

UNITED STATES OF AMERICA

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DEPARTMENT OF COMMERCE

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NATIONAL OCEANIC AND ATMOSPHERIC

ADMINISTRATION

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NATIONAL MARINE FISHERIES SERVICE

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HIGHLY MIGRATORY SPECIES ADVISORY PANEL

MEETING

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WEDNESDAY,

SEPTEMBER 9, 2009

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CROWNE PLAZA

SILVER SPRING, MARYLAND

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PRESENT:

Rich Ruais, Bluewater Fishermen's Association,
American Bluefin Tuna Association

Tim Palmer, Buoy Gear Swordfisherman

Richard Stone, National Marine Manufacturers
Association

Ron Coddington, Swordfish Club

Clark Gray, North Carolina Division Marine
Fisheries

Pat Augustine, Mid-Atlantic Fishery Management
Council

Rick Weber, South Jersey Marina

John Graves, Virginia Institute of Marine
Science

Rusty Hudson, Directed Shark Fisheries,
Directed Sustainable Fisheries

Dewey Hemilright, Commercial

Rita Merritt, South Atlantic Fishery
Management

Sean McKeon, North Carolina Fisheries
Association

Rom Whitaker, Hatteras Charter Boats

Steven James
Sonja Fordham

Elizabeth Griffin, Oceana

Robert Hueter, Mote Marine Lab

PRESENT: (CONT.)

Eric Hoffmayer, University of Southern
Mississippi (proxy for Jim Franks)

Marcos Hanke, Caribbean Council

Tom DePersia, Stellwagen Bank Charter Boat
Association

Mark Sampson, Ocean City Charter Boat Captains
Association

Chris Vonderweidt, Atlantic States Marine
Fisheries Commission

James Donofrio, Recreational Fishing Alliance

Jason Froeba, Louisiana State Wildlife
Foundation

Lisa Gregg, Florida Fish and Wildlife
Conservation Commission

Vince Pyle, Fishing Vessel Carol Ann

Shana Miller, Tag-A-Giant Foundation

Ralph Pratt

Chris Weiner

Margo Schulze-Haugen, NMFS

LeAnn Hogan, NMFS

Paul Anninos

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

2 1:00 P.M.

3 MS. SCHULZE-HAUGEN: All right.

4 Well thank you very much for coming.

5 Hopefully, everyone can hear me okay in the

6 back? Everybody hear me? Give me a high

7 sign. Yes? Okay. Good. If you can't let me

8 know.

9 So thank you again for coming.

10 This is the Highly Migratory Species Advisory

11 Panel Meeting. We have a very full agenda the

12 next couple of days and so I'll talk a little

13 bit about that. I want to then go around the

14 room and do some of the introductions. We

15 have some new faces both in HMS and some new

16 folks at the table for the panel. And then

17 Paul will give us some of the marching orders

18 and ground rules for the meeting and we will

19 get right into it.

20 I do see people coming in so

21 please if you can always remember to sign in.

22 The name tags and folders are there in the

1 back, and just having a seat anywhere.

2 And so what we've got for the next
3 couple of days we're going to be starting
4 today with the focus on Amendment 3 which
5 we're at the draft amendment and proposed rule
6 so we're actually having a public hearing this
7 afternoon. If it turns out that we are a
8 little ahead of schedule we will likely try
9 and fill in so that the hearing starts at the
10 notice time of 2:30. We do have some issues
11 that we might be trying to squeeze in through
12 the meeting.

13 And then tomorrow we're going to
14 start out with the Caribbean Amendment 4,
15 which we're at the pre-draft stage, and that's
16 the stage between scoping and then the actual
17 proposed rule so it's a particularly important
18 time to get feedback because this is where
19 we're not yet committed to a preferred
20 alternative but are still looking for comments
21 and advice from you all.

22 And then we're going to spend the

1 rest of the day, really the bulk of the day,
2 on the Advance Notice of Proposed Rulemaking,
3 and that is something we spent most of the
4 summer on. The comment period completely
5 closed last week and we received several
6 thousand comments. We're still going through
7 them and I would like to note that we have the
8 posters out in the hallway, these are the
9 posters that accompanied us so they're pretty
10 well traveled to the five meetings. And then
11 on the credenza there's four binders with some
12 of the comments that we've received so far.

13 And I want to be very clear that
14 it is some of them because we are literally
15 still going through them, tens of thousands of
16 comments. So if you don't see yours, it's not
17 that we didn't get it. It's that we're still
18 going through them so please bear with us on
19 that. But we wanted to give you a sense of
20 what kinds of comments came in.

21 And then Friday we'll be talking
22 about some of the Shark 2009 fishing patterns

1 and catches that we've seen and then we'll
2 have an update on a few other things,
3 including the Marine Recreational Information
4 Program. We'll have a CITES discussion and an
5 enforcement update if we haven't covered those
6 earlier.

7 And so at this point I'd like to
8 do brief introductions and then I'll turn it
9 over to Paul for some ground rules. And if we
10 could go around for AP members and then we'll
11 go around the room.

12 MR. RUAIS: Rich Ruais with the
13 Bluewater Fisherman's Association and also
14 with the American Bluefin Tuna Association.

15 MR. PALMER: Tim Palmer, Buoy
16 Gear Sword Fisherman, Florida.

17 MR. STONE: Dick Stone, National
18 Marine Manufacturers Association.

19 MR. CODDINGTON: Ron Coddington,
20 Swordfish Club.

21 DR. GRAY: Clark Gray, North
22 Carolina Division Marine Fisheries.

1 MR. AUGUSTINE: Pat Augustine,
2 Mid Atlantic Council.

3 MR. WEBER: Rick Weber, South
4 Jersey Marina.

5 DR. GRAVES: John Graves,
6 Virginia Institute of Marine Science here
7 representing the USI-CAT Advisory Committee.

8 MR. HUDSON: Rusty Hudson,
9 Directed Shark Fisheries and also Directed
10 Sustainable Fisheries.

11 MR. HEMILRIGHT: Dewey
12 Hemilright, Commercial.

13 MS. MERRITT: Rita Merritt, South
14 Atlantic Fishery Management Council Member.

15 MR. MCKEON: Sean McKeon, North
16 Carolina Fisheries Association.

17 MR. WHITAKER: Rom Whitaker,
18 Hatteras Charter Boats.

19 MR. JAMES: Steve James, Advisory
20 Council.

21 MS. FORDHAM: Sonja Fordham, Free
22 Agent.

1 MS. GRIFFIN: Elizabeth Griffin,
2 Oceana.

3 DR. HUETER: Bob Hueter, Marine
4 Lab.

5 MR. HOFFMAYER: Eric Hoffmayer,
6 University of Southern Mississippi, proxy for
7 Jim Franks.

8 MR. HANKE: Marcos Hanke,
9 Caribbean Council, Charter Boat Operator.

10 MR. DEBERSIA: Tom DePersia,
11 Stellwagen Bank Charter Boat Association.

12 MR. SAMPSON: Mark Sampson,
13 Ocean City Charter Boat Captains Association.

14 MS. SCHULZE-HAUGEN: I think we
15 had - Dr. Gold, did you sneak in?

16 (Off-mic comment)

17 MS. SCHULZE-HAUGEN: Thank you. I
18 wanted to point out that we do have some
19 additions to HMS. Brian Parker that just gave
20 us a little introduction on the NOAA Accord
21 and Guy DuBeck is a new person that joined us
22 since the last AP meeting. A couple of faces

1 that you won't see at this meeting, Jackie
2 Wilson is expecting her first child in a
3 couple of weeks and so she's beyond the point
4 of traveling. Chris Rilling is also on a
5 leadership assignment at this time but will
6 not be returning to HMS, he's going to be
7 joining the National Observer Program when he
8 finishes that assignment. So we miss him
9 greatly. This is our first meeting without
10 him and are realizing all that he did for us
11 so we wish him well and will continue to work
12 with him through the Observer Program.

13 And then also an update on Mike
14 Clark. If you remember he's in the Mansfield
15 Fellowship Program. He has finished his year
16 learning Japanese and is now actually in
17 Japan, so I think he's having a very
18 interesting year and hopefully we'll see him
19 in another year.

20 And so at this point I wanted to
21 hand it over to Paul to go through some of the
22 ground rules and then I'll give the overview

1 presentation.

2 MR. ANNINOS: Thanks Margo. Good
3 afternoon everybody. Thanks for getting in
4 your seats and getting started right on time.
5 We do have a full agenda all three days so I
6 really appreciate that.

7 I think you all know your role is
8 providing the content in all of the subject
9 matter expertise and all the expertise that
10 you bring to the table to support the
11 conversations that will happen here over the
12 next three days. My role is relatively
13 simple, it's to keep us on track and make sure
14 that we're hearing from the diverse
15 perspectives that are represented here today.

16 And for the most part I think I
17 know pretty much everybody in the room but I
18 would ask that it helps me and helps your
19 colleagues maybe that you haven't met if you
20 put your table tents out with your names on
21 them that's very, very, helpful to us.

22 A couple of quick things about

1 ground rules. Most of you know these but
2 they're basically common courtesies and I just
3 want to repeat them real quick. Let's try to
4 remember to turn our cell phones into vibrate
5 mode or silent mode so we're not constantly
6 interrupted by ringing phones. Let's do the
7 best we can to minimize side conversations
8 while someone has the floor, that's very, very
9 helpful. This room has got some amazing
10 acoustics in it and no matter where you are in
11 this room if you're whispering to your
12 neighbor you can hear it halfway across the
13 room. So just keep that in mind.

14 And I would suggest that that goes
15 for not only the AP members but also for the
16 staff, so just keep that in the back of your
17 mind that your voices carry quite a bit and
18 even if you think you've exited the room by
19 going into the anteroom over here and having
20 conversations, somehow the sound waves like
21 make their way back in here so occasionally I
22 will wander in the back and maybe ask for a

1 little bit quieter conversations back there if
2 you're having side conversations.

3 And then when you're making points
4 and offering up ideas or suggestions or
5 recommendations or have issues that you want
6 to bring forward while you have the floor,
7 let's try to be as efficient as you can.
8 That's just another word for be as brief as
9 possible, make the point, think about in
10 advance what point you're going to make it and
11 then make it very clearly and then turn over
12 the mic to someone else.

13 The agenda is tight enough over
14 the next two of three days that we may find
15 ourselves in situations, we don't often find
16 ourselves in a situation but we may find
17 ourselves in situations where we maybe need to
18 cut off conversation. So if you have a point
19 you want to make, make it very directly, make
20 it early, don't expect to be called on a
21 second or third time if we're running out of
22 time, nobody gets seconds until everybody's

1 gotten served first, and that's kind of the
2 concept here. So if you've raised your hand
3 three times in the course of the conversation
4 you're going to go way back to the bottom of
5 the queue and we'll only get to you if we have
6 time. Okay? Is that fair enough?

7 In terms of managing the queue,
8 okay, when we do have discussions there's
9 always this pent up desire to get your hands
10 up. Get your hands up, I will record who's
11 got their hands up, you can stand your table
12 tent on the end, that helps visually notify me
13 that you want to weigh in on a particular
14 topic. You can give me the evil eye, you can
15 wave your hands back and forth, get my
16 attention any way you can that's relatively
17 silent and I'll get you in the queue, don't
18 worry about that.

19 And as you know, I'll remind you
20 if you're one of the next two or three folks
21 on the list so that you can kind of be
22 prepared the minute the person right before

1 you is done that you know exactly what you
2 need to say.

3 Margo mentioned this but the sign
4 in sheets are in the other room, you'll need
5 to sign in each day to the forum so make sure
6 at the break if you haven't signed in already,
7 make sure you get your initials on the form
8 and you'll need to do that for each day that
9 you're attending here.

10 Other than that, that's it in
11 terms of the rules. So any questions about
12 that? Any concerns? Okay. Thank you very
13 much.

14 MS. SCHULZE-HAUGEN: All right.
15 What I'm going to go through is kind of an
16 update on a variety of things since the last
17 time we met in February. And so since then
18 this is kind of the summary statistics on what
19 we've been doing.

20 We published two proposed rules
21 with three more in progress. Publishes also
22 two final rules with one more in progress. We

1 also released the Advance Notice of Proposed
2 Rulemaking and held five public meetings.
3 This is what we had two comment periods on,
4 one that closed June 30th, one closed August
5 31st.

6 The final EFH Amendment was
7 released mid-summer and we are in the middle
8 of our public hearings on Draft Amendment 3
9 which came out at the end of July. We've also
10 released the pre-draft and there's a variety
11 of outreach materials that we've produced in
12 association with that in both English and
13 Spanish.

14 We've had 27 workshops so far in
15 2009 and the quarter four schedule is
16 publishing tomorrow, and we've got about 2,600
17 people on our list so this remains the best
18 way for us to get information out to the
19 public very quickly. So if you can help us let
20 people know about that, that would be great.

21 For the EFH Amendment, as you
22 recall, we did the first phase of this in the

1 2006 consolidated FMP that included the
2 updated data. The Amendment 1 went through
3 and actually proposed and finally modified
4 some of those boundaries, the fish habitat
5 boundaries and looked at if there was a need
6 to minimize the fishing impacts on the
7 habitat.

8 As most of the pelagic fisheries
9 habitat is determined by water temperature,
10 salinity, thermal fronts, there wasn't a lot.
11 We did look at potentially minimizing impacts
12 for gear that touches the bottom, primarily
13 bottom long-line gear, but due to a variety of
14 closures that have been implemented both with
15 the councils and HMS and that reduced effort,
16 we did not finalize any, did not propose or
17 finalize any measures there.

