

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

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ATLANTIC HIGHLY MIGRATORY SPECIES  
ADVISORY PANEL

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MEETING

+ + + + +

WEDNESDAY  
SEPTEMBER 6, 2017

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The Advisory Panel met in the Sheraton Silver Spring, Cypress Room, 8777 Georgia Avenue, Silver Spring, Maryland, at 8:45 a.m., Bennett Brooks, Facilitator, presiding.

PRESENT

BENNETT BROOKS, Facilitator  
 JASON ADRIANCE, State Rep  
 PATRICK AUGUSTINE, Recreational  
 ANNA BECKWITH, Council Rep  
 TERRI BEIDEMAN, Commercial  
 RICK BELLAVANCE, Recreational  
 ROBERT BOGAN, Recreational  
 ANDRE BOUSTANY, Academic  
 BENJAMIN CARR, Environmental  
 J. MARCUS DRYMON, State Rep  
 SONJA FORDHAM, Environmental  
 WALTER GOLET, Academic\*  
 JOHN GRAVES, ICCAT Advisory Committee  
 LISA GREGG, State Rep  
 RANDY GREGORY, State Rep  
 LUKE HARRIS, Commercial  
 DEWEY HEMILRIGHT, Council Rep  
 RUSSELL HUDSON, Commercial

ROBERT HUETER, Academic  
STEPHEN IWICKI, Recreational  
CHARLIE KLUCK, Proxy for Martin Fisher,  
Commercial  
ANDREW MARSHALL, Commercial  
SHANA MILLER, Environmental\*  
ROBERT NAVARRO, Recreational  
JEFF ODEN, Commercial  
MICHAEL PIERDINOCK, Recreational  
GEORGE PURMONT, Commercial  
KIRBY ROOTES-MURDY, Council Rep  
RICHARD RUAIS, Commercial  
MARK SAMPSON, Recreational  
MARTIN SCANLON, Commercial  
DAVID SCHALIT, Proxy for Christopher Weiner,  
Commercial  
MICHAEL SISSEWINE, Council Rep  
RICK WEBER, Recreational  
KATIE WESTFALL, Environmental  
ANGEL WILLEY, State Rep  
ROMULUS WHITAKER, Recreational

## ALSO PRESENT

NICOLAS ALVARADO, Highly Migratory Species  
Management Division

RANDY BLANKINSHIP, Highly Migratory Species  
Management Division

LT. WYNN CARNEY, Supervisory Enforcement  
Officer, Northeast Division, Office of Law  
Enforcement

JENNIFER CUDNEY, Highly Migratory Species  
Management Division

TOBEY CURTIS, Highly Migratory Species Management  
Division

GREG DIDOMENICO, Garden State Seafood  
Association

CLIFFORD HUTT, Highly Migratory Species  
Management Division

RAYMOND KANE, Cape Cod Commercial Fishermen's  
Alliance

JACK KEMMERER, U.S. Coast Guard\*

BRAD McHALE, Highly Migratory Species Management  
Division

KATIE MOORE, U.S. Coast Guard

DELISSE ORTIZ, Highly Migratory Species  
Management Division

LOREN REMSBERG, ESQ., Office of General Counsel,  
NOAA\*

MARGO SCHULZE-HAUGEN, Division Chief, Highly  
Migratory Species Management Division

CARRIE SOLTANOFF, Highly Migratory Species  
Management Division

\*On the phone

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

8:56 a.m.

1  
2  
3 FACILITATOR BROOKS: All right, good  
4 morning and welcome to the HMS Advisory Panel  
5 meeting.

6 We thank you all as always for making  
7 the time to be here. We really do know how busy  
8 you all are and we know it's not trivial to cut a  
9 couple of days out of your week and be here.

10 Obviously there's also a major storm  
11 brewing down in the Caribbean right now and so  
12 there are a number of folks who are not going to  
13 be here because they are having to deal with that  
14 and we're just hoping that this storm plays out a  
15 little better than it's looking like right now.

16 We have the new assistant  
17 administrator with us, Chris Oliver. In a minute  
18 we'll hear from him and have our usual  
19 opportunity to hear what's on the mind of NOAA  
20 Fisheries Assistant Administrator and ask him  
21 questions.

22 But before we do that we thought it  
23 would make sense just to go around the room with  
24 your name and organization so Chris knows who's  
25 around the table and everyone else does too.

26 And Fly, I think we'll start off with  
27 you. And just remind yourselves to hit the speak  
28 button and when you're done turn it off. Fly.

29 MEMBER NAVARRO: Fly Navarro with Fly  
30 Zone Fishing, recreational.

31 MEMBER HARRIS: Luke Harris,  
32 commercial.

33 MEMBER HEMILRIGHT: Dewey Hemilright,  
34 Mid Atlantic Fishery Management Council.

35 MR. KLUCK: Charlie Kluck, commercial.

36 MR. SCHALIT: David Schalit, American  
37 Bluefin Tuna Association.

38 MEMBER AUGUSTINE: Patrick Augustine,  
39 New York, recreational.

40 MEMBER WILLEY: Angel Willey, Maryland  
41 Department of Natural Resources.

42 MEMBER GREGG: Lisa Gregg, Florida  
43 Fish and Wildlife Conservation Commission.

44 MEMBER HUDSON: Rusty Hudson, Directed  
45 Sustained Fisheries, commercial.

46 MEMBER HUETER: Bob Hueter, MOTE  
47 Marine Laboratory, academic.

48 MEMBER BEIDEMAN: Terri Beideman, U.S.

1 Seafood Industry Association, commercial.

2 MEMBER IWICKI: Steve Iwicki,  
3 recreational, Cape May, New Jersey.

4 MEMBER GRAVES: John Graves, Virginia  
5 Institute of Marine Science here to represent the  
6 U.S. ICCAT Advisory Committee.

7 MEMBER SISSENWINE: Mike Sissenwine  
8 representing the New England Fishery Management  
9 Council.

10 MEMBER WHITAKER: Rom Whitaker,  
11 Hatteras Harbor Charter Boats, recreational.

12 MEMBER GREGORY: Randy Gregory, North  
13 Carolina Division of Marine Fisheries.

14 MEMBER SCANLON: Marty Scanlon, owner,  
15 operator of fishing vessel Provider II. I also  
16 sit on the board of directors for Blue Waters  
17 Fishermen's Association.

18 MEMBER WESTFALL: Katie Westfall,  
19 Environmental Defense Fund, environmental.

20 MEMBER DRYMON: Marcus Drymon,  
21 representative for the State of Alabama.

22 MEMBER ADRIANCE: Jason Adriance,  
23 Louisiana Wildlife and Fisheries.

24 MEMBER ROOTES-MURDY: Kirby Rootes-  
25 Murdy, Atlantic States Marine Fisheries  
26 Commission.

27 MEMBER BECKWITH: Anna Beckwith, South  
28 Atlantic Council, recreational and charter.

29 MEMBER BOGAN: Robert Bogan, captain  
30 of the Gambler, also representing RFA, PVA, NECO.  
31 I was supposed to be here last spring but I broke  
32 my foot so hello everybody.

33 FACILITATOR BROOKS: And just to note  
34 Robert is a new member of the advisory panel so  
35 welcome.

36 MEMBER BOGAN: Yes, thank you.

37 MEMBER BELLAVANCE: My name's Rick  
38 Bellavance. I run a charter fishing business in  
39 Point Judith, Rhode Island, and I sit on the New  
40 England Fishery Management Council.

41 MEMBER PURMONT: George Purmont,  
42 commercial.

43 MEMBER PIERDINOCK: Mike Pierdinock,  
44 charter boat captain out of Massachusetts,  
45 Stellwagen Bank Charter Boat Association and the  
46 RFA.

47 MEMBER RUAIS: Rich Ruais, American  
48 Bluefin Tuna Association, commercial.

1 MEMBER MARSHALL: Andrew Marshall,  
2 fishing vessel Typhoon, commercial.  
3 MEMBER FORDHAM: Sonja Fordham, Shark  
4 Advocates International, environmental rep.  
5 MEMBER ODEN: Jeff Oden, North  
6 Carolina, commercial.  
7 FACILITATOR BROOKS: Great. And then  
8 thanks. On the teleconference I think we have a  
9 couple of folks. Maybe if you could introduce  
10 yourself quickly and we can start with the AP  
11 member Walt.  
12 MEMBER GOLET: Hi, this is Walt Golet  
13 from the University of Maine, School of Marine  
14 Sciences.  
15 FACILITATOR BROOKS: Other folks on  
16 the phone.  
17 MS. REMSBERG: Loren Remsberg, NOAA  
18 Office of General Counsel.  
19 MS. STEPHEN: Diane Stephen, HMS  
20 division staff.  
21 FACILITATOR BROOKS: Great. And then  
22 if we can just introduce ourselves around the  
23 room quickly and we'll start.  
24 MR. MILLER: Ian Miller, HMS Silver  
25 Spring.  
26 MR. SILVA: George Silva, HMS Silver  
27 Spring.  
28 MS. Baertlein: Heather Baertlein,  
29 HMS.  
30 MS. Cudney: Jennifer Cudney, HMS St.  
31 Petersburg.  
32 FACILITATOR BROOKS: Let's go to the  
33 way back of the room.  
34 MR. KANE: Raymond Kane, Cape Cod  
35 Commercial Fishermen's Alliance.  
36 MR. PEARSON: Rick Pearson, HMS St.  
37 Petersburg.  
38 MR. MCHALE: Brad McHale, HMS  
39 Gloucester.  
40 MR. BLANKENSHIP: Randy Blankenship,  
41 HMS St. Petersburg, Florida.  
42 MR. CURTIS: Tobey Curtis, HMS  
43 Gloucester.  
44 MS. WILSON: Jackie Wilson, HMS Silver  
45 Spring.  
46 FACILITATOR BROOKS: And Ben if you  
47 move really quickly you can introduce yourself.  
48 MEMBER CARR: Ben Carr, environmental.

1 OPERATOR: And excuse me, we also have  
2 Ms. Shana Miller also on the phone.

3 MR. OLIVER: Do you want me to make a  
4 few comments?

5 FACILITATOR BROOKS: It would be great  
6 if you would make a few comments. And then  
7 typically we then open it up for AP members to  
8 share some thoughts or questions they might have.

9 MR. OLIVER: Great, thank you. Well,  
10 good morning everybody and welcome to Silver  
11 Spring. I'm happy to be able to join you today.  
12 I won't take a whole lot of your time this  
13 morning.

14 I do want you to know that you are  
15 part of my training program. I've been in this  
16 position now for about two months and I came from  
17 27 years of experience in the North Pacific  
18 region and thought that I knew a little bit about  
19 fisheries management.

20 But I can tell you that the breadth  
21 and depth of all the issues that we have in front  
22 of us around the country has been quite the  
23 learning curve for me. And so I appreciate the  
24 opportunity this morning to meet with some of you  
25 and introduce myself.

26 I think that one of the things that  
27 interested me in coming to D.C. and coming to  
28 this position was the opportunity to experience  
29 and learn about other fisheries and other  
30 regions, and to hopefully have some influence on  
31 our national policy at a national level on our  
32 fisheries management programs.

33 I think that highly migratory species  
34 is something that's never been really on my radar  
35 screen, we don't have a lot of those up in the  
36 North Pacific, but it's certainly one of the most  
37 interesting species, interesting from a  
38 commercial perspective, from a sport fishing  
39 perspective and all the international aspects.

40 I look forward to learning more about  
41 the process.

42 I've already learned this morning how  
43 big our HMS staff is. It's quite a big group  
44 with a lot of attention and understandably so.

45 I've caught HMS species. I grew up  
46 down in the Gulf of Mexico and fished for tuna  
47 and billfish down there, but I don't know frankly  
48 a lot about the various management programs.



1                   This process is new to me. When I  
2 walked in the room my first thought was wow, this  
3 looks kind of like a Council meeting. And so I  
4 appreciate the opportunity again.

5                   I just wanted to address a couple of  
6 issues.

7                   I know there's one issue I would just  
8 speak to briefly right up front. One of the  
9 issues that's on your agenda that you're going to  
10 address this week and it's become a bit  
11 controversial is the pelagic longline closed area  
12 experimental fishing permit that we approved.

13                   And I know it's very controversial  
14 because my phone and my email have been going  
15 kind of off the hook. I've gotten a lot of  
16 interesting correspondence on it over the past  
17 few weeks.

18                   I do still believe it's an appropriate  
19 action and it's going to give us important  
20 information on species distribution and abundance  
21 and a lot of other information that will be  
22 useful for future stock assessments and other  
23 management considerations.

24                   I know one of the things I've learned  
25 and heard is there's a large amount of swordfish,  
26 U.S. swordfish that's going unharvested. And one  
27 of the priorities of this administration is to be  
28 able to maximize our commercial ground fish  
29 harvest, increase them where we can, increase  
30 aquiculture production where we can.

31                   And at the same time maintaining our  
32 recreational fishing opportunities. And at the  
33 same time maintaining long-term sustainability.

34                   And I think that the information that  
35 we hope to gain from this will give us that kind  
36 of information.

37                   I think it doesn't mean that these  
38 areas are going to be flung wide open, but I  
39 think that the approval of that EFP was in the  
40 spirit of that basic philosophy.

41                   I hope to be able to spend some time  
42 here today. I've got some other meetings I have  
43 to go to downtown and on the Hill, but I hope to  
44 be able today or tomorrow to spend a little bit  
45 more time in the room just listening to your  
46 discussions.

47                   I do want to thank you all for the  
48 time that you put into this. I know that many of

1 you have fishing opportunities that you're  
2 missing, or other business or family obligations  
3 that you're taking away from to spend time in  
4 this process.

5 But like many of the other management  
6 processes and fisheries that we manage we  
7 certainly can't do it without stakeholder input.  
8 And so it's very much appreciated, all the time  
9 and energy that all of you spend on this.

10 Just a last couple of comments. On a  
11 personal note for those of you who live in the  
12 coastal areas and I know many of you do with the  
13 storm approaching I wish you all the best.

14 I just spent most of my last week down  
15 in Rockport, Texas where I grew up and where my  
16 mother still lives, and spent most of last week  
17 down there cleaning up my home down there and  
18 helping some of the neighbors with theirs.

19 Once we got all the debris and trees  
20 off my house we realized that our house was  
21 relatively unscathed which we were very lucky.  
22 Many of our neighbors were not so lucky. So I  
23 wish all of you the best in that.

24 I again thank you for giving me some  
25 time on your agenda, a chance to introduce myself  
26 and to meet you all.

27 Again I hope to be in and out of your  
28 meeting over the next couple of days. I  
29 understand there may be an informal get-together  
30 this evening that I hope to get back and  
31 participate in and have a chance to talk to some  
32 of you more informally on the side and learn more  
33 about your issues.

34 So I appreciate your time and I'd be  
35 happy to take a few questions as long as you  
36 promise to make them easy.

37 FACILITATOR BROOKS: Excellent, good.  
38 Well, thank you very much and let's see who at  
39 the table would like to have a question. Rusty I  
40 see you and then over to Anna.

41 MEMBER HUDSON: Chris, welcome aboard.  
42 I've been involved in this AP for the best part  
43 of two decades and involved with shark for four  
44 decades.

45 Based on that about a month ago you  
46 were at an MSA hearing and Senator Cory Booker  
47 had a question with regard to shark finning in  
48 the United States.

1 We've been getting a lot of bad press  
2 when we have a lot of people with permits that  
3 play by the rules.

4 And so he had put a number of 500 plus  
5 investigations and you said yes, you would check  
6 into that assertion.

7 That does not match up with the OLE  
8 webpage. And so whether you want to talk sidebar  
9 about it or talk to the folks we know that that's  
10 not an issue, shark finning. Anybody that's  
11 doing it is poaching and they need to be  
12 prosecuted.

13 There's this effort by Oceana to kind  
14 of cause us to throw away all our shark fins  
15 which we think is totally counterproductive.

16 And so we're trying to make Congress  
17 understand a reasonable, prudent measure that  
18 would allow us the continued right to exist as  
19 permitted directed limited access permit owners.  
20 Thank you.

21 MEMBER BECKWITH: Hey, Chris, we were

22 --

23 FACILITATOR BROOKS: Hang on one  
24 second. I think he was just going to jump in  
25 with a quick response.

26 MR. OLIVER: I don't have a response  
27 for you on the exact numbers. That's something I  
28 can try to get back to you with or talk to you  
29 more informally on the side and maybe better  
30 understand your question.

31 I personally believe that if you kill  
32 a shark to throw away the fins kind of doesn't  
33 make sense. That's my personal view.

34 But in terms of the enforcement and  
35 violation issue I'll talk to you further on the  
36 side.

37 MEMBER BECKWITH: We were looking  
38 forward to hosting you next week but that may not  
39 be possible.

40 One of the discussions that we've been  
41 having at the Council level is the different  
42 definitions of optimum yield, and how optimum  
43 yield might be achieved differently for  
44 commercial than recreational fisheries.

45 And specifically for the South  
46 Atlantic Council we've been discussing that  
47 around dolphin, mahi mahi, that optimum yield for  
48 recreational is achieved by actually having high

1 levels of abundance in the water and easing the  
2 ability for recreational fishermen to catch fish.

3 So I say that only because as you sort  
4 of move forward with this mandate to achieve  
5 optimum yield it hasn't been something that has  
6 been sort of in the mindset of national marine  
7 fisheries that optimum yield can also be defined  
8 separately and differently for recreational  
9 fisheries than they are for commercial fisheries,  
10 that abundance is an issue that is of most  
11 importance for recreational fishermen, not just  
12 the actual harvest numbers.

13 MR. OLIVER: Thank you, Anna. You  
14 promised not to give me any difficult questions  
15 so I won't consider that a question I'll just say  
16 that I agree with you.

17 FACILITATOR BROOKS: Thanks. Terri,  
18 then over to Marty.

19 MEMBER BEIDEMAN: Hi. I want to offer  
20 congratulations on your appointment and good  
21 luck. There's lots.

22 And I did want to say with regard to  
23 the concerns that our fisheries are perfect  
24 platforms to collect real data and that we need  
25 to keep doing it.

26 We close areas. Some of these areas  
27 have been closed for almost two decades.

28 All of the people sitting around this  
29 table should know that though swordfish were  
30 enhanced by having these closed areas for  
31 juvenile swordfish at the time the real  
32 rebuilding was due to international regulations  
33 being enforced and enhanced.

34 And a segue off of that is concerns  
35 about how the agency is going to deal with the  
36 MMPA regulations, Marine Mammal Protection Act,  
37 comparability for imports.

38 And I know currently that there's a  
39 comment period for a list of foreign fisheries.

40 But our fishermen are very aware from  
41 dealing with other countries at ICCAT and all of  
42 these fisheries are managed there that a lot of  
43 times countries will tell you what you want to  
44 hear but they don't necessarily do it.

45 And our concern is to be sure that  
46 it's comparable, really comparable because our  
47 goal is zero mortality rate goal.

48 And that we have some teeth in finding

1 out and making sure that they're following the  
2 rules if they're going to be afforded the ability  
3 to bring their product into our country and  
4 compete with us. We need a level playing field.

5 So we've been talking about that at  
6 this table for a decade or more in different  
7 fisheries, but particularly now since it seems to  
8 be going ahead I believe that we'll be talking  
9 more about this in the days to come.

10 But I look forward to talking to you  
11 at the MAFAC meeting. Perhaps I'll see you at  
12 the ICCAT meeting. But I'm currently chair of  
13 MAFAC so I'll be talking with you about this and  
14 other things. So thank you very much for coming  
15 to our meeting today.

16 MEMBER SCANLON: Yes, Rusty brings up  
17 an important point and it's not just really  
18 limited to shark finning and stuff like that.

19 One of the things that I think that  
20 the agency can do to help us is to do a better  
21 job of promoting the work that we do here as far  
22 as fishing sustainably within the United States.

23 And that pertains to all domestic  
24 fisheries. A lot of times we face a lot of  
25 outside pressure from groups that want to sort of  
26 propagate problems and issues, and they don't  
27 really fully explain what's going on.

28 I think we as an agency here need to  
29 do a better job of defending what we're doing  
30 here and promoting what we're doing here as far  
31 as fishing sustainably, especially domestically.

32 In other portions of the country like  
33 in food, for example, if there's bad food being  
34 distributed the U.S. government will come up and  
35 make it clear of what's being brought in and what  
36 to watch for.

37 But we don't seem to do that to defend  
38 our fisheries. When there's false news and  
39 people are being misled into believing certain  
40 things we don't ever seem to step up and defend  
41 what we're doing here.

42 So we'd like to see us go more in that  
43 approach. I think that would help all of our  
44 domestic fisheries, just not in the HMS fishery.

45 MR. OLIVER: Just a comment on that.  
46 And I agree with you.

47 During my many years with the council  
48 and my participation on the council coordination

1 committee, the eight regional fishery management  
2 councils, that was an issue that we repeatedly  
3 discussed with the agency was how do we tell our  
4 story better. It seems like only the bad press  
5 gets out there.

6 And so I very much agree with you.  
7 I've had a number of discussions recently about  
8 how to do that. Some of it was in the context of  
9 the various certification programs.

10 And I think to your point if we are --  
11 you look around the country at the work we've  
12 done on rebuilding fish stocks.

13 When we have a directed fishery on a  
14 stock it's by definition a sustainable fishery.  
15 And so that by definition -- we need to get that  
16 story out better.

17 At one extreme we could talk about a  
18 government labeling program I suppose where we  
19 basically have a government stamp of endorsement  
20 on the various fisheries similar to the  
21 certification programs.

22 But I think the key point I guess I  
23 wanted to make is I agree with you. When these  
24 fisheries that we have are by definition  
25 sustainable or we wouldn't be fishing on them, so  
26 I agree with you.

27 MEMBER BELLAVANCE: Thank you. Thank  
28 you, Chris, for coming to spend a little time  
29 with us. I appreciate your efforts there.

30 I spent a bunch of time over the last  
31 decade or so trying to think about ways to  
32 improve recreational catch estimates and the data  
33 collection process in the recreational fisheries,  
34 particularly in the for-hire sector.

35 And I'm encouraged by the work that's  
36 being done using modern technologies like  
37 electronic reporting software, things like that  
38 to help us tell our story a little bit better.

39 One thing I did want to just mention  
40 to you quickly while I had the chance was I think  
41 it's really important that as we work through  
42 this new technologies that we try to do our best  
43 to develop standards that are similar across all  
44 regions.

45 I'll use my business as an example.  
46 I report to the southeast regional office for  
47 dolphin/wahoo. I report to GARFO for my  
48 groundfish, and I report to the State of Rhode

1 Island for tautog. And I report to HMS for my  
2 HMS fisheries that I fish in. And they're all  
3 different.

4 So I think it's important that we  
5 really work hard and think a lot about how we can  
6 streamline that process so that I can have one  
7 tool that I use that helps me report to all those  
8 different agencies or offices or bodies with one  
9 stop and not have to open up this tablet and do  
10 this on this program, open up this laptop, do it  
11 that way, fill out this piece of paper for that  
12 group, and so on and so forth.

