mexico Fishery Management
20 Council put out an email yesterday that some of you
21 may have seen if you're on their listserv that
22 announced that they have a petition for a speed limit

1 in the northwestern Gulf of Mexico for Rice's whale.
2 And they have a public comment period open right now
3 related to that. So I wanted to give a heads up.
4 That's a Gulf of Mexico Fishery Management Council
5 initiative, as well as the Southeast Regional Office
6 as well. So just for your awareness about that.

7 MR. BROOKS: Great. Thanks, Randy. So I
8 just want to briefly review the game plan for today.
9 So we'll --

10 MR. BLANKENSHIP: Sorry, a correction. I
11 think I said Northwest Gulf of Mexico. I Meant
12 Northeast Gulf of Mexico if I said it incorrectly.

13 MR. BROOKS: That is right. Okay. So
14 game plan for today, we will -- We'll start today off
15 with a couple of conversations that are shark-focused.
16 We'll talk about having Amendment 16, scoping
17 conversation around shark quotas and management.
18 We'll hear about CITES-approved shark proposals at
19 their November 2022 conference of parties.

20 After that, we will shift to Amendment 15
21 and be spending a lot of time on that important topic.
22 We'll break into two chunks. We'll have a

1 conversation first around the spatial management
2 aspects that are included in that -- in that
3 amendment. We'll have that be pretty much just
4 presentation before lunch just so folks really
5 understand what's in it. There's a lot in there.
6 It's pretty complicated and dense. And then we'll
7 also take clarifying questions if we can before lunch.

8 And if we need to push that into post-lunch, we'll do
9 that too. And then open up for a conversation and get
10 your feedback and any thoughts you have as we start
11 diving into that topic.

12 The second chunk will be to talk about
13 electronic monitoring aspects in A15. And again, that
14 will be a presentation, followed up by discussion.
15 And then we'll finish up the day with Deepwater
16 Horizon restoration update.

17 We will take morning and afternoon breaks
18 as always. Today, lunch will be from 12:30 to 2:00.
19 And again, if you've got phone calls you need to take,
20 that's where we ask you to kind of steer those calls,
21 so we can have your focus and attention during the
22 meeting itself. For any members of the public who are

1 here that will want to comment, we will have public
2 comment at 5 o'clock today. And we'll finish up the
3 AP meeting by 5:30.

4 But there is a special addition
5 conversation today from 6:00 to 7:00 p.m. We will
6 have an Amendment 15 informal Q and A. Let me just
7 emphasize, that's not an AP meeting. Of course, we'd
8 love the AP members to be here if that is of interest
9 to you. But it's really centered on providing an
10 opportunity for non-AP members to have sort of an
11 initial bite at 8:15 and ask questions, understand it.

12 And so, you know, we'll invite them in. We'll sort
13 of change the space to just sort of a more open
14 conversation. So again, encourage anyone in the room
15 who's not an AP member or on the phone and interested
16 in this, please join in. And for AP members, if you
17 know folks who might be interested, do let them know
18 as well.

19 And then just, I guess a reminder on a few
20 key ground rules for anyone, you know, who wasn't on
21 the call yesterday, just the usual. Contribute so we
22 hear from you, share time so we can hear from

1 everyone, ask questions of each other, of HMS so you
2 understand what the issues are, integrate
3 conversations, perspective you're hearing, and engage
4 respectfully. I will run the queue again to sort of
5 balance a few things in the room online, across the
6 sectors bringing in quieter voices. So bear with me
7 as I do that. Correct me if I don't seem to be doing
8 it right.

9 And just a reminder, discussion is around
10 the table -- the virtual table with AP members, except
11 for when it is public comment.

12 And we will continue to record these meetings, so
13 please just be aware of that. Any questions about
14 today? Any reflections from yesterday? Anything
15 anyone wants to talk about before we jump into the
16 conversations? Anybody online have anything? I'm
17 checking to see. I don't see any hands up.

18 Okay, then let's push ahead. We're way
19 ahead of schedule, which is good because I think we'll
20 use and need every minute we have today. So let's
21 hand it off to Guy to talk to us about Amendment 16.

22 MR. DUBECK: All right. Thanks, Bennett.

1 Yeah, so we're here to talk about sharks with
2 scoping, Amendment 16. So let's get it started.
3 Here's kind of the outline of the presentation. We'll
4 go through some background first and then go into the
5 different scoping options in the document, and then
6 talk about the request for comments.

7 So for background, I also just want to
8 point this out. It's kind of something we started
9 with Amendment 14. We use a lot of acronyms and I
10 just want to put this slide out there and kind of
11 remind people what we're really talking about and some
12 of the more important ones like the ABC or acceptable
13 biological catch. ACL -annual catch limit, OFL -
14 overfishing limit. And then total allowable catch.
15 So I just want to remind people of some of the
16 acronyms.

17 So yeah, so we finalized Amendment 14
18 earlier this year. In here, we have preferred
19 management options. The first one was to create a
20 tiered ABC control rule. In Amendment 14, we did say
21 we may phase in the ABC control rule for some stocks
22 in the future. The other one is we would allow

1 consideration of phase-in ABC control rules of any
2 modifications, whether we're going up and down.

3 Amendment 14, we also decided we're going
4 to actively manage all sectors, ACL's. And then
5 establish ACL Breach Management Group without
6 commercial quota linkages. We're also going to allow
7 carryover of underharvest of commercial quotas under
8 certain conditions. And then the last one, we're
9 going to compare the three year average of fishing
10 mortality estimates to the overfishing limit to
11 determine the overfishing status. So a lot of this,
12 again, there was the framework actions, operational
13 changes. And the result of this will be considered in
14 Amendment 16 and in any future rulemakings.

15 The other background thing that we've
16 considered with Amendment 14 is our final SHARE
17 document, which came out in March. This kind of was a
18 complete review of the shark fishery, looking at the
19 commercial, recreational, shark depredation, and other
20 factors affecting the fishery. Some of the potential
21 ways forward we can identify were to look at the
22 vessel permit structure. Maybe it's time to make some

1 changes to that.

2 Another big one that a lot of people have
3 been requesting on is for us to look at commercial
4 retention limits. Then we looked at maybe the
5 regional and subregional quotas should be revised and
6 also the recreational size limit and retention limits.

7 But beyond those things, one of the biggest things we
8 could identify was that we need to improve
9 communication and outreach within and outside the
10 shark fishery. And also communicate best practices
11 for commercial/recreational fisherman to mitigate
12 depredation events.

13 So we kind of looked at those two actions
14 of background. And on top of the other actions that
15 are affecting our fisheries between CITES and Shark
16 Fin Elimination Act, we kind of put all that together
17 and we kind of came up with the scoping documents for
18 us to consider moving forward.

19 So Amendment 16 came out, you know, just
20 released on Friday. So pretty much the objectives of
21 this action is kind of consistent with 14 and
22 scientific advice and establish the ABC's and ACL's

1 for non-prohibited shark species. We want to optimize
2 the ability of the commercial and recreational shark
3 fisheries that harvest the quotas. But also we want
4 to build in more management flexibility to kind of be
5 reactive to what's going on in the fishery and make
6 changes pretty quickly.

7 So one of the big things we got from
8 Amendment 14 was, you know, we decided to do the
9 tiered ABC control rule and a lot of comments were
10 like oh, this is great, but where do our stocks fall
11 within this? At that time, we weren't ready to
12 release where it's going to be, now here we go is kind
13 of where we're going to place all our stocks within
14 the Tier Control Rule.

15 So first one is Tier 1, so we've got the
16 data-rich stock assessments. We placed the Blacktip
17 in the Atlantic Region and the Smoothhound Atlantic
18 Region stocks into Tier 1. Tier 2 are more data
19 moderate stock assessment. So both of the stocks for
20 Atlantic Sharpnose, the Gulf of Mexico Blacktip, the
21 Finetooth, and Gulf of Mexico were in Tier 2.
22 Currently right now, we don't have any stocks in our

1 Tier 3, which is our data-limited stocks. The last
2 one, Tier 4, there's no stock assessment,
3 unfortunately the majority of our stocks are in this
4 tier for right now.

5 The other ones we have identified were the
6 ones under Rebuilding Plan, so those are the Blacknose
7 Atlantic, Sandbar, and then currently right now on the
8 Rebuilding Plan is the Scalloped hammerhead stock.
9 And then we have ICCAT Assessed and Pelagic Shark
10 stocks. As you can see kind of the red asterisk
11 there, I just want to point out you're currently
12 working on Hammerhead -- the Hammerhead assessment
13 with SEDAR 77. So once that's complete, we'll
14 probably more likely be moving the stocks through the
15 different tiers based on the results of that. But
16 also just want to make that in general. So once we
17 get more stock-sensitive information, we'll making
18 changes to the tiers and where the -- of where the
19 placement of the sharks within the tier process.

20 So I also put this slide out here, this
21 kind of -- for Amendment 14, we kind of created the
22 ACL framework. I wanted to remind everyone this is

1 what it looks like because we'll be referencing this
2 quite often. Some of the examples in the
3 presentation. So you have the OFL, the ABC control
4 limit, control to determine the ABC. Then we had the
5 management uncertainty. Again, that's kind of the
6 non-HMS mortality and the research mortality. And
7 then we have the overall ACL. And then we'll have
8 that split between the commercial and recreational
9 sectors that we'll be managing actively.

10 So in this document, we have a lot of
11 options, but I kind of slimmed it down here just to
12 this slide here for our presentation. So the first
13 one is kind of determining the number of years
14 appropriate for data. So going back to the slide here
15 where we're talking about the split between the
16 different sector ACL's. In the past, we've always
17 used all the catch data to determine that split
18 percentage. So how much the recreational sector would
19 get and how much the commercial sector would get.

20 Some other options we threw in the scoping
21 document was like well, what if we looked at more
22 recent catch history to kind of get a better sense of

1 what the fishery looks like now and potentially in the
2 near future, so looking at the past five to ten years.

3 We also look at eventually if we want to do more of a
4 flexible one and every so many years, reevaluate it.
5 So those are kind of the options we have for splitting
6 that ACL.

7 The other one is looking at the
8 implementation of the HMS Risk Policy for Tier 1 and
9 Tier 2 stocks. So historically, we have used it
10 different in the past. But mostly, we've been using
11 70 percent risk policy for the majority of our shark
12 stocks. If we have Tier 1 assessments, you know,
13 data-rich, have a lot of information, you know, the
14 concern is really low. Maybe we should consider using
15 different HMS risk policy, so looking at a 70, 60, or
16 50 percent risk policy. Something similar to the Tier
17 2 stock. So we have some options in the document for
18 us to consider for those different tiers.

19 So let's get into examples. So another
20 big comment from Amendment 14 was like okay, we put
21 all this framework action out here and all the
22 thoughts. We'll how does it impact myself and my

1 number, what the quota is going to look like, and how
2 could it impact us? So right now, we decided to do
3 examples of what the ABCs and resulting ACLs would be
4 for a stock for each one of the tier -- underneath
5 each one of the tiers.

6 The first one is the Atlantic Blacktip.
7 So the Southeast Science Center calculated what the
8 OFL was for this stock using all the catch data we
9 have. And we kind of used the 70 percent risk policy
10 for this example here, but also in the document we
11 have different percentages. As you see, we have the
12 OFL. And then after the risk policy and ABC control
13 rule, we determine what the ABC would be for the
14 Atlantic Stock. We took off, you know, management
15 buffer mortality to calculate what the ACL would be.

16 And then from there, based on using all
17 the catch data that was in the assessment, we
18 determined that 58 percent of the ACL there will go
19 towards the recreational sector. So that,
20 recreational sector quota would get roughly 50,000
21 sharks. Currently based on the past couple years of
22 landings, the recreational sector would be harvesting

1 about 89 percent of that number.

2 And then moving to the commercial sector,
3 once we took the discards off, we had commercial
4 quota. From there, the 136 metric tons based on
5 recent landings. The past couple years, the
6 commercial fishery would harvest about 38 percent of
7 that number.

8 So moving on to Blacktips in the Gulf. So
9 there's not typos in this. These numbers are right.
10 They might fluctuate based on what the different
11 mortalities would be. But this is the largest quota
12 we would ever manage for sharks right now.

13 So for the Gulf of Mexico Blacktip sharks,
14 we would phase in the ABC control rule for, as I
15 mentioned, for some stocks. For this example, we used
16 the OFL equals the ABC equals TAC from the assessment.

17 And again, in this example, we used the 70 percent
18 risk policy where we would have a potential ACL of
19 9,700 metric tons. Once we used all the information
20 and split the ACL, we'd give the recreational sector
21 about 470,000 sharks. And right now, based on current
22 landings, harvest -- they would harvest about 10

1 percent of that number.

2 Moving to the commercial fishery, that
3 commercial quota of potentially 7,500 metric tons or
4 16 million pounds. Currently right now, the
5 commercial fishery have only harvested about 2 percent
6 of that. But this again is such large numbers right
7 now.

8 So as I mentioned, there is no Tier 3
9 example for stock. So we're going to move on the Tier
10 4. So for Tier 4, again, these are stocks that
11 haven't been assessed. So in Amendment 14, we decided
12 we're going to use the scalars or the mean reference
13 period of catch to determine the OFL proxy to
14 calculate the ABC. The scalars or you know,
15 proxies as needed for the Tier 4 stocks would be under
16 two categories, whether they're productivity
17 attributes or accessibility of fishing pressure
18 attributes. So productivity attributes we're looking
19 at; age maturity, maximum age, reproductive cycle and
20 number of pups.

21 For accessibility of fishing pressure,
22 we're looking at post-release mortality rates,

1 percentage of landings within the management group.
2 So an example is the aggregate large coastal. Bull
3 sharks are within that, so we're looking at how much
4 of the landings of that Bull sharks are accounted for
5 within that. And then the other one is the overlap of
6 the range, the EFH range in the commercial fishery.
7 And I show a figure of that a little later and I'll
8 explain that in more detail.

9 So again, continuing with the Tier 4
10 example. Looking at the productivity attributes, for
11 age and mature, we thought based on the information we
12 have, the scale would be moderate. Maximum age would
13 be again a moderate scale. However, the reproductive
14 cycle and number of pups would be more of the lower
15 scale for productivity.

16 Accessibility to fishing pressure. So the
17 post-release mortality in the commercial fishery, we
18 determined that was more of a lower scale. The
19 recreational post-release mortality would be about a
20 moderate scale. Percentage of commercial landings
21 within the aggregate large coastal, the Bull sharks
22 account for about 30 percent of that. And we felt

1 that scale would be in the moderate level. The
2 recreational catch is more of a low scale. And then
3 the EFH -- the overlap of the EFH and commercial
4 fishery, we felt was more in the moderate scale.

5 So what we mean by this map is -- what we
6 did was we kind of looked at the footprint of the
7 commercial bottom longline fishery and overlaid that
8 with the Bull shark EFH so that, you know, we have the
9 commercial fishery in green and then the EFH in blue.

10 And then any overlap is in yellow in this figure.
11 And that accounts for about 60 percent. That overlap
12 accounts for about 60 percent of the EFH area.

13 So based on this information in the
14 document, we just came up with a scalar of 2 for the
15 Bull shark examples. So what we did was we determined
16 the mean reference period of catch for Bull sharks and
17 multiply that by scalar of 2 to determine what the AFL
18 proxy would be, which would be about 16,000 sharks.
19 We used all the information we had for this. And then
20 once we took the ABC control rule -- the 70 percent
21 risk policy, excuse me. And then we got the ABC. And
22 then we took the management buffer off the top and we

1 had an ACL of about 10,000 sharks.

2 Using again, all the information to split
3 the ACL into the different sectors, based on the
4 recreational harvest, about 4,800 sharks. The
5 recreational fishery is harvesting about 37 percent of
6 that. And the commercial fishery potential quota
7 could be 136 metric tons. And overall, the commercial
8 fisherman have been harvesting about 54 percent of
9 that. I also want to make note that this is for both
10 regions. It's not just Gulf or Atlantic, this is
11 combined because it hasn't been assessed from
12 different stocks. So this is combined for Bull
13 sharks.

14 So moving on to the rebuilding plan. So
15 again, this is -- Sandbar sharks is the one thing
16 we've been hearing a lot about for us to reevaluate
17 this quota and to look at it and potentially allow
18 fishing opportunities for other people outside of the
19 research fishery. So for this example here, we use
20 again the 70 percent risk policy. We had the OFL
21 equals ABC equals the TAC and assessment. Once we
22 determined the management buffer and dead discard

1 mortalities, we kind of figured out what the
2 recreational and commercial ACL would be.

3 I just want to point out even though there
4 is a recreational sector ACL, for Sandbar sharks has
5 been prohibited since 2008. Again, these are landings
6 that have been reported, either misidentified or
7 illegal landings that we can't account for in the
8 recreational sector. And then the commercial quota --
9 and right now, that commercial quota is only being
10 harvested in the shark research fishery. And they're
11 harvesting about 50 percent of that right now.

12 So moving onto the pelagic sharks. So one
13 thing we said in Amendment 14 is that, you know, we're
14 going to follow kind of the advice from ICCAT. And if
15 ICCAT does not give us advice on certain shark stocks,
16 we'll come up with different options on how to manage
17 these stocks.

18 In our document, we had a couple options
19 for the Blue sharks. Again, we kind of used Blue
20 sharks in this example here. The first one was kind
21 of either maintain the current quota and management
22 group for Blue sharks. And right now, you're talking

1 about a 237 metric ton quota that's rarely harvested
2 for that.

3 The other one would be to kind of
4 determine the Blue shark ACL based on reference period
5 of years. So example is something that was done with
6 the mako assessment looking at certain years. And
7 then basing those years of catch to kind of determine
8 what a new quota could be. That's something we do for
9 Blue sharks where we can look at the reference period
10 of catch and determine what a new ACL would be for
11 that stock.

12 The other one, the last one here is to
13 kind of implement the ICCAT recommended quota for Blue
14 sharks. Well, ICCAT has not recommended a quota for
15 Blue sharks. So under this option, there would be a
16 no quota for Blue sharks and we would remove a
17 commercial quota for that species. But also, I just
18 want to point out that ICCAT is assessing Blue sharks
19 this coming year. So some of the information that
20 comes out of that, we'll built into Amendment 16.

21 So after we talk about all the different
22 quotas for different shark stocks and once we kind of

1 figure all of those things out, we felt that it's time
2 to start looking at different options in the fishery.

3 So the first one we have here is the management group
4 structure. So a lot of these management groups were
5 established in the nineties and they're based on, you
6 know, what gear was used to target those species? And
7 over time, we've kind of just been pulling different
8 species out of these management groups based on the
9 stock assessment and the information we have.

10 So maybe it's time for us to kind of
11 create new management groups. So one of the options
12 is to kind of create individual ones based on the
13 assessed and combine all the unassessed ones together.

14 What do we do then for the unassessed ones, do we
15 want to create region-specific quotas for those
16 because each region's fish is quite different.

17 Another option is to kind of look at what
18 species are caught together. And then maybe create
19 certain management groups for those species caught
20 together. Examples, we've been hearing a lot about,
21 you know, the fisherman in Louisiana are catching a
22 lot of Bulls and Spinners and Blacktips. So we have a

1 Blacktip quota that can be 16 million pounds, then
2 maybe create a Bull/Spinner management group quota for
3 fisherman that are catching all of them together. So
4 just some options we have out there for people to
5 consider.

6 Speaking of kind of in the regions,
7 another thing we haven't looked at in a long time was
8 the Atlantic and Gulf of Mexico regional split. So
9 again, in the past when we had these splits between
10 the regions based on catch history. And we know that,
11 you know, the fishery has changed so much in the past
12 handful of years, that maybe it's time for us to
13 reevaluate that split between the two regions. Maybe
14 more recent, in the past five to ten years or do we
15 remove regional splits? Like in the example of the
16 Bull sharks where we have a Bull shark quota that's
17 for the Gulf and the Atlantic. And 136 metric tons
18 would be caught and whoever catches that.

19 Another one is looking at the Atlantic
20 Blacknose shark management boundary. So right now,
21 any fisherman north of 34 degrees or Wilmington, North
22 Carolina can't harvest Blacknose sharks. And we know

1 that sharks are migrating more north than they have in
2 the past. We've been hearing a lot of information
3 from North Carolina fisherman that they're catching a
4 lot, but they can't retain them. So maybe it's time
5 for us to kind of remove that boundary. And also
6 since we are removing quota linkages -- and that was
7 another reason why we put that in -- maybe it's time
8 for us to reevaluate and remove that boundary.

9 In the Gulf of Mexico, we have subregional
10 quotas. And that's something that we kind of put in
11 with Amendment 6 based on the different fishing habits
12 of, you know, fisherman in the Western Gulf and the
13 Eastern Gulf. So maybe it's time for us to reevaluate
14 this split. You know, we've established Amendment 6
15 in 2015. So maybe we kind of look at the catch
16 history from that point and reevaluate that split at a
17 different quota or maybe we remove the split.

18 I mean if we're talking about potentially
19 a Gulf Blacktip quota of 16 million pounds, why split
20 it? I mean, no one's right now going to catch that
21 many sharks. Or maybe remove it for other species too
22 like the Hammerheads. I mean, no one's catching the

1 Hammerheads for a variety of reasons. So maybe why
2 have that split? Or maybe create a flexible
3 subregional split for that.

4 The other one in this kind of group here
5 falls around the Caribbean. So we've been hearing a
6 lot from Marcos about how the shark fishery in the
7 Caribbean is very different and is very different from
8 what happens in the Atlantic and the Gulf. So maybe
9 we should start managing that fishery very differently
10 too. Because right now, any of the landings from that
11 region are counted towards from the Gulf of Mexico
12 quota. So maybe we should create a special -- I mean
13 not special, but a separate quota for those species
14 that are authorized to be landing and with some sort
15 of buffer to kind of get more information and gather
16 information of what's really going on down in that
17 area.

18 So that was all those options. So now
19 we're looking at our EFP and shark research fishery.
20 Again, those things haven't been looked at or revised
21 in quite a long time. You know, right know with -- if
22 we're going to be -- if you go back and remember the

1 ACL framework or the management buffer, we're taking
2 off the research mortality already, so why have a
3 separate quota of EFP and research and then counting
4 for the mortality twice?

5 So one of the options is to revise the
6 quotas. Maybe create EFP quotas for just prohibited
7 species. And also for the research fishery, maybe
8 change it based on what's currently being harvested by
9 the research participants. Or allow transferability
10 of that underutilized sandbar research quota to the
11 commercial and/or recreational fisherman. You know,
12 if we've gotten very low interest in the research
13 fishery -- this year, we only three applicants --
14 three permit holders -- maybe we should allow
15 retention outside the research fishery to fully
16 utilize all the quotas.

17 And the last one here is kind of revise
18 research fishery. We feel the research fishery is so
19 vital for us moving forward with data for stock
20 assessments that we don't want to get rid of it. But
21 we maybe need to kind of change our goals and
22 objectives of this. Maybe we change it where we

1 remove bycatch restrictions or reduce the mandatory
2 coverage rates in the research fishery or allow
3 retention of prohibited species to gather more
4 information on those, so eventually we could do a
5 stock assessment on them. So again, we don't want to
6 remove the research fishery. But I think at this time
7 and stage, we maybe need to revise how we look at it
8 and how it's run.

9 So after we kind of change quotas and
10 looking at different management groups, the other
11 biggest thing is looking at the commercial retention
12 limits. As we kind of pointed out in the SHARE
13 document, that some of the things that we can identify
14 need to be updated that haven't been changed in a long
15 time. So based on some of the numbers I threw out
16 here, I mean maybe we should revise those limits or
17 maybe not have a limit for some of our shark stocks.

18 I mean we've got a 16 million pound
19 Blacktip quota, why have a limit when the limits are
20 outside factors are pretty much going to be the limits
21 they're going to market and other things beyond the
22 fishery that are kind of limiting them right now. So

1 maybe we should increase retention limits so fisherman
2 can kind of maximize their trips. Or an option here
3 is to remove commercial retention limits for directed
4 permit holders. Like I said, the biggest driver in
5 the fishery have been the markets. I mean the markets
6 are driving and the dealers are telling the fisherman
7 what they can take in a week or what they should be
8 able to retain. So why for some of our stocks, be
9 another limiting factor on that with some retention
10 limits?

11 And then moving on to recreational
12 fisheries. So again, with the SHARE document, we can
13 identify some changes need to be made for this. You
14 know, we have 54 inches for majority of our shark
15 stocks. Again, that was something that was put in
16 place quite a few years ago and it's based on the size
17 and maturity of Sandbar sharks, which have been
18 prohibited in recreational fishery for a number of
19 years. So maybe it's time for us to kind of look at
20 the minimum size limits for some of our shark stocks.

21 Like look at the size maturity and appropriately put
22 those species.

1 Or change bag limits too, because if we
2 have very healthy stocks, maybe we can increase bag
3 limits for them. Or the other one is kind of remove
4 some of those restrictions. Like I said, you know, we
5 have a healthy Blacktip stocks in the Atlantic Gulf.
6 Maybe we can remove bag limits for some of those
7 species or size limits.

8 So just some options we're kind of
9 throwing out very broadly of everything for Amendment
10 16. So the biggest thing, I think for everyone here
11 is kind of the comments we need for how do we want to
12 tailor Amendment 16 moving forward. We are going to
13 be having public hearings in-person. We're having two
14 webinars at the beginning and the end of the comment
15 period. And then we're going to go to Louisiana,
16 Florid and Manteo in-person public hearings this time.

17 So please encourage and spread the word to people in
18 the area to kind of come to those public hearings.

19 So the timeline here is, you know we have
20 comment period through August 18th. Then we're going
21 to review public comments. And then in the coming
22 year, 2024, hoping to put a proposed rule out for

1 Amendment 16. However, we're going to wait for the
2 completion of SEDAR-77 for Hammerhead sharks to make
3 sure we can build that into Amendment 16 before moving
4 forward. And that's everything I have. So now we'll
5 gladly take any public comments or questions you have.

6 MR. BROOKS: Great. So we have plenty of
7 time to talk about this, almost an hour. What I'd
8 like to do is just let's start with some -- if we can
9 just start with some clarifying questions just so we
10 make sure folks understand what's happened. And then
11 we'll -- and then we'll, you know, open it up to, you
12 know, comments, reactions, thoughts. So clarifying
13 questions first.

14 I've got Sonja in the back. Sonja, do you
15 want to come up to the table? I'm going to just work
16 may way around again. Just clarifying questions and
17 then we'll dive into more specifics.

18 MS. FORDHAM: I want to save my diatribe.
19 Sonja Fordham, Shark Advocates International. My
20 clarifying question is just what you said about Blue
21 sharks and ICCAT and maybe we could avoid some
22 concern. But you said ICCAT hasn't put forward a

1 quota or something to that effect. I think you mean
2 ICCAT hasn't recommended an allocation or specific
3 quota for the U.S. So not to give the impression that
4 ICCAT doesn't have a limit, particularly on the EU for
5 Blue sharks.

6 MR. DUBECK: Right. There was no U.S.
7 limit for Blue sharks. But again -- Again, it's being
8 assessed this coming year. So then, some of those
9 things could change.

10 MR. BROOKS: I'm never calling on Peter
11 again. Rick was after Sonja.

12 MR. WEBER: That was for me. And this
13 truly is clarifying. Guy, would you walk me through
14 OFL versus ABC and what the gap is between them
15 please?

16 MR. DUBECK: Sure. Let me go back to --
17 use the sandbar example. Actually, here I'll go to
18 the -- There we go. So again, the scientific
19 uncertainty. So again, it's something we put in
20 Amendment 14 where we've used the Rolsten approach to
21 kind of figure out what that scientific certainty
22 would be for our shark stocks. So it's something we

1 haven't been able to calculate in the past.

2 So based on the assessment- Blacktip here,
3 we have the OFL, which is the overfishing limit, so
4 that's the top one. We have the risk policy of 70
5 percent. That's more risk policy of like potentially
6 causing the stock to be overfished or you know,
7 causing it to not be healthy anymore so that scientist
8 amount is we put that kind of amount, so 70 percent.
9 So we're taking the OFL and dividing that by 70
10 percent to get the ABC, so simple biological catch.

11 The management buffer are those things
12 kind of non-HMS mortality and resource mortality are
13 kind of in that management buffer. Again, those
14 things are, you know, non-HMS mortality, things
15 outside our control. And then research mortality is
16 things we don't want to limit for research purposes.
17 So that's taken off the top.

18 And what is left is the ACL. And then
19 from there, we've kind of used in the past -- using
20 all the available catch data in the commercial and
21 recreational fisheries to kind of determine what that
22 split is -- historical split. And that's where you've

1 got the different percentages between the two sectors.

2 And then the commercial sector, we have the
3 commercial sector ACL, but then once you remove the
4 commercial discards, what is left is commercial quota.

5 Did that help?

6 MR. WEBER: Yeah, it was really -- I was
7 up at the top between OFL and ABC and that is a buffer
8 you're leaving yourself for uncertainty. I suppose
9 without making a statement, but clarifying. If
10 species had different levels of uncertainty, would it
11 be appropriate to apply different risk policies to
12 different species based on their uncertainty?

13 MR. DUBECK: Yeah. So it's one of the
14 things we put in the document is that, you know, the
15 Blacktip shark in the Atlantic assessment, the most
16 recent one. And that's kind of our gold standard
17 right now. So we want all of them to be like that.
18 So then as you said in the different tier process, so
19 all the ones in Tier 1, scientific uncertainty would
20 be much smaller because we have all the data you can
21 probably think of for an assessment. And as you go
22 down the tier process, you're missing something. So

1 then those risk policies probably should be more
2 conservative potentially. So again, we threw in the
3 examples in the document to kind of give a sense of
4 what it could potentially be, but overall it could be
5 from a stock by stock basis within the tiers too.

6 MR. BROOKS: Thanks, Bob for clarifying
7 the question.

8 MR. HOOKER: You may have just answered
9 this one. I'm going to ask it anyway. On your Page
10 22 management group structure, are those options
11 intended to be mutually exclusive or could they be
12 applied different options in different areas or
13 different options to different stocks in the same
14 area?

15 MR. DUBECK: That's a possibility. Again,
16 we are just kind of very broad with these options.
17 But yeah, we could have slightly different in what's
18 in the Atlantic compared to the Gulf. Or it could be
19 based on stock by stock basis potentially, depending
20 on how uncertain the data is too. And what the quotas
21 look like too because if we're talking about grouping
22 a bunch of species together, then the quota might be

1 more than a limiting factor. It could be the smallest
2 amount.

3 MR. BROOKS: Jimmy.

4 MR. HULL: Yeah, thank you. I'll have a
5 lot of clarifying questions, I think as we go along.
6 But going back to the earlier slide, Slide 5, the last
7 bullet point. Compare a three year average of fishing
8 mortality estimates to the overfishing limit to
9 determine the overfishing status. Could you kind of
10 explain that to me better?

11 MR. DUBECK: Sure. It's something we put
12 in Amendment 14. So what we're doing is kind of
13 looking at all the fishing mortalities. We're looking
14 at the recreational mortality, commercial mortality,
15 dead discards and kind or comparing that to what the
16 ACL is. And if it's not been exceeded, we could
17 potentially change the stock status from overfishing
18 to occurring or not occurring. But overfished status
19 is something we're not going to change. That would
20 take an assessment to do.

21 But there were fishing statuses, similar
22 what the councils do is kind of change between

1 overfishing is occurring or not occurring based on the
2 fishing mortality. So an example is, I know we
3 chatted last night, like the Blacknose in the
4 Atlantic. Right? Overfished with other fishing
5 occurring. But since the mortality has stayed under
6 the quota, we could potentially change that status to
7 overfishing is not occurring.

8 MR. HULL: Got it, thank you.

9 MR. BROOKS: Marcos.

10 MR. HANKE: Just to make sure on the
11 management group, I understood your options. That's
12 applicable to the Caribbean too or we have just the
13 slide after that, that we have to give feedback too?

14 MR. DUBECK: It kind of depends because I
15 know the species that are authorized to retain in the
16 Caribbean is different than what's in the Atlantic and
17 Gulf. So it could be the same. It could be very
18 different because I know as I mentioned, the way the
19 fishery operates in the Atlantic, Gulf, and the
20 Caribbean is all three different. So it could be
21 mixed, different. So we're just kind of throwing it
22 out there.

1 MR. BROOKS: Thanks. I've got a couple
2 more clarifying questions on the room and then I'll go
3 online. Dewey.

4 MR. HEMILRIGHT: Yeah. Can you go to
5 Slide 13, I believe it is that had the Blacktip shark
6 in the Atlantic and where it had the percentage broke
7 down by -- Yeah. How did these percentages,
8 particularly to the recreational sector get arrived at
9 58 percent of the ACL? And was that based on MRIP?
10 And if so, what was the PSE's for that number?
11 Because to me, that seems like an awful high number.
12 And what year was chosen to arrive at them numbers?
13 So I guess it's kind of a three-part prong of how you
14 arrived at 58 percent of the ACL for the recreational
15 industry in the Atlantic. Thank you.

16 MR. DUBECK: Thanks, Dewey. Yeah. So
17 again, this is all information from this most recent
18 stock assessment. So I believe that stock had date
19 going to the 1980s to present -- to, I think, 2016 or
20 something like that or 17. So that was using all that
21 data over time to kind of figure out what that split
22 would be. And again, this is just using all that

1 data. As I mentioned, some of the other options could
2 be just looking at the more recent years.

3 And yeah, so for recreational data, it was
4 using MRIP. And I don't know what the PSEs are off
5 the top of my head. But again, it was all the data
6 that was from the assessment, reviewed by the stock
7 scientist and the data review shop. And if there was
8 any issues, they figured that out and used that --
9 those numbers. So it's not like we are just using the
10 most recent numbers that came out this year or last
11 year. These were the numbers from the assessment that
12 have been reviewed by everybody.

13 MR. BROOKS: Thanks. Let's go around the
14 corner here. Jeff.

15 MR. KNEEBONE: Awesome. Thanks, Guy.
16 That was a lot of information. Clarifying question on
17 Page 29 with the Bull shark example. I think you
18 passed it. It's the map of the EFH overlap with the
19 longline footprint. Great. So can you explain a
20 little bit more about how you got to the longline
21 footprint? Yeah, let's start there. Thanks.

22 MR. DUBECK: So, yeah. So it's kind of

1 looking at majority of where, I think it was like 95
2 percent of the commercial fishery operates. And
3 that's where kind of the green areas are. So the
4 majority of the shark fishery actually operates off of
5 North Carolina, a majority in Florida, and then
6 Louisiana and Alabama areas. That's where kind of the
7 green areas are. And that's from the bottom longline
8 shark fishery footprint. Yeah. I know there's other
9 areas with gillnets and longline, but we are just --
10 Since Bull sharks are mostly caught with bottom
11 longline, we use that kind of footprint.

12 MR. KNEEBONE: Okay. It's interesting.
13 It seems like some of the areas where there's bottom
14 longline fishing occurring is outside of the habitat
15 range of the Bull shark. In the Gulf of Mexico, I
16 think those -- some of those areas are over 7,000 feet
17 deep. It's curious. It seems like it's a colonial
18 distribution because you have a lot of fishing
19 activity occurring on land as well. So I'm just
20 curious to know more about how that -- how that
21 footprint is really derived because for this example,
22 it seems a bit larger than I would expect. So we can

1 follow up later, but I just wanted to make that point.

2 Thank you.

3 MR. BROOKS: Thanks. David, did I hop
4 over you?

5 MR. SCHALIT: Yeah. Just a clarification
6 also regarding Bull sharks. You stated that the --
7 that national fisheries assessment was for both the
8 Gulf and the Atlantic. And my question is -- Is that
9 correct or not?

10 MR. DUBECK: So for these numbers here.
11 This is what the retention of Bull sharks in the
12 Atlantic and Gulf could be. It hasn't been assessed.
13 That's why it's in Tier 4. However, you know, after
14 SEDAR-77 Hammerheads, that's on the list to
15 potentially be next for assessments.

16 MR. SCHALIT: Thank you.

17 MR. BROOKS: Thanks. Eric.

18 MR. JACOBSON: Thank you. Question on
19 slide 23 if you don't mind. When you create a
20 regional or subregional quotas, is that because
21 there's distinct subpopulations of those species
22 within that area or is it to distribute access?

1 MR. DUBECK: So a lot of the information
2 for our different stocks is based on the different
3 genetic differences. So you know, the Gulf has
4 different stocks and the Atlantic has others. Some of
5 them have not been assessed by different regions. So
6 that's why sometimes when I was mentioning having kind
7 of no regions and have one large quota like the Bull
8 sharks for the Gulf and the Atlantic. It hasn't been
9 assessed that way. They're going to give information
10 to what the separate stocks can handle.

11 MR. JACOBSON: And for management purposes
12 too because they have Hammerhead sharks.

13 MR. DUBECK: Yes. Yeah. Go ahead.
14 Sorry. I'm not going to read her mind.

15 MS. BREWSTER-GEISZ: Sorry. You're
16 usually so good at that. So we split between regions,
17 both because of stock assessment results, like
18 Blacktip. We have a stock in the Atlantic and we have
19 a stock in the Gulf. But then we also split from
20 management purposes, so Hammerhead sharks is split
21 between the Atlantic and the Gulf right now purely for
22 management purposes and not because there's genetic --

1 although the stock assessment may change all that.

2 MR. DUBECK: Thank you.

3 MR. BROOKS: Thanks. Willy.

4 MR. GOLDSMITH: Oh, no. Brutal.

5 PARTICIPANT: Make it a good one. You're
6 done.

7 MR. GOLDSMITH: That's it. No more
8 questions for me. Thank you, Gu for a comprehensive
9 presentation as always. The question on Slide 11 and
10 it kind of comes down to operationalizing that
11 recreational sector ACL. I know in a lot of our
12 council manage species, you typically see the rec ACL
13 then derived from that called the RHL or recreational
14 harvest limit. And it says here that all sorts of
15 direct mortality. And you had mentioned post-release
16 mortality as well. So I'm just kind of wondering at
17 what level post-release mortality is considered for
18 those rec limits. I know for at least several of the
19 species you mentioned, there are several studies on
20 those. I was wondering how that kind of gets baked
21 in. Thanks.

22 MR. DUBECK: Yeah. So, if we have

1 post-release mortality estimates for some of the
2 species, we plan to use those estimates or different
3 proxies too as examples. With Bull shark, you know,
4 we do have post-release mortality for those. But some
5 of the other non-assessed species, we don't. So we
6 maybe find appropriate either small coastal or large
7 coastal species that similar information that we could
8 probably use a proxy for those.

9 But again, we're still trying to figure
10 out how to actively manage all these things. So we're
11 kind of like throwing the numbers out there, what
12 people think. And then we're still trying to figure
13 out how we actively manage these things because once
14 you get to certain quotas and you're kind of limiting
15 certain user groups, then the management groups can
16 potentially change between having flexible size limits
17 or bag limits or retention limits for the commercial
18 fishery to kind of limit the fishery and ensure that
19 the quotas are not exceeded.

20 MR. BROOKS: Okay? You looked like you
21 were deeply pondering.

22 MR. GOLDSMITH: No, I'm thinking. I guess

1 so the question is, is could it be like kind of a
2 non-standard approach, depending on the species or the
3 species group? Is that kind of what you're saying
4 with that?

5 MR. DUBECK: Potentially. We're still
6 trying to figure that out for those. But again, we
7 wanted to create different sector ACLs to kind of
8 manage them differently and kind of then from there,
9 figure out what's more appropriate?

10 MR. BROOKS: Thanks. Mike and then go to
11 online where we've got a few hands up and then I'll
12 come back and catch you, Tom.

13 MR. PIERDINOCK: Thank you, Guy for your
14 presentation. Just to expand upon that just so I'm
15 clear. Like Willy's question, for all the different
16 tiers for the recreational sector, there will be an
17 assumption of discards. Correct?

18 MR. DUBECK: Yes.

19 MR. PIERDINOCK: Good. Okay. That clears
20 that up. Then the numbers for the recreational catch,
21 are they -- does that include the new MRIP numbers or
22 are we basing it on old ones? And I have a few other

1 questions as well.

2 MR. DUBECK: Yeah. I think that was --
3 Some of them were based on the new MRIP numbers, some
4 were based on kind of historically kind of getting the
5 Atlantic Blacktip one, this assessment just completed.

6 Looked again at catch history and looked at the
7 harvest there, but yeah. So in the future, we'll
8 probably be using the new MRIP numbers to kind of
9 figure this out.

10 MR. PIERDINOCK: If you'd go to Slide 13.

11

12 MR. DUBECK: Slide 13?

13 MR. PIERDINOCK: If you note, the rec is
14 based on the number of sharks and the commercial is
15 based on the weight. And this is where we run into
16 issues with such that the lack of length data for rec.

17 And are you catching 54 inch sharks? Are you
18 catching 100 inch sharks? And then there's an
19 assumption made. So in these cases because it appears
20 there's no length data, is there an assumption being
21 made based on the length that's then being used to
22 come up with that estimate, which is different than as

1 you can how the commercial sector is based on weight?

2 What's the assumption?

3 MR. DUBECK: Yeah, good question. I
4 should have clarified that. So in the future, we plan
5 to continue actively managing the recreational fishery
6 number of sharks and the commercial fishery in weight.

7 Since this assessment was completed in the
8 assessment, they had a number of sharks in weight for
9 the whole process. So they had the number of sharks
10 caught and the weight for that for both sectors. So
11 once we determine the ACL's, we already have the
12 number of sharks we're talking about. So it wasn't us
13 converting a weight -- a number to weight or vice
14 versa. It was already done in this assessment
15 process, so it's been reviewed that way. And I don't
16 know what the exact numbers were in that process, but
17 it was already calculated throughout -- through time
18 for this species going back to the 80s, 90s. So it
19 was calculated both ways.

20 MR. PIERDINOCK: And one last thing. As
21 has been noted, you're either taking all years, five
22 years, or ten years to come up with averages across

1 that period of time for rec or commercial. Is the
2 flexibility going to remain to be able to take all or
3 five or ten or is there going to be set -- part of
4 this process, it will only be five, only ten, or an
5 average?

6 MR. DUBECK: It's a possibility. So we
7 could make it very -- set it for all catch information
8 and then reevaluate every three to five years based on
9 more recent years. Or we can look at the past ten
10 years of kind of like what the fishery is operating
11 now. And then continually have a potentially rolling
12 percentage based on what the fishery operates. But
13 again, nothing is set in stone. We're kind of looking
14 for options and thoughts. I mean like that kind of
15 rolling average potentially. We kind of continually
16 the things and see what's kind of operating and how
17 the fishery operates now. Because based on some
18 external factors, the fishery -- the commercial
19 fishery could drop even more. So then we have all
20 this quota sitting in the commercial fishery that the
21 rec guys can't potentially catch or have opportunities
22 for. We don't want to stop retention or opportunities

1 for fisherman if things change.

2 MR. PIERDINOCK: I'm sorry. Just one more
3 last thing. Now does this also provide the ability
4 that if you have your ACL for the commercial and rec,
5 and let's say the rec is way under or the commercial
6 is way under and runs over that you have the ability
7 then to look at the ACL and share among the two as
8 long as the ACL is not exceeded?

9 MR. DUBECK: Yeah, potentially. So we're
10 -- similar to what we kind of do with our commercial
11 quotas in the Gulf where we have the regional splits.

12 But if one, you know, one sub-region is below and the
13 other one is over, as long as the combined is not
14 exceeding the commercial overall quota, we're good.
15 But if we have, you know, if the ACL is exceeded, we
16 will take, you know, management measures to ensure
17 that is reduced and not continue to be that way.

18 And I'm just throwing this out here,
19 depending on which sector ACL exceeds it or caused
20 that issue, we might then have management measures in
21 those sectors, you know, talk about size limits. You
22 know, if we had like a -- you know, if we reduced the

1 size limit based on size maturity for a certain stock,
2 then we may increase it to something larger to cut
3 down the number of sharks being caught or bag limits
4 and things like that. So similarly, when we do
5 commercial fishery, we have range where we can kind of
6 go over 55 to 36, down to zero.

7 MR. BROOKS: Great. We're coming up on 10
8 o'clock. Let's take a couple more clarifying and then
9 I want to open it up so we can start getting into the
10 -- into sort of what's on your mind on this. Let's go
11 online. Jason, I saw your comment that you want to,
12 you know, fold in for a comment, so I will hop over
13 you and let's go Alan, Christine, and then Mark online
14 for any clarifying questions. Alan Weiss, open up for
15 you.

16 MR. WEISS: Thanks, Bennett. Can you hear
17 me okay?

18 MR. BROOKS: Yes. We have changed the
19 sound in the room.

20 MR. WEISS: Can you hear me now?

21 MS. BREWSTER-GEISZ: Yes.

22 MR. BROOKS: Yes. We can, Alan.

1 MR. WEISS: Can you hear me now? Okay,
2 thank you. If you'd go to Slide 21 please. What's
3 listed as Option D2. Is that what you'd describe
4 about using proxies involving historic catches?

5 MR. DUBECK: Yes. We can use different --
6 Sorry. Yes, we can different reference here is a
7 catch to kind of come up with an ACL that would be
8 more appropriate to what's kind of going on now.

9 MR. WEISS: My question then is under that
10 scenario, Blue sharks are different from a lot of the
11 other sharks when you're talking about Blacktips or
12 Sandbars. People are not trying to catch the Blue
13 sharks. For the most part, fisherman are trying to
14 avoid them. So how does the process of using
15 historical catches as a proxy for the biological
16 reference points change under a scenario where the
17 fishery is trying to avoid the species versus other
18 species where the fishery is trying to catch the
19 species?

20 MR. DUBECK: Yeah. So that again goes
21 back to how we may do this on a stock by stock basis.
22 We can have it slightly different for each one.

1 Within this one, yes. Blue sharks are not actively
2 targeted and retained, but we would take that into
3 consideration when we come up with using different
4 years of catch to determine what the ACL would be.