18 We did designate a new habitat
19 area of particular concern, or HAPC, for
20 bluefin tuna in the Gulf of Mexico because of
21 the spawning grounds, and the notice of its
22 availability published June 12.

1 And the other thing I'd like to
2 mention although we do have copies available
3 if you're interested but the EFH mapper, the
4 online tool where you can go in and click on
5 your species and life stage of interest and
6 look at the boundaries themselves, that is up
7 online and is primarily the tool that we ask
8 people to use if they need to do a
9 consultation with us.

10 What these designations do is
11 require other federal agencies that would be
12 taking actions that could affect the habitat
13 to consult with us. And so they use the
14 mapping tool quite a bit for that.

15 For Shark Amendment 3, as I
16 mentioned, we're at the proposed rule stage
17 and we do have a public hearing on that this
18 afternoon so I won't spend a lot of time on
19 it. Just to note that in this amendment we're
20 responding to several stock assessments
21 including one determining blacknose are
22 overfished with overfishing, that shortfin

1 mako shark are experiencing overfishing and
2 that we are proposing to bring smooth dogfish
3 into the federal management plan. That's
4 published look like July 24, and comment
5 period closes towards the end of this month.

6 For the Caribbean, again we'll be
7 talking about this in detail later so I'll
8 just do a high level at this point looking to
9 address the permitting gear, data collection
10 and outreach specific to the Caribbean,
11 recognizing there are some differences in
12 infrastructure and species in the Caribbean
13 and looking at ways to better meet our
14 management objectives, and we are again at the
15 pre-draft stage.

16 This isn't something that's as
17 formal as the proposed rule or scoping; it's
18 something that we share the pre-draft document
19 with our consulting parties, which are you and
20 the councils, and so we are requesting this
21 comments by October 1 and looking forward to
22 talking about that.

1 We'll also talk a bit on Friday
2 about the shark season in 2009 and some of
3 what happened there. As you recall, the base
4 quotas were established in Amendment 2, which
5 was effective last summer, and we released the
6 final rule for 2009 at the end of December and
7 fisheries opened 30 days later in January.

8 We expected, with the base quotas
9 and the reduced trip limits that that would be
10 a year-long fishery and unfortunately what
11 happened is that the Gulf of Mexico, again
12 non-SB Large Coastal Fishery, closed June 6
13 and in the Atlantic it closed it July 1. So
14 the quota was reached much more quickly than
15 anticipated. The effect of this is that
16 fishermen in the North Atlantic Region were
17 essentially precluded from the fishery. Sharks
18 either were not available yet at that time and
19 specifically off the North Carolina Coast, the
20 closed area for bottom long-line gear had not
21 yet opened at the end of July.

22 And so, for these reasons, we're

1 looking back through the data on number of
2 trips and effort, species composition, landing
3 conditions and things like that and we'll be
4 sharing with you where we're at in that
5 analysis. And we're looking to implementing
6 changes in 2010 so we don't have a repeat of
7 this. And so we'll be looking for your input
8 there.

9 The 2010 Shark Fishery Notice
10 should be published soon and the Florida
11 fisheries disaster request is still under
12 review of which I don't have more of an update
13 for you on that.

14 The rule that the comment period
15 just closed was the 2009 swordfish
16 specifications. In the meantime the 2008
17 specifications final rule published but we're
18 on to 2009 so we're going to focus on that.

19 This rule is adjusting the 2009
20 quotas for under harvest from 2008 and we also
21 included in this action a response to the
22 request to the Government of Mexico Council to

1 backstop some of their area closures.

2 The Madison-Swanson Steamboat
3 Lumps were implemented with a sunset
4 provision, meaning in 2010 they would no
5 longer be in effect. The Gulf Council
6 recently eliminated that sunset provision and
7 requested that we do the same in our
8 regulations.

9 They also implemented, and
10 hopefully you can see this, it's a very small
11 area there, the edge is 40 fathom contour, and
12 so we proposed, based on their request, to
13 implement that in HMS Fisheries as well.

14 And then there were some
15 administrative changes that we proposed. One
16 specifically on swordfish minimum size. Right
17 now there's a mix of three ways that swordfish
18 can be measured. There's the lower jaw fork
19 length if the head is on, there's a cleithrum
20 to keel if the fish is dressed or there's a
21 weight limit of 33 pounds. And we've
22 encountered through some enforcement actions

1 and conversations with fishermen some
2 confusion and some difficulties in having
3 three different alternate ways to measure the
4 fish.

5 And so what we proposed was to
6 clarify and simplify that if the head is on it
7 is only lower jaw fork length, if the head is
8 off it is the cleithrum to keel and that the
9 33 pounds would be an import measure because
10 that's stemming from the ICCAT
11 recommendations.

12 So this would be a change. We did
13 not get a lot of comment on that and so while
14 we don't have time on the agenda for this, if
15 you do have comments or concerns we would be
16 interested to hear from you.

17 For the Shark Identification
18 Workshops we proposed to kind of normalize in
19 the regulations what we ended up doing because
20 we had to issue participant certificates to
21 new entrants to the dealer market where in
22 order to get a dealer permit you had to have

1 attended a workshop but they couldn't get a
2 dealer certificate because they didn't have
3 the dealer permit. And so to deal with that
4 we have been issuing participant certificates
5 so people could get their permits and this
6 clarifies that process in the regulations.

7 For observer requirements we've
8 encountered situations where they're either
9 very rare specimens or specimens of great
10 interest that may be dead at haul back and
11 what we wanted in the regulations was some
12 ability for the observer to require, within
13 reasonable limits and safety limits, the
14 fishermen to make the fish available for
15 sampling.

16 Again, not intended to disrupt
17 fishing activities or put people in any sort
18 of bad situation, but trying to maximize the
19 data collection abilities for some of those
20 rare species.

21 For the permit information,
22 hopefully you have seen some of our notices

1 that we're going to be changing the way the
2 tuna longline permits are issued. We're going
3 to be moving from the website-based issuance
4 to the Southeast Regional Office where the
5 other limited access permits are also
6 administered.

7 And so what we are doing is that
8 towards the end of the year, right now the
9 website issued permits are on a calendar year
10 basis so they all expire December 31, whereas
11 the sword and shark limited access permits
12 issued by the Southeast Region expire on your
13 birth month and so there's a disconnect there.

14 What we'll be doing in
15 November/December time frame is automatically
16 issuing kind of bridge permits to get people
17 from January 1 through the end of their birth
18 month and so when you renew in your normal
19 swordfish and shark process, you will also
20 then be renewing your tuna longline permit.

21 What's important for people to
22 know is that we are going to be automatically

1 issuing those to the permit holder address on
2 record for swordfish and shark, so if people
3 could please check their permits, check your
4 addresses, make sure they're the same, you
5 don't need to take any further action, and
6 then next year when you renew you'll be
7 renewing all three.

8 And then, finally, the import
9 information requirements, the regulations have
10 been very specific about what sorts of
11 information would be collected and as ICCAT
12 and others have been modifying those
13 requirements we've had to go through
14 rulemaking to make what are fairly minor
15 changes and so what we propose is to make the
16 regulations themselves much more general and
17 put the specifics in the forms.

18 And so the regulations would say
19 you have to fill out the information that's on
20 the form, so when there are changes we don't
21 have to go through a full regulatory process
22 to update.

1 And so again this comment period
2 closed September 4th. We are looking to turn
3 around the final rule pretty quickly so we can
4 have that in place before we go to ICCAT.

5 For the bluefin tuna
6 specifications, in February we spent a lot of
7 time talking about the bluefin tuna specs,
8 what was in them and in a lot of ways what
9 wasn't, and in response we published the final
10 rule and the ANPR on the same day because of
11 how related those two issues were. Just to
12 let you know, the base quota for 2009 is 1,009
13 metric tons adjusted for under harvest is
14 1437. This is based on a 1,900 metric ton
15 quota, you recall the ICCAT recommendation
16 reduces the quota by 100 metric tons for 2010
17 and so we are working on the 2010 specs where
18 we'll be going through the process of doing
19 the math and taking that 100 ton reduction
20 through the formula for allocations.

21 The final rule also set the
22 general category limit at three large, medium

1 or giants through August and we recently
2 published an in-season action to maintain that
3 through the end of the calendar year.

4 Some of the other things going on
5 with bluefin tuna, you saw a lot of this in
6 February, the Gulf of Mexico observer coverage
7 was scheduled at that point. It happened, I
8 don't have the updated information for you but
9 I expect to get it soon and can relay it
10 shortly.

11 The weak hook research is also
12 ongoing and we've gotten some interesting
13 preliminary results, I think we're looking to
14 expand that. And then CITES listing
15 implications we'll be talking about on Friday
16 as well. So still lots going on on bluefin.

17 And then, as I've mentioned, the
18 ANPR, which is where we had taken a lot of the
19 comments coming on the specs rulemaking and at
20 the February meeting and wanted to let the
21 public know what some of the requests coming
22 into the agency were for regulatory changes,

1 broaden the discussion, get more full input,
2 and also to include issues we saw linked to
3 some of the issues being raised in the
4 specifications process.

5 And so the things that we were
6 looking to get input on were increasing
7 opportunities to harvest quotas, also ending
8 overfishing and rebuilding bluefin, continuing
9 efforts to swordfish and yet minimize bycatch,
10 clarify the permit structure -- a lot of the
11 comments that have come in over the last
12 couple of years have been related to permits,
13 and then also starting to get some very early
14 stage comments on limited access privilege
15 programs and then potentially individual
16 bycatch caps as another way of managing
17 bycatch.

18 We did, as I said, receive tens of
19 thousands of comments on this. We're still
20 going through them and if you want to see some
21 of them they're in the hallway, as well as the
22 posters that went to all the meetings on these

1 issues.

2 Moving on to some of the other
3 updates. Recreational swordfish issues, you
4 can see the landings, reported landings for
5 '08 and '09 are lower, '07 was our highest
6 year so we're looking into why that might be.
7 Issues of economy, field prices certainly play
8 a factor, also concerned about potential non-
9 reporting. And '09 is looking to be
10 substantially under '07 as well.

11 For billfish for calendar year '08
12 you can see the numbers here, 117 total so
13 well below our 250 white and blue marlin
14 limit; 2009, the numbers we have here are
15 obviously to date but then also don't include
16 all of the information so that's why it says
17 incomplete and that's just because it's not
18 all the sources here, it will likely be under
19 250 as well.

20 Number of tournaments may be a
21 little bit lower than last year but not
22 appreciably.

1 Some of the other issues
2 surrounding billfish include roundscale
3 spearfish and potential inclusion for
4 management. Magnuson provides us authority
5 for species to the genus level for billfish
6 which would include roundscale spearfish, and
7 there has been a potential genus or we're not
8 sure if it actually is final yet, genus change
9 for white marlin. And so we're looking at
10 these, what are the implications for
11 management, what are the kinds of actions we
12 may need to be taking.

13 Updating you on the pelagic
14 longline closed area research, this continues
15 to be of interest to folks, tried to summarize
16 this as a couple of slides last time. The
17 kind of basic intent would be to collect
18 baseline information in the areas since
19 there's been no fishing in them, other than
20 the research fishing, for several years.
21 Looking at current conditions and
22 effectiveness under current management,

1 different gears are now required in the
2 fishery.

3 The conditions of the permit are
4 three boats max, two fishing at a time, 289
5 sets, half of which were inside the closed
6 area, half out, 100 percent observer coverage.
7 Last year we were looking at renewing and
8 extending it for one year and then also
9 modifying the boundaries slightly. We ended
10 up doing both of those although we did modify
11 the original request, I've got the slide here.
12 The original request for the modification was
13 the entire length of the FEC closure. We
14 ended up after talking with the fishermen to
15 modify that a bit, it's designed to allow the
16 gear to fish as it had so that the information
17 is comparable.

18 Some of the issues that we're
19 facing now is that we are still well behind
20 our target number of sets and there are issues
21 with fishermen and fishing vessels being able
22 or interested in participating, so we're

1 continuing to collect the data, just not as
2 quickly as we had hoped.

3 And some of the results here,
4 again these are very preliminary, the
5 statistical analyses are not done and won't be
6 for some time until the project is concluded
7 but we wanted to give you an update.

8 Fourteen trips in '08, 11 so far
9 in '09, I think that will go up; 122 sets
10 completed, you can see the breakout here in
11 the kind of purple, the closed area FEC, open
12 areas in maroon and then the yellow is the
13 Charleston bump. And recall the Charleston
14 bump is closed February through April and so
15 you wouldn't see those bars in Q3 or Q4.

16 And then some of the other
17 numbers, again you've got these in the handout
18 so I won't read through them. Just note RA is
19 Released Alive, DD is Dead Discards and all of
20 the turtles were released alive.

21 So that gives you some of the
22 information on what's been happening.

1 For workshops, one thing to note
2 here is that they are required by our
3 biological opinion for the Protected Resources
4 Handling and Release as well as the shark
5 carcass identification to help improve species
6 ID.

7 They are both issued on three-year
8 cycles and so there are folks who were in the
9 initial round of getting those certificates
10 the renewable period is likely up and so it's
11 important for people to look and look ahead to
12 when their permits expire because they'll need
13 to have gone to a workshop in order to renew
14 and we announce these on a quarterly basis.

15 We look at who needs to get
16 renewed, who needs the permits and try and
17 accommodate where we can go. We can't always
18 go to everybody's backyard at their
19 convenience, so we do need people to look
20 ahead and schedule their time accordingly.