13 So I appreciate the time. I just  
14 wanted to put that on your radar as we move  
15 forward. Thank you.

16 MR. OLIVER: Quick response. Over the  
17 past two months a huge amount of my time has been  
18 focused on the very issue that you raise.

19 A lot of the discussions I've had  
20 about whether it's the marine recreational  
21 information program or new smartphone  
22 technologies in terms of data collection for  
23 recreational fisheries.

24 A lot of that discussion was in the  
25 context of red snapper management, but it's not  
26 limited to red snapper. And I agree with you.

27 Part of the problem with that is the  
28 consistency and calibration to the other data  
29 collection methods.

30 But I can assure you that it's a  
31 priority for us. It's been made clear to me from  
32 the Department of Commerce leadership that they  
33 fully expect us to expedite the resolution of  
34 that issue and to get to a point where we can  
35 effectively utilize modern technology better than  
36 we're doing it now.

37 MEMBER RUAIS: Hi, Chris. It's the  
38 first time we meet. I just wanted to echo the  
39 sentiments around the table. Welcome aboard.  
40 And I did notice that one of your first comments  
41 was that HMS has a very large staff. I wanted to  
42 make it clear that most of us feel that it's  
43 absolutely essential. The work load is  
44 tremendous between the international and the  
45 domestic. And the staff is excellent.

46 And it goes beyond -- I saw Alan in  
47 the room earlier. I don't see him anymore.  
48 You've got some talent there.

1                   And also on the outside I know there  
2 must be somewhat that you're familiar with.  
3 Rollie Schmittert once held the post you have now  
4 and he was a longer serving AA. And he was our  
5 ICCAT Commissioner at the same time and he did an  
6 excellent job.

7                   So if you ever have to reach out he's  
8 a source of expertise.

9                   And Bill Hogarth passed Rollie's  
10 length of service and is also an expert in that  
11 field as well.

12                  The final point I wanted to make which  
13 you did mention the commercial and recreational  
14 fisheries here.

15                  And I just wanted to add that the  
16 bluefin is a little bit unique coming from the  
17 northeast where the home of the bluefin fishery  
18 really did originate in the United States.

19                  We also have -- I had to get that plug  
20 in. We also have a combination of commercial and  
21 recreational in what we call the traditional  
22 fishery. And that includes within the General  
23 category where we allow sale and recreation in  
24 the same category.

25                  So we have it all up in New England  
26 and it's all very important to us. And there are  
27 literally thousands of families and coastal  
28 economies that are dependent upon that  
29 traditional fishery. So welcome aboard.

30                  FACILITATOR BROOKS: I'm not seeing  
31 any other cards. Oh wait, Dewey has jumped in.  
32 Dewey.

33                  MEMBER HEMILRIGHT: Thank you. You  
34 briefly spoke about swordfish and our country not  
35 landing our quota.

36                  I've been involved in this advisory  
37 panel in one way or another for the last 20 years  
38 or 25 years going back to the nineties with  
39 sharks.

40                  In the last 10 years HMS division has  
41 come to us, this advisory panel on numerous  
42 occasions and meetings and asked what can they do  
43 to revitalize the fishery. Asking us the  
44 fishers. People around the table.

45                  It's crystal clear to me that in the  
46 last four or five years we've gone from 60  
47 percent landing our quota, 46 percent, 41  
48 percent, 35 percent. The ship's going down.



1                   And at the last meeting I asked one of  
2 my questions will this division, HMS, come to the  
3 advisory panel and to the fishers and tell us  
4 what they're going to do to revitalize the  
5 fishery.

6                   They're the captain of the ship.  
7 You're the captain of the ship now. So under  
8 your watch is our swordfish quota, which country  
9 is it going to be given to.

10                   Because it's crystal clear that we're  
11 not going to land our quota. We're not landing  
12 it.

13                   And it kind of leaves me a little  
14 bewildered of what this agency HMS in the last  
15 seven or eight years has done and what they're  
16 going to do to help the U.S. fishermen in our  
17 country land our quota.

18                   Because is it better for the U.S. to  
19 land it, or is it to give to some other country  
20 that doesn't have vessel monitoring systems, that  
21 doesn't have cameras onboard for one reason or  
22 another, that doesn't have 100 percent observer  
23 coverage for five months of the year, that  
24 doesn't have circle hooks, that doesn't have all  
25 these other pilot whale take reduction teams type  
26 of stuff.

27                   So in short form you've got an unreal  
28 task ahead of you because this ain't the Council.  
29 And there's a lot more things involved in here  
30 and a lot more history.

31                   Sometimes you can play on history, but  
32 things that happened 20 years ago is not what's  
33 happening now.

34                   And so it'll be interesting to see how  
35 under your leadership we're going to land our  
36 swordfish quota and how that's going to change.

37                   So I look forward to hearing that in  
38 future.

39                   But it's a mess. It didn't happen  
40 overnight. Thank you.

41                   FACILITATOR BROOKS: Thanks, Dewey.

42                   MR. OLIVER: I'll just briefly  
43 respond.

44                   I said earlier one of the interesting  
45 things about highly migratory species is the  
46 international aspects, and that also makes it one  
47 of the difficult things about it.

48                   I certainly don't want to see a

1 situation where our unharvested fish ends up  
2 going to some other country.

3 And that's why I need to better  
4 understand the reasons why in order to answer  
5 your question what we're going to do about it, I  
6 need to understand the various reasons. And I  
7 know there are various reasons why that fish is  
8 going unharvested.

9 I can assure you once I better  
10 understand that it will be my goal to help  
11 reverse that trend the best that I can.

12 FACILITATOR BROOKS: Well, thank you  
13 very much, Chris, for being here this morning.  
14 We know you've got a busy schedule and need to  
15 head out but I think you got a really good scan  
16 of the kinds of issues that we will continue talk  
17 about. So thanks so much for being here.

18 Okay, thanks everybody. Just to sort  
19 of jump back into setting up the meeting here.  
20 Let me just do a quick agenda scan. As always  
21 we've got a lot on the agenda.

22 Just to note we will stay in plenary  
23 today and tomorrow so we will not be having  
24 breakout sessions. We'll be around the table  
25 together till 3 or 3:30 tomorrow.

26 Today we will start with Margo's  
27 overview of recent HMS activities and  
28 rulemakings. The remainder of the morning we'll  
29 review a couple of the upcoming rulemakings and  
30 we'll get some updates from enforcement folks.

31 After lunch we'll come back. In the  
32 afternoon session we have a mix of issues. We'll  
33 have an update on Caribbean management issues.  
34 We'll have an update on the pelagic longline  
35 closed area exempted fishing permit.

36 We have a series of recreational  
37 issues to talk about, and then we'll get the year  
38 to date review on Atlantic bluefin tuna  
39 management.

40 We will have public comment from 5:30  
41 to 5:45 and then this evening as Chris mentioned  
42 we will have our sort of usual no host informal  
43 social. That will be downstairs at the lobby and  
44 as always it's great to have everybody there.  
45 It's a good chance to talk informally.

46 Tomorrow in the morning we will start  
47 at 8:30 so just note we'll start a little bit  
48 earlier tomorrow morning and that's to

1 accommodate folks' travel schedules towards the  
2 end of the day.

3 We have a couple of topics. We'll  
4 talk about electronic HMS dealer process overview  
5 and updates, and then we'll talk about an  
6 upcoming rulemaking around the commercial shark  
7 closure threshold and advanced notice.

8 But the bulk of the discussion will  
9 really focus on this last topic we were just  
10 talking about which is the swordfish fishery and  
11 trying to come at that again in a way where I  
12 think just to sort of follow up on Dewey's  
13 remarks I think it's going to -- getting your way  
14 to a more productive place there is going to  
15 require everyone pulling in.

16 It's going to be both information from  
17 the agency, information from folks around the  
18 table, and really hope to make some progress on  
19 that conversation tomorrow.

20 After lunch we'll come back and have  
21 a couple of topics as well. We'll talk about the  
22 bluefin tuna General category January fishery,  
23 and then we'll talk about final Amendment 10 on  
24 essential fish habitat.

25 And we will again have public comment  
26 from 3 to 3:15. We may do a little agenda  
27 tweaking here and there based on where we are on  
28 timing in the meeting but that's the basic plan.

29 Just quickly around the table are  
30 there any issues that we should be trying to  
31 squeeze in that aren't on the agenda already?  
32 Marty.

33 MEMBER SCANLON: I would like to know  
34 the update from the pelagic take reduction team  
35 and what the status of that is, and when that  
36 will be implemented.

37 FACILITATOR BROOKS: Okay. Margo will  
38 try to work that into your intro today, this  
39 morning? Okay, great.

40 Let me just then quickly hit some  
41 ground rules and then we'll get into it.

42 Again, this should be familiar to most  
43 of you but, Bob, for your benefit ground rules  
44 that we work on.

45 First of all, just to emphasize this  
46 is an advisory panel input, but it's seeking your  
47 individual advice. This is not a consensus  
48 seeking body.

1 I think we all know that, but it's  
2 always worth repeating.

3 The conversation is around the table  
4 among advisory panel members. While there are  
5 opportunities for public comment again the  
6 conversation is around this table.

7 We will fold in AP members who are on  
8 the teleconference so please be sure to let us  
9 know. Chime in, chirp in however you can so we  
10 know. We're monitoring it? We'll check in with  
11 you periodically as well.

12 Our goal here as always is to have  
13 focused dialogues to get a range of views on any  
14 issue that's under discussion, for the HMS staff  
15 to get a sense of what are ways forward that make  
16 sense, that can garner support.

17 And so to that end we just need to  
18 hear from all of you. We need you to stay  
19 focused on issues. We need to be succinct in our  
20 comments so it creates the opportunity for other  
21 folks to weigh in as well.

22 Just be respectful in how you use the  
23 time. If there are differing perspectives as  
24 always we ask you to be respectful. Ask  
25 questions of each other. Try to understand why  
26 there are differences because it will help Margo  
27 and her staff figure out ways forward.

28 Just in terms of meeting logistics as  
29 we've already been doing when you want to get  
30 into the queue just please put your name placard  
31 up on its end and I'll see who wants to get into  
32 the queue.

33 I will generally follow the order of  
34 the placards going up, but I will deviate from  
35 that because, one, I want to make sure that  
36 everyone around the table gets a chance to weigh  
37 in.

38 I know some of you are really eager to  
39 contribute and appreciate that. At the same time  
40 we really want to make sure we're hearing from  
41 everyone around the table.

42 It's very important for Margo and her  
43 staff to understand what people are thinking.  
44 And this is why we bring the AP together.

45 As always if I'm missing you just let  
46 me know. Sometimes in the corners of the room or  
47 Jeff's sitting in my blind spot over there, but  
48 I've already told him to throw things at me if I

1 miss him. Just let me know.

2 If your cell phones aren't off or on  
3 silent please do so. If you need to take calls  
4 we just ask that you step outside the room.

5 And I will repeat what I say at every  
6 meeting. Please do not have side conversations.  
7 I know you all think you have the quietest  
8 whispers in the world but the reality is the  
9 voices really travel and it makes it really hard  
10 for anyone around the table to hear the  
11 conversation.

12 So, if you are desperate to have a  
13 conversation with your neighbor please step  
14 outside so that we can stay focused on the  
15 conversation here.

16 With that I think that's all so over  
17 to you, Margo, for your overview.

18 MS. SCHULZE-HAUGEN: All right. So,  
19 I'm going to try and make sure that I'm close to  
20 the mike but if anyone is having trouble hearing  
21 me please let me know. Just wave your hand or  
22 chat Pete on the webinar if you can't hear me.

23 Before I get started I wanted just to  
24 take a couple of minutes and acknowledge some of  
25 the folks that are not with us because of the  
26 various hurricanes. Perry Trial who is our State  
27 of Texas representative is clearly not able to be  
28 with us since he's dealing with the aftermath of  
29 Hurricane Harvey.

30 And then we also have a number of our  
31 south Florida representatives to the panel that  
32 are bracing for Hurricane Irma.

33 So we have quite a number of folks who  
34 aren't here. I wanted to especially acknowledge  
35 Charlie Kluck who is here as a proxy for Martin  
36 Fisher who may be needing to leave early to head  
37 back home.

38 And I would say that is true for all  
39 of you depending on where the track is going and  
40 we'll be looking to Fly for regular updates.

41 If you need to leave, safety comes  
42 first absolutely. We can accommodate changes to  
43 travel and please just do what you need to do.

44 And specifically thinking of Marcos  
45 Hanke in Puerto Rico today as Irma is going  
46 overhead. So there's a lot going on. I think we  
47 just want to know that we're thinking of you all  
48 and support you if you need to leave.

1                   And so just before I get started too  
2 I wanted to do a quick shout out to Brad McHale  
3 and Pete Cooper over the summer who took turns  
4 filling in for me while I did a temporary tour  
5 down the hall helping Alan with the office.

6                   It was great to be able to take a  
7 little time and know that the division was in  
8 very capable hands. So thank you Brad and Pete  
9 for that.

10                  And so at this point I'll run through  
11 what we've been doing for the last couple of  
12 months.

13                  I would note that this meeting is a  
14 bit shorter in time from our usual spring to fall  
15 because the May meeting was later than normal.

16                  So a number of things that we'll be  
17 talking about are things that are about to come  
18 out, upcoming things, and part of that is just  
19 the amount of time since May.

20                  And so again, trying to give a brief  
21 overview of things that are not otherwise covered  
22 on the agenda. And so things that we will be  
23 talking about later I will not touch on here, but  
24 there's plenty of other things that are  
25 happening. And just finding time to fit it all  
26 in is tough.

27                  And so since May we have published the  
28 proposed rule on the shark 2018 specifications.  
29 And we are very close, and I'm hoping that we'll  
30 hear this week about our final rule on adjusting  
31 quotas carry forward from last year for bluefin  
32 tuna, northern albacore, and swordfish.

33                  It has also been a very busy summer  
34 for us with in-season actions. Very active  
35 management of particularly our bluefin tuna  
36 fisheries in the northeast with quota transfers,  
37 and retention limits, and closures.

38                  As well as in our shark fishery with  
39 the quota closure of the western Gulf of Mexico  
40 blacktip, large coastal and hammerhead fisheries,  
41 and the retention limit for large coastals and  
42 hammerheads, as well as an adjustment to the  
43 swordfish general commercial retention limit. So  
44 that has been a busy summer for us.

45                  On the EFP front we'll talk about the  
46 pelagic longline closed area research EFP. But  
47 that's not the only one.

48                  We also had a comment period on white

1 shark research. I'll give you an update on that  
2 in just a minute.

3 And have otherwise issued 33 EFPs,  
4 scientific research permits, and letters of  
5 acknowledgment as well as 5 shark research  
6 fishery permits.

7 We're registering tournaments. We're  
8 at 263 to date for the year and have held 27  
9 workshops, protected species and shark ID  
10 workshops. Although I would note that we have  
11 rescheduled the one for Panama City later this  
12 week.

13 We've got about 5,600 people on our  
14 email distribution list. And I would not  
15 hopefully you have not noticed but we changed our  
16 email delivery system.

17 And so if you have noticed maybe it  
18 wasn't quite as seamless as it was supposed to  
19 be. So.

20 Specifically to the shark 2018  
21 specifications, the proposed rule came out August  
22 22. We're proposing to open all the shark  
23 management groups on January 1, on or about, as  
24 close as we can get.

25 All proposed quotas are the annual  
26 based quotas with the exception of a few that are  
27 adjusted for underharvest. That includes the  
28 western Gulf of Mexico and eastern Gulf of Mexico  
29 blacktip as well as the Gulf and Atlantic  
30 smoothhounds quotas.

31 The proposed retention limits are also  
32 a little bit different than what we have proposed  
33 before with the eastern Gulf at 50, western Gulf  
34 at 45, and the Atlantic at 25. So these would be  
35 the opening retention limits that we've proposed  
36 with the ability to adjust in season throughout  
37 the year as needed. Comments are due September  
38 21.

39 And then on the quota adjustment, this  
40 is what we call a temporary final rule because  
41 it's only in effect for less than a year. It  
42 would adjust northern albacore baseline quota for  
43 under harvest carrying forward what we can under  
44 ICCAT rules. So that would be an adjusted quota  
45 of 658 metric tons.

46 North and south swordfish also  
47 carrying forward the maximum available. And we  
48 would have about 3,300 metric tons dressed

1 weight, 75 south swordfish.

2 And then for bluefin tuna the Reserve  
3 category would be augmented by the carry forward  
4 and so as soon as it publishes it will be 156  
5 metric tons.

6 So like I said that is hopefully going  
7 to be announced this week. And so then we'll  
8 have those additional quotas available to us.

9 And then if you recall in the spring  
10 we had an afternoon of discussion on national  
11 policy and implementation plan requirements.

12 And so I have a few updates for you.  
13 Not everything is updated. Our allocation  
14 criteria, plan amendment, and the national  
15 standard guidelines.

16 There's a lot of internal discussions  
17 happening, but we don't have documents or drafts  
18 ready for you all. But we will keep you apprised  
19 as we do and we will take your input to be as  
20 specific as possible from the spring. Certainly  
21 understand that there's a lot there.

22 On ecosystem based fisheries  
23 management as you recall we will be drafting an  
24 HMS implementation plan in compliance with the  
25 national policy and roadmap.

26 This one has slipped a little bit in  
27 terms of timing and so we are now anticipating  
28 the draft plan would be available for the spring  
29 meeting with the final by the end of 2018. So  
30 you'll be hearing more about that.

31 And so the SBRM, that's standardized  
32 bycatch reporting methodology, there was a final  
33 rule that requires all FMPs to come into  
34 compliance by 2020.

35 And what we've done so far is done a  
36 review of what the final rule requirements are,  
37 comparing that to what is in our HMS consolidated  
38 FMP, and have determined that we're in compliance  
39 with the exceptions of descriptions for  
40 standardized bycatch reporting methodology for  
41 spearfishing, buoy gear, and green stick gear.  
42 And these are all gear types that have been  
43 authorized since the 2006 plan.

44 And so we will be working on in the  
45 meantime folding some of the new information into  
46 our SAFE report so you'll be seeing some of that.

47 And then working that into a plan  
48 amendment over the next couple of years.



1                   At this point we don't anticipate  
2 needing to do rulemaking to make these changes.  
3 This would be in a plan amendment.

4                   And we will of course be checking in  
5 with you as we go.

6                   And finally, the National Bycatch  
7 Reduction Strategy. This is another thing where  
8 the HMS fisheries are getting their own  
9 implementation plan.

10                  We are currently waiting for  
11 finalization of the national plan and then we'll  
12 be moving out on the HMS plan.

13                  So we anticipate sharing that with you  
14 in the winter or spring as well.

15                  So lots of thinking, lots of planning.  
16 Not much in terms of document sharing yet. But  
17 stay tuned.

18                  And so then if you recall in the last  
19 meeting I had a series of graphs on landings  
20 updates for you all and have tried a slightly  
21 different approach here since we send these out  
22 and they're publicly available through listserv  
23 notices and things.

24                  So I thought I would just provide the  
25 links so that you could find them.

26                  If you prefer to have them actually as  
27 part of this presentation I'm happy to go back to  
28 it. I just thought I'd mix it up a little bit.

29                  So then looking at some of the  
30 exempted fishing permit updates as I mentioned  
31 we'll talk about the closed area research EFP  
32 later.

33                  But we also received the Cape Cod  
34 Commercial Fishermen's request June 19. This was  
35 a request to retain bluefin tuna on vessels with  
36 unauthorized gear on board and using electronic  
37 monitoring video data for compliance and  
38 monitoring.

39                  We, as with all the EFPs that don't  
40 fit into our normal annual EFP notice put it out  
41 for separate notice with comment. And we had a  
42 comment period through mid-July.

43                  And so comments received included  
44 opposition to issuance of the EFP stating that it  
45 didn't need to be an exemption from the current  
46 regulations as well as concerns that if all  
47 vessels that had unauthorized gear onboard could  
48 fish for bluefin tuna there would be a sizeable

1 increase in the amount of effort on bluefin.

2 Groundfish fishermen who were the ones  
3 seeking this in part I think were supportive and  
4 look at this as a way of diversifying their  
5 trips, making use of available resources even  
6 though they have, again, this unauthorized gear  
7 onboard.

8 And they viewed it also as an  
9 incentive for expanding electronic monitoring as  
10 a way that this could be monitored.

11 So we are currently analyzing these  
12 comments and coordinating with the greater  
13 Atlantic region who is also working on a permit  
14 for this group.

15 And so I don't have a decision for  
16 you. We're still thinking about it. But wanted  
17 to make sure that you had the latest updates.

18 And then specific to white sharks we  
19 also had a standalone public comment period on  
20 the issuance of white shark research where we  
21 previously had issued permits for tagging.

22 But as you recall we modified our  
23 rules for archival tag last year, or the year  
24 before, and removed the requirement to submit  
25 reports and be permitted when simply deploying  
26 archival tags.

27 That rule had been implemented in the  
28 nineties when archival tags were new and people  
29 didn't know what kind of mortality would be  
30 associated with them.

31 And since that time mortality is very  
32 low. And so we took those regulations off the  
33 books.

34 But we've been continuing to receive  
35 comments and requests for us to actually direct  
36 or control some of the research activities for  
37 white sharks specifically.

38 And so we put that out for comment.  
39 We talked about this in spring where we had a lot  
40 of comments coming in in support as well as some  
41 opposed due to concerns about mortality.

42 And so after considering these  
43 comments we are issuing what are called letters  
44 of acknowledgment. They are not permits. They  
45 don't authorize the activity. They simply  
46 acknowledge that what has been submitted to us is  
47 research. And that is specific to shark research  
48 on research vessels.

1           If there are private vessels that are  
2 otherwise permitted and may need an exemption to  
3 possess a prohibited species like white sharks to  
4 implant a tag then they would need an EFP for  
5 that.

6           But the research vessels themselves  
7 don't actually need that letter from us. They  
8 are doing research and it is outside the purview  
9 of Magnuson.

10           And so wanted to just share with you  
11 all that that's the status that we have now. And  
12 we will continue to provide those letters of  
13 acknowledgment if asked. But we do not have the  
14 authority to actually control those activities.

15           And a quick update on the General  
16 Category Cost Earnings Study. This is something  
17 we talked about at the spring meeting as well  
18 where we are starting a one year cost earnings  
19 logbook study of the Atlantic tuna General  
20 category that will run for the calendar year of  
21 2018.

22           And the purpose is to estimate the  
23 economic activity of HMS fishing under this  
24 quota.

25           And so we will be selecting General  
26 category and Charter/Headboat permit holders with  
27 recent history of commercial bluefin landings.

28           They'll be selected for reporting.  
29 And we added the Charter/Headboat folks based on  
30 the AP input in the spring.

