

**Summary of the September-October 2008 Meeting of the  
Highly Migratory Species Advisory Panel**

December 2008  
Highly Migratory Species Management Division  
National Marine Fisheries Service  
Silver Spring, MD

This document is a summary of what was heard by the Agency at the September-October 2008 AP meeting in Silver Spring, MD. This document is **not** meant to indicate any consensus by the AP or decisions by the Agency or to be a verbatim transcript. Unless specifically indicated, comments were **not** made by NMFS staff and do not represent the Agency's position on any issues. Copies of this document as well as all presentations made during the meeting are available upon request or on the Agency webpage (<http://www.nmfs.noaa.gov/sfa/hms>). Transcripts of the meeting will also be available on the same webpage.

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## 1.0 AGENDA

### **Highly Migratory Species Advisory Panel Meeting September 30 – October 2, 2008 Crowne Plaza, Silver Spring, MD Agenda**

Tuesday, September 30, 2008

- 1:00 pm Welcome and Introductions  
Welcome Proxies & HMS staff  
Purpose and Goals of Meeting  
Ground rules
- 1:30 pm Overview of HMS Actions for Last 6 Months
- 2:15 pm Enforcement Update
- 3:15 pm Break
- 3:30 pm Essential Fish Habitat Draft Amendment 1 Public Hearing  
- Presentation  
- AP comments
- 4:30 pm Public Comment on Amendment 1
- 4:45 pm Swordfish Fishery Update
- 5:45 pm Public Comment
- 6:00 pm Adjourn

Wednesday, October 1, 2008

- 8:30 am Workshop: Modernizing the HMS Management Structure – Introduction
- How we got here and purpose of workshop
  - What we have heard from the AP on this issue
  - Description of HMS Management Structure Modernization Initiative
  - Overview of Workshop Agenda
- 9:00 am National Permit System - Susan Molina, NMFS Science and Technology
- 9:30 am Northeast Fishery Sectors - Eric Brazer, Jr., Cape Cod Commercial Hook Fisherman's Association

10:00 am Break

10:15 am Mid-Atlantic Fishery Sector and ITQ - Laurie Nolan, Tilefish Sector Member and Mid-Atlantic Fishery Management Council Member

10:45 am Gulf of Mexico Grouper and Red Snapper IFQ - Andy Strelcheck, Sustainable Fisheries, NMFS Southeast Region

11:15 am Gulf of Mexico Grouper and Red Snapper IFQ – Bill Tucker, Fisherman

11:45 pm Lunch

1:00 pm Fishery Management Structure - Advisory Panel Group Discussion on LAPPs, IFQs, and Sectors (Morning speakers will be available as a resource for the AP discussion)

3:15 pm Break

3:30 pm Small Coastal Shark Draft Amendment 3 Scoping Meeting  
- Presentation  
- AP comment

4:30 pm Public Comment on Amendment 3

4:45 pm Shark Fishery Update

5:45 pm Public Comment

6:00 pm Adjourn

Thursday, October 2, 2008

8:30 am Caribbean Draft Amendment 4 Scoping Meeting  
- Presentation  
- AP comment

9:30 am Public Comment on Amendment 4

9:45 am Outreach Update - Review of Draft Compliance Guides

10:15am Break

10:30 am Marine Recreational Information Program Update

11:00 am HMS Management & AP Closing Remarks– Looking Forward, Priorities, & Possible Next Meeting Dates

12:00 pm Adjourn

## 2.0 ADVISORY PANEL (AP) PARTICIPANTS SEPTEMBER-OCTOBER 2008

Last Name	First Name	Affiliation
Augustine	Pat	Mid-Atlantic Fishery Management Council
Brazer	Eric	Cape Cod Commercial Hook Fisherman's Association
Boustany	Andre, Dr.	Nicholas School of Environment & Earth Sciences
Chaibongsai	Peter	Proxy for Russell Nelson
Coddington	Ronald	Southeast Swordfish Club
Delaney	Glenn	Independent Consultant
DePersia	Thomas	President, Stellwagen Bank Charter Boat Assoc.
Fischer	Myron	Different Drummer Charters
Fordham	Sonja	The Ocean Conservancy
Franks	Jim	Gulf Coast Research Lab, proxy for Phil Goodyear
Gerencer	William	Marine Trade Center
Gold	John, Dr.	Texas A&M University
Graves	John, Dr.	Virginia Institute of Marine Science
Gregg	Lisa	Florida Fish and Wildlife Commission
Gregory	Randy	North Carolina Division of Marine Fisheries
Hinman	Ken	National Coalition for Marine Conservation
Hudson	Russell	Directed Shark Fisheries, Inc.
Hueter	Robert, Dr.	Center for Shark Research
Lingo	Mark	Texas Parks and Wildlife Department
Loefer	Josh	South Carolina Department of Natural Resources
McBride	Joe	Recreational Fishing Alliance, proxy for James Donofrio
McKeon	Sean	North Carolina Fisheries Association
Merritt	Rita	South Atlantic Fishery Management Council
Miller	Shana	Tag-A-Giant Foundation
Morgan	Ron	Proxy for Vince Montella
Nolan	Laurie	Mid-Atlantic Fishery Management Council
Peel	Ellen	The Billfish Foundation
Pineiro-Soler	Eugenio	Caribbean Fishery Management Council
Poetsch	Oliver	Proxy for Tim Palmer (F/V Blue Baron) and Swordfish Buoy Gear Association
Ruais	Richard	East Coast Tuna Association and Blue Water Fishermen's Association
Sampson	Mark	Ocean City Charterboat Captains Association
Stone	Richard	National Marine Manufacturers Association
Tucker	William	Commercial Sector
Vreeland	Ron	Commercial Longliner, proxy for Dewey Hemilright
Vonderweidt	Chris	Atlantic States Marine Fisheries Commission
Walker	Bobbi	Gulf of Mexico Fishery Management Council
Weber	Rick	South Jersey Marina
Whitaker	Rom	Hatteras Harbor Charter Boats
Williams	James	Williams, Leininger & Cosby P.A.

