

UNITED STATES OF AMERICA  
DEPARTMENT OF COMMERCE  
NATIONAL OCEANIC AND ATMOSPHERIC  
ADMINISTRATION  
NATIONAL MARINE FISHERIES SERVICE

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MEETING

OF THE  
HIGHLY MIGRATORY SPECIES ADVISORY PANEL

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SEPTEMBER 30, 2008

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SILVER SPRING, MARYLAND

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Adjourn	

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

2 (1:00 p.m.)

3 MS. SCHULZE-HAUGEN: (Tape begins  
4 mid-sentence) -- best interest this time  
5 particularly to get your travel vouchers in as  
6 soon as possible, so that we can get as many  
7 people processed under the existing system  
8 before we transition over. So it would help  
9 us help you if we can get those in as soon as  
10 possible.

11 And so just to reiterate, we are  
12 going to be walking through a number of  
13 different issues, a couple of amendments that  
14 we're working on, always looking for your  
15 input. We learn a lot from these meetings.  
16 We record them and take a lot of notes, and  
17 this is very informative for us. So we  
18 appreciate your input.

19 And this time we are having a  
20 slightly different format. There's not any  
21 specific small table breakout discussions, but  
22 we are having what we're calling a workshop on

1 Wednesday, where we've invited some speakers  
2 in to talk about some of the other things that  
3 are happening in other fisheries, like  
4 northeast sectors, or in the Gulf ITQ systems,  
5 from both a fisherman's perspective, as well  
6 as a manager's perspective. And we thought  
7 this would be a good way for all of us to  
8 learn and hear about some of the other ways  
9 fisheries are managing themselves at the same  
10 time.

11 So we're hoping it's a little bit  
12 different. Sit back and enjoy, learn a little  
13 bit, not so much presentation comments as we  
14 always have normally. So something we're  
15 trying out, and we'll see how it goes.

16 I guess at this point maybe we  
17 could do introductions. Margo Schulze-Haugen.  
18 Most of you know me. If I haven't met you  
19 yet, please introduce yourself to me.  
20 Division Chief of Atlantic HMS.

21 And before we go around the room,  
22 just to let you know of a couple of staffing

1 changes. Mike Clark, that a lot of you have  
2 gotten to know over time, has taken a  
3 fellowship program, the Mansfield fellowship  
4 program, where for the next two years he is  
5 not going to be with the agency.

6 He will be learning Japanese for a  
7 year here in D.C., and then will spend a year  
8 in Japan in another government -- Japanese  
9 government agency learning about their  
10 culture, how they work, all in an effort to  
11 increase the understanding and cooperation  
12 among -- between the countries.

13 So we wish him well. It was a  
14 very competitive program government-wide for  
15 him to get into, so we're really proud of him.  
16 And he may be wandering in and out, because he  
17 still is in D.C., but not on the staff.

18 And then we also have a new face  
19 among us, Peter Cooper, who hopefully is  
20 around here somewhere. All the way in the  
21 back. Joined our staff this summer. And so  
22 when we do the introductions, I'll ask Peter

1 to tell us a little bit about him. So he's a  
2 new face among us.

3 And so maybe at this point we  
4 could go around. Again, if you could  
5 introduce yourself, let folks know, since we  
6 do have some new faces, kind of what sector,  
7 species, region you're representing. If you  
8 are a proxy, if you could let us know who  
9 you're representing, and a little bit more  
10 about yourself.

11 So let's start over here.

12 MR. GERENCER: Bill Gerencer,  
13 commercial, Portland, Maine.

14 MR. RUAIS: Rich Ruais with Blue  
15 Water Fishermen's Association, and also East  
16 Coast Tuna Association, representing fishermen  
17 from Maine to Texas.

18 MR. BENYADA: Thank you. Henya  
19 Benyada (phonetic) from the Caribbean Council.

20 MR. HUDSON: Russell Hudson with  
21 the Directed Shark Fisheries Association. I  
22 represent what's left of the shark industry

1 from Maine to Texas.

2 MR. DELANEY: Glenn Delaney. I'm  
3 a consultant to the commercial fishing  
4 industry, including Blue Water Fishermen's  
5 Association here in D.C.

6 MR. McKEON: Sean McKeon, North  
7 Carolina Fisheries Association.

8 MR. LINGO: Mark Lingo, Texas  
9 Parks and Wildlife.

10 MR. WHITAKER: Rom Whitaker,  
11 Hatteras Charter Boat Association.

12 MR. GRAVES: John Graves, Virginia  
13 Institute of Marine Science, here representing  
14 the U.S. ICCAT Advisory Committee.

15 MR. GOLD: John Gold, Texas A&M  
16 University.

17 MS. MILLER: Shana Miller, Tag-A-  
18 Giant Foundation.

19 MR. HUETER: Bob Hueter, Mote  
20 Marine Laboratory.

21 MR. STONE: Dick Stone, ex-Chief  
22 of the HMS Division, and representing the

1 National Marine Manufacturers Association.

2 MS. MERRITT: Rita Merritt, South  
3 Atlantic Fishery Management Council.

4 MR. LOEFER: Josh Loefer, South  
5 Carolina Department of Natural Resources.

6 MR. MORGAN: Ron Morgan, Highliner  
7 Fishing Gear, proxy for Vincent Montello  
8 (phonetic).

9 MR. AUGUSTINE: Pat Augustine,  
10 Mid-Atlantic Fishery Management Council.

11 MR. VREELAND: Ron Vreeland, proxy  
12 for Dewey Hemilright, Viking Village, New  
13 Jersey, lifelong commercial longliner.

14 MR. McBRIDE: Joe McBride, proxy  
15 for Jim Donofrio, and representing the Montauk  
16 Boatman's and Captain's Association. How are  
17 you doing, Rich?

18 MR. WEBER: Rick Weber, South  
19 Jersey Marina.

20 MR. CHAIHONGSAI: Peter  
21 Chaibongsai, proxy for Russ Nelson.

22 MR. HINMAN: Ken Hinman, National

1 Coalition for Marine Conservation.

2 MR. FRANKS: Jim Franks, Gulf  
3 Coast Research Laboratory in Mississippi, and  
4 I am Phil Goodyear's proxy.

5 MS. PEEL: Ellen Peel, the  
6 Billfish Foundation.

7 MS. WALKER: Bobbi Walker, Gulf of  
8 Mexico Fishery Management Council.

9 MR. FISCHER: Myron Fischer,  
10 charter fish, out of Port Fourchon, Louisiana.

11 MS. SCHULZE-HAUGEN: All right.  
12 Let's go around the room. Want to -- oh, I'm  
13 sorry. In the back. All right. Well, thank  
14 you very much.

15 I think it would be best if Oliver  
16 and Ron moved over to a table that had a mic.  
17 We do record comments, and getting into the  
18 mic system is the way that we are going to be  
19 able to record your comments. So sorry to  
20 make you move. I promise Jim won't bite. So,  
21 okay. All right.

22 (Laughter.)

1 All right. Well, there is room --  
2 if you're feeling crowded, there is some room  
3 over at the other table here. And I have  
4 heard that the air conditioning will kick on  
5 shortly, so if you're hot, hopefully it won't  
6 be for long.

7 So with that, let me get started.  
8 The overview I'll be giving is kind of what  
9 the Division has been doing, both regulatory  
10 and non-regulatory, over the last six or so  
11 months since we met in April.

12 And so we've published one  
13 proposed rule with two more in progress, and  
14 published four final rules including the Shark  
15 Amendment 2 final rule, published the draft  
16 Essential Fish Habitat Amendment 1. There's  
17 no rule associated with this, so it's a notice  
18 of availability of the amendment.

19 Conducted scoping for the  
20 Amendments 3 and 4 for shark and Caribbean  
21 fisheries, issued 31 exempted fishing permits,  
22 scientific research permits, or letters of

1 authorization for the year so far, oversaw 77  
2 of the workshops, both the handling and  
3 release and the shark carcass identification  
4 workshops. And we've got about 2,300 folks  
5 right now on the HMS Atlantic News ListServe.

6 One note on the ListServe is that,  
7 if you go on vacation and suddenly stop  
8 getting ListServe notices from us, it may be  
9 that it kicked us -- kicked you off our list.  
10 So we do track it, and we'll get back in touch  
11 with folks. But if you suddenly notice it's  
12 been quiet for a while, feel free to get in  
13 touch, and we can check that out.

14 So what I'll do is go through and  
15 touch on things at a high level, especially  
16 pointing out where we'll be talking about  
17 things on the agenda. And so for draft  
18 essential fish habitat amendment 1 -- again,  
19 this is -- the notice of availability was  
20 published a little over a week ago. And this  
21 is phase two of our five-year review.

22 The first phase was in the

1 consolidated FMP in 2006, and presented  
2 updated data. The amendment 1 that we'll be  
3 talking about later today actually goes  
4 through and revises boundaries, the EFH  
5 boundaries as the data has warranted. We have  
6 looked at a number of different approaches to  
7 designating EFH boundaries, as well as  
8 proposing a new habitat area of particular  
9 concern for bluefin tuna in the Gulf of  
10 Mexico.

11 And so we'll be talking a bit  
12 about what those mean, what an HAPC is, and  
13 also what it's not, because there are some  
14 pretty big I think thoughts out there of what  
15 they are. And so we'll be talking a bit about  
16 that, as well.

17 The shark Amendment 2 we discussed  
18 at length in April. What's happened since  
19 then is that the final rule implementing the  
20 FMP was published. One thing that I have  
21 encountered for the first time is that it was  
22 published with major printing errors that one

1 of our Advisory Panel members pointed out.  
2 And so we had to work with the Federal  
3 Register to get them to reprint it correctly.

4 So if you are referencing this  
5 amendment, please, please, please use the  
6 July 15th version. Otherwise, it won't make  
7 any sense.

8 And so all -- the final rule  
9 implemented the FMP with no changes, and we  
10 will have an update on the 2008 research  
11 fishery that is currently underway, and then  
12 we'll have an update on what we are looking  
13 forward to in 2009, both for specifications,  
14 proposed rule that's in progress, as well as  
15 the '09 research fishery, and some other shark  
16 updates.

17 For the amendment 3, as you  
18 recall, black-nosed sharks were found to be  
19 over-fished, with over-fishing occurring, and  
20 so we are required to establish a rebuilding  
21 plan within the statutory timeframes. The  
22 notice of availability of the issues options

1 presentation came out in early July, and we  
2 are in the midst of scoping meetings.

3 We are actually having a formal  
4 scoping meeting during the meeting tomorrow,  
5 and we are also doing consultations with the  
6 five Atlantic fishery management councils and  
7 the interstate commissions. That comment  
8 period closes on Halloween, nice, easy date to  
9 remember.

10 The Caribbean amendment -- we are  
11 also in the midst of scoping for a Caribbean  
12 amendment to address some of the unique  
13 fishery permitting and reporting issues in the  
14 Caribbean. We did some pre-scoping meetings  
15 over the winter, and then prepared the issues  
16 options paper in large part based on that.

17 And that -- the notice  
18 availability published mid-July, and again, we  
19 are also in the middle of scoping with the  
20 five councils and commissions, as well as  
21 having a formal scoping meeting during this  
22 meeting on Thursday morning. That comment

1 period also closes on Halloween, so we are  
2 trying to make things easy for folks.

3 A final rule, this was something  
4 that we -- had just come out as proposed, and  
5 we talked about at the spring meeting, but the  
6 ITP final rule published in early June. And  
7 the major action that this rule implemented  
8 was the ICCAT recommendation 0710, which  
9 required the bluefin tuna catch documentation  
10 program.

11 This replaces the bluefin tuna  
12 statistical document program. There are some  
13 new forms, some new reporting requirements,  
14 and we had to get that online just as soon as  
15 we could to come into compliance for the ICCAT  
16 requirements.

17 This rule also required the permit  
18 for shark importers, and clarified a bit on  
19 who was required to get the permit, what some  
20 of the reporting requirements were, and  
21 updating tariff codes, and things like that.

22 One important point for this rule

1       also is some of the things that are going on  
2       in the rest of the government -- the Customs  
3       and Border Patrol Agency has what's called the  
4       automated commercial environment, and this is  
5       what they use for electronic reporting.

6                There's a government requirement  
7       now, government-wide, for all of us to start  
8       using that, and that will be the International  
9       Trade Data System. And NMFS is working hard  
10      on coming up to that, and making sure that  
11      that meets our needs and accommodates our  
12      requirements. But -- so that will be coming  
13      in the relatively near future.

14               For bluefin tuna specs, a lot of  
15      this we had already covered in the spring  
16      meeting, but I would like to point out that we  
17      had another in-season action for the general  
18      category, maintaining the three-fish limit of  
19      three large, mediums, and giants through the  
20      end of the year, so that will have been in  
21      effect since June through December.

22               And an important point here, we

1 are not going to be proposing 2009  
2 specifications prior to the ICCAT meeting. We  
3 are anticipating that there will be at least  
4 some changes coming out of ICCAT this year  
5 that we'll need to implement back home.

6 And so what it means for us is  
7 after ICCAT, we're going to have to hit the  
8 ground running with whatever those changes are  
9 to get them in place. And so we'll be looking  
10 for comments, with probably a fairly short  
11 turnaround time once we get back.

12 Also related to bluefin tuna, the  
13 Gulf of Mexico, 100 percent observer coverage  
14 was repeated again this year, time period  
15 slightly expanded, March 9th through June 9th.  
16 The Southeast Fishery Science Center is  
17 working on a tech memo that incorporates the  
18 results from the last two years, that we've  
19 heard should be out in about a month, so we'll  
20 let folks know when that's available.

21 There has also been another  
22 international assessment. It was conducted in

1           June, and actually the plenary of the  
2           scientific body of ICCAT is meeting right now,  
3           and so that assessment will be in final form  
4           relatively soon. And we're expecting ICCAT to  
5           have another big bluefin year this year.

6                         One of the other rules that had  
7           just published prior to the last AP and has  
8           now been finalized is what we call the tuna  
9           longline permit rule. As you recall, this  
10          followed on from some of the swordfish  
11          revitalization rulemaking, where as we were  
12          working through implementing changes to  
13          upgrade restrictions for limited access permit  
14          holders, really brought to light a lot of the  
15          differences in some of the programming  
16          systems, renewal procedures, ability to  
17          separate permits from vessels.

18                        And so the way that we proposed  
19          and finalized to address this was to eliminate  
20          the one-year sunset provision, where you have  
21          a year from the date of expiration to renew it  
22          or it is no longer renewable. We eliminated

1           that for the tuna longline permits only, as  
2           long as the swordfish and shark permits had  
3           been maintained.

4                        The one-year sunset provision for  
5           the swordfish and shark permits was  
6           maintained, and this was an attempt to get  
7           people a fishable combination of permits,  
8           where you need the three permits to go  
9           longlining, pelagic longlining, and so this --  
10          for those that had maintained two of them,  
11          basically allowed them to get the third.

12                      This rule also had a change to  
13          shark dealer requirements, whereas if they had  
14          sent a proxy to a location, now they only need  
15          to send proxies for locations where they  
16          receive sharks, not all of the locations  
17          listed on their permit. And this maintains  
18          the intent of the rule that, where sharks are  
19          being received, the identification skills are  
20          there.

21                      For the gear rule, this had not  
22          actually published by the last AP meeting, but

1           it was close enough that we were able to  
2           discuss it at length. It did publish in early  
3           May, and we proposed to authorize greenstick  
4           gear for Atlantic tunas, including bluefin,  
5           for general charter headboat, longline  
6           categories.

7                         We proposed, but did not finalize,  
8           authorization of harpoon use in the charter  
9           headboat category. We got a fair amount of  
10          mixed comment, ranging from total support to  
11          complete opposition, from the public. And so  
12          based on some of the public comments, as well  
13          as the concerns that were raised on bluefin  
14          tuna stock status generally, some of the  
15          enforcement concerns, we are sticking with the  
16          status quo right now.

17                        I should let you know that this  
18          has caused some unhappiness, to say the least,  
19          among some of our constituents, and ultimately  
20          led to one AP member resigning from the panel  
21          based on that. This rule also requires one  
22          additional sea turtle control device that --

1 for the pelagic and bottom longline gears.

2 For swordfish 2008 specifications,  
3 this is a rule that we're working on right now  
4 that would adjust the 2008 quotas for 2007  
5 under-harvests. There's still an ample quota,  
6 and so we're not looking at needing to close,  
7 but working on that, hopefully to publish  
8 early October.

9 And then this rule is also  
10 considering an allowance for chartering  
11 arrangements for using foreign vessels to fish  
12 U.S. quota on the high seas -- something that  
13 we are considering. Some of the numbers here,  
14 you can see that they are the same, even  
15 though we are talking about adjusting for  
16 under-harvests, and that's because of the  
17 ICCAT cap, a 50 percent cap on carry forward.  
18 So we are limited in this case, which is why  
19 the numbers are the same.

20 On some of the recreational  
21 swordfish numbers, I thought we'd share these  
22 with you. You can see over time that the non-

1 tournament swordfish landings have been  
2 increasing over the last several years. In  
3 2008, we have seen a fair drop. And some of  
4 the reasons that we have heard for this could  
5 be increased fuel prices. A lot of folks  
6 aren't going. Reduced availability of fish in  
7 some cases, weather-related, sometimes more  
8 seasonally, perhaps. Reduced interest and  
9 potentially reduced compliance with reporting  
10 requirements.

11 So we have some -- for both of  
12 these issues, a swordfish presentation similar  
13 to what we did for bluefin last year. So if  
14 you've got any thoughts or opinions on some of  
15 these, we'd be interested to hear them.

16 Turning to billfish, here are the  
17 numbers that we have so far. Calendar year  
18 '07 came to a total of 98 blue and white  
19 marlin combined, well short of the 250 ICCAT  
20 limit. We look to be under as well for 2008.  
21 You can see some of the other things -- the  
22 reporting website, Alive.

1                   Tournaments so far for 2008 were a  
2 bit less than last year. Last year we got  
3 right up to 299, didn't quite make 300. It  
4 doesn't look like we're going to make that  
5 this year. And then there's some other -- one  
6 other issue here to mention here is potential  
7 under-reporting of tournament-landed marlins.

8                   If the fish comes -- is landed but  
9 doesn't necessarily get to the weigh-in for  
10 the tournament itself, it may not be captured  
11 by the tournament-based reporting. And so  
12 that's something we wanted to see if folks had  
13 any thoughts on how much that might be  
14 happening.

15                   I'll give you an update on the  
16 pelagic longline closed area research. This  
17 is something that we talked a lot about last  
18 year, ultimately released the notice to  
19 proceed in early January. Goals of the  
20 research are essentially to collect some of  
21 the baseline information.

22                   There hadn't been any fishing in

1           those areas since the time area closures were  
2           implemented. Evaluate their current  
3           effectiveness. Are they meeting the  
4           conservation goals? As well as get  
5           information on effectiveness of current  
6           bycatch reduction measures in those areas.

7                       Conditions were a maximum of three  
8           boats, two fishing at a time, 289 sets, 145 in  
9           the closed areas. You can see the rest. Just  
10          to remind you, the Charleston Bump closed area  
11          is in the green, the east Florida coast in the  
12          blue, and the hatched areas are where the  
13          research is being conducted.

14                      And so through July -- not a lot  
15          of research has been done so far. There were  
16          a fair amount of contracting delays, but we  
17          seem to have resolved them, and the training  
18          requirements, as well. So through July, a  
19          total of nine trips completed, 40 sets, 26  
20          sets in the closed area, 13 -- or no, 26 in  
21          the open area, 13 in the closed. I won't read  
22          these numbers for you, but you can see that

1 catches are different in the different areas.

2 One important note also, the  
3 fishing would -- could be occurring in the  
4 open areas no matter what. They're not bound  
5 by the -- they can go and fish there anyway.

6 Workshops -- for the protected  
7 resources, handling and release workshops.  
8 We've had 53 of these to date. This  
9 requirement came online in 2007, and we issued  
10 over 1,000 of these certificates so far. For  
11 the shark carcass identification, this was  
12 required as of January 2008, and we have  
13 issued over 300 certificates at 24 workshops.

14 Just a note that this is a  
15 considerable effort for the agency to keep  
16 going. And as you are aware, your  
17 certificates are coming up for renewal.  
18 Please look at the schedule. We publish it  
19 quarterly. We can't always go to everyone's  
20 backyard, or the most convenient place for  
21 them, and so we try, by putting them out  
22 quarterly, to let folks know for advance

1 planning purposes what might be the closest  
2 for them. So we do ask that you try and look.

3 We do track where the permits are  
4 coming up that need the certificate and try  
5 and get to as close a location as possible,  
6 but aren't always able to get everywhere all  
7 at once.

8 For the exempted fishing permits,  
9 you can see the breakout we've got here. One  
10 point is that these require some level of  
11 analysis. In some cases, like for shark  
12 public display, that analysis was done in an  
13 FMP, and we're in an implementation mode.  
14 There's less analysis on an individual basis.

15 But if it's something that we  
16 haven't considered, and the impacts have not  
17 been analyzed, each one needs to be done. And  
18 so that can require a fair amount of time. So  
19 if there is something that you think would be  
20 really cool to do and want to try it out,  
21 please let us know, and we'll work with you on  
22 trying to meet your timeframe. But we do need

1           some time to conduct those analyses.

2                       On the litigation front, Blue  
3           Ocean Institute, the challenge, the denial of  
4           a petition to close the bluefin tuna spawning  
5           grounds has been fully briefed. We are  
6           waiting for the Court decision. We could be  
7           waiting some time. We could get the decision  
8           tomorrow. It's not really up to us. There is  
9           not much further to do, except wait.

10                      And for the Southern Offshore  
11           Fishing Association challenge to the first  
12           2008 shark season, the agency was granted  
13           summary judgment on all counts.

14                      Some of the other things that  
15           we're working on include a modernization of  
16           the bluefin tuna dealer reporting system, so  
17           hopefully we'll be making some progress on  
18           that, have some good news, folks, soon.

19                      We also had an internal workshop  
20           on integrating HMS data collection systems.  
21           HMS data comes in the northeast region,  
22           southeast region, southeast center, just all

1           sorts of places. And so we brought all the  
2           major players together to talk about ways to  
3           upgrade, modernize, integrate some of the data  
4           collection, and see if we can do a good job  
5           modernizing and being more efficient. So that  
6           was actually a very good meeting for us.

7                         We are also working on developing  
8           a web-fillable bluefin tuna international  
9           trade report that would automatically generate  
10          a unique number. That would be something that  
11          we are also looking to the ITDS system to fold  
12          in.

13                        And then we've been working a lot  
14          with enforcement on some of the international  
15          dealer compliance issues that have been  
16          ongoing. So we've been having some good  
17          progress there.

18                        And then just to touch quickly  
19          back on some of the suggestions from you all  
20          at the last meeting, some of the things that  
21          were suggestions that we have completed,  
22          including the tuna longline permit rule, as I

1 mentioned, authorizing the greenstick gear for  
2 tunas, including a definition to minimize  
3 confusion, requiring the sea turtle tether.

4 The final rule for the shark  
5 amendment does allow landings of blacktip,  
6 spinner, and bull sharks in the rec fishery.  
7 And then we also have produced a recreational  
8 placard for sharks that is available to folks.  
9 We should have some here. If we don't, we can  
10 get some for you. They are -- we've had them  
11 printed on waterproof paper.

12 Some of the things that are  
13 underway, including conducting the closed area  
14 research, we are working on a billfish  
15 landings update that could be posted monthly,  
16 as the other species updates are done. And  
17 we've also been working on some of the  
18 swordfish marketing efforts, and we'll have  
19 that as part of the presentation this  
20 afternoon.

21 Some of the things that are still  
22 under consideration include a lot of the

1           permitting issues. We got a lot of really  
2           great specific comments at the last AP  
3           meeting, and we're moving forward.

4                         We've got the session tomorrow  
5           morning addressing a lot of these issues, in  
6           part or in whole, and so we're still working  
7           through them, looking at what we might want to  
8           pick up, as well as the deal reporting,  
9           electronic reporting options, and some of the  
10          others that you can see here. I just want to  
11          let you know that we haven't forgotten. We're  
12          still thinking about it.

13                        And so with that, I'll hand it  
14          over, but just want to conclude that we're  
15          pretty busy, as all of you are, too,  
16          rulemaking as well as operational things. The  
17          rules often are -- come and go, but the  
18          operations continue on a daily basis. And  
19          that we look forward to a good meeting,  
20          looking forward to good suggestions and ways  
21          forward.

22                        And so with that, I can take a few

1           questions I think before hearing from  
2           enforcement. Paul, did you want to -- okay.  
3           Why don't we hear from Paul quickly.

4                         PARTICIPANT: Welcome back to  
5           everybody that is kind of back again, and  
6           welcome to the new folks and the proxies that  
7           are here representing others.

8                         Just a quick review of the -- you  
9           have enough rules to worry about outside of  
10          this room, so we'll keep the rules in here  
11          very minimal. Right? So we have a pretty  
12          full agenda over the next three days. You can  
13          tell by looking at the way we've kind of  
14          pigeon-holed a bunch of things into a lot of  
15          slots, and we have an awful lot to cover  
16          between now and Thursday at noon.

17                        So we'll ask you to help us keep  
18          on track, and there is a couple of ways you  
19          can do that. One is keeping your comments and  
20          the things that you bring up as brief as  
21          possible, but as direct as possible, so that  
22          we can get -- can hear from most -- the

1 highest number of people that we can for the  
2 time that we have.

3 And if you've contributed  
4 something, and you still want to say something  
5 else, I'm probably going to put you kind of at  
6 the end of the queue, make sure everybody has  
7 a chance to come at an issue once at least  
8 before we give folks a chance to come back two  
9 or three times, if that's okay.

10 So, and then for those who are  
11 new, don't panic, we always get to the people  
12 that have their hands up. And if you are  
13 worried that I might have missed you, in terms  
14 of keeping track of who's speaking when, while  
15 I won't always get it in perfect order, right,  
16 but you always get a chance to weigh in.

17 And if you want to make sure that  
18 I've seen you, just use your tent cards, your  
19 name identity tent cards, and kind of put them  
20 up vertically so that we can -- so I can make  
21 sure that I know that you want to speak on an  
22 issue. Okay?