5 MR. BROOKS: Thanks. Let's go to
6 Christine.

7 MS. KITTLE: Yes. Mine's kind of to piggy
8 back off of kind of data and monitoring the
9 recreational ACL. Is there discussion of adding an
10 additional buffer to that because of the variability
11 in MRIP or how is the recreational ACL going to be
12 managed inland?

13 MR. DUBECK: Yeah. So we're still trying
14 to figure out some of the -- how we're going to
15 actively manage them with exact details. However with
16 this, some of the uncertainty would probably be
17 potentially built into the management buffer and some
18 of the scientific uncertainties when calculating those
19 numbers too. So some of that would be built in with
20 that too.

21 MR. BROOKS: Thanks. Mark Sampson.

22 MR. SAMPSON: Yes, good morning. Yeah,

1 just I had a question about the suggestion that the
2 Sandbar shark research fishery, that the quota -- that
3 because the quota apparently is not being caught, that
4 it might be considered or you all might consider
5 opening it up somewhat to the recreational fishery or
6 other sectors or whatever. Anyway, I was under the
7 understanding that the Sandbar shark research fishery
8 came about because you all wanted to sort of monitor
9 the recovery of the sandbars, so that fishery was set
10 up under certain parameters to develop, you know, an
11 avenue for the research on the recovery.

12 Anyway, it just -- I'm just wondering in
13 the presentation, it sounded more like there's a
14 sandbar quota that's not being caught, so what can we
15 do to help catch that quota as opposed to how can we
16 use that quota to develop the research we need to
17 monitor the sandbar progress? I don't know if I am
18 clear on that. I guess what I'm asking there again is
19 it truly your research quota or is it just the quota
20 to be caught?

21 MR. BROOKS: Thanks, Mark.

22 MR. DUBECK: Yeah. So that's something

1 we're considering. Again, if the quota's not being
2 fully utilized and we have the restrictions of being
3 in the research fishery and under the certain
4 restrictions and within the research fishery is not
5 being utilized, there's opportunities for other
6 fisherman to utilize that quota. Yes, it was
7 established for research purposes for the stock. The
8 stock has improved over time.

9 And yes, I hear your concerns and some of
10 the concerns we have with potentially allowing Sandbar
11 sharks outside the research fishery and also in the
12 recreational fishery because of how that species looks
13 very similar to so many other shark species. And some
14 prohibited like Dusky sharks and the concerns of
15 allowing it -- just letting some recreational
16 fisherman out there harvesting those. However, maybe
17 there's some sort of possible research purposes to
18 continue maybe with recreational fishery. Again,
19 we're just kind of throwing these options out there of
20 what we'd like to see in the -- you know, potentially
21 see in the future. But we're open to any kind of
22 suggestions and options too.

1 MR. BROOKS: Thanks. Let's bring it back
2 into the room and then we'll open for discussion. So
3 Tom, you'll get the last clarifying question here.

4 MR. FRAZER: Great. Thank you, Guy. So
5 if we can go back to Slides 13 and 14. Yeah. I mean
6 so the ABC's, the ACL's, and the quotas were given and
7 I appreciate that. But you gave the landings data
8 verbally and I was just curious whether or not --
9 anyway, I didn't see it in the amendment. If we were
10 go to the amendment, would we be able to see the ACL's
11 and the quota and the landings data for some period of
12 time for each of those species that are not
13 prohibited?

14 MR. DUBECK: So for this one here in the
15 document, we put in an example of what the -- under
16 each one, the scientific uncertainty options, what the
17 potential quotas would be. And then we just kind of
18 looked at again, data we have from say the SAFE
19 report. Looked at like what the commercial harvest
20 was in the past couple years and what the average was
21 and what the potential quota harvest could potentially
22 be. You know, again it's -- with the data we use from

1 the SAFE report. So it wasn't like we're -- we didn't
2 go into details of like here's what the exact landings
3 were in the document. We were just kind of generally
4 saying like in the past, this is what the potential
5 harvest would be.

6 MR. FRAZER: Got it, thanks. Real quick
7 and if I might, if you go to the next slide on 14, so
8 that's specific to the Gulf. And you gave, again
9 verbally the catch data related to the commercial
10 sector ACL and the rec sector ACL. The way that I
11 heard it was like 10 percent and 2 percent or 2
12 percent and 10 percent.

13 MR. DUBECK: So it would be, the
14 recreational sector would have -- could harvest -- has
15 been harvesting about 10 percent of the recreational
16 sector and about 2 percent of the commercial sector.
17 Again, those were based on what the current quotas
18 are. This is now, we're expanding and I don't know
19 what the multitude of it, but we're talking about
20 going from 700 -- for the commercial, 700,000 pound
21 quota to 16 million. So totally different, so yes.

22 MR. BROOKS: Great. Thanks all very much.

1 Lots of good clarifying questions there. So a lot in
2 the presentation, a lot of ideas put on the table.
3 They are put out there for you to react to lots of
4 different ways that the Agency could take this
5 amendment process. And so the question to you all is,
6 you know, where do you see the need? What's the
7 appetite for some changes? Is there anything that
8 actually wasn't already on the list of ideas that, you
9 know, Guy has put out there? Hard to imagine, but
10 there might be. Are there other things you want HMS
11 to be considering as it steps into this? So open it
12 up for any feedback, conversation folks have, anything
13 you want Guy and Karyl and the team to start thinking
14 about at this point, recognizing there's hearings to
15 come.

16 So I'm going to start online because Jason
17 had the very first hand up. And then we'll bring it
18 back into the room. And I see you, Sonja. We'll get
19 you. All right, so let's -- if we can open it up.
20 Jason.

21 MR. ADRIANCE: Thank you. Good morning.
22 Thanks for the presentation, Guy. My first comment,

1 which might be disguised as a question starts on this
2 slide actually. So on this slide, you're noting the
3 OFL and ABC come from the stock assessment. My
4 assumption would be that those -- that, that stock
5 assessment had discards incorporated into it. And if
6 that's the case, that would have been present in those
7 numbers that then result in what you have down here as
8 an ACL. So taking our commercial discards later on
9 might be a little bit of double counting, but that
10 might be something to look into if your stock
11 assessment is already accounting for discards. You
12 may not need to discount discards later on down the
13 road.

14 So second comment relates to management --
15 or actually catch history and some of those stocks --
16 like three of four stocks. In particular, Bull sharks
17 in the Gulf of Mexico. So that catch history has kind
18 of been constrained over time based on management and
19 those aggregated large coastals have some species,
20 Hammerheads in particular.

21 So when looking at some of these shark
22 species, availability and productivity may not

1 necessarily be born out in what the catch history is.

2 The catch history may be lower than what could be
3 taken or it might be higher in some cases. But the
4 management of these species over the last decade or
5 two is going to heavily influence that catch history
6 if that's a metric that's being used.

7 In terms of sub-regional splits in the
8 Gulf of Mexico, I think in light of Gulf of Mexico
9 Blacktip and then potentially what might come out of a
10 Bull shark assessment, I think it's a possibility that
11 it might be time to get rid of that sub-regional split
12 and it may not be necessary.

13 And the size and bag limits, I think those
14 are things that definitely to be looked at too in
15 terms of, on the recreational side, especially in the
16 Gulf of Mexico when it comes to Blacktips and possibly
17 Bull sharks. That's about all I have for now. I'll
18 leave it at that. Thanks.

19 MR. BROOKS: Thank you. Christina, I
20 don't know if your hand is left over or if you want to
21 come in for a comment. Okay. I'm going to assume
22 that was left over. Let's come into the room. Greg.

1 MR. HINKS: Thanks, Guy. I just wanted to
2 clarify on slide 27, the options for the recreational
3 fishery changes. First, is L2 referring to a possible
4 revision of a single size limit for all authorized
5 species or possibly suggesting multiple size limits
6 among those species?

7 MR. DUBECK: Kind of open neither because
8 again, 54 inches was based on Sandbar sharks and size
9 maturity. For some of these other species is much
10 smaller, some much larger. So some of the options
11 could be to kind of bend some of the larger ones
12 together and make -- so maybe making Hammerheads,
13 Bulls, Tigers, you know, making that 70 inches for all
14 them combined or making it more specie-specific. And
15 I know this may complicate some of the recreational
16 regulations, but I think it hasn't been complicated
17 for a long time. So it's kind of like do you want to
18 maximize retention on some of these species, maybe
19 it's time to potentially have more complications and
20 individual species limits too.

21 MR. HINKS: Great. It sounds like you
22 identified my concern then. It is the concern of

1 distinguishing very similar species, especially for
2 someone who's not seen some of these sharks on a
3 regular basis. So again, I would still caution
4 against different size limits among different species
5 of sharks that are of very similar morphologies.

6 MR. DUBECK: Right. To your point, maybe
7 have a Blacktip/Spinner size limit together would be
8 more ideal, especially since most people can't tell
9 the difference.

10 MR. HINKS: Yeah. I'm not implying that
11 necessarily. But yeah, I think something like that
12 might be more appropriate, bringing those size limits
13 among groups of similar morphologies, yes.

14 MR. BROOKS: Thanks. Let's go to Jimmy
15 and then over to Sonja.

16 MR. HULL: Thank you, Guy for the
17 presentation and thanks for the opportunity with
18 Amendment 16 to possibly reinvent and rebuild our
19 commercial shark fisheries. It's pretty exciting to
20 see some of these options. They're in the right
21 direction. I agree with most of the objectives in the
22 science-based tiers that you proposed. I believe

1 that's definitely the way to go. Based on the science,
2 I also agree that with the tiers that have accepted
3 science, we do need to reduce the risk, especially
4 when you look at the landings that you're saying that
5 most species -- I think I heard the highest landings
6 was 50 percent under the current ACL's. And with
7 these increased ACL's, I mean, we can reduce the risk
8 and provide opportunities for people to get back into
9 the fishery in some form.

10 The management group structure options, in
11 particular E4 I liked because when I target sharks, I
12 do catch certain sharks on the same set generally.
13 And to manage in these type of group structures would
14 be preferable. As far as the regional areas, I would
15 recommend the elimination of the 34 degree line for
16 Blacknose and open that up to the fisherman to the
17 north also to try to utilize that species. I think
18 we're catching -- On the Blacknose, we're catching a
19 small, small percentage of the quota for the last
20 several years.

21 In a general, you know, I've developed a
22 small coastal Blacktip fishery in my area for meat and

1 it's been very successful. And this is just in the
2 last ten years. And I hope that this can continue and
3 possibly it can expand to the local food markets up
4 and down the coast similar to what I have. I think
5 there's a real opportunity there. So pretty much,
6 that's what I wanted to say to begin with. And as we
7 dig in, I really think you're heading in the right
8 direction and I like what I see. It's exciting.

9 Thank you.

10 MR. BROOKS: Thanks, Jimmy. Sonja.

11 MS. FORDHAM: Thank you. Sonja Fordham,
12 Shark Advocates International. Thank you for the
13 presentation. It's really an impressive,
14 comprehensive presentation representing clearly a lot
15 of work. So thank you for that. Thank you for
16 running through it for us. It's a lot also to
17 consider, so basically I'm going to spend some time
18 reviewing it and provide comments in writing.

19 But I had a few things to say in the
20 meantime. And before this presentation, I was
21 basically going to say that -- just again, say that I
22 was impressed by the effort and intrigued by the

1 possibilities of being able to refine the management,
2 therefore improve it and reduce some concerns
3 expressed around the table. At the same time, I think
4 one of the things that jumped out at me is real
5 concern that the risk policy for sharks would dip
6 below 70 percent. And as you probably know, my
7 community sees 70 percent as a minimum, not a maximum
8 for risk based on the life history and things that you
9 know about sharks. So we wouldn't think lowering that
10 would be sufficiently precautionary for these types of
11 species.

12 After the presentation, I do have to add
13 just an objection to doing away with limits. Saying
14 that maybe we should have no limits. That's something
15 I would not like to see. And then voice a concern in
16 general similar to one that a lot of us in the
17 conservation community had about the SHARE report.
18 That it tended to address exploitation over
19 conservation pretty strongly.

20 So it might seem subtle, but I noticed
21 that most, if not all of your objections about
22 flexibility had to do with relaxing restrictions and

1 not leaving any -- there were no examples of well, in
2 this case, maybe there's a possibility that a measure
3 might need to be strengthened. So I think that the
4 flexibility needs to be able to go both ways. And
5 again, might be subtle, but if you could amend that a
6 bit for the webinars, I think that would be helpful
7 for the broader public to know that it's not all about
8 relaxation.

9 And then last, again, it's an impressive
10 effort showing a lot of creativity to address the
11 concerns that have been expressed to you. I will just
12 try to wedge in here that a lot of us would like to
13 see that kind of creativity dedicated to addressing
14 growing concern for the lack of assessment and the
15 outdated excessive catch limits for Common Thresher
16 sharks. And sort of leaving it all up to ICCAT is not
17 sitting well with a lot of us, so we'd love some
18 creativity there in how to get them assessed. There
19 is as you know, a coastal component to that
20 population. And we're increasingly concerned and it's
21 an increasing priority for the environmental
22 community. Thank you very much.

1 MR. BROOKS: Thank you. Scott.

2 MR. VAETH: Thank you. Yeah, the few
3 things that I see, you know, keeping the regions the
4 same, instead of splitting them up, I think you all
5 have been doing a good job on transferring quota when
6 it needs to be transferred back and forth. So I don't
7 think that needs to be touched at all.

8 The different limits on Blacktips, I could
9 definitely see a higher trip limit, even up to no trip
10 limits. I mean there's a -- there's a huge market in
11 the Blacktip meat between South America, Mexico,
12 Canada, which the higher the trip limits, the more
13 money the vessels can make. Because the trip limit
14 now of 55 fish, if you go out and try to catch 55
15 Blacktips, there's just not enough money into it with
16 a vessel as large as mine.

17 But the large coastal sharks, you could up
18 the trip limit a little bit, but I wouldn't say to go
19 wide open with that. While we're exploring -- myself,
20 I'm exploring new markets. And you know, a few extra
21 fish would help a lot. But opening it wide open, I
22 think that would actually cause a disaster. There

1 would be way too many fish being caught. But other
2 than that, those are my main concerns of what I've
3 seen up there today, so thank you.

4 MR. BROOKS: Great. Thanks, Scott. Rick.

5
6 MR. WEBER: Guy, I want to understand risk
7 policy one more time. Sonja talked about you
8 decreasing risk policy and seeing numbers. But if I
9 am understanding the way you do the math, the lower
10 the number, the higher the avoidance. So 70 is the
11 allocation that you allow, therefore it is a 30
12 percent caution in which case -- all right, that's
13 what I thought.

14 I'm just going to run through them for you
15 and give you everything I've got here. A, I think
16 you need an A 1-1/2. While I can understand not going
17 back to the full history, the world changes too much,
18 too rapidly. In ten years, perhaps you're missing a
19 25 or 30 year option that would let you get rid of the
20 way back, yet still really capture the world where it
21 is and give you enough time to look further back.

22 B, I think is fine where it is. B,C, D,

1 my comments here are predictable. Do not get ahead of
2 ICCAT. If ICCAT does not have a limit, we should not
3 have a limit. That is an internationally managed
4 fishery, which is competitive internationally by
5 nature. Why would we handicap our nation
6 unnecessarily if it is being managed and other nations
7 are prosecuting that fishery? I agree that we don't
8 have much of a Blue shark fishery. But when you
9 compare our nonexistent Blue shark fishery to 35,000
10 tons in the EU, why would we limit ourselves at all?
11 You know, follow ICCAT. That will continue to be --
12 you know, when we get to ICCAT species, I'm going to
13 say the same thing again and again.

14 E, this will be a recurring theme.
15 There's a lot of good news in this report to, Sonja's
16 word, exploit or to take advantage of where good news
17 happens, we need more species-specific or at least
18 look-alike specific limits. You know, if we have
19 Dusky Sandbar concern and we can't fully release Dusky
20 -- you can't fully release it. But where we can take
21 advantage of good news, let's do more
22 species-specific. Let's stop talking about sharks as

1 the broad category of sharks. Let's look at them as
2 the individuals that they are with their varying life
3 histories and various statuses and allow prosecution
4 of fisheries where it is permissible, rather than
5 talking about sharks are special. Some of them need
6 protection. Some of them have taken advantage of the
7 protection we've offered. And where we can let people
8 prosecute, let's do so.

9 F, I said -- follow catch history, but I
10 wouldn't necessarily specify a timeline. I think you
11 should keep track of how a fishery shifts and whether
12 the allocations are still appropriate. But I think if
13 you set yourself to a fixed timeline, it is
14 exploitable against you. You know, people will shift
15 to know that, that line is coming. But do I think you
16 should monitor for it? Absolutely.

17 G, I don't know why we would have a
18 boundary on a healthy fishery. H, no opinion. I,
19 once again, down in the Caribbean, I don't like
20 setting up a Caribbean fishery if that fish -- look at
21 the life history. If that fish is as we are here,
22 highly migratory and it is being shared across

1 regions, then the Caribbean can't have their own. But
2 if you find a stocker population that is resident
3 within the Caribbean, then they should have their own.

4 The theme is recurring. Look at each fish as a fish,
5 rather than trying to throw a policy at the whole
6 group.

7 J1, J3, you know, I think you guys have
8 been doing fine. But I would again, in the name of
9 full exploitation, if you're sitting on an internal
10 quota that can be released by transfer, why wouldn't
11 you if the industry needs it? So you should allow
12 yourself the prerogative to release scientific quota
13 to fisheries if it appears you're not going to need
14 it.

15 K and L, you know, just I came back again
16 to more specie-specific is always -- is always better.

17 You know? So that's what I've got for you there. I
18 feel like there was one other followup. Oh,
19 yeah. Following up, I don't understand and I will let
20 you clarify on this and I may come back, depending on
21 his answer. I don't understand an allocation that is
22 sometimes in individuals and sometimes in tons when

1 all of the math goes to tons. Now you sort of
2 challenged me, so I went and did the math. In the
3 Atlantic, you're talking about an 8-1/2 pound
4 Blacktip. If we divide the recreational tonnage by
5 the individuals, you're talking about an 8-1/2 pound
6 Blacktip. And in the Gulf, you're talking about a
7 10.3 pound Blacktip. That seems unusually small. And
8 if we actually caught the individuals that in theory
9 we are allowed, it feels like we'll be over tonnage.

10 MR. DUBECK: Yeah. So in the document --

11 MR. BROOKS: I just want to -- just for
12 timing, I just want to note we have only five minutes
13 left and about four or five people who still want to
14 get in.

15 MR. DUBECK: So yeah, in the document, I
16 do break it down to here's what the metric tons and
17 number of sharks are and go through the math. In the
18 diagram here, we just simplified it. So we chat
19 offline a little bit more about it.

20 MR. BROOKS: Thank you. Let's go to Mike,
21 Marcos, Dewey, Matt, and then I'm going to check back
22 online to see if Christine has something. And again,

1 we've got about five minutes left.

2 MR. PIERDINOCK: Thank you. I'll give you
3 the short version as far as what Rick said concerning
4 ICCAT. You know, let's not get ahead of ICCAT and I
5 just won't repeat that. I agree with what he said. I
6 would like us to be provided the flexibility with the
7 ACL of looking all years, five years, ten years. To
8 look at that to what would be fair and equitable to
9 commercial and recreational. Especially if you're
10 looking at five years, there may be conservation
11 measures that were implemented that then has a
12 significant reduction on both user types or sectors
13 that then isn't reflected appropriately in what the
14 allocation should be between the two.

15 So I'd like that flexibility to remain.
16 I'm happy to see that the discards will be included
17 within the recreational sector in each ACL and for
18 each tiered approach. The issue versus length and
19 weight is an issue with many species that are managed,
20 you know, by different councils and so on. So the
21 difficulty of that is if we have a 54 inch Mako, we
22 implement conservation measures and we're going to

1 catch other 54 inch Makos now, in three or four years
2 from now, they're all 100 inches. Then the numbers
3 aren't reflected of that change in weight.

4 So needs to have food for thought to look
5 at that and how that could be addressed to be
6 reflective of what is really being caught because it
7 could hurt one side or the other or the recording of
8 what actually is being caught. And is the reason for
9 the need for length information with many species we
10 deal with up and down the coast.

11 The risk policy at 70 percent, you need to
12 take into consideration with change in temperatures
13 and climate change and so on, we're encountering more
14 situations. What we see on the water is inconsistent
15 with the stock assessments. And there's some
16 consideration that possibly that ABC could be revised
17 accordingly as a result of that changing condition.

18 So I would only ask that a flexibility be
19 there. And I understand why it's there at 70 percent
20 and the need to be conservative. But there are things
21 that are happening quickly that are impacting the
22 fishery that could impact ultimately results. And in

1 the new MRIP numbers that have been updated
2 appropriately, be making sure that, that is the case
3 with all the different ACL's. Thank you.

4 MR. BROOKS: Thanks, Mike. Marcos.

5 MR. HANKE: My comments go directly to the
6 Caribbean, not to all the other fisheries. The
7 regional quota for the Caribbean, more than list of
8 species that I think should be considered to be part
9 of that, I'll let -- working on that to make that
10 list. And I want to strongly support public hearings
11 in Puerto Rico for us not to disconnect with the
12 feedback from the fisherman that do that kind of
13 fishery in Puerto Rico. Otherwise, we're going to get
14 into the same problems that we have in the past, not
15 hearing the industry.

16 And in general, for me it's important to
17 highlight that list of species or whatever we're going
18 to do in the Caribbean, the prevalence of the species
19 on the landings report and potential interactions with
20 all sectors, recreation and commercial years are
21 important, especially on the areas that we have
22 essential habitat for juveniles of some species and so

1 on. We have to analyze in terms of juveniles
2 interactions, adults, and also changes in
3 seasonality of those interactions.

4 Number two, the biological characteristics
5 of those fish that's probably a main driver that if
6 you're going to put them together, put together fishes
7 that have similar risk to be caught or susceptibility
8 or anything adverse for the species -- the biological
9 characteristics are important.

10 And number three, the socioeconomic
11 consideration like target or incidental approach, I
12 think there is two things there that give us a little
13 room to address the characteristics of a known target
14 fishery of sharks, whether you do interact with them
15 with performing other styles of fishing in the
16 Caribbean. Just to highlight again, target and
17 incidental approach like a dual analysis in there.

18 Number four, ecological function of those
19 sharks in the Caribbean. Number five, extreme
20 prediction caused by ex-species. That's something
21 that we should consider because in the Caribbean we
22 have a lot of problems with some species of sharks

1 that are affecting other fishery.

2 And the last is identification challenge.

3 That can be an element of they have to be mixed on
4 this analysis. That if you cannot pull up Sharpnose
5 versus Caribbean Sharpnose, just an example, we have
6 to take -- And there is others. Right? I'm just
7 highlighting a simple one. We have to take that into
8 consideration when we put a list of species together
9 for management.

10 And about the group structure, I see
11 merits on E3 and E4. If I have to choose, E4 is my --
12 up to know, my favorite one. But I want to defer
13 after the public hearings or the other exercise -- I'm
14 including the industry. I would like to hear from
15 them, which are the experts on the shark fishery. And
16 in terms of -- And that's all. That's all I have.
17 Thank you.

18 MR. BROOKS: Thanks, Marcos. I'm going to
19 take about five minutes from our break here just so we
20 can get some more comments -- get the last few
21 comments in here. I've got Dewey, then Matt.

22 MR. HEMILRIGHT: Yeah, thank you. It's

1 good to see that HMS is finally going to look at
2 giving some flexibility. Finally after it's killed
3 the shark fishing industry. And how I look at this is
4 you look at the quotas that are given right now. And
5 in some of them, you're only landing up to 50 percent
6 is the most. So you've given no flexibility with your
7 Blacknose for the last five years. The most I ever
8 landed was like 50 percent. But yet you allowed no
9 flexibility to increase the trip limit.

10 So this whole time on a various amount of
11 shark species, you haven't allowed the fisherman,
12 what's left, probably a handful of active fishermen
13 and three guinea pig fishermen and a research fishery,
14 you haven't allowed nobody else to increase their
15 catches because you have not allowed the trip limits
16 to be able to be changed and to be moved. And so
17 finally you're looking at something.

18 It's good that the few fishermen around
19 the table and others are able to develop boutique
20 markets to rebuild the fishery. But it's going to be
21 -- when I say "rebuild the fishery", catch fish and
22 sell the sharks because the majority of the folks that

1 were in it at one time that caught poundage are no
2 longer in it.

3 So the whole thing that has to be done --
4 and even though I have about 50/50 faith in you all's
5 management efforts based on your historical records,
6 you need to allow the most flexibility you can of the
7 fisheries fishermen that are left to harvest the
8 quota. If you have a quota, why are you constraining?

9 And why would you put in a Blacknose quota and keep
10 it at 8 Blacknose sharks and not allow if you're
11 seeing that the quota's not being harvest over the
12 years, why not allow it to be changed? I mean that's
13 just kind of just ignorance when you look at it. And
14 it shows you the failure of what's happened and the
15 collapse of the shark fish industry.

16 And so going forward, it's good to see
17 that there might be some flexibility. But the only
18 way there's going to be flexibility is for the
19 fishermen left. All of us are not one fishery people
20 or individuals. And so whether it be commercial
21 species for deep-water longlining to see if it's
22 longlining or if you're catching Grouper Snapper, we

1 need all these flexibilities to survive.

2 And you all should have done this a lot
3 sooner. Because if you go look at the landings as I
4 just said and you're only harvesting up to 50 percent
5 of the quota, what's the reason why the trip limit was
6 not increased to allow the individuals in the
7 fisheries to have a chance to optimum yield and
8 harvest to quota? That is just -- If it was part of a
9 company and you had public shareholders, people would
10 be removed for that failure for that to happen.

11 MR. BROOKS: Thanks, Dewey.

12 MR. HEMILRIGHT: And it's going to get
13 worse because the sharks are ever increasing. There's
14 nobody to catch the sharks. You're having more
15 depredation, whether it be with Amberjack --

16 MR. BROOKS: Dewey --

17 MR. HEMILRIGHT: -- Shellfish and all the
18 others -- I'm getting ready to wrap it up. And so
19 thank you for hopefully allowing for flexibility.
20 See, I'm reaching out a good part of it and thanking
21 them for something. But right now, what you all are
22 done for is kill the industry and it's past time to

1 give something back with some flexibility and some
2 common sense --

3 MR. BROOKS: Thanks, Dewey.

4 MR. HEMILRIGHT: -- that a lot of times
5 doesn't seem to be there.

6 MR. BROOKS: Thank you, Dewey. Matt.

7 MR. HUTH: Yeah. I mean, I'm just going
8 to add on to that. You know, I agree with Dewey. And
9 here we are sitting around this table and our
10 responsibility is to manage what we have in this
11 ocean, man. And my responsibility is to feed people.

12 And we have a wonderful protein source that needs to
13 be harvested because what's happening is, you know,
14 we've said this over and over and over again. And it's
15 great for you guys that we're starting to see a change
16 in the wind possibly that you know, yeah, maybe we
17 need to fish these species some more because it's
18 inhibiting our ability to fish for other fish and
19 shrimp.

20 I mean the guys shrimping are having a
21 terrible time shrimping because of these sharks. They
22 need to be fished down. And you know, I can't cry

1 over spilled milk, but the markets have been ruined
2 because of bad publicity. And you know, I spoke with
3 some of you guys yesterday afternoon. I mean we need
4 some positive publicity on this protein source, you
5 know, to move these sharks and use the resource that
6 we have in this nation.

7 MR. BROOKS: Thanks. I do want to check
8 and see if Christine whose hand is still up, wanted to
9 come in. And then we should move to a break.

10 MS. KITTLE: Yes, I'll be brief. My
11 comment is just that while we appreciate, you know,
12 you guys really reaching to the stars. This is really
13 comprehensive and we appreciate all the options. My
14 suggestion would be maybe when you go to the
15 amendment, if this could be broken down into a couple
16 different amendments just for people that fully
17 understand everything that's going on and maybe
18 comment. I know in some of the council stuff, we have
19 to break things up just to help the public be able to
20 comment on the things they want to comment and not
21 have to go through a 500-page document. So that's my
22 only comment for now.

1 MR. BROOKS: Thanks, Christine. And
2 thanks -- Peter, go.

3 MR. CHAIBONGSAI: Just really quick. And
4 I'm just going to repeat what I said at the last
5 meeting. And some of the new people maybe will
6 remember this as well -- maybe don't -- I'm sorry, the
7 old regard. But playing off of what Matt was saying
8 actually is last time we had an economist come in and
9 talk about inflation. And he was basically stating
10 that food inflation is going at a higher pace than
11 normal inflation. Right? Like buying goods is more
12 expensive now than it was in the past. And there's
13 access to, what Matt was saying, a cheaper protein
14 that if marketed correctly can be a good source for
15 the general public.

16 And we're talking about -- I think Mike
17 brought this up at the last meeting as well. Sorry to
18 throw you under the bus, Mike. But he had mentioned
19 something about -- or somebody else, EEJ too. And
20 NOAA at one point, I think, Dr. Drymon talked about
21 this as well at the University of Mississippi State
22 was saying at one point, NOAA had a marketing arm or

1 helped to market the shark market. And then all the
2 sudden it was gone. My guess is due to pressure and
3 not science.

4 So I would just want to push that on you
5 guys again. If you're looking at trying to get cheap
6 protein for the commercial guys to come back. Look at
7 what the economist said last -- at the last AP. And
8 look at the potential resource that we have here as
9 well. Thank you.

10 MR. BROOKS: Thanks, Peter. We do need to
11 close this out. I'm really glad we had the extra 20
12 minutes this morning. Obviously this topic needed it.

13 I am not going to attempt to summarize all the
14 different perspectives I heard around the table today.

15 But I have seen Karyl and Guy taking copious notes.

16 I will just say I did hear, you know,
17 thoughtful, helpful, comprehensive right direction.
18 So I think there was a clear like, this is a good, you
19 know, a good start here. I heard a lot of comments
20 around the importance of what I'll call "thoughtful
21 flexibility". Some comments around, you know,
22 thinking about specie-specific type things where it's

1 doable, defensible, realistic, you know, a whole bunch
2 of caveats around that. And then a number of
3 cautions, you know, and varying views around, you
4 know, cautions around catch history limits, varying
5 views around, you know, catch limits, et cetera.

6 And then in the end, towards the last
7 couple of comments here, more sort of -- a couple of
8 outreach flavors. Sort of be sure to go to Puerto
9 Rico. Be sure to think about how you're presenting
10 this amendment in bite-size chunks. And then this
11 last set around, you know, think about how do you make
12 sure that we're taking advantage of the species that's
13 out there and the potential to address a number of
14 different issues that we heard at the end.

15 So thanks, everybody. Obviously, lots
16 more to talk about here. We are at 10:40. I propose
17 we take a ten-minute break. Come back here at 10:51
18 and then we will talk about CITES proposal. So thanks
19 very much.

20 (Whereupon, the above-entitled matter went
21 off the record at 10:41 a.m. and resumed at 10:52
22 a.m.)

1 MR. BROOKS: Good. Thanks all. I assume
2 we will get the remaining folks back to the table here
3 shortly, but I know we need to push forward.

4 So we want to continue with a discussion
5 around sharks, but we want to shift gears a bit here
6 and hand it off to Rosemarie Gnam and Mary Cogliano
7 with US Fish and Wildlife Service to talk to us about
8 CITES approved shark proposals that were discussed at
9 the November 2022 conference of parties.

10 So Rosemarie and Mary, I will hand it off
11 to you. We've got something -- to about 11:45 or so.

12 So I think we'll have plenty of time to talk about
13 this. Over to you.

14 MS. GNAM: Thank you. It's a pleasure to
15 be here. And I'm the head of the scientific authority
16 for CITES at US Fish and Wildlife Service and Mary is
17 our manager of the Branch of Permits. And so we'll --
18 pleasure to talk to you about what happened at the
19 last CITES meeting in terms US positions and sharks.

20 For those of you, I thought I'd give a
21 brief introduction to CITES that are not familiar with
22 CITES yet. It is the international treaty called the

1 Convention on International Trade in Endangered
2 Species of Wild Fauna and Flora, hence CITES. US was
3 one of the founding nations of the CITES treaty.
4 We're celebrating the 50th anniversary of CITES this
5 year. It went into force on July 1, 1975.

6 Currently there are 183 countries that are
7 members to CITES and the EU as an economic
8 organization is also a party to CITES. So there's 184
9 parties which is almost the whole entire world. We're
10 missing probably a few small Pacific island nations
11 but anybody trading in CITES listed species is usually
12 a member of CITES and has to abide by its agreement.

13 So the purpose of CITES is to regulate the
14 international trade in wild fauna and flora to ensure
15 that that trade is legal and biologically sustainable.

16 That is the objective of CITES. And since the 1990s,
17 CITES has entered into the regulation of marine
18 species so it is not just covering terrestrial
19 species. Next slide. Just hit enter. Yep.

20 So some of the misconceptions about CITES
21 is that it regulates domestic trade. It does not
22 regulate any type of domestic trade in sovereign

1 parties including the United States. Another
2 misconception of CITES is that it includes all the
3 world's endangered species. No, there are certain
4 scientific criteria for including species under CITES
5 and one of those criteria is that species must be
6 subject to international trade. So it's a species
7 that may or is currently threatened by international
8 trade.

9 And so how CITES works is that there are
10 three appendices where species are placed in CITES.
11 Appendix 1 is the most endangered species. There's
12 currently about 1000 terrestrial species in Appendix
13 1. It's those species that are threatened with
14 immediate extinction right now. So there is no
15 commercial trade allowed in those species and it
16 requires both an import and an export permit from the
17 countries.

18 Current species in Appendix 1 are like the
19 tigers, Indian rhinos, some of the elephant
20 populations. It's the one that gets all the attention
21 at CITES meetings however the crux of CITES is really
22 to focus on what we know as the Appendix 2 species of

1 which there are about 30,000 species included in that
2 appendices. All the shark species that are included
3 in CITES are in CITES Appendix 2 and it includes plant
4 species as well.

5 It's species where over exploitation has
6 been identified as a risk of extinction and so CITES
7 is to try to regulate that trade to bring it to
8 sustainable levels. Commercial and non-commercial
9 trade are allowed in Appendix 2 species, that's an
10 important point. And permits are required from the
11 county of export to basically import those species.
12 So i.e. for example, the hammerhead species that are
13 currently listed in Appendix 2, if they're exported
14 from the United States they must have a CITES permit
15 with them.

16 And how we add species to Appendix 1 and
17 Appendix 2, as I said there are certain criteria that
18 are met. Proposals have to be brought to a conference
19 of the parties, which CITES meetings happen every two
20 to three years. As we just said, we had one in
21 November of 2022, in which case we did look at a
22 number of shark species and I'll report on those.

1 But essentially it's a two-thirds vote, a
2 majority of the two-thirds parties accredited and
3 present at the meeting make the decisions. So it's a
4 high bar to meet. It's not a simple majority to add
5 species to a CITES appendices. And so keep that
6 two-thirds majority in mind when we talk about some of
7 the proposals from the last CoP.

8 Appendix 3 is a unilateral decision by a
9 party to add a species to the CITES appendices where
10 they're looking for national controls. Basically
11 legal acquisition findings. US has put some species
12 in Appendix 3, mostly some of our native turtle
13 species, for example, map turtles. And that can
14 happen at any time but it's a lesser regulatory
15 process for Appendix 3 species and the sharks we're
16 talking about, none of them are currently in Appendix
17 3. So we're really talking about Appendix 2 when we
18 talk about shark species.

19 How CITES works, as I said, it regulates
20 the export, re-export, and import, and enter of the
21 sea of live and dead animals and plants and their
22 parts and derivatives. So for sharks, much of the

1 trade is driven by a fin trade rather than a meat
2 trade although we do have meat trade in some of the
3 shark species.

4 International trade is regulated by a
5 CITES permit. One shown here on the slide. It can
6 only be issued if certain conditions are met, and I'll
7 go over what those conditions are in a few minutes.
8 But that CITES permit is presented when the specimen
9 leaves the country and enters the country. And that's
10 basically sort of like the approval process for any
11 export of a CITES species is to have that CITES
12 permit.

13 And so the two findings that are made, and
14 that's why the treaty itself sets up that each party
15 to CITES has a management authority which has the
16 authority to issue the CITES permits. And they make a
17 legal -- what is known as a legal acquisition finding
18 which is required under the treaty, that the specimens
19 to be exported were legally acquired in accordance
20 with our national laws.

21 And then the treaty establishes a
22 scientific authority which for the US, the management

1 and scientific authority are both in the Department of
2 Interior, are implementing legislation for CITES is
3 the US Endangered Species Act which gave that
4 authority to the Department of Interior and the
5 management and scientific authority are based in the
6 US Fish and Wildlife Service.

7 That said, we have a CITES coordination
8 committee that we work with other federal agencies and
9 our marine species, we work side-by-side with our
10 colleagues at NOAA on any decision making that relates
11 to marine species.

12 So the scientific authority makes a
13 finding related to the permits known as a
14 non-detriment finding and essentially that finding's
15 saying that the export of those specimens will not
16 negatively impact the survival of that species in the
17 wild. I.e., for Appendix 2 species, that's basically
18 making a finding that we find that that export is
19 biologically sustainable and as I said, we basically
20 in our non-detriment finding for marine species, for
21 the shark species that we've worked on, rely heavily
22 on NOAA's management plan for that species and consult

1 with NOAA in making that non-detriment finding.

2 So next one. Okay. So this will bring us
3 to what you probably really want to hear about, what
4 happened at the last CITES CoP on sharks. And
5 basically there was a proposal for requiem sharks, all
6 requiem sharks to be included in CITES Appendix 2.
7 Again, remember that would allow commercial trade.

8 It had a fair number of proponents,
9 Bangladesh, most of Latin America led by Panama, which
10 was the host country of the CITES CoP. West African
11 countries represented by Senegal, and then the EU and
12 the UK were on the proposal and helped work on this
13 proposal. And the UK, keep in mind, votes as a block,
14 so they reach their position. So the EU carries with
15 it 27 votes when they go to a CITES meeting.

16 Essentially the proposal, the US started
17 out undecided on this proposal, working with our
18 colleagues in consultation with NOAA. Before we went
19 to the meeting we published our position in the
20 federal register notice which was undecided basically
21 because concerns we had that they were bringing in all
22 the requiem sharks in the appendices and we were not

1 convinced particularly, that blue shark met the
2 criteria for inclusion in CITES and as a look-alike
3 species that we felt that they could be distinguished
4 from other requiem sharks.

5 So essentially we went into the meeting
6 undecided, we heard arguments by other countries, we
7 heard the debate at the meeting, we looked at the FAO
8 expert panel review and other expert reviews. And
9 when it came to a vote, this definitely was a proposal
10 that came to a vote, the US did end up ultimately
11 supporting the proposal.

12 And so there were 88 countries that voted
13 yes and 29 countries against. Definitely more than a
14 simple two -- simple majority, and more than the
15 two-thirds majority. The tide at CITES has turned in
16 that many parties now see CITES as a way to regulate
17 the international trade in shark species. And so this
18 proposal was adopted with a note in the summary
19 record, Japan expressing some of the concerns that the
20 US initially had about look-alike species being
21 included and the massiveness of this listing being all
22 requiem sharks.

1 That was recognized with a delayed
2 implementation by the parties. Normally listings,
3 including species in the appendices become effective
4 90 days from the decision. At the end of the CoP,
5 which would have it put it at this listing becoming
6 effective February 23, 2023 however the parties agreed
7 to, given that non-detriment findings needed to be
8 made for the requiem sharks and some work done on
9 shark identification, they delayed the implementation
10 to this year, November 25th.

11 So it had a one-year delayed
12 implementation and so it is not in effect currently
13 but will go into effect on November 25th meaning that
14 any trade in requiem sharks, and their fins, and their
15 meat, and their products would need to have a CITES
16 permit after that -- on that date and after that date.

17 The next proposal that parties looked at
18 was hammerhead sharks. Currently, before CoP '19,
19 there were three hammerhead species included in CITES.

20 The great, the smooth, and the scalloped. And
21 because of the concern that we've seen increasing
22 trade in some of the other hammerhead species and the

1 issue of look-alike species, this proposal was made to
2 include the species in Appendix 2 by Brazil, Columbia,
3 Ecuador, the European Union, and Panama.

4 The US supported this proposal to include
5 the bonnethead species in its own right in Appendix 2
6 and the remaining species due to the similarity in
7 appearance, look-alike, that are currently included in
8 Appendix 2.

9 This proposal did not go to a vote. It
10 was adopted by consensus meaning that all parties
11 supported the proposal, there were no objections. And
12 the effective date, it is now in effect. It was
13 February 23, 2023.

14 There was another proposal for sharks to
15 include all guitar fishes in Appendix 2 of CITES and
16 that proposal was brought forward by Israel, Kenya,
17 Panama. And the outcome of that, that also went to a
18 vote. It has 101 countries voting yes to include it
19 in the appendices, 14 countries voting no, and 13
20 abstained.

21 The US voted yes. Oh, I should add, on
22 the requiem sharks, that was done I think by a secret

1 ballot. The US always announces its vote at the end
2 of a vote. We don't support secret ballots, so our
3 vote is always transparent and open. And so it's on
4 the record that we vote yes on that proposal. It
5 again was adopted and that one became effective
6 February 23rd.

7 We've really not seen any impact of the
8 guitar fish listing on the US. We're not a major
9 trader or importer of those species except for some
10 aquarium trade.

11 And so I put our contact information down
12 in the PowerPoint because those of you that engage in
13 shark fishing and do exports, if you need us as
14 contacts for how to get a permit, we didn't focus this
15 presentation on the permitting process but we're
16 available. Mary is here to have any, you know, to
17 address any questions you might have. We've got lots
18 of information on our website. How to obtain a
19 permit. And as I said, we work closely with NOAA in
20 any decision making in issuing those permits.

21 So go to the last slide and thank you all
22 for listening. I know we were allocated more time,

1 but you know, we're happy to answer questions because
2 that's probably the best way to address this rather
3 than through a PowerPoint and I imagine you might have
4 questions based on past experience.

5 MR. BROOKS: Great, thanks. I'll let you
6 turn off your mic if you wouldn't mind. Great,
7 thanks. Thank you for that overview and let's see
8 what questions or comments AP members have.

9 I'm going to start over in the corner and
10 then we'll work our way up here.

11 Go ahead.

12 MR. VAETH: Okay. Thank you.

13 Almost all of my sharks now are exported
14 out of the country. So what is the status on the
15 non-detriment findings for all these species of
16 sharks?

17 MS. GNAM: We do the non-detriment
18 findings based on the applications when we receive
19 them. We currently have what we call a general advice
20 that is based on NOAA's management plan for porbeagle
21 sharks, for mako sharks, and for hammerheads. For the
22 previously three listed we haven't gotten any new

1 applications for any of the newly listed hammerhead
2 species to my knowledge yet. DCA hasn't seen those.

3 We treat oceanic white-tip and requiem
4 shark on an application by application basis meaning
5 we make a non-detriment finding specific to the
6 application rather than manage them with a general
7 advice.

8 So we are capable of making both the legal
9 acquisition findings, NOAA has regulations in place on
10 how shark fins are landed, and we can do the
11 traceability of those products so to my knowledge the
12 US has not had an issue in making legal acquisition
13 findings or non-detriment findings when we are
14 processing applications.

15 And we haven't gotten any applications yet
16 for requiem sharks, but you know, anticipate that that
17 may come once they are listed in CITES. So we're
18 working on an implementation plan for that.

19 MR. VAETH: What kind of time frame are we
20 looking at when we apply for these applications?

21 MS. COGLIANO: I can answer that question.
22 So for these applications, I would say please give it

1 at least 60 days. These are not some of the more
2 complicated applications that we process but due to
3 various reasons, we have quite a permit backlog and so
4 I just recommend that, just get it in as soon as you
5 can and if you need to you know, check on it or
6 whatever we're there, reach out to me if you wish.
7 But I would give it 60 days.

8 MS. GNAM: Yeah. Mary's being kind. The
9 US is probably the largest importer and exporter of
10 wildlife, and you know, we get over -- we issue over
11 40,000 permits a year. And as Mary said, for the
12 newer listed species like requiem sharks they may
13 take, from a DSA perspective, more time because I
14 haven't made a non-detriment finding yet. I need to
15 consult with NOAA. We do it ahead of time
16 anticipating there will be trade, but you know, as
17 Mary said 60 days, but we do have a backlog.

18 You know, the pandemic caused -- people
19 didn't ship during those times. Now everybody's
20 catching up again, you know. Sharks are part of that
21 trade but US has a huge trade plant species, timber,
22 and trophies, and -- you name it we export it --

1 native turtles. And so applications are processed by
2 the date they're received and there's a cue.

3 MR. BROOKS: Great. Thanks. Let's go to
4 Greg and then we'll go to this corner for Sonja and
5 Rick and then back down to Marcos. And I don't see
6 any hands online right now. So if anyone online wants
7 to get in, please make sure to raise your virtual
8 hand.

9 Greg.

10 MR. HINKS: Hi. Thank you. Just a couple
11 of questions. First, you mentioned the EU represents
12 27 votes. Are those votes made in solidarity or they
13 made independently by country? And I'm also curious,
14 are species ever removed from the CITES list?

15 MS. GNAM: Okay. I'll take the first
16 question from the EU. Basically the EU has a, just
17 like the United States, a very extensive consultation
18 process with its member nations. They start talking
19 about the proposals. The proposals have to be
20 submitted 150 days before the dates of the conference
21 of the parties. The EU has a scientific committee
22 that reviews those proposals. They do vote as a

1 block. So that means they have to all agree to the US
2 position --I mean, not the US position -- the EU
3 position. I wish. I wish.

