

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

+ + + + +

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

+ + + + +

PUBLIC MEETING

+ + + + +

WEDNESDAY
SEPTEMBER 6, 2023

+ + + + +

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

- JASON ADRIANCE, Louisiana Department of Natural Resources
- KESLEY BANKS, Gulf of Mexico Fishery Management Council
- CHARLIE BERGMANN*
- PETER CHAIBONGSAI, The Billfish Foundation
- DANIEL COFFEY, Harte Research Institute for Gulf of Mexico Studies
- MATT DAVIS, Maine Department of Marine Resource
- JOHN DEPERSENAIRE, Viking Yacht Company

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

MARCUS DRYMON, Mississippi-Alabama Sea Grant
- State Representative for Alabama
AMY DUKES, South Carolina Department of Natural
Resources
RAIMUNDO ESPINOZA, Conservacion ConCiencia Inc.
YAMITZA RODRIGUEZ FERRER, Puerto Rico DNER,
Recreational and Sport Fisheries Division*
STEVEN GETTO, American Bluefin Tuna
Association
WILLY GOLDSMITH, American Saltwater Guides
Association
WALT GOLET, University of Maine School
of Marine Sciences, Gulf of Maine Research
Institute*
TIM GRINER, South Atlantic Fishery Management
Council*
MARTHA GUYAS, ASA Fishing
EVAN HIPSLEY, JR.*
JAMES HULL, Hull Seafood
BOB HUMPHREY, Sport-Ventures Charters and
Casco Bay Bluefin Bonanza
MATT HUTH, Fresh Catch Seafood
ERIC JACOBSEN*
CHRISTINE KITTLE, Florida Fish and Wildlife
Department
JEFF KNEEBONE, New England Aquarium
JACKSON MARTINEZ, Environmental Defense Fund
CHAD MCINTYRE*
AL "ALLY" MERCIER
ROBERT "FLY" NAVARRO, Fly Zone Fishing
TIM PICKETT, Lindgren-Pitman, Inc.
MICHAEL PIERDINOCK, Stellwagen Bank Charter Boat
Association
BRUCE POHLOT, IGFA*
STEVE POLAND, North Carolina Division of
Marine Fisheries*
GEORGE PURMONT*
MARK SAMPSON, Ocean City Charterboat
Captains Association*
MARTIN T. SCANLON, F/V Provider II

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

DAVID SCHALIT, American Bluefin Tuna Association
CAITLIN STARKS, Atlantic States Marine Fisheries
Commission

PERRY TRIAL, Texas Parks and Wildlife
Department*

RICK WEBER, South Jersey Marina

ALAN WEISS, Blue Water Fishing Tackle Co.

ANGEL WILLEY, Maryland Department of Natural
Resources

ESTHER WOZNIAK, Pew Charitable Trusts

NOAA NMFS STAFF PRESENT

HEATHER BAERTLEIN*, Atlantic Highly Migratory
Species Management Division*

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

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

BENNETT BROOKS, HMS Division Staff

PETER COOPER, Branch Chief, Atlantic Highly
Migratory Species Management Division*

LISA CRAWFORD, Knauss Fellow, Atlantic Highly
Migratory
Species Management Division

BECKY CURTIS, Atlantic Highly
Migratory Species Management Division

Elsa Gutierrez, Atlantic Highly Migratory Species
Management Division

TOBEY CURTIS, Atlantic Highly Migratory
Species Management Division

KELLY DENIT, Director, Office of Sustainable
Fisheries, NOAA Fisheries

GUY DUBECK, Atlantic Highly Migratory
Species Management Division

STEVE DURKEE, Atlantic Highly Migratory
Species Management Division

JOHN FOSTER, Office of Science and Technology

CLIFF HUTT, Atlantic Highly Migratory
Species Management Division

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

JENNIFER CUDNEY, Atlantic Highly Migratory
Species Management Division*
TYLER LOUGHRAN, Atlantic Highly Migratory
Species Management Division*
BRAD MCHALE, Atlantic Highly Migratory
Species Management Division
SARAH MCLAUGHLIN, Atlantic Highly Migratory
Species Management Division
DELISSE ORTIZ, Atlantic Highly Migratory
Species Management Division*
SAM RAUCH III, Deputy Assistant
Administrator for Regulatory Programs, NOAA
Fisheries
LARRY REDD, JR., Atlantic Highly Migratory
Species Management Division
GEORGE SILVA, Atlantic Highly Migratory
Species Management Division*
DIANNE STEPHAN, Atlantic Highly Migratory
Species Management Division*
Erianna Hammond, Atlantic Highly Migratory
Species Management Division

ALSO PRESENT

DAN CREAR

*participating by webinar

CONTENTS

Welcome/Introductions 6

Overview (Presentation) 11

A15 Update (Presentation) 92

Bluefin Tuna Year in Review 170

Leadership Update 264

MRIP Pilot Study Results and
Next Steps 288

Public Comment 334

Daily Wrap-up 358

Adjourn

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

2 (9:01 a.m.)

3 MR. BROOKS: All right. Good morning,
4 everybody. It's nice to see you all. The table
5 here is filling up again. It's nice to see so
6 many people in the room and great for folks who
7 are online. Good to have you in the mix. Let
8 me, before we jump into any of the details of
9 today, let me hand it off to Kelly to give us a
10 welcome. Kelly.

11 MS. DENIT: Great. Thanks, Bennett.
12 Good morning, everyone. Welcome to the HMS
13 Advisory Panel. We're so glad to have you all
14 here. I'm Kelly Denit. I'm the Director for the
15 Office of Sustainable Fisheries. And I'm very
16 happy to be here with you all again. It's been a
17 super busy Summer as you all are well aware.
18 Hopefully all of you have had the chance to be
19 out on the water. I know I was able to get out
20 with my family, which was great.

21 I want to start by just thanking our
22 HMS Team. Between Amendment 15, Amendment 16,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 and the electronic reporting ANPR, it's been a
2 really busy Summer. And they've all been
3 cranking away on public hearings, presentations
4 to counsels, engaging with all of you on some of
5 these very complicated topics. I also want to
6 extend my appreciation to all of you for the very
7 thoughtful questions and comments that you have
8 provided us on that spectrum of actions, in
9 particular on Amendment 15. And I'm really
10 looking forward to the conversation later this
11 morning as we talk about that particular action
12 in more detail.

13 So just wanted to open things up and
14 express my gratitude for that, for the work that
15 our team has done and for the engagement that all
16 of you have demonstrated. And we're really
17 looking forward to the comments and questions
18 over the next couple days. And I'll keep it
19 short and sweet. I'll be here all morning and
20 into the early afternoon. If you have any
21 questions or want to talk to me about anything,
22 please feel free to come up at the coffee break

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 or what have you. So thanks, Bennett.

2 MR. BROOKS: Thanks, Kelly. And
3 Randy.

4 MR. BLANKENSHIP: Good morning,
5 everyone. Just wanted to jump in to say good
6 morning and welcome you all to the HMS meeting,
7 to echo a lot of Kelly's opening and welcoming
8 comments as well. And welcome you to the heat of
9 the Silver Spring and D.C. area that's occurring.

10 One thinks that it's still Summer and perhaps it
11 still is. I hope that you're able to stay cool
12 and we will all be praying that the air
13 conditioner continues to work quite well here in
14 the room.

15 Looking forward to everybody's
16 comments and I'll have some more welcoming type
17 stuff, or at least starting off with the
18 presentation here in a moment. But for now,
19 that's it. Handing it back to Bennett.

20 MR. BROOKS: Thank you, Randy.
21 Hopefully we won't get feedback. Folks online if
22 you are still hearing us well, if someone wants

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 to just throw that in the chat just so we can
2 make sure we're being picked up, that would be
3 great.

4 So again, good morning. It's great to
5 see everyone. We have a really nice mix of folks
6 around the table and online. So that's for folks
7 that are new to the table here or listening
8 again, that means commercial fishing, rec
9 fishing, we've got environmental reps, regional
10 fishery management organizations, states,
11 academics, and of course, the full squadron of
12 HMS staffers who do so much work to get ready for
13 these meetings.

14 We do have a few new members who are
15 joining us on the Panel today. Some of them as
16 alternates, some of them as new members. I just
17 want to call that out. For rec fishers, John
18 Depersenaire is sitting in for Mike Pierdinock.
19 And you may see Mike at the table because he is
20 here, but he is here wearing a counsel hat. So
21 in case you're confused, that's why that is.

22 For environmental, I think we're going

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 to be having Esther Wozniak sitting in for John
2 Bohorquez, but I'm not sure if Esther is here
3 yet.

4 PARTICIPANT: Running late.

5 MR. BROOKS: Pardon?

6 PARTICIPANT: Running late.

7 MR. BROOKS: Running late. Okay,
8 great. And then sort of on the governmental side
9 and RFMOs, we have a new member from the state of
10 Maine -- actually the state of Maine is new to
11 the table and Matt Davis is the representative
12 here, so welcome.

13 We have a couple of other, Kesley
14 Banks is the new rep from Gulf of Mexico, I
15 believe. Right, Kelsey? And you're replacing
16 Tom Frazer. Do you want to just wave so folks
17 know who you are? Great. And I think -- is
18 anyone else new that I didn't name or sitting in
19 as an alternate that I didn't name? Okay, great.

20 So welcome, it's good to have you all
21 here. I just want to also note just very briefly
22 as is now sort of going to happen on a regular

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 cycle here, this is the last meeting of number of
2 longtime and stalwart HMS members. And I'm going
3 to leave it to Randy to say a bit more about that
4 in a few minutes. But I just want to just note
5 that and add just a quick sort of up-front thanks
6 for folks who give so much time to this.

7 So agenda review, what are we up to
8 for the next two days? As usual, it's a busy
9 meeting. Lots to cover. There is always lots to
10 cover. Just a sort of high level look at the
11 game plan for the next two days. Today, a mix of
12 discussions. We'll start with the usual
13 overviews from Randy on activities and
14 rulemaking. We'll dive back into A15 and we'll
15 talk about bluefin tuna year-in review. We'll
16 hear from leadership later. Sam Rauch will be
17 here. And then from the Emmett Program on some
18 work that they've been doing.

19 Tomorrow again, sort of a mix of
20 topics. We'll start with a conversation on the
21 vessel strikes speed rule, pelagic longline take
22 reduction plan update. We'll hear from

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Enforcement. We'll hear from BOEM. That again,
2 has become sort of a regular feature of these
3 meetings. And then an economics update, which I
4 think we did not have at the last meeting. And
5 is again, always of interest around the table.

6 A bit more specifics on today. For
7 this morning, it will be the HMS overview. We
8 will take a break around 10:15. And then in the
9 late morning, we'll have a discussion on A15,
10 which will again be an opportunity to make sure
11 everyone's understanding that rule. It's
12 complex. There's lots of pieces to it. Here,
13 the kind of comments we've heard -- the Agency
14 has heard to date. And then open it up for your
15 comments.

16 We'll take lunch from 12:15 to 1:45.
17 And after lunch, we will dive into bluefin tuna
18 year-in review. We'll hear from Sam and then the
19 MRIP folks in the late afternoon. Public comment
20 will be at 4:45. And we will sort of wrap up and
21 then adjourn at 5:15. And as usual, there will
22 be a no-host social hour downstairs. And that's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 always a good opportunity for you all to get to
2 talk more informally and for new folks to get to
3 know folks as well. So I hope you folks can do
4 that.

5 Ground rules, we always like to take a
6 little bit of time just to talk about the ground
7 rules. One, because they're important. Two,
8 because there's new folks. I just want to always
9 make sure it's sort of fresh in peoples minds.
10 So the usual rules apply, which is contribute.
11 You all really do have different perspectives and
12 hearing from you is super important. At the same
13 time, share time. I mean just look around the
14 table. There's lots of us. There's more people
15 online. Everyone has perspective and we have to
16 be as succinct as we can. And I know that's
17 challenging when there are important topics that
18 are, you know, really foundational to the work
19 you do and what you care about. But I ask
20 everyone to do their best.

21 Integrate what you're hearing around
22 the table. Ask questions of each other, of HMS

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 staff. And just a reminder, this is not a
2 consensus-seeking body. The point of this body
3 is to have thoughtful, well-informed
4 deliberations so Randy and his team get the
5 benefit of your best thinking.

6 A couple of very specific asks.
7 Recognize that people do bring strong feelings to
8 the table. I think this group does a fantastic
9 job of having very hard conversations in very
10 thoughtful ways with you all being clear and
11 focused in your comments and respectful. And I
12 just ask that we just keep doing that. And just
13 bring the best available data to the table. When
14 you are bringing data, let your fellow HMS
15 members -- AP members understand what that is, so
16 we all understand what we're -- what we're
17 talking about.

18 A reminder that the conversation is
19 around the table around AP, the primary members
20 or alternates who are sitting in, for members of
21 the public who are here. Again, we'd ask you to
22 use the opportunity for public comment. And to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 the extent that there are HMS folks or other
2 experts in the room, I'll look to Randy and his
3 team to sort of let us know when it's appropriate
4 to bring in another voice.

5 A couple of just pointers/suggestions
6 on hybrid rules since that is the world we are
7 in. And I suspect that's the world we may be in
8 for quite some time. It just seems to work and
9 create enough flexibility for people. If you're
10 here in-person, just remember there's more of the
11 AP that's not here, that we're seeing around the
12 table. So I'll be bringing them in. Make space
13 for them. And you know, just recognize we're
14 trying to balance across the two different
15 platforms.

16 Avoid side conversations. Again, it's
17 really hard for folks online. If there are side
18 conversations, mics will pick that up. It would
19 be very hard for them to follow the conversation.

20 And just a reminder, when you do come into the
21 conversation, just pause before speaking. And
22 that's true particularly for folks online --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Actually, it's really for folks online. There's
2 like a second or two hiccup before we can pick
3 you up in the room. So I want to make sure we're
4 hearing you.

5 And for the folks online, if you can -
6 - and in the room, say your name before you start
7 talking. It's helpful for the reporter who is
8 taking detailed notes. Again, for folks online,
9 for the AP members, if you can stay on camera,
10 that's great so you're sort of part of this as
11 much as possible. Obviously remain muted at all
12 times unless you're talking.

13 If you want to get into the
14 conversation, if you can raise a virtual hand,
15 that would be good. It's hard for me to see
16 everybody. Or if your virtual hand does not
17 work, then please just throw something in the
18 chat and we'll respond that way.

19 Using the chat in general, if you're
20 online with the chat, my recommendation is don't
21 use it too much. We need folks to be really
22 listening to the conversation. I think if people

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 are busily writing in the chat, they're not
2 really listening to the conversation. So I would
3 minimize it. That said, it's really helpful if
4 you agree with something that's being said, say
5 you know, ditto. I like what David just said.
6 Ditto for me. It's a way for folks to understand
7 what you're thinking and yet, share the time.

8 If you do chat, that goes just to the
9 panelists only. And then we'll reflect it back
10 out as it's appropriate to share. I think we've
11 got -- Pete's going to be monitoring that. Is
12 that right? Where's Pete? There you are, Pete.

13 Okay. Tech questions to you too, Pete. Is that
14 right? Tech questions to Pete. Okay.

15 And then for the public that's on the
16 chat, we ask you to not use the chat until it is
17 public comment period. So that will be an
18 opportunity for the public if they have something
19 to say, to weigh something in and fold it in.

20 Last comment from me, just in terms of
21 running the queue. First of all, if you're in
22 the room and you're new, I'd just ask you to put

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 your card on the end, so I know if you want to
2 get in. In general, I will take cards in the
3 order that they come up. However, I will balance
4 between speakers in the room, speakers online. I
5 will balance people who have been getting a lot
6 of air time and people who haven't been getting
7 any air time.

8 I will balance across the different
9 sectors that are represented around the table.
10 And also trying to keep a back and forth going
11 when that's helpful. So I'll use some leeway, so
12 please understand that I'm not -- if I hop over
13 you, it's not because I'm mean. It's just
14 because I'm trying to keep our conversation
15 going.

16 We will be recording this meeting, so
17 just please be aware of that. And I've been
18 told, I must tell you, please get your travel
19 requests in pronto. The Agency's financial
20 accounting system is about to get shut down to do
21 a major overhaul. And so if you do not get your
22 travel paperwork in quickly, you will not get

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 paid for a long time. So that's up to you. That
2 will be repeated several times over the course of
3 the next two days.

4 That's it. Yeah, let me just -- Why
5 don't you go and then I'll just -- I just want to
6 see if there's questions or other agenda items.
7 Go ahead, Randy.

8 MR. BLANKENSHIP: Yeah. Thank you,
9 Bennett. So sorry to jump in here with kind of a
10 last minute thing. So Matt Huth who is one of AP
11 members representing commercial interests, just
12 this morning realized that there was an emergency
13 situation with a boat. That he needed to leave
14 in order to take care of. At least I think he's
15 already gone. I don't immediately see him right
16 now. He was here just a little bit ago.

17 And we're of course hoping that, that
18 situation goes well for him and for the crew
19 that's on board. But he needed to take off and
20 so, there's a request that Marty Scanlon fill in
21 as proxy for him. And so that's fine. Marty,
22 we'd love to have you. Most of you all know

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Marty has been on the AP in the past. He's the
2 President of Blue Water Fisherman's Association.

3 So Marty, feel free to come up and take a seat
4 at the table. He'll serve as proxy for Matt
5 Huth.

6 MR. BROOKS: Great, thank you.
7 Welcome, Marty. So just any questions from AP
8 members on agenda, game plan, ground rules,
9 anything? Any burning issues that are not on the
10 agenda for today that you think are very
11 important for us to talk about and make some time
12 for, we'd love to hear that too. And again, for
13 folks who are online, fold in as well. Anything?

14 Okay. If not then, I think we're ready to jump
15 in. And Randy, I will hand it back to you for
16 the overview.

17 MR. BLANKENSHIP: Thanks. Thank you
18 and I think I need to be down there to run the
19 show, so I'm going to move down there. All
20 right. So again, my name is Randy Blankenship.
21 I'm the Chief of the Atlantic Highly Migratory
22 Species Management Division. And I will be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 presenting an overview of activities within the
2 HMS Management Division over the last few months.

3 Particularly, since we last met in May. And
4 also providing an update on a few different
5 issues that are happening outside of Atlantic HMS
6 that we wanted to make you aware of and provide
7 the opportunity for you to explore to get more
8 information on if you wish.

9 So we'll jump into that. This
10 presentation is going to concentrate and hit on
11 the topics on the left side of this slide. And
12 it is not going to jump into the other agenda
13 items that are already on the agenda that Bennett
14 went through. So for those topics, I ask that
15 you, when we get to the discussion, hold your
16 comments on those topics on the right side of
17 this slide and the other agenda items for those
18 times in the agenda as we go on through this.

19 First of all, we have some staff
20 changes in Atlantic HMS Management Division -- a
21 couple of new faces. And wanted to make sure
22 that you all are aware of that. Dr. Becky Curtis

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 is a new federal employee in the Rulemaking
2 branch under Karyl Brewster-Geisz, although she's
3 not a completely new face because she was a
4 Knauss (inaudible) fellow a year ago. And so
5 Becky, please raise your hand high. She's right
6 back here. You all might remember Becky. We're
7 glad to have her on board. And then another
8 person we're really glad to have on board is Elsa
9 Gutierrez. And Elsa is right back here. And she
10 is a new federal employee in the Products and
11 Services branch under Pete Cooper.

12 And then we have a couple of folks
13 that are departing. And these are a couple of
14 our contractors, Tiffany Weidner has taken
15 employment with a Mississippi state agency, so
16 we're going to miss her and the work that she's
17 done for us, particularly -- in a couple of areas
18 that face the Public Workshop Administration and
19 AP work, which was behind the scenes, which you
20 all might not have been aware of and the SAFE
21 report activities as well.

22 And then another contractor, Dan Crear

1 has joined the Inner American Tropical Tuna
2 Commission, IATTC, which is RFMO in the Pacific.

3 And Dan Crear was hired to build the PRISM model
4 that we've presented and he presented to this AP
5 last year -- maybe even going further back than
6 that. And certainly has been integral into the
7 Amendment 15 and Amendment 15's use of the PRISM
8 model. So we're going to miss Dan. And look
9 forward to backfilling those contract positions
10 when we can.

11 And then wanted to touch on several of
12 the rulemaking and in-season actions. There's
13 been a lot of these, a lot of activity in the HMS
14 Management Division the last few months. We've
15 done 22 actions so far in 2023 calendar year.
16 Two final actions that include Amendment 14, that
17 was the Shark ABCs Control Rule and the 2023
18 Bluefin Tuna Restricted Fishing Days Rule. Also
19 13 in-season actions, most of them that deal with
20 bluefin tuna. And then one Shark quota transfer.

21 We have eight rulemakings ongoing.
22 We'll talk a little bit more about those. This

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 has been a really busy year for public hearings.

2 We made the move back to in-person public
3 hearings this year, which is exciting. That
4 means that we get to get out and have better
5 conversations and spend a little bit more time
6 with stakeholders in-person, you know, around our
7 management area. So we had 21 public hearings
8 over the last few months. And also including
9 webinars, which we continue to do, which help
10 with engagement for folks that can't be at those
11 in-person hearings.

12 And then we also had an appearance and
13 presentations and discussion with seven counsel
14 and commission meetings. And those were at the
15 request of counsels. And then also collecting
16 comments on proposed actions there, as well as
17 addressing other issues that were on the agenda.

18 As far as ongoing rulemaking actions
19 and things that are coming up on the horizon that
20 you can be on the lookout for, we have the final
21 rule for the 2023 Swordfish Albacore and Bluefin
22 Tuna quota adjustment. That's something we do

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 every year carrying forward under harvest of
2 quota from the previous year. And so that will
3 be coming out this Fall. We also have the final
4 rule for the 2024 shark specifications coming out
5 a little bit later this Fall.

6 There's the final rule for the
7 prohibition of oceanic whitetip and hammerhead
8 sharks that we anticipate coming out a little bit
9 later this Fall. And the final rule for updating
10 sea turtle safe handling requirements to be
11 consistent with two NOAA tech memos that updated
12 information for sea turtle bycatch mitigation.
13 And those memoranda have been out for a little
14 while. It's just taken some time to get the
15 rulemaking to implement those with their actually
16 minor changes to the regulations.

17 And then also the proposed rule for
18 consideration of pelagic and bottom longline
19 indicator species list. This is something that
20 we've presented and mentioned at the AP in the
21 past. This is actually an idea that was
22 certainly embraced and encouraged by some of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 commercial AP members over the last couple of
2 years. So it's something that we're looking
3 forward to getting out in a proposed rule.

4 And then we also intend to get a
5 scoping document out for consideration of various
6 gear changes. And we've also spoken at the last
7 AP meeting and others about some of this. For
8 example, some of the things that we intend to
9 scope will be power haulback capability for buoy
10 gear and expanded authorization of spear gun,
11 specifically that was commercial harvest of BAYS
12 Tunas with spear guns. And we spent some time on
13 that back in the Spring as well. So most of
14 these shouldn't be a surprise. I think we've
15 spoken at least in some form or fashion or
16 presented on these issues in the past.

17 A little bit of an update on Essential
18 Fish Habitat and the five year review. Of course
19 that was presented back in the Spring. Jen
20 Cudney has been the lead on this. The
21 preliminary findings of the five year review are
22 summarized here and were presented before. We

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 got comments during the AP discussion in the
2 Spring and then also through public comments.

3 Those suggested some modification of
4 EFH delineation methodology, some considerations
5 or offering some thoughts about additional
6 predator/prey information, and then new data, as
7 well as analysis of adverse effects of pollution
8 on Essential Fish Habitat. And there's a link
9 there for more information if you want to dive
10 into that. So next steps on this, in the future,
11 you can anticipate an update of EFH to come in a
12 separate future action to be determined on
13 timing.

14 And then an update on Climate
15 Vulnerability Assessment or the CVA, this was
16 presented back in the Spring as well. And at
17 that time, it was announced that we had the CVA
18 workshop in Puerto Rico that occurred in May.
19 That was a good workshop that brought together
20 several experts to assist in the Climate
21 Vulnerability Assessment. And the results of
22 that -- of that workshop included -- were

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 synthesized rather and included exposure and
2 sensitivity rankings for species, overall
3 vulnerability rankings, and directional effects
4 and distribution potential. So those are things
5 that are still being synthesized and worked on
6 and summarized.

7 In upcoming, you can anticipate, you
8 know, hearing more about this. We are working on
9 a manuscript in order to describe the process and
10 then also developing species narratives for
11 highly migratory species. And that information
12 will when it's ready be posted on NMFS Office of
13 Science and Technology CVA website. There's a
14 link there for more information in the online
15 version.

16 And then continuing with operations,
17 we have a few statistics that we always like to
18 share about things that have gone on this year.
19 So for exempted fishing permits, scientific
20 research permits, and letters of acknowledgement,
21 we have issued 44 of those so far this year. A
22 lot of activity as is often the case.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 The Shark Research Fishery has
2 occurred this year as well. We had three permits
3 issued in the Shark Research Fishery. We had and
4 have registered 209 HMS tournaments so far. And
5 the year is still going, so there will be more of
6 those that will be registered as the year
7 continues. And then have conducted seven Shark
8 Identification and Protected Species workshops.

9 And then something that's noteworthy
10 is we've had quite a bump in HMS news
11 subscribers. So this is our email HMS news that
12 goes out. How we communicate when we have new
13 products available or other items of interest for
14 HMS stakeholders. And recently we saw that
15 number of subscriptions jump, likely around
16 double. And we know that there are often times
17 different entities and stakeholders that amplify
18 the availability of that service. And it's
19 probably a function of some organizations
20 amplifying that, that have recruited a few more
21 subscriptions. And so that's great.

22 For open access vessel permits, we've

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 issued almost 30,000 of those. And then for --
2 as far as recreational shark endorsements go,
3 about 56 percent of the permits that are in need
4 of those if they're fishing for or landing sharks
5 have that recreational shark endorsement, so a
6 little over half. And then also the
7 Charter/Headboat commercial sale endorsements --
8 So this is the ability to sell HMS if you have a
9 Charter/Headboat. There's about 46 percent of
10 those Charter/Headboat vessels that have that
11 endorsement.

12 So then this slide is -- shows the
13 different landings, updates, and other
14 information such as tournament registrations and
15 the links to those. So if you're on the online
16 version of this, you can follow those links to
17 get more information about landings, updates,
18 regulatory information as well.

19 So I wanted to highlight like we did
20 in the Spring, the HMS Catch Reporting Options.
21 And so this is for the requirement for vessels
22 that have an angling charter/headboat or tuna's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 general permit, the requirement to report
2 landings of swordfish, billfishes, and bluefin
3 tuna and dead discards of bluefin tuna. And
4 report those within 24 hours of landing or the
5 end of the trip.

6 There are three ways to conduct this
7 reporting that are highlighted here. The HMS
8 Permit Shop website where the permits can be
9 obtained. Is also the place where you can report
10 those landings and discards. And then also the
11 HMS Catch Reporting Smart Phone app, which can be
12 downloaded to the phone. That is another way.
13 And then for those vessels that have federal
14 reporting requirements and often times through
15 regions and take care of those reporting
16 requirements via eTrips. SAFIS eTrips mobile and
17 online is a component through which you can also
18 report those HMS landings and discards. So that
19 is a good thing in order to minimize reporting
20 requirements.

21 North Carolina and Maryland fishermen
22 are still required to complete their state HMS

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 catch cards for landings and discards. And then
2 also just to particularly note that the commonly
3 used GARFO FishOnline and Bluefin Data LLC VESL
4 reporting platforms don't currently collect the
5 HMS components that are needed to satisfy the
6 catch reporting requirements. But both of those
7 platforms are actively working to incorporate the
8 HMS elements into them. And so stay tuned.
9 Those are hopefully going to be available to meet
10 those HMS requirements soon.

11 And then also finally on this slide is
12 just -- most folks are aware of this that need to
13 do it, but the HMS commercial logbook
14 participants must continue to submit paper
15 logbooks at this time. We're hoping to move to
16 electronic as soon as possible, but still are
17 needing to use the paper for now to submit those
18 to the Southeast Fishery Science Center.

19 So I also wanted to highlight a change
20 in an electronic monitoring program that has been
21 in place this year -- actually since April.
22 There was a change in the contractor that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 administers the electronic program. And the
2 electronic monitoring data services side of
3 things is operated by IBSS. And for the
4 technical support, the New England Marine
5 Monitoring provides that technical support where
6 Saltwater Inc. used to do that.

7 And the New England Marine Monitoring
8 phone number or technical support line and email
9 are listed here if you need to use that. Like I
10 said, most folks that need to use it are already
11 aware. But that's where you would go to schedule
12 a visit from a technician. And you would
13 continue -- folks that use the electronic
14 monitoring and the pelagic longline fishery would
15 continue to mail their hard drives to the ERT
16 address that's listed here on this slide.

17 Remember, that there were some changes
18 with Amendment 13 that, you know, up to two trips
19 can be put on a hard drive. So mail in the hard
20 drives after every two trips. And then also the
21 requirements that were implemented in Amendment
22 13 for mounting of a rail camera to get the view

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 over the rail of the side of the boat.

2 And then also the grids on deck in
3 order to give standardization of the images that
4 are received through the -- through the cameras.

5 And that those are implemented through the
6 vessel monitoring plans. And there is a
7 timeframe for compliance after the finalization
8 of the vessel monitoring plans.

9 And then also -- This is going back,
10 you know, to something we implemented last year.

11 And that's Advisory Panel term limits. Bennett
12 alluded to this just a little bit ago, that we
13 have some folks that will be cycling off. But as
14 a reminder, HMS members who serve three
15 consecutive terms and whose terms are expiring
16 will not be eligible for renomination at that
17 time. They have to go off for at least one year.

18 And after one year off, would become eligible
19 for a nomination again after that time period.

20 And so the folks whose terms will be
21 expiring at the end of this calendar year are
22 listed here. And they've been notified via

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 email. That's Sonja Fordham, Tim Pickett, George
2 Purmont, Mark Sampson, and Rick Weber. And we
3 are as always extremely pleased and glad to have
4 had their participation over the course of their
5 time as AP members. And we know that their
6 engagement doesn't necessarily just all together
7 stop. If they're not AP members, we know that
8 we've built relationships with these folks and
9 must continue to be -- to be engaged.

10 We are planning tomorrow and probably
11 -- Did you announce the time, Bennett, when we
12 are going to do this?

13 MR. BROOKS: No.

14 MR. BLANKENSHIP: I think it was
15 before lunch.

16 MR. BROOKS: We're going to do it
17 right before lunch.

18 MR. BLANKENSHIP: Yeah. Right before
19 lunch is our plan right now to give an
20 opportunity for these folks to say a few words if
21 they wish. You do not have to do that, but we
22 would welcome that if you wish to do that since

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 this will be your next meeting until you have to
2 sit out for at least a year to be eligible for
3 renomination.

4 All right. So as I mentioned, I want
5 to highlight a few things that are going on
6 outside of HMS Management Division proper. And
7 one of those is related to the Hudson Canyon
8 Sanctuary Advisory Council. So as a flashback --
9 and we've had presentations on this from the
10 Office of National Marine Sanctuaries. In June
11 2022, the Office of Marine Sanctuaries published
12 a Notice of Intent to conduct scoping and prepare
13 DEIS for the proposed Hudson Canyon Sanctuary.
14 Work has continued on in the Sanctuary's office
15 on that.

16 And last year, the Sanctuary's office
17 sought HMS Management Division's input on whether
18 it would be necessary to prepare fishing
19 regulations to support that sanctuary
20 designation. We responded and said that
21 additional fishing regulations are not needed.
22 That the current regulations that are in place

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 support that area or that proposed area and the
2 goals and objectives are consistent with that
3 proposed sanctuary.

4 And the HMS Management Division is
5 actively participating in the Advisory Council
6 for that sanctuary. And meetings have occurred
7 this year. We understand that the Sanctuary
8 Office is anticipating preparing a DEIS
9 management plan and proposed rule in 2024.

10 Also, out of HMS Management Division
11 is ongoing work with Northeast Canyons Monument,
12 which is designated as a commercial fishing
13 prohibition around the canyon's there off the
14 northeast and off of Massachusetts. Work ongoing
15 there includes collaboration with the Fish and
16 Wildlife Service and NOAA Fisheries on the
17 implementing regulations that will be associated
18 with that commercial prohibition.

19 And the intent there at least so far
20 is to do those regulations in the overall
21 Magnuson-Stevens Act implementing regulations and
22 portions of the Code of Federate regulations.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 And do that as opposed to having separate
2 regulations in the GARFO section and HMS section
3 and SERO sections. So that's the approach that
4 will likely occur. And NOAA Fisheries is looking
5 to maintain all permitting authorities for
6 activities within that area.

7 Please stay tuned for more information as more
8 information comes out about that.

9 And then on the recreational fisheries
10 front, we have a couple of updates here. And one
11 is of course with out HMS Marine Recreational
12 Information Program Regional Implementation Plan
13 -- and that's the MRIP Regional Implementation
14 Plan that we've had in place for quite some time
15 and that was updated. So that plan is undergoing
16 internal drafting and review. And we anticipate
17 distributing that to Agency partners later this
18 Fall for continued review.

19 Also as was shared back in May, there
20 is an extra year of pilot testing for the large
21 pelagic survey redesign because the initial
22 testing that took place for that resulted in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 actually a low number of intercepts because of
2 low fishing effort. And so an additional year is
3 taking place this year and full implementation of
4 the new design is anticipated in 2025.

5 And then also our contractor that is
6 working on a sampling for the HMS Angling
7 Expenditure survey has completed over 1,900
8 surveys. And we have that final data and will be
9 analyzing it this Fall. We anticipate presenting
10 it to you all -- the findings of that analysis in
11 the Spring of 2024.

12 And then also wanted to give an update
13 about the Pelagic Longline Gulf of Mexico Spring
14 Observer coverage. This is something that has
15 been occurring every year since 2007 in the
16 pelagic longline fleet that occurs in the Gulf of
17 Mexico in the Springtime. This was enhanced
18 observer coverage level over what is normally
19 required in order to characterize bluefin tuna
20 interactions in the Gulf of Mexico in the Spring.

21 As part of the Agency's ongoing
22 efforts to look at the financial situation and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 the limited observer funds and flat budgets and
2 also thinking about the tradeoffs between
3 coverage of various fisheries that the Southeast
4 Fishery Science Center Observer Program conducts,
5 this enhanced observer coverage in the Spring for
6 the Pelagic Longline Fishery is also being
7 assessed. I want to at least give a heads up
8 that, that may mean the coverage level could be
9 adjusted for the Spring.

10 That will not change the existing
11 requirements that are in place for the Pelagic
12 Longline Fishery that include and are listed on
13 this slide. The 8 percent fleetwide coverage is
14 required under the biological opinion under the
15 ESA. And then also the 10 percent coverage for
16 vessels 20 meters and greater that are targeting
17 tropical tunas. And that is an ICCAT
18 requirement.

19 And then I wanted to at least mention
20 a very important happening with the final
21 National Equity and Environmental Justice or EEJ
22 strategy document, which was released in May. So

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 this was after our last AP meeting. That is out
2 and available in multiple different languages, at
3 least in the executive summary. And then in the
4 full document in English and Spanish. It's the
5 Agency's framework to incorporate EEJ into our
6 daily activities. The link is there to the web
7 page where you can learn some more about that.
8 And Atlantic HMS and the Office of Sustainable
9 Fisheries, as well as the regional offices are
10 working on engagement with this. And will be
11 developing implementation plans by the end of
12 this year.

13 And so our usual transition slide
14 about our goal of AP meetings of course is no
15 surprises. It's one of the reasons why we give
16 you heads up about a lot of things. And we look
17 forward to hearing from you all about that. And
18 I won't go into all the details that Bennett did.

19 But we hope that you will take your roles as AP
20 members seriously to bring information from your
21 stakeholders and folks that you represent to us,
22 but then also disseminate information back out

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 that we share here at the AP that you would help
2 disseminate that out back to stakeholders as
3 well. And we will do our best to keep you
4 informed about issues as they come along and
5 listen to the input that you provide.

6 As Bennett mentioned traveling and
7 traveler paperwork and getting the travel
8 vouchers and receipts and all that, this is a big
9 issue. Bigger this year than in the past. We
10 also encourage you to get them in quickly. We do
11 have the transition in the financial system that
12 is affecting us and driving these timelines. And
13 so please do get your receipts in and your travel
14 documents in by Monday.

15 That's next Monday. That's really
16 coming up quick. And if you don't make it then,
17 it is likely that you won't be reimbursed as the
18 slide says, "for a long time". And it's not just
19 you all that are facing this, it is us on the
20 federal side too. We have to deal with this
21 during this transition as well. Apologies for
22 having to do that. It is happening way above all

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 of our pay grades. And it's something we just
2 have to deal with, with the lay of the land. So
3 there's links here for information. And also be
4 on the lookout for the email with instructions
5 after the meeting.