1           I think that's -- table tents,  
2           microphones, you know how to use those. We do  
3           have a public comment period set up for every  
4           afternoon, and -- or at the end of every day  
5           that we're together. So we're going to really  
6           work hard to stay on schedule so we can hit  
7           that public comment period time right around  
8           the 5:00, 5:30 range. So we will try to stay  
9           on track.

10           Restrooms -- for those who haven't  
11           found them yet, it's pretty easy, right down  
12           this marble-floored hall, and take an  
13           immediate right, and then the restrooms are  
14           right on your left. And I think that's it.

15           So thanks for your very generous  
16           contribution of time and knowledge. I know  
17           the staff really appreciates hearing your  
18           comments on all of these issues, these very  
19           complex issues. So, thank you.

20           I'm sorry. Rich already has a  
21           question.

22           PARTICIPANT: Margo, I was going

1 to ask you if at some point during the meeting  
2 if you could go over what your plans are for  
3 dealing with the AP membership. I think we've  
4 got at least four seats that are, you know,  
5 sort of in a gray area right now, one clear  
6 resignation, one clear transition from a  
7 commercial fisherman to a charter boat  
8 fisherman, and then we have some non-  
9 attendance issues, some pretty serious non-  
10 attendance issues.

11 So we're a little shy -- we're a  
12 little shy on total participation, and Blue  
13 Water and East Coast have plenty of candidates  
14 that are, you know, willing and ready to  
15 participate in this whole process.

16 And I did want to make a comment  
17 about the charter harpoon -- Peter did  
18 specifically -- Peter Weiss is the gentleman  
19 who took it very personal that NOAA didn't  
20 implement that, and wrote a letter that showed  
21 his very personal disappointment in the whole  
22 process.

1                   And I did want to make the point  
2                   that, you know, I think you made some very  
3                   legitimate points in your response to him in  
4                   terms of the enforceability.

5                   And he responded back that in that  
6                   whole -- in that whole charter boat category,  
7                   where you can dabble in the charter boat and  
8                   the angling category fishery, there are  
9                   enforcement questions. But, nonetheless, why  
10                  make a -- you know, a bad situation worse, was  
11                  your point.

12                  But you also pointed out -- and I  
13                  have raised this with you a couple of times --  
14                  that the agency is concerned about the  
15                  resource. And I just wanted to point out  
16                  again that we don't -- we don't really buy  
17                  that as a legitimate justification for denial  
18                  of actions right now. I mean, we have the  
19                  science, we adopted the science, we have an  
20                  international quota, we have two major U.S.  
21                  laws that says we have to have a reasonable  
22                  opportunity.

1           The time to, you know, protest the  
2 science and the 1,100 metric ton quota is in  
3 the science meeting room, not in the  
4 rulemaking room, where we are supposed to have  
5 protection under the law to have a reasonable  
6 opportunity to catch our quota.

7           The other point was that just -- I  
8 noticed you do have a swordfish fishery update  
9 on the agenda. But you left off bluefin. I  
10 don't know why you left off bluefin. We're  
11 still around. We're still around. There are  
12 still -- there is still bluefin fishing going  
13 on, both recreational and commercial, so don't  
14 -- don't think we are not here anymore.

15           Then, the -- I guess I didn't  
16 understand your justification. You don't have  
17 to do it now, but whenever you get a chance,  
18 why are we delaying figuring out what the  
19 underage for swordfish was in 2007, and not  
20 adding it to 2008?

21           And do you plan to continue that  
22 delay until after the ICCAT Advisory Committee

1 meeting in Marakesh where it might actually be  
2 -- I could see it being helpful either way,  
3 not having it, but also the potential to know  
4 what the underage was in last year's fishery.

5 And my final point is a question,  
6 because you didn't cover it in your  
7 presentation. Where are we at the ICCAT  
8 Advisory Committee -- Dr. Graves will remember  
9 we -- I think Glenn raised the point  
10 strenuously a couple of times, both in the  
11 spring meeting and the latest one we had.

12 You know, with these new magnets  
13 and international provisions that really help  
14 us address IUU fishing, really have some teeth  
15 in them, it would be nice if we had a draft  
16 list going into the meeting in Marakesh. And  
17 I was wondering what the status of that was,  
18 and can we count on having something, in draft  
19 form and a little bit unofficial, so that  
20 delegate members know, you know, who we could  
21 actually label or identify as IUU fishing  
22 countries now.

1 MS. SCHULZE-HAUGEN: I'll take a  
2 couple of the responses. For AP membership,  
3 we are in the process right now of doing our  
4 annual nomination cycle, putting out the  
5 request for nominations. Some of the clear  
6 cases, resignations or whatever, would be  
7 rolled into that.

8 We are also looking back over  
9 attendance records. The SOPs do give us some  
10 discretion with non-attendance, for I believe  
11 it's two meetings in a row, to basically  
12 remove someone. And so we will probably be  
13 getting in touch with some of those folks that  
14 have not been coming and see what their  
15 preference is. Are they going to come, or are  
16 they going to withdraw? And then, we will  
17 probably, depending on that discussion, either  
18 roll it into the nominations or expect them to  
19 be here.

20 For the no bluefin tuna update, I  
21 guess we did do a full-on bluefin trends  
22 presentation last time. This time we are

1 doing swordfish. We thought maybe we'd do  
2 another species next time. We haven't  
3 forgotten bluefin, rest assured. We are  
4 thinking an awful lot about it, so -- well we  
5 can try and find some time if there are  
6 specific issues. We are, at this point, like  
7 I said, not going to be doing the '09 specs  
8 before ICCAT, because we are anticipating  
9 changes coming out and not wanting to do the  
10 work twice.

11 The delay in the swordfish specs  
12 is nothing more than getting things through.  
13 It is not an intentional thing. And I can  
14 check with Rebecca on the MSRA IUU stuff.  
15 That is in her shop. So I don't know the  
16 answer to that.

17 MR. CODDINGTON: Yes. Ron  
18 Coddington with Southeast Swordfish Club. I  
19 had a question about tournament recreational  
20 swordfish landings. When are they cranked  
21 into the data, and how is that done? It seems  
22 they report it at different places. They go

1 down to southeast regional office. But when  
2 do they make it into the numbers?

3 MS. SCHULZE-HAUGEN: Tournament-  
4 landed fish should be coming through the  
5 tournament surveys. There is the recreational  
6 billfish survey, as well as there is I believe  
7 in the -- some of the other procedures or  
8 surveys that we should be capturing some of  
9 that. The non-tournament fish are the ones  
10 that are called in directly to us or reported  
11 over the web.

12 MR. CODDINGTON: the reason I was  
13 asking is, you know, this Southeast Swordfish  
14 Club has that year-long tournament permit.  
15 And it effectively, for all practical  
16 purposes, is a complimentary reporting system.  
17 And we have about 150 fish reported right now.  
18 We have turned in our tournament reports  
19 early. We are just curious when that -- when  
20 and if that makes it into recreational  
21 landings, or does it sit in some other  
22 category of tournament landings?

1 MS. SCHULZE-HAUGEN: No. It  
2 should be making its way in. We can -- I can  
3 check on that, though, when -- maybe give me  
4 the details.

5 PARTICIPANT: Yes. Margo, two  
6 things. You might have answered part of them.  
7 Are we going to have any particular day or  
8 time set aside for a discussion on bluefin  
9 tuna? And the reason I ask you that is we  
10 have -- we have invited our New York  
11 Congressman, Tim Bishop, one of his staff will  
12 show up, and I'd like him to be there when any  
13 discussion on bluefin comes about as it  
14 pertains to his congressional district, and,  
15 you know, we'll get involved.

16 So I want to know, is there a time  
17 set aside for that? So I can invite him, if  
18 it is okay with you guys, to this thing.

19 MS. SCHULZE-HAUGEN: Well, the  
20 agenda is always draft until we get to the  
21 meeting, in case folks have additions or  
22 rearrangements that we can accommodate. You

1 all have the agenda, and there is not a  
2 specific bluefin tuna item listed on it. I am  
3 happy to try and find another time during the  
4 meeting to fit that in. Options are come  
5 early, stay late, do it over lunch.

6 We do have specific publicly-  
7 noticed -- a hearing this afternoon, as well  
8 as scoping meetings. Those are the times that  
9 are the least flexible. We have invited  
10 speakers to come and talk tomorrow morning for  
11 permit reform. They are only going to be here  
12 for those times.

13 So within those bounds, we can --  
14 we can work in some time. So if you want to  
15 get some suggested options to Paul, maybe we  
16 can regroup on the break, see where folks want  
17 to squeeze it in.

18 PARTICIPANT: I'm sorry, Margo.  
19 The second item, to go along with what Rich --  
20 Rich is very, very practical. He reads my  
21 mind and brings these issues up before I can  
22 bring them up. There are some questions,

1           particularly from the congressman's office,  
2           about the makeup of the AP.

3                         New York, Rhode Island,  
4           Connecticut, as I stated probably 20 years  
5           ago, whenever time this Council first started,  
6           is not represented, again, with specific -- at  
7           one time I did it for the three -- in  
8           conjunction with the Charter Boat Association  
9           for the three states, which was ad hoc as  
10          such, because I didn't officially represent  
11          Rhode Island, or what have you.

12                        There was an overlap when Frank  
13          Blunt was here representing -- from the New  
14          England Council representing being a Rhode  
15          Island fisherman, and the same thing -- Pat,  
16          being a recreational fisherman from New York,  
17          but he -- really representing the Mid-Atlantic  
18          Council, and those are his priorities.

19                        And we would like something done  
20          along the lines that -- that Rich is stating,  
21          some consideration and looking into better  
22          representation for our geographic area.

1 Thank you.

2 PARTICIPANT: Thanks, Joe. Ken?

3 MR. HINMAN: Yes. Margo, the --

4 Ken Hinman. The Consolidated Atlantic HMS

5 FMP, in that you published the figures on the

6 bycatch and the pelagic longline fishery in

7 the three years preceding the closure in 2000

8 and in the three subsequent years for purposes

9 of comparison.

10 But I have not seen publication of

11 the bycatch figures in the fishery in more

12 recent years, and that is something we are

13 always getting requests for is, what is going

14 on in the fishery in the 2004 through 2006

15 years, that next three-year cycle. Is that

16 information going to be -- I assume you have

17 it. Is that going to be made available?

18 Could it be made available as we evaluate the

19 research that is going on in the closed areas?

20 MS. SCHULZE-HAUGEN: What we are

21 working on is a 2008 SAFE report. The 2007

22 SAFE report was released a little while ago.

1 That was largely relying on the '06 FMP and  
2 providing updates through '07, where there was  
3 new information. The '08 SAFE report is going  
4 to be the full stand-alone SAFE report, so it  
5 will have a lot of that kind of information in  
6 it that the '07 one did not.

7 So I think --

8 MR. HINMAN: That will be  
9 available when?

10 MS. SCHULZE-HAUGEN: We're working  
11 on it.

12 (Laughter.)

13 I would like to have it done  
14 before ICCAT. Some of the -- the timing of  
15 doing it in the fall means that the national  
16 report and the SAFE report were neck and neck.  
17 And so we had to wait to get some of the  
18 national report numbers in order to keep the  
19 SAFE report going. That should be done or  
20 close to done, and so it's a matter of pulling  
21 it together.

22 We had to prepare for the AP

1 meeting as well, so there is a lot going on.

2 But we -- we're working on it. We're working  
3 on it hard, and it shouldn't be too long.

4 PARTICIPANT: Thanks, Ken. Anyone  
5 else for Margo while she is up front?

6 (No response.)

7 All right. Well, on the agenda  
8 now we have the Enforcement Update, so if they  
9 want to come on up. This is something I think  
10 that folks have been interested to hear in the  
11 past, so -

12 PARTICIPANT: (Tape begins mid-  
13 sentence) -- Division, and also the Northeast  
14 Division through headquarters will do a  
15 presentation real quick.

16 But one of the things I just want  
17 to talk about, some highlights. You know, our  
18 JEA partners, which are the state enforcement  
19 where we have deputization through them. And  
20 they help us through JEA programs and  
21 enforcement. Here you can see the swordfish,  
22 many issues with this particular swordfish for

1 being undersized. One is how it is cut. We  
2 could not weigh it, could not measure it  
3 accurately, but it was an undersized fish.

4 Permit issues. They help us out  
5 with the permit issues on the boats. A  
6 significant case that they helped us out last  
7 year was a boat called The Therapy. Actually,  
8 there is two of them. We had a conviction  
9 that dealt with a charter boat out of Fort  
10 Lauderdale area -- or the Miami area that  
11 taking passengers out. They were harvesting  
12 undersized sailfish, failing to report  
13 sailfish. They are also milking their  
14 passengers out for having taxidermy service.

15 And we criminally went after --  
16 criminally prosecuted these individuals. We  
17 did have sentencing. The government has  
18 appealed the sentencing, because the Judge  
19 went way below the sentencing guidelines for  
20 that particular case. The individual, though,  
21 had several hundred thousand dollars in fines,  
22 lost two boats. Community service was

1           involved as well. But in the sentencing  
2           guidelines he should have gone to jail for two  
3           years.

4                       The U.S. Attorneys Office has  
5           appealed it, which will go to Atlanta. And  
6           the reason for appealing that basically is it  
7           is not because it's a fish case, and it was  
8           undersentenced, it is a criminal case that was  
9           undersentenced, and the Judge went below the  
10          norm.

11                      So I don't know how that is going  
12          to work out, but just give you an update on  
13          it, that that case is not completed yet. So,  
14          but that was a major part that our JEA  
15          partners helped us in initiating that case.

16                      Caribbean -- we have -- the agents  
17          down there working for me have really stepped  
18          up their activities in HMS and other areas.  
19          One has been the tournaments. I think we have  
20          a larger percentage now, or high compliance  
21          rate, with tournaments being registered down  
22          there. We have had problems in the past where

1           there were not any registered tournaments.

2           Now we are having higher compliance.

3                       They are reporting more.   The  
4           guides that are being put out by the  
5           tournaments themselves are better and more  
6           helpful to the people.   And I am putting that  
7           effort on my agents that work down in that  
8           area.   And it has also increased angling  
9           permit requirements.

10                      And they are doing other outreach  
11           as well as getting DVDs out -- out to the  
12           tournaments on the circle hooks and other  
13           issues.   So it is something that working; the  
14           outreach is working real well.

15                      Live bait, Gulf of Mexico, still a  
16           major issue.   Two recent cases involving boats  
17           that we monitored on BMS had Coast Guard do  
18           the boardings, agents handling the dockside  
19           investigation, resulting in seizures of yellow  
20           fin tuna and bluefin tuna.   And the other one  
21           was yellow fin tuna and other species.

22                      And, you know, this is something

1           that we are looking at real heavily, these  
2           people that are using live bait out there.  
3           And if you kind of look, you can see an arrow,  
4           but you can see the holes in the hull where --  
5           help aerate their live wells.

6                         This is not an HMS case, but it is  
7           a major domestic case. It is a lobster case  
8           dealing with habitat down in the sanctuaries.  
9           We have -- they are called "lobster condos,"  
10          casitas, where individuals are putting out  
11          habitat for the purpose of harvesting  
12          lobsters. And before it used to be dumpsters,  
13          old appliances, whatever they could throw out.

14                        Now they are making it hurricane-  
15          proof. There are certain heights that they  
16          are going to put it at where they can do it,  
17          but it is doing a lot of damage to our  
18          sanctuaries.

19                        This is a criminal case. We have  
20          one arrested so far, expecting probably more  
21          to plead guilty through information, so we are  
22          going to be indicting more individuals. But

1           just this one operation we are figuring the  
2           damage to the sanctuary to be around a million  
3           dollars. That is what it is going to cost to  
4           clean up the garbage that they dumped down  
5           there to harvest this.

6                         These individuals -- this one  
7           particular individual where we went and did a  
8           search warrant at his house, we are looking  
9           that he was making off of the illegal poaching  
10          \$350- to \$400,000 a year. It is big business.

11                        Then, I want to just kind of have  
12          a collage up there of all of the work and  
13          different type of work that our agents do.  
14          This big shark fin was actually donated to  
15          Puerto Rico University, but we have sea lions.  
16          We have coral issues, which is major out of  
17          the Caribbean, turtle takes. We are now  
18          criminally prosecuting several people for  
19          taking and killing turtles down in the  
20          Caribbean.

21                        Toothfish, which you can see in  
22          the bottom there, cases that we do. And we

1 are going in, similarly, looking for  
2 swordfish, HMS, ITP issues, and cold freezes.  
3 We are dealing a lot on the import side.

4 This other picture -- we lost it  
5 up there. There it is. I don't know how  
6 clear it is coming out for you guys down  
7 there, but we did have a recent hurricane down  
8 in Texas. And this is a picture of some -- a  
9 couple of our agents.

10 A group of the agents got  
11 together, and they are out helping people with  
12 their homes and tearing it down. This house  
13 is going to have to be completely gutted. But  
14 a lot of lives of our agents, NOAA employees,  
15 fishermen, in the whole Galveston area has  
16 been turned. And the agents in that area are  
17 trying to go out and help, and they are doing  
18 this on their own time. But I just wanted to  
19 humanize us a little bit and throw that out  
20 there.

21 MR. REGHI: Good afternoon,  
22 everybody. My name is John Reghi. I am a

1 Special Agent at NOAA Fisheries Enforcement  
2 Headquarters here in Silver Spring, and I am  
3 the National Program Manager for Sustainable  
4 Fisheries. And I deal with HMS and ITP issues  
5 and aquaculture and ITDS, as well as others.

6 I am going to be giving a brief  
7 overview of the enforcement actions since the  
8 last AP meeting for the Northeast Enforcement  
9 Division.

10 Okay. Here is the case breakout.  
11 Approximately 50 percent dealt with Atlantic  
12 bluefin tuna, 30 percent dealer compliance,  
13 and 20 percent other HMS. One case that they  
14 would like highlighted and profiled is the  
15 Fishing Vessel Mary B. It was found to be in  
16 possession of 41 undersized swordfish,  
17 totaling over 1,000 pounds. Seizure was  
18 effected and valued at over \$20,000, and the  
19 investigation is ongoing.

20 And another is a large pelagic  
21 survey interference case. A Quantech sampler  
22 was sprayed down by a tuna fisherman while

1           attempting dockside survey. The fisherman was  
2           performing maintenance on his boat and soaked  
3           the observer with -- the sampler with his  
4           hose. The investigation in that matter is  
5           ongoing as well.

6                        Okay. Undersized or over limit  
7           Atlantic bluefin tuna. They had several  
8           vessels cited this year, and the penalties  
9           range from summary settlements to notices of  
10          violation and an assessment.

11                      Okay. And the Ogunquit and  
12          Perkins Cove Maine Atlantic bluefin tuna  
13          investigation, also known as "Tunagate,"  
14          started back in July 2007, and it is still  
15          running up through the present.

16                      Okay. And this is a very  
17          interesting investigation. They detected  
18          undersized Atlantic bluefin tuna were  
19          harvested and sold to restaurants in  
20          Portsmouth, New Hampshire, and Wells, Maine,  
21          by recreational fishermen. We had four  
22          restaurants, three fishers, and three other

1 individuals involved, and they are charged  
2 with 22 counts of various HMS violations, to  
3 include interference and false statements to  
4 investigating officers.

5 They have -- 30 undersized  
6 Atlantic bluefin tuna have been documented.  
7 They have seized loins of skeletons as  
8 evidence, and prosecution in that matter is  
9 pending as well.

10 Okay. In other HMS  
11 investigations, ITP dealer permit  
12 investigations were the theme. We had an east  
13 coast dealer importing swordfish without an  
14 ITP permit. That prosecution is pending.

15 We had Stavis Seafood. They  
16 failed to report pursuant to the ITP permits.  
17 They were issued a \$250 summary settlement.  
18 And Boston Sword and Tuna, failing to report  
19 pursuant to the ITP permit, and they were  
20 issued a fix-it notice.

21 Okay. Earlier on, Margo Schultz-  
22 Haugen spoke about the ITDS program. ITDS is

1 an acronym for the International Trade Data  
2 System that National Marine Fisheries Service  
3 is involved in, and particularly the Office  
4 for Law Enforcement.

5 It is an integrated government-  
6 wide system for the management of electronic  
7 trade data, and it is going to provide a  
8 single-window filing concept. Everything that  
9 is imported goes through the Customs computer  
10 database. All that data is accessible, and it  
11 goes to all authorized government agencies.

12 Okay. The ACE database -- ACE is  
13 the Automated Commercial Environment. It is  
14 their updated computer system. In the past,  
15 Legacy, Customs and CBP, Customs and Border  
16 Protection, utilized the ACS system, which is  
17 the Automated Customs System. Again, import  
18 information, entry summary details, and broker  
19 information. And right now they have been  
20 involved in an update initiative to modernize  
21 their cargo processing systems.

22 Okay. Here is the current data

1 flow. As you can see, it is going everywhere.  
2 If you look at members of the trade, you have  
3 importers and exporters. Some of them have to  
4 report to NMFS for licenses, permits, and  
5 certificates. If animals are imported, they  
6 have to contact AFIS, Food and Drug  
7 Administration as well, EPA, carriers in truck  
8 and rail and sea, and they have to report --  
9 everybody has to report to CBP down at the  
10 bottom.

11 And passengers who are bringing  
12 back products from overseas and international  
13 air, sea, and land, they also have to report  
14 to Customs as well.

15 Okay. And this is how it is going  
16 to work in the future. We have trade  
17 importers and exporters, as well as carriers,  
18 truck, rail, and by sea. All of the data is  
19 input into the ITDS, and all of the other  
20 agencies that are responsible, they are  
21 notified pursuant to their data that they  
22 input and what the requirements are for

1 importation. And, likewise, we can query the  
2 data that is in the system as well.

3 Okay. And the biggest impact here  
4 is that we can monitor the imports via ACE  
5 portal reports. All of the special agents and  
6 all of the enforcement divisions in NOAA OLE  
7 have access to the system right now. It helps  
8 us as the system is being further developed,  
9 and NMFS requirements are being integrated.  
10 It helps with admissibility decisions.

11 It helps us in the international  
12 realm as well with the administration of  
13 quotas for tuna through our integration of  
14 permits and landing reports and certificates  
15 of origin, and helps in combating IUU and  
16 other things as well.

17 There are a number of permits and  
18 certificates that the system is going to query  
19 against, and it is going to stop it right at  
20 the attempt to import level. We have  
21 swordfish statistical documents, big-eyed tuna  
22 stat documents, southern bluefin tuna, and

1 bluefin catch documents that need to come in,  
2 among others. And if those aren't available,  
3 the importation will be rejected, and we will  
4 be notified as well.

5 And I think that concludes it.

6 PARTICIPANT: All right. Moving  
7 on to -- Glenn, did you -- do you want to just  
8 wait until the end?

9 PARTICIPANT: Could you hold your  
10 -- we thought it might be better if we could  
11 take questions at the end.

12 PARTICIPANT: Okay. On to the  
13 Coast Guard section of this, I want to start  
14 with a picture of some new vessels we are  
15 getting -- a 33-foot interceptor that we use  
16 in a number of different ports. Three 275-  
17 horsepower outboards, so we can get up better  
18 than 50, 60 knots, something like that, which  
19 comes in handy in cases.

20 I'm giving the idea of the HMS  
21 significant violations that the Coast Guard  
22 detected in fiscal year 2008. Unless there

1           are any today, then maybe that will change a  
2           little bit, but anyway we detected about 60  
3           cases. More than half of those, as that  
4           shows, being Mexican incursions into the U.S.  
5           EEZ down off the Texas-Mexico border near  
6           South Padre Island, Texas.

7                        The domestic cases, majority,  
8           there were nine permitting, five with carcass  
9           condition, some live bait, undersized catch,  
10          turtle tools, and one each of a U.S. fishing  
11          vessel fishing in the Bahamian EEZ for HMS, so  
12          not just some Mexicans coming but our folks.  
13          We are watching for that as well.

14                       Prohibited species -- a closed  
15          area, catch overage, and then one shark  
16          finning case.

17                       When I say "Mexican Loncha," I  
18          just wanted to show some pictures of that,  
19          give you an idea of exactly what -- what that  
20          means. The boat down in the lower right-hand  
21          corner is a Mexican Loncha. It's just a  
22          fiberglass outboard vessel using one -- one

1 engine, maybe two, but that is where all the  
2 money in the boat is is in the engine. The  
3 boats can be built pretty easily.

4 And then, that is an indication of  
5 what kind of catch they are getting. So the  
6 sharks from that incursion, and then they are  
7 also catching snapper, and it is mixed between  
8 those two.

9 A recent law that I wanted to  
10 mention that we are using against the Mexican  
11 boats -- and it has come in pretty handy with  
12 a couple of prosecutions -- is failure to  
13 heave to. It was passed primarily for drug  
14 and migrant enforcement, but it applies across  
15 the board. And it makes it illegal to fail to  
16 heave to if you are ordered by a federal law  
17 enforcement officer, or obstruct a boarding,  
18 or make a material false statement.

19 And we believe enforcement of that  
20 rule promotes safety, so we are pretty  
21 aggressive at enforcing that rule, because  
22 getting in chases out on the water is just --

1           just not a good idea. That puts both the  
2           Coast Guard folks and the folks in the vessel  
3           we are chasing at risk, and we are not  
4           interested in that.

5                        So the prosecutions we have had so  
6           far, there is one that is ongoing for  
7           fisheries, but in the drug and migrant realm  
8           we have had jail time ranging from three to 24  
9           months on those.

10                      Here is an example of the  
11           undersized catch. The Coast Guard cited four  
12           vessels in fiscal year 2008 for undersized  
13           catch -- yellow fin and big-eyed tuna, and  
14           then also some dolphin cases.

15                      Carcass condition -- it is tough  
16           to rebut that that is a carcass condition  
17           problem. We have citations for five of these,  
18           but, yes, Ziploc baggies of loins, both  
19           recreational and commercial boats. So we are  
20           seeing that around, but that's one of those we  
21           are looking for there.

22                      And on to another subject I just

1 wanted to mention briefly, it is away from the  
2 enforcement side, but on to the commercial  
3 fishing vessel safety. And the Coast Guard  
4 has an advanced notice of proposed rulemaking  
5 out right now to amend our commercial fishing  
6 vessel safety regulations.

7 The site is there on the top. And  
8 if you haven't looked at that yet, I would  
9 encourage you to. What the Coast Guard is  
10 looking for is, how do we need to change  
11 these? What can we do to improve commercial  
12 fishing vessel safety? And our comment period  
13 is open until December 15th.