**Public/Staff Attending April 2008 HMS AP Meeting**

<b>Last Name</b>	<b>First Name</b>	<b>Affiliation</b>
Blankinship	Randy	NMFS
Brewster-Geisz	Karyl	NMFS
Cimo	Laura	NMFS
Cockrell	Craig	NMFS
Dick	Shawn	Aquatic Release Conservation
Dunn	Russell	NMFS
Engelke-Ross	Meggan	NMFS
Fairclough	Greg	NMFS
Freeman	Othel	NMFS
German	Chris	USCG
Griffin	Elizabeth	Oceana
Hunt	Stephanie	NOAA Legislative Affairs
Kiraly	Sari	NMFS
Lederhouse	Terra	NMFS
Lent	Rebecca	NMFS
McHale	Brad	NMFS
McLaughlin	Sarah	NMFS
Murray-Brown	Mark	NMFS
Orbesen	Eric	NMFS
Pearson	Rick	NMFS
Rabe	Kristen	Aquatic Release Conservation
Radonski	Jeff	NMFS
Reghi	John	NMFS
Rilling	Chris	NMFS
Risenhoover	Alan	NMFS
Salz	Ron	NMFS
Schulze-Haugen	Margo	NMFS
Silva	George	NMFS
Southward-Hogan	LeAnn	NMFS
Stannard	Jeron	NMFS
Stephan	Dianne	NMFS
Walline	Megan	NMFS
Wilson	Jackie	NMFS

### 3.0 OVERVIEW OF HMS ACTIONS

**Margo Schulze-Haugen, Chief, HMS Management Division, presented the current actions and their status within the Division since the last AP meeting in April of 2008. This presentation also included an update on the pelagic longline closed area research and a description of new issues in several fisheries since April. Comments from the AP included:**

- What is the National Marine Fisheries Service's (NMFS's) plan for next year's soon-to-be open spots on the AP? The commercial side has not been represented as much as it should at these meetings because of low attendance. We have candidates that we would like to see fill the spots.
- We feel that New York, Rhode Island, and Connecticut are not adequately represented on the AP.
- Are we going to have any time to talk about bluefin tuna (BFT)? We have invited a congressman to come if we are going to talk about BFT.
- I do not see anything on BFT, which is puzzling to me. You say that there will be a swordfish update, but NMFS is not going to talk about BFT at all this meeting. Why is NMFS not discussing BFT at this meeting?
- Speaking of swordfish, has NMFS figured out what we are going to do about the underharvest? Will NMFS have the 2008 swordfish specifications by the International Commission for the Conservation of Atlantic Tunas (ICCAT) November meeting?
- Will NMFS have something in draft form for Illegal, Unreported, and Unregulated (IUU) activities in the Magnuson-Stevens Reauthorization Act (MSRA) by the ICCAT November meeting?
- I would like to know when recreational tournament landings of swordfish get entered into the database. The Southeast Swordfish Club has their tournament registration with NMFS. We turned our reports in early and would like to know if the data has made it to NMFS.
- The last time I saw anything comprehensive in regard to a bycatch report with maps was in the 2006 Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP). NMFS should include a comprehensive report of bycatch in HMS fisheries in the 2008 Stock Assessment and Fishery Evaluation (SAFE) Report.

#### 4.0 ENFORCEMENT UPDATE

**Jeff Radonski and John Reghi, NMFS Enforcement (EN) Agents, Meggan Engelke-Ros, General Counsel for Enforcement and Litigation, and Chris German, U.S. Coast Guard (USCG), presented current HMS and non-HMS enforcement actions and an overview of enforcement operations. Comments from the AP included:**

- We need help in Florida with the illegal sale of swordfish by recreational anglers. In the buoy gear fishery, there has been brokering of swordfish to dealers too.
- There has been an increase in non-reporting by recreational anglers. I have seen this especially in the daytime deep-drop fishery. There have been some 600 lb. fish landed that are not in the databases. NMFS needs to get some new state partners to help and we will try to help when we can.
- Recreational anglers reporting is the real issue.
- What is Automated Commercial Environment (ACE)? Is it available to the public or is it confidential?
- Does ACE cover every species imported or is it just for HMS?
- The Billfish Foundation appreciates all the work that NMFS Enforcement has done. You all have really set an example for others to follow.
- Does NMFS keep a list of species taken by the Mexican launchas?
- I assume that most of the Mexican launchas are coming from northeastern Mexico. Is there any bycatch of BFT occurring?
- I have been involved with the marine sanctuary program regarding the Marine Mammal Protection Act (MMPA) and the Northeast tuna fisheries. Have any of you consulted on those cases?
- I think that there is a huge problem with the recreational sector landing undersized blacknose sharks. This is clearly an enforcement issue. Is there any way that we can stop these undersized sharks from being taken so there is less landings for the next stock assessment.
- Can you give me an overview of shark finning trends in the southeast? Are there any early indications of how the new regulations in the shark fishery may change enforcement?
- I have never gotten a USCG safety decal for my boat, but in the past I have been asked to carry an observer. If I need a safety decal, how long does it take to get one?

## 5.0 ESSENTIAL FISH HABITAT (EFH) DRAFT AMENDMENT 1 PUBLIC HEARING

**Chris Rilling of the HMS Management Division presented on the draft Amendment 1 to the 2006 Consolidated HMS FMP which proposes to update EFH boundaries for all HMS. This presentation included requirements for EFH from MSRA, HMS EFH history, and draft alternatives for identifying HMS EFH and habitat areas of particular concern (HAPC). Comments from the AP included:**