31           And we expect to send out notification  
32 letters in October. Participation is required if  
33 selected and that will be an electronic logbook.

34           So we'll be looking for reports, trip  
35 basis, for trips that are landing or targeting  
36 HMS including cost earnings data.

37           There will be a no fishing report if  
38 no trips were taken for HMS in that month.

39           And then a final survey of the  
40 annualized costs, vessel costs, insurance and  
41 things that would follow in 2019 after the  
42 conclusion of the year.

43           And we anticipate having that final  
44 report in the summer or fall of 2019.

45           On the international front ICCAT is  
46 shaping up to be a heck of a year this year.

47           We have new assessments and  
48 negotiations for measures for bluefin tuna east

1 and west, swordfish north and south, shortfin  
2 mako north and south as well. And so that kind  
3 of covers the gamut of the major species.

4 We are also keeping an eye on landings  
5 for yellowfin, bigeye and sailfish as those  
6 measures have triggers for review and potentially  
7 renegotiation if the total allowable catches were  
8 exceeded.

9 And there is some thinking that some  
10 of those at least may have been exceeded.

11 And so in addition this is a year  
12 where the convention amendments may be adopted  
13 which would be a revision of ICCAT's charter and  
14 a number of measures.

15 And as if that wasn't enough it is  
16 also a new year to select a new executive  
17 secretary as well as elect all of the panel  
18 chairs.

19 So it'll be a doozy. We will be there  
20 in support of the Office of International Affairs  
21 and have the government leads for many of these  
22 panels. So it's a heavy workload for us as well  
23 as the international office and so I would  
24 encourage you all if you are not on the Advisory  
25 Committee for ICCAT to stay tuned and we will be  
26 in touch.

27 On international trade not a lot of  
28 updates here, just a note that the Seafood Import  
29 Monitoring Program is expected to come online  
30 January 2018.

31 And that will expand the reporting  
32 requirements to the BAYS tunas and require  
33 electronic reports of imports.

34 The International Trade Data System  
35 has been online as well as the Electronic Bluefin  
36 Catch Document Program for a little more than a  
37 year as well. And so things are going fairly  
38 well I think on that front, but I would encourage  
39 you all to pay attention to the SIMP program is  
40 what they're calling it.

41 On ESA updates, our biological  
42 opinions, we've been under re-initiation of  
43 consultation for a while.

44 The update here is that the southeast  
45 had a large influx of consultations that they are  
46 working through and have reached out and so I  
47 think we may be seeing more movement on that in  
48 the near term.

1                   And on the oceanic whitetip petition  
2 to list under ESA, that final rule is in  
3 progress. The comment period to list that  
4 species globally closed in March. And so they're  
5 working on that final rule.

6                   And silky and thresher sharks  
7 effectiveness of Appendix II listing under the  
8 Convention on International Trade in Endangered  
9 Species is in effect October 4. So that's a  
10 little more than a month away.

11                   If folks have questions we can connect  
12 with you Fish and Wildlife Service that has the  
13 lead on implementation.

14                   On the Deepwater Horizon oil spill  
15 front the Oceanic Fish Restoration Project which  
16 is the new name concluded its first year of the  
17 pelagic longline and alternative gear program  
18 that ran from March through June of this year.

19                   And so I think we have some results  
20 that we could share offline if you're interested.  
21 But then also wanted to let you know that the  
22 application period for 2018 should be coming out  
23 later this fall.

24                   And we've got a link there if you want  
25 more of the details.

26                   And then on the long-term restoration  
27 front the Open Ocean Trustee Implementation Group  
28 had a public request for ideas for long-term  
29 restoration on the 2017 to 2020 planning years.

30                   That comment period closed in the  
31 spring and project ideas are being screened and  
32 vetted now for things to take up in the near  
33 term, things that might be a little further out.

34                   So there continues to be quite a lot  
35 of work on this front. And there's quite a lot  
36 that goes into this on the agency side.

37                   And we are participating in that to  
38 make sure the HMS fisheries and interests are  
39 represented.

40                   And then on a few other fronts I  
41 mentioned before there's an electronic pilot for  
42 an electronic logbook that the Southeast  
43 Fisheries Science Center had developed.

44                   That pilot is now complete and they  
45 are looking to have the electronic logbook  
46 available on a voluntary basis for the fleet  
47 starting in 2018.

48                   I think there's an idea that there

1 would be an initial period where it's voluntary,  
2 get broader participation, and then likely move  
3 to maybe a mandatory program at some point. I  
4 don't have a time frame for that.

5 We wanted to make sure if folks are  
6 interested in moving away from paper logbooks  
7 that this option would be available to you in the  
8 new year. And I can connect you with folks from  
9 the center that can make that happen.

10 And also in the southeast there's the  
11 Southeast For-Hire Integrated Electronic  
12 Reporting Initiative.

13 This is a Gulf and South Atlantic  
14 Council initiative for their charter fleets.  
15 Because there's so much overlap between the HMS  
16 and the council fisheries we are participating in  
17 the internal planning groups and in a support  
18 role as those initiatives progress.

19 And there may be follow-up in the HMS  
20 fisheries regs after they're further along.

21 And then we've also gotten requests to  
22 look at regulation changes for landing tuna  
23 chunks where right now the requirement to land  
24 tunas in specified form so that minimum size  
25 measurements can be made where there's shark  
26 damage and the chunk is clearly larger than the  
27 minimum size, that requirement to land in the  
28 proper form does not allow those fish to be  
29 landed.

30 We have a provision for swordfish for  
31 this very reason and the request was to consider  
32 doing this for tunas as well.

33 So finally, kind of taking a step  
34 back, looking at what we talked about in the  
35 spring.

36 If you recall we had received a fair  
37 number of requests for changes to the regulations  
38 over the previous months.

39 About 45 individual requests for  
40 changes had come in. And we wanted to get your  
41 input on where the agency should prioritize its  
42 time and energies.

43 And so we had what we called the dot  
44 prioritization exercise. We gave you all dots,  
45 different colored dots by kind of the AP sector  
46 with a priority dot, a dot within a dot, and had  
47 put all 45 of those requests up on poster boards  
48 around the wall and asked the panel members to

1 put their dots where they think that we should  
2 put our time.

3 And so this was not intended to be a  
4 vote. It was simply a signal of where the AP was  
5 advising the agency to pursue different actions.

6 And so please don't try and read this.  
7 We have these. These are all online, the results  
8 of the exercise. We also I think brought the  
9 poster boards if you want to see it in real time.

10 But you can see that there were  
11 definitely signals of where the AP thought some  
12 things were higher priority than others.

13 And so we as our responsibility to you  
14 all take your input quite seriously and have  
15 you'll see in this agenda for this meeting  
16 there's a number of things that correspond fairly  
17 directly to where AP prioritization indicated we  
18 should spend our time.

19 So I wanted just to refresh your  
20 memory there before we get into the agenda.

21 So then looking ahead, shark specs,  
22 comment period towards the end of this month. We  
23 look for your input there.

24 As I mentioned ICCAT the annual  
25 meeting and then the ICCAT advisory committee  
26 meeting in the fall. Look for a final rule on  
27 shark specs hopefully by December 1.

28 And then we have a number of upcoming  
29 proposed actions that we'll talk about in more  
30 depth in a minute. Again, looking back at your  
31 input to us from the spring.

32 And so this is the same slide that  
33 I've had for many meetings now and it continues  
34 to be true which is my personal goal that you  
35 know exactly what we're doing and why.

36 And you let us know what you think.  
37 We don't like to be surprised. I like to know  
38 what the impacts of what the agency is doing or  
39 not doing are and I also look to you all for your  
40 input.

41 There are some loud voices here.  
42 There's sometimes some strident discussions. We  
43 need to hear from all of you.

44 And I would really hope that we're  
45 providing the venue where you can feel  
46 comfortable to share your thoughts and reflect  
47 both for us and for you all to know what everyone  
48 thinks around the table.

1                   And so we look to you to be informed,  
2 engaged, for us to be aware and informed. We ask  
3 that you listen, contribute, and then also share  
4 back home with what the discussions are, what the  
5 views were.

6                   And our commitment to you is that  
7 we'll make sure that we're following the  
8 international and domestic requirements, that we  
9 raise issues that are relevant to you whether  
10 it's directly from the division or other parts of  
11 the agency, or even other agencies, that we will  
12 engage with you.

13                   And then that the decisions that are  
14 made will reflect your input. So we take all  
15 this very seriously.

16                   And then we've got a packed day and a  
17 half in a little bit. So I think we'll have some  
18 good discussions. Hope to hear from you. And  
19 that's all I've got.

20                   FACILITATOR BROOKS: Great. Thanks,  
21 Margo. We have time for some questions or  
22 comments on anything Margo presented. Stephen.

23                   MEMBER IWICKI: Margo, I was just  
24 wondering at some point today maybe the mobile  
25 catch reporting app, kind of get an update of  
26 what kind of response you're getting, if it's  
27 helping, if it's more than the traditional  
28 reporting, that kind of thing.

29                   But I think that was a really great  
30 capability you guys introduced earlier in the  
31 year. I'm just curious to see how it's working  
32 out.

33                   FACILITATOR BROOKS: Thanks.

34                   MEMBER WESTFALL: Thank you, Margo.  
35 Just curious what the next step is in the process  
36 for the oceanic whitetip listing.

37                   MS. SCHULZE-HAUGEN: I think the  
38 agency will release the final rule with the  
39 determination and then whatever's in that there  
40 may be subsequent actions that flow from it. But  
41 the next step is the final rule.

42                   FACILITATOR BROOKS: Rick.

43                   MEMBER BELLAVANCE: Thanks, Margo. A  
44 quick question on the cost earnings survey for  
45 the General category. Who's the contact person  
46 to offer comments on to that?

47                   I don't want to muddy up the waters  
48 here or take up too much time, but just who would



1 I speak to on that, general comments?

2 MS. SCHULZE-HAUGEN: That would be  
3 George Silva over here or Cliff Hutt who's behind  
4 you.

5 MEMBER BELLAVANCE: And one more  
6 comment if I can. Quick comment.

7 I just also wanted to add that NMFS  
8 also published a proposed rule mandating  
9 electronic reporting for the for-hire sector for  
10 mid-Atlantic permitted vessels. So that also  
11 adds to the kind of need to get going.

12 MS. SCHULZE-HAUGEN: Yes. Thank you.

13 FACILITATOR BROOKS: Let's go Bob,  
14 Ron, George, and then back to Katie.

15 MEMBER HUETER: Thank you. Bob  
16 Hueter, MOTE Marine Lab.

17 Margo, you mentioned the seafood  
18 import monitoring program. Can I ask you if you  
19 can make this short and sweet what is the status  
20 currently of NOAA's authority to stop imports of  
21 shark products, especially the fins from IUU  
22 countries that practice unsustainable shark  
23 fishing pursuant to the Shark Conservation Act of  
24 2010 which was supposed to begin the process of  
25 allowing us to restrict those imports?

26 MS. SCHULZE-HAUGEN: You know, I want  
27 to connect you with the right folks before I  
28 answer that. A legal question like that is not  
29 something I want to try and answer right now.

30 I think obviously we have those  
31 provisions in place. I think the seafood import  
32 monitoring rule is coming from a couple of  
33 different places in terms of the impetus for it.

34 How these actually connect legally I  
35 would want to get you in touch with the right  
36 folks first.

37 MEMBER HUETER: And the reason I bring  
38 it up is it really lies at the crux of the issue  
39 of the shark fin ban. And you hear all kinds of  
40 things. We do have the authority. We don't.  
41 New legislation is needed. Legislation is not.

42 We have to answer that question first  
43 before we can address the question of whether or  
44 not bands are appropriate.

45 So I raise it and I hope that we can  
46 maybe look at it in depth at a future meeting.

47 MS. SCHULZE-HAUGEN: Okay.

48 MEMBER WHITAKER: Yes, Rom Whitaker,

1 Hatteras Charter Boat.

2 I just -- you covered the mutilated  
3 tuna by the sharks, yellowfins in our area  
4 mostly, occasionally bigeyes and bluefins.

5 But I apologize for missing the May  
6 meeting, and you all may have come to some  
7 conclusion, but this is an issue.

8 And I think these fish are maybe being  
9 landed illegally now. And I hate to see them  
10 just being thrown away.

11 So hopefully if it's not -- I want to  
12 be sure we discuss that and come to some kind of  
13 resolution. Thank you.

14 MEMBER PURMONT: Good morning, Margo.  
15 In regards to the Deepwater Horizon Gulf of  
16 Mexico status is there any update as to larval  
17 studies inasmuch as we consider that as a prime  
18 spawning area? Looking forward is there any  
19 feedback?

20 MS. SCHULZE-HAUGEN: Specific to the  
21 Gulf of Mexico?

22 MEMBER PURMONT: Yes.

23 MS. SCHULZE-HAUGEN: Well, there were  
24 papers that were published on some of the impacts  
25 of Deepwater Horizon on larvae that came out a  
26 couple of years ago.

27 I think they showed larvae were  
28 impacted, heart muscle. There may be others that  
29 know more of those details here. But certainly  
30 there were studies that have come out showing  
31 negative impacts from exposure to oil for larvae.

32 I don't know of any recently, but I  
33 know there were some.

34 FACILITATOR BROOKS: Mike.

35 MEMBER SISSEWINE: Yes, thank you.  
36 I'd like to get a little bit of clarification on  
37 the request from the Cape Cod Commercial  
38 Fishermen's Association for being allowed to  
39 retain bluefin when they have unauthorized gear  
40 onboard.

41 I assume these fishermen that are  
42 requesting the authorization to retain have a  
43 permit for the bluefin. The issue is only the  
44 unauthorized gear. Is that correct?

45 MS. SCHULZE-HAUGEN: I'm not sure.  
46 Okay, so Brad is saying yes, that they do have a  
47 permit. But I think these are lobster and  
48 groundfish fishermen that can't have unauthorized

1 gear onboard.

2 MEMBER SISSENWINE: Right. So, if  
3 they have a permit for the fish then clearly it  
4 isn't a conservation issue per se. They would be  
5 allowed to catch it if they didn't have the gear  
6 onboard.

7 So presumably the issue is about  
8 whether having the gear onboard creates some sort  
9 of an enforcement problem. That is, you can't  
10 really understand whether they caught it with  
11 this unauthorized gear or they caught it with the  
12 proper gear.

13 Obviously it's not an enforcement  
14 issue if somebody has a lobster pot onboard. I  
15 don't know about the groundfish trawl.

16 But in any case I think one ought to  
17 consider this in the context of a struggling New  
18 England groundfish fishery and to the extent that  
19 they are authorized to catch these fish and it's  
20 not a conservation issue I would clearly be  
21 viewing to what degree this represents an  
22 enforcement issue.

23 Clearly if it's an enforcement problem  
24 then one has to deal with that. But if it's not  
25 then it seems to me that it would be a reasonable  
26 way forward. Thank you.

27 MEMBER PIERDINOCK: Mike Pierdinock.  
28 Two things.

29 In response to the Cape Cod Commercial  
30 Fishermen's Association proposal if this is being  
31 conducted as an enforcement issue one question I  
32 had is that as they did do the videos of the  
33 fishing events does somebody actually review  
34 those videos. And therefore what's done and  
35 what's the process to address any non-compliance?

36 Or otherwise we'll just have another  
37 Carlos Rafael issue up in our waters with all  
38 these bells and whistles in place and there's no  
39 enforcement. That's the first thing.

40 The second thing is in response to  
41 EVTRs I am for EVTRs and is the road that we're  
42 going down.

43 I'm one of the 30 boats in  
44 Massachusetts participating in a pilot project  
45 and as a result of what I heard this past several  
46 months of certain issues associated with the EVTR  
47 I would just ask that we take baby steps and not  
48 make this mandatory for everybody to use because

1 there are issues associated with it that need to  
2 be addressed.

3 In addition, presently we prepare on  
4 the federally permitted vessel paper VTRs. And  
5 if you do not submit those paper VTRs in a timely  
6 fashion nothing happens.

7 The only thing that happens is that  
8 you won't get your permit for the next year.

9 This gets down to timeliness. If you  
10 have an EVTR or a paper VTR they have to be  
11 submitted within 24 hours. And if not something  
12 has to occur or otherwise we'll be in the same  
13 situation whether we have electronic reporting or  
14 paper reporting that you have it and there's  
15 nothing done to address the timeliness of that  
16 submittal. Thank you.

17 FACILITATOR BROOKS: Dewey and then  
18 over to Pat.

19 MEMBER HEMILRIGHT: Thank you. I was  
20 wondering about the Cape Cod Commercial  
21 Fishermen's Association exempted fish permit  
22 application that had to do with the use of  
23 electronic monitoring.

24 And if it was with cameras how would  
25 they be activated if they were not using  
26 hydraulic wheels. Would it be like something  
27 attached to their hand crank wheel where it would  
28 automatically kick in when they cranked the  
29 handle? Or just how would that work for that  
30 electronic monitoring part if it's not used with  
31 hydraulics?

32 MS. SCHULZE-HAUGEN: My understanding  
33 is that the northeast requirements are that video  
34 is recorded as soon as they pull away from the  
35 dock. It's 24/7 while they're out.

36 MEMBER AUGUSTINE: Thank you. Pat  
37 Augustine, recreational.

38 Just a quick question. I didn't read  
39 all the detail and I should have, I should have  
40 been able to answer this question, but has anyone  
41 considered the negative impact on the overall  
42 stock by adding 30 additional vessels to the  
43 fleet during the period. If this were to be in  
44 effect through 2017 unless it goes into 2018 and  
45 then it's considered as a part of the total base.

46 MS. SCHULZE-HAUGEN: I'm sorry, what  
47 issue are you talking about? I missed the  
48 beginning.

1 MEMBER AUGUSTINE: I'm talking about  
2 the Cape Cod request. Will there be a negative  
3 impact by adding 30 vessels that now can land  
4 fish to this year. Will it go over the quota?  
5 Do we have an experimental quota? Where does the  
6 quota come from?

7 MS. SCHULZE-HAUGEN: Those are all  
8 questions that we're working on answering. I  
9 think there's quota available.

10 As again we have not issued the final  
11 decision so these are things we're considering.

12 MEMBER AUGUSTINE: Just a quick  
13 follow-up. According to our comment this morning  
14 the comment was made that it looks as though that  
15 we're basically approved.

16 FACILITATOR BROOKS: What's approved?

17 MEMBER AUGUSTINE: By our introduction  
18 of our new man at the top. He said with the  
19 introduction of this, his words were basically  
20 that it was approved. There was an inference  
21 there. I wrote it down. And maybe I was wrong,  
22 but did anybody else catch that? I guess others  
23 caught it.

24 MS. SCHULZE-HAUGEN: Oh, I think he  
25 was referring to the pelagic longline closed area  
26 research EFP. Not the Cape Cod Commercial  
27 Fishermen.

28 MEMBER AUGUSTINE: I stand corrected  
29 because that scared me.

30 FACILITATOR BROOKS: Okay, I don't  
31 think I see any other cards up so thanks, Margo.  
32 It sounds like there's a couple of issues that  
33 maybe we'll get back to during the meeting or to  
34 Bob specifically.

35 MS. SCHULZE-HAUGEN: And I forgot to  
36 hit the pelagic longline.

37 OPERATOR: Excuse me, did you want to  
38 go over the phone?

39 MS. SCHULZE-HAUGEN: Give me just one  
40 second, please.

41 To the request for an update on the  
42 pelagic longline take reduction process they are  
43 still working on the proposed rule.

44 So I don't have a timeline for you,  
45 but they are still working on it. Full intent to  
46 get that out as soon as they can.

47 And I think we'll be sure to cover  
48 that once it's out at the subsequent AP meeting.

1 FACILITATOR BROOKS: Okay,  
2 teleconference. Operator.

3 OPERATOR: Yes, sir. You have two --  
4 three panel members. If they want to say  
5 anything, if you do your lines are open.

6 FACILITATOR BROOKS: Walt or Shana?

7 MEMBER MILLER: No, thank you.

8 MEMBER GOLET: All set, thanks.

9 FACILITATOR BROOKS: Okay.

10 OPERATOR: Very good. Thank you, sir.

11 FACILITATOR BROOKS: Thank you. In  
12 that case let's get you to a break a couple of  
13 minutes early and we will reconvene at 10:30  
14 sharp. Thanks.

15 (Whereupon, the above-entitled matter  
16 went off the record at 10:10 a.m. and resumed at  
17 10:32 a.m.)

18 FACILITATOR BROOKS: All right. So we  
19 want to shift to a couple of upcoming  
20 rulemakings. We'll hear from Tobey Curtis first  
21 on the HMS Charter/Headboat permit proposed rule,  
22 and then we'll take some questions after that,  
23 and then we'll hear from Carrie Soltanoff on the  
24 individual bluefin tuna quota accountability  
25 proposed rule.

26 So, Tobey, you're up first.

27 MR. CURTIS: Thank you. I'm Tobey  
28 Curtis and I'm happy to be talking to you about  
29 something other than dusky sharks this meeting.

30 This is a brief, real quick overview  
31 of the Charter/Headboat permit and the sale of  
32 HMS issue that's popped up a few previous  
33 meetings, so this is an update on that action.

34 If you recall this action is sort of  
35 being driven by changes in Coast Guard policies.  
36 So they updated their policies in 2016 on  
37 dockside examinations and vessel safety  
38 requirements for commercial fishing vessels.

39 These new requirements would extend to  
40 any fishing vessel that sells or intends to sell  
41 fish, including HMS Charter/Headboat vessels.

42 These vessels currently have the  
43 option to sell their catch. However, only about  
44 7 percent of the vessels, of those permit holders  
45 have sold fish in recent years. So the vast  
46 majority of the fleet doesn't sell any of their  
47 catch.

48 But based on the updated Coast Guard

1 requirements these vessels would be required to  
2 meet the same safety regulations for other  
3 commercial fishing vessels including life rafts,  
4 EPIRBs, survival suits, and other safety  
5 requirements. Whether they actually sell the  
6 fish or not because the Charter/Headboat counts  
7 as an intent to sell.

8 These safety requirements would be  
9 overly burdensome and impractical for some  
10 vessels, especially smaller vessels.

11 And so the purpose of this rule would  
12 really be to address this issue and find a way to  
13 create a separate regulatory provision for  
14 commercial sale of HMS by these Charter/Headboat  
15 vessels. So the intent here is to revise the  
16 regulations such that Charter/Headboat vessels  
17 that do not intend to sell any catch would not be  
18 subject to the updated Coast Guard safety  
19 requirements for commercial fishing vessels.

20 Charter/Headboat vessels that wish to  
21 sell their catch would be subject to the Coast  
22 Guard safety requirements for commercial fishing  
23 vessels.

24 So, we've had some discussions and  
25 we've basically narrowed it down to three basic  
26 approaches that we could take on the regulatory  
27 side to address this issue. The fourth being  
28 just sort of status quo, no change.