14 And at the bottom you can see  
15 fishsafe.info is the Coast Guard's fisheries  
16 safety website. And I really encourage  
17 anybody, if you haven't looked at that, to  
18 please go and do it. And what a lot of that  
19 rule has is a number of questions on how do we  
20 want to change this.

21 And from talking to Mike  
22 Rosekrantz, who is the point of contact you

1 will see on the rule, he is very open, he is  
2 the chief of our fishing vessel safety  
3 program, very open to hearing from industry,  
4 from other folks, other government agencies,  
5 on those different subjects up there, and what  
6 we can do to improve safety out there.

7 And on that same subject,  
8 particularly when it comes to observers, I  
9 know there is concern about getting your  
10 safety decal. Those are the four points of  
11 contact -- Ted Harrington up in Maine to New  
12 York, so New England, Mid-Atlantic, Bob  
13 Garrett; the South Atlantic, Larry Yarborough;  
14 and the Gulf of Mexico, Mike White. And you  
15 can see their e-mail addresses and phone  
16 numbers up there.

17 Those are our coordinators for the  
18 districts for their -- for the fishing vessel  
19 safety exam. So if you are having a problem  
20 trying to get an exam, or you need to schedule  
21 an exam and you don't have another number,  
22 those are the guys to talk to. And then, the

1 specific examiners on that website on the  
2 bottom, that lists them there.

3 And, remember, those are free.

4 And in the Atlantic they are now annual exams  
5 that you will need to do, particularly if you  
6 are going to take an observer on board.

7 Putting those up there, though, I  
8 do want to have a caveat. As with anything  
9 else, if you are supposed to have an observer  
10 on June 1st, May 30th isn't a good time to ask  
11 for an exam. And that has been done, and that  
12 is one of the complaints that comes up is not  
13 being responsive.

14 Well, if we can both be  
15 reasonable, give us a couple of weeks, and we  
16 will be able to get out there. But coming up  
17 the day before you need the exam to get  
18 underway with an observer, isn't really a  
19 reasonable request, in my view anyway.

20 So that's it. Meggan?

21 MS. ENGELKE-ROSS: Hi. I'm Meggan  
22 Engelke-Ross from the Office of General

1 Counsel for Enforcement and Litigation here in  
2 Silver Spring.

3 I wanted to talk briefly this  
4 time, to take a slightly different approach  
5 than the one I have taken at the last couple  
6 of AP meetings where I walked through the  
7 basics of our enforcement program and kind of  
8 the general life cycle of the case, because I  
9 think most of the people in the room have  
10 heard me do that a couple of times.

11 That being said, if you are new to  
12 the AP, or if you have specific questions  
13 about how civil administrative enforcement  
14 works at NOAA, we have saved a lot of time at  
15 the end for questions, so I am happy to take  
16 any questions about how enforcement works at  
17 that time.

18 One thing I wanted to highlight  
19 that we haven't really talked about, just to  
20 kind of give folks an idea of what enforcement  
21 and the Office of General Counsel for  
22 Enforcement do when we are not investigating

1 and prosecuting cases, one of the things that  
2 we do in all of the fisheries that NOAA  
3 manages is to provide advice on the  
4 enforceability of regs and to help address,  
5 through administrative protocols, new  
6 strategies to address non-compliance.

7 In the HMS Management Division we  
8 have something called the HMS Enforcement  
9 Working Group that includes representatives  
10 from the HMS Management Division, my office,  
11 and then -- at headquarters and in the  
12 Northeast and Southeast Regions, the Office of  
13 Law Enforcement at headquarters and in the  
14 regions, and Coast Guard, including  
15 representatives from the training centers that  
16 train boarding teams.

17 We meet quarterly, once a year  
18 usually in person, and the rest of the time on  
19 the phone, and we also meet on an ad hoc basis  
20 when new issues come up. And some people who  
21 have asked enforcement questions, as the regs  
22 have changed recently, have gotten caught up

1 in one of our e-mail streams. So they know  
2 how the information flow works.

3 We work on new enforcement  
4 strategies, and we work with the -- with the  
5 science centers and the HMS Management  
6 Division to address things like non-  
7 compliance. One of the areas where we have  
8 had particular success in the last few years  
9 is in the area of the observer requirement,  
10 non-compliance in the pelagic observer  
11 program.

12 We also discuss what the HMS  
13 compliance priorities are and what our  
14 enforcement challenges are. We advise on  
15 proposed regulations, and we review things  
16 like compliance guides and public notices.

17 This is a list of the cases that  
18 -- I have only really looked at the cases that  
19 have been either charged or are under review  
20 since the last AP meeting in April, and this  
21 is kind of a breakdown for where the cases  
22 come out. It's a bit skewed, because there --

1           it is actually a fair small number of cases  
2           with a lot of counts. So if you look, there  
3           is -- 31 percent of the counts are for non-  
4           reporting, but that is actually one case with  
5           a huge number of non-reporting counts mostly.

6                        The rest are tuna cases, a lot of  
7           permit violations, a lot of landing HMS  
8           without a permit, particularly lack of an  
9           angling permit, and a lot of those cases, as  
10          Jeff was saying, come out of the Caribbean.

11                       We have seen a smaller number of  
12          observer cases, including failure to carry an  
13          observer and observer harassment, a few  
14          billfish cases involving failure to release  
15          properly and landing without a permit, and  
16          then some dealer and -- dealer reporting and  
17          dealer permit violations.

18                       In the Southeast Region, since  
19          April there have been 10 cases with HMS counts  
20          that have been charged, with a total assessed  
21          penalty amount of \$124,000. Those cases  
22          represent over \$13,000 in seized property.

1           They are comprised of live bait cases, shark  
2           cases, and lack of a permit case, and one  
3           count of interference.

4                       There are 11 cases currently under  
5           review. One of those is an international  
6           trade permit case, another live bait case, a  
7           bycatch lack of tuna -- I mean, sea turtle  
8           bycatch mitigation gear, three observer cases,  
9           and a few cases for failure to have the  
10          appropriate HMS permit.

11                      In the Northeast Region, there  
12          have been four cases charged since April, with  
13          total civil penalties assessed of \$212,000.  
14          That actually represents one very large case,  
15          over \$170,000, which is the one with 17 counts  
16          of non-reporting. And a few smaller cases.  
17          Mostly in the Northeast, we continue to see  
18          tuna and billfish cases, mostly for failure to  
19          have a permit or for landing HMS in the -- not  
20          in the correct form, so filleting at sea kinds  
21          of cases.

22                      And in the Northeast Region,

1           actually we have five cases.  Actually, we  
2           have six cases under review, because I missed  
3           one when I made this slide, which is a  
4           prohibited shark case.  So we have a  
5           prohibited shark case, in addition to some of  
6           these other cases, like landing over the bag  
7           limit and landing in illegal -- landing in  
8           improper form, illegal sale.

9                           And before we pass it over to  
10           questions, I just wanted to remind everyone  
11           that I think that John highlighted one of the  
12           cases that we have had recently, and I know  
13           a big issue that continually gets raised is  
14           the issue of illegal sale of recreationally-  
15           caught HMS.

16                           And we have actually made some  
17           progress on bringing some of those cases this  
18           year, but I wanted that -- that issue kind of  
19           highlights a point that I wanted to make  
20           overall, which is that it is really important  
21           for people to pass information about specific  
22           violations to Office of Law Enforcement in

1           their region.

2                       And we can take questions.

3                       PARTICIPANT:   Okay.   I saw Ron.

4           Other hands, just for right now?   Go ahead and

5           -- okay, got it.

6                       MR. CODDINGTON:   Yes.   Ron

7           Coddington.   Probably more comments than

8           questions, but I can probably sum it up in one

9           word:   help.   I have been coming to these

10          meetings for a couple of years now.   Nearly

11          every meeting I am talking about illegal sales

12          of swordfish.

13                       Your state partners -- get some

14          new ones.   Get some partners that will

15          cooperate with you.   We have seen

16          investigations compromised from your state

17          partners discussing with the subject of their

18          investigation who gave them the information.

19          So now, guess what?   Those people don't give

20          them any information any more.

21                       You've got some more problems with

22          your state partners.   One comment I heard from

1 a State of Florida Wildlife officer the other  
2 day was, do you want to be the guy that pulls  
3 over a 54-foot Bertram? Hell, yes. If I've  
4 caught them with illegal fish, I'd love to be  
5 the guy that pulls in the 54-foot Bertram.  
6 They are worth a lot more money in a seizure  
7 than a 17-foot Panga, or whatever.

8 But we have that kind of attitude  
9 in South Florida, where you don't pull over  
10 big boats. I don't mean you. Local agencies  
11 don't pull over big boats. I'm not sure why.

12 Another problem we have with  
13 investigations down there is FWC, quite  
14 honestly, isn't going to staff any night  
15 investigations. We have tried to do it. We  
16 have worked very closely with FWC over some  
17 brokering of fish that was going on in a  
18 blatant manner in front of the premier inlet  
19 for recreational swordfishing.

20 Let's face it, when you look at  
21 the marine recreational information program  
22 data, you are going to find out that 75

1 percent of the recreational sailfish are  
2 landed in Hillsbury Inlet. It is pretty easy  
3 to put a boat in Hillsbury Inlet. I have  
4 never been pulled over in Hillsbury Inlet. In  
5 15 years, I have never been pulled over in  
6 Hillsbury Inlet.

7 Nights, daytimes, weekends, there  
8 is a lot of other things going on at that  
9 inlet, too, besides fish that ought to be  
10 pulled over, but that's a whole other problem.

11 FWC -- again, only your state  
12 partners is the ones I deal with mainly, and  
13 I -- I am hoping that information is getting  
14 passed on to you. But the state partners are  
15 -- seem to be focusing on sales to  
16 restaurants. Well, let's pick the hardest one  
17 to go after first. Do you know how hard that  
18 is to catch a restaurant buying a fish from a  
19 friend of theirs?

20 The real problem in South Florida  
21 with illegal sales of swordfish is, one,  
22 direct sales to permitted dealers. Right now,

1 I can walk in with a 250-pound day -- daytime  
2 deep-drop fish, and I can walk into a  
3 commercial spot in South Florida, and I can  
4 sell the fish.

5 I can give you the fish, and you  
6 can go sell it, too. It's that easy. It's  
7 not very hard.

8 Another serious problem we have is  
9 -- and, you know, I've got some real good  
10 friends that are permit holders sitting right  
11 at this table with me. I am not in any way  
12 implying that all permit holders are doing  
13 this, but you have a few permit holders that  
14 are brokering fish.

15 And I realize that you have some  
16 restrictions on what you can do with catch  
17 reports, trip reports, as far as going after  
18 them. But when you have 25 good buoy  
19 fishermen fishing at night, and everybody  
20 pulls in 500 pounds and one guy has got 2,500  
21 pounds, he is not a good fisherman. He is a  
22 good broker.

1                   That is a serious problem. I know  
2                   that in the last three weeks we have probably  
3                   had 15,000 pounds of bay-drop daytime deep-  
4                   drop fish, large fish, over 250 pounds round  
5                   weight, hit the docks. They are not showing  
6                   up in the swordfish club reporting system.  
7                   They are not showing up in your computer  
8                   system, because I did ask one of your guys to  
9                   query the system and look at what size fish  
10                  had been reported over the last few weeks, and  
11                  there were only two large deep-drop fish that  
12                  landed on that system.

13                  So the only other place they are  
14                  going is either not reported it or landing on  
15                  permitted -- permit holders' trip tickets. It  
16                  centered on one place. You guys know the  
17                  name. We've talked about the name of that --  
18                  that fish house several times.

19                  The non-reporting of rec fish is  
20                  also a very serious problem, ones that aren't  
21                  even making it to market. And we are seeing  
22                  that with these big daytime deep-drop fish.

1           And, again, you know, like I -- I passed  
2           around some pictures to some guys here of --  
3           this was a legal fish, but these fish are big  
4           fish. We had several fish over 600 pounds hit  
5           the docks, hit the docks in the last couple of  
6           weeks. And they are not showing up anywhere.

7                        And a lot of them aren't being  
8           sold. For instance, one thing I know is that  
9           you have a lot of high-end users in the South  
10          Florida area that, for instance, large boat,  
11          rich guy, catches two or three deep-drop fish,  
12          they are not getting reported, they are not  
13          getting sold. But, for instance, a couple of  
14          people I know ship them to their clients.  
15          Perfectly legal, they are freely giving away  
16          fish, but they are not getting reported.

17                       And if we just had some  
18          enforcement action at the inlet to check boats  
19          coming in -- and, again, it's easier now.  
20          It's not -- our fishery is evolving from a  
21          nighttime fishery back to a daytime fishery.  
22          So it's easier. Five o'clock in the evening

1           for two hours at the inlet, and you can stop  
2           boats and see a lot of big fish, and then you  
3           can see if they hit the reports the next day.

4                       We seriously need some help down  
5           there. The commercial guys' price is  
6           suffering when they go to the market, and  
7           three illegal fish are sitting on the floor  
8           and they are offered a dollar less a pound for  
9           their fish, they are getting hurt.

10                      We don't know how those fish are  
11           making -- you know, fish that are brought to  
12           dealers without -- without reports, are they  
13           making it on somebody's trip tickets, or  
14           whatever. So we just need some help down  
15           there. We would be glad to work with you.

16                      You need to get a new partner from  
17           the ones that been, concentrating in this area  
18           because they are not helping the situation  
19           down there. And we will be glad to give you  
20           any information that you need. We will call  
21           you. We will tell you when the fish hit the  
22           market. We need somebody to respond.

1                   PARTICIPANT: I hear you, and I  
2 understand what you're talking about. And I'm  
3 not going to belittle the state here at all,  
4 but we do have some work to do there. And  
5 maybe we all have to give them more guidance  
6 on it. So I understand what you're saying.

7                   Thank you.

8                   PARTICIPANT: Thanks, Ron. Shana,  
9 Glenn, and then Ellen.

10                  MS. MILLER: I just had a question  
11 about, what does ACE stand for?

12                  PARTICIPANT: Yes, ACE is an  
13 acronym. It's for the Automated Commercial  
14 Environment, ACE.

15                  MS. MILLER: Okay. And is that  
16 confidential, or is it public information?

17                  PARTICIPANT: Oh, it's public  
18 information. CBP has their own website. If  
19 you query in a search engine ACE CBP, it will  
20 take you right to the website, and all of the  
21 background information on the program is there  
22 and what the requirements are.

1 MS. MILLER: Thank you.

2 PARTICIPANT: Pardon? If you  
3 Google ACE or CBP together, and that should  
4 bring it up.

5 PARTICIPANT: Yes. That actually  
6 was half of my question, whether that was  
7 available for us to access. I am particularly  
8 interested in that in the ICCAT context. But  
9 also, does that cover all fish species of  
10 imports, or is it just restricted to the HMS?

11 PARTICIPANT: Well, that covers  
12 everything that is --

13 PARTICIPANT: Great.

14 PARTICIPANT: That covers  
15 everything that is imported to the United  
16 States. The HTS code itself, the harmonized  
17 tariff schedules, they are a 10-digit code  
18 that applies to everything from table linens  
19 to shoelaces to fish, in what form they come  
20 into the United States.

21 PARTICIPANT: I just want to  
22 reiterate again the Billfish Foundation

1           certainly appreciates the fine job you guys  
2           are doing across the board, and particularly  
3           when you have -- if you -- we have anglers in  
4           our communities and boats that are not  
5           complying, particularly like the therapy case.  
6           We are glad you bust them, set an example,  
7           clean up the rest of the fishery, keep it up,  
8           and we appreciate you being there.

9                           Thank you.

10                          MR. HUDSON:   Russ Hudson, Directed  
11           Shark Fisheries.  I have a two-part question.  
12           The first part is directed to the Coast Guard  
13           gentleman.  On the overhead, you had a picture  
14           with the sharks confiscated from the Mexican  
15           Loncha.  Is there a list of the species that  
16           were involved?  And is there an overall list  
17           of all of the shark species taken by the  
18           Mexicans illegally that you have gathered?  
19           And then, I will ask my second part after  
20           that.

21                          PARTICIPANT:  And that is a great  
22           question.  I don't have any such list

1 available.

2 MR. HUDSON: The second part is to  
3 Jeff. We have amendment 3 looking at us on  
4 small coastal sharks. As you may know, black-  
5 nosed shark is recognized as overfished and  
6 overfishing occurring. The second greatest  
7 source of mortality, according to the  
8 assessment, is the recreational component that  
9 apparently is still landing animals less than  
10 four and a half foot fork length.

11 And we were told it was an  
12 enforcement issue, that it would take  
13 Enforcement to do something about that vast  
14 number of recreationals, mostly from North  
15 Carolina to Texas, that are landing these  
16 animals. So is there a way that you can  
17 address that issue?

18 I know North Carolina was trying  
19 to get black-nosed length lessened because  
20 they are rarely over four and a half foot fork  
21 length. So is there a way that Enforcement  
22 can roll that number down for the next

1 assessment, so that they don't have as much  
2 take of black-nose?

3 PARTICIPANT: Well, when it comes  
4 to the rulemaking, as far as size limits and  
5 the biology of the animal, Enforcement doesn't  
6 sit there and have any real input in that  
7 area. We are going to sit there and deal with  
8 enforceability issues, but not size limits,  
9 bag limits. I mean, that is going to be more  
10 of a biological question.

11 So I don't see how -- where  
12 Enforcement is going to roll size limits one  
13 way or the other.

14 MR. HUDSON: That wasn't really  
15 the question. The question is the take of  
16 animals less than four and a half foot by the  
17 recreational component, and they are saying  
18 there is not enough enforcement to be able to  
19 keep the recreational component in line. That  
20 is the problem.

21 I mean, commercial is easy to  
22 govern and to view. Recreational is a much

1 larger component of people as a sector.

2 PARTICIPANT: Well, you know,  
3 again, that is going to come down through not  
4 just NOAA agents. It comes down to JEA  
5 programs, and, there again, it is going to  
6 come down to whether the state has rules and  
7 regulations within the state themselves on  
8 that. And the Coast Guard would be the other  
9 component.

10 Landing -- but, yes, it is going  
11 to be difficult. With the number of agents we  
12 have, locations we have, all of the priorities  
13 that we have, we probably are not going to be  
14 at most of these recreational landing spots.

15 PARTICIPANT: Okay. Thank you.  
16 Rom, and then Rich.

17 MR. WHITAKER: Yes. Rom Whitaker,  
18 Hatteras, North Carolina, Charter Boat. But  
19 my question is in reference to the safety  
20 exam. I know in some fisheries I think I am  
21 required to maybe take an observer, if  
22 requested. Even in my 22 years of experience

1 I have not been asked. If I am asked, do I  
2 have to have a safety exam sticker? And if I  
3 don't, how long do I have to comply? And what  
4 happens in the interim? I guess is my  
5 question.

6 PARTICIPANT: Okay. Yes, if you  
7 are -- if you take an observer, NOAA has  
8 published rules -- safety and health rules for  
9 observers. And so if you take an observer  
10 out, you need to have a valid decal. So a  
11 valid safety exam. If you don't, then you are  
12 not allowed to go fishing without an exemption  
13 issued by NOAA for not having them on board.

14 So my suggestion is, if you are in  
15 a fishery that has an observer program, get a  
16 decal. They are free. Schedule it enough in  
17 advance, it can work out with both your  
18 schedule and the Coast Guard inspector's  
19 schedule, to be able to get one.

20 So in order to avoid that  
21 situation, I would just suggest getting one,  
22 and that will help make sure your equipment is

1 up and running, get another set of eyes  
2 looking at your gear rather than just yours,  
3 because you know sometimes when you are  
4 looking at your own things you can miss some  
5 things. So have another set of eyes.

6 And, like I said, it doesn't cost  
7 anything. So I would really suggest doing it  
8 that way.

9 PARTICIPANT: Yes. Bob and then  
10 Sean.

11 MR. HUETER: Bob Hueter, Moat  
12 Marine Lab. I guess this is for Jeff. Jeff,  
13 can you give just a brief overview of the  
14 shark finning situation in the southeast, any  
15 trends right now? And are there any early  
16 indications of how the new regs to keep the  
17 fins attached to the carcass are going to  
18 affect that situation from an enforcement  
19 standpoint?

20 PARTICIPANT: Right now, I would  
21 say we are more into the assessment stage of  
22 this with this new reg. I have not seen cases

1 resulting yet, but I think it is going to be  
2 helpful for us in the long run in dealing with  
3 prohibited sharks and as well as  
4 enforceability out there where we are not  
5 having carcasses thrown overboard.

6 But I have not heard any cases  
7 yet, so there is no way to say that, you know,  
8 we are having issues out there or not having  
9 issues. But we are evaluating it quite  
10 frequently, and it is a discussion -- I know  
11 it is on our weekly call.

12 PARTICIPANT: Thanks, Bob. Rich,  
13 I'm sorry I missed you on the last one.

14 PARTICIPANT: Yes. In terms of  
15 Ron Coddington's comments, I am probably going  
16 to have to go to -- go back to bluewater and  
17 urge some kind of a subcontract with them, or  
18 maybe give them part of my salary this month  
19 for the excellent reporting job you did.

20 And the landings data also back  
21 them up 100 percent. If you look as of July  
22 31st, there is eight and a half metric tons of

1 recreational landings reported from January  
2 1st until July 31st, and that is, obviously,  
3 preposterous. So it's not really happening.

4 Any swordfish dealer in South  
5 Florida will tell you that you can't sell  
6 swordfish. The legitimate guys can't sell  
7 swordfish. It all gets transferred out of  
8 state.

9 On the Mexican Panga Fishery, I  
10 assume that's the northeastern coastline of  
11 Mexico where that shark fishery takes place  
12 mostly.

13 PARTICIPANT: Right. That's  
14 correct. It is right where the U.S. and  
15 Mexico join, right there by Brownsville, South  
16 Padre Island area.

17 PARTICIPANT: By Brownsville.  
18 There is no bluefin in that bycatch at all?  
19 You never noticed bluefin?

20 PARTICIPANT: I haven't heard of  
21 any bluefin, just coastal sharks and snapper  
22 are predominantly the --

1 PARTICIPANT: Yes.

2 PARTICIPANT: -- catch.

3 PARTICIPANT: Okay. Okay. Just a  
4 couple of other quick points. The Mary B  
5 case, that was really good, terrific  
6 undercover work, and I am sure you got tips  
7 from many fishermen. It was a well-known  
8 operation on the waterfront for -- did I say  
9 the Mary B? I meant the Ogunquit, the Perkins  
10 Cove case.

11 That actually involved select --  
12 town select men, and it's a relatively new  
13 occurrence, because we just have massive  
14 amounts of school tuna and small-medium tunas  
15 that are now in the Gulf of Maine where we  
16 hadn't had that before. And some guys just  
17 took advantage of it with the declining  
18 fishery.

19 The Mary B Fishery, the boat you  
20 got with all of the shorts, good luck trying  
21 to get any money out of that boat. That --  
22 you know, every fishery has a few shining

1 examples of incredibly bad, stupid people.

2 (Laughter.)

3 And the Mary B is -- the Mary B --  
4 the captain of that boat, if anyone saw that  
5 full-page picture of a sword captain holding  
6 up a white marlin in National Fisherman, that  
7 was the captain of that boat. So --

8 (Laughter.)

9 So you know what you're dealing  
10 with. The captain is in rehab. You won't be  
11 seeing him for a long period of time right  
12 now. And you might get the boat, if you want  
13 the boat.

14 PARTICIPANT: Okay. Thank you.  
15 Anybody else have questions? Yes. Brad?

16 PARTICIPANT: This question is  
17 more for you, Meggan.

18 PARTICIPANT: Rich, were there  
19 specific issues?

20 PARTICIPANT: Yes. Yes. The  
21 specific issue that I want to talk about --  
22 and it is not the first time -- is a review of

1 the size limits in the commercial category for  
2 bluefin.

3           You know, I think it is clear that  
4 there is a distributional shift of the  
5 resource that is taking place. There is a  
6 terrific full-page article in this month's  
7 Commercial Fisheries News by the Northeast  
8 Fisheries Science Center that reviews a lot of  
9 information on both water temperature and  
10 phytoplankton production that suggests that  
11 there is a more earlier and northeasterly  
12 distribution of pelagics, particularly --  
13 well, not just bluefin tuna, but also some of  
14 the forage fishes as well, in terms of  
15 mackerel and herring, that are watching the  
16 fish come through earlier.

17           So the result of that is that,  
18 over the last several years, we have been  
19 getting considerable bodies of smaller size  
20 bluefin tuna that are available to us. And,  
21 right now, the minimum size for commercial  
22 sale is 73 inches. Historically -- and Dick

1 Stone can comment on this a bit as well,  
2 because he was -- he was involved in some of  
3 the early days -- there were -- there were a  
4 couple of -- and I think somebody -- maybe it  
5 was Sarah or somebody did a review of the  
6 history of minimum sizes. They could brief us  
7 on that as well.

8 But the 73 inches is an arbitrary  
9 unilateral measure on the part of the United  
10 States. That is, again, one of these extra  
11 conservation sacrifices that we are making  
12 that nobody else is making. Historically, we  
13 did have a 60- or 65-inch minimum size for  
14 commercial sale Fall Fishery in the Chatham  
15 Fishery. I am not saying we could go back to  
16 that. It would actually have to be an earlier  
17 season fishery at this point in time, because  
18 we are getting the schooley -- peak of the  
19 schoolies -- not school fishery, but small-  
20 medium schooley fishery is more July, the  
21 month of July and August right now.

22 So, and we don't know. This shift

1           may be, for all we know, permanent and may  
2           continue to get more extreme. We may never  
3           get, regardless of what happens in the Eastern  
4           Atlantic, we may never get our giant fishery  
5           back to us in that way. And if we are to  
6           remain in this fishery, then we ought to be  
7           considering a review of the size limits, even  
8           if that means, you know, making it  
9           conservation-neutral by dropping the quota,  
10          for example, on either the giants or the small  
11          fish, whatever the wisest way, most effective  
12          way of keeping it conservation-neutral is.

13                        We are out of the marketplace, and  
14          these are perfectly valuable, good product  
15          that other nations have to themselves, and we  
16          are prevented from doing it. And the most  
17          historical, traditional tuna fishing grounds  
18          are being excluded from the fishery because of  
19          these minimum size.

