

Summary of the February 2006 Meeting of the Joint Highly Migratory Species and Billfish Advisory Panels

May 2006
Highly Migratory Species Management Division
National Marine Fisheries Service
Silver Spring, MD

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2.0 AGENDA

Joint Meeting of the Billfish and Highly Migratory Species Advisory Panels

February 21-23, 2006

Crowne Plaza (formerly Holiday Inn), Silver Spring, Maryland

Time	Agenda Item	Notes
Tuesday, February 21, 2006		
1:00pm	<u>Welcome and Introductory Remarks</u>	
	<u>Setting the Stage for this Week</u> (Margo Schulze-Haugen)	<ul style="list-style-type: none">▪ Background and status/update on process/timeline▪ Summary of comments from public hearings held to-date▪ “Housekeeping”, logistics
	<u>Review and Adopt Agenda</u> (Paul Anninos, ICF Consulting)	<ul style="list-style-type: none">▪ Roles, ground rules▪ Review/discuss agenda▪ Adopt agenda
2:00pm	Bycatch Reduction: Workshops	Presentation and discussion
3:00pm	Break	
3:15pm	Bycatch Reduction: Time & Area Closures	Presentation and discussion
4:45pm	Public Comment	
5:15pm	Adjourn	
Wednesday, February 22, 2006		
8:00am	Rebuilding and Preventing Overfishing: Northern Albacore Tuna (30 minutes) Finetooth Sharks (30 minutes)	Presentation and discussion
9:00am	Rebuilding and Preventing Overfishing: Atlantic Billfish	Presentation and discussion
9:45am	Break	
10:00am	Atlantic Billfish (cont)	Discussion

Time	Agenda Item	Notes
11:00am	Management Program Structure: Bluefin Tuna Quota Management	Presentation and Discussion
12:00pm	Lunch	
1:00pm	Management Program Structure: Bluefin Tuna Management	Discussion
2:00pm	Management Program Structure: Timeframe for Annual Management of HMS Fisheries (“Fishing Years”)	Presentation and discussion
2:30pm	Break	
2:45pm	Management Program Structure: Authorized Fishing Gears	Presentation and discussion
4:15pm	Public Comment	
5:00pm	Adjourn	

Thursday, February 23, 2006

8:00am	Management Program Structure: Regulatory Housekeeping Measures	Presentation and discussion
9:30am	Break	
10:00am	Essential Fish Habitat Update	Presentation and discussion
10:45am	Fisheries Enforcement Issues	NOAA Fisheries Office of Enforcement
11:30am	Shark Industry Buyout	Presentation by Rusty Hudson
12:00pm	Lunch	
1:00pm	Other Rulemaking	Discussion
2:30pm	Miscellaneous Issues	Forage Considerations General Category Fishery in 2007 Smooth Dogfish Management Dusky Shark Assessment
3:00pm	Break	
3:15pm	Miscellaneous Issues (cont)	
4:15pm	Public Comment	
4:45pm	Wrap Up and Adjourn	

3.0 Advisory Panel Participants 2006

Panel	Sector	Name	Company	
HMS	<i>Academic</i>	Dr. Phil Goodyear		
		Dr. Robert Hueter	Center for Shark Research, Mote Marine Laboratory	
	<i>Commercial</i>		Dewey Hemilright	
			Glenn Delaney	
			Nelson Beideman	Blue Water Fisherman's Association
			Pete Manuel	Winter Bluefin Association
			Peter Weiss	General Category Tuna Association
			Robert Fitzpatrick	
			Russell Hudson	Directed Shark Fisheries, Inc.
			William Gerencer	
	<i>Environmental</i>		Dr. Merry Camhi	Independent Consultant
			Sonja Fordham	The Ocean Conservancy
			Margot Stiles	Oceana
	<i>Recreational</i>		James Donofrio	Recreational Fishing Alliance
			Joe McBride	Montauk Boatmen & Captain's Association
			Mark Sampson	Ocean City Charterboat Captain's Association
			Michael Leech	
			Richard B. Stone	
			Rom Whitaker	Hatteras Harbor Charter Boats
			Russell Nelson	Nelson Resources Consulting, Inc.
			William Utley	Coastal Conservation Association

Panel	Sector	Name	Company
BILLFISH			
	<i>Academic</i>	Dr. Robert B. Ditton	Texas A&M University
	<i>Commercial</i>	Jack Devnew	Blue Water Fisherman's Association, The Flagship G
		William Etheridge	NC Fisheries Association
	<i>Environmental</i>	Ken Hinman	National Coalition for Marine Conservation
	<i>Recreational</i>	Ellen Peel	The Billfish Foundation
		Rick Weber	South Jersey Marina
		Robert F. Zales II	

FISHERY MANAGEMENT COUNCIL REPRESENTATIVES			
		Eugenio Peneiro	Chairman, Caribbean Fishery Management Council
		Frank Blount	Chairman, New England Fishery Management Council
		Rita Merritt	Representative, South Atlantic Fishery Management Council
		Robert Pride	Representative, Mid-Atlantic Fishery Management Council
		Bill Daughdril	Representative, Gulf of Mexico Fishery Management Council

STATE REPRESENTATIVES			
		Glenn Ulrich	South Carolina Department of Natural Resources
		Henry Ansley	Georgia Coastal Resources Division
		Gary Martin	Maryland Department of Natural Resources
		Louis Daniel	North Carolina Division of Marine Fisheries
		Randy Blankinship	Texas Parks and Wildlife Dept., Coastal Fisheries

The National Marine Fisheries Service (NMFS) has summarized the major discussion held at the joint Highly Migratory Species (HMS) and Billfish Advisory Panels (AP) meeting in February 2006. The meeting focused on the content of the draft consolidated HMS Fishery Management Plan (FMP). Specifically, NMFS staff presented sections 4.0 through 7.0 of the HMS FMP, and recorded concerns, questions, and comments made by the public and the Advisory Panels on the preferred alternatives that were analyzed in these sections. This summary also includes comments received following presentations on HMS fisheries enforcement issues and the potential for a buyout program in the shark fishery. This document does not endorse any viewpoint nor does it identify any consensus among AP members or agency preference. Rather, it summarizes some of the specific suggestions and comments that NMFS staff heard from the AP members, consulting parties, and other interested parties on the preferred alternatives analyzed in sections 4.0 through 7.0.

Copies of this summary and the draft Consolidated HMS FMP can be obtained by contacting Sarah McTee at (301) 713-2347 and are also available on the Internet at <http://nmfs.noaa.gov/sfa/hms>.

4.0 BYCATCH REDUCTION

4.1 Workshops

4.1.1 Protected species release, disentanglement, and identification workshops

Alternative A2 (preferred): *Mandatory workshops and certification for all HMS pelagic and bottom longline vessels*

- These workshops should be referred to as “Careful Handling and Release Workshops”, rather than Protected Species Workshops because the workshops are appropriate for many species.
- I support disentanglement workshops for all bottom longline (BLL) vessels.
- Getting gear off the turtles should be all the incentive fishermen need.
- The scope of the Protected Species Workshops should be expanded to include prohibited species.
- I support alternatives A2, A3 (vessel operators), A5 (shark gillnet vessel owners and operators), and A6 (certification renewal every three years).

4.1.2 HMS identification workshops

Alternative A9 (preferred): *Mandatory HMS identification workshops for all shark dealers*

- Regardless of who is required to attend the workshops, the Agency should do at-sea identification. The observer program suggests that there is a problem with identifying fish at sea.
- I support preferred alternative A9.
- A field guide should be sent out to all Highly Migratory Species (HMS) permit holders.
- National Marine Fisheries Service (NMFS) needs more information on state shark landings. The Agency is wasting the industry’s time requiring the wrong people to attend these workshops. What state has the most unclassified shark landings?