21 For exempted fishing permits, a
22 total of 30 issued so far in 2009; 15 EFPs, 4

1 scientific research permits, 6 shark display
2 permits and then 5 letters of acknowledgment.
3 I have the details on these if you want them.

4 One thing to just remember is that
5 they do require some analysis and so they're
6 not things if you're interested in doing some
7 sort of work that would require an exemption
8 from the regulations you need to give us time
9 to do that. We ask 60 days.

10 On the litigation, if you recall
11 Blue Ocean Institute had challenged the
12 consolidated FMP denying the petition to close
13 the bluefin tuna spawning grounds to pelagic
14 longlining in the Gulf of Mexico. We were
15 granted summary judgment on all counts at the
16 District Court level. An appeal was filed but
17 then voluntarily dismissed in May.

18 Looking now at some of the
19 operations and other things, looking to some
20 of our partner management entities, the Gulf
21 Council is continuing to look at actions
22 that's necessary in the grouper/reefish and

1 there may be some overlap in terms of
2 participants. A lot of people are permitted
3 in both the shark and the reefish grouper
4 fisheries so we're watching that. At this
5 point there's no action required on our part
6 but we are trying to stay on top of it.

7 The Atlantic States Marine
8 Fisheries Commission, Interstate Shark Plan is
9 to come online January 2010. They at their
10 August meeting adopted the smooth dogfish
11 addendum which implemented some changes for
12 processing at sea, making some allowance for
13 that during the smooth dogfish fishery peak
14 times, and we can also get you more
15 information on that.

16 We're continuing to work on
17 modernizing the bluefin tuna dealer reporting
18 system and have as of I believe July the web-
19 fillable bluefin tuna catch document is
20 online, up and running, so we encourage people
21 to check that out, we think it's pretty good.

22 The International Trade Data

1 System is also something that's still in the
2 works. I hear that there should be a proposed
3 rule out this winter that would affect folks
4 that are importing/exporting products, all
5 products, into the U.S. The proposed rule,
6 the International Office of Affairs is going
7 to be the lead on that looking at the specific
8 NMFS requirements.

9 And then I have a couple of sides
10 on the greenstick gear study but I also wanted
11 to mention that the bluefin tuna length weight
12 study that Dick Stone had been working on, we
13 have copies available and it is complete and
14 I think Dick wanted a few minutes to talk
15 about that so we'll try and find the time.

16 For the greenstick gear study, we
17 authorized this gear based on the information
18 we had at the time but continue to want to
19 characterize the catch and bycatch in the
20 fishery, looking initially off North Carolina
21 but then potentially to other areas. This is
22 funded through the Bycatch Reduction

1 Engineering Program, this is an internally
2 computed source of funding created in the
3 Magnuson Act and we're partnering with the
4 North Carolina Division of Marine Fisheries on
5 the program and so we have contracted with
6 fishing vessels to carry observers.

7 They fish just as they normally
8 would and so far we've observed four trips,
9 primarily tunas that are caught, one undersize
10 bluefin and one sailfish, and we're looking to
11 continue the data collection in the fall. The
12 tuna has apparently dropped off but we're
13 hoping that it will pick up back in the fall.

14 And then just to recap some of
15 what we've heard from you all over the last
16 several meetings. Some of the suggestions
17 were to retain or implement the bluefin tuna
18 angling category limit at two fish, which we
19 did in the specs final rule. Continuing to
20 work on as we can marketing, providing some
21 brochure assistance and the seafood cook-off
22 emphasizing swordfish.

1 And then on outreach we sent
2 compliance guides to commercial permit holders
3 and the dealers/exporters; to send the
4 recreational guides would be quite expensive
5 and so we're looking at if there are other
6 ways that we can convey the same information
7 for lower cost.

8 Things that are underway,
9 obviously the closed area research is still
10 ongoing. Looking at the billfish landings
11 updates, continuing to look at fish watch
12 updates so there are other ways that we can
13 assist some of the swordfish marketing
14 efforts.

15 And continuing on outreach, we had
16 distributed placards to tournaments last year
17 but the suggestion was to incorporate this as
18 part of registration and I think we're looking
19 at building that in next year. Looking also
20 at placards for other species, particularly
21 some of the shark species potentially.

22 And we've been doing a lot of

1 work, hopefully you've noticed, on our website
2 trying to make it easier to navigate, lots
3 more high level button bars that will take you
4 to specific years or topics, so any feedback
5 you have on that, any suggestions are always
6 welcome.

7 And then the issue of fish
8 aggregating devices is included in Amendment
9 4.

10 And then there were a lot of
11 suggestions over the last couple of AP
12 meetings on permitting issues as well as the
13 incidental catch limits for bluefin tuna and
14 the pelagic longline fishery, and these issues
15 we included in the ANPR over the summer. So
16 we'll be talking about that tomorrow.

17 And then some of the other things
18 that we're still looking at, changing the
19 charter boats swordfish limits, improving
20 dealer reporting, electronic reporting. These
21 remain options for us. And then looking at
22 circle hooks and buoy gear, this was also a

1 comment that came in in the ANPR process. So
2 we may be able to talk about that a little bit
3 tomorrow.

4 And then just to wrap up we've got
5 a really full agenda for the next couple of
6 days, a lot of ground to cover and so I think
7 we'll have a good meeting.

8 We continue to be quite busy and
9 so I would just ask that you remember that.
10 Some of the rulemaking time frames sometimes
11 are quite lengthy but as we move forward for
12 the meeting, I'm hoping that we can really
13 focus on priorities and potential solutions.

14 And we always ask that you can
15 help us be the conduit to the constituencies
16 you represent, sharing the information from
17 this meeting back to them and vice versa,
18 sharing their input and opinions with us. So
19 with that--

20 MR. ANNINOS: Margo, thanks. We
21 do have some time for questions and comments.
22 Rich, go ahead. And as we usually do, Rich

1 will show us how to do it. He'll show us how
2 to identify himself.

3 MR. RUAIS: Okay. Richard Ruais,
4 Bluewater Fishermen's Association.

5 Margo, just one comment on the
6 agenda. There has been some correspondence
7 that other people probably aren't aware of
8 that's been going back and forth between you
9 and Steve Weiner and myself on the issue of
10 the 15 minutes that's scheduled for the CITES
11 comment at the end, and you've been very
12 flexible in your responses to us that you'll
13 try to extend that. There's a number of
14 people that are coming down from New England,
15 that are flying down from New England, bluefin
16 tuna fishermen, just simply to comment to
17 that. So I just hope you'll keep that in mind
18 and Paul keep that in mind and if we can
19 somehow find some ways to extend that 15
20 minutes that would be very helpful.

21 I had a couple of other issues,
22 Paul, can I raise them all at the same time?

1 Okay. You mentioned the bluefin tuna specs
2 for 2010 that you're already working on them
3 because it is a two-year ICCAT agreement, and
4 I'm just curious and obviously reducing the
5 quota to 1800 is just a proportional thing
6 because the FMP sets the percentages by
7 categories.

8 But I'm wondering if there's been
9 any internal discussion about what the agency
10 will do if a CITES listing pops up in March of
11 2010 which, if approved, would be implemented
12 90 days later prior to the start of the 2010
13 general category season and actually probably
14 interfering somewhat with the recreational
15 fishery prior to June 1st.

16 That's fertile ground. I mean
17 it's obviously something that's unprecedented
18 and I'm just wondering if the agency has
19 thought about what the domestic policy would
20 be in light of an Appendix 1 listing in terms
21 of an authorized ICCAT quota, assuming that at
22 the 2009 we'll be raising this issue with Dr.

1 Graves at the ICCAT advisory committee as
2 well. If there's no change in the 2009
3 Western Atlantic agreement in November in
4 Brazil, then the ICCAT quota stands, there
5 just wouldn't be international exports on
6 that.

7 So I'm wondering at some point, it
8 doesn't have to be now but whenever you want,
9 whenever you feel if you or someone else could
10 address that question.

11 The final point is the petition by
12 the Center for Biological Diversity under the
13 Marine Mammal Protection Act has sort of
14 disappeared. We don't see anything being
15 talked about it at all and just for
16 everybody's recollection that petition called
17 for trade restrictions, or sanctions if you
18 will, on all those countries that are not
19 under a provision in the Marine Mammal
20 Protection Act that says that countries that
21 are not implementing comparable marine mammal
22 and turtle protection, as the United States

1 does, that the United States is authorized,
2 has a mandate to ban those imports from the
3 United States. And it happens to be around
4 10,000 metric tons.

5 And the petition was submitted
6 probably over a year ago now and I think you
7 did one extension and we just haven't heard a
8 word about it. Where is it languishing?
9 Could you get somebody in international-- I
10 think that might be an international issue,
11 could somebody in international address that
12 before the AP meeting is over? Thanks.

13 MS. SCHULZE-HAUGEN: A couple of
14 points in response. For CITES, I would like
15 to remind the AP that the AP's purpose is for
16 FMP and FMP amendment-type issues to the
17 secretary, because there are a lot of things
18 going on we try to provide updates on relevant
19 issues as we can. But that's the primary
20 purpose and so the CITES discussion is meant
21 as basically a courtesy to the AP. There's
22 not a formal comment period at this meeting

1 for CITES issues.

2 Fish and Wildlife Service is the
3 lead on that. We do participate heavily on
4 marine issues but they have the comment
5 period, they do request comments coming in
6 through the regulation stock of mechanism.
7 And so the 15 minutes on Friday was never
8 intended to be a CITES public comment period.
9 If you'll note, every day on the agenda has 15
10 minutes for public comment and that's what
11 that 15 minutes said.

12 The CITES discussion is at 10:30
13 and as I've communicated with Rich, we are
14 willing and able to work through lunch as
15 needed, and they're looking at the agenda for
16 those flexibility because we do know that
17 people are coming in.

18 But please do recall that the
19 purpose of the AP is for FMPs, FMP amendments,
20 for domestic fisheries. And you're right,
21 Rich, that a CITES listing potentially, this
22 is all very potential, would be for

1 international trade. So domestic fisheries,
2 ICCAT recommendations for domestic harvest
3 it's my understanding would not be affected by
4 that. There may be some additional paperwork
5 but a CITES listing in and of itself is not
6 necessarily going to affect that.

7 In the presentation and the
8 discussion on Friday we do have the CITES
9 experts coming, both from the Fish and
10 Wildlife Service and from NMFS, and so they'll
11 walk through what it means, what it doesn't
12 mean and so if at all possible I'd like to
13 defer that discussion till when they're here
14 because I am not the CITES expert. I don't
15 pretend to be.

16 And some of the folks that may
17 also know about the swordfish petition should
18 be there at that time so we can ask them for
19 that update.

20 MS. MERRITT: Thank you. Rita
21 Merritt, South Atlantic Fishery Management
22 Council. Margo, to follow up on that about

1 the EFP, as I recall during the extension, as
2 part of the extension weren't there some
3 parameters set that would indicate some kind
4 of trigger mechanism to take different
5 actions, management actions or mitigation, at
6 the time of the extension and, if so, has any
7 of these instances occurred as a result of any
8 of the interactions?

9 MS. SCHULZE-HAUGEN: The
10 parameters of the experiment, except for the
11 boundaries, were unmodified in the extension.
12 And they're laid out there, the number of
13 sets, the distribution, the gear that's used,
14 observer coverage, the placement, the
15 distribution of the sets I guess it would be.
16 What we considered was simply the boundary
17 change but there weren't other parameters
18 changes that I can remember though I see
19 Russ's hand.

20 (Off-mic comment)

21 MS. SCHULZE-HAUGEN: But just to
22 be clear we don't have hard triggers in the

1 permit, but if we saw something that was
2 egregious we would look at that and then
3 decide what we need to do at that time. But
4 if you look at the permit you're not going to
5 see a number and then an action.

6 MR. ANNINOS: Anyone else?

7 MS. SCHULZE-HAUGEN: Well, what I
8 might suggest at this point because we don't
9 want to start, there may be people coming for
10 the public hearing that was announced for 2:30
11 and so what I might suggest is that we ask
12 Greg Beard from OLE to give the enforcement
13 update. That is the one thing that's after
14 the CITES discussion and so would be the one
15 to suffer the most.

16 So it might be better to do that
17 now. Let's see. I don't know if you are
18 loaded up or not.

19 MR. BEARD: Good afternoon. My
20 name is Greg Beard, I'm a Special Agent with
21 NOAA Office of Law Enforcement in North
22 Carolina, one of two agents in North Carolina.

1 I was asked to put a PowerPoint together for
2 Jeff or Paul who usually attends this event
3 here so it's going to be quick. I know there's
4 a time restraint.

5 What we have this is a chart from
6 2008 to February 2009 where it basically shows
7 that we have three billfish investigations, 20
8 shark investigations, 19 swordfish
9 investigations and 28 tuna investigations.

10 The status of the vessel Therapy
11 charters that was started down in Miami,
12 Florida, Jeff Udonski has probably filled you
13 guys in on this but they were indicted on
14 criminal conspiracy, wire fraud, obstruction,
15 Lacey Act charges. Basically they conspired
16 to defraud hundreds of paying customers into
17 believing killing billfish, including
18 undersize, was required for taxidermy mounts,
19 which was a big issue down in Miami and
20 probably still one.

21 Also for the underlying state laws
22 they failed to report landings to the state

1 and to NOAA.

2 And in 2008, the crew and two
3 corporations were convicted under the Lacey
4 Act. The plea agreement reached with the
5 owner, he has five years probation, \$35,000
6 dollars in fines, \$50,000 in forfeiture
7 payments, \$75,000 in restitution to the
8 victims of the fraud and the corporation had
9 to pay a \$50,000 dollar fine and a forfeiture
10 of one of the fishing vessels.