29 The first option would be to prohibit  
30 the sale of HMS on all Charter/Headboat vessels,  
31 but allow these vessels to also obtain tuna or  
32 swordfish general category permits if they wish  
33 to sell those species.

34 The second option would be to split  
35 the current Charter/Headboat permit into a sale  
36 and no-sale categories. So basically where we  
37 had one permit we'd now have one permit.

38 The no-sale permit would be prohibited  
39 from selling any catch and they wouldn't be  
40 subject to the Coast Guard requirements.

41 The third option would be to add a  
42 commercial sale option as an endorsement to the  
43 current Charter/Headboat permit similar to the  
44 shark endorsement under amendment 5B.

45 So vessels that don't have the  
46 endorsement would be prohibited from selling  
47 catch. And again they would not be subject to  
48 the Coast Guard requirements.

1                   So, that's it, that's where we're at  
2 right now. Stay tuned for the proposed rule  
3 which we hope to have out pretty soon.

4                   If you have questions you can contact  
5 HMS and Brad is the one that's been following  
6 this issue the most closely.

7                   So I guess we've got a couple of  
8 minutes for questions but that's it on  
9 Charter/Headboat for now.

10                  FACILITATOR BROOKS: Yes, so questions  
11 or comments about this proposed rule. Dewey?

12                  MEMBER HEMILRIGHT: Thank you for  
13 that.

14                  I was kind of wondering in your  
15 options there when you look at all four of your  
16 options a couple of them would work.

17                  But I was kind of interested in  
18 something that's a little more accountable,  
19 something that you had to give a -- before you  
20 landed your fish you had to give your logbook  
21 number or something like that.

22                  Like some more I guess the word  
23 stringent regulations. Some of what the  
24 commercials have to do when they go to land a  
25 fish.

26                  FACILITATOR BROOKS: Dewey, what would  
27 be the -- what's the intent behind your thinking  
28 there?

29                  MEMBER HEMILRIGHT: My intent behind  
30 the thinking is to clear up all the trivial areas  
31 so we don't have so much -- it's straightforward.

32                  You know, right now in this type of  
33 thing, the stuff that's going on, there's so much  
34 behind the scenes happening and so it's more a  
35 way of straightforwardness of accountability  
36 that's simple.

37                  To get the gray areas out and make it  
38 more yes or no.

39                  MS. SCHULZE-HAUGEN: So, I hear you on  
40 that. We heard you before as well.

41                  A little bit of context. We're hoping  
42 to have this rule in place final and effective  
43 for the January fishing season. So the next  
44 permit cycle.

45                  And so we necessarily needed to have  
46 a fairly tight, narrow focus of this rulemaking  
47 in order to do it quickly.

48                  And so I think we're going to have to



1 take some of these issues step-wise and start  
2 with some separation, clarity, commercial versus  
3 rec for this permit, stick with that for now.

4 If we try and add a lot to it in terms  
5 of other reporting or other issues we are not  
6 going to have this in effect for January. That's  
7 just kind of the reality that we're working on.

8 So it's not that the issues aren't  
9 valid or that we don't want to deal with them in  
10 some way, it's just right now for the clarity of  
11 when the Coast Guard requirements for commercial  
12 fishing vessels apply we needed to do something  
13 fairly quickly.

14 MEMBER HEMILRIGHT: Just a quick  
15 follow-up.

16 Yes, I just think it was better -- I  
17 know you all have a serious workload with a lot  
18 of things, but I think it was better to do it  
19 right all the way and get it done than to do  
20 haphazardly a little bit at a time because a lot  
21 of this will still be going on even though you  
22 got one part of it.

23 So I was kind of looking for a quick  
24 inclusive thing that is to clean it up versus a  
25 little piecemeal thing because it takes time.

26 And you know we could be discussing  
27 this four or five years from now. And it would  
28 still be going on, the accountability, the  
29 accounting, stuff like that.

30 For me this is just kind of what I see  
31 up on the board alternatives is just a start, but  
32 I was looking for something more inclusive like  
33 one-stop shopping and it's done. You don't have  
34 to deal with it.

35 And so it doesn't appear like that's  
36 going to happen. Thank you.

37 MS. SCHULZE-HAUGEN: It wouldn't  
38 happen quickly. To do something all-inclusive  
39 probably wouldn't be in effect for several years.

40 So I think we wanted to get this  
41 clarity sooner than later.

42 FACILITATOR BROOKS: Great. I've got  
43 a few people in the queue. We'll start with  
44 David, then over to Mike, then to Rick, then to  
45 Katie, then to Rick Bellavance. So, David.

46 MR. SCHALIT: Is it part of the intent  
47 of this to establish some measure of control over  
48 these permits in the sense that let us say when

1 one takes out a permit they would be obligated to  
2 enter a control number which would identify that  
3 they have been inspected by the Coast Guard. In  
4 the case in which they are taking out a permit  
5 with the intent to sell. Is that part of this  
6 project?

7 MS. SCHULZE-HAUGEN: So what we're  
8 trying to do is given some of the Coast Guard  
9 safety requirements for commercial vessels as  
10 applied to the current universe of HMS permitted  
11 vessels provide greater clarity of what is  
12 considered a commercial vessel so that all of the  
13 equipment, EPIRBs, life rafts, all of that  
14 applies.

15 So it's clear to Coast Guard where it  
16 applies and it's clear to our permit holders when  
17 it applies.

18 Entering numbers and things are things  
19 that I think are more -- they could be  
20 enhancements, but right now we're just trying to  
21 get that clarity on when those rules apply and  
22 have that in place for 2018.

23 So we're necessarily a narrow scope in  
24 order to get an action in place.

25 MEMBER PIERDINOCK: Thank you, Mike  
26 Pierdinock.

27 The second option, the sale/no-sale  
28 category, that takes into consideration the small  
29 let's say center console 21 foot vessel fishing  
30 down in the Keys that never sells anything and  
31 provides them that option that they can go down  
32 the road in no-sale.

33 In addition they don't have the  
34 ability to have all the bells and whistles with  
35 the commercial requirements.

36 Now if you take into consideration for  
37 instance the members of the Stellwagen Bank  
38 Charter Boat Association with the  
39 Charter/Headboat category and so on, and that  
40 they want to be able to sell the fish.

41 One thing I think needs to be  
42 considered here is that the recreational trophy  
43 quota is very small and that closes really  
44 quickly every year.

45 So automatically everybody's going to  
46 sign up then for the sale category because that  
47 quota is so small.

48 I don't know if there's any

1 consideration to increase that quota that I  
2 believe your statistics also show that the vast  
3 majority of the vessels, there's only like 10  
4 percent of the vessels that are really landing  
5 the fish commercially.

6 And I suspect maybe the other 90  
7 percent of the ones that if there was a greater  
8 trophy recreational quota that didn't close so  
9 early they'd go down that road and wouldn't sign  
10 up for the sale.

11 So I'm for the sale/no-sale as well as  
12 the members up north, but I want you to take that  
13 into consideration because I think that ties in  
14 this whole trophy issue and why it closes every  
15 year so early.

16 Because it would be counterproductive  
17 because everybody then will just sign up for the  
18 sale category that has the ability to do it  
19 because their boat's big enough to have the  
20 commercial bells and whistles. Thanks.

21 FACILITATOR BROOKS: Thanks, Mike.  
22 Rick Weber.

23 MEMBER WEBER: All the options seem to  
24 accomplish your goals so I'm assuming there are  
25 nuance differences between them.

26 Option one would require essentially  
27 permit stacking, yes?

28 But between two and three they seem to  
29 do the same thing.

30 So we can give you better advice can  
31 you give us some feedback as to what you see as  
32 being the differences between the different  
33 options?

34 MS. SCHULZE-HAUGEN: You're right, I  
35 think they all do meet our goal so that's good to  
36 hear that you agree with that.

37 And yes, there is -- some of the  
38 flavors of the differences are getting at things  
39 like the ability to hold multiple permits.

40 Some of the things we considered were  
41 moving from someone having to get one permit now  
42 to do what they intend to do to having to get  
43 three potentially.

44 And so none of them are trying to  
45 actually effect change in terms of what happens  
46 on the water because of the need to have a fairly  
47 narrow scope in order to move more quickly.

48 And they're different ways of doing

1 similar things so that we have either two  
2 separate categories trying to think about how  
3 people are going to -- coming into the website  
4 and what are they going to notice. What's going  
5 to be intuitive to users when they're thinking  
6 about what they're doing. What they want to do.

7 So I think that's -- there aren't  
8 tremendous differences but some of it was, you're  
9 right, permit stacking would be one way of  
10 describing one of the alternatives versus our  
11 most recent experience with the endorsement for  
12 dusky sharks, you know, that kind of model. So  
13 they're similar. Does that help?

14 FACILITATOR BROOKS: I don't know if  
15 this is correct, Margo, but it also seems like  
16 part of it is who's got the burden to take an  
17 action.

18 In option two everyone is going to  
19 have to say sale or no-sale. In option three  
20 only that segment of operators that are wanting  
21 to do sale would have to take a positive action.

22 MS. SCHULZE-HAUGEN: Right. That's  
23 true.

24 FACILITATOR BROOKS: Okay. Katie.

25 MEMBER WESTFALL: Thank you Tobey and  
26 Margo.

27 Along similar lines I'm curious in  
28 terms of how this relates to enforcement and  
29 which one of those three options would be most  
30 easily and effectively enforceable.

31 MS. SCHULZE-HAUGEN: I think they're  
32 all similar. They would provide greater clarity  
33 which is what we're trying to do. It would just  
34 be what we need to help Coast Guard and NOAA OLE  
35 look for when they're doing boardings and things.

36 FACILITATOR BROOKS: Rick Bellavance  
37 and over to Anna.

38 MEMBER BELLAVANCE: So I had a  
39 question on the proposed rule. Do you envision  
40 the proposed rule incorporating these options and  
41 looking for comments on that, or do you think the  
42 agency is going to select one and that's going to  
43 be the proposed rule? That's my first question.

44 MS. SCHULZE-HAUGEN: So, in order to  
45 have proposed reg text for people to look at we  
46 need to prefer one of them. But we always have  
47 to have some range of alternatives under the  
48 requirements for federal rulemaking. So these

1 would likely be the ones that we would analyze as  
2 alternatives to that, but we would pick one that  
3 we prefer and would have proposed reg text that  
4 would go along with it.

5 MEMBER BELLAVANCE: Follow-up. So  
6 with that in mind I polled the folks in our  
7 association over the last couple of days and the  
8 general consensus was that preferred option from  
9 our perspective was number two. And they were  
10 opposed to number one. From Rhode Island Charter  
11 Boat.

12 FACILITATOR BROOKS: Thanks. Anna.

13 MEMBER BECKWITH: Yes, my concern with  
14 option three over option two would be that there  
15 would be some educational component necessary for  
16 people that maybe aren't following the details,  
17 that they might click on the endorsement without  
18 truly understanding what that requires.

19 So, I think option two for my personal  
20 viewpoint would be the preferred. It would  
21 certainly be the cleanest and most easily  
22 understood and the most easy to enforce.

23 FACILITATOR BROOKS: Thank you.  
24 Andrew.

25 MEMBER MARSHALL: I know each region  
26 is different but I can just tell you in practice  
27 in the northeast if you're out with a Charter  
28 /Headboat permit and you're fishing with 130s for  
29 example you're considered to be commercial  
30 fishing. And the Coast Guard views you as  
31 commercial fishing whether you are or not. So  
32 it's just what I see out there. You are  
33 considered to be commercial fishing with a  
34 Charter/Headboat permit. And that's how they  
35 enforce it. So you have to have the safety gear.

36 MR. MCHALE: So, if I could just chime  
37 in here real quick.

38 That is kind of some of the impetus of  
39 us embarking on this action is to clarify when  
40 our for-hire sector fleet, regardless of where  
41 they're at along the coastline, is operating that  
42 it becomes very clear to the Coast Guard and  
43 those boarding agents what safety gear is  
44 required on these vessels and which isn't.

45 And so you're absolutely right,  
46 especially in the northeast a lot of it has been  
47 gear-centric.

48 Because the current permit has that

1 built in for-sale provision that a number of  
2 these vessels are not capitalizing on. We've  
3 shared some of the numbers. Ninety-three percent  
4 do not sell HMS.

5 We're trying to make something  
6 extremely clear that all of a sudden a boarding  
7 party jumps onboard your vessel. Sir, I'd like  
8 to see your permits. Here's your permit. It's a  
9 Charter/Headboat permit. Does it or does it not  
10 have an endorsement. Is it a Charter/Headboat  
11 for-sale permit.

12 So it eliminates that level of  
13 subjectivity that the Coast Guard is then  
14 defaulting to.

15 We've seen the announcement that I  
16 think Katie will touch on as well is well, do you  
17 have a state permit or do you not. It becomes  
18 very clear. Here's the piece of paper. Here's  
19 what I'm authorized to do. And then they flip to  
20 their book to figure out exactly what safety gear  
21 am I now searching for.

22 And so that's really the main driver  
23 of this particular action to acknowledge, Dewey,  
24 yes there are other layers to this, no doubt  
25 about it.

26 But the core of this action is to at  
27 least divide that user groups into those that  
28 want to continue to have the ability to take  
29 paying passengers as well as still catch and  
30 those don't. And the ripple effects of what that  
31 now means as far as investment in safety gear.

32 FACILITATOR BROOKS: Let's take a few  
33 more comments. We'll go over to Lisa, then Rom,  
34 then George, then Dewey you'll get a last word on  
35 this.

36 MEMBER GREGG: I just had a question.  
37 I'm assuming that this isn't just an HMS issue,  
38 that this is something that potentially the  
39 councils are also addressing, or at least would  
40 have to be facing.

41 Because I mean, some of the  
42 Charter/Headboat sectors in some of the fisheries  
43 for the Councils are also allowed to sell  
44 commercially.

45 Have any of the councils addressed  
46 this and how have they done this? Can we provide  
47 some consistency?

48 MS. SCHULZE-HAUGEN: So, I think the

1 regulations vary by council and how the Coast  
2 Guard applies them varies as well.

3 I'm not going to try and speak to the  
4 details of that.

5 We have had some input from I think  
6 the Mid-Atlantic Council as well as some interest  
7 from the South Atlantic on this issue, but not  
8 from a make it consistent, more of a make it  
9 clear kind of approach.

10 So, those folks are here. They can  
11 maybe speak to them.

12 MEMBER GREGG: Just real quick. I  
13 would just like to know what the councils are  
14 doing so maybe we don't reinvent the wheel.

15 FACILITATOR BROOKS: Any council folks  
16 here that can weigh in? Anna?

17 MEMBER BECKWITH: Yes, the South  
18 Atlantic Council has not permitted any sales for  
19 our charter permits. So we have defined a  
20 charter only as recreational and then commercial  
21 is commercial.

22 There has been some interest in  
23 reconsidering that for mahi, but that's the only  
24 species that's really been brought forth and so  
25 far there's not any impetus to change our current  
26 boxes.

27 FACILITATOR BROOKS: Thanks. Tobey.

28 MR. CURTIS: Yes, just to add, my  
29 understanding from New England and Mid-Atlantic  
30 Councils is their permits do the same thing.  
31 It's permit type. If you have Charter/Headboat  
32 there's no sale allowed on any charter permit.

33 MS. SCHULZE-HAUGEN: So some of the  
34 confusion here is that maybe while the charter  
35 permits don't allow sale the vessels are able to  
36 have multiple permits that do.

37 And so we have one permit that allows  
38 both. And so what we're trying to do here is  
39 create some of that separation and clarity.

40 FACILITATOR BROOKS: Rom.

41 MEMBER WHITAKER: Rom Whitaker,  
42 Hatteras Charter Boat.

43 It's my understanding now, and Dewey  
44 this might -- but if my intentions are to sell  
45 something on a commercial permit, whether it be  
46 Charter/Headboat or straight commercial then I  
47 have to have a vessel inspection, dockside  
48 inspection, safety decal on my boat. That's

1 pretty well cut and dry now I think.

2 Second thing. I think that probably  
3 the guys I've talked to, option two would be  
4 preferred or leave it alone.

5 The third thing was what Mike referred  
6 to as increasing the trophy category would  
7 certainly -- I think a lot of guys would opt out  
8 of the selling or the sale part of the category.

9 I brought this up at the last meeting  
10 but I think maybe we need to look at that a  
11 little closer. Thank you.

12 MEMBER PURMONT: Bennett, roughly how  
13 many vessels constitutes 7 percent and what  
14 percentage of the 7 actually participate in a  
15 regulated Atlantic fishery. So you're talking  
16 about 7 percent of the Charter/Headboats.

17 MR. MCHALE: I might have some of  
18 those numbers in the 2017 fishery in review.  
19 Roughly there's about 3,500 on an annual basis  
20 permitted Charter/Headboats up and down the  
21 coast.

22 And so we're looking at 7 percent of  
23 that that are involved in utilizing that for-sale  
24 provision of the current permit.

25 The vast majority are kind of New  
26 England centric, Mid-Atlantic centric with the  
27 Atlantic tunas versus the example I think Mike  
28 shared of somebody fly fishing down out of the  
29 Keys as an example for other HMS.

30 But we can tease out those numbers to  
31 get the exact universe if I don't have them  
32 already in my presentation.

33 MEMBER PURMONT: Okay, thank you. I  
34 just wanted a ballpark and I appreciate that.

35 FACILITATOR BROOKS: Dewey, I want to  
36 give you a last word and then over to Marty for a  
37 really fast last word.

38 MEMBER HEMILRIGHT: Thank you. There  
39 is a couple of parts to this, but one thing to  
40 look at is HMS is issuing the permit that allows  
41 this to happen, these fisheries.

42 And so just because -- the Coast Guard  
43 doesn't go out there. I'd venture to say how  
44 many vessels they stop to inspect or check out on  
45 the water.

46 So what I was looking for and I think  
47 different people have given comments on this is  
48 this is one part of it.



1                   But the second part is the reporting  
2 requirements that are not being followed that  
3 shows that probably less than 50 percent of the  
4 maybe General category are reporting their fish  
5 at landing or within 24 hours.

6                   You know, it would be interesting to  
7 hear from the Coast Guard and from the  
8 enforcement on these options right here as far as  
9 going to the effect, going further.

10                   Because you do need, you should have  
11 something that allows you to give your unique  
12 identifier before you get your permit issued.

13                   And also you should have to report  
14 upon arrival the sale of your fish, your VTR  
15 number.

16                   And so we're just looking for ways to  
17 tighten this up a lot more because once this is  
18 done you're still going to have the shenanigans  
19 that have continued on and we're seeing that with  
20 the enforcement, probably with the enforcement  
21 report here today about the illegal fishing and  
22 unreported catches that are going on throughout  
23 the east coast.

24                   FACILITATOR BROOKS: Thanks, Dewey.  
25 Marty, last word and we do need to get to  
26 Carrie's presentation.

27                   MEMBER SCANLON: One of the things I  
28 don't see even being discussed here is we're  
29 talking about a sale of fish. And I don't know  
30 how we can discuss the sale of fish here without  
31 implementing VMS units on these vessels.

32                   I mean, you're talking about complying  
33 with the Coast Guard. I mean, one of the things  
34 that we do in the pelagic longline industry now  
35 is not only do we have to declare our intent  
36 before we leave the dock, but we also have to  
37 within 12 hours give notice of where and when we  
38 are coming in to the dock.

39                   So, if you're talking about allowing  
40 these guys to sell fish then I think that you  
41 need to consider having them put -- if you're  
42 going to sell the fish that's fine, but you need  
43 to be under the same regulations that we are.

44                   We have to declare our intent before  
45 we leave the dock so there's no misunderstanding  
46 once we're out on the water.

47                   And on returning to the dock, once  
48 you've caught whatever you've got to do the Coast

1 Guard should be informed of where and when and  
2 how you intend to land those fish.

3 So I think that's an important element  
4 that hasn't even been discussed here.

5 FACILITATOR BROOKS: I know there are  
6 several cards. I'm going to actually not call on  
7 them. We've got to go to Carrie's presentation.  
8 If we have a little more time I will come back.

9 I just want to note that of the folks  
10 who weighed in on the alternatives that were  
11 discussed it seems like there is a preference for  
12 alternative two, at least that's what was  
13 articulated.

14 There's clearly interest in other  
15 issues that are tied to this, whether that's  
16 looking at the trophy quota and considering the  
17 ramifications there, and then as we've heard from  
18 several of the other speakers there is more to  
19 this issue for folks around the table than just  
20 safety regulations, issues of reporting,  
21 identifiers, declarations before you go out. So  
22 there's more here to be thinking about.

23 So thanks to those who had cards up  
24 that we couldn't get to, but we'll come back if  
25 we can after Carrie.

26 MS. SOLTANOFF: Thank you. Good  
27 morning. So I'm going to be talking about  
28 individual bluefin quota program accountability  
29 measures.

30 A quick background on the IBQ program.  
31 IBQ allocation is used to account for bluefin  
32 tuna bycatch including landings and dead discards  
33 when fishing for target species with pelagic  
34 longline gear.

35 At the start of each year the IBQ  
36 share recipients receive a portion of their  
37 annual IBQ allocation from the Longline category  
38 bluefin quota.

39 And the objectives of the IBQ program,  
40 in addition to limiting bluefin landings and dead  
41 discards in the longline fishery, are to minimize  
42 constraints on fishing for target species and  
43 optimize fishing opportunities and maintain  
44 profitability.

45 Looking at the accountability measures  
46 within the IBQ program, in 2015 we had annual  
47 accountability where vessels were allowed to fish  
48 throughout the year with an IBQ balance that was

1 below the minimum allocation or with quota debt.

2 And then the vessels were required to  
3 account for any quota debt they had accrued by  
4 the end of 2015. And if they hadn't accounted  
5 for that quota debt it was subtracted from their  
6 subsequent year's annual allocation.

7 Starting in 2016 we implemented trip-  
8 level accountability where a fishing vessel has  
9 to have the minimum IBQ to fish before departing  
10 on each trip and it must account for quota debt  
11 after each trip.

12 And in order to account for that quota  
13 debt or meet the minimum allocation the vessels  
14 can lease IBQ allocation from other program  
15 participants.

16 Looking at what we've heard from the  
17 advisory panel and from the fishery in the dot  
18 exercise that we did at the spring AP, having  
19 increased flexibility in IBQ accounting was a  
20 request that received 11 dots as you can see  
21 here.

22 And some of the reasoning behind  
23 wanting that increased flexibility. Fishery  
24 participants have expressed concerns about the  
25 dynamics and costs associated with leasing IBQ  
26 including that those dynamics can negatively  
27 affect their ability to plan their business  
28 including the timing and price at which they  
29 choose to lease IBQ.

30 It can also affect their opportunity  
31 to fish for target species and the profitability  
32 of target species catch.