- NMFS needs to notify the correct people for participating/attending these workshops. Most commercial fishermen know how to identify species; and, some of the species identification problem is an angler problem.
- NMFS should require port agents to attend these workshops to improve their shark identification; law enforcement needs to learn how to identify sharks.
- The Agency should focus their efforts on the directed shark fishermen that are actually landing sharks and dealers with 90 percent of the catch.
- It is a good idea to use the dealers, but why not the shark vessel operators?
- NMFS should have 2 days of training, one mandatory (dealers) and one voluntary (fishermen, public, etc).
- The identification workshop for dealers only is not enough. It will help with data collection and stock assessments, but it won't help with conservation.
- Who has all the pictures for identification? Dressed, whole, fin, and prohibited species pictures are needed. Who will teach the shark identification?

4.1.3 General Comments

- What analysis went into economic impacts, intuitive (costs of attending) vs. detailed?
- NMFS needs to be cognizant of the time burden involved for fishermen.
- Workshops during closed season can still inconvenience people because shark fishermen also fish for wahoo, dolphin, etc.
- There needs to be flexibility in the process because not everyone will be able to attend these workshops.
- All HMS fishermen should complete workshops. Just because something is hard does not mean NMFS should not do it.
- What are you going to do about those individuals who are receiving sharks from a satellite location?
- The 3-year clock should start ticking on January 1, 2007 for those who are grandfathered in, not from when they took the workshop.
- There is a considerable benefit to the industry to attend these workshops and that is to avoid further regulations; NMFS needs to comply with the 2003 and 2004 Biological Opinions (BiOps) to keep the fishery open.
- Workshops give the dealer a good housekeeping seal of approval.
- These workshops are a good investment for the fishermen.
- NMFS should just improve and increase enforcement.

Proxies

- The document has some good ideas for proxies, but you will need to be careful about a lapse between proxies, should the individual leave the business.
- Dealers should be allowed multiple proxies.
- Pelagic longline (PLL), BLL, and gillnet vessel owners may need to be allowed proxies as well as dealers.
- NMFS should consider a proxy for elderly owners.
- How much time does a dealer have before he must get a new proxy if the old one leaves? There must be a fast track way to get certified if a proxy leaves, such as online certification.

- How is information passed from the proxy to the appropriate people?

Certification & Online Certification

- There should be Internet training and certification.
- Online certification is a good idea and a good tool.
- Can HMS identification workshops and renewals occur online?
- Certification over the Internet might not suffice, however, recertification might be possible.
- If you do not allow the transference of the workshop certificate, it may be an impediment to someone selling a vessel.
- Certification should be tied to the operator, not the vessel.

Measuring Workshop Success

- What about compliance? How will you ensure the effectiveness of the workshops? How can you guarantee or determine improved conditions? What is the plan for evaluating the program?

Curriculum

- The workshops should cover new regulatory requirements, such as the new pelagic longline take reduction team (PLLTRT) regulations.
- NMFS should consider enlisting the industry folks help with these workshops.
- Do you plan to teach this in Spanish?
- Hands on training is important. The first time going through the training must occur in the workshop.

4.2 Time Area Closures

Alternative B2(c) : *Prohibit the use of PLL gear in HMS fisheries in the Gulf of Mexico from April through June (3 months)*

- I support for alternative B2(c) if the closure dates are extended through August, which would close a central portion of the Gulf of Mexico. The whole point of this would be to protect spawning bluefin tuna (BFT) on the spawning grounds during spawning season. The assumption that boats would move out of the Gulf of Mexico and catch BFT is unlikely. It is even more unlikely that they would catch spawning western BFT.
- The Agency is making itself open to severe criticism by not taking actions to protect the species in most need. Bycatch of marlin in Gulf of Mexico is twice that of any other area. Additional closures are needed in the Gulf of Mexico to protect marlin and BFT. I support B2(c) for a closure April though August.
- The redistribution model was applied beyond its usefulness; it does not describe where boats would go. The model was based on discard rates, which implies some mortality. There needs to be more alternatives in the final such as Alternative B2(c) from April through August or a January to June closure.
- NMFS should adopt detailed framework procedures with a decision matrix similar to that used by the councils.

- Everyone agrees the effort model is faulty; the data clearly show where concentrations of marlin are caught. Another alternative would be to put in an area closure and conduct an experimental fishery to test gear modifications. If the modifications do not work, then sunset into a full closure.
- Demographics in the Gulf of Mexico have changed due to last summer's activities (hurricanes). No one knows what the impacts of that will be. NMFS could be rushing into changes that are not necessary for the Gulf right now.

Alternative B4 (preferred): *Implement complementary HMS management measure in Madison-Swanson and Steamboat Lumps Marine Reserves from November through April (6 months)*

- I support the preferred alternative and maintenance of the existing closures.
- The Agency appears to be acting positively on the Gulf of Mexico Fishery Management Council's request (for complementary closures).

Alternative B5 (preferred): *Establish criteria to consider when implementing new time/area closures or making modifications to existing time/area closures*

- I support alternative B5. These criteria can then be used to evaluate potential closures. NMFS should incorporate the model and improvements to it in the analyses/criteria.
- What is the new process for establishing/modifying closures? The public has not been able to see this with alternatives explicitly laid out.

Redistribution of Effort

- How does redistribution of effort analysis result in more bycatch?
- To close or not close an area based on redistribution of effort is not reasonable.
- The redistribution model is a concern. The data that has not been used is problematic.
- NMFS needs a probabilistic model for effort redistribution.
- NMFS should look at the history of effort. Longline vessels are tied to communities. There is an overemphasis on the dangers of redistribution (of effort).
- The peer review process found fault with the effort redistribution model. How is the Agency going to address the peer review comments?
- Effort shifts have not occurred in the Gulf of Mexico as predicted for other species; boats may be offloading in different ports but still in the Gulf of Mexico.
- The Agency failed to consider redistribution of effort from one fishing gear to another.
- Longliners have shifted to gillnets.
- How does the redistribution of effort model work with circle hooks?
- Boats are not as mobile as predicted.
- The data do not show what has been predicted based on past analyses.
- The Agency didn't consider the infrastructure.

Pelagic Longline

- We need to look at data prior to the introduction of PLL gear in relation to the decline of billfish. It is about the gear, not the fishermen. The gear does not work.
- The PLL fishery is held to a higher standard than any other fishery, even though we continue to meet or exceed the goal. Why is this? The Magnuson-Stevens Act (MSA)

standard is to reduce bycatch to the extent practicable. No fishery can survive under a zero percent bycatch standard. NMFS does not react the same way for BFT, which is more overfished. NMFS protects spawning or pre-adult swordfish that exceeds International Convention for the Conservation of Atlantic Tunas (ICCAT) standards, yet promotes full utilization of the BFT angling quota.

- What is the amount of bycatch if the entire PLL fishery is shut down?
- Fishing with hooks kills fish. Recent studies applying post-release mortality rates indicate that in some years, the recreational fishery can account for more white marlin mortality than the commercial fishery. The approach has been focused on what else to do with the PLL fishery because other fisheries can hide behind their lack of data. The PLL fishery is not always the highest contributor to mortality. The Agency worsens the situation by displaying the maps in the Amendment showing all of the PLL sets. Where are the recreational data?
- Why aren't there closures for other gears analyzed in the draft Amendment? There is no data on other sources of mortality. The recreational fishery has substantially increased in the last twenty years. None of the alternatives in the document address recreational fishing mortality.
- In response to an earlier comment, there are strict recreational regulations proposed in this document so it is not a one-way street.