6 All right. We are going to cover a
7 lot of ground. We're looking forward to your
8 input on this presentation and other ones to
9 come. And with that, I'll open it up for
10 questions and comments. Bennett.

11 MR. BROOKS: Great, thanks. Thanks,
12 Randy. So lots covered there. We've got a good
13 chunk of time if there are questions on anything
14 Randy presented on or comments. And again, for
15 folks online, if you just raise your virtual
16 hand, that would be great. And raise your cards
17 just as Willy did in the room. And we'll just
18 sort of bounce it back and forth here. So why
19 don't we start off with Willy, then we'll go to
20 Alan, then we'll look online. Willy.

21 (audio interference)

22 MR. BROOKS: And while Willy is doing

1 that, I'll just take this as a reminder, please
2 recall to turn off your microphone after you
3 finish speaking or we will all get nasty
4 feedback.

5 MR. GOLDSMITH: I think that's better.

6 Sorry about that. Yeah, just two quick
7 clarifying questions, Randy. First off, I didn't
8 see a mention of the advanced notice of proposed
9 rulemaking around electronic reporter
10 requirements. I know there were hearings being
11 held on that this Summer and comments. Just
12 wondering if you guys had a rough timeline for a
13 proposed rule for that looking ahead.

14 And my second question was around that
15 pretty significant bump in newsletter
16 subscriptions. Just was wondering if there was a
17 certain issue that might have prompted that. If
18 there were certain groups or if there were any
19 efforts on the part of HMS to have that big bump.

20 Thanks.

21 MR. BLANKENSHIP: Thank you, Willy.

22 On the ANPR for e-reporting, which of course was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 part of the public meetings that we, you know,
2 had to take place over the last few months. And
3 that comment period is closed. The next step for
4 that would be a proposed rule, but we do not have
5 a timeframe for when such a proposed rule would
6 come out, or even everything that might be in
7 that.

8 So you know, scoping is an important
9 process. It's one where we get a lot of input.
10 We take that input and then we consider it as we
11 continue to build what may become a proposed rule
12 at some point. We will keep you informed on that
13 as time goes along. It was very diverse in the
14 different components that were considered in the
15 reporting. And certainly would be interested in
16 any input that you all have that you want to
17 share with us related to those things that were
18 in the e-reporting ANPR.

19 And then as far as HMS newsletter
20 bump, we had a couple of big actions that were
21 out for public comment. E-reporting being one of
22 them. Amendment 15 and Amendment 16 were others.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Those certainly were getting a lot of attention
2 from the public this Summer. That could have
3 contributed to the bump. And like I said, if
4 we've got any groups that augmented or amplified
5 the ability to sign up for that, if it's
6 associated with those issue, then I think that,
7 that might explain some of that.

8 I think we've got a little bit of
9 information available, but we just saw the bump
10 not that long ago really when we looked at this.

11 And I think we have an intent to kind of dig
12 into it a little bit more and discover if we can,
13 any nuggets of information that might help us
14 understand where that might have come from. I
15 know it's been scrubbed for bots already and we
16 don't think that, that's the source of them.
17 Thank you.

18 MR. BROOKS: Great. I've got Alan,
19 then over to Christine, and then to Marty. And I
20 don't see anyone yet online. So, Alan.

21 MR. WEISS: Thanks, Bennett. Randy,
22 my question is in regard to the Northeast Canyons

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 and Seamounts Monument. Is there any -- now that
2 -- now that the monument is settling into the
3 maintenance process, is there any mechanism or
4 process for reviewing the commercial fishing
5 prohibition? And is there -- is there any
6 possibility of that? I would think that your
7 office would be interested in having that
8 reviewed at least selectively being that the HMS
9 fisheries are surface-based and don't interact
10 with the benthic environment that was the primary
11 driver of the -- of the monument designation in
12 the first place. Thank you.

13 MR. BLANKENSHIP: Thanks for that,
14 Alan. And I appreciate, you know, all the kind
15 of the points that may be behind that question.
16 Either the monument was created by executive
17 order under the authority of the Antiquities Act.
18 And so to my knowledge, there's not an open
19 opportunity to reassess or comment on that
20 designation under that authority. Exactly what
21 may transpire as far as implementing regulations,
22 I would assume that there would be a proposed

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 rule -- final rule process for those implementing
2 regulations. But that would not be, I wouldn't
3 think, an opportunity to actually comment on the
4 designation itself. But Brad McHale has been
5 running point on that. I would just say is there
6 anything you'd want to add to that? And come to
7 the mic if you do. Feel free to come up here.

8 MR. MCHALE: Yeah. Good morning,
9 everyone. Brad McHale, HMS. So thanks for the
10 question. Randy's spot on. The fact that the
11 prohibition on commercial fishing within the
12 management boundary area of the monument was part
13 of the proclamation that is not going to be
14 revisited. There are currently efforts where the
15 fishery service in collaboration with Fish and
16 Wildlife Service are establishing a management
17 plan for the monument area and then codifying
18 regulations that would fall underneath the
19 National Marine Fishery Service, 600 regulations
20 if you will.

21 And that would be a proposed rule that
22 would be finalized through the regulatory process

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 that we're all familiar with. But I think what
2 you're trying to get at is whether or not that
3 prohibition on commercial fishing be revisited
4 during that entire process, I think is off the
5 table because it was within the proclamation
6 itself. So it was beyond the scope of us to kind
7 of circle back on it.

8 MR. BROOKS: Great, thanks.
9 Christine, why don't you jump in. And just again
10 a reminder if folks could start with their name
11 before your comment or question. Thanks.

12 MS. KITTLE: Christine Kittle, state
13 of Florida. I apologize if I missed this, but I
14 was wondering if you could provide an update on
15 the regulatory language that goes with the Shark
16 Fin Sales Elimination Act and when that might be
17 implemented. We're just getting a lot of
18 questions on how our officers can enforce the Act
19 without, you know, ruling on the CFR.

20 MR. BLANKENSHIP: I'll take a shot and
21 you can augment it. How about that? So thanks
22 for the question. The Shark Fins Sales

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Elimination Act -- so the Shark Fins Sales
2 Elimination Act basically prohibits the sale and
3 possession of shark fins. And that's nationwide.

4 That text was included in the 2023 Defense
5 Authorization Act and upon signing, became the
6 law of the land. And so therefore the statute is
7 the law of the land. Implementing regulations
8 and how to go about that are still under
9 consideration. And there's -- the Agency is
10 continuing to consider what the best approach
11 will be for that, as well as you know,
12 considering any relative other factors and agency
13 partners that we may need to talk about -- talk
14 with through that process.

15 MR. BROOKS: Great, good. All right.

16 Let's take a few more folks in the room. And
17 again, I'm not yet seeing anybody online. I've
18 got Mary, then over to Rick, then to John, and
19 then to David and Marty. Just a heads up to you,
20 your card is right behind this tripod and your
21 white shirts. If I miss it, apologies. Go.

22 MR. SCANLON: Yes, Marty Scanlon. I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 just have a question on the minimum observer
2 coverage area. You said 8 percent. What is the
3 fleet actually -- What's the observer coverage of
4 the fleet in recent years? What is that? Where
5 are we at with that? How much observer coverage
6 are we -- have we been, you know, subjected to?

7 MR. BLANKENSHIP: Thanks, Marty.
8 Yeah, so we monitor and report the observer
9 coverage level fleet wide under the buyout in the
10 SAFE report annually where you can go and take a
11 look at that. It is ranged from right at 8
12 percent during COVID to as high as I think about
13 14 percent or so. And it varies from year to
14 year, depending on various things. Most of it
15 being fishing effort, you know in the fleet and
16 where it's -- where it's taking place. So it's
17 that range. If you want to look at the
18 specifics, take a look in the SAFE report. It's
19 in a table in there.

20 MR. BROOKS: Thanks. Rick Weber.

21 MR. WEBER: Rick Weber. I was just
22 going to say thank you for the "by the numbers"

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 slide. And as an improvement, if you could
2 include the previous years or the previous year
3 to dates. If you hadn't said there was a jump,
4 we would have no way of knowing whether we're
5 doing better or worse. And those "by the
6 numbers" are indicators for us, as well as they
7 are for you. So a little prior year action would
8 be nice. Thanks.

9 MR. BROOKS: Good comment. Thank you.
10 I'm going to jump online because we do have
11 someone -- an AP member who wants to come in.
12 And then we'll come back into the room. So if we
13 can open up the line for Charlie Bergmann.

14 MR. BERGMANN: Sorry about that. Randy, in
15 your presentation there, you've indicated that
16 HMS is bringing along the sea turtle handling
17 equipment. Is this the stuff that we put
18 together in 2018 or has there been a newer
19 version?

20 MR. BLANKENSHIP: Yeah, Charlie.
21 That's exactly the version of the tech memo that
22 you worked on back when you worked for the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Agency. That's the one we're working on, yeah.

2 MR. BERGMANN: Thank you.

3 MR. BROOKS: Okay. Back in the room.

4 John, you're up.

5 MR. DEPERSENAIRE: Good morning. John
6 DePersenaire. Randy, thank you for the
7 presentation. And during the update on the
8 Hudson Canyon Sanctuary, you mentioned a letter
9 that HMS submitted that was suggesting or
10 requesting no additional regulations regarding
11 fisheries I assume. I wasn't able to find that
12 letter. Could you share that with the AP and the
13 public just so we could take a look at that?

14 MR. BLANKENSHIP: Yes, I believe we
15 can. I think we have shared it out publically in
16 the past. I'll get with our folks and see if we
17 can do that. And the response was actually an
18 answer to their question. It was not -- We did
19 not request that. We stated that additional
20 fishing regulations are not necessary.

21 MR. DEPERSENAIRE: Great. Thanks.

22 MR. BROOKS: Great. Let's go over to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 David Schalit and then I'll pick up the other
2 cards, starting with Angel.

3 MR. SCHALIT: Randy, thanks very much
4 for that comprehensive review. I have a question
5 regarding the EFH five-year review. Are the GIS
6 -- revised GIS files available now? Or if not,
7 when would we be able to see them? Thanks.

8 MR. BLANKENSHIP: Thanks, David. I
9 actually don't know the answer to that question.
10 And I would look to some of my staff to give me
11 that answer. And actually Jen Cudney knows that
12 answer. If she's online, we might be able to get
13 it from her. She might put it in the chat. MR.
14 BROOKS: Okay. Let's see if we can get that
15 answered. Jen, come on in.

16 PARTICIPANT: Her mic is not working.

17 MR. BROOKS: Her mic is not working,
18 okay. All right. I think we're not able to get
19 Jen in right now, but her comment in the chat.
20 "Shaped files won't be available until we go to a
21 proposed amendment." So there is the answer.
22 Thank you. Angel.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MS. WILLEY: Angel Willey, Maryland
2 DNR. And I just wanted to express interest in
3 developing an online catch recording for the
4 catch cards.

5 MR. BROOKS: Raimundo.

6 MR. ESPINOZA: Yes. Thank you. One
7 comment I wanted to make is just on the EEJ.
8 Sometimes when we're looking through the
9 document, it seems as if we're starting from
10 NOAA. And NOAA has actually done a good job and
11 does have partners that have worked on a lot of
12 the EEJ strategies. I just want to make sure
13 that when you begin implementation plans, you
14 don't start as if this is a new concept or
15 something entirely new to the work that you've
16 been doing, so that you build upon some of the
17 stuff that you've already been doing. Thank you.

18 MR. BROOKS: Great comment. And just
19 for note, Sarah is the point person on that.
20 There you are. So if anyone wants to sort of
21 further connect with her at breaks or you know,
22 over lunch, feel free to do so. Jimmy.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MR. HULL: Yeah. Thank you, Bennett.
2 Jimmy Hull, Northeast Florida. On the updating
3 sea turtle safe handling requirements, is this
4 something that is still in the works or is this
5 finalized? Or it says here, a final rule, Fall
6 and Winter. And you know, looking at these
7 technical memorandum that are linked here, those
8 are the existing status quo, I believe. And so I
9 was just wondering if there's room to get more
10 involved in that because I can see where there
11 could be some improvements made to that -- those
12 requirements.

13 And then the other was the
14 consideration of pelagic and bottom longline
15 indicator species list. How do we get -- How do
16 I get further information and get up to speed on
17 that? And get involved in finding out what
18 that's about? Thank you.

19 MR. BLANKENSHIP: Thanks. So for the
20 sea turtle bycatch mitigation equipment -- So the
21 rulemaking is implementing what was basically
22 already in the tech memos that as Charlie

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 mentioned were developed back several years ago.

2 That information, the tech memos has been out
3 there for a while, so it's not new information.
4 And what it amounts to is new additional options
5 to meet the requirements for sea turtle bycatch
6 mitigation equipment. And that's what that
7 proposed rule is, is making -- is basically a
8 very small technical change to the regulations to
9 accommodate those other options.

10 It doesn't change the existing options
11 that are available, so it's really kind of a
12 minimal kind of an adaptation to those -- to the
13 new technical memoranda that was -- that was
14 developed by the Agency. And that effort to do
15 the tech memo is led by the Southeast Fishery
16 Science Center. And so where you've got ideas
17 for additional improvements, I'm sure that the
18 Agency would love to hear those. And so we can
19 talk further about that and we can put you in
20 contact with the folks that have been the leads
21 on the sea turtle bycatch mitigation at the
22 Southeast Center.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 And then additionally, the indicator
2 species list, we can get you in a sidebar as well
3 on that one. Karyl Brewster-Geisz, our branch
4 chief for rule making is a great person to have
5 you talk to and we can bring you up to speed
6 about that.

7 MR. BROOKS: Great. Thanks, Jimmy. I
8 think I've got just one AP member left in the
9 queue here. Randy, just something to think about
10 is whether we want to -- we'll want to go to the
11 break early or start with the A15 presentation
12 and then go to break. So just ponder that while
13 we hear from Tim.

14 MR. PICKETT: Okay. I was just
15 wondering, you know, on slide 16 where it's
16 talking about observer coverage, has there been
17 any progress made for using the already required
18 electronic monitoring as a proxy for observer
19 coverage? And maybe I'm naive to this, but with
20 the ICCAT required 10 percent observer coverage,
21 has there been any progress on the international
22 level or any other, you know, party nations that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 are in it for using any sort of electronic
2 monitoring as a proxy for that observer coverage?

3 MR. BLANKENSHIP: Great question. So
4 there has -- So first of all, taking the first
5 part, which is our current electronic monitoring
6 systems in a pelagic longline fleet and any, you
7 know, opportunities to use that as a proxy for
8 observer coverage. So electronic monitoring was
9 developed and implemented in Amendment 13 for the
10 purpose of monitoring the disposition of bluefin
11 tuna as they're discarded live or dead. And then
12 if they're retained or discarded.

13 That was expanded slightly to do the
14 same for shortfin mako for a while. But under
15 recent prohibition on retention of shortfin mako
16 at all, then that actually is not part of that
17 anymore. It is very narrowly focused right now
18 on bluefin tuna disposition. It is not built
19 with the bells and whistles that would be
20 necessary to serve as a proxy or to replace
21 observer coverage -- in-person observer coverage
22 the way that it's currently built.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 As far as ICCAT work related to
2 electronic monitoring, there are several
3 recommendations at ICCAT in different panels for
4 different species that reference observer
5 coverage levels and that say that electronic
6 monitoring is an option. You know, it could be
7 achieve this level through observer coverage, in-
8 person or through electronic monitoring. And
9 ICCAT has formed a working group for electronic
10 monitoring systems in order to build the minimum
11 requirements that document that would describe
12 the minimum requirements for electronic
13 monitoring in order to meet that standard
14 basically of it serving as an alternative for in-
15 person observers.

16 And that work is ongoing and has
17 occurred intersectionality over the course of
18 this year. And is working towards building a
19 document that would become a draft recommendation
20 at this annual meeting coming up. So stay tuned
21 because that will be a subject that will be
22 discussed at ICCAT this year if you are going to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 follow ICCAT stuff. That's a technical term,
2 "ICCAT stuff".

3 MR. BROOKS: Thanks, Randy. I am not
4 seeing any other cards up in the room or hands up
5 online, so I think we've covered it. A number of
6 clarifying questions, suggestions, and one sort
7 of immediate to do around sharing the HMS letter
8 on the Hudson Canyon Sanctuary.

9 Randy, I think -- I think your face
10 said let's go to a break. Okay. So we'll go to
11 a break. It is five after, so let's just stick
12 with our 15 minute break. Come back here at
13 10:20. I am sure the A15 conversation can use
14 the extra ten minutes. So see you in 15 minutes
15 at 10:20. Thanks, everybody.

16 (Whereupon, the above-entitled matter
17 went off the record at 10:05 a.m. and resumed at
18 10:23 a.m.)

19 MR. BROOKS: All right, so we want to
20 dive into sort of the first topic of today. It
21 is the Amendment 15 conversation. We had a good
22 conversation about that back in the Spring.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 There's been scoping over the Summer. It's an
2 important amendment. Lot of complexity and
3 moving parts to it, so we want to do a few things
4 today -- this morning. One is just -- sort of
5 just to remind everybody what is in Amendment 15
6 and understand the structure of it and what the
7 Agency's thinking is as of now.

8 There have been a number of scoping --
9 comment sessions over the Summer. So we want to
10 have a chance to reflect back to you at sort of a
11 high level, what the Agency has been hearing on
12 that. And then importantly, create a lot of time
13 for a conversation around the table. And we'll
14 do that with, you know, starting with the usual
15 clarifying questions and then getting into
16 comments. So with that, I'm going to hand it off
17 to Steve and team to walk us through it.

18 MR. DURKEE: Yeah. Thanks, Bennett.
19 Actually, that's a great segue. I want to go
20 right to that first slide as I just introduce
21 myself again. Yeah. Steve Durkee, you know,
22 supporting this Amendment 15 effort. Just to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 kind of reiterate what Bennett said, the goal of
2 this presentation is to present Amendment 15
3 again, kind of refresh your memory, but really
4 focusing on the preferred alternatives. It's a
5 really complex action, but I think a lot of the
6 complexity is the background information should
7 be as transparent as possible. And we really
8 focus in on the preferred alternatives. It kind
9 of brings it down to a more practical level and
10 provides an opportunity to discuss it.

11 I'm also going to share some of what
12 we've heard so far during the public comment
13 period. Stressing that it's just a sampling of
14 what we've heard so far, not an exhaustive list.

15 We've had a lot of public hearings, a lot of
16 written comments. So listing everything out
17 individually would be quite a few slides. But it
18 kind of gives you an idea of at least what we're
19 hearing. And then of course to facilitate some
20 ongoing inputs from you all to help kind of make
21 this action even better.

22 So coming on back to the two broad

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 components of Amendment 15. There's a spatial
2 management component and the EM -- project
3 Longline EM cost allocation component. And there
4 is some overlap between the two, but I think it's
5 helpful to discuss them separately. At the last
6 AP, we presented them separately and had separate
7 comment periods. But I think for this one, we're
8 going to go ahead and do them back to back and
9 just have one comment discussion on both of them
10 together.

11 For spatial management, consider the
12 modification data collection and assessment of
13 four spatially advantage areas listed up there in
14 that sub-bullet, as well as on that map to the
15 right. And then also the pelagic longline EM
16 cost allocation, which considers shifting the
17 cost of that EM program from the Agency to the
18 industry.

19 So we'll start with spatial
20 management. So essentially, in the Atlantic and
21 Gulf of Mexico, there are some large areas that
22 restricts or prohibits fishing for HMS by

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 commercial longliners. Some of these places have
2 been in place for over 20 years. And the
3 original goal was to reduce bycatch for things
4 such as sea turtles, undersize swordfish,
5 billfish and some sharks.

6 Now these areas, as well as closed
7 areas in general, they are really an effective
8 management tool in reducing fishery interactions
9 between particular species and gear. On the
10 downside though is that one you restrict that
11 fishing, at least to a commensurate decrease and
12 fishery generated data. That fishery generated
13 data is fishery dependent data. Data that's
14 collected during normal fishing operations.

15 Think observer data or logbook data,
16 et cetera. Things that really help us kind of
17 figure out what the management measures are doing
18 on the water to start going to assessing how
19 they're performing. So on that same scene
20 without that data, it's difficult to assess the
21 effectiveness of these closed areas in meeting
22 current conservation and management goals.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 And then here are the four areas we
2 focus on in this rulemaking. That red area off
3 North Carolina is the Mid-Atlantic share closed
4 area. That's the only area in this action that's
5 focused on bottom longline. It's currently
6 closed for the first half of the year. And the
7 remaining three areas are for pelagic longline.
8 You have the blue area, Desoto Canyon and the
9 grey area, East Florida Coast that are closed
10 year around for pelagic longline fishing. And
11 then the green area off South Carolina and
12 Georgia is the Charleston Bump area closed to
13 pelagic longline for three months out of the
14 year, from February 1st through April 30th.

15 Here's another graph that you guys
16 have seen before. This is kind of a map of how
17 the DEIS is structured. It's a little bit
18 different then how we usually do things. It
19 provides us -- provides us with some flexibility.

20 Kind of the analogy used last time is that
21 appetizers, entrees, desserts idea. So for each
22 one of the closed areas, we can choose a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 preferred (a) alternative, (b) alternative, and
2 (c) alternative. A suite of menu options that
3 actually fits in each one of those areas.

4 The (a) alternatives are the
5 evaluation and modification of spatial management
6 areas, actually designating and figuring out
7 where the high and low bycatch risk areas are
8 within the current closed areas. The (b)
9 alternatives, consider risk appropriate data
10 collection programs by commercial vessels. How
11 can we get some data out of those areas without
12 jeopardizing conservation goals? And then
13 finally, the (c) alternatives. Evaluation and
14 timing of spatial management areas. How do we
15 ensure that in the future, we're not in the same
16 position that we're in right now? How do we
17 continue to evaluate these areas?

18 So again, for each one of those areas
19 shown in that blue box there, we choose a
20 preferred (a) alternative, a preferred (b)
21 alternative, and a preferred (c) alternative
22 specific to each one of those areas. Now in past

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 presentations, as well as the public hearings,
2 we've gone through all of the (a) alternatives,
3 all the (b) alternatives, all the (c)
4 alternatives. But in this presentation, I'm
5 going to focus on that blue box. What we're
6 proposing to do for each one of the closed areas;
7 Mid-Atlantic shark closed area, Charleston Bump,
8 East Florida Coast, and Desoto Canyon.

9 So we'll start with Mid-Atlantic shark
10 closed area. You can see up there, there's that
11 cross hatched area. That's the current footprint
12 of the current closure. It's closed for the
13 first half of the year from January 1st to July
14 31st. And with Amendment 15, we're proposing to
15 expand that closure out to the east to that 350
16 meter shelf break, just that slight little pie
17 slice off to the right of that cross hatched
18 area. But then also to shift the timing by two
19 months so that the closure closes two months
20 early on November 1st and opens two months early
21 on May 31st. So the same six month timeframe
22 just shifted up by two months.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 We've heard from researchers and
2 fishermen and HMS PRISM showed as well that the
3 sharks were trying to protect in that area are
4 showing up earlier and leaving earlier than what
5 they were when this was first implicated.
6 There's no -- We're not proposing any kind of new
7 data collection programs in that area. There's
8 already the shark research fishery operating
9 there, as well as some fishery independent
10 surveys. So we're not proposing any new data
11 collection programs. And then once we have three
12 years of data available post Amendment 15, we'll
13 take a look at it and see how it's performing.
14 As well as the option of a triggered evaluation
15 to look at this area more frequently or in a
16 shorter timeframe if needed if conditions
17 warrant.

18 A little more complicated proposal for
19 Charleston Bump though. For Charles Bump, that
20 cross hatch area is the current footprint. And
21 again, that's currently closed from February 1st
22 through April 30th. What we're proposing is that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 red inshore area being a high bycatch risk area
2 that will be closed to pelagic longline fishing
3 year round, which is a pretty significant
4 temporal expansion. And then the yellow area
5 offshore will be a low bycatch risk area. An
6 area we could have some data collection in there
7 through a monitoring area.

8 And what I'm going to do -- I'm going
9 to jump back and forth through a couple slides.
10 I want to show you the two preferred alternatives
11 for data collection programs that we use in
12 Charleston Bump, as well as East Florida Coast.
13 So again, looking at that yellow monitoring area
14 offshore, we're proposing that area to be a
15 monitoring area from February 1st through April
16 30th each year. And in this context, in
17 monitoring areas -- a special access area for
18 data collection. Commercial vessels are
19 authorized to fish in certain areas in that low
20 bycatch risk area to collect data.

21 However, there's strict effort in
22 catch controls to avoid jeopardizing conservation

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 goals. We'd have real time reporting of certain
2 bycatch species after each set. And we could
3 open and/or -- We could close and/or not re-open
4 those areas if conditions warrant. So it is a
5 special access area. If there is some data
6 collection after it's in there, we see some
7 conservation concerns, we can close that area and
8 consider not reopening it if necessary. So
9 again, hitting on that special access area idea.

10 So within the monitoring area, we're
11 proposing effort and catch. In the case of
12 Charles Bump, that would be 69 sets from February
13 1st to April 30th. Across the entire pelagic
14 longline fishery, once 69 sets are hit, that
15 monitoring area is closed for the remainder of
16 that monitoring area timeframe. Again, February
17 1st through April 30th and then reopen for normal
18 commercial fishing on May 1st. Similar idea,
19 East Florida Coast, since its 124 sets per year,
20 but that would be all year.

21 Additionally in the monitoring areas,
22 there would be 100 percent review of EM video

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 collected during those trips at the vessel
2 owner's expense. And operators need to report
3 effort and catch within 12 hours at the end of
4 each set. So currently they do so for bluefin
5 tuna. The suite of species when operating in
6 that monitoring area -- again, in that yellow
7 area -- would be expanded to include shortfin
8 mako sharks, all the billfish species,
9 leatherback and loggerhead sea turtles.

10 So to kind of bring that back to
11 Charles Bump area. Again, that yellow area
12 offshore, that would be the monitoring area from
13 February 1st through April 30th with all of those
14 stipulations in place during that timeframe. The
15 red area is a closed area year round, but for
16 data collection there, we've proposed to allow
17 EFP research.

18 And then jumping forward to the EFP
19 slides. One of the preferred alternatives is
20 cooperative research via an EFP. So EFP
21 applications will be accepted to perform gear-
22 specific research, pelagic longline research in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 that red area. And particular consideration will
2 be given to collaborative research projects with
3 multiple partners since that was listed up there
4 in that bullet.

5 Now to be consistent with the analyses
6 in Amendment 15, several components need to be a
7 part of that research plan. Things like effort
8 cap, making sure not too much information occurs
9 in there. Bycatch gaps, limiting how many of
10 certain species are being caught. You'd have
11 strong reporting mechanisms in place, including
12 maybe observers and EM coverage. And the study
13 design needs to be applicable to management
14 questions that could be answered in that area.

15 Importantly, the research plan is to
16 include exclusion areas, which are areas of high
17 bycatch or known gear conflict. Areas where the
18 research just shouldn't be performed. And in
19 fleet communication, participating vessels need
20 to communicate areas of high bycatch. That way
21 other vessels don't operate in that area at that
22 time. Now importantly if we receive an

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 application that meets these criteria, we don't
2 need to necessarily approve it. But these are
3 the -- these are the criteria we're looking for
4 in order to be consistent with the analyses in
5 Amendment 15.

6 So now playing this game of jumping
7 again, that would be in that red area. So data
8 collection in the red area could be collected
9 through an EFP provided that, that EFP
10 application met those criteria and we chose to --
11 to approve that research. And then the
12 evaluation time is the same throughout all of the
13 (d) preferred alternative packages. Once we have
14 three years of data available, we'll assess and
15 see how that modification is doing. And then
16 also have a triggered evaluation option. So we
17 can do that more frequently if conditions
18 warrant.

19 So East Florida Coast is really
20 similar, but a little bit simpler because the
21 timing component is all the same. That yellow
22 area offshore would be a low bycatch risk area.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 That would be the monitoring area. In this case,
2 again expanded EM coverage. 100 percent of those
3 videos need to be reviewed at the owner's
4 expense. Expanded post set VMS reporting in
5 addition to bluefin tuna, loggerhead,
6 leatherback, all the billfish species and
7 shortfin mako sharks.

8 And then an effort cap of 124 sets per
9 year. So once 124 sets has been reached across
10 the whole fishery, that area closes until it
11 resets again on January 1st. Again, stressing
12 the special access area if conditions warrant, we
13 don't have to re-open that area if it's -- if
14 it's jeopardizing conservation and management
15 goals. The inshore area being kind of the new
16 pelagic longline closed area. It would be closed
17 to pelagic longline year around, but an EFP could
18 operate in there -- a researcher with an EFP
19 could operate in there provided those conditions
20 are met and we approve that EFP as well.

21 And then finally Desoto Canyon. This
22 one's a little bit different because it bleeds

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 outside the current footprint. You'll see those
2 two boxes up there are the current Desoto Canyon
3 closed area, closed year round. There's those
4 cross hatch boxes. The referred area bleeds
5 outside of that and creates a parallelogram. It
6 seems to do a better job of protecting that shelf
7 break, as well as the Rice's Whale Habitat in
8 that kind of eastern portion of that
9 parallelogram right there.

10 We're not proposing any new data
11 collection programs in the area with the
12 exception of an EFP that meets those criteria.
13 And then all those corners of existing boxes will
14 be open to normal commercial fishing. And then
15 the evaluation timing is the same. Once three
16 years of data are available, as well as a
17 triggered option if conditions warrant. We can
18 do that more frequently as well.

19 And then there's a group of E-
20 alternatives. These are the ones that are the
21 spatial management area regulatory provisions.
22 This would just update some regulations to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 provide some guidance and a road map to add,
2 change, or modify closed areas going forward in
3 the future. But importantly, nothing automatic
4 happens with this. This just provides a road map
5 for the Agency and the public to see how things
6 would happen. And any future changes would be
7 done through a proposed rule, public comment
8 period, final rule, et cetera. But we are
9 preferring to update those regulatory provisions
10 in there. And that specific language is
11 available with DEIS in proposed rule or you can
12 discuss it of course if you're entrusted.

13 So public comments we've heard so far:

14 The first one kind of focuses on the Charleston
15 Bump closure. Again, that Charleston Bump with
16 that diagonal bump bisect, red inshore, yellow
17 offshore, we've heard that, that modified 12
18 month Charleston Bump closure, that red area,
19 would result in a significant decrease in pelagic
20 longline access in the area. We've heard that,
21 that red Charleston Bump area includes the
22 western edge of the Gulf Stream. That's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 important for pelagic longline fishing.
2 Especially for pelagic longline fishing with
3 reduced and lower bycatch concerns.

4 We've heard that dividing line between
5 the high and low bycatch risk areas, that
6 diagonal line between the red and yellow areas
7 should be pushed inshore to (inaudible) shelf
8 break. We've heard that the tradeoff of limited
9 offshore access for data collection and decreased
10 inshore access is worse than the status quo.
11 We've also heard that if HMS PRISM has indicated
12 that, that yellow offshore area is a low bycatch
13 risk that could allow some data collection. It
14 doesn't necessarily follow that the inshore area
15 needs to increase in the time that it's closed.
16 We've also heard that the effort cap, the 69 sets
17 between February 1st and April 30th is too low to
18 get a lot of data out of there.

19 Then for Desoto Canyon, we've heard
20 that, that modification -- that, that
21 parallelogram, that, that change in the shape
22 would eliminate productive pelagic longline

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 fishing grounds. We've also heard some support
2 for that change -- that parallelogram. Other
3 commenters have noted that, that would expand
4 protection for Rice's Whale Habitat in that kind
5 of northeastern portion of it. Also more
6 generally, there's some concern that the proposed
7 alternatives don't revitalize the pelagic
8 longline fishery and encourage increased effort.

9 We've also heard the HMS PRISM doesn't
10 account for recent increase in deepset pelagic
11 longline technique. And we've heard some
12 opposition to that expanded EM requirement in the
13 monitoring area. Again, that 100 percent of
14 video sets need to be reviewed in those yellow
15 monitoring areas at the vessel owner's expense.
16 We've heard some opposition to that. Some of the
17 things we've heard is the increased cost would
18 prevent any data collection.

19 We've heard that fishermen shouldn't
20 pay for NOAA Fisheries data collection needs.
21 We've also heard the current review rate
22 everywhere that the pelagic longline fishery

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 operates of 10 percent is good enough to
2 incentivize enhanced reporting in those areas.
3 Again, that enhanced reporting of additional
4 species in those yellow areas. We've heard we
5 should consider bycatch caps and observer
6 requirements in the monitoring areas either in
7 addition to or supplementing the EM requirements
8 or the effort caps.

9 We've heard opposition to any
10 increased access for pelagic longlines, even for
11 data collection. We've heard concern that
12 pelagic longline data collection would adversely
13 impact recreational fisheries through both gear
14 conflicts or bycatch of recreationally-targeted
15 species. We've also heard comments of the
16 relative impacts on bycatch between recreational
17 and longline fisheries -- not just bycatch, but
18 also target catch, climate changes, et cetera.

19 Okay. So moving right into the
20 pelagic longline EM cost allocation portion of
21 Amendment 15. So we'll start with just a quick
22 background slide. As you recall since 2015,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 regardless of where they're operating, HMS
2 pelagic longline vessels are required to install
3 cameras on their vessels that record the haulback
4 of longline sets to monitor catch and discards.
5 The program was initially implemented to ensure
6 compliance with the Bluefin Tuna IBQ Program as
7 they are expanded to include shortfin mako shark
8 disposition, especially back when shortfin mako
9 sharks could be retained when they were brought
10 back to the vessel dead in the pelagic longline
11 fishery.

12 Now since implementation, NOAA
13 Fisheries has paid for the entire program;
14 equipment installation of cameras, hard drives,
15 et cetera, data review, analysis, storage, almost
16 the entirety of the program, understanding there
17 is an expense for the vessel owners as well.
18 Things like nailing in hard drives, the time, the
19 lost fishing opportunities, et cetera. But the
20 bulk of the program was paid for by NOAA
21 Fisheries.

22 In the intervening years, specifically

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 on May 7th, 2019, NOAA Fisheries issued the Cost
2 Allocation Policy, titled "Cost Allocation and EM
3 Programs for Federally-Managed Fisheries." And
4 this policy compels national EM programs,
5 especially new ones, as well as existing ones to
6 transition those EM costs -- EM costs from the
7 agency to the industry. And that's really the
8 goal of Amendment 15.

9 So our preferred alternative, F2, is
10 to transfer those EM sampling costs from the
11 agency to the industry. Industry would pay 100
12 percent of the sampling costs under this
13 preferred alternative, but it would be phased in
14 over three years. The vessel owners and
15 operators would be pay for 25 percent year one,
16 increasing by 25 percent each year until year
17 four, it would be fully implemented after that
18 three year phasing. And there are four
19 components to this alternative; things the
20 vendors need to do, things the vessels need to
21 do, vessel monitoring plans, as well as some
22 changes as to where and when EM is required in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 the pelagic longline fishery.

2 And we'll peruse the infographic here
3 to kind of summarize what the program is. The
4 way to think about this is there's a delay on the
5 online version. So I'll pause just for a second
6 here. That blue box is the proposed program. So
7 you've got that blue box of the proposed program
8 with that arrow coming off the top left. Those
9 are vendors interested in being part of the
10 program applying to be on the approved vendor
11 list.

12 Once they're an approved vendor, we
13 put them on the list and vessels and vendors can
14 work together to make sure that they're meeting
15 the requirements of the program and work out
16 contracts, payment, et cetera to meet all of the
17 requirements that NOAA Fisheries has laid out.
18 Now one thing that the infographic shows is NOAA
19 Fisheries is somewhat out of that process. We're
20 setting the guardrails and the boundaries of what
21 we need out of the program and providing some
22 flexibility for the vendors and the vessel owners

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 to work out costs and technology and anything to
2 really streamline the program to reduce costs and
3 make it more effective.

4 Vendor requirements include things
5 such as installing and maintaining EM equipment
6 on vessels, you know, receiving and storing those
7 EM video data. You know, just really core
8 components of that EM program. We need to assist
9 the vessel owner with VMP developments, review 10
10 percent of all the sets submitted by the vessel
11 owners, and then present and provide quarterly
12 reports to NOAA Fisheries of what they've seen on
13 those -- on those videos. And then retain the
14 video for two years and provide additional review
15 if requested.

16 On the vessel side, before fishing in
17 an area that requires EM, vessel owners would be
18 required to coordinate with the vendor to provide
19 those EM services and to ensure that EM equipment
20 is functioning properly on the vessel. They work
21 with the vendor to develop a VMP and then also to
22 declare their intention to fish in an EM data

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 review area via VMS. And they will continue
2 reporting bluefin tuna after each set.