11 But you basically see that the
12 vessel that the agency would have had to pay
13 too much money to actually get it into working
14 condition to actually give it to another
15 agency or to even auction it off.

16 The tuna investigation types, we
17 have the live bait undersize permit cases E-Z,
18 transfer at sea which is a big issue in North
19 Carolina and the observers.

20 Being out of North Carolina I had
21 to put a PowerPoint together quick, basically
22 it will give an overview of some of the 2009

1 cases of bluefin tuna in North Carolina.

2 An HM investigations resulted in a
3 \$250 dollar fine, the general category permit
4 vessel harvesting undersized bluefin tuna in
5 Southport and we know that Southport had an
6 unprecedented amount of bluefin tuna landed in
7 that area this year.

8 The bluefin tuna was abandoned by
9 the captain to NOAA and the fish was sold on
10 the market for \$2,015 dollars.

11 For bluefin tuna transfer at sea
12 cases was submitted to the Southeast General
13 Council, and those are some of our hardest
14 cases to actually catch. This year we had
15 some operations put in place, had some
16 aircraft and some undercover boats with
17 personnel from the Coast Guard and from the
18 state and our agency.

19 We had a recreational angler
20 harvest a 78-inch bluefin tuna, transferred
21 the fish to a general category permitted
22 vessel and the owner of the recreational

1 vessel was paid \$2,400 dollars for the fish.

2 A general category vessel
3 harvested his daily bag limit, contacted his
4 second vessel and transferred one of the
5 bluefin tuna to the vessel, and this was done
6 so he can possibly catch a third fish for the
7 day.

8 Two cases involving two different
9 individuals harvesting and selling bluefin
10 tuna with HMS permits and a dealer charged
11 with purchasing three bluefin tuna from non-
12 permitted individuals.

13 This case right here took place in
14 Georgia, it's a 2008 search warrant at the
15 Alabama seafood dealer under cover prohibited
16 sharks.

17 Basically, Florida and Marine
18 Patrol Fish and Wildlife discovered an
19 individual who had some sharks on a boat and
20 he actually took a down departure and
21 basically turned it over to someone else and
22 advised that he was selling sharkfins to an

1 individual by the name of Harrison.

2 Harrison would unload the
3 sharkfins and gave him trip tickets. Harrison
4 submitted no trip tickets to FWCC for any
5 purchase of sharkfins after 1996 which is a
6 state requirement in Florida.

7 A search warrant was conducted at
8 the location, two search warrants were
9 executed at Harrison's International. Fins
10 from prohibited sharks found on the property
11 and in a shipment in transit to Hong Kong.
12 Mass adulteration of fins documented by FDA on
13 site. They basically had maggots and flies,
14 it was basically not being taken care of
15 following the FDA requirements and guidelines.

16 Eventually Mr. Harrison entered a
17 plea agreement. He had one count of the Lacey
18 Act, interstate purchase, sale of sharkfins,
19 not reported on trip tickets. The second
20 count was Lacey Act Florida law interstate
21 purchase, sale of sharkfins from prohibited
22 species and, three, FDA violations, interstate

1 sale and transportation of adulterated food.

2 Harrison was fined \$5,000 dollars,
3 given five years probation and in addition he
4 was banned from any activity, business or
5 volunteer work in the shark or sharkfin
6 industry for five years; four months of home
7 confinement and must publish a half page of ad
8 in a seafood magazine along with community
9 service of 150 hours.

10 This case right here was submitted
11 to me by an agent from the Northeast, Ogunquit
12 and Perkins Cove, which is a bluefin tuna
13 investigation. In the scope of the
14 investigation he had numerous complaints of
15 young school, large school, small/medium sized
16 fish were harvested for commercial purposes.
17 The fish was being loined out and sold to
18 restaurants.

19 The focus on the area of the
20 investigation was between Portsmouth and
21 Wales. Four restaurants, three fishermen and
22 three other individuals involved in this

1 conspiracy; collectively 22 counts of various
2 violations, approximately 30 undersized fish
3 were documented. Loin and skeletons seized as
4 evidence.

5 All these samples were seized and
6 sent to the National Marine Fisheries Service
7 Science Center in Seattle, Washington, where
8 the DNA came back as bluefin tuna.

9 The results of an investigation,
10 several infractions, ten respondents and they
11 basically combined got a fine of \$100,000
12 dollars.

13 Short and quick. Yes sir?

14 MR. HUDSON: Russell Hudson with
15 Directed Shark. Is there a possibility I can
16 get a copy of your presentation, the
17 PowerPoint?

18 MR. BEARD: No problem.

19 MR. HUDSON: As a follow up on
20 the questions, I noticed you didn't detail the
21 information on Mr. Harrison with regards to
22 the amount of fins that he bought from that

1 one gentleman. Was that just one infraction
2 with that gentleman?

3 MR. BEARD: That case was handled
4 by SA Samuels out of South Carolina. What I
5 can do is provide his information for you. He
6 just gave me the PowerPoint and I just
7 presented it so I'm not real familiar with the
8 case.

9 MR. HUDSON: That's what I had a
10 feeling about. I knew that Samuels was the
11 lead on that. But from what I understand it
12 was like \$300 and something dollars purchase
13 from that one gentleman back in 2005. And
14 then as far as the nature of the prohibited
15 fins, in the State of Florida as you may know,
16 Caribbean sharknose is not prohibited and that
17 was 211 of the 215 prohibited fins of which
18 the four remaining fins two were a bignose and
19 two were Cuban Knight which lays in the
20 question of confusion and I found that people
21 like Eric Sanders and others have a tendency
22 to make with those two animals because I used

1 to buy Eric Sanders fins. So just wanted to
2 make that public.

3 MR. BEARD: Well taken. Yes?

4 MR. HEMILRIGHT: Dewey
5 Hemilright. I got one question. When you
6 look up here on this thing and it's obviously
7 commercial type fishing industry or buying
8 fishery products, you put his picture up there
9 and his name and stuff, but how about the ones
10 with the bluefin tunas in North Carolina?
11 What are the names of the people selling them
12 and the names of their boats because it seems
13 like to me it's kind of like a one-way street
14 on this presentation. Tell the names of
15 everybody else.

16 MR. BEARD: The cases I presented
17 out of North Carolina they have not been
18 adjudicated yet and until the cases are
19 adjudicated by the general counsel I can't
20 release any names or vessels or anything.

21 MR. HEMILRIGHT: Thank you.

22 MR. BEARD: Yes?

1 DR. HUETER: Yes, Bob Hueter,
2 Mote Marine Lab. Thanks for the presentation.
3 I was impressed with the size of the penalties
4 in the Therapy case and I commend NMFS
5 enforcement for that resolution.

6 I'm interested if you know what
7 court jurisdiction that was tried in?

8 MR. BEARD: It was tried in
9 Miami. The Assistant United States Attorney
10 was Tom Watts Fitzgerald who handled the case.

11 DR. HUETER: So that was federal
12 court in Miami. Do you remember the judge's
13 name?

14 MR. BEARD: No, I don't remember
15 the name of the judge but the AUSA was Tom
16 Watts Fitzgerald. I'm not sure of the judge
17 who handled the case.

18 DR. HUETER: One other quick
19 question. It's my understanding that there is
20 still some legal action going with Mr.
21 Harrison, maybe these guys can answer that if
22 you can't. Is that an appeal that's going on

1 or is there another case that's actually
2 pending?

3 MR. BEARD: From my understanding
4 the case has been adjudicated. Well basically
5 August 19th is when he made his plea
6 agreements and these were the actions that
7 were handed down to him by the federal judge.

8 DR. HUETER: Okay. I'll speak to
9 Rusty and others about that. Thank you.

10 MR. ANNINOS: Thank you, Bob.
11 Any other questions for Mr. Beard? Thank
12 you.

13 MS. SCHULZE-HAUGEN: Why don't we
14 try and talk for a few minutes on a couple of
15 the other issues. Dick, if you want to talk
16 a little bit about the report and then I think
17 John had wanted to talk about some of the
18 billfish issues and maybe we can do that and
19 then if we still have time take a short break
20 before 2:30.

21 MR. STONE: Thank you, Margo.
22 Just very quickly on the bluefin tuna work

1 that we did and there are copies of the report
2 outside.

3 The thing that I wanted to point
4 out is that there were significant differences
5 in the conversion factors that we found using
6 the fish from our study versus the ones that
7 had been done a long time ago. And I think
8 the point there is that this is something that
9 I think needs to be looked into routinely. In
10 other words, I don't think we should go
11 another 20 years before we look at length-
12 weight conversions because it could have a
13 significant impact. In most cases conversion
14 factors were smaller so since we're managing
15 by weight that could mean that the weights
16 were less than what we're using.

17 Of course, what really needs to
18 happen is the Center needs to crank those into
19 the assessment and run through the whole
20 spectrum to see what difference it will make.
21 But the point is we need more information like
22 this. Thank you.

1 MS. SCHULZE-HAUGEN: I guess just
2 as little background. We had given Dick an EFP
3 to collect smaller bluefin tuna and take the
4 lengths and the weights and come up with a
5 conversion. The current conversion is based
6 on I think some twenty some odd year old
7 analysis that was done, and so it was trying
8 to see if they were still the same. Well it
9 turns out that they're not and the full report
10 is in the back if you want it. So thanks. I
11 see Rich?

12 MR. RUAIS: Yes, Rich Ruais. I
13 just wanted to back up what Dick is finding in
14 the small fish, that UNH published a couple of
15 years ago a study showing that with the giants
16 at least the fat content and the weight of the
17 giants in terms of the traditional standard
18 age-length-weight key that NMFS has been
19 using, has dropped for whatever reason.
20 Whether it's a lack of forage or inadequate
21 forage or longer time to get here, the fish
22 are thinner and weigh less than they have in

1 the past. And that study's been published by
2 Dr. Walt Golet of UNH Pelagic Lab.

3 MR. ANNINOS: Thanks Rich. Any
4 other questions regarding the report that Dick
5 just mentioned? Questions or comments?

6 MS. SCHULZE-HAUGEN: Okay. John,
7 did you want to talk a little about billfish.

8 DR. GRAVES: Yes, give me a beer
9 and I'll talk about billfish. A couple of
10 issues. First of all, regarding the
11 recognition of the genus Kajikia or the white
12 marlin and its sister species the striped
13 marlin which occurs in the Indo-Pacific, I
14 think if you're looking for validation I'd
15 just like to point out that the senior author
16 on that paper is Bruce Collette who happens to
17 be, or was the head of the NMFS National
18 Systematics Laboratory, so I'm not sure what
19 kind of communication you have within the
20 agency but the rest of the scientific
21 community has accepted it so I think it's time
22 that NMFS do it as well. And it's also the

1 accepted name by the American Fisheries
2 Society. So that's pretty much a slam dunk.

3 As far as recognizing the
4 roundscale spearfish, that presents a bit of
5 a challenge. We didn't even realize that it
6 was a separate species for quite a time. This
7 is a spearfish that was described in the 1850s
8 I think, a single specimen from the island of
9 Madeira, and they no longer have the holotype
10 or the original specimen.

11 But in Mahmood Shivji's lab down
12 in Florida as well as our lab in Virginia we
13 both realized that there was another species
14 out there in the Atlantic. And it's what in
15 this area we call the hatchet marlin. It's a
16 white marlin and it has a very squared off fin
17 but some white marlin do have squared off
18 fins, but what's very distinguishing in this
19 is that the vent or the anus, instead of
20 being a few inches in front of the anal fin,
21 is almost five or six inches in front of the
22 anal fin. It's a dead easy giveaway and

1 there's a lot of other morphological
2 characters.

3 And it turns out that the two
4 fish, the white marlin and the roundscale
5 spearfish, are not that closely related
6 genetically. And there's been some confusion
7 as to okay well does this add a lot of
8 uncertainty into the assessment for white
9 marlin?

10 And so we've been looking at the
11 misidentification of roundscale spearfish in
12 a commercial fishery off of Brazil and in what
13 their observers called to be 100 white marlin
14 we had just a few roundscale spearfish. But
15 when we look at what the observers called
16 longbill spearfish, that almost 40 percent of
17 them were in fact roundscale spearfish.

18 So I think the misidentification
19 with whites is not a huge issue. And there's
20 no way that you can go back in time in this
21 case and separate the two species out for an
22 assessment so I think you should just continue

1 going ahead and doing a basket assessment like
2 is done for a lot of other situations where
3 you can't really separate the species.

4 And the third thing that I wanted
5 to mention about billfish is the research that
6 we've been doing, something that was talked
7 about here a long time ago when NMFS
8 implemented the use of circle hooks and
9 natural baits in billfish tournaments, and
10 they received a lot of complaints from anglers
11 that there's a certain type of bait, either an
12 islander or Hawaiian eye head on top of a
13 horse ballyhoo with a J-hook, that that was
14 excluding that bait from billfish tournaments.
15 And it was argued that that bait is not fished
16 for white marlin, white marlin rarely take it,
17 and it's fished instead for blue marlin and
18 tuna, often which are also awarded prizes at
19 these tournaments. And so anglers wanted to
20 use that.

21 NMFS on the basis of this and
22 other complaints deferred implementing the

1 rule for a year but then it was implemented.
2 And they pointed out that there just weren't
3 any data with which to evaluate the comments
4 that some of the anglers were putting forward.

5 We've done hook location studies
6 on naked ballyhoo with J-hooks and circle
7 hooks and we've done this with fairly robust
8 numbers of individuals so we're looking at
9 hundreds of some of these, not hundreds of
10 blue marlin but hundreds sailfish and white
11 marlin. If you look at white marlin and
12 sailfish with J-hooks on a ballyhoo, that 40
13 percent of the time they're hooked internally.