20                        And there is pretty good support  
21          in New England. Whenever we hold public  
22          hearings in the Blackburn office, I think

1           there is always some -- at least several  
2           fishermen who come out and say, why can't we  
3           go back to that 65-inch minimum fishery where  
4           we used to have four fish?

5                         And, you know -- and, anyways,  
6           there is a lot of support for it, so at some  
7           point I would like the Advisory Panel to  
8           consider that. And maybe we could hear, if it  
9           wasn't today, if the staff had time to review  
10          that historical paper that they put together  
11          reviewing minimum sizes, it might be helpful  
12          for a basis of a discussion of that.

13                        MR. AUGUSTINE: Yes, thank you.  
14          Pat Augustine. A couple of questions. Do we  
15          have the ability or time to review, clarify,  
16          and/or discuss more fully the strategy to  
17          fully utilize our U.S. bluefin tuna quota? As  
18          at our last conversation, ICCAT session, we  
19          talked about the possibility of reducing our  
20          bluefin tuna quota from 1,624 down to about  
21          1,500 metric ton.

22                        And when you review the history of

1           what we have been catching versus what other  
2           countries have been catching, you realize that  
3           we are at the forefront of all conservation  
4           measures above and beyond all of the other  
5           countries.

6                           And so I guess my question is more  
7           of: what can we do, either in a quicker  
8           fashion or in a more equitable fashion, as  
9           Rich may have just pointed out here, switch to  
10          different size fish for various types of the  
11          year, but to utilize our quota before we lose  
12          it.

13                          I went back and I read the charter  
14          statement for ICCAT, and the last sentence  
15          says something about to guarantee that all CPC  
16          fully utilize the fishery to the maximum  
17          sustainable level. And on the one hand, we  
18          are trying to do that. On the other hand,  
19          through our conservation efforts, trying to  
20          set the stage for the world, and as an  
21          example, it is causing us some dislocation in  
22          terms of our fishermen's ability to bring

1           those fish to market.

2                       So I guess the question simply is:  
3           can we review your or our strategy for how we  
4           are going to more fully utilize the quota? Or  
5           is it written somewhere, Margo, where I can  
6           just read it and go at it from there?

7                       MS. SCHULZE-HAUGEN: Well, we are  
8           touching on a mix of kind of the domestic and  
9           the international issues. And in some cases,  
10          we do need to be careful. Some of the  
11          discussions I think you are referencing, Pat,  
12          were in the closed session of the ICCAT  
13          Advisory Committee.

14                      However, there are a suite of  
15          issues that I think are also appropriate for  
16          an open domestic discussion. So what we have  
17          at the ready would be possibly to pull up the  
18          presentation from the spring. We haven't  
19          really worked on updating the presentation,  
20          but maybe could verbally walk through what we  
21          have seen this summer.

22                      The presentation that Rich

1 mentioned on the review of size classes is  
2 something that we can bring and talk about.  
3 So, but in terms of, you know, a specific plan  
4 and things like that, we have the regulations,  
5 we have the FMP. Changes to those, depending  
6 on them, would be possibly framework rule  
7 within the scope of that or we are talking  
8 about FMP amendments, which, as most of you  
9 should know, are lengthy kinds of rulemaking.

10 So we are well aware of some of  
11 the changes. That was kind of the point of  
12 the changing trends presentation in the  
13 spring, is we are seeing these changes as  
14 well. I'm not exactly sure why, what is going  
15 on, could be a variety of things, a variety of  
16 ideas out there.

17 I don't think anyone has  
18 identified the silver bullet, although there  
19 is some thoughts. So we can walk through that  
20 again, we can bring copies of the paper - we  
21 have photocopiers - and I guess have a  
22 freeform discussion. We weren't planning on

1 a formal presentation on some of these issues.

2 If those are the kinds of things  
3 you want to talk about, letting us know ahead  
4 of time would increase our ability to respond.  
5 But we can certainly talk.

6 MR. AUGUSTINE: Margo, thank you.  
7 I didn't need any more detail on that, and I  
8 didn't know we were going to talk about  
9 bluefin today. I thought that was some other  
10 time.

11 The other question was: have we  
12 ever thought about the possibility of doing a  
13 telephone survey for tuna fishermen, sword  
14 fishing permitted vessels, as we do with -- we  
15 are going to talk about doing that with MRIP  
16 for recreational fishing. And it just seems  
17 to me that it may be a little expensive, but  
18 I thought that part of the deal was that when  
19 you caught these fish you were to call in and  
20 report them.

21 But from a report that we have,  
22 again, back to Rich, said it looked like for

1           six or seven months there had been like eight  
2           metric ton, which is like a drop in a bucket.

3                         So what can we do to close the  
4           loop on those permit holders, whether you --  
5           a part of the survey might be: have you  
6           caught one of those fish? And, you know, the  
7           standard questions that you have on MRIP, to  
8           do a tracking that way, because it's obvious  
9           people are not reporting.

10                        If they're not reporting, and they  
11           are getting under the radar, how do we close  
12           that loop? How do we do it in a relatively  
13           reasonable time, so that when we move forward  
14           with -- again, back to ICCAT -- showing what  
15           we have harvested? We have a more reasonable,  
16           honest answer. So I don't know if that's  
17           possible or not.

18                        MS. SCHULZE-HAUGEN: Actually, on  
19           Thursday we have a presentation from Ron Salz  
20           on MRIP, and the MRIP program has a number of  
21           working groups, one of which is an HMS working  
22           group, and they have a number of projects.

1                   Actually, Ron is a member of that  
2                   team. And one of them specifically is I think  
3                   tournaments, and then also South Florida  
4                   swordfish fishery characterization. So Ron  
5                   might want to jump in briefly here, but then  
6                   I think we can expect more details from Ron.

7                   PARTICIPANT: Yes. I'm sure Ron  
8                   Salz is going to update us on that. But our  
9                   HMS angling survey that is part of the MRIP,  
10                  they are pulling eight percent of the Florida  
11                  HMS angling permits per month and doing a  
12                  telephone survey. They are getting some real  
13                  good results from it. They are able to make  
14                  contacts.

15                  They are getting some good  
16                  information back. I'm sure Ron Salz will give  
17                  us an update on that, but that is moving  
18                  forward. It got started a little late, so I  
19                  think we have three or four months of it so  
20                  far. But the Florida pilot program is doing  
21                  just what you are talking about.

22                  MR. McBRIDE: Yes. Margo, just a

1 little bit of history on bluefin tuna. But  
2 before I go into that, this is probably one of  
3 the few meetings I have attended over God  
4 knows how many years -- 10 or better -- that  
5 we haven't had bluefin tuna on the agenda.  
6 That was number 1 issue. So it wasn't unusual  
7 for us to think it would come up in one form  
8 or another under some subtitle here on the  
9 agenda.

10 Secondly, in my particular case,  
11 since I got a lot of this information from the  
12 RFA, from Jimmy and John -- whatever the young  
13 fellow's name is down there -- I didn't get an  
14 agenda, so I couldn't be more specific in  
15 regard to the lack of bluefin tuna discussion,  
16 you know, for the Congressman or his aide or  
17 whoever -- whatever the case may be.

18 But let me go on for a moment into  
19 bluefin tuna. And I'm a layman, I'm not a  
20 scientist, I'm a fisherman. I've been fishing  
21 as a charter boat captain for over 30 years in  
22 the northeast in the Montauck area.

1                   And, you know, I say this, and  
2                   those who have heard me say it before, forgive  
3                   me for being repetitive. We used to have  
4                   school bluefin tuna all over the ocean. The  
5                   reason we had them all over the ocean, we had  
6                   the breeding fish available, because they  
7                   were, in those days 30 years ago -- just pick  
8                   an arbitrary date -- they were considered a  
9                   pain in the neck, because there was no money  
10                  on them. And at times, in tournaments or if  
11                  you brought them in, you had to pay to get rid  
12                  of them.

13                  Times turn. Money starts to come  
14                  in on giant tuna. Nothing wrong with that.  
15                  All fishermen that make a living at sea, other  
16                  than just pure recreational fishermen, are  
17                  commercial fishermen in one form or another,  
18                  whether you're a charter boat captain or a  
19                  commercial dragger or a rod and reel or  
20                  harpoon fisherman of any kind. So this is  
21                  historical now.

22                  At the last meeting, if I'm not

1           mistaken, there was a statement made by your  
2           office, somebody in your office, that the  
3           breeding stock, the giants particularly over -  
4           I think it was 310 pounds, the breeders - are  
5           down to 10 percent of what they had been  
6           historically. You know, it could be 15. I'm  
7           not quite sure. The figure 10 percent stuck  
8           in my mind.

9                        So you have a breeding stock now  
10           that is 10 percent of what it was when the  
11           stocks were plentiful, and the fish were  
12           breeding in great numbers. Bluefin tuna, when  
13           I was younger and in the northeast, were the  
14           equivalent of those from the northeast who  
15           fish for bass and end up catching bluefish  
16           that they -- there were so many of them that  
17           they were all over the place and they provided  
18           a great incentive for people to use their  
19           boats and go tuna fishing in reasonably close  
20           distances to shore, as compared to when we  
21           have to go 50, 60 miles for yellow fin and  
22           long fin tuna, as we do now. And I spend a

1 lot of time doing that in our geographic area.

2 Over the years, with the shortage,  
3 the reduction in numbers, whether it's caused  
4 by the eastern abuse of ICCAT regulations in  
5 the eastern side of the Atlantic, and killing  
6 everything that swims in the tuna industry,  
7 particularly the bluefin tuna, and the  
8 reduction in the number of breeding fish, the  
9 regulations in this country were that we cut  
10 out the utilization of the school fish, the  
11 smaller fish, and keep pressure from 100  
12 percent down to approximately 10 percent on a  
13 gradual basis over the 30-year period, and  
14 save the small fish, so that they grow to be  
15 big fish, so they could be then caught and  
16 sold for money, and so forth, for a relatively  
17 few number of people overall for the public.  
18 This is a public resource that belongs to all  
19 the citizens of -- who are interested in them  
20 in our country that might want to utilize it.

21 The economical impact in boat  
22 sales, marinas, restaurants, et cetera,

1 charter party boats, and everything else I'm  
2 not listing here for the moment, is fantastic.  
3 And it would be much more valuable if we did  
4 a change along the lines of what Rich was  
5 saying.

6           Instead of selling smaller fish  
7 and keep coming down, and reduce the number of  
8 breeders, maybe we could economically, for the  
9 benefit of those employed in this industry, do  
10 our bag limits over, allow more smaller fish  
11 to increase the Fall Fishery in the northeast,  
12 and they're talking particularly about the  
13 east end Long Island, northern New Jersey  
14 certainly, Long Island, and Connecticut and  
15 Rhode Island, those geographic areas.

16           In the fall, in September and  
17 October, school bluefin were always  
18 traditionally a major part of our business.  
19 With one fish per boat per day of fish up to  
20 47 inches, there is no business. You have to  
21 combine it, if you're lucky and you're able to  
22 get in an area where you can go out within 15,

1           20 miles, fish for the school bluefin, and  
2           come in after you have -- if you, fortunately,  
3           catch one, come in and do bass fishing and  
4           combine the day that way. Very few people can  
5           do that, other than perhaps in Point Judith in  
6           Montauck. You can't do it back on the island,  
7           because those opportunities -- you have to go  
8           too far for the fish.

9                         So something should be done, and I  
10          don't see any rationale in reducing the size  
11          of the saleable fish to increase the pressure  
12          on the potential breeding fish is going to do  
13          anything more for the overall health of that  
14          fishery. That is my opinion, and I haven't  
15          heard an argument against it so far. And if  
16          anybody has another opinion, they are more  
17          than welcome to tell me.

18                        MS. SCHULZE-HAUGEN: Well, what  
19          I'm hearing is that there are some big issues,  
20          that these are not issues that will be easy,  
21          and we are talking about the changes that are  
22          kind of being bandied about would in all

1           likelihood require an FMP amendment. I am  
2           hearing things touching on allocation, things  
3           touching on distribution of economic benefits  
4           and opportunities, that would be a pretty  
5           major undertaking.

6                         We can start that conversation.  
7           We can start reviewing. Like I said, I am  
8           happy to present or at least walk through the  
9           presentation from the spring and update it  
10          verbally with information since then, kind of  
11          a continuation of what we have seen. We can  
12          share the minimum size history paper, and have  
13          some discussion.

14                        I don't think we are going to be  
15          able to do much more than that. It sounds  
16          like it could take some time to really vet  
17          some of the issues that people want to  
18          discuss.

19                        So, for now, what I would  
20          recommend is that we take a slightly longer  
21          than normal break, come back at 3:30, but  
22          promptly at 3:30, and I will work with Paul on

1           potentially finding some time tomorrow.

2                       PARTICIPANT: Margo, before you do  
3           take a break, John Reghi wanted to make one  
4           more comment to followup on an issue from the  
5           past panel.

6                       MR. REGHI: Thank you. Okay. I  
7           want to give a -- just a quick point of  
8           clarification on the importation data on the  
9           ACE portal database. I apologize if I  
10          confused anybody, but the actual importation  
11          data itself, what is being imported, who is  
12          importing it, what quantities, what countries  
13          it is coming from, that is all privileged and  
14          confidential information. It is the property  
15          of CBP, and it is protected by a number of  
16          federal statutes, and there are severe  
17          penalties for disclosure.

18                      Only federal agencies and other  
19          regulatory agencies have specific statutory  
20          authority to access that information, can  
21          actually dial into the system itself after  
22          they pass a thorough background investigation,

1 to have access to it.

2 But if you are interested in, you  
3 know, what the database is all about, what  
4 information they collect, what their legal  
5 requirements are, the cbp.gov website can give  
6 you, you know, some background information.  
7 But as far as specifics as to who is importing  
8 what and from where, that is not available to  
9 the general public.

10 Probably the best place to find  
11 summary statistics would be with the  
12 regulatory agencies that look at those  
13 products. And there other companies that  
14 provide it as well through CBP, so --

15 PARTICIPANT: Great. Thank you.  
16 Fifteen minutes or --

17 (Whereupon, the above-entitled  
18 matter went off the record.)

19 PARTICIPANT: I have been working  
20 on this draft Amendment 1, Essential Fish  
21 Habitat, for the last, oh, about two years.  
22 And you all have probably heard presentations

1 in the past, as we were building up to this  
2 point. So we are really happy to be here with  
3 our draft amendment.

4 As Margo mentioned in her opening  
5 remarks, there are really three major  
6 components to this amendment. One is updating  
7 our current EFH boundaries. Another is  
8 proposing a habitat area particular concern  
9 for bluefin tuna in the Gulf of Mexico. And  
10 a third is analyzing fishing impacts on those  
11 EFH areas.

12 We are not proposing any measures  
13 to minimize fishing impacts. And I may have  
14 to repeat that when some of the other AP  
15 members come back in, or I will repeat it  
16 throughout my presentation. This is not a  
17 regulatory action, and that is why we only  
18 published the notice of availability for this  
19 amendment. There are no management measures  
20 associated with this amendment.

21 I know a lot of people when they  
22 hear essential fish habitat tend to

1 immediately think time area closures, and the  
2 two are completely different. EFH simply  
3 identifies those critical habitat areas for  
4 our managed stock. In fact, the definition in  
5 the Magnuson Act is that EFH should include  
6 all habitats for spawning, feeding, breeding,  
7 and growth to maturity. So you can see that  
8 it is quite broad.

9 But there is no distinction in  
10 terms of time area closures. Those would  
11 require separate analysis, separate management  
12 action, separate proposed rule and measures.

13 One thing before I get started, I  
14 wanted to give special thanks to Eric Orbison.  
15 He is in the back. Some of you may have met  
16 him already. He is with NMFS, Southeast  
17 Fishery Science Center, and he was on a  
18 rotation with us, a detail, for the last  
19 several months, helping us with our GIS  
20 mapping efforts. And we really couldn't have  
21 done it without him.

22 Of course, it is a large team that

1 works on any amendment. There are a lot of  
2 people that were involved in this, and I would  
3 like to thank all of them.

4 So why is EFH important? Beyond  
5 the obvious reasons that we are trying to  
6 maintain suitable, high-quality habitat for  
7 our managed fish stocks that are necessary to  
8 maintain those healthy populations of fish  
9 stocks, there is really a more practical side  
10 to EFH, and it is also where we have a hook  
11 and leverage in terms of development projects  
12 that are occurring, both on the coastal zone  
13 and in the outer continental shelf, and that  
14 is the consultation process.

15 To me, that is the real strength  
16 of the EFH provisions that are in Magnuson, is  
17 that they detail how that consultation process  
18 is to work. Any time there is a project that  
19 is federally funded, authorized, or  
20 undertaken, that has a potential to have a  
21 negative effect on EFH, then that agency  
22 undertaking that action must consult with NMFS

1 on proposed measures that they are going to  
2 undertake to minimize any impacts on habitat.

3 So, to me, that is really the crux  
4 of the whole EFH. There are obviously a lot  
5 of other components to it. But, to me, I find  
6 that to be probably the most valuable aspect  
7 of what the Magnuson Act did in establishing  
8 the EFH provisions.

9 So it was the 1996 Magnuson Act  
10 that first included the EFH provisions. They  
11 were very broad, however, and I have listed  
12 them out here. They were to identify and  
13 describe EFH, to minimize, to the extent  
14 practical, adverse effects on EFH caused by  
15 fishing activities, and to identify other  
16 actions to encourage the conservation and  
17 enhancement of EFH. And then, the Magnuson  
18 Act also set out for the Secretary to  
19 determine the schedule at which EFH should be  
20 determined and identification should be made.

21 Subsequent to the MSA, in 2002,  
22 NMFS issued the EFH regulations, sometimes

1           also referred to as the guidelines. And they  
2           went into a little more detail in terms of  
3           what was being required and what the councils  
4           and ourselves, having secretarial authority  
5           for HMS, were required to do with regard to  
6           EFH. And they were to identify EFH for each  
7           species and life stage.

8                         For us, that is quite an  
9           undertaking, given that we have about 45  
10          managed species, three life stages each. It  
11          is a lot of data and a lot of analysis and a  
12          lot of mapping that has to take place.

13                        It also included a provision to  
14          identify habitat areas of particular concern,  
15          or HAPCs, that I'll go into a little more  
16          detail later. It also included the  
17          requirement to identify fishing and non-  
18          fishing activities that may adversely affect  
19          EFH. It also included provisions to minimize  
20          fishing impacts that are more than minimal and  
21          not temporary. NMFS sometimes refers to that  
22          as the MMNT, more than minimal and not

1 temporary provision. You will see that  
2 acronym sometimes. And then, it also required  
3 us to review all EFH information at least once  
4 every five years.

5 In terms of the timeline on this  
6 amendment -- oh, and I should mention, we did  
7 mail out, when we published the notice of  
8 availability, CD copies of the amendment. So  
9 any of you on the AP should have received  
10 that, along with the notice of availability.  
11 If you haven't, we have got hard copies out in  
12 the lobby. We also have the notice of  
13 availability in the lobby. If you would like  
14 a CD copy, please feel free to let us know,  
15 and we will make sure you get one.

16 The notice of intent published in  
17 November of 2006, we held scoping meetings in  
18 March and October, in conjunction with these  
19 AP meetings. We published the pre-draft in  
20 October of 2007 and took comment on that. And  
21 then, we more recently published a notice of  
22 availability of the draft EIS. That came out

1 September 19th.

2 We are currently in a 60-day  
3 comment period, which ends November 18, 2008.  
4 And we are anticipating having the final EIS  
5 in the summer of 2009.

6 To give you a little bit of  
7 background, for those of you that aren't that  
8 familiar with EFH for highly migratory  
9 species, our original EFH descriptions and  
10 maps and boundaries were published in the FMP  
11 for Atlantic tunas, swordfish, and sharks, in  
12 1999, and for billfish, in Amendment 1 to the  
13 billfish FMP, which also published in 1999.

14 There were several HAPCs described  
15 in the FMP for tunas and sharks, also '99.  
16 And those boundaries you can also see in this  
17 amendment.

18 Then, in 2003, we published  
19 Amendment 1 to the HMS FMP, which was focused  
20 on sharks. And we updated EFH for five shark  
21 species that included sandbar, blacktip,  
22 dusky, nurse, and fine-tooth. We chose those

1 five species because there may have either  
2 been a change in status from not overfished to  
3 overfished, as was the case for fine tooth, or  
4 we may have simply had new information that  
5 was available that we analyzed and used to  
6 update the boundaries.

7 In 2006, we came out with a  
8 consolidated HMS FMP. And as Margo referred  
9 to in her opening remarks, we considered that  
10 sort -- basically Phase 1, where we put out  
11 all of the new data that we had collected in  
12 the form of maps in the document, asked for  
13 any additional information from our  
14 constituents, the public, you all, to make  
15 sure that we hadn't overlooked any important  
16 data sources.

17 But at that time, we didn't  
18 propose, nor make, any changes to the EFH  
19 boundaries. We were simply trying to  
20 determine whether changes might be warranted.  
21 And, indeed, we came to the determination that  
22 it was.

1                   We also described all of the  
2                   fishing gears that might affect EFH, so that  
3                   is other managed gears from other federally  
4                   managed fisheries, as well as the impact  
5                   potentially of our gears on EFH for other  
6                   federally managed stocks in addition to HMS.

7                   And then, that brings us to this  
8                   point -- draft Amendment 1 to the consolidated  
9                   FMP, and in this amendment, as I mentioned at  
10                  the outset, we are going to be updating EFH  
11                  for all of our Atlantic HMS species.

12                  We have used GIS to map each  
13                  species and life stage, incorporated the data  
14                  that we referred to in the 2006 FMP. We have  
15                  also pulled in some additional data sources  
16                  that we -- well, some additional years of data  
17                  that we thought were important for some of our  
18                  species. And I will describe those as we move  
19                  forward.

20                  We also identified an HAPC for  
21                  bluefin tuna spawning in the Gulf of Mexico.  
22                  We will show that in a little more detail.

1           And then, we analyzed fishing and non-fishing  
2           impacts on EFH.

3                         In terms of the alternatives for  
4           identifying EFH, we have analyzed a number of  
5           different alternatives. Alternative 1,  
6           obviously, would be the no action, maintain  
7           the current boundaries, and make no changes.  
8           Alternative 2, to establish new EFH boundaries  
9           based on the highest concentration of  
10          particular species by selecting high-count  
11          cells, is similar to the approach we used in  
12          Amendment 1, where we updated EFH for the five  
13          shark species.

14                        Basically, we took the data points  
15          that we had available for each species and  
16          life stage and merged them with a 10-minute by  
17          10-minute grid, and that allowed us to create  
18          a scale that showed or reflected the highest  
19          number of observations within a particular  
20          area. And then, we manually drew boundaries  
21          around those highest count cells to delineate  
22          the new boundaries.

1           Although that approach worked, one  
2           of the things that we didn't like about it was  
3           that there was a lot of subjectiveness  
4           involved in terms of manually drawing  
5           boundaries around some of the cells, and also  
6           trying to figure out what types of buffers to  
7           establish. Essentially, it wasn't as rigorous  
8           as we were looking for.

9           So Alternative 3, which I think we  
10          mentioned at the last AP meeting last fall, is  
11          our preferred alternative. And for this  
12          alternative we would establish new EFH  
13          boundaries based on what we're referring to as  
14          the 95 percent probability boundary.

15          This is a tool that we use in  
16          geographic information system software  
17          referred to as HOSS analysis tools. There is  
18          more information available about it on spatial  
19          ecology websites. It is an extension that you  
20          can download into ArcView.

21          And it generates a probability  
22          boundary based on the data points. So

1 individual points are mapped, and the  
2 probability boundaries are generated based on  
3 those points. The advantage of this system is  
4 it tends to focus on the most concentrated  
5 areas and eliminate outliers.

6 The 95 percent probability  
7 boundary includes, on average, 95 percent of  
8 the data points that are under consideration  
9 being mapped. What we like about this  
10 approach is that it provides a standardized,  
11 reproducible, and predictable method of  
12 establishing EFH boundaries.

13 And one of the things I should  
14 say, and as I show some examples of how we  
15 went about this, is that in many cases we use  
16 the 95 percent probability boundary as a  
17 starting point. And once we had that  
18 boundary, we consulted with our NMFS  
19 scientific staff, our biological experts, and  
20 had them give us their advice on whether we  
21 were including appropriate areas, whether we  
22 should be excluding certain areas, basically

1 to give us some feedback on whether they felt  
2 that that 95 percent probability boundary was  
3 appropriate for that particular species and  
4 life stage.

5 In some cases, we had very  
6 distinct, succinct comments from them asking  
7 us to make some modifications to those  
8 boundaries, which we have made at this point.

9 So, in the examples I'll give, or  
10 which when -- you'll see in the maps, we have  
11 a 95 percent probability boundary, and then we  
12 also have a 95 percent preferred alternative  
13 boundary. They are essentially the same,  
14 except that one may have incorporated -- the  
15 preferred alternative boundary may have  
16 incorporated edits that we receive from our  
17 Science Center staff.

18 There are basically three ways  
19 that you can see the different probability  
20 boundaries and the proposed new EFH boundaries  
21 -- they are one in the same. You can either  
22 look at them in the hard copy, the DEIS, which

1            hopefully you have with you, or you can access  
2            the HMS homepage, and there is a link to a new  
3            page that we referred to as essential fish  
4            habitat. Or you can go direct to our new  
5            online mapping system. And I have given you  
6            the address there. It is also in your  
7            PowerPoint presentation, and it is also on our  
8            HMS webpage.

9                        So let me take you there briefly  
10            to show you how this works. And I would hope  
11            most people would go here, because I find this  
12            to be the most useful of all the methods for  
13            looking at the EFH boundaries, to actually see  
14            what it is we are proposing.

15                        So here we are at the online  
16            mapping site, and we have basically a Google  
17            map background. And if you look on the left  
18            -- by the way, this map product was put  
19            together for us by our colleagues in the  
20            Office of Habitat Conservation. We really  
21            couldn't have done it without them. They put  
22            in a tremendous amount of work and effort into

1           putting this out for us.

2                       So this is live. This is online.

3           I've got a direct internet connection here.

4           And I will point out some features as I am

5           going through this, but the main ones, of

6           course, are: how do you get at the species?

7           Well, at the very top left of the window there

8           is a dropdown box, and it lists all HMS

9           species. And you can select, just by

10          highlighting a species, that particular

11          species. And then, the next dropdown box

12          allows you to select the life stage.