3 The VMP requirements in that center box, those
4 largely would not change, but they really kind of
5 focus on where the cameras are placed in the
6 vessels, where the fish are being brought out to
7 the deck to make sure they're in the view of the
8 cameras, et cetera.

9 Now the fourth component is changing
10 when and where EM is required. So currently EM
11 is required everywhere a pelagic longline vessel
12 is operating. And under Amendment 15, we're
13 proposing to limit those to areas of likely
14 bluefin tuna interaction. And that's what these
15 maps are up here on the kind of bottom right of
16 this -- of this slide. So we identify areas and
17 times of likely bluefin tuna interactions and
18 designate those areas as EM data review areas.
19 Vessels would only need to activate EM and submit
20 data -- video data when operating in those EM
21 data review areas. This would reduce costs.

22 It would limit video submission to the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 areas that are more likely to be reviewed,
2 providing vendors with more certainty. And it
3 also incentivizes avoiding areas with likely
4 bluefin tuna interactions because there's that
5 additional cost of EM data review. And it also
6 operationalizes the current video sampling
7 protocol that is in place right now for EM
8 vendors. So right now what happens is after the
9 -- after a vessel submits their EM data to a
10 vendor, the Southeast Fishery Science Center uses
11 their sampling plan to identify sets that need to
12 be reviewed. They provide that information to
13 the vendor. The vendor then reviews those sets
14 and provides the information to NOAA Fisheries.

15 With this program, instead of having
16 after the fact, the Science Center telling the
17 vendor what to review, the vendor simply reviews
18 randomly selected 10 percent of those sets,
19 including at least one set from every vessel. It
20 just provides some certainty that every vendor
21 has a certain number of sets it needs to review.

22 And I know that map might be a little bit small,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 but that yellow box in the North Atlantic would
2 be -- EM would be required from June to December
3 of each year. The blue box off the Mid-Atlantic
4 would be required year round. The green box in
5 the South Atlantic is January through June. And
6 then the red box in the Gulf of Mexico is January
7 through June. And again, that's when EM would be
8 required when fishing in those areas during those
9 times.

10 Now here's the tough slide. It's an
11 expensive program. The social economic impacts
12 are likely moderate to adverse. So here's a
13 table kind of showing some of those estimated
14 costs. We really do think this is a top line
15 estimate. The way we've developed this is
16 figuring out what NOAA Fisheries is paying for,
17 for this program and dividing it by the number of
18 sets. Understanding that every vessel owner
19 wouldn't necessarily be equally responsible for
20 it. It would be varying based on the amount of
21 effort they have.

22 So based on that kind of back of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 envelope estimate, we have an estimate of \$280
2 per set, which on a medium trip size of six sets
3 is \$1,680 per trips, which equates to about 19
4 percent of that trip's profits. So it's a pretty
5 hefty cost. This is, we think, a top line
6 estimate. We think it would definitely be --
7 would likely be lower. In addition, we have some
8 cost mitigation measures in here as well. That
9 cost shift would be phased in over three years,
10 which would help that market development, but
11 again, it probably wouldn't help necessarily in
12 year four.

13 The program structure would encourage
14 multiple vendors to enter the market, which
15 increases competition. It also leverages
16 existing vendor infrastructure. Leveraging
17 existing vendor infrastructure is just a fancy
18 way of saying there are other vendors providing
19 these services in other fisheries, so we're not
20 paying for the development of that program. It's
21 already there. They have video reviewers. They
22 have technology. So we can jump on with vendors

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 already providing these services in other areas.

2 There could be some cost savings there.

3 The EM equipment that NOAA Fisheries
4 has paid for could continue to be used on
5 vessels. However, any kind of repair of
6 replacement would be the vessel owner's expense.

7 We provided some flexibility in equipment and
8 data transmission specifications to kind of
9 leverage some new technology to reduce those
10 costs. And then again, just kind of went through
11 when and where EM is required will be limited.
12 So it no longer will be 100 percent of all trips.

13 It would be limited to those areas and times on
14 that previous slide. And then to hop over to
15 ecological impacts. We are expecting those to be
16 likely neutral because it would maintain that
17 core functionality of that EM program supporting
18 the Bluefin Tuna IBQ Program.

19 And then some comments we've heard so
20 far on EM cost allocation. We've heard some
21 strong negative reaction to this estimated EM
22 cost for vessel owners. We've heard that those

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 additional costs would cause many to exit the
2 fishery. We've heard that any loss of U.S.
3 pelagic longline effort would lead to adverse
4 ecological impacts as less conservation-minded
5 foreign fisheries filled that gap. We've also
6 heard that other costs are included. Things such
7 as technician hours for repairing the systems,
8 travel costs, et cetera.

9 We've heard skepticism that the cost
10 mitigation measures would actually reduce those
11 EM costs for vessel owners. We've heard lots of
12 suggestions on money from different buckets of
13 money such as the IRA to continue funding the EM
14 Program. We've heard that it would be helpful to
15 facilitate a workshop of EM vendors and vessel
16 owners to meet and understand more what different
17 vendors are providing, especially in other
18 programs around the nation. We've had questions
19 on the overlap between the cost allocation
20 policy, as well as the Magnuson-Stevens Act cost
21 recovery limits -- that 3 percent cost recovery
22 limit.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 We've heard disagreements with the
2 time and areas of those EM data review areas,
3 particularly the timing of bluefin tuna catch in
4 the Mid-Atlantic, that blue area in the Mid-
5 Atlantic on that slide from a couple -- on the
6 map a couple slides ago. And then questions what
7 would happen if there were no EM vendors? If no
8 vendor wanted in the market, what would happen to
9 that program? And we also heard both support and
10 opposition to a non-preferred alternative,
11 alternative F3, which would remove the EM
12 requirement but maintain the IBQ program.

13 Now before we get to the next -- the
14 discussion -- the additional information and next
15 steps, two recent updates. We just announced
16 yesterday and it published today the public
17 comment period has been extended to October 2nd.

18 And we've also rescheduled the Panama City
19 hearing that was scheduled for the 29th. We had
20 to cancel that due to the hurricane. And we've
21 rescheduled that for September 18th at the same
22 location in Panama City.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 And then here's some more information
2 on how to submit a comment. We have kind of a
3 screenshot of Amendment 15 website up there with
4 an arrow to how to submit comments. You have
5 Larry and I's comment information from our -- any
6 kind of additional questions or comments after
7 this. And then also some links to the A15
8 website. We have a tiny URL link, as well as a
9 QR code. And I want to note that on the website,
10 we have some outreach material, including a story
11 map that I think is helpful to look at to really
12 fully understand the spatial portions.
13 Information on HMS PRISM is there, as well as the
14 usual things such as the proposed rule, DEIS, and
15 a link to submit comments. And with that, I'm
16 going to turn it over to questions and comments.

17 MR. BROOKS: Great. Thanks for that
18 overview. So let's jump into questions and
19 comments. And I again really want to start the
20 conservation this morning with clarifying
21 questions. There's so much here. And before we
22 get into comments, just making sure you're clear.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Any questions that would help clarify. Steve,
2 we'll start with you.

3 MR. GETTO: On Slide 22, I just need a
4 little information on how you identified profit.
5 So is the 8991, is that the difference between
6 revenue and direct cost on the trip or is that --
7 I just want to understand how these are
8 calculated.

9 MR. DURKEE: Yes. So this is from all
10 of the -- I'm blanking on the term, the cost --
11 cost earnings. Thank you. The cost earnings
12 estimates we produce based on the subset a
13 fisherman provides information on costs. This is
14 all of those costs of the -- operating that trip,
15 minus all the venue. Exactly.

16 MR. GETTO: So you're really saying
17 it's 20 percent of those gross margin on the
18 trip.

19 MR. DURKEE: Revenue minus costs,
20 yeah. Perhaps that's right.

21 MR. GETTO: So that doesn't -- so that
22 really takes away from their contribution to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 their fixed overhead such as dockage, insurance.

2 You know, that's really not profit. They have a
3 lot of fixed costs in keeping these boats going.

4 I'm just clarifying that. Thank you.

5 MR. BROOKS: Great, thank you. Let's
6 go over to Peter.

7 MR. CHAIBONGSAI: Just a quick
8 question, I think it was Slide 15 and 16. You
9 mentioned within just the public comments, I know
10 these weren't all of them. Obviously I think you
11 guys got a lot already. But I noticed that you
12 highlighted Charleston Bump and Desoto Canyon as
13 two of the specific areas. What about the other
14 two sections? Do you have any specific comments
15 to highlight from the Mid-Atlantic, as well as
16 the Florida East Coast closed off?

17 MR. DURKEE: We've heard those two
18 areas mentioned, but the bulk of our comments
19 have been focused on Desoto Canyon and Charleston
20 Bump by a wide margin. That's why those slides
21 kind of focused on those two areas.

22 MR. BROOKS: Great. Let me jump

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 online for a minute and bring in Charlie Bergmann
2 and then we'll come back into the room.

3 MR. BERGMANN: Okay. I have one
4 question about the Charleston Bump area. That
5 portion of the Charleston Bump that's closed 365
6 days out of the year, does that include the
7 Dolphin Fishery?

8 MR. DURKEE: We manage the HMS vessels
9 only, so this would be specific to HMS pelagic
10 longline vessels. But my understanding though,
11 the South Atlantic Council does at this time at
12 least, mirror the HMS pelagic line regulations
13 for their fisheries as well. So no, this
14 wouldn't directly impact those, but the trickle
15 down effects would be up to the council.

16 MR. BERGMANN: Have you presented this
17 to the South Atlantic Council?

18 MR. DURKEE: Yes, sir.

19 MR. BROOKS: Okay. Let's come back in
20 the room for more clarifying questions. Let's go
21 to Jeff, then Bob, then Tim.

22 MR. KNEEBONE: Hello. Jeff Kneebone.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Great presentations and questions. Perhaps this
2 is in a scoping document that I should have read.
3 I'm seeing the commercial data collection. The
4 (b) part of, I can't remember what you called it,
5 but there's a lot of talk about cooperative
6 research via EFP. And I'm just wondering if
7 there are funds to support such cooperative
8 research, especially at the scale of what's
9 proposed in the scope. Nothing that you are
10 giving preference to projects that have multiple
11 collaborations, which usually brings a larger
12 price tag, but just thinking about some of the
13 existing federal and cooperative research
14 platforms and what the maximum budget could be.
15 And wondering if there's any extra funding for
16 this coming down the pipeline? Thank you so
17 much.

18 MR. DURKEE: No. No additional
19 funding attached to that referral alternative.

20 MR. HUMPHREY: Yes, thank you.
21 Clarifying question. Bob Humphrey. That \$280
22 cost, is that sort of an average across the fleet

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 to cover all costs to the program? Or if a
2 fisherman was randomly selected to be part of the
3 10 percent, would there be additional costs and
4 therefore certain individuals could be subject to
5 more cost than others?

6 MR. DURKEE: Yeah, that's an important
7 question. So as drafted right now, that is the
8 idea of the equipment costs, the video review
9 costs, everything just all boiled down to a
10 percent basis. And as presented in at least this
11 DEIS, the idea would be that would be the cost
12 for every set a fisherman performed. As we more
13 fully understand what a vendor might charge a
14 vessel, it's probably more likely to be closer to
15 if a set was chosen to be reviewed that, that
16 cost would go to the fisherman specifically just
17 for that set that's reviewed. So that's kind of
18 involving understanding a little bit. But at
19 least as we're looking at the impacts right now,
20 that would be the cost per set for every set
21 performed.

22 MR. BROOKS: Thanks. Let's go to Tim,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 then Christine, and then over to Martha.

2 MR. PICKETT: Okay. I'm going to try
3 and distill out my questions from my comments.
4 One thing I struggled to try and find in all of
5 this is how you're identifying the goals of this
6 whole amendment. In my opinion, it needs to be a
7 quantified thing. But you know, just wondering
8 what does success look like with this and what
9 does failure look like with this?

10 And my last question is -- and I'm not
11 sure if you can answer this. But how many -- how
12 many, you know, private sector companies have
13 approached the Agency wanting to be an EM vendor
14 for the pelagic longline business?

15 MR. DURKEE: Yeah. We have a pretty
16 robust set of objectives for this rulemaking laid
17 out. In the public hearing presentation, we had
18 this kind of more formally listed. I've taken it
19 out of this presentation just to provide some
20 more time for discussion. But the way to kind of
21 high level summarize it is in those spatial
22 management areas -- those closed areas, we have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 no way of evaluating if they're meeting our
2 current conservation and management goals. So
3 how do we get data out of those in a bycatch risk
4 appropriate manner? That's kind of the top line
5 for that one.

6 On the EM cost allocation side, we've
7 got a program that has successfully turned dead
8 discards of bluefin tuna into landings. So the
9 question is how do we maintain that program? How
10 do we maintain the policing aspect of individual
11 accountability in the IBQ Program with cameras in
12 the context of NOAA Fisheries has explicitly said
13 they can't or won't pay for that program anymore.

14 So how do we maintain that program as we shift
15 that funding over to vessel owners?

16 MR. DURKEE: So that would be not the
17 specific actual objectives listed out there in
18 the DEIS, but it's kind of just a little bit of
19 an overview of what it would look like. So to
20 your second question, a number of vendors. We've
21 got a lot of interest from vendors asking
22 questions about the program. No one of course

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 has applied to the program, so I don't have a
2 number for that. But we're not the first program
3 nationally to have this kind of open approved
4 vendor list. So one example would be the
5 Northeast Groundfish Fishery. They have vendors
6 -- an approved vendor list. And I believe right
7 now, there's about nine vendors on that, that a
8 vessel owner or a cooperative of vessels could
9 contract with to provide those EM services.

10 MR. BROOKS: Thanks. Let's go over to
11 Christine and then Martha.

12 MS. KITTLE: Christine Kittle. I had
13 a question about your Desoto Canyon alternative
14 (b) option. The high bycatch area, that's that
15 big red box. And the alternative is the
16 cooperative research via EFP. How does that
17 differ from the EFP process that's currently in
18 place for individual EFPs? I know you said it's
19 streamlined, but what parts of that process are
20 going to be skipped over?

21 MR. DURKEE: No parts are going to be
22 skipped over. It would be the same as the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 current process we have right now. So if you
2 were to go out and collect lethal samples from a
3 shark, we have an EFP program that we can analyze
4 what those impacts to the environment would look
5 like. And we could consider that EFP request on
6 its own merits with that impact analysis.

7 So just kind of follow the same kind
8 of idea. We've done an impact analysis. And
9 provided that they -- that the EFP research
10 follows those guardrails, it would follow the
11 same existing EFP program we're in right now. So
12 it wouldn't necessarily skip over any of the
13 current processes that are in play.

14 MS. KITTLE: So is there public
15 comment part of that process even though the
16 impact statement has already been performed?

17 MR. DURKEE: So if a project met these
18 requirements, there would be no public comment
19 process, which is the same as all EFPs right now.

20 The public comment process is part of the
21 process when we're looking at the impacts. And
22 that's what we're doing right now. So that would

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 be the same as the bulk of the EFP -- 95 percent
2 of EFP applications we get, it would more closely
3 follow that. I think Karyl wants to add to that
4 one.

5 MS. BREWSTER-GEISZ: Thanks, Steve.
6 So I would just say that we every year issue a
7 Notice of Intent where we accept public comments
8 on what we expect to receive EFP requests for.
9 So that any comments on the EFPs for these areas
10 would be included in that Notice of Intent and we
11 would accept comments that way.

12 MR. BROOKS: Great, thanks. I've got
13 a few more folks in the queue for clarifying
14 questions. I've got Martha, then we'll go to
15 Alan, Marty. I think Amy, your card is up and
16 Jason, I think I see yours and Danny. So Martha.

17 MS. GUYAS: I'm all set, Bennett.
18 Christine asked my question.

19 MR. BROOKS: Perfect, thank you.
20 Alan.

21 MR. WEISS: Thanks. I have a quick
22 clarifying question and I have more extensive

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 things that I'll hold for the next portion. But
2 if you go back to Slide 22, Steve, that \$280 cost
3 per set, is that the current cost estimate?

4 MR. DURKEE: Yes.

5 MR. WEISS: Okay. So that's the
6 current cost estimate now in 2023, but the -- but
7 the estimates of the revenue and the expenses --
8 because it say the "median profit per trip is
9 based on 2018 to 2020". So that whole analysis,
10 the cost per trip really pre-dates the recent
11 period of high inflation. I'm in the fishing
12 gear supply business. We supply the pelagic
13 longline fishery. I can tell you, the major
14 components of the stuff that they buy; hooks,
15 leader material, main line, and snaps -- any
16 number of other things have gone up generally
17 between 20 and 35 percent since 2020. And I know
18 from speaking with the fisherman that fuel, bait,
19 and other costs have gone up tremendously as
20 well. So this doesn't really present an apples
21 to apples picture it seems of what the real cost
22 would be.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MR. BROOKS: Does it? He asked as a
2 clarifying question?

3 MR. WEISS: That's what I meant,
4 Bennett. Thank you.

5 MR. DURKEE: Yeah. Point taken. I
6 appreciate that.

7 MR. WEISS: Understood.

8 MR. BROOKS: Thanks, Alan. Marty.

9 MR. SCANLON: My concern from the very
10 beginning here as you present this is this. With
11 the executive summary of the amendment itself,
12 you state the goal of this special management
13 program is to evaluate whether or not the goals
14 of the intended closures are being met. And what
15 that affect would be on the individual vessels.
16 But nowhere in this document do you show that.
17 You left yourselves an open-ended book on what
18 you want to interpret to be your goals of today.
19 Not back when the closures took place. Why is
20 that? And how can that possibly be? I mean
21 that's Science 101. This is where we were at.
22 These were our intended goals. And how do we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 want to attain those goals and if we attain those
2 goals. But nowhere in this document do you show
3 us that. You've left yourselves an open-ended
4 book for your own interpretation and what you
5 feel that we should be accomplishing. How come
6 that is? And how can that be?

7 MR. DURKEE: That's important, Marty.
8 I appreciate you bringing it up. So that is
9 what we need to look at. We have these closed
10 areas and their specific goals these closed areas
11 are put in place to do. So do we look at those
12 goals and see if they were met or not? And we
13 have some information in the SAFE report. We
14 watch, you know, how bycatch has changed around
15 the closed area and monitor that. And that
16 information is available.

17 But looking at Amendment 15 going
18 forward, does it as much matter what the goals
19 were initially or does it matter now? So here's
20 an example. Shortfin mako sharks weren't on our
21 radar in the pelagic longline fishery back in the
22 year 2000. That wasn't one of the reasons it was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 closed. If we were to modify those areas and
2 allow some data collection, we couldn't just
3 ignore shortfin mako sharks. That is a concern
4 in the pelagic longline fishery that you have to
5 at least take into account.

6 So while looking backwards at what the
7 original goals of that closure were, we can't
8 ignore what the current conservation and
9 management goals are. The species we care about
10 are different. The number of vessels
11 participating are different. It's a different
12 fishery than it was back then. The fishery is
13 better at avoiding bycatch than they were back
14 then. There's just been so many changes that
15 having the context of what we care about right
16 now. It's important to remember what we did back
17 then, but it's more important to try and measure
18 that against what those conservation goals are
19 now if that answers your question.

20 MR. SCANLON: No, it doesn't answer my
21 question. What were the intended goals
22 originally? Because that's what this is intended

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 to do. It states in the executive summary that,
2 that was the goal of the entire amendment is to
3 look at whether or not those conservation goals
4 were met at the time of the closures. We
5 understand that there's other challenges that
6 have come forward from that timeframe, but that's
7 not what it states here. We still need to
8 understand what the goals were originally and
9 then understand like you said, all the different
10 components that the fleet has gone through to
11 meet those objectives, whether they've been met,
12 and what new challenges may be presented to the
13 fleet at this time. That would be appropriate.
14 But to totally ignore what the intent was way
15 back when --

16 (simultaneous speaking)

17 MR. BROOKS: Hang on a second, Marty.

18 I'm getting notes -- I'm getting a note that
19 we're not hearing online, so let me just make
20 sure. Folks, are you -- Yeah, they've lost
21 audio. Can we take a look at that? Okay, it's
22 back on.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MR. SCANLON: You know, I mean how do
2 we go forward if we don't look and revisit where
3 we were at? You know, what were the goals?
4 That's a simple question. What were the original
5 goals? That's what it states right from the
6 moment I opened the book and started reading it,
7 that what the challenge. But we don't even look
8 at that challenge. We're looking at what we
9 perceive it to be today in today's environment.
10 And that's not what the amendment says.

11 MR. BROOKS: Let's get Steven on this.

12 MR. DURKEE: Yeah. So in the
13 amendment, it has information on why they
14 originally were closed. The intent of that
15 executive summary was not to communicate what
16 you're taking from it. So we should definitely
17 look at it and see what the sections are. And if
18 the team has misdrafted that, we've got to
19 address it. But I think the amendment's pretty
20 clear that we're looking at current conservation
21 and management goals. But let's look offline and
22 look at the executive summary together.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MR. BROOKS: Marty, let's put on hold
2 any other comments on this so I can get other
3 clarifying comments. Then we'll come back.
4 Let's bring in Amy.

5 MS. DUKES: Thanks, Bennett. Steve,
6 great presentation. It's a very complex
7 amendment. I really appreciate all your
8 attention and understanding and patience with us
9 as we ask these questions. My question is
10 specific to the EFP. You talked about how
11 applications could be provided, but not
12 necessarily approved. Could you go into a little
13 bit more detail on the history of EFPs maybe
14 specific to all the areas, but my questions of
15 course are more so based on the Charleston Bump.
16 The number of applications received versus the
17 number of applications that have actually been
18 approved. If the intent is to try to actually
19 get additional data collections from the
20 commercial fishery, I want to see if those
21 opportunities that are presented in here for the
22 commercial fishermen will actually come to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 fruition.

2 MR. DURKEE: That's a deep question as
3 far as the purpose of the EFP program in general
4 and what it looks like for this amendment
5 specifically. So taking a step back, the
6 Exempted Fishing Permit Program really is by
7 exempting certain research from current
8 regulations in commercial and recreational
9 fisheries. So if there was a research question
10 or a gear technique question or something, a
11 researcher could apply to be exempt from certain
12 regulations provided that it meets the management
13 goals of that FMP. So it's kind of the purpose
14 of the program. So that is kind of what is with
15 this as well. So in those red areas, pelagic
16 longline use would be prohibited. So an EFP
17 would be required to be exempted from those PLL
18 restrictions.

19 So as far as the number of vessels or
20 researchers that might be interested in doing it,
21 I don't expect there to be very many. It's an
22 expensive program. Would it happen at all?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Maybe not. Would it happen commonly? Probably
2 not. But I couldn't provide an estimate on how
3 many it would be.

4 MR. BROOKS: Thanks. Let's go to
5 Jason, then Danny, and then David.

6 MR. ADRIANCE: Thanks. Jason
7 Adriance. I think this is a clarifying question.

8 In terms of back to goals and objectives and
9 shifting this burden of cost, what are you
10 getting with the EM versus just maintaining the
11 traditional IBQ and traditional catch reporting
12 methods? In terms of goals of this, what is that
13 providing you that -- What's so great about the
14 EM versus those in placing this burden on the
15 fleet?

16 MR. DURKEE: That's the crux of the
17 question. So looking at pre-A7, we had a
18 regulatory discard problem, which across the
19 board, no one likes. There were times when the
20 pelagic longline dead discards were 200 percent
21 of that category's quotas. There were times when
22 the entire U.S. underharvest carryover went to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 cover dead discards of the pelagic longline
2 fishery.

3 A7 did some things right and maybe did
4 some things that we could tweak a little bit.
5 But in general, A7 turned those dead discards
6 into landings and removed that as a problem. One
7 of the ways it did it was individual
8 accountability. And when you have individual
9 accountability, you've got to have some kind of a
10 policing system in place. The problem with
11 bluefin tunas, it's not a targeted species. It's
12 an incidental species. So how do you watch
13 what's happening on the water? And it was very
14 clear at A7 when it was developed that cameras
15 were the way to monitor on the water.

16 So with our proposed and preferred alternative,
17 what we're proposing is that yes, that EM program
18 is a core component of supporting the IBQ program
19 that has been successful in meeting those goals
20 of reducing regulatory discards.

21 MR. BROOKS: Thanks. Let's go Danny,
22 David, then Christina. And I think we'll start

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 shifting to comments shortly here.

2 MR. COFFEY: Thank you for your
3 presentation, Steve. In addition to the bycatch
4 species, was the spatial and temporal overlap of
5 target species also taking into consideration
6 with regards to PRISM and these alternative
7 proposed closed areas? Thank you.

8 MR. DURKEE: The short answer is no.
9 Not for PRISM and looking at high and low bycatch
10 risk areas. We weren't as concerned of where the
11 target species are, like a swordfish. The
12 fishermen know where those are, where they're
13 going to target, et cetera. What we're more
14 concerned with is reducing impacts on those
15 bycatch species. So PRISM looked at only those
16 bycatch species. Now that said, in the impact
17 analysis though, we've got to look at the
18 economic and social impacts as well. So there we
19 did look at target catch changes based on CPUE in
20 these different areas. But those target catch
21 were not formally included within the PRISM
22 modeling.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MR. BROOKS: Thanks. David.

2 MR. SCHALIT: A clarification in
3 connection with an item on Page 16 -- the top of
4 Page 16. I'm wondering why the PRISM model is
5 not taking into account recent increases in deep-
6 set pelagic longline technique? It would seem to
7 me that these changes will affect selectivity.
8 They will also affect the species encountered.
9 And you know, I just recently had this
10 conversation with Michael Shirrippa in connection
11 with ICCAT. You know, we know for example that
12 the Taiwanese are using the deep-set technique
13 and the Japanese, but the Moroccans, no. And
14 yet, the SERS is looking at CPUE for example for
15 all these as comparing apples to apples, but it's
16 not. It's really, you know, that -- And it seems
17 to me a small thing actually to account for these
18 changes in the use of the gear. It's not a big
19 deal and I'm wondering why it hasn't been taken
20 into account. Can you enlighten? Thanks.

21 MR. DURKEE: Yeah. So the PRISM model
22 used observer data from 2019. And deep-set in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 the Atlantic is new enough that up through 2019,
2 there wasn't a lot of effort -- deep-set effort.

3 So it wasn't formally included within that
4 model. Now one of the really big strengths of
5 the PRISM model is the -- the enormous amount of
6 input data that came into there. And so having
7 that large timeframe of all that information
8 coming in is making that a very robust validated
9 model.

10 So in order to actually incorporate
11 with deep-set, what we have to do is look at sets
12 post-2019. And all the sudden, you've reduced
13 your sample size. If your question is can we do
14 that? The answer is yes. What does it look
15 like? I don't know. We haven't done it. But if
16 you're asking me why it wasn't included, it's
17 because, you know, PRISM was started to be
18 developed two years ago. The data we had
19 available at the time was through 2019, but it
20 wasn't excluded for any particular reason. It's
21 just how events collided.

22 MR. BROOKS: Thanks. All right. Tim,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Jason, are these clarifying questions?

2 PARTICIPANT: No.

3 MR. BROOKS: No. Jason -- Jason left,
4 okay. I'm not seeing any hands up online here.
5 So I want to just pause. Okay. So let's shift
6 to comments. Obviously I anticipate folks have a
7 lot of thoughts and perspectives to share here.
8 I just want to -- We've got about -- a little
9 less than an hour for the conversation this
10 morning. So that's a good chunk of time, but I
11 know folks will have a lot to say.

12 I just want to really encourage folks
13 to be as focused in your comments. Your comments
14 will be most -- of greatest benefit to the
15 Agency, the more focused they are on the
16 alternatives and specific concerns or
17 suggestions, that kind of thing, you know, and
18 share time so that we get to get everybody in.
19 And the Agency gets to hear the range of views
20 here. So let's open it up. Tim, we will start
21 over with you.

22 MR. PICKETT: Okay, my first comment

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 is that I think it's owed to the industry to
2 establish a goalpost to understand what they need
3 to be working towards.

4 Just saying bycatch reduction,
5 evaluation, data collection, that's not much of a
6 carrot.

7 I think the industry is owed
8 definitive goalposts to -- in my experience
9 that's the way of generating results.

10 You need to know exactly what you're
11 working towards, exactly what your rewards are
12 going to be for reducing bycatch, all of these
13 things.

14 The industry has, and the brain trust
15 that's involved in the industry, a lot of these
16 guys have been doing this for a very long time.

17 You tell a guy, "I don't want you to
18 go catch blue marlin," his ability is pretty good
19 to do that if he's incentivized to do so.

20 So I think that needs to be, as an
21 overarching thing with all of these. And I'll,
22 in my written comments, I'll go through the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 alternatives and things like that explicitly, but
2 I think overarchingly there needs to be some sort
3 of goalpost that says, okay, if you as the
4 industry do a good job, this is what we're going
5 to give you.

6 If you do not, the status quo is going
7 to continue or this is what kills it.

8 My next thing, I got an RFP from NFWF
9 a couple months ago, or a month or so ago,
10 looking for proposals to expand electronic
11 monitoring.

12 I thought that was interesting in
13 expanding something that we can't afford to
14 continue to be funded by the government.

15 I think as you go forward in those
16 efforts to expand electronic monitoring, it needs
17 to be advertised as something that whatever
18 industry it's going to be hoisted upon is going
19 to eventually need to pay for it.

20 And I know NFWF doesn't have -- it's a
21 mixed up thing, but I think that needs to be
22 advertised from the get go because I don't

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 believe it was explicitly advertised when this
2 all came down the pipeline the first time.

3 My last thing is I had asked Steve
4 about how many inquiries they've had into having
5 an electronic monitoring company for this fleet.

6 And I've thought about it as an
7 equipment manufacturer and as an equipment
8 supplier, that, hey, that would be a good avenue
9 for maybe us to get involved with.

10 And then I started thinking about it.
11 To me, businesswise, it seems like a loser to try
12 and get into that.

13 Just because the future of the
14 industry is so volatile, I had two orders
15 cancelled in the last six weeks that were big
16 orders for domestic boats that were going to be
17 put online, that they decided to not put online
18 because of this, because of Amendment 15.

19 The future, from a business
20 standpoint, if we were to invest in training
21 personnel in terms of developing equipment and
22 things like that, that's a major capital

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 expenditure for a company that would look into
2 getting into this.

3 This logistics of having this fleet,
4 unlike the groundfish fleet, which is
5 concentrated in two to three places, this fleet
6 is all over the east coast and the Gulf of
7 Mexico, spread out.

8 Logistically, it would be a nightmare.

9 And the fleet's aging. Like I said, there's no
10 carrot at the end of this.

11 So for a private company to invest in
12 that infrastructure and training people and
13 getting people on the road and things like that,
14 I mean, even if the numbers there, which are big
15 numbers in the industry, and plus the fact I
16 didn't want to have everybody in the industry
17 that would be buying equipment from me absolutely
18 hate me.

19 Even with those numbers, I don't see
20 it being financially, for the long haul, being
21 justifiable for a company to do, especially in
22 this industry.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 So that's my comments. I'll have
2 better organized ones in writing for all these
3 alternatives.

4 But that's what I have for right now.

5 MR. BROOKS: Thanks, Tim. Jason, your
6 card was up before. Was that -- no? Okay,
7 great. Let's go to Charlie Bergmann online and
8 then we'll come back in the room.

9 MR. BERGMANN: Well, now, where do I
10 start? I'm going to probably keep my comments
11 more towards the Gulf and the Desoto Canyon
12 closed area.

13 Steve, could you put up that slide
14 that showed the preferred -- yes, that one right
15 there.

16 While this may be the agency's
17 preferred model, it certainly would not be a
18 preferred model from the industry's standpoint.

19 Over the last 20-some-odd years, folks
20 have gotten used to fishing in that area, in the
21 area adjacent to both the upper closed area and
22 the lower closed area, where you've encompassed

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 that area with this preferred alternative.

2 By closing off that preferred
3 alternative, that's the area where these folks
4 that fish around Desoto Canyon fish.

5 So, I don't see the benefit there at
6 all. There was a comment earlier about the goals
7 and part of the analysis was to target CPUE.

8 If that, in fact, is one of the data
9 analyses, then when you close off this end of the
10 preferred area, the main spot that these folks
11 from the Gulf fish, then you adversely affect the
12 CPUE.

13 I'm still of the belief that this cost
14 recovery that the agency keeps talking about in
15 the second half of this amendment, this cost
16 recovery is transfer of cost.

17 I'm of the belief that it doesn't
18 comply with the Magnuson Act in relationship to
19 the LAPP program, because it's my understanding
20 that it can only be a 3 percent recovery, and you
21 are at 19 percent using data that's five or six
22 years old, which in reality would mean a much

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 larger percentage.

2 So I'm very much interested in hearing
3 how you're going to benefit the conversation and
4 the fishery by closing off the main portion of
5 the Eastern Gulf of Mexico. Thank you.

6 MR. BROOKS: Thanks, Charlie. Let's
7 go back into the room. And actually, a reminder
8 to folks. I've gotten a couple of comments that
9 it's sometimes a little hard to hear folks if
10 you're not right into the mic.

11 I know we'll be getting a little bit
12 of feedback. So try to get close to the
13 microphones, and if you're getting feedback,
14 let's just swap a different microphone.

15 Let's go to Allen, then Rick, and then
16 Marty.

17 MR. WEISS: Thanks, Bennett. Since
18 this draft amendment was released earlier in the
19 year, I've been particularly focused on the
20 portion dealing with the EM cost allocation,
21 because the preferred measure in this section
22 would have draconian consequences for the pelagic

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 longline fishery.

2 In the amendment itself, it says the
3 direct social and economic impacts on the vessel
4 owners is expected to be moderate to major
5 adverse.

6 The biggest problem is the
7 inconsistency with the Magnuson Stevens Act and
8 also the NMFS Procedure 01402 that's cited in a
9 number of places.

10 It's been widely acknowledged that
11 this EM system was put in place in support of the
12 IBQ program which is limited access privilege
13 program.

14 We're referenced to section 303a of
15 Magnuson, which says that you have to develop a
16 methodology and a means to identify and assess
17 the management, data collection, and analysis,
18 and unfortunate programs that are directly
19 related to and in support of the program, and
20 provide under section 304d2, a program of fees
21 paid by limited access privilege holders that
22 will cover the cost of management, data

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 collection, analysis, and enforcement activities.

2 I don't see in the draft amendment any
3 reference to Section 304d2, only 303a, but if you
4 jump to 304d2, which is referenced in 303a, it
5 says the secretary is authorized and shall
6 collect a fee to recover the actual costs of
7 things already mentioned.

8 But it says shall. It doesn't say may
9 or could. That means, shall means you have to do
10 it.

11 And it says such fee shall not exceed
12 3 percent of the ex-vessel value of fish
13 harvested under any such program.

14 And on Page 4 in the Procedure 0411502
15 there's Footnote 7 that paraphrases the language
16 of that 3 percent limitation. So it's in both
17 places.

18 I've been wondering and asking NMFS
19 personnel, including some of the people here, who
20 have been working on this amendment, why they
21 think that the statutory limitation does not
22 apply.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 On more than one occasion, I was told,
2 oh, that limitation only applies to
3 administrative fees and these costs are for
4 sampling.

5 Well, that's just not true. The law
6 clearly states that the limitation applies to
7 management, data collection, and analysis, and
8 enforcement costs.

9 I was also told that the limitation is
10 not applied by the EM program itself is not a
11 LAPP. Obviously, everyone knows that, but as
12 stated in the amendment, this is support of the
13 LAPP, and so that feeds directly into the
14 language of the Magnuson Act that directs you to
15 the 3 percent limitation.

16 I was also told that the statutory
17 limitation does not apply to sampling costs, as
18 if sampling is not a synonym for data collection.

19 It is.

20 And finally, I was told that the
21 proposed cost to be imposed on the pelagic
22 longline vessels isn't really a fee because it

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 will be paid directly to third-party vendors, not
2 to NMFS.

3 Well, the Magnuson Act clearly states
4 that you shall collect a fee to cover management,
5 data collection, analysis, and enforcement costs
6 associated with a LAPP.

7 And inasmuch as you are not proposing
8 any other costs or fee, this cost must constitute
9 the fee that is required by the Magnuson Act.

10 Do you really think that by delegating
11 the revenue collection responsibilities to third-
12 party vendors that you've found a way to
13 circumvent the requirement of the Magnuson Act?

14 Don't you see that the 3 percent
15 limitation that was put into Magnuson
16 demonstrates that the clear intent of Congress
17 was to ensure that the costs for management, data
18 collection, and analysis, and enforcement
19 associated with LAPPs should not become an
20 owner's burden for fishery participants.