4 They didn't agree with us on many things
5 at this CoP. The EU, I guess that was my Freudian
6 slip there. So the EU basically has to agree among
7 its member countries. When they cannot reach a
8 consensus on what that position should be, they have
9 an elaborate process that I do recall from when we
10 took a polar bear proposal, where they have to
11 basically abstain if they don't reach consensus.

12 And how they -- if it came to a vote,
13 which it did with polar bears, if they don't come to
14 consensus there is a way to vote within the EU which
15 is based on the population of the EU country, human
16 population. And so it's a quite complicated process
17 and they hate to invoke that process so they try to
18 reach consensus.

19 For them to be a proponent on the proposal
20 meant that the EU knew in advance this proposal was
21 coming and had discussions internally so that they
22 could co-sponsor that proposal. To my knowledge, the

1 EU helped draft, worked with the other proponents to
2 draft the proposal for the requiem sharks and was a
3 very strong proponent of that proposal at the CoP.

4 And the US had several meetings with them
5 expressing our concern that the proposal was rather
6 broad and included you know, species that we didn't
7 feel met the criteria. At the end of the day EU votes
8 -- they did at the CoP, not for marine proposals but
9 for the first time we saw the EU start to amend other
10 countries proposals to get what they wanted. They
11 tried it with the US on one of our turtle proposals
12 and we took it to a vote, and they lost.

13 After that, I think they got the message.

14 And so EU is trying to flex its internal, sometimes
15 it's internal decision-making, getting what they want
16 at an international treaty. But they're encountering
17 push back.

18 MR. BROOKS: There was a second question.

19 MS. GNAM: And your next was --

20 MR. BROOKS: Second question was does
21 anything ever come off the list.

22 MS. GNAM: Do we ever remove things from

1 CITES? Yes, we do. It's not an easy process, but at
2 the last CoP, the US actually took three proposals
3 that were a result of a CITES process called periodic
4 review of the appendices where we look if species
5 still meet the criteria in the animals or plants
6 committee and we removed them from Appendix 1 to
7 Appendix 2 they moved, and then with the hope that the
8 next CoP, the one after that they will go to be
9 removed entirely.

10 But you can't just go from one to nothing.

11 You have to go step wise. But Appendix 2, we don't
12 usually remove species because again it allows
13 commercial and non-commercial trade and it's a
14 regulatory process. That's not to say that you can't
15 do it but there are criteria you need to meet. If the
16 species were to be no longer in international trade,
17 then Appendix 2 probably wouldn't be warranted.

18 But you can remove species. Again, to
19 remove them takes a two-thirds vote. So you need to
20 have the solid science behind you to show that, as we
21 did for the -- we took a -- we removed this boa and
22 two bird species that showed the species had recovered

1 and no longer met the criteria. So it is possible.

2 MR. BROOKS: Great. Thank you. Let's go
3 up to Sonja.

4 MS. FORDHAM: Thank you. Sonja Fordham,
5 Shark Advocates International. I have a comment and a
6 request. No question. Is that okay? Okay. Slightly
7 more formal than the previous sessions.

8 Thank you for the presentation and your
9 hard work at this CoP and for taking the time to be
10 here today. As we've discussed before, the
11 conservation community is keenly interested in better
12 integration across government agencies, specifically
13 for sharks given how they're seen as both commodities
14 and wildlife and therefore, as you know, subject to
15 fisheries and environment treaty obligations. So
16 we're really pleased that you could be here.

17 And while appreciating the many new rank
18 listings, several scientists and NGOs that collaborate
19 on CITES shark issues including the wildlife
20 conservation society, the humane society
21 international, defenders of wildlife, and my own, we
22 wanted to take this special opportunity to make a bit

1 more forward looking request with regard to upcoming
2 CITES decisions on candidate species for review of
3 significant trade.

4 I appreciate a little latitude here. As
5 much like the oceanic white tip discussion we had
6 yesterday, the CITES trade review process is vital to
7 leveling the playing field for US fishermen and
8 promoting compliance with international conservation
9 obligations that I think everyone here wants.

10 So we noted from the recent analysis by
11 the CITES secretary that trade that Appendix 2 listed
12 fishes including any cartilaginous varieties is
13 especially concerning as you are probably aware of the
14 seven animal tax the groups reviewed against the five
15 criteria for risk. The fish analysis showed
16 relatively high level of trade including the sharpest
17 increases at global and country levels and the highest
18 number of endangered species.

19 A particular concern are the sharks and
20 the rays that meet three or four of the five criteria
21 including short fin mako, spine tail demo ray, pelagic
22 thrasher, and several species of guitar fishes. So

1 ideally we'd like to see greater review for all of
2 these species as well as lower ranking thrashers and
3 hammerheads that are often grouped in trade with the
4 higher ranking members of those families.

5 We do recognize however that there are
6 limitations associated with the secretary's capacity
7 and the trade data for the species that have been
8 listed relatively only recently. As well as the needs
9 of course, of other taxa.

10 So we're therefore suggesting that the US
11 give top priority to the high ranking elasmobranchs
12 that were listed a decade ago and that are now
13 classified by IUCN as critically endangered. So that
14 would yield three shark species, the great hammerhead,
15 the scalloped hammerhead, and the oceanic whitetip.

16 So we just wanted to take this opportunity
17 to encourage Fish and Wildlife Service and NOAA to
18 continue to work together and to play a leadership
19 role toward ensuring that elasmobranchs, at least
20 those three priority species, are selected at the June
21 meeting of the animals committee to receive
22 significant trade review.

1 Thanks very much for your consideration.

2 MS. GNAM: May I Respond?

3 MR. BROOKS: You bet.

4 MS. GNAM: Okay. Sort of anticipating
5 this question. Thank you Sonja for raising it.

6 For those who are not familiar, I'll go
7 over it, the process with you. In between the
8 conference of the parties, in those two, three years
9 before there's a meeting again of the CITES parties,
10 there is work directed at the animals committee, and
11 the plants committee, and the CITES standing committee
12 which the US is currently on the standing committee,
13 and I serve as the chair of the CITES standing
14 committee.

15 Animals committee has a number of
16 decisions directed at it that -- there will be a shark
17 working group. But the process Sonja's talking about
18 is, there is a process in CITES that is called the
19 Review of Significant Trade in Appendix 2 species.
20 Basically geared to looking at the trade in wild
21 specimens that are of species included in Appendix 2.

22

1 And there are certain evaluation criteria
2 that are looked at and assessed, like increasing trade
3 levels, non-detriment findings, a number of criteria
4 in the process. It's a pretty robust, cumbersome,
5 objective process. And there's an initial data
6 analysis done before the meeting. The next animals
7 committee will be June 19th to the 23rd. I will be
8 leading the US delegation to that animals committee.
9 NOAA board has two delegates on our delegation going
10 to animals committee. We work very closely with them.

11
12 That process has been the US's position
13 whether it's for terrestrial marine species, is we
14 support that process of review, it is a robust
15 process, it should be based on science. And
16 essentially, the first step in that process when
17 species are selected for that process, is to look at
18 their non-detriment finding.

19 We are not intimidated by that review of
20 our non-detriment findings. We have been in the
21 review of sig trade for corals, many terrestrial
22 species, commercial native fishery for paddle fish,

1 sturgeon caviar. We have survived that process.
2 We're eliminated at the first step usually. Our
3 non-detriment finding, and our legal acquisitions
4 stand the scrutiny.

5 Other parties, to be perfectly honest and
6 frank lack some capacity to make non-detriment
7 findings and those countries continue to engage in
8 trade when they do not have robust non-detriment
9 findings. That's why this process was created to look
10 at those.

11 And so Sonja has said, yes some of the
12 shark species have fallen out in that initial data
13 analysis. In particular the ones you mentioned. The
14 US is currently evaluating the data for those species,
15 trying to determine what our species are. There is a
16 limit to how many species can go into the review of
17 sig trade between the two CoPs. It's usually capped
18 at about 20 species.

19 I've co-chaired that working group. It is
20 quite a lot of work. We work for two days selecting
21 those species. We are concerned, as Sonja said, it
22 does put the US at a competitive disadvantage, but

1 we're also biologically concerned about the high
2 volumes of trade we continue to see in these species
3 not coming from the US, from other parties that we
4 know probably don't have the capacity to make
5 non-detriment findings but continue to trade.

6 So I suspect, I don't know what the US
7 position will be yet going to that meeting, we're
8 still working with NOAA on those data analysis, but I
9 suspect particularly the conservation organizations
10 and some other parties, may in fact be pushing to see
11 some of these shark species that were listed several
12 years ago in Appendix 2 to see if countries are making
13 non-detriment findings. We'll have to see how that
14 plays out.

15 The US is not on animals committee. The
16 North American region is represented by Mexico on
17 animals committee. I suspect, usually the selection
18 of the species for the next review of sig trade is
19 done by consensus among the animal committee members
20 but it could conceivably to go a vote among animal
21 committee members given some of the species we're
22 talking about.

1 But as a general comment, the US is not
2 afraid of review of sig trade. We think it's a very
3 helpful process. If a country is found that they're
4 non-detriment findings aren't adequate enough,
5 recommendations are actually made by the animals
6 committee to that party with a timeline for improving
7 things and you know, most countries usually try to
8 make progress and meet those recommendations.

9 Ultimately, if they do not over a period
10 of time meet those recommendations, they can in fact
11 go to standing committee and face trade suspensions.
12 But that is like the ultimate step in the process and
13 that is a very open and transparent process. At this
14 initial stage, it is the selection of the species and
15 then the next animals committee will have looked at
16 countries' non-detriment findings and then make
17 recommendations what happens next.

18 MR. BROOKS: Thank you.

19 There you are. Okay. Go ahead, Rick.

20 MR. WEBER: I'm going to pick up right
21 where you are. I spend a lot of time in ICCAT and
22 specifically the compliance committee of ICCAT. And

1 so when you speak about things being open and
2 transparent, I find lots of fault with ICCAT, but they
3 put their task one data right online, so it is
4 challengeable by any citizen anywhere.

5 Does CITES do anything -- can we see -- I
6 would personally, you know, I would personally be very
7 interested in comparing the trade data of CITES to the
8 catch data of ICCAT to see if these things are
9 happening. And if we can't see it, do you guys -- I
10 have no doubt you guys have no fear that we would hold
11 up a non-detriment. My question is about everyone
12 else because I have not seen us not complete what we
13 oblige to do at ICCAT. What I've seen is the
14 undermining of good conservation measures by other
15 people not doing what they're supposed to do.

16 So I have no question about you saying you
17 not have any fear. Do we put any fear in other
18 people?

19 MS. GNAM: We do put fear in other people.
20 That's my job at the meeting. Essentially, I've only
21 been to three ICCAP meetings but you're right, the
22 review of sig trade is a process in CITES that's akin

1 to compliance. It ultimately gets down to compliance
2 at the very end stages.

3 And as standing committee chair I'll have
4 to be dealing with several of those at the next
5 meeting. Luckily not marine yet. Timber.

6 But essentially, CITES is more
7 transparent, at least from what I have experienced, in
8 that the document that currently is suggesting which
9 species met the criteria for review in sig trade is
10 posted on the CITES website. You can look at that.
11 Now the caveat I would put is that data is dependent
12 upon what parties report in their CITES annual report.

13 Okay.

14 But by in large, most parties have to
15 comply with that. US has not -- because of the
16 backlog, we have not put our data in since 2019.
17 We'll remedy that by the fall. But we're not a big
18 exporter and what you're looking is the data from
19 largely the Asian countries, some of the Pacific
20 islands, and some of the Latin America countries.

21 And yes, if you look at that data
22 sometimes it's interesting, some of the same countries

1 that brought these proposals for the new shark
2 listings are the same ones that are still trading in
3 sharks. So I'm sure we'll have those discussions.

4 But yes, it is an open process. The
5 animals committee's decisions, there are people who
6 can go to the meeting as observers. We get a lot of
7 observers. And it will be looked at and the notes
8 from what countries are selected, like I said, in the
9 first step of the process.

10 Yeah. There are countries that probably
11 do not want to see some of the shark species go into
12 the review of sig trade because they're concerned
13 about their -- but it's the only way of leveling that
14 playing field. And to get what you had said, too.
15 Those decisions don't get really political until we
16 get to a site -- it's a technical meeting.

17 And they'll get more political as the
18 process plays out, but the first step is getting in
19 the process which I think is pretty -- having done
20 this for almost 20 years -- is pretty robust because
21 it's the scientists making the decision of what goes
22 in the process.

1 MR. WEBER: Extremely fast follow-up. I
2 understand that the process is clear. My specific
3 question is, is the raw trade data by nation and
4 species available somewhere?

5 MS. GNAM: I didn't -- I don't have it in
6 the top of my head. It's -- right now if you go to
7 the CITES website, you look up documents for AC-32, go
8 to the agenda item called review of sig trade, and
9 then the sub-agenda item is selection of species
10 between CITES CoP 19 and CoP 20 and you can look at
11 the data that is there.

12 MR. BROOKS: So I'm going to suggest that
13 maybe we get that information that you just shared out
14 by email so folks have that and can use that. Thanks.

15 MS. GNAM: One other thing though. I
16 would be very interested, from a US perspective, and
17 I'm sure NOAA would be too, that how it does match up
18 to the ICCAT catch data. Because our experience is --
19 now remember, your catch data is I think based on
20 years.

21 The CITES data is when the specimens are
22 exported. So given shark fins can be dried and kept

1 for many years doesn't necessarily equate to the year
2 of harvest of that species. But it will show you the
3 volume that has been traded.

4 And the concern is you know, these stock
5 piles that exist of shark fins you know, can they
6 really still support that volume or is it coming from
7 illegally harvested species. That's the purpose of an
8 RST review.

9 MR. BROOKS: I want to go online. Demian
10 Chapman. I see your hand up so let's see if we can
11 bring you into the conversation.

12 MR. CHAPMAN: Thanks very much. My name
13 is Demian Chapman, Mote Marine Laboratory. I just
14 wanted to echo and agree and say ditto to Sonja's
15 comment. Just to add that at Mote Marine we survey
16 the shark fin in Hong Kong. Since 2014 we have new
17 data all the way up -- on the species composition up
18 until the beginning of the pandemic.

19 -- information with the -- which your
20 group presented if that helps in deliberations with
21 the RST. Just to answer the question, the CITES trade
22 database is completely open. I just looked it up

1 myself. On the CITES website you can see all of the
2 reported trade including from the United States.

3 I was surprised it says only eight
4 instances of hammerheads being traded between 2014 and
5 '21. That's what it says in the site. And yeah.
6 That's more or less all I have.

7 MR. BROOKS: Great. Thanks Demian.

8 Sonja. Do you want to get back in here?

9 MS. FORDHAM: Sorry, yeah. Quick follow
10 up. We're actually doing a review of the CITES -- my
11 colleagues and I are doing a review of the ICCAT
12 parties and their various obligations for CITES listed
13 sharks and rays. And that we'll have at least some
14 preliminary findings at the animals committee meeting.

15 But to Rick in general, some of the obstacles in
16 making sense out of it is that you can see the trade,
17 but particularly for Latin America, you can't tell if
18 it's Pacific or Atlantic and they have different
19 obligations. Mostly stronger for ICCAT than IATTC, so
20 hard to draw strong conclusions except for places like
21 Trinidad and Morocco.

22 And we're also struggling with you know,

1 there's quite a volume of hammerheads reported by
2 Mexico, and Mexico not reporting all their trade
3 apparently. But the problem with pointing out that a
4 country doesn't have sufficient conservation measures
5 or public NDFs without discouraging countries from
6 reporting trade. So there's a lot of spotlight on
7 Mexico because they're reporting a lot of trade.

8 And this is -- I mean, I welcome your
9 guidance off-line but, how do we not discourage
10 reporting and you know, make that a problem. But
11 there's difference in oceans and we're going to point
12 out the -- I think they're conflicting inadequacies in
13 both ICCAT data and CITES data and how do we resolve
14 that. So stay tuned. Thank you.

15 MR. BROOKS: Okay. I am looking around
16 the room and online. I'm not seeing any other cards
17 up. Is there any last comment from anybody or
18 questions?

19 Okay. If not then just thank you both
20 very much. I appreciate it and we'll see you again.
21 Thanks.

22 MS. COGLIANO: Thank you for the

1 opportunity.

2 MR. BROOKS: Thanks. Bye.

3 Okay. So we want to shift now to
4 Amendment 15. And we will spend the rest of this
5 morning and a good chunk of this afternoon talking
6 about Amendment 15. We will take it in chunks as I
7 mentioned this morning.

8 So in a moment we'll hand it over to Steve
9 who will give us -- will focus first on the spatial
10 fisheries management part of A15 and we'll have a
11 pretty detailed presentation on that. If we have time
12 for clarifying questions before lunch, we'll pick that
13 up.

14 And then after lunch we'll come back and
15 continue on in conversation on spatial fisheries
16 management. Again, any clarifying questions and just
17 starting to open it up for discussion, comments, and
18 get a sense of what you all are thinking as you look
19 at this amendment.

20 Then later in the afternoon we will pick
21 up the electric monitoring cost allocation of A15.
22 Again, presentation and discussion. Just to state the

1 obvious, I think the HMS staff is keenly aware of the
2 interest of this, the importance of the topic. Trying
3 to create a good chunk of time here to be talking
4 about this.

5 I want to sort of emphasize just a couple
6 of things before we get into it. One, you know, goals
7 for today are one -- there's a lot in this amendment.

8 It's dense. It's complicated. And I want to make
9 sure folks first of all understand what's in the
10 proposed rule.

11 So we want to make sure we're taking
12 enough time you know, to let Steve sort of lay that
13 out, see what questions you have, make sure we're all
14 sort of clear on where it is. So you know that old
15 clarifying question thing which worked really well
16 this morning. We'll do that.

17 Also I just want to emphasize that this is
18 the start of a process with a number of opportunities
19 for feedback and public comment. There will be
20 webinars and public hearings over the summer. A
21 public comment period until September 15th. And then
22 discussion back with the advisory panel in September.

1 So you know, please just sort of keep in
2 mind, lots of conversation to come. And just as you
3 dive into the conversation you know, just make sure
4 you're clear on what the rule is saying, help HMS
5 understand your concerns, and candor and clarity is
6 appreciated. And of course, with our usual mix of you
7 know, engaging in a way that's respectful and
8 productive.

9 I think that's it. I'm going to hand it
10 off to Steve to open us up on to spatial fisheries
11 management. And again, I'm going to let Steve walk
12 through his whole presentation just so he can just
13 sort of like lay it out and then we'll open it up for
14 clarifying questions.

15 To you.

16 MR. DURKEE: Awesome. Thanks Bennett.

17 I appreciate that lead in. It definitely
18 saves a little bit of time with the opening here.
19 It's definitely a complex action, this amendment. And
20 Larry and I appreciate you guys spending some time you
21 know, talking through it and getting some details on
22 it.

1 It is complex. There are a lot of moving
2 parts. So I think that, as Bennett kind of alluded
3 to, it's good to think of it as two separate
4 components, at least initially. There is some overlap
5 but for initial communication it's best to think of it
6 as two broad components.

7 We have the spatial management portion
8 that considers the modification, data collection, and
9 assessment of four spatial management areas. And then
10 second is the pelagic longline EM cost allocation.
11 Considering how to shift some of those video review
12 costs and cameras in the EM program from the agency to
13 the industry. And that's what we'll focus on this
14 afternoon. But we'll stick with the spatial portion
15 for now.

16 So as a little bit of a road map of where
17 we're going to go, first I'll give you a little bit of
18 purpose and background on this portion of the proposed
19 rulemaking. We'll dive a little bit into HMS PRISM.
20 I know we discussed it in a couple past AP meetings,
21 but kind of give a little refresher on how we use this
22 new tool to support this amendment. And then dive

1 into the organization, the DEIS as well as the
2 preferred alternative package. It's really the meat
3 of what we're proposing with this amendment and get
4 some discussion flowing with that.

5 So you know, kind of taking a step back.
6 Currently there are large areas in both the Atlantic
7 and the Gulf of Mexico that restrict or prohibit
8 long-line fishing, either bottom longline or pelagic
9 longline. Some of those have been in place for a long
10 time. Some more than 20 years, some approaching 20
11 years. And the goal was to reduce bycatch.
12 Specifically things like sea turtles or undersized
13 swordfish, billfish, sharks, and other species that
14 were of concern at the time of implementation.

15 Now throughout the whole presentation, I'm
16 going to use "bycatch" more generally than is legally
17 correct. Bycatch and incidental catch are different,
18 but just for ease of communication we're going to talk
19 specifically about bycatch to cover all species that
20 are unintentionally caught whether they're kept or not
21 by a fisherman.

22 So I don't want to gloss over the fact

1 that closed areas can be really effective at
2 preventing interactions between certain species and
3 certain gear types. It's really an effective
4 management and conservation tool. However when you
5 have these areas in place, you're reducing fishing
6 effort in that area and thus there's a decrease in
7 fishery generated data from that area.

8 And so why is that important? This
9 fishery generated data is referred to as fishery
10 dependent data. This is data that is collected during
11 normal fishing operations. Think observer reports or
12 logbooks. Fishery dependent data is super important.

13 It's the most cost effective. Fishermen are already
14 out there on a platform fishing, so the data
15 collection is already there.

16 It's also highly relevant to assessing
17 normal fishing impacts. If you want to know what a
18 bottom longline vessel is going to catch on their
19 bottom longline gear, it might not be the best idea to
20 send a NOAA research vessel with hook and line to see
21 what they're catching. It might not be relevant to a
22 bottom longline question. So that's where the fishery

1 dependent data comes in. And of course, it also
2 generates a large volume of data.

3 So without this data, it's difficult to
4 assess if those closed areas are meeting conservation
5 and management goals. And this is important though.
6 Assessing closed areas is important. Just as we want
7 to assess any management measure to see if it's still
8 meeting the goals not only for why it was originally
9 implemented, but what use it has currently with
10 current conservation and management needs.

11 So some of these closed areas we're going
12 to talk about today have not been evaluated for
13 effectiveness because we don't have the fishery
14 dependent data to really answer some of the questions
15 we may have. But since implementation, there's been a
16 lot of changes.

17 Obviously the ocean is different. We've
18 spoken a lot about how species distributions are
19 shifting. They're in different areas earlier in the
20 year or in different areas entirely, we haven't seen
21 them before.

22 The distribution, not just of HMS, but

1 also the bycatch species are different as well as the
2 species in need of protection. Back when some of the
3 pelagic longline areas were put into place we weren't
4 so concerned about shortfin mako sharks on pelagic
5 longline the way we are now. So some of our
6 management concerns have changed as well. And we also
7 have new fishery management tools. Think circle
8 hooks, or live bait restrictions, other ways to reduce
9 bycatch.

10 Now this is important for any fish stock
11 or any fish species of course, but I think it's
12 particularly relevant for this group and for HMS. HMS
13 and these pelagic bycatch species we're talking about
14 are particularly sensitive to ocean conditions rather
15 than less variable you know, less variable bottom
16 habitats. They more readily move with changing ocean
17 conditions to follow those temperature envelopes or
18 prey species into different areas. So really
19 assessing where these HMS species are in relation to
20 the closed areas is important.

21 So in the context of that, climate change,
22 shifts in species distribution, these static fishery

1 closures that are in one place could result in a
2 mismatch among all the different conservation goals
3 whether it be original conservation goals, current
4 conservation goals, ecological conditions, as well as
5 management needs we may have right now.

6 So more formally, it kind of brings us to
7 the objectives of Amendment 15. Minimize bycatch and
8 bycatch mortality to the extent practicable but also
9 optimizing fishing opportunities. We want to find
10 ways to collect data out of these areas in order to
11 evaluate and assess how they're doing and also broaden
12 the way we think about spatial management. Include
13 things such as how variable -- not just HMS, the
14 species but also the fisheries that target them.

15 We want to reduce user conflicts and gear
16 conflicts, encourage data collection and regular
17 evaluation of these areas but also consider climate
18 resilience and environmental justice. Where these
19 areas are off the coast of certain communities
20 restricting access, can we find a way to think around
21 other ways of improving access for different groups in
22 different areas.

1 So we want to evaluate the effectiveness
2 of longline closed areas in meeting ecological,
3 social, and economic goals. And also consider
4 modifications as needed to continue to meet those
5 conservation and management goals.

6 And here is just kind of a big overview of
7 the four areas we're going to talk about. In red up
8 here is the only bottom longline area, the
9 Mid-Atlantic shark closed area, closed the first half
10 of the year, January 1st through July 31st. And the
11 remaining three are pelagic longline areas.

12 In green is Charleston Bump, closed from
13 February 1st through April 30th for pelagic longline
14 gear. And the blue one in the Gulf of Mexico, DeSoto
15 Canyon and the grey area off of Florida, the east
16 Florida coast closed areas. Those are also both
17 pelagic longline closed areas, but they're closed year
18 round.

19 Okay. So as promised, we'll just do kind
20 of a quick dive back into HMS PRISM. This is the
21 spatial modeling tool we created to support this
22 rulemaking. And let's start with that kind of

1 circular logic loop we were talking about before.

2 So spatial management areas need
3 evaluation. So let's start with that bolded area.
4 You need data to assess these spatial management
5 areas. You follow the arrow around though these
6 spatial management areas are limiting fishing effort
7 inside those areas which brings us around the circle
8 to limited data to evaluate spatial management areas
9 back to the bold area again. We need data to assess
10 it.

11 And we've been caught in this circular
12 logic loop for a number of years. And we want to find
13 a way to break that cycle. And that's really where
14 HMS PRISM comes in. Finding a way to model and
15 predict where fishery interactions could occur,
16 including within closed areas, to provide some
17 information to begin collecting data and evaluating
18 these closed areas and see if they're actually meeting
19 the goals that we think that they're meeting.

20 So PRISM predicts those fishery
21 interactions based on oceanographic and fishery data
22 and the outputs look like this. This is a sample map

1 of shortfin mako shark in April. It's a heat map.
2 What you'll see is the bright colors up there are
3 areas of a higher likelihood of an interaction between
4 a shortfin mako shark and pelagic longline gear in
5 April. And the cooler colors, the darker colors, are
6 lower probability of that.

7 So with information like this we can
8 predict areas of a higher or lower bycatch risk for a
9 specific species in specific months with specific gear
10 types including within areas where we don't actually
11 have fishery dependent data, that have been closed
12 completely.

13 Here's kind of a simplified infographic of
14 what PRiSM does. You have a laptop in the middle. On
15 the left-hand side is oceanographic data. On the
16 right-hand side is observer data and other
17 information. The observer data is what species are
18 caught where and when. The oceanographic data are
19 things such as sea surface height, chlorophyll A, sea
20 surface temperature, those types of things. And we
21 bring them into the model to find relationships
22 between where species are or aren't and those

1 environmental conditions that surround that. And with
2 that we can have some predicted fishery interaction
3 outputs similar to that shortfin mako shark map in
4 April.

5 The next three slides might be useful for
6 reference just for later. I won't go too, too deep
7 into them. But just to kind of give you an overview
8 of what you're looking at. That really complicated
9 map in the bottom left, those are positive and
10 negative observations of a specific species.

11 So in this case, the green are positive
12 observations of a species, and the white ones are
13 negative observations. You didn't see that species
14 caught in a set. For each one of those dots, we know
15 the area of course where it was caught, and also the
16 time, the date of it. So with each one of those
17 observation points, we can connect environmental
18 information such as again, sea surface temperature, or
19 bathymetry, or chlorophyll A. Different ideas into
20 what the environmental conditions were at each one of
21 those points.

22 And once we have that we can model those

1 relationships. And that's what's shown to the right
2 there. Those graphs up there are actually the
3 relationships between each one of the environmental
4 variables that are in HMS PRiSM and the probably of
5 interaction with that specific gear type.

6 That's the interim step. So now we know
7 how the presence or absence of a species interacting
8 with a certain gear type and how it relates to those
9 environmental conditions. Then we can throw any
10 environmental conditions we want to at that model and
11 predict what fishery interactions will look like.

12 In this case we looked at you know, a
13 recent three-year time period. But perhaps we can
14 even throw future time periods in or predicted time
15 periods and see what that fishery interaction might
16 look like. And then again, at the end it spits out
17 this model output, this heat map similar to the one
18 that we showed as an example for short fin mako
19 sharks.

20 So I definitely, highly, encourage you if
21 you're interested to jump into the A15 home page
22 website. It's got a lot of information in there. The

1 first place to stop is the story map we created. It
2 really goes step by step through, not just PRiSM and
3 how it works, but also this DEIS and the proposed
4 action.

5 There's also the PRiSM manuscript that was
6 published in a peer-reviewed journal as well as an
7 accompanying explainer website too, to really walk you
8 through what that looks like and what the specifics
9 are of PRiSM. And for ease of access, there's a QR
10 code to take you to the home page as well as a tiny
11 URL also to make it easier to communicate this long
12 URL text string. So hop into there and you can look
13 at some of that information as well.

14 All right. So that covers the background
15 information. Now we're going to jump into the actual
16 meat of this, the DEIS. And you know it's going to be
17 complicated when I'm going to start with this really
18 complicated flow chart. But it's important though.
19 The way that this is laid out is really different than
20 other DEISs we've done in the past. But it provides
21 us some flexibility.

22 Each one of these areas we're looking at

1 are different with different goals, different
2 fisheries happening in there, different time periods.

3 We don't want a one size fits all solution. So the
4 way it's laid out is to provide some flexibility, to
5 bring some different solutions into each one of those
6 areas.

7 We have a set of A alternatives, they're
8 in yellow. The evaluation and modification of spatial
9 management areas. And green are commercial data
10 collection programs. And then in blue the C
11 alternatives, evaluation, timing of spatial management
12 areas. That's a way of making sure we don't get in
13 the same position we're in now some point in the
14 future.

15 The way we're looking at this is like a
16 real simple analogy. This is like a menu selection.
17 The A is your appetizers, B are your entrees, and C
18 are your desserts. So on your right-hand side for
19 each one of these spatial management areas,
20 Mid-Atlantic, shark closed area, Charleston Bump, East
21 Florida coast, DeSoto Canyon, we can choose from that
22 menu and see what fits best for that among the

1 appetizers, entrees, and desserts, to create a
2 customized suite of solutions for each one of those
3 areas. It's complicated, but it gives us some
4 flexibility and I think it's a benefit of this
5 approach.

6 All right. So let's look at the A
7 alternatives. Before we get to look at the maps, just
8 to kind of give you an idea of how we developed these,
9 another flow chart. So the blue box at the top is the
10 current closed area. What we did is we combined all
11 of these HMS PRISM output maps for all of these
12 different species and different months and combined
13 them with some other information such as areas of gear
14 conflict or important ports or even bathymetric
15 features to create a range of modification options to
16 these areas.

17 This is the more qualitative process of
18 it. This is really eyeballing it and getting some
19 expert opinions in and creating a suite of
20 modification options, up to a dozen in some cases, of
21 different ways that we can actually change and
22 delineate high and low bycatch risk areas within each

1 closed area.

2 Once this qualitative process is done, we
3 get back into the more hard quantitative idea of HMS
4 PRISM. HMS PRISM includes some metrics to measure not
5 just the conservation value of a certain configuration
6 in time and space of a closed area, but also the
7 efficiency of protection. And with that we can take
8 all of these management options, run them through the
9 HMS PRISM metrics and find the best options that
10 actually turn into alternatives.

11 So yes, we had you know, a dozen different
12 modification options but in the DEIS we only look at
13 four or five actual alternatives including that
14 no-action alternatives.

15 All right. So that's all conceptual. But
16 let's look down to the actual maps of what it looks
17 like in the DEIS. Then we'll start with the
18 Mid-Atlantic shark closed area.

19 And the next several closed areas will all
20 kind of match this same format. On the left is the no
21 action, that's the way it exists right now. That
22 cross hatch area is the current footprint of the

1 Mid-Atlantic shark closed area. And again, closed
2 from January 1st through July 31st. And then the
3 other maps are some different alternatives with some
4 changes in both space and time of that area.

5 And the preferred alternatives there is on
6 the far right. You can see here on the eastern edge
7 right here, an expansion of the footprint of that area
8 to kind of protect that 350 meter shelf break but also
9 shifting the closure up by two months. Instead of
10 being closed from January 1st through July 31st,
11 November 1st through May 31st.

12 And this is a really interesting result of
13 PRISM. These places, when they were put into place
14 back in around 2005 or so, they did a good job of
15 protecting dusky and sandbar sharks among other
16 species. But since then we've heard from fishermen
17 and researchers that say it's just mis-timed; the
18 sharks are showing up earlier and they're leaving
19 earlier. It's not optimally protecting those species.

20 And PRISM really showed that. With all three of
21 these different options, shifting that closure up by
22 two months did provide some stronger protection for

1 this bycatch species.

2 So then we looked at the alternatives.
3 Anything in red, that would be areas that we could
4 identify as high bycatch risk areas. Areas where we
5 want to be particularly careful when we're collecting
6 data because the risk of bycatch is high.

7 Jumping into Charleston Bump. Again kind
8 of the same configuration. The left-hand side is
9 status quo, that's the closure from January 1st -- or
10 excuse me -- from February 1st through April 30th, and
11 then some different alternative options for
12 modification in space and time and delineation of
13 those high and low bycatch risk areas.

14 The preferred option is highlighted in
15 yellow. That's where we actually have a diagonal
16 bisect across the middle of Charleston Bump. The in
17 shore area would become a high bycatch risk area. And
18 that would be a high bycatch risk area year around,
19 not just from February 1st through April 30th. And
20 then the area off shore, that unshaded cross hatch
21 area would be a lower bycatch risk area during that
22 same time period of the current closure, February 1st

1 through April 30th.

2 East Florida Coast. Very similar, the
3 only difference you'll notice is that two of the
4 alternatives have different timing components. The
5 high bycatch risk areas would change during certain
6 portions of the year. That's why there's two maps
7 under there. But the preferred alternative matches
8 more closely to the one for Charleston Bump. That
9 inshore area would be a high bycatch risk area year
10 around, and that offshore unshaded cross hatch area
11 would be a lower bycatch risk area year around as
12 well.

13 And then finally, DeSoto Canyon. Same
14 kind of idea but this is a little bit different as
15 well. Really focusing in on the status quo
16 alternative. If you can see it up there, those two
17 boxes, seem to try and protect that shelf break right
18 there including the actual DeSoto Canyon bathymetric
19 feature in that northern box.

20 And you can see, using two boxes to kind
21 of protect that sloping area, isn't real effective.
22 We also know Rice's whale is in that corner of that

1 box -- let's use the laser pointer again -- right in
2 this area is some critical habitat for the endangered
3 Rice's whale as well. So maybe this isn't protecting
4 it as well.

5 So rather than sticking with inside the
6 current footprint, what we're preferring is a bit of a
7 redesign. Actually extending beyond the footprint.
8 And this would create a parallelogram to better
9 protect you know, those different components we were
10 just speaking about and turning that area into a high
11 bycatch risk area year around. And then all of those
12 different corners of the current closure into the low
13 bycatch risk areas.

14 Okay. So now on to those entrees. The
15 commercial data collection programs. We've now
16 delineated in each closed area some high bycatch risk
17 areas and some low bycatch risk areas. Areas where
18 we're more concerned perhaps about bycatch and areas
19 perhaps where we're less concerned about bycatch. How
20 do we connect some data collection programs with those
21 areas?

22 So some of these data collection programs

1 would be implemented in some times and areas that were
2 previously closed to fishing. But the level of
3 bycatch risk, again, that delineation of high and low
4 bycatch risk would kind of inform what kind of data
5 collection program we would put into place.

6 So areas of a lower bycatch risk, perhaps
7 we could do a more permissive data collection program.

8 Whereas in areas of a higher bycatch risk we'd
9 definitely be more precautionary and have a limited
10 data collection program not to jeopardize any of our
11 conservation goals.

12 So jumping into the alternatives. No
13 action of course, which is preferred in some areas.
14 Alternative B2 is not preferred but it was one of our
15 options. It's a spatial management area research
16 fishery modeled after the shark research fishery where
17 fishermen would apply to the program, and they go out
18 and fish in closed areas under a scientific research
19 plan. I won't spend too much time on that since it's
20 not preferred but it's one of the options under there.

21 Then one of the options that is preferred
22 in a couple of areas is a monitoring area. And I want

1 to stress that this is a special access area for data
2 collection. And the idea is that commercial vessels
3 would be authorized to fish in certain areas and times
4 to collect data, but we would have strict effort and
5 catch controls to avoid jeopardizing conservation
6 goals.

7 We'd also have real-time reporting of
8 select bycatch species after each set and again, this
9 is a special access area, so NOAA fisheries could
10 reserve the right to close and/or not reopen that
11 monitoring area if something just feels funny. If
12 we're seeing bycatch that's way higher than we
13 thought. If we're seeing overly clustered data
14 collection efforts. Anything that doesn't seem right,
15 we can actually close that off to make sure that we're
16 not jeopardizing our conservation goals.

17 So to that end, we have six
18 sub-alternatives that are all listed there in those
19 text boxes of ways of ensuring that we are limiting
20 effort, limiting impact to bycatch species but also
21 getting good data out of it. And I'll focus on the
22 two boxes that are outlined in yellow. These are some

1 alternatives that are preferred in the monitoring
2 areas.

3 One are effort caps. So in each area, if
4 we had a monitoring area, there's a certain number of
5 sets that can be deployed when that monitoring area is
6 effective and once that number is hit the area is
7 closed until it resets at the next cycle.

8 Then there is also electronic monitoring
9 with cameras in the vessel. Currently right now a
10 subset of that video is being reviewed. In the
11 monitoring areas, 100 percent of the video would need
12 to be reviewed at the expense of the vessel owner
13 that's choosing to go into that monitoring area.

14 And then also, vessel operators would need
15 to report effort and catch within 12 hours of the end
16 of each set. Similar to bluefin tuna, but the number
17 of species would increase again, specifically in the
18 monitoring area.

19 And this portion right here at EM, this is
20 the major overlap with later portion we'll talk about
21 with the EM cost allocation but again for now I think
22 it's helpful just to think about it separately.

1 Then the final data collection alternative
2 that is also preferred in several areas is a
3 cooperative research via an EFP. And this is very
4 similar to our current EFP program but what we've done
5 is analyzed some different research plans that could
6 come in. And in order to be consistent with this
7 analysis, that research plan needs to incorporate
8 several components. And those components are listed
9 out there in those sub bullets.

10 There needs to be an effort cap, it's
11 actually even lower than the monitoring area effort
12 cap to make sure that effort is not that high.
13 Bycatch caps. So for certain species if we hit a
14 certain number of bycatch interactions, all research
15 in that area ceases. We need to have some reporting
16 mechanisms in place to get some real-time reporting to
17 NOAA fisheries.

18 Some combination of 100 percent observer
19 or EM coverage. Applicability of study design. It
20 needs to be applicable to management questions that we
21 might have. They need to incorporate some exclusion
22 areas in there. So look in the area where the

1 research is going to occur, identify areas of high
2 bycatch risk where may the research should not occur.

3 Maybe areas of user conflict or gear conflict and
4 stay out of those areas as well.

5 Add in fleet communication. All of the
6 different participating research vessels need to
7 communicate among themselves if they're finding areas
8 of high bycatch or any bycatch at all and stay out of
9 that area to make sure we're not jeopardizing
10 conservation goals.

11 Okay. On to the -- actually one more note
12 on that one. With the EFP, so those are some
13 components that a research plan needs to have to be
14 considered consistent with these A15 analyses. But by
15 no means does that mean that we have to actually grant
16 that EFP if it meets that. Each EFP application is
17 considered on a case by case basis.

18 Okay. Jumping into that last group, those
19 dessert alternatives, the C alternatives. These are
20 the ones that make sure that we're not getting into
21 the same situation we are now in the future. So
22 rolling through these. This is a way of making sure

1 that we're continuing to assess these areas into the
2 future.

3 We have a no action alternative and then
4 C2 and C3 are some different timing of the same idea.

5 C2 is, once we have three years of data out of these
6 areas, let's evaluate it and see how A15 is doing.
7 And then continually, after that latest assessment
8 and we have another three years of data available,
9 let's do it again. C3 is the same idea but it would
10 be for five years of data.

11 C4 is a triggered evaluation. Regardless
12 of any timing components we put into place, if we see
13 a reason we want to evaluate earlier, there's a
14 triggered evaluation option as well. And then finally
15 a sunset provision. Something we've heard from the
16 fishery in the past is that once a closed area is in
17 place put a sunset on that area where it disappears.

18 In this case, alternative C2, three years
19 of data to begin an evaluation and a triggered
20 evaluation are preferred across all four areas.

21 All right. So after all that talking,
22 this is the meat of what we're actually proposing of

1 the spatial management portion of A15. And again,
2 this is where we're taking the selection of
3 alternatives from A, B, and C, and customizing a fit
4 for each one of the spatial management areas. There's
5 four spatial management areas. And we'll go through
6 it one by one.

7 So first we'll start with the Mid-Atlantic
8 shark area. Again we're proposing to change the high
9 bycatch risk area, both footprint and timing,
10 including some of that area off shore -- Excuse me on
11 that one. Pushed the wrong button -- right here. On
12 that 350 meter shelf break. And in that entire area
13 in red would now become the Mid-Atlantic bottom
14 longline restricted area. A slight change in the name
15 of what it's named now to be more clear that it's
16 specific to bottom longline.

17 We would also shift that timing.
18 Currently it's you know, the first half of the year,
19 shift it up by two months so it's November 1st through
20 May 31st.

21 In that high bycatch risk area it would be
22 no action for data collection. We would continue the

1 data collection programs we have now, including the
2 shark research fishery and fishery independent
3 surveys. And there is no low bycatch risk area
4 identified here so no need for a data collection
5 program there.

6 And again, the evaluation timing is once
7 three years of data is available and then continuing
8 every three years after that and a triggered
9 evaluation as well.

10 Moving on to Charleston Bump. Again that
11 preferred management option is to delineate high and
12 low bycatch risk along that diagonal bisect. The in
13 shore area would be a pelagic longline restricted area
14 closed to pelagic longline year around rather than the
15 current timing of February 1st through April 30th.
16 But then the off shore area and that low bycatch risk
17 area become the Charleston Bump monitoring area from
18 February 1st through April 30th.

19 In that high risk area, in that near short
20 in the red, the data collection program would be
21 cooperative research via an EFP. Researchers could
22 come to us with an application and if it met those

1 criteria we outlined, it would be consistent with the
2 analysis in A15, and we would then consider on a case
3 by case basis whether that's an EFP we want to grant
4 for data collection.

5 Then in the off shore monitoring area
6 there in yellow, a monitoring area for data collection
7 is preferred. With the sub alternatives of effort
8 caps which would be 69 sets between February 1st and
9 April 30th. Once that number of sets is reached the
10 entire area closes until April 30th and then it
11 becomes a normal fishing area as it does now.

12 And then also a sub alternative that would
13 require electronic monitoring. One hundred percent
14 review of that video at the vessel owner's expense.
15 And note that in that monitoring area, it would be
16 open to normal commercial fishing again from May 1st
17 to January 31st outside of those areas.

18 So two notes on the monitoring area.
19 Again, it's a special access area for data collection.

20 If something weird is going on, we have the ability
21 to close it down in this case in between February 1st
22 and April 30th, and/or not reopen it if we need to

1 that following year.

2 Also, as Randy was discussing on some
3 monitoring areas in the Gulf of Mexico that had a
4 triggered action if we didn't actually close them.
5 There is no triggered action with this. This would be
6 set with rule making. It would only be changed with
7 future rule making if we're seeing -- after those
8 evaluations occur, seeing how these things are doing
9 at meeting our management goals. And the evaluation
10 timing is the same, every three years and triggered
11 evaluation.

12 I'll note as well in that monitoring area
13 that EFPs can be used as well to actually go in there
14 and collect data outside of that commercial pelagic
15 longline fishing data collection.

16 East Florida coast is very similar. It's
17 essentially the same without that tiny component of
18 the monitoring area. The monitoring area would be in
19 effect year around. So that red area would be pelagic
20 longline restricted area, again closed to pelagic
21 longline year around. And in yellow would be a
22 monitoring area year around as well.

1 With effort caps, 124 sets per year. Once
2 that's hit it's closed for the remainder of the year.

3 And electronic monitoring requirements also for 100
4 percent video review. And in that red area and in the
5 yellow area, cooperative research via EFP could be
6 used as well. And then again, the evaluation timing
7 every three years and triggered evaluations.

8 So I wanted to take a little bit of a
9 tangent here as well. When you combine that red area,
10 that pelagic longline restricted area in Charleston
11 Bump with the one for East Florida coast, we can
12 create a new single pelagic longline restricted area
13 that is closed year around and is a single closed
14 area. So for ease of communication, those two
15 vertices at the north end of the East Florida coast
16 and the southern end for Charleston Bump match up and
17 that is the proposed South Atlantic pelagic longline
18 restricted area. That's where pelagic longline would
19 be prohibited year around.

20 Okay. Jumping into DeSoto Canyon now. So
21 again, preferring that parallelogram that better
22 protects that shelf break as well as that Rice's whale

1 habitat. That red area would be a year around high
2 bycatch risk area where pelagic longline is prohibited
3 again, year around with some options for cooperative
4 research via an EFP in that area.

5 All those different corners of the
6 unshaded cross hatch area, that becomes low bycatch
7 risk area. And we're not preferring any kind of data
8 collection program in that area. That area would be
9 open to normal commercial pelagic line fishing year
10 around without any different restrictions than other
11 open areas. And again, that timing evaluation is --
12 we'll look at it again after three years of data are
13 available or earlier if conditions warrant.

14 So what do the impacts look like? So
15 ecological, I mean generally they're neutral to minor
16 beneficial. Because it's a more efficiently designed
17 closed area for conservation protection but still
18 allowing some data collection. We're also not
19 expecting any large changes in effort. A lot of these
20 changes are somewhat minor as well as market
21 conditions are really dictating effort. So I don't
22 think a lot of these are going to change effort to a

1 large degree.