ICCAT/Quota Concerns

- There could be problems with the long-term goal of conservation. There are plenty of other countries at ICCAT that would take the U.S. tuna or swordfish quota. The U.S. fleet is a leader in conservation. If the United States does not have any quota, it will be difficult to have a voice in international negotiations. The impacts of alternative B7 (*Prohibit the use of PLL gear in HMS fisheries in all areas*) need to be re-analyzed with this in mind.
- NMFS should not give away any quota to other ICCAT countries until we give U.S. fishermen a chance to increase their effort.
- We need to open the handgear permits.
- Do not give quota away until bag limits are removed. U.S. recreational fishermen should be allowed to sell their swordfish. NMFS should create jobs to catch fish here first.
- A lot of things have changed since this was first published and a lot of time passed giving us a chance to see what has changed in the fisheries. \$86 million of swordfish was not caught; the United States is looking at a stockpile for swordfish and BFT. The United States is the only country to pay for conservation.
- We should not give any quota to a foreign country that does not have a conservation ethic.

General Comments-Time Area Closures

- What is the threshold the Agency is trying to achieve? That is the problem. There are no standards. Bycatch has been reduced based on the closures and decreases in effort since then. The issue is fishing mortality, regardless of where it comes from. It must be less

than what it takes stocks to replace themselves. NMFS should consider banning all J-hooks and live bait fishing in all areas closed to PLL fishing.

- What is the objective of the document? It is not attacking the appropriate goal/objective, which is to have healthy stocks and industry. There is no alternative that I would support.
- The best baseline is the year before the closures went into effect. That is where NMFS should progress.
- At this point, the Agency needs to stop and see what existing management measures have produced.
- The time/area analyses are based on J-hook data, which the Agency has admitted is obsolete. Analyses do not take into account new catch per unit effort (CPUE) or post-release mortality (PRM) rates based on circle hooks.
- The impact of the area closures will be larger than predicted because the industry is already using circle hooks.
- I recommend removing the NC closure (BLL) and re-analyzing the impacts in the same manner as was done for this document. Displacement was not considered for that closure.
- The 2000 closures achieved a greater than predicted reduction in bycatch, which could be used to modify closures and reduce economic impacts on fishermen.
- What is the benchmark for incorporating comments into the Amendment? I am concerned about who and how significant changes would be defined.
- If species identification is questionable, how can the impacts of closures be analyzed?
- The Agency chose to combine some closures for analysis. How were these areas chosen? Was a target bycatch reduction level identified? The Agency should quantitatively use an optimization model to combine areas to achieve the optimum benefit.

5.0 Rebuilding and Preventing Overfishing

5.1 Northern Albacore Tuna

Alternative C3 (preferred): *Establish the foundation with ICCAT for developing an international rebuilding program*

- I support the preferred alternative. We need better recreational data; and, at the last meeting we asked for census data. There was not much attention to that issue in the draft FMP. We need to work with the Atlantic Coastal Cooperative Statistics Program (ACCSP) to create census data with good quality control.
- I am leery about any regulations relating to albacore; this is an important fishery August-September off Long Island.
- The historic demise of fisheries (*e.g.*, BFT) due to negotiations at ICCAT concerns me. We are always the first. We should go forward ahead of ICCAT and should not acquiesce.
- This fishery is not important to the Gulf of Mexico, but it could affect other Gulf of Mexico fisheries. I think it is important to get data straightened out now rather than after the fact.
- There is a directed fishery for longfin tuna that catches albacore.

5.2 Finetooth Sharks

Alternative D2: *Implement commercial management measures to reduce fishing mortality of finetooth sharks*

- I oppose this alternative unless the fishery is harvesting its entire commercial quota.

Alternative D3: *Implement recreational management measures to reduce fishing mortality of finetooth sharks*

- I support this alternative if all sources of mortality for finetooth sharks are evaluated, including illegal landings, recreational landings, and bycatch in other fisheries.

Alternative D4 (preferred): *Identify sources of finetooth shark fishing mortality to target appropriate management actions*

- The preferred alternative is the appropriate one. The occurrence of overfishing is a function of data deficiency.
- I agree with the preferred alternative; we need clarification about the landings information in the small coastal shark (SCS) assessment.
- I applaud NMFS for taking the approach with the level of uncertainty.
- The NMFS scientists cautioned the reader about conclusions made for finetooth and blacknose. The Atlantic States Marine Fisheries Commission (ASMFC) is trying to address these issues.
- We need to know which fishery is catching these fish.
- I know that under the law we are supposed to reduce mortality, but I think that we need more information.
- I support the preferred alternative and the stock assessment.
- We are disappointed that you are picking an alternative that will not do anything for the mortality. You need to change the preferred alternative to something more conservation-oriented. We have a species that is in trouble, and under the law, you need to do something
- NMFS may need to put this species on the prohibited list.
- Data are needed, but NMFS needs to do something about mortality.

5.2.1 Sources of Mortality

- NMFS states that 80 percent of finetooth sharks are caught in gillnets, and the majority in Florida and Georgia, but gillnets are banned in these states. So finetooth sharks must not be a very coastal species if they are being caught outside of state waters (> 3 miles).
- There are only five vessels in the fishery. Where do all the catches come from?
- In 1995, 95 percent of finetooth came from PLL and not gillnets. In 1996-2000, there was this shift to gillnet. I do not understand why. The document says that less than one percent came from the commercial fishery in the Gulf of Mexico. How can shrimp trawls not catch finetooth? Furthermore, 100 percent of recreational landings came from the Gulf of Mexico. It just does not make any sense.
- NMFS has made some steps forward in collecting more information, however, you are going to have to work harder to get more data. I have read the latest data report from Panama City. It is on the shark gillnet fishery; there are five boats that use three different

methods. Of the three methods, the strikenet gets the most. This is a fishery that is targeting finetooth sharks. The average size is 123cm for finetooth sharks, which is smaller than what the recreational fishery can take. I suggest that this fishery be banned in the South Atlantic and Gulf of Mexico until we determine the status of finetooth sharks and get things straight with the Right whale calf that was caught with gillnet gear.

5.2.2 General Comments

- NMFS should investigate bycatch in other areas and consider the suite of management measures by other states that may be affecting finetooth mortality. In the state of Texas, there are bag limits but no commercial fisheries. Sharks can only be caught on rod and reel and may be sold, but only one fish per boat. There are also some shrimp trawl closures (seasonal) that may provide some indirect benefits for finetooth and other sharks. NMFS should contact states directly; they should be more than willing to provide information.
- I would suggest getting into the Marine Recreational Fishing Statistics Survey (MRFSS) system.
- There is a problem with shark reporting and MRFSS. No one reports these things to the Regional Fishery Management Councils.
- MRFSS does not have sharks listed, but that is where I would suggest looking for information.
- NMFS has not done anything in the past four years and finetooth has overfishing occurring; and nothing has changed in your presentation from last year. What have you been doing the past year?
- How is it that NMFS has catch data coming from dealers, but does not know which vessels are catching finetooth? NMFS should call the dealers and find out which types of boats are offloading/selling the finetooth.
- In 1999, you changed the criteria for boats that could get a directed shark permit. The smaller croaker boats, etc. catch sharks, and they have to report to the Federal dealer, so you should be able to get the dealer information.
- If the majority of mortality occurs in non-HMS fisheries, why should HMS fishermen have to solve the problem? If there is little connection to HMS, and if we want to get to fishing mortality, we need to collect information. From what I have read, this could yet be another species where if you included the post-release mortality, it may be that the recreational mortality is causing the majority of the mortality.