21 And they most certainly did not intend
22 moderate to major adverse impacts as is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 characterized in the draft amendment.

2 There are other things that I could --
3 that I would speak to and ask about, but I'll cut
4 that there for now as that's it for that portion
5 of it. Thank you.

6 MR. BROOKS: That's great, Allen.
7 Thank you. And I want to sort of characterize
8 that a little bit as a clarifying question, too,
9 and invite the agency to address whatever parts
10 of that are helpful.

11 MR. DURKEE: Yes, no, and I'll see if
12 anyone else wants to speak to this a little bit.

13 I think you did a good job at least summarizing
14 our interpretation as it exists right now,
15 interplay between the cost allocation policy and
16 the cost recovery portion of MSA.

17 I don't have much more to add to it.
18 That's our understanding right now, but your
19 comments are very much appreciated and we're
20 writing them down and we're taking them back to
21 consider and think about.

22 But beyond the summary you've already

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 provided, what we've provided back to you, I
2 don't have much more to say about it. But thank
3 you.

4 MR. BROOKS: Okay. Thanks. Rick
5 Weber?

6 MR. WEBER: When I thought I was
7 rotating off, which it turns out I've got one
8 more year, I gave good thought to what lessons I
9 may have learned over that time and what my
10 departing comments, because I'm still not in
11 favor of the rotation, but it means every six
12 years I get to have an uninterrupted op-ed, so
13 I was looking forward to it.

14 Not to mention Labor Day weekend would
15 be a lot more fun. Yes. But there were lessons
16 learned there that I think I should -- I still
17 want to bring to this because it's really
18 relevant.

19 And this body used to be a lot more
20 contentious. And the sectors would snipe at each
21 other a lot.

22 And it was only the openness of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 agency that developed that trust, that brought
2 the whole temperature down.

3 It was a shift I think within the
4 agency that brought the temps down. People
5 stopped fearing for their very existence.

6 When we used to have comments, we had
7 to prepare, I can remember the white marlin ESA
8 listing clearly because I had to prepare comments
9 every -- because the range of options went from
10 we might close it entirely or we might leave it
11 status quo.

12 Give us all of your comments. And it
13 was only over time and preferred alternatives
14 that brought things down.

15 As it comes to spatial management and
16 taking a lot of things and making them inside the
17 EFP program, you've got -- that's bringing a lot
18 of it back into the black box of we might let you
19 what you don't like where you don't like it, and
20 it will be entirely our decision and you won't
21 even necessarily get public comment.

22 That increases the fear. It increases

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 the black boxness. It increases the sniping
2 between the sectors because we don't know what
3 you might do at any given moment.

4 And we have to protect ourselves from
5 the black box. And so the more insight you can
6 give to this body and to the fishing public in
7 general, and I know that there's the guidelines
8 that you've put in there, if we did it, it would
9 need to look like this.

10 But those people who are concerned of
11 what you're going to do are going to be
12 naturally, I'll say, afraid.

13 That said, the other piece that I have
14 learned over time is that there are sectors that
15 fear for their very existence, and appropriately
16 so, if we look back.

17 There are sectors that are simply not
18 here anymore that have made us irrelevant on the
19 international stage because we don't even have
20 those sectors in existence.

21 And each time, no one said, we're
22 going to get rid of this sector.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 No one says that. It just happens
2 because of unavoidable decisions stacked on
3 unavoidable decisions stacked on unavoidable
4 decisions.

5 And sooner or later, the sector just
6 fades into non-existence. And you are hearing
7 that from one sector very clearly right now that
8 we are, again, on the verge of losing a sector.

9 And cost recovery and, I flinch when
10 my credit card fees go up by 1 percent or my
11 insurance company throws an increase.

12 And I have no choices. There is no
13 choice. Correction, I do have a choice. And it
14 is the choice that this sector does not have, and
15 that is, I have the choice to raise my prices.

16 And I don't think cost recovery would
17 be a problem if the sector was able to raise
18 their prices.

19 If the cost of swordfish or bigeye
20 tuna in the U.S. should be higher because of the
21 way the government wants that fish caught, and
22 the protections that they want on those fishes in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 those regions in those bycatches, that's
2 reasonable.

3 What is not reasonable is to then
4 import unlimited quantities of competing fish
5 that are not complying with those.

6 That's where it becomes unreasonable,
7 because you have one half of the U.S. government
8 saying you have to do it this way, and another
9 half of the U.S. government saying, but they
10 don't have to.

11 If the cost of tuna in the U.S. had to
12 be higher to fish the proper way, I think the
13 sector would be able to deal with that if they
14 could pass it on, which is what happens in almost
15 every other industrial sector.

16 As costs go up, consumer prices go up.

17 That is what should happen. Except, we're
18 letting in unlimited quantities of product that
19 doesn't have to do that.

20 And I see that as a real problem and I
21 don't know how to directly solve it when this
22 body who brings the pain is different from the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 body that brings the protection.

2 And right now, we've got the pain
3 bringing body ahead of the protection bringing
4 body.

5 And that's not right to the sector.
6 And we risk losing the sector. And that is what
7 the sector keeps trying to tell you, is give us
8 the protections.

9 Why is it, I mean, we've all, almost
10 everyone here is IAC as well, so we've all heard
11 Dewey appropriately say, this is my compliance
12 manual, whereas all of the other CPCs compliance
13 manual.

14 He's right in some extent. And I
15 don't know how to incorporate that into what
16 you're doing here, Steve.

17 I really don't. But it's high level
18 and overarching and really important as you're
19 trying to do both pieces.

20 And so, take that for what it's worth.

21 I am one who would say that any pound of fish
22 that is not caught by U.S. longliners, that is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 caught by another nation's longliner, is
2 inherently a dirtier pound of fish.

3 We have the best and the cleanest and
4 it is appropriate to strive to make it better. I
5 like that we strive to make it better.

6 But when these people are saying
7 they're going to be catching less fish or don't
8 know if they can continue in this financial
9 circumstance, I think that's real, and I think it
10 has to be a concern of the U.S. in a broad
11 overarching.

12 I'm sorry I don't have anything
13 clearer to comment on, on a point by point, but
14 give those things some thought, please.

15 MR. BROOKS: Thanks, Rick. I
16 appreciate it. Marty?

17 MR. SCANLON: Well, thank you for
18 that, Rick. Certainly would be definitely a help
19 there.

20 Some of the things I want to just
21 bring to our attention here is we talk about 69,
22 limiting it to 69 sets in the Charleston Bump

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 area.

2 If there's cap limits, why would there
3 have to be a set cap, if there was cap on the
4 bycatch? Why is that necessary?

5 Now that, to me, that's redundant.
6 And when you talk about the cap limits on the
7 bycatch, are you taking it to a count, to read,
8 to shift an effort?

9 What would the catch be outside the
10 area as opposed to inside the area? In the
11 original documents that were looked at in the FES
12 with the closed areas, it indicated that we would
13 increase our catch on certain billfish, increase
14 our catch on bluefin tuna, by closing these
15 areas.

16 So, and that's why I say, we need to
17 look, we should be looking at the original
18 document as well as what's going on today.

19 Just can't ignore the history of this.

20 On top of that there, with the EFP, if there
21 wasn't any EFP, no one came up with an EFP to
22 take a look at that in these areas, what's the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 willingness of the agency itself to do research
2 in those areas, then?

3 Are they just going to become --
4 continue to be black holes in the data
5 collection?

6 The other thing I have of concern is
7 the age of equipment. I mean, this equipment had
8 been on these boats since 2015.

9 Now it's nice and convenient for the
10 agency to say, okay, you take care of the
11 maintenance of these equipment, but that's like
12 giving me a used car and telling me, okay, you
13 keep it on the road. You use it to go to work
14 every day.

15 Obviously, we're starting off at
16 square one, saying, okay, listen, we're going to
17 implement this cost, but we're going to put all
18 the equipment on your boat and from day one here
19 now, you're responsible to maintain it.

20 But that's not what's happening it.
21 We're getting a used car here. Some of the other
22 things that I got is you do your analysis and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 you're looking at 19 percent on the net.

2 Now, do you take into account that
3 part of the net, we pay off the net, we pay the
4 crew. 50 percent of the money goes to the crew
5 on these vessels.

6 That's how the breakdown is. 50
7 percent goes to the boat owner to maintain the
8 boat and its equipment. The other 50 percent
9 gets divided up amongst the captain and the crew.

10 So, has that been taken into account?

11 And then in doing your analysis, do you take a
12 look and see what that 19 percent course of how
13 many vessels do you anticipate being driven out
14 of business as a result of this?

15 We've looked at A7. It says the
16 implementation of A7, this way is contracted by
17 10 percent a year.

18 We started off at 135 or 134 active
19 vessels under the current criteria. Seventy
20 vessels got IBQ at the beginning of this year.

21 Now the last numbers that we heard in
22 questioning that is there's like 84, 87 vessels

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 right now that's a new entrance and they've been
2 able to acquire IBQ.

3 So if the number was 87 but just from
4 the effects of A7 alone and everything that's
5 been put on us since 2015, we've reduced the
6 fleet by about 40 percent.

7 What is this going to do to the
8 remainder of the fleet? And the vacuum that's
9 going to create on the open market, on our
10 domestic seafood market.

11 I mean, we're denying the American
12 public access to these fish when you deny our
13 pelagic longline fleet the ability to harvest
14 these fish.

15 And I don't know whether you realize
16 that or not. I mean, we're like a second
17 thought. We produce -- we're an essential
18 industry.

19 Under COVID, we were an essential
20 industry. The country relies on us for seafood.

21 And we continue to make -- the industry has no
22 problem making the sacrifices that it takes to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 maintain sustainability.

2 We have an unbelievable burden on us.

3 I mean, even though we only have 8 percent of
4 the swordfish quarter, we're 100 percent
5 responsible to maintain the sustainability of
6 that stock in the entire ocean.

7 And we've handled that burden. This
8 fleet's handled that burden. The guys on the
9 left have done an incredible job being able to
10 maintain that.

11 But we get no reward. There's no
12 carrot at the end of the day here. It's like Tim
13 talks about. What are goals?

14 What do you anticipate? What more do
15 you want out of this fleet to be able to operate
16 and be successful?

17 And at the end of the day, we're here
18 to make a profit. We're here to feed people.
19 We're here to feed our families. And we're here
20 to participate and add to our communities.

21 We're looking at the infrastructure
22 along the coast here. More and more fish houses

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 are going out of business.

2 I mean, you've got a category that
3 catches and harvests fish. Where are you going
4 to unload those fish sooner or later? There's
5 not going to be a facility to unload them at.

6 These facilities are dependent on the
7 combined all the rest of the commercial fisheries
8 in this country that are left, each the fish
9 houses depend on each and every one of them for
10 their survival.

11 And every year, more and more of them
12 are being put out business. They're being forced
13 to go out of business because there's not enough
14 profit.

15 Trucking is a major concern today.
16 The truckers, they don't have enough product to
17 make it profitable for them to bring these fish
18 into the inner portions of the country.

19 And essentially, we're denying access
20 to the oceans to the middle of the country by
21 doing this.

22 So, I mean, we need to look at the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 whole picture.

2 MR. DURKEE: Marty, there's a lot of
3 comments that we're writing all down. So I don't
4 want to skip over that.

5 I just want to hit one clarifying
6 point that you initially brought up, the bycatch
7 caps. Bycatch caps were one of the options that
8 we had in monitoring areas that we did not
9 prefer.

10 So I would agree that bycatch caps
11 might be somewhat redundant with the effort caps,
12 but we find effort caps are easier to track and
13 count than individual bycatch caps for different
14 species.

15 But just wanted to clarify that.

16 MR. SCANLON: But why would it be
17 necessary if you have bycatch limits to begin
18 with, why would you have to limit the amount of
19 sets that are made in those areas?

20 If those guys are able to go in those
21 areas and harvest their targeted and directed
22 catch without having problems with the bycatch,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 why would they not be allowed to continue to fish
2 there?

3 Why would that make any season? That
4 requirement is redundant in its regulation.

5 Automatically, no matter how good a
6 job these guys did, they're going to be shut down
7 after 69 sets. It's not enough sets in that area.

8 I mean, 69 sets there, on a given
9 trip, I'm a small time boat, and most of the
10 boats have adapted to being a small time boat,
11 especially since COVID.

12 They demanded. The market itself has
13 dramatically changed post-COVID, all right? So
14 my trips are anywhere from three to six sets,
15 which is seven days, eight days at the most.

16 So you do the math. In three months'
17 time, for me to make my boat profitable, I've got
18 to make anywhere from 12-15 sets a month.

19 So what you're basically telling me is
20 that my boat was to set up shop in that area, and
21 that's what it takes, you need to go and you're
22 going to bring your boat there, you've got to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 find a facility to partner with that you're going
2 to be able to offload your product, you've got to
3 align the truckers.

4 It's all part of the process. You've
5 got to go out there. You've got to make X amount
6 of sets per month to make it profitable.

7 But to do that, what am I going to --
8 if I could do that for my own boat, I need to be
9 able to make -- be able to make 36 sets in those
10 three months to make that profitable for me.

11 That's one vessel. So you're talking
12 about giving access to that area to basically two
13 vessels.

14 And that's not enough to make a buyer
15 invest his time and profit into sending out a
16 mechanism to get those fish in and out of that
17 port.

18 I mean, it just doesn't work. So, I
19 mean, to me, there's no reason to have set limits
20 when you already have the bycatch limits in
21 place.

22 The bycatch is the protection. The

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 other question I have is this. We had other
2 closes in very sensitive areas that were closed
3 to us.

4 The Gulf of Mexico, for example,
5 between the GREs and the closed areas. And we as
6 an industry demonstrated to NMFS that we could go
7 in those areas and effectively fish in those
8 areas and avoid what you didn't want us to
9 interact with.

10 That's the skill of the fishermen that
11 are left in the country. And we were successful.

12 Same thing in the northeast, bluefin tuna closed
13 area in June and July.

14 We did the exact same thing. Why is
15 this area here so much more important that we
16 can't operate under the same conditions that
17 we've already demonstrated to the NMFS that we
18 can't be successful.

19 I don't understand it. Why are these
20 extra hoops and -- why? There's no reason.

21 Those areas here, I look at you've --
22 what I'm looking at here is you've eliminated in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 those red areas what you are considering to
2 really, an unproven theory, as far as I'm
3 concerned, of what would be a higher interaction
4 on my catch.

5 So the other areas would have minimum
6 interactions. Why aren't those areas at least
7 allowed to be fished under the same criteria that
8 was set up in the Gulf of Mexico and in New
9 England bluefin tuna closed areas?

10 Same conditions. Why aren't they
11 being allowed to do the same thing?

12 You've reviewed, if we had reached
13 those cap limits in any one year, it would have
14 closed the program down for the remainder of the
15 year and it may not have reopened the next year,
16 is what the statute was.

17 I mean, I don't know why this isn't
18 being done that way. Why are we making it
19 impossible for guys to even want to invest in it?

20 I mean, this could be accomplished
21 much more simpler and much more industry
22 friendly. I mean, this industry needs the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 relief.

2 If nothing else, A7 has shown us that
3 the industry needs the relief. Forget about the
4 430 vessels back in the original closures back in
5 1996.

6 Forget about that. Just look at from
7 A7. You want to talk about today? Just look at
8 from 2015 where we're at and how this industry
9 has contracted.

10 And now you're going to put this
11 additional burden on this industry. It'll be the
12 collapse of this industry.

13 This is nothing more than a public
14 lynching of this industry. It can be explained
15 no other way.

16 It's almost disgusting to have this
17 presented to us the way this is being presented.

18 MR. BROOKS: Marty, I want to leave
19 some space for others to come in. Thanks.
20 Raimundo? Let's get you a different mic.

21 MR. ESPINOZA: Let's see. All right.
22 Thank you. One of the things that I'm seeing is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 a lot of the -- I am coming from just the
2 perspective of the EEJ, that this is affecting
3 specific communities, of course, throughout the
4 coast.

5 But I also see, and folks have already
6 begun being impacted. I've heard of orders
7 cancelled already because of the proposed.

8 So this is already having an economic
9 impact. One of the things that I also see is,
10 I'm bringing that up how other fish being
11 imported are not as sustainable as the ones that
12 are being caught.

13 I think that's something everybody can
14 agree on as well. One of the things that I don't
15 see, even though there is a lot of funding here
16 and the 3 percent is being brought up, I do see
17 that there's potential solutions for this that
18 could be explored through a lot of different
19 avenues of sustainable financing that incorporate
20 a lot of the imports that are already being
21 brought in and funding that's already being
22 brought in through these programs that are being

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 received through NOAA.

2 So I was wondering if those funding
3 mechanisms usually funding SK programs, if that
4 has been explored to see with USDA if some of the
5 money that's being brought in from the same
6 fisheries that would compete against these
7 fisheries to create other forms of sustainable
8 financing.

9 Because this is not going anywhere.
10 This is something, these are mechanisms and tools
11 of management that are going to remain.

12 And again, part of the issue is how
13 will these be financed in the long-term? The
14 laws really specify how they should be done as
15 well.

16 So I'm thinking, I'm wondering if
17 there's other avenues for the funding that has
18 been, other than just sinking sources of funding,
19 either NOAA pays and it just gets the money and
20 it goes down the drain, or fishers pay and then
21 that continues being drawn out from their
22 pockets.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 If there's other sources that have
2 been discussed or proposed or opportunities to
3 create that dialogue to see if that can be
4 created. Thank you.

5 MR. DURKEE: Yes. No, so, the answer
6 is no. We don't have any other sources of
7 funding. Ideas of taxing imports, et cetera,
8 those are all ideas we've heard.

9 But that is not something that we're
10 capable of doing. What we do have explicitly is
11 guidance from NOAA fisheries that says they won't
12 pay for the EM program and those costs have to go
13 to industry.

14 So as far as any internal NOAA funding
15 available, it doesn't exist as far as I'm aware.

16 MR. BROOKS: Randy?

17 MR. BLANKINSHIP: And Steve is
18 correct. But we've also pointed to the potential
19 for external funding sources.

20 There was a mention earlier, I
21 believe, as Tim Pickett referenced, the NFWF RFP
22 on electronic monitoring, programs like that.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 If there are others that might come
2 along or new ones, those potentially provide some
3 opportunities.

4 MR. BROOKS: Thanks. Got a couple
5 more folks in the room again. I'm not seeing
6 anybody online, but if you want to, Ally, we
7 haven't heard from you today, so let's go to you
8 and then we'll go back to, no, Tim, your card is
9 back down, then over to Allen.

10 MR. MERCIER: Yes, I've been in the
11 industry for over 40 years. I know Marty. I
12 fish in straits in Florida. We got closed down.
13 Stopped.

14 Wrecked every boat. At least we had a
15 boat to travel. Going to start traveling. Then
16 moved up to Charleston.

17 Fished up there until we got closed
18 out of there or dates or months we couldn't fish.

19 Fished all the Caribbean until we got shot out
20 of that.

21 They won't let us do that no more.
22 And then I started getting a lot of EFPs and did

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 a lot of EPFs for NOAA.

2 I did the research in the straits of
3 Florida for four years. Take three years out of
4 the four years, throw one out.

5 I did a lot of different stuff for the
6 government and I'm doing stuff now, but when I
7 see what's going to happen with the industry now
8 out of this monitoring system, they're done.

9 I hate to say that, but the industry
10 is over with. We can't just afford it anymore,
11 because as a boat owner, I own the boat all my
12 life.

13 It's just, only so much of the money's
14 left and it's gone. And I talked to other couple
15 fishermen who are good fishermen out there now
16 and they've told me the same thing. They're
17 going to sell their boat, get out.

18 And it's a shame. They'll lose the
19 fleet. I know the fish market industry because I
20 had a fish market, too, and imports.

21 Yes, we can raise our fish, but all
22 these restaurants, they look for the cheapest

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 thing they can find. They don't care. Because
2 I've been there.

3 And it's a shame. Because everyone in
4 the Keys, they think all the Keys fish is local
5 fishermen. It's not. It's all imports.

6 And it's a shame, too, because they
7 won't buy yellowtail from down there. They just
8 buy imports. It's cheaper.

9 And that's just the way the
10 government, not the government but the people
11 are. So, that's my comment.

12 I just think that Amendment 15 will
13 definitely kill the fleet.

14 MR. BROOKS: Thanks, Ally. Allen?
15 We'll come back to you.

16 MR. WEISS: Thank you. Adding to what
17 I said earlier, there are also --

18 MR. BROOKS: Sorry, Allen, can you
19 just get closer to the microphone?

20 MR. WEISS: Sure.

21 MR. BROOKS: Want to make sure folks
22 can hear you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MR. WEISS: There are also a couple of
2 places in the draft amendment where statements
3 are made that are completely at odds with the
4 measures that are contained in the amendment.

5 One example is that it says, and I'm
6 quoting, one of NOAA fisheries' goals is to more
7 fully utilize swordfish quota allocated to the
8 United States by ICCAT.

9 If that's one of the goals, how can
10 putting in an EM cost measure like this, I mean,
11 the two just are diametrically opposed.

12 So either you shouldn't have this EM
13 cost allocation system, or I guess you have to
14 scratch that goal.

15 Looking under the consistency with
16 national standards, it's somewhat the same story.

17 Under National Standard 1, it says
18 that your response to that national standard, it
19 says it will not affect achieving on a continuous
20 basis optimum yield.

21 Well, you've heard here today, and you
22 know by your own analysis, moderate to major

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 adverse impacts, and the expectation that will
2 result in less fishing, fewer sets, fewer trips,
3 fewer participants.

4 How is that going to not impede the
5 attainment of optimum yield? And since it has to
6 be obtained on a continuing basis, when was the
7 last time we attained optimum yield for
8 swordfish, for instance, anyway?

9 It's been years. For National
10 Standard 10, you say that the proposal to impose
11 very high EM costs of the vessels does not safety
12 at sea.

13 Well, it doesn't directly affect
14 safety at sea, but how it would be a position of
15 moderate to major economic impacts not affect
16 expenditures for the maintenance and repair of
17 fishing vessels and safety equipment?

18 Looking beyond all the legal aspects
19 that I've mentioned up to this point, my comment
20 is that it's just absolutely awful policy to
21 jeopardize the future existence of a good,
22 sustainable fishery, not because of a serious

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 urgent conservation imperative, but because of a
2 bureaucratic budgeting matter that has nothing to
3 do with the actual operational performance of the
4 fishery. Thank you.

5 MR. BROOKS: Thanks, Alan. I am not
6 seeing other hands at the moment, and this has
7 been a really thoughtful and I'll say sobering
8 set of comments coming up this way.

9 I just sort of reflect back a little
10 bit of what I've been hearing. There are some
11 comments that are sort of specific to some of the
12 geographies that are being discussed on the
13 Charleston Bump, specific comments around the
14 redundancy of having a 69-set limit if you have a
15 cap limit, and questions around what happens if
16 there aren't any EFPs?

17 Will the agency do the research? And
18 some questions around if the fleet's been able to
19 demonstrate its success elsewhere in the
20 mainland, Gulf of Mexico, why can't similar
21 approaches be taking the Bump?

22 In Desoto Canyon, there was a comment

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 there around the fleet not seeing a benefit to
2 itself there and not supported by industry, the
3 proposed change of the configuration of that
4 closure.

5 But I think more generally and at a
6 higher level, a couple of really strong pieces
7 coming back at the highest level.

8 Very strong caution from many voices
9 around the table around the massive nature of the
10 impact and the hit that that will be to a sector
11 and the potential that this sector just will not
12 be able to sustain this hit.

13 And that's something that a number of
14 folks are saying the agency really has to think
15 hard about and figure out how to manage that.

16 At the outset, we heard also at a high
17 level the need to really be clear about the goals
18 and the incentives that are in this program and
19 looking back at what were the original goals and
20 where are you relative to that?

21 And then being really clear going
22 forward, what are the goals and what are the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 incentives for industry as they move through this
2 space?

3 And then, just in terms of the
4 electronic monitoring, obviously most of the
5 comments were centered there.

6 A number of them focused around cost.

7 Either the cost being too high, the cost being
8 stale, or the cost being underestimated. So a
9 number of pieces there for the agency to be
10 thinking about.

11 Questions around uncertainty around
12 will the vendor step up? Will they be there?
13 Will they be interested?

14 Will they be interested when
15 supporting an industry that is shrinking? Some
16 questions there to ponder.

17 Questions around kind of the
18 regulatory legal underpinning for shifting this
19 cost rather than just the 3 percent piece over to
20 industry.

21 And then sort of a comment around more
22 generally just as the agency moves into this kind

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 of thing, being very transparent right from the
2 start, that when starting a program, could these
3 costs that are initially being borne largely if
4 not entirely by the agency, be shifted at some
5 point to industry?

6 And that sort of potential needs to be
7 discussed and made clear right from the start.

8 A couple of other themes that came up,
9 a touch on some of the EEJ considerations and
10 whether they are something that the agency needs
11 to be thinking about there in terms of impacts to
12 shoreside industries, to jobs, to be thinking
13 about there.

14 I think I'll leave it at that. So
15 just, I appreciate everyone being so thoughtful
16 and focused in their comments here.

17 Obviously, a really tough issue.
18 Randy?

19 MR. BLANKINSHIP: Thank you, Bennett,
20 for that good summary of some of the comments
21 that we've heard. We certainly have been taking
22 a lot of notes and folks up here aren't the only

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 ones.

2 Folks in the audience and online are
3 taking notes as well to capture that discussion,
4 the very useful comments about the layout of
5 Amendment 15, the approach, referencing
6 objectives, the alternatives that were chosen,
7 and the analysis that goes into it.

8 We really do appreciate that and this
9 discussion in this form of the AP meeting. And
10 we will continue to take public comment on this
11 through October 2nd, as once again that comment
12 period has been extended.

13 And then once that's concluded, the
14 agency will consider all of that input as we work
15 towards a final action later on that will be
16 consistent with the objectives of this amendment
17 and the fishery management plan in general.

18 MR. BROOKS: Thanks. Alan, is your
19 card back up? Or is that left over? Yes. Okay,
20 good. Marty, your card is back up.

21 All right, let's take a comment or two
22 if there is any more and then we will go to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 lunch. Marty?

2 MR. SCANLON: Yes, my concern, and
3 somebody's touched on this before, I mean, we're
4 looking at these boxes here on where and when
5 we're going to be able to turn our EM systems
6 off.

7 And I know from my own experience,
8 after a certain time up in the northeast, we
9 don't see any bluefins here, yet we're going to
10 be required to keep those EM units on throughout
11 that time frame.

12 Those interactions with bluefins, what
13 are they being based on? The fact that there's
14 bluefins in the area? And that other categories
15 are catching them?

16 Or is it more based on what the actual
17 pelagic longline industry's interacting with at
18 that time?

19 Because there's plenty of time that
20 those bluefins are around, but they move up in
21 shore and we don't have access to them.

22 Those guys, like right now, there's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 plenty of bluefin being caught up in shore still,
2 but we're not seeing them where we fish.

3 And we don't want to see them. We
4 actually have the ability, and we've demonstrated
5 the ability, to move out and not fish on those
6 fish.

7 We have a limited IBQ. So, I mean, I
8 don't see where, that in itself, I think needs to
9 be better looked at and addressed, those areas
10 where those cameras should be on and when they
11 should be off.

12 If it's going to be part of the cost
13 of the recovery program, why are we paying for
14 cameras when there's no interaction?

15 What's the history of the fleet at
16 that timeframe? How many bluefins are they
17 interacting with?

18 Are we all going to have to keep our
19 cameras on because there's been three bluefins
20 interacted with?

21 I mean, does that make any sense? I
22 mean, we need to look at ways to reduce the cost

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 on top of, we have to look at every avenue, not
2 just of who's going to pay for it, but how can we
3 get the cost of it down to begin with?

4 MR. BROOKS: Thanks, Marty.

5 MR. DURKEE: Yes, it's noted that
6 those areas might not coincide exactly with what
7 you're seeing as far as bluefin tuna
8 interactions.

9 But the areas are based on actual
10 bluefin tuna catch in pelagic longline, and
11 they're largely based on the Southeast Fisheries
12 Science Center's sampling plan.

13 That sampling plan is based on
14 historical bluefin tuna interactions around
15 ICCAT's statistical areas.

16 And that's a simplified version of it.

17 Instead of carving up the ocean into small boxes
18 that are hard to comply with and communicate
19 with, we made them larger.

20 The goal of trying to be consistent
21 with that Southeast Fisheries Science Center plan
22 is to try and make sure we have some continuity

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 in that sampling structure to make sure we're not
2 jeopardizing that IBQ program and that data
3 stream as well.

4 So that's why you might see a little
5 bit of a difference between what you see on the
6 water and what that map is, but any comments on
7 when and where EM might not be needed, those are
8 helpful.

9 MR. BROOKS: Thanks.

10 MR. SCANLON: Can I just respond to
11 Steve real quick?

12 MR. BROOKS: I've got a couple of
13 other people to bring in. Quickly.

14 MR. SCANLON: Yes, well, part of the
15 problem that we don't look at in what's being
16 presented here, and it's been touched on here,
17 this data goes up to 2019.

18 And since 2019, there's a dramatic
19 shift in the effort of the pelagic longline
20 industry, as you know.

21 A lot of guys have been going to deep
22 shedding, and it's a completely different

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 industry.

2 So how up to date are we going to
3 regulate this fishery on? Just like with the
4 IBQ, we were fortunate enough that you guys
5 listened to us and you issue us our IBQ as late
6 as possible.

7 And as far as this data collection is
8 concerned, we need to be doing the same thing. I
9 mean, you can't -- that's four years ago already,
10 going on five years of all this statistical
11 information that you've got.

12 The fleet has completely reinvented
13 itself in that timeframe.

14 MR. BROOKS: Thanks, Marty. Let's
15 hear from Jackson and then over to Christine.
16 Jackson?

17 MR. MARTINEZ: Thanks, Bennett. I'll
18 be quick so we can get to lunch. In the face of
19 the -- first, I want to thank the division for
20 being so responsive and receptive to our
21 comments.

22 I just want to flag, in the face of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 the very real issues and concerns of the fleet, I
2 wanted to point out NOAA's recently released
3 national seafood strategy and highlight
4 specifically goal three, fostering access to
5 domestic and global markets for U.S. seafood
6 industry, as well as goal four, strengthening the
7 entire U.S. seafood sector.

8 I just wanted to point out that. A
9 lot of the issues, it's not, I don't think this
10 strategy is going, or A 15 is going opposite the
11 strategy, but there may be things in the strategy
12 to consider in the face of these concerns of the
13 industry.

14 And I also wanted to flag that maybe
15 there could be, might be tangential to the core
16 issue, but maybe an effort to maybe better
17 highlight or better advertise the accountability
18 of the fleet in more of a market context.

19 Like I said, that might be more
20 tangential to the cost issue here, but maybe
21 further down the road, labeling, advertisements,
22 or something like that, to really highlight the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 high levels of accountability the fleet is doing,
2 has done. Thank you.

3 MR. BROOKS: Thanks, Jackson, and that
4 has definitely come up as a comment around this
5 table in years past.

6 Christine, your card was up a moment
7 ago. You're good?

8 MS. KITTLE: Yes, I just had a
9 question. I mean, you're hearing all the public
10 comment. You're hearing a lot of concerns from
11 both sectors.

12 And I was wondering if moving into, I
13 guess, reviewing the public comment, your next
14 stage is to go to a final rule?

15 Is there a reconsideration if you
16 change your goals or change significant
17 alternatives that this would go based of off
18 public comment, go back to a proposed rule?

19 Or what are the options of maybe
20 providing an additional step to really
21 incorporate the comments that we're hearing now
22 into the current document and having another

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 option to provide additional comments if you were
2 to propose something different?

3 MR. BROOKS: Good question, thank you.

4 MR. DURKEE: Yes, so, right now we're
5 in listening mode. We're just listening and kind
6 of getting it all.

7 We haven't really even thought what
8 final might look like. So, once we bring all the
9 public comments back together, we think about
10 what the final measures might look like, that's
11 when we need to reassess whether we need to
12 repropose, go back out, or do those final
13 measures fit within the analyses we've already
14 done.

15 But it's way too early to presuppose
16 what that might look like.

17 MR. BROOKS: Great, thanks. All
18 right. We are at --

19 MR. WEISS: If I could just say one
20 last thing.

21 MR. BROOKS: You can.

22 MR. WEISS: I just want you to also

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 keep in mind infrastructure. As the pelagic
2 longline fleet gets smaller and they have to be
3 more selective about when they fish, and waiting
4 for the most optimum conditions, if they have a
5 big bar to get over in terms of their costs, I
6 run a shoreside support business.

7 I have to pay payroll. I have to pay
8 rent. I have to finance a warehouse full of
9 products.

10 We can't just sit around with all that
11 on me waiting for the time of year when there may
12 be a three-month period where the fishing is
13 really good and people feel confident they can go
14 and catch enough to cover all the expenses and
15 the EM costs.

16 So ultimately, the process of the
17 whole thing going down the tubes may not entirely
18 involve the fishermen completely going out of
19 business, but the fishermen initially just
20 cutting back their operations and then the
21 infrastructure not being able to stay in place,
22 and then ultimately the demise of the whole thing

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 would be the lack of infrastructure. Thanks.

2 MR. BROOKS: Yes, thank you, Alan.
3 Appreciate that. All right, let's get folks to
4 lunch. Again, thank you.

5 Thank you for the conversation. It's
6 12:15. We are reconvening at 1:45, so 90 minutes
7 from now, and we'll talk about bluefin tuna at
8 that point.

9 Thanks, everybody. Thanks, Steven.

10 (Whereupon, the foregoing matter went
11 off the record at 12:14 p.m. and went back on the
12 record at 1:46 p.m.)

13 MR. BROOKS: Okay, we should get going
14 again. We have an afternoon still to work our
15 way through. And just for anyone who came in
16 late, this afternoon we'll be doing a few things.

17 And in a moment, I'll hand it off to
18 the team to the left of me to talk about bluefin
19 tuna year in review.

20 We'll do that for about an hour and a
21 half, take a break at 3:15. At 3:30, Sam Rauch
22 will join us for a leadership update and we'll

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 have a chance to hear from him and talk to him.

2 And then we'll hear from Marine
3 Recreational Information Program. We'll be
4 joined by John Foster at 4:00.

5 For anyone in the public that wants to
6 make a comment, we'll be doing that at 4:45, and
7 then we'll shift to wrapping up at about 5:00.

8 And again, no host social hour
9 downstairs. Hope folks can join in that.

10 Just since we were together this
11 morning, Esther Wozniak, who is an alternate for
12 John Bohorquez, has joined in. So welcome,
13 Esther.

14 And with that, Randy, anything from
15 you? Then Brad?

16 MR. MCHALE: All right, so good
17 afternoon. Once again, Brad McHale, HMS Branch
18 Chief of the Fisheries Information and Reporting
19 and Monitoring Group.

20 So this afternoon, I'm going to give
21 kind of our kind of standard presentation, kind
22 of a bluefin tuna year in review, which will just

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 touch on some of the information that we've
2 collected, talk about trends, as well as maybe
3 some recent management issues that have reared
4 their head over the past eight, nine months or
5 so.

6 So as far as how we'll proceed, I'll
7 touch base on quotas overall just to set the
8 stage, then we'll talk about some recreational
9 information, get into some of the commercial
10 information, both in the general category, the
11 harpoon category, and then the longline category.

12 And then sprinkled amongst that will
13 be again some of these domestic management issues
14 that have kind of reared their head.

15 And one of these items Randy touched
16 on in the overview is the carry forward rule, and
17 its implications on bluefin tuna.

18 I'll touch on some of the restricted
19 fishing days. There was a proposed rule here, so
20 sitting to my right is Larry Redd.

21 And so, in case there is questions
22 that come up there, he can assist. Some feedback

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 we've gotten in the prosecution of the harpoon
2 category, and then looking at some reporting in
3 general, whether it be a timing issue or some of
4 the interplay between the state and federal
5 permits.

6 So right out of the gate, if anybody
7 needs a resource of where these new quotas are,
8 the new quotas being post Amendment 13 where,
9 contrary to Rick's comment earlier today, we did
10 actively put a fishery out.

11 That was the purse seine fishery. And
12 so how that quota was redistributed amongst all
13 the other domestic user groups as well as some of
14 the ICCAT rulemakings that had increased the
15 overall pack.

16 This becomes a resource of exactly
17 where our tonnages stand as categories, and then
18 in some of the subcategory breakdowns, whether it
19 be temporal for the commercial or size for the
20 recreational.

21 So, I know sometimes we field a lot of
22 questions on where's an easy place to kind of see

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 this, and so this presentation is online and will
2 be available.

3 So in addition to those base quotas,
4 we then have what currently is allowable
5 underneath the ICCAT binding recommendations is
6 to be able to carry forward unutilized quota from
7 one year to the next.