- This was a great presentation and a good use of technology with the EFH mapper tool.
- I feel like this is defining habitat based upon the presence or absence of fish themselves. This approach makes me nervous.
- Are you defining the whole water column as EFH? Are you making that clear on a species by species basis?
- You have clearly stated that there are no gear impacts from HMS fishing activities in both the pelagic and benthic habitats. Did you ever look at the growing dead zone from the Mississippi River runoff and its possible impact on BFT larvae? Also, the Gulf Council has an offshore aquaculture plan in review about citing facilities and their impact on water quality.
- Aquaculture is listed in this document under non-fishing impacts. This document describes a lot of nearshore aquaculture, but offshore aquaculture is definitely a concern for HMS. Aquaculture projects will be regulated as fishing impacts under MSRA.
- The University of New Hampshire recently did a study of the dead zone in the Gulf of Mexico (GOM) and found that there could be impacts to BFT spawning behavior.
- It will be important for the BFT HAPC to cite these offshore aquaculture areas and seismic blasting areas.
- For the BFT HAPC, we requested an area that was west of 86° W longitude. What NMFS has shown as the BFT HAPC is not what the Block paper had identified. Also, the Teo et al. paper never mentioned areas of high, medium, or low breeding phases.
- I understand that you are trying to show that there is an important area outside of the EEZ, but I don't know that it is relevant to the HAPC. If you asked for the data used to delineate the spawning area in the Teo et al. paper outside the exclusive economic zone (EEZ), I am sure you could get it.
- The size range for adult and juvenile BFT is not consistent in the maps and text of the Draft Environmental Impact Statement (DEIS).
- I think the HAPC should be the same as the 95 percent EFH boundary in the GOM.
- Why does the HAPC for BFT have such straight lines? When fish swim and spawn it is not in straight lines. For example, when the data points slope down off Louisiana, you should have a smooth border.
- Oil platforms and liquid natural gas (LNG) operations are completely different compared to impacts. The LNG platforms that have been approved use millions of gallons of sea water and have large impacts on larvae.
- Why does adult swordfish EFH not correspond to the Florida East Coast closure?
- Are the data points for swordfish weighted with respect to fishing effort? If they are not weighted, I can see a problem with this approach.

- Pelagic longline (PLL) boats will not set gear in areas where the current will take their gear into foreign waters like Cuba and the Bahamas. This could be why there is no data southwest of Key West. You may be seeing areas that have no observations and not because the fish are not there, but because there was no fishing activity there.
- The end of the comment period is November 18 but you have public hearings going until December 8. Can this be corrected?
- Are the bottom longline (BLL) sets from commercial boats with observers onboard? I think that BLL was illegal in those areas as of 1992 and the observer program started in 1994.
- The neonate and juvenile blacknose shark maps should include both the SEAMAP and shrimp observer data. We also need to see these data for the east coast component of the stock.
- For the adult sandbar shark EFH, why are there no observations of sandbars west of Louisiana? There is a secondary nursery ground around the Brownsville, TX area. In a 1960 publication, it showed there were a lot more observations around the Brownsville area than the current maps indicate.
- Are there any layers on the mapping site that show the South Atlantic Fishery Management Council's Marine Protected Areas?
- I would like to see areas that are not considered EFH. I know that MSRA considers almost everything EFH. What are the criteria for changing areas back to non-EFH?

*Public Comment on Amendment 1*

- We support the HAPC for BFT in the GOM. This EFH designation alone will not help the stock. We think that management measures should be included to stop fishing during BFT spawning.
- NMFS should be able to change the boundaries of the HAPC in an expedited way if new data becomes available.
- NMFS should include forage species as EFH.

## 6.0 SWORDFISH FISHERY UPDATE

**LeAnn Southward-Hogen of the HMS Management Division presented on the current trends in the Atlantic swordfish fishery. This presentation included a history of the fishery and regulations, landings and quota update, and the future of the fishery. Comments from the AP include:**

- There are some nuances that you missed in this presentation. The U.S. swordfish fishermen made a huge sacrifice to rebuild the stock. Portugal was a huge problem we faced, but Nelson Biedeman was willing to take a financial hit to rebuild the stock. We took quota cuts in the mid to late 1990s and, in 1999, we adopted the formal rebuilding plan. That was the year we had the “Give Swordfish A Break Campaign.” Nothing was implemented until 2000 but swordfish were already rebuilding at that time. The “Give Swordfish A Break Campaign” really hurt U.S. fishermen, and the U.S. fishery was not really the problem. The closed areas to protect juvenile swordfish decimated our fleet, and cheap imports from countries that are overfishing their quotas are a problem now. The ICCAT Advisory Committee was unanimous in wanting to fix that situation.
- We started rebuilding in 1996 when we adopted methods to reduce mortality in the PLL fishery. There was a two stage plan that we developed. We first started to lower the total allowable catch in 1996, 1997, and 1998. Then, in 1999, we adopted the formal rebuilding plan. All of this thinking was way before the “Give Swordfish A Break Campaign.” This campaign is still doing damage to our domestic fleet. This depiction is completely inappropriate and I ask you to completely revise this presentation.
- The “Give Swordfish A Break Campaign” took credit for something that NMFS and fishermen did. They also said that the stock was rebuilt in two years after the campaign. If this is true, they should try to rebuild all overfished stocks.
- This part of the presentation is not showing mortality, right? This does not tell the whole story because the use of circle hooks should have caused the mortality to go down. NMFS should talk about the post-release mortality rate with the use of circle hooks.
- Do you think with Marine Recreational Information Program (MRIP) there has been an increase in recreational reporting?
- Even though the 40 renewed Tuna Longline Category permits are on their way to Florida, there has been a reduction in effort with the rising fuel prices.
- If you go back to 2007, we had a shortened season with only seven months of fishing effort. Our baseline directed quota was about 1,100 metric tons and we caught about 95% of the quota in the shortened season. We are not in that bad of shape right now with the quota. Since NMFS is working on increasing landings, I hope you fight for our quota at ICCAT.
- This was a great overview of the fishery except for the information on the “Give Swordfish A Break Campaign.” We need to get rid of the save the swordfish mentality and the cheap imports. In 2001, when the Florida East Coast and Charleston Bump closures went into effect, the Bmsy was already at 80%. These closures were not responsible for swordfish rebuilding.
- I wanted to mention that Bluewater has gotten together with the people at the “Deadliest Catch” to film a new series called “Sword” which should be out in 2009.

- The price of swordfish has dropped because of cheap imports coming into the United States. On the other hand, landings in 2008 are up and I think that they will continue to increase.
- There were a lot of swordfish landed in Canada this year.
- If permits are available, could responsible fishermen get permits if they wanted to?
- We have not harvested about 50 million pounds of swordfish over the years. We should not unilaterally give that quota to new ICCAT countries. The new series “Sword” would be a way for us to tell our story.
- Both NMFS and the Standing Committee for Research and Statistics for ICCAT had reports that indicated that the biomass had reduced significantly in 1996 and 1997. These reports also noted that 2 or 3 year classes would move up into the fishery. I do not see this anywhere in the presentation. I feel it is inappropriate to leave out the science but include the logo of a non-profit organization. NMFS should remove the logo from their presentation. The wording in the presentation should be changed to show this campaign was harmful.
- You talk about a research area for swordfish off Cape Hatteras. What is that?