13                       So I have gone to the first one

14          for albacore tuna. I am going to select adult

15          albacore tuna life stage. You will see a box

16          pop up that shows a nice little image of a

17          tuna and gives the size range, which of course

18          is important. All of the points you will see

19          in this mapping program are for, in this case,

20          albacore tuna greater than or equal to 90

21          centimeters fork length.

22                       And as we switch among different

1 species, of course, you will get the different  
2 species, photos, and life stage ranges, in  
3 terms of sizes.

4 When I turned on adult, or when I  
5 selected adult, you may have noticed that the  
6 data layers became active. And this allows us  
7 to now select different probability  
8 boundaries, the 1999 or the current EFH  
9 boundary, as well as the points which the  
10 probability boundaries are based upon, and  
11 then, finally, that preferred alternative that  
12 I mentioned to you at the top.

13 So to walk you through this, the  
14 way I normally do it is I turn on the 1999 EFH  
15 boundary. It is not that clear. Can  
16 everybody see that when I turn it on? Light  
17 blue areas, mid-Atlantic coast, and down in  
18 Florida?

19 Then, I like to turn on the  
20 points. This is what we used to generate the  
21 probability boundaries. Again, I will turn  
22 those off and on, so you can see them as they

1           are coming on. And then, in whatever  
2           direction you want to go. You can start with  
3           the most focused areas, which would be the 70  
4           percent probability boundary.

5                        What that means is that you are  
6           incorporating approximately 70 percent of the  
7           observations within that boundary. And as you  
8           go on up, you are incorporating more and more  
9           of the observation into the boundary layer  
10          until you get to 95 percent, and at that point  
11          you have encapsulated approximately 95 percent  
12          of all of the observations for that particular  
13          species and life stage in the boundary.

14                      In this case, we had no edits from  
15          our Science Center staff. We didn't exceed  
16          the limits of the EEZ, so the preferred  
17          alternative matches exactly with the 95  
18          percent probability boundary. In a minute, I  
19          will show you one that doesn't, and I can show  
20          you what the differences are.

21                      So, again, you can turn on the '99  
22          boundaries. You can compare them to what we

1 are proposing for the new boundaries by  
2 turning them on and off. And you can turn on  
3 the points to see what those probability  
4 boundaries are based upon.

5 If you want a few more additional  
6 things to look at here, in terms of tools --  
7 maybe I should go to the next species, because  
8 this would be more relevant. Let's select  
9 swordfish. And, again, I will select the  
10 adult life stage. You'll notice the image pop  
11 up with the size range, which in this case is  
12 greater than or equal to 180 centimeters lower  
13 jaw fork length.

14 I will turn on the points, and  
15 what you will notice for swordfish, of course,  
16 is that the points stretch well beyond the  
17 U.S. EEZ. To see how far those points might  
18 reach, I can click on this little globe icon,  
19 and that drops us out to a wider extent. And  
20 you can see a lot of swordfish, obviously,  
21 being caught in the NED and other areas in the  
22 Atlantic.

1                   What our Science Staff were very  
2 adamant about -- and we agree with this  
3 approach -- is that they wanted us to map the  
4 boundaries initially based on all of the data  
5 points. So you can see when I turn on the 95  
6 percent probability boundary it is generating  
7 probability boundaries in the middle of the  
8 Atlantic, Southern Atlantic as well.

9                   However, when it came to  
10 identifying the final preferred alternative  
11 boundary, which, as I mentioned, is based on  
12 that 95 percent probability boundary, we can  
13 only designate EFH within the U.S. EEZ. So we  
14 clipped the boundary along U.S. EEZ.

15                   So if I turn on the preferred  
16 alternative boundary, you will see that those  
17 areas out in the middle of the Atlantic are  
18 not considered EFH. Only the areas within the  
19 U.S. EEZ. So if I zoom back in to just  
20 continental U.S., I leave the preferred  
21 alternative boundary, which is in green, on.

22                   I'll turn off the points, so you

1 can see it. This is what we are preferring as  
2 our alternative or our boundary for adult  
3 swordfish. If you want to compare it to the  
4 '99 boundary, you could just turn that on.

5 In this case, they are somewhat  
6 similar. You see some new areas down in the  
7 Gulf based on the data points. You see other  
8 areas that were in the '99 boundary that are  
9 at this point excluded -- for instance, right  
10 down here in the middle of Florida.

11 What we are looking for is,  
12 obviously, if you have some reason to believe  
13 that this area in here that this mapping  
14 program has excluded is important, and should  
15 be considered EFH, that is the kind of comment  
16 we want, as well as some justification,  
17 perhaps some additional data that we missed,  
18 because as you can see there is not a lot of  
19 data from that area.

20 That would give us some additional  
21 reason, justifiable reason to actually include  
22 an area, because right now we are basing it

1 largely on the probability boundaries, and, as  
2 I mentioned, some additional edits that we do  
3 based on our scientific guidance.

4 If I could give you just one more  
5 example: white marlin. Adult.

6 Again, you could turn on the  
7 points, you can turn on the '99 boundaries,  
8 and you can turn on the preferred alternative  
9 boundary to get a sense of where the areas  
10 are.

11 You can't access the data points.  
12 That is one thing that we had pushed for, and  
13 we have -- unfortunately couldn't get. What  
14 we wanted to have was a -- the ability to  
15 click on individual data points, which you can  
16 do in GIS, to figure out, well, who collected  
17 that data point? What is the source? What is  
18 the origination? When was it collected? All  
19 of that underlying information is available in  
20 GIS. We weren't able to provide it on this  
21 mapping program.

22 And maybe that is a good thing,

1           because of the whole confidentiality issues at  
2           this point. I'm not sure. But, nonetheless,  
3           we weren't able to do it.

4                     But the other thing is, if you go  
5           to the hard copy maps, we do attribute all of  
6           the information, all of the data points, who  
7           we got the data from. It shows it by source  
8           and the number of observations that were  
9           collected from each of those sources.

10                    I haven't really gone into depth  
11           about what those sources are, but they are all  
12           listed in the amendment.

13                    There is one other thing I wanted  
14           to show you. I get really excited about this  
15           mapping program, but for those of you that  
16           aren't as excited about mapping programs as I  
17           am, you can go to our webpage -- and let's  
18           hope my internet connection is working here --  
19           HMS -- right here we have created a new link  
20           to our EFH page.

21                    So this is on the HMS homepage.  
22           This very first link here will take you to the

1 EFH page that has a copy of the draft  
2 amendment, has all of the chapters broken out,  
3 the ListServe notice, and all of that.

4 Down here you will see all of  
5 these figures that we were just looking at on  
6 the mapping program that are just in PDF form.  
7 These are big files. I would -- if you are  
8 going to look at them this way, I recommend  
9 that you right-click and download it to your  
10 local drive and then open it up in Adobe.

11 Now, I have done that for you for  
12 one example here, the first one we looked at,  
13 which was adult albacore tuna, just to show  
14 you what is basically in your hard copy  
15 document, but you have a little more  
16 flexibility with this PDF map as well to look  
17 at different data layers and turn things on  
18 and off. To me, that is the advantage. There  
19 is a lot of data here, a lot of overlapping  
20 things, and to me I find it very helpful to be  
21 able to turn things off, so you can see what  
22 it is that is actually being proposed.

1                   So you will notice I clicked on  
2                   this little tab on the left that says Layers.  
3                   And each of the layers that you see on this  
4                   map has a legend over here that you can turn  
5                   off. So I can start going in and turning off  
6                   points and probability boundaries. That  
7                   leaves me with either the '99 boundary only or  
8                   the 95 percent probability boundary that we  
9                   prefer at this point.

10                   So it is in purple. The '99  
11                   boundaries are the hashed boundaries.

12                   Here all of the data source is  
13                   attributed. In this case, it is cooperative  
14                   shark tagging program, cooperative tagging  
15                   system, and the pelagic observer program, with  
16                   POP having by far the highest number of  
17                   observations.

18                   You'll also notice over here on  
19                   the inset there is Puerto Rico and portions of  
20                   the Caribbean, which we don't want to forget  
21                   about, and there is an area in there that has  
22                   points and a probability boundary that was

1 generated. But in this case, it did not --  
2 yes, it does have a preferred probability  
3 boundary, that purple area right there. And  
4 you can turn points on and off within the  
5 inset as well.

6 So the only reason I show you the  
7 PDF map is if you're not comfortable with the  
8 internet mapping system or program that I just  
9 showed you, you can come here as well and take  
10 a look at the maps for each of the species and  
11 life stages.

12 So, obviously, part of our intent  
13 was to provide the data in as many formats as  
14 we could to get the best feedback that we  
15 could. So we are hoping people will go in,  
16 look at the boundaries that are being  
17 proposed, and give us some feedback on those.

18 So let me go back to my PowerPoint  
19 presentation at this point. If there are any  
20 questions about this later, I suppose we can  
21 come back to it.

22 So we were at Alternative 3, which

1 is our preferred alternative based on the 95  
2 percent probability boundary, which in some  
3 cases may have been edited, clipped along the  
4 EEZ. For some of the shark species, for  
5 instance, we got real specific comments from  
6 our Northeast and Southeast Fisheries Science  
7 Center staff and -

8 PARTICIPANT: (Tape begins mid-  
9 sentence) -- including appropriate areas,  
10 excluding others that may not have been.

11 Moving on to Alternative 4, there  
12 are some other methods, obviously, that you  
13 can use to delineate areas. You have noticed  
14 by now that we are relying largely on  
15 distribution data, presence/absence data as it  
16 is sometimes referred to. There are other  
17 ways to look at that type of data.

18 One would be to use all of the  
19 points or cells where those particular species  
20 and life stages may occur or are present. We  
21 didn't opt for this alternative, because we  
22 felt like it resulted in overly large areas,

1 as you can imagine, for HMS.

2 And then, Alternative 5, to  
3 establish new EFH boundaries using the entire  
4 range of distribution for each life stage, I  
5 suppose if you had little or no information on  
6 individual points or habitat that this might  
7 be an option. But given that we really do  
8 have a wealth of data now on a lot of our  
9 species and life stages, we didn't think this  
10 alternative was appropriate either.

11 Moving on to habitat areas of  
12 particular concern, here are the four criteria  
13 that were included in the EFH guidelines in  
14 terms of designating HAPCs. One is the  
15 importance of the ecological function provided  
16 by the habitat. The second is the extent to  
17 which the habitat is sensitive to human-  
18 induced environmental degradation. The third  
19 is whether, and to what extent, development  
20 activities are or will be stressing the  
21 habitat type. And the fourth is the rarity of  
22 the habitat type.

1                   In terms of our alternatives for  
2                   HAPCs, one would be the no action, maintaining  
3                   our current sandbar shark HAPCs only. We have  
4                   three areas -- Great Bay, New Jersey;  
5                   Chesapeake Bay; Delaware Bay; and -- actually,  
6                   four areas -- Outer Banks in North Carolina,  
7                   designated as HAPC for sandbar sharks.

8                   Alternative 2, which is the  
9                   preferred alternative, would designate a  
10                  habitat area of particular concern for  
11                  spawning bluefin tuna in the Gulf of Mexico  
12                  while maintaining the current HAPCs. In other  
13                  words, we still want to maintain those sandbar  
14                  shark HAPCs.

15                  This alternative is based on a  
16                  number of data sets, including NMFS, Southeast  
17                  Science Center larval surveys, ichthyoplankton  
18                  collections that have been done over many  
19                  years, University of Southern Mississippi  
20                  larval survey data, courtesy of Dr. Jim  
21                  Franks, who is here. We certainly appreciate  
22                  his willingness to share that data with us.

1           A number of other data sources,  
2           including the pelagic observer program data,  
3           cooperative tagging center, which, as I forgot  
4           to mention at the outset, that is one of the  
5           programs that Eric Orbison works on down in  
6           the Southeast Center. And he was very helpful  
7           in getting us some of this data, as well as  
8           the Billfish Foundation data.

9           In addition, we also have received  
10          a written request from the National Center for  
11          Marine Conservation and Tag-A-Giant Foundation  
12          to consider this area in the Gulf of Mexico as  
13          an HAPC.

14          Here is a map of the area. This  
15          is also available on the mapping site. If you  
16          go to bluefin tuna and click on HAPC, there  
17          will be the different -- you know, adult,  
18          juvenile, and spawning areas. But then, there  
19          is also an HAPC link that you can click on.

20          This area may look familiar to  
21          some of you. It is the same area that was  
22          published in the Block, et al., 2005

1 publication in Nature. And it incorporated a  
2 number of different data sets. Some of those  
3 are shown here. In green, we have bluefin  
4 tuna larval data sources from the Southeast  
5 Center. These are number of larvae per tow  
6 from 1992 through 2004. They set up their  
7 larval sampling on a grid, as you can see by  
8 the lighter green big circles.

9           Nearly all of those larval samples  
10 fell within the HAPC. In addition, some of  
11 the data from Dr. Franks, and Hoffmeyer and  
12 Komens, from 2000 to 2004, similar  
13 ichthyoplankton trawls doing -- or  
14 ichthyoplankton collections in larvae per tow  
15 are shown in red.

16           And then, you have -- in the small  
17 green points are the adult bluefin tuna that  
18 we have recorded in this section of the Gulf  
19 of Mexico.

20           So, and then one other thing you  
21 may be noticing there in the lower left-hand  
22 corner of the screen. This is from the Teo,

1 et al., 2007 paper. And we didn't actually  
2 get the data. We took some license here to  
3 digitize the area as closely as we could based  
4 on what was published in the paper. And this  
5 is trying to delineate areas of breeding phase  
6 bluefin tuna in the work done by Teo, et al.,  
7 and Dr. Bustani and Block.

8 We just wanted to see where that  
9 area was in relation to the EEZ, where it was  
10 in relation to the proposed HAPC, and that  
11 sort of thing. And, obviously, the focal  
12 point, at least from our interpretation of the  
13 publication, was that it was outside the EEZ.  
14 And as I have mentioned many times, and  
15 probably will many times in the future, we  
16 can't designate EFH or HAPCs outside of U.S.  
17 EEZ waters.

18 But you do see that there is a  
19 fairly significant portion of that area that  
20 was identified as a key spawning area in the  
21 Teo paper that falls within the HAPC, or the  
22 proposed HAPC I should say.

1           So taking all of these data,  
2           different data sources and publications, into  
3           consideration, we felt that this area that was  
4           -- that was suggested by NCMC and Tag was an  
5           appropriate area.

6           Some other alternatives we  
7           considered in terms of designating HAPC for  
8           bluefin tuna -- and, incidentally, although we  
9           limited ourselves to bluefin tuna, I mean, we  
10          did talk to our shark scientists and didn't  
11          have specific areas at this time that we  
12          wanted to consider as HAPCs for sharks.

13          Similarly, no specific areas for  
14          some of the other billfish and swordfish.  
15          Doesn't mean that we couldn't, obviously, take  
16          that into account in the future. We wouldn't  
17          be able to in this amendment, but if you have  
18          thoughts on that that was -- that is something  
19          that we would be interested in hearing as  
20          well.

21          So Alternative 3 would be to  
22          designate an HAPC for spawning bluefin tuna

1 based on the 95 percent probability boundary,  
2 similar to what we did for all of the EFH  
3 boundaries, but based on the larval data  
4 collections. And we took a look at that, and  
5 there are some maps that are provided in the  
6 DEIS. There are also maps on the internet  
7 server showing you those boundaries.

8 They were somewhat disjointed  
9 based on the gridded system that they used to  
10 collect their larval data. And we were  
11 looking for something that was a little more  
12 continuous. It tended to be somewhat  
13 discontinuous.

14 Alternative 4 would be to  
15 designate an HAPC for spawning bluefin based  
16 on the 95 percent probability for adult  
17 bluefin tuna in the Gulf of Mexico. That is  
18 another alternative. It is something to think  
19 about. It is a little bit smaller than the  
20 area we currently have as our preferred  
21 alternative.

22 And, again, we were looking for

1 something, a more -- a little bit more  
2 inclusive that actually included all of the  
3 different data sources that we could pick up  
4 to show where those most important spawning  
5 areas might be. And for that reason, we  
6 didn't prefer Alternative 4 either.

7 Finally, moving on to fishing  
8 impacts on EFH, once you have those EFH  
9 boundaries delineated, it is incumbent upon us  
10 to then evaluate the potential adverse effects  
11 of fishing activities on HMS and non-HMS EFH,  
12 and to minimize adverse effects from fishing  
13 on EFH to the extent practicable.

14 Well, as we discussed in the  
15 consolidated FMP, in quite deep -- lengthy  
16 detail, nearly all of the HMS gears are fish  
17 in the water column, where they are not having  
18 an affect on any EFH, HMS EFH, let alone any  
19 other federally managed species EFH.

20 And we zeroed in quite quickly on  
21 bottom longline gear, which obviously does  
22 have some amount of impact on some types of

1           benthic habitat, particularly vertical  
2           structures such as coral reef and sponge  
3           habitat. And we acknowledged that in the  
4           consolidated HMS FMP and said we'd take  
5           another look at it.

6                         And what we have here, what we  
7           have done, is focus in on the coral reef areas  
8           in the Gulf of Mexico, in the Florida Keys.  
9           We weren't able to get South Atlantic data, so  
10          that is something we will still need to  
11          consider in the future.

12                        And we wanted to look at the  
13          potential overlap from our observer program  
14          data of shark bottom longline sets on coral  
15          reef habitat in the Florida Keys and the Gulf  
16          of Mexico. We also looked at it in relation  
17          to some of the other marine protected areas,  
18          enclosed areas in the Gulf.

19                        And essentially we found that the  
20          number of sets that were intersecting or  
21          occurring within some of these coral reef and  
22          other vertical hard structures were pretty

1           minimal. And for obvious reasons, I think  
2           shark fisherman aren't really intent on losing  
3           their gear. A lot of them fishing with  
4           monofilament longline are -- you know, are not  
5           going to go set their gear in coral reef  
6           habitat.

7                         We found that of the over 1,200  
8           sets monitored from 1994 to 2006 that only 17  
9           occurred or intersected with coral reef areas  
10          in the Florida Keys and the Gulf of Mexico.  
11          You see some of those sets here. And as you  
12          zoom in, because we really wanted to look at  
13          this and see what is going on, this is in the  
14          Florida Keys, the blue areas. Well, they  
15          don't look blue on that screen.

16                        But all of this here is coral  
17          reef, and so is this area here. And this I  
18          think is Key West, with the dry tortugas over  
19          here. So these are all coral reef areas, and  
20          you can see that some sets were made in and  
21          around and in between some of these reefs.

22                        I think this is an error, because

1 I had trouble with these two points. I doubt  
2 that they set that way, but I couldn't figure  
3 out exactly the connecting point.

4 And you'll notice that most of  
5 those sets are in between the reefs, and the  
6 ones that do intersect the reef, there is only  
7 a tiny little portion of the set in many cases  
8 that intersects a portion of the reef.

9 So this is basically what we have  
10 been thinking all along in terms of our  
11 anecdotal information, talking to our observer  
12 program people, talking to fishermen that they  
13 tend to avoid coral reefs. They are setting  
14 in sand and mud-bottom habitat adjacent to the  
15 coral reefs.

16 So based on this analysis, and  
17 some other analysis that is included in the  
18 DEIS looking at some of the other protected  
19 areas in the Gulf of Mexico, we have concluded  
20 that bottom longline gear is not having a  
21 negative effect on EFH.

22 Similarly, other fishing gears do

1 not appear to be having a negative effect on  
2 HMS EFH. As we discussed in the past, HMS EFH  
3 is largely comprised of water column areas --  
4 open ocean, neritic environments, that are  
5 difficult to impact with gears.

6 There might be some other things  
7 that are impacting the ocean environment,  
8 larger scale things that are happening in the  
9 world, but in terms of fishing gears we are  
10 not seeing any affect on HMS EFH. There might  
11 be some portions of Gulf of Mexico, possibly  
12 the South Atlantic coast, where some bottom-  
13 tending gears -- and we have done some  
14 analysis of shrimp trawling gear, some traps  
15 and pot gear that might be set in areas that  
16 have been identified as shark EFH,  
17 particularly around Apalachicola Bay where we  
18 have specific information on benthic habitat  
19 types that are considered EFH for certain  
20 shark species. Those habitat types would be  
21 submerged aquatic vegetation, for instance, in  
22 some areas.

1                   And we did an analysis and looked  
2                   at some of the data that has been published by  
3                   the Gulf of Mexico Fishery Management Council  
4                   in terms of their EFH amendments, looking at  
5                   the frequency of fishing and what they refer  
6                   to as their fishing impact index.

7                   They have published maps of all of  
8                   their fishing gears and impacts on habitat in  
9                   the Gulf of Mexico. And we did an analysis,  
10                  looked at where those areas were overlapping  
11                  with some of our shark EFH areas --

12                  PARTICIPANT: (Tape begins mid-  
13                  sentence) -- know that there is an important  
14                  area outside of the U.S. EEZ, but I don't know  
15                  if that is really relevant to the HAPC or EFH  
16                  analysis. And, you know, if you want the  
17                  actual data, I am sure you could request it  
18                  and get at least a more accurate portrayal of  
19                  the --

20                  PARTICIPANT: We did actually  
21                  request the data.

22                  PARTICIPANT: That's fine. Okay.

1 I've gotten mixed messages on that, then.

2 PARTICIPANT: Yes. No, we asked  
3 for it, because we wanted to be accurate.  
4 And, unfortunately, we are not as accurate as  
5 we could be. And the breeding phases -- yes,  
6 you're right, it was the -- it's a sliding  
7 scale that lists from highest likelihood to  
8 lowest likelihood. And we weren't able to  
9 replicate that scale, so this is our  
10 interpretation of that scale. You are  
11 correct.

12 PARTICIPANT: Okay. So I guess --  
13 I guess I would even encourage that that not  
14 be included. But, certainly, if you want it,  
15 we will get it for you.

16 And then, on the EFH, what is your  
17 size breakdown for juvenile versus adult?  
18 Because in the text it says 145 centimeters,  
19 and in the figures it says 231.

20 PARTICIPANT: For adults, it  
21 should be greater than 231.

22 PARTICIPANT: Okay. Then, I think

1           that the text needs to be updated.

2                         And then, lastly, I would just  
3           suggest that for the EFH, in the Gulf of  
4           Mexico, that whatever the final HAPC boundary  
5           is that that be used for the EFH in the Gulf  
6           of Mexico instead of the 95 percent  
7           probability area, just for consistency's sake,  
8           so your HAPC is the same as your EFH. Does  
9           that make sense?

10                        PARTICIPANT: Yes. I understand  
11           your comment.

12                        PARTICIPANT: Okay.

13                        PARTICIPANT: We will have to look  
14           into that. I don't --

15                        PARTICIPANT: Okay. Thank you.

16                        PARTICIPANT: Thanks, Janet.

17           Lisa, Ron, and Rusty.

18                        PARTICIPANT: Yes, Chris. For  
19           swordfish, in the proposed -- the proposed  
20           areas for EFH now, there is an area of  
21           northeast Florida, central and northeast  
22           Florida, that is not proposed at this time,

1 but it is part of the closed area. So I was  
2 just curious as to what the data sets were  
3 that, you know, helped to contribute to the  
4 designation and why that area was left out,  
5 even though it is part of the closed area at  
6 this point in time.

7 PARTICIPANT: That is a good  
8 question. I hadn't really thought of it from  
9 that viewpoint. That is something we will  
10 have to look at. I think closed areas went  
11 into effect in 2000, had to deal with bycatch  
12 of juvenile swordfish, but other species as  
13 well. So I would say it wasn't, you know,  
14 only exclusively based on swordfish. So, but  
15 that is -- point well taken, and we will look  
16 into that.

17 PARTICIPANT: Chris, just to  
18 follow up on that --

19 PARTICIPANT: Yes.

20 PARTICIPANT: -- in that program,  
21 can you actually select multiple species and  
22 overlay those different layers?

1                   PARTICIPANT: No, you can't in  
2                   this online mapping tool. We can do it in  
3                   GIS, though, yes.

4                   PARTICIPANT: Okay. Thank you.  
5                   Ron, Rusty, and Myron.

6                   MR. CODDINGTON: Yes. Ron  
7                   Coddington. A quick question and then with  
8                   some followup comments. Are the data points  
9                   weighted in any way based on fishing effort?

10                  PARTICIPANT: No, they are not.

11                  MR. CODDINGTON: Okay. Well,  
12                  therein lies a tremendous problem that I see,  
13                  and it is evident in some of the data in the  
14                  South Florida area that I am familiar with.  
15                  One thing is presumably a good pelagic  
16                  longline captain targets his target species.  
17                  Therefore, non-target species are only going  
18                  to show up in areas where target species are  
19                  fished for.

20                  In the case of the Florida area,  
21                  say east of Key West, south of Miami, in that  
22                  particular area, one of the reasons that you

1 don't have a lot of pelagic longline  
2 information from that area is typically a  
3 captain would sit in the Gulf of Mexico and  
4 let his gear drift into the Florida straits  
5 north of Cuba. Until early 2000, we did not  
6 recognize or enforce anything about Cuba's  
7 EEZ, and our pelagic longline vessels were  
8 allowed to operate within 12 to 15 miles of  
9 the Cuban coast.

10 So in the southern -- or southwest  
11 of Key West, they would make sets and let them  
12 drift. And if they drifted into Cuban waters,  
13 everything was fine. However, if you tried to  
14 do the same thing a little farther north, say  
15 middle of the Florida Keys, the direction of  
16 the tide was flowing you towards Bahamian  
17 waters, which we have recognized for a lot  
18 longer. So, presumably, longline effort would  
19 be lower in the area where they would have  
20 problems making their sets and then having  
21 their gear drift in Bahamian waters.

22 Once you made the turn around the

1 southern tip of Florida, around Key Biscayne,  
2 now the current straightens out and has  
3 primarily a north component and loses its east  
4 component. So the longline gear would start  
5 its sets north Key Largo, south of Miami, and  
6 the gear would drift to the north, giving it  
7 a high incidence of hits.

8 So you are seeing the gap between  
9 that southern region and the northern region,  
10 maybe not because the fish aren't there but  
11 because pelagic longline effort was never  
12 there in that area due to the tide flowing  
13 into foreign waters, but in other areas  
14 presumably they are going where the target  
15 species are -- for instance, white marlin or  
16 blue marlin.