8 And so, as you'll see, kind of about
9 halfway down through the slide, as that plays out
10 for bluefin tuna, there is an additional 133.9
11 plus or minus tonnage that is proposed to be
12 carried forward and available once that rule
13 finalizes, cooling off periods, the regulatory
14 process runs its course, that then the agency has
15 to use in its in-season adjustment authorities
16 and looking at a number of different
17 determination criteria to figure out where that
18 allocation ultimately goes.

19 So shifting over to the recreational
20 side of things. For the last number of years,
21 we've been very consistent in setting up our
22 retention limits.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 The default starts off at one fish per
2 vessel per day, and that usually dominates
3 through the initial months of the year.

4 And then typically sometime about mid-
5 spring, May timeframe, we adjust the retention
6 limits to be more liberal.

7 And again, these limits are being
8 consistent across the past three years. And
9 then, ultimately, the primary data collection
10 tools in monitoring the recreational fishery is
11 the large pelagic survey, the Maryland Catch Card
12 Program, the North Carolina Catch Card Program,
13 as well as some of the self-reporting
14 requirements that got put into play in Amendment
15 13.

16 So right now, preliminarily for 2023,
17 it looks like the fishery's moving along but
18 nothing outside of the norms where we'd be
19 concerned that we would have to modify these
20 limits.

21 So we'll be staying the course and
22 looking for those updates through that large

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 pelagic survey to help inform ultimately where we
2 migrate to.

3 As it relates to the trophy fishery,
4 so these are the fish that are 73 inches or
5 greater that we allow recreational vessels or
6 charter head boat vessels fishing recreationally
7 to land one per year for essentially personal
8 use, in Amendment 13, we created a new geographic
9 area.

10 Essentially, the Gulf of Maine trophy
11 area was created in addition to the Gulf of
12 Mexico, the Southern, and what was previously
13 known as that Northern area, each with equal
14 allocations dedicated to them, again in an effort
15 to redistribute fishing opportunities throughout
16 the range.

17 One item of note is we fielded a
18 number of different clarifying questions on
19 whether or not the Cape Cod Bay is included in
20 that Northern area, giving the latitude where the
21 numbers are.

22 And it is included. So that is all

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 part of the north there.

2 As it relates to what we've observed,
3 so a lot of information here in this slide.
4 We'll focus at the top of the chart first, which
5 is 2023.

6 And you'll see that it's organized by
7 those four different areas, the quotas, the
8 number of fish landed, the percentage of the
9 quota harvested, and then ultimately, the date
10 closed.

11 And so you'll see that we were pretty
12 much spot on for Gulf of Maine as well as
13 Southern New England, but in the Southern and
14 Gulf of Mexico we were slightly off.

15 And then lower in the chart you'll see
16 what the prior years were. And you'll see that
17 sometimes that Southern area is somewhat
18 challenging to get dialed in just because how
19 that fishery is prosecuted.

20 Usually those fish come in on the
21 heels of a commercial fishery closing, and if
22 there's a weekend of opportunity and the fish are

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 still there and the weather is amenable,
2 sometimes those landings stack up before we're
3 actually able to act.

4 And this year in particular in the
5 Gulf of Mexico, there was a flurry of fish that
6 had all landed in a pretty concentrated time
7 period, and hence why you'll see that one period
8 of 74 percent increase.

9 A little scary when you just look at
10 it using that metric. Then we start to look at
11 the numbers of individuals, it kind of puts it
12 into a better perspective of the volume that
13 we're actually looking at.

14 So segueing away from the angling
15 category data, looking more at some of the
16 commercial now, in this particular case, the
17 harpoon category, so that fishery started on June
18 1st.

19 And through mid-July, we had a 10-fish
20 retention limit, which was the ceiling of what
21 was allowable underneath Amendment 13.

22 And then within that 10-fish limit, we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 had said that there were an allowable retention
2 limit of two large mediums, so those are fish 73
3 to less than 81.

4 Essentially, those smaller large
5 mediums are a buffer for this fishery's directed
6 on giant bluefin tuna, and then we have that
7 allowance to accommodate some of the fish that
8 fall underneath that 81-inch mark.

9 But then what we haven't necessarily
10 done in years past, but we did this year, is
11 looking at catch rates.

12 We reduced that limit to a total of
13 five fish there in mid-July, and then carried
14 that out until the end of the month where we
15 essentially had a closure on July 30th.

16 And then amongst all that, we actually
17 executed an in-season transfer, like we had also
18 done in years past, in tuna, 10.8 metric tons.

19 And so with that, then you'll just see
20 some of the retention limit variability down
21 under the bullet there with Amendment 13, how
22 that 10-fish to five-fish limit and those smaller

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 fish play in.

2 So monitoring to see kind of what age
3 and size classes that are coming through in this
4 particular fishery, this table here demonstrating
5 that the vast majority of the landings are those
6 giant bluefin tuna, that we do have some of those
7 large mediums coming through.

8 But in addition to also underneath the
9 table, is we're also looking at how distributed
10 the catch is amongst the fleet and the frequency
11 of landings and the frequency of multiple
12 landings.

13 And so here you'll have the top row is
14 2023, versus what compared back to last year, and
15 one difference there is that you'll see that the
16 percentages associated with trips that landed
17 four or more fish increased slightly this year
18 than it had been in years past.

19 Pretty much everything else seems on
20 par.

21 We've also discussed around this table
22 in years past how that particular gear type is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 prosecuted, not only in the harpoon category
2 where it is the only authorized gear, but also in
3 the general category, where it is one of a number
4 of hand gears, whether it be hand line or rod and
5 reel.

6 And some of the discussions from years
7 past is, well, should we prohibit harpoons in the
8 general category, et cetera, et cetera?

9 And so here's just some metrics that
10 we can tend to show what a drop in the bucket
11 that gear type is to contribute to landings in
12 the harpoon, excuse me, in the general category,
13 which then kind of would tie into those retention
14 limits that we set for that category.

15 And then historically, we'll take a
16 more limited approach in that initial month of
17 the season because the rod and reel bite usually
18 doesn't, or hasn't in recent history, taken off
19 until early July to provide some opportunities of
20 those individuals looking to diversify the gear
21 types they're using to participate in that
22 general category.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 So one item that, for those that have
2 been around the table for the last couple years,
3 this might ring a bell, that we as the agency
4 have continued to receive feedback regarding the
5 harpoon category and how it's being prosecuted or
6 how it could be prosecuted and different
7 philosophies on those points.

8 One thing that emerged this year
9 through social media and just a number of
10 different communications to the agency, some
11 being formal in petitions for rulemaking, some of
12 them being informal, just correspondence, is the
13 emergence of fishing behind New England
14 groundfish vessels, where this year in particular
15 there has been a presence of giant bluefin tuna
16 behind some of these vessels.

17 They have a lot of harpooning to take
18 place with great efficiency, as well as having
19 the ability to circumvent some of the weather
20 dependence that was associated with the harpoon
21 category being established.

22 For example, being able to prosecute

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 that fishery at night under the lights.

2 So something that we elected to raise
3 here for additional discussion this year to
4 reflect back this sort of activity as it's being
5 conveyed to the agency as our data doesn't
6 necessarily tease out this sort of activity
7 versus any other harpooning activity.

8 All of it is legal. All of it is
9 above board currently. But what component of
10 this groundfish fishing technique is having on
11 landings and ultimately what, if anything, does
12 the agency do with it?

13 So, in 2021, in the late year, we
14 received a petition for rulemaking, and we did
15 have some discussions around this table in 2022,
16 but ultimately, the agency denied that rulemaking
17 petition for a number of different reasons.

18 Information for the agency to help
19 inform the decision making process, what sort of
20 regulations would be proposed, their
21 enforceability, you know, the laundry list goes
22 on with topics that I think we're all familiar

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 around when we start to engage whether or not the
2 agency should or should not take up a particular
3 issue for action.

4 To state some of the items that the
5 questions have raised is that, all right, it goes
6 again with intent to why that category was stood
7 up, whether or not there's concerns that there
8 could be an influx of vessels into this category,
9 catch rates, whether or not there's safety
10 concerns given the close proximity of vessels
11 fishing, whether there's gear loss, all of a
12 sudden a harpoon up against a one-inch trawl
13 warp.

14 I think we can visualize who wins in
15 that battle and whether or not you're having fish
16 lost that have been harpooned, et cetera, et
17 cetera.

18 So those kind of summarizes that side
19 of the coin that are in favor of the agency
20 taking action.

21 There's also the flip side of the
22 coin, where folks are like, well, this is just

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 the fishery evolving and folks should be able to
2 adapt to an ever evolving fishery.

3 And is there something else here that
4 folks just need to modify their own fishing
5 practices to contend with this again legal
6 activity to be able to compete as far as a quota
7 share?

8 Some folks have reminisced, this kind
9 of goes back to some of the spotter plane
10 discussions that we've had around this table, and
11 this is going somewhat way back machine that we
12 had for a number of years.

13 So look forward to discussion when I
14 shut up, and any thoughts on that issue from
15 folks.

16 Shifting over to the general category
17 now. So again, kind of just a breakdown of how
18 this year has played out.

19 So we transferred quota from December
20 in to January, so frontloading that winter
21 fishery to the tune of 20.5 metric tons. Thanks
22 for that correction there, Larry. I had the 10.8

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 in my original draft.

2 And then some of the retention limits.

3 So the winter fishery, we had that one fish
4 limit, and that fishery went all the way through
5 until mid-February when that fishery closed.

6 The fishery reopened in June at the
7 three-fish limit, and we kept it at that until
8 July 1st.

9 And then July 1st is where we
10 introduced restricted fishing days. Our recent
11 history has shown that's when the rod and reel
12 bite picks up.

13 So then we dropped the daily retention
14 limit down to one fish per day on those days that
15 were open.

16 And you can see there that the days
17 that were restricted were Tuesdays, Fridays, and
18 Saturdays.

19 And so we closed the summer fishery
20 June through August on August 18th. And then
21 that fishery reopens come September 1st.

22 But given the restricted fishing days,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 it technically was September 3rd this year. So
2 that fishery is currently underway.

3 We are at a one-fish retention limit
4 and restricted fishing days are consistent. And
5 although not shown here, our preliminary data
6 shows that for the first day of the fishery
7 currently reported to us was 21 metric tons in
8 landings.

9 So that was for Sunday. And currently
10 reported to us is 15 metric tons on Monday. So a
11 significant chunk of fish coming across the dock
12 with that opening of the fishery.

13 So we'll continue to monitor this and
14 just see where we go. Whether or not we have
15 some of that carry forward tonnage to use to
16 supplement this fishery is yet to be seen,
17 because that action has not been finalized yet.

18 And then typically, there is some cool
19 off periods that are associated with rulemakings
20 that can come into play. But we'll monitor that.

21 And then the fishery, regardless of
22 whether it closes or not in the month of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 September, will start back up in October through
2 November, and then we also have a December
3 dedicated time period as well, with the vision
4 that we'll be at a one-fish limit across at that
5 time.

6 And so some of the information showed
7 or was just discussed to how did this equate to
8 landings.

9 So you can see there, the winter
10 fishery landed about 70 metric tons across that
11 time period. You can see that when we had the
12 more liberal limit in the month of June we landed
13 about 45 metric tons, right at 46.

14 And then when we dropped that
15 retention limit down on July 1st to one fish,
16 where we had about 331 metric tons come across
17 the dock for that time period to get us through
18 to mid-August.

19 And so when we start to kind of look
20 at the distribution of effort and their success
21 rates, numbers of fish, you can see here that
22 predominantly, we have vessels that are landing

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 one fish per vessel per trip versus the multiple.

2 So even though the agency has made
3 that June month more liberal and I've been in
4 front of this room in numerous conversations
5 saying that it's a data-driven exercise, that
6 catch rates don't warrant more restrictive limit
7 in June, we're holding true to that because
8 that's still how the information plays out, and
9 if the information starts to move away from that
10 model, we'll adapt accordingly.

11 But this kind of gets into, at least
12 when you're talking fishermen in general that
13 think that the fishing opportunities early in the
14 year compromise fishing opportunities late in the
15 year, the math just doesn't to this point play
16 out that way.

17 So continue to try to change that
18 misnomer that kind of gets passed around the
19 dock.

20 Just some average price information
21 that we tend to track that you can see where we
22 stand here for 2023.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 We're in the red, so obviously, we
2 only have a few months' worth of information
3 there. But we track this as it relates to
4 overall volume of landings, things that we hear,
5 how landings can affect the marketplace.

6 Not that that is a driver for how we
7 manage the fishery. The economics isn't one of
8 those criteria that we're beholden to.

9 But that also doesn't mean that we're
10 blind to what's transpiring on the market side,
11 as well.

12 And then behind some of that also then
13 comes into the international and domestic aspect
14 of this fishery where for a number of years now
15 we continue to see that international marketplace
16 becoming less and less of a factor in our
17 domestic production.

18 And for a litany of different reasons,
19 exchange rates, fuel costs, obviously COVID was a
20 big component there.

21 But when you start to look at the
22 average prices across exports versus domestic,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 it's just currently hasn't been economically
2 viable to incur those costs and have your fish
3 essentially shipped to Japan for no gain if it
4 didn't even auction off.

5 And then often there's a bill that
6 comes along with your catch instead of a check.
7 And so this becomes, like we were talking in some
8 of the previous sessions, of how do you start to
9 market fish and whatnot?

10 That context is talking more
11 swordfish, against imports, but it's somewhat of
12 a play here as well, how do you then develop a
13 better understanding in the mindset of the
14 general public of what goes into U.S. fishermen
15 catching U.S. catch and how that compares to the
16 imports and how do we ultimately put a narrative
17 around that, whether that be agency, whether that
18 be industry, some collaboration thereof, to kind
19 of hit that point home more and more with the
20 consumer of the benefits of eating U.S.-caught
21 fish and then supporting your fellow U.S.
22 citizens in doing so.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 In addition to just fish that are
2 sold, we continue to run into this dynamic in
3 this fishery where a number of fish are going
4 unsold for a litany of different reasons.

5 Obviously, there was a spike there in
6 2020 where the markets were essentially non-
7 existent for a certain stretch.

8 But we still deal with this anomaly of
9 where commercially permitted vessels are actually
10 willing to retain their catch for personal use,
11 and whether that's the quality of the fish,
12 whether there's a lack of a buyer, or more or
13 less, these are glorified recreational fishermen
14 that have opted to get into the commercial side
15 of the equation, something we're still continuing
16 to monitor to help inform what if anything that
17 we do regarding this dynamic, because this
18 tonnage that remains unsold is still going
19 against the general category quota.

20 So those are commercial opportunities
21 for economic gain that are falling by the
22 wayside. And so we continue to explore some of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 the anomalies there, including some of the less
2 than above board or some of these fish
3 potentially not being sold to a permanent dealer
4 but then perhaps entering some additional
5 marketplace but not through official channels.

6 And I have a slide that will kind of
7 speak to that in just a minute here as well. But
8 before I get to that point, this is something
9 that we display normally in table format.

10 Just to switch it up this year, we
11 figured we'd minimize slides and go graph. These
12 are compliance rates with the vessel's self-
13 reporting.

14 So you can see that about three-
15 quarters of the fleet, whether you're using it by
16 a fish or vessel metric, this is kind of where
17 we've plateaued.

18 We continue to work with the office of
19 law enforcement to do compliance assistance in
20 order to get the word out there that this is a
21 requirement that must be adhered to, as well as
22 prosecuting vessels, where there's a number of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 cases that have been made or are in the process
2 of being made where citations are being provided
3 for folks that have not held up their end of the
4 permit requirement by reporting these fish.

5 So, actually, I'm going to jump to
6 this slide and then I'll jump back. So as I was
7 talking about some of those unsold fish, one
8 issue that continues to be before us as an agency
9 is the permitting requirements.

10 And so on the dealer's side of the
11 equation, there is a federal tuna dealer permit
12 that is required to be able to handle these fish
13 and buy it from U.S. vessels.

14 So that kind of addresses our federal
15 requirement. What is also needed in addition to
16 that permit is usually a state wholesaler permit.

17 And that state wholesaler permit is an
18 essential part of the process, because normally
19 it's that state wholesaler permit that is the
20 introduction of food safety concerns.

21 And so when we're dealing with
22 scombroids, whether it be bluefin, yellowfin,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 bigeye, skipjack, albacore, there is this food
2 safety issue of histamines building up.

3 And so where underneath our federal
4 authority we don't have a direct linkage to FDA
5 and their HACCP programs, it's more through the
6 state permits and then the state health
7 departments and then up through FDA.

8 And so I've actually embarked on some
9 efforts to work with our state partners as well
10 as our permitting issuing agencies to ensure that
11 the regulation I've cited here is more strictly
12 held.

13 I think there might have been some
14 lapses over the years as long as some permit was
15 submitted and then they would get their federal
16 tuna dealer permit.

17 But to make sure that we are
18 explicitly clear on what state permits are
19 required to handle these fish.

20 And some of this had really come about
21 during 2020 when we had a lot of individual
22 fishermen trying to explore new markets.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 So think farm to table type models
2 where, hey, I'm going to catch my fish, I'm then
3 going to bring my fish to market, and then I'm
4 going to sell it, which is all fine and dandy.

5 However, none of those kind of permits that
6 allow those fishermen to do that say for codfish
7 or lobsters or crab or shellfish, actually touch
8 that food borne illness aspect.

9 So this is something that we're just
10 working on as well, and obviously, we're keeping
11 that in mind with some of these unsolved fish as
12 well, and some of the risks that occurred, not
13 just to the public, but also some of the
14 fisheries as well that if all of a sudden we were
15 to deal with some sort of food-borne illness,
16 what implication does that have on the fisheries
17 and then in turn the management?

18 So moving away from that, getting back
19 to some of the restricted fishing days, so as I
20 mentioned, there was a proposed rule out on the
21 street collecting feedback regarding the
22 utilization of this effort control.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Some of the quick summary of the
2 feedback we had received was there wasn't a whole
3 lot of support for implementing restricted
4 fishing days during the winter fishery, whether
5 that be at the tail end of the calendar year in
6 December or at the initial part of the year,
7 January through March.

8 And I think a lot of that was
9 predicated on the variability and the volatility
10 of some of the weather during those months, that
11 Mother Nature provides its own effort control in
12 that capacity.

13 There seemed to be some support for
14 consistency, so that Tuesday, Friday, Saturday
15 schedule.

16 We had also received some comments
17 that perhaps we should explore having multiple
18 consecutive days, whether it be three or
19 potentially be four days, and so there's a clear
20 break of when fishing can occur versus not versus
21 this day on/day off type model that we've had in
22 play.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 And then just like anything, we run
2 the full gamut of feedback we get, and some folks
3 just not in favor of it at all.

4 Now, some of the observations that
5 we've had over the past year, and some of this
6 leads back into prior years as well, is concerns
7 with vessels offloading fish.

8 And so on a day that's open, fish need
9 to be offloaded by 11:59 p.m., because once
10 midnight strikes, it becomes a restricted fishing
11 day.

12 And the regulations that speak to
13 restricted fishing days are not just no fishing
14 for but there's possession prohibitions,
15 retention prohibitions, what have you.

16 And so, we've been getting feedback
17 from fishermen as well as dealers, for reason X,
18 Y, and Z, I can't get a dealer down to my boat to
19 offload that fish and tag that fish prior to
20 midnight rolling around.

21 And what's the agency's stance on
22 this? How can we liberalize this? Which my

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 consistent response is, we are not going to
2 liberalize that.

3 That reg is the reg. It's no
4 different than a fishery closure, that the fish
5 has to be off the boat and tagged by a dealer
6 prior to midnight happening.

7 And otherwise, it's a violation. And
8 so the dealers and then the fishermen and their
9 collaborations have to plan for that accordingly
10 or try to find some way to address it.

11 But we're not going to start to water
12 that regulation down to accommodate those
13 instances.

14 It ultimately defeats the purpose of
15 having that effort control in place in the first
16 place, and it makes our uniformed officers,
17 whether on the state level or on the federal
18 level, jobs impossible to really enforce that
19 regulation.

20 And so that's kind of some of the
21 feedback we've been providing there.

22 Something that we're also then

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 monitoring is potential delays in dealer
2 reporting. So obviously, that's always a
3 challenge in general, especially with some of the
4 new allocations that we have in play.

5 There's less quota in the reserve that
6 we've had in the prior decade or so. And so we
7 really need to be dialed into closing down
8 fisheries because we don't necessarily have the
9 same buffers that we once did.

10 And then we're also then looking to
11 see if these restricted fishing days contribute
12 to any of those delays as well.

13 Do we start to see some additional
14 slippage in dealers kind of getting those 24-hour
15 reports to us?

16 So just things we've observed this
17 year that we'll continue to track, try to get the
18 word out there, and then also work with our law
19 enforcement partners to prosecute where
20 warranted.

21 All right, so moving away from our
22 commercial hand gear fisheries, talking about

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 some of the pelagic longline information, and
2 some of the challenges that have been experienced
3 this year, but one place I wanted to start with,
4 and Steve had kind of touched on this, is looking
5 at the overall catch of bluefin tuna in the
6 longline category over the timespan here.

7 And so you can see some of the
8 challenges that we were experiencing heading into
9 2015.

10 2015 is where we finalized Amendment 7
11 and therefore introduced that individual bluefin
12 quota.

13 That's where enter stage right came
14 cameras as a fishery dependent method of
15 validating that information that's derived there.

16 You can see how those numbers plummet.

17 Now, granted, it wasn't just cameras and just
18 the IBQ, but there was a number of incentives
19 built into that action to incentivize the
20 offloading of bluefin tuna catch in the first
21 place.

22 You can see how that fishery adapted

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 and responded. They did a damn good job. And it
2 was a challenge. And that challenge should be
3 acknowledged, those efforts there.

4 Although, we didn't always see eye to
5 eye. It mitigated a lot of those regulatory
6 discards that the fleet was up against, and some
7 of the behaviors in the fishery.

8 And you can see where the discards had
9 really kind of almost zeroed out over a number of
10 years.

11 And then just some recent upticks, as
12 recent as last year. Some of that is what we've
13 heard around the table, is the prevalence of
14 bluefin tuna in some of these areas.

15 They're just there. You can't avoid
16 them. And some, it's also associated with
17 certain vessels' fishing behaviors as well.

18 And so it's a combination of the two,
19 why that number seems to be growing there, at
20 least on the discard side of the equation.

21 So as it relates to bluefin tuna
22 discards, currently, we still have the same

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 methodology that the Southeast Fisheries Science
2 Center has used.

3 So it's a combination of observer
4 derived information, including logbook
5 information, so effort and the like.

6 And based upon some of that additional
7 catch last year, our overall bluefin tuna discard
8 number has increased.

9 And right now for 2022, we have about
10 a 50.4 metric ton mark where we're standing
11 there. And that's the best information available
12 to date.

13 And so, this is something we'll report
14 up through ICCAT, we account for. And we'll
15 continue to refine some of the information
16 derived from some of the other fisheries as well,
17 whether it be harpoon fisheries, so I mentioned
18 there that we've gotten some feedback, that
19 there's some harpoon potential dead discards
20 associated with fishing behind New England
21 groundfish vessels.

22 I think it would be hard to say that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 there aren't discard information that isn't
2 associated with vessels.

3 There's just harpoons that will pull,
4 or whatever the case may be, or short fish.

5 But how do you then kind of get at
6 that information and round out the discard data
7 that's derived from the U.S. as a whole versus
8 one or two components of the fishery?

9 So that's something that we continue
10 to strive to accomplish to meet our ICCAT
11 obligations or refine them and then do that
12 across all the different sectors, regardless of
13 the gear types that are being processed.

14 So to show those same numbers here in
15 a chart, you can again see those early years of
16 the challenges we were up against, the
17 effectiveness in reducing dead discards as a
18 result of Amendment 7, and then ultimately what
19 we've observed as the last two years of this
20 slight uptick.

21 And although not quite the same
22 context that I think Marty had mentioned when we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 were talking Amendment 15 and a number of active
2 vessels and the differences between Amendment 7
3 and Amendment 13 and different methodologies of
4 the IBQ, although not looking at active vessels,
5 but we did pull together just a list of number of
6 pelagic longline vessels that have reported
7 having bluefin tuna land in that year.

8 And though it does slightly fluctuate,
9 it is relatively consistent. But this doesn't
10 necessarily factor in the active vessels, those
11 vessels that didn't catch a bluefin, that are
12 catching swordfish and bigeye and yellowfin.

13 So it's just using through that
14 bluefin tuna lens, it shows that it's a
15 relatively consistent pattern, even though the
16 number of permit holders to the IBQ shareholders
17 in Amendment 7, the IBQ shareholders in Amendment
18 13, has continued to become more and more
19 constrained over time, and I'll get to some of
20 those numbers here in just a moment.

21 When it does come to some of the
22 challenges that we've discussed around this room

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 about the availability quota, and then what are
2 some of the price points, we put together with
3 some assistance from the economists within the
4 division of some of the volumes of allocation
5 that's being leased, some of the price points
6 there.

7 And again, you'll kind of see that in
8 2021 and 2022 we were seeing some upticks there
9 and where some of that leasing had occurred,
10 where the needs were.

11 Keep in mind that Gulf of Mexico
12 allocation as also an option to be used to cover
13 Atlantic dead discard, but not the other way
14 around.

15 So just something that we're also
16 tracking to see how this market is evolving in
17 and of itself, because that was such a
18 significant challenge when we implemented this
19 program back in 2015.

20 And we continue to strive to make
21 changes in this program to make the information
22 more accessible to those that are either willing

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 to lease or those that need to lease.

2 Case in point, this past year, we had
3 a total of six vessels across the entire year so
4 far end up in quota debt at the end of one of the
5 quarters, because it was quarterly accountability
6 versus what was initially trip accountability.

7 But each of those six vessels was able
8 to rectify those debt situations in short order
9 and was right back onto the water.

10 So it didn't seem to impede any
11 significant fishing effort or having anybody tied
12 to the dock for a protracted period of time,
13 unable to find a willing partner to lease with.

14 So one item that has dominated the
15 landscape here for a number of our pelagic
16 longline vessels as well as for the division, and
17 then in particular myself and my staff, is the
18 shift away from what is traditionally the set it
19 and forget it model in allocation situations,
20 where you look back at history, you establish
21 that history, folks get a share percentage, and
22 then the allocation is derived from that share

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 percentage.

2 So back in 2015, we ended up with 136
3 vessels that qualified for those allocations
4 underneath that model.

5 I think what we all had observed
6 around this room and hence why Amendment 13
7 finalized the way it did, was we were still
8 struggling to get allocation in the hands of
9 folks that ultimately needed it, that active
10 component of the fishery that were on the water
11 lines wet.

12 So we modified that to get towards a
13 dynamic allocation, which was really looking more
14 at effort, and a lot of discussion of do you do
15 that in hooks, do you do that in sets, do you do
16 that in landings?

17 Ultimately, Amendment 13 kind of fell
18 down to sets. And so through Amendment 13, what
19 we looked at was looking at the prior 36 months
20 as our window to assess who was active in the
21 fishery and to assess that effort.

22 When we looked at some of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 different data sources, the regulations were
2 articulated in such a way that we could look at
3 the VMS set reports.

4 And so if you recall, these are
5 reports that needed to be submitted through the
6 VMS units 12 hours after the conclusion of a set
7 haul back, and some of the information contained
8 in those reports were the number of bluefin tuna
9 interacted with, whether discarded or landed, as
10 well as some of the effort and some of the size
11 classes of the bluefin tuna, generally speaking,
12 that were interacted with.

13 Obviously, we still have the tried and
14 true logbook, so this is something that has been
15 in place for years.

16 Those need to be submitted seven days
17 after the offloading is finalized. And the
18 Southeast Fisheries Science Center runs that
19 program.

20 More often than not, they don't
21 finalize that logbook data until May of the
22 following year, before that information is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 ultimately finalized.

2 So, in this initial year of this
3 dynamic allocation, the agency elected to use
4 those VMS set reports for a couple reasons.

5 One is that timely aspect, that we
6 could actually look at information all the way up
7 to mid-December to help inform the allocation
8 process in the subsequent year.

9 Very desirable, given some of the
10 logbook lag time that can come into play or if it
11 wasn't necessarily finalized.

12 Another component we elected to go
13 that set report route was, the reason it was
14 derived was truly to support the IBQ program.

15 And so whether that's the EM audit
16 process, or what have you, that is one of the
17 fundamental natures of why that report was there.

18 So ultimately, back in December of
19 last year, we issued a total of 234 letters. So
20 a letter went out to each permit holder.

21 But of those 234, it was really 87
22 that had qualified for individual bluefin tuna

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 quota allocations.

2 Quickly, what we realized, we had a
3 made a quick error, we did not include the ICCAT
4 25 metric ton set aside in those initial
5 allocation letters, so we issued a subsequent
6 letter redistributing that 25 metric tons on top
7 of what each IBQ shareholder had already
8 received.

9 So we made quick order of that
10 clerical error.

11 Now, this is where the joy, in air
12 quotes, comes into play, is we set up an appeals
13 process so that if the information that the
14 agency had didn't match what the fishermen's
15 logbooks had or their information had, we set up
16 an appeals process for that to be contested and
17 rectified.

18 We elected to utilize the National
19 Appeals Offices inside the fisheries.
20 Essentially, so you didn't necessarily have the
21 fox in the henhouse.

22 So this is an independent part of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 agency, no affiliations with the HMS management
2 division, to provide an objective assessment of
3 the information that is being looked at, and then
4 to provide a response back on whether or not
5 corrections should be made or whether or not the
6 agency had made the right decision.

7 And individuals had 45 days to submit
8 an appeal to the agency to have their information
9 reviewed.

10 And ultimately, we had 25 appeals
11 submitted. Now, here's the rub, is that that
12 appeals office is very thorough in what they do.

13 They take their job very serious. And
14 essentially, they recreate a lot of the analyses
15 that the HMS staff did independently, again to
16 verify their own findings based upon the evidence
17 the appeals applicants submitted.

18 So very thorough process. Here's the
19 downside of it, though, is a number of those
20 appeals weren't adjudicated until July or August.

21 I will say this, and it's a personal
22 take on it versus an agency, unacceptable.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Unacceptable to have that long of a time lag when
2 we're looking at a calendar year allocation.

3 These allocations zero out December 31
4 of every year. And so to have fishermen
5 potentially be in the lurch seven or eight months
6 to have their findings either upheld or
7 overturned is something that there's immense room
8 for improvement.

9 So this was an immense learning curve
10 I think on the fishery, both on the agency side
11 and on the fleet side, that had ramifications
12 that are very real and then could ripple into the
13 next years.

14 So one of the items that we're looking
15 at of, okay, what did we all collectively learn
16 from this initial year of this new process?

17 How do we not just crank the handle
18 and roll it out in the same way next year and
19 potentially incur these same challenges?

20 And so some of the goals that we have
21 as we look forward is one we must mitigate the
22 need for vessel owners to appeal those initial

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 allocations, because that appeals office is going
2 to continue to be that thorough and get the
3 answers right in their review.

4 And so some of those timelines
5 associated with adjudicating appeals could be
6 just on par with what they were this year.

7 So in an effort to figure out how to
8 mitigate that need right off the top.

9 Also then, adapting our processes for
10 the findings that were coming through those
11 adjudicated appeals here in 2023.

12 And then ultimately, to provide more
13 transparency so that not only we on the agency
14 side, but also on the fisheries side, can be
15 positioned in the best situation we can to avoid
16 having to go down that route and incur those
17 timelines associated with getting the data
18 correct.

19 So all that's just on the table. The
20 36-month window is still in play. That's
21 codified in the regulations.

22 So that's something that we will have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 to continue to look at. Then that obviously
2 still then factors into what is the information
3 we're looking at to inform the best information
4 for those 36 months, and where is that logbook?

5 Is that VMS or is it some various
6 combination of the two? And what are the pros
7 and cons of those different options?

8 And so, when you look at the timeframe
9 that we'll be looking at in 2024, it's really
10 about November through October of this year, and
11 that usually gives our staff about two weeks or
12 so, maybe three weeks or so to compile the
13 information, start to do our comparisons,
14 ultimate target of trying to get those initial
15 allocation letters out prior to the holidays in
16 mid-December.

17 So, one of the key elements that I'll
18 be looking forward to discussing with you all is
19 some of the data sources and some of the time
20 challenges that are associated with those data
21 sources to help inform ultimately where we decide
22 to evolve to as we embark on the 2024 allocation

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 process.

2 Because some of those challenges are
3 still going to be there. We still heavily favor
4 the VMS set reports for the reasons I mentioned.

5 But the appeals also show that
6 logbooks are just as valid. The regulations say
7 it, and so that is a data source that we have to
8 take into consideration, and then some of the
9 challenges where, do we have to look at both data
10 sources, data source X for a certain period of
11 time or data source Y for a period of time
12 essentially to meet that ultimate goal of how do
13 we mitigate the need to adjudicate and incur
14 those time lags associated when we are trying to
15 be dynamic and it is contained to one calendar
16 year?

17 And so, that's it in a nutshell,
18 dealing with those findings, acknowledging the
19 shortcoming, and then trying to figure out how we
20 move forward.

21 And some of it isn't all on the
22 agency's side, to be perfectly frank, but some of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 it is.

2 Through this process, we did discover
3 that one of the VMS units had a technical error
4 that was recalibrating the years reports were
5 submitted to 2020.

6 So set report in 2021 was being
7 classified as 2020. A set report in 2022 was
8 being reclassified as 2020.

9 And that was unbeknownst to the office
10 of law enforcement and ourselves at the time, and
11 it had only come to light through this appeals
12 office where some of the data we were displaying
13 was grossly underestimating or not recognizing
14 the amount of effort a vessel had.

15 And so that quickly came to light. We
16 were able to figure out what that delta was and
17 address that and be able to continue to address
18 that as we move forward until some of that data
19 moves through the cycle.

20 But I also want to be able to
21 acknowledge that there was some pretty gross
22 discrepancies between the VMS set reports and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 logbook reports.

2 And so, some of that outside of
3 technical issues was really just noncompliance,
4 because when you start to break it down as one
5 potential avenue of why that delta existed.

6 And so, I don't want that to be a
7 cause of somebody not getting their fair share.
8 And so how do we start to bridge some of those
9 gaps?

10 And so, the data sources we ultimately
11 elect to use, fishermen aren't held compromised
12 as a result of that, because then also, because
13 we are a bureaucracy and we are a regulatory
14 agency, if you start to see those sort of
15 discrepancies, does that warrant them some sort
16 of compliance violations that come into play?

17 And then it starts to compound. And
18 so how do we make sure that everyone's data is up
19 to speed, so whatever the agency ultimately
20 elects to choose, either logbooks or VMS or a
21 combination, that folks are in good stay when we
22 get those allocation letters out and don't have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 to incur some of those time lags that are
2 associated with the appeals process?

3 So, with that, I'd rather utilize most
4 of the time here for discussion, questions,
5 answers, dialogue, thoughts, pretty much anything
6 under the sun, or even if there's things I didn't
7 present on that need their time, this would be
8 the window if they're bluefin tuna centered to
9 tackle as well.

10 So thank you for your time.

11 MR. BROOKS: Great. Thanks, Brad.
12 Great overview, as usual. I want to open this up
13 for comments or questions.

14 Obviously, take it anywhere you want,
15 some of the areas that Brad called out for
16 discussion or the harpoon fishing practices, some
17 of those recent pieces around IBQ dynamic
18 allocation process, restricted fishing dates, but
19 really open to whatever you have questions on or
20 want to comment on.

21 So let's start with you, Steve.

22 MR. GETTO: Just looking for some

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 guidance from the group. I mean, where does this
2 histamine issue start to kick in?

3 If you catch a bluefin that's 80
4 degrees, is it two hours, three hours? Where are
5 the risks with that, with fish on deck? And
6 where does it increase substantially?

7 MR. MCHALE: So just to be clear, that
8 is not within the purview of the fishery service.
9 So we don't speak to that.

10 But again, having done this as long as
11 we have, we're not aligned to things that fall
12 outside of our sideboards.

13 And so FDA has HACCP regulations on
14 the books that has tables and metrics of all this
15 information.

16 So the variables can be, is what are
17 the water temperatures the fish came out of?
18 What are the air temperatures that the fish are
19 then sitting on deck?

20 How long was it on deck? What were
21 the fight times? Was it starting to be chilled
22 on deck? Was it headed? Was it gutted?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Was it in a slush tag? Was it in a
2 body bag? Now, a lot of those metrics are then
3 currently there's no kind of requirements on the
4 vessel side.

5 It's more once that fish comes
6 dockside is the federal and then the state
7 dealer/permit combination kicks in those HACCP
8 reporting protocols.

9 And there's certain timeframes based
10 upon those variables of when that fish needs to
11 be brought down to, I forget, 33 degrees, 36
12 degrees, I forget exactly which, but that
13 inhibits the production of histamine.