2 For social and economic impacts in the
3 Mid-Atlantic area, again, that bottom longline area
4 kind of off North Carolina coast, we're expecting
5 neutral social and economic impacts really because
6 there are minor changes as well as low effort in the
7 area.

8 Then for the pelagic longline areas,
9 neutral to minor beneficial economic impacts due to
10 our calculated changes in target catch. For
11 Charleston Bump the change is a positive increase of
12 236,000 across the fishery. East Florida coast is a
13 positive change of 38,000 across the whole fishery
14 just due to target species changes.

15 And DeSoto Canyon has got an asterisk
16 here. Using that methodology we calculated a negative
17 change in revenue for that pelagic fishery based on
18 that target catch. But we don't think it's going to
19 be realized. Because of these changes we're not going
20 to force any fishermen to go into an area of lower
21 target catch. So because of the intricacies of the
22 way that we calculated that target catch, it's more

1 geared toward calculating positive changes and not
2 negative changes.

3 It's unlikely a fisherman is going to be
4 forced to go fish where there's a lower CPE. So we
5 don't think that that negative revenue balance is
6 going to be actually realized by fishermen.

7 All right. So what do all these things
8 together do in change of scope. So scope is a term
9 that we've developed for this action. And scope is a
10 way of measuring you know, how "big" these areas are.

11 You can't use just square mileage to assess how good
12 an area is.

13 We had closed the entire EEZ for one hour
14 out of the year and it would be a massive closure by
15 square miles, but it wouldn't do much for conservation
16 at all. You've got to have a timing component with
17 that. So that's what scope is. It's the area, times
18 the number of months of a closure, gives you the
19 scope.

20 So what do these proposed changes do to
21 each one? So for the Mid-Atlantic shark area in red,
22 it's a 14 percent increase in the scope. Again area

1 times time. Charleston Bump is 121 percent increase.

2 East Florida coast is a decrease of 26 percent, but
3 again that's more than made up for by the changes in
4 Charleston Bump. And DeSoto Canyon has an increase of
5 five percent of a scope change as well.

6 Touched briefly on some E alternatives
7 which are changes in some regulatory provisions for
8 spatial management areas. Currently in our regs, in
9 the 635 regs, we have some considerations for
10 adjustments to time/area closures and gear restricted
11 areas. And the E alternatives consider updating that
12 regulatory text to consider regular review of those
13 areas, add some high-level design elements when
14 creating or modifying these areas, the timing of
15 evaluation of data collection areas, et cetera.

16 And the specifics of those are actually in
17 the DEIS and proposed rule for interest and what that
18 reg text looks like. But I do want to stress that
19 adoption of this preferred alternative would not
20 result in any short-term changes. It would be future
21 rule makings that would use those changes to consider
22 how to modify any of these areas.

1 And so those alternatives are listed
2 below. And again, we're preferring to update that
3 regulatory language related to spatial management
4 areas.

5 So in conclusion, these preferred
6 measures, we think it helps kind of hit some of our
7 dual mandates under MSA. It helps achieve these MSA
8 mandates of ensuring sustainability of fish stocks and
9 protecting bycatch species but also optimizing fishing
10 opportunities.

11 It responds to directives that consider
12 climate change impacts. It responds to -- it also
13 considers ecosystem based fishery management
14 objectives. We're not looking at single species
15 management, we're looking at multiple species
16 management all at once.

17 It response to environmental justice
18 directives, looking at different fishing communities
19 that are cut off from access based on their location.

20 And the new configurations of these areas could
21 provide greater conservation value than status quo,
22 particularly in the context of the shifting

1 distributions of the HMS target species as well as
2 bycatch species due to changing ocean temperatures due
3 to climate change.

4 So up here is just some next steps
5 information. Comment period closes April 15th. This
6 is a super long comment period. We know this is
7 complex. We want to give plenty of time for input and
8 considering --

9 MR. REDD: September.

10 MR. DURKEE: Thank you. I just want to
11 make sure you guys are listening and I know Larry is
12 so that's good news at least.

13 There's a -- you can submit comments
14 through our A15 website and again, we've got that tiny
15 URL and a QR code for easier access and some of the
16 information that you can find on the website is listed
17 below. And there is a lot more information on this
18 website than usual and I think it's worth trying to
19 take a chance to go in there and look around.

20 And depending on our timing right now, a
21 very loose guide for discussion perhaps.

22 MR. BROOKS: Great. Thanks so much,

1 Steve. So we have about 15 minutes, maybe a touch
2 more before we go to lunch. What I'd like to do is
3 use that amount of time and probably sometime after
4 lunch too just to get some clarifying questions out
5 here on the table. And I think there's sort of three
6 categories that I would invite you think about.

7 Sort of one, the PRISM process, do you
8 have questions about how that process is driving and
9 forming what was just shared. A fairly complex DEIS
10 alternative structure and just making sure that you're
11 clear on what that structure is and again clarifying
12 questions around that, and then how the spatial
13 modifications were developed.

14 So just want to make sure we're all
15 understanding, tracking, you know what Steve just
16 presented before we get into the, "and so what do you
17 think about it" portion of the program.

18 SO with that, let me just open up for some
19 clarifying questions. Again, I'll start online and
20 then bring it back into the room and if we need more
21 time after lunch for this, do not worry because I can
22 already see we'll probably never get through all the

1 cards before lunch.

2 So let's go online. Go to Charlie
3 Bergmann first and then Christine.

4 MR. BERGMANN: Clarification --

5 MR. BROOKS: Yep. Go ahead.

6 MR. BERGMANN: First of all, I want to
7 thank the agency for forwarding this PRISM stuff. The
8 fishing industry has been using satellite imagery,
9 geographic features now for 30 years, anyway. And I'm
10 glad to see that the agency has finally caught up.

11 Can we go to slide 39 please? I'm not --
12 I just have to clarify here. When we move this --
13 what's it called, parallelogram -- out away from the
14 western portions of the lower DeSoto Canyon closed
15 area. That encompasses the total fishing area for a
16 large segment of the Gulf of Mexico fishermen.

17 So while you say you don't think that
18 224,000 would be realized in losses, the men that fish
19 in that area, they're going to have to relocate. So
20 with that being said, later today can we look at these
21 other options for this closed area? I'm looking to
22 try to mitigate that one little area there.

1 MR. BROOKS: For sure. That's you know,
2 one of the points of this conversation is to hear what
3 ideas you all, reactions to this and other ideas you
4 want to put on the table, so you bet. Thanks,
5 Charlie.

6 Let's bring in Christine.

7 MS. KITTLE: Hello. I have a couple of
8 questions. So first, I have a question on the EFP
9 process and how it's different than the current one.
10 Will it still allow for public review and comment?

11 My second comment would be specific to the
12 PRISM methodology and scoring. Specifically looking
13 at the areas off of Florida. The matrix 1 seems to be
14 where a lot of the differences in the scoring between
15 the alternatives occurred. So I was wondering if
16 someone could kind of discuss and kind of go through
17 the matrix 1 process and how it compares inside and
18 outside.

19 And let's just go with those two for now.

20 MR. BOOKS: Thanks. Go ahead.

21 MR. DURKEE: Yeah. Thanks, Christine. So
22 we'll start with the EFP question first. So it

1 closely follows the current EFP process. So what
2 we're doing is we analyze environmental impacts
3 upfront, we're providing an opportunity for public
4 comment at that stage, included for the NEPA analyses.

5 And then we can consider each EFP application on its
6 own merits and decide whether or not it actually fits
7 with our management goals. So that's how it will most
8 closely match our current process with more typical
9 EFPs.

10 The only difference would be that we have
11 all these additional conditions that would need to be
12 incorporated in order to be consistent with this
13 process. So for instance, if a researcher came to us
14 and they said, your effort caps are too low. We can't
15 have that in this research project. It doesn't fit
16 under this analysis and needs to go through a NEPA
17 process again, out for public comment, et cetera.

18 But if they're able to work these
19 conditions in, then it is consistent.

20 So speaking specifically to the East
21 Florida coast, can you elaborate what you mean by
22 matrix necessarily? Are you talking about the actual

1 metrics, how we're measuring each one of these?

2 MS. KITTLE: Yes. I'm sorry. Yeah.

3 Matrix 1, I guess looked at kind of efficiency, as far
4 as I understand it, of what the -- how efficient the
5 high bycatch risk is compared to the outside area.
6 What I don't understand is how the alternatives, when
7 you take out an area, say alternatives A3B, that what
8 you're calling low bycatch, which area is incorporated
9 in the comparison.

10 Because from what I understand, the
11 outside data is based off of actual pelagic longline
12 data and so I don't know how you can combine two
13 different kinds of data sources to do that comparison
14 accurately.

15 MR. DURKEE: Yeah. No. A hundred percent
16 fair. So I understand what you're asking. So given
17 terminology considerations, it's the metric score 1,
18 which again I would encourage you to go to the story
19 map to get some background into that. I hate not
20 answering questions, but to get into the metrics would
21 literally be another hour of a conversation which we
22 can absolutely have offline with anyone that wants to

1 talk about it. But it literally would be a very, very
2 long process.

3 Do you have like a top line way that you
4 want to just summarize metrics or something that we
5 can just discuss offline?

6 MR. CREAR: I think for right now, I think
7 it would be better to do it offline since we don't --
8 because like you said, it's going to take time for us
9 to explain it. And like Steve said, the story map
10 will go into detail and the DEIS will, obviously will
11 go into even a lot more detail than that.

12 But yeah. I think offline will be easier
13 and more clear.

14 MR. DURKEE: That's great. And Randy's
15 mentioning that this afternoon could be an opportunity
16 to dive into it as well a little bit.

17 I would note, use that story map. But
18 then also, these metrics were in the manuscript that
19 was peer reviewed as well as the CIE review of
20 portions of the DEIS. And everyone that we've spoken
21 to so far agrees that it's a pretty robust way of
22 looking at these model results. And so we've got

1 pretty good confidence in it.

2 But again, we can talk about details when
3 we have some more time to do so.

4 MR. BROOKS: Thanks. Let's go to Alan
5 Weiss for a clarifying question and then we'll come to
6 the room.

7 MR. WEISS: Thanks. First of all, I'd say
8 unfortunately you guys put the cart before the horse
9 with this whole presentation because all of these
10 areas and alternatives and sub-alternatives are
11 interesting to contemplate but all of them are highly
12 dependent upon the answers to the questions about the
13 fees that are contained in the next segment. So it's
14 hard to do much with what's been presented so far
15 until we know the context --

16 MR. BROOKS: Alan, can I ask you to --
17 Alan, I would like you to focus on a clarifying
18 question if you could.

19 MR. WEISS: -- One thing that I'd like to
20 ask especially related to the slide similar to the one
21 that's up now is, would it be possible to have a
22 combination of sub-alternatives so that the high risk

1 area would shift during different parts of the year to
2 enable some of the data collection, or more of the
3 data collection to occur over a larger area and over a
4 broader time period?

5 MR. BROOKS: Thanks.

6 MR. DURKEE: Thanks, Alan. And I don't
7 want to gloss over your first point. I understand
8 that that is a very serious issue and we're going to
9 dedicate some time to it. And I understand that
10 thinking about this in the context of EM cost
11 allocation, it produces some complications and I
12 understand that.

13 But focusing specifically on your question
14 with this one. Yes, that's why we're out for public
15 comment is to look at -- to show you what we're
16 preferring, what the preferred other options could be,
17 other alternatives could be that we could select. And
18 then if there are some other ones that we didn't
19 necessarily look at exactly, if it fits within what
20 we've analyzed, perhaps it could be an option moving
21 forward as well.

22 But again, that's the whole point of the

1 public comment process.

2 MR. BROOKS: Thanks. Let's come into the
3 room. I've got -- we'll definitely want to push this
4 post-lunch too. I've got at the moment Martha, Greg,
5 Dewey, Peter, Mike, Matt, Allie, and Tim.

6 Martha, we'll start off with you.

7 MS. GUYAS: Thank you. And thank you for
8 this presentation. I thought it was very helpful.
9 Lots of reading to do but that's okay.

10 So my question's on PRISM. In selecting
11 the species that you were looking at for bycatch and
12 incidental harvest. Can you talk more about
13 specifically what those species are and did this
14 include the -- I mean, does the model analyze
15 council-managed species that are bycatch and
16 incidentally caught, like dolphin or groupers, and PLL
17 or bottom longline fisheries, and the impacts there?

18 MR. DURKEE: We've got a pretty good,
19 robust outline of how we selected species. And it was
20 hard because you want to include as many species as
21 possible, but you start getting too many it becomes
22 more difficult. You have to have a smaller universe

1 of species to care about. So how do you narrow it
2 down? We've got some criteria to be able to do that.

3
4 The other problem too is with PRISM, you
5 have to have a certain sample size to actually
6 robustly predict what fishery actions would look like.

7 So there are some species that we might really care
8 about but you just don't see them in pelagic longline
9 sets very often so you can't model it.

10 So that brings the question of, if you
11 don't see it very often, is it really a huge impact?
12 We don't know. So really, that's where it kind of
13 helps us narrow down the species we care about. So
14 for council-managed species, for target species, no
15 they weren't modeled. And HMS target species weren't
16 modeled either.

17 We looked for impacts for instance
18 swordfish as well, for HMS, but we didn't look that in
19 the model itself. It's more bycatch species that we
20 care about. So what bycatch species do we look in?

21 So for pelagic longline, it's shortfin
22 mako shark, leatherback sea turtles, loggerhead sea

1 turtles, and then the four billfish species combined
2 into a single group. And you can see, it kind of runs
3 the gambit of different concerns. Some are ESA
4 listed, some are not. Some of are over fishing, some
5 are not. And yeah. So there's just different
6 concerns on different ones.

7 Billfish being one that has more community
8 importance. Whereas, this is not specifically
9 regulating the recreational fishery. There's interest
10 from the billfish community as well. So how do we
11 incorporate some of those concerns as well? So that
12 kind of helps narrow down the species list.

13 So I'm not sure if that answers your
14 question or not, but --

15 MS. GUYAS: I think it does.

16 MR. BROOKS: Thanks. Greg? No, you good?
17 Dewey.

18 MR. HEMILRIGHT: Well I know we ain't got
19 four or five days here to look at this stuff. I don't
20 know how to say this nicely.

21 MR. BROOKS: Let's go to lunch.

22 MR. HEMILRIGHT: Yeah. I mean, this is

1 just a massive undertaking that I almost see to be a
2 failure because you're trying to model something -- so
3 basically, give me a 1-800 number that I'll call you
4 and you tell me where to go fishing, right? That's
5 what it basically boils down to. Where's the bycatch
6 caps at on here? What page is that on?

7 Go to slide 41 if you would please. And
8 this has to do with the Mid-Atlantic shark closed area
9 here that you expanded for two months. And when you
10 look at this picture here, there's one research vessel
11 off North Carolina. And I venture to say this covers
12 from 34 degrees down off North Carolina, South
13 Carolina line all the way up to about 35, 40.

14 And that research vessel that I know
15 personally has never fished down there off the shoals
16 of Cape Lookout or that further. So your analysis
17 here of looking at this stuff, it is just off. And
18 the part of, is how much more -- we can't take no
19 more. We can't take paying \$300 for a set -- for
20 somebody to go watch a video camera.

21 I mean, how much more shit do we got to
22 take of what's put on the pelagic longline industry?

1 I mean, this is just ludicrous. We've been asking for
2 looking at going in to closed areas for 20 years. And
3 looking at new gear with circle hooks or something
4 like that.

5 This stuff that you come out here is doing
6 nothing but making us a freaking guinea pig to go out
7 and go look at these areas and all this other
8 high-tech type of stuff and making sure our vessel
9 monitoring system works. I mean, it's -- you know,
10 I'm glad I don't -- I have a limited area where I fish
11 now and you all have helped me out by doing that,
12 thank you.

13 And so a lot of this other stuff, I don't
14 know how people are going to make it or do it because
15 I mean, where's your bycatch caps. It's like maybe
16 one fish and you can be put out of areas. Is that not
17 the truth? That's not the truth? One dusky and you
18 can be put out of an area or something like that?

19 MR. BROOKS: Dewey, I do really want to
20 focus this on clarifying questions and obviously
21 you're --

22 MR. HEMILRIGHT: Okay. I've got one

1 clarifying question.

2 MR. BROOKS: Please do.

3 MR. HEMILRIGHT: Here in the Mid-Atlantic,
4 how many sets has research fisheries made in this area
5 that you got where you increased the area by two
6 months?

7 MR. BROOKS: Thanks.

8 MR. HEMILRIGHT: This closed area.

9 MR. BROOKS: Thank you.

10 MR. HEMILRIGHT: How many sets have been
11 made from the research fishery that you've gathered
12 your data here from? Thank you.

13 MR. DURKEE: Yeah. Let me handle them one
14 by one. So this is helpful because I think the way
15 that I'm communicating it to you is not working.
16 Because not all of that is accurate on what we're
17 proposing. I don't think it's exactly how you're
18 framing it. So let me kind of correct a little bit of
19 this.

20 First, putting aside EM cost allocation, I
21 don't want to hide that. That's a very serious cost
22 and we'll talk about it this afternoon. So I don't

1 want to just push you off to the side necessarily, but
2 just for now let's focus on some of the more specific
3 spatial management questions.

4 So first question, you know we are here
5 for just a couple of days to talk about it. This is a
6 super long public comment period up through September
7 15th. And we'll be in Manteo I think on August 22nd
8 as well and we'll talk to people in North Carolina
9 about it all you want to. We'll be there. We're
10 ready to talk about it.

11 The 1-800 number. This is similar to how
12 you're out there fishing, when you're looking at ocean
13 temperatures, you're looking at perhaps even ROFFS,
14 maps from the recreational side. What we're using
15 here isn't all that different than other fishermen are
16 using other times. It's just using some other
17 attributes into there.

18 I see you disagree, so we can kind of talk
19 about it a little bit but that's kind of how we're
20 doing this as well. We're looking at bathymetric
21 features, we're looking at ocean temperatures, and
22 that helps the model guide to where these interactions

1 are.

2 Now for the Mid-Atlantic shark closed
3 area, we're not expanding it by two months. And
4 that's on me for miscommunicating what it is. It's a
5 shift of two months up. No longer will it be closed
6 the first half of the year. We're shifting the
7 opening date by two months earlier and the closing
8 date by two months earlier. It's the same length of
9 closure just shifted up by two months to better match
10 when those species in the area. And I'll take that on
11 me for not communicating that correctly. And I do
12 apologize about that.

13 Now also in that area is a bottom longline
14 area that doesn't have any EM requirements at all. No
15 bycatch caps, no nothing. So for those data
16 collection alternatives, we're not preferring anything
17 into there. For specifically the Mid-Atlantic shark
18 closed area, it's simply a shift in timing of two
19 months and there is some additional closure off the
20 east coast to that 350 meter shelf break. That is
21 there as well. But no other different restrictions,
22 no EM, no bycatch caps, nothing in that area.

1 MR. BROOKS: Thanks. I want to take one
2 more set of clarifying questions and then we'll go to
3 lunch and then we will continue this after lunch.

4 Peter.

5 MR. CHAIBONGSAI: All right. I actually
6 think my questions are hopefully pretty easy. I don't
7 know, my third one, my third question is a clarifying
8 or if it's for discussion later.

9 But the first question, I think someone
10 highlighted that this comment are due September
11 something -- 15th. Is the AP going to be meeting
12 before again? Thank you. See easy question.

13 And then the second question is you
14 highlighted socioeconomic as one of the variables that
15 you're looking at. I'm guessing but I don't want to
16 assume that the variables that you're looking for
17 socioeconomic are made available within the context of
18 that varied volume is reported. Is that correct?

19 MR. DURKEE: Yeah. It's looking at social
20 and economic separately, not socioeconomic together
21 which sounds like a nuance but it's an important
22 nuance.

1 MR. CHAIBONGSAI: Sorry. No, I understand
2 where you're coming from.

3 MR. BROOKS: But it's available in the
4 report.

5 MR. DURKEE: But it's available in that
6 large report.

7 MR. CHAIBONGSAI: Okay. Is it -- and I
8 haven't -- I'm seeing the story map now but I haven't
9 digged through it. Is there a more condensed, like an
10 easier way to find things within either the story map
11 or within that document that would help us go through
12 the 600 pages? That would be very beneficial for us,
13 please, and thank you.

14 MR. DURKEE: Yeah. The story map's going
15 to help. It's kind of a new tool we're trying to use.

16 MR. CHAIBONGSAI: Okay.

17 MR. DURKEE: So any feedback you have on
18 that, I'd appreciate it. As we're managing these
19 issues, we also have a lot of legal obligations to
20 meet which creates these very dense, very thick
21 documents. Any help you ever need in targeting on
22 things you're interested in, please contact one of us

1 and we can target you in on right to where you're
2 looking at. We know these documents inside and out
3 and I do understand though, that 600 pages is
4 daunting.

5 If I didn't have to write it probably
6 wouldn't read it honestly.

7 MR. CHAIBONGSAI: All right. And then
8 last question, I'm not sure if it's more for
9 discussion or more for clarifying. I think it's
10 probably more for discussion but I'm going to just lay
11 it out there is, why PRISM? Considering that there
12 are many models out there and considering that many
13 models created by South East Fishery Scientists. So
14 I'm -- I can reserve that for --

15 MR. BROOKS: I actually think that's a
16 great clarifying question.

17 MR. DURKEE: I think it's really helpful.
18 Let's take a step back for just a second. So HMS
19 PRISM is different, and this is why it's innovative in
20 other spatial distribution modeling.

21 What most models you see, what they're
22 doing is they're predicting where a species is located

1 at certain times of the year. Super interesting. How
2 they're migrating, where they're migrating, where they
3 are at different times of the year. That's important
4 stuff.

5 For these areas what we want to know is
6 where they're interacting with fishing gear. So as
7 fishermen you know, sometimes you'll put bait in the
8 water. You know your target species is there and it's
9 not eating that bait. So it's not going to interact
10 with your bait. You know it's there. So knowing
11 where that species is doesn't help you answer if it's
12 interacting with your gear.

13 Maybe a good example would be I'm down in
14 Charleston, South Carolina with Amy Dukes. Just north
15 of us is Bulls Bay which is an important pupping
16 ground for scalloped hammerhead and Carolina
17 hammerhead. Researchers want to find out you know,
18 when they're actually in that area. And one way you
19 do that is putting bait out to collect those sharks.

20 They're having a tough time. Those sharks
21 aren't eating when they're up there pupping, for good
22 reason. You don't want a hungry shark around with

1 baby sharks. So their life history traits are such
2 that they're not actually feeding on that bait and
3 eating when they're in those pupping grounds. It
4 makes research complicated.

5 So if you had a model of where scalloped
6 and Carolina hammerheads are you'd see that in Bulls
7 Bay during certain times of the year but that would
8 not be where they're interacting with gear.

9 So yes, they're related. Are they the
10 same? No. We want to find out what it is. So that's
11 why HMS PRISM are in our existing models.

12 Now that said, it's an important point you
13 bring up. So with the HMS PRISM output maps and what
14 we're seeing, we did compare them with different
15 models. Different billfish distribution models,
16 different shark distribution models.

17 We have some listed out there in section
18 2.9, speaking of helping you navigate, section 2.9 on
19 some areas that we -- some other distribution models
20 that we compared to, and it is similar results. It's
21 not exact because again, it's where a species is
22 interacting with a gear type, not where it is. But

1 that's why this model is so innovative. That's why
2 it's special. It's not just telling you where a
3 species is, it's telling you where that species is
4 actually taking bait and interacting with the gear
5 type.

6 MR. CHAIBONGSAI: Yeah. No, thank you.
7 That's incredibly helpful. I appreciate the citation
8 too. I'll take a look at that as well.

9 And I do want to say thank you for this as
10 well. It's incredibly helpful and obviously you guys
11 took the time and we do appreciate that. But I'll
12 have obviously more follow-up questions later but
13 thank you.

14 MR. BROOKS: Thanks. I've got about six
15 people on the que, and we should go to lunch. So we
16 will pick that up when we come back. I just will flag
17 that. Obviously this is complex. There is a lot to
18 be talking about and I'm at least sitting here and
19 thinking we're not going to have enough time today to
20 chunk through all of this and understand all of it and
21 get all of your thoughts on the table. So I will
22 reiterate, this is the start and just sort of we'll

1 have to be thinking about how make sure that you all
2 are understanding this well enough to give comments
3 and that the Agency is able to hear those comments
4 back from you.

5 So let's all just sort of hold that front
6 and center. Break for lunch and be back here at I
7 think 2:00. See you all then. Thank you.

8 (Whereupon, the above-entitle matter went
9 off the record at 12:38 p.m. and resumed at 2:00 p.m.)

10 MR. BROOKS: Okay. So it is 2:00. We
11 want to spend another hour and a quarter hearing from
12 you on the spatial management presentation that we
13 heard from Steve.

14 We're going to pick up right where we
15 were, which is with the clarifying questions. I think
16 we have about a half a dozen.

17 I know a lot of people were talking over
18 lunch trying to make sense of this and trying to share
19 some thoughts. And we want to, obviously, keep that
20 going here around the table. That's exactly what this
21 is about. So let's just keep that conversation going.

22 I've got in the queue Mike, Matt, Ally,

1 Tim, John, Tom, Martha, and then maybe we'll just sort
2 of round it up. No, not Martha. Okay.

3 Then, Mike, you're up. And, again,
4 clarifying questions.

5 MR. PIERDINOCK: Okay. Thank you. I just
6 have a few questions concerning the PRISM model. It's
7 positive to see that these different factors are being
8 taken into consideration to assess shifting stocks and
9 where they, then, could be predicted to be found and
10 so on.

11 Does the model include the availability of
12 forage? And, if so, what forage fish? Because I
13 think it's clear you can have all these various
14 factors with temperature and so on, but if the forage
15 isn't there for that forage to be available for these
16 species of concern, then there's going to be a
17 disconnect. So I'm curious if that's in it and which
18 forage fish.

19 Then, gear types and how you take it into
20 consideration how there's been a change in J hooks,
21 circle hooks, or different means and methods through
22 the years and how the model addresses that.

1 Then, with the prediction of the shift, I
2 guess if I composed a question as a real-life example
3 of what happened east of Stellwagen back in November,
4 it kind of ties into a lot of different things that
5 makes me wonder whether it's in the model.

6 Now November, because of increased
7 temperatures, the rec-for-hire and commercial bluefin
8 as well as groundfish community are fishing out in
9 that area during that time of year into December
10 nowadays. What happened in November, the mid-water
11 herring trawlers were out there catching their limit
12 of herring and a few million pounds of mackerel. That
13 removal removed the critical forage fish associated
14 with the different user types, rec-for-hire or
15 commercial, as well as commercial hook-and-line
16 mackerel fishermen, that then impacted them
17 negatively, and the fish - bluefin and other species
18 - took off and didn't come back for a while.

19 So I use as an example, does it predict
20 different gear types that are now new and different
21 conflicts that didn't take place back in the day
22 before the increase in temperatures and before those

1 were fishing on the water now much later into the
2 season than they do now?

3 So multiple questions there whether the
4 model does take these into consideration and whether
5 there's any - or whether it does.

6 Thank you.

7 MR. DURKEE: Yeah. So it's kind of a
8 two-sided question with the forage fish.

9 So it seems like you're speaking both of
10 where forage fish are as well as forage fish numbers,
11 which are both important questions but different
12 questions.

13 So the number of forage fish, is there
14 enough to support a predator population? That's a
15 different question. That's a stock assessment
16 question, a multi-model stock assessment question.
17 That's not addressed here.

18 Specifically, where forage fish are,
19 though, yes, that does influence where HMS predators
20 are. And so it's incorporated two different ways.
21 One way is that, presumably, for most of the year,
22 these predators are chasing prey species. So where

1 they are is based on where the prey species are, so
2 there is an assumption that there is some forage fish
3 wrapped up into there. Yes.

4 Second, one of the environmental models is
5 chlorophyll a, which is a measure of ocean of
6 productivity. And the reason why that's important for
7 predicting where fishery interactions for large
8 predators might occur is because that ocean
9 productivity is matched up with different types of
10 forage fish. So there is a way of kind of speaking to
11 that forage fish question of location but, again, not
12 number. That's a different question, and that's kind
13 of outside the purview of what we're speaking about,
14 but not that it's not important.

15 For gear types, yes, we looked at that.
16 We understand that when these areas were first put
17 into place as well as the early years, we used the
18 training set for the model, circle hooks weren't
19 required. So, in the model, we take into
20 consideration J hooks versus gear hooks for gear
21 configuration, and that's one of the things we use to
22 help fine-tune the model and predict. So there is a

1 gear component to that as well.

2 Now, that's specifically with the gear
3 used to target the species. So your third question is
4 about other gears that would interact with forage fish
5 whether or not it's taken into account, and the answer
6 is no. I'm not sure how you would take that into
7 account unless you were looking more at, like, a stock
8 assessment purpose and seeing how many forage fish
9 there were.

10 Maybe if I'm reading into your question
11 too much, like if the midwater trawls were taking too
12 much herring or perhaps something like that, that's a
13 different question, and I don't know the answer to
14 that. But that's kind of outside the purview of what
15 PRISM was made to do.

16 MR. BROOKS: Thanks.

17 Matt.

18 We'll come back to - we'll come back to
19 you for comments.

20 Ally.

21 MR. BROOKS: Hang on. We'll get back to
22 you too.

1 Tim.

2 MR. PICKETT: I'll try and play Jeopardy
3 and phrase it as a question.

4 MR. BROOKS: Wise man.

5 MR. PICKETT: So I guess I'm coming from
6 the optimistic position of opening up additional
7 bottom. Is there a way of measuring either success or
8 lack of success and identifying what success looks
9 like in terms of - the way I look at it is - I mean,
10 this is kind of a harsh comparison, but its closed
11 areas are like being in jail. And opening an area is
12 like being on parole it seems like right now.

13 I guess what I'm asking is: What are the
14 conditions of the parole that would show success? You
15 know, because we don't have - these areas are areas
16 where we're incredibly data deficient or data delayed
17 because there's been changes.

18 The way I see it is there's very little
19 research being done or funded and refereed on gear
20 types, techniques, things like that anymore. There's
21 no circle hook studies being done, really. It's kind
22 of a lag period in terms of - so that research is

1 going to have to be done by the industry to ensure
2 that they would still have access to these areas or
3 potentially gain more access or something like that.

4 So I would think the industry would want
5 to know what success explicitly looks like. If you
6 can identify those bycatch species that are shown out
7 there, what would be the limit of success for catch of
8 billfish or catch of turtles or something like that?
9 Because the adjustments that are going to be made are
10 going to be made by the industry to try and avoid it.

11 And they need to know what the target looks like. So

12 -

13 MR. DURKEE: That's a great question.

14 MR. PICKETT: So I don't know if that can
15 be explicitly defined, you know. So then the industry
16 - when we go to review it in a couple of years - we
17 have a place to say, "Hey, look. The industry did
18 this. You let us in here, and here's the metric that
19 we're trying to measure ourselves." So that's my
20 question.

21 MR. DURKEE: Yeah. No. It's a good
22 question.

1 So, first of all, I don't want to frame it
2 as opening up closed areas. We're providing some
3 access in a risk-appropriate way to collect data. And
4 I think it might be a nuanced distinction, but it's an
5 important distinction. Second, we have not
6 presupposed what an evaluation would like. There are
7 no metrics for success as you put it. It doesn't mean
8 that there can't be, but that's not how it's drafted
9 right now. And if you have some ideas on what they
10 might look like, that's something that we'd be
11 interested in hearing, but we left it much more
12 flexible than that. But if it's useful to know what
13 that is, that could be a helpful comment.

14 MR. BROOKS: Thanks.

15 John. Let's bring you in. Welcome to the
16 meeting.

17 MR. BOHROQUEZ: All right. Thank you very
18 much.

19 So my first question is in the interest of
20 cohesive marine spatial planning, mitigating
21 redundancies, et cetera, is if you could clarify or
22 shine any light on the extent to which there may be

1 any protocols for communication and coordination with
2 other forms of area-based conservation and spatial
3 management from marine sanctuaries to closures, from
4 offshore winds as we learned about yesterday, as it
5 developed and managed and as any such overlap arises?

6 And I mean anything from the planning phase all the
7 way to enforcement and scientific monitoring.

8 And second, in thinking about 30x30 and
9 the U.S.'s commitment to protecting 30 percent of land
10 and territorial seas, the U.S. is well on its way to
11 achieving the marine portion of the commitment.

12 And just for context here, there has been,
13 you know, criticism that the progress so far has been
14 focused primarily in remote parts of the Pacific. And
15 areas like the East Coast are underrepresented. But
16 meanwhile, the Convention on Biological Diversity has
17 opened the door to measures that might not
18 traditionally qualify as protected areas but might
19 achieve similar conservation benefits referred to as
20 Other Effective Area Base Conservation Measures, or
21 OECMs, that can count towards national commitments.
22 So in marine areas, fishery management zones closures

1 are often looked at as potentially qualifying. So
2 some of these zones - particularly the year-round
3 ones, but not necessarily exclusive to that - may
4 have the potential to count towards the U.S.'s 30
5 percent commitments already and which might help
6 mitigate redundancies in marine spatial planning.

7 So my second question is whether there's
8 been any thought internally in positioning some of
9 these closures as OECMs or whether or not they might
10 qualify.

11 Thanks.

12 MR. DURKEE: Yeah. Let me speak to the
13 first question.

14 So no formal coordination with those other
15 groups, but absolutely in formal consideration in
16 context.

17 We understand where fishermen are allowed
18 to fish and where they can't. And so that is
19 explicitly in, you know, our considerations in looking
20 at these areas whether it be in a marine-protected
21 area, a monument. These offshore wind areas are super
22 helpful to learn more about in the BAP meetings.

1 Those kind of things are in consideration, yes.

2 For 30x30, I don't have a solid answer for
3 you. That's something I'd like you to bring Randy or
4 Caroline into. I don't know that we have a good
5 definition of what that looks like, but it is
6 absolutely on our radar, so I'll pause there.

7 MR. BROOKS: Yes. I think Kelly's at the
8 table to answer that question.

9 Kelly.

10 MS. DENIT: Yeah. Great. Thank you.

11 Kelly Denit, Director for the Office of
12 Sustainable Fisheries.

13 So to answer your second question, all of
14 that is still very much up in the air, because, of
15 course, the United States, under the 30x30 Initiative,
16 hasn't actually yet defined what we mean by
17 conservation and therefore, what would be included.

18 So I think that's the really short version
19 is it remains to be seen, and I'm happy to talk more
20 in the margins.

21 MR. BROOKS: Thanks.

22 Tom. There you are.

1 MR. FRAZER: Yeah. Thanks, Steve.

2 I just have a couple of questions that are
3 related to the research and the EFP kind of process.
4 And they're probably related to those that Tim just
5 asked.

6 But the first one is, I mean, is there a
7 research agenda that's been articulated within the HMS
8 group?

9 And then the second part of that question,
10 are all of the EFP applications unsolicited?

11 And then the third part of the question is
12 what is the process - and this may need to be
13 answered by somebody else - by which quota is
14 allocated for research purposes? So there's three
15 parts to that.

16 MR. DURKEE: Yeah. Can you clarify that
17 first one, though, on research agenda?

18 MR. FRAZER: Yeah. So what I'm trying to
19 understand is so there are EFP requests or
20 applications that are put forth, right? But are they
21 just random, right? Or has the agency provided some
22 guidance?

1 And as it gets to, I think, you know,
2 Tim's point, you know, what are the priority areas
3 that people would be thinking about?

4 MR. DURKEE: All right. So I've got a
5 two-part answer for that first question.

6 The first is that, yes, we do publicize
7 what some of our research priorities are. That's a
8 document we publish every two, three, four years, kind
9 of what the updated - maybe longer. It kind of
10 shows you what our research priorities are. And so,
11 yes, that is out there.

12 But most of these - I would say all of
13 these - EFP applications are generally unsolicited.
14 So, no, they're not underneath, necessarily, what the
15 agency identifies as HMS research priorities, but it
16 is helpful if they are aligned with that.

17 And then each one of those applications is
18 judged on its own merit whether or not to consider
19 that or reaching back out to the researcher to ask
20 more questions or get some modifications to their
21 research plan. I think that kind of gets to your
22 question a little bit.

1 Oh, then quota - I'm sorry - so quota.
2 Yes, absolutely. So every species that we authorize
3 for EFP, we've got a place for that quota, and it's
4 tracked, and it's counted. So under every EFP,
5 there's strong reporting requirements, so we know how
6 many fish are being caught.

7 And then within each management group,
8 there's different categories it goes to. For
9 swordfish, we have a reserve category for research.
10 For yellowfin tuna, we don't track quotas necessarily,
11 but we have it incorporated into all of our data
12 collection programs. We can make sure that's
13 accurate. Sharks, we have a specific set of research
14 set-aside as well. Everything's counted toward a
15 specific place.

16 And in the EFP we actually have language
17 in there that tells where each one of those species go
18 to make sure it's encountered and incorporated into
19 total mortality. Karyl's got a little --

20 MR. FRAZER: A quick follow-up. So what I
21 was really trying to get at with regard to the latter
22 part is what is the decision process that allows you

1 to allocate a specific amount of the quota for the
2 research program?

3 MS. BREWSTER-GEISZ: All right. Well, I
4 wanted to follow up on what Steve was saying about the
5 reporting. And so just heads up for some people. In
6 our electronic reporting and PR, we do talk about
7 changes to the reporting structure for EFPs, so that
8 is in there.

9 In terms of you're just - your question
10 just now in terms of the quotas and where that comes
11 from, for some of our species, we actually have a
12 research set-aside, and so that quota goes there. For
13 sharks, we have an EFP quota. So all of that comes
14 from there. So it doesn't come from the commercial
15 fleet. It's already allocated to a research
16 set-aside.

17 MR. BROOKS: Did that get the answer?
18 Tim?

19 MR. FRAZER: Not quite. So I'm interested
20 in the allocation decision process. So a priori, so
21 some of it goes to the commercial sector. Some of it
22 may go to the recreational sector, and some is set

1 aside for research. And my question very specifically
2 is what is the decision process that allows you to
3 decide what percentage goes to research?

4 MS. BREWSTER-GEISZ: Yeah. All of that is
5 going back in time where it came from. So sharks is
6 the one I'm most familiar with. That came from our
7 1999 FMP. So that quota was what Guy talked about us
8 going back and looking at in Amendment 16. And that's
9 where that allocation would come from.

10 Swordfish - I don't even know when that
11 swordfish research set-aside came from, but it was a
12 long time ago.

13 MR. BROOKS: But I think that's the
14 answer, which is, you know, sort of a track record in
15 his approaches in the past. Good. Thank you.

16 MR. BROOKS: I think I've got one more
17 clarifying in the room, Bruce, and then I think I've
18 got one online with Charlie Bergmann. And then we'll
19 open it up.

20 MR. POHLOT: So I have a question on the
21 effort caps, the preferred Sub-Alternative B3a. How
22 were those caps determined?

1 MR. DURKEE: So we take total effort by
2 number of sets, and then we have a reference area that
3 we use for kind of putting some fences around where a
4 regional fishery would be. So we have a size of that
5 reference area. Then we have the size of the
6 monitoring area, which produces a ratio of two sizes.
7 Apply that ratio to total number of sets in that
8 area, and that provides us with an effort cap.

9 MR. BROOKS: Thanks.

10 Let's go online for a clarifying question
11 from Charlie Bergmann. And then I think we have one
12 last one in the room from Rick.

13 MR. BERGMANN: Okay. I hate to keep
14 belaboring the point here. But going back to the
15 different alternatives, now is it possible to go in
16 and select more of the different alternatives instead
17 of a preferred alternative?

18 MR. DURKEE: If I understand your question
19 correctly, and you were interested in DeSoto Canyon
20 earlier, so I'll bring that map up. Is your question
21 of combining different sub-alternatives into one and
22 that would be selecting multiple?

1 MR. BERGMANN: Well, I'm looking at it
2 more along the lines of A4b mainly because of how much
3 folks were being displaced in the preferred
4 alternative.

5 And I got to throw this one in here. I'm
6 one of two persons that have set pelagic longline gear
7 in the closed area since 2000. I believe they tested
8 circle hooks. The other person who's doing it as part
9 of a NRTA survey, and he's since died. I can only
10 speak from my experience doing research on circle
11 hooks in DeSoto Canyon closed area, and there was
12 little or no bycatch in that area, but that was many
13 years before.

14 I'm just leery of where we're going with
15 all of this. I really understand -

16 MR. DURKEE: I understand.

17 MR. BERGMANN: - what Dewey's going
18 through on the East Coast, and if I were associated
19 with the folks on the East Coast I'd be literally
20 jumping up and down and screaming.

21 But, anyway, is it possible to get from
22 the different sub-alternatives to get the same

1 conservation, if you will?

2 MR. DURKEE: The short answer is yes. So
3 the sub-alternative, A4d, the one that's in the yellow
4 outline right now, that's our preferred alternative, a
5 sub-alternative.

6 So, yes, the other ones are available as
7 options. We've analyzed those and thought about those
8 and any kind of input you have on what might look
9 better, from your valuable experience, we'd
10 appreciate.

11 Now, if there are other configurations
12 that don't match these exactly, that would be the
13 question mark. If they fit within the analyses we've
14 performed here, it's possible without reproposing, but
15 that's a different question. But specifically, the
16 ones that are up here, yes, those are all on the
17 table.

18 MR. BERGMANN: Next, on the A4b, as well
19 as the A4c, especially if you were to turn that
20 portion at the top of the top half in the lower area
21 and encompass all the edge of the shelf - which
22 you're trying to protect the whales and whatnot - and

1 leave that whole area alone, open up offshore the edge
2 of the shelf, that would be probably the best of the
3 two. I mean, I can tell you that the idea of this
4 parallelogram in 4D is dead on arrival.

5 MR. BROOKS: Thanks, Charlie.

6 Rick, you had a clarifying question.

7 MR. WEBER: Yeah. Steve, I want to pick
8 up on the sidebar that I walked in on because I think
9 there's some - I have some concerns of PRiSM as well
10 and how it gets applied.

11 When we look at the Charleston Bump,
12 they're going from a Feb 1 to April 30 closure to a
13 year-round closure is proposed, the A2c and A2d.

14 And by your own - what did you call it -
15 scope metric, you're doing 121 percent bump in the
16 Bump. That doesn't seem fair or right. And I
17 understand the emotions that are behind.

18 Is there something compelling you that you
19 suddenly feel like you need such an increase? I mean,
20 you guys created the metric to say how much does this
21 really affect. And the others are plus 14, down 26.
22 And right there in the Charleston Bump by your own

1 metrics, you have 121 percent increase in scope.

2 I feel like these guys are a little right.

3 Is there something that's driving you to feel like
4 you need more conservation in that area rather than
5 aiming for something with a scope that seems more
6 reasonable?

7 MR. DURKEE: Yeah. Fair question.

8 So we're balancing some conservation needs
9 and some data collection needs. So looking at the
10 different alternatives that we have developed from
11 those different modification options, we score these.

12 And so, not surprisingly, when you have that much of
13 an increase in scope, you get a good conservation
14 return.

15 So, in this particular case, with
16 Charleston Bump, delineating that whole offshore area
17 maybe a little over half as low bycatch area is a
18 pretty big change on that.

19 So looking at the possibility of that
20 inshore area increasing the timing substantially is
21 one of the tradeoffs into there, and that's one of the
22 reasons the metrics scored so well. And that's one of

1 the reasons that it's preferred at this point in time.

2

3 So it does - is a satisfactory answer for
4 you, but that's basically how we went about this is
5 kind of using that qualitative look and then
6 quantitatively looking into the metrics and seeing
7 what's balancing those conservation needs and the
8 efficiency of protection too.

9 MR. WEBER: But isn't that captured under
10 scope? I mean, I would have thought that scope would
11 have said the number should be lower to be roughly the
12 same conservation. You didn't say we're pushing
13 through a new and stronger conservation rule.

14 MR. DURKEE: Yeah. So scope is definitely
15 a helpful measurement of conservation. It would not
16 be advised to use as your only measure of
17 conservation. We could close the entire northeast in
18 January, and that's not going to protect some species
19 that are all further south.

20 So using completely scope only isn't
21 helpful. It's one of the components that's helpful in
22 combination with the metrics. It's also a way of

1 thinking about these things on a more simplistic
2 basis, not just square miles but with a time component
3 as well, which is helpful also. But that's not their
4 only measure of conservation.

5 MR. BROOKS: All right. I think I want to
6 shift to opening this up.

7 Jeff, did you have a clarifying question?

8
9 Or is it, Amy? You do, Amy. Okay. And
10 Matt does. Okay.

11 MS. DUKES: Thanks, Bennett. I'm going to
12 kind of piggyback off of Rick just a little bit, but
13 I'm going to back up.

14 So, Steve, do me a favor. Under
15 Alternative B4, you guys talk about 100 percent
16 observer coverage and/or EM coverage. Can you tell me
17 what the current observer coverage is for the
18 Charleston Bump in particular?

19 And then, you want me to keep going?

20 Just an overall concept, I think it would
21 be really helpful for me and probably others to
22 incorporate a little bit of lat and long into some of

1 those maps just to make sure that we're interpreting
2 these areas exactly with where we're looking for on
3 our fishing maps.

4 And then I want to get into a little bit
5 more about the economic impact - the positive
6 economic impact to the Charleston Bump of just over
7 \$200,000. And if you could walk us through how you
8 came up with those numbers a little bit more.

9 The way I'm looking at it is thinking about
10 where the fishermen are fishing in the non-closed
11 areas currently and where they will not be able to
12 fish if we close the inshore areas year-round because
13 that's typically where they're going come May 1st.
14 And so they won't be able to access that at all and
15 wanting to see how we got a positive number out of
16 what I would think may not be a positive number.