17 You are going to see hits of white  
18 marlin and blue marlin in the areas where the  
19 target species are fished, but presumably a  
20 longline captain is not going to go set his  
21 gear in an area where there is just a bunch of  
22 white marlin, for instance.

1                   So, and I realize the difficulty  
2                   in weighting it based on effort, but it seems  
3                   like to get accurate data -- a data point off  
4                   of our Marada from one or two sets that  
5                   produce data points, those data points should  
6                   be weighted more heavily than a couple of data  
7                   points that come out of a hundred sets farther  
8                   to the north.

9                   And, again, I realize you have  
10                  limited ability to collect the data,  
11                  especially in the high seas. It has to come  
12                  from pelagic longlines. But it looks like  
13                  weighting could be an issue in some of these  
14                  areas.

15                 PARTICIPANT: Yes. That is the  
16                 kind of specific information that it would be  
17                 good to have. But just in general, I would  
18                 say -- and I don't know how much fishing  
19                 effort you are talking about -- when you are  
20                 including as many data points over a time  
21                 series as we have, we have captured those  
22                 areas.

1                   You may have some areas here that  
2                   you know specifically that we haven't  
3                   captured. That is why it is good to have that  
4                   information, and we like that kind of  
5                   feedback. So you and I will have to talk  
6                   about this a little bit more.

7                   PARTICIPANT: Thanks. Margo,  
8                   maybe you can help me. We have about six more  
9                   people on this list, from AP members. It is  
10                  4:30 sharp. I don't know what our commitment  
11                  is on -- we have a 15-minute public comment  
12                  period on this. So I am not sure if -- should  
13                  we stop and take that now, and then continue  
14                  after that with AP members, or -- I don't know  
15                  what the rules are about --

16                  MS. SCHULZE-HAUGEN: Yes.

17                  PARTICIPANT: -- when you start a  
18                  public hearing.

19                  MS. SCHULZE-HAUGEN: Well, I guess  
20                  I -- could folks let me know? I think I  
21                  probably know of at least one member of the  
22                  public that would like to comment. Are there

1 -- is there more than one?

2 PARTICIPANT: That would be two?

3 MS. SCHULZE-HAUGEN: Are you able  
4 to wait a few minutes?

5 PARTICIPANT: Yes, that's fine.

6 MS. SCHULZE-HAUGEN: Okay. Then,  
7 why don't we proceed, if AP folks could keep  
8 things brief and to the point, and then we'll  
9 open it up.

10 PARTICIPANT: Thanks, Margo. So  
11 let me read my list, so no one stresses out  
12 about not being on the list. Rusty, Myron,  
13 Ellen, Rita, Ken, Sean. And Ellen is off the  
14 list now. Is that everybody? So if we hit  
15 those names, we're good? Okay. Rusty.

16 MR. HUDSON: Rusty Hudson,  
17 Directed Shark Fisheries. Let me start with  
18 the handout, very last page. You have a  
19 public comment ending on November 18th. You  
20 go to the page before that, you have South  
21 Atlantic Council public hearing on December  
22 3rd. How do you make that relevant as far as

1 the comments? And then, I have --

2 PARTICIPANT: Yes. I -- that was  
3 an oversight on my part. We can either  
4 reschedule with the South Atlantic Council to  
5 have it earlier, or we might need to extend  
6 the comment period on the DEIS.

7 MR. HUDSON: Okay. I've got three  
8 observations I'll run through quick. I  
9 believe on page 10 where you had the bottom  
10 longline sets demonstrated there in the Keys,  
11 you had the closeup. Right there, back up.  
12 Back up. That one. And you see -- are those  
13 observers on actual commercial boats? Okay.  
14 Those vessels were illegal, and they are  
15 fishing in state waters where it has been  
16 illegal to fish since '92, and this observer  
17 program started in '94.

18 Backing on up into the DEIS, using  
19 your Sharp pen that you had up there, it was  
20 pretty useful, and I would like to delve into  
21 that more as time goes by. But you indicated  
22 that you would have to go to the other display

1           online in order to see exactly who had done,  
2           you know, what observations and stuff.

3                         And, clearly, with your neonate  
4           and young of the year black-nosed found on  
5           page 218, I don't see anything on the shrimp  
6           boat observations at all, very little sea map,  
7           and I would highly recommend in this  
8           particular case, because you broke the stock  
9           into two parts, and we have comments until  
10          October 31st, that the east coast component of  
11          the black-nosed stock needs to have a  
12          relevancy of these numbers. In other words,  
13          let us know how many observations you had of  
14          those different life stages on the east coast.

15                        And the same would be true with  
16          the blacktip population, too, since you have  
17          got that broken out into separate components.

18                        And, finally, with the adult  
19          sandbar shark on page 198, it really baffles  
20          me why you all have no real observations at  
21          all on sandbar west of Louisiana. And I can  
22          provide you lots of shark fin purchases that

1           came from some very highlining individuals  
2           back in the '90s, if you would like that.

3                         And it demonstrates big adult  
4           sandbars, including -- and I'm sure that  
5           Stewart Springer's 1960 Natural History of the  
6           Sandbar Shark can make it relevant that the  
7           secondary nursery ground, where you have a lot  
8           of neonates and young of the year, is over  
9           down around the Brownsville area. And,  
10          unfortunately, there has been virtually no  
11          observed stuff there, but I know it exists  
12          because I have had those animals.

13                        PARTICIPANT: If this loads, you  
14          will see there are points over there. And  
15          that is one I have thought about, because I  
16          know you have made that comment in the past.  
17          And it wasn't captured in the 95 percent  
18          probability boundary. What that tells me is  
19          there are data points over there, but the  
20          weighting tends to go more towards the other  
21          areas and the other portions of the Gulf and  
22          the Atlantic.

1                   Again, not saying that that is  
2 necessarily not or shouldn't be considered  
3 EFH. Potentially it could be. So that is  
4 something we would need to look at in a little  
5 more detail. What are those areas? Have any  
6 studies been done down there? Have any  
7 researchers been into some of those bays and  
8 estuaries to figure out if there are any  
9 pupping nursery areas there?

10                   MR. HUDSON: To make it, again,  
11 succinct, 1960 Natural History of the Sandbar  
12 Shark, Stewart Springer did a lot of work.  
13 There is also the WCA, Western Central  
14 Atlantic, report he did in 1978. And you will  
15 see that there is a lot more stuff that is  
16 just not being made available to you in a data  
17 fashion.

18                   And, again, I would -- I might to  
19 have a little fun with this thing. I agree  
20 with Glenn. That was the most excellent tool  
21 for us to have.

22                   PARTICIPANT: Thanks, Rusty.

1 Myron, and then Rita.

2 MR. FISCHER: Thank you. I will  
3 try to be very brief. I have a few points.  
4 First concerns the HAPC for the bluefin tuna  
5 larvae. If you wanted to put that slide back  
6 up. And it really has to do with the  
7 boundaries.

8 And I'm aware that we have to draw  
9 lines straight and pretty to keep them with  
10 the latitude/longitude marks. But the fish  
11 don't swim in straight lines and neither do  
12 their larvae. And what we are trying to do is  
13 take in as much area as possible.

14 But when you magnify it, when you  
15 zoom in -- and I am from Louisiana -- but you  
16 are crossing across land. And you can't bring  
17 this to a hearing where two of the Louisiana  
18 ports are major players in HMS catches and try  
19 to tell them that some of the areas of  
20 particular concern are dry ground.

21 So I really think you should lower  
22 that line into some depth of water. A lot of

1           it crosses 20, 30 foot of water.

2                       When you look at your data points,  
3           when you overlay the data points over it, you  
4           are going to see from that one large, red Jim  
5           Franks bulb off of Southwest Pass, it drops  
6           down to the west. As you go west, the data  
7           points drop down, the observed points.

8                       And I think you really needed to  
9           follow that contour and not have a smooth  
10          east-west line. It would add to the  
11          credibility, because fishermen might not say  
12          it at a public hearing, but they are going to  
13          laugh at it on the dock.

14                      The other two points were real  
15          quick. Please, let's not confuse liquified  
16          natural gas plants with oil facilities.  
17          Totally different animals. Liquified natural  
18          gas plants have been shot down at pretty  
19          regularly off the Louisiana-Texas coast, some  
20          off Mississippi. Some have been approved.

21                      But, yes, they sanitize billions  
22          of gallons of water. My opinion, they are not

1           worth the effort, from a habitat standpoint,  
2           compared to, you know, when you just showed a  
3           slide of 418 oil platforms, and, no, you don't  
4           read about oil spills and habitat concerns out  
5           of over 4,000 platforms. They do survive the  
6           hurricanes to a point.

7                       The other issue, if you wanted to  
8           delve anywhere in the hypoxic zone, Nancy  
9           Rabalais out of Cocodrie is probably the best  
10          source to get into. She has been -- she is  
11          the person who has been mapping it for years.

12                      PARTICIPANT: Thank you, Myron.  
13          Your mic -- there you go. Thank you very  
14          much. Rita, Ken, and then Sean.

15                      MS. MERRITT: Thank you. Chris, I  
16          think you answered Lisa's question about  
17          closed areas not being a layer on the GIS  
18          mapping. Is that correct? So can I assume  
19          that it also doesn't include other, like MP --  
20          the eight MPAs the South Atlantic has put in  
21          place?

22                      PARTICIPANT: Yes, I guess. We

1 consider those separately. So it could be  
2 that EFH areas are EFH areas, potentially  
3 overlap with some of the South Atlantic  
4 Fishery Management Council MPAs. But I don't  
5 -- you know, I don't know right off the top of  
6 my head the degree of overlap or not.

7 And back to Lisa's question, I  
8 think we were looking at adult swordfish. And  
9 when I pulled up juvenile swordfish, EFH  
10 boundaries, there were portions of that that  
11 are in that Florida-East Coast closed area.  
12 So there is some overlap with our EFH --  
13 proposed EFH boundaries and the closed areas.

14 PARTICIPANT: Rita, was that it?

15 MS. MERRITT: Yes.

16 PARTICIPANT: Thank you, thanks.

17 Ken, and then Sean.

18 MR. HINMAN: Yes. Ken Hinman. I  
19 just want to reinforce a couple of things that  
20 Glenn brought up at the outset. And, first of  
21 all, that you do mention aquaculture in the  
22 document here, that it is under non-fishing

1 impacts. And in reading the text on that, it  
2 seems that that is the case because it is  
3 mostly describing near-shore mariculture and  
4 things that would be in the estuaries or on  
5 the shore.

6 And off-shore aquaculture is  
7 definitely a concern when we are looking at  
8 the bluefin HAPC in the Gulf of Mexico. It  
9 is, as Glenn mentioned, being viewed as  
10 fishing under the Magnuson Act. And it is  
11 very likely that it will be promoted and  
12 regulated under the Magnuson Act. So this is  
13 something that the National Marine Fisheries  
14 Service will have control over as far as  
15 conservation measures are concerned that would  
16 deal with off-shore aquaculture.

17 And Glenn also mentioned the dead  
18 zones and they are -- I don't have the details  
19 with me now, but they are -- we referenced in  
20 our comments on this that there was a study  
21 recently out of the University of New  
22 Hampshire -- and I am not sure it was Molly

1           Levkovich, but somebody in her department up  
2           there, that had raised concerns about the  
3           emergence of dead zones there, and that they  
4           -- they potentially could impact bluefin  
5           spawning behavior and spawning patterns in the  
6           Gulf of Mexico, because of the lack of oxygen  
7           and other things that make life for the fish  
8           at all stages much more difficult.

9                         So there has been a study at least  
10           raising the concerns about that.

11                        MR. McKEON:   Sean McKeon, North  
12           Carolina Fisheries Association.  That was a  
13           great presentation.  I am not very  
14           technically-minded, but I really enjoyed that  
15           map.  I thought that was a very useful tool,  
16           and I think that is something that we will get  
17           a little bit more familiar with.

18                        I just have a couple of quick  
19           points.  One is, it would seem to me -- I am  
20           kind of a layman to this.  Is there any layers  
21           that show what is not essential fish habitat?  
22           It seemed to me that if I -- there is so much

1           stuff that's layered in there. It would be  
2           nice to see a slide that said, this is not  
3           essential fish habitat.

4                         And I understand the Magnuson  
5           definition includes just about everything in  
6           the ocean as essential fish habitat, from  
7           spawning to feeding to growth. And, you know,  
8           I am half making a tongue-in-cheek comment.  
9           But I think sometimes looking at a contra  
10          layer that would say, here it is not. It  
11          would be useful to me, anyway.

12                        And the second thing is, with  
13          respect to reviewing and revising these areas,  
14          what are the -- is there criteria for taking  
15          things off essential fish habitat? Does  
16          something ever become non-essential fish  
17          habitat?

18                        PARTICIPANT: Yes. When we do an  
19          update like this, and we are changing  
20          boundaries, there are obviously some areas  
21          that were considered EFH before that may not  
22          be now, and vice versa. So, yes, that does

1           happen, I think with the updating that goes  
2           on.

3                         PARTICIPANT: Sean, was that it?

4                         MR. McKEON: Yes.

5                         PARTICIPANT: Okay. Thank you.

6           We have -- okay. And we are going to make a  
7           space right here available with a microphone.  
8           There you go. Let me turn my mic off.

9                         MS. GRIFFIN: Hi. I'm Elizabeth  
10           Griffin from Oceana. Oceana supports NMFS's  
11           preferred alternative of designating a HAPC  
12           for spawning bluefin tuna in the Gulf of  
13           Mexico. This area is the sole breeding ground  
14           for the severely depleted Western Atlantic  
15           population, and the designation will highlight  
16           the importance of this area for bluefin tuna.

17                         However, the EFH designation alone  
18           will do little to protect depleted bluefin  
19           tuna. Therefore, we believe the alternative  
20           should be amended to include management  
21           measures that prohibit fishing that is capable  
22           of catching bluefin tuna during spawning

1 season, including longline gear in the HAPC.

2 In addition, NMFS should consider  
3 an adjustment procedure for the HAPC. The  
4 science that supports the proposed HAPC is a  
5 solid start in establishing an appropriate  
6 management tool to protect one of the few  
7 known bluefin tuna spawning sites.

8 However, it is likely that  
9 additional data will become available in the  
10 future. The agency should include a mechanism  
11 to adjust the boundaries of the HAPC through  
12 secretarial action or other expedited  
13 management action rather than through a full  
14 HMS amendment, should new information become  
15 available.

16 Oceana was part of a coalition of  
17 groups that petitioned NMFS in June of 2005 to  
18 protect spawning bluefin tuna in the Gulf of  
19 Mexico. We are grateful to the National  
20 Coalition for Marine Conservation and to the  
21 Tag-A-Giant Foundation for submitting this  
22 more recent request.

1                   We are happy that NMFS has  
2                   identified Alternative 2 as a preferred  
3                   alternative, and we encourage NMFS to move  
4                   forward with this HAPC designation, but with  
5                   the inclusion of protections to the HAPC from  
6                   fishing impacts and an expedited process for  
7                   incorporating new data.

8                   On another note, Oceana would like  
9                   to see more attention paid in this amendment  
10                  to the topic of forged species as EFH.  
11                  Adequate prey is critical to HMS fisheries,  
12                  and prey species are defined as EFH under the  
13                  2008 EFH final rule.

14                  The EFH final rule requires the  
15                  agency to minimize adverse effects of fishing  
16                  on EFH, including a special reference to the  
17                  effects of fishing on prey species as an  
18                  adverse effect. Amendment 1 is the  
19                  appropriate management measure for the agency  
20                  to recognize the importance of forged fish for  
21                  HMS and identify management measures to  
22                  minimize the effects of Atlantic fisheries on

1           these forged stocks.

2                       To meet the requirements of the  
3           EFH final rule, the HMS EFH amendment must  
4           include a full description of prey needs and  
5           feeding areas, an analysis of the adverse  
6           effects of fishing on these areas, and  
7           management recommendations to the Council's  
8           Commission and states to minimize the effects  
9           of these fisheries on prey that is HMS EFH.

10                      Thank you for your time and  
11           consideration of these comments.

12                      MS. SCHULZE-HAUGEN: Well, thank  
13           you.

14                      All right. Thanks, Chris. Good  
15           job.

16                      All right. At this point, we have  
17           got the Swordfish Fishery Update that we are  
18           ready to talk about. And just to touch back  
19           on the earlier bluefin tuna discussion, I  
20           think what we would like to propose is  
21           tomorrow during lunch the folks that want to  
22           talk bluefin, we can make available the

1 presentation from the spring meeting, we can  
2 provide the paper that was referenced on  
3 minimum sizes, and have an informal discussion  
4 for those of you that want to come back and  
5 have a working lunch. So I think that is what  
6 we can offer at this point.

7 So we can talk more about it if we  
8 need to at the end. But at this point, I  
9 think we are ready to switch gears.

10 MS. HOGAN: Okay. Is everyone  
11 still awake? No? Okay. So Rick told me I  
12 had to try to keep this as lively as possible,  
13 so I'll give it my best shot. Interpretive  
14 dance, and I also will sing for you, which  
15 will be very exciting.

16 (Laughter.)

17 Okay. But there is coffee now, so  
18 I will not be offended if you quickly -- if  
19 you quickly run in and out, so I am LeAnn  
20 Hogan with HMS in Headquarters. Based on the  
21 positive feedback we got after we did the  
22 bluefin tuna recent trends presentation, we

1           decided to put something similar together for  
2           swordfish.

3                         So we have tried to bring a lot of  
4           information together to present it in a  
5           comprehensive way. That is what I am going to  
6           do for you today. I am also going to be  
7           showing a short video, so it will be  
8           multimedia. So hopefully that will pique your  
9           interest.

10                        Okay. So here is the information  
11           that I am going to be going through today in  
12           the presentation. While I go through the  
13           information, if you have specific questions  
14           about the information on the slides, please  
15           feel free to stop me, ask me questions. But  
16           at the end we will have time for comments and  
17           discussion.

18                        Okay. So I am going to start with  
19           a history, and this is going to be a very  
20           brief history. I will get into more detail  
21           later on in the presentation. You should all  
22           have the presentation in front of you. And

1           until -- so I will start with the pre-'60s,  
2           and until 1962 virtually all swordfish were  
3           caught by handline and harpoon, and the  
4           fishery mainly was occurring during the summer  
5           months.

6                         And then, in the 1960s, the  
7           commercial fishery began to develop as the  
8           spotter planes and the pelagic longline gear  
9           was introduced. And then, in the '70s, the  
10          recreational rod and reel fishery started to  
11          develop, and the commercial fishery was slowly  
12          continuing to grow.

13                        However, in 1971, the FDA issued a  
14          mercury warning that was at a one part per  
15          million level. And so that basically  
16          constrained commercial landings until 1978  
17          when FDA lowered that mercury level. Well,  
18          actually, it increased the level from --  
19          actually, it was .5 -- sorry, .5, and it  
20          increased that level to one part per million  
21          in '78.

22                        Also, in 1970, a joint preliminary

1 management plan for Atlantic billfishes and  
2 swordfish was implemented in 1978. And that  
3 actually prohibited foreign retention in the  
4 U.S. fishery conservation zone.

5 Okay. Moving on to the '80s,  
6 there was -- between 1980 and 1985, there was  
7 significant expansion of the commercial  
8 fishery -- there were smaller vessels  
9 beginning to operate up and down the coast,  
10 larger New England vessels began to fish from  
11 Gulf of Mexico to the Florida Keys.

12 This is also when the recreational  
13 effort actually began to decrease  
14 significantly.

15 Okay. So then, between 1985 and  
16 1999 is when the domestic landings really  
17 started to increase, and then they remained  
18 pretty steady in the mid-'80s, and then peaked  
19 in the late '80s.

20 Commercial permits also became  
21 required in 1984, and in 1985 the first  
22 swordfish FMP was implemented, which was a

1 Joint Council effort, and the South Atlantic  
2 Fishery Management Council took the lead on  
3 this plan.

4 So here is -- what I have just  
5 said about the '60s, '70s, and '80s is summed  
6 up in this graph. This graph shows metric  
7 tons of swordfish and year, and up in this top  
8 line is the biomass. The bottom line here,  
9 that is U.S. landings. The top line is total  
10 landings. So this small circle shows 1978.

11 That is when the FDA, if you  
12 remember, lifted or increased that mercury  
13 level to one part per million. And you see  
14 the subsequent landings increase after that  
15 restriction. And then, landings start to  
16 increase, and then peak in the late '80s.

17 PARTICIPANT: Those are landings  
18 on the bottom line by U.S. vessels, right?

19 MS. HOGAN: Yes. Yes. I'm sorry,  
20 yes. That is -- those are U.S. landings on  
21 the bottom.

22 PARTICIPANT: Top line is --

1 MS. HOGAN: Top line is total  
2 landings.

3 PARTICIPANT: Total landings.

4 MS. HOGAN: Yes. Yes, thank you.

5 Okay. So moving on to the 1900s,  
6 here the biomass of swordfish -- it was  
7 beginning to decline in the late '80s, and it  
8 continues to decline in the '90s. This is --  
9 1990 is also when the international ICCAT  
10 management started. And the number of  
11 swordfish permit holders peaks in 1995, and  
12 then subsequent to that landings began --  
13 commercial landings began to decline.

14 Around the same time, because of  
15 the biomass of swordfish declining, there was  
16 a heightened interest from the NGO community  
17 on swordfish, and I will get to that in a  
18 minute.

19 In 1999, there was a prohibition  
20 on drift nets, and this was also when HMS --  
21 the HMS FMP was developed. One thing I didn't  
22 mention that I should, in 1992 the management

1 of swordfish was moved from the Councils to  
2 HMS. So that happened in 1992.

3 So in the 1999 FMP was when  
4 limited access permits were introduced,  
5 mandatory VMS for pelagic longlines was  
6 introduced, dealer reporting, and the FMP also  
7 called for NMFS to negotiate an international  
8 rebuilding plan for swordfish.

9 I won't go through everything on  
10 this slide. This slide just sums up the  
11 recommendations that ICCAT put into place in  
12 the 1990s. Some of the important ones were  
13 the 1994 recommendation that established the  
14 TAC for two years.

15 Then, we had the recommendation in  
16 '96 that established the TAC. And then, 1999  
17 was when the 10-year rebuilding plan was  
18 established. And it also lowered the U.S. TAC  
19 for the next three years to 2,219 metric tons  
20 dress weight. That was an important point.

21 Okay. So Rick is also -- in  
22 pointing out, in 95 -- the recommendation in

1 95-10, that is when the U.S. received its  
2 percentage of the TAC allocation, which was 29  
3 percent of the quota at that point.

4 Okay. So this table shows what  
5 the U.S. quota and the landings were from 1995  
6 to 1999. And these are as reported in the  
7 ICCAT SCRS 2006 stock assessment. And,  
8 remember, these years are on -- these data are  
9 on a calendar year. And these just -- you  
10 will see 1996 is really the last time that the  
11 U.S. caught its full quota.

12 And here again, showing this graph  
13 again but moving this circle to the '90s, this  
14 is really when the swordfish biomass began to  
15 decrease significantly, and the landings  
16 decreased, but then in the U.S. stayed  
17 relatively constant.

18 So, in 1998, this is where the NGO  
19 interest comes into play. In 1998, C-Web and  
20 the National Resources Defense Council  
21 launched the Give Swordfish a Break campaign.  
22 And this started in New York City with about

1           200 chefs saying, we are going to take  
2           swordfish off of our menus. Cruise ships  
3           responded by saying, we are not going to serve  
4           swordfish.

5                        So this was the result of this  
6           campaign. And so this went on for about a  
7           year and a half, and until November 1990 was  
8           really an important point in this campaign,  
9           because that's when ICCAT put that 10-year  
10          rebuilding plan into place. And so, in August  
11          of 2000, they say, okay. We have declared  
12          victory. There is an implementation of the  
13          rebuilding plan. We feel that this is going  
14          to help rebuild the biomass of swordfish, so  
15          we are -- we have succeeded in our -- in our  
16          campaign.

17                      Okay. Moving on to the 2000s,  
18          which that just sounds weird, but I guess  
19          that's -- so, in 2000, there was a regulatory  
20          amendment to the 1999 HMS FMP. This  
21          prohibited live bait. But, more importantly,  
22          this is when the closed -- the three pelagic

1 longline closed areas to reduce bycatch of  
2 species, including undersized swordfish, were  
3 implemented.

4 And now you will note that these  
5 were into -- went into effect at different  
6 times. At De Soto Canyon, went into effect in  
7 2001; in Charles Bump -- Charleston Bump and  
8 Florida east coast went into effect in March  
9 2001.

10 Also during this time, between  
11 2000 and 2002 is when there started to be some  
12 protected resources concerns. And, in 2000  
13 and 2001, the biological opinion concluded  
14 that the pelagic longline fishery, as  
15 proposed, was likely to jeopardize both  
16 leatherback and loggerhead turtles.

17 So the bi-op included reasonable,  
18 prudent alternatives, and an incidental take  
19 statement. However, the incidental take  
20 statement was exceeded in both 2001 and 2002.  
21 So what NMFS had to do was to respond by  
22 putting the measures that were included in the

1 bi-op into place in the fishery, which  
2 included closing an L-shape closure in the  
3 northeast distant area, as well as  
4 implementing dip nets and line cutters for the  
5 pelagic longline fishery, and also implemented  
6 a gangion requirement.

7 Okay. So continue -- measures --  
8 we continued to implement measures to address  
9 the protected resources concerns in the  
10 fishery. One of them was in 2002 the entire  
11 NED was closed. Corrodible non-stainless  
12 steel hooks were put in place, and as well as  
13 the posting of the sea turtle handling  
14 guidelines on the vessel.

15 From 2001 to 2003, in conjunction  
16 with Bluewater and the Fisheries Research  
17 Institute, there was a joint research project  
18 that was underway. And this -- the main  
19 objective of the research project was to  
20 determine gear and bait combinations to  
21 minimize sea turtle interactions and also to  
22 develop de-hooking gear to increase post-

1 release mortality of sea turtles.

2 And then, between 2002 and 2003,  
3 there was mandatory HMS angling permits and  
4 recreational reporting requirements that went  
5 into place.

6 So following the Florida east  
7 coast closure in 2001, the recreational  
8 fishermen started to experience increased  
9 catches of swordfish with rod and reel gear.  
10 And the swordfish tournaments were also  
11 beginning to be held in increased numbers in  
12 Florida. And that graph on the right shows  
13 number of swordfish here on the left and the  
14 year on the X-axis from the recreational rod  
15 and reel anglers by fishing year in Florida  
16 only. This is just Florida.