*Public Comment on Swordfish Fishery Update*

- I agree with everyone who has spoken on this issue. I was involved with the 2001 Northeast Distant experiment, and we had a few voluntary workshops that fishermen attended to learn how to use the dehooking equipment. In the mandatory workshops, fishermen have been courteous, professional, and cooperative. We have been to Canada, Australia, and some other countries which are starting to use this technology.
- The revitalization effort did take a lot of resources to implement but was a huge success. This was successful because NMFS worked with the industry on this.

## 7.0 BFT DISCUSSION

**Several of the AP members requested a discussion on the BFT fishery and current issues in the fishery that need to be address. This discussion was held during the lunch break on October 1, 2008. Mark Murray-Brown, Brad McHale, Sarah McLaughlin, Chris Rilling, and Margo Schulze-Haugen were the HMS staff members that attended the discussion. Comments made by the AP include:**

- This is probably one of the few meetings that I have attended that we have not had BFT on the agenda.
- School BFT were all over the ocean because there were a lot of breeding fish around. Time has changed and now there is money in the big BFT. The regulations in this country cut out the utilization on school fish and kept pressure on the bigger fish. It would be much more valuable to change the regulations and revamp the bag limits rather than reconsider the size limits.
- During the fall in the Northeast, school BFT was a major part of our business. With one fish per day, we have no business because nobody wants to fish for one fish.
- There is no rationale in reducing the commercial size limits if you want to rebuild the breeding stock.
- We are at the point with the Angling Category size where they could be subdivided, specifically in the charter sector.
- The Charter/Headboat Category needs enough quota to operate and be economically viable.
- The Angling Category should never be limited access. NMFS should poll the charter boat fishermen to see if they would like a limited access fishery.
- The MSRA says that NMFS will essentially implement conservation and enforcement measures to minimize disadvantages towards U.S. BFT fishermen relative to other contracting parties of ICCAT. We need a lower size limit of 60-65" CFL.
- The commercial sector would be willing to take the large medium and giants to leave smaller fish for the Angling quota.
- We need to utilize our quota but if lowering a minimum size meets a lot of biological scrutiny I would still fight for it. I would like to have a General Category fishery so that we could target fish less than 73" off North Carolina from November to spring.
- I agree that we need year-round options with BFT.
- Over the last several years, we have been getting a considerable number of smaller fish coming through and the minimum size is still 73 inches. The United States is making this conservation sacrifice that no one else is making. We would like to hear an overview of the history of the minimum size regulations. If we never get our giant fishery back, we should review the minimum size.
- We can keep it conservation neutral and consider dropping the quota for the giants. The most historical fishing grounds are excluded because of these minimum sizes. I would like the AP to consider changing the minimum size.
- Do we have the ability to review/clarify/discuss the United States' ability to fully utilize the BFT quota? When you review the history of what we have been catching compared to what other countries are catching, we are in the forefront of conservation. ICCAT says that each contracting party should be able to fully utilize their quota.

- I am concerned that Canada will try to get our BFT quota at ICCAT. If they do end up getting some of our quota, then they will have access to almost exclusively spawners. Just keep in mind that any transfer of quota to Canada means more western spawners would be removed from the population.
- I agree with the Canada issue. I think that a slot limit would make a lot of sense in this fishery. This could be very helpful when there are a lot of spawners in the GOM.
- At the last meeting, there was a statement that the breeding stock is down to 10% of its historical size.
- The only problem I see is more competition between Categories for small mediums.
- With the school size fish we increase the quota 10 percent unlike what they did in the East.
- There is a greater economic impact from participants in the Angling Category than from the commercial sector. I think that we should allow recreational fishermen to take three BFT/trip to fill the quota.

## **8.0 WORKSHOP: MODERNIZING THE HMS MANAGEMENT STRUCTURE**

**Randy Blankinship of the HMS Management Division introduced the workshop to consider and discuss potential changes both to the permit system and management scheme for Atlantic HMS. Randy Blankinship's presentation gave an overview of common terms, review of AP suggestions for reforming the HMS management structure, and objectives of the workshop. There were five guest speakers during the workshop sessions.**

### *8.1 National Permits System (NPS)*

**Susan Molina with the NMFS Office of Science and Technology gave a presentation on the National Permit System. This presentation included the goals and objectives of the NPS project, development issues with the system, and a description of how the web interface works. Comments from the AP include:**

- The Florida Fish and Wildlife Conservation Commission is trying to do the same thing with our permit system. We have had problems with documentation that we require to be submitted for a permit application. It has been hard to streamline this. Have you figured out a way to get around this?
- I like the look of the NPS but I think it is very complex. Is there a way that sectors could have a separate URL to go to and have some defaults for fields already filled in?
- I see that the recreational permits numbers are up around 5,000,000. Will the new saltwater recreational angler registry be included in the NPS?

### *8.2 Northeast Fishery Sectors*

**Eric Brazer with the Cape Cod Commercial Hook Fisherman's Association gave a presented an overview of the Cape Cod Commercial Hook Fishermen's Association (CCCHFA) sector management, how this sector was developed in the northeast, and pros and cons of managing fisheries with sectors as by the CCCHFA's experience. Comments from the AP include:**

- Has there been any kind of cost analysis done for these sectors? Are sectors the next step for HMS fisheries?
- Could you describe how the monitoring works in these sector fisheries?
- I have heard that there are two ways to fund the administrative cost of sectors. One is a per pound amount on the catch and the other is a percentage of the total gross revenue from a trip. Could you give examples of what these cost would be? Is there a plan for what you would do with funds that are left over?
- What is the total number of vessels operating in the fishery? What is the total administrative cost for a year?
- This presentation was great and it delivered a complex issue in a way that I could understand. The complexity and cost relate to the type of fishery you are describing. If

you could look at just the original two sectors of just one or two species, it would reduce the complexity. The only HMS that I could see this working for now would be sharks.