14 With blue marlin on a naked
15 ballyhoo with a J-hook 14 percent of the time
16 they're hooked internally.

17 So what the anglers were saying
18 about blue marlins being more aggressive
19 feeders or anglers not giving them as large a
20 drop back, it ends up that they tend to be
21 hooked externally much more often than
22 internally which is a condition which one

1 would assume is compatible with survival.

2 But you can't know that for sure
3 unless you actually follow the animals for
4 some time and so we've spent the last year
5 deploying well as of right now well 60
6 satellite tags on blue marlin, 30 caught on
7 natural baits with circle hooks and 30 caught
8 on islanders or chuggers which is another
9 skirted head that's put on a horse ballyhoo
10 and a J-hook.

11 We've heard back from 29 of the
12 tags, and these were ten day tags and we
13 deployed them in Venezuela, St. Thomas. Rom
14 Whitaker even helped us. And so we've done it
15 all over and actually also in Brazil.

16 Of the 29 animals that were
17 tagged, caught on J-hooks, islanders J-hooks
18 we had two mortalities, two out of 29. The
19 circle hooks we've had 26 deployed, I have two
20 tags that were deployed last week and I'm
21 waiting for them to come up but out of the 26
22 that we've heard from with circle hooks we

1 have zero mortalities.

2 So it's zero for 26, two for 29,
3 those are statistically indistinguishable and
4 I'd just like to point out the difference
5 between the J-hook number there, two out of 29
6 for blue marlin which J-hooks, whereas when
7 you look at white marlin we had 36 percent
8 post-release mortality, that was seven out of
9 20 fish.

10 So I would suggest that the
11 comments by the anglers that blue marlin don't
12 tend to inhale the bait as often as white
13 marlin and that the use of this tackle would
14 probably be appropriate, but it would require
15 a redrafting, a reconsideration of the rule.
16 And I would suggest that the rule be based on
17 leader strength because if people are fishing
18 for sailfish or for white marlin they're using
19 light leader, something under 200 pounds.
20 Whereas if they're fishing for tuna or blue
21 marlin they're using an islander with either
22 a Spanish mackerel or a horse ballyhoo,

1 they're using 400 pound leader. So you could
2 implement that rule a different way and afford
3 anglers the opportunity to fish a variety of
4 mechanisms and still protect the sailfish and
5 the white marlin with the use of circle hooks.

6 MR. ANNINOS: Thanks Dr. Graves.
7 Any questions or thoughts or comments? Okay.
8 Rom?

9 MR. WHITAKER: Rom Whitaker,
10 Hatteras Charter Boat. I thank John for that
11 report. I think we pretty much commented that
12 that's what the findings were going to be
13 before it happened and I appreciate you
14 proving it.

15 I do think that North Carolina
16 does have some statistics in regards to
17 exactly what John's talking about under a 200-
18 pound leader or over a 200-pound leader you
19 could use J-hooks with natural baits; under
20 that you had to use circle hooks so there is
21 some information there. I don't see Randy
22 here but anyway somebody with North Carolina

1 Marine Fisheries could give you that
2 information.

3 But there is many marlin fishermen
4 out there that do prefer to use islander
5 ballyhoo combination and feel like they have
6 been limited in a very efficient way to catch
7 a blue marlin without causing any more
8 mortality. Thank you.

9 MR. ANNINOS: Thanks Rom.
10 Marcos?

11 MR. HANKE: In order to support
12 our experience in the Caribbean, in the latest
13 tournaments the people that are winning the
14 tournaments they are using a combination of
15 chuggers and circle hook and the hook up, the
16 spearings are very efficient hooking on the
17 side of the mouth and the anglers are already
18 developing the ethic and adapting the
19 techniques to prevent the fish to inhale-- I'm
20 talking about blue marlin essentially, for the
21 fish to swallow the bait and so on, have been
22 a very successful story.

1 I have many very old-timer sports
2 fishermen that are changing the technique
3 because they are seeing they are much more
4 effective and eco friendly to the fish. The
5 fish are going in much better condition once
6 released.

7 MR. ANNINOS: Thanks Marcos.
8 Anyone else?

9 MS. SCHULZE-HAUGEN: We're going
10 to take ten minutes. I know it's early but
11 then we'll power through the rest of the day.
12 If you want to take the time, the posters from
13 the ANPR meeting and the comments are outside.
14 So let's start again in about ten minutes.

15 (WHEREUPON, A BRIEF RECESS WAS
16 TAKEN)

17 MS. SCHULZE-HAUGEN: So based on
18 the 2007 small coastal shark stock assessment,
19 blacknose sharks were found to be overfished
20 with overfishing occurring. There was a 2008
21 ICCAT stock assessment for shortfin mako
22 sharks and they were found to be not

1 overfished, however they were approaching an
2 overfished status and overfishing was
3 occurring.

4 Currently smooth dogfish are not
5 managed at the federal level and are in need
6 of conservation and management and so in Draft
7 Amendment 3 we are proposing to add smooth
8 dogfish to the HMS management unit.

9 Okay. Here is the overview of our
10 objectives are to rebuild and end overfishing
11 of blacknose sharks, to end overfishing of
12 shortfin mako sharks and to also ensure
13 sustainability of smooth dogfish by
14 implementing federal conservation and
15 management measures.

16 Here are some specific objectives
17 of Amendment 3. We need to implement a
18 rebuilding plan because of the overfished
19 status of blacknose sharks to ensure that
20 mortality levels are maintained at a level
21 that will rebuild the species.

22 We also need to end overfishing of

1 blacknose and shortfin mako sharks and provide
2 an opportunity for a sustainable harvest of
3 the other small coastal sharks.

4 Some more specific objectives for
5 the amendment are to prevent overfishing of
6 Atlantic sharks. We're considering management
7 measures for smooth dogfish. We have to
8 develop annual catch limits and accountability
9 measures in this amendment as well.

10 Okay. This shows the time frame.
11 We did scoping for this action from July to
12 November 2008, many of you probably remember
13 the scoping and pre-draft presentations that
14 we gave to the AP at the February '09 meeting.
15 Right now we are in the draft stage and the
16 comment period will close on September 25th
17 for this action.

18 We expect the final EIS and the
19 final rule to be out in early 2010. Okay.

20 So when the MSA, Magnuson-Stevens
21 Act, was re-authorized in 2007 it included a
22 mandate that every FMP must include a

1 mechanism for specifying annual catch limits
2 at a level to prevent overfishing. And it
3 also specified that those FMPs needed to
4 include accountability measures so that the
5 ACLs would not be exceeded.

6 So this is the process for
7 establishing ACLs and AMs for Atlantic sharks
8 which is outlined here in this diagram. I
9 will go through this in a little more detail.

10 So these are the guidelines that
11 we have proposed in Draft Amendment 3 and we
12 have determined that the overfishing limit is
13 greater than the acceptable biological catch.
14 And this is until estimates of the ABC are
15 available through stock assessments. We will
16 be in the future getting this from stock
17 assessments. So right now we are assuming that
18 the ABC is equal to the ACL, the annual catch
19 limit.

20 Right now we consider the ACL to
21 be the tack and for overfished stocks this
22 will be the projection that shows 70 percent

1 probability of rebuilding.

2 The commercial quota is the
3 landings component of the sector ACL and a few
4 of the accountability measures that we have
5 are restrictions on the use of over and under
6 harvest and closing the fishery when the
7 commercial landings are projected to be at 80
8 percent of the quota.

9 So here are the topics that I will
10 be going through for the presentation. I'll
11 start with blacknose sharks and do the
12 commercial and recreational alternatives and
13 then do shortfin mako, both the commercial and
14 recreational and then to smooth dogfish.
15 You'll notice in the Draft Environmental
16 Impact Statement we do all the commercial
17 measures and then the recreational measures
18 and smooth dogfish so they'll be a little out
19 of order in the presentation than they are in
20 the Draft EIS.

21 This table shows the sources of
22 blacknose shark mortality from 1999 to 2005

1 and the average annual mortality between '99
2 and 2005 was 86,381 sharks per year. And this
3 table shows the breakdown of blacknose
4 mortality in each of the fisheries.

5 So the 2007 small coastal shark
6 stock assessment recommended a constant tack
7 of 19,200 individuals which would lead to
8 rebuilding with 70 percent probability by
9 2027. So in order to attain that blacknose
10 tack of 19,200 per year, NMFS needs to reduce
11 mortality across all fisheries that interact
12 with blacknose by at least 78 percent.

13 In this amendment we are just
14 proposing measures to the HMS fisheries. We
15 are not proposing management measures for the
16 shrimp trawl fisheries; rather, we are working
17 with the Gulf of Mexico and the South Atlantic
18 Fishery Management councils on these shrimp
19 trawl fisheries.

20 Okay. So I will go through the
21 commercial alternatives for blacknose sharks.
22 The first alternative, A1, is the No Action

1 alternative which would maintain the existing
2 commercial quotas for small coastal sharks
3 which is 454 metric tons dressed weight.
4 Currently in the small coastal complex are
5 finetooth sharks, bonnethead, Atlantic
6 sharpnose and blacknose sharks.

7 Alternative A2 would remove
8 blacknose sharks from the small coastal quota
9 and establish a separate blacknose-specific
10 quota. So currently the annual average
11 landings of blacknose sharks is about 61.5
12 metric tons dressed weight. So this
13 alternative would subtract that amount from
14 the 454 metric tons which would result in a
15 small coastal quota of 392.5 metric tons
16 dressed weight. Then the blacknose average
17 landings would be reduced by 78 percent to
18 equal a quota of 13.5 metric tons dressed
19 weight under Alternative A2.

20 So Alternative A3 would also
21 establish a new small coastal quota and would
22 remove blacknose from the quota and establish

1 a separate blacknose quota.

2 The non-blacknose quota would be
3 42.7 metric tons, which is actually an 82
4 percent reduction from the average landings of
5 finetooth Atlantic sharpnose and bonnethead.

6 NMFS estimates that reducing the
7 overall small coastal quota for the SCS
8 fishery reduces the level of blacknose shark
9 discards such that the total blacknose
10 mortality would stay below the allowance for
11 the commercial fishery. And the blacknose-
12 specific quota would be 16.6 metric tons,
13 which is the amount of blacknose sharks that
14 would be caught while the other small coastal
15 quota is taken.

16 This alternative would allow
17 current authorized gears. However, incidental
18 limited access permit holders would not be
19 allowed to retain blacknose sharks under this
20 alternative.

21 Alternative A4 is similar to A3
22 and it would establish a new small coastal

1 quota of 56.9 metric tons which is a 76
2 percent reduction of the landings of the three
3 small coastal shark species.

4 Again, with reducing the overall
5 small coastal fishery, we can get that
6 blacknose shark discard mortality down which
7 would take the mortality down below the
8 commercial allowance.

9 The blacknose-specific quota would
10 be 14.9 metric tons under this alternative,
11 which is the amount of blacknose sharks that
12 would be landed while the other small coastal
13 quota is taken.

14 Again, with Alternative A4,
15 incidental permit holders would not be able to
16 retain blacknose sharks under this alternative
17 and also this alternative, in conjunction with
18 the commercial gear alternatives, would remove
19 shark gillnet gear as an authorized gear for
20 sharks.

21 And then we look at Alternative A5
22 which would be to close the entire small

1 coastal shark fishery. And at this time NMFS
2 prefers Alternative A4 because the reduction
3 in the blacknose mortality in this
4 alternative, assuming mortality is reduced
5 across all other fisheries, would be reduced
6 so that the mortality would stay below that
7 19,200 tuck that was recommended by the stock
8 assessment.

9 Okay. On to the commercial gear
10 restrictions. We looked at the No Action
11 Alternative, Alternative B1, which would
12 maintain all of the current authorized gears
13 for commercial shark fishing.

14 Alternative B2 would be to close
15 the shark gillnet fishery which would remove
16 the gillnet gear as an authorized gear type
17 for commercial shark fishing. NMFS has
18 considered this alternative because gillnet
19 gear in part, particularly drift gillnet gear,
20 is the predominant gear used to fish for
21 blacknose sharks in the South Atlantic and so
22 removing this gear as an authorized gear could

1 reduce mortality of blacknose sharks
2 significantly.

3 And then Alternative B3 which is
4 our preferred alternative, is to close the
5 gillnet fishery to commercial shark fishing
6 from South Carolina south, including the Gulf
7 of Mexico and the Caribbean Sea. Again,
8 eliminating the predominant gear that catches
9 blacknose sharks would decrease blacknose
10 sharks mortality significantly. However, this
11 alternative would help mitigate impacts of
12 adding smooth dogfish into the management unit
13 because smooth dogfish are typically caught
14 with gillnet from North Carolina north.

15 Okay. On to the blacknose shark
16 recreational alternatives. The first
17 alternative is D1 which is the No Action
18 alternative, which would be to maintain the
19 current recreational retention and size limit
20 for the small coastal sharks.

21 Currently there is a one shark per
22 vessel per trip retention limit with a minimum

1 size of 54 inches plus a sharpnose and one
2 bonnethead per person per trip. So that is
3 currently the recreational retention and size
4 limits.

5 Alternative D2 would modify the
6 minimum recreational size limit for blacknose
7 sharks based on the species biology. The size
8 limit would be reduced to 36 inches forklength
9 which is the size at which 50 percent of the
10 female blacknose sharks reach sexual maturity.