17 This is a -- this bar graph  
18 basically shows the same things, gives you a  
19 couple of extra years for recreational  
20 landings. They have increased from 2004 to  
21 2007. Those numbers for 2008 are preliminary  
22 and only include up to current. They are --

1 have decreased, but it does not include the  
2 whole year in 2008.

3 Okay. Great, great.

4 Okay. So moving on, a big year in  
5 ICCAT was 2002. This is when the stock  
6 assessment showed that biomass of swordfish  
7 was at 94 percent of sustainable yield. The  
8 stock was rebounding.

9 In 2004, the biological opinion  
10 for the pelagic longline fishery concluded  
11 that the PLL fishery was not likely to  
12 jeopardize loggerheads, but was still likely  
13 to jeopardize leatherbacks. And then, the  
14 current ITS that we have now was established  
15 at that time.

16 In July of 2004, this is when NMFS  
17 implemented the pelagic longline circle hooks,  
18 as well as the handling and release tools. We  
19 revised the sea turtle placards and the  
20 protocols, and also reopened the NED with the  
21 requirement of the 18-knot circle hooks.

22 Following on to that, in ICCAT

1           2006, there was another stock assessment.  
2           This stock assessment showed that the  
3           swordfish biomass was at 99 percent of  
4           sustainable yield. And, therefore, the TAC  
5           stayed at 14,000 metric tons wet -- whole  
6           weight, sorry, through 2008. Our allocation  
7           in the United States was 2,937 metric tons  
8           dress weight. That was maintained.

9                         So after talking about protected  
10          resources interactions, I wanted to show this  
11          graph. And this is loggerhead interactions.  
12          You have number here and year along the  
13          bottom. One thing to note, that this -- the  
14          pink squares, those represent the total of all  
15          four quarters combined. And so this is the  
16          annual total for 2000 of these four quarters  
17          added up to make the annual number.

18                        This is when circle hooks went  
19          into effect. And this 2008 number, these are  
20          observed numbers. These are all estimates.  
21          Those 2008 numbers are observed from the  
22          observer program.

1                   Okay. And the same thing for  
2                   leatherbacks, but a very different picture.

3                   Circle hooks -- again, this is  
4                   when the circle hooks were implemented. And,  
5                   again, the 2008 numbers are numbers observed.  
6                   Right. So, yes, they haven't been  
7                   extrapolated and estimated yet. Very, very  
8                   preliminary numbers is what that means. So,  
9                   as you see, it is very different than the  
10                  loggerhead.

11                  Okay. Moving on, the consolidated  
12                  HMS FMP. This is when the mandatory handling  
13                  and release workshops went into place for the  
14                  pelagic longline and also bottom longline  
15                  vessel owners and operators.

16                  Also, the fishing year used to be  
17                  from June 1st to May 31st each year, and it  
18                  was shifted to January 1st to December 31st in  
19                  the consolidated HMS FMP. This is also when  
20                  buoy gear was authorized, with their  
21                  restriction that vessels employing buoy gear  
22                  were limited to possessing and deploying no

1 more than 35 individual buoys with each having  
2 no more than two hooks or gangions attached.

3 The consolidated FMP also required  
4 recreational vessels with HMS permits to abide  
5 by federal regs, basically regardless of where  
6 they were fishing.

7 Margo touched on this recent  
8 research, and it is probably more  
9 appropriately characterized as pelagic  
10 longline research in the -- for east Florida  
11 coast and Charleston Bump longline, pelagic  
12 longline closed area. So I won't go into too  
13 much detail unless there are specific  
14 questions about that.

15 Again, the objective was to  
16 determine the efficacy of the closed area  
17 under current fishing conditions.

18 Another recent rulemaking I wanted  
19 to make you aware of -- in June 2008, there  
20 was a pelagic longline take reduction plan --  
21 that's a mouthful -- proposed rule. A couple  
22 of the things in the proposed rule were to

1 establish a Cape Hatteras special research  
2 area to identify fishing efforts, hotspots,  
3 and bycatch.

4 Vessels fishing in this area must  
5 be able to carry an observer and be willing to  
6 participate in the NOAA-approved research.

7 There was also a Mid-Atlantic bite, 20  
8 nautical mile upper limit on mainline length,  
9 as well as safe handling and release placards  
10 displayed in both the wheelhouse and the  
11 working deck. Right now, under HMS  
12 regulations, it is displayed in just the  
13 wheelhouse.

14 The proposed rule also proposes to  
15 -- safe handling and release workshops. These  
16 actually were, as I mentioned, done in the  
17 consolidated HMS FMP, so we can check that off  
18 the list. And then, also, to increase  
19 observer coverage to 12 to 15 percent  
20 throughout all Atlantic pelagic longline  
21 fisheries that interact with marine mammals.

22 Okay. So this is a very busy

1 table. Sorry about that. Hopefully, you can  
2 all see. These numbers are as reported by  
3 NMFS in metric tons dress weight. So the  
4 landings from 2000 to 2006 are reported for a  
5 fishing year, for June 1st through May 31st.

6 Okay. 2007, the landings, which  
7 are here -- this is only for a seven-month  
8 period, because that is when we switched to a  
9 calendar year. So it is only from June 1st  
10 through December 31st.

11 Okay. 2008, those landings are  
12 preliminary, but also only for seven months,  
13 because they are from January 1st through  
14 July 31st. So importantly to focus on is the  
15 adjusted quota. This is the quota that has  
16 been carried over from year to year due to  
17 underharvest.

18 One thing to note is that in 2006  
19 the recommendation at ICCAT capped the amount  
20 of quota that could be carried over from year  
21 to year. You can see the huge amounts of  
22 quota that have been carried over from year to

1 year.

2 2007, 2008, limited the amount  
3 that could be carried over to 50 percent of  
4 this baseline quota. So that is why you are  
5 -- not as much quota can be -

6 MS. HOGAN: Okay. This next graph  
7 shows the number of active swordfish vessels.  
8 And what that means is that vessels that  
9 caught swordfish corresponds to the number of  
10 vessels that reported catching at least one  
11 swordfish during that year. So vessels is in  
12 the dark maroon bars, and hooks is this line  
13 here.

14 And the hooks reported actually  
15 includes all submitted logbooks, whether or  
16 not they represented single pelagic longline  
17 sets, summary records, bottom longline  
18 records, or sets with less than 100 hooks  
19 fished. So it's hard to make a direct  
20 comparison, because one is active swordfish  
21 vessels, and the other is a combination. But  
22 I wanted to show it, just so you had an idea.

1                   So from the peak of 415 vessels  
2                   catching swordfish in 1989, 18 years later, in  
3                   2007, there were 301 fewer vessels catching  
4                   swordfish.

5                   So moving into some economic data,  
6                   these economic data were from the 2007 SAFE  
7                   report. So if you want -- for a reference  
8                   point, those were for -- we show these numbers  
9                   for swordfish, big-eye, and yellow fin from  
10                  all areas. We combine -- in the SAFE report,  
11                  it actually breaks it down by area, but we  
12                  combined those areas to just show you a  
13                  summary of the prices from 2000 to 2006.

14                  Yes. So -- yes, and 2003 is --  
15                  and it was an important year for big-eyes when  
16                  they became -- 2003, 2002, big-eye tuna -- the  
17                  ex-vessel price per pound increased.

18                  Okay. So this graph shows ex-  
19                  vessel revenue, and ex-vessel revenue is based  
20                  on average ex-vessel prices and the reported  
21                  weight that was landed. And there are a few  
22                  interesting trends in this graph. The first

1 is the decrease of both -- the yellow fin is  
2 the yellow bars. That just happened to work  
3 out. I don't -- I didn't do that on purpose.  
4 So the yellow fin is the yellow bars, and  
5 there was a decrease. In the swordfish, there  
6 is also a slight decrease.

7           However, the big-eye has  
8 fluctuated as far as the annual revenues in  
9 the fishery. So you can draw your own  
10 conclusions from that.

11           Okay. Moving on to swordfish  
12 imports, the amount and value of swordfish  
13 products imported by the United States from  
14 1996 to 2006. And I'm sorry that these  
15 numbers are kind of small for those in the  
16 back, but you have it in front of you.

17           So according to the data for the  
18 Atlantic, most of the imports of swordfish  
19 come from Brazil -- 48 percent -- next to  
20 Canada, 22 percent, and then Uruguay, which is  
21 16 percent. Total imports reported by U.S.  
22 Customs and Border Patrol for all oceans in

1           2004, just for a fun fact, was 11,265,000  
2           metric tons dress weight. That was 2004.

3                   Okay. Moving on to recent  
4           revitalization actions, regulatory actions,  
5           and Margo touched on these in her overview,  
6           although maybe not the revitalization rule.  
7           But the final rule was published in June 2007,  
8           which amended the vessel upgrading  
9           restrictions for pelagic longline vessels. It  
10          removed the one-time upgrade restriction for  
11          limited access permits, and it also increased  
12          the incidental and recreational retention  
13          limits.

14                   In 2008, the final rule -- the  
15          tuna longline permit final rule allowed  
16          Atlantic tunas longline lapse that had been  
17          expired for more than one year to be renewed  
18          by the most recent permit holder.

19                   So the goal of these two were to  
20          implement management measures that would  
21          enhance opportunities to U.S. fishermen to  
22          more fully harvest the domestic swordfish

1 quota.

2           Okay. Some non-regulatory  
3 revitalization efforts that have been ongoing  
4 in marketing are NMFS participation in a  
5 couple of seafood shows at Boston, Brussels,  
6 and New Orleans; the development of a one-page  
7 fact sheet. There was a meeting recently with  
8 industry to discuss marketing.

9           FishWatch, which I encourage all  
10 of you to look at, the -- it's fishwatch.gov,  
11 I think, and there is actually a FishWatch  
12 fact sheet on swordfish that is out on one of  
13 the tables that they did on the swordfish  
14 fishery. Also, there is some ongoing Florida  
15 marketing efforts, as well as industry efforts  
16 for brochures and outreach.

17           This is where the video clip comes  
18 in. There was a recent -- I'm sure you've all  
19 heard the recent Smithsonian Ocean Hall  
20 opening, and there is going to be a kiosk at  
21 that Ocean Hall where there are videos shown  
22 every -- the videos rotate every so often.

1                   And one of the videos is titled  
2                   "Swordfish Makes a Comeback." And this was  
3                   developed by NOAA's -- NMFS's Partnership and  
4                   Communications Division. And if you will just  
5                   sit tight for a minute, I will show you this.  
6                   It's only two minutes, so -- and it features  
7                   some HMS AP members. And it was produced by  
8                   Christopher Hayes.

9                   I hope this works. So you're not  
10                  seeing it, and I am. Okay.

11                  PARTICIPANT: Is it good?

12                  (Laughter.)

13                  MS. HOGAN: It's awesome. It is  
14                  really good. Okay.

15                  (Laughter.)

16                  Oh, wait. Oh, wait. Okay. Next  
17                  -- well, let's see. That is so strange. Show  
18                  video. I guess we should have tried this out.  
19                  TV version. See, but it's not -- the video is  
20                  not moving forward. Oh, here we go. Hold on.  
21                  Sorry, guys. This is --

22                  PARTICIPANT: (Inaudible comment

1 from an unmiked location.)

2 MS. HOGAN: He is. Do you -- yes,  
3 have you -- Rich, do you have a copy with you?

4 PARTICIPANT: Yes.

5 MS. HOGAN: You do?

6 PARTICIPANT: Yes.

7 MS. HOGAN: Oh, well. Let's try  
8 yours. Thank you.

9 PARTICIPANT: (Inaudible comment  
10 from an unmiked location.)

11 MS. HOGAN: Okay. This gives you  
12 time to think about questions. Okay. This  
13 may not work because the laptops are encrypted  
14 for security, so -- but let's hope.

15 Okay. So it's playing on -- it's  
16 playing on the -- on my screen. It's just not  
17 -- I'll sing it to you. No.

18 PARTICIPANT: Well, maybe we can  
19 show people at the end.

20 MS. HOGAN: Yes. We'll just -- we  
21 can show you at the end if you're interested.  
22 You can see -- look, it's playing. Yes. So

1 I will finish my presentation, and then if you  
2 want to gather around the -- or maybe we can  
3 figure it out. Sorry about that. That's very  
4 strange, why it's not -- okay.

5 Okay. So let me -- let me finish  
6 the presentation, and then I'll try to get  
7 that going. Okay. So I am almost finished.

8 Okay. So -- so here are some of  
9 the ongoing issues that we just continue to  
10 look at and address -- the efficacy of the  
11 bycatch reduction measures, such as the closed  
12 areas, live bait, circle hook, bait  
13 restrictions, as well as the efficacy of  
14 revitalization efforts, the marketing, and  
15 regulatory actions.

16 And, finally, looking forward,  
17 what is on the horizon for swordfish? It has  
18 been an ongoing debate, I know ,here at the AP  
19 meeting. This year at ICCAT Recommendation  
20 06-02, which is the North Atlantic Swordfish  
21 Recommendation, expires. That recommendation  
22 set the baseline quotas for 2007 and 2008, so

1           that will -- is set to expire, so that's  
2           something that we will be looking at in detail  
3           at the November ICCAT meeting in Morocco.

4                       Margo mentioned earlier the 2008  
5           swordfish specifications -- that's a mouthful  
6           -- and the vessel chartering. Swordfish  
7           specifications do the adjustment for the  
8           underharvest -- transfers underharvest in 2007  
9           to the baseline quota in 2008. And Margo  
10          touched on the vessel chartering. We are  
11          looking at a modification to the vessel  
12          chartering at this time.

13                      Also, in 2009 is the next ICCAT  
14          stock assessment. And then, the pelagic  
15          longline take reduction plan final rule that  
16          I had touched on briefly is upcoming. And  
17          then, any future actions that come from the  
18          ICCAT meeting will need to be implemented when  
19          we come back from ICCAT.

20                      And, with that, I will take any  
21          questions or comments from anyone. Thank you.

22                      MS. SCHULZE-HAUGEN: Let me just

1           jump in. This is something that we had pulled  
2           together, largely based on the positive  
3           feedback from the AP meeting in the spring on  
4           bluefin tuna, where people seemed to really  
5           like some of the kind of congregation of  
6           information that we collect from a variety of  
7           sources.

8                           And so I would be interested to  
9           get your feedback if this is the kind of  
10          presentation that you like. We thought we'd  
11          go with swordfish this time. We could  
12          continue this kind of thing at different AP  
13          meetings through time, doing different  
14          species.

15                          So if in your conveying comments  
16          around, let us know if this is the kind of  
17          thing you like, you want us to continue,  
18          because we can -- we can try and do that. So  
19          --

20                          PARTICIPANT: All right. Thanks,  
21          Margo. John Graves, Glenn, Ron, and Rich.

22                          MR. GRAVES: John Graves. Thank

1           you very much. That was a great presentation.  
2           But I think there may be some nuances that you  
3           didn't maybe wrap your head around, just  
4           because, well, some of us have been here  
5           through the entire process.

6                           And speaking from the position as  
7           Chair of the ICCAT Advisory Committee, I would  
8           really like to highlight the efforts that were  
9           made by the U.S. fishermen to make the  
10          comeback of the swordfish. And I think the  
11          most important point that is oftentimes  
12          overlooked is that in 1995, or when we came  
13          into a sharing arrangement, the U.S. fishermen  
14          gave up part of their share of the market to  
15          get a sharing arrangement with the other  
16          countries.

17                           So we set up what our piece of the  
18          pie was, realizing that we might eventually  
19          have to shrink the pie to grow the stock, but  
20          in the end it would get larger. And we went  
21          in with all kinds of different -- Rebecca Lent  
22          was there with John Hoey, and they had about

1 a thousand different sharing arrangements that  
2 we could get. But Portugal was a real problem  
3 at the time. They wanted to increase their  
4 fishery.

5 And, in the end, it was Nelson  
6 Bidaman calling back to Bluewater and the U.S.  
7 fishermen that were willing to take a hit  
8 because they realized that if we could get  
9 this sharing arrangement we actually had a way  
10 that we could rebuild the stock. And so it  
11 was a -- it was that sharing arrangement.

12 And then, the subsequent year when  
13 we reduced the quota, and our catches were  
14 reduced, it was to rebuild the stock. And so  
15 -- and if you think about it, and we herald  
16 the 1999 meeting in Brazil where we got the  
17 10-year rebuilding plan as, oh, you know, this  
18 was a way to get swordfish back, you know, and  
19 that was the year when we had Give Swordfish  
20 a Break and all of that.

21 If you do your math and you count  
22 backwards, the swordfish were already

1 rebuilding at that time, because if we look at  
2 the 2002 assessment, you are looking at data  
3 -- you know, ICCAT doesn't have catch data  
4 until 2000 or maybe 2001 for that assessment.  
5 So nothing that was implemented -- you know,  
6 if they decided on something in 1999, it  
7 wasn't implemented until mid-2000. Swordfish  
8 were already coming back.

9 And so the whole Give Swordfish a  
10 Break campaign, while it was great that it got  
11 public awareness onto swordfish, it was really  
12 the U.S. fishermen that rebuilt the stock by  
13 giving it up and getting the sharing  
14 arrangement. And in fact, the Save the  
15 Swordfish campaign did a lot of damage to the  
16 U.S. fishery, and that wasn't the fishery that  
17 was causing the problems.

18 So I think, you know, we should  
19 give our fishermen some credit. And from the  
20 ICCAT Advisory Committee, as we look at our  
21 fishermen who voluntarily took a hit to  
22 rebuild the stock, and then, you know, with

1 the closed areas to protect juvenile  
2 swordfish, having essentially decimated a lot  
3 of our fleet, combined with cheap imports  
4 coming in with -- from countries that were  
5 overfishing their ICCAT quotas, you know, our  
6 fishery has been hit extremely hard.

7 And the ICCAT Advisory Committee  
8 was unanimous in wanting to correct that  
9 situation. And so I guess I will leave it at  
10 that.

11 PARTICIPANT: Thanks, John.  
12 Glenn?

13 MR. DELANEY: Thank you. And I  
14 appreciate John's intervention on that, and I  
15 guess I'd like to add a little bit to that.  
16 And please don't take any criticism  
17 personally, but if you could go back to your  
18 --

19 PARTICIPANT: Glenn, a little bit  
20 louder. Maybe if you move closer to the mic.

21 MR. DELANEY: If you could go back  
22 to Slide Number 10, please. And Margo, you

1           wanted some feedback on this presentation,  
2           which I thought was excellent, and whoever did  
3           all the work on this should be congratulated,  
4           yes, but for this slide.

5                       And I think this is profoundly  
6           inappropriate and completely incorrect as to  
7           the reality of what took place in that  
8           timeframe. I was a commercial commissioner at  
9           the time, beginning in '94 or '95, and helped  
10          negotiate each year what was done at ICCAT  
11          during this period of time, and at first with  
12          Will Martin.

13                      And in 1996 I believe, and I  
14          apologize because I am now over 50 years old  
15          and can't remember much, but I have a general  
16          idea of what happened in my life and -- except  
17          for 30 years ago. In 1996, we adopted -- I  
18          mean, we were already in the mode of trying to  
19          find a way to address the fact, which I think  
20          then the stock assessment showed we were  
21          roughly at 58 percent of BMSY and were already  
22          beginning to focus on what we needed to do to

1           reduce mortality.

2                           And at that time, it was before  
3           the EU, independent nations in Europe were  
4           represented at ICCAT, including Portugal and  
5           Spain and other -- and France and others,  
6           although France -- I mean, Spain and Portugal  
7           were the main fishing nations for swordfish at  
8           the time and were sort of our adversaries or  
9           opponents in some of the negotiations to try  
10          to reduce mortality.

11                          And we sort of resolved to take  
12          sort of a two-phased approach to the swordfish  
13          rebuilding effort, and one was to initially  
14          just start with a phase-down of the tanks in  
15          the -- for three years. I think it was '97,  
16          '98, and '99, I want to say, the quota years.  
17          And what we were trying to do was stop the  
18          hemorrhage and get ourselves down to  
19          replacement yield or essentially equilibrium  
20          yield, so there was no further reduction in  
21          the biomass, and that we achieved.

22                          And then, in '99, the next step of

1 -- or the next phase of the process was to  
2 adopt a formal rebuilding plan and build back  
3 up once we had stopped the hemorrhage.

4 And so this thinking started so  
5 many years before this. This slide is -- I  
6 know it is a popular reconstruction of history  
7 by the folks who spent the money on this  
8 program, because they did spend a lot of money  
9 on it. And I'm sure they need to justify  
10 that. But this is absolutely an inappropriate  
11 depiction of what took place.

12 And I appreciate John Graves  
13 mentioning Nelson Bidaman, because he  
14 literally was -- was not attached to my hip,  
15 but kind of like gnawing on my ankle most of  
16 the time during this period. I mean, we were  
17 -- he really delivered the U.S. industry and  
18 ultimately that led to the U.S. ability to  
19 take these positions and a very aggressive  
20 stance at ICCAT.

21 So I would ask you to completely  
22 revise this history to reflect what actually

1           happened as opposed to the advocacy of -- and  
2           promotion of an organization that contributed  
3           nothing to the process. They weren't even  
4           represented in the process.

5                       MS. SCHULZE-HAUGEN: Can I just  
6           jump in? Hopefully, we didn't leave the  
7           impression that we believe this. This we  
8           included, trying to hit the major highlights,  
9           things that had been major factors in the  
10          history. Not that we believe --

11                      MR. DELANEY: Well, Margo, this  
12          is --

13                      MS. SCHULZE-HAUGEN: -- the Give  
14          Swordfish campaign -- this is --

15                      MR. DELANEY: -- National Marine  
16          Fisheries Service swordfish --

17                      MS. SCHULZE-HAUGEN: Right.

18                      MR. DELANEY: -- history of the  
19          swordfish fishery.

20                      MS. SCHULZE-HAUGEN: What we are  
21          trying to say is that the campaign people  
22          declared victory based on their campaign, not

1           that we attribute the success of the  
2           rebuilding to the campaign.

3                       MR. DELANEY: I think it certainly  
4           leads someone who is not familiar or present  
5           or participating in this to the conclusion  
6           that this was what happened. And I just don't  
7           think it has a place -- I mean, lots of things  
8           happen in the world that are not worth  
9           reporting on, and I don't think this is worth  
10          reporting on. I just really think it is an  
11          inappropriate representation or  
12          misrepresentation of the facts.

13                      MS. SCHULZE-HAUGEN: Again, we  
14          were trying to hit on major actions. And when  
15          this hit, we spent a lot of time talking about  
16          what the U.S. Government had done, the  
17          position, the hits that the fishermen had  
18          taken.

19                      So I'm sorry if we left an  
20          impression that this is what we thought. It  
21          was a major action that we thought affected  
22          the fishery, and that's what we were trying to

1 present.

2 Alan, did you want to --

3 MR. RISENHOOVER: Yes. Following  
4 on what Margo said, I don't think in any way  
5 this represents what we see as the solution or  
6 what caused the rebuilding. But this was an  
7 important campaign, and the effects of this  
8 campaign are still felt now. That is part of  
9 the problem is we have got to get over this.

10 And so if you go to the following  
11 slides, we talked about the NED. And there  
12 are very few fisheries where the agency has  
13 invested as much money in finding alternative  
14 solutions to solve bycatch as this one. The  
15 amount of money --

16 MR. DELANEY: Please don't take my  
17 criticism of this slide as a criticism of the  
18 agency.

19 MR. RISENHOOVER: No. But what  
20 I'm saying is this is part --

21 MR. DELANEY: It's a criticism of  
22 SeaWeb.

1                   MR. RISENHOOVER: This is -- okay.  
2                   But this is part of rebuilding the stock and  
3                   rebuilding the fishery. And the stock is part  
4                   of the fishery. So to rebuild the fishery we  
5                   need to get out of this old campaign and  
6                   focusing on it. And that is why we have come  
7                   up with the FishWeb -- or the FishWatch site.

8                   We've started working on marketing  
9                   campaigns with the industry. We have solved  
10                  some of the biological problems. We now need  
11                  to solve the economic and market problems, and  
12                  that is what we are working on. And this  
13                  slide represents one of the problems we still  
14                  need to solve.

15                  MR. DELANEY: I'm glad you  
16                  characterize it as a problem, but it certainly  
17                  was not part of the rebuilding effort at all.  
18                  I mean, it really had no effect. And as I  
19                  guess you are referring to the fact is that it  
20                  did do a great deal of damage to the domestic  
21                  fishery, and it has never recovered from that,  
22                  really.

1                   And so again, it is certainly not  
2                   meant to criticize the agency for all of the  
3                   incredible work that I have been very heavily  
4                   involved with the agency -- on bycatch  
5                   reduction and marketing, of course. But I  
6                   just find -- you know, you will just have to  
7                   forgive me that this brings back a really bad  
8                   moment in history of fisheries.

9                   I don't think this contributes  
10                  anything to the presentation, and I just --  
11                  you asked for my advice to this --

12                 MS. SCHULZE-HAUGEN: So can you be  
13                 clear what you --

14                 MR. DELANEY: -- presentation, I'd  
15                 take it out.

16                 MS. SCHULZE-HAUGEN: You would say  
17                 we should not mention the campaign at all,  
18                 that it is a -- it had zero influence on the  
19                 fishery, it's not a problem to be addressed  
20                 now?

21                 MR. DELANEY: Well, that's not the  
22                 context you present it in. You present it as

1 if it led to the rebuilding plan in 1999,  
2 whereas what it actually did was damage the  
3 U.S. domestic fishery from which it has never  
4 recovered. And I don't see that bullet point  
5 in there. So if that is the way you want to  
6 present it, fine.

7 MS. SCHULZE-HAUGEN: Okay.  
8 Because I think you just made the point we  
9 were trying to make, is that we are still  
10 dealing with it. And to have it nowhere in  
11 the presentation seems to miss an important  
12 part of the history.

13 MR. DELANEY: Well, then, Margo,  
14 say that what this program did was not lead to  
15 a 1999 rebuilding plan, which that slide seems  
16 to suggest, clearly.