33 It can impact their operational cost  
34 such as crew pay and it can increase the  
35 uncertainty around the availability of IBQ to  
36 fish and lease.

37 So looking at some potential  
38 alternatives to address IBQ accountability.

39 So, the status quo is the trip-level  
40 accountability where vessels must account for  
41 quota debt and maintain the minimum balance after  
42 every fishing trip before they depart on the next  
43 trip.

44 And if the vessel has a low balance or  
45 has quota debt they have to lease additional IBQ  
46 or they have to delay their fishing trip until  
47 they can account for that debt.

48 One alternative, quarterly

1 accountability. The vessels would need to  
2 account for quota debt at the end of each  
3 calendar year quarter, and they would be able to  
4 fish with a balance below the minimum throughout  
5 that same calendar year quarter.

6 Biannual accountability, similarly  
7 they would account for quota debt at the end of  
8 June and December and they'd be able to fish with  
9 quota debt or low balance during the same six-  
10 month period.

11 And annual accountability as we had in  
12 2015 they would account for quota debt at the end  
13 of the year and they would be able to fish  
14 throughout the year in quota debt or under the  
15 minimum balance.

16 Some potential impacts of these  
17 alternatives, regarding timing flexibility to  
18 allow vessels to shop around for IBQ to lease.

19 The longer the accounting period going  
20 from trip-level to annual accountability the more  
21 flexibility the vessel would have to determine  
22 when, from whom, and at what price to lease  
23 additional IBQ.

24 Looking at potential impacts on the  
25 IBQ lease prices or market dynamics, the longer  
26 the accounting time period the fewer times  
27 throughout the year that they would have a  
28 deadline to account for any quota debt, and the  
29 more IBQ lease prices could potentially surge in  
30 advance of those deadlines or IBQ could become  
31 less available.

32 Looking at impacts on target species  
33 catch and the ability to fish with longline gear,  
34 the longer the accounting time period the less  
35 constrained the vessel could be to lease IBQ and  
36 depart on their next trip.

37 And impacts on bluefin catch reporting  
38 or longline quota tracking. These alternatives  
39 wouldn't have any effect on catch reporting or  
40 quota tracking because all bluefin landings and  
41 dead discards would continue to be reported in  
42 the IBQ system and would be deducted from the  
43 vessel's IBQ balance as they are now.

44 So looking at these same impacts  
45 visually. When going from trip-level to annual  
46 accountability the flexible timing to lease IBQ  
47 would increase.

48 Potentially impacts on IBQ leasing

1 market dynamics could also increase.

2 The constraint on fishing for target  
3 species would decrease from trip-level to annual.  
4 And again, bluefin catch reporting and quota  
5 tracking would be the same under any of these  
6 alternatives.

7 So, please stay tuned for a proposed  
8 rule. If you would like any further information  
9 you can contact me or Tom Warren. And happy to  
10 take any questions or comments.

11 FACILITATOR BROOKS: At this point,  
12 Carrie, would you be interested in comments on  
13 these different alternatives?

14 MS. SOLTANOFF: Yes.

15 FACILITATOR BROOKS: Great. So any  
16 comments or questions? George.

17 MEMBER PURMONT: Yes, again, good  
18 morning. Could you please enlighten me as to the  
19 nature of the lease agreement? Who is leasing  
20 and to whom? And what quantity of fish are  
21 involved in this lease? Thank you.

22 MS. SOLTANOFF: So, that would be up  
23 to the individuals who are making the lease to  
24 determine how much quota they're leasing.

25 But it's from one person who receives  
26 annual allocation and has some leftover annual  
27 allocation of the IBQ. Then they would be giving  
28 it to whoever is looking for IBQ allocation.

29 FACILITATOR BROOKS: George, were you  
30 also seeking information on sort of the total  
31 volume that's leased throughout the year?

32 I think we're going to see that in a  
33 later presentation.

34 MEMBER PURMONT: Thank you.

35 FACILITATOR BROOKS: Okay. If there  
36 are no other -- yes, there are. Okay.

37 MEMBER SISSEWINE: Thank you. So,  
38 looking at the statement that the impact of  
39 bluefin tuna catch reporting/longline quota  
40 tracking under all of the alternatives basically  
41 all the catch will be accounted for and overages  
42 deducted I guess from the next year's allocation.  
43 Is that a correct interpretation?

44 So I take that as saying that the  
45 conservation effect of each of these alternatives  
46 is the same. At the end of the day the  
47 sustainability or risk to the stock isn't  
48 affected by these alternatives. Is that the

1 correct interpretation?

2 MS. SOLTANOFF: Yes, that's right. We  
3 wouldn't expect any environmental impacts.

4 MEMBER SISSEWINE: So why wouldn't  
5 one move to alternatives that increase  
6 flexibility?

7 FACILITATOR BROOKS: Duly noted.  
8 Jeff.

9 MEMBER ODEN: I still have a serious  
10 problem with the fact that we still can't have  
11 carryover for the following year of quota.

12 To me that is a very important issue.  
13 I've sat on the last three years I've not  
14 utilized one pound of quota. Well, I'm sorry,  
15 maybe two years ago I did, or three actually.

16 It's just hard to watch that go to  
17 waste.

18 And again, I would give it to a friend  
19 if he needed it. You know, it would just be very  
20 beneficial to us I think to allow that  
21 flexibility.

22 And what percentage I don't know, but  
23 it needs to be in there.

24 FACILITATOR BROOKS: Thanks, Jeff.  
25 Rich.

26 MEMBER RUAIS: In the first year the  
27 implementation of the program after the initial  
28 proportional IBQ allocations were distributed  
29 among the Gulf of Mexico fleet and the Atlantic  
30 fleet in the defined proportion we saw coming out  
31 of the reserve early in the next year an amount  
32 of quota, I forget whether it was 30 or 40 tons  
33 that was taken out of reserve and added to the  
34 IBQ and the second round of distributions was  
35 made.

36 And when we asked the answer was,  
37 well, something to the effect that we were trying  
38 to prime the pump and get the system going.

39 And I think we've done that more than  
40 once now. And so the question remains to the  
41 rest of us how many more years is there plan, or  
42 what is the criteria that would change the agency  
43 stopping the second round of free allocations I  
44 believe in the active year into the IBQ program  
45 and taking it from reserve, obviously making it  
46 not available to anybody else unless it's not  
47 used and we wait for the 108 metric tons to come  
48 around the next year.

1 I know that's kind of a complicated  
2 question, but it has to do with the impact it's  
3 having on the remainder of the fishery.

4 And if I could just add to Jeff's  
5 point, I just can't see the logic of how you roll  
6 over IBQ. I mean it's a fixed amount of quota.  
7 Unless you raise the 10 percent rollover number  
8 that we're allowed to keep of ICCAT underage to  
9 20 percent of something and dedicate that extra  
10 10 percent to say, okay, let's let Jeff do that  
11 and let's let pelagic longliners do that, that's  
12 one reasonable way of doing it.

13 Going back to 20 percent of the quota,  
14 or 30 percent, or whatever the amount has to be.

15 But without doing that and you allow  
16 -- if everybody is catching and the IBQ program  
17 is a success and it's being used to catch tuna  
18 but some guys on December 31 have quota left  
19 over, you've got to report that to ICCAT within  
20 the total U.S. catch. And we'll be over quota  
21 and out of compliance unless you take it.

22 Again, unless you refrain from giving  
23 reserve to other historical users of the resource  
24 to make way for that rollover that Jeff and  
25 others want to see from the IBQ program the rest  
26 of us, the rest of the fishery suffers.

27 MS. SCHULZE-HAUGEN: So Rich, I think  
28 just a couple of points.

29 You're right, we have done transfers  
30 inseason to the Longline category each year. I  
31 think 34 and most recently 45 metric tons are  
32 transferred. Inseason transfer criteria, there  
33 are 15 of them. We look at them each and every  
34 time we do inseason transfers to each category.  
35 It includes General, Harpoon, Longline, all of  
36 that, Angling.

37 And so we apply those criteria each  
38 time. I would encourage you to read the Federal  
39 Register notices because we step through them  
40 every single time. And they are all free to all  
41 categories.

42 So it's something we look at. There's  
43 a reason there's 15 criteria. There's a lot of  
44 factors to look at that vary by situation.

45 MEMBER RUAIS: If I could just follow  
46 up. But if a big part of the 108 metric tons  
47 that we have to wait till the following August of  
48 unused, untouched, non-transferred quota is

1 rolled over the rest of the fishery is denied  
2 that quota until the following year when the 108  
3 is brought back into the fishery.

4 MS. SCHULZE-HAUGEN: So in the  
5 beginning of the year as you recall amendment 7  
6 established transfers from unused Purse Seine  
7 quota to the reserve. A formulaic approach.

8 We've done that every year. The quota  
9 that is moved to the Reserve at that point which  
10 is a sizeable amount of quota at this point is  
11 available to all U.S. users. Not just Longline.

12 We have done an earlier transfer to  
13 Longline than we have to some other categories,  
14 but other categories have benefitted from that  
15 quota as well in addition to the 108 that comes  
16 later when all the numbers are in.

17 So, all 15 criteria are applied to the  
18 reserve each time. It's not lost to the U.S.

19 MEMBER RUAIS: It's lost in the  
20 current fishing year. We can't access it. Right  
21 now we're still waiting, or in the past we have  
22 waited until late in August before you have  
23 identified how much you can put back into reserve  
24 to see what can be re-allocated to other users.

25 And again it's a disadvantage. It's  
26 an institutionalized underage as it stands right  
27 now. Until it's proven to be a success. Until  
28 the IBQ program is actually being utilized.

29 If it's being fully utilized then I  
30 don't have a complaint. But the complaint is  
31 when you're not using the quota and it's being  
32 denied to people in a given year, next year the  
33 fish might not be here and we might not need that  
34 quota next year. We needed it this year for  
35 example, or could have used it in the month of  
36 August if the fishery would have had consensus.  
37 Thank you.

38 FACILITATOR BROOKS: Terri.

39 MEMBER BEIDEMAN: Well, I look forward  
40 to seeing which way you go on this because we  
41 really have needed flexibility.

42 And it could, something like this,  
43 prevent having to have an early in the year type  
44 of transfer. I can't say that it would.

45 But this trip-level accountability is  
46 an issue. It prevents people from being able to  
47 go back out fishing when fishing is good for  
48 them, not on bluefin because we don't target



1 bluefin.

2 But all the other food fish, all the  
3 other 100, the pelagic longline guys catch 100  
4 food fish for every bluefin they catch. Or they  
5 did in the data I analyzed. So that's food for  
6 Americans for the most part.

7 And being able to go back out fishing  
8 when fishing is good, or weather is good and  
9 you're trying to connect with somebody to get  
10 quota, this is exactly why this was raised. It's  
11 an issue.

12 And early in the year it's an issue  
13 more because people don't want to let their quota  
14 go because they haven't even started fishing yet.

15 But someplace down south they might  
16 need quota and they can't find it.

17 And that's the reason that we did it.  
18 It wasn't to try to secure quota that was for  
19 only one category or any of that.

20 And I think somewhere along the line  
21 you have to take a look at the huge percentage of  
22 highly migratory species that are caught, non-  
23 bluefin that are caught by other harvesters and  
24 who are constrained by having to account every  
25 trip.

26 They can't go out fishing until they  
27 find enough quota. It's not as easy as you might  
28 think. NMFS has tried to help. But it's not a  
29 snappy easy thing to do.

30 Plus the fact that you have to pay for  
31 it. None of the other categories are having to  
32 pay for their quota.

33 So anyway, I'd be interested. I don't  
34 want it to be too long because I don't want to  
35 see people go in debt too deep and then have a  
36 problem. My opinion.

37 But let's remember this is not just a  
38 single species fishery for a lot of the people  
39 around that catch most of our HMS.

40 And the only thing I wanted to add to  
41 the previous thing is we're talking about food.  
42 The Coast Guard might be talking about safety,  
43 but commercial sale is food. And every harvester  
44 needs to be held to food safety standards to land  
45 food in this country.

46 And if they have to get a different  
47 permit so be it. But there's other regulations  
48 that are not being adhered to and it can make

1 people sick. So commercial fishing needs to be  
2 safe.

3 FACILITATOR BROOKS: Thanks, Terri.  
4 So just to wrap this one up not unlike the  
5 Charter/Headboat conversation there's a couple of  
6 issues that came up that are sort of tangential  
7 to the proposed rule itself.

8 We didn't hear a lot of comments on  
9 the alternatives themselves, but at least one  
10 comment in favor of if there are no conservation  
11 consequences then why not increase the  
12 flexibility.

13 So with that thank you, Carrie, and at  
14 this point I think we will shift to the next  
15 agenda item which is enforcement updates. And so  
16 invite Katie Moore with the U.S. Coast Guard up  
17 here and then OLE folks are here, right? We've  
18 got Wynn Carney and John Reghi. Are you going  
19 first, Katie?

20 MS. MOORE: Good morning. Thanks for  
21 having me. I've met most of you before but  
22 welcome to new member.

23 And my position is a fisheries manager  
24 for the Coast Guard Atlantic Area Command. So  
25 that's everything east of the Rockies.

26 And I typically give you the same type  
27 of information every meeting so that way you can  
28 see where we've been and where we're going.

29 Where we are compared to this time  
30 last fiscal year, we're actually doing pretty  
31 well and I'm very happy about that.

32 Looking across all of our fisheries in  
33 this geographic area we're up more than 10  
34 percent in our resource hours towards this  
35 mission.

36 Coast Guard has 11 missions so  
37 anywhere from search and rescue to homeland  
38 security, ice breaking, marine pollution  
39 response. So it is hard sometimes to maintain a  
40 focus on fisheries to the level I would like.  
41 And we have the upcoming storms and that is a  
42 draw on our resources. But so far pre-storm we  
43 are doing pretty well.

44 And the major increase was in major  
45 cutters. So I think that benefits this fishery  
46 for enforcement and oversight.

47 Now it did result in larger numbers of  
48 boardings in HMS compared to the last two fiscal

1 years. So up through mid-August we had  
2 approximately 300 boardings.

3 The increase of significance was in  
4 the mid-Atlantic. You can see that we had a high  
5 number of boardings of pleasure craft. We also  
6 had a slight increase in our Gulf of Mexico.

7 So we break down our boardings by the  
8 different commercial, Charter/Headboat, and  
9 pleasure.

10 Now the violations we saw in the early  
11 part of the year in the May zone were very  
12 similar. Undersized yellowfin, and that was by  
13 commercial vessels.

14 Then we started seeing some  
15 recreational violations. Those tended to be more  
16 so on lack of permit, retention of the species  
17 without fins, and we also had undersized in the  
18 rec category.

19 Some other violations continued to be  
20 lack of having the appropriate permit, and then  
21 also not having the turtle release and handling  
22 gear. So these were violations that were in the  
23 northeast, mid-Atlantic and in the southeast. We  
24 did not detect any violations in the Gulf of  
25 Mexico from our domestic fisheries.

26 Now as everyone's aware we do have the  
27 Mexicans coming over trying to hit HMS and also  
28 red snapper.

29 So far this was pretty good. We had  
30 lower detections. And that was compared to prior  
31 years. And as you saw we had higher resource  
32 hours towards this mission set.

33 Our interdiction rate still remained  
34 very high compared to prior years and I take that  
35 as progress. Definitely not the solution yet but  
36 progress.

37 So we only saw longlines. We did not  
38 see gillnet in terms of the gear catching any  
39 HMS.

40 I also include other species that were  
41 caught, not HMS, when HMS species were caught.

42 So I'm not going to get any feedback  
43 on misidentification because we only got it to  
44 the level of shark, not blacktip or any other  
45 type of shark.

46 So the first one, there was a  
47 significant number of sharks. Ninety percent of  
48 the catch during that haul were actually released

1       alive.

2                       And as always we try to prioritize  
3 human safety. Our advisement is identify the  
4 species as best you can and we reiterated that  
5 guidance again. So, HMS species, primarily  
6 sharks.

7                       Now, ongoing efforts domestically we  
8 did update our shark handling and release  
9 guidance.

10                      We also included the information HMS  
11 just recently gave out to the domestic fishermen  
12 as well.

13                      So we have ensured that our Coast  
14 Guard members have access to the videos, know  
15 about the shark ID guides, and we've reinforced  
16 the value of the at-sea identification of species  
17 where they can.

18                      We also made sure they were aware of  
19 the not more than 3 feet of line attached to the  
20 sharks when they are released.

21                      It came up a couple of meetings ago  
22 that the pelagic observer program sometimes has  
23 information on potential pollution incidents.

24                      And so we have a process in place  
25 where I receive that information and it's relayed  
26 down to our district commercial fishing vessel  
27 safety examiners to further look into it.

28                      If there is an outreach, education, or  
29 enforcement effort that's required. So that's  
30 been flowing pretty well. It's a timely process  
31 and we keep doing that.

32                      Other efforts that are beyond just the  
33 domestic fisheries. We continue to be active.  
34 I'm working with the ICCAT delegation to look at  
35 what can we do on the high seas for enforcement.

36                      And one step towards that is working  
37 with our partners that are ICCAT members over in  
38 Africa to make sure that they have law  
39 enforcement capacity and knowledge.

40                      So we're actually right now deployed  
41 over there working with the Senegalese and we're  
42 helping train them on appropriate law enforcement  
43 efforts to help address their fisheries as well  
44 as general law enforcement.

45                      So this year we've already worked with  
46 Benin, Togo, Cape Verde, Cameroon, Senegal, and  
47 other partners beyond just the U.S. It's the UK  
48 and France who are trying to help build this

1 capacity.

2 We're also having a huge amount of  
3 effort expended to address the issue that we have  
4 on our Mexican border.

5 So, opportunities such as concurrent  
6 patrols where the Mexican Navy is out patrolling  
7 at the same time as the U.S. so they can use  
8 their authorities on their citizens.

9 Other opportunities are considering  
10 having one of their law enforcement officials on  
11 a Coast Guard cutter so they can bring their  
12 jurisdiction. And those are still in  
13 development.

14 We do meet with the Mexican government  
15 quite often and that is done at the high level.  
16 So it's equivalent of Chris Oliver and we bring  
17 our admirals.

18 So we just last week conducted a  
19 tabletop exercise for the North American Maritime  
20 Security Initiative and that was a way to address  
21 general law enforcement as well as fishery-  
22 specific incidents should they occur at sea.

23 So it's a way for the two nations to  
24 coordinate efforts so that way we are practiced  
25 should there be a case that evolves.

26 And then finally Coast Guard has been  
27 active in administering the U.S. government's  
28 port denial of Mexican fishing vessels.

29 Since the launches were being an issue  
30 due to IUU the U.S. government took the posture  
31 of no Mexican vessels can come in. No Mexican  
32 fishing vessels, not just the launches.

33 So we are active in monitoring any  
34 advance notice of arrivals, and should a vessel  
35 come we make sure that their port services as  
36 well as their entry into the port is effective.  
37 So that is ongoing.

38 And as a reminder whenever we have a  
39 case with a lancha we do develop a case package  
40 and we transmit that to Mexico for them to  
41 prosecute. So these are ongoing efforts that  
42 U.S. Coast Guard is party to.

43 Now, there were a couple of questions  
44 that came up during the conversation about the  
45 commercial fishing vessel safety which is not my  
46 program area but I'm your enforcement advisor  
47 here.

48 So what we have done is we've linked

1 in our commercial fishing vessel safety program.  
2 So hopefully everyone received a copy of the  
3 marine safety information bulletin and it  
4 includes information on our program lead in the  
5 top right corner, Mr. Kemmerer.

6 And I wanted just to remind you of  
7 some of the things that we do with NOAA fisheries  
8 to try to address any issues that come up.

9 So, we work very closely with HMS on  
10 any emerging regulations. So we do brainstorming  
11 and we also have an enforcement working group  
12 where we review proposals that are coming out to  
13 make sure they're enforceable and enforcement  
14 considerations are taken into account.

15 This issue with the commercial fishing  
16 vessel safety, what is commercial, what is  
17 recreational, that evolved with conversations and  
18 it's probably been at least six months that we've  
19 been working on it.

20 So it's been multiple conversations  
21 with HMS and we've been looking at the issue  
22 holistically. Changing permits. Changing the  
23 way that you apply for the permit at sea. What  
24 information does Coast Guard need.

25 What was our intent in terms of the  
26 commercial fishing vessel safety. So there's a  
27 lot of behind the scenes actions that have taken  
28 place.

29 We've been partnering in terms of  
30 developing outreach and education materials. And  
31 that is ongoing.

32 So I do want to appreciate the emails,  
33 the phone calls, and the feedback we've gotten  
34 from anyone ranging from associations to the  
35 councils.

36 We do have Coast Guard fisheries  
37 officers on each one of the councils as  
38 enforcement advisors and we have not heard of  
39 other species running into comparable issues in  
40 terms of what's running commercial and what's  
41 recreational.

42 So wanted to say thank you to  
43 everybody. We understand that there is a lot of  
44 nuances in here. And Coast Guard just wanted to  
45 be clear as to what's commercial and what's  
46 recreational.

47 So if Mr. Kemmerer is on the line I  
48 would say we could turn that over to him. I'm

1 not sure if he's had the opportunity to call in.

2 FACILITATOR BROOKS: Operator, do we  
3 have Mr. Kemmerer on the line?

4 OPERATOR: Sir, if you are on the line  
5 please press \*0.

6 FACILITATOR BROOKS: Katie, do you  
7 want to take a question or two now, or do you  
8 want to have OLE present first?

9 MS. MOORE: Well, I just wanted -- I  
10 have some extra copies of the marine safety  
11 information bulletin with his contact information  
12 on there.

13 I think that I feel comfortable that  
14 we've heard the gist of most of people's concerns  
15 about the commercial fishing safety requirements  
16 and who does it apply and what are the burdens.

17 So I think I've heard that, but I'm  
18 happy to receive any of that information but I  
19 don't want to take away from NOAA OLE's time.

20 OPERATOR: Mr. Kemmerer's line is  
21 open.

22 FACILITATOR BROOKS: Great.

23 MR. KEMMERER: This is Jack Kemmerer  
24 with Coast Guard headquarters and fishing vessel  
25 safety. And with me is Jonathan Wendland, one of  
26 my staff who's been involved with working with  
27 NOAA and NMFS on a number of issues.

28 So if there's any particular questions  
29 I can do that. Otherwise I just had a kind of  
30 brief summary from the last meeting when Mr.  
31 Belvo came and spoke with you.

32 And Katie already referred to a marine  
33 safety information bulletin that we issued after  
34 that meeting to explain a little bit about how we  
35 would address those charter vessels that have  
36 permits and whether we would look at enforcing  
37 fishing vessel safety requirements in Part 28 or  
38 not.

39 So I would just remind folks that have  
40 the headboat charter permit that if you're  
41 operating with that and you're a documented  
42 vessel you have to have a coast wise endorsement  
43 on your document and the master has to be  
44 licensed if you're taking passengers.