17 Thank you.

18 MR. DURKEE: Yes. I'll take the second
19 one first. Lat long sounds super helpful. That's
20 something that we can better incorporate into some of
21 those maps.

22 The first question is a little bit easier

1 also. Current observer coverage rates, they vary. I
2 think our target's about 10 percent in the pelagic
3 longline fisheries, so it's around there. EM coverage
4 is 100 percent.

5 But, again, this is under EFP, so this
6 would be a research project in there. And there needs
7 to be some kind of combination of 100 percent observer
8 and EM coverage or EM coverage, one of the two
9 depending on what meets those needs.

10 So going to target catch. What we looked
11 at is total effort, you know, number of hooks out and
12 then CPUEs. So in open areas, that's not too hard to
13 find a CPUE. In areas that are not open to fishing,
14 for example, Charleston Bump, that are closed for part
15 of the year, we needed to use an average of the
16 surrounding months. And that's what we did.

17 For Charleston Bump, specifically, it is
18 closed from February 1st to April 30th, so we took the
19 average of January and May as the CPUE. And
20 I'm looking at Dan just for some - but that kind of
21 gets pretty far into the weeds. You might need to
22 even circle back with a more specific answer, but -

1 I'm seeing nods from Dan, which is
2 helpful.

3 MR. BROOKS: Matt.

4 MR. HUTH: I'm still talking about the
5 Charleston Bump here. I'm still a little bit unclear
6 about the red area that you're proposed to close year
7 around.

8 And so are you using the PRiSM model? You
9 say you have some conservation concerns in that area.

10 Is the PRiSM model - is that what's driving these
11 concerns? Or is it things in the logbook or observer
12 coverage? Like, what's driving those concerns in that
13 closed - that you want to close year-round, the red
14 area?

15 MR. DURKEE: Yeah. So it's largely
16 designed around PRiSM output maps, absolutely, looking
17 at the species we modeled to see where the higher
18 bycatch rates are predicted to be versus where they're
19 lower. And also it's to delineate high and low
20 bycatch risk areas.

21 There were other considerations as well.
22 We understand that some of that shelf break around

1 there's important, bottom habitat for both commercial
2 and recreational fishermen. We understand that the
3 Charleston Bump bathymetric feature that it's named
4 after, there in the southern portion, is important as
5 well. So some of those come into consideration also.

6 In addition to some of those more specific
7 U.S. science-based needs, as we showed on this map, it
8 also provides a way to combine and connect some
9 different - the closed area further south as well
10 proposed - to create a single area that's a little
11 easier to communicate and discuss and enforce, and
12 that provides a little bit as well.

13 So if we were looking at swaying that
14 bottom portion of Charleston Bump 10 miles one way or
15 another, it's helpful to look at where the east
16 Florida coast one is as well.

17 So it's a lot of moving pieces coming
18 together to look at it and then use those metric
19 scores to actually quantify what that conservation
20 value is.

21 MR. HUTH: Okay. I mean, this, at first
22 appearance, it's a terrible trade for our industry it

1 looks like.

2 MR. BROOKS: Thanks.

3 And, with that, let's shift now and start
4 asking for feedback on what you're seeing here. We're
5 already getting little bits of that. And I
6 guess, you know, I think it would be really helpful to
7 hear when you look at this, and when you've listened
8 to this conversation, what's making sense to you and
9 why? What's not making sense and why? And let's just
10 open that up.

11 And what other ideas - you know, what
12 would make more sense to you? And I think that
13 conversation would be very helpful. And, again, lots
14 to chew on here, and that's the whole point of having
15 some time.

16 So let me just start working our way
17 through the list I've got.

18 Matt, did you want to - I know you - did
19 you want to come back in, or -

20 MR. HUTH: No.

21 MR. BROOKS: Okay.

22 Ally.

1 MR. MERCIER: What I see on this chart and
2 everything now, I'm glad I sold my longline boat
3 because I don't know how longlines are ever going to
4 make it. It's just - I started fishing 42 years ago
5 from the Hague Line all the way down the Gulf of
6 Mexico, east coast of Florida. There was no lines, no
7 limits. I fished everywhere, get a fish at tide,
8 water, temperature.

9 And now what I see with this charts now,
10 DeSoto Canyon. I fished a lot of that. It used to be
11 fantastic. They closed some of that, so now I had to
12 fish west of that, and it's good fishing, but now
13 you're going to close some more of that. So like I
14 say, I just feel sorry for any more longliners.

15 I buoy fish now, which I can fish any of
16 these areas. They're not closed to buoy fishing. And
17 I think that's a new technology for a lot of boats to
18 get into. But I just can't believe how much they want
19 to close stuff down because I did plenty of EFPs.

20 I did the Straits of Florida for over two
21 years with circle hooks. I had two different types of
22 circle hooks we had to go back and forth and use.

1 And the study we did there for over two
2 years, with David Kerstetter, Nova University. I had
3 the students go with me all the time, observers. They
4 got degrees. They did their doctorates and
5 everything. It came out very well. They were
6 going to open up parts of the Straits of Florida, but
7 they never have, and it's closed still. And it's over
8 20-some years, which I think that's a shame because
9 the Straits of Florida, like north of Fort Pierce, I
10 know south of Fort Pierce. Anybody that lives in
11 South Florida knows it's a big contention with
12 recreational. I live there. I know. I've been to a
13 lot of the meetings.

14 I've dealt with Ellen, Bouncer, all those
15 guys. We used to argue all the time, the big meetings
16 down there, but now we're best friends, and we get
17 together all the time, and you know, it's just a shame
18 how the longline fleet got devastated, really.

19 And, you know, I just hope they take the
20 buoy fishing, which it just - it's a good way to make
21 a living. I think it's good for a lot of boats. I
22 know it's moving up the whole east coast of Florida.

1 I know boats in South Carolina are doing it now. This
2 summer there will be more going up that way. I mean,
3 we can deep set with the buoy gear. We are - already
4 been doing that. And I had an EFP for doing that, and
5 it's very effective. I mean, even last night,
6 I talked to some of my guys out there in Florida. One
7 boat had 10 fish buoy fishing last night and the two
8 boats on the bottom right now. One has 500 pounds
9 already, and another boat has 300 pounds. I just
10 think that might be the future, but I feel sorry for
11 the longlining.

12 That's it.

13 MR. BROOKS: Thanks. Appreciate it.

14 Marcos, please.

15 MR. HANKE: And I'll try to cover the
16 general things that I think everybody are seeing that
17 if I'm in the room and nobody talk about it.

18 First of all, I am a shark liberator. I'm
19 a recreational fisherman. And I'm really tired of not
20 seeing anybody mentioning that we depend on the
21 longliners, are talking from the recreational
22 perspective, that they help us with the data that they

1 provide to secure the quotas when we go to ICCAT for
2 discussion. And that's something super important that
3 put all of us together in the same boat. And we need
4 to recognize that. That's number one.

5 And number two, the ICCAT implications of
6 this discussion.

7 Point number three, which is general,
8 mechanisms that address specific geographic location.

9 I'm not naïve. I know there is some cases that would
10 not be true what I'm saying, but it's really hard with
11 HMS that they are very fluid. They are moving with,
12 especially on the colder areas with the bait, and
13 maybe they pass through the Bump, or they feed on the
14 Bump for a little while, and that's seasonal and so
15 on. But the value of the specific area management
16 instead of other tools I think is less than other
17 fisheries.

18 And one thing that is super basic is that
19 maybe I don't know about it, and I'm all super wrong
20 is that this is the perfect example in which the
21 industry, since the beginning, should be involved and
22 tasked with the question. This is what we want to do.

1 We want to collect scientific data in sight of those
2 areas that are already closed and how we can do it.

3 But let the industry leader that's first
4 approached to avoid the problems that we are having
5 now. Most likely, they will have the tools available
6 or have the ideas. At least, it will be a process in
7 which they can grow with the agency and start from
8 bottom up to avoid problems and unfruitful
9 discussions.

10 And from my naiveness, my opinion,
11 scientifically flip information of scientific fleet
12 with the longliners to support, to give feedback on
13 this process is very important or to getting to those
14 areas very important. Industry solution for
15 monitoring I think inside of those areas, they are the
16 experts on how to do this.

17 The best way be include in monitoring is a
18 follow-up into the first two points. And after that,
19 just after that, we need them to - based on those
20 results of this initiative that I'm suggesting - to
21 decide what we're going to do. I don't think we are
22 there yet, and that's why we're discussing and having

1 those problems.

2 And I want to recognize, also, something
3 that is everybody recognize is the good intention of
4 the team of HMS of doing what they did. But we have
5 some historical happenings that is a big weight on the
6 industry and on you guys to be effective on this
7 discussion. And I think this group have to recognize
8 that and look for different alternatives. That's why
9 from the Caribbean try to make a better generic
10 approach to this discussion, but hopefully is helpful.

11 Thank you.

12 MR. BROOKS: Thanks, Marcos. I appreciate
13 the comment and the perspective on how this is rolling
14 forward. So thank you.

15 Dewey.

16 MR. HEMILRIGHT: Yeah. The chart that you
17 have up here - the Charleston Bump in the red - is
18 you're having it for a year-round closed area. We
19 have 20 years of data for nine months a year. Does it
20 show a high bycatch area?

21 MR. DURKEE: You're asking specifically
22 for the area the times that are not closed. And the

1 answer, again, is that we don't have an analysis right
2 now, and that's something that we can look into.

3 MR. HEMILRIGHT: So you have data for this
4 area that's open nine months a year, and it's been
5 open nine months a year for 20 years. So either
6 there's an issue with high bycatch data or there's
7 not. And if there's not, why are you using a model to
8 predict that you're going to have this area closed?

9 So it's a pretty easy answer that - right
10 now you're having this area closed, in the red here,
11 year-round. So what's your basis for that? Is it the
12 model that you've made up or assembled? Or is it from
13 20 years of it being open for nine months? Which one
14 is it?

15 MR. DURKEE: No, your point's taken, but
16 it's not an easy answer. A lot of the decisions were
17 based on these fishery interaction predictions from
18 HMS PRISM in areas that are closed. How do you
19 compare that directly to the actual catch rates? It
20 can be a little bit apples and oranges. But your
21 point's taken. Yeah. It's something we should look
22 into for sure.

1 But the reason that we used that was to
2 make more of an apples-to-apples comparison of what
3 the fishery interaction predictions are during times
4 that are closed and then look at what that model says,
5 also, in those times that are open. But no, we hear
6 you loud and clear. That's an interesting analysis
7 that we can look into.

8 MR. HEMILRIGHT: Well, I mean, when we go
9 looking at stuff, so it almost disproved - you know,
10 why do you even have that model when you have 20 years
11 of data to look at? It just doesn't - seems like it
12 doesn't fit the narrative that might be wanting to be
13 done.

14 And so I think that it definitely should
15 be looked at as long with some other stuff. Because
16 this modeling stuff, you know, I read your reviewer's
17 - your three different reviewers - and I'm sure
18 they're experts in their field of what they do, but
19 this modeling and trying to decide on where fish are
20 at and at what time and all these other things. Show
21 me some proven facts of how you model something and
22 show me there was something there and not there before

1 we go down this buy-in field or trying to want us to
2 buy-in to something that we know is almost going to be
3 a - it has a potential to be a failure and let alone
4 our back's already against the wall.

5 And so it's like I'm not up for calling a
6 psychic hotline to figure out where to go fishing at
7 and the different things. I want something that's
8 more proven. I might not have 20/20 vision, but
9 something that's more accurate and reality than these
10 assumptions, possibility, maybe, could be, and
11 different things like that.

12 But it's clear that you got 20 years of
13 data in this red here that's open nine months a year,
14 and I would like to - you know, why aren't you using
15 that into this sum model?

16 MR. BROOKS: Hang on. We've lost audio.

17 MR. HEMILRIGHT: Ah, that's enough.

18 MR. DURKEE: So it -

19 MR. BROOKS: Go ahead. Go ahead, Steve.

20 MR. DURKEE: The application of PRISM is
21 innovative in the way we're using fishery metrics.

22 That said, spatial modeling, in general,

1 is not something brand new. I mean, this is a
2 decades-old process. It's been refined. These are
3 models that have been used and validated and are
4 trusted through a lot of different venues.

5 But your point is not lost on me. Do you
6 want to put all of your faith into a model?

7 So that's why this is more guidance and data
8 collection to try and find areas of delineating higher
9 and lower bycatch risk and get some data collection in
10 to see where the actual hooks are catching.

11 So to a large extent, we're not putting
12 all of our eggs in one basket. But yeah. We've got
13 pretty good faith in what's going on because it is
14 based on, you know, years and years and years, and in
15 some cases, decades of solid science.

16 MR. BROOKS: And if I'm hearing you right,
17 Dewey, what I'm hearing, I think, are two main
18 messages. One, where there's data, use it. And where
19 there's not in using the model, you want to have a
20 better understanding of exactly how that - how that
21 data is being - how that model's results are being
22 generated so it can make sense to you.

1 MR. HEMILRIGHT: Yeah. With that model,
2 proceed with extreme precautionary - which y'all like
3 to use sometimes - approaches before you go implement
4 something that could continually decrease the fleet.
5 And so that's what I'm asking to do there.

6 And I'll have some furthermore as I read
7 over this stuff and look at it. And I think it would
8 be good in the future if you could maybe have some
9 more - I don't know - about explaining to the
10 pelagic longline fleets some more of these
11 assumptions.

12 We're not good at assumptions and
13 modeling. It either happens or it don't. But we're
14 not good on hypotheticals, you know, wishing, and all
15 that stuff like that because it just don't work for
16 us. We're not in that world, that academia world. So
17 I'm sure there is, you know. We've had
18 times where four boats will sit a half mile to a
19 quarter mile apart, four vessels. Vessel number 1,
20 the inside will have fish. Vessel number 3 will have
21 fish, and the other two were out to lunch. Well,
22 according to the modeling, all four should be in the

1 meat, so why isn't that the case?

2 MR. BROOKS: Thanks. Thanks, Dewey.

3 Tom?

4 MR. FRAZER: Yeah. I'm just listening to
5 the exchange, and I think I'm going to maybe just try
6 to help out a little bit from my perspective. I'm not
7 super familiar with the PRiSM model.

8 But I guess what Dewey's saying is that
9 you've got 20 years of data in the red, right? Is
10 there an opportunity for the modeling folks to take
11 advantage of that 20 years, trying to cast the model,
12 essentially, and use it to validate the approach
13 moving forward? I think that would get to his
14 questions and probably help the agency out as well.

15 MR. DURKEE: No. And I appreciate it.
16 And that's what we did. All the model is validated
17 pulling out, you know, spatially, temporally, and
18 randomly pulling out different areas in space and time
19 and then random data assess to test that model against
20 actual catch data. So, yeah, that validation has
21 occurred.

22 Separately, I think what Dewey's asking is

1 using an actual catch data to see what the bycatch
2 concerns are in the times when it's open because it's
3 not open year-round down there. And the point is not
4 lost on me. And that's something we'll definitely
5 look into, but I appreciate that, Tom. Thank you.

6 MR. BROOKS: Thanks.

7 John. Then over to Tim.

8 MR. BOHROQUEZ: Thanks. I just want to
9 preface that I'm speaking to this as an individual and
10 not on behalf of The Ocean Foundation.

11 But listening into Amy's clarifying
12 question on the methodology behind the economics, I do
13 have some concerns.

14 Effort in the economic analysis is by
15 number of hooks. And that has some limitations
16 because it's not looking at effort in terms of
17 distance and time from the redistribution of effort in
18 getting to the fishing grounds. And that factors into
19 the economic analysis here because these numbers are
20 strictly revenue, income only, not accounting for
21 expenses.

22 And something that better reflects the

1 changes in profitability might be a more appropriate
2 adaptation to account, if you want to get academic
3 about it, the time value of wages, but more
4 realistically it's the fuel burn. So something that
5 factors that in more might be a more kind of realistic
6 perspective on what the actual economic impact on the
7 fishermen is going to be.

8 MR. BROOKS: Thanks.

9 Tim.

10 MR. PICKETT: Dewey pretty much said what
11 I was going to say about - it's very difficult to
12 kind of swallow making decisions on areas with no data
13 and making decisions on areas with plenty of data kind
14 of under the same umbrella. I mean, like Ally was
15 saying, there's a bunch of places that it's a complete
16 - it's a complete kind of unknown.

17 I don't understand how you can make a
18 ruling on something that we realistically, in the
19 modern way of doing things, know nothing about. And
20 the only way you know something about those areas is
21 to go fishing there.

22 And I guess that looking at the

1 composition of the fleet now and what's left, I can't
2 imagine there being something catastrophic that could
3 possibly happen. So I just urge on - like Dewey
4 said, be reliant on the information that you have.

5 I mean, it's a very bleak outlook, you
6 know. Saying you can't be completely reliant on data
7 that's been collected, and I'm just kind of - it's
8 spinning inside of my head, you know, as to what would
9 be the positive outcome for the fleet, you know.

10 It's, "Okay. We've collected this data
11 and stuff," and then it gets cast aside for a computer
12 model - or not cast aside, but not given the
13 explicit, you know, quantity that it is, you know, in
14 not completely defining the problem. You know, if
15 there was a problem, if the industry knew about a
16 problem there that their catch data was showing, you
17 know, there might have been avenues to reduce that.
18 You know, I mean, I'm kind of just lost looking for
19 answers to everything here.

20 And the other thing is the clock's running
21 out. The clock's running out on the industry big
22 time. We have a couple of guys in my area that would

1 contemplate entering the fishery. But you know, it's
2 an aging fleet, and there needs to be a light at the
3 end of the tunnel, and there needs to be an explicit,
4 you know, an explicit set of things for guys to plan
5 their business models over. You know, I mean, it's a
6 - the perpetual unknown and the curveballs and things
7 like that, it's not acceptable.

8 And like I said, the ability for the
9 current fleet to have a catastrophic event in terms of
10 any of these fisheries we're talking about is minimal,
11 you know. That's just my thought.

12 MR. DURKEE: Let me just offer a
13 clarification. It's not lost on me the idea of using
14 some of the actual catch data to look at times when
15 this is open. And we can take that into consideration
16 and think about it. But taking us back a little bit
17 to where we were, you know, pre-PRiSM, what we're
18 trying to do is find some information in areas that
19 don't have that catch data available.

20 In areas we do have catch data available,
21 we are looking at bycatch. We're responsive to ESA
22 concerns with their biological opinions. We're

1 responsive to, you know, MMPA for marine mammals.
2 We're responsive to target catches for
3 Magnuson-Stevens quota tracking, for other mortality
4 from the fishery. We are doing that. The question of
5 looking specifically at some of these margin areas
6 where actual catch data are? Yeah. It's a great
7 idea.

8 But taking us back a little bit, don't
9 forget, we don't have data available in these areas
10 where no one's fished for 20 years in those times and
11 locations. That's why we're putting so much work into
12 this model. It's not just a flight of fancy to go try
13 something new. There's a purpose. There's a data
14 gap, a gaping data gap that we have not been able to
15 fill after 20 years of trying. That's where it comes
16 in.

17 MR. BROOKS: Let me bring in Peter, then
18 Mike, then over to Matt, and back to Dewey. Oh, and
19 Rick.

20 MR. CHAIBONGSAI: Okay. I just have a
21 couple - I guess it's somewhat clarifying some things
22 as well as comment.

1 But on one of those slides that you had
2 you had talked about - I think it was the scoping one
3 - where, honestly, I kind of took a little offense to
4 say - where you said, "We're going to take off 24
5 percent of this area for the east Florida close zone,"
6 and then, "But don't worry because we're mitigating
7 that to South Carolina, the Charleston Bump area."
8 Granted, that's great in terms of mitigation, I guess,
9 but in regards to why that area was closed in the
10 first place was because of, essentially, swordfish,
11 right, because of the longlining that was happening
12 many years ago.

13 And as far as I know, and I could be
14 totally incorrect here - and I lay it out to the
15 panel as well as scientists as well - but does the
16 Charleston Bump have a nursery ground for swordfish?
17 That's the first question I guess I have.

18 MR. DURKEE: Yes. So two things. I don't
19 think you're paraphrasing what I said as quite
20 accurate. More of my intention was saying that "Yeah,
21 there is a reduction in scope east Florida coast
22 that's more than made up for in other areas."

1 More my point was that if you look at this
2 as a suite of scope, which is one measure of
3 conservation value, it is an increase. I don't want
4 to frame it that we're trying to take away from east
5 Florida coast and add a Charleston bumper or do some
6 trading. And I if I - if that's the way that I
7 stated it, that's not my intention at all. So I
8 appreciate the opportunity to clarify.

9 So for the second question on juvenile
10 swordfish, yes, juvenile swordfish were one of many
11 reasons that these Project Longline closed areas were
12 put into place. But there's a whole host of reasons
13 and only one of which is juvenile swordfish.

14 So your specific question on is that area
15 also in Charleston Bump? We can look into it, but
16 that wasn't the sole reason for that closure.

17 MR. CHAIBONGSAI: So just to play off of
18 that - just to play off of that as well as just
19 understanding, I know that you're talking about
20 apples-to-apples, and I completely understand where
21 you guys are coming from in that.

22 But then, and understanding the

1 conservation, if conservation measures have taken
2 place within those close zone areas - once again,
3 completely understand that point - but I think we've
4 said it in public comments before, but I'll say it
5 again is it's definitely happening out there, 100
6 percent.

7 If you currently look at outside factors
8 of the amount of money that's coming to the area from
9 sport fishing, from tournaments, from industry to the
10 community, you look from when the close zones started
11 to now, I guarantee you that there has been a
12 significant increase in, not only recreational effort,
13 but what Ally was saying in terms of buoy gear, going
14 and being able to collect. I mean, there's a lot - I
15 feel like there's a lot of evidence there that clearly
16 states that. And I'd like you guys to take that into
17 account.

18 That, I know, is not exactly
19 apples-to-apples, which you guys want to have, but I
20 think understanding the dynamics of these other
21 factors and putting that within understanding how
22 these conservation efforts are taking place and what's

1 actually happening should be put in place there too
2 because Florida as we've talked about before, and I'm
3 sure my colleagues will attest to it as well, is
4 probably the largest amount of money that comes in
5 specifically from the recreational side.

6 Do we want to see more of these
7 individuals that are flying in from literally all over
8 the world to either go to tournaments, to buy their
9 products, to do all these things, do you want them to
10 leave, not come to the U.S., come to Florida because
11 that's one of the main reasons they come down to South
12 Florida, right? So that's something to consider.

13 One of the other things that I wanted to
14 talk about as well, and it was kind of based off of
15 last clarifying question from the beginning, which
16 was, "Why this model?" And one of the reasons I state
17 that is our foundation doesn't believe that this is
18 the model to move forward when investigating opening
19 up these close zones or, you know, looking at this
20 type of - these types of management actions.

21 We have, I think, historical - and it
22 sounds like a lot of those sectors do - in terms of

1 how this could affect us. We don't want to jump into
2 something so quickly and utilize this model as a form
3 of management so quickly without really poking every
4 single aspect of it.

5 And the reason I bring that up is when we
6 had talked to - and I think, Steve, either you and I
7 or Ellen and I or you had talked to Ellen or whomever,
8 there were questions brought up by our scientists, as
9 well as your own scientists, about this model. I will
10 not name names but within your own division. So,
11 therefore, if our scientists - your own scientists
12 have questions on this model, then maybe we shouldn't
13 push so hard on this right now.

14 And one of the other things that I'll
15 bring to a point as well is that you stated, "We want
16 to know how gear's going to interact. And that's that
17 the PRiSM model is for. It's looking to how gears
18 interacting with these species rather than where these
19 fish species are," right? I believe that's what you
20 said. I'm trying to paraphrase correctly. What the
21 old models are looking at is where fish are versus
22 where this new model is looking at is how gears

1 interacting with fish, correct?

2 So, for me, I - and it may be me being
3 naïve a little bit, but it's almost two and the same.

4 So I'd love a little bit of clarification on that.

5 But then, more importantly, too, is the
6 fact that one of the papers, which is open to the
7 public - and I'm happy to share with you guys because
8 I was able to find it this morning - there is models
9 out there currently that show blue marlin, swordfish
10 habitation utilization since 1956 till present day.
11 And I want to make sure why that hasn't been utilized
12 within the paper when it was looked at by ourselves,
13 our scientists. And why that model, which is being
14 utilized by ICCAT, or in other places, why that wasn't
15 utilized and referenced within your model.

16 Thank you.

17 MR. DURKEE: Yeah. So I'm trying to think
18 of some other ways of describing why a fishery
19 interaction model is different than and may be more
20 useful here than a spatial distribution model for
21 habitat preferences. So let me think on that for a
22 second.

1 But I'm not aware of the scientists that
2 you're saying don't think that this is a good model or
3 appropriate. So any information you have and your
4 specific concerns, air them to me right now. If you
5 want to be offline, totally fair, because any
6 criticisms that are out there, we want to hear. We've
7 put it out for peer review for publication, put out to
8 CIE. We got a lot of positive feedback, so we could
9 use that.

10 Now, the more standard spatial
11 distribution modeling, that's not the direction we
12 went, but we did compare those results to what HMS
13 PRiSM is showing including some of the models that
14 you're referencing, like, from Goodyear and Blue
15 Marlin, and we're seeing good overlap. So it is
16 showing similar results as well.

17 Now, why to use a fishery interaction
18 model. Here's one. Do you ever deep drop for -
19 you've been deep dropping for swordfish
20 recreationally. So if you were to know that swordfish
21 were in your area during the day, and you went out
22 fishing, and you didn't catch them, that's not telling

1 you much about fishery interaction because you know
2 the swordfish are there. They're just not taking your
3 bait when it's 20 feet down below the surface.

4 What you want to know is where and when
5 that swordfish is going to take your bait. So the
6 swordfish is there. The spatial distribution modeling
7 that doesn't look at fishery interaction will tell you
8 swordfish is there. It's not telling you how likely
9 to interact with your bait. And the answer is there's
10 a zero percent chance if you're there at noon and a
11 higher chance if you're there at night. So maybe it's
12 not a perfect way of describing it but trying to get
13 around understanding maybe more on why this is a
14 beneficial for this action.

15 MR. CHAIBONGSAI: Just a quick - love to
16 talk to you a little bit afterwards in regards to
17 that.

18 But then, I guess, going back to the
19 original question to which I don't know if you
20 answered fully, and I apologize if you did, which was
21 taking into account the socioeconomic side of things,
22 and I - that's what I was kind of trying to get

1 clarification from before. And I think Amy talked
2 about it as well as John.

3 So I really want you guys - and I can't
4 hit home that enough. Like, I feel like that's always
5 short-changed when it comes to this stuff, especially
6 when it comes to the recreational side. So I implore
7 you guys to utilize that as one of the - a strong
8 variable that you take into place when this model is
9 - but once again, I will state that we're not in
10 preference for this model. Thank you.

11 MR. BROOKS: Thanks.

12 Mike.

13 MR. PIERDINOCK: Well, thank you, Steve.
14 I'm going to be where in my chart about cap with my
15 comments. I mean, it's apparent with what you're
16 hearing from around the table there's a lot of concern
17 about this PRiSM model, this ecosystem-based fishing
18 managing model.

19 And even if you just go to each regional
20 council from New England through the Caribbean to the
21 Gulf and the Pacific and so on, each council has a
22 different approach to ecosystem fishing -

1 ecosystem-based fishing management. And each have
2 different models that are in the process of being
3 considered and used.

4 And I can attest to the fact that as you
5 sit there and take these questions, you're in a
6 difficult seat to have to deal with it because it is
7 not a simple process because it is new and there's a
8 lot of variables that ultimately impact the results of
9 the model.

10 So I mean, as I look at that with some of
11 the response to the questions earlier, as I sit here,
12 as one in the water, I can see that with increased
13 temperatures and shifting stocks, we can see that.

14 But then I or we could have situations
15 where the forage isn't there, the fish aren't going to
16 be there regardless of whether the temperature and
17 phytoplankton and all the different variables of why
18 the fish should be there. But if the forage isn't
19 there - which as you indicated, this is not take into
20 consideration the management of herring where there is
21 a herring MSC or there is a bluefin MSC and the
22 different factors that take in consideration forage

1 for that or different forage fish that - that has me
2 concerned of the outcome of such not taking that into
3 consideration may be missing the result of such. So
4 I'm not sure if it's possible to include that.

5 But also, Martha had pointed out earlier,
6 you know, the question was posed about other species
7 that are managed, and the model doesn't - from
8 different, you know, managing bodies, state or federal
9 - and it does not take that into consideration
10 either. So that's another input that could result in
11 a different outcome. So whether that could be
12 changed to take that into consideration, that's going
13 to take time, money, and so on, and without it, I'm
14 just concerned.

15 Now, the socioeconomic question, I just
16 think something very simply that, for us, fuel prices
17 are going to dictate whether a commercial or a
18 recreational vessel are going to fish near shore and
19 offshore. And we had fuel prices of 4 to \$5 per
20 gallon for diesel or more, we were trying to stay as
21 close to shore as possible or not even leaving the
22 dock. So that's a socioeconomic impact that it's not

1 clear to me whether the model is taking that into
2 consideration.

3 So there's a few specific metrics here
4 that maybe there's some consideration that you could
5 use that and see how there could be a different
6 outcome.

7 You had mentioned metrics of success. And
8 it is sad that it's 20 years later, and the longline
9 fleet has not had access to these areas. So what
10 could we recommend?

11 I've been hearing this from many for many
12 years. There's a Norwegian model. There's actually a
13 Pacific Council model where the commercial fleet is
14 utilized as the mechanism to generate fishery
15 management data in order to use it for fishery
16 management purposes. And I appear to hear more and
17 more, because of constraints with budgets and so on
18 and lack of the ability to do more by the National
19 Marine Fisheries Service at the federal or our state
20 governments to do such surveys, that we need to look
21 at other mechanisms to do that, to use the commercial
22 fleet for such purposes, and we wouldn't be here 20

1 years later because they were prohibited from going in
2 there. But also to do cooperative research with the
3 recreational or for-hire community.

4 But this gets into the other thing that
5 Tim had said, "Why can't you rely on the data that
6 we're generating?" Because we generate data, and we
7 need to make sure that, whether it's the Northeast
8 Fisheries Science Center, the Southeast Fisheries
9 Science Center, we generate the data, and you can use
10 it for fishery management purposes. So that's
11 where we need to open up that discussion for the rec,
12 for-hire, and commercial fleet, utilize our data for
13 more than just effort, to use it for fishery
14 management purposes, help fill in these data gaps.
15 And then if that would have possibly happened long
16 ago, we wouldn't be sitting here 20 years later
17 scratching our heads with what we could do.

18 Because lastly, the recreational and
19 for-hire fleet, for example, this example where the
20 low-lying fleet hasn't been able to go in there for 20
21 years, in many instances with commercial closures,
22 those are the eyes and ears on the water seeing

1 changes in temperatures and shifting stocks. Somewhat
2 the sentinel of this change is first before anyone
3 else. And as mentioned, the commercial fleet may not
4 be able to go into those areas. That's why you need
5 to look to that and for cooperative research. And I
6 would encourage that to occur.

7 It's occurring in other regions, other
8 counsels, but I would encourage that. That's not a
9 quick fix now, but I hope we're not talking about this
10 20 years later. I don't know whether you're going to
11 survive that long, but that's another mechanism for
12 that data set to get that research that's needed to
13 help answer these questions.

14 Thanks.

15 MR. BROOKS: Thanks, Mike.

16 We have a little bit - I think we have
17 until about 3:15, so a little bit under 10 minutes.
18 I'd like to get a few more people in. I want to go
19 online to Christine, and then we'll come back and hit
20 Dewey, Rick, and Matt.

21 MS. KITTLE: Yes. I kind of want to
22 piggyback off the modeling, yeah, on just, I guess,

1 the outputs of the model. I think it's something
2 that's important for everybody to look at and what it
3 is to understand is the scoring that you get to create
4 these alternatives and select your preferred.

5 And then, in addition, those points
6 carried on into your - when you're looking at that
7 impact to ecology. And those scorings are kind of
8 averages of the four species you selected for the
9 bycatch. It doesn't discuss the climate, doesn't -
10 you don't look at the importance of one species over
11 the other or outside what the impacts of other
12 species, like dolphin, would have outside of the
13 modeling.

14 And so I don't know if maybe some of the
15 scoring is kind of dragging some of your alternatives,
16 and what you're saying is more effective because it's
17 a standardized scoring for you guys to look at all
18 over - to look at all the alternatives.

19 But one alternative could - you could
20 have the same value, say both got a point because they
21 protect, or they overlap this high-catch area for one
22 month, but one - you don't look at the value of what

1 the model came up with. So one could be, you know, it
2 has more area that it protects, but it still receives
3 the same value.

4 So I just wanted to kind of mention that
5 it's important to look at the scoring and how you're
6 - how you are incorporating that and what you're
7 saying is providing more protection and then how it
8 impacts the economics and ecology input and economics
9 and ecology of how you are looking at the impact of
10 that.

11 MR. BROOKS: Thanks, Christine.

12 MR. DURKEE: Yeah. Thanks, Christine.

13 Just one clarification on that a little
14 bit if I'm understanding your comment correctly. But
15 yeah, I mean, focusing on the metrics is important for
16 sure. I mean, there's a lot coming out of those. And
17 they are all added together, which could create the
18 perception that every species we looked at exactly the
19 same.

20 Two thoughts on that. One is that in the
21 DEIS, in the ecological impacts, we discuss
22 species-specific changes in each of those metric

1 scores. So they're looked at separately.

2 And then, also, implicitly in the model,
3 we looked at - we weight each species' contribution
4 to that overall metric score based on different
5 factors. If it's an ESA-listed species, it is more
6 heavily considered than if it's a healthy stock. And
7 that kind of comes in with some of the bycatch risk
8 areas, choosing different cutoff values of what is
9 high bycatch versus low bycatch for each species, you
10 know, whether that's 25 percent or 50 percent.

11 So there is some implicit differences in
12 some of the species built into the model that may not
13 be clear at the end when you just add them together.
14 But that kind of dives a little bit deep into that
15 PRISM nuts and bolts that we can discuss perhaps
16 offline.

17 MR. BROOKS: Thanks.

18 Dewey.

19 MR. HEMILRIGHT: I kind of resent the
20 facts - the comments that were just made a little bit
21 ago about the value of the fisheries and what people
22 who are fishing and the amount of money they spend to

1 go fishing. The law doesn't say, "Magnuson, he who's
2 got the most money get all the fish."

3 We also have the Biden administration with
4 their environmental inequity and injustices about the
5 disadvantaged communities and what they're able to do
6 and how NMFS should be working towards that.

7 You know, the fact that there's too many
8 people in Florida and their carbon footprint is so
9 large, I can't help that. But we should get an
10 opportunity to go in these areas. And why is people
11 afraid to do science in these areas? And they
12 continue to tout keeping the closed areas.

13 And we're looking at pelagic longline vessels that
14 support not only this country but also help at ICCAT
15 where we're the only ones that get shit done because
16 we're the only ones that to abide by the law.

17 So when somebody tells me about all the
18 economics and all the airplanes that fly in from all
19 over the world with their carbon footprints and all
20 the amount of people out in the ocean that are a part
21 of using this resource, just like the pelagic longline
22 industry, I sometimes had a little bit taken back by

1 them comments. I was hoping that we were further
2 along than that.

3 And so we should be doing research in
4 these areas. We should be continuing on. We should
5 be - something else I want to ask is, is given that
6 these models are PRiSM models and are used by the sea
7 surface temperatures, how about the sea surface that's
8 down there 3 or 400 feet below the surface where we're
9 deep dropping, how does the PRiSM model pick that up?
10 But we shouldn't be afraid of doing science.

11 You all have kept these areas closed for
12 20 years. You've closed off parts of the ocean down
13 off Florida, so why is everybody afraid to do science?

14 Either we're afraid to do science, or we're to shut
15 our mouths.

16 MR. BROOKS: Thanks, Dewey.

17 I want to try to get in a couple more
18 folks before we close out here and go to a break.
19 I've got Rick, Matt, and I think I've got Charlie
20 online. So if you could each be as succinct in your
21 comments as possible, I'd appreciate it.

22 MR. WEBER: You went to me and said

1 succinct, right? I -

2 MR. BROOKS: It's a judgment issue. I
3 don't know.

4 MR. WEBER: I have two points. And Dewey
5 did just hit on it. I'm going to say, actually, very
6 similar to Dewey but differently, which is I do not
7 want to undermine Pete's comments about value.

8 And, Steve, it's not lost on me that you
9 are very clearly saying that you are not opening
10 closed zones so much as you are putting conditions on
11 doing research. That is very different.

12 But it has been 20 years. And I am with
13 Dewey in that we owe them the opportunity in my
14 opinion, Peter, to see if, to show us that it can be
15 done without the juveniles. We should not fear the
16 research. We should greatly fear the impacts of the
17 research if we disagree with it.

18 You know, I mean, I think there are two
19 very different things there, which is let's see what
20 they can show us, and let's let the government put
21 enough conditions on it that we feel comfortable with
22 the research being done.

1 But we should keep our skeptical eye on
2 the research that comes out because just because they
3 show us that it can be done cleanly doesn't mean that
4 the implementation means that it will be done cleanly.

5 Those are two very different things, and we have a
6 very important job to do in the long run. That was
7 one - one - one - one piece.

8 And I do want to go back to PRiSM, and I
9 still want to go back to the Bump, Steve. I'm sorry.

10 But, you know, we've listened over these last couple
11 of days about CVA, and we're assured that it will
12 inform the decisions, but it will not make the
13 decisions. And then we hear about EEJ, and we're told
14 it will inform the decisions, but it will not make the
15 decisions. Historically, we were told that PRiSM will
16 inform the decisions, but it will not make the
17 decisions. And here at our first implementation, we
18 have empirical data, and we are deferring to the
19 model.

20 And here in 2023, in a post-ChatGPT world,
21 where all of us are struggling to figure out what is
22 real and what is a person, and a computer can write

1 entire things, I want computers to be tools. And
2 PRISM is an awesome, awesome tool, but I want a human
3 to be taking a minute and saying, "Do we have better
4 than the model?"

5 And so I'm just reinforcing one more time,
6 and I'm trying to put some semblance of order to what
7 you're - the pieces that you're hearing. You know,
8 don't put yourselves out of a job by saying, "We're
9 just going to do what the model says," because we like
10 all of you a lot better than we'll like whatever comes
11 out of the model. We trust you more than what comes
12 out of the model. But you have that respect. Don't
13 throw it away and put it in the model. Override the
14 model when the model needs to be overridden.

15 You know, use that judgment. Use the
16 empirical data. Use the data that you're being given,
17 you know.

18 And this is - you made the point bringing
19 these two things together - and then I'm done,
20 Bennett. I promise - that you are not opening new
21 zones, right? This is conditions being put on to do
22 research, essentially is what the yellow zones are.

1 Then you shouldn't need a conservation offset in the
2 Bump because you shouldn't be - you know, the
3 conditions that you're putting on should be
4 conservation neutral to get into the yellow zone where
5 you were observing so strictly that you'll know if you
6 then say, "Oh, we were wrong. You're going to take a
7 lot more." I think you're a step ahead.

8 You are presupposing that the yellow zone is going to
9 have additional impact before it has been proven. And
10 you're asking them to run an experiment in the yellow
11 zone. So do with that what you like.

12 MR. DURKEE: Yeah. Just two thoughts.
13 The first thought is I want to thank Peter for taking
14 the heat off me for about 10 minutes because I needed
15 that. I owe you a beer tonight, and I appreciate
16 that.

17 Second, it is informing. These different
18 directives and PRiSM, it is informing. We're not
19 opening areas because of PRiSM.

20 And so your point of using actual
21 empirical data to look at these areas, we don't have
22 empirical data in the middle of a closed area during

1 that time that it's closed. It just doesn't exist.
2 So if there is a data source available, we need that.

3
4 And that's what this is trying to get us
5 something to know that if we do get some data
6 collection in that area, that it's not going to
7 jeopardize conservation goals. But we don't have that
8 empirical data. And I agree. That would be much
9 better than a model's -

10 MR. WEBER: You have everything after
11 April 30th all the way wrapped around to February 1st.

12 You do have some empirical data that shouldn't drive
13 you to be closing that in that period. That's - that
14 -

15 MR. BROOKS: We need to push. We need to
16 get to a break.

17 Peter, do you have something less than 30
18 seconds if you can hold on it?

19 MR. CHAIBONGSAI: Yes.

20 MR. BROOKS: Okay.

21 Then I want to get to Matt, and then I
22 think Marcos. No? And Charlie might have a comment

1 online.

2 Go ahead, Matt.

3 MR. HUTH: I was going to give Peter a
4 chance to redeem himself.

5 MR. CHAIBONGSAI: I was about to say
6 something --

7 MR. HUTH: Okay. Go ahead. Go ahead.

8 MR. BROOKS: If it's a moment of
9 redemption, it's all right because it always takes
10 precedence, Peter.

11 MR. CHAIBONGSAI: It's because I called
12 you out before, isn't it?

13 No. So I want to make sure I'm very clear
14 with you guys as well.

15 The commercial sector was - that was more
16 just towards the collective socioeconomic. I'm not
17 saying anything in regards to your worth versus our
18 worth versus somebody else's worth. It's just the
19 overall socioeconomics of the sectors themselves so
20 please take that into account.

21 And what I was more talking about as well
22 is this is the time - and, obviously, this is why

1 we're having this meeting and these meetings, right,
2 over the past two years I feel like is to poke as many
3 holes, like I said, in this to where we can figure out
4 where the corrections need to be made.

5 And in its current form, PRiSM needs to be
6 corrected. Obviously, from - it sounds like from
7 everybody from every sector there are enough concerns
8 by multiple sectors that were poking enough holes that
9 you guys are seeing. So that's what I was trying to
10 get to before.

11 So there was no directed or implication of
12 saying that we're worth more than you X, Y, Z. But it
13 was just more to let them know that the socioeconomics
14 from all fishers - but I was specifically saying
15 "ours" because that's the data that I have - is very
16 important.

17 MR. BROOKS: Thanks for the clarification.

18

19 MR. HUTH: And I'm glad you said that,
20 Peter, because I mean that's - looking at this PRiSM,
21 that just scares us to death, you know, relying on
22 this PRiSM.

1 And looking at the Charleston Bump closed
2 area, I just don't see any - the way it's written -
3 and maybe, you know, it'll be tweaked - I just don't
4 see anything coming in our favor out of that as it's
5 written.

6 MR. BROOKS: Thanks. I'm going to go to
7 Charlie online, and then we do need to get to a break
8 here. Charlie.

9 MR. BERGMANN: Okay. I'll
10 be real quick. One word, revitalization. That was
11 something that was the catchphrase for a lot of years.

12
13 But prior to the closure in 2000, there
14 were a couple of hundred directed pelagic longline
15 fishing boats from the Gulf of Mexico up the East
16 Coast. We kind of whittled that down a whole bunch
17 with 70-some-odd different IBQ accounts. I just don't
18 want to see this fishery just completely vanish.

19 It's evident from what we're - what I've
20 heard, anyway, today - that there certainly needs to
21 be more than three public hearings on this amendment.

22 And I would hope that we get those.

1 Thank you.

2 MR. BROOKS: Thanks, Charlie.

3 I see your card, Greg, but I got to - I'm
4 going to maybe let you talk to someone over the break
5 on this one. Okay? Thanks.

6 Karyl or Steve or Larry, anybody want to
7 throw anything in before we -

8 MS. BREWSTER-GEISZ: So before we go to
9 the break, I just want to thank all of you for your
10 comments so far on PRiSM and the closed areas. And I
11 hear the frustration. I hear the confusion about
12 PRiSM.

13 PRiSM is a tool that we used. We did not
14 rely completely on PRiSM for these areas.

15 Though I'm hearing a lot of confusion, a
16 lot of questions, I think after this we're going to be
17 regrouping as a team to figure out what the questions
18 were and how to best answer them and make sure that
19 everyone understands. We have a long comment period
20 for that reason.

21 I will also say while we have been accused
22 of presupposing things - maybe rightly so. I don't

1 know - I also want to make sure all of you know this
2 is a proposed rule. It is not written in stone that
3 this is what we're doing. We take all these comments
4 very seriously, and we will be going back and looking
5 at it.

6 Those of you who were around back before
7 the closed areas, when we were proposing the closed
8 areas, will remember we proposed closing the entire
9 western Gulf of Mexico. As a result of public
10 comment, we went back, and we relooked at things, and
11 public comment was very clear that we should be
12 looking at DeSoto Canyon. And that's how DeSoto
13 Canyon came back and came about.

14 We went - after the comment period
15 closed, we came back out with a whole analysis of
16 DeSoto Canyon, and that was because of public comment
17 on the models we were using then and those closure
18 analyses.

19 So I just want you to remember you may not
20 see changes over this comment period. You may hear
21 changes in how we're describing things to try to
22 address misperceptions and misunderstandings.

1 But you may see changes after the comment
2 period. This is not written in stone, and I just want
3 to thank you again for all the comments heard so far.

4 MR. BROOKS: Okay. Thank you, Karyl.

5 And I'll just say that I - in advance of
6 this conversation I think what I heard from Randy and
7 others we were really hoping for a candid conversation
8 and a lot of direct feedback, and I genuinely want to
9 compliment you all for doing just that. I think the
10 conversation that you had here and the strong
11 feedback, as it should have been, was really valuable.

12 So thank you all.

13 I know there's others who want to get in
14 here, but we've got to get to a break. It is about 25
15 after. I'm going to suggest we take a 10-minute break
16 and then come back, and we'll pick up another easy
17 topic, electronic monitoring, so okay. See you all in
18 a few. Thanks.

19 (Whereupon, the above-entitled matter went
20 off the record at 3:26 p.m. and resumed at 3:43 p.m.)

21 MR. BROOKS: So just to remind us as to
22 where we are right now in the meeting, we are about 15

1 minutes behind schedule. And that's okay.