14 And so, where it's not necessarily
15 directly our responsibility to track all that,
16 it's FDA's, that we want to look at this
17 holistically and then support the permits we do
18 issue to then get folks connected, even if it's
19 not ourselves, through the state permit, to the
20 FDA, to figure out exactly what those protocols
21 are, to mitigate any sort of kind of poison
22 outbreak that could then impact the fisheries as

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 a whole.

2 MR. BROOKS: Thank you. Let's go over
3 to John and then Bob. Again, if online folks
4 want to get into these, just raise your virtual
5 hand. Thanks.

6 MR. DEPERSENAIRE: Yes, thanks.
7 Right, I had a question about the angling
8 category school reserve, that 24 metric tons that
9 was in 2023.

10 Could you just give a little synopsis
11 of how that reserve has been used over the past
12 few years?

13 Is it being fully utilized? Could you
14 give me some context on that?

15 MR. MCHALE: Sure can. And so, the
16 school reserve, it's difficult to actually say
17 whether or not it's been utilized or not because
18 the information that we're getting has such lag
19 times that it's designed there to accommodate a
20 couple things.

21 One is there is binding ICCAT
22 recommendations that the volume of fish that fall

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 into those size classes has to be capped at a
2 certain percentage of the overall U.S. quota.

3 And so some of that reserve there is
4 as a built in buffer, so we mitigate the
5 likelihood of exceeding those ICCAT levels.

6 Some of the challenges is that we're
7 always dealing with a lag time, how the
8 information feed's derived from the recreational
9 fishery.

10 And so, as I mentioned, we'll look to
11 the large pelagic survey, initial waves, the
12 self-reported information, and then maybe the
13 Maryland catch card program is probably the main
14 three to start to get any sort of indicators of
15 how is the fishery really starting to take off
16 for a calendar year and what are the size classes
17 fishermen are encountering?

18 And that ultimately helps inform where
19 we set our intention limits. And so where we
20 have the recreational intention limits, pretty
21 consistent across the last three years.

22 We haven't seen the school fishery

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 explode where all of a sudden we're really
2 jeopardizing some of those percentages.

3 And so, I guess the long story short
4 is that the reserve category of 24 metric tons is
5 kind of built in as a buffer.

6 So if we start to see that school
7 fishery really take off, that would give us
8 pause, we could rein it in and have that time to
9 accommodate, if we get close to that 10 percent
10 threshold.

11 MR. DEPERSENAIRE: Okay. That's a
12 good explanation. Thank you. And just a comment
13 on that.

14 I think that's one particular fishery
15 in the HMS fisheries which I think going back to
16 the policy that came out on EEJ, I do think that
17 school bluefin tuna fishery is one where it's
18 more accessible to more people.

19 And that would be certainly a
20 candidate where if you could apply that policy to
21 that particular fishery to try to get more
22 participants and more public access to that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 school fishery, which tends to be more accessible
2 of the HMS fisheries, I think that'd be a good
3 use of that policy.

4 And then just another comment I wanted
5 to add regarding the harpoon here around the
6 draggers, it seems to me that a few of those
7 bullet points in what you're considering for
8 designing some possible regulations could have
9 ancillary impacts on other gear types.

10 And just, I just wanted to make sure
11 that, I'm sure you're aware that recreational
12 boats, angling, hook and line boats, do fish a
13 lot around commercial boats for HMS species.

14 And I just wanted to make sure that
15 you're drafting proposals to make sure it's not
16 capturing any other unintended gear types in
17 that. Thanks.

18 MR. MCHALE: Thanks, John. And just
19 one point of clarification. The agency is taking
20 at this point in time no action regarding that
21 harpoon category.

22 This is an issue that we've discussed

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 around this table. The most recent time was '21,
2 '22 timeframe there.

3 There wasn't support around this table
4 for the agency to expand its resources to take
5 action there.

6 But I want to make sure that the
7 information I'm conveying to you all is
8 information that's being brought to us, versus
9 the agency saying, oh, no, there's an issue here,
10 we're going to act on it.

11 That whole process is currently still
12 in motion of whether or not the agency elects or
13 not or decides not to take action regarding the
14 petition.

15 So it's more of a regurgitation of
16 things that we're hearing to help inform you all.

17 Is this something worthwhile? Is it not?
18 Thanks.

19 MR. BROOKS: Thanks, Brad. I've got a
20 few folks in the queue here so we'll go to Bob,
21 then Amy, then over to Jason, then Tim, and then
22 Mike.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MR. HUMPHREY: Thanks, Brad. And
2 thanks for that presentation for taking some of
3 the wind out of my sails.

4 I would, if I may, like to ask three
5 questions regarding the harpoon request. From an
6 agency standpoint, what is the intent of the
7 fishery, and how might this practice go against
8 that?

9 MR. MCHALE: I mean, I'd have to go
10 back through some archived files to see what was
11 articulated as part of the administrative record,
12 but what is very fresh and has continued to be is
13 that harpoon category, this is before any
14 category had been established.

15 There wasn't a charter head boat, or,
16 excuse me, there wasn't general, there wasn't
17 pursing, there wasn't longline, there were just
18 gears.

19 But the reason when the agency elected
20 to compartmentalize that into the current quota
21 categories, and the harpoon category, very
22 prominent, was is it a unique fishery that's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 weather dependent?

2 And so, how it's being prosecuted
3 warranted very liberal retention limits because
4 you didn't know what days the fish were going to
5 and the weather was going to cooperate for that
6 fishery to be prosecuted.

7 So that is a big driver behind that
8 category that this recent behavior could bring
9 into question.

10 MR. HUMPHREY: Okay, thank you.
11 Second question, one of the points was this could
12 bring more and larger vessels into the fishery.

13 It's been going on long enough now,
14 have you seen any evidence of that?

15 MR. MCHALE: The quick answer, the
16 quick answer is it's difficult to tell, to be
17 honest with you, because the agency doesn't
18 collect information in regards to I caught this
19 fish behind a dragger, I caught this free
20 swimming Wilkinson's Basin, I caught this fish
21 with a plane, I caught this fish without a plane,
22 I caught this fish with a drone, without a drone.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 We're not collecting that level of
2 resolution. Some of the information we do have
3 is you can look at the number of successful
4 vessels in a category.

5 And so, just hypothetically, this past
6 year we had 33 vessels successfully land a
7 bluefin tuna in the harpoon category.

8 Now, we could track that going
9 backwards in time. So just what I have displayed
10 here on the slide, last year it was 25.

11 Does this behavior have any influence
12 on that? I can't really speak to just because I
13 don't have that information before me, and any
14 information we do have is anecdotal.

15 It's all kind of hearsay like, oh, I
16 know so and so did X, Y, Z, but nothing that we
17 can really use as a foundation stone to inform
18 actions on the agency.

19 So it's going to be difficult to tease
20 apart outside of having some information that
21 gets to that level of resolution so you can
22 actually tease apart the number of vessels or

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 percentages of catch, what have you, to kind of
2 figure out, is this an issue or isn't it?

3 MR. HUMPHREY: I was more interested
4 just in the number of permits in that category.
5 Have you seen an uptick, regardless of whether
6 they fish by draggers or not?

7 MR. MCHALE: The answer is yes, we
8 have seen the last two years an uptick in the
9 number of permits in the category.

10 MR. HUMPHREY: Okay, and last but not
11 least, and you probably don't have an answer but
12 I'll ask anyway, the issue of safety concerns.

13 Throughout your OLE or Coast Guard
14 negotiations, any reports, evidence of issues
15 specifically to this practice?

16 MR. MCHALE: To date, no. So we've
17 collaborated with the Office of Sustainable
18 Fisheries in the Greater Atlantic Regional
19 Office, so they manage whether it be the scallop
20 fishery, the groundfish fisheries, to see if
21 they've heard or have any information.

22 To date, no. We've worked with the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 United States Coast Guard. They don't have any
2 instances of safety at sea issues.

3 And so right now, it's all
4 hypothetical that when you, based upon this
5 activity, that there could be, but there aren't
6 rules or regulations that prohibit it, either.

7 And so it's just one of these concerns
8 that's raised. But thankfully, we don't
9 necessarily have any events to validate that or
10 document it.

11 MR. BROOKS: Thanks. Let's go over to
12 Amy and then Jason.

13 MS. DUKES: Thanks, Brad, for a great
14 presentation. A comment and a question, sir.

15 So, I applaud the efforts to have
16 conversations regarding the health concerns with
17 the state permitted licensed folks and your
18 federal dealers.

19 One just missing piece to that puzzle
20 is that oftentimes fish may be landed under a
21 first receiver versus a first purchaser instance.

22 So just food for thought when thinking

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 about how to do those safety concerns.

2 Think about if, are you talking to the
3 first receiver or the first purchaser of that
4 product?

5 I know that sometimes an issue in
6 states to the south, mine in particular. And
7 then the second is about the appeals process.

8 You stated that there were 25 appeals
9 submitted. Are those appeals from just qualified
10 individuals for quota?

11 Or does that also have those folks
12 that did not qualify and they also appealed?

13 MR. MCHALE: Thank you, Amy. So,
14 regarding the first receiver versus the first
15 purchaser, when it comes to bluefin tuna, that
16 fish needs to be tagged immediately when it's
17 offloaded.

18 And so whether it's a receiver or the
19 purchaser, it's the federal dealer that's been
20 issued that tag that is responsible for
21 everything for that fish thereon through,
22 including the food safety dynamics through the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 state permitting.

2 But the resolution that you're getting
3 at is not lost on me, given some of those handoff
4 challenges that exist and that are so very real
5 and that transcends just tuna and some of the
6 other fisheries as well.

7 As it relates to the appeals, the 25
8 was in total. And so every single letter holder,
9 even those that received you're getting zero
10 allocation, in theory, could have appealed.

11 And so, it wasn't, it's not 25
12 applicants that had the agency's determination
13 vacated and then the appeals awarded.

14 That 25 is also inclusive of those
15 decisions where the agency's initial
16 determination was upheld. So it's an inclusive.

17 MR. BROOKS: Thanks, Brad. Jason?

18 MR. ADRIANCE: Yes, thanks for the
19 presentation, Brad. My question relates to Slide
20 19 and compliance.

21 So you had mentioned it's kind of
22 plateaued there and outreach continues. I guess

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 at some point, you're only going to get so much
2 out of outreach and maybe even so finds.

3 Has the agency ever considered
4 suspending permits or using that as a tool in the
5 toolbox to increase compliance?

6 MR. MCHALE: It has been considered.
7 There is challenges that go along with that that
8 are general counsel in the office of law
9 enforcement would have to speak to more about to
10 what are the thresholds to actually get to that
11 point?

12 That's a pretty heavy action to take
13 is then to actually pull a permit. But it
14 doesn't mean it's off the table.

15 I know one item in particular that we
16 have been collaborating with the office of law
17 enforcement and general counsel as well is, well,
18 we have this data.

19 So I have dealer data. I have vessel
20 data. In theory, the values in column A should
21 match column B, and if they don't, do we just do
22 a citation based on that information?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 And that may have merit. Some of
2 those efforts have been stalled due to resource
3 limitations, whether it be staffing on our side
4 or priorities on the office of law enforcement.

5 But that's something that ultimately I
6 think we'll be looking to stand up.

7 So even before we get to say revoking
8 permits or suspending the issuance, is do you
9 just go through a citation and gets folks'
10 attention that way to understand that this is
11 something we're looking at and it is vital for
12 the management of the fishery.

13 But I wouldn't want to say that we
14 can't withhold a permit, either, because there's
15 already precedent to that.

16 Case in point is those longliners
17 around the room in our line and out at sea would
18 make note that if all of a sudden the Southeast
19 Fisheries Science Center doesn't receive logbooks
20 for a particular year, they do put blockages on
21 permits and things along those lines.

22 So, it's how you strike the right

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 balance, especially when you're looking at about,
2 when you look at, so right here we're looking at
3 commercial hand gear compliance, so that's
4 potentially 6,000 vessels that we're looking at
5 there, and what's the best tool to get the most
6 benefit derived, as well as then the
7 administrative burden, if all of a sudden we were
8 say blocking 3,000 permits, that's a huge demand
9 on the agency's resources of then having to
10 backtrack monitor.

11 So it's that balancing act that we're
12 trying to strive here. Clearly, outreach isn't
13 necessarily getting us to 100 percent. I don't
14 know if 100 percent is even achievable.

15 But there's still room for growth.
16 And I think the stick could help us get there,
17 just not necessarily the really big stick.

18 MR. BROOKS: Thanks. Let's go to Tim
19 and then over to Mike.

20 MR. PICKETT: Okay. You can go if
21 you want. Okay, to kind of add on and segue into
22 what I was going to say, with Jason with the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 compliance issue, I commend you with bringing up
2 and spending extra time on the issue of no sale
3 fish.

4 I think that's very important and I
5 think to look at the bluefin situation overall as
6 a country being a steward of the resource that
7 that's something that needs to be concentrated
8 upon.

9 Because those 60-something-odd fish on
10 Slide 18 from '20-'22, those fish would have
11 benefited the pelagic longline industry a pretty
12 significant amount.

13 They were unsold. I know you guys
14 send out emails, which is a good thing to these
15 guys, and it's on the HMS news thing to make sure
16 that you have a buyer before you leave the dock.

17 I would bet that a lot of these non-
18 sale fish are caught by people that are also non-
19 compliant in their reporting, because if you care
20 as little about trying -- you're a commercial --
21 this is a commercial -- we keep on saying over
22 and over, this general category is a commercial

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 business.

2 So if you're a commercial business,
3 you need to be committed, at least attempting to
4 make money when you leave the dock.

5 And we're set with a finite resource
6 here that all of these different sectors are
7 reliant upon and everyone wants a piece of
8 everyone's action.

9 The charter head boats want more of
10 it. The longline industry obviously needs and
11 wants more of it.

12 So we need to do whatever is possible
13 to make sure that this number is low.

14 And in times of quota shortages and
15 stuff like that, these are just zeroes that end
16 up in there.

17 And I think we kind of owe it to
18 ourselves to try and get the most bang for the
19 buck out of it.

20 I don't know if it could ever go this
21 far, but with the recommendation of somebody
22 needs to get a buyer lined up before you leave

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 the dock, say, okay, well, if you come back and
2 nobody buys it then you're done.

3 You're on the bench. I think that
4 would take care of some of the compliance issues
5 as well, because these are essentially dead
6 discards.

7 And it gets back to, you had
8 mentioned, Brad, that some of this might end up
9 on the street, and in terms of marketing,
10 marketing domestically this product, bad fish on
11 the street doesn't do anything for the market.

12 A couple months ago I had a really bad
13 piece of swordfish in a restaurant in Pompano.

14 I know it didn't come off of Ally's
15 boat because if it came off of Ally's boat it
16 would have been a great piece and it would have
17 been taken care of.

18 And I've eaten, I mean, obviously, a
19 lot of swordfish. But it would make me, if I was
20 somebody that was naïve to the way that that
21 product is supposed to take, I know it came in
22 the back door out of -- was sitting on the back

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 deck of a boat in a gym sock and came in the back
2 door of the restaurant.

3 But if I was someone who was naïve as
4 to what that product could actually taste like,
5 I'd be turned off it forever.

6 So, I'm glad you're spending some time
7 and talking about this unsold issue here.

8 MR. BROOKS: Thanks, Tim. Mike
9 Pierdinock, now you're turn.

10 MR. PIERDINOCK: Thank you. Thank
11 you, Brad, for your presentation. Can you go
12 back to the compliance slide? I think it's right
13 after this, with the 75 percent compliance.

14 MR. BROOKS: Hey, Mike, get a little
15 closer to your mic so folks online can't hear
16 you.

17 MR. PIERDINOCK: Okay, there you go.
18 A few things to note. I mean, the positive thing
19 is, well, unfortunately, we're not at 100
20 percent.

21 We're at 75 percent reporting, but
22 ultimately, the dealers get it and it's reflected

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 in the fact that it's being recorded, which is
2 key.

3 You want to make sure that it's
4 reflected and such. It was noted earlier also
5 that we have these inconsistencies with some of
6 the GARFO online reporting.

7 And it still amazes me, and I'm sure
8 it amazes you, how many people still haven't got
9 noted that that is the case.

10 So additional outreach by those in
11 different organizations, as well as yourself, can
12 be conducted to try to get the word out, make it
13 understood that those apps do not report, to
14 hopefully help with reporting.

15 And maybe one of these days, when it
16 is one stop shopping, that we won't have that
17 inconsistency.

18 Now the next question, it's kind of
19 New England centric, since I'm here on behalf of
20 New England Fishing Management Counsel, in that
21 there's been a significant uptick in bluefin
22 tournaments in Massachusetts, especially this

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 past weekend, with significant catch, which most
2 of it is going to the general category because
3 it's the biggest fish.

4 And I'm curious with that how that
5 works, that tournaments have to report, and I
6 believe that the boats have to report, it's your
7 vessel and you caught that bluefin, you report
8 it.

9 Has there been any checking with that
10 to see whether there's a consistency between what
11 the boats report and what the tournaments report?

12 And what are you relying on? Are you
13 relying more on the tournament reporting?

14 And is there any lag time when you get
15 that in order then to make a decision of where
16 the status and the quota stands?

17 Or are you relying on the vessel
18 reporting? So that's one question.

19 The question from, the petition from,
20 the harpooners, in which it's noted that there's
21 100 captains and 90 percent of that category has
22 reached out requesting that this go out for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 public comment.

2 So I'm just curious as to how that
3 process works. We're going to have this
4 discussion around the table.

5 I'm not sure what then is, what is the
6 next step, and when that decision will be made.

7 Because it's important to them. If
8 that represents 90 percent of that harpoon
9 category and they're requesting public
10 participation, I would just think it's fair to
11 them to do that unless there's some good reason
12 why that wouldn't be the case.

13 I would be also interested, though,
14 that it notes in the petition, there's mobile
15 gear vessels which they're having these
16 conflicts.

17 Which mobile gear vessels? What type
18 of mobile gear vessels? That would be
19 interesting to note because there has been
20 increases with commercial fish or conflicts,
21 especially certain time of the year, up our neck
22 of the woods where we're fishing in November,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 December, where in the past that would be the
2 case.

3 But with increased temperatures, with
4 more people out there in the water, there's
5 increased conflicts with different gear types.

6 So I'd be interested in what gear
7 vessels they're referring to. So there's a few
8 questions there, and if you could address them,
9 thank you.

10 MR. MCHALE: All right. So I'll
11 tackle the ones I can and I'll punt on the ones I
12 cannot or choose not as the case may be.

13 So when it comes to the emergence of
14 tournaments being superimposed on commercial
15 fisheries as it relates to bluefin tuna, and
16 emergence I'll use loosely, because there have
17 been terms in play for quite some time, but I
18 think over the last number of years we're
19 starting to see more and more.

20 We manage the general category as a
21 commercial fishery, period. So we're using
22 information derived from the dealer landing

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 reports as well as those vessel submitted reports
2 to monitor the fishery, monitor catch rates, and
3 what have you. It's done.

4 There are requirements for tournament
5 directors to submit reports to the agency as
6 well.

7 And at this point in time, all
8 tournaments that have HMS is selected. At one
9 point in time, it was just those with billfish.

10 There is more of a considerable lag
11 time with those tournament reports, as well as
12 the resolution of the data that they supply the
13 agency, but we do have the information that we
14 could do a comparison and see, okay, what is the
15 -- what's coming through to the tournament versus
16 what's being reported directly to the agency?

17 Now, some of the information there
18 could differ. Like, all of a sudden, perhaps a
19 vessel that's participating in a tournament could
20 land a fish but if the leaderboard is already
21 thick and they're fishing shy of it, maybe they
22 don't even weigh it in the tournament because

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 it's not viable to get a Calcutta or anything
2 else.

3 So that's why we don't lean on
4 tournament derived information to manage the
5 fishery to stay on the tried and true.

6 And these have been conversations I've
7 had with tournament directors for a number of
8 years now, is to lay this out.

9 Because this also comes into play with
10 restricted fishing days. Everyone wants all
11 their tournament over a weekend because you can
12 maximize public participation.

13 But we then have to inform them of why
14 restricted fishing days are there and that horse
15 versus cart type of conversations.

16 And it's a commercial fishery and the
17 tournaments come in second. So all of a sudden,
18 we're not going to accommodate the commercial
19 fishery to accommodate the tournament and how the
20 tournament and have the tournament be the lead
21 role there.

22 And that's currently our stance. And

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 so, there's a lot of education there, but it's
2 the preexisting tried and true data methods and
3 avenues that we're still leaning on for the
4 tracking of the fishery, the dealer reporting and
5 the vessel reporting.

6 But that doesn't mean that we can't do
7 a tournament comparison. In fact, we have some
8 comparisons underway to kind of see what
9 influence, and my staff are currently working on
10 those.

11 As it relates to the petition of
12 rulemaking process, I might defer to the division
13 chief or others to kind of speak to the ins and
14 outs of that.

15 Because there is a process that comes
16 along with it. It's a very formalized process of
17 what's the communication chain, what's the
18 delivery process to help inform whether or not
19 the agency acts or elects not to.

20 So I'll take a pass on that one for
21 the moment and as it relates to the petitioner's
22 definition of mobile gears, based upon the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 conversations that we've had, it's kind of a
2 catchall.

3 So you're looking at scallop vessels,
4 you're looking at midwater trawl vessels, you're
5 looking at bottom trawl vessels.

6 I think it all fits into that mix of
7 where the concerns currently reside. It's not
8 necessarily just one of those gear types because
9 I think what's transpiring is, as those gears are
10 hailed back and the spillage coming out of those
11 nets or dredges or whatever it may be.

12 It doesn't matter if it's scallop guts
13 or if it's codfish or haddock coming over the
14 side or if it's whiting or butterfish, it's still
15 setting up that quasi chum slick.

16 And so I think that's really what
17 they're trying to encapsulate by using that
18 terminology.

19 MR. BLANKINSHIP: Thanks. And I'll
20 touch on two things. First of all, but to build
21 off of what Brad was saying about tournaments,
22 because it was right on the money and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 particularly in relation to bluefin, which this
2 presentation is about.

3 But I did want to reiterate a build
4 off related to swordfish and billfish is that the
5 tournament reporting is critical for accounting
6 for those other species in particular, billfish
7 against the marlin 250.

8 And so the tournament reporting is a
9 key piece of information in those portions of the
10 fishery, of which the general category, many of
11 you know, when it's fishing in a registered
12 tournament fish under the angling rules.

13 And so that actually has the ability,
14 those folks have the ability to fish for and land
15 billfishes and swordfish in that scenario under
16 the angling rules.

17 Okay, on the rule making piece, so the
18 comment is related to the petition which is
19 signed by the majority of the participants in
20 that fishery.

21 And that was noteworthy and I will say
22 that that petition is one that we had just

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 recently received, but it is still under
2 consideration.

3 Your point is a very good one. I
4 think we also note that with the majority of the
5 participants in that fishery, it certainly gives
6 that weight.

7 What we do with that ultimately is yet
8 to be determined. But I'll take your comment and
9 as part of the discussion of the AP as being a
10 positive one about, I think, about coming from
11 the AP from you, that a proposed rule might be in
12 order.

13 That's what I'm hearing from you.

14 MR. PIERDINOCK: What I'm requesting
15 is that they be provided the opportunity to go
16 out to public comment, whether I personally agree
17 or disagree with it.

18 I think as a result of the numbers
19 that we're looking at where we're dealing with 90
20 percent of those in that category, over 100
21 different captains have signed it, I think it
22 should go out to public comment, be vetted, and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 have open discussion, and then ultimately come to
2 a conclusion.

3 I think that's just fair to them.
4 Thank you.

5 MR. BROOKS: Thanks, and just a quick
6 question in the chat here from Evan Hipsley.
7 Does tournament report data entered into catch
8 stats suffice or are there additional
9 requirements?

10 MR. MCHALE: I'm not perfectly clear
11 on the question, but I think Randy captured it
12 there.

13 When it comes to bluefin tuna
14 counting, that we have pre-existing methodologies
15 because it's a commercial fishery.

16 When you start to look at other
17 species, how the information is supplied from
18 tournaments is utilized in different ways.

19 Case in point, Randy just mentioned
20 swordfish, billfish. That is a significant
21 reporting avenue that we collect information
22 regarding us given the privilege of some of those

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 tournaments.

2 So, I think it depends really on what
3 specific species you're looking at, then what are
4 the data avenues and how they kind of stack and
5 rack.

6 MR. BROOKS: Okay, and Evan, if that
7 didn't hit what you were looking at, please throw
8 another comment in the chat or raise your hand.

9 We have ten minutes left and I
10 definitely want to get us out to break on time
11 because we'll have Sam here at 3:30, and I know
12 we don't want to lose our time with Sam.

13 I've got David Schalit and then over
14 to Steven and Marty and then Alan. So if we can
15 all be succinct, that would be great. David?

16 MR. SCHALIT: Yes, thanks very much,
17 Brad, for that presentation. Very comprehensive.

18 And I appreciate you bringing up the issue of
19 scombroid stocks and toxicity.

20 Some things I wanted to touch on
21 briefly. Obviously, we all understand there's a
22 public health mention to this, and by the way,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 it's not only bluefin we're referencing.

2 It's the other tropical tunas as well.

3 There is another aspect that needs to be
4 considered, which is what happens when some
5 consumer or group of consumers get sick from
6 scombroid toxin toxicity?

7 This is typically the response is,
8 their face becomes flush red and then they start
9 vomiting.

10 So, the problem here is that when this
11 happens, we're basically tossing the dice every
12 time we send fish out.

13 We don't know. Our controls on this
14 issue are minimal, and it really comes down to in
15 my view, fishermen education about how this
16 particular species is going to have to be
17 handled.

18 It's not intended to be cooked. It is
19 intended to be used as sashimi, in most cases,
20 not all cases, and therefore, we require
21 different standards for onboard handling.

22 But what I want to put out is that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 when there is a sudden incident in which we have
2 scombroid toxin toxicity with the public, what
3 will happen is that this will get to the FDA and
4 the FDA will send out an advisory by email that
5 goes to, I have no idea how many chefs around the
6 country.

7 And that will definitely have a
8 negative effect on the business. And there's
9 just another added dimension, added aspect to the
10 question, does it matter, scombroid toxin
11 toxicity? Thanks.

12 MR. BROOKS: Thanks, David. Steve?

13 MR. GETTO: Just a clarifying question
14 on the reporting, Brad. Is this a total landing
15 instances?

16 For example, if I'm a fisherman and I
17 have 10 landing events, and I report nine of
18 them, am I 90 percent compliant?

19 Just to clarify what that means. Are
20 some boats 50 percent compliant, they've reported
21 half of their landings?

22 So if you could clarify that, that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 would be great.

2 MR. MCHALE: Sure. And so hence there
3 are two lines. So one is where we use the actual
4 number of fish, and so it takes the fisherman
5 almost out of the equation.

6 It's what was the overall numbers of
7 fish landed, how many of those were reported by
8 the fisherman?

9 And so that gives us that one line
10 there. The number of fishermen is really,
11 fishermen is probably a misnomer here.

12 It's probably the number of permits,
13 is probably the better way to phrase it.

14 And so, the number of permits that are
15 reported. So when you show catch by permit
16 holder, it's how many individuals just aren't
17 reporting?

18 And so if you have somebody that is
19 reporting say half of their catch, then their
20 numbers would be reflected differently based upon
21 the numbers of fish, obviously, but then they'd
22 be captured here and probably be part of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 numbers that's suppressing the number less than
2 that 100 percent if they were doing 50 percent
3 reporting.

4 And so it's really kind of looking at
5 two ways there. Lines, because they're marrying
6 up, we're not seeing a whole lot of that.

7 Granted, there's almost human nature
8 or human error, but it's really kind of a side by
9 side comparison that shows that whatever metric
10 you use, we still just need to bring that
11 additional 25 percent.

12 And so we use the number of fish or
13 the number of vessels that are obligated to
14 report, it's still the same.

15 MR. BROOKS: Thanks. I'm going to go
16 online to George Purmont, since he won't have the
17 opportunity to ask a question during the break if
18 we run out of time, which Alan or Marty, you
19 would be able to do.

20 But George Purmont, let's bring you
21 into the conversation.

22 MR. PURMONT: Thank you very much.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 It's a pleasure to be here. Brad, thank you for
2 an excellent presentation as always.

3 It's full of fact and well supported.

4 Simply stated, I'm not in favor of the night
5 harpooning or harpooning behind another vessel.

6 I know that's going to be a difficult
7 issue for you to work out, and I think that
8 enforcement on something like that is going to be
9 really difficult.

10 But I think ultimately the best thing
11 is that harpooning via daylight effort away from
12 another boat. Thank you.

13 MR. BROOKS: Great. Thanks, George.
14 Marty?

15 MR. SCANLON: The topic of non-
16 compliance, I have absolutely zero tolerance.
17 Let me tell you an example of what I've just gone
18 through to get my northeastern permits renewed
19 this year.

20 Believe they get renewed March 1. I
21 didn't get my permits until mid-July. I'm one of
22 the few boats that have northeastern permits and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 southeastern permits on my boat, so I'm required
2 to do eTrips through GARFO.

3 Those aren't because I didn't comply,
4 but as the app evolved from 2021 to present day,
5 the fields within that app continually change,
6 putting my reporting in non-compliance.

7 I spent those months with Maryland and
8 Vick Vicchio trying to resolve this issue.

9 I had almost every trip that I
10 submitted went into non-compliance as a result of
11 their mistake, not mine.

12 That whole time, I went without my
13 permits over their issue. One of the issues came
14 about where I sold my fish to a licensed dealer
15 who then sold the fish down the chain line, and
16 because someone down that chain line that I don't
17 even know, they gave me the number of the person,
18 but I had to get in touch with my buyer and I had
19 to resolve their issue, because that guy
20 somewhere down the line reported the wrong VTR
21 number to my trip.

22 And my permits were held up over

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 something that I had nothing to do with. The end
2 of the day, I still had two landings that were
3 reported with my permit number on it that were
4 not relayed by me, that someone misused my
5 permit.

6 I wasn't in the port at the time. I
7 had landings in another state at the time under
8 my federal permits, yet my permits were held up
9 until mid-July because all of these issues.

10 And not one of them had anything to do
11 with my reporting. Yet I was -- my permits were
12 withheld for all that timeframe.

13 And you're talking about people that
14 blatantly don't care about reporting, and you
15 want to make up every single excuse in the book
16 why they should get away with it.

17 If you don't report and you don't
18 follow the rules, you don't get a permit. Now,
19 you're telling me, Brad, that because 5,000 or
20 6,000 boats that didn't comply, that's too much
21 work for you to enforce, then maybe I should go
22 back to my fishing.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Maybe we should know the fishing
2 report, because if we know the fishing report,
3 maybe it would be too much work for you to do
4 anything about it.

5 But I know in the longline industry,
6 if every I isn't dotted, every T isn't crossed,
7 every box isn't checked on any of those reports,
8 if our trip reports aren't in, we don't get a
9 permit, and our livelihood depends on this.

10 This isn't a game to us. We're
11 talking about people that don't take this serious
12 at all.

13 You don't do your required reporting,
14 you just don't get a permit until you do.

15 Simple as that.

16 MR. BROOKS: Thanks, Marty. Marty,
17 can you -- thanks. Alan, you get the last word
18 here. We're going to go to break at 3:15.

19 MR. WEISS: Thanks. And just a quick
20 suggestion following up on that enforcement idea.

21 There seems to be some consternation
22 over denying someone access to their permit or

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 don't deny access to their permit.

2 Why not do some kind of incremental
3 thing as is often done where if you're caught out
4 of compliance, your permit is suspended for some
5 period of time, and with repeated violations,
6 this suspension gets longer and then finally, it
7 may be completely not renewed.

8 But for anyone who's serious in the
9 business and wants to stay in the business, if
10 you suspend them even once, you've got their
11 attention, and chances are they'll be right on
12 point from there on out.

13 MR. BROOKS: Thanks, Alan.

14 MR. WEISS: The other point I just
15 wanted to mention real quick is I heard the issue
16 of gear conflict.

17 I don't know the details of it, but I
18 know from my earlier experience being on the
19 counsel that when issues were brought to us about
20 gear conflict, sometimes it was legitimately gear
21 conflict that was conflicts between two gears in
22 the water interfering with each other.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 A lot of the time, it's not really
2 gear conflict, it's conflict between the people
3 using different gears.

4 And if you start to separate that out,
5 it makes it a lot easier to deal with it.
6 Thanks.

7 MR. BROOKS: Thanks, Alan. Peter,
8 you're actually going to get the last word.

9 MR. CHAIBONGSAI: All right. Just
10 really quickly, this almost sounds like the
11 conversation we had last meeting for e-reporting,
12 and I'm going to say the same thing I did last
13 time.

14 Those people that don't report should
15 get punished but those people that are reporting
16 correctly should get incentivized.

17 Therefore, you're hitting it both
18 ways. You can have it both ways. You're helping
19 out the people that are reporting the correct
20 way, incentivizing them by I don't know how, and
21 then you're punishing those people, whether it's
22 incrementally or taking away their permit.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 So you're getting the best of both
2 worlds. You're keeping the guys that are
3 actually submitting all their information
4 correctly happy while also getting those guys
5 that are non-complying to pay for not complying.

6 MR. BROOKS: Thanks, Peter. Thanks
7 for all the comments here, as always a lot of
8 helpful, thoughtful ideas coming forward.

9 Let's go to break. It's 3:16. We are
10 going to reconvene at 3:30 sharp with Sam. So
11 please do not be late. Thanks.

12 (Whereupon, the foregoing matter went
13 off the record at 3:16 p.m. and went back on the
14 record at 3:29 p.m.)

15 MR. BROOKS: Okay, again, if I can get
16 folks who are standing up to please find your
17 seats at the table or along the side, if that's
18 where you are.

19 We are coming up at 3:30 and I do want
20 us to start on time so we get the full half hour
21 with Sam. So Randy, over to you.

22 MR. BLANKINSHIP: Thank you, Bennett.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 And I want to just briefly introduce Sam Rauch,
2 who is the Deputy Assistant Administrator for
3 Regulatory Programs for the Agency.

4 Sam is gracious enough to come over
5 and give us some of his time and we really
6 appreciate that.

7 We always try to arrange this with him
8 and his office so that he has an opportunity to
9 share some thoughts with you all but also to be
10 able to listen to what you all have to say.

11 So with that, I'll just turn it over
12 to you, Sam.

13 MR. RAUCH: Thank you, Randy. Yes,
14 I'm Sam Rauch. I'm the Deputy. It's a long
15 title. I'm also informally the Deputy Director,
16 one of three Deputy Directors at the National
17 Fishery Service.

18 I'm in charge of the regulatory
19 programs. My counterparts are in charge of
20 operations, enforcement, budget, that kind of
21 thing, and then Chief Scientist.

22 But I oversee the work of all the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 regions and then the stable fisheries including
2 the HMS and protected resources and habitat.

3 So I'm pleased to be with you. I've
4 been here. I come here quite frequently and I
5 have met many of you in person.

6 For those of you I don't know, good to
7 meet you for the first time. These are important
8 meetings.

9 We try very hard not to operate in a
10 black box. We try to operate with important
11 input from the public and various stakeholders,
12 interested parties.

13 That's who you all here. We could not
14 do what we do in an efficient way without the
15 work that you do here, bringing all your
16 viewpoints in here, talking with us about how to
17 do things.

18 It takes a lot of our time. It takes
19 a lot of your time. It takes a lot of work on
20 your part. And we very much appreciate it.

21 I know you don't always agree, or not
22 all of you always agree, with anything that we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 do, but that's good. That's healthy.

2 We talk through things and at least
3 we're trying to be very transparent about why,
4 when, and how we do things, and we need your
5 input to do that.

6 These meetings are a key part of that,
7 so I very much appreciate everything that you do
8 and that you've always done here.

9 This meeting today, there's a number
10 of big issues on the table. I know you're about
11 to talk about Amendment 15, the draft
12 Environmental Impact Statement.

13 We are extending the comment period of
14 that through October 2nd, I think, right? So
15 that will allow us to take some more comment on
16 that.

17 That is a big complex amendment.
18 There's a lot of different things in there
19 ranging from looking at stat closures and
20 changing environment to the way that we allocate
21 costs to bring in this fishery in line with the
22 rest of the fisheries around the country.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 A number of other difficult things to
2 work through, and we wanted to get more time for
3 input on that process.

4 And so I know you guys were about to
5 talk about that here this afternoon or tomorrow.

6 So that'd be good.

7 It's very important that we get that
8 and that's why we extended the comment period on
9 that.

10 You're going to talk about more, you
11 already have talked about more HMS issues. We as
12 an agency are looking at a number of large policy
13 and budgetary priorities.