### 8.3 *Mid-Atlantic Fishery Sector and Individual Transfer Quota (ITQ)*

**Laurie Nolan with the Mid-Atlantic Fishery Management Council (MAFMC) and tilefish sector member, discussed how the tilefish sector operates in the mid-Atlantic. This presentation included a summary of how the tilefish sector was created, what the role of the MAFMC is in the tilefish sector, and how fishermen have come together to overcome challenges they have seen with the sector management structure. Comments from the AP include:**

- I have a question about the price structure of tilefish. Is there fish on the market year round? If this is true, what has this done to the price?
- Can you give us a price range of tilefish over the year?
- How do you think we could use ITQs with a fish that is migratory?
- You say that the quota cuts in the fishery were around 50%. Did this continue to happen?
- The market price increase you have seen is attributed to less product on the market. Not all of the change in price is because of Limited Access Privilege Programs (LAPPs).
- I know that the cost of monitoring could be up to 3% of the gross profit of a trip. This can outweigh any of the benefits of the system. Depending on the time series of data used, some fishermen might not qualify for permits.

### 8.4 *GOM Grouper and Red Snapper Individual Fishing Quota (IFQ)*

**Andy Strelcheck with the Southeast Region Sustainable Fisheries Division gave a presentation on the GOM Grouper and Red Snapper IFQ programs. This presentation included a description of key components of the red snapper and grouper IFQ program, IFQ management history, and enforcement practices in these fisheries. Bill Tucker, a GOM red snapper fisherman, gave a presentation on how the IFQ system has changed the fishery. Comments from the AP include:**

- What is the situation for charter/headboats? Are they an ITQ or IFQ?
- So charterboats that do not have a limited access permit, cannot fish?
- Is transferability of these permits temporary or permanent?
- Do you see this transfer issue to be a problem and can you see a monopoly forming because of this?
- One entity or person can own up to 6.02 percent of the quota. Does that mean the one fisherman could own 6.02 percent, his wife could own 6.02 percent, and his child could own 6.02 percent? I think this could cause huge problems.
- How is the quota monitored in real time? This is a problem we have with sharks and I think NMFS should look into the system you use.
- Do both the dealers and fishermen report electronically?

- Is VMS a necessary component for the fishery?
- Only 6 percent of landings are a share cap on the quota. Allocation is determined by catch history. If someone wants to buy your shares, do they need catch history?
- Are you satisfied that the loop holes in this fishery under this management structure are fixed?
- Will charterboats be able to sell their catch if they have paying passengers onboard?

#### 8.5 *Fishery Management Structure - AP Group Discussion*

**After the five speakers were finished, the AP conducted a group discussion. This discussion was done in a panel forum where the AP could ask the five guest speakers questions. Comments from the AP included:**

- There are pros and cons with the ITQ system. The pro with the ITQ system is that there are no longer gear conflicts between the commercial and recreational sector for red snapper. The ITQs put the commercial boats farther out because there is no longer a derby situation. This alleviated conflicts between commercial and recreational boats. It also reduced bycatch in the fisheries. Since there is no longer a derby style fishery, fishermen can take the time to release bycatch.
- The down side is that before ITQs, new blood and old blood went in and out of the fishery. No one else can enter the fishery free of charge. This system is not the best management tool for all fisheries. For instance, it is not for the recreational or charter/headboat sectors. ITQs should be a last resort because you are permanently giving a piece of the fishery to a few people.
- When an AP is established for ITQ implementation, I would ask that the AP is a snap shot of the industry in terms of the gear being used, boat size, etc. Make it fairly reflective of the entire industry in the fisheries. We also talked about the bycatch quota in the shrimp trawl fishery. You can have a bycatch quota so that when the quota is met, the fishery will shut down.
- There are no young fishermen in the commercial fishery today. If you implement IFQs, you will not have new fishermen entering into the fishery. I want our kids to be able to enter the fishery, and we need to be careful how we determine past catch history to determine allocation. In South Florida, you can go out and fish, but you cannot go out and get a reasonable permit right now.
- Swordfish are not quota limited right now, but it could be in the future. There has been a shift in the snapper grouper fishery in the eastern part of the GOM, but these guys have no catch history. They end up being left out of the IFQ system.
- Swordfish on the east coast have some new legitimate stakeholders that do not have a catch history either.
- The Northeast groundfish AP is moving towards sector management. I do not know if the management tools are not working or if it is the application of them that is not working. For the Northeast groundfish fishery, there are 19 species. Many are severely overfished, but they are not all coming back equally. We keep changing the management to try to get better results but nothing seems to be working.

- The transition is difficult because we are battling over allocation. I am a little uncomfortable with the privatization of a resource but the challenge is the data. This is especially true for the time period in the early 1980s. ITQs may work to manage 1-2 stocks, but there are greater challenges when you are dealing with multiple stocks.
- I have heard people say that we are not quota limited for swordfish, but we may lose quota at ICCAT. BFT already has sectors which are just called categories, but we do not have to pay the cost to administer them.
- The recreational fishery will want everything looking forward with regard to allocation, but the commercial fishermen want historical landings to count. The snowy grouper fishery was 96 percent commercial a couple of years ago. Now it is 100 percent recreational due to trip limits and the distance fishermen have to go offshore. Allocation is the huge battle given the forward thinking of the Coastal Conservation Association in the South Atlantic.
- Eventually those other fisheries will have to consolidate or they will not be profitable. All the plant/processing outfits that used to be along the shore are now gone. Those that are left are owned by a few food companies. Now we are going to ICCAT, and while we should be encouraging participation to increase catch, we are discouraging it.
- Bycatch reduction was not due to the IFQ system, it was really due to changing the size limit from red snapper. Recreational and commercial fishermen are still fishing in the same inshore areas due to the cost of fuel.
- I am not an advocate for IFQs. MSRA addresses privatization but fishermen in the red snapper fishery that own a lot of the shares for the quota are not selling them. We have created fish lords. One of the holders has the maximum percentage of red snapper. He would never sell his shares; instead he leases them and he makes more money than if he went out fishing.
- Many people see this as an issue of property rights.
- The Council was pushed by the Agency to implement IFQs, but we needed more time to develop the system.
- One caution of LAPPs is that IFQs and ITQs are one small sample of LAPPs, in general. MSRA allows infinite possibilities for LAPPs and depending on the objectives, there are several different solutions. I only caution that there is more than one way to administer LAPPs.
- The APs are substantially involved in the fishery. If it is something that they disagree with, then we will lose the issue in the referendum.
- What is a result of the open transparent process.
- Do not limit yourselves to a certain kind of program. Design the system according to the user groups. If the user groups do not buy in then the system will be doomed from the beginning. When you have only a few fish to give away to a large user group you may want to use something in the realm of a lottery to divide up the fish. There is a lot of disparity with allocation but you can overcome it if you are creative. I agree that NMFS needs to find a way to bring new participants into the fishery.
- Successes in the fishery should be noted by conservation and not allocation. The Billfish Foundation is against moving forward with IFQs and ITQs.
- The bycatch quota allocation for single vessels scares me. I think that one bad actor could shut down the whole fishery.