2 We are going to continue with our
3 Amendment 15 discussion but pick up the Electronic
4 Monitoring part, which will kick off with a
5 presentation and then a little bit of discussion. At
6 around 4:30, we'll switch to an update on the
7 Deepwater Horizon Restoration.

8 For any members of the public who are on,
9 we will be going to public comment at 5:00. We'll
10 then close out here and finish up by 5:30.

11 And then just again a reminder to everyone
12 in the room or online that at 6:00, we'll have a
13 one-hour informal Q&A and discussion again around
14 Amendment 15.

15 With that, let me just hand it back to
16 Steve to keep pushing at Amendment 15 and picking up
17 Electronic Monitoring.

18 MR. DURKEE: Okay. Thanks for that.

19 This is the second half of that Amendment
20 15 presentation. So if you're looking for it online,
21 it's the back half of that PDF. We'll start a little
22 over three-quarters of the way through.

1 So this is the second portion of Amendment
2 15. Again, Amendment 15 has two broad components: the
3 spatial management portion, which we just discussed,
4 and now the pelagic longline EM cost allocation.

5 Some overlap between the two obviously,
6 with EM being the focus of this section, as well as
7 some EM requirements in monitoring areas. There is
8 some overlap. But again, we're going to communicate
9 it mostly separately just for ease of understanding
10 communication and comments back.

11 Okay. Most of this background is pretty
12 familiar to everyone on the table. Since 2015 and
13 Amendment 7, pelagic longline vessels are required to
14 install cameras on their vessels that record the
15 haulback in order to monitor those catch and discards.

16 And that was put into place to ensure compliance with
17 bluefin tuna IBQ reporting requirements.

18 It was also later expanded to include
19 shortfin mako shark disposition when ICCAT had a
20 recommendation requiring only the release of sharks
21 brought back dead.

22 Since implementation, NOAA Fisheries has

1 paid for the entire program, really through two
2 separate contracts. One for the equipment
3 installation side, which in the past was through
4 saltwater, and then data review, analysis, and
5 storage, which was with 3ERT in the past as well.

6 In the intervening years, specifically in
7 May 2019, NOAA Fisheries issued a cost allocation
8 directive for EM. This is the cost allocation in EM
9 programs for federally managed fisheries.

10 It offers some guidelines and directives
11 for EM cost allocation. EM cost allocation is just a
12 fancy way of saying transferring these EM costs from
13 the agency to the industry.

14 So the need for action. To comply with
15 that cost allocation policy but also to address NOAA
16 budget constraints, Amendment 15 considers
17 transferring those EM sampling costs from the agency
18 to the industry.

19 The objective is to actually modify this
20 EM program, to not just use the model we have right
21 now and shift those costs, but also kind of recreate
22 the EM program to try to minimize what those costs

1 would actually be. And that's to address those
2 relevant EM policies, including that 2019 cost
3 allocation policy.

4 Some of the goals are to minimize impacts
5 to bluefin tuna reporting compliance, minimize costs
6 for vessel owners, and provide some flexibility for
7 vessel owners and vendors to meet program goals.

8 That third bullet is kind of a mouthful.
9 It feels like kind of just throwing it out there, but
10 it's super important.

11 The way the program is designed right now
12 is maybe not the most cost-effective way of going
13 about it, so some flexibility in how different vessel
14 owners and vendors meet some of these program
15 requirements. There could be some significant cost
16 savings there.

17 So the top of this slide is mostly related
18 to that EM cost allocation policy from NOAA Fisheries.

19 It divides in that EM program sampling costs versus
20 administrative costs.

21 That policy directive wants those sampling
22 costs to go to the industry and the administrative

1 costs to stay with the agency. There's a list of what
2 those look like up there, that first table.

3 Essentially, it's the equipment. It's the
4 data review. It's the data storage. It's training
5 captain and crew. Most of the things that are visible
6 from the vessel operator's side are the sampling
7 costs.

8 The administrative costs are more the
9 program support, certifying EM vendors, sampling
10 design, creating the program, kind of the back end
11 stuff that happens more in the HMS office.

12 To those goals, we have three
13 alternatives. I'm going to focus on the first and
14 last and then we'll dive into the preferred
15 alternative, F2.

16 The first one is no action, maintain the
17 current program that the industry funds. The
18 alternative F3 would remove the current EM
19 requirements for bluefin tuna and shortfin mako.

20 Note that under this alternative the IBQ
21 program would remain. It's simply that EM component
22 that would be removed. If that's the case, IBQ usage

1 would be tracked through those VMS set reports that
2 pelagic longline vessels are required to make at the
3 end of each set and through landings of those bluefin
4 tuna that they retain and sell.

5 But again, we're going to focus in on that
6 preferred alternative, F2, for the rest of the
7 presentation. What we're proposing under here is to
8 transfer those EM sampling costs to the industry.

9 The industry would pay 100 percent of
10 those sampling costs. It'd be phased in over three
11 years. The first year 25 percent, second year 50
12 percent, third year 75 percent, and the fourth year
13 100 percent of the costs would be with the industry.

14 Under this program there are four
15 components to this alternative: vendor requirements,
16 vessel requirements, vessel monitoring plan
17 requirements, and then modification of when and where
18 EM is required.

19 And those areas will be designated as EM
20 Data Review Areas. We'll dive into some maps of what
21 those look like.

22 Conceptually, here's an infographic

1 looking at what that modified program could look like.

2 The way that I look at this infographic is this blue
3 box here is kind of the new program. In this top left
4 you have an arrow of vendors coming into this program.

5 The way they come into the program is they
6 apply to NOAA Fisheries to be certified. NOAA
7 Fisheries decides whether or not to certify those
8 vendors. Once they're an approved vendor, they're
9 working directly with vessel owners to coordinate
10 equipment, data review, data transfer, data storage,
11 all of those different requirements.

12 Listed underneath the approved vendor box
13 are the vendor requirements, which we'll get into in
14 the next slide. The vessel monitoring plan would be
15 developed between the vendor and the vessel, with some
16 requirements underneath there and on the next slide.
17 Then the vessels have some requirements as well, which
18 we'll dive into.

19 What this infographic is helpful in seeing
20 is that there's a separate arrow coming out away from
21 that and down to NOAA Fisheries. The approved vendor
22 is providing quarterly reports and metadata to NOAA

1 Fisheries with information about that video review.

2 NOAA is pulling themselves out of that
3 relationship between the vendor and the vessel to
4 provide some flexibility, and just setting the
5 parameters of what we need to maintain compliance with
6 those bluefin tuna reporting requirements under the
7 IBQ program.

8 Diving into the first three components,
9 starting with vendor requirements. Again, NOAA
10 Fisheries will solicit vendors to be part of the
11 program. Vendors could apply to the program. NOAA
12 Fisheries would choose to certify or not certify.

13 Those vendors will work with vessel owners
14 to receive video. And that video must be reviewed by
15 trained staff. Then once they've done that quarterly,
16 the vendor reviews ten percent of all the sets
17 submitted and at least one set per vessel.

18 They then submit a quarterly report to
19 NOAA Fisheries with that information as well as
20 metadata, which is essentially the text files that
21 come with it that kind of show GPS coordinates, when
22 and where the drum was engaged, et cetera.

1 They must be willing to provide additional
2 video review at the request of NOAA Fisheries. And
3 then finally, retain that video for two years.

4 On the vessel side what happens is before
5 embarking on a trip, a vessel owner needs to
6 coordinate with a certified vendor to make sure they
7 have this relationship developed where that vendor is
8 going to receive that video, and then review that
9 video consistent with requirements.

10 That vessel owner is going to negotiate
11 the price structure and the cost structure directly
12 with the vendor. They need to work with the vendor to
13 create a vessel monitoring plan. The vessel
14 monitoring plan won't change too much from what it is
15 now, but we'll get into the specifics in a second
16 there.

17 Once that's in place, if this is in place,
18 they may not fish in areas that require EM without a
19 functioning unit. And they need to continue to report
20 bluefin tuna catch within 12 hours of the end of each
21 set.

22 The third component, vessel monitoring

1 plan, this mostly stays unchanged. Basically, it's a
2 way to know where the camera should be, how you should
3 land catch in the view of the camera, and how you
4 should submit the data, just kind of creating an
5 understanding among the vessel owner and the vendor on
6 the requirements for that program.

7 One of the more complex components of this
8 is the fourth one. It's modifying when and where EM
9 is required. This kind of meets a few goals.

10 First to go through it, this is really
11 operationalizing the current sampling protocol that
12 we're using right now. I'll explain what that means
13 in a second.

14 What we've done is we've identified times
15 and locations of likely bluefin tuna interactions. So
16 instead of requiring EM where it's unlikely that a
17 pelagic longline vessel would interact with a bluefin
18 tuna, we're only going to require it in those areas
19 where bluefin tuna interactions are likely.

20 We then designate those areas as EM Data
21 Review Areas. So now vessels are only required to
22 activate their EM, coordinate with the vendor, and

1 submit video when they're operating in those areas
2 during all or a portion of the trip.

3 This could reduce costs. There could be
4 times and areas where EM is not required. And as long
5 as the target catch is available outside of those
6 areas, presumably a vessel owner would not need to
7 fish in that area at all if it worked with their
8 fishing strategy.

9 It also incentivizes avoiding areas of
10 likely bluefin tuna catch because there is a cost with
11 going into those areas of likely bluefin tuna catch.
12 And then we can kind of perform regular review of the
13 EM Data Review Areas to account for changing bluefin
14 tuna distributions as the oceans change.

15 Looking at this, it's helpful to take a
16 step back and think about what we're doing right now
17 and how sets are selected for review. Pelagic
18 longline vessel operators go out and fish, and we know
19 when and where the sets are.

20 At that same time, the Southeast Fisheries
21 Science Center, they know when and where those sets
22 are as well. What they're doing is they're selecting

1 which sets to review.

2 ERT, the company that was reviewing all of
3 the video, they didn't decide what it was. The
4 Southeast Fisheries Science Center communicated that
5 information to them.

6 The first step in the Southeast Fisheries
7 Science Center sampling plan is to get rid of sets
8 that did not occur in areas of likely bluefin tuna
9 interaction. It doesn't do any good to put all your
10 resources to the Gulf of Mexico in the fall when
11 bluefin tuna aren't there. You want to make sure
12 you're getting good coverage on where bluefin tuna
13 might be.

14 That idea where the Science Center is
15 actually selecting sets after the fact doesn't work
16 when you have multiple vendors. All of a sudden
17 you're coordinating the Science Center with multiple
18 vendors and then when the vendor receives the sets,
19 they don't even know what they're reviewing until the
20 Science Center tells them so.

21 With this instead, EM is only required in
22 areas and times of likely bluefin tuna catch so that

1 when the vendor receives that video, they simply need
2 to review ten percent of those sets. They're not
3 waiting for the Science Center afterwards to tell them
4 what they need to review.

5 And one of the largest costs of the
6 program is actually that in-person video review. That
7 provides some cost certainty for the vendor. It
8 allows them to lower costs because there wouldn't be
9 unexpected video review costs based on the sets that
10 they're bringing in.

11 So this program, yes, it also reduces
12 costs, but it also operationalizes that current
13 sampling plan to make sure that any kind of bluefin
14 tuna monitoring compliance needs are not jeopardized
15 with these modifications.

16 Looking at impacts, ecological impacts are
17 likely neutral. It's going to maintain that bluefin
18 tuna reporting compliance component that's the goal of
19 the program.

20 The socioeconomic impacts though are not
21 quite as good looking. It's moderate adverse. We
22 have up here a chart that kind of shows some

1 preliminary top-line cost estimates of what it could
2 cost.

3 I do want to stress that this is what
4 we're kind of looking at as the cost ceiling. This is
5 simply the government contracts divided by the number
6 of sets annually to get this number.

7 Whatever the contracting company is
8 charging the government, including to set the program
9 up initially, all of the coordination, all of that is
10 wrapped up into this cost. That's why we think it's a
11 top-line estimate, that that should probably go down
12 on its own without the cost mitigation strategies that
13 we have in place.

14 With this cost mitigation strategy, it
15 should come down even further. Those cost mitigation
16 strategies are, again, shifting that cost over three
17 years and phasing it in. That wouldn't necessarily
18 help in year four, but it definitely helps the market
19 develop in their earlier years to kind of find ways to
20 meet program needs at a cheaper cost.

21 The program structure also encourages
22 multiple vendors to enter into the market. Right now

1 there's just one vendor providing it, and they can set
2 the price on what the government's paying for that.
3 So once multiple vendors are in there, costs should
4 come down.

5 That's what's happening up in GARFO. Not
6 specifically the costs necessarily, but at least there
7 are multiple vendors. There's nine EM vendors
8 certified in the groundfish EM fishery. So there are
9 multiple companies out there that are willing to
10 provide these services.

11 NOAA Fisheries has provided all the EM
12 equipment. And those vessels could continue to use
13 that equipment for the life of the equipment. Vessel
14 owners would need to pay for any kind of upgrades,
15 repairs, or replacements, but that equipment that's on
16 there in the near term can continue to be used.

17 There's also flexibility in equipment and
18 data transmission specifications. We have a certain
19 video quality we need in order to make sure we're
20 identifying bluefin tuna correctly and at a certain
21 quality to make sure we're hitting those goals.

22 Beyond that, there's some flexibility in

1 that equipment. What can that equipment look like?
2 Is there some off-the-shelf consumer products? Do you
3 need to actually send a hard drive? Is there a way to
4 do cellular data or satellite data to transfer that
5 data?

6 There might be some cheaper costs that are
7 available for a vendor and a vessel to work out, and
8 providing that flexibility could reduce those costs.

9 And then again, the EM requirements are
10 limited to the EM Data Review Areas. That could
11 definitely reduce the times and locations of when EM
12 is required.

13 This is the same slide we saw before. I
14 don't have a discussion order slide. I know we don't
15 have quite as much time for this one so we don't have
16 it organized quite that same way, but this is that
17 same slide for more information on the A15 home page.

18 MR. BROOKS: Great. Thanks, Steve.

19 If there are any clarifying questions,
20 let's take them and then just open it up. Let's go
21 over to Willy and then over to Dewey.

22 MR. GOLDSMITH: Thanks, Bennett.

1 Thank you, Steve. A quick question on
2 slide 55 with this 19 percent profit estimate
3 associated with this. You had mentioned this would
4 only be required in -- I think it was the previous
5 slide -- times and locations of likely bluefin tuna
6 interactions. This might be in the proposed rule so
7 my apologies.

8 Has there been any kind of retrospective
9 look as to what percentage of trips would be impacted
10 by this? I'm just thinking about kind of the real
11 average chunk of profits over the year averaged across
12 all trips, including those that were not in areas of
13 high bluefin incidents. Thanks.

14 MR. DURKEE: I appreciate the question.
15 Actually, that gives me an opportunity to kind of
16 clarify just a little bit. I said that on that first
17 column there with the cost per set.

18 And then yes, again, this is brought out
19 across an average six-set trip, what that cost would
20 be, the median profit for that size trip, and the
21 comparison of the EM cost to the profit, which is 19
22 percent. I kind of skipped over that, so thank you

1 for that opportunity to clarify.

2 And yes, we do have estimates. In the
3 DEIS --

4 MR. BROOKS: Hang on one second. We've
5 lost audio just for a second. It's back up. Go
6 ahead.

7 MR. DURKEE: In the DEIS, we do have
8 broken out by those areas what historically the
9 percentage of sets that would occur when EM is not
10 required. So for instance, looking at the EM Data
11 Review Areas, in that Mid-Atlantic area it's required
12 year-round.

13 Obviously, there's zero percent of sets
14 that would not be required to have EM. It's different
15 in the North Atlantic, South Atlantic, and Gulf of
16 Mexico. That table is in the DEIS. We could pull
17 that up for reference too.

18 MR. BROOKS: Thanks.

19 Let's go to Dewey and then we'll go online
20 to Alan Weiss.

21 Dewey?

22 MR. HEMILRIGHT: I don't have much

1 clarification. I've just got a lot of questions.
2 When you look at the area of the Mid-Atlantic July to
3 December, we don't have bluefin tuna there 12 months a
4 year.

5 So why are we forced in the blue shade to
6 have EM? Am I misinterpreting this? Why do we have
7 to have it 12 months a year? And then I've got a
8 couple more questions.

9 MR. DURKEE: This is largely and almost
10 exclusively based on the Southeast Fisheries Science
11 Center's current sampling plan. They consider that
12 area of likely bluefin tuna interaction.

13 MR. HEMILRIGHT: That's total bullshit.
14 It isn't the case. We've got our log book data to
15 prove that. We've got a vessel monitoring system,
16 which you all have, that shows we're not catching the
17 bluefin 12 hours after we sit at certain times.

18 So I don't know where -- I mean, this
19 right now is false because it's not happening. You
20 all have got the data to show that it doesn't happen.

21 You've got the vessel monitoring system,
22 if it works, that 12 hours after the sit -- you've got

1 in August, September, October, probably up to
2 November, maybe even July, you don't catch bluefin
3 tuna there. And I wish to hell there weren't there
4 year-round.

5 MR. BROOKS: This is helpful, Dewey,
6 because I think this is exactly the feedback we need.

7 MR. HEMILRIGHT: Yes, but the problem is
8 it should have never been put in here.

9 MR. BROOKS: I hear you.

10 MR. HEMILRIGHT: So it doesn't matter
11 about the helpfulness. Where's the homework to be
12 done? So this shouldn't be put in here.

13 MR. BROOKS: Thanks, Dewey.

14 MR. DURKEE: Point taken. What this is,
15 the goal is to meet what the Southeast Fisheries
16 Science Center is doing now to filter out sets to make
17 sure that we're still getting good coverage across it.

18 So I'm not disagreeing with you. You know much
19 better than I do when and where you're catching
20 bluefin tuna.

21 These areas are built around the current
22 sampling protocol to make sure we're maintaining that

1 data stream and maintaining those monitoring needs.
2 That's what I mean as far as it matches what the
3 Southeast Fisheries Science Center's sampling plan is.

4 MR. HEMILRIGHT: My follow-up, my next
5 question would be you talk there about how you're
6 thinking. Go to your cost analysis, please, whatever
7 slide that is. You've got your cost analysis up
8 there. You're projecting, thinking, or maybe hoping
9 it's probably going to come down.

10 Well, what's interesting about that coming
11 down part, about seven years ago I had to buy a vessel
12 monitoring system for \$3,200. This past year in June
13 I bought another vessel monitoring system that went
14 out for \$3,200. It didn't go down much.

15 So while we're looking at all this stuff,
16 do you think if a vendor knows that they can get
17 \$2,280 out of you, the federal government, do you
18 really think I'm going to be negotiating a lower price
19 with somebody? They know we've got to have this if
20 you force it upon us.

21 So we're at the beck and mercy of somebody
22 that's a for-profit industry for whatever it is.

1 They're not going to give us a free discount just
2 because we have it.

3 We've got to really think in reality of
4 this stuff here, not some pie in the sky, as we're
5 going through this amendment. It affects us and we
6 don't have much else left. So when we look at this
7 stuff, it needs to be a reality check and not some
8 hypotheticals, maybe, should, and all that stuff.

9 MR. BROOKS: Steve, can you talk to where
10 the cost estimate came from?

11 MR. DURKEE: Yes. The reason we think
12 it's a top-line estimate is because it is the federal
13 government contract with all those requirements that
14 are built into it, as well as the developed
15 infrastructure for that program. There's a lot of
16 costs behind that that exist.

17 So with the increased competition in
18 competing for your money to pay for them, we do think
19 it's going to come down. And I don't have an answer
20 on exactly what that looks like, but we think it's
21 coming down.

22 Maybe a broader-picture reality to look at

1 is that we have an EM program that has been
2 successfully supporting a successful IBQ program
3 that's converting dead discards to landings. We have
4 budget constraints within NOAA to be concerned about.

5 And importantly also, we have vessel owner budget
6 constraints to be concerned about.

7 So there are three perhaps competing
8 needs, and we're trying to find ways to meld all three
9 of those together. That's kind of where these cost
10 mitigation strategies come in with that top-line
11 number to try to bring it down.

12 MR. BROOKS: Thanks.

13 MR. HEMILRIGHT: Just one last question.
14 What's the total amount that you all spend right now
15 on the EM program for the 70 or 100 vessels or
16 whatever it is now? What's your total amount in
17 millions of dollars that's spent to monitor us from A
18 to Z on whatever you all have to do?

19 MR. DURKEE: It's in the DEIS.

20 MR. BROOKS: We've got Brad coming up.

21 MR. DURKEE: Thank you, Brad.

22 MR. MCHALE: It's been a while since I've

1 looked exactly at those numbers, but I thought it was
2 standing at about \$1.1 million for annual operating
3 costs for that entire program.

4 So that's all the hardware, the
5 replacement hardware, the hard drives moving back and
6 forth, the review time, the QA/QC, as well as the
7 collaborations Steve just mentioned with the Southeast
8 Fisheries Science Center.

9 MR. HEMILRIGHT: And that's also with the
10 vendor that comes to the boat to fix it or something
11 like that. So \$1.1 million, and the agency can't find
12 \$1.1 million because of budget constraints.

13 MR. MCHALE: Well, to that point, I guess
14 my response is whether or not the agency can or cannot
15 find it. What the HMS staff is currently doing is
16 complying with the national policy of where those
17 costs transition over to the fleet.

18 And that applies across every EM program
19 nationwide. It just happened that the HMS program got
20 out ahead of that national policy, hence why we're
21 able to pay for it as long as we have.

22 Now, since that policy has hit the street,

1 we're now obligated to adhere to it. We, I think
2 better than anyone else in the agency, understand the
3 challenges that come along with it, having had the
4 experience of actually implementing a program in a
5 production capacity, having observed the costs that
6 are incurred by trying to collect that program which
7 is a compliance tool.

8 More often than not, the discussion around
9 the nation right now is how do you supplement observer
10 programs and where are cost reductions there. So it's
11 almost an apple and orange in comparison.

12 But lastly, having been involved in these
13 entire discussions is this exact debate that we're
14 having here now where electronic monitoring has shown
15 promise in collecting information at sea, but what
16 fisheries can incur it?

17 So if the agency doesn't have the funding
18 or is unwilling or unable to have the funding to
19 support programs, not just this program but any
20 programs stood up around the country, and if the
21 fisheries themselves don't necessarily have the
22 funding to incorporate it, where does that leave us?

1 I think Steve had mentioned it very
2 articulately there. If the agency either through
3 policy-driven or financial resources is unable to foot
4 the bill and you have a challenge of where the
5 industry itself has those same exact challenges, where
6 do we all evolve to? I think that's kind of the
7 premise here that's the point of contention.

8 MR. BROOKS: Thanks, Brad.

9 I want to bring a couple of other folks in
10 here. I'm going to go online and then I'm going to
11 Alan and Charlie online. And then I'm going to come
12 back into the room with Tim, Marcos, Matt, and Steve.

13 Alan?

14 MR. WEISS: Okay. Something I really
15 don't understand here is I've noted that the Magnuson
16 Act contemplates these fishermen requirements of
17 allocations that they receive under the Limited Access
18 Privilege Program, which the IBQ would be. But the
19 law also includes a limit on those fees, not to exceed
20 three percent of the gross vessel value officially
21 entered into the program.

22 So I'm just having trouble understanding.

1 What is the rationale for proposing to implement fees
2 that are tremendously higher? This slide you have up
3 now says 19 percent, tremendously higher than what's
4 indicated in the law.

5 MR. DURKEE: Yes. Under MSA, for LAPPs
6 there is a cost recovery limit of three percent for
7 the administrative costs of these LAPP programs.

8 Very explicitly, the cost allocation
9 policy is transferring over those sampling costs, not
10 those administrative costs. So for that reason, any
11 of those LAPP requirements, those cost recovery
12 requirements, really aren't applicable in this case.

13 MR. BROOKS: Thanks.

14 Charlie Bergmann?

15 MR. BERGMANN: I don't think Alan was done
16 with his question.

17 MR. BROOKS: Okay.

18 MR. BERGMANN: I'll wait until Alan is
19 done.

20 MR. BROOKS: Thanks.

21 Alan, please come back in.

22 MR. WEISS: So the Fisheries Service

1 created a procedure that they think grants them the
2 authority to supersede the fee limits that are in the
3 Magnuson Act. I'd say that Congress put that three
4 percent cap in because they figured that was about the
5 limit of what the industry could reasonably bear under
6 these circumstances.

7 That three percent was to be on fish that
8 the fishery is supposed to be trying to catch under
9 the conventional catch shares program whereas the IBQ,
10 of course, is for species that the fishery is supposed
11 to be trying to avoid. It doesn't make any sense to
12 me, but I'll move on from that.

13 Considering the number of sets and the
14 cost that's going to be incurred by the fishery if
15 this goes forward, you have to anticipate that there's
16 going to be a tremendous decrease in effort. It has
17 to significantly raise the bar for when and where
18 someone is going to go out and make a set because
19 you've raised the bar on how much revenue they have to
20 generate in order to even be there.

21 So you're going to drastically decrease
22 the effort, especially among smaller vessels probably.

1 That's going to reduce the output of the fishery and
2 reduce the attractiveness of other vendors coming in
3 to offer the monitoring services.

4 The mitigation measures that you've listed
5 that you say could reduce the cost burden are just
6 kind of a wish list. There's nothing concrete there
7 that you know is going to happen other than the
8 phase-in, which is like saying they're not going to
9 give you your lethal injection all at once. They're
10 going to spread it out in doses.

11 Then you come to the latter part of the
12 document under the national standards. You can't
13 possibly think that under the circumstances that I
14 just described, and which you have to admit would be
15 the case, that you're going to be able to obtain the
16 optimum yield for any species that's caught in this
17 fishery.

18 You're not obtaining the optimum yield
19 now, and you haven't been attaining it for years. So
20 to say that you can make this draconian move and then
21 continue to operate at the optimum yield on an ongoing
22 basis is just not true.

1 You admit that the impacts would be
2 moderate to major on the fishery. That will
3 definitely have impacts.

4 Another place that will be impacted is
5 National Standard 10, where you say the preferred
6 alternative does not affect safety at sea. How can
7 you possibly think that you can increase the costs of
8 operating a fishing boat by 19 percent and there isn't
9 going to be a degradation in the upkeep of the vessel
10 or its safety measures?

11 How could you think that the fisherman
12 isn't going to take more chances to go to a place
13 further offshore or in poor weather where they think
14 they may be able to catch a little bit more to be able
15 to get over the hump and actually make some money?

16 It's not going to be neutral. It's
17 certainly going to affect the safety of human life at
18 sea. I'll leave it there for the time being so that
19 others can speak.

20 MR. BROOKS: Thanks very much for that,
21 Alan. I appreciate the comments.

22 Charlie, let's go to you now.

1 MR. BERGMANN: Okay. I've got a couple of
2 questions. I too would question the IBQ of three
3 percent as opposed to 19 percent.

4 What happens if you don't get any vendors?

5 Does that mean that it transfers into F1 or F3? And
6 F3, you still have to report your bluefin. In that
7 case, you'd be reporting it on VMS.

8 So you're still monitoring an IBQ which is
9 a LAPP, yet you want to raise it to 19 percent. It's
10 kind of like you're coming home from a date and say,
11 Dad, I'm just a little bit pregnant. You either are
12 or you're not. And this is definitely an IBQ.

13 MR. BROOKS: Thanks, Charlie.

14 All right. Let's hear from --

15 MR. BLANKINSHIP: Just to answer one
16 question that he asked there about what would happen
17 if there aren't any vendors, I think that would be
18 something that would have to be considered during
19 implementation of the program as a whole.

20 If there's no vendors that are applying,
21 that would be considered during that initial
22 implementation phase. We would have to figure out

1 what next steps or other measures might need to be
2 taken in order to recruit vendors if the vendors
3 aren't applying at the very outset of the program.
4 That's just my thoughts related to that initially.

5 MR. BROOKS: Thanks. I've got in the room
6 Tim, Marcos, Matt, Steve, Bob, and Rick.

7 Tim?

8 MR. PICKETT: I won't echo what everybody
9 else has already said about this in general. My
10 question now is going to be around the vendor
11 requirements and becoming an approved vendor.

12 If this were to be handed down to the
13 industry, I would think that the industry would then
14 look in the way of potentially having some control
15 over the cost of this. So understanding the way a
16 vendor is approved, the breakdown of that, and the
17 potential cost to a vendor is very important.

18 When they say review ten percent of sets,
19 is that a person sitting there watching it second by
20 second? Are they fast-forwarding through it until
21 something interesting happens? Is that all explicitly
22 spelled out somewhere?

1 Because if you think about it, I would
2 want that to be done as efficiently as possible.
3 That's the way that the cost is going to come down on
4 all of it. What's acceptable to the agency in terms
5 of saying, okay, that's been reviewed?

6 Is there an AI way of doing it so you
7 could review 500 hours of it in ten minutes, because
8 all of the nuggets of what you actually need to look
9 at -- watching a guy coiling leaders isn't all that
10 exciting in terms of the research that needs to
11 happen. The exciting part happens in a very small
12 period of time.

13 Now that there's the potential of that
14 cost coming forth to the industry, it's interesting to
15 see how best to do that efficiently, if that's going
16 to be the case.

17 MR. DURKEE: Yes. I wish Ian Miller was
18 here. He's the most tapped into the nuts and bolts of
19 it.

20 The answer is that yes, they're looking at
21 AI machine learning. It's not there though. The way
22 it looks right now, at least with the current vendor,

1 is they get video. And that video is able to tag when
2 a catch event occurs.

3 So they have tags they can fast-forward to
4 and watch it at a little bit of a faster rate, and
5 slow it down if they need to slow it down to see
6 species ID. But if you're watching a three-hour
7 haulback, you're not watching video for three hours.
8 They're finding ways to do it more efficiently.

9 MR. PICKETT: So to follow up, this is the
10 vendor that's determining this. Is there a set of
11 parameters that governs the vendor?

12 This is the way that vendor does it. If I
13 did it way faster -- I mean, not saying I want to get
14 involved in that business at all. Is there a set of
15 parameters that is concrete that says that vendor is
16 doing a good job?

17 MR. BROOKS: Basically, what are the specs
18 that the vendor can handle?

19 MR. PICKETT: What are the specs, yes.
20 What's the deliverable?

21 MR. McHALE: So there's a lot wrapped up
22 there, Tim. Let's see if I can unravel some of that.

1 The specs across the nation right now for
2 EM programs underneath this model where the
3 relationship between the EM provider and the vessel
4 usually equates to a certain data deliverable back to
5 the agency. So it is to the vendor's benefit to be
6 most efficient.

7 That's being executed in a number of
8 different ways across a number of different fisheries.

9 The footage might be so easy that it's still the
10 person in the dark room going through the footage and
11 just noting whatever that program requires.

12 Both nationally here as well as
13 internationally, as Steven just mentioned, whether
14 it's AI or machine learning being introduced, that is
15 more prolific in fisheries where there are large
16 sample sizes to feed the algorithms.

17 So you actually remove the human component
18 out of that equation. The software itself is scanning
19 through the images and spitting out results that are
20 then usually QA/QCed by some individual on the tail
21 end of those outputs.

22 So it could actually be specific to the

1 program itself of what specs or what provisions would
2 provide the side boards of what would be acceptable
3 from the vendors to provide. But that's also where
4 some of that cost savings and the free marketplace
5 that Steve mentioned is at.

6 If I come to you as an EM provider and
7 say, you know what? My 16-year-old son is going to be
8 in a dark room reviewing your footage and here's the
9 cost associated with it.

10 Versus Steve introduces, you know what?
11 We already have data from the Pacific longline
12 fisheries as well as the Atlantic longline fisheries,
13 et cetera, that has already fed our algorithm. And
14 we're going to be able to do that same review that
15 would have taken the kid three hours -- we can do it
16 in five minutes.

17 I don't know how that would equate to
18 their business model of then selling their product to
19 you to engage in that business relationship, but I
20 think those are the dynamics in play.

21 There aren't necessarily current standards
22 that say this is how that footage needs to be

1 reviewed. It's more this model of what are the
2 outputs that then need to be delivered to the agency
3 that keeps the vessel compliant and then keeps that
4 vendor certified.

5 MR. BROOKS: So you're focusing on the
6 deliverable, not the process?

7 MR. McHALE: Currently that's commonplace
8 across the nation.

9 MR. BROOKS: Thanks.

10 Let me try to get around the room. Marcos
11 and then over to Matt.

12 MR. HANKE: I'm making an exercise of
13 breathing deep because I want to hold all my feelings
14 the way I feel now. I'm going to use myself a
15 representative of recreational charter industry.

16 I'm seeing something that is unfair,
17 deeply unfair, because I'm not seeing historically any
18 similar effort to require recreational charters to
19 produce the same level of EM or reporting or whatever.

20 I cannot imagine requesting them to pay
21 for it, but you're asking to the longline industry to
22 pay for something even though they produce the

1 information that most of the NGOs, agencies, and
2 everybody uses for the best science to manage
3 fisheries.

4 And that's totally unfair. That's not
5 correct. We need to do a better job on that part
6 because otherwise, it's going to keep reprimanding the
7 kid that behaved well in my house just because he's
8 easier to reprimand, hat kid that doesn't fight back
9 to me or cannot have a say because he's tied at the
10 hands or something.

11 There is a level of injustice. That's why
12 I'm really -- I want to describe what I feel. I feel
13 deeply messed up inside by this fact, being a charter
14 and a recreational fisherman.

15 The point that things are brought to the
16 table is super important. This is based on ignorance
17 too, but I know that there are simpler systems out
18 there with solar panels and other alternatives that
19 can serve two purposes.

20 Maybe a substitute or a different
21 technology that is cheaper, a smaller unit that can be
22 added, implemented, or coordinated with other videos

1 or whatever gadgets you want to put out there. I
2 don't want to mention the name of the provider, but we
3 need to make sure that we don't keep beating up the
4 longline industry.

5 I have something else to say that I
6 forgot. And I'm sorry. I'm being passionate about it
7 because when I see something that is really offset, I
8 have to speak up, otherwise I cannot sleep at night
9 tonight.

10 I want also to say -- I need to say this
11 -- I don't know what happens after you guys leave the
12 room, to your house, to your office, and the driving
13 forces behind moving things along. I know the quality
14 of people that you guys sitting here are and I trust
15 you guys. I want you to stay that. I would not like
16 to be in the position that you guys are.

17 But at the same time, I know what happens
18 when the fishermen get back home or they get back to
19 the boats if they follow what is being said on the
20 presentation. The other part I don't know.

21 I'm really sorry. I was trying to hold
22 on. I didn't know if I needed to say this. I keep

1 inviting and really congratulate Pete and Dewey for
2 life to put the two sectors together, to try to find
3 the best solution, and not to compete because
4 competing and polarizing, I am tired of that.

5 That will not take the country, the
6 fisheries, or anything in this world to a better
7 position. It's going to take longer, it's going to be
8 efficient, and we cannot get on that route. I'm
9 sorry. Thank you.

10 MR. BROOKS: Thanks, Marcos.

11 Randy?

12 MR. BLANKINSHIP: Marcos, I completely
13 appreciate the points that you're making, and the
14 feelings that you feel and that others share around
15 the table. That aspect of fisheries management is
16 part of what makes it a very hard job because, well,
17 it is. The regulatory process is not an easy one and
18 there's cost involved.

19 In response, I do just want to clarify or
20 provide information and harken back to the authorities
21 that are provided, primarily in this case under the
22 Magnuson-Stevens Act. The agency has the authority

1 under the MSA to require monitoring and other measures
2 under MSA 303(b).

3 And as a general principle, the industry
4 and others in the regulated public bear the compliance
5 and regulatory costs. That has been the case for
6 years and years, and it continues to be the case.

7 Of course, many of you are aware that
8 there are some court cases around, and one in
9 particular that got some attention last week, that
10 some of this is being brought into question. It will
11 be interesting to see how that plays out over time.

12 Nevertheless, there is no change in the
13 guidance that we have and the authorities that we have
14 under Magnuson Act. Thanks.

15 MR. BROOKS: Thanks.

16 Just a program note, we are going to need
17 to shift here in about no more than ten minutes just
18 so we can get through everything else we have to do,
19 and then have a little bit of break before we come
20 back together at 6:00 for the public. So folks still
21 in the queue, I just ask you to help me in that.

22 Matt, let's go to you. Then Steve, then

1 Bob, then Rick. Matt?

2 MR. HUTH: Well, I was just going to say I
3 appreciate you feeling sorry for us. I feel sorry for
4 us too.

5 I'm just looking back at these amendments
6 that have happened over the years. We started with
7 570 votes. I can't remember what -- that was before
8 Amendment 7. Then we went to 135 votes on Amendment
9 7. These numbers might not be precise. Amendment 13,
10 70 votes.

11 I mean, this Amendment 15, this could do
12 us in. We've got to figure something out here, guys.

13 It's just hard to choke down. It really is. I don't
14 know how to talk about it, but we're going to have to
15 figure something out here.

16 And one question for you. How about the
17 groundfish industry? Are they responsible? Have they
18 been turned loose to pay for their monitoring or not
19 yet?

20 MR. DURKEE: Not surprisingly, the
21 groundfish situation is super complicated. So yes,
22 the responsibility for paying for EM and observers has

1 been transferred over to the industry.

2 The industry was paying very briefly and
3 Congress has provided funding to reimburse those
4 fishermen. So yes, officially it's with the vessel
5 owners, but they're not footing the bill in the end.

6 MR. HUTH: Do they have contracts with the
7 vendors themselves or are you also facilitating that?

8 Are they on their own as far as finding vendors to
9 watch them or whatever, and the equipment?

10 MR. DURKEE: It's the latter. It's like
11 this program's developed where NMFS is setting some
12 different standards, and the vessels and vendors have
13 a direct relationship on how they're providing those
14 services.

15 In that situation there are nine vendors
16 that are providing EM services. So this isn't just a
17 very small niche market. There's a handful of vendors
18 that are providing these services, at least in that
19 groundfish industry.

20 MR. BROOKS: Thanks.

21 Steve?

22 MR. GETO: Thanks, Bennett.

1 I've got my business consultant hat on,
2 which I spend 90 percent of my life doing. If I went
3 to any of my clients and told them a regulation was
4 coming down that was going to take 19 percent of their
5 revenue, most of them would be packing it in. It's
6 high.

7 Small businesses don't have that kind of a
8 profit margin at the end of the day. I look at \$9,000
9 a trip in revenue, 25 percent coming off for the crew,
10 300 or 400 gallons of fuel, maybe 500 gallons of fuel
11 at \$5.

12 There has to be a way to step this cost
13 down because to me, the cost has to be around \$250 a
14 trip for this to be a workable solution within the
15 economic structure that these guys are working in.
16 I'm not sure you're going to find vendors doing back
17 flips to go after a market of 70 boats with that kind
18 of a revenue opportunity.

19 You look at big security companies or
20 technology companies, they're trying to sell us cell
21 phones in the general population where there's a big
22 market. This is not going to be a big market for

1 somebody.

2 So maybe looking at a way to step this
3 down where there's cost sharing as technology maybe
4 improves. It's pared off over time so that these guys
5 don't bear the burden of \$1,600 a trip up front. That
6 will kill them. Thank you.

7 MR. BROOKS: Thanks, Steve.

8 Bob?

9 MR. HUMPHREY: I'll be brief, but I want
10 extra points later for being brief. I was going to
11 say exactly what Marcos said and for the reasons he
12 said it. I feel exactly the same way.

13 And I was going to say what Matt said.
14 How many more straws are we going to pile on the
15 camel's back before it just caves in? I really feel
16 for these guys. And I hope that there's an
17 alternative solution that we can come up with.

18 MR. BROOKS: Thanks, Bob.

19 Rick Weber?

20 MR. WEBER: I'd like to say if that's
21 angry Marcos, that was amazing. He's sorry for the
22 raised tones that he brought.

1 MR. HANKE: If it moved you guys, it's
2 effective. Thank you.

3 MR. WEBER: And I pretty much want to
4 follow in his tone. It's my nature, as you know, to
5 go ahead and do it in case I have any other little gem
6 here that adds in.

7 I start with saying I know it's no one in
8 this room. It's a directive that you have to comply
9 with. But perhaps you guys -- and I defer -- perhaps
10 there is a way to creatively comply.

11 I will leave it to you to figure out what
12 I'm saying there because I'm not sure, but you have to
13 comply. I can't say, why don't you not comply?
14 You're going to comply, but what goes into the formula
15 you may have some controls over.

16 I will say that for a directive that came
17 out in 2019, it doesn't seem fair that this is coming
18 as a surprise in 2023. It seems like you should have
19 come pretty quickly and said, we are under a
20 directive. We're going to push it out for as long as
21 we can, but this is coming your way. Maybe you did do
22 that. I don't remember it.

1 I consider the precedent scary. I can see
2 a Quantech person asking for their \$20 to perform an
3 LPS or some such silliness. There's no limit to what
4 could be pushed out once we start saying, let's get
5 into cost shifting.

6 I don't know where it goes next. But
7 again, I am not accusing anyone in this room. I'm
8 saying it's a scary directive and you have to
9 understand that for the whole of us, it is a scary
10 directive.

11 As for the price coming down, I think you
12 could ask any researcher how much the price of
13 satellite tags has come down despite being in a
14 competitive market. And they haven't. It's still
15 like throwing a very expensive laptop overboard every
16 time. It hasn't happened even though in theory it is
17 a competitive market.

18 I think it is naive to believe that we
19 will stop at bluefin tuna. You're proposing this as
20 bluefin tuna, but I can see OPR or anyone else coming
21 through at any time and simply adding onto the burden.

22 I think it's naive to say this is just for

1 bluefin tuna and we'll be able to keep costs low
2 because it's bluefin tuna, and once the process is in
3 place someone is going to come with an impassioned
4 reason that you have to look for their species.

5 Siding with everything that everyone else
6 has said is, again, I think very little of this is
7 things that you guys don't know deeply, but I need you
8 to hear it so you can pass it further up the chain.

9 And that is that any pound of fish caught
10 by any longline other than US longline is a dirtier
11 fish. Every time we lose a ton of capacity, we are
12 hurting the environment.

13 When they say we're going to lose a couple
14 of boats, that is a couple of boat tons that will be
15 caught by some other fishery in some other country,
16 which I assure you is dirtier. We have the cleanest
17 longline in the world. And every one of those guys
18 that stops fishing is worse for the environment.

19 I do not celebrate the loss of an American
20 longliner. I mourn the loss of an American longliner
21 because it is worse for the environment. I know it is
22 worse for the environment.

1 These are the most honest longliners in
2 the world. They are the most transparent longliners
3 in the world and we are losing them. That is not
4 something that is good. That is inherently bad.

5 All of that said, let me play and just
6 give you the one question which is in the middle of
7 cost sharing, when they're able to pick their vendor
8 but you're paying 50 percent, how does that work? Do
9 they provide you the bill and you pay them back 50
10 percent of it? Or do you cut direct checks to the
11 vendor?

12 I don't actually need an answer for it,
13 but it's something you need to work out because I'm
14 sitting here going, they can choose their vendor but
15 we're paying 50 percent. I'm not sure what that looks
16 like in transition, but I'm hoping it doesn't come.

17 MR. DURKEE: It's definitely a good
18 question. Of all the complexity we've discussed
19 today, that seems like the easiest problem to fix.

20 MR. BROOKS: All right. Randy?

21 MR. BLANKINSHIP: Earlier on, Rick, in
22 some of your comments you were talking about the

1 surprise of this policy. It was issued in 2019.

2 Earlier, I think it was Steve that alluded
3 to the timing with our electronic monitoring program
4 as part of the IBQ program that was implemented in
5 2015 under Amendment 7, which predated the cost
6 allocation policy in 2019.

7 So there were some advantages from that
8 implementation perspective where the agency covered
9 all of the costs for quite some time. That has
10 continued to occur for as long as we've been able to
11 make it occur. As it became apparent that because of
12 limited funds we were not going to be able to continue
13 to do that, we started to signal what was coming.

14 Last year, some of you may remember that I
15 had a presentation where I actually presented the 2019
16 cost allocation policy because it's on the horizon
17 that we were going to have to work towards
18 implementing it. So just to speak a little bit to
19 what you were talking about.

20 MR. BROOKS: Amy, are you dying to say the
21 last word here?

22 MS. DUKES: Yes. Thank you.

1 Just two questions. Is there something
2 driving these two whammy sections of Amendment 15 to
3 be pushed together to be implemented right now versus
4 having this many separated out into two amendments?

5 Also, if alternative F3 were to be the
6 preferred alternative, what loss of data would be
7 negatively impacting HMS for you guys to be able to do
8 regulatory authority?

9 MR. BLANKINSHIP: They're paired together
10 -- bear with me -- because there's a relationship
11 between the scope of electronic monitoring from where
12 it's been to account for bluefin tuna to what it would
13 be under Amendment 15, which is a broader scope.

14 Truthfully, it is to try to provide some
15 benefits of having electronic monitoring in addition
16 to just accounting for bluefin and constraining as a
17 tool, to help constrain the longline category within
18 its longline quota for bluefin.

19 And so it is an attempt to try to help
20 realize some of those benefits in the form of access
21 to closed areas in a systematic way over time. There
22 is a relationship there.

1 Steve?

2 MR. DURKEE: So your question, Amy, was if
3 we were to take alternative F3, which removes the EM
4 component but maintains the IBQ program, what kind of
5 data do you lose?

6 There is a bit of a question mark on that.

7 Right now most of our data comes from those VMS set
8 reports and from the landings, from those bluefin tuna
9 that are being sold.

10 So to what extent is the EM program
11 supporting compliance with those VMS set reports
12 coming in? It's happening in open water. How are we
13 accounting for that mortality?

14 I don't have a solid answer for you. Brad
15 is standing up, if he has an answer. I'm interested
16 as well, but I don't have a solid answer for you.