45 If it's a state registered vessel it's  
46 got to be registered for commercial purposes.

47 And regardless of what type permit you  
48 might have if you're selling your catch

1 technically you are a commercial fishing vessel  
2 and have to comply with Part 28 requirements.

3 FACILITATOR BROOKS: We're going to  
4 have a presentation from OLE. So, do you want to  
5 wait for that, Jeff, or do you want to jump in?

6 MEMBER ODEN: I would like  
7 clarification from the gentleman -- is he still  
8 on the line? What's his name, I'm sorry?

9 FACILITATOR BROOKS: Kemmerer.

10 MEMBER ODEN: Kemmerer. Good morning,  
11 sir. I would like clarification there that all  
12 commercial vessels as per Coast Guard regulations  
13 are required to have identifying either state  
14 registration or coastal documentation numbers on  
15 the side of said vessel if they are in commerce.  
16 Is that correct? Ten inch numbers I believe, or  
17 letters.

18 FACILITATOR BROOKS: Can someone  
19 respond to that?

20 MR. KEMMERER: I'm not sure. The  
21 documented vessels I believe only have to have  
22 the hailing port on the back and maybe if there's  
23 a permit number that's required by NOAA or NMFS  
24 that may have to be posted somewhere.

25 State registered vessels have to have  
26 their state registration number on the hull.

27 MEMBER ODEN: Okay. Well, I guess  
28 somewhere down the line I was misled because I  
29 thought all commercial vessels really had to have  
30 in 10-inch letters or numerals their  
31 documentation numbers or their state registration  
32 numbers on the side.

33 MR. MCHALE: So yes, thank you, Jeff.  
34 Those regulations actually aren't Coast Guard  
35 regulations, they're fishery regulations. And  
36 they do exist currently not only in the HMS  
37 regulations but northeast, southeast.

38 Where those vessels that have  
39 commercial permits, and I'll have to go back to  
40 the actual reg text, but must have their vessel  
41 identification numbers either on port and  
42 starboard side, sometimes on the roof.

43 And the size of the lettering is based  
44 upon the size of the vessel.

45 But I can get you those regulations.  
46 They do exist. You're not misinformed. They're  
47 in the fisheries regs versus Coast Guard.

48 MEMBER ODEN: Thanks.



1 FACILITATOR BROOKS: David.

2 MR. SCHALIT: Thank you, Katie, for  
3 this presentation.

4 The enforcement -- I look forward to  
5 the enforcement presentation. It seems like the  
6 most entertaining aspect of the meeting.

7 But I want to focus specifically on a  
8 couple of comments you made in connection with  
9 ICCAT.

10 Essentially what you're suggesting is  
11 that you are working in these countries in the  
12 Gulf of Guinea with a view toward helping them to  
13 build enforcement protocols and so on.

14 And then you made some reference to  
15 some discussion that you are involved in in  
16 connection with boarding and inspection on high  
17 seas. I take that to mean outside of the EEZ of  
18 any country.

19 And with ICCAT now. And I'm just  
20 curious if you could elaborate a little bit upon  
21 that and maybe let us know if there are some  
22 impediments that you've encountered in that  
23 project.

24 MS. MOORE: So, and it's been actually  
25 even before I was party to ICCAT on the  
26 delegation we've been trying to build a high seas  
27 boarding inspection initiative which has not  
28 passed ICCAT. In order to pass it has to go  
29 through a large number of nations and we haven't  
30 gotten there yet.

31 So as a step towards that we just  
32 recently put out a joint concept paper to show  
33 the partnering aspects which would be step one  
34 towards a high seas boarding inspection  
35 initiative.

36 And that is to show what are we doing  
37 elsewhere to build law enforcement capacity, to  
38 build inspection regimes, share best practices.

39 And that does not have to be on the  
40 high seas. So one of the examples is our efforts  
41 over in Africa where Coast Guard for several  
42 years has been providing bodies to train up other  
43 nations so that they can enforce their fisheries  
44 regulations.

45 Currently what we're doing in Africa  
46 is within their own waters. So it is not high  
47 seas.

48 Some of those nations in Africa are

1 also party to ICCAT. So we can bring those  
2 lessons learned and partnerships and trust and  
3 showcase that within ICCAT.

4 So we're also working with Canada on  
5 NAFO and that's a joint effort where we put a  
6 Coast Guard body on a Canadian platform.

7 And that's been working very well for  
8 over 10 years. So what we're doing in ICCAT is  
9 to try to share that information that it is a  
10 good thing for working towards having inspection,  
11 knowing what's going on in the water. But it has  
12 not gotten there yet.

13 I'm hopeful it will get there but no,  
14 we do not have a high seas inspection requirement  
15 for ICCAT. And we're still working towards that  
16 goal.

17 FACILITATOR BROOKS: Thanks. I want  
18 to let Wynn and John present their information  
19 and then Mike we'll start off with you.

20 MR. REGHI: Good morning, everybody.  
21 My name is John Reghi. Some of you may know me.  
22 I've had the pleasure of presenting to you in the  
23 past. I'm now the domestic enforcement  
24 operations special agent for headquarters. We've  
25 had some staffing realignment so not only do I  
26 handle sustainable fisheries issues and HMS  
27 issues but also protected resources issues as  
28 well.

29 Today's enforcement overview, we were  
30 asked by the HMS division to try to keep it at a  
31 treetop level.

32 And that's actually a good thing  
33 because we have so much good work that's been  
34 done out in the field particularly with the  
35 augmentation of our uniformed officer cadre that  
36 today's goal is to show you where to find that  
37 information.

38 We're doing a great job of revamping  
39 our websites and keeping the information updated  
40 at least weekly regarding enforcement actions.  
41 So I'll be pointing you to those.

42 I also have with me today Lieutenant  
43 Wynn Carney from the northeast enforcement  
44 division. Lieutenant Carney is going to be  
45 speaking specifically to certain enforcement  
46 trends and what the enforcement officers are up  
47 to in the northeast enforcement division.

48 Southeast could not send OLE reps

1 today and they apologize. They're in the process  
2 of preparing for the hurricane and likewise our  
3 HMS attorney Ms. Loren Remsberg also sends her  
4 apologies and regrets. She also is preparing for  
5 the impending hurricane situation in Florida.

6 Most of you know, you've probably  
7 visited our home webpage. It's been -- it's in  
8 the process of being enhanced and it has been  
9 reworked.

10 And right now our second annual report  
11 for fiscal year has been posted to the web. This  
12 is for the cumulative results of fiscal year  
13 2016.

14 In there you'll see case summaries,  
15 trend analysis and basic needs projection  
16 assessments for all of the enforcement divisions.

17 Our priorities are very important.  
18 The Office of Law Enforcement, that provides a  
19 framework which the Office of Law Enforcement  
20 operates in and provides services to our customer  
21 base and also to you as well.

22 At the top of the webpage we have a  
23 dedicated tab for priorities and we have a hard  
24 copy of the last document for 2012 through 2017  
25 which is embedded in the webpage.

26 Recently this summer we posted for  
27 public comment on our website, it's now closed  
28 though, our new assessment for priorities for  
29 fiscal year 2018 through 2022.

30 Again that was during the summer. And  
31 if you do find reference to it on the internet  
32 and you do find that there is nothing on the  
33 webpage it's not a broken link it's just that  
34 we're handling it a little bit differently this  
35 year.

36 The document itself has been taken  
37 down. Certain comments have been processed and  
38 it's currently under review by NOAA leadership.  
39 So please stay tuned. It'll be published in the  
40 not too distant future.

41 Our newsroom tab is very, very  
42 important and this is actually where we're having  
43 weekly updates to enforcement actions.

44 You're going to have featured news  
45 stories, summaries of some of the more complex  
46 cases that the agents and the officers are  
47 working as well as other noteworthy activities  
48 that the organization is engaging in.

1                   Also specific enforcement actions.  
2 Weekly highlights are posted to the web and  
3 that's on the right side of your screen.

4                   Weekly I provide an enforcement  
5 summary to the deputy assistant administrator for  
6 regulatory programs and I go through each of the  
7 division's reports and provide enforcement  
8 summaries.

9                   So there's a lot of very, very good  
10 enforcement work done with HMS. And that's where  
11 you're going to find your case numbers so you can  
12 actually follow that as it progresses in almost  
13 near real-time on a weekly basis.

14                   OLE has also been very, very active in  
15 Twitter. We're posting a lot regarding our  
16 activities as well, videos and case summaries as  
17 well as priorities and other updates.

18                   General Counsel Enforcement section.  
19 We've had a change of leadership. The section  
20 chief now is Mr. John Han. And he is supported  
21 by deputy chief Charles Green and Alexa Cole.

22                   Again, GCES website is the place where  
23 you're going to find the penalty schedules and  
24 case summaries that have been adjudicated by that  
25 office.

26                   This is a screenshot from our  
27 priorities document from FY '16, actually our  
28 annual report.

29                   And northeast enforcement division as  
30 you can see the Magnuson Act continues to be a  
31 primary area of focus.

32                   And with that I'd like to turn it over  
33 to Lieutenant Carney to give you an update on  
34 what's been going on there.

35                   LT. CARNEY: Thank you. As he said  
36 I'm Lieutenant Carney from the northeast division  
37 even though I don't sound like I'm from the  
38 northeast division.

39                   So, some of the highlights that we've  
40 had this year in the northeast and the southeast,  
41 I'm going to go over a few of them.

42                   But at the beginning to highlight some  
43 of the illegal sale of HMS that we found this  
44 year.

45                   One of them was an illegal sale of  
46 shark at a shark tournament by the shark  
47 tournament was selling the shark that was caught  
48 in the tournament.

1                   That was on Long Island and that was  
2 -- we had officers there as well as DEC officers  
3 from the State of New York.

4                   And they turned around and looked and  
5 saw that the tournament was actually selling the  
6 sharks that were caught in the tournament.

7                   They didn't know they couldn't do  
8 that. At least that's what they said. And we  
9 fixed that situation.

10                   It was about 10 people participating  
11 and the money was going back, they said the money  
12 was going back to help the tournament. But you  
13 can't do that. So that was one of the illegal  
14 sales of HMS this year.

15                   In addition, on the Delmarva  
16 Peninsula, specifically Delaware, we found at  
17 least five vessels that were selling HMS  
18 illegally.

19                   These five vessels were two General  
20 category vessels, two Charter party vessels, and  
21 one Angling vessel.

22                   They all were selling to non-federal  
23 dealers, whether it be a restaurant or whether it  
24 be a fish dealer without a federal fisheries  
25 permit.

26                   So I believe we've issued summary  
27 settlements for each one of those. We may still  
28 have one pending right now.

29                   We've attended several marlin  
30 tournaments this year in the northeast and the  
31 southeast division with our outreach efforts.

32                   Some more of the other enforcement  
33 activities. Those are my highlighted ones  
34 because I know that's big -- it's been a big  
35 issue as far as the illegal sale of HMS.

36                   If you know that somebody is selling  
37 HMS illegally please let us know. Our resources  
38 are limited and I wish I could snap my fingers  
39 and everybody would come turn themselves in but  
40 it doesn't happen that way.

41                   I have one officer in New York. I  
42 have one officer in New Jersey. And I have no  
43 officers in the Delmarva Peninsula. And I have  
44 two officers in Virginia. That's just in the  
45 northeast division.

46                   We rely heavily on our state partners  
47 and the Coast Guard to give us information and to  
48 make cases that we can continue with through

1 prosecution.

2 So if you know somebody that's doing  
3 this please let us know.

4 I believe that's all as far as what we  
5 have on our list.

6 Oh, in the southeast recently off of  
7 Miami there was a vessel that was caught with no  
8 HMS permit in possession of a sailfish as well.

9 And then also in the southeast  
10 possession of prohibited shark species at shark  
11 tournaments. I think that happened once, maybe  
12 twice in the southeast.

13 MR. REGHI: That concludes it.

14 FACILITATOR BROOKS: Great. So let's  
15 see if there's any questions or comments. Mike,  
16 we'll start off with you and then up to Jeff.

17 MEMBER PIERDINOCK: This gets into  
18 earlier -- the past several years I've had to get  
19 my charter boat inspected. And that's done  
20 through the Coast Guard auxiliary.

21 And then for my commercial inspection  
22 I go directly to the Coast Guard. And you have  
23 two different inspections, two different  
24 individuals, and so on.

25 I don't know if there's any  
26 consideration to streamline the process because  
27 we all have issues with not having enough time to  
28 do anything to get one inspection.

29 Especially if we're going to have this  
30 sale/no-sale HMS type of permit that if I call  
31 them up the Coast Guard then would do the  
32 inspection that would include charter/headboat as  
33 well as commercial. Because right now I don't  
34 know whether it's a Massachusetts issue or what,  
35 but the charter/headboat inspection is done by  
36 the auxiliary. Different people. Not the same  
37 person. The commercial is done by the local  
38 Coast Guard office.

39 So hopefully there could be some  
40 consideration to streamline it and just have that  
41 one inspection. So that's one thing.

42 Next question. Just I'm curious with  
43 the aircraft. Does that include drones? And if  
44 you do have drones can we identify them? Because  
45 I don't like to be 50 or 100 miles offshore and  
46 see some drone buzzing me and wondering really  
47 who it is. I'm just curious.

48 MR. REGHI: I can answer that question

1 for you. We've been moving forward very  
2 carefully and methodically and within the law  
3 regarding deployment of UAV/UAS platforms. And  
4 that's something that's going to happen in the  
5 future.

6 We had to develop a policy regarding  
7 the legality of their use within the four corners  
8 of the Constitution.

9 And it's something that the agency is  
10 embracing and will be moving forward with. But  
11 slowly though.

12 FACILITATOR BROOKS: As in not using  
13 them now but looking into it?

14 MR. REGHI: That's correct.

15 MEMBER ODEN: I'm just curious to  
16 know, do you know per chance how much the NOVAs  
17 were for the recreational sale? Because it comes  
18 to a point that what is the cost of doing  
19 business sometimes.

20 Those of us in the industry know what  
21 it is. It's prohibitive.

22 For instance, a guy who bought an old  
23 commercial vessel I had got fined \$130,000.  
24 Thirty of that rescinded over a 300 pound trip  
25 limit on 4,800 pounds of -- he was 300 pounds  
26 over his trip limit on a 4,800 pound monkfish  
27 trip.

28 We get it, okay, but you know, when  
29 you slap the wrist of a recreational angler who  
30 may go sell this through the backdoor of a  
31 restaurant you're not making a point if you don't  
32 fine these people prohibitively. And that's my  
33 point.

34 I'm just curious to know what the  
35 fines were.

36 LT. CARNEY: The fine for the illegal  
37 sale of HMS for a single fish is \$750.

38 So these were different because it's  
39 the amount of fish were sold in each different  
40 one. One was a small amount of tuna. Others  
41 were up to four tuna.

42 And in one situation specifically in  
43 Virginia the Virginia marine police and the  
44 Virginia health department were involved as well.

45 And the Virginia health department  
46 seized the fish, I guess embargoed the fish, and  
47 poured Clorox bleach on it and put it in a trash  
48 bag and put it in a dump.

1                   So, part of that was that that  
2 specific one the person was given a \$1,500  
3 summary settlement plus the fish were seized for  
4 four fish.

5                   FACILITATOR BROOKS: Thanks.

6                   MEMBER BOGAN: I had a proposal. I  
7 know this hasn't probably been brought up but as  
8 a party head boat we're having a problem with the  
9 filet regulation.

10                  Like we'll carry like 20 or 30 people  
11 on our boat and we have a six hour ride home  
12 which we used to be filleting our fish on the way  
13 back. We can't do that anymore.

14                  So I was wondering if there could be  
15 possibly some kind of an exempted permit for just  
16 yellowfin and longfin tuna.

17                  We could save the racks, tag them, put  
18 a corresponding tag on the filet bag, one fish  
19 per bag, like in a big bag, and ice them up.

20                  It's just been such a hardship where  
21 we used to go back to back trips. We can't do  
22 that anymore. We just can't.

23                  And we've lost a lot of customers  
24 because they don't want to sit at the dock. If  
25 you happen to have a good trip you could be there  
26 for three or four hours.

27                  So we need some kind of an exempted  
28 permit or something like that. We already have  
29 that in New York and New Jersey for fluke because  
30 otherwise of course we'd be there for hours  
31 cutting fish while people waited.

32                  So I just was wondering if there's  
33 something that we could do towards working  
34 towards that. Thank you.

35                  FACILITATOR BROOKS: So how to explore  
36 that as an option is the question.

37                  LT. CARNEY: I think this is the way  
38 to explore it, through the HMS advisory panel.  
39 There's nothing that we can do for that.

40                  I will say someone else brought that  
41 question up with mahi mahi earlier this year  
42 which I know mahi mahi is not HMS.

43                  The difference between northeast and  
44 southeast are that a lot of southeast states  
45 don't allow -- you have to land a fish whole,  
46 intact. Fins and heads intact which is different  
47 from the northeast.

48                  So if you had an oceanwide or a



1 coastwide policy on that for mahi mahi each state  
2 is different. So there's nothing I can help you  
3 out with except in this arena here to try to if  
4 you wanted to get that or go to HMS as far as the  
5 permit exemption.

6 MEMBER BOGAN: I guess it's a good  
7 time to bring it up. You know, it's one thing if  
8 you have a 6 passenger vessel, but we have like  
9 20 or 30 people. So it's something that this  
10 panel I would like to just address this. It is a  
11 problem.

12 And a party boat, actually the amount  
13 of party boats is probably cut in half since that  
14 law went into effect.

15 Well, it started with the three fish  
16 limit. And it's not that people catch three fish  
17 every time they come out. Unfortunately we  
18 sometimes get five fish, but sometimes we're  
19 blessed with a good catch.

20 And it's just a real burden for the  
21 people to have to stand around while we're  
22 cutting fish, my crew.

23 So if this advisory panel would take  
24 this under consideration I think it is important.

25 MS. SCHULZE-HAUGEN: Thanks, Bob, for  
26 bringing that up. I think we had recommended he  
27 bring this up now because of some of the aspects  
28 of needing to have good enforcement if we were to  
29 consider anything like that moving forward.

30 So maybe we can table this for now and  
31 talk about how something like that could work, if  
32 it would be enforceable or not.

33 And then I think it's a good point  
34 about the state regulations and how we need to  
35 navigate some of that. So maybe we can talk  
36 about it in the future.

37 FACILITATOR BROOKS: Sonja.

38 MEMBER FORDHAM: Thank you. Sonja  
39 Fordham, Shark Advocates.

40 I'm afraid I'm going to compliment one  
41 agency in order to raise a concern about yours.

42 So as you might have known since I'm  
43 really happy to hear that Office of Law  
44 Enforcement is on Twitter.

45 But we've seen in recent months  
46 several, sort of a rash of incidents of  
47 mistreating sharks in Florida.

48 And the compliment I have is actually

1 for the State of Florida because when these  
2 incidents came up we saw real rapid reaction in  
3 the press and real public effort to tell people  
4 what was and wasn't legal, and what options there  
5 were to change policies and so forth. And really  
6 took it head on.

7 And yet we've seen also a lot of  
8 actually illegal mishandling of smalltooth  
9 sawfish which are listed on the Endangered  
10 Species Act.

11 So it might seem as slightly off topic  
12 but since you're working with protected resources  
13 and a lot of these incidents involve shark  
14 anglers I just wanted to put out a request for a  
15 little bit more help in that regard.

16 We have the NOAA office in the  
17 southeast does a great job with education and  
18 lots of outreach in terms of how to legally  
19 handle and release sawfish.

20 But in my opinion we could use a  
21 little bit more help in law enforcement when we  
22 have illegal events.

23 We actually had a very high profile  
24 incident of illegally tagging a sawfish that  
25 involved the vice president. So it got a lot of  
26 attention but as far as I could see the only  
27 people calling it out were NGOs.

28 And if we could have the backup from  
29 the law enforcement agencies that would really  
30 help get out the message that not only is some of  
31 this inappropriate it's actually illegal and you  
32 can get in trouble.

33 So I've been meaning to put that in  
34 writing and I will, but since you're here I just  
35 thought I'd take that opportunity to raise that  
36 concern from me and a lot of other sawfish  
37 conservation colleagues. Thank you.

38 MR. REGHI: Thank you. You raise some  
39 very, very good and very, very important points.  
40 Everything from humane handling during the  
41 harvest process to respecting protected  
42 resources.

43 This week you may see a writeup in our  
44 webpage regarding the sawfish matter that was  
45 handled.

46 Also, we may not have publicized it as  
47 well as the state did, but there was also a very  
48 quick dual federal/state response regarding the

1 inhumane treatment of the animals on the federal  
2 side, particularly dragging of the shark that had  
3 happened online.

4 OLE initiated an investigation on that  
5 pretty quickly.

6 FACILITATOR BROOKS: Thanks. Oh,  
7 please jump in.

8 MEMBER GREGG: Sonja, I just want to  
9 say we did a lot of work on that so we do  
10 appreciate you noticing.

11 FACILITATOR BROOKS: Thanks. We'll  
12 take two more commenters and then let you get to  
13 lunch. So Bob and then over to Dewey.

14 MEMBER HUETER: Okay, I wasn't going  
15 to make this point, but to follow up on what  
16 Sonja's talking about.

17 I'm involved as a consultant on the  
18 famous shark dragging case. And it's opened my  
19 eyes to the challenges that you guys face with  
20 the incredible proliferation of violations that  
21 these not very bright people posted themselves on  
22 social media.

23 And how you guys handle that it almost  
24 could require a whole new division of effort.

25 So I don't know if you want to react  
26 to that first before I make my other point.

27 MR. REGHI: Absolutely. Good example  
28 is our southeast enforcement division. We work  
29 very, very closely with the Florida Fish and  
30 Wildlife Conservation Commission.

31 They are joint enforcement agreement  
32 partners. We fund their federal operations in  
33 assisting our agency.

34 They also have an internet-based crime  
35 squad that they're working round the clock  
36 looking at the internet, seeing what's out on  
37 social media and what's posted with other news  
38 outlets.

39 Like you said, you almost need a  
40 dedicated division to work on it because there's  
41 just so much information out there.

42 MEMBER HUETER: Thanks. For sure. If  
43 I could just ask the lieutenant for a  
44 clarification of the shark tournament case that  
45 you mentioned.