14 We recently announced several millions
15 of millions of dollars, over \$100 million dollars
16 in investments in habitat actions and coastal
17 communities, coastal resiliency, but we're trying
18 to restore fifth passage, restore habitats that
19 many species do rely on, grow up in.

20 We are working on climate ready
21 fisheries and investment in fisheries for the
22 future as we're looking at changing environments.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 We have changed the way we collect
2 data, the way we analyze data. We're making a
3 big investment in that all through the bipartisan
4 infrastructure law and the inflation reduction
5 act.

6 We've gotten a lot of money through
7 that and we recently announced those. Those are
8 levels of investment in our programs and the
9 programs that you all work with and rely on and
10 we implement that we haven't seen.

11 And it is a tremendous opportunity but
12 also a daunting one, and we look forward to
13 continuing to share all those opportunities with
14 you all, to work with all of you as we implement
15 those over the coming years.

16 Some other initiatives that we
17 recently announced, I think I've talked to you
18 before about our Equity in Environmental Justice
19 National Strategy.

20 I can't recall whether that was out
21 the last time I was here or was about to come
22 out, but the national strategy's out.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Right now, we are in the process of
2 taking that national guidance document and
3 tailoring it more specifically to individual
4 offices and individual regions.

5 And so there's a lot of step down
6 plans as we work on it from a national statement
7 of priority to some actual implementable actions
8 on the ground.

9 And those will be coming out soon and
10 many of our office regions are working on those
11 kinds of issues, so that's very important to all
12 of us.

13 We also implemented a national seafood
14 strategy in August, which is a different sort of
15 aspect than the sustainable fisheries part.

16 It's talking about the importance of
17 seafood to the broader U.S., the domestic
18 marketplace.

19 MR. BROOKS: Sam, can I cut you off
20 for one second? We just lost audio.

21 MR. RAUCH: It was really important.

22 MR. BROOKS: I know, but I want you to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 take these moments, just crystalize it a little
2 bit more.

3 Let's make sure we're back up. Keep
4 going.

5 MR. RAUCH: Okay. Are you going to do
6 that again to me?

7 MR. BROOKS: I don't know.

8 MR. RAUCH: Okay. I was talking about
9 the national seafood strategy, which was another
10 important aspect.

11 I think we all are -- many of us
12 understand exactly how important seafood is to
13 the country.

14 We're not necessarily the seafood
15 agency but we're as close to the seafood agency
16 as you can get and a lot of the products,
17 particularly the commercial industry, is to
18 provide those seafood structures and to look at
19 the fabric of seafood in the coastal communities,
20 looking at a variety of aspects from the
21 commercial stocks to aquaculture to our
22 international trade and other kinds of things.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 So that came out recently. We're
2 really pleased about that.

3 Oh, the other things, in terms of the
4 Magnuson Act, we recently put out a notice that
5 we are scoping potential changes to National
6 Standards 4, 8, and 9.

7 These national standard changes are
8 often big important things for us and we don't
9 take them lightly and we look at the impacts
10 around the country.

11 And so right now we're just scoping
12 out ideas. The comment period is close to being
13 closed on that, if it's not closed already.

14 But we are trying to decide then once
15 the comment period does close we get that input,
16 what we're going to do with that.

17 We may or may not decide to do any
18 rulemakings. If we do, we are going to make sure
19 we incorporate this group, other stakeholders,
20 and where we would go with that.

21 So I think I'm going to stop there
22 with that. There's other issues. I'm happy to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 take any questions. I do have to leave right at
2 4:00, but I'm happy to take questions as you see
3 fit.

4 MR. BROOKS: Great, thank you, Sam.
5 We've got about 20 minutes or so for questions
6 for Sam.

7 As we've done the last couple times,
8 just obviously would love to hear from all the
9 different sectors.

10 So I'll use my latitude just to make
11 sure that we're really touching all the different
12 bases and just ask all of you to be very focused
13 in your questions and in particular in your
14 preambles so we can hear from everyone around the
15 table.

16 So with that, David, you are first to
17 the draw, David Schalit.

18 MR. SCHALIT: I have no preamble.
19 Subject is offshore wind, large scale offshore
20 wind.

21 Right now, the BOEM began an
22 initiative in March, I believe, in which this

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 regulatory process will result in their having,
2 they're choosing what they call areas in the Gulf
3 of Maine.

4 We're only talking about the Gulf of
5 Maine, which would be available for lease to
6 developers for large scale offshore winds.

7 As this is an HMS meeting, the last
8 meeting with had with BOEM, they identified to us
9 that they have no data on HMS.

10 They've shown us GIS files which
11 contain data from many other fisheries in the
12 Gulf of Maine, but nothing. They have no data on
13 HMS.

14 And this is quite, actually, it's not
15 all that, it's not unsurprising to me, but it's
16 shocking that we are in the situation now where
17 we are incapable of providing them with the data
18 that they would need in order to try to avoid
19 conflicts between offshore wind and our fish.

20 So I'm wondering what thoughts you
21 might have in that regard, what we could do. I
22 mean, NOAA has a certain position.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 They do advise BOEM regularly on these
2 issues. So the immediate issue we're faced with
3 right now is a dearth of data.

4 That's what we're looking at. Thanks.

5 MR. RAUCH: Yes, as you indicated, the
6 Gulf of Maine is only one place, but BOEM is
7 developing wind in every other area the country
8 that they possibly can.

9 There's call areas in the Gulf of
10 Mexico, there's call areas, there's areas being
11 developed in the west coast, they're talking
12 about the Caribbean.

13 So there are a lot of issues. They
14 are the permitting agency. We try to give them
15 all the data that we have, that they can use.

16 Everything that we have, we try to
17 share with them. So I'm not exactly sure why
18 they don't have any of our HMS data.

19 And I can't speak to that. But our
20 role has been to -- we don't take a policy
21 position, per se, on whether or not wind should
22 be developed, but we do have a role in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 collecting, managing, and talking about what the
2 resources are that are there now.

3 And we share that with them. So that
4 is our role. And I'm not exactly sure why they
5 don't believe they have any data that we have on
6 HMS fisheries.

7 But we've given them -- most of the
8 other fishing data comes from us. And so, if
9 there is an issue, I'm sure we can look at that.

10 But that is our role.

11 MR. BROOKS: Thanks, Sam. Tim?

12 MR. PICKETT: Just a general comment
13 as it pertains to the conversation of cost
14 allocations in the industry.

15 I know you just briefly mentioned it's
16 a general movement in the agency to want to do
17 that, and most of the fisheries that have
18 electronic monitoring and everything.

19 And I'd just like to reemphasize how
20 this industry is so unique, the pelagic longline
21 industry, that is, as compared to a lot of those
22 other industries.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 We're dealing with highly migratory
2 species in this group and in that industry, and
3 there's no borders with these fisheries.

4 I made an analogy earlier. It's like
5 banning duck hunting in North Carolina and then
6 opening the season up year-round in Virginia and
7 South Carolina.

8 We have an industry here that's
9 competitive in terms of the products
10 internationally, and the industry's at a very
11 critical point right now in terms of its ability
12 to handle any additional regulations as it
13 compares to product that's being produced close
14 to us from the same stock.

15 So it was just more of a comment than
16 a question. But saying that this industry is
17 very unique in that our competition isn't far
18 away, and it's the same product that's coming
19 here.

20 And by disabling our abilities, we're
21 enabling other abilities. And I have some
22 exposure to that. So just wanted to throw that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 out there. Thank you for your time.

2 MR. BROOKS: Thanks, Tim. Let's go
3 over to Alan Weiss. I will note that this is the
4 third commercial fishing rep in a row and I'm not
5 seeing other cards but would love to hear from
6 other sectors if there's stuff that you want Sam
7 to speak to. Alan?

8 MR. WEISS: Thanks. Following up on
9 what Tim just mentioned and pursuant to our
10 earlier conversation on Amendment 15, I'm
11 wondering if you can shed any more light on why
12 in Amendment 15, Section 304d2 of the Magnuson
13 Act, and Footnote 7 in the EM cost allocation
14 procedure are not referenced in Amendment 15 and
15 why you or the agency believes that this
16 rulemaking is exempt or somehow that the limit of
17 three percent of the ex-vessel value of fish
18 harvested doesn't impact this proposed. Thank
19 you.

20 MR. BROOKS: Sam, I'm going to
21 interrupt you before you start this time. We
22 seem to have lost audio again. Jen, can you hear

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 us now? We're good now? Okay. You're on, Sam.

2 MR. RAUCH: This doesn't bode well for
3 the rest of your meeting. I'm sorry.

4 In Silver Spring we lost air condition
5 this morning, so it was 90 degrees in my office,
6 so it was great.

7 So that sounds like a very specific
8 legal question and I would refer you back to the
9 attorneys.

10 I don't have the Magnuson Act in front
11 of me to cross-reference that. I believe you're
12 referring to the difference between the cost
13 allocation policy and the cost recovery
14 requirements in the Magnuson Act, which are
15 different.

16 But I'm not certain as to exactly what
17 you're referencing, because I don't have a copy
18 of it right in front of me.

19 But that is something we'll look at,
20 I'm sure.

21 MR. WEISS: Yes, I sure hope you will.

22 If I may, one other question that's not related

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 to this.

2 MR. BROOKS: I'm going to actually let
3 you hold on to it and take some other folks in.

4 MR. WEISS: Okay. Sure.

5 MR. BROOKS: Mike Pierdinock.

6 MR. PIERDINOCK: Thank you, and thank
7 you, Sam, for meeting with us today with your
8 busy schedule.

9 My question has to do with Biden's
10 30x30 initiative and how different councils came
11 together and summarized different protection
12 areas in U.S. waters.

13 It appeared that 30 percent of our
14 waters appear to be protected but it wasn't clear
15 whether that was the case.

16 So my question is, is that the case,
17 and what is the timeline for there to be a
18 response to your review, whether we've met the 30
19 or have not met the 30?

20 MR. RAUCH: I don't know whether
21 that's the case or not? I do know that the
22 council, so, for those of you who don't know, all

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 the councils came together and developed a
2 comprehensive assessment of all their place-based
3 management measures, both the councils and then
4 you all recommend to us place based measures all
5 the time.

6 And so we close areas for fishing and
7 there are significant closures in place around
8 the country, some areas which are closed to all
9 fishing, some areas which are closed to some
10 fishing, some commercial seasonal.

11 But the councils, they accumulated all
12 that information, and we worked with them to
13 quality control it and make sure it was all
14 accurate in correct form.

15 We have given it to the folks in the
16 White House. It's not really the White House
17 group but it is an interagency group that is
18 compiling all this information into what they
19 call the atlas of conservation areas.

20 So I have a great faith that the
21 council generated measures will be available as
22 part of the atlas.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 But the real question is, what does
2 that mean in terms of conservation? Is an area,
3 so when the Biden administration said we are
4 going to try to conserve 30 percent of our land
5 and water by 2030, what does he mean by that?

6 Does that mean that an area which has
7 a seasonal closure which you can fish part of the
8 year but not other part of the years, does that
9 count?

10 Or does it need to be a year-round
11 closure? What if you only allow certain kind of
12 fishing in the area where there is no fishing in
13 the area?

14 So there's all these kinds of
15 questions surrounding the Magnuson Act. There's
16 also this question about, or if you look at that
17 on the water, what about that on the land?

18 And how are we going to get 30
19 percent? Are these kind of measures?

20 The only guidance that we've gotten so
21 far, these are difficult questions that the
22 administrations are working through, so I don't

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 know the answer to actually what counts as 30
2 percent, but I do look at, what was it, a year
3 and a half or so ago, the administration put out
4 its first report.

5 And it talked about conservation not
6 as a specific narrow definition but a spectrum of
7 activities, including the things like voluntary
8 easements on private land.

9 Specifically mentioned the council's
10 actions in terms of conservation. So I am
11 hopeful that some portion of all that will be
12 considered.

13 Whether it all gets considered or not,
14 I don't know. I certainly think that there's
15 many things the councils, that we do at the
16 recommendation of the councils, or you all, that
17 can qualify as conservation.

18 But then there's other things that are
19 sort of question marks. Is a seasonal closure --
20 what does that mean?

21 So, we don't know the answer to that
22 yet and I don't have the timeframe. The

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 timeframe was beginning of this year. That would
2 be beginning of '23.

3 You may notice it's not the beginning
4 of '23 anymore. So I don't know when all that is
5 going to come out.

6 I do expect that the next step will
7 probably be the list, the release of a more
8 comprehensive atlas which accumulates all those
9 areas but doesn't necessarily make decisions in
10 terms of what is conservation or not.

11 But I don't actually know what's going
12 to come out.

13 MR. BROOKS: Thanks, Sam. Matt, let's
14 go to you.

15 MR. DAVIS: Hi, excuse my shaking,
16 first time comment. So, if I could just make a
17 comment really quickly.

18 MR. BROOKS: Yes, and if you would
19 just introduce yourself so everyone knows who you
20 are.

21 MR DAVIS: Yes, of course, Matt Davis,
22 Maine Department of Marine Resources. I just

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 wanted to make a quick comment on something that,
2 David, you talked about with offshore wind
3 earlier.

4 So, I actually worked with you a
5 little bit earlier this year just to kind of
6 figure out how we might sort of resolve that
7 situation.

8 Jeff Kneebone actually and I worked on
9 a report together that sort of looked to
10 characterize the HMS fishing there in the Gulf of
11 Maine.

12 So far as I know, I talked with BOEM
13 recently and it seems like some of the data from
14 that survey is actually going to get integrated
15 into one of their effort layers.

16 Certainly, there's a lot of work to
17 go, but there is going to be more data integrated
18 than there was previously.

19 I think they're going to be talking
20 about that a little bit tomorrow, but I just
21 wanted to kind of bring you up to speed on where
22 we were with that. Thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MR. RAUCH: I think BOEM will be here
2 tomorrow, so that's a good question to ask them.

3 Sometimes there's two computer systems
4 can't talk to each other, so it's just, it's a
5 technical issue.

6 But there's no inherent reason why we
7 wouldn't share our data and we do try to share
8 our data with BOEM to make sure that they've got
9 everything that they possibly can to make a good
10 decision.

11 MR. BROOKS: Thanks. We are
12 definitely in the not great space on audio right
13 now. It's really cutting in and out. So I think
14 we should just keep working out here and just
15 keep having the conversation at the same time or
16 we'll be stopping ourselves constantly.

17 I am not seeing other hands, so Alan,
18 if you want to take a second question, please do.

19 MR. WEISS: Thank you. Just one other
20 point of clarification.

21 MR. BROOKS: Thank you, Steve.

22 MR. WEISS: I thought I heard you say

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 that you were contemplating changing a few of the
2 national standards of the Magnuson Act. Did I
3 hear that correctly?

4 MR. RAUCH: Yes, we've got what we
5 call an advanced notice of proposed rulemaking
6 about potentially changing National Standards 4,
7 8, and 9.

8 MR. WEISS: A change in the national
9 standards themselves?

10 MR. RAUCH: The national standards are
11 Congressionally mandated, so it wouldn't be
12 changing --

13 MR. WEISS: Well, that's why it
14 surprised me. I was surprised to hear you say
15 that.

16 MR. RAUCH: It was changing the
17 implementing regulations for the national
18 standards.

19 So we've got implementing regulations
20 for all the national standards. We did National
21 Standard 1 some time ago.

22 Two was a huge endeavor after the 2007

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Act, and I don't think we've changed any other
2 national standards since then.

3 So 4, 8, and 9, there are reasons that
4 you look at them together. They are somewhat
5 related.

6 But with implementing regulations, we
7 haven't looked at in a long time, so we would
8 look to update the guidance of the regulatory
9 guidance in there about how we interpret those
10 regulations, those standards.

11 But the Congressional standards,
12 they're set. We can't change those.

13 MR. WEISS: Thank you.

14 MR. BROOKS: Thanks, Sam. Sam, this
15 is a first ever, but we have nobody in the queue
16 for you and we might just finish this up and drop
17 early.

18 MR. RAUCH: I think the audio threw
19 them out.

20 MR. BROOKS: We'll keep going. No
21 doubt. Well, then, thank you, Sam, so much for
22 being here. We appreciate it. And AP, let's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 just take a 5-minute stretch break and we'll
2 start at 4 o'clock with John Foster and MRIP.
3 Thanks.

4 Thank you, guys. Just a quick 5-
5 minute break.

6 (Whereupon, the proceedings went off
7 the record at 3:52 p.m. and resumed at 4:00 p.m.)

8 MR. BROOKS: All right. If we can get
9 everyone back to the table, we want to get going
10 ahead here. Thank you all very much. If you
11 come back to the table, all right.

12 David Schalit, if I can get you back
13 to the table, too. Thank you. All right. We
14 want to move into our last topic for the day
15 before we go to public comment at 4:45.

16 And I want to just hand it off to John
17 Foster with the Office of Science and Technology,
18 who's going to catch us up on the Fishing Effort
19 Survey Pilot Study.

20 So, John, over to you.

21 MR. FOSTER: Okay. Great, and thanks
22 very much for having us. I'm happy to give some

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 updates on one of our survey programs that we use
2 to monitor recreational fisheries.

3 So, again, I am John Foster. I'm the
4 Branch Chief for Recreational Fishery Statistics
5 and NOAA Fisheries Office of Science and
6 Technology.

7 That is where the Marine Recreational
8 Information Program lives, or MRIP, and the
9 Fishing Effort Survey is one of the sort of
10 large-scale surveys that we operate.

11 I'll sort of cover two things today.
12 One, is an overview of a research report that we
13 -- or technical report that we released recently
14 that sort of summarizes some ongoing pilot
15 studies and research projects we've done related
16 to the Fishing Effort Survey.

17 And then based on that work, what we
18 have planned coming up is sort of an expanded
19 pilot study, and then some next steps moving
20 forward from that.

21 So, just for those that may not be
22 familiar, the Fishing Effort Survey is our

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 primary survey for collecting effort in terms of
2 angler trips for private boats and shore modes.

3 It's a household mail survey that we
4 conduct in coastal states along the Atlantic and
5 Gulf of Mexico coasts, and also in Hawaii.

6 It replaced the previous coastal
7 household telephone survey, which was a landline-
8 based survey that we phased out at the end of
9 2017, and we've been conducting it every year
10 since then.

11 So, as part of that since it's a
12 fairly new survey, we have continued to do sort
13 of ongoing research as part of our commitment to
14 continuous improvement as we move along with
15 updating our designs.

16 In particular, from this report,
17 there's two studies I'll highlight. One, was
18 looking at sort of -- well, both were looking at
19 sort of non-sampling errors.

20 These are potential sources of bias.
21 So, they are things that can affect the survey
22 results, but they're not related to sample size

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 or stratification, sort of the standard things
2 you might think of with survey design; one of
3 which was looking at the recall period and
4 whether or not the length of that can affect the
5 accuracy of reporting.

6 So, we looked at comparing the current
7 design for the FES, which uses a two-month
8 reporting period, to a couple of different ways
9 of collecting data fishing effort information at
10 the month level.

11 And then the second study I'll go
12 over, is one that looked at changing the question
13 order specifically for the two questions in the
14 survey that ask about counts of fishing trips
15 taken.

16 One asks about the current two-month
17 period, or the most recent two-month period, and
18 then a second asks about the most recent 12-month
19 period.

20 So, starting with the one-month waves
21 study, so, again, the standard FES design asks
22 about the total number of trips taken by

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 individual angler within a two-month reference
2 period. So, a 60- or 61-day period.

3 And we wanted to see if we asked about
4 a shorter time period, how that would impact what
5 anglers -- how they respond.

6 So, we did it a couple of different
7 ways. One, was an alternative questionnaire that
8 asked about just one month. Instead of a two-
9 month combined period, it asked about just a
10 single month.

11 And then separately in a different
12 questionnaire, different study treatment, we
13 asked about the same two-month period, but
14 separately.

15 So, instead of the combined two-month
16 period how many trips did you take, it asked
17 about Month 1, how many trips did you take,
18 separately Month 2, how many trips did you take.

19 And the results of that study showed
20 us that if we ask -- and maybe somewhat
21 surprising, if we asked about just one month,
22 when we then sum those results up, we get

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 consistently higher estimates than if we ask
2 about the two-month combined.

3 So, if we take two separate
4 administrations of the one-month approach and add
5 them together, that result is systematically
6 larger than if we just have the standard design
7 which asks about the two-month period in the
8 single administration combined.

9 And I'll speak a little bit to what --
10 from more general survey literature, what's
11 likely driving that result.

12 And then the second finding was if we
13 asked about the two months separately, still a
14 two-month period, but asking about the individual
15 months separately, then those results were very
16 similar to what we get under the current design
17 where we don't differentiate the months, we just
18 ask about the combined two-month period.

19 And so, in general, what the survey
20 methodology literature suggests is as you shorten
21 down a reference period when you're asking about
22 activity, how many times did you go to the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 grocery store, how many times did you go fishing,
2 how many times did you use this service, you
3 know, take a bus trip, you know, drive your car,
4 whatever it might be, as the reference period
5 gets shorter, it may be that respondents can
6 remember more accurately; but it may also be that
7 because people typically, if they're interested
8 in the survey topic, want to provide information,
9 that they may do what's called "telescoping" in
10 the survey methodology literature.

11 And that means take activities that
12 they did actually do, but did not fall within the
13 reference period the survey is asking about, and
14 essentially telescope it or move it into the
15 period, report it as if they had done it during
16 that period even though they may not actually
17 have.

18 And so, in this case, that contributed
19 to asking about a single month actually resulting
20 in higher effort estimates.

21 Now, there are some limitations of
22 course with the study. Whenever we do pilot

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 studies, we typically don't have enough
2 resources, funding, in particular, to conduct it
3 at very robust, large sample sizes or in all of
4 the states or all of the time periods that the
5 current survey covers.

6 So, in this case, we were limited to
7 four states and they were Maine, Massachusetts,
8 Georgia and Florida, I believe, and only six
9 months. So, we couldn't do it for the full year
10 and we couldn't do it in all of the states that
11 we conduct the FES in.

12 So, with that caveat, you know, we
13 were fairly comfortable, though, that if we
14 wanted to move the current FES design to
15 producing monthly estimates, that we had a way of
16 doing that that would be consistent with the
17 current design. It would not disrupt the time
18 series.

19 And that was, again, asking about the
20 two individual months separately. And I'll get
21 back to why I made that point, in a few slides.

22 So, I won't go into all the details,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 but this is just example of the different
2 questionnaires.

3 So, the column on the left-hand side
4 is the current FES and the highlighting just
5 indicates how it asks about the combined two-
6 month period.

7 It asks about shore mode trips first.

8 And then in the second half of the panel, it
9 asks about private boat trips.

10 The middle column is where it's asking
11 about the two months individually instead of
12 combined. And then the last column is the
13 treatment where it just asks about the one month
14 by itself.

15 Okay. So now, moving to the Question
16 Order Study, so, again, here the current
17 questionnaire, it asks about how many trips were
18 taken in the prior two months and it gives the
19 two months that it's asking about.

20 And then it asks a follow up question
21 about how many trips were taken in the previous
22 12 months, and this study tested reversing that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 order.

2 It also tested reversing the private
3 boat and short order as sort of a secondary
4 investigation.

5 And so, the results of that were --
6 there were a couple of top-line results. The
7 first, is that when we reversed that question
8 order -- so instead of asking two months, then 12
9 months, we asked 12 months, then two months -- it
10 resulted in fewer sort of reporting errors in the
11 sense of, with the current design, sometimes
12 respondents would report more trips for the two-
13 month question, the first question, than they
14 would for the 12-month question and the 12 months
15 includes the two months that's being asked about
16 separately.

17 So, in theory, that shouldn't happen.

18 The 12-month question should either have as many
19 trips reported or more trips.

20 And then secondly, and this is kind of
21 the big result, reversing the question order
22 resulted in systematically lower trip reporting

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 and resulting effort estimates than the current
2 FES design and you may have heard a few different
3 numbers thrown around.

4 Overall, it's about a 30 to 40 percent
5 reduction, but, again, that's very -- that's
6 highly variable.

7 It varies by state, it varies by
8 fishing mode, whether we're talking about private
9 boat or shore, and it varies by individual wave.

10 And for this study we were able to
11 conduct it in all of the coastal states covered
12 by the Fishing Effort Survey, but, again, it was
13 limited to six months. So, we couldn't run it
14 for the full year and it was at much reduced
15 sample sizes.

16 So, again, the precision on the study
17 estimates were -- was much lower than for the
18 standard FES, and that contributed to the
19 variability that we saw in the results.

20 So, this slide just gives sort of
21 examples of what the different questionnaires
22 look like.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Again, the -- starting with the left-
2 hand column, that is the existing FES. It asks
3 about shore mode before it asks about private
4 boat mode. And within each of those, it asks
5 about the two-month question before the 12-month
6 question.

7 And then moving from left to right,
8 the next column simply reverses the 12- and the
9 two-month question.

10 Moving over one from that, it reverses
11 the modes; private boat first, then shore. And
12 then the last one reverses the mode and also the
13 12- and two-month.

14 And you might ask, well, why didn't we
15 do that to begin with? Why didn't we ask the 12-
16 month first and then the two-month, or why didn't
17 we at least test it as part of the design
18 development? And that's a perfectly valid
19 question.

20 There's a combination of reasons for
21 the answer. The first of which, is that a
22 standard practice in survey methodology is to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 ask the -- you ask easier questions, questions
2 that take less thinking, less time first before
3 moving to more difficult questions.

4 So, asking, you know, anglers to
5 recall how many trips they took in the most
6 recent two months is easier than asking them
7 about how many trips they took in the previous 12
8 months.

9 The other, you know, other reasons
10 include, you know, throughout testing we were
11 looking at -- the design evolved. So, it started
12 as a very Fishing Effort Survey-centric design
13 only asking about, you know, fishing effort
14 questions. It did not -- it wasn't envisioned
15 initially as a general population survey.

16 That was when we thought initially we
17 could just base the design on license, licensed
18 anglers, but, through initial testing, we quickly
19 discovered that not everyone has a license either
20 because there are substantial exemptions or folks
21 fishing without a license.

22 So, we had to change the nature of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 survey a bit to appeal to everyone, the full
2 population, including non-anglers.

3 And so, because of that, there was
4 some limitations on the questions that we could
5 ask needing to add additional questions that
6 would appeal to those non-anglers to encourage
7 them to respond to the survey.

8 All of this was done in coordination
9 with statistical consultants, survey design,
10 sampling statistical consultants, and ultimately
11 peer reviewed several times, including by
12 National Academy's review in 2017, which were all
13 favorable.

14 So, ideally, yes, we would have done
15 it differently, but the thinking at the time was
16 leaning towards -- or, you know, the bulk of the
17 information was supporting the design that we
18 initially went with, but lots of questions were
19 raised about the scale of the estimates coming
20 out of the design.

21 So, we continued to do additional
22 research and that's where we are today reporting

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 on those results.

2 Okay. So, a couple more slides on
3 sort of follow-up and next steps. So, based on
4 those two studies, in particular, we've put
5 together a revised design that we are looking to
6 field test in every state where they -- or every
7 Gulf and -- or Atlantic and Gulf Coast state
8 where the FES is conducted, do that in 2024 and
9 run it for the full year at essentially
10 production sample sizes.

11 So, we'll get very precise estimates
12 and it will incorporate both the one-month wave
13 changes -- or one-month fishing activity question
14 changes as well as the two- and the 12-month
15 question order changes.

16 We're able to do this, you know, IRA
17 funding -- Inflation Reduction Act funding has
18 been mentioned previously. We are able to tap
19 into that to fund this study and that is a big
20 driver for the timing on this.

21 We got commitments that IRA funding
22 would be available this summer and we have been

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 planning to get this fielded for next year.

2 Again, as I mentioned, it will cover
3 both of these two design changes and that will
4 move us, essentially for the MRIP estimates, to
5 be able to produce monthly estimates and provide
6 updated, cumulative estimates month on month
7 instead of the current schedule, which is every
8 two months.

9 Let's see. And what the new study
10 will also give us, which we don't have currently,
11 is what are the combined effects?

12 So, we tested these things separately.

13 There is a potential that there could be
14 unexpected results when we combine them and we
15 need to do a field study for that prior to making
16 any actual changes to the design we use for
17 producing the official statistics.

18 And then finally, moving to month-
19 level estimates is something that's been
20 identified by a number of our partners across the
21 different regions as a priority.

22 A couple of additional steps that we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 need to complete between now and any full
2 implementation of the new design, one is updating
3 the Fishing Effort Survey calibration.

4 So, I mentioned the prior landline-
5 based telephone survey, the coastal household
6 telephone survey. When we switched from that to
7 the mail survey, the FES, we had to develop a
8 calibration model because the estimates produced
9 out of those two different designs were
10 systematically different, for a variety of
11 reasons.

12 And all the information we have at
13 this point suggests that, again, these design
14 changes will produce systematically different
15 estimates.

16 So, we want to be able to account for
17 that. We want to be able to revise the historic
18 time series to maintain consistency.

19 So, that work has started and it will
20 continue through all of the rest of this year
21 into 2024 as we start receiving data from the new
22 study, and then potentially extend into 2025 as

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 well.

2 So, full implementation of any new
3 design for the Fishing Effort Survey would not
4 start any earlier than 2026.

5 And there's essentially -- as the
6 bullets show, there's three things that we need
7 to meet.

8 One is, of course, successful
9 completion of the field study and updating the
10 calibration to account for these new design
11 changes. We need to have everything peer
12 reviewed, of course, and also developed.

13 Whenever we make design changes, we
14 try to have a transition plan in place that's
15 developed along with our data collection and data
16 use partners.

17 Make sure we don't miss anything.
18 Make sure we try to mitigate the disruptions even
19 though, you know, we know there will be
20 disruptions, but we do try to minimize those to
21 the extent we can.

22 And then we have to fully calibrate

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 the full time series, which, for the MRIP
2 estimates, goes back into essentially 1981 in
3 most cases.

4 So, that whole time series has to be
5 updated, again, for private boat and shore modes
6 for both the effort and the catch estimates for
7 this design change.

8 So, again, a lot of work. Assuming we
9 get all that completed, 2026 would be when we
10 would implement the new design if everything goes
11 well.

12 So, what does this mean for Atlantic
13 HMS? Well, again, this is the Fishing Effort
14 Survey. It is separate and not at all related to
15 the Large Pelagic Survey. They're totally
16 separate, independent data collection programs.

17 Fishing Effort Survey is for general
18 private boats and shore mode effort. It is not
19 in any way specialized like the Large Pelagic
20 Survey is. And so, it really doesn't directly
21 touch the LPS, including the current LPS redesign
22 project. They're just separate.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 And nor does this impact the For-Hire
2 Survey. Again, that covers charter boat and head
3 boat modes. Again, this is just limited to
4 private boat and shore.

5 And, you know, while we have a sense
6 of what's likely to happen, we can't know for
7 sure until we field this study because, again,
8 there could be interactions between making both
9 of these changes simultaneously that we just
10 didn't see when we tested each of them
11 separately.

12 That said, we do anticipate that there
13 will be a scaling change here to the catch and
14 effort estimates that MRIP provides, but that's
15 not likely to change the sort of interannual or
16 trend information.

17 It's likely going to scale the entire
18 time series, you know, down, in this case, but
19 the patterns, you know, year to year changes, the
20 trends over time, those will still be intact.

21 And, again, just as sort of a general
22 statement, those typically have less of an impact

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 on stock status than, say, something that has
2 more of a trend in its effect. In this case,
3 it's again more of sort of a static scaler that
4 won't be changing much over time.

5 But, of course, stock status isn't the
6 only important metric and, yes, this can
7 certainly impact other areas.

8 And along those lines then, you know,
9 and most relevant, I think, to Atlantic HMS, you
10 know, we are trying to minimize the disruptions
11 that these kinds of changes make.

12 And I mentioned the Large Pelagic
13 Redesign project. Given where that is, we would
14 likely try to time -- if there will be revisions
15 to the Large Pelagic Survey time series, we would
16 likely try to coordinate those with what I'm
17 discussing today with the Fishing Effort Survey
18 so that those changes are released essentially at
19 the same time -- so, you know, in 2026 -- again,
20 to try to help avoid having multiple changes
21 occurring at different times.

22 So, that is my last slide. So, thanks

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 very much. I'm happy to take any questions.

2 MR. BROOKS: Great. Thanks. Thanks,
3 John. Good job, but Jason had his card up long
4 before either one of you.

5 Jason?

6 MR. ADRIANCE: Thanks. It's more of a
7 -- thanks for the presentation, John. This is
8 more of a clarifying question because I think my
9 brain skipped a beat when you started the follow-
10 up.

11 Is there consideration, in 2024, of
12 also switching the boat and shore mode question
13 or is it just the time question? Thanks.

14 MR. FOSTER: Yeah, we talked about
15 that. Given -- even though we're able to do a
16 robust sample size, we didn't feel that we had
17 perhaps enough sample to do both of those tests.

18 That's not to say we wouldn't
19 necessarily look at it in the future, but at this
20 point it is just -- we're maintaining shore
21 first, then private boat, and just testing the
22 two- and 12-month question change. So, we're not

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 looking at changing the mode order.

2 MR. BROOKS: Great. Let's go to David
3 Schalit, then Martha and Rick.

4 MR. SCHALIT: John, thanks very much
5 for the presentation.

6 My first question is, who is the
7 responsible for the Large Pelagic Survey
8 redesign? Is that you?

9 MR. FOSTER: It is. In our office,
10 Office of Science Technology, we administer the
11 Large Pelagic Survey.

12 That team is led by Yong-Woo Lee, I
13 think, who's given presentations/updates on that
14 project in the past, but, yeah, Yong-Woo is part
15 of our team.

16 MR. SCHALIT: Okay. So, it makes me a
17 little nervous when you mention the release in
18 2026.

19 There are a great many considerations
20 that go into this issue with regard to HMS and
21 ICCAT.

22 We have -- there are some of us at the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 ICCAT Advisory Committee who are interested in
2 interacting with your team who are involved in
3 this redesign of the Large Pelagic Survey to
4 ensure that our needs at ICCAT are going to be
5 met, or as close as possible, and this is a
6 matter of some great interest and urgency,
7 actually.

8 I'll just give you a simple example,
9 all right? With regard to bluefin tuna, there
10 are issues connected -- in connection with bigeye
11 and yellowfin, but let's just say for bluefin we
12 have five indices, okay?

13 Those five indices have been sort of
14 collated into three indices. And of those three
15 indices, only one of them is currently in use and
16 the other two are defunct.

17 They're no longer going to be used.
18 They can't be used. They're not being used in
19 the MSE and they haven't been used in a stock
20 assessment since 2017.

21 So, today, for example, just as an
22 example, the Large Pelagic Survey has no need to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 collect any data, any dockside intercepts, for
2 large, medium and giant bluefin tuna or for
3 small, medium bluefin tuna, because those indices
4 no longer exist, right?

5 So, you see there, there are issues
6 that are afloat right now that impact, but we're
7 talking right now about the recreational sector,
8 okay? So, that's your focus, okay?

9 So, I want to just point out to you
10 that the SCRS told us some months ago that they
11 felt that their estimates of recruitment for
12 bluefin tuna, we're talking about, they have very
13 little faith in the estimates of bluefin tuna --
14 recruitment for bluefin tuna going back to 2014.

15 And there's nothing significant about
16 that date other than the fact they didn't go
17 further, right?

18 So, recruitment is an issue that is
19 part of calculus to which -- from which we
20 develop tack, okay?

21 So, this is critically important for
22 us because we are interested in tack, obviously,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 but there are a total of three nations that
2 harvest West Atlantic bluefin. That would be
3 Japan, Canada and the U.S., right?

4 Now, Japan and Canada do not target
5 recreational fish. They don't have recreational
6 fisheries.

7 Consequently, they are entirely
8 dependent upon the U.S. data for robust estimates
9 of recruitment which are clearly not happening.

10 And so, we have the need to actually
11 focus in very deeply on this issue, but, at the
12 same time, we have to be mindful of the timing
13 involved because this is now -- the bluefin is
14 now being managed under an MSE.

15 And within MSE, the only time you can
16 introduce a new index, okay, in other words, we
17 make any modifications to this index, it is a new
18 index, right?

19 So, the only time you can introduce a
20 new index would be at that time when there is a
21 full-blown review of the MSE. And the next full-
22 blown review is six years from now.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 And when will the next review be after
2 that? Could be six years from then or nine
3 years, you know. So, we could be -- so, what we
4 -- but in order to -- for us to be ready for
5 whatever that possibility, we have to be mindful
6 that the scientists will be looking at the time
7 series of any new index we develop with a view
8 toward having, let's say, a minimum of four to
9 six years of data to look at.