5.3 **Atlantic Billfish**

Alternative E1 (no action): *Retain existing regulations regarding recreational billfish fishing, including permit requirements, minimum size limits, prohibited species, landing form, allowable gear, and reporting requirements.*

- Alternative E1 is not a good enough option at the present time.
- I support this alternative, because I disagree that we need to put more regulations on U.S. fishermen. The State department needs to listen to the United States, but they do not care that they are putting U.S. fishermen out of business. What we care about is leading by example without compliance. We still do not take international compliance at ICCAT seriously. The United States should say that it would not do anything to domestic

fishermen unless we see better international compliance through ICCAT. Why is NMFS in such a hurry to put more regulations on U.S. fishermen?

5.3.1 Circle Hooks

Alternative E2: *Effective January 1, 2007, limit all participants in Atlantic HMS recreational fisheries to using only non-offset circle hooks when using natural baits or natural bait/artificial lure combinations.*

- I support the use of circle hooks with natural baits in all HMS fisheries, only if no J-hooks are allowed on board the vessel.
- There may be a problem in terms of enforcement with making circle hooks mandatory in all HMS fisheries (alternative E2), but it could work in Atlantic billfish tournaments (alternative E3-below).
- I do not support alternative E2.
- I am concerned about requiring circle hooks in all HMS fisheries because dolphin, wahoo, king mackerel, and inshore fisheries could be impacted.
- How would NMFS determine who is in the HMS fishery?
- I strongly oppose requiring the use of circle hooks in all HMS fisheries because circle hooks do not work on swordfish and the catch rate goes down.

Alternative E3 (preferred): *Effective January 1, 2007, limit all Atlantic billfish tournament participants to using only non-offset circle hooks when using natural or natural bait/artificial lure combinations*

Support

- The recreational sector claims they are not ready for circle hooks, but the commercial sector did not have a choice. The recreational sector needs to bite the bullet. Anything that can be done to reduce mortality is good. The commercial fishing sector has stepped up to the plate, so the recreational community should do the same.
- NMFS needs to work on enforcement to help make circle hooks more effective.
- There are no fishermen who would argue that circle hooks are not a conservation benefit. NMFS should make a tough decision and implement circle hooks because they work.
- NMFS must reduce mortality on marlin and should require circle hooks.
- The results of recent circle hook studies are very compelling.
- There is an international movement to use circle hooks. The United States needs to put circle hook requirements on paper to show ICCAT our commitment and credibility, rather than doing this voluntarily.
- The international focus needs to be on improving the post-release mortality of Atlantic billfish and requiring circle hooks in U.S. fisheries will help with this effort. NMFS needs an aggressive program to convert recreational HMS fisheries to circle hooks.
- I support alternative E3, which would require circle hooks in Atlantic billfish tournaments.
- The data are clear about circle hooks. Circle hooks can help with catch and release by reducing post-release mortality.
- I support the mandatory use of circle hooks in billfish tournaments because it is enforceable. Tournament directors can give out hooks or inspect them.
- Tournaments are a good place to start implementing circle hooks.

Opposition

- There were numerous comments stating that requiring the mandatory use of circle hooks will be difficult, or impossible, to enforce, especially at informal tournaments.
- Circle hooks need to be phased in through angler education, because they are not enforceable at this time with no specifications.
- NMFS should educate anglers on the use and benefits of circle hooks.
- NMFS needs to provide specifications on circle hooks (offset, circularity, shank length, size, gap, etc.) before requiring them.
- I do not want NMFS to advocate one hook manufacturer over another.
- NMFS needs written specifications that are clear to everyone in order to encourage compliance.
- Various panel members commented that NMFS will get better compliance with circle hooks when their use is voluntary rather than mandated.
- If NMFS lets the recreational and charter/headboat fleet work on this alone, there will be 90 percent or better compliance at using circle hooks in a year or two.
- All south Florida tournaments have already voluntarily converted to circle hooks because they work, NMFS should ask tournament directors to add five extra points to anglers who used circle hooks to catch their fish.
- If voluntary conversion to circle hooks is low, then I would support their mandatory use.
- The number of fish saved will be ten times greater with the voluntary use of circle hooks rather than mandatory use, because the public does not like to be forced into doing things.
- Why would the recreational fishery not be allowed to have offset hooks, while the PLL fishery can have a 10 percent offset?
- I oppose alternative E3 because it falls short of what is needed. Circle hooks are needed for all HMS fisheries, not just in tournaments. If an HMS fishery interacts with billfish, than it needs to use circle hooks.
- I am concerned that alternative E3 specifies circle hooks for “all Atlantic billfish tournament participants” rather than “HMS-permitted vessels in all Atlantic billfish tournaments.”

General Comments- Circle Hooks

- NMFS should create a buyback program for J-hooks.
- NMFS needs more information if the Agency intends to require circle hooks for blue marlin, because they feed and act differently.
- It would be useful to convene a summit of HMS tournament directors to work on a protocol to get anglers to switch to circle hooks.
- What occurs with circle hooks and live baiting? Does the hooking location with circle hooks mediate live bait? Live bait with circle hooks works much better for yellowfin tuna, but dead bait on circle hooks leads to more bycatch. We need observers on boats to get more information on this subject. If live baiting were a bad thing, then the recreational sector should not be allowed to use live bait as well. If live baiting is bad on J-hooks, then we should not live bait on J-hooks. We need to investigate this more.

5.3.2 Landing Restrictions

Alternatives E4

(a): *Increase the minimum size limit for Atlantic white marlin to a specific size between 68 and 71" lower jaw fork length (LJFL)*

(b): *Increase the minimum size limit for Atlantic blue marlin to a specific size between 103 and 106" LJFL*

- NMFS needs to increase the minimum size limit for both blue and white marlin.
- North Carolina supports a 104 inch blue marlin minimum size limit.
- Many tournaments already have a larger minimum size than what NMFS has implemented (*i.e.* 110 inches or 400 lbs). Therefore, no benefits will be realized from increasing minimum sizes.
- I oppose alternatives E4(a) and E4(b); and, there is no rationale for increasing minimum sizes, because requiring circle hooks will accomplish the same thing.
- NMFS should consider a slot limit to protect larger, more fecund, marlin.

Alternative E5: *Implement a recreational bag limit of one Atlantic billfish per vessel per trip.*

- I object to alternative E5 because it would encourage the culling of fish.
- I do not support alternative E5 because catching and landing a few fish is not the issue.
- A bag limit will not reduce mortality unless careful handling and release guidelines are adhered to.

Alternative E6 (preferred): *Effective January 1, 2007 implement ICCAT recommendations on recreational marlin landing limits*

Support

- I support alternative E6 because it has been five years since the ICCAT recommendation, and we need stricter regulations.
- NMFS has to implement alternative E6 to comply with international obligations.
- NMFS must codify the 250-fish marlin limit because it came as a *quid pro quo* with other countries agreeing to measures. If the United States does not codify the 250-fish limit, it will result in loosening of restrictions in other countries, which we do not want.
- I am not opposed to the 250-fish limit (alternative E6), but somehow the United States got into a bad deal and is stuck with it.

Opposition

- I oppose alternative E6 because the 250-fish limit is arbitrary, unnecessary, and should be eliminated, especially since the fishery is mostly catch and release.
- I do not support the 250-fish limit.
- I oppose alternative E6 because it will cause economic harm, unless anglers switch to blue marlin.
- Where does NMFS get the authority to establish a quota (250-fish marlin limit)? Once the quota is established, which we have never approached, except for the year you counted differently, then what happens?
- With the proposed change in the fishing year, some tournaments could be penalized if they take place after the 250-fish limit is exceeded.