46 Was this a well-established tournament  
47 that was properly registered with HMS?

48 LT. CARNEY: Yes, it was registered

1 with HMS. And it was a shark club type thing.  
2 MEMBER HUETER: You said it was in the  
3 northeast.  
4 LT. CARNEY: Correct.  
5 MEMBER HUETER: And was this the  
6 tournament organizers themselves, the operators  
7 themselves that were selling the meat?  
8 LT. CARNEY: Yes, it was a group of  
9 everybody that was within the tournament. The  
10 tournament organizers and volunteers.  
11 MEMBER HUETER: So it wasn't the  
12 fishermen, it was the organizers, the people that  
13 were running the tournament that supposedly  
14 registered that tournament with NMFS.  
15 LT. CARNEY: Correct.  
16 MEMBER HUETER: And last question.  
17 What species of shark, do you know? Do you  
18 recall?  
19 LT. CARNEY: I think the majority of  
20 them were makos, makos and probably -- yes, I  
21 think it was mako.  
22 MEMBER HUETER: Okay. Just a point.  
23 I think these kinds of cases argue for a need to  
24 actually have a permit for tournaments rather  
25 than just registering them. We need to permit  
26 these tournaments when abuses like this happen.  
27 For a tournament to be registered,  
28 especially one that's well established to be so  
29 ignorant of the regulations really cries out for  
30 the need for a permitting process.  
31 Go ahead, and the guys who are doing  
32 it right, fine, but these kinds of folks need to  
33 be excluded.  
34 FACILITATOR BROOKS: Just to clarify,  
35 you're suggesting permitting for tournaments that  
36 have violations.  
37 MEMBER HUETER: A permit to run a  
38 tournament, not just a registration process but a  
39 permit to run that tournament.  
40 That includes all the requirements  
41 that we put on the fishermen themselves and  
42 especially the commercial guys.  
43 Tournaments are commercial  
44 enterprises. They're not run to lose money. So  
45 I think they should be held up to the same  
46 standards that our commercial fishermen are held  
47 up to.  
48 And they should be permitted and know

1 what species they're dealing with, and know the  
2 laws. Clearly these guys did not.

3 FACILITATOR BROOKS: Thanks, Bob.  
4 Dewey.

5 MEMBER HEMILRIGHT: Thank you. Wynn,  
6 in August of this year you gave a presentation to  
7 the Mid-Atlantic Fishery Management Council and  
8 the law enforcement section.

9 And the report was in our briefing  
10 book and it was from June 1, 2017 to July 31,  
11 2017.

12 And on page 13 of that report you had  
13 cases that were being sent to NOAA General  
14 Counsel.

15 And in that under the Atlantic Tuna  
16 Act the program and the law and then you had the  
17 violations, failure to report bluefin tuna, 17  
18 counts, failure to report bluefin tuna, 11  
19 counts, failure to report bluefin tuna, 7 counts,  
20 failure to report bluefin tuna, 11 counts, all of  
21 them coming from the State of Massachusetts.

22 I was wondering if you can enlighten  
23 us about the gear that that was caught in and  
24 what category they were fishing under. Thank  
25 you.

26 LT. CARNEY: I think hook and line.  
27 I can't say for certain because that's not my  
28 area of responsibility. There's another  
29 lieutenant who was over there but I think it was  
30 hook and line. And I think it was General  
31 category or Charter/Headboat.

32 MEMBER HEMILRIGHT: And that was  
33 individual vessels that had 17 counts, individual  
34 vessel 11 counts, individual vessel 7 and  
35 individual vessel 11 counts. So it's not a  
36 majority of one vessel of all of these, it's four  
37 different occasions.

38 And also, if people want to look at  
39 that in the briefing book it's an interesting  
40 report that also has the fines of different  
41 fisheries in the northeast, not only HMS species  
42 but everything else goes on.

43 So it's in the briefing book of the  
44 August meeting for the Mid-Atlantic Council under  
45 law enforcement. Thank you.

46 FACILITATOR BROOKS: Thanks, Dewey.  
47 Bob, were you looking to get back in? No, okay.

48 So, just a couple of issues just to

1 highlight from the conversation. One, a request  
2 to look at ways to streamline inspections. I  
3 think keeping folks informed as drone usage  
4 becomes something that goes forward.

5 To look at penalty rates for  
6 recreational fishers violations and ensure that  
7 they're significant enough to capture someone's  
8 eye.

9 Similarly if we've got tournaments  
10 that are not following well established  
11 regulations we should be thinking about  
12 permitting tournaments so that similar  
13 requirements that are imposed on commercial  
14 fishermen are imposed there.

15 As well think about ways that you can  
16 continue to push at issues of mistreatment of  
17 animals, protected resources, the things you're  
18 doing, but just amplifying it.

19 And then again a request to start  
20 looking at an issue around is there a way to do  
21 exempted permits for filleting of yellowfin tuna  
22 as Bob requested. So that's obviously a longer  
23 term ask.

24 So, I think the three of you, anything  
25 you want to add before we adjourn for lunch?

26 MR. REGHI: Thank you for having us.

27 FACILITATOR BROOKS: Well, it's always  
28 good to have you guys here. Oh, we've got a  
29 teleconference. Go ahead.

30 MR. KEMMERER: I'd like to add a  
31 couple of clarifications to the gentleman that  
32 spoke earlier about different exams or  
33 inspections on the vessel.

34 The headboat charter boats, some of  
35 them are inspected vessels. If they carry over a  
36 certain number of passengers they have to get a  
37 certificate of inspection from the Coast Guard.

38 If they're not, they're uninspected  
39 passenger vessels and the Coast Guard auxiliary  
40 can conduct those exams and issue a UPV sticker.

41 But if it's commercial fishing it's  
42 got to be a qualified fishing vessel examiner  
43 that's generally a Coast Guard person but Coast  
44 Guard auxiliary also has some qualified fishing  
45 vessel examiners.

46 Marine inspectors are not always  
47 qualified to do the exams and issue decals on  
48 commercial fishing vessels.

1                   So you may need to have two different  
2 people do the exam, but some cases one person may  
3 be able to do it all. You just have to work with  
4 the local Coast Guard office to see what you need  
5 to do with that.

6                   FACILITATOR BROOKS: Great. Good.  
7 Thanks very much.

8                   With that we should get you all to  
9 lunch. We will reconvene at 1:30 with an update  
10 on Caribbean fisheries management. Thanks.

11                   (Whereupon, the above-entitled matter  
12 went off the record at 12:04 p.m. and resumed at  
13 1:31 p.m.)

14                   FACILITATOR BROOKS: Okay. A couple  
15 of things to note as you get settled.

16                   First and most importantly if you  
17 haven't found them yet Pat has once again baked  
18 his heart out for us all. And so they are in the  
19 back, the cookies are in the back of the room,  
20 the back far right corner, at least my right.  
21 Pat, where did you go to? Well, wherever you  
22 are, Pat, thank you. And we'll thank you again.

23                   A quick agenda note. We are going to  
24 jump in as planned to the Caribbean management  
25 update with Delisse so if you are here -- there  
26 you are Delisse. If you would head on up here.

27                   We recognize that a couple of folks  
28 who care and think most about this aren't here,  
29 most importantly Marcos, but this is also  
30 something that Dave Kerstetter and others think  
31 about.

32                   So we're going to give the  
33 presentation. We'll have whatever conversation  
34 makes sense today, but I think Margo's thinking  
35 is that we'll need to really revisit this at the  
36 spring meeting given the storm's impact on AP  
37 members. So just as a heads up to folks.

38                   After that, before we get into the  
39 exempted fishing permit update we're going to  
40 have a quick presentation and discussion on final  
41 Amendment 10 on essential fish habitat which was  
42 scheduled for late in the day tomorrow. But we  
43 think since we will probably spend a little less  
44 time on the Caribbean conversation we can fit  
45 that in here.

46                   So that's the game plan. Try to get  
47 those done and then off to the fishing exemption.  
48 So Delisse, up to you.

1 MS. ORTIZ: Thank you. So we're going  
2 to go through just a bit of an update since our  
3 last meeting in the spring.

4 I'll go through a brief background on  
5 the requests that we've received just to refresh  
6 everybody's mind, some of the AP comments that we  
7 received back in the spring meeting. Some  
8 research updates. Some of the outreach that  
9 we've done to local agencies in the USVI and  
10 Puerto Rico.

11 And the idea was to have a discussion  
12 on next steps but like Bennett said we're going  
13 to save that for the spring meeting.

14 So very quickly, requests for  
15 management changes. We received a lot of  
16 requests for changes in terms of shark and  
17 swordfish management in the Caribbean region.

18 Part of this entailed increasing the  
19 shark retention limit under the commercial  
20 Caribbean small boat permit and establishing an  
21 in-season shark retention limit adjustment  
22 criteria.

23 That also involved requests to have  
24 the -- any shark landings in the Caribbean be  
25 counted against the -- its own shark quota as  
26 opposed to the Gulf of Mexico quota which is what  
27 we currently do under quota monitoring.

28 The other specific thing was to create  
29 a Caribbean-specific authorized shark species  
30 list that includes the most commonly caught shark  
31 species in the region.

32 One of the difficulties with this was  
33 that a lot of the species that are landed in the  
34 Caribbean are prohibited, on the prohibited list,  
35 such as the Caribbean sharpnose, Caribbean reef  
36 and Caribbean sharpnose shark.

37 And in terms of swordfish we currently  
38 have a retention limit under the commercial  
39 Caribbean small boat permit and one of the  
40 requests was to increase that retention limit  
41 that now is currently two to a higher limit, one  
42 that potentially matches the limit under the  
43 swordfish general commercial permit which is six.

44 So as you know we met on our -- this  
45 is a lovely picture of our spring meeting. We  
46 had very good discussions during the meeting and  
47 also informally during the lunch hour.

48 And this is again a summary just of



1 the comments that we received very briefly. One  
2 was to prioritize, everybody agreed that we did  
3 need to prioritize management in the U.S.  
4 Caribbean, that we needed definitely more data,  
5 that we should take a precautionary approach when  
6 considering any management changes in the region.

7 That we should consider scalloped  
8 hammerhead sharks. And the fact that -- any  
9 impacts on them because their distinct population  
10 segment has been considered threatened in this  
11 region.

12 And overall I think there was support  
13 but there was a lot of like, okay, put on the  
14 brakes, we need more research, we need more  
15 information on prohibited species. There were  
16 enforcement concerns.

17 So what we did is we went back and did  
18 outreach to try to determine what research is  
19 currently being carried in the region relating to  
20 improving -- doing HMS data improvements  
21 specifically for sharks.

22 Currently the NOAA Southeast Fisheries  
23 Science Center in collaboration with the Gulf  
24 States Marine Fisheries Commission is doing a  
25 study that started last month.

26 And the idea of the study is to  
27 estimate annual commercial fisheries landings in  
28 Puerto Rico and the U.S. Virgin Islands and do  
29 mostly investigate temporal and among site  
30 variability in those landings during one year of  
31 sampling.

32 They started in August of this year  
33 and they're hoping that this will carry on not  
34 just for a one-year period but also for two.

35 Another other research that is going  
36 on is being carried out with Raimundo Espinoza.  
37 He is the founder of a non-profit organization  
38 called Conservacion Conciencia in collaboration  
39 with MOTE Marine and our very own Marcos Hanke.

40 And the project aims to work with both  
41 -- this is recreational but it's also commercial  
42 vessels in order to just get some sort of life  
43 history and species identification information of  
44 some of the sharks that are mostly landed in  
45 Puerto Rico.

46 So right now what they're doing is  
47 they have very limited fundings, but they did  
48 have the tags so they are documenting all their

1 catch, identifying the shark's species, sex,  
2 measuring them, tagging them and then releasing  
3 them.

4 There's also the potential for  
5 collaboration with Marcos Hanke and Marcos Drymon  
6 on applying for an exempted fishing permit to  
7 basically sample some of the sharks, take fin  
8 clips and properly identify some of the catches  
9 of sharks in Puerto Rico.

10 A lot of the concerns is that there's  
11 not proper identification of the sharks that are  
12 landed and they really can't be identified just  
13 visually by photographs.

14 In addition, there's been several  
15 recent scientific research papers that have come  
16 out that have been focused on sharks in the  
17 Caribbean region that look at length  
18 relationships of some of our Caribbean sharks  
19 that we authorize in the region.

20 And they're giving a clear picture  
21 that these sharks are around, they're there year  
22 round, and it just gives us a better picture of  
23 what a shark species composition is and some of  
24 the biology in the territories.

25 In addition, Carol and Tobey attended  
26 the America Elasmobranch Society meeting and they  
27 encountered also two upcoming papers that looked  
28 at the spatial ecology of some of the sharks  
29 around the MPA in St. Croix.

30 And also they looked at population  
31 structure and phylogenetics of Atlantic and  
32 Caribbean sharpnose sharks which actually shows  
33 that Caribbean sharpnose goes all the way up to -  
34 - are found all the way up to Virginia.

35 We also did some outreach to Puerto  
36 Rico news via state agencies and the Caribbean  
37 Fisheries Management Council because the idea was  
38 to, you know, we're just trying to get an idea of  
39 what exists, what data is there, what research is  
40 being carried out, how can we start carrying out  
41 some HMS data improvement projects in there.

42 When we spoke to the Puerto Rico  
43 Department of Natural Resources staff they're  
44 currently modifying their territorial regulations  
45 to make them compatible with our regulations.

46 And we did find out that at this time  
47 the agency has very strong concerns about  
48 promoting a commercial shark fishery which was

1 due to the lack of enforcement and species  
2 identification problems, and also vulnerability  
3 to overfishing. So that was -- I guess that was  
4 a bit of a surprise at that time.

5 We have gone to the Caribbean  
6 Fisheries Management Council where the state  
7 agencies are present and we've received support  
8 for allowing an incidental federal shark fishery  
9 in the region.

10 So one of the questions, what are the  
11 next steps. We're in this situation where we've  
12 received all these requests from fishermen, from  
13 the commercial and recreational sector.

14 We've had their support to do an  
15 incidental shark fishery and potentially increase  
16 in the retention limit in the commercial  
17 Caribbean small boat permit.

18 The council has supported it. The  
19 state agencies and UCI have supported it. And  
20 the state agencies in Puerto Rico are a bit  
21 concerned about moving forward.

22 So the question is where do we go from  
23 here. And I think like Margo said the idea was  
24 to have an ample discussion about the subject  
25 since it was -- there was a lot of good  
26 conversations last time, but given that with the  
27 hurricanes and such people can't be here I think  
28 we'll leave it up to the spring unless I guess  
29 folks have anything to say.

30 FACILITATOR BROOKS: Let's assume we  
31 will revisit this and have a fuller conversation,  
32 but if there are a couple of comments now  
33 certainly be happy to hear that. Rusty I see  
34 your card's up.

35 MEMBER HUDSON: Thank you, Bennett.  
36 Rusty Hudson.

37 On slide 3 you mentioned Caribbean  
38 reef, Caribbean sharpnose shark on prohibited  
39 species. Slide 5 you also include the sevengill  
40 which is also on prohibited species.

41 If I recollect right I don't recall  
42 much science being used to create that list. Are  
43 you going to have some kind of science that will  
44 be used to be able to verify that you can go  
45 ahead and take it off the prohibited list and not  
46 have issues, litigation issues or anything to be  
47 able to create that?

48 And the last comment is the scalloped

1 hammerhead. Is that a distinct population  
2 segment one of concern separate from ours up  
3 here?

4 MS. ORTIZ: So with regard to the  
5 scalloped hammerhead, yes, it is different. It  
6 is DPS for the Caribbean specifically.

7 And then your other question was if we  
8 take a species off the prohibited list what would  
9 we use to take it off the prohibited list?

10 MEMBER HUDSON: Yes, because you know  
11 as I had suggested last meeting about the bignose  
12 and the night shark which is more of an animal  
13 that we could see up here. And I always believe  
14 that it's got a pretty strong populations.

15 I wouldn't mind knowing how we segue  
16 out of prohibited and into something that's  
17 allowable.

18 And I assume you have to do all that  
19 through a full amendment, probably take a year or  
20 a year and a half to get it accomplished.

21 But I just was wondering what the  
22 protocol was when there was no scientific  
23 assessments done on those species to begin with  
24 to put them on the list. Thank you.

25 MS. ORTIZ: Well, if we take species  
26 off the prohibited list it would be the first  
27 time that we ever did that so there's no  
28 precedent.

29 There is a criteria that is  
30 established very clearly in our regulations that  
31 states how we can put a species on the prohibited  
32 list and how we would take it off. I don't know  
33 it off the top of my head but we can talk offline  
34 and I can show you what that criteria is.

35 MEMBER HUDSON: As a final comment it  
36 would be great to collect the genetic stuff and  
37 other details with regard to the Caribbean  
38 sharpnose in particular.

39 I know it's been said about it maybe  
40 being a subspecies of our Atlantic sharpnose and  
41 I know that's technically the mice of the sea for  
42 our region.

43 With the Caribbean reef I know that  
44 it's more common except for south Florida on down  
45 that way and over into Central America and stuff  
46 like that. So I'm just wondering.

47 And I saw blacknose on your other  
48 list. And if that's the very same blacknose that

1 we have.

2 You know, those little questions like  
3 that wouldn't be a bad thing to be gathering the  
4 samples to be able to utilize besides doing link  
5 measurements as you had. Thank you.

6 FACILITATOR BROOKS: Thanks, Rusty.  
7 Sonja.

8 MEMBER FORDHAM: Thank you. Thank you  
9 for your presentation.

10 I just, if we're going to have a  
11 fuller presentation about the Caribbean next  
12 time. Last time I had asked about the SPAW  
13 protocol, the specially protected areas and  
14 wildlife of the Caribbean.

15 I think so it must have been just a  
16 few months, our last meeting since they listed a  
17 number of sharks including hammerheads and whale  
18 sharks and sawfish and so forth. Oceanic  
19 whitetips I guess.

20 I found a little bit -- there's a NOAA  
21 page about the people that go to that meeting.  
22 But I'd love to just have some more information  
23 next time about how that overlaps with HMS, and  
24 the species of sharks that we have in common, and  
25 what are the U.S. plans for implementing those  
26 SPAW listings for sharks. Thank you.

27 MS. SCHULZE-HAUGEN: Sorry, I'm  
28 remembering that request now so we'll be sure to  
29 do that in the spring.

30 FACILITATOR BROOKS: Thanks. All  
31 right. Well, not seeing any other cards at this  
32 point and again knowing we'll revisit this with a  
33 fuller conversation in the spring, Delisse, thank  
34 you very much.

35 And at this point Jen if you would  
36 come on up here. And again, for anyone who might  
37 have come in late we're going to go a little bit  
38 out of order here and fold in the end of the day  
39 tomorrow conversation on final Amendment 10 on  
40 essential fish habitat.

41 MS. CUDNEY: All right. Hello,  
42 everybody. So hot off the presses, we just filed  
43 with final Amendment 10. It's going to publish  
44 fully in the Federal Register tomorrow and we  
45 have just initiated our rollout procedure. So  
46 you should be getting an email shortly that has a  
47 lot of this information.

48 But we wanted to go ahead and walk you

1 through some of the final updates for our  
2 essential fish habitat amendment and try to give  
3 you an idea, a very high-level overview of what's  
4 in it and where you can go to find out more  
5 information.

6 So, and we're not going to have time  
7 of course to touch on all of our stocks and all  
8 of our species.

9 So if you would like to meet with me  
10 or with Lauren Latchford -- she's back in the  
11 corner there -- we'd be happy to show you maps or  
12 kind of talk you through any particular species.

13 And then of course you're welcome to  
14 call me if you'd like to or Lauren after the  
15 meeting if you have any questions and you want to  
16 discuss it next week. Perhaps after the storm.

17 So, very quickly HMS EFH again refers  
18 to those waters and substrate that are necessary  
19 for fish for spawning, breeding, feeding, or  
20 growth to maturity.

21 In the case of HMS this is of course  
22 our federally managed species. It may or may not  
23 include state waters. We do include state waters  
24 in our EFH designations.

25 However, we do not designate EFH in  
26 international waters.

27 It has to be periodically reviewed and  
28 revised so our regulations say every five years  
29 you're required to do an update. And our last  
30 revision was in 2009.

31 So we had initiated the five-year  
32 review actually in 2014, published it in 2015,  
33 and then started the draft amendment after our  
34 five-year review.

35 And so this will be updated with the  
36 date of our publication for final amendment 10.

37 So, the last time we met and we talked  
38 about draft amendment 10 we gave you a review of  
39 the public comments.

40 I'm not going to go through them in  
41 great detail here but I did want to remind  
42 everybody that what we heard from the public were  
43 suggestions regarding methodology, EA content.

44 There was support and opposition for  
45 our HAPC alternatives which mainly were to make  
46 adjustments to the bluefin HAPCs and to sandbar  
47 HAPCs and to create lemon and sandtiger shark  
48 HAPCs.

1                   And then we also had some very  
2 specific adjustments to our EFH boundaries. For  
3 dusky sharks and for several of our large coastal  
4 and small coastal sharks, and for smoothhound  
5 shark.

6                   And some of those suggested  
7 adjustments comments that we received also  
8 included some new data sets that the public  
9 wanted us to consider.

10                  So I'm now going to now go through  
11 some our preferred alternatives that we are  
12 finalizing under this amendment.

13                  Alternative two is essentially our  
14 method. We are rolling forward the methodology  
15 that was sorted out under Amendment 1.

16                  And in a nutshell it's what we call  
17 our kernel density estimation 95 percent volume  
18 contour method.

19                  So this schematic describes that.  
20 We're basically taking a number of data sets,  
21 pulling them together, formatting them, putting  
22 them into some geospatial tools that then  
23 estimate what would be -- what an area containing  
24 95 percent of those points would be.

25                  And then we would take that polygon  
26 and submit it to QA/QC and very rigorous  
27 scientific review to produce our final  
28 boundaries.

29                  So, since you last saw these  
30 boundaries in draft Amendment 10 we did want to  
31 point out that there were some updates to them  
32 based on public comment, based on the fact that  
33 in some instances we did receive updated data  
34 sets. So we had some new data that came in.

35                  We had some requests from our primary  
36 user of the EFH text descriptions, our Office of  
37 Habitat Conservation to provide some more  
38 specificity in our text descriptions.

39                  So you will see when you look at those  
40 some increased attention to detail in that  
41 section of the EA.

42                  And then as I mentioned some of the  
43 public comments and scientific submissions may  
44 have resulted in some minor adjustments to some  
45 of the boundaries as well.

46                  And all of this is detailed on a  
47 species by species basis in our EA. So if you go  
48 in there, you look at chapter 6, you can look it

1 up for every single species that you might be  
2 interested in, but following the text description  
3 there is a paragraph that describes changes from  
4 the draft to the final, and then also changes  
5 from amendment 1 to amendment 10.

6 And then of course as we got this new  
7 information in we went to our folks at the  
8 science center and we basically did that same  
9 QA/QC process to make sure that what we were  
10 seeing with our models was actually grounded in  
11 science and made sense.

12 So, in general I want to emphasize in  
13 general we didn't see substantial changes from  
14 draft to final in terms of the habitats that were  
15 identified for each species.

16 There are some changes though. I do  
17 want to give you some examples here that kind of  
18 show what some of the differences are for some of  
19 our higher profile species.

20 So, the next couple of slides are  
21 going to have some maps on them and if you look  
22 at the label on the right side of the screen it's  
23 going to say either draft amendment or final  
24 amendment. So that's going to give you an idea  
25 of whether you're looking at the older version or  
26 the most recent version of the map.