11 D3 we would increase the retention
12 limit for Atlantic sharpnose sharks based on
13 current catches. The recent stock assessment
14 that was done in 2007 found that this species
15 was not overfished and was not experiencing
16 overfishing and so we were asked by
17 constituents to consider this alternative.

18 And, finally alternative D4 would
19 be to prohibit retention of blacknose sharks
20 in the recreational fisheries. Recreational
21 fishermen would still be able to catch
22 blacknose sharks, they would just not be able

1 to retain it and this alternative would help
2 rebuild blacknose sharks by reducing
3 recreational landings in federal waters.

4 However, since most blacknose
5 sharks don't reach that 54 inch size limit,
6 presumably most of the recreational catch is
7 happening in state waters and so it's
8 important that we work with states to ask them
9 to backstop measures that we go forward with
10 in Amendment 3.

11 Okay. So moving on to shortfin
12 mako sharks. As I mentioned earlier, there
13 was a 2008 ICCAT stock assessment on shortfin
14 mako sharks that found that they were not
15 overfished but that overfishing is occurring.
16 The U.S. proportion of the Atlantic-wide
17 shortfin mako catch is relatively small, less
18 than 10 percent, compared to the other ICCAT
19 nations that report shortfin mako sharks
20 catches to ICCAT.

21 So we looked at a range of
22 alternatives for commercial. The first

1 alternative would be Alternative C1, the no
2 action, which is to keep shortfin mako sharks
3 in the pelagic shark species complex and to
4 not change the quota. Currently, shortfin
5 mako sharks are managed in the pelagic shark
6 species complex with oceanic whitetip and the
7 common thresher and the quota is 488 metric
8 tons dressed weight.

9 Alternative C2 would be to remove
10 shortfin mako sharks from the pelagic shark
11 species quota and establish a separate
12 shortfin mako quota which would be equal to
13 the average landings, which is roughly 72.5
14 metric tons dressed weight.

15 Alternative C3 would be to remove
16 shortfin mako sharks from the pelagic shark
17 species complex and place shortfin makos on
18 the prohibited shark species list which would
19 allow no retention or landings of the species.

20 Alternative C4 would be to
21 establish a commercial size limit for shortfin
22 mako sharks. Currently there are no commercial

1 size limits for Atlantic sharks. So we looked
2 at two different size limits for the
3 commercial sector. We looked at a size limit
4 at which 50 percent of the shortfin makos
5 reach sexual maturity of 32 inches inner
6 dorsal length -- interdorsal length is from
7 the trailing edge of the dorsal fin to the
8 leading edge of the second dorsal because in
9 the commercial fishery they are able to remove
10 the head of the sharks.

11 So we looked at 32-inch
12 interdorsal length and we also analyzed a size
13 limit that corresponded to 50 percent of male
14 shortfin mako sharks reaching sexual maturity
15 or 22-inch interdorsal length, so a little bit
16 less than the 32.

17 Okay. Moving on to Alternative
18 C5, under C5 NMFS would take action at the
19 international level through various
20 international fisheries organizations and
21 regional fishery management organizations to
22 develop management measures applicable to all

1 parties that participate at these
2 organizations that have catches of shortfin
3 mako to help end overfishing of shortfin.

4 Because of the small U.S.
5 contribution to the Atlantic-wide shortfin
6 mako mortality, domestic reductions on
7 shortfin mako shark mortality would not end
8 overfishing on its own of the entire North
9 Atlantic shortfin mako shark stock. Therefore
10 that is our preferred alternative at this
11 time.

12 In addition, our other preferred
13 alternative is to promote the release of
14 shortfin mako sharks brought to the vessel
15 alive. Right now approximately 68.9 percent
16 of shortfin makos are brought to the vessels
17 alive and so we would like to do some outreach
18 to commercial fishermen to promote the release
19 of those sharks that are brought to the
20 fishing vessels alive.

21 Okay. Moving on to the
22 recreational alternatives E1 would be to

1 maintain the status quo, which would maintain
2 the recreational retention and size limits for
3 shortfin makos. Currently it's one shark per
4 vessel per trip 54-inch size limit.

5 Alternative E2, similarly to the
6 commercial alternatives we looked at a
7 recreational minimum size limit for shortfin
8 mako and we looked at two size limits similar
9 to what we did in commercial. We looked at a
10 108-inch forklength measurement, that would
11 lead to a really large reduction in
12 recreational landings, probably a 98.3 percent
13 reduction in recreational landings with the
14 108-inch forklength size limit.

15 We also looked at a 73-inch
16 forklength size limit which would reduce
17 recreational landings by about 60 percent.

18 So as with the commercial
19 measures, we are preferring at this time to
20 take action at the international level to end
21 overfishing of shortfin mako sharks because of
22 our small contribution to the Atlantic-wide

1 shortfin mako mortality, as well as to promote
2 the release of shortfin mako sharks brought to
3 the vessel alive in the recreational fishery.
4 This would, of course, take a lot of outreach
5 on our part to tournaments to and the
6 recreational fishermen.

7 And then finally the last
8 alternative was to prohibit the landing of
9 shortfin mako sharks in the recreational
10 fishery and make this a catch and release
11 fishery only.

12 So moving on to smooth dogfish,
13 currently smooth dogfish are not federally
14 managed. There is incomplete catch data,
15 there is no stock assessment and the stock
16 status is unknown at this time.

17 There are currently some taxonomic
18 classification issues with the Florida
19 smoothhound. There are researchers working on
20 morphological testing and genetic testing to
21 differentiate, or not, between the Florida
22 smoothhound and the smooth dogfish. So we are

1 proposing to include the Florida smoothhound as
2 a smooth dogfish in the HMS management unit.

3 The data that you see in this map
4 are the current smooth dogfish observation
5 data from Southeast Fishery Science Center,
6 from Coast Span, a VIMS nursery study and
7 SEAMAP data.

8 One of the things that we're
9 required to do when we add a species to the
10 management unit is establish EFH, essential
11 fish habitat, so these observation data will
12 help us to propose essential fish habitat for
13 smooth dogfish.

14 So we looked at a range of
15 alternatives for smooth dogfish, the first
16 being the no action alternative which would be
17 to not add smooth dogfish under NMFS
18 management.

19 Alternative F2 would be to add
20 smooth dogfish under NMFS management and
21 develop management measures such as a federal
22 permit requirement and I will go into more

1 detail on that. That is our preferred
2 alternative.

3 We also looked at adding smooth
4 dogfish under NMFS management and mirroring
5 management measures implemented in the
6 Atlantic States Marine Fishery Commission
7 Interstate Shark FMP, and they have included
8 the smooth dogfish in their current shark FMP.

9 So if NMFS adds smooth dogfish to
10 the management unit as in Alternative F2,
11 you'll see on the left hand column what that
12 would entail. It would require that fins are
13 attached, which is required for the other
14 sharks. We have proposed an open access permit
15 for both commercial and recreational. This is
16 different from the limited access shark
17 permit, this would be an open access permit.
18 Dealer reporting, gillnets would be allowed to
19 be used for smooth dogfish from North Carolina
20 north.

21 Like I mentioned before, we are
22 required to do EFH designation. These vessels

1 that get a smooth dogfish permit could be
2 selected for observer coverage and we would
3 implement a quota. Like I mentioned in the
4 beginning, we are required to set annual catch
5 limits and we would be required to set an
6 annual catch limit for smooth dogfish and I
7 will go over the sub-alternatives for that in
8 a minute.

9 The things on the right hand side
10 which would not be required if smooth dogfish
11 was added to the management units. There
12 would be no workshop requirements at this
13 time, no logbook requirements, so fishermen
14 would not be required to report.

15 There would be no recreational
16 size or retention limits and no commercial
17 size and retention limits and really our
18 intent is to characterize this fishery, to get
19 a better handle on the universal fishermen
20 that are currently fishing for smooth dogfish
21 and to collect data. There is very little
22 data on the fishery and on this species and so

1 we would like to collect the data so we can in
2 the future do stock assessments.

3 So these are the three sub-
4 alternatives that we looked at for smooth
5 dogfish quota.

6 The first alternative would be to
7 establish the smooth dogfish quote that is
8 equal to the average annual landings form 1998
9 through 2007. We looked at also establishing
10 the smooth dogfish quota equal to the maximum
11 annual landings from 1998 to 2007, which would
12 be 1,270,137 pounds.

13 And then the last alternative,
14 which is the preferred alternative, would be
15 to establish that quota that would be equal
16 to the maximum annual landings plus one
17 standard deviation because really it is not
18 our intention to close this fishery. It is
19 our intention to characterize the fishery and
20 we want to be able to collect the data, so
21 that is why we're preferring that alternative
22 F2a3.

1 Another thing that we are looking
2 at is to establish in the exempted fishing
3 program we already have a 60 metric ton whole
4 weight set-aside quota for sharks for
5 research, and so we're also looking at
6 establishing a 6 metric ton whole weight
7 research set-aside for smooth dogfish in this
8 amendment.

9 So that is what alternative F2
10 encompasses, both the research and the
11 commercial quotas.

12 Alternative F3 to add smooth
13 dogfish under NMFS management, we did not
14 prefer this because of our requirements to
15 designate EFH and annual catch limits and at
16 the time of the draft amendment the ASMFC was
17 working on an addendum to their interstate
18 shark FMP to change some of the measures for
19 smooth dogfish.

20 So as I mentioned before, we are
21 required to establish essential fish habitat
22 and this is the proposed essential fish

1 habitat for smooth dogfish based on the
2 observation data that we have collected on
3 this species.

4 We used the same procedures to
5 propose this essential fish habitat as we did
6 in the final amendment 1 to the consolidated
7 HMS FMP which dealt with essential fish
8 habitat designation.

9 Okay. So that is the end of the
10 presentation, the main presentation. We are
11 requesting comments be submitted to
12 regulations.gov until September 25th, or you
13 can submit comments by fax or written
14 comments. And I have included some slides from
15 regulations.gov because we had have some
16 confusion in the past on using regulations.gov
17 site.

18 So when you go to regulations.gov
19 to submit a comment, the best way to submit a
20 comment is you'll see over here, you'll get
21 the keyword search box. If you enter the
22 regulation identification numbers, in this

1 case it's 0648-AW65, every proposed rule will
2 have one of those identification numbers. I f
3 you enter that into the keyword search the
4 action will come up here, under the search,
5 and you'll see this submit a comment button.
6 If you click on that submit a comment button
7 you will be able to type in and submit your
8 comment on the website. Okay.

9 In the proposed rule we asked for
10 specific comments on a number of questions
11 that I will go through quickly, and these are
12 all detailed in the proposed rule but I just
13 wanted to highlight them for you so when you
14 do submit a comment if you're interested in
15 commenting on these specific questions, most
16 of them have do with smooth dogfish because we
17 are really trying to get a handle on what's
18 currently happening in the fishery.

19 For example, are the commercial
20 and research set-aside quotas appropriate? Is
21 the designated EFH for smooth dogfish
22 accurate? When we were looking at the vessel

1 trip report and the data that we got from the
2 ACCSP, there was an average of about 223
3 vessels that we were getting data from and so,
4 you know, when we were thinking about
5 implementing a federal permit we are trying to
6 get a handle on how many fishermen and how
7 many permits that would include. And so is
8 that number appropriate or that would be
9 anticipated to participate in the smooth
10 dogfish fishery.

11 Then the next set of questions
12 deals with the gillnet fishery and VIMS
13 requirements, is the boundary for the
14 prohibition of gillnets appropriate? If
15 gillnet is prohibited from South Carolina
16 south, should the gillnet fishermen from North
17 Carolina north still be required to carry
18 VIMS?

19 Again, if a smooth dogfish permit
20 holder that does not have a limited access
21 permit, should they be required to carry VIMS
22 units? And should those smooth dogfish

1 fishermen that fish with gillnets should they
2 be required to tend their gear, have it
3 attached to the vessel and do two hour net-
4 checks? Those are the requirements currently
5 for the gillnet fishermen.

6 Also, should there be recreational
7 and size and retention limits for smooth
8 dogfish and should smooth dogfish be allowed
9 to be retained with trawl gear?

10 Okay. So here are the dates and
11 locations of the public hearings. We still
12 have three public hearings left.

13 And now I will go through some of
14 the comments that we have heard so far and
15 this is the information that you have in a
16 little more detail in that one page handout.

17 We have heard that the shark
18 gillnetters should be compensated for VIMS and
19 that they should not be required to carry
20 VIMS.

21 There have been significant
22 reductions in the shrimp trawl effort since

1 2005 which has adequately reduced the shrimp
2 trawl contribution to blacknose shark
3 mortality.

4 We've heard that NMFS must deal
5 with shrimp trawl rather than close the
6 gillnet fishery.

7 We have comments that don't agree
8 with the stock assessment and that the average
9 weights of blacknose sharks is incorrect and
10 that the gillnets are species selective.

11 We've heard that closing the
12 gillnet fishery would push fishermen into
13 other fisheries and that the mackerel fishery
14 needs a non-blacknose small coastal quota to
15 cover the bycatch in that fishery.

16 We also have heard that NMFS
17 should consider time area closures on gillnets
18 around the blacknose distribution and that
19 this non-blacknose reduction in small coastal
20 quota will have significant economic impacts.
21 And that this reduced quota would be used up
22 right away.

1 We have also heard that the
2 recreational fisheries should be allowed to
3 partake in that historical recreational
4 fishery which the harvest was roughly 12
5 percent.