- NMFS better think more about IFQs with regard to sea turtles and protected resources. I do not think MSRA considers IFQs in the context of protected resources.
- We struggle in the industry about what to do with the bad apples and what the consequences of ESA are. The implications are more draconian under those statutes and less flexible. MSRA says to the extent practicable we must reduce bycatch but ESA is just a hard number.
- Let me assure all of you in NMFS, if we have a marlin bycatch quota the recreational community could come unglued. Bycatch quotas is not the right way to go with this.
- We need to be careful with sectors for turtles. It was not until all of the sectors combined bycatch numbers would count for MMPA/ESA Incidental Take Statement (ITS).
- For sectors in the Northeast, the entire sector is liable for any violations. This could change but you should be aware of this.
- We need to check with General Counsel to see if bycatch caps for individual vessels would work.
- I have a hard time believing that LAPPs will work for HMS. Back at the Atlantic States Marine Fisheries Commission (ASMFC), they are trying to keep everyone happy from Maine to Florida through adaptive management. We need to do this for HMS. We cannot think about what will not work and special situations from sectors.
- Have we revoked any permits in the past?
- State by state quotas do not work but regional quotas can work. Real time reporting may help with overfishing.
- We do not know if Vessel Monitoring System will help, but we need real time reporting. Spiny dogfish is a disaster with the ASMFC.
- We need adaptive management because the Federal process takes too long to implement. Look at swordfish, by the time management measures were put in place, swordfish were rebuilt.
- The recreational sector thinks that size and trip limits work, but we are still over the quota. What are we doing to resolve overcapitalization?
- HMS had a limited access permit (LAP) workshop in 1995 and LAPs were implemented in 1999. This reduced the number of permits from 2257 to 550 permits.
- I have been approached by NMFS about what to do with sharks. We have straddling stocks with Mexico, which is a huge processor of sharks. They are not part of the management, but NMFS has the power to make them comply. Since the LAPs and closed areas, we have gone through big changes with the quotas.
- The sandbar quota is small and will be until the next assessment in 2011. New regulations will not go into place until 2013. Now the non-sandbar LCS quota is shared with Mexico. Off of Florida in the Gulf, the state waters extend to 9 miles which is where most of the non-sandbar LCS is. The state of Florida used to account for half of the shark catch. The number of active boats is going to be even fewer now. The commercial shark fleet has been decimated. The focus should be getting Mexico to the table and how to get their data.
- How will NMFS allocate the remaining quota to the remaining boats? Where you want us to go with sharks will depend on where you go with the regulations. NMFS should go to the State Department regarding shark landings by Mexico.

- Now there is no oversight with the scientists and they are the ones driving the whole thing. There is so little quota left to fish for; I do not know that an IFQ or ITQ system would do.
- I have heard that LAPPs work well for particular fisheries and I have heard that they do not work well for others. In our state of North Carolina, many people do not like the idea. We would need input from all the stakeholders before we implement something like this.
- The objective of the PLL fishery will not be addressed by LAPPs. We want to have increased access to the resource. It might be premature for swordfish, but I see how you want to get involved before there is a crisis.
- The regulations have not affected the fishermen proportionally.
- In general, LAPPs allow fishermen more flexibility and control derby fishing. Which fisheries should we consider for LAPPs? The swordfish fishery could be the place where we are proactive and not reactive. IFQs might work for sharks but there is very little to allocate. The benefits could be better allocated throughout the year.
- The Ocean Conservancy has had an increased focus on LAPPs. I think this should be considered soon, especially for sharks. The catch of sharks should be in line with the scientific advice. As a tilefish advisor, I can say that tilefish were a success story with a combination of limited access permits with fishermen and managers willing to follow scientific advice.
- NMFS may want to consider controls, like LAPPs, before it puts in a new program like buoy gear that is forced into a small area.
- We are talking about quota reductions and losing quota for charterboats. NMFS should think about LAPs with a separate charter/headboat quota from the Angling categories.
- Make sure you include purse seiners in discussion about LAPs. For General Category fishermen and for the BAYS fishery, you do not want to have limited access. You may want to re-consider sectors for charter/headboats category. We should never have a limited access permit for the Angling Category. I agree with points made about the buoy gear fishery. Once you get the record keeping going for that fishery, you may want to consider a LAPP.
- All of these programs require a catch history. Since the Agency has reduced the Angling Category in New York, Rhode Island, and Connecticut, we do not have the catch history.
- Areas in New York, Rhode Island, and Connecticut will not have any history because we do not have any fish to catch. I would not consider this program for General Category.

## 9.0 JIM BALSIGER UPDATE

**Dr. James Balsiger, Acting Assistant Administrator for NOAA fisheries, spoke briefly to the AP on October 1, 2008. His comments included the agency's position on swordfish quota at ICCAT, the challenges we face in managing HMS stocks, and thanking the AP for their input and attendance. Comments from the AP included:**

- I am worried that the swordfish and BFT quotas will be reduced at ICCAT. The swordfish fishery is overregulated, and the research to open the closed areas has been slow in getting results. For BFT, there is overregulation and the current regulations do not reflect the modern day fishery. We cannot seem to make the European Union more conservation minded. Do you have any idea how to do this? How do we effectively get leverage?
- I am worried about the BFT fishery. It is the bread and butter of charter/headboats off North Carolina. NMFS needs to work on ways to enhance this fishery.