17 MR. MCHALE: So I'll just reflect back
18 what or shall I say why the EM program was initiated
19 as a result of Amendment 7. To address the bluefin
20 tuna discard events that were happening 2012, 2013,
21 2014, hence the premise of Amendment 7, the catch
22 share program entered stage right.

1 Around this table and extensively through
2 public comment, a resounding feedback was that without
3 some sort of independent monitoring of fishery
4 dependent data collection, whether it be through VMS
5 set reports or log books, given the level of observer
6 coverage deployed in the fleet and given the
7 incentives to misreport every bluefin tuna I reported
8 into my IBQ puts me in one more predicament of maybe
9 not being able to pursue swordfish.

10 There had to be some sort of independent
11 verification tool there. And that was really the
12 driver that introduced electronic monitoring to this
13 particular fishery.

14 MR. BROOKS: Thanks, Brad.

15 MR. McHALE: It was those dynamics.

16 MR. BROOKS: Thanks.

17 MR. McHALE: And they're all part of the
18 record with Amendment 7.

19 MR. BROOKS: So I want to remind us that
20 we're going to at 6:00 be able to continue rolling
21 this conversation forward and encourage us to.

22 David, I know you wanted to get in a word

1 here. Can I give you 30 seconds?

2 MR. SCHALIT: That's all I need.

3 Brandy, Cale, Larry, Steve, could you just
4 take us through the time line, all the way through to
5 final rule on this? Thanks.

6 MR. BROOKS: Thank you.

7 MR. DURKEE: Comment period closes
8 September 15th. That's when we start working on the
9 final rule. Perhaps late winter 2024, perhaps
10 spring/summer. Karyl would have a better idea on time
11 line maybe.

12 MR. BROOKS: She doesn't look too eager to
13 jump on. I think she's good with what you said.

14 Karyl?

15 MS. BREWSTER-GEISZ: So yes, what Steve
16 said is true. It also depends, keep in mind, how I
17 ended the last session. Depending upon the comments
18 we hear, we may need to do some rethinking and
19 implement it even later. So we'll just go through the
20 proposed and see what happens.

21 MR. SCHALIT: So your guesstimate on the
22 range for when we arrive to final rule would be mas o

1 menos what?

2 MS. BREWSTER-GEISZ: At the earliest,
3 probably spring/summer next year.

4 MR. DURKEE: At the earliest.

5 MR. BROOKS: Okay. Thanks.

6 I just want to again thank everyone for
7 this conversation. This is hard. I think that's
8 acknowledged by everyone around the table. I
9 appreciate it.

10 Again, a lot of really important and
11 meaningful concerns put on the table. Let's just keep
12 rolling this conversation forward and keep hacking
13 away at it.

14 We are wanting to invite Jamie Reinhardt
15 up with NOAA's Office of Habitat Conservation to
16 really shift to the Deepwater Horizon Restoration
17 update.

18 We are supposed to be going to public
19 comment at 5:00. We will miss that mark. So for
20 members of the public who are on in the room or
21 online, hopefully we'll get to public comment not
22 later than 5:15. Thanks for bearing with us.

1 MR. REINHARDT: Well, thank you all for
2 providing me the time to address you today. My name
3 is Jamie Reinhardt and I work for the NOAA Restoration
4 Center for the Deepwater Horizon Restoration Program.

5 One of my main responsibilities is to help
6 design, develop, and implement restoration projects to
7 help restore the fish that were injured during the
8 Deepwater Horizon oil spill.

9 I'm going to be pretty brief today,
10 knowing that you all have had a very busy schedule and
11 will continue to have a busy schedule. But I do want
12 to just provide a few quick updates from the Deepwater
13 Horizon Restoration Program without going into too
14 much depth on any one of these activities.

15 So this will be a high-level overview. I
16 think there will be time for a few questions at the
17 end. Probably most importantly, I'll be able to
18 provide contacts and information to you all so that if
19 there is any need for follow-up or more detailed
20 questions, then we can do that.

21 I'm going to have slides for a few
22 activities here, including slides for the Hot Spots

1 Mapping Initiative, the Bluefin Tuna Restoration
2 Program, and a new activity that's just getting
3 started entitled the Characterizations of Caribbean
4 Fisheries Interactions with HMS.

5 While I don't have a slide for the last
6 bullet point up here, I do want to make sure that
7 everyone is aware of a proposed restoration project as
8 part of the Open Ocean Restoration Plan 3, which
9 includes restoration for seabirds.

10 Getting to my talking points on
11 Restoration Plan 3, on March 14th the Deepwater
12 Horizon Open Ocean Trustee Implementation Group
13 released a draft plan to help restore bird species
14 injured by the 2010 oil spill.

15 After consideration of many project ideas,
16 the draft plan evaluates 11 project alternatives and
17 proposes the selection of seven preferred projects for
18 a total cost of \$26 million. And a 45-day comment
19 process on that draft plan just recently closed on
20 April 28th.

21 One of these proposed projects is called
22 the Seabird Bycatch Reduction in the Northeast US and

1 Atlantic Canada Fisheries. This project would work
2 cooperatively with interested commercial fisheries to
3 develop voluntary strategies to reduce interactions
4 with seabirds, especially northern gannets and great
5 shearwaters.

6 This project proposes a phased set of
7 restoration activities such as pilot testing
8 strategies to reduce seabird interaction such as
9 baiting practice, modifications, visual deterrents,
10 gear switching, and modification and adjustments to
11 gear soak time.

12 The second component would be identifying
13 and prioritizing these strategies through a set of
14 models. The third component would be establishing
15 expanding partnerships with interested commercial
16 fisheries.

17 And the fourth component would be to
18 continue testing field studies and other activities
19 that would help expand our understanding of
20 seabird-fisheries interactions, and to support
21 voluntary adoptions of effective strategies.

22 The project is estimated to cost about \$5

1 million and would be implemented over a six-year time
2 frame. The Open Ocean Trustee Implementation Group is
3 currently considering the public comments that they
4 received before they are going to finalize the
5 restoration plan.

6 The final restoration plan will be
7 released to the public on the trustee's website, which
8 is GulfSpillRestoration.noaa.gov.

9 Caleb Spiegel at the Fish and Wildlife
10 Service is the primary point of contact for this
11 project. His contact information will be at the end.

12 Lee Benaka, over here in the back, is also
13 available to answer any specific questions about the
14 proposed project.

15 Okay. So onto ongoing restoration
16 projects. This project is entitled the Hotspots
17 Mapping Initiative. The goal of this project is to
18 reduce bycatch by supporting collaborations among
19 fishermen and anglers to share fishing information,
20 develop communication and mapping tools to avoid
21 unwanted fishing interactions, and to improve fishing
22 experiences.

1 This five-year voluntary, non-regulatory
2 project is evaluating the feasibility of a fisheries
3 hotspots communication network to improve fishing in
4 and around the Gulf of Mexico. Using technology,
5 fishermen and anglers can share information and maps
6 through a trusted partner about high bycatch or
7 predation areas that they are seeing while on the
8 water.

9 If this project team can identify groups
10 that are interested in implementing this type of
11 approach, additional implementation funding could be
12 proposed after the first phase of this project.

13 So what are the criteria for mapping
14 hotspots? It should be to improve commercial and
15 recreational fishing experiences, to keep unwanted
16 catch in the water so that they can grow and reproduce
17 for future fishing opportunities, and help avoid
18 predators that damage fishing gear and eat target
19 catches.

20 The next step for this project includes:
21 continuing to solicit volunteers to fill out NFWF's
22 brief and confidential interest form; to interview and

1 hold group discussions with more charter boat
2 captains, members of the HMS community, shrimp
3 fisheries, private anglers, and other stakeholders;

4 And a process to inventory existing data
5 sets and technologies; identify gaps in the available
6 data and technologies on boats; and to develop sample
7 products that could help support the project.

8 So again, I'll point out Lee -- he doesn't
9 need to stand again -- as a primary point of contact
10 for this. Also, in the back there is a little card.
11 I think it's on the back table there. It looks like
12 this. It has a little QR code here for anybody
13 interested in learning more about the project or
14 suggesting their interest in working with NFWF.

15 Gray Redding back there is also working on
16 this project as a primary point of contact for NFWF,
17 who is helping NOAA implement the project.

18 The next project is the Bluefin Tuna
19 Restoration Project. The idea for the Bluefin Tuna
20 Restoration Project originated from previous work, the
21 weak hook studies, which some of you may be familiar
22 with or I know folks here are familiar with. Those

1 were conducted back in 2012 with the Gulf of Mexico
2 longline fleet.

3 The data from pop-up satellite archival
4 tags indicated that bluefin tuna spend most of their
5 time at the same depth where pelagic longline gear is
6 commonly set, between 50 and 110 meters, while
7 yellowfin tuna utilize more of the water column from
8 30 to 200 meters.

9 This concept provides the foundation for
10 the current demonstration study. If pelagic longline
11 gear is set at greater depth, bluefin tuna
12 interactions should decrease without impacting
13 yellowfin tuna catch.

14 Therefore, the goal of this project is to
15 understand if bluefin tuna interactions can be reduced
16 in the Gulf of Mexico pelagic longline fishery by
17 setting gear at greater depths by doubling the depth
18 of the standard buoy line.

19 Other objectives of the project include
20 evaluating yellowfin and bluefin tuna interactions
21 using temperature and depth recorders, evaluating
22 bluefin tuna mortality at various depths using

1 temperature depth recorders, and evaluating migration
2 and other behavioral patterns of yellowfin and bluefin
3 tuna using satellite tags.

4 Over the project's four-year sampling
5 period, up to 16 pelagic longline fishermen will be
6 recruited to complete alternating sets targeting tuna
7 species. These alternating sets will consist of one
8 standard set and one deep set, where the deep set buoy
9 lines will range from 20 to 24 fathoms for a total
10 depth deeper than 110 meters. Additionally, 40
11 satellite tags will be deployed on yellowfin and
12 bluefin tuna throughout the next four years.

13 If the data supports the reduction of
14 bluefin tuna interactions without affecting yellowfin
15 tuna catch, this means that the deeper set depth would
16 enable more bluefin tuna to grow and reproduce,
17 ultimately contributing to the restoration, which is
18 the goal of our program.

19 And additionally, we anticipate that
20 pelagic longline fishermen might be interested in
21 voluntarily adopting this new approach because of
22 potential economic benefit.

1 So we have Amy Piko in the back, who is a
2 primary point of contact for NOAA on this project.
3 And Abby Vaughn, who is online currently, with
4 Mississippi State, sitting in for Marcus Drymon, is
5 also a primary point of contact for the project if
6 people are interested in learning more.

7 Lastly, I wanted to mention a new activity
8 that has recently been funded, the Characterization of
9 Caribbean Fisheries Interactions with Highly Migratory
10 Species Project.

11 The objective of this project is to
12 collect and evaluate existing fisheries' data from
13 Caribbean nations to identify restoration
14 opportunities and to support future restoration
15 planning in the Caribbean for HMS. In particular,
16 this includes yellowfin and billfish.

17 This overarching objective has three main
18 components. The first is to compile data from
19 Caribbean nations into existing or new data systems;
20 to evaluate the breadth and limitations of this data;
21 thirdly, to identify the greatest threats, both from a
22 fisheries perspective and a geographic perspective, in

1 the Caribbean; and ultimately, to identify potential
2 areas to conduct restoration.

3 This project will be implemented over the
4 next three calendar years and has a total budget of
5 \$382,000. The project team is currently developing an
6 implementation approach that will work with
7 international partner organizations to get this work
8 done.

9 Here I wanted to show primary points of
10 contact for the various projects that I just
11 described. I'd also offer myself as someone who has
12 an open door policy to discuss the Deepwater Horizon
13 Program, opportunities for the fisheries communities
14 to work with restoration planners to help benefit and
15 contribute to the Deepwater Horizon Restoration
16 Program.

17 Of course, if you're in contact with folks
18 from the HMS division, I'm sure they'd be happy to put
19 you in touch with me as well. Thank you very much.

20 MR. BROOKS: Great. Thanks so much,
21 Jamie.

22 Let's see if there are any questions or

1 comments. I see Marcos, David, Dewey.

2 MR. HANKE: I'm happy to see Caribbean
3 many times on the screen. This was not like this when
4 I started on this body. Thank you for that.

5 I would like to know the organizations
6 that you are mentioning, the private organizations
7 that are involved on the Caribbean project.

8 The other thing I want to mention, the
9 Caribbean Council is involved with the support of NOAA
10 to do work with WECAFC, OSPESCA, and other
11 Caribbean-wide organizations in different working
12 groups. One of them is an M5 working group.

13 I highly recommend because of this
14 initiative to engage to assist those meetings. We can
15 talk later to help you out because I think it's going
16 to help you out a lot on characterization of the use
17 of the ones that have relationship with HMS and those
18 other elements. There is a big record behind it that
19 you can benefit from. Thank you.

20 MR. BROOKS: Thank you, Marcos, for those
21 suggestions.

22 David?

1 MR. SHIELDS: Thanks for the presentation.
2 Just a few questions or clarifications. The 40 PSATs
3 you mentioned that will be deployed on bluefin over a
4 four-year period, my assumption is -- you can correct
5 me -- that you're looking to collect data on the
6 vertical movements of bluefin and yellowfin to
7 validate your theory.

8 MR. REINHARDT: Yes, not just vertical
9 movement but horizontal movement as well.

10 MR. SCHALIT: My next question is I assume
11 these will be deployed by scientists from a GRAP
12 university, yes?

13 MR. REINHARDT: Amy, do you want to answer
14 that question? Have we determined who exactly is
15 going to be deploying that? Are we using observers to
16 help deploy those?

17 We've worked with the pelagic observer
18 program from the Southeast Fisheries Science Center to
19 deploy satellite tags. So we'll likely work with them
20 to continue deploying some of these tags. There's
21 potential that we could have other partners deploy
22 tags as well.

1 MR. SCHALIT: So you will be wanting to do
2 some outreach, I would assume, with the pelagic
3 longline fishermen on this project.

4 MR. REINHARDT: Absolutely.

5 MR. SCHALIT: Okay. We happen to have a
6 representative from that fleet in this room at this
7 moment. I think it's key that they understand.
8 You're giving us some really interesting science here.

9 You're telling us that if they place their
10 gear in a certain location of the water column, they
11 can actually increase their yellowfin catch and
12 decrease their bluefin catch. That sounds very
13 interesting. Thank you.

14 MR. REINHARDT: Yes. Thanks for that
15 comment. We're hopeful that we'll be able to collect
16 that data and it will be useful for the fleet.

17 MR. BROOKS: Thanks, David.

18 Dewey?

19 MR. HEMILRIGHT: Given that we've seen
20 numerous presentations, or I have over the years, with
21 BP funding of money for different things, I was
22 wondering if maybe you all could come up with \$1.1

1 million to fund the pelagic longline industry's
2 electronic monitoring program and cameras.

3 I know that it would probably be a very
4 positive outcome for all, given that we have to use it
5 for bluefin tuna. Particularly on the East Coast, I
6 know the explosion of bluefin tuna, the stocks are
7 very healthy.

8 I was just curious if maybe when we're
9 looking at these things -- there's been quite a few
10 dollars spent on some initiatives and we're still
11 looking for the outcome of some of them, particularly
12 the ones that had to do with fishermen looking at
13 alternative gear. That was a \$20 million project in
14 my understanding.

15 Would you be the one that would produce
16 the results of what happened over the five years or
17 what was actually caught, shown, and the various
18 things like that?

19 Particularly if it could be finding \$1.1
20 million, I know personally I would really be
21 appreciative of that. I know others and fishermen in
22 the Gulf would be also. Thank you.

1 MR. REINHARDT: Thanks for that. I heard
2 two points there. One was the results of the Oceanic
3 Fish Restoration Project, which we don't have final
4 results from the monitoring of that project yet. We
5 are kind of in process of putting together our final
6 analysis of that. We do have interim reports that are
7 available online.

8 I might already have your email address,
9 but we can follow up and provide you those interim
10 reports so that you could understand our current
11 state. And then also once that final is reported,
12 hopefully we can make that known to the longline
13 community more generally.

14 And to your first point regarding funding
15 available to the longline community, I won't talk
16 specifically about the need that the fleet has
17 regarding the \$1.1 million.

18 It's my true hope that when we develop and
19 create restoration projects, we work closely with our
20 partners including the folks that are fishing, and
21 that we are doing our best to create win-win
22 opportunities with the fleet.

1 Our primary goal is to restore the injured
2 resources. That means doing something that benefits
3 tuna and billfish in respect to the HMS world.
4 There's a lot of other things that were injured out
5 there.

6 I'm happy to talk to folks and consider
7 all ideas that are coming to the table in order to
8 create those opportunities for restoration. And we
9 want those opportunities to also benefit the people
10 that are working with the fleets themselves.

11 MR. BROOKS: Thanks, Jamie.

12 I'm going to let you talk with him when we
13 break because I've got to keep pushing us forward
14 here. If we have time after public comment, I'll come
15 back to you, Dewey.

16 I want to get to Mike and Tim. And then
17 I've got Charlie online.

18 MR. PIERDINOCK: Thank you, Jamie, for
19 your presentation. I'm a little bit interested here
20 in the longline study with bluefin tuna and yellowfin
21 tuna. We have the need for getting DNA samples for
22 juvenile as well as commercial-size bluefin tuna to

1 help us in our five-year management strategy
2 evaluation that will come up in 2029.

3 To fill that data set, is there
4 communication with Walt Golet, who has had significant
5 outreach to many around this table and beyond these
6 walls to get those samples? Will that be included in
7 that? And then I know also Walt is involved with the
8 yellowfin tuna and with ongoing studies.

9 This is the kind of thing I look at with
10 cooperative research where if the vessel's already out
11 there and there's just a few additional things that
12 could be done to help the US data set for quotas and
13 for fishery management in the future, this provides
14 the mechanism to do that.

15 So has that happened here with Walt for
16 DNA, for juvenile bluefin as well as commercial, as
17 well as many other needs we may have overall for
18 yellowfin tuna? It would be a great opportunity to
19 make that work.

20 MR. REINHARDT: Yes. Thanks for bringing
21 that specific example up. I don't think that
22 coordination has happened.

1 I would encourage folks to reach out to
2 Abby Vaughn using this email address and say, hey, we
3 have a need for collecting these samples. I think
4 Abby would be able to take that back to the project
5 management team, and they would be able to consider
6 that and look for opportunities to work
7 collaboratively.

8 I will point out that a number of these
9 restoration projects serve as a useful platform for
10 collaboration. The Oceanic Fish Restoration Project,
11 which I think Dewey had brought up, has enacted a
12 number of collaborative things with our partners.

13 EM, for example, where we've worked with
14 NFWF to explore what can work for monitoring
15 alternative gear types. And hopefully we've been
16 collaborative with the fishing community themselves to
17 explore opportunities for them to be more efficient
18 with new gear types as well.

19 So I would say that a number of these
20 projects have had opportunities to create
21 collaborations with partners.

22 MR. BROOKS: Tim?

1 MR. PICKETT: Maybe I'll just circle with
2 Abby at some point, but I'd like to see the procedural
3 layout of the restoration project, the changes in the
4 gear and things like that that they're trying to test,
5 and the behavior of all that.

6 Deep setting longline gear is not a new
7 thing. There's a big brain trust in terms of that
8 fishery that's on the East Coast and developing on the
9 East Coast, and certainly in the Pacific fishery. I
10 mean, it's a huge brain trust.

11 Whatever information we could extrapolate
12 from that technique-wise with some known quantities,
13 I'd just like to see how that all lays out. There's a
14 lot more dynamics than changing the length of the buoy
15 drops in terms of the way things are going to behave.

16 A lot of these unknowns with TDRs and
17 stuff like that are pretty known quantities and a
18 pretty tested thing. So I just would kind of like to
19 see that and maybe have some input in terms of how
20 that might go down.

21 MR. BROOKS: Thanks, Tim.

22 MR. REINHARDT: Yes, Tim. I think Abby

1 Vaughn would be the right contact for you.

2 MR. BROOKS: All right. Let me bring in
3 one final panel member for this conversation.

4 Charlie Bergmann, we're going to open you
5 up to come in.

6 MR. BERGMANN: When your final report
7 comes out and your other reports that are not quite
8 final yet, will that include the species and species
9 length and weights that were caught on the alternative
10 gear?

11 MR. REINHARDT: That would include
12 averages and measures of the distribution of those
13 species lengths and weights. In that report we're not
14 likely going to have each individual, but we could
15 probably work with you to pass you that data if that's
16 necessary.

17 Thanks, Charlie. You're the first person
18 who's going to get the report.

19 MR. BROOKS: Thanks, Charlie, very much.

20 All right, Jamie. I think we are going to
21 say thank you. I appreciate you coming here and
22 making the time. Sorry we're a little late getting to

1 you today.

2 MR. REINHARDT: Thank you very much for
3 sharing your time. Bye.

4 MR. BROOKS: Thanks.

5 All right. We want to get to public
6 comment now. It would be helpful if I can see both in
7 the room and online the number of folks who might want
8 to make a public comment so I can just sort of divvy
9 up the time accordingly.

10 I see one, two, three, four in the room,
11 five. Okay. And online, if you would raise a virtual
12 hand. I see two hands up, so I think I've got about
13 seven people.

14 We need to be out of here not past 20 of.

15 So if we can take up to two minutes each, that would
16 be great. I'm going to start in the room. Again, if
17 we can keep it to two minutes each.

18 I invite folks to start with name,
19 affiliation, and topic. Come up to the table so we
20 can get you to the mic. And I just remind everyone
21 that this is not an opportunity for a back and forth
22 with HMS staff, but an opportunity for HMS staff to

1 hear what is on your mind.

2 With that, Marty, we'll go to you first.

3 You're there. We'll start.

4 MR. SCANLON: Hello. Marty Scanlon. I'm

5 President of Blue Water Fisherman's Association.

6 We've been representing the pelagic longline industry

7 in this country since 1990, so we're pretty familiar

8 with most of the topics that are on the table here

9 today.

10 I'll start in reverse order really,

11 talking about the Deepwater Horizon and the question

12 asked about the money. I attended a seminar here over

13 the fall in New Orleans dealing with Deepwater Horizon

14 and some of the restoration projects.

15 It was brought to my attention there's

16 quite a bit of money still available in the Deepwater

17 Restoration Project there. It's going to take a

18 little bit of thinking outside the box in order to

19 mine some of that money.

20 I've always felt that one of the failures

21 of Blue Water and the industry itself is that through

22 A7 we allowed NFMS to separate us, to segregate us

1 into categories -- Atlantic, Gulf of Mexico, and the
2 Distant-Water Fleet -- essentially protecting
3 Deepwater Horizon from compensating the entire HMS
4 industry from the damages that were done during
5 Deepwater Horizon.

6 The Atlantic boats got none of that money,
7 even though we have been subjected to the consequences
8 of that tragedy.

9 This might be one of those opportunities
10 where Deepwater Horizon can think outside the box and
11 come up with the money to help fund the data that's
12 being collected through spatial management in order to
13 benefit the entire fisheries. So that's something
14 that we might want to consider, and Deepwater Horizon
15 may want to start thinking in that direction.

16 One of the things I wasn't here for
17 yesterday was as far as the allocations with the
18 bluefin tuna IBQ. It's appalling to the industry
19 itself that the burden has fallen upon the individual
20 fisherman to have to fix this problem when NFMS
21 themselves realized it had nothing to do with the
22 fishermen themselves.

1 The miscommunication between NFMS itself,
2 the providers of the EM units, and the oversight that
3 was being conducted is a failure on their part.

4 With a brand new IBQ system being
5 implemented this year for the first time, now they're
6 taking the time to utilize every means at their
7 disposal that our fishermen are subjected to between
8 log book reporting, observer coverage, the EM units
9 themselves. Not to double-check themselves to make
10 sure that this went off without a glitch, but instead
11 they just wanted to go forward.

12 And now the burden of proof has fallen on
13 the individual fisherman to get their rightful IBQ
14 allocated to them. We're already into the month of
15 May where the IBQ becomes almost meaningless to us
16 now.

17 We don't interact with many bluefin after
18 June. So these boats have been penalized without
19 getting their proper IBQ this whole time.

20 MR. BROOKS: We're almost at three
21 minutes, Marty. I'm sorry to push.

22 MR. SCANLON: All right. Well, the other

1 thing here is I'll save most of my comments on A15 for
2 the discussion this afternoon. So that's why I'm just
3 taking the time on these things that I can touch base
4 on right now.

5 I'll proceed with A15 later on today, but
6 those are the few things that I wanted to point out.
7 We still have fishermen here that have not gotten
8 their allocation resolved yet. That's criminal.

9 MR. BROOKS: Thanks.

10 MR. SCANLON: I'll leave it at that.

11 MR. BROOKS: Thank you, Marty.

12 Who wants to come up next? Please start
13 with name and affiliation. Thanks.

14 MR. SHIELDS: My name is David Shields.
15 I'm an owner-operator of a pelagic longline out of
16 Wanchese.

17 After the last couple of days of listening
18 to this meeting, I feel like I'm reiterating and I'm
19 beating a dead horse about these things with these
20 bluefins. But at the same time, I feel like I with my
21 associates am the dead horse.

22 We feel like we are just getting

1 completely beat down. In the last couple of days, all
2 I'm hearing is we're losing places. It's costing us
3 more money.

4 I am a small vessel. Several times I make
5 sets of 150 hooks or less to test the water to see if
6 there's anything in there that might be dangerous and
7 we might not want to catch.

8 If this goes through, I'm going to be
9 punished for trying to conserve what you want to
10 conserve. And I just don't feel like that's right.

11 With the money that's going to be coming
12 out potentially, this will bury me. I would be making
13 an additional boat payment every time I go fishing on
14 top of my boat payment. And I don't know where this
15 is going to be able to come from and I don't know
16 where it's going to be.

17 I've talked to my crew and they know about
18 this. Both of them have already talked about leaving
19 the industry and finding something else to do. So I
20 don't know even where to go, but I ask you guys to
21 please consider what you're doing and what is being
22 implemented, as well as the blue box.

1 There has never been bluefins recorded in
2 certain months, but yet we have to have these
3 electronic monitoring systems on our boats. And now
4 we have to pay per set for something that's never
5 happened. I don't think that's right. Thank you.

6 MR. BROOKS: Thanks, David.

7 Who would like to come next?

8 Yes. Please come on up. And again, if
9 you could just start with name and affiliation.

10 Thanks.

11 MS. BORQUE: Hi. My name is Kathleen
12 Borque. I am a resident of the Outer Banks. I'm a
13 graduate of Loyola University, Maryland. I'm just a
14 concerned citizen.

15 First, I want to thank you for taking the
16 time to create and present everything that has been
17 talked about over the past couple of days. I've
18 learned a lot.

19 I'll start by asking you the question,
20 what has happened to the American fisherman? If your
21 seafood is coming from a United States fishery, it is
22 by law coming from a sustainable fishery.

1 In 1996, law makers adopted the
2 Sustainable Fisheries Act as a substantial amendment
3 to the Magnuson-Stevens to combat the declining fish
4 population and the fish stock collapse in the 90s. It
5 is perhaps the most aggressive conservation law
6 currently in place in the world, and demands at face
7 value far more scientific precision and knowledge than
8 is deliverable.

9 NOAA's website states a truly sustainable
10 seafood industry also sustains the many communities
11 that rely on that seafood for their livelihoods,
12 cultural practices, and nutrition. NOAA Fisheries
13 work directly impacts the economic opportunities,
14 health, and environment of many communities, both
15 domestic and international.

16 Underfishing, which has become common in
17 the United States, occurs when the fish are harvested
18 at a rate lower than would produce the maximum
19 sustainable yield. While maintaining a sustainable
20 fishery is paramount in oceanic and fish conservation
21 efforts, it has been reported that as much as 20 to 30
22 percent of potential yield is lost by overly cautious

1 management.

2 In 1996, there were 430 pelagic longline
3 boats that completed a successful set. As of today
4 that number has decreased to roughly 70. That is
5 nearly an 84 percent decrease in pelagic longliners
6 since the year I was born.

7 The United States now ranks 18th worldwide
8 as an aquaculture producer after having once been
9 among the top five producers worldwide, yet our
10 country is a leading global importer of fish and
11 fishery products as well as a key provider of
12 technology, feed, equipment, and investment capital to
13 other producers around the world.

14 MR. BROOKS: Kathleen, I just need to let
15 you know we're almost at time here.

16 MS. BORQUE: Thank you. I'll finish my
17 time.

18 According to NOAA, America imports
19 anywhere from 70 to 85 percent of its seafood. In
20 2020, the United States imported over six billion
21 pounds of seafood worth over \$21 billion, making for a
22 national seafood trade deficit growth of \$17 billion.

1 The United States imported \$2.4 billion
2 worth of seafood from illegal, unreported, and
3 unregulated fishing in 2019, accounting for roughly 11
4 percent of total US seafood imports according to the
5 US International Trade Commission.

6 So I ask you again, what has happened to
7 the American fisherman? The present day American
8 fisherman has his back against the wall. The present
9 day American fisherman is consistently told to jump
10 and he asks, how high?

11 The present day American fisherman is
12 watching his vocation, his passion, and what was once
13 a vibrant community disappear with each amendment,
14 each theoretical model, each hook that he baits with a
15 prayer, hoping to be heard.

16 For many of these fishermen, their
17 livelihoods on the water have been passed down and
18 taught for generations. The fishing industry has been
19 a boon in American economics and society since the
20 pilgrims first set foot in Plymouth and the settlers
21 arrived on Roanoke Island in 1584.

22 The Atlantic Ocean and the plentiful

1 source of food it provides have become entrenched in
2 the hearts and minds of both fishermen and those who
3 call these fishing regions home over the centuries.

4 Amendment 15 will force the pelagic
5 longline industry to absorb the exorbitant cost of the
6 data that they are mandated to collect, yet they will
7 not be paid any more for the fish that they catch.

8 I have heard you all say many times that
9 these things will potentially be pushed through, and I
10 have heard a lot of maybes. I have also heard at the
11 time of implementation and when it is implemented
12 regarding the potential changes these presentations
13 have been about.

14 How can we consider that discussion when
15 decisions have already been made without the
16 consideration of the questions and concerns of the
17 most transparent longline fleet in the world?

18 How can we sit here and say that these US
19 fisheries are sustainable if they are the ones telling
20 you it is getting to a point where they can no longer
21 depend on it as a livelihood, when data from our
22 government proves that we are no longer supporting

1 them, but choosing to buy and import from other
2 countries?

3 When you hear these men come before you
4 and tell you enough is enough and, I'm done, how do
5 you suppose they should respond to individuals at home
6 who ask them, how's fishing been?

7 If you truly mourn the loss of the
8 American fisherman, perhaps you should genuinely start
9 listening to the concerns of the ones that are left.
10 Thank you for your time.

11 MR. BROOKS: Thank you very much.

12 Is there anyone else in the room?

13 Please. And I've got four people online
14 to come in too, so if you can be focused on the
15 comments, I want to make sure we can get everyone in.

16 Thank you.

17 MR. REDDING: Yes. I'll be brief.

18 I'm Gray Redding with the National Fish
19 and Wildlife Foundation. Just based on the nature of
20 our organization, I don't want to speak to any of the
21 regulations, policy, or socioeconomic challenges this
22 work that we've talked about today brings.

1 I just wanted to raise awareness that NFWF
2 does have a competitive funding opportunity that seeks
3 to support development, advancement, or innovation
4 around electronic monitoring reporting in fisheries
5 throughout the United States.

6 So these would be distinct competitive
7 grants that could help fisheries develop and modernize
8 EM or ER -- that will be talked about tomorrow -- and
9 fund the innovations that folks have brought up around
10 AI, more and faster concepts of data transfer, and
11 even finding value for the fishery in the data that's
12 collected through that technology.

13 I just want to clarify with that. It
14 wouldn't be able to support the regulatory compliance,
15 actually paying the costs that have been talked about
16 today, but proposals and projects that talk about
17 finding and seeking the innovations that lead to that
18 efficiency could be eligible for the funding.

19 The request for proposals comes out
20 approximately annually. The next one will be out in
21 August of this year, just for those who have concepts
22 on that. I'll be around for the Q&A too.

1 MR. BROOKS: Thanks very much.

2 Let me go online now. I've got five
3 people. Again, I ask all of you to limit your
4 comments to no more than two minutes so we can hear
5 from each of you.

6 Let's open up Alana's line first. Again,
7 if you could start with name and affiliation. Thanks.

8 MS. ALANA: North Carolina. I have a
9 retail market. I've been listening in today. I just
10 have a couple of comments. I think anytime we can
11 increase our commercial fishery and the sharks is
12 going to be a good thing. In Hatteras that's really
13 becoming a big fishery for us, the numbers of
14 mackerel. So we really need to get that expanded if
15 possible.

16 Then second, I'm curious about whether or
17 not your science branch is going to start -- I know
18 they inspect foreign shrimpers and such. And I'd like
19 to know when we are getting to the point where we're
20 going to be inspecting the international tuna vessels
21 and swordfish vessels for importing their fish onto
22 our market.

1 We've been doing it with the shrimpers now
2 for a while. I'm just really concerned that it's
3 never going to happen. I keep hearing it's going to
4 happen, that you have to negotiate with Department of
5 State, you have to do this, you have to do that.

6 So I know you can't respond to me, but I
7 would just like that to stay in the back of your
8 minds. And that's really all my comments for tonight.

9 I appreciate your time.

10 MR. BROOKS: Great. Thanks, Alana. I
11 appreciate it.

12 Glen Hopkins, you will be up next. Glen,
13 are you there?

14 I'm not seeing him. Let's go to Jeff
15 Oden.

16 Jeff? Jeff, trying to get to you. Can
17 you talk?

18 MR. ODEN: Do you hear me?

19 MR. BROOKS: Yes, I do. Thank you.

20 MR. ODEN: I was amazed the other day. I
21 think most of you all know me as a former AP member.
22 You should anyway. I was amazed the other day when

1 Dewey sent A15 to me. I actually thought we resolved
2 everything last fall when I stepped in.

3 Anyway, I heard this evening a statement,
4 the straw that broke the camel's back. This clearly
5 will be. Our industry cannot endure this.

6 I wonder how many -- Brad, Randy, Karyl, I
7 wonder if you all had to take a \$280 cab ride every
8 morning to work, how long you'd stay here. That's
9 essentially what you're asking us to do.

10 Being a fisherman is not a job. It's a
11 leap of faith every day we leave the dock. When we
12 leave the dock, we don't know what we're doing. Half
13 the time we don't have faith in what we're going to
14 try, but we do, and often we're surprised.

15 And other times, when we least expect it
16 we come away with a win, which kind of ties into the
17 prism. That is laughable as anything I've ever heard.

18 It's just mind-boggling what is being
19 proposed here. Obviously, the only thing that's
20 increasing in fisheries is management. That's pretty
21 obvious from this prism document.

22 I've got a few other things to touch on,

1 the IBQ appeal. I'm one of the fishermen who has over
2 an eighth of my IBQ that has been compromised. And
3 after three times being asked to sign a petition for
4 an appeal, I finally got it. That was probably two
5 and a half months ago.

6 As was said a little bit ago, we're
7 running out of bluefin here shortly. My boat is
8 compromised in fishing because of that. So it's
9 criminal what's going on and that it's being allowed
10 to drag along. It should roll. That's the sad truth.

11 One other thing. It was mentioned earlier
12 about the vendor costs coming down on the monitoring.

13 Well, that's about as laughable as can be because we
14 go through the same thing in having to have a life
15 raft retied every year. We used to before we had to
16 repack them.

17 They were \$400. The other day I got one
18 repacked and I was told it would be \$1,100. It was
19 \$1,500. It's just going to escalate because we have
20 to have it done, we've got to pay it, and we're fair
21 game. That's all there is to that.

22 MR. BROOKS: Thanks.

1 MR. ODEN: One other discussion there.

2 MR. BROOKS: Jeff, I do need you to wrap
3 up in the next ten to 15 seconds. Thanks.

4 MR. ODEN: One more minute. One other
5 thing. I would like to thank Rick Weber for his
6 comments earlier as a recent participant in the IAC.

7 The discussion came around to other
8 countries and us potentially giving quota to them.
9 Well, you can count on us giving them a lot if this
10 goes through because there's going to be a lot of
11 unused quota.

12 We're going to be buying not 90 percent of
13 our seafood, as my understanding is. It's going to be
14 well over that. And there's one agency that's
15 responsible for it. That's all. Anyway, thank you
16 for your time.

17 MR. BROOKS: Thanks very much, Jeff.

18 Let's bring in Jordan Brown.

19 MS. BROWN: Hello.

20 MR. BROOKS: We've got you.

21 MS. BROWN: Okay, great. Thank you to the
22 Advisory Panel for inviting this public comment.

1 Currently the listing of certain shark
2 species under CITES Appendix 2, which permits
3 commercial trade, cannot be reconciled with the Shark
4 Fin Sales Elimination Act, which prohibits any sale of
5 shark fin and its derivatives in the United States.

6 Acknowledging the importance of conserving
7 shark species, industry members who use shark fin
8 derivatives for unique purposes such as medical
9 devices would like the agency to recognize the role
10 shark fin derivatives play in promoting public health.

11 We are asking the agency to flush out the
12 Shark Fin Sales Elimination Act or potentially release
13 guidance that better reflects the unique instances
14 where the use of shark fins provides numerous
15 benefits.

16 Thank you for the consideration. I yield
17 the remainder of my time.

18 MR. BROOKS: Thanks so much.

19 Glen Hopkins, it looks like we have you
20 back. Let's try to get you in again. Try again,
21 Glen. It's not working.

22 Okay. Let's go to Rebecca Regnery. I

1 apologize if I botched the name there.

2 MR. HOPKINS: Hello?

3 MS. REGNERY: Can you hear me?

4 MR. BROOKS: Yes. Rebecca, why don't you
5 go.

6 And then Glen, I think we heard you. You
7 can go right after.

8 Rebecca, go ahead.

9 MS. REGNERY: Okay. Actually, you said my
10 name perfectly. Thank you very much.

11 Thank you for the opportunity to make a
12 public comment. I will be brief and give the rest of
13 my time to Glen.

14 I'm with Humane Society International and
15 speaking on the topic of CITES as well. I second the
16 statement made earlier by Sonja Fordham today on
17 behalf of herself and others, including my
18 organization, regarding CITES and possible candidates
19 for the CITES review of the significant trade.

20 We are concerned about continued high
21 levels of trade in shark species listed on Appendix 2
22 of CITES that are endangered, and echo Sonja's request

1 that the Fish and Wildlife Service and NOAA work
2 together to play a leadership role at the upcoming
3 CITES in June to address any unsustainable catch and
4 trade, and the three species mentioned by Sonja
5 earlier as a priority, which are great hammerheads,
6 scallop hammerheads, and oceanic whitetips.

7 I note that this is a transparent process,
8 and it is in the best interest of the United States
9 and other countries that are compliant. It should
10 facilitate capacity building for countries that need
11 assistance with compliance and will have consequences
12 should they fail to comply. Thank you.

13 MR. BROOKS: Thanks so much.

14 Glen, if you are still there and hearing
15 me, please come in.

16 MR. HOPKINS: Okay. Are we there?

17 MR. BROOKS: Yes.

18 MR. HOPKINS: Okay, great. I'd just like
19 to start off by saying that I agree and support all
20 the comments. The burden of the EM use is way too
21 much to bear. I'm not going to focus on that but
22 there's comments to come, and I agree with all of

1 those.

2 I'd just like to take a different twist.
3 As someone who has been offshore fishing for 40 years,
4 I've probably spent 15 years literally in the ocean.
5 I'd like to offer a few observations and suggestions.

6 I will submit to you that HMS has done its
7 job with the pelagic longline fleet. We monitor and
8 gather data ad nauseam. Our spirits are broken and we
9 are sedated on the reservation. The parallels between
10 the American Indian and the commercial fishermen are
11 quite interesting, if you think about it.

12 I would argue at this point the longline
13 fleet is the low-hanging fruit that is now exhausted.

14 You've gleaned everything you need to know about us.

15 If you're truly to do your job as
16 fisheries managers, you need to put your precious time
17 and resources into data collection and monitoring the
18 recreational and charter fleet. This sector is
19 exploding. The numbers are mind-blowing.

20 You have real issues to deal with created
21 by the sheer volume of boats and people on the water.

22 Environmentally, how about the carbon footprint from

1 such a large number? How about the habitat
2 destruction of so many?

3 How about the fish eggs and larvae
4 destroyed from all the props, intakes, and engines?
5 Mishandling of undersized fish, misidentification of
6 fish, fatal boat interaction; I could go on and on.

7 All these add up to a huge concern over
8 the HMS fish population. Mark my words, if you don't
9 get control of this sector from a management
10 standpoint and soon, we're all doomed. I think we're
11 already getting a glimpse of that with the modern
12 fishery.

13 Yes, I'm saying take your precious and
14 limited resources such as the EM budget and apply that
15 to real data that exists out there instead of wasting
16 it on things we already know. Why focus your camera
17 on a lion taking a nap at the zoo when you can have
18 him out in the bush?

19 I understand and realize it's a daunting
20 task, but you need to start. This should be your
21 first priority and leave the longline fleet alone for
22 now.

1 We are currently managed, a fleet of 75
2 active vessels versus a fleet of literally millions of
3 other boats. We're resting on your laurels. Get to
4 work on the real threat to our sustainable fish
5 populations.

6 MR. BROOKS: Thanks, Glen. I'm going to
7 need to ask you to wrap up if you are not yet done.

8 MR. HOPKINS: You're focusing on dinosaurs
9 when you need to be looking at the modern man with
10 nukes in hand. You're way, way behind the curve.
11 Don't keep your head in the sand.

12 With respect to HMS fisheries management,
13 the longline fleet is no longer relevant. And in its
14 current force, HMS is no longer relevant, irrelevant
15 again.

16 MR. BROOKS: Glen, I need you to wrap up
17 for time. We've got to be able to close out this
18 meeting here so we can get ready for the next meeting
19 starting at 6:00.

20 MR. HOPKINS: Thank you.

21 MR. BROOKS: Okay. Thank you very much.

22 Thanks to all the public commenters. We

1 appreciate it.

2 I'm going to be super fast in wrapping up.

3 Just to remind everyone that tomorrow we'll be back
4 for a shorter day. We will start at 9:00 and adjourn
5 by 12:15. So we look forward to seeing you all then.

6 Just then to remind everyone from 6:00 to
7 7:00 in this room, so in 17 minutes from now, we will
8 reconvene in a more informal Q&A for an hour from 6:00
9 to 7:00 to hear additional thoughts as related to the
10 Amendment 15. IEP members, of course, please stay in
11 the mix as you wish.

12 You are not required to stay, however, but
13 we really want to make sure we're creating that space
14 to hear from folks and the public online who haven't
15 been able to weigh in on this to recognize the
16 importance of this issue.

17 So we will see you all back here or as
18 many of you who wish to come back here in just under
19 20 minutes. Okay. Thank you all so much. I
20 appreciate it.

21 (Whereupon, the above-entitled matter went
22 off the record at 5:43 p.m. and resumed at 6:00 p.m.)

1 MR. BROOKS: Folks online, thank you for
2 being here. I'm going to hand it off to Randy
3 Blankenship just to tell us what this next hour is
4 for. Again, for folks who are standing up and talking,
5 I'd invite you either to come sit at the table or step
6 outside so we all can be hearing this conversation.
7 Thanks. Randy?

8 MR. BLANKENSHIP: All right, good afternoon
9 again, everybody here in the room and online. This is
10 a little bit of a different session than what we
11 usually have at our AP meetings, being an informal Q&A
12 specific on the topic of Amendment 15. This discussion
13 is somewhat loosely modeled after some of the informal
14 discussions that the Gulf of Mexico Fishery Management
15 Council and the South Atlantic Council, maybe even
16 some other councils, have had with the head of
17 respective science centers and regional administrators
18 just to chat about issues.

19 Sometimes they have a focused informal
20 chat, and that's really what this is intended to be.
21 Shout out to the Caribbean Council, because I think
22 they've done them, too. The goal of this is to provide

1 an opportunity for that Q&A and a discussion to take
2 place in order to help folks understand as much as
3 possible what is in Amendment 15 and the ins and outs
4 of it. We've already been discussing it for a while,
5 but this is also intended to provide an opportunity
6 for members of the public to be able to similarly
7 engage in that Q&A. It will be open to not just AP
8 members, but to members of the public, as well, to
9 have this Q&A opportunity.

10 With that, Bennett is going to have a
11 strategy I think that he's going to explain maybe, I'm
12 not sure, about how to try to C

13 MR. BROOKS: Sure. I'm going make it up now
14 and you gave me just enough time to eat this cheese
15 peanut butter cracker, which does not get chewed up
16 quickly. So thank you for that. Yeah, we've got just
17 under an hour here, and as Randy just said this is
18 really more of an opportunity for a Q&A and making
19 sure people are understanding what's been put on the
20 table here. I do want to emphasize what I said at the
21 beginning of the A15 conversation when we were in the
22 meeting, which is just the start of a long process.

1 There will be hearings and webinars over
2 the summer, a public comment period through September
3 15th, discussion at the September AP, so just please
4 keep that in mind. We seem to be mostly AP members
5 around the table, with the addition of former AP
6 members. That was a toss to you, Marty. Then on the
7 line we have five or six folks, best I can tell. I'm
8 going to refresh that, and it seems like that at least
9 includesCyeah, so we've got five member online.

10 Again, I want to use this time initially
11 to really invite in folks who haven=t been part of
12 this conversation, who are not part of the AP, and
13 then just open it more broadly. That's my game plan.
14 It's not too fancy. We'll again, take this >till 7:00.
15 I know Randy and the team are not planning on doing a
16 presentation, so really just want to open the floor
17 up. Again, I'll start it with the five people I have
18 online and the non-AP members who are in the room
19 right now. I just invite any of you to raise a hand.
20 For you in the room just yeah, Peter?