- Does the United States have the authority to reduce the 250-fish limit? It goes against ICCAT. In every other case, the United States must give fishermen a reasonable opportunity to catch fish.
- The United States will catch the 250-fish limit if white marlin landings are prohibited, because redistribution will occur between different species. When you ban white marlin, people will fish for blue marlin.
- It is not desirable to make all of the fish under the limit be blue marlin.
- Tournament directors will need more than a few days (about a month) to make changes to their regulations, minimum sizes, and brochures if the United States approaches the 250-fish marlin limit.
- If NMFS intends to go forward with the 250-fish landing limit, underages should be added to the next years limit, and fishermen should not be penalized if the limit is exceeded.
- The United States should mandate that underages be carried-over like every other quota.
- Codifying the 250-fish limit is not a problem, but the proposed regulations with respect to overages and underages is unacceptable. Rulemakings to deal with underages should not be necessary.

Alternative E7 (preferred): *Effective January 1, 2007-December 31, 2011, allow only catch and release fishing for Atlantic white marlin*

Support

- I support a catch and release only fishery for white marlin since it is a candidate species for an Endangered Species Act (ESA) listing.
- I support alternative E7. There is strong support for prohibiting the landing of white marlin in Florida and the Gulf.
- If the Agency cannot go with zero landings, then implement a cap for tournaments that already have a history of killing white marlin. Do not throw out the whole proposal. The public gets more excited if you use large screens with digital cameras and show the fight and release aspect of fish. Dead fish on the dock does not allow this type of participation.
- I support prohibited landings of white marlin.

Opposition

- I would not support a prohibition on landing white marlin because we will kill more white marlin converting to targeting blue marlins.
- Prohibiting landings of white marlin is not a good option.
- I am opposed to this alternative because redistribution will occur between different species. When you ban white marlin, people are going to fish for blues. I do not believe in mandatory catch and release. It does not work, and the public will not support it. The bigger Northeast tournaments will target blue marlin.
- I oppose alternative E7. My concern for tournaments is that people like to see the result on the docks. In the past few years, it has been blue marlin landed. If NMFS is going to full catch and release for white marlin, I do not believe that people will look at videos if they can watch TV. The social impact and behavior of tournament participants will be negatively impacted.

- Catch and release will adversely impact tournament participation because average fishermen have a chance of catching the biggest fish under current regulations.
- Going to catch and release for white marlin is unnecessary. It will not rebuild the stock. It would just cause economic harm. Anglers participate in tournaments to catch fish.
- Decreasing numbers of tournament participants are participating in the White Marlin Open under the catch and release category.
- Maryland has the most to lose by prohibiting landings of white marlin. Ocean City is the white marlin capital of the world. Ocean City does not think that they should suffer the loss of the White Marlin Open. If alternative E7 is implemented people will not go to tournaments to see the results.
- There is no conservation benefit associated with prohibiting the landing of 31 white marlin. Adopting alternative E7 will not necessarily prevent an ESA listing of white marlin.
- It is not desirable to make all of the fish under the 250-fish limit be blue marlin, which is what would happen if white marlin landings are prohibited.
- The United States only lands less than one percent of the white marlin, so why do we worry about mortality? We only landed 31 white marlins, so why are we worrying?
- I am opposed to alternative E7, because it is contrary to giving fishermen a reasonable opportunity to catch fish as the Atlantic Tuna Convention Act (ATCA) specifies.
- I am opposed to alternative E7 because landings are not the problem.
- I do not believe that what is killed in the recreational fishery is all that important for the overall fishery. When you look at the social and economic benefits, it does not compare.
- It will be difficult to rebuild the white marlin fishery if NMFS shuts it down.
- Why is there a timeframe associated with alternative E7? The target should be maximum sustainable yield (MSY). The proposed timeframe seems political. A biological threshold seems more appropriate.

5.3.3 General Comments.

- I support alternative E9 (*Implement a mandatory HMS tournament permit*) because monitoring and enforcement of HMS tournaments is necessary.
- HMS tournaments need to be permitted because we need reporting from them.
- We do not support merging of the two fishery management plans.
- Billfish conservation is an international problem so the focus has to be international.
- The focus has to be on the post-release mortality.
- In terms of social and economic issues, the data needs to be standardized to recent dollars. I am troubled by NMFS staying with limited knowledge. There is additional work that can be done to understand social and economic changes. There are lots of other things that can be done to understand how people are impacted. Recreational data is a whole area lacking data. The cumulative impacts section is the soft underbelly of this plan. You need to work on this section. It characterizes the impacts without providing much evidence of assessment. NMFS uses soft language. NMFS does not know much about the people that are being regulated, and that is a problem.

6.0 Management Program Structure

6.1 Bluefin Tuna Quota Management

6.1.1 Time-Periods and Subquotas

Alternative F3 (preferred): *Amend the management procedures regarding General category time-periods, subquota, as well as geographic set asides to allow for future adjustments to take place via a regulatory framework action*

- Some change is needed for the winter BFT General category fishery; and, some formal allocation between the proposed 5.2 percent and the 10.2 percent seems justified.
- General category should be split across 12 months of equal portions and any arbitrary closure date should be removed to allow full harvest of the quota.
- There was solid support for altering the process of conducting BFT management (i.e., annual specifications, inseason actions, etc.).
- NMFS should reevaluate the effectiveness of the June PLL closure in light of circle hooks and should reevaluate the target catch requirements to retain incidentally harvested BFT.
- When the fishery converts back to the calendar year versus the fishing year, a methodology needs to be developed to allow quota to carry forward from December into January, i.e., across years, in a timely fashion.
- All selected alternatives should allow for the full utilization of the available quota so we can prove we have a stake in these fisheries. Vessels need to be able to catch fish and then make money off those fish to reinvest into the fishery in the following years. This is a sign of a healthy fishery.
- I support alternative F3(d): *Revise General category time-periods and subquotas to allow for a formalized winter fishery (June-Aug, 38.7%; Sept, 26.6%; Oct-Nov, 13%; Dec, 10.8% and Jan 10.9%).*
- Is there a biological reason we do not allow the General category BFT fishery to be prosecuted in the months of February through May? The recreational and pelagic longline fisheries are landing fish during this time-period, why not the General?
- There needs to be a way to track small fish versus big fish entering the Reserve category as a result of exceeding the cap so there are no conflicts with converting small fish to large fish, or vice versa, which could affect overall mortality estimates. A conservation equivalence analysis should be conducted before quota is shifted from one size class to another.

6.1.2 Angling Category

Alternative F4 (preferred): *Clarify the procedures for calculating the Angling category school size-class BFT subquota allocation and remove the Angling category north/south dividing line*

- The North/South line was designed as a safety mechanism to ensure individuals in different geographic areas were not precluded from participating in the recreational BFT fishery, and therefore, needs to remain in place. There is no equity in the current temporal allocation of fishing opportunities.

- The length/weight analysis needed to be performed yesterday as it may impact the amount of quota that is available to the recreational BFT fishery this year; NMFS was committed to getting this done.
- Real time recreational monitoring is needed and management should be based on this information to allow full harvest of the quota.
- The Agency should develop more recreational set-asides to further ensure that recreational participants are provided an equitable opportunity to harvest a portion of the Angling category quota.

6.1.3 Rollovers

Alternative F8: *Establish an individual quota category carry-over limit of 100 percent of the baseline allocation, except for the Reserve category, and authorize the transfer of quota exceeding the 1000 percent limit to the Reserve or another domestic quota category, while maintaining status quo overharvest provisions*

- There needs to be consistency between the billfish (BLF) and BFT accounting procedures regarding under/overharvests. Categories should not be punished/rewarded for not harvesting the quota until all arbitrary regulations have been removed.
- The Agency needs to proceed cautiously with rolling over quota in case there is a stock issue; however, the United States needs to maintain control of the underharvests due to the lack of conservation of other member nations. Perhaps a special 'Reserve' category could be created to meet this purpose.
- Rollovers limitations are helpful; however, this item should be addressed at ICCAT.
- If implementing a domestic rollover provision compromises our ability to negotiate this issue at the international level it should not be implemented.