10 They won't be interested in looking at
11 something smaller than that because it won't tell
12 them anything, really.

13 So, we have to sort of strategize --

14 MR. BROOKS: David, I need you to --

15 MR. SCHALIT: -- how we want --

16 MR. BROOKS: -- just --

17 MR. SCHALIT: Yes, I understand.

18 MR. BROOKS: -- get to the point here,
19 please.

20 MR. SCHALIT: This is -- I wouldn't
21 waste everyone's time here if this weren't
22 critically important.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 So, let's just say, in summary, there
2 are people on the ICCAT Advisory Committee who
3 would be willing to work with whomever you want
4 us to work with to exchange ideas on how this
5 needs to be developed because it's all -- and
6 it's not only bluefin tuna, by the way. We're
7 also talking about bigeye and yellowfin, which
8 are now -- an MSE is being developed for them as
9 well.

10 And the data that we need is not only
11 data for ICCAT, but data to ensure that the U.S.
12 is in compliance with ICCAT.

13 For example, if we don't have close to
14 real time data on recreational catch and we have
15 a situation in which the recreational sector
16 exceeds its allocations, quota allocation in a
17 given year, we won't know about that, under the
18 current regime, until the second wave of the
19 following year, right? April, May.

20 MR. BROOKS: David.

21 MR. SCHALIT: So, then what happens at
22 that point?

1 MR. BROOKS: You've got to wrap it up.

2 MR. SCHALIT: ICCAT has a rule --
3 excuse me -- ICCAT has a rule which is any
4 overage of quota by any country must be repaid in
5 the following year. Follow me?

6 So, there are so many issues like
7 this. Thank you.

8 MR. BROOKS: I think the gist of your
9 point is involving some of you from the ICCAT
10 process in the LPS design would be wise.

11 MR. SCHALIT: Yes.

12 MR. BROOKS: Okay. Good. Thank you.

13 Martha?

14 MS. GUYAS: Thanks, John. My
15 questions are on FES.

16 So, since FES was ruled out, you know,
17 there's been a lot of questions/concerns, you
18 know, about potential issues.

19 I guess my -- I have two questions.
20 One, is have you looked into some of those issues
21 in other pilot studies other than, clearly, the
22 one-month wave and this question order.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 And then -- well, let me let you
2 answer that first.

3 MR. FOSTER: So, there have been a
4 number of studies over the years. Can you help
5 me with -- are there specific issues that you're
6 asking about?

7 MS. GUYAS: Well, specifically the
8 FES, right? So, I'm trying to think. Like, I
9 know the Gulf SSE has discussed FES several
10 times. Several states have sent in letters
11 expressing potential concerns. I don't know.

12 One of the issues that came up was --
13 this has nothing to do with HMS, but the old MRIP
14 survey, or MRP survey, seemed to exclude
15 invertebrates.

16 But the way that the questions are
17 written here, someone who was a fisherman may not
18 know to not include their lobster trips, their
19 crab trips, whatever.

20 Like, so presumably that's fixed on
21 the back-end. So, like, are you looking into
22 some of those issues that have been raised in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 other forums -- or have you, I guess, is the
2 first question. Are there other pilot studies
3 out there for FES?

4 MR. FOSTER: Yeah. So, with specific
5 regards to invertebrates, we have done cognitive
6 interview testing.

7 So, not a field test of sort of a
8 probability-based design, but just how does the
9 question -- how do the questions -- how are they
10 interpreted, how do anglers think of -- how are
11 they thinking when they're responding to them and
12 in sort of small scale. So, groups up to, say,
13 you know, nine individuals. And that's a limit
14 that's set on us by the White House Office of
15 Management and Budget.

16 And looking at that, results are sort
17 of mixed in terms of whether anglers, you know,
18 when they're thinking of recreational fishing,
19 are they including those trips or not.

20 And my sense is that it depends on,
21 you know, how big -- how popular or how much, you
22 know, recreational fishing for invertebrates is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 actually occurring in any given, you know,
2 location.

3 So, crabbing is big in some areas, you
4 know, lobsters. Other areas it's invertebrates,
5 shrimp, squid, perhaps.

6 If there's a reasonable number of
7 anglers that are doing that activity, it may be
8 more of an issue.

9 And we are looking at the language in
10 the questions to try to clarify that. And the
11 tradeoff is the amount of space we have in the
12 questionnaire to try to work that in, but also
13 keep the overall size of the questionnaire as
14 small as we can because, again, another, you
15 know, fairly standard result of survey
16 methodology is the longer the questionnaire, the
17 lower -- questionnaire length is sort of
18 inversely correlated with response rate.

19 So, the more questions there are, the
20 longer, the more reading that, you know, that
21 folks have to do, you know, over -- that will
22 start to increase the likelihood of folks just

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 not responding.

2 So, we try to, again, manage
3 different, you know, the different considerations
4 there, but that is one that we are looking at,
5 yes.

6 MS. GUYAS: So, I guess, in terms of
7 pilot studies that you've done, this is it for
8 FES at the current time, yes?

9 MR. FOSTER: There hasn't been a
10 specific field pilot study for looking at
11 invertebrates, but the report that is linked in
12 the presentation actually -- I picked out two
13 that are sort of most impactful in terms of
14 informing the next pilot study, but there's
15 actually a list in there that looked at different
16 aspects, but none of them looks specifically at
17 invertebrates.

18 MS. GUYAS: Well, yeah. I'm trying to
19 ask more broadly. Like, are there other pilot
20 studies of FES potential biases out there that
21 have been done? That's my question, really.

22 MR. FOSTER: They are sort of related

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 to these. So, for example, there's one that
2 tested the idea of what's called "bounding
3 questions." So, a version that only asked the
4 two-month question versus a version that asked
5 the two-month along with the 12-month question.

6 And that study led to the 12-month
7 question being included, and being included in
8 the way that it was coming after the two-month
9 question, because adding that 12-month question
10 actually also reduced trip reporting.

11 And we felt that, again, that was
12 helping to reduce telescoping by giving another
13 question that covered a longer period of time.

14 So, anglers that didn't take trips in
15 the two-month period, but they took them in the
16 12-month, would have a place to report those
17 trips.

18 So, you know, we haven't, you know,
19 we've done studies as well looking at the use of
20 incentives.

21 Currently, the FES has a \$2 incentive
22 that's included -- two \$1 incentives that are

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 included in the mailing. We looked at that in
2 terms of its effect on response rate.

3 Including the incentive had a very
4 positive affect on response rates. In fact, it
5 paid for itself. It was cost-effective in terms
6 of how much additional funding would we have to
7 put at the survey to get the same level of
8 response, same number of returned questionnaires
9 versus just using the \$2 incentive.

10 So, again, there's been a number of
11 methodology studies along those lines that tested
12 different aspects of the design like nonresponse,
13 for example.

14 MR. BROOKS: Thanks. I think that's
15 the heart of Martha's question is, are there
16 other pilots -- is there other stuff about the
17 FES that may be being looked at? I think the
18 answer is yes. So, thank you.

19 MR. FOSTER: Well, just quickly. So,
20 we don't have -- there are a number of reports
21 that are available online that have looked at
22 these different pieces and I can provide a link

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 to those that can be distributed, yes.

2 MR. BROOKS: Okay. I think I've got
3 about four more people in the queue. We've got
4 about ten minutes.

5 Rick Weber?

6 MR. WEBER: I am way too willing to
7 slip down this rabbit hole. So, I'm going to --
8 instead of asking John a question, I'm going to
9 ask Randy a question.

10 If the FES is not going to touch LPS,
11 in what way does the FES affect the species that
12 we're worried about?

13 MR. BLANKINSHIP: Good question.

14 So, for MRIP, which is -- and when I
15 say "MRIP," I'm referring to basically the survey
16 -- the portion of the survey outside of the Large
17 Pelagic Survey area, that, because of the
18 sampling design, the confidence in that survey is
19 really only good enough to use it for the
20 absolutely most commonly caught HMS.

21 And so, that really kind of amounts to
22 -- and this may not be comprehensive, but things

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 like bonnethead shark, blacktip shark, maybe
2 yellowfin tuna, and that's about it.

3 MR. WEBER: I think I have no questions
4 then -- well, I will just sort of comically --
5 yeah, it's not comical.

6 I think we should have some idea, and
7 maybe that's part of -- this feels like things
8 that we should know of which survey is driving
9 the numbers for which species, you know.

10 I guess, you know, I always -- I do
11 trust you guys to come up with the tonnage
12 estimates, but now I'm sitting here going, well,
13 which survey is driving which piece of those
14 catch estimates?

15 Because, you know, by throwing
16 yellowfin in there, now I'm sitting here going,
17 well, which survey drives those tonnage
18 estimates?

19 We brought up a bigger topic than just
20 the pilot study, you know. When you're looking
21 at variations of up to 30 percent and now we're
22 back into coast-wide expansion models, I assume,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 you know, those tonnage estimates become very
2 relevant very quickly.

3 MR. BLANKINSHIP: Yeah, they do. And
4 I think it's an ongoing, you know, process of
5 looking at the data that are available and where
6 and when different datasets are appropriate for
7 including in our estimates of catches when we
8 report them to ICCAT.

9 And we have much more confidence in
10 the Large Pelagic Survey than we did in -- than
11 we do in much of the areas for areas outside of
12 that.

13 There are exceptions to that, you
14 know, LA Creel and some others that have a
15 different design, but -- and I don't want to get
16 too far into that because I might get crossways
17 with what some of our folks in S&T might say or
18 the Southeast Fishery Science Center might say
19 about those data sources and the reliability of
20 them.

21 But suffice it to say that the species
22 that I mentioned are not species that we have --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 we have allocation, you know, considerations
2 related to something like blacktip shark.

3 But outside of that we don't have a
4 lot of allocation issues domestically, which is
5 where this FES has really become controversial in
6 other fisheries that are non-HMS.

7 And so, just to kind of -- I'm not
8 discarding the issues, you know, or anything like
9 that. I'm just kind of trying to put it in
10 relative context.

11 MR. BROOKS: Thanks, Randy.

12 MR. WEBER: I wouldn't have thought
13 you were discarding, Randy. That is not your
14 nature.

15 MR. BROOKS: John?

16 MR. DEPERSENAIRE: Yeah. Thanks,
17 John. I have two questions.

18 The first one regarding the two pilot
19 studies looking at the question order and going
20 to the one-month look-back for the FES, can you
21 tell me when -- you said it ran for six months or
22 it looked at six months.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Can you tell me when that report was
2 finished and, like, what time?

3 MR. FOSTER: Sure. So, the one-month
4 waves study, I believe, was in 2015. And the
5 question order experiment was in the last six
6 months of 2019.

7 MR. DEPERSENAIRE: And when did you
8 guys actually do those reports and have those
9 results finalized for internal use? Just kind of
10 curious.

11 MR. FOSTER: The report was released
12 just this year, I believe, early last month. I
13 can't remember the exact date, but that's when
14 the report was rolled out that summarizes -- or
15 provides information on these two studies as well
16 as several others related to the FES.

17 MR. DEPERSENAIRE: Okay. So, that
18 date when it was released to the public, is what
19 you're considering kind of the final -- or the
20 date it was finalized and issued.

21 MR. FOSTER: Yes.

22 MR. DEPERSENAIRE: Okay. I guess my

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 other question, kind of a comment, too, you know,
2 I don't think this is necessarily surprising to a
3 lot of us, you know.

4 I think when we saw the recalibration
5 in 2018 of MRIP, there was just a lot of
6 questions, you know.

7 And I think one of the biggest ones,
8 you know, and I think Martha was perhaps getting
9 at this, you know, there seems to be this avidity
10 bias that seems to be introduced when you go to a
11 mail survey.

12 I just think it takes a higher level
13 of commitment for someone to open up junk mail,
14 read this, fill it out and mail it back
15 regardless of the \$2/\$1 incentive.

16 So, I think perhaps the results are
17 skewed in favor of someone who has a higher
18 commitment.

19 And when I think of someone that has a
20 higher commitment, they probably are fishing a
21 little bit at a higher rate than someone else.

22 So, I think when you start to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 backtrack that and if that bias wasn't captured,
2 it kind of makes sense that we're seeing, you
3 know, elevated effort rates.

4 So, I'm kind of curious, knowing that,
5 are there any efforts to kind of incorporate any
6 industry data or any metadata from our sector to
7 help catch these kind of errors? And do you guys
8 have a formal process to include stakeholders as
9 you guys work through this issue over the next
10 two years?

11 I'm just kind of curious to see how
12 you're going to gather input from our sector and
13 what kind of data you could potentially use from
14 us to help ground truth and kind of steer this
15 program just to be more accurate.

16 MR. FOSTER: Thanks. Yeah, so let me
17 back up a step, first, to talk a little bit about
18 what we do related to the survey frame and to
19 nonresponse, in particular.

20 So, the survey frame for the Fishing
21 Effort Survey consists of residential households,
22 all residential households that are serviced by

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 United States Postal Service.

2 And recent estimates are that it
3 covers 95-plus percent of all households,
4 occupied households in the U.S. So, that is the
5 base frame.

6 And then to that, we use license --
7 fishing license -- saltwater fishing license
8 information from the National Saltwater Angler
9 Registry which states along the Atlantic and Gulf
10 Coasts supply their fishing licenses. In most
11 cases, that's updated monthly. We get monthly
12 data feeds.

13 That information is then appended to
14 the address frame so that we -- the household
15 address frame so we can stratify between
16 households that essentially don't match to a
17 licensed angler and households that do.

18 We also stratify the frame by coastal
19 and noncoastal regions of the states for states
20 that have, you know, a distinct geography where,
21 you know, it's a state -- a state like Georgia,
22 for example, has a distinct coastal and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 noncoastal region. But a state like Florida, for
2 example, we consider all coastal. So, again, it
3 varies by state.

4 Then, we append other information such
5 as state vessel registration. Is there a boat
6 registration for that address? That's also
7 information that we use.

8 So, we create -- so, when we
9 administer the survey, it's a random sample
10 within Strata (inaudible). When the responses
11 come in, obviously we, you know, the prior
12 telephone survey response rate was down to less
13 than ten percent. The mail survey response rate
14 is between 30 and 40, sometimes greater than 40
15 percent. So, about three to four times higher
16 than the telephone survey was, but clearly that
17 leaves a lot of nonresponse present.

18 So, to address potential bias there,
19 we make adjustments for the nonresponse within
20 cells that are most likely to be similar.

21 So, we only have licensed households
22 that responded up weighted to represent licensed

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 households that didn't respond. Addresses for
2 households that didn't match the license list,
3 they're up weighted to only reflect other
4 households that don't match the license list.

5 Households that have a boat
6 registration, responses from those households are
7 only weighted to represent other households that
8 have a registered, you know, boat.

9 And the cross of all of those things,
10 so if you have a boat, if you have a license, if
11 you live in the coastal area, those responses are
12 only up weighted to represent those kinds of
13 houses.

14 Likewise, if you live far from the
15 coast and you don't have a license and you don't
16 have a boat and you're more likely to not fish,
17 those households are up weighted to represent
18 that segment of the population.

19 So, what we don't do is take a
20 household, say, in metro Atlanta that doesn't
21 have a license and doesn't have a, you know, a
22 registered boat and use that somehow to represent

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 someone living on the coast that has a boat and
2 has a license, you know.

3 We try to create these adjustment
4 cells to be as similar as possible, again,
5 specifically for addressing the avidity bias.

6 And then so --

7 MR. BROOKS: John, just so you know,
8 we're going to need to wrap up in a minute here
9 because I have to get us to public comment.

10 MR. FOSTER: Okay. Sorry. So, just
11 quickly, yes, point well-taken about the need for
12 input in the process, you know.

13 As part of this, there will be a time
14 where we get to sort of peer review, technical
15 review of what's done. I think that would be a
16 good place that we would be able to fit in public
17 comment and contributions to the design.

18 But, again, that's just off the top of
19 my head, you know. Certainly there could be
20 other opportunities as well.

21 MR. BROOKS: Thank you, John. I
22 appreciate these questions. I know there's a lot

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 of devil in the details here and they matter.

2 I've got four people still in the
3 queue here, but we are bumping into our public
4 comment period. I know there's at least three
5 people online who want to make public comments.

6 And let me just see, in the room, how
7 many folks who are in the room who may want to
8 make public comments. Just raise your hand so I
9 know. Okay. So, we've got three online folks.

10 I want to respect the time that we set
11 on the agenda for public comment. Folks have
12 waited for a long time.

13 So, I think what we should do is close
14 this out now, John. If you are able to, you
15 know, hang around, great, because I think there
16 are a few folks who have questions that they
17 didn't get to ask. And if they can, you know,
18 come up and talk to you, that would be great.
19 But if not, totally understand. You may have to
20 head out.

21 (Pause.)

22 MR. BROOKS: Okay. Okay. So, it

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 sounds like John can stay here until about 5:15.

2 So, let's go through the public comments that we
3 have. Again, I want to respect the folks who are
4 waiting.

5 And then either we can come back and
6 pick it up with the full group or invite folks
7 who didn't get a chance to throw their question
8 at John to do so individually.

9 So, let's go to public comments. I'll
10 take them in the order I see them. And, again, I
11 don't see anybody in the room.

12 The first one would be call-in user
13 10. And so, just to remind members of the public
14 as you make your comments, we ask everyone to
15 limit their comments to three minutes. No more.

16 I just want to remind folks that this
17 isn't an opportunity for a back-and-forth dialog
18 with HMS staff, but rather it's an opportunity
19 for you to share your thoughts so that HMS staff
20 have the benefit of hearing that. I'm going to
21 ask you to start with your name, affiliation and
22 topic.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 And then finally if there are members
2 of the public who are online who have a comment,
3 but don't really want to sort of step up to the
4 mic, you are welcome to use the chat and put your
5 comment in there as well.

6 So, again, if we can open up call-in
7 user No. 10 and ask that person to start with
8 name, affiliation and topic?

9 MR. GIBBS: Hi. This is Greg Gibbs
10 (inaudible) from fishing vessel Peregrine. I
11 feel the -- our boat is being singled out by all
12 the other harpooners in the category.

13 Two, I feel as we've stayed in the
14 guidelines of all the rules/regulations for the
15 harpoon category.

16 And No. 3, I think we should reduce
17 the bag limit of three to five fish a day.
18 That's all I have to say.

19 MR. BROOKS: Okay. Thank you very
20 much. Appreciate it.

21 Our next public commenter is Eric
22 Hesse, if we could open up Eric's line.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MR. HESSE: I'm a harpoon fisherman.
2 I'm one of the committee of fisherman that put
3 together the petition that you saw today and I
4 would like to speak about that petition to ban
5 certain kinds of activities in the harpoon
6 category.

7 Thank you, Randy and Brad, for
8 bringing it for the committee's consideration. I
9 really appreciate that.

10 It's a small category and I'm a
11 harpooner. I've been so for 35 years. Everyone
12 in this category is capable of harpooning fish
13 and, up to this point, we've all chosen not to
14 pursue this particular method.

15 But I guess what I want to say, is
16 that I did it a couple times in 2022 to check it
17 out, see what it was like.

18 The first trip, I sort of got my feet
19 under me and understood it. The second trip, we
20 went out had ten fish in the morning between 6:00
21 and noon and came in.

22 I don't think it's a question of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 people coming up to speed on how to harpoon these
2 fish that are essentially rendered helpless by
3 both bait in the water and light shining in their
4 eyes like a jacked deer.

5 So, one of the things that came up
6 today in support, I guess, of the idea of
7 embracing this new method of fishing is that it
8 was efficient.

9 And I'm not sure what the committee's
10 definition of "efficiency" is, but if you look at
11 the pictures that were presented during the
12 discussion about it by Brad -- and I have it here
13 in front of me -- I don't know if you can call it
14 up or not, but it basically shows the harpooner
15 chasing a boat that is (inaudible) and those two
16 tow bars have thousands of pounds of tension in
17 them.

18 Each time you harpoon a fish it
19 doesn't just die on the spot. It goes one way or
20 the other.

21 And if it goes the wrong way, it's
22 under those tow bars. And as Brad mentioned, you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 know, at that point we lose the fish -- well,
2 lose a dead fish at that point.

3 So, what you're doing is increasing
4 bycatch mortality, discard mortality. That's not
5 being captured at this point, but you're
6 introducing more bycatch mortality as well as a
7 huge safety concern if all of us try to start
8 competing and doing this at night.

9 So, that's why you had, you know, over
10 90 percent of the categories say, we don't want
11 to fish this way.

12 And I guess the other thing about it
13 that bothers me, and I don't want to bump up
14 against my three minutes, but, you know, I've
15 been a fisherman my whole life. Lots of other
16 guys in this category have been.

17 Things like this that speed up the
18 catch rate and make it so that we can close the
19 category in a couple of weeks, it basically turns
20 the fishery over to part-time fishermen, people
21 who go back, you know, after they're done with
22 their vacation and fishing, and they're banging

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 nails again or they're doctors or lawyers.

2 We'd like to maintain a semblance of
3 the commercial fishery, and that means spreading
4 it out over the season and trying to harpoon fish
5 that are good quality and not, you know,
6 concentrating on fishery by fishing at night or
7 in the fog or anything like that.

8 So, again, I appreciate you, you know,
9 hearing us and we certainly would like you to
10 move on to the proposed rules stage with this.
11 Thank you.

12 MR. BROOKS: Great. Thanks, Eric.

13 All right. I've got four more
14 speakers in the public comment in the queue. So,
15 let's go to Dewey Hemilright and again remind
16 folks limiting comments to three minutes or so
17 and starting with name, affiliation and topic.
18 And hello, Dewey.

19 MR. HEMILRIGHT: Can you hear me?

20 MR. BROOKS: We got you, Dewey.

21 MR. HEMILRIGHT: Hello?

22 MR. BROOKS: Yes, Dewey, we got you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 MR. HEMILRIGHT: All right. My name
2 is Dewey Hemilright. I'm a commercial vessel
3 owner and my comments are to Amendment 15. It's
4 too large and complex with PRISM spatial
5 management to understand in the day to use.

6 Some of it's outdated with the
7 methodology the way we fish to gear (inaudible)
8 with our drops of 50 fathoms or deeper. So,
9 hooks are fishing 200 fathoms or deeper.

10 That's not the way we fish the old way
11 from 1997 to 2019. The PRISM model is outdated
12 and needs to be updated if it's to be used.

13 HMS needs to take a timeout to get the
14 data up to present time fishing with our logbooks
15 and (inaudible) data shows.

16 Us fishermen have turned our gear to
17 where bycatch is a minimal to the extent
18 practical in history as we continue to adapt to
19 concert base and standards to make the U.S.
20 pelagic longline hooks the cleanest hooks among
21 any CPCs at ICCAT.

22 I have -- I do have a couple

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 clarifying questions that I've been asking on
2 Amendment 15 for probably the last month and a
3 half that have gone unanswered.

4 My first question is, page A9, table
5 Billfish, where does the 41 percent observer
6 billfish occurrence come from? You should break
7 it out by statistical area and not lump it all
8 together.

9 My second question is page 0-4 figure
10 the shaded blue area -- the shaded blue monitored
11 area in the Mid Atlantic from 35 to 37-1/2
12 longitude/latitude. We don't catch bluefin tunas
13 year-round. This needs to be corrected as our
14 logbook and (inaudible) shows.

15 No. 3, the average depth of our buoy
16 drops used in the PRISM model, to this date I
17 have not had that answered.

18 These are just a few unanswered
19 questions that are needed to be answered before
20 being able to further comment on A15.

21 The financial impact of having vessels
22 to pay for electronic monitoring is too much of a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 burden on our shoulders.

2 The pelagic longline industry is
3 continuing to bear the brunt of regulations and
4 we can't take no more.

5 Given A13 and the dust has not settled
6 yet from A13, which is, and will, have an effect
7 given there's too many bluefins in the ocean and
8 the pelagic longline fishermen are reducing their
9 efforts for three to four months a year when
10 they're around.

11 Also, the standards by which pelagic
12 longline have to make sense to get quota to go
13 fishing, there is no other IBQ with these such
14 standards in place.

15 The pelagic longline industry, what's
16 left of, produces -- are domestic food producers
17 for this country and yet held to the highest
18 reporting accountability.

19 NOAA, National Marine Fisheries and
20 HMS should want the pelagic longline industry to
21 continue to harvest our U.S. quota.

22 So, take a timeout until A13 has

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 played out to see what the landscape is and how
2 many vessels are left. Thank you.

3 MR. BROOKS: Thanks very much, Dewey.

4 Let's go to our next public commenter,
5 Michael Blanchard.

6 MR. BLANCHARD: I'd like to speak to
7 the harpooning around (inaudible) gear fishing
8 boats predominantly fishing around bait being
9 thrown in the water or bycatch discard.

10 What I'd like to mention is, first and
11 foremost, the fact that the larger concern for me
12 is the long-term effect and ramifications of
13 this.

14 It was very difficult many years ago
15 to establish the harpoon category. It took a lot
16 of presenting of reasoning and cause and why they
17 actually needed a harpoon category, why did you
18 need multiple catch. And it all boiled down to
19 the weather dependency of the fishery and now,
20 more recently, RFDs have come into it.

21 At the time, harpoon was -- you could
22 go every single day and you were allowed multiple

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 catch. You used to have about ten days a year
2 that you could kind of make your money and get
3 your fish.

4 Those days have dwindled down some and
5 with this new style of fishery, weather
6 dependency is now out the window. You don't need
7 nice weather in order to do it.

8 And, matter of fact, you don't even
9 need daylight. You can do it at night, something
10 that was completely unfathomable to any pure
11 harpooner, somebody that was harpooning the way
12 it was designed.

13 This whole tuna being around draggers
14 and bait is not new. It's been going on for a
15 long, long, long time. Nobody has chosen to fish
16 around that bait in that style until very
17 recently, now, what's going on.

18 I think what I'd like you guys to
19 focus on is the fact that that sign-on letter had
20 -- nearly 95 percent of the entire category was
21 in favor of not allowing this kind of fishing.

22 You don't see that very often. It was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 easily done. It wasn't directed at any one
2 particular person. It was directed at the action
3 of harpooning fish with bait within the harpoon
4 category.

5 If we would have branched out and
6 tried to get other people to sign onto that
7 letter, it could have been done quite easily, I'm
8 sure, as we had many people approach us about,
9 you know, being part of that.

10 We try to keep it simple and straight
11 forward and really germane to the harpoon
12 category.

13 If this continues, other boats will
14 get into it that are not harpooners because you
15 don't need to be a harpooner to do this. It's
16 not difficult, only that you have to get a big
17 boat to work with, but you're not waiting out
18 days, waiting for the weather to get nice.

19 As Eric has stated, he had ten fish by
20 noontime. That is a staggering amount of fish to
21 catch between 6:00 and 12:00.

22 Typically, our fish don't even come up

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 in the afternoon in earnest, typically. With
2 this, they come up when the boat is there and
3 they discarding and bycatch.

4 Once this news catches fire and gets
5 spread around and these other boats get into it,
6 questions are going to begin to get asked.
7 They're going to want to know why are we allowed
8 multiple catch? Why don't we have RFDs? Which
9 will soon lead to 6,000-some odd permit holders
10 probably trying to eliminate the harpoon
11 category.

12 So, that's all I have to say. I am
13 opposed to that style of fishing. I appreciate
14 your time. Thank you very much for brining it up
15 and that was a great presentation by you, Brad.
16 Thank you very much. Have a good day.

17 MR. BROOKS: Great. Thank you very
18 much. I've got three more public commenters. I
19 think, John, you probably -- I think we're going
20 to run past your 5:15 deadline. So, I think we
21 shouldn't ask you to sit at the table any longer,
22 but thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 And for the folks who had some
2 questions, I assume they can reach out to you
3 directly; is that possible? Okay. Great. All
4 right.

5 Okay. Let's keep pushing to the
6 public commenters. Call-in user No. 12.

7 MR. STUTMAN: Hi. My name is Matt
8 Stutman. I am a fisherman on the fishing vessel
9 Hannah G. I'd just like to call in kind of
10 pushing back a little bit against this rule
11 regarding fishing behind mobile gear on, like,
12 groundfish gulf boats in the harpoon category.

13 The way I look at it is currently the
14 biggest issue I foresee regarding this rule
15 change that could go into effect is, honestly, on
16 the enforcement end.

17 Like, I'm sure many of those guys that
18 spoke previously would agree certain times of the
19 year we're fishing "traditionally," as some of
20 these guys might want to call it, relatively
21 close to groundfish boats, gulf boats.

22 So, regardless of all these other

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 points that have been brought up, some of which I
2 agree may be valid, I think the lack of ability
3 to enforce these rules fairly just due to the
4 fact of the ambiguity and the gray areas of them,
5 it opens up a whole can of worms on where we
6 would go with the harpoon fishery.

7 So, I would like to just -- I'm in
8 favor of not moving forward with this proposed
9 rule. Thank you.

10 MR. BROOKS: Thanks very much.

11 Let's go to call-in user No. 13.

12 (Pause.)

13 MR. BROOKS: Call-in user 13, your
14 line is open. We got you.

15 MR. FAIRPAT: Hello.

16 MR. BROOKS: We can hear you. Go
17 ahead.

18 MR. FAIRPAT: Yeah, my name is Mark
19 Fairpat. I'm captain of two commercial boats.

20 I'm not really sure where banning and
21 outlawing fishing behind dragnets, trawlers,
22 scalpers would do. I think it's a creative way

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 to be more efficient and catch fish, make a
2 living, make a paycheck.

3 I mean, that would be like saying, you
4 know, when it's foggy, you can't fish too close
5 to other boats because it's unfair to people who
6 don't want to fish next to another boat because
7 they don't like being that close to a boat in the
8 fog.

9 Or that would be like saying you can't
10 try different things with, you know, changing
11 your dredge around, changing different things of
12 that because someone else might not be as
13 creative.

14 I think that's just a creative way to
15 catch more fish and I don't think that there is a
16 need to ban or outlaw it. And that's about all I
17 have to say.

18 MR. BROOKS: Okay. Thank you. I
19 think one of our online public commenters went
20 away. I'm going to take another look around the
21 room.

22 Is there anyone in the room who wants

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 to make public comment?

2 (Pause.)

3 MR. BROOKS: Okay. Anyone left online
4 who wants to -- call-in user 10.

5 MR. FASBACK: Hello.

6 MR. BROOKS: Hi. We can hear you.

7 MR. FASBACK: Okay. This is Alan
8 Fasback with the Peregrine and probably the
9 vessel in question that everybody is all mad
10 about.

11 I think basically things have changed.

12 Yes, there's been fish behind draggers for years
13 and maybe they have, or have not, decided to
14 target them.

15 But I think that as the water has
16 changed and we have different aspects to the
17 seasonality of the fishery and the way that these
18 fish come by us, things have just changed
19 climate-wise.

20 And, like, back a couple years ago we
21 didn't hit the quota and it's one of those back
22 in, I think, was it 2021 or 2020 -- 2021 I don't

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 think we hit the quota in the harpoon fisheries.

2 And if we would, like, been doing
3 this, we would have actually caught it, but it
4 was one of those things where it took us a little
5 while to catch onto what was going on and do the
6 whole thing and, I mean, there is a discard
7 mortality, but there's dead discard mortality in
8 all that.

9 You can't really -- if you are precise
10 about what you pick and which way the fish is
11 going, like, we have had some days where there's
12 ten fish and you have zero fish go into the
13 cable, everything is there.

14 And also I will say there is proof
15 that some of the fish that have been stocked have
16 been caught on the rod and the same (inaudible) a
17 month later with the wire on the fish still
18 feeding and everything else.

19 So, I can't just say that there's dead
20 discard because just because a fish breaks off
21 doesn't mean anything.

22 But I just think that the rule is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 basically just targeting us and I think if you go
2 that way, then the question is, like, how come
3 the general category wouldn't be this way? It
4 would be just because, like, we're now deciding
5 to make this targeted towards basically us. And
6 I just don't think that's a valid comment in the
7 -- this is a commercial victory. This isn't fly
8 fishing.

9 MR. BROOKS: Thanks.

10 MR. FASBACK: We're supposed to be
11 effective at what we do. That's the reason why
12 we do what we do and I don't know.

13 I don't want to ramble on. I'm just
14 trying to put my point out there and I think that
15 some of the seasonality of the thing is is that
16 if you take away from the fishery down the road
17 if there is a, in the quote, traditional way to
18 catch them and you don't catch them and the water
19 is 75 degrees and these fish don't come to the
20 surface, there has to be a way to catch them.

21 And if we don't catch the quota, we
22 will lose it. And there's been years where we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 don't catch it, so it allows us to keep it
2 available to be able to use it.

3 If anything, the bag limit comes down
4 and then that's the way you could curb the --
5 whatever they want about the draggers. Thank
6 you.

7 MR. BROOKS: Thanks, Alan. I think
8 we've got time for one more commenter and we have
9 one more commenter, call-in user 11.

10 MR. BODE: Good afternoon. You guys
11 picking me up?

12 MR. BROOKS: Yes, we are. And if you
13 could start with your name, please.

14 MR. BODE: Hello. Good afternoon.
15 Thank you for taking my comment. My name is
16 Spencer Bode. I'm also a commercial fisherman
17 and I participate in the trawl fisheries, the
18 scallops, groundfish and squid, over the last
19 decade.

20 I'm currently the engineer for the
21 Titan, a 120-foot trawl vessel out of Point
22 Judith owned by SeaFreeze Ltd.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 I am calling today to provide a
2 comment regarding the harpoon category feedback,
3 in specific, the request to ban harpoon fishing
4 around trawl vessels.

5 In specific, I wanted to speak from
6 firsthand knowledge. I've seen this activity
7 conclude. I have not seen any discard, in my
8 opinion.

9 The request of no harpooning near
10 mobile gear, in my opinion, is not enforceable or
11 applicable. This will create a situation where
12 we have a gear -- a rolling gear closure area for
13 harpoons that is constantly moving, and I believe
14 that this will cause a strain on enforcement and
15 other vessels, in specific, the trawlers that I
16 work on and the rest of the scallop, squid and
17 groundfish fleet.

18 Trawl vessels that fish mobile gear
19 when it's not fixed gear like lobster that stays
20 in one place (inaudible) closure for other
21 vessels.

22 And it's kind of absurd when you think

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 about it, because you're not drawing any lines in
2 the ocean. It's -- the comments that were put
3 before, there's already activity at times where
4 there's harpooning around draggers, that's not
5 specific within close proximity.

6 But now if the dragger moves in close
7 proximity, it's on the harpooner to move? I just
8 don't see how that is applicable or enforceable.

9 And there's an example of this that
10 just kind of happened off of Cape Cod where
11 you're trying to eliminate one user group where
12 they put that 12-mile buffer zone for midwater
13 trawling and that got thrown out in court.

14 I think this is very specific that
15 you're targeting one user group here, and I think
16 that was a good example.

17 And then just one little thing I would
18 like to add about the traditional practicing.
19 I'm a fourth generation fisherman out of Block
20 Island and Point Judith. My grandfather and
21 great-grandfather both from Block Island. They
22 were harpooners.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 And I just want to provide a testimony
2 that this practice of harpooning working with
3 commercial trawl vessels has been going on for
4 decades, if not since trawl vessels and
5 harpooning became a thing.

6 I have many photos at my house of my
7 grandfather harpooning pelagic in Block Island
8 Sound behind my father's boat. So, this isn't a
9 new thing.

10 I want to thank you very much for your
11 time and have a nice day.

12 MR. BROOKS: Great. Thanks very much
13 and thanks to all of the commenters. We don't
14 always get as much public comment. So,
15 appreciate people making the time to weigh in
16 here.

17 So, we are just about at time. Before
18 we just close up for the day, just a few
19 reminders for tomorrow.

20 We will be starting at nine o'clock
21 here again. We'll have conversations initially
22 on vessel strike speed rule and the Pelagic

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 Longline Take Reduction Plan rule.

2 We'll have an enforcement update from
3 U.S. Coast Guard and Office of Law Enforcement.
4 And then we'll hear from Bureau of Ocean Energy
5 Management right before lunch.

6 Lunch tomorrow will be from 12 to
7 1:30. And then after 1:30, we will hear from the
8 HMS staff on their economic situation update

9 We'll have another opportunity for
10 public comment at 2:30 and we will be finishing
11 up tomorrow at three o'clock. So, you can plan
12 around that.

13 Just the only other reminder I have is
14 just, again, no host social hour downstairs and
15 invite everyone to make time to be there.

16 And I think that's it for today other
17 than over to you, Randy.

18 MR. BLANKINSHIP: Thanks for a great
19 day of discussion. Looking forward to another
20 one tomorrow. I hope you have a good evening.
21 Thanks.

22 MR. BROOKS: Thanks, everybody. See

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1716 14th STREET, N.W., SUITE 200
WASHINGTON, D.C. 20009-4309

1 you tomorrow.

2 (Whereupon, the above-entitled matter
3 was concluded at 5:13 p.m.)

4

5

6

7

8