6 For the shortfin mako sharks we've
7 heard that commenters are opposed to shutting
8 down the shortfin mako fishery. I guess I
9 should have mentioned when I was going through
10 the shortfin mako shark alternatives that the
11 preferred alternatives in both the commercial
12 and recreational fisheries do not propose any
13 changes to the current commercial and
14 recreational regulations for shortfin mako
15 sharks.

16 We've also heard that shortfin
17 mako sharks are important for tourism dollars
18 and that the U.S. should set an example by
19 restricting shortfin mako fishery through gear
20 and size or bag limit restrictions.

21 Okay. So for smooth dogfish we've
22 heard that they have little value and are not

1 fished recreationally and that alternative F2
2 would destroy the fishery due to the ban of
3 the at-sea processing with the fins attached
4 requirement. I mean they would still be able
5 to take the head off and eviscerate the sharks
6 at sea.

7 We've heard that smooth dogfish
8 are not an HMS species and that the fin to
9 carcass ratio is too low. And that the large
10 differences between the two plans, the ASFMC
11 plan and HMS plan, would be problematic. And
12 we've also heard that the proposed quota is
13 too low.

14 We've heard that smooth dogfish
15 fishermen fish several nets at once so the net
16 checks would be problematic for them, and they
17 are fished too deep to do the two hour visual
18 net checks.

19 So that is the end. The actual
20 end. The real end. So we'll take questions
21 and comments. Thank you.

22 MR. ANNINOS: One second. So the

1 next piece of this agenda up until about 4:45
2 is dedicated to this topic and it's kind of
3 broken into two -- and Margo weigh in if I've
4 got this wrong. It's divided into two
5 segments. First, we're going to hear from AP
6 members, correct, so this is an opportunity
7 for AP members to weigh in on the
8 presentation, on these proposed management
9 alternatives for all three of these species as
10 outlined and I would recommend that wherever
11 possible, obviously you may have some general
12 comments but wherever possible specificity is
13 very helpful because by identifying
14 specifically what species you may be referring
15 to, what specific management alternative you
16 are referring to, whether you're in favor or
17 against and maybe why is very, very helpful to
18 the staff as they evaluate these comments.

19 But it's your chance as AP members
20 to weigh on these proposed management
21 alternatives. And this is one of a series of
22 public hearings of course also that has been

1 held and there are at least two or three left
2 on the cycle.

3 And then after we've heard from
4 the AP, we may take a break, I'm not sure,
5 we'll have to see what the timing is, but we
6 have a public comment period for this
7 particular proposed amendment and we'll hear
8 from members of the audience, citizens who are
9 here that want to speak specifically to this
10 proposed amendment. I know we have the
11 potential of at least two individuals that
12 would like to weigh in and so we'll provide
13 that opportunity for questions and for
14 comments from them after we've heard from the
15 AP. Is that reasonable? Is that the right
16 sequence of events? Okay. Yes sir?

17 MR. KNAPP: Just one quick
18 comment. I thought you mentioned the most
19 prevalent in catching blacknose sharks is the
20 gillnet fishery. Can you define a drift net
21 for me and explain the difference between a
22 drift net and straight net?

1 MR. ANNINOS: Mr. Knapp, let me
2 cut in for just a minute--

3 MR. KNAPP: This is important for
4 the audience to hear so they can make their
5 comments after you've defined that for me. It
6 is my opinion that there's not many drift nets
7 left in the South Atlantic fishing for
8 blacknose sharks. Okay?

9 She was specific when she
10 mentioned drift net. Okay. And I just want
11 to make that comment and ask that question.

12 MR. ANNINOS: I'm not saying it's
13 not an unreasonable point. What I would
14 suggest is that when we open this up to the
15 public comment period that you come and put
16 that question on the record and we'll see if
17 we can't get an answer to that question to
18 your satisfaction. So I just wanted to make
19 sure that you know that you have that time on
20 the agenda if you want it. Okay.

21 So some tent cards have gone up.
22 Let me just jot some names down here. I think

1 I know who might be wanting to weigh in.
2 Okay. Your names may not be on my list in the
3 exact sequence at which your hand went up but
4 we'll get to everybody. And that assumes
5 that we kind of stick to the protocol of
6 keeping our comments as brief and as specific
7 and as to the point as possible.

8 Okay. I think I've got quite a few
9 of you. You will hear your names kind of
10 letting you know that you're coming up and
11 you're next in sequence. We're going to start
12 with Rusty, then Dewey, then Sonja. And
13 please be sure to -- Dewey, I know you'll show
14 us how to do it.

15 MR. HUDSON: Rusty Hudson,
16 Directed Shark. Before I make a couple of my
17 points I need to ask Margo a question for
18 clarification. Next year I assume I have
19 heard that you're going to have a shark
20 science assessment workshop and I need to know
21 if that's an update or a benchmark and if it
22 is scheduled for March or if it indeed is

1 going to be delayed.

2 MS. SCHULZE-HAUGEN: I'm going to
3 get Karyl, she's been the one working on the
4 dates more closely than me.

5 MS. BREWSTER-GEISZ: Hi. We are
6 having stock assessments next year for sharks.
7 They're going to be sandbar, dusky and
8 blacknose. The dates have not been settled
9 yet but it won't be March, it will be later
10 probably more April/May time frame for the
11 data workshop and then we'll be following the
12 SEDAR process so there will be an assessment
13 workshop after that and then a peer review
14 workshop.

15 MR. HUDSON: Okay. Now that I've
16 got that clarification we are going to be
17 doing a benchmark so it will take nine to 11
18 months to complete when it does start.

19 And to start I guess with your
20 alternatives under small coastal shark
21 commercial quotas, we're going to have to
22 support the alternative A1 status quo no

1 action for the time being because of the
2 concerns we have about the past science for
3 blacknose in particular, and the fact that
4 this series of choices seems to hold hostage
5 the three species of small coastals that are
6 not overfished and overfishing is not
7 occurring, so we have a real problem with the
8 78 percent reduction down to 158,000 pounds
9 before you even consider the 80 percent mark
10 that you use as a threshold.

11 And then with that in mind, we
12 still wonder about the blacknose science in
13 itself because of the fact that if you go to
14 Page 9 of Chapter 1 of your draft amendment 3,
15 in there is a statement about NMFS science
16 working with industry scientists to reevaluate
17 the shrimp bycatch models that was used in the
18 2007 small coastal sharks stock assessments
19 and accept for a brief appearance by Mark
20 Harrison I was the only commercial entity in
21 all three of those workshops which entailed 15
22 to 18 days of my time.

1 And it says right here that once
2 the Science Center in Miami has finished their
3 evaluation of these models, NMFS could revise
4 blacknose shark bycatch estimates which could
5 render moot a lot of these alternatives that
6 are having to be considered today, which begs
7 the question why are you in such a hurry to
8 get beyond the preliminary plan, which is the
9 only thing that Magnuson requires at this
10 point, and engage into full implementation
11 that causes economic and social disasters. We
12 have a problem with that.

13 Second, commercial gear
14 restrictions, we support alternative B1 no
15 action. We feel that it's wrong to both
16 regionalize and you know the gear situation
17 from South Carolina to Texas when certain
18 people have made a very good economic living
19 on certain small coastal sharks in absence of
20 blacknose but not deferring just to blacknose.
21 So we cannot agree with closing things from
22 South Carolina to Texas and the Caribbean,

1 it's just ridiculous under these
2 circumstances.

3 You need to get your science
4 improved because I tried to show at that data
5 workshop and at the assessment workshop and at
6 the review workshop that the failure to
7 consider the turtle excluding devices mandate
8 in the early 1990s was a real problem.

9 I further had a problem of
10 marrying two stocks that have no tagging
11 interchange between the Gulf and the Atlantic
12 and going with everything the same as far as
13 their biological parameters except for their
14 fecundity rate with regards to on the East
15 Coast it's every two years, once they're
16 mature females, and every year in the Gulf of
17 Mexico.

18 So we felt that it's wrong to be
19 able to do that one and a half year thing. You
20 should so subsets and try to be able to figure
21 out how to deal with the animals that you can
22 understand their regions and their situations.

1 Furthermore, Enrique Cortez and
2 Katie Andrews indicate in their responses in
3 Appendix B that they do not know where NMFS
4 management came up with these average weights
5 to apply, particularly with recreational
6 10,000 animals at one-and-a-half-pounds a pop
7 which in most cases dressed weight would
8 probably either will be bearing umbilical
9 scars from being neonates to being young oad
10 the year.

11 I mean, honestly, the average size
12 of blacknose sharks caught and we have
13 pictures and documentation of animals 15 to 20
14 pounds dressing out to 9 to 11 pounds, stuff
15 like that. And something's wrong with your
16 math. And yet Enrique says they didn't apply
17 average sizes so NMFS management obviously
18 did.

19 Second off, we pointed out that
20 the nearly 5 pound dressed weight for the
21 shrimp nets, which with their TEDs with the
22 four-inch spacing on the bar and rigidness of

1 a blacknose shark fin makeup as opposed to an
2 Atlantic sharpnose which is commonly caught in
3 the shrimp bycatch, is so that it would
4 probably like the 70 percent plus that get out
5 of the turtle excluder openers would go out
6 the opener because that would be roughly a 10-
7 pound animal if you use the correct North
8 Carolina conversion of 2.0, but if you're
9 using the 1.39 you're still saying it's a
10 seven or eight pound animal.

11 So we have a problem with that
12 average size applied on the shrimp bycatch, on
13 the average size from the commercial as well
14 as the recreational. More need to go and
15 correct the science.

16 Going on down the list, the
17 commercial pelagic with regards to shortfin I
18 applaud the fact that you're going to wait for
19 the international component to be able to deal
20 with things because it is an international
21 agenda through ICCAT. So I say that it's
22 better in that forum than it is in this forum.

1 With recreational measures for
2 small coastal sharks, the State of North
3 Carolina has taken an effort to be able to
4 stay out of the situation with regards to
5 where you wanted to prohibit any animals under
6 the four-and-a-half-foot 54-inch minimum size
7 forklength because of the fact that most
8 blacknose never got there and they're quite
9 frequently caught in state waters up there
10 recreationally and they're nice size animals,
11 not one-and-a-half pounds, not three pound,
12 not two pound.

13 And so that is something that's
14 real important. I know what size animals I
15 caught before I used turtle excluders in my
16 shrimp nets all through the '80s versus what
17 size they were after I started using my turtle
18 excluders, and virtually there was an absence
19 of sharks in my shrimp gear at that time. And
20 I was using them voluntarily and that's before
21 they were mandated in the early '90s.

22 With the recreational though you

1 need to be able to understand that if they are
2 indeed catching neonates and taking them home
3 and eating them or something like that, you've
4 got a real person that's hard up for something
5 that's six inches to 12 inches long. So
6 again, status quo no action.

7 Recreational measures for pelagic
8 sharks. Same deal. No action until you get
9 your international component done and that's
10 the choices you seem to make with E3 and E4.

11 Smooth dogfish. Atlantic States
12 and Marine Fisheries Commission's recent
13 addendum was trying to deal with reality up
14 and to the point of the 5 percent fin ratio.
15 The 5 percent fin ratio was built off of as we
16 know sandbar that were clean cut with no meat
17 on the fins, and as well it wasn't considering
18 the secondary fins and definitely wasn't
19 covering the upper tail.

20 With the smooth dogfish, just like
21 with the spiny dogfish, it's traditional to
22 always remove the four primary fins of course

1 but the primary fin of the lower tail was
2 always had in addition the upper tail. And
3 when they take these fins off those animals
4 it's always got meat which double, triples the
5 percentages. So keep in mind that an 8 to 15
6 percent ratio with meat on, upper tails,
7 pectorals and dorsal is going to be quite
8 realistic.

9 And so I would also say that your
10 desire to want to stay to be able to add
11 smooth dogfish, you should definitely consider
12 what Atlantic States Marine Fisheries
13 Commission has done and go a step further and
14 be able to allow a higher percentage than the
15 5 percent because I believe that they've made
16 some efforts, although they didn't go past the
17 5 percent, it's still a problem because you're
18 having to make these people change their
19 entire fishery from what it used to be. And
20 that's just not right.

21 Now I do applaud the fact that
22 you're wanting to go with at least what was a

1 maximum annual landings but it disheartens me
2 to hear that you all don't have any data on
3 smooth dogfish yet you know how much you're
4 catching.

5 And so you can't do the science
6 next year? Are we going to have to wait for
7 Atlantic States to do the science or are we
8 going to defer to another mechanism because
9 that is a situation that is appalling.

10 I feel that all 39 species
11 currently managed by this body need to be
12 individually assessed and if they don't exist
13 in these waters, like Caribbean sharpnoses in
14 the State of Florida now says and the
15 narrowtooth, then you need to remove them
16 entirely from the prohibited species list and
17 the management list.

18 And essentially at this moment I'm
19 just going to shut up.

20 MR. HEMILRIGHT: It's always a
21 hard one to follow Rusty.

22 MR. ANNINOS: Rusty, thanks.

1 Dewey, Sonja and then Rich Ruais.

2 MR. HEMILRIGHT: Dewey

3 Hemilright. Looking over the blacknose here up
4 in North Carolina, first of all looking at the
5 numbers. I wish somebody could explain the
6 pound and the half. Is that a whole shark or
7 dressed weight? When you look at the pound
8 and a half recreational do you realize you've
9 got a measurement of how small that is and do
10 you really believe that they're catching
11 10,000 animals average, is that even Lester
12 and somebody's comments since factor of
13 knowledge of sharks or anything?

14 The question is the pound and a
15 half, is that a three-pound--

16 MS. SCHULZE-HAUGEN: Yes, it's
17 whole weight.

18 MR. HEMILRIGHT: So actually that
19 would be if you all do the conversion at 1.39
20 it would be about what, 2.4 pound fish or
21 something like that? A whole fish? Do you
22 believe that?