21 MR. CHAIBONGSAI: I have a question.

22 MR. BROOKS: Yeah.

1 MR. CHAIBONGSAI: So I remember or you just
2 said that there=s going to be webinars and
3 discussions. Will those be made public? Will those be
4 sent out to the HMS newsletter, as well, when those
5 are coming up?

6 MR. BROOKS: As in publicized?

7 MR. CHAIBONGSAI: Yeah, that's what I meant
8 to say. Will it be publicized well ahead of time?

9 MR. DURKEE: Yeah. It's in the listserv, I
10 believe, that was sent out. It's definitely in the
11 proposed rule that came out. But most importantly,
12 check out the websites, HMS.

13 MR. CHAIBONGSAI: I understand it's already
14 there, but what I'm saying is will it be sent out
15 again yes, please, because that way it'll be fresh in
16 my inbox and then therefore we can then send it out to
17 our constituents, as well. I think that will be very,
18 very helpful for us to see personally I would think at
19 least a two to three-week heads-up before a webinar or
20 an in-person meeting. Those will be incredibly helpful
21 for this kind of open dialogue and discussion, so
22 thank you.

1 MR. DURKEE: Yeah, let us consider how to
2 do that. One email strategy we have is not to overload
3 inboxes and get people to unsubscribe. But it's
4 important to make sure the information is out there,
5 so maybe we can find a way of getting the information
6 out to key people to make sure we get that out, but
7 we'll talk about it.

8 MR. BLANKENSHIP: Right, and just to kind
9 of build off of what Steve was saying is that we have
10 not only public hearings and public meetings on
11 Amendment 15 this summer, but several other actions.
12 If we sent out HMS news email in advance of each one
13 of those, y'all will be getting those coming through
14 like, every day. So we'll figure out something that we
15 can do to try to help you out with that.

16 MR. CHAIBONGSAI: So just for example, what
17 we do with our constituents on our listserv or our
18 newsletter, they can opt in to certain specific
19 subject matters. I don't know the capacity of what you
20 guys have at NOAA, but maybe you can have a selection
21 of anything of interest of A15, select here. Then
22 you'll get all of those. Like I said, I don't know the

1 capability, but that would be one option. I know that
2 we do that.

3 MR. BROOKS: All right, so again, informal
4 conversation. Unlike public comment, this is a
5 dialogue back and forth, so if you have questions for
6 the HMS staff, that's the whole point of this is to
7 have a little bit of a back and forth. David, is it a
8 process piece? Because if it's not, I want to open it
9 up to the non-AP members first?

10 MR. STATEN: Oh, by all means.

11 MR. BROOKS: Actually I'm going to ask him
12 not to because I do want to give the folks who have
13 not been part of this conversation a chance, and then
14 I will go direct to David. Online folks, anybody have
15 a question or a comment, something that you want to
16 better understand about A15? Raise a virtual hand.
17 David, I'm going to let you fill this awkward silence.

18 MR. STATEN: All right then. I just want to
19 address the issue of the data in connection with
20 bluefin catches off the North Carolina coast that was
21 brought up earlier this afternoon. In my view, this is
22 a really easy exercise. This is something that can

1 easily be fixed using the database. I have to assume
2 it was an oversight or something, because the data
3 that we have suggests that what the North Carolina
4 fishermen are saying is the case is that it doesn't
5 meet with the statement that was made on that
6 PowerPoint presentation.

7 There are only certain times of year when
8 these fish are available. That's an easy fix, but it
9 begs the question what other fixes are needed in the
10 data? This is a very complex model, I've noticed. I
11 think we need to acknowledge the fact that
12 conversations about modeling and models is not
13 something we normally engage in here at the HMS AP or
14 at the ICCAT Advisory Committee. There is a protocol
15 for doing this.

16 It begins with the assumption that there's
17 nobody in the room that knows what a model is unless
18 you define a model as many pieces of plastic which you
19 put together with glue. That's the first step, to
20 understand what a model is, and that was emphasized
21 very much so with regard to the bluefin MSE, which has
22 96 operating models.

1 This is a challenge in my view. When we
2 get to public comment, this is going to be a huge
3 possible stumbling block to have any conversation
4 regarding modeling without first establishing a
5 baseline on what that means in real terms. Thank you.

6 MR. DURKEE: I'll just respond to that,
7 Bennett. Yeah, communicating the model complexity is
8 really hard. We've got some new outreach tools trying
9 for it, but any suggestions you have, we're definitely
10 all ears. I would also refer back to Karyl's earlier
11 comment also though, that HMS PRISM is a
12 scientifically accepted tool. We definitely want to
13 explain it and make sure people understand how we're
14 using it, but the public comments we're trying to get
15 really are on the proposed action.

16 MR. STATEN: Following on that, just to
17 point out one thing, I think when we're talking about
18 this model, I know you spent a lot of time today
19 trying to explain how the model functions. I'm talking
20 about one step before that. What is a model? What is a
21 model intended to do? There are different kinds of
22 models.

1 I did mention to Karyl earlier, and I can
2 do this for you, if you want, there is scientific
3 peer-reviewed literature on stakeholder engagement for
4 management strategy evaluation which addresses this
5 specific issue and talks about how to talk to
6 stakeholders about models. I offered to send Karyl a
7 couple of links to these papers which might prove to
8 be useful. We've been through this drill already with
9 MSE, very recently, and so we have a very fresh, clear
10 memory of how difficult it is to discuss modeling.
11 Thanks.

12 MR. DURKEE: Yeah, no, I appreciate that.
13 Yeah, please send those over and we'll take a look.
14 Just to address your first comment, I want to be very
15 clear that the January through December EM data review
16 area where bluefin tuna catch is likely, it is not an
17 error and it doesn't mean that what you're seeing on
18 the water is incorrect and that we think that we have
19 better data available.

20 These are designed around trying to match
21 the Southeast Fishery Science Center sampling plan
22 that exists right now. When we do that, we're able to

1 actually operationalize that Southeast Fishery Science
2 Center sampling plan and maintain a timeline of data
3 and use that program. That way, even though there's a
4 lot of changes with this action, we're not changing
5 the monitoring of bluefin tuna IDQ reporting and
6 compliance.

7 That may be where the disconnect is, is
8 what the goal of these areas are to match that
9 sampling plan. It does not mean that when we say
10 January through December bluefin tuna catches likely,
11 it doesn't mean that what you're saying is incorrect
12 or we're disagreeing. It's just different end goals, I
13 think, or beginning goals.

14 MR. STATEN: That begs a question,
15 actually. We're talking about two different the
16 reporting protocols for longline is clearly
17 understood, it's easily available. The Southeast
18 Science Center uses two protocols, actually. One is
19 the large pelagic survey and the other one is the
20 direct reporting from the pelagic longline fishery. It
21 seems to me highly unlikely that you would find data
22 for some of these months during the year from the

1 pelagic longline fishery. Thanks.

2 MR. DURKEE: So no, they're not using LPS.
3 They're using strictly information from sets in the
4 pelagic longline fishery. Taking a step back then,
5 right now EM is required everywhere. If you want to
6 limit where it's required, we've got to base it on
7 something that doesn't jeopardize those management
8 goals, and there's something that we can hang our hat
9 on that is pretty solid.

10 We can discuss tweaks here and there on
11 where these things are, but if we want to implement
12 something that is continuous with the Southeast
13 Fishery Science Center sampling plan, it looks similar
14 to this. I think it's helpful to start from where we
15 are now, which is everywhere, versus where we could be
16 in some limited areas.

17 Let's have some discussion on how we can
18 adjust this on the margins, change a date here, maybe
19 this line a little bit. But we're trying to find some
20 solutions to that 100% EM requirement.

21 MR. BROOKS: Thanks. It looks like Jason
22 Bahr, I see your hand raised so why don't you come on

1 into the conversation? Just so everyone knows who you
2 are, maybe you could start with just your name and
3 affiliation? Thanks.

4 MR. BAHR: I'm a wholesale buyer for
5 pelagic longline and I'm the vice-president of
6 Bluewater, as well. I was looking at a couple of the I
7 guess a few questions I had is we'll stick right here
8 while we're at it. How many actual sets are outside of
9 these areas? I guess we're trying to do
10 cross-mitigation here, but I'm looking at these areas
11 and their time and I can't really imagine there's too
12 many people setting outside of these.

13 It seems like these areas are the reason
14 why we don't need them is because no one's fishing at
15 these times and places. I would imagine it might be
16 some in the summer in the Charleston bump, but if
17 you're going to probably close the closed areas of the
18 Charleston bump in the summer to outside of that area,
19 you're probably going to limit how many people, the
20 areas that are productive.

21 So I don't see how that would be much of a
22 I just wondered how many sets there actually were.

1 That's my first question, I have two more after that
2 if you want to answer that or you want me to just get
3 them all out at once.

4 MR. DURKEE: Yeah, let me answer that since
5 I have it available, if that's all right. No, point
6 taken. Where bluefin tuna and where catch is likely
7 probably has a pretty good overlap with target catch,
8 as well, so point taken. If we break it down just
9 based on historical sets, obviously in that blue box,
10 Mid-Atlantic bite, there's no savings there. That's
11 100% of the sets.

12 In the North Atlantic, that large yellow
13 one, it's the same case. Where the bluefin tuna's
14 likely is where that target catch are, and there
15 aren't any historical sets that are occurring outside
16 of those EM data review areas times. It's different,
17 though, in the South Atlantic and Gulf of Mexico. In
18 the Gulf of Mexico, about 57% of historical sets occur
19 outside that time and in the South Atlantic, 31% of
20 sets occur outside that time historically. Oh yeah,
21 and the table would be in the DEIS, Table 5.124 and
22 Page 5181, if that's helpful. But again yeah, Table

1 5.124.

2 MR. BAHR: Okay, so it won't be much for I
3 guess the area that I mostly deal with in the
4 Mid-Atlantic and Northeast, which is kind of what I
5 figured. So my next question is when it comes down to
6 the three, just eliminating the cameras completely, I
7 know you said that the comments I think Brad was
8 saying that the comments were pretty overwhelming that
9 people wanted some sort of monitoring if we're going
10 to do an IBQ system.

11 But I thought in NOAA fisheries, we did
12 100% observer coverage for the first few years after
13 that, and I thought that the data was pretty
14 conclusive that because obviously you don't have 100%
15 observers, so those people that were doing steps
16 without observers and with observers, and it was
17 pretty conclusive that people who had the observers
18 and the counters and everything else were pretty
19 similar to people that different. There was no real in
20 the data.

21 I don't know exactly how that can play
22 out, but it just seems like if the cost is so

1 overwhelming, in the end there's still only so much
2 you can do. You can only land what you can land. So I
3 didn't know if that was a real option or if that was
4 just thrown in there? And then my last question would
5 be with collecting the three these fees that we're
6 going to basically exceed 19% because looking at the
7 mitigation, I don't see mitigation coming down all
8 that much.

9 I was trying to figure out what exactly
10 was the workaround? Congress kind of mandated only 3%
11 fees that can be collected. How are we getting around
12 that and going all the way up to 19%? Thank you.

13 MR. DURKEE: Brad, you want to jump in on
14 that second question first?

15 MR. MCHALE: Hey Jason, Brad here. I'm not
16 quite sure I heard your first question, but let me
17 take a swing in the dark and see if I hit something.
18 With Amendment 7, when we implemented the IBQ program,
19 knowing that there was a catch share program built off
20 of the incidental interactions with bluefin, the
21 existing fishery dependent data avenues, VMS reports,
22 logbooks, and then the observer coverage superimposed

1 on the fleet anywhere 8%, 10%, depending any given
2 year, that it's not only about the landings.

3 So the intention of the IBQ was to convert
4 regulatory discards and other discards into landings,
5 is that there would be no bluefin tuna coming back to
6 the dock because the value of weighing the fish
7 against your IBQ allocation, which then compromised
8 the vessel's opportunity to pursue the directed
9 species was so high, that that was the incentive to
10 misreport unless there was some other validation
11 system component to it.

12 That's all in the administrative record
13 for Amendment 7, so that's where it is. Does that mean
14 that has to continue in perpetuity? No. I think that's
15 kind of on the board here as part of our proposed
16 action to kick these alternatives around, but I
17 suspect that concern is still going to be the same now
18 as it was seven, eight years ago when we were going
19 through the proposed rule for Amendment 7.

20 On the secondary question regarding the
21 aspects of the Magnuson Stevens authorizations on feed
22 collection, there's a couple different components to

1 it. There are the provisions within the act regarding
2 limited access privilege programs, i.e. catch shares,
3 and that's obviously where that 3% is derived from.
4 Nothing in Magnuson speaks to electronic monitoring.
5 There's no citation in Magnuson to date whatsoever
6 regarding that.

7 There are regarding, as Randy had
8 mentioned when we were back in plenary, 03B, that does
9 provide the agency the authorities to collect reports
10 and do monitoring. That doesn't necessarily mean
11 they're consistently overlapping. They're actually two
12 independent components of the act itself, and so to
13 conflate that the 3% has to apply to EM I think might
14 be a misnomer.

15 MR. DURKEE: Yeah, and just to build on
16 that, too, I'm not an attorney, but our general
17 counsel has advised us that that MSA 3% is very
18 specific to the administrative costs of that program,
19 administering that lab program. Very explicitly in the
20 cost allocation policy, we're not transferring
21 administrative costs. Those are staying with the
22 agency. That doesn't have any effect on the sampling

1 costs.

2 It's just the administrative costs, which
3 NOAA fisheries intends to continue paying for under
4 this proposal. That's kind of the advice that we're
5 getting. I don't know if we should belabor it too much
6 unless we want to bring in general counsel.

7 MR. BROOKS: Dewey, you wanted to jump in
8 on this?

9 MR. HEMILRIGHT: Yeah, you might already
10 had asked the question, but back to your blue box and
11 trying to get an understanding of the longitude and
12 latitude of that blue box, and if in that blue box
13 you're saying that it's a Southeast Fishery Science
14 Center process or something, and is that different
15 than you're saying hypothetically that in that area
16 you've got to have a vessel monitoring system and your
17 camera on, and every set you make theoretically,
18 possibility that you've got to pay \$280.00 for when do
19 I got to pay money in that area when about five to six
20 months there is no bluefin in the area from 35 to 37,
21 and I only going on the area that I know my knowledge
22 from.

1 I'm not going on the furthering of it,
2 that that area there's no bluefins there, that the
3 data will show that, more than likely I believe. So
4 I'm trying to find out, tell me what I'm missing,
5 which I know I'm probably missing something. Please
6 explain it to me.

7 MR. DURKEE: Yeah, no, I don't think you're
8 missing anything. I see that you're absolutely right
9 and I see what you're saying. I think maybe instead of
10 maybe a different way of thinking about it is instead
11 of me defending what our proposed map here looks like,
12 maybe a different way of looking at it is right now EM
13 is required everywhere. One option we have is to
14 continue to require EM everywhere.

15 If we think that's not necessary, then how
16 do we limit the areas and times where EM is required?
17 Maybe if you have some ideas on other ways to do it,
18 we could look into that. But the Southeast Fishery
19 Science Center to advise their own sampling plan went
20 through a fairly lengthy and in-depth white paper to
21 figure out where it's possible bluefin tuna would be
22 caught. That's where they wanted to actually have

1 eligible for collecting sets.

2 So it's hard for me sitting where I'm
3 sitting to argue with what the Southeast Fishery
4 Science Center has determined is appropriate for
5 sampling. Maybe that's a different way of going about
6 the discussion.

7 MR. HEMILRIGHT: Well, I don't think that
8 have a disconnect here, but you didn't say the
9 Southeast Fishery Science Center said that they had
10 data from sets that were in there. You said something
11 else. Maybe the Fishery Science Center is using maybe
12 a PRISM model to suggest that there's probably bluefin
13 tunas in that area.

14 What I'm saying is based on our known data
15 of fishing in that area from about August to December
16 from about 35 degrees to 37, which is the knowledge I
17 have, there is no bluefin tuna. We don't interact or
18 catch them because they're gone out of there. I'm
19 trying to figure out that disconnect, what the
20 Southeast Science Center is saying and whether the
21 Southeast Science Center doesn't have vessel
22 monitoring systems that y'all have the data for, that

1 you use for IBQ.

2 I'm trying to reconcile where it is and I
3 understand that you're going to have to pay money for
4 this monitoring if it goes, but I'm trying to figure
5 out how not to be sucked into being broke at \$280 a
6 set when there's no bluefin tunas there and our data
7 shows that.

8 MR. BROOKS: So I guess the question I
9 would ask and then I'll hand it off to Randy, I'm just
10 trying to understand over the next several months, are
11 you interested in feedback that could reshape boxes,
12 reshape time, et cetera? Because I think that's what
13 I'm hearing from Dewey, and if that's the case then I
14 think thinking about how to pull that together, what
15 does that conversation look like, might be helpful.

16 MR. HEMILRIGHT: All right, so go look at
17 35 degrees to 37 degrees from August to December, and
18 go find the analysis. Please don't let, if it's one
19 bluefin, say that there's one bluefin there, but go
20 look at that analysis to see generally overall how
21 many bluefins are caught there between that time
22 period that's done by the pelagic longline industry.

1 I'm not picking on just that area, but that's the area
2 I know and have faith in of that. Maybe go look at
3 that analysis that it can cut down a box that could
4 save us some money for that. Thank you.

5 MS. BREWSTER-GEISZ: Thanks, Dewey. And you
6 had also asked about paying \$280 when you were in that
7 area. I just want to clarify it would be, I'm sorry
8 for the echo, it's still 10%. The EM vendor would be
9 looking at 10% of your sets, and it comes down to the
10 cost structure between you and the EM vendor. You
11 might be paying the EM vendor for the entire year or
12 you might be paying the EM vendor for each set that
13 they review.

14 We don't know that at this point. I would
15 be very interested in hearing from potential EM
16 vendors on what their cost structure is and what
17 they're more likely to offer to help answer those
18 questions, but I don't have that. We will go back to
19 the science center and look at those numbers and
20 figure out about these areas. But I also want to make
21 sure that while we're committing to do that, we may
22 not be releasing that information during the comment

1 period. So when you see this again at the public
2 hearings, don't think that we're not looking into it,
3 please.

4 MR. HEMILRIGHT: Okay, I've been involved
5 in this a long time, so y'all don't surprise me with
6 hiding stuff, caveats in the safe report that doesn't
7 that you don't see. So I understand the different
8 factors there. But what I'm trying to do is work from
9 the bottom of the issue of bluefin tuna and work my
10 way up.

11 It's kind of like inside of an engine when
12 it's broke. You don't start out there worrying about
13 the paint on the top, you worry about what's happening
14 in the middle down there. So that's where I'm working
15 at for y'all, because I know it's going to take you a
16 year or two to go get this analysis from the science
17 center or something like that, the simple request.

18 But I'm just trying to work that way to
19 figure out and look at how much is it going to cost
20 us? How much is it going to cost the pelagic longline
21 fleet under different reality scenarios? That's why
22 I'm asking the way I'm asking it.

1 MR. BROOKS: Marcos?

2 MR. HANKE: It's to the point of Dewey, do
3 you allow me to go very quick? Because it's a question
4 that maybe going to help out Dewey and all of us.
5 Number one, the arguments and the argumentation and
6 the points that mix two or three things will not take
7 us a long way because we're going to start to mix
8 things and start to not be objective and effective on
9 the recommendation for each particular value point
10 that you're bringing, Dewey.

11 One thing, the question now, Dewey is
12 talking about the economics, right, to go to that blue
13 box. But scientifically, Dewey, this is what I
14 believe. If the science center wants to monitor the
15 area, the coast, the zeros aren't as important as the
16 ones and the twos and the threes of the present or not
17 present, especially on a scenario of climate change
18 that there will be a shift on baits and movement of
19 the stocks alongside to the coast.

20 I get what you're explaining, which is the
21 reality now, but I see scientifically good reason even
22 though the bluefin are not there, to monitor and to

1 collect the zero number of the presence on the blue
2 box over time. This is just a point that I want to
3 bring to the table for you guys to consider. I
4 understand the economics, and I'm not mixing the
5 economics. I'm just talking about the methodology and
6 the numbers implication on this.

7 The other recommendation is going to do,
8 the science center, whoever is in charge and have a
9 good grip on the methodology, what it was aiming for,
10 have to be here the next time we discuss this. Thank
11 you. I'm sorry. Thank you for the opportunity to speak
12 now.

13 MR. SCANLON: Okay, what I really want to
14 touch base is I think we need to back up to what
15 spatial management, the initiative for spatial
16 management, how it occurred and how did this even get
17 off the ground. Nothing to do with and you even say
18 that it's got nothing to do with the promise that
19 we're going to get access to this bottom at all, at
20 the end of the day after three years.

21 So there's nothing assured to the pelagic
22 longline industry that this is going to happen and

1 we're going to get access to this bottom. There's
2 minimal access under the program as it's set up, 67
3 sets in the Charleston bump. That's enough basically
4 sets for one vessel to fish there for the winter.

5 If you're going to commit to fishing in an
6 area and you're going to move your operation there and
7 set up with a dock, set up with a facility and get all
8 the things it's going to take you to operate out of
9 that facility profitably, you can't commit on going in
10 there and setting up for a week. You're not going to
11 make any money doing that.

12 So that in itself tells me that it's not
13 set up to give the longline industry access to that
14 area. To me, spatial management was set up so that you
15 guys could study the effects of climate change on the
16 HMS fishery. That's the initiative of spatial
17 management, is it not? Doesn't that supposed to be, in
18 effect, the study, part of climate change and its
19 effect on the HMS fishery? Wasn't that what spatial
20 management was initially begun for? Wasn't that one of
21 the elements of it?

22 MR. DURKEE: Yeah, I can respond to that. I

1 think climate change is definitely something that is
2 an important consideration with a static closed area,
3 but no, that is not the impetus for it. The impetus
4 for it is we have a management measure that's been in
5 place for 20 years. Is it effective or not?

6 The answer is we don't know and we need to
7 get data. So it was a data collection exercise. So
8 yeah, climate change is in there and it's important,
9 but it's not the sole impetus for it.

10 MR. SCANLON: But still, with that being
11 said, it's still an important element of spatial
12 management, is it not? And that being said, and since
13 there's no guarantee that the longline industry is
14 getting anything out of this at the end of the day at
15 all, you're trying to you guys have been stuck with
16 this burden of trying to figure out who's going to pay
17 for the EM units all this time. EDF put up the money
18 initially, from what I understand, to fund it in the
19 first place through A7.

20 Now that that money has run out, now the
21 government's got the burden of it and now they're
22 trying to pass that on. Here you are with an empty

1 promise to us, and basically you're looking to do this
2 research, which you should be doing I'm not saying
3 you shouldn't be doing this but you're trying to pass
4 the burden of doing this research onto an industry
5 that can ill afford it. We're contracted before the
6 pandemic we were contracted at 10% a year. We were
7 losing 10% of our vessels a year.

8 We stabilized there a little bit just
9 prior to the pandemic, and now the numbers we just got
10 out from the IBQ allocation is without the 70 vessels
11 got allocation last year, from 135 vessels. Here we
12 are, we're going to drop this 20% increase on our net
13 profits on this industry where everybody in this room
14 knows not one of us can stand here and say I can take
15 a 20% pay cut and I'm going to survive this year.

16 There's not a chance in hell any of us can
17 do that. The government is sitting on I talked to
18 Kelly Denit at my annual meeting this year, and
19 there's \$340 million or \$430 million, I forget which
20 one it is, \$340 million at the very least, that
21 they're sitting on to address climate initiatives. If
22 this isn't a climate initiative and qualify for that,

1 what is?

2 How isn't the money coming out of the Tank
3 Reduction Act if there's \$340 million sitting there.
4 Why are we asking anybody else for this money? It's
5 sitting there. You're looking for a way to spend it.
6 This is an initiative to spend it on that's going to
7 benefit everybody in this room. Every category in this
8 room is going to benefit from this research.

9
10 So why is it being dumped on the pelagic
11 longline industry like we're just, oh let them pay for
12 it, when we all know sitting at the table there's not
13 a chance in hell that this fleet can afford it. We'll
14 be out of business. We're virtually hanging on by a
15 shoestring right now. And to even propose this to us
16 is absolutely insulting.

17 That being said, the other thing is we're
18 talking about 20 years ago. What I'd like to do, and
19 I've yet to see it from any of you, is what is why
20 don't we see the amendment that closed these areas and
21 what it said and what all of that information was that
22 created the closures in the first place? That's the

1 baseline that we need to be looking at and move from
2 there.

3 We're studying this, but what are we
4 studying it against? We don't even know because we
5 haven't gone back to the beginning of when it was
6 closed in the first place. You've got to go back to
7 square one, see where you were at and see where we're
8 at today. I'm going to tell you right now, it doesn't
9 take all of this to give us access to that bottom.

10 If you wanted to go by plain and simple
11 basic science, you take the amount of vessels that
12 were in operation under what you consider a definition
13 of activity today. Go back 20 years ago and see how
14 many boats were there, see what the intent of the
15 regulation was, how many boats you needed to eliminate
16 from the industry to accomplish your conservation
17 goals back then, and look at where we are today.

18 When you've got 70 vessels, down from
19 430-something vessels, every one of your conservation
20 goals would have been attained by just the reduction
21 in the size of this fleet. Every one of these vessels
22 should be allowed to be in that area and you should be

1 going about your business like you are already, using
2 the means that we have at our disposal between the
3 observer coverage, whatever EM, whatever tape you want
4 to use anyway, and studying it.

5 Why are we reinventing the wheel here? And
6 it just takes the guts of the administration, it takes
7 the guts of the people in this room here to stand up
8 to what the political wind is. We've got to stop
9 regulating this industry by the political science of
10 today and start regulating it by the science of today.

11 Because we all just learned, if we didn't
12 learn nothing else through COVID-19, it's how just
13 this government works with the political science. When
14 Fauci stood up in front of us and told us that they
15 were going by the best available science, I said to my
16 wife oh my God. She said what's wrong? I said I hear
17 that all the time at the meetings.

18 MR. BROOKS: Hey Marty, let's

19 MR. SCANLON: But it's the truth.

20 MR. BROOKS: I know, but let's stick to
21 fishing here.

22 MR. SCANLON: But we need to address,

1 that's the elephant in the room. Unless somebody
2 stands up here and stands up for what's right, not
3 what's politically correct, nothing's going to get
4 done here and every one of these fisheries is going to
5 fail as a result of it.

6 We'll be the first ones to go and
7 everybody else sitting at this table will be falling
8 like dominoes unless somebody stands up here and puts
9 an end to this and goes by the science. It starts by
10 looking at the data on why these areas were closed in
11 the first place. That's the base that we need to go
12 by.

13 Where are we going? We don't even know
14 because we don't know where we started, right?

15 MR. BLANKENSHIP: Yes, I would like to
16 respond to a couple things. Marty, thank you very much
17 for all of the thank you very much for all the
18 thoughts. I'm glad that you were able to make the trip
19 up here and certainly to engage here. Couple things as
20 you were talking, you made a point, I believe, about
21 EDF providing funds initially to pay for EM in
22 Amendment 7. EDF did not pay for any funds. That all

1 was coming from funds

2 (Simultaneous speaking.)

3 MR. BLANKENSHIP: The federal government
4 paid for that. That was not paid by EDF. And then you
5 referenced \$340 million to address climate
6 initiatives. It is a valid point that there is a lot
7 of money going towards climate initiatives. However,
8 you were linking this Amendment 15 as being a climate
9 initiative in and of itself, and that is not the case.

10 It is the case that one of the purposes
11 for looking at collecting data from within the closed
12 areas is in order to be able to assess whether or not
13 the original objectives of the closed areas are being
14 accomplished or not, and having that data would allow
15 for that comparison.

16 In that sense, it is changes within the
17 environment such as changes that occur related to
18 climate change and other factors, like changes in
19 stock status or changes in fishing practices,
20 decreasing in size of the fleet, those kinds of things
21 that are factors that could influence the difference
22 in the way that catch would happen within those closed

1 areas, which is why we need the data from within them.

2 So it's being able to better adapt to the
3 changes that have occurred and will continue to occur.
4 Climate is one of them. Amendment 15 is not a climate
5 initiative in and of itself. I'm trying to just kind
6 of

7 MR. SCANLON: It's strongly linked to it,
8 is it not?

9 MR. BLANKENSHIP: There is a factor there
10 that climate change can change the environment under
11 which a static closure is put in place, and therefore
12 the need is to be able to collect data so that you can
13 determine if the boundaries of and time and place of
14 that area is still appropriate.

15 MR. SCANLON: Isn't that your
16 responsibility as an agency to collect that data and
17 to do that research?

18 MR. BLANKENSHIP: I would continue to say
19 --

20 MR. SCANLON: Because it's not really on
21 the industry, the industry executed sufficiently.

22 MR. BROOKS: I want to note I've got I want

1 to close out this piece of it because there's a few
2 other people who want to get into the conversation? Do
3 you want to jump in? If not, I want to invite some
4 other people in.

5 MR. MCHALE: It's a conversation --

6 MR. BROOKS: Let me go to David, who's been
7 waiting, I think, and then I see in the back and then
8 I've got a few people online who want to get in. I
9 know, I saw Willy, yeah. Go ahead, David.

10 MR. SCHALIT: Yeah, I want to just go back
11 to a statement that was made about 10 minutes ago. If
12 I have that correct, what I heard was that the area
13 that I guess we'll call it, not the Desoto Canyon, the
14 Gulf of Mexico, that area is indicated for sampling
15 from January through June? Did I get that right? I'm
16 trying to read it? And then, but did you say that
17 approximately 50% of the catches of bluefin tuna in
18 the Gulf of Mexico occur outside of that period?

19 MR. DURKEE: There's a lot of conflating
20 issues in here, and this is one of the complexities of
21 this action. So I'm going to take it a little bit in
22 reverse of the order of questions. Yes, specifically

1 for these EM requirements, 57% of the sets are
2 occurring in times that under this proposal would not
3 require EM, so in other words, July through December,
4 so yes.

5 Separate from that, though, we really need
6 to keep there is some overlap. We need to keep the EM
7 cost allocation and the spatial management separate so
8 that these data collection exercises, whereas in some
9 areas, the monitoring areas, there is an EM component,
10 a small EM component with that. I think it helps
11 conceptually, especially this early stage, to think of
12 them separately and not conflate them.

13 So right now we're in the pelagic longline
14 EM cost allocation portion of that presentation, the
15 DIS. That goes back to the spatial management portion,
16 and I do think it's helpful to think about them
17 separately to help us, myself as well, because you
18 start getting into these areas and there's maps and
19 there's overlap. But for that specifically, the
20 sampling happens and the data collection happens more
21 in the spatial management portion, which is this
22 parallelogram, if that is getting more towards your

1 question.

2 MR. SCHALIT: Yeah, actually I think I
3 might be getting it now. Essentially if I could just
4 repeat it back to you, the SEFSC have said that they
5 want samples for six months in the Gulf of Mexico,
6 notwithstanding when the catch is. That's what they
7 want to do. That's what they determined was the need,
8 that the sampling is needed for that period of time.
9 Is that correct?

10 MR. DURKEE: No, not exactly. We're at
11 spatial management portion here, now we're going to
12 flip back to the EM cost allocation portion. So even
13 just visually it might help if we just actually go
14 back to that map. So we're out of data collection and
15 now we're back strictly to how do we minimize costs on
16 EM when we transfer to the industry, and how do we
17 operationalize the current sampling plan?

18 When I say operationalize, what I mean is
19 the Southeast Fishery Science Center is selecting what
20 sets our current vendor should actually sit down and
21 have somebody review for bluefin tuna catch. The
22 science center selects those. They have an internal

1 sampling process, and one of those processes is
2 initially to not consider sets that occur in certain
3 areas that they've determined are unlikely to see a
4 bluefin tuna.

5 They don't want to waste resources on
6 that. So yes, a little bit, they aren't as interested
7 in sets that occur in the Gulf of Mexico from July
8 through December, and they are perhaps more interested
9 in sets that occur January through June, but it is not
10 part of the larger research plan or sampling plan that
11 the science center is trying to collect data. It's
12 really two separate components, if that's helpful.

13 MR. SCHALIT: I guess the question that's
14 arising here is at first blush you think well, why
15 does the SEFSC need sampling from January through
16 December in that area off of Hatteras Point? That
17 leads one to think that maybe they're thinking that
18 there are fish there that entire time, which obviously
19 isn't the case. But no, I get it, it's part of the
20 survey design.

21 Maybe the question for them would be to
22 take a second look at that and see if they feel that

1 that's absolutely necessary. I think that's a simple
2 question. Thanks.

3 MR. BROOKS: Thanks, David. I want to go to
4 a couple of non-AP members online. Then we'll go to
5 Willy and the folks online from AP. Alana, why don't
6 you jump on in and then we'll go back to Jason?

7 ALANA LNU: First off, why can't everything
8 be equal there on that map with the monitoring? It's
9 all about, I think Magnuson says fair and equitable
10 distribution, which I think should apply to
11 everything, even monitoring. But more so than that,
12 I'm curious why so right now the agency is paying for
13 monitoring. What is the money going to be used for
14 instead? Are we going to do something to use that
15 money to benefit the commercial industry now that
16 we're absorbing these costs?

17 MR. DURKEE: No, that's not money that's
18 earmarked for pelagic longline fishery. What it comes
19 down to is a combination of a directive, an internal
20 policy that says we need to transfer these costs, as
21 well as some NOAA budget conditions. I don't know that
22 thinking about this cost savings is, is it going

1 somewhere else? It's just not earmarked for pelagic
2 longline fishery, per se.

3 Oh, and the fair and equitable, so yeah,
4 if you have ideas on how to rearrange these boxes in
5 time and space to a) support bluefin tuna reporting
6 compliance, and b) to be more fair and equitable than
7 what is here, yeah, we're definitely interested in
8 those thoughts.

9 ALANA LNU: So why don't you just monitor
10 everybody all year long, and then you can do that for
11 a year or two and then you can reevaluate and you can
12 see exactly where you're getting interactions, and
13 then zero it down from there?

14 MR. DURKEE: Yeah, that's definitely an
15 option. Sorry.

16 ALANA LNU: be able to reopen that door
17 and reevaluate further down the road. But there has to
18 be some way to find a middle ground and make it fair,
19 because right now it's not very fair for January to
20 December, the little blue box.

21 MR. BROOKS: Thanks. Jason, why don't you
22 come on in?

1 MR. BAHR: I'll stick with this point. So
2 it's 57% down in the Gulf and 31% in the Southeast
3 now. The benefits would just go to those vessels,
4 right? It doesn't get transferred throughout the
5 fleet, so the people in the Northeast and the
6 Mid-Atlantic, they'll be paying full freight the whole
7 year and the only benefits will go to the people down
8 south? Am I understanding that correct?

9 MR. DURKEE: That estimate was based on
10 sets, not on vessels, but I think the premise of your
11 comment, though, yeah, I suppose I'd agree with that.
12 And Randy has a good point also. Vessels are moving
13 around, so to the extent that this is a pretty highly
14 mobile fleet, things that happen in the South Atlantic
15 might not be limited just to vessels that are home
16 ported there.

17 MR. BAHR: Maybe, but I think

18 MR. SCANLON: Well, we've got very little
19 access to the Gulf. The Atlantic ports got very little
20 access to the Gulf.

21 MR. BROOKS: Go ahead, Jason.

22 MR. BAHR: Again, most people that fish the

1 South Atlantic, some do go up north, but the south
2 pretty much stays in the south. Not all, so the
3 benefits strictly go almost to the Gulf of Mexico
4 exclusively. My next question is when it says that the
5 negotiations are supposed to be between, they're
6 supposed to come through a payment agreement or some
7 kind of agreement with the monitoring group and the
8 vessels.

9 What happens if they can't come to some
10 sort of cost agreement? I don't know where that goes.
11 What happens if the folks just don't want to pay or
12 the guys just say hey, I need a lot more than that?
13 Who's going to monitor the negotiations and what if
14 they fall apart?

15 MR. DURKEE: Based on what we've seen in
16 other regions, we expect there to be multiple vendors
17 entering the market. Even in the groundfish fishery
18 and the Northeast, there's nine vendors available. So
19 there being just a single one or two vendors is
20 unlikely, so we're expecting there to be multiple
21 vendors available. If negotiations fall through with
22 one, there's other ones available.

1 If what you're proposing is that NMFS gets
2 more involved in these contract negotiations,
3 definitely interested in comments on that. I would say
4 that the direction we've tried to take is a hands-off
5 approach to allow some more flexibility with those
6 contract negotiations. But if there are some
7 parameters you're interested in, we're definitely
8 interested in your thoughts.

9 MR. BAHR: I just wonder, say if a boat
10 just says I can't afford it, what happens then?

11 MR. MCHALE: Yeah, so I think some of the
12 terminology I think Steve just finally hit it on the
13 head. It's actually a contract negotiation, so these
14 aren't open negotiations that would be taking place
15 throughout the year. At least, that's not how it's
16 deployed in fisheries on the West Coast or in New
17 England. It's the contract negotiation, and just like
18 any other kind of contracting model that once the
19 vendor, or once the two parties come to terms, it's a
20 binding contract that both parties are entering into
21 for the duration of the contract.

22 I think that's really where the

1 negotiation part is. It's not open-ended. It's getting
2 that business contract in place and clarity in what
3 the obligations are on both the vendor and then, in
4 turn, the vessel, with the parameters that the agency
5 would set out for certification of those vendors.

6 MR. SCANLON: Hey, I have a concern that
7 hasn't been brought up yet that's a basic concern when
8 I get a chance.

9 MR. BROOKS: Sure, let me just we've got
10 about 10 minutes left. Did you have another comment,
11 Jason? He's dropped off. Okay, let's go to Willy.
12 Okay, Marty?

13 MR. SCANLON: Well, one of the concerns we
14 have right now as a fleet is you're looking to pass
15 the cost of these units onto these vessels. We're very
16 familiar with how these units have to be maintained.
17 These units have been on these boats now for eight
18 years. Now you're going to pass over all this old
19 hardware onto the fleet. Are we going to be
20 responsible to replace all these units now that
21 they're eight years old?

22 I know they've been maintained throughout

1 this time period, but just like we have with the VMS
2 units now, they're constantly going out. The cost of
3 these things, I believe, was something like \$15,000
4 for a boat that wasn't eligible to put a machine on
5 the boat. That's another cost that we're looking at
6 here, that as these units become old and antiquated,
7 who's going to bear the cost of replacing them?

8 MR. DURKEE: Yeah, you are correct.
9 Continue to use the equipment that's on there, but
10 replacement, repair cost, that falls on the vessel
11 owner.

12 MR. BROOKS: Willy? And then over to Jimmy?

13 MR. GOLDSMITH: Yeah, thanks, I just had a
14 quick process question that I meant to ask earlier and
15 I neglected to. Steve, if you go to slide 50, I think
16 it is, with the alternatives, the EF alternatives.
17 Yeah, so this NOAA Action F1, I know at the council
18 sometimes, the council will advance an option that's
19 then maybe not accepted at the Secretary of Commerce
20 level. My assumption is that with amendments that go
21 through HMS, these are already considered options that
22 would be palatable at the higher-up level.

1 So my question is basically how does F1
2 square with that 2019 cost allocation directive? If
3 there is a decision to do no action, is that a
4 palatable path forward here? How would that work or
5 not work with that allocation directive, if that makes
6 sense?

7 MR. DURKEE: Yeah, no, it does. So No
8 Actions serve two purposes. One is it is a valid
9 management choice in a lot of scenarios. Second, it's
10 required under NEPA to have a no action alternative in
11 there. So there's two purposes to that. Specifically
12 for this, no, we don't think that that would fit with
13 the cost allocation policy. One of the reasons is not
14 preferred, and that does complicate adoption of that.
15 But in other circumstances, no action alternatives are
16 a valid management option.

17 MR. GOLDSMITH: So in other words, it's
18 really just a of the options that are there, there's
19 really only two options that are realistic. Is that a
20 fair assessment?

21 MR. DURKEE: Based on our analyses and the
22 drafting of the DEIS, we preferred one that we think

1 is the best forward and the one that's legally
2 defensible and appropriate. Beyond that, all three are
3 an option for discussing.

4 MR. BLANKENSHIP: I think that's accurate.
5 I'll just say that the cost allocation policy also has
6 a provision for if an EM program is required in some
7 form or fashion to be put in place under a federal
8 requirement, that the agency has, under that policy,
9 the ability to pay for it then or to find the money to
10 do it, I guess would be the appropriate way to say
11 that.

12 So then under that scenario, alternative
13 F1 in some form or fashion is not completely
14 infeasible. The fact of the matter is that there's not
15 such a requirement for this fleet right now, for this
16 fishery.

17 MR. BROOKS: Jimmy, why don't you come in
18 and then we'll go to Alan and Christine, and then
19 we'll probably close up here for the day.

20 MR. HULL: Thank you. So you have a
21 directive to transfer the cost of EM to the industry,
22 and you've been hearing all day that the pelagic

1 longline industry, the food producers, are telling you
2 that this potentially could totally eliminate them.

3 The question is, when the fleet is totally
4 gone and you still need to collect this data, who is
5 the agency that Southeast Fishery Science Center, who
6 are they going to hire or pay to collect this data
7 that they're looking for when the industry is gone?
8 Because then they're going to be paying a whole lot
9 more, it seems to me.

10 So it seems like it's counterproductive to
11 destroy the industry that you're relying on to collect
12 the data, and when they're gone you're going to be
13 paying a whole lot more to collect the data that
14 you're required to collect. That's just a quick little
15 thought in my mind.

16 MR. BROOKS: I'll take that as a rhetorical
17 question. Thank you. Let's go to Alan Weiss and then
18 Christine.

19 MR. WEISS: Thanks, Bennett. I know it's
20 been brought up a few times and it's come up in the
21 discussion again now that there's likely to be a
22 number of vendors who will be interested in actively

1 competing for this business and that that's going to
2 drive the cost down. Your whole universe in this
3 market today is, as you said, is 82 active vessels.

4 Of those 82, there are some number that
5 have had minimal participation, so those with minimal
6 participation and those that are hanging on and
7 marginally profitable right now are going to fall by
8 the wayside pretty much immediately or shortly
9 thereafter once this is implemented. So that universe
10 of potential customers is going to shrink.

11 I don't think you can necessarily equate
12 the response you're going to see from the vendor side
13 for that small a group as you see in New England
14 groundfish. Another thing I just wanted to touch back
15 on one more time, and you may think I'm belaboring it
16 already, but I won't continue to belabor it after
17 this.

18 In the discussion about the authorization
19 for the collection of these fees, it's been mentioned
20 a few times that Magnuson provides for the collection
21 of administrative costs, but not for other costs. I
22 just wanted to read to you the exact text of what it

1 says in Section 304(d)(2) in the Magnuson Act, and
2 it's brief.

3 The Secretary is authorized and shall
4 collect a fee to recover the actual costs directly
5 related to the management, data collection and
6 enforcement of any limited access privilege program.
7 Such fees shall not exceed 3% of the X vessel value of
8 fish harvested under such program.

9 What has been coming from the agency's end
10 of this discussion and what I just read are not
11 really, they don't line up. I would just like to
12 request that you guys go back to NOAA general counsel
13 and ask them to provide you with a better explanation
14 that doesn't fail the red face test. Thank you.

15 MR. BROOKS: Thanks, Alan. Let's go to one
16 last comment here. Christine, I think we're going to
17 give you the last word here today.

18 MS. KITTLE: My question, I guess, kind of
19 goes along with Steve's but more towards the areas
20 that are going to be open as monitoring areas. It
21 looked like they would need 100% monitoring and it was
22 on the cost of the owner to do that. Does that 100%

1 monitoring, are those sets have to be monitored by EM,
2 and then would those be do those count towards the 10%
3 that the industry would have to, I guess, officially
4 get reviewed?

5 MR. DURKEE: Yes, so specifically for the
6 monitoring areas, every set needs to have the camera
7 on and then subsequently, 100% of the video needs to
8 be reviewed, whereas right now it's just 10%. There's
9 a couple different scenarios. How that fits with the
10 EM cost allocation is possibly a moving target.

11 So looking at our preferred alternative
12 right now for EM cost allocation, what happens is that
13 a pelagic longline vessel already has a contract with
14 a vendor, and so they need to make sure that they're
15 coordinating with that vendor for an expanded video
16 review of those sets beyond the 10%.

17 But then yes, presumably that larger
18 bucket of set reviews counts toward that 10% goal,
19 with the one caveat that there also needs to be one
20 set reviewed from each vessel.

21 MR. BROOKS: Thanks. Christine, did that
22 answer your question?

1 MS. KITTLE: Yeah, just a follow-up
2 question. Do those fees that I guess the industry
3 would occur because of this, was that calculated when
4 you guys did your economic study?

5 MR. DURKEE: Yes. The estimated cost per
6 set that we're using in the EM cost allocation is what
7 we're applying here. So yeah, that's the cost.
8 Presumably that would be a lower cost, though, if this
9 is an additional add-on to whatever EM program exists
10 post-A15. But yeah, that is the cost estimate we're
11 using for this portion of the monitoring area economic
12 impact.

13 MR. BROOKS: Thanks. Thanks, Christine. We
14 are a couple ticks after 7:00 and it has been a long
15 day. I think people probably should go get some food
16 and maybe talk about something else, or talk about
17 this over dinner as you wish. But I think we should
18 just thank everyone for making the time for such a
19 focused conversation, and we will see you tomorrow at
20 9:00. Thank you, all. Thanks online folks for hanging
21 in there for such a long day.

22 (Whereupon, the above-entitled matter went

1 off the record at 7:03 p.m.)

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This is to certify that the foregoing transcript

In the matter of: HIGHLY MIGRATORY SPECIES ADVISORY
PANEL MEETING

Before: NOAA

Date: 05-10-23

Place: Silver Spring, MD

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