6.2 **Timeframe for Annual Management of HMS Fisheries**

Alternative G2 (preferred): *Shift the fishing year to January 1 – December 31 for all HMS*

- The United States is not the only country at ICCAT using a fishing year, and it has not impeded us.
- The current annual management structure is not broken so do not change it. There would not be any advantages to a calendar year.
- NMFS changed to a fishing year to provide enough time to implement ICCAT recommendations before the fishing year started. NMFS should maintain a fishing year unless it can guarantee ICCAT recommendations will be implemented by January (when the season would start) so U.S. fishermen will not be disadvantaged internationally by late implementation.
- The BFT specs must be in place before the season starts so businesses have time to plan. It will be impossible to get them out during the holiday season after a November ICCAT meeting; in the BFT fishery, a calendar year would end in the middle of the winter fishery. Under a calendar year scenario, what would happen to quota underages at the end of the calendar year?
- How would a calendar year impact tournaments in the Caribbean?
- I am concerned that specifications will not be available in time for the compressed fishing year. Would it be possible to extend it over 18 months instead of compressing it?

- Is the United States in compliance with the Standing Committee for Research and Statistics (SCRS) reporting requirements under the fishing year?
- The real issue is availability of U.S. recreational data.

6.3 Authorized Fishing Gears

6.3.1 Spearfishing

Alternative H2 (preferred): *Authorize speargun fishing gear as a permissible gear type in the recreational Atlantic tuna fishery*

- As for spearfishing, I say let them go at it.
- You should allow spearguns.
- I support this alternative with mandatory permitting, reporting, and enforcement; the no sale regulation needs to be strictly enforced.
- Spearguns should be allowed to harvest all regulated Atlantic tunas, within recreational limits (no sale).
- An effective way to permit, monitor, report and enforce this spear fishery needs to be developed.
- It was the original intent of the rule to allow free diving and not SCUBA with speargun fishing. This should only be allowed without breathing apparatus.
- If BFT are on a wreck, and the recreational fishery and charter/headboats are working on those BFT, a speargun fisherman could drop on a flag and push all those fishermen away. This situation could cause animosity between the users.
- I am opposed to alternative H3: *Authorize speargun in the commercial tuna handgear and recreational tuna fisheries.*

6.3.2 Green-Stick Gear

Alternative H4 (preferred): *Authorize green-stick for the commercial harvest of Atlantic BAYS tunas*

- I support a green-stick fishery.
- Alternative H4 reads “with pelagic gear onboard”- should this state with pelagic longline permit onboard? Green-sticks are used by longline vessels while transiting to and from fishing grounds.
- This gear needs to be further analyzed.
- I support use of green-stick with the proper permits, certifications, and monitoring, etc. There needs to be a requirement to secure the drum to the vessel.
- Was it intentional to eliminate the ability to commercially harvest of BFT with green-sticks?
- Green-stick gear has been used to catch BFT in New England and North Carolina. It may be reported as something else, but the gear is being used to target BFT. You are going to wipe out a group of folks that use this gear. Why is it different for BFT and yellowfin tuna? Green-stick should be authorized for both species.
- Why, if we are operating under a quota, are we limiting people from catching these species with new gears?
- This rule will make it even harder to catch the BFT quota. NMFS needs to change the definition so that these regulations do not impede our ability to reach the BFT quota.

- We should not take away the commercial fishery's opportunity to target BFT.
- Why cannot we have green-stick gear if we have longline and incidental BFT permits?
- In light of other effort controls (i.e., size limit, bag limit, quota limit), this gear should be allowed to harvest BFT.
- Green-stick gear has been used to harvest BFT for a number of years now, and could account for as much as 50 to 75 percent of all landings.
- What is the conservation benefit to excluding BFT from green-stick?
- Green-stick gear is permanently mounted to the boat, are these boats eliminated from the General category? Boats can fish the green-stick gear under other configurations.
- The publication put out by Wescott (1996) was extremely positive about the method and its use for targeting tuna, specifically the quality of the product.
- If green-stick gear is a viable U.S. HMS fishery, then NMFS needs to be flexible.
- Over one hundred green-sticks have been sold.
- There needs to be some accommodation on this, even if it is through an EFP. We are not talking about dragging a longline. The greatest distance a hook is set from the boat is 500 feet, whereas PLL has one hook a football field away from the boat; longline is set in the water and with many hooks. Green-stick is trolled at a high speed, and is a means for getting the line away from the boat. It is the mainline and hooks that catch the fish.
- Green-stick is similar to longline gear, and should therefore be prevented from entering into closed areas.
- Green-stick gear is still a longline because of the hydraulic and several hooks.
- Is green-stick gear currently used in the Gulf of Mexico? There should be no additional gear used in the Gulf of Mexico.
- The description of green-stick gear sounds like longline gear, which could mean greater bycatch.
- Under the current regulations, what permit would be required for someone who fishes for green-stick gear and yellowfin tuna?
- Do the reporting requirements for General category permit holders call for reporting the gear employed?
- Which will have more hooks green-stick gear or recreational gear? Some recreational gear is being pulled with more than two hooks per line; allowing recreational guys to use green-stick gear sounds like opening the door to the black market. Can they fish in the closed areas?
- There is a high level of confusion regarding what constitutes 'green-stick' gear.
- As green-stick gear is permanently attached to the vessel, there could be enforcement issues as the gear can be configured either as commercial or recreational.

6.3.3 Buoy Gear

Alternative H5 (preferred): *Authorize buoy gear in the commercial swordfish handgear fishery, and limit vessels employing buoy gear to possessing and deploying no more than 35 individual buoys, with each buoy having no more than 15 hooks or gangions attached*

- I am concerned about the difference between alternatives H4 (green-stick) and alternative H5 (buoy gear).
- I support using buoy gear to target swordfish because it is an effective gear.
- If handgear must be attached to the vessel, how are the buoy gear requirements impacted?

- All the issues for PLL seem to be there for buoy gear. Bycatch issues are still present. Is there any information about the loss of buoys?
- Is buoy gears allowed to be attached to a hydraulic drum when being used commercially?
- I do not support the use of recreational buoy gear. It should be a commercial subcategory.
- Buoy gear should be allowed, but not where it will have conflicts with recreational vessels and/or gear.
- Thirty-five buoys are unmanageable. The regulations should allow a maximum of 10 to 12 buoys otherwise bycatch cannot be prevented.
- How did the Agency select 35 buoys? Pelagic longline fishermen would need more than 35 buoys to make a go of the buoy fishery. Alternative H5 is trying to establish a commercial fishery. PLL could take the drum off and use circle hooks.
- More than 12 buoys are unmanageable. The definition of this gear should be by the drop line, not the number of buoys.
- There is no data that shows a limit on buoy gear is needed.
- Buoy gear should not be allowed in the DeSoto closures area, nor should it be allowed in the Southern Canyon area. There should be no free floating gear because it could get entangled with oilrigs.
- Buoy gear may need greater restrictions in the Gulf. I am worried about excessive gears and bycatch with the currents and weather. I am also concerned about how buoy gear will be deployed in the Gulf of Mexico with free floating drilling barges and their multiple thrusters, as this may lead to pollution issues.
- How do these new proposed gears mesh with the current closed areas?
- Although a limit might be necessary off Florida, there might be possibilities in other areas where limits are not needed.
- For buoy gear, circle hooks should be mandatory as well as vessel monitoring systems (VMS), training, and the three permits that PLL needs.
- Vessels with swordfish handgear need to have VMS.
- Circle hooks should be required for buoy gear fishermen as well as workshops, light sticks, and live bait.
- There should definitely be a requirement for marking and monitoring buoy gear.
- Could the Agency require the use of global positioning systems (GPS) on the buoy gear? What kind of permit do you need for buoy gear? How many participants are actively using buoy gear? How many swordfish permits are there? Effort is going to increase.
- What does it matter how many hooks are on the line when operating under a General category permit? They have been using this type of gear and you should allow them to continue to use green-stick gear to target BFT.