## 10.0 SMALL COASTAL SHARK DRAFT AMENDMENT 3 SCOPING MEETING

**Jackie Wilson of the HMS Management Division gave a scoping presentation on new management measures that could be implemented in the Atlantic small coastal shark (SCS) fishery. This presentation included the current management measures for the SCS fishery, a review of the current issues in the fishery and options to address them, and a list of the scoping meetings for the amendment. Comments from the AP included:**

- Is the ASFMC's shark plan consistent with your plans with Amendment 3 and SCS?
- How sensitive is the model to bycatch mortality? You might not have to worry about shrimp bycatch since effort has been greatly reduced. How do you measure mortality reductions within the closed areas? How does a closed area relate to rebuilding a stock? Can we see the data?
- I attended the Southeast Data Assessment and Review (SEDAR) workshops and some of the reviewers had problems with the SCS assessment.
- The blacknose shark is the easiest SCS to identify. The average weight for the recreational landings is not right.
- The scientists were not looking at the turtle control devices when they were voluntary. NMFS should do an analysis of fish going through the cod end of the trawls. I think that the recreational data and the shrimp trawl data should all be redone. I would like a copy of this video.
- I agree with the SEDAR reviews in that we need another assessment sooner than what is planned.
- There needs to be more outreach to the recreational community on shark fishing.
- I do not know how NMFS will reduce landings of blacknose sharks to only 19,200 fish per year.
- Have you figured out what your target fishing mortality will be with the rebuilding plan?
- The bycatch workshop in November will focus on blacknose shark bycatch and the assessment. Whatever comes out of this workshop needs to be included in the analysis of this amendment.
- I do not have a lot of confidence in the data and I would like to have a meeting with your team.
- At the next ASMFC meeting, they will be reassessing smooth dogfish. I cannot understand why they want the fins on requirement for dogfish. This sounds like an enforcement issue with them trying to use the 5% rule. I do not think fishermen should be prosecuted under this regulation.
- NMFS Enforcement indicated that it was an issue of mixing carcasses and fins.
- I think an assessment that deals with catch rates and where the blacknose shark catches are occurring would be of more use than analyzing net and hook size.
- We feel that Amendment 3 will fill the holes Amendment 2 left. We support reductions in the fishery and we will support this amendment at the Councils. We also support the management of smooth dogfish but we think HMS should back up the Councils with Federal management. We see the need for a dogfish assessment.
- We support the ragged tooth shark being put on the prohibited list. I am glad to see that deepwater sharks are being talked about. NMFS needs to look at protection for oceanic

whitetips, hammerheads, and thresher sharks. NMFS should revisit the TAC for porbeagle.

- The speaker understands that South Carolina feels that the retention limit for Atlantic sharpnose should be changed.
- Atlantic sharpnose are doing well and I support an increase in the recreational bag limit. The Councils should do something with mandatory dehooking devices for recreational fishermen.
- There are two separate stocks of blacknose.
- Recreational dehooking would be hard to enforce as a regulation, but NMFS could promote it through outreach.
- Twenty years ago Atlantic sharpnose sharks were a bycatch problem in the shrimp trawl fishery and now it is blacknose sharks? I think this could be an identification issue. Closing nursery areas for these sharks may not work.
- NMFS needs to revisit the recreational minimum size limit for sharks.

*Public Comment on Small Coastal Shark Draft Amendment 3 Scoping Meeting*

- National Standard 9 requires that bycatch be reduced the extent practicable. We could reduce the bycatch with dehookers. NMFS needs more workshops to spread the word.
- New management measures are needed for the SCS management unit. NMFS needs to reduce bycatch in other fisheries that interact with HMS. NMFS should count, cap, and control bycatch in all fisheries. NMFS needs to set and enforce bycatch limits and accountability measures in all fisheries. NMFS should do individual and species-specific quotas. NMFS should get bycatch data on deepwater sharks and analyze those data to determine if the level of bycatch is harmful to the stock.

## 11.0 ATLANTIC SHARK FISHERY UPDATE

**Karyl Brewster-Geisz of the HMS Management Division gave a presentation on the current trends in the Atlantic shark fishery. This presentation included an overview of the final management measures that were implemented after Amendment 2, an update of the 2008 shark research fishery, and photos of new methods to process sharks at sea. Chris Vonderweidt of the ASMFC gave an overview of the new interstate shark plan which will be implemented in state waters. Comments from the AP include:**

- The Atlantic States Marine Fisheries Commission Interstate Shark Fishery Management Plan turned out well and we are pleased to see it will be implemented soon. The first ASMFC vote was in 1998 to do a shark plan.
- Can we use the moon cut pictures at the international level? Next week will be the International Union for Conservation of Nature meeting for fins attached, and the pictures would help. Did you share Amendment 2 with the west coast so that fins attached can apply everywhere?
- NMFS should follow up with the west coast regarding having fins attached.
- Do the state display/research permits for the ASMFC have to be in an individual's name? In Florida, we issue licenses to institutions and not to individuals.
- Is the list of allowable gears under the ASMFC's shark plan consistent with the states? The state of Florida requires a Federal permit and only allows rod and reel and handline to fish for sharks. Does the ASMFC shark plan allow more gears?
- When do you submit your determination to the states for consistency with the Coastal Zone Management Act (CZMA)? You are not exempt from CZMA. You have to submit your consistency determination. I raise this because the State of Florida has a different prohibited species list than the Federal government. The State of Florida does not prohibit Caribbean sharpnose because the only way to differentiate between Atlantic sharpnose and the Caribbean sharpnose is a vertebral count. The State of Florida will not enforce this and will not enforce the minimum size limits. The 54" minimum size limit was for sandbar sharks. NMFS needs to revise the minimum sizes for sharks.
- On the LCS landings update on slide #17, the GOM quota is two times larger than in the Atlantic. What dates do these landings encompass or include? Are the state landings folded in? There have been some significant state landings in the Atlantic. I would like to know if Louisiana state waters are still closed to commercial shark fishing.
- Florida state waters are more restrictive when it comes to authorized gears but less restrictive when it comes to the prohibited species list. NMFS should consider making Caribbean sharpnose legal again.
- In Amendment 2, did you change the sandbar trip limit in the shark research fishery? A lot of fishermen were under the impression that the same trip limit would apply. Also, now under the ASMFC plan, fishermen will be allowed to land a small blacknose since there is no minimum size limit for SCS.
- Does NMFS still have concerns about dealers not reporting on time?
- I would like a copy of the pictures you have showed, and I would also like to have the species identified. In 1998, the coastal shark plan for the ASMFC was delayed due to litigation. I am sad that I could not make the ASMFC Technical Committee (TC), but the ASMFC AP should have met after the TC.