27 You're going to see a polygon that's  
28 either in general going to be orange, pink, or  
29 green. That is going to be the boundary that we  
30 had identified either in the draft or the final  
31 amendment.

32 And you're going to see a little like  
33 hash marked area. And that is what we had under  
34 amendment 1. So that is the old EFH. The color  
35 polygons are essentially the new EFH.

36 So, digging in, this is bluefin tuna,  
37 our adult life stage. This is what we have put  
38 forward in the draft amendment. And this is what  
39 we had put forward in the final amendment.

40 And so there are a couple of  
41 differences that are highlighted here in the pink  
42 circles.

43 When we took our model results after  
44 we got public comment back to our science  
45 centers, looked at the distribution of the data  
46 and some PSAT data that we had identified we felt  
47 that they are off of the northeast should have  
48 been expanded a little in terms of the bluefin



1 adult EFH.

2 We had also identified an area off of  
3 south Florida that had been included in our  
4 models because of a concentration of data points  
5 that were actually in the Bahamian EEZ.

6 However, we didn't have any data  
7 points really in this area so we actually removed  
8 part of the Straits of Florida from our adult  
9 EFH.

10 And then you'll notice there's also a  
11 big area in between North Carolina and off the  
12 coast of central Florida that has been added.

13 And that is in part due to some PSAT  
14 data that we had identified. Now, this is from  
15 the NRDA DIVER database so this is actually data  
16 that came through Deepwater Horizon funded  
17 research out of the Block Lab.

18 And these are tracks for 24 bluefin  
19 tuna. And what really immediately caught our eye  
20 is that these fish are coming out of the Gulf of  
21 St. Lawrence, going to North Carolina, and you  
22 see a lot of habitat utilization between North  
23 Carolina and really the Bahamian waters.

24 But we wanted to capture that in our  
25 adult EFH boundary delineation so we added that  
26 area.

27 Another species of interest was dusky  
28 shark. So again you're going to see the  
29 identifying whether we're talking about draft or  
30 final amendment on the right.

31 Look at the polygons. And in some  
32 cases we have inset maps like you'll see here  
33 because the areas that we're talking about are  
34 fairly small.

35 So draft Amendment 10 we constricted  
36 our -- this is the neonate young of year EFH. We  
37 constricted it from what was put forward in  
38 amendment 1.

39 And based on the public comment that  
40 we had received we were asked to take a look at -  
41 - and this is what we had in the final, but we  
42 were asked to take a look at this area that was  
43 off of southern New England.

44 Because we heard a lot of people say  
45 that there are dusky sharks in this area. We  
46 also got a lot of feedback where people were  
47 suggesting that we use certain landmarks like  
48 Long Island, or an area called the dump as sort

1 of delineation for our EFH.

2 Well, our EFH is based on where the  
3 data is. But when we looked at these coastal  
4 areas of Rhode Island and southern Massachusetts  
5 there really weren't a whole lot of data points  
6 there.

7 It was more captured as a function of  
8 the model output.

9 So we felt that there was sufficient  
10 justification to remove these areas from  
11 inclusion in the EFH boundaries for neonate and  
12 young of year.

13 Kind of similar case with the dusky  
14 shark adults. However, when we're comparing  
15 draft Amendment 10 and final Amendment 10 the  
16 area that I really want to emphasize here is in  
17 the northern Gulf of Mexico.

18 So a lot of the data points that were  
19 in this area were old tagging data that were  
20 provided to our cooperative tagging program. And  
21 a lot of it is not verified.

22 So some of our scientists were  
23 suspicious that there may have been some  
24 misidentifications. We only had 8 data points  
25 out of 130 that were photo verified. And our  
26 scientists tend to not see as many dusky sharks  
27 in this coastal area. So it was recommended that  
28 we remove it. So that gives you kind of an idea  
29 of the sort of QA/QC discussions that we have as  
30 we're looking at some of these data points.

31 So, the other part of this amendment  
32 was a discussion and consideration of HAPCs. As  
33 you are probably aware HAPCs are subsets of EFH  
34 that are evaluated based on either their  
35 ecological importance, their sensitivity to  
36 environmental degradation, whether development  
37 activities will be stressing that habitat, or how  
38 rare that habitat is.

39 Sometimes a certain area is going to  
40 come to our attention based on one of these.  
41 Sometimes it's going to come to our attention  
42 based on all four of these factors.

43 We had identified in our five year  
44 review several species that we analyzed in the  
45 draft amendment.

46 Our final preferred alternatives are  
47 not changed between draft and final.

48 So there's a lot going on here but

1 what you're seeing are maps showing the final  
2 locations of our HAPCs for bluefin tuna and  
3 sandbar shark which are in green.

4 Those are fairly unchanged in terms of  
5 what you saw -- well, they are unchanged in what  
6 you saw in the draft amendment.

7 And then the new HAPCs that we added  
8 for sandtiger and for lemon shark and those are  
9 shown here.

10 Okay, so our next steps for this  
11 project are mostly based around outreach. We  
12 have an amendment 10 website that you may have  
13 seen for our draft amendment.

14 We are in the process of adding our  
15 final amendment documents to that website. So  
16 when you get our listserv notice you will have a  
17 link in there to this website.

18 We will be adding maps and shape files  
19 for individual species that you'll be able to  
20 download and look at as much as you would like in  
21 the next few weeks.

22 And then we're also looking at  
23 developing some online mappers. So you'll be  
24 able to go in and interact with the shape files  
25 and look at your particular areas and see whether  
26 or not you have any intersecting EFH perhaps in  
27 places where you like to go fishing or local  
28 places that you might be interested in.

29 We are also going to be looking at  
30 habitat consultation aids for our Office of  
31 Habitat Conservation and possibly developing some  
32 additional EFH products based on public and  
33 partner requests.

34 So this is the team and I will take  
35 any questions.

36 FACILITATOR BROOKS: Thanks so much.  
37 That was good. Any questions or comments on  
38 Amendment 10. Anybody. Bob.

39 MEMBER HUETER: Thanks. Can you just  
40 remind me what the procedure, what the process is  
41 when there's historical data about the presence  
42 of a species and the life stage of that species  
43 in an area but no -- because of overfishing or  
44 other effects that species is not present in that  
45 area anymore?

46 Does that then disappear as EFH when  
47 in fact at one time it did support that life  
48 stage for that species?

1 MS. CUDNEY: Not necessarily. So we  
2 had some data sets that spanned very long periods  
3 of time.

4 Our current procedure wasn't  
5 necessarily to disregard very old data. There  
6 are certain [approaches] -- I've heard of people  
7 basically doing EFH assessments on the last five  
8 years of data.

9 But we tended to take a longer look at  
10 some of the -- at our data sets through this  
11 process.

12 So I would say that some of that  
13 historical data is going to be captured in our  
14 analyses. You're just going to be adding other  
15 data on top of it.

16 So there could be a dilution effect,  
17 but it's still there.

18 MEMBER HUETER: Okay. The reason I  
19 asked the question, I just noted in looking at  
20 the dusky shark slide that the west coast of  
21 Florida was -- there was a tiny spot before and  
22 then that didn't make it to the cut. Yes, right  
23 there.

24 In fact, there's sufficient data from  
25 the nineteen sixties that dusky shark was a much  
26 more common inhabitant of the Florida Gulf coast,  
27 especially the big pregnant females.

28 So I just wonder where information  
29 like that goes. And it would be not preferable  
30 if something like this got out and would then  
31 somehow make people forget that these animals did  
32 exist in these other areas at one time.

33 MS. CUDNEY: I think that's a valid  
34 concern. We certainly do try to in the life  
35 history section capture information like that.

36 We do have a -- the point of EFH is  
37 not to, as we all know, the point of EFH is not  
38 to designate it across the entire range or extent  
39 of the species. It's to try and identify those  
40 core areas.

41 So we did look at all of the data that  
42 we had. It's just this time around that area  
43 didn't ping so much as something that needed to  
44 be included.

45 But that's definitely something that  
46 we do keep in mind when we're going through these  
47 analyses and we're looking back at the data  
48 through time.

1 FACILITATOR BROOKS: Bob, is your  
2 concern about less that it isn't included and  
3 more just that this historical look and  
4 perspective and relevance of that area could get  
5 lost?

6 MEMBER HUETER: Yes, because people's  
7 attention span isn't very long. And if you look  
8 at the latest papers and see that something is  
9 not an area you just assume it never was.

10 And when you look to a process like  
11 this, I mean it's a fair assumption to think that  
12 the agency has done everything it can to capture  
13 data not only from the last 5 or 10 years but all  
14 the way back as far as it exists.

15 So I totally understand the decision  
16 but it would be a mistake if we didn't  
17 acknowledge that there were previously areas that  
18 supported these various species that don't now  
19 support them because of perhaps problems that we  
20 ourselves have caused.

21 It's hard to say but certainly in the  
22 case of the dusky shark that's an overfishing  
23 issue.

24 And we still again as much as the  
25 commercial guys hate to hear me say this every  
26 meeting we still haven't seen them return to the  
27 Florida Gulf Coast in any numbers when they in  
28 fact were there 50 years ago.

29 FACILITATOR BROOKS: Thanks, Bob. Let  
30 me come up to Sonja, then to Rick, and then over  
31 to David.

32 MEMBER FORDHAM: Thank you. I agree  
33 with Bob, I think that's a really important  
34 point. Thank you for making it.

35 I just want to confirm that the  
36 presentation is going to go up on the site? So  
37 even though you've given it early you're still  
38 going to post it so we can look at it later.

39 MS. CUDNEY: Yes, we -- there was some  
40 uncertainty about the timing of whether we'd be  
41 even able to present this so we didn't post it.  
42 It will be there.

43 FACILITATOR BROOKS: Rick.

44 MEMBER WEBER: I've been on the usage  
45 side of EFH and it wasn't fun because we weren't  
46 able to dredge because the winter flounder might  
47 recover and want that space back.

48 The argument on the other side of it,

1 Bob, is this isn't -- there are regulations and  
2 permits going to be issued or not issued based on  
3 the EFH.

4 And while I agree with you that we  
5 need to protect what is the current essential  
6 fish habitat if the recovery you're concerned  
7 about is going to take longer than the EFH cycle  
8 then we should save what is needed for the  
9 current population.

10 And when the fish recovers I assume  
11 that you would get more data points and the EFH  
12 would shift and change as the population shifted  
13 and changed, correct?

14 MS. CUDNEY: So, our current method is  
15 based on the data. We make an assumption that  
16 the fish are going to be where the important  
17 habitat is.

18 And so if you do get more data points  
19 in different areas, yes, it's logical to make the  
20 step that things could change in the future.

21 FACILITATOR BROOKS: David and then  
22 over to Rusty.

23 MR. SCHALIT: Thank you for your  
24 presentation. Were there any findings of  
25 significant concern in connection with bluefin or  
26 BAYS species?

27 MS. CUDNEY: So, I'm not sure what you  
28 mean in terms of a significant concern. There  
29 are no regulatory aspects to this.

30 This is basically an exercise to  
31 identify the important habitats based on the  
32 distribution of the data that we had.

33 So we didn't say, okay, this area, the  
34 habitat is particularly stressed here so we're  
35 going to close fishing.

36 No, there are no regulatory aspects to  
37 this. So if that's the sort of significant  
38 finding that you're referring to then that's not  
39 part of this amendment.

40 MS. SCHULZE-HAUGEN: So, just to add  
41 a little bit. This effort is to identify things  
42 for the habitat itself. And most likely, HMS  
43 fishing gears don't actually affect the habitat.  
44 The water temperature is still the same. The  
45 salinity is still the same whether the gear's  
46 gone through it or not.

47 That isn't always the case with some  
48 gear types where dredging on the bottom can

1 affect the habitat itself.

2 And so that's part why the HMS EFH  
3 exercise doesn't have regulations associated with  
4 it. But it's also to support the consultations  
5 where other activities of other federal agencies  
6 that could affect the habitat, having this  
7 information, the most up to date data is  
8 available to the habitat office so that when the  
9 core comes with the drilling permit they'll know  
10 that's an important area for this HMS in this  
11 life stage.

12 So it's largely in this context used  
13 to support those habitat consultations.

14 MEMBER HUDSON: Thank you. Rusty  
15 Hudson.

16 Tarpon Springs is north of Tampa Bay.  
17 I had vessels that would come out of there, two  
18 in particular, two fish houses.

19 And when I was in the shark fin buying  
20 operation until I folded the tent in September  
21 '97, since March of '92 you had state waters  
22 closed out to 9 nautical miles. There was a  
23 certain time of the year that those big females  
24 would be right there around that 9 mile line.

25 And they were caught. And I have them  
26 documented in my records. I would really doubt  
27 that they disappeared, it's just the simple fact  
28 that we have nobody really fishing anymore in  
29 those regions.

30 So that is an area I know those  
31 duskies will get to. And I can go back, look  
32 through my stuff, and give you the dates of when  
33 I was purchasing from those two fish houses.

34 MS. CUDNEY: I mean, we would be happy  
35 to look at the data but at this point we are done  
36 with the EFH analyses for another couple of  
37 years.

38 But we're going to be reopening this  
39 book in five years when it's time to redo -- or  
40 when it's time to do updates.

41 So at that point in time we can take  
42 a look at it.

43 Most of the data that we look at  
44 though is going to come -- we do look at the  
45 fishery independent data.

46 The fishery dependent data that we  
47 look at is largely observer data. So if there  
48 were no observers onboard the chances of us

1 actually getting fishery dependent data are small  
2 - it is just not one of the data sets that we are  
3 regularly incorporating [into the analysis].

4 MEMBER HUDSON: I was thinking about  
5 research to verify, check and verify. That would  
6 be something you could do over the next five  
7 years before you do the next EFH.

8 You've kind of left them out. I know  
9 they're there.

10 FACILITATOR BROOKS: Thanks. Anyone  
11 else want to get in on this? Yes, please, Mike.

12 MEMBER PIERDINOCK: Just a quick  
13 question. Since many of these areas are now  
14 located in state waters like for instance the  
15 tiger sharks up there in Plymouth.

16 You're doing this to protect areas if  
17 they're going to do dredging or do different  
18 activities and so on.

19 Is there anything proactively they're  
20 going to do from the standpoint of the  
21 contaminated stormwater runoff, or the combined  
22 sewer outflows that ultimately discharge into  
23 these areas? Or is that separate from what the  
24 objective of this is. As you stated it's for  
25 dredging and other proactive activities within  
26 that area.

27 MS. SCHULZE-HAUGEN: So EFH is a  
28 requirement under Magnuson-Stevens Act. And so  
29 the nexus is federal activities. And so that's  
30 where Army Corps of Engineers, BOEM, things of  
31 that nature would be where those agencies have to  
32 consult with us on activities that they're doing.

33 So state activities, I think we offer  
34 the information, we provide it to them if they  
35 ask, but there's not the same requirement for  
36 states to consult with us and consider mitigation  
37 if there's an impact to EFH.

38 So it's a little bit different when  
39 it's a state-based activity.

40 MEMBER PIERDINOCK: Because most of  
41 those locations have federal permits in order to  
42 discharge stormwater or combined sewer outfalls  
43 during storm events into these areas so that's  
44 why I was curious.

45 They have those federal national  
46 pollution discharge elimination system permits  
47 that periodically discharge into these areas.

48 So is there any wiggle room there to



1 deal with that?

2 MS. SCHULZE-HAUGEN: My understanding  
3 if there's a federal nexus then there would be.  
4 And so a federal permit could be that. But I  
5 don't know for sure. I'd need to check.

6 MEMBER PIERDINOCK: I appreciate the  
7 answer to that because that could open up a whole  
8 bag of worms which I think are well overdue and  
9 justified to be looked into. Thanks.

10 MEMBER GREGG: I don't know how it is  
11 in your state, but in the State of Florida NPDES  
12 is actually delegated to the states for many  
13 activities. So that's actually a state license  
14 or permitted activity. I don't know how it is in  
15 your state.

16 MEMBER PIERDINOCK: No, you are  
17 correct but it is a federally led permit and it  
18 could -- the authority can be delegated to the  
19 state and then the state to manage that activity.

20 FACILITATOR BROOKS: So, let me just  
21 suggest that let Margo look into this a little  
22 bit and see what nexus that actually creates and  
23 come back to this.

24 Lisa, are you okay with that? Did you  
25 need to jump in? You're good? Okay.

26 All right, then let me push us on just  
27 so we stay vaguely on schedule here.

28 So our next topic which I'll hand off  
29 to Margo here is to get an update on the pelagic  
30 longline closed area research exempted fishing  
31 permit. Not a new topic here.

32 This is a permit that has been  
33 authorized at this point so the conversation  
34 today isn't about whether to or not, but it's to  
35 understand background of where this issue, again,  
36 where it sort of came from, considerations, the  
37 analysis, the alternatives.

38 So really catch everybody up on where  
39 -- the background here.

40 And then we'd like to spend time in  
41 conversation hearing from you around your  
42 thoughts around how to best go forward in terms  
43 of implementing it, tracking it as things evolve.

44 So Margo, with that I will hand it off  
45 to you.

46 Oh sorry, before I do that, just one  
47 thing. Somebody in the audience lost a pair of  
48 glasses. You have them. They're in your hand.

1 You're okay. Good, okay. Margo, all yours.

2 MS. SCHULZE-HAUGEN: All right. So,  
3 like Bennett said this is something that we've  
4 been discussing for a bit so I'll give you an  
5 overview of how we got to this point and then  
6 include some of the details of what the permit  
7 includes, what the provisions are, and things of  
8 that sort.

9 And so a bit of background. This is  
10 for the east coast Florida closed area that was  
11 closed in 2001 to the use of pelagic longline  
12 gear.

13 At the time of the closure a number of  
14 factors were significantly different from what  
15 they are now. This is a bit of a comparison from  
16 that point in time to now where we've seen in the  
17 fishery side of things a decline in the number of  
18 vessels that are active in the fishery, and  
19 active in this context is having landed at least  
20 one swordfish in a year. This last point was  
21 2015.

22 We've also seen a similar decline  
23 although not to the same degree in hooks fished  
24 over this time period.

25 And as has come up a couple of times  
26 elsewhere the U.S. landings of swordfish there's  
27 been a large persistent underharvest with  
28 approximately 39 percent of the base quota and 34  
29 percent of the adjusted quota landed in 2016.

30 And on the stock side of things there  
31 have also been a number of changes. North  
32 Atlantic swordfish was declared fully rebuilt in  
33 2009. And so this area was in part to address  
34 juvenile catches. And so a change in that stock  
35 to a fully rebuilt status.

36 Western bluefin tuna was no longer  
37 experiencing overfishing. North Atlantic  
38 albacore rebuilt as of last year. And sailfish  
39 no longer experiencing overfishing.

40 And so there have been a number of  
41 large changes both in the fishery side. I should  
42 also mention gear changes such as circle hooks in  
43 this area, individual bluefin tuna quota program  
44 in place. There's been a lot that's happened  
45 since this area was closed both in the fishery  
46 side and on the stock side.

47 And so one of the ideas that was posed  
48 to us in the exempted fishing permit application

1 was the purpose to evaluate the pelagic longline  
2 catch and bycatch rates from within the closed  
3 area and compare it to those outside in the open  
4 area and try to evaluate the effectiveness of the  
5 existing area closure meeting current  
6 conservation and management goals.

7 The application requested six boats to  
8 participate in the research with an additional  
9 number of boats as backup if there were technical  
10 issues.

11 All of these vessels are associated  
12 with Dayboat Seafood.

13 I should mention that the applicant is  
14 Dr. David Kerstetter who is an AP member who  
15 unfortunately is not with us at the moment due to  
16 the hurricane.

17 And Scott Taylor is another AP member  
18 who is the manager of the Dayboat fleet who is  
19 also not here due to the hurricane.

20 The application requested  
21 authorization for 12 months with a view that  
22 pending an annual review an additional potential  
23 authorization for two additional 12-month  
24 periods.

25 And that all fish that could be  
26 legally caught and sold would be sold.

27 And we received that complete  
28 application November 6. As we do with all EFPs  
29 that we feel deserved more attention and public  
30 input.

31 We put this out for public comment.  
32 That comment period started January 13. To help  
33 inform that public comment we prepared a draft  
34 environmental assessment of what the potential  
35 impacts of this would be if it were to be issued.

36 And so we had a little bit more than  
37 two-month comment period. We had a public  
38 webinar towards the end of it. And we presented  
39 to the South Atlantic Fishery Management Council  
40 as well since this is in waters off of their  
41 jurisdiction.

42 And in that environmental assessment  
43 we analyzed three alternatives.

44 And so the first is the no action. So  
45 do not issue the research permit. And so this  
46 gives you some scale where you can see the gray  
47 area is the entire east coast of Florida closed  
48 area.

1                   And that the red box here is for a  
2 general indication of where this research was  
3 proposed to be done. So it's not its entirety.

4                   So, we also considered two different  
5 alternatives two and three that have slightly  
6 different geographic scopes here with alternative  
7 two being a straight north-south line that does  
8 not encompass the 100 fathom curve.

9                   Alternative three which is preferred  
10 has kind of a jog to the west there to encompass  
11 the 100 fathom curve.

12                  The level of effort is the same  
13 between these two. It is simply the  
14 configuration of the area.

15                  And then the open area is in green  
16 here. That's where they're proposing to do the  
17 comparative sets.

18                  And so in order to do an analysis of  
19 impacts we needed to project what catches would  
20 possibly be under the research permit.

21                  And since this area has been closed  
22 since 2001 we have only been able to get data  
23 from a very limited study conducted from 2008 to  
24 2010. Otherwise there's no information coming  
25 from this area with this gear.

26                  And so what we chose to do was use the  
27 catch rate information from that 2008 to 2010  
28 study for the areas inside the closed area as the  
29 most recent.

30                  But then use observer data from 2013  
31 to 2015 from the open areas to look at what the  
32 catch rates would be in the open areas.

33                  And so it's using the information that  
34 we have.

35                  And so the EFP analysis would be those  
36 catch rates for the closed areas combined with  
37 the one open area, and then the analysis for not  
38 issuing the EFP is all of the effort remains in  
39 the open areas.

40                  One important point is these boats are  
41 assumed to be fishing. It's not that there's no  
42 effort in this research effort. These boats are  
43 fishing, it's just where they're fishing, whether  
44 it's in exclusively the open areas, or whether  
45 they would do some limited sets in the closed  
46 area as well.

47                  We also analyzed both what the  
48 applicant requested in terms of effort which was



































































































































































































































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This is to certify that the foregoing transcript

In the matter of: Highly Migratory Species Panel

Before: NOAA

Date: 09-06-17

Place: Silver Spring, MD

was duly recorded and accurately transcribed under  
my direction; further, that said transcript is a  
true and accurate record of the proceedings.

*Neal R Gross*

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Court Reporter

**NEAL R. GROSS**

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