6.3.4 Secondary Cockpit Gear

Alternative H7 (preferred): *Clarify the allowance of hand-held cockpit gears used at boat side for subduing HMS captured on authorized gears*

- Hand darts need to be authorized as secondary gear so that the people in Florida's swordfish recreational are not fishing illegally.
- I support this alternative.

- Is it intentional that you cannot use harpoons for incidental catch? NMFS should allow harpoons to be used as a primary gear from Charter/Headboats (CHB) to allow for maximum flexibility.
- Stowage provisions should be developed for the HMS fisheries.

6.3.5 General Comments

- Gillnets should not be an authorized gear, particularly sink gillnets due to interactions with protected resources and other bycatch. If NMFS is going to continue to allow gillnets, the vessels should be required to use VMS year round.
- Do not allow new effective gears in fisheries that are undergoing rebuilding.
- Do not allow any new gear types, especially for BFT.
- There is a lot of resistance to new gear in the Gulf of Mexico.
- There is a lot of confusion regarding these proposed gears. The process needs to slow down and make sure we understand what our goal is. We should be encouraging innovation. We need to look at each gear one by one and determine where each gear appropriately fits.
- The public is going to need more education on the proposed gears and associated requirements. The Agency needs to clarify the definitions of these gears and their requirements before authorizing.
- The language in the alternatives needs to be looked at. It appears some alternatives are allowing the use of some gears to continue, while other alternatives are allowing the entry of new gears into HMS fisheries.

6.4 **Regulatory Housekeeping Measures**

6.4.1 Issue 1: Definition of Pelagic and Bottom Longlines

Alternative I1(b) (preferred): *Establish additional restrictions on longline gear in HMS time/area closures by specifying a maximum and minimum allowable number of commercial fishing floats to qualify as a BLL and PLL vessel, respectively*

- This alternative may also assist in defining green-stick gear.
- NMFS may need to officially define what a float is.
- NMFS should make sure that an anchor ball is accounted for in the float enumeration.
- I am opposed to this alternative as it will limit the abilities of the directed shark fishery.

Alternative I1(c) (preferred): *Differentiate between PLL and BLL gear based upon the species composition of the catch onboard or landed*

- Make sure that NMFS species composition lists are complete enough to allow for gear definitions based on species.
- I am opposed to the five percent tolerance for species because there is too much variability in the catch. The ratio can also be problematic when combined with the alternative addressing dealers/vessels selling/buying in excess of retention limits, *i.e.*, there is no room for error and no way to dispose of catch that is useful.

General Comments- Issue 1

- If fishermen can tell the difference between the BLL/PLL gears they should be able to teach NMFS enforcement agents the difference.
- It is still clear that there is a problem with the BLL/PLL definition. NMFS should reexamine this issue with some fishing industry assistance.
- I have concerns with the definition of BLL and PLL gear. Wording may need to specify differences between active gear and gear on the boat not in use, as there have been some issues with enforcement errors.
- Fishermen should be able to retain both PLL and BLL gear on the boat to allow for flexibility during trips.

6.4.2 Issue 2: Shark Identification

Alternative I2(b) (preferred): *Require that the 2nd dorsal fin and the anal fin remain on all sharks through landing, except for lemon and nurse sharks*

- I support alternative I2 (b).
- I have concerns with any item that lessens conservation on deep-water sharks; they should be added to the prohibited list rather than removed from the management unit in Regulatory Housekeeping.
- Lemon sharks and great hammerheads have valuable fins; however, removing fins from these species after landing should not be a problem.

6.4.3 Issue 3: HMS Retention Limits

Alternatives I3

(b) (preferred): *Add new prohibition at §635.71(a)(48) making it illegal for any person to “Purchase any HMS that was offloaded from an individual vessel in excess of the retention limits specified in §§635.23 and 635.24”*

(c) (preferred): *Add new prohibition at §635.71(a)(48) making it illegal for any person to “Sell any HMS that was offloaded from an individual vessel in excess of the retention limits specified in §§635.23 and 635.24”*

- I support the preferred alternatives.
- I support these alternatives because NMFS needs to make all parties accountable, both vessels and dealers (commercial/and recreational).
- This is a concern since the five percent fin/body ratio is not correct. This ratio is based on one species. We need to have species-specific ratios for this to be fair.
- NMFS should make provisions to prevent the illegal sale of recreational catches.

6.4.4 Issue 4: Definition of East Florida Coast Closed Area

Alternative I4 (b) (preferred): *Amend the second coordinate of the East Florida Coast closed area so that it corresponds with the EEZ*

- I am opposed to expanding any of the existing closed areas, including the East Florida Coast closed area described in alternative I4(b).

6.4.5 Issue 5: Definition of Handline

Alternative I5(b) (preferred): *Amend the definition of “handline” at §635.2 by requiring that they be attached to, or in contact with, all vessels*

- I support the preferred alternative.

6.4.6 Issue 6: Possession of Billfish on Vessels Issued Commercial Permits

Alternative I6(b) (preferred): *Prohibit vessels issued commercial permits and operating outside of a tournament from possessing, retaining, or taking Atlantic billfish from the management unit.*

- NMFS need to make sure that this language is very clear in specifying that a commercial permit is referring to HMS commercial fisheries.
- This would have more negative impacts than you have listed presently.
- I support preferred alternative I6(b) until Atlantic billfish stocks are rebuilt.
- I oppose prohibiting commercial vessels from retaining a billfish if fishing recreationally, as described in preferred alternative I6(b).
- All commercial vessels should be able to retain recreational bag limits.

6.4.7 Issue 7: Bluefin Tuna Dealer Reporting

Alternative I7(b) (preferred): *Amend the HMS regulations to provide an option for Atlantic tuna dealers to submit required BFT reports using the Internet.*

- I support the preferred alternative.

6.4.8 Issue 8: “No-Fishing” and “Cost-Earnings” Reporting Forms

Alternative I8(c) (preferred): *Require submission of the trip “Cost-Earnings” reporting form for selected vessels 30 days after a trip and the annual “Cost-Earning” report form by January 31 of each year*

- I support the preferred alternative.
- NMFS should have electronic reporting and mandatory observer coverage for all fisheries.

6.4.9 Issue 9: Non-Tournament Recreational Landings Reporting

Alternative I9(b) (preferred): *Require vessel owners to report non-tournament recreational landings of North Atlantic Swordfish and Atlantic Billfish*

- I support the preferred alternative.
- An operator's permit should be required for all HMS fisheries.

6.4.10 Issue 10: PLL 25 mt (ww) NED Incidental BFT Allocation

Alternative I10(b) (preferred): *Modify the HMS regulations to state that “In addition, each year, 25 mt (ww) will be allocated for incidental catch by pelagic longlines” in the NED*

- I support alternative I10 (b).