17 MS. HOGAN: Can I make a point?

18 MR. DELANEY: But say that it  
19 actually damaged the domestic fishery.

20 MS. HOGAN: These points are taken  
21 right from the Give Swordfish a Break campaign  
22 website. These are not --

1 MR. DELANEY: I bet.

2 MS. HOGAN: -- points that we  
3 added.

4 MR. DELANEY: I bet it did.

5 MS. HOGAN: So this is -- this is  
6 from the website.

7 MR. DELANEY: Well, why did you  
8 put that in there?

9 MS. HOGAN: With the source. I  
10 just wanted to clarify, just so you know that  
11 the text is verbatim on the website. That was  
12 not text that we added.

13 MR. DELANEY: For that reason  
14 alone, I think it is inappropriate for it to  
15 be in here. But that's my view, and perhaps  
16 I am the only one in the room that sees it  
17 that way.

18 PARTICIPANT: Glenn, I think we  
19 need to -- I think we need to keep --

20 MR. DELANEY: I have a couple of  
21 other points. Thank you. I'd like to move  
22 on.

1                   Number 16, please. And again, you  
2 know, my point in the beginning was please  
3 don't take it personally, even though I sense  
4 that maybe that's what happened.

5                   Interactions -- I just wanted to  
6 clarify that is not meant to mean mortalities,  
7 correct?

8                   PARTICIPANT: Correct. That would  
9 be straight take --

10                  MR. DELANEY: Well, that's --

11                  PARTICIPANT: -- so an interaction  
12 if it is caught. No, "take" does not  
13 necessarily mean mortality.

14                  MR. DELANEY: Okay. Got you.  
15 That's what you mean. The point being that it  
16 doesn't tell entirely the story, particularly  
17 with regard to the loggerheads, and maybe with  
18 the leatherbacks, too, because the use of  
19 circle hooks is what I'm referring to in terms  
20 of the implementation.

21                  I think the mortalities go perhaps  
22 down even further than the interaction rate.

1           It is not just the interaction rate that is  
2           the benefit of the circle hook, but also the  
3           post-release mortality rate that is achieved  
4           by the use of circle hooks. That's all. And  
5           maybe that's something worth including in this  
6           overall presentation as opposed to just the  
7           interaction rate, because there is a lot more  
8           benefit from circle hooks than just reducing  
9           interactions.

10                   PARTICIPANT: Right. That would  
11           be an entirely different slide in terms of --  
12           mortality is always lower.

13                   MR. DELANEY: And then, darn,  
14           there was a third thing, but I can't recall.  
15           So anyway, I have spoken my piece and I'll  
16           move on. Thank you.

17                   PARTICIPANT: Thanks, Glenn. Ron,  
18           Rich, and Bill.

19                   MR. CODDINGTON: Yes. Ron  
20           Coddington. A quick point about rec landings.  
21           While I have complained here about problems  
22           with recreational reporting, we do think with

1 the MRIPs we are seeing an increase in the  
2 reporting. We do know we have had a terrible  
3 year off the Florida coast for swordfish.  
4 Weather has hit us recently, but there just,  
5 quite simply, weren't any fish at night.

6 We also see a change in category.  
7 We see a lot of recs becoming commercial  
8 fishermen. Those 40 longline permits are on  
9 their way to Florida, and they are fishing,  
10 those 40 tuna permits that were re-upped.

11 We also see a significant  
12 reduction in effort. Initial MRIPs data seems  
13 to indicate maybe as much as a 75 percent  
14 reduction in charter and headboat effort. And  
15 something similar, although not categorized  
16 properly in the recreational effort, \$5 gas,  
17 \$4.50 diesel slows you down on fishing.

18 That is all I wanted to say about  
19 rec landings. I did want to say something  
20 about the quota real quick. I'm sure you guys  
21 that are going to ICCAT are spinning the  
22 numbers the best you can. But there is one

1 thing that stands out very clearly to me.

2 As far as the swordfish  
3 revitalization effort, I doubt much has moved  
4 forward with -- in the way of larger vessels  
5 or bigger engines to produce more fishing,  
6 although there may have been a few out there.  
7 There is a few more vessels on the water,  
8 because idle permits were brought in to South  
9 Florida. That gave you a little bit of an  
10 increase.

11 But if you go back to the 2007  
12 year, we had a shortened 2007 season, because  
13 of the way you adjusted your years. And we  
14 only had a seven-month effort. But if you  
15 look at the last six months of 2007, our  
16 directed baseline quota before carryovers is  
17 about 1,100 tons. We caught nearly 95 percent  
18 of our baseline quota in the last six months  
19 of 2007.

20 Now, we are not seeing the same  
21 thing in the first season of 2008, and we are  
22 not seeing the same kind of catches so far in

1 the little bit that we can see of the second  
2 season of 2008. But I think we need to  
3 recognize that without significant additional  
4 effort on the water we were somewhere between  
5 92 and 95 percent of our baseline directed  
6 quota for that six-month period, as we apply  
7 our quotas right now. So we are not in as bad  
8 a shape as we look.

9 NMF'S' caution and slow steps seem  
10 to be working and getting us towards where we  
11 need to be. And I sure hope when you guys go  
12 to Marrakech you are using the 92 or 95  
13 percent number, not the 40 percent number,  
14 something like that, that we look at with the  
15 carryover and everything else.

16 PARTICIPANT: Is this something  
17 about -- regarding the --

18 PARTICIPANT: In terms of rec  
19 reporting this year, yes, Ron is right, the  
20 fish haven't shown up. And in terms of non-  
21 tournament reporting, the fish that get called  
22 in to us, we see -- at this point for this

1 year we are at about one-third of the landings  
2 that were reported for all of '07. So this  
3 year is different, '07 to '08 rec reporting,  
4 self-reporting, has gone way down, and that is  
5 (inaudible).

6 In terms of the overall quota, we  
7 have seen -- the preliminary numbers are  
8 substantially -- there is a substantial  
9 increase from '06 to '07, but this year will  
10 (inaudible). And going -- you know, 53  
11 percent of our baseline. In '07, it was about  
12 (inaudible) percent of our baseline. We went  
13 up by about (inaudible) to '07, which,  
14 relative to '06, was about a 29 percent  
15 increase.

16 So we saw about what was  
17 (inaudible). But we do have better  
18 (inaudible) this year, and we saw that.  
19 (Inaudible) and in that one-year period we saw  
20 (inaudible). We are not in great shape, but  
21 we (inaudible).

22 MS. SCHULZE-HAUGEN: Yes. The

1 numbers I think Russ is referring to are in  
2 the national report to ICCAT, which I think  
3 was just submitted maybe yesterday. So very  
4 -- I mean, it is almost final, if it isn't,  
5 actually today. We can share that with folks  
6 if they are interested.

7 PARTICIPANT: Thank you. We have  
8 four more in the queue -- Rich, Bill, Ellen,  
9 and Pat. Rich, go ahead.

10 PARTICIPANT: Yes, okay. I don't  
11 have to say a whole heck of a lot. I  
12 appreciate what Glenn said and what John said.  
13 I'd probably also add Will Martin and Raleigh  
14 Schmitten-Bigg (phonetic) into the mix of  
15 people who helped out as well. Nelson used to  
16 criticize me an awful lot in the early '90s  
17 for not helping him out more than I did.

18 But I was primarily focused on  
19 bluefin tuna and trying to avoid (inaudible)  
20 listing and zero reductions. And he doesn't  
21 know how much I helped him out by keeping  
22 Glenn sane and dealing with him --

1 (Laughter.)

2 -- for most of the time. He owed  
3 me a lot for that.

4 But anyways, the -- I think aside  
5 from the Pugh issue, the document is very  
6 helpful, very useful, very clearly written.  
7 There are a couple of small points, really  
8 small points, that I wanted to make.

9 One, on your -- on your page 2,  
10 you note the U.S. commercial fishery develops  
11 -- has spotter planes and pelagic longlines.  
12 Those two, obviously, people understand aren't  
13 related. Pelagic longlines don't use spotter  
14 planes. That was the development of the  
15 harpoon fishery that did that.

16 And the other thing about Pugh,  
17 the one thing that I would add to that -- and  
18 I've learned this from Vince Pyle. He has  
19 repeated it to me several times. When they  
20 started that campaign, they actually probably  
21 prolonged the recovery, because what they did  
22 was they took swordfish from a white

1           tablecloth restaurant to a much cheaper  
2           product that red -- the Red Lobsters of the  
3           world could serve.

4                       And what that did was it attracted  
5           the foreign fleet, and our dealers started  
6           importing more fish. We couldn't produce it,  
7           but the fishing mortality continued to take  
8           place, because the demand actually increased  
9           in the United States with lower-level buyers  
10          consuming the product.

11                      So contrary to the notion that  
12          they -- they say they saved the world, you  
13          know, they actually -- we probably could have  
14          rebuilt it faster.

15                      Just a couple other points. You  
16          know, the Florida east coast closure, and  
17          northward up to the Charleston Bump, were in  
18          place in March of 2001. In 2002, scientists  
19          reported that biomass BMSY was back to 94  
20          percent of the resource.

21                      So those that try to claim that  
22          the closure along the Florida east coast up to

1 the Charleston Bump was responsible for, you  
2 know, rebuilding the swordfish resource, that  
3 is also a bit -- a bit wet, because we were  
4 also there.

5 The final point was that the  
6 damage would -- that Pugh has done -- you  
7 know, we obviously are still suffering from  
8 that today. We certainly appreciate the  
9 helpful efforts we are getting now from the  
10 Partnership in Communications, or whatever  
11 their name -- whatever they are called this  
12 week. It seems to change all the time. They  
13 are helping out a lot.

14 And Margo, we thank you for  
15 helping the introduction there and getting  
16 that -- getting that started.

17 And for those of you that don't  
18 know, we are also -- Bluewater has now hooked  
19 up with the Deadliest Catch people, and there  
20 is going to be a series called Swords airing  
21 in 2009 with eight -- initially eight one-hour  
22 episodes airing on NBC. And we have -- we

1           actually fought for six months in some  
2           contract work with them to make sure that we  
3           had some editorial control, and we are going  
4           to trade off things. We insist they help us  
5           improve the image of pelagic longlining and  
6           improve marketing efforts that are undergoing  
7           right now.

8                         I think the NOAA FishWatch thing  
9           is just fantastic. The Smithsonian video is  
10          probably going to be seen by six to eight  
11          million people a year, I am told. So  
12          hopefully -- hopefully that will help.

13                        But I think the takeaway -- part  
14          of the takeaway message is that this attempt  
15          to use these -- for the green groups, if  
16          you'll pardon the expression, to use the  
17          consumer to try to force conservation efforts,  
18          can have -- can have very big down sides to  
19          them.

20                        One is they can actually, you  
21          know, work against your objective, your  
22          conservation objective. And two, they can be

1           longlasting and punish the people who don't  
2           deserve to be punished, the people who  
3           actually solved the problem and paid the price  
4           for solving the problem.

5                       Thanks.

6                       MR. GERENCER: Bill Gerencer.

7           Bill Gerencer. On the Pugh slide that you put  
8           up there, it -- great presentation. The thing  
9           about the Pugh slide is, basically, what they  
10          did was they took credit for something that  
11          NMFS did. And the timeline is two years, so  
12          what they are saying is that -- that they  
13          instituted a rebuilding of a fishery in  
14          basically two years, or at least got things  
15          going in two years and declared victory. If  
16          that is the actual truth, then maybe they  
17          should take over every single bit of fishery  
18          management in the country, if they could do  
19          things that quickly.

20                      But the real work was done in a  
21           different fashion, and it is not fair to allow  
22           them to take credit for it. I mean, it --

1 Rich is right. If anything, you know, I have  
2 been buying a lot of swordfish over the years,  
3 and the price of sword went from \$3.50, \$4 a  
4 pound, at that time of year, to \$1.75. I  
5 mean, it's a huge drop in the price.

6 Imports went up to about 90  
7 percent, and they remain at 90 percent -- what  
8 we use in this country. I mean, do the math.  
9 And we still haven't recovered from that part  
10 of it. We are headed in that direction.

11 As far as landings, yes, I think  
12 there is some very encouraging news in the  
13 landings in 2007 and 2008, especially the  
14 1,167 in 2007. That is a seven-month catch,  
15 and that translates into almost 2,000 metric  
16 tons, if you push it out to 12 months. I know  
17 it doesn't work that way, and the landings in  
18 2008 I think you will find will go up quite a  
19 bit in the next couple of months.

20 There are an awful lot of swords  
21 off the Grand Banks right now. I spent some  
22 time in Canada this summer, and they weren't

1           even bothering to use their longlines. There  
2           were so many swords up there they could stick  
3           them all. And so a lot of their longline  
4           quota is actually harvested with a harpoon  
5           this year.

6                            If there are permits out there --  
7           and I'm not recommending a mass rush back to  
8           building up capacity so we get in trouble  
9           again -- but it -- we should be making sure  
10          that it -- that if there are people out there,  
11          responsible fishermen that are looking for  
12          permits, they get them.

13                           We left about 50 million pounds of  
14          fish in the water in the last nine years, if  
15          you add up all of the overages -- 23,000  
16          metric tons roughly, about \$200 million at the  
17          prices that you put out there. And that,  
18          combined with the fact that we are rebuilding  
19          our fishery, are two important things to bring  
20          back to ICCAT to protect this quota share. I  
21          don't mind bringing new countries into ICCAT,  
22          but we should unilaterally supply them with

1 the quota they need.

2 And then, finally, with the  
3 deadliest catch or the sword program that is  
4 coming on, I think it is important to tell the  
5 story on it. That is a great opportunity to  
6 tell the story of what Dr. Graves just said  
7 about how Nelson and the fishermen implemented  
8 this in 1995, really got the management going,  
9 and then, what we have gone through, what the  
10 U.S. has left in the water, how we have done  
11 the turtle mitigation, and also what we face  
12 as a country in protecting our quota, because  
13 that quota is better fished responsibly by the  
14 United States. And that is a great  
15 opportunity to tell that story.

16 I don't know if it's possible, but  
17 to get even -- it would take five minutes on  
18 one of those programs to tell that correctly.

19 PARTICIPANT: Thank you, Bill. We  
20 have three more in the queue, and we have one  
21 member of the public that would just like to  
22 have two or three minutes. So -- and we have

1           10 -- about -- well, the public hearing  
2           theoretically -- I mean, the public comment  
3           period theoretically started five minutes ago.  
4           So let's just -- why don't we run through the  
5           three that are on the list, AP members, and --

6                       MS. SCHULZE-HAUGEN: Can the  
7           person wait?

8                       PARTICIPANT: Oh, yes. Yes, yes,  
9           yes. Ellen, you're up.

10                      MS. PEEL: What I see is a gross  
11           -- I mean, and I am going right back to the  
12           Pugh slide. Go back to that one now, please.  
13           So while the agency -- I mean, while the SCRS  
14           of ICCAT, if you go back to their, you know,  
15           '96 and '97 reports, the science upon which we  
16           go to ICCAT, upon which we make our own  
17           decisions, if you look at those SCRS reports  
18           for those two years, as Glenn noted, not only  
19           did it talk about the increase in the total  
20           biomass, but you know, it recognized that  
21           there were two or three very large year  
22           classes that would move up through the

1 fishery. And by 2000 or 2001, they would be  
2 into the fishery.

3 To leave science information out  
4 that we depend on I think is a grave absence  
5 that, you know, you need to rectify. And  
6 then, to include -- I mean, I am head of a  
7 non-profit. But to include a non-profit's  
8 logo up there, which clearly gives the  
9 appearance to anyone watching it that they  
10 recovered the fishery in two years, is -- you  
11 know, it is terribly -- it is giving the wrong  
12 impression, it is -- the logo should be  
13 removed, and I think the wording -- whether  
14 you took it directly off their site, certainly  
15 it is going to be slanted to strengthen the  
16 position they want known.

17 You need to go back and change the  
18 wording, so that if you do truly recognize it  
19 didn't recover the fishery and it created  
20 problems, that should be given equal text.  
21 But I think, you know, you also should go back  
22 and include the science. That is clearly

1           stated in the SCRS reports. But certainly  
2           remove that logo. I think, you know, that is  
3           -- should never have been in there.

4                       MS. SCHULZE-HAUGEN: Wait.

5                       PARTICIPANT: At this point, I  
6           really do feel compelled to respond. We did  
7           make a conscious decision to include this  
8           slide in the presentation. Within the whole  
9           presentation, we were trying to provide a  
10          long-term view, going through the decades.

11                      And our decision to include this  
12          slide was to provide some historical context,  
13          to show what some of the trends were, what was  
14          leading up to this, and include this because  
15          it -- we felt that this has had a major impact  
16          on public perception of this fishery and it  
17          still is.

18                      And also, the purpose of including  
19          this slide was to stimulate some discussion on  
20          this fact. But your points are well taken.  
21          We did not in any sense mean to convey that  
22          that was the reason why the stock rebuilt.

1 But we were trying to provide a timeline and  
2 some important key milestones in the  
3 historical fishery review, and that was why we  
4 included it.

5 But your point is well taken. We  
6 did not mean to convey that that was the  
7 contributing factor to rebuilding the stock,  
8 but we are -- that's when it -- it coincided  
9 with implementing the ICCAT plan, permits  
10 declining, biomass declining, and then perhaps  
11 starting to rebuild, with the implementation  
12 of the 10-year rebuilding plan.

13 So there was a decision to include  
14 this, and it -- part of it was to bring some  
15 -- this topic to discussion. And in fact, one  
16 of the current phrases for the marketing  
17 campaign that has been tossed around is Give  
18 Swordfish a Try. That is one of the things  
19 that is on some of these brochures that are  
20 being distributed to the public.

21 So it still -- we felt that it  
22 still has an impact, and we want -- we felt

1           that it would be an injustice not to include  
2           that, because it was such a significant event  
3           in the public's mind-set.

4                       MS. PEEL: I think it's an  
5           injustice, and to say that you are providing  
6           history -- you know, historical reflection, to  
7           leave out your own agencies and international  
8           scientists upon whom we depend, to leave out  
9           the scientific evidence part of your history,  
10          is really leading a false impression. And I  
11          think the text needs to clearly state the --  
12          that it might have raised public awareness,  
13          but it raised it to give a false impression.  
14          And the logo should be removed.

15                      MS. SCHULZE-HAUGEN: At this  
16          point, let me just jump in. We have not yet  
17          posted all of the slides, the presentations,  
18          to the web. We will do so, but we are going  
19          to revise this one. The points are clearly  
20          well taken, and I think we had no intention of  
21          leaving the impression that we actually have.  
22          And so we will take a look at --

1 MS. SCHULZE-HAUGEN: (Tape begins  
2 mid-sentence) -- will reflect what we meant  
3 here.

4 MS. PEEL: And what about the  
5 video? Is this in the video?

6 MS. SCHULZE-HAUGEN: Is this in  
7 the video? Was does that mean?

8 MS. PEEL: The Pugh slide and the  
9 logo in the video.

10 MS. SCHULZE-HAUGEN: No. No.

11 PARTICIPANT: Let's wind this up.  
12 Pat, and then Rom.

13 MR. AUGUSTINE: Thank you, Mr.  
14 Chairman. It has been a very lively debate  
15 and discussion, and I was going to say all of  
16 the things that Ellen and several others have  
17 said. But let's make the record clear. There  
18 is nothing wrong with the document as it  
19 stands, with the exception of taking that logo  
20 the heck out.

21 Let's go one step further. Before  
22 that, between Slide -- I have it here --

1 before that slide, we should have a slide of  
2 the vitamin story and what the fisherman did  
3 in '95 to whenever that period was. That will  
4 set the stage for that.

5 After that slide, then there  
6 should be another slide as what the net  
7 downtrend or negative effect was of that  
8 campaign. Then carry on with your  
9 documentation, adding the scientific  
10 information, as Ellen and others have pointed  
11 out.

12 So in that sequence, it will then  
13 flow. But this is a great document otherwise,  
14 other than that. But those are the  
15 recommendations.

16 Thank you.

17 PARTICIPANT: Thanks, Pat. And  
18 Rom, you have the final word on this.

19 MR. WHITAKER: Okay. Rom  
20 Whitaker, Hatteras Charter Boat. And of  
21 course, this has been pretty well explained,  
22 but being your average Joe, not having a dog

1 in this so-called fight, after looking at the  
2 presentation I kind of assumed that that did  
3 have a big impact, whether you intended to or  
4 not, on the rebuilding of the sword fishery.

5 So I agree with Glenn and John and  
6 everybody else in here that it -- it needs to  
7 be addressed and tell the real story.

8 And I did have a question. On  
9 page 10, it says, "Establish Cape Hatteras as  
10 a special reserve area -- special research  
11 area to identify fishing effort hot spots,"  
12 and I am just wondering exactly what the  
13 "special research" is.

14 PARTICIPANT: Good question.

15 PARTICIPANT: We actually have a  
16 staff person that sits on the team -- Karyl  
17 Brewster-Geiss, who I'm sure would love to  
18 fill you in on all of this.

19 MS. BREWSTER-GEISS: I would just  
20 love to, as I'm sure Glenn and other people  
21 who sit on the pelagic longline take reduction  
22 team would.

1                   This area is off the Charleston  
2           Bump, and it is an area to reduce the bycatch  
3           of marine mammals, particularly pilot whales  
4           and rissos dolphins, and it was designed by  
5           the people on the team as an area where if --  
6           what has been proposed, if fishermen are going  
7           to transit the area, or want to fish in that  
8           area, they need to call the observer program.

9                   And if there is an observer and a  
10          researcher available, those people have to be  
11          allowed onto the boat before the boat can go.  
12          If the boat does not want to take an observer,  
13          or cannot take an observer, for whatever  
14          reason, then they have to go around the  
15          special research area. But all of that  
16          research is designed to get a better  
17          understanding of those pilot whale  
18          interactions in rissos dolphins.

19                   PARTICIPANT: Okay. And you said  
20          off of Charleston mostly?

21                   MS. BREWSTER-GEISS: Yes.

22                   PARTICIPANT: Okay.

1 MS. BREWSTER-GEISS: Yes. I want  
2 to say that the southern boundary is right at  
3 the northern boundary of our Charleston Bump  
4 closed area, and it is just a small -- it's  
5 fairly small area. It is pretty large in  
6 terms of that's where a lot of the fishing  
7 occurs, but that is also the area where most  
8 of the pilot whale interactions have occurred.

9 PARTICIPANT: Thank you, Rom.

10 Is that it on AP comments? Have  
11 we got the ideas across?

12 (No response.)

13 Okay. We had one -- one member of  
14 the --

15 MR. DICK: Sean Dick, Angler  
16 Conservation Education. I just want to leave  
17 this on a positive note. I agree with  
18 everybody that spoke -- John Graves, Glenn  
19 Delaney, Rich Ruais, and the others. You  
20 know, I got involved with Nelson Bidaman about  
21 2001 when he started this NED observer  
22 program.

1           We first started training through  
2           workshops the observers and the captains and  
3           crews from about 2001 to 2004, and we found  
4           out there was a learning curve about a year,  
5           that it took the captains and the observers to  
6           get the hang of the techniques with the circle  
7           hooks and the careful handling release gear.

8           In 2005, Bluewater Fisherman's  
9           Association conducted two voluntary workshops,  
10          and I think this is noteworthy. They had over  
11          100 participants that voluntarily went to  
12          these workshops to educate themselves on how  
13          to use this equipment correctly. And then, in  
14          2006 through 2008, we worked in cooperation  
15          with the agency to do these mandatory  
16          workshops, including the 60-plus workshops  
17          that are in the statement of work and the  
18          1,000 participants that we have trained.

19          We have had over 25 in-house  
20          workshops that I think is significant as well.  
21          In all the workshops, we found that the  
22          industry has been extremely professional.

1           They have been courteous, extremely  
2           conservation-minded, and it has been a  
3           tremendous success of the agency and the  
4           industry.

5                         And I think that Mr. Risenhoover  
6           is correct. There was a tremendous amount of  
7           money that went into this revitalization and  
8           bycatch reduction project. It was -- and the  
9           entire project was a tremendous success. I  
10          think it was one of the best  
11          industry/agency/private sector research  
12          platforms and education outreach initiatives  
13          that I have seen yet.

14                        It just proves that the fisheries  
15          does work, if you include the industry and you  
16          work cooperatively together.

17                        I want to leave the one note and  
18          say that it is not just the commercial sector.  
19          As we have been doing these workshops and we  
20          are noticing these careful handling release  
21          technologies and workshops being transferred  
22          to the international community, which is

1 responsible for about 95 percent of the sea  
2 turtle mortality worldwide, and so not only is  
3 the U.S. sacrificing their catch and  
4 sacrificing their recreational opportunities  
5 by being some of the most conservation-minded  
6 fishermen in the world, they are also  
7 transferring these technologies and these  
8 workshops internationally.

9 We did a workshop in Canada. We  
10 trained over 110 workshop participants.  
11 Australia has got almost 100 percent  
12 participation in their careful handling and  
13 release technologies in circle hooks and  
14 workshops. And there is over a dozen other  
15 fishery -- international fisheries  
16 participants that are working with our  
17 program.

18 So this has been just an extremely  
19 successful initiative, in my opinion. And I  
20 agree with everybody else about the Pugh  
21 slide, although I don't think that we should  
22 end this presentation and this success on that

1 one slide.

2 We should concentrate on the good  
3 work that Nelson Bidaman did, the good work  
4 Bluewater Fisherman's Association did, and we  
5 are also hearing from the recreational sector  
6 of what -- the good work they are doing. And  
7 they have done this in cooperation with the  
8 agency, in cooperation with many other groups.

9 Thank you. I appreciate your  
10 time.

11 PARTICIPANT: Okay. Thank you,  
12 Sean.

13 Well, I think at this point we  
14 could turn to look at tomorrow. We will start  
15 tomorrow at 8:30. We will have a brief  
16 introduction to some of the permit and  
17 management structure issues, followed by the  
18 presentations from the speakers.

19 We did e-mail around to folks some  
20 white papers, so hopefully you got those,  
21 printed those off. If you don't have them, I  
22 think we have some more copies in the back

1           that were an attempt to try and -- and to get  
2           us all on the same collective page. Not  
3           everybody is familiar. Some folks are  
4           extremely familiar. So just some background  
5           information.

6                           And I want to thank everyone for  
7           all the comments today. I think it was really  
8           good for us to hear. And we will look forward  
9           to seeing you tomorrow.

10                           (Whereupon, the above-entitled  
11           matter went off the record to  
12           reconvene at 8:30 a.m. the  
13           following day.)

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