- What can you tell us about the vessels in the shark research fishery? How are they geographically situated?
- NMFS needs to make sure that the selection of vessels is not biased based on geographic location.
- Can NMFS provide the names of the vessels?
- If the Atlantic and Caribbean sharpnose look so much alike, maybe NMFS should not manage them separately. Maybe NMFS should manage them in a basket style. Do you know where they overlap in the Atlantic?
- I encourage NMFS to work with Florida on this issue. It is conceivable that fishermen have done their best to follow the regulations only to end up landing a prohibited species.
- The Caribbean sharpnose is an important species in the Caribbean. The Caribbean reef shark is also an important species there and should be considered to be taken off the prohibited species list.

## 12.0 CARIBBEAN DRAFT AMENDMENT 4 SCOPING MEETING

**Greg Fairclough of the HMS Management Division gave a presentation on issues in the Caribbean and potential management options. This presentation included an overview of the amendment process, issues unique to the Caribbean HMS fishery, and management options being considered by the Agency to solve these issues. Comments from the AP included:**

- How many Fish Aggregating Devices (FADs) have been deployed around St. Thomas?
- What about the buoys and the use of yo-yo gear around them?
- It seems to me that the number of FADs has exploded in recent years around the Caribbean. NMFS should put restrictions on construction and type of FADs that can be deployed. We have seen an increase in effort and mortality of marlins around FADs in foreign waters.
- The Billfish Foundations (TBF) encourages NMFS to be conservation minded about this issue. There are probably a lot more FADs out there than NMFS or TBF know of.
- This may be a small operation but there are a lot of people doing it. There is a bigger impact than NMFS may think.
- On slide #8, there is a need to address the insular nature of the Caribbean. All this work is important for increasing and improving reporting from this region. From the perspective of managing stocks, NMFS will have to make this a multi-national cause.
- On slide #8, NMFS said that many fishermen sell directly to restaurants. Are these mainly recreational or commercial fishermen? Is there a need for a dealer permit or will people come forward and report?
- The situation in the central Caribbean is that they are targeting pelagics around FADs. There is some new literature out there for NMFS to consult on this issue. The Caribbean Fishery Management Council is assessing what is being caught around the FADs. It looks like they are catching mature (spawning stock) tuna and marlins. This is something we need to look into more.
- Is it the expense of the permits that is keeping vessels from being permitted? Do they even want a permit? How much does a permit cost and how long does it last?
- I want to follow up on the swordfish comment about developing a local swordfish market. I do not see why fishermen cannot just ship their catch to New York.
- Every year I ask about the number of permits, especially in economically depressed areas. How do we stand with HMS permits nationwide? I am telling you that there are more vessels that should be permitted that are not permitted. Do not make a law that you cannot enforce. I am thinking about problems you have in these areas.

### *Public Comment on Caribbean Draft Amendment 4 Scoping Meeting*

- It is important for NMFS to get a handle on the catch in the U.S. Caribbean. NMFS needs to consider the difference in bycatch in and around FADs. We encourage HMS staff to engage the Office of International Affairs and the State Department in these discussions.

### 13.0 OUTREACH UPDATE - REVIEW OF DRAFT COMPLIANCE GUIDES

**Jess Beck of the HMS Management Division gave a presentation on the release of new compliance guides and the new shark identification placard available for recreational fishermen. Comments from the AP included:**

- These compliance guides are very well done.
- On page 8 in the commercial guide, NMFS should include a specific charter/headboat limit.
- The shark identification placard is very helpful. The Florida FWC also put out a similar placard. Did you reference this Florida placard? It would be a very good supplement to the shark placard.
- Overall the shark placard is well done. For the shark identification placard, the shark species on the back are all the hardest to identify. At 2-3 feet, they all look alike. Blacknose is on the back as well which I thought was something you were concerned about. NMFS needs to do a lot more outreach beyond these placards. You cannot tell much about the blacknose from these placards.
- NMFS needs to do more recreational outreach other than the placard.
- As far as the guides, I like the quick reference sheets. The ‘see CFR...’ section on the bottom needs to be left out or put it somewhere that gives the fishermen a place to go, such as the website.
- I like the shark identification placard. Is there a way to make it waterproof? This would make it much more useful. Tournament directors can add these placards to the registration bags.
- The shark identification placards are extremely helpful; some of my agents are already handing these out at the docks.
- We used this guide in our newsletter (National Association of Charterboat Captains) and recommend that Regional Fishery Management Councils can publish this in their newsletters to help get this information out to the public.
- For the shark identification placard, NMFS should add the fin placement on the hammerhead species.
- NMFS should laminate the front and back cover of the compliance guide. Very few people will print this out from the web so NMFS needs to produce many copies for distribution.
- Some of the enforcement contact numbers are not correct.
- NMFS should continue to mail these out to Tournament directors. I also suggest that the HMS Management Division do an annual mailing to get the word out on important changes (and possible future changes) to the fishery.
- Is the trolling definition new to these guides?
- I like the compliance guides. These should be sent out every year even if there are no changes. Do not add the billfish bag limit in because this could lead to lots of billfish being landed.
- On page 11 of the recreational guide, you should list the billfish state regulations.
- Thanks for the shark identification placard.

- Since revenues from HMS recreational permits can only be used for administrative costs, can NMFS include the cost of the recreational guide in the permit price to make sure that the fishermen have it?
- Are you reprinting the Sea Grant Guide to Sharks, Tunas, and Billfish of the U.S. Atlantic and GOM?

#### **14.0 MARINE RECREATIONAL INFORMATION PROGRAM (MRIP) UPDATE**

**Ron Salz of the NMFS Office of Science and Technology gave an update on MRIP for 2008. Comments from the AP included:**

- Florida has done a great job in getting data for this program. NMFS has shown the drop in both effort and catch in the recreational swordfish fishery. Last, year we saw landings increase because of the deep drop fishery.
- This is a great outreach tool for NMFS and there should be more materials on hand for dockside samplers.
- Does MRIP document Federal vs. state catches of HMS?
- There are so many ways to get the data from the recreational side. Tournament sampling is a good part of the survey too.
- I feel better about participating in the AP when I see all of the work being done to gather recreational data. NMFS should keep effort and catch separate in the surveys.
- The Cooperative Research Program has been issued an exempt fishing permit to do a BFT length/weight study to update conversion factors. We still need a better sample size but we are getting there.