6.4.11 Issue 11: Permit Condition for Recreational Trips

Alternative I11(b) (preferred): *Require recreational vessels with a Federal permit to abide by Federal regulations, regardless of where they are fishing, unless a state has more restrictive regulations*

- The permit condition should be a two way street where more restrictive state regulations should apply in adjacent federal waters.
- HMS needs to check with the Regional Fishery Management Councils to make sure they are not running afoul of one another.

- The preferred alternative may still cause confusion and could create more confusion if there is not a consistent policy for all Federal fishery regulations.
- I oppose the preferred alternative. How does NMFS intend to define “strict”?

6.4.12 General Comments

- How many minimal impacts equate to a significant impact?
- The voluntary CHB observer program should be tested.

7.0 Essential Fish Habitat

7.1 Sargassum

- NMFS should consider sargassum as potential essential fish habitat (EFH), including areas beyond U.S. waters.
- The U.S. proposal at ICCAT to identify Sargassum as EFH was met with absolute resistance. NMFS has to be careful in dealing with this subject in an international forum. It can undermine what NMFS is trying to do.

7.2 Shark EFH

- NMFS has come a long way in identifying EFH and should be congratulated. However, there is still a disconnect between the available data, especially with sharks, and what is in the Draft Consolidated HMS FMP. NMFS should do a better job of including data from research institutions and grants. NMFS should include individual researcher’s names that have contributed toward identifying EFH.
- NMFS needs to update EFH for sandbar sharks, all age groups, by including a nursery area in the western Gulf of Mexico off the Texas coast, which is a straddling stock with Mexico. It gets into the straddling stock issue instead of the closed stock scenario. NMFS needs to recognize the reality of the straddling stock.
- NMFS has identified Habitat Areas of Particular Concern (HAPCs) off North Carolina and other areas further north. Since NMFS has implemented a closure off North Carolina, NMFS should also get Virginia in compliance to discourage shark fishing during pupping periods.

7.3 Gear Effects

- NMFS should consider differences between monofilament and cable bottom longline when it comes to gear and impacts to coral reefs and sponges. Bottom longline gear would not do as much damage on mud bottoms.
- Most HMS gears, such as pelagic longline, would not have an impact on HMS EFH.
- NMFS should look at sink gillnets and possible impacts on EFH. Fishermen may not want to fish on live bottom and reefs, but they do hit them as evidenced by the catch, which includes various reef species that they catch incidentally. These may include HMS forage species as well.

7.4 Forage Species

- Will NMFS be documenting where the prey species are found?

- NMFS should consider EFH designation for forage species for BFT in the Gulf of Maine. By removing prey species such as herring, mid-water trawling has been destroying the BFT fishery in the Northeast. Fish are moving to Canada, and Canada would be happy to take our fish. Mid water trawling is banned in Canadian waters, and they have a booming BFT fishery right now. We have seen in the past that the BFT will modify their migrations, and we do not want to see that happen now. We are disappointed to see that this has not been addressed at all in the FMP. The New England Fishery Management Council is taking Amendment 7 under consideration, and we would like to see an emergency rule take place to ban mid-water trawling gear.
- NMFS should implement measures taken by the New England Fishery Management Council recommendations. Even though herring are not an HMS species, HMS is part of sustainable fisheries, and NMFS has an interest at stake. HMS should speak up for NMFS when NMFS is considering what to do with the herring plan.
- EFH designations are intended to address the physical habitat and not forage species. EFH is not an appropriate forum to address forage issues. For example, herring fishermen could say that they cannot catch herring because the BFT are eating them all. The timing and location of harvest is a management issue, not a habitat issue. This is a question about access.
- NMFS should not draw too many conclusions on less than complete data. HMS species are ocean-wide. NMFS needs to get the international forum involved. They have done some research utilizing very progressive techniques. Predator-prey relationships are important to every species.

7.5 General Comments

- What process did NMFS use to identify EFH areas north of Cape Hatteras? EFH boundaries appear to follow bathymetric contour intervals. Is this deliberate or just a coincidence?
- NMFS should not use the same process the Gulf of Mexico Fishery Management Council did in identifying EFH and impacts to EFH. The Gulf of Mexico Fishery Management Council managed areas are completely different, and people fish differently here (in the Atlantic) than in the Gulf of Mexico.
- Does HMS EFH include liquefied natural gas (LNG) facilities?
- Some have suggested that the Gulf of Mexico should be designated as BFT EFH. If that is the case, NMFS should also include the rest of Atlantic and Mediterranean.

8.0 Fisheries Enforcement Issues

Jeff Radonski and Jamie McDonald gave a brief overview of recent HMS enforcement cases in which they had been involved. The presentation touched on a variety of issues relating to the enforcement of HMS regulations including investigations, violations, and subsequent citations. There was a discussion period following the presentation during which Jeff and Jamie addressed concerns regarding violations of HMS regulations by both domestic and international vessels. The following are comments made during this discussion period:

- The 250 lbs of shark fins that were confiscated (described in the presentation) translates up to 100 animals taken illegally.

- There are many issues with billfish landings in Puerto Rico and there should be continued focused efforts to better understand how many billfish are being landed in the Caribbean.
- There is a provision under ATCA/MSA stating that U.S. flagged vessels must comply with U.S. regulations when pursuing ICCAT managed species, regardless of where they are fishing. This would impact recreational vessels fishing outside the United States.
- Possession of HMS angling permits in south Florida is still an issue. Many anglers do not possess the appropriate permit.
- Maybe we could get the Sun Sentinel or Miami Herald involved in reporting cases where anglers are caught for fishing without the proper permits.
- The National Oceanographic and Atmospheric Administration's (NOAA) Office of Law Enforcement (OLE) needs to prioritize which violations are the most significant and pursue these cases first.
- What is the typical workweek for an employee with the OLE of NOAA?
- What states do not have a Joint Enforcement Agreement with NOAA OLE?
- Where do the judges that hear fisheries cases come from?
- Why did NOAA OLE not include any examples of recreational violations in their presentation?
- Regarding the statistical documents, would it be possible for the Advisory Panel to see who (which countries) is complying and not complying?
- What is the Notice of Violation Action (NOVA) for not possessing the appropriate recreational permit?

9.0 Shark Buyout

Russell Hudson presented information to the AP regarding a shark buyout business plan. This is a business plan that he and researchers from the University of Florida and the University of Louisiana had been working for a number of years with the goal of reducing the number of fishermen fishing for a small shark quota. They looked at logbook and dealer data and provided to all permit holders a plan that would allow the fishery itself to pay fishermen to leave the fishery. There were several options presented to the fishermen. The researchers are still compiling the results, but it appears that they did not receive the greater than two-thirds positive responses from the fishermen that they wanted. It appears that many fishermen were upset, and that some did not look at the proposal. Mr. Hudson stated that it would take an appropriation or money from NMFS to fit the fleet to the quota. Right now there is not enough money to make a dent in the active fishermen. Questions and thoughts from the AP included:

- Did all the incidental and directed shark permit holder receive this proposal?
- How many vessels south of Hatteras want to convert to swordfish and tuna fishing?
- How many vessels would abandon their directed shark permits to go swordfish or tuna fishing? These vessels would have to be large enough to go offshore.
- Fishermen cannot buy a directed swordfish/tuna longline combination of permits with the current 4,000-trip limit on large coastal sharks.
- When will the final report be ready?

10.0 Other Rulemaking

Presentations were made to the Advisory Panel concerning proposed rules affecting HMS, which were in comment period or were expected to be released shortly, specifically swordfish quotas, 2006 shark seasons, bluefin tuna quota and specifications, and the shark bottom longline dehooking and Caribbean SFA rules. The Advisory Panel commented on each of these rules, all of which will be incorporated with other comments received on that particular rule, then published in the Federal Register.