1 MS. SCHULZE-HAUGEN: These are
2 the estimates that we have. This is from the
3 recreational survey. A lot of these animals
4 we think were caught in state waters. It is
5 the information that we have. It is was
6 incorporated in the stock assessment and
7 there's not any other source of information
8 that we have.

9 MR. HEMILRIGHT: So I guess that
10 would be under the best available.

11 The longline sharks, when I used
12 to be longline fishing for sharks you know
13 most of our sharks would be like 15 pound,
14 what few we caught up in North Carolina 15
15 pounders. The blacknose.

16 When I look at you all's
17 alternative on the quota, basically I guess
18 there will be no more fishery when I look at
19 for North Carolina for instance. You know,
20 this past year North Carolina didn't have a
21 fishery at all because of you all's the
22 seasonal catches of starting the season in

1 January. There was no fish left over for us
2 in North Carolina with the closed area.

3 Your preferred alternative here is
4 taking a quota of over 400 metric tons, taking
5 off the table the finetooth, the bonnethead
6 and the sharknose, which is probably over 300
7 metric tons of weight, and you're basically
8 just stopping our fisheries when you look at
9 it because if you open the season just say in
10 January, if you all go by you all's preferred
11 alternative, the fish will be caught up and we
12 won't be fishing in North Carolina again
13 because we've got a closed area.

14 When I look at the numbers for the
15 make up of this blacknose it's laughable as a
16 knowledgeable fisherman to look at these size
17 species and you all are sitting up here
18 telling me that this is what we've got to work
19 with, the best available numbers.

20 You know in these economic times,
21 when I watch our fisheries just being taken
22 away -- and that's what I call it -- and then

1 you all are going to sit up there and throw
2 out these numbers that nobody even damn
3 believes. Maybe you believe them. It's hard
4 to look at this.

5 I go with Alternative 1 for no
6 action. I go also for commercial gear
7 restriction of B1. I guess C1 for the
8 commercials, pelagic effort controls, it
9 doesn't matter to me about the recreationals.
10 Small coastal or pelagic.

11 When I look back here for smooth
12 dogs, I've been probably more involved than I
13 should over the last six months, probably a
14 year with Atlantic States and my state, of
15 trying to uncover what actually is the best
16 available science. Our state has an extensive
17 trip ticket program that when you look at it,
18 it spells out what's being caught, where it's
19 being caught, what gears, kinds being caught,
20 so for you all's information maybe it might be
21 size or something as far as the stock
22 assessment, but for where stuff's being called

1 off North Carolina our state has pretty good
2 data. And the 5 percent doesn't work.

3 For years since 2004 we have
4 landings data from Directed fishermen that are
5 doing this that bring in their catch on their
6 trips and they'd have 8 to 11 percent ratios
7 for smooth dogfish Directed. So your 5
8 percent isn't working.

9 Atlantic States recently we were
10 able through rigorous negotiations to get a
11 cleaning at sea, allowing our fishery to
12 continue through the months of March, April,
13 May and June to allow you to process at sea.
14 Hopefully, we're going to go back, which for
15 some unknown reason to myself we didn't get to
16 address to the Board the 5 percent rule. Our
17 state of North Carolina has put up some
18 further documents and information that
19 hopefully we'll go back to the Board or the
20 Technical Committee and we'll address this,
21 the 5 percent law rule.

22 Another question that has to be

1 asked, if you all go with your smooth dogs, in
2 federal waters no cleaning at sea, and you
3 still have the 5 percent law, once I clean
4 them fins and I come to the dock what am I
5 supposed to write in my logbook? For the
6 simple reason it's going to be over 5 percent.
7 Do I throw half my fins over? Or do I write
8 it down and hope that enforcement's not
9 minding my logbooks? How are you all
10 planning to address that issue?

11 And another thing, in these
12 economic times where people are put out of
13 work and business and people's livelihoods,
14 and it is a difficult time for our fishing
15 industry, I would hope that you all would have
16 a little bit better numbers than the "best
17 available" when you look at these data because
18 people's jobs and livelihoods are being out of
19 business for shoddy work but it's the "best
20 available."

21 But how about for my question
22 being answered about the 5 percent in the

1 federal waters and do you all have any data on
2 smooth dog fin ratios that you all have that's
3 the best available science that you all have
4 in the house?

5 MS. SCHULZE-HAUGEN: Sorry, are
6 you asking are we going to enforce the rules
7 that we adopt?

8 MR. HEMILRIGHT: No, I'm asking
9 you what am I supposed to do if I go out in
10 federal waters, I catch a smooth dog, I bring
11 him in. I don't process him, I get to the
12 dock, I cut his fins off. I clean the fish.
13 I'm going to have 8 to 11 percent fin ratios
14 best available science that North Carolina's
15 had for years. What am I supposed to write in
16 my logbook? Even though you said I'm not
17 going to have a logbook we still have a
18 Northeast logbook that we're supposed to fill
19 out.

20 So what am I supposed to write in
21 my logbook even though you all are saying the
22 fin weights that North Carolina has, and

1 Atlantic States is hopefully going to re-look
2 at, is going to be the best available science.

3 What am I going to write in my
4 logbook? Am I going to throw half my fins
5 over, and money, or am I going to write the
6 truth down and hope to hell that enforcement
7 don't come after me? Help me out, please.

8 MS. SCHULZE-HAUGEN: Well, the 5
9 percent ratio is applicable to all sharks in
10 federal waters right now. We've proposed
11 fins attached to be consistent with the other
12 sharks but, regardless, the 5 percent ratio
13 applies to all sharks in federal waters right
14 now. And that is the case and has been for
15 some time.

16 MR. HEMILRIGHT: Well, what am I
17 supposed to write in the logbook from the
18 smooth dogs no matter if it's been forever?
19 And I have one last question I just thought
20 of, where do you get the definition for
21 Oceanic?

22 MS. SCHULZE-HAUGEN: I can show

1 you the response that we sent to the Mid-
2 Atlantic Council where we walked through our
3 interpretation of the statutes and how HMS is
4 defined. I think it's actually in the back of
5 the EIS.

6 The way the agency analyzed and
7 came to the conclusion that smooth dogfish
8 were appropriate for secretarial management is
9 in the back of the EIS as the attachment to
10 the Mid-Atlantic Council and we can walk
11 through where we got things. I think at this
12 point I'd like to move on to some of the other
13 questions and talk to you at the break or
14 after about some of that.

15 MR. ANNINOS: Dewey, can we move
16 on?

17 MR. HEMILRIGHT: Oh yes.

18 MR. ANNINOS: All right. Thank
19 you.

20 MS. BREWSTER-GEISZ: I just
21 wanted to respond to Dewey's question about
22 the logbook. If you remember, for Amendment 2

1 we had the check box added to all the dealer
2 forms about whether the fishermen landed the
3 shark with the fins attached, and that was to
4 address the same issue you're raising now,
5 that what happens when you bring in large
6 coastal shark or a pelagic shark and you take
7 the fins off at the dock and it's more than
8 the 5 percent.

9 That check box is to address the
10 dealer knows you brought it in fins attached
11 and this being larger than 5 percent that's
12 just the way that particular shark was.
13 That's what was added for.

14 MR. ANNINOS: Thank you, Karyl.
15 Sonja. Rich Ruais and Rom Whitaker.

16 MS. FORDHAM: Sonja Fordham.
17 Speaking of being out of work, that's going to
18 be my excuse for not being as up to speed on
19 this amendment as I should be. But if I
20 could ask some questions first and then give
21 you just some general comments and I will
22 submit some comments for the record before the

1 deadline.

2 You mentioned what the post-
3 release survivorship for makos was but I
4 missed it.

5 MS. SCHULZE-HAUGEN: 68 percent
6 roughly. That's commercial, in the
7 commercial.

8 MS. FORDHAM: Commercial. And do
9 you have recreational?

10 MS. SCHULZE-HAUGEN: We can look
11 for that, yes.

12 MS. FORDHAM: Okay. And you
13 mentioned with the size limit that one of the
14 proposals, I guess for the female size limit
15 for recreational would lead to 98 percent or
16 something like that reduction. Do you have
17 the same number for the commercial size limit,
18 the reduction in landings?

19 MS. BREWSTER-GEISZ: Yes, I do.
20 It's very small. It's pretty much the
21 opposite.

22 MS. SCHULZE-HAUGEN: It was the

1 opposite, yes. I can give you the--

2 MS. FORDHAM: Okay. And for
3 blacknose sharks on the chart that goes
4 through the catches, is that chart different
5 because in my comments the last time we were
6 talking about more than half of the mortality
7 being attributed to shrimp trawl bycatch and
8 now I'm only counting 36 percent.

9 MS. SCHULZE-HAUGEN: No, this is
10 the same table that you saw, the scoping pre-
11 draft stage.

12 MS. FORDHAM: Okay. I'm losing
13 my mind. And does this analysis include-- we
14 had a paper from the Panama City Lab about
15 blacknose shrimp bycatch at the AES meeting
16 this summer. Has that analysis been
17 incorporated into the amendment?

18 MS. SCHULZE-HAUGEN: No, that
19 analysis was ongoing when the draft was
20 released and so the draft does not include
21 that work that has been ongoing.

22 MS. FORDHAM: Okay. Will that

1 work be-- sorry, go ahead.

2 MS. SCHULZE-HAUGEN: Go ahead.

3 MS. BREWSTER-GEISZ: That work
4 they're getting ready to finalize that work
5 and present it at the blacknose assessment
6 next year. It's still not ready to be used in
7 the assessment, though we are aware of what's
8 going on with it.

9 MS. FORDHAM: Okay. And sorry,
10 just a couple more questions before I give you
11 some comments. The North Carolina/South
12 Carolina line for the gillnets you said it was
13 something to do with smooth dogfish as a base.
14 Is that line based primarily on the smooth
15 dogfish fishery, the blacknose line?

16 MS. SCHULZE-HAUGEN: No, it's
17 based on the distribution of blacknose.

18 MS. FORDHAM: Okay.

19 MS. SCHULZE-HAUGEN: In the South
20 Atlantic and the area, the distribution.

21 MS. FORDHAM: Okay. And my last
22 question is, is the smooth dogfish assessment

1 in the works? Are there any plans for it yet?

2 MS. SCHULZE-HAUGEN: No.

3 Nothing's been scheduled but we are
4 conversations with the Centers on what would
5 be appropriate.

6 MS. FORDHAM: Okay. Then just
7 some comments. My positions are not fully
8 formed, some of this is getting more
9 complicated and I do think based on this
10 information we need to have some more
11 discussion about the size limits. I still
12 tend to support a separate quota for mako, I
13 don't support just waiting for ICCAT.
14 Obviously, I strongly support as I have for
15 several years, the U.S. going to ICCAT with
16 shark proposals and I think there's ample
17 evidence to have ICCAT measures for shortfin
18 mako sharks. But I don't think that we
19 shouldn't act in the meantime. So I think a
20 separate quota or separate catch limits are
21 still very important.

22 And I guess we could talk about

1 this in depth next week at the ICCAT Advisory
2 Panel and I just recommend people to think
3 about as a stepping stone to that, the U.S.
4 putting a particular emphasis on Canada and
5 encouraging them to be more serious about as
6 I understand that their mako quota is not
7 really restrictive or enforceable. So I think
8 that would be a good stepping stone towards
9 convincing other countries at ICCAT.

10 And for smooth dogfish I continue
11 to support the general direction. Certainly,
12 the preferred alternative in terms of taking
13 the lead and putting smooth dogfish under
14 federal management, certainly not taking the
15 lead from the ASMFC. I think they've just
16 recently made some troubling steps backwards,
17 particularly for the fins attached loophole
18 and allowing fins to be removed I think that
19 really seriously undermines the solid work
20 we've gone towards mandating fins attached.
21 So I support that general direction.

22 I have to agree with Rusty that I

1 think it's really a serious concern that so
2 many years later we don't have an assessment
3 or don't even have a plan for an assessment.
4 And I'll just reiterate that I think this
5 relatively fast-growing shark is a good
6 candidate for some very rare examples of
7 sustainable shark fisheries. But that's not
8 going to happen unless we get ahead of the
9 curve and put in some management before it's
10 too late.

11 So with that I think on the smooth
12 dogfish on the catch limits I couldn't support
13 the preferred alternative F2a3 because it
14 allows for expansion of the fishery and I
15 don't think it's precautionary enough,
16 particularly for a shark for which we don't
17 have an assessment. So I think F2a1, which is
18 basically average annual landings, is
19 reasonable. I think you could easily argue
20 that it's still not precautionary enough
21 considering the uncertainty and the fact that
22 it's a shark. But I wouldn't support any

1 measures that would allow the fishery to
2 expand before we have a handle on what's
3 happening with it. Thank you.

4 MR. ANNINOS: Thanks Sonja. We
5 have about 11 or 12 people still on the list
6 so I'm just kind of giving you a sense of how
7 many are in the queue. Rich, Rom and then
8 Sean.

9 MR. RUAIS: Thank you Paul, I'll
10 be real quick and my only comments are on the
11 shortfin mako sharks and I wanted to support
12 what Rusty said about supporting the preferred
13 alternative, that we should take action at the
14 international level.

15 But I'd qualify that to say that I
16 would hope that Margo would communicate with
17 the commissioners that we really ought to be
18 seeking someone else to actually take the lead
19 on it if we're only catching or responsible
20 for 10 percent of the mortality. Again, it's
21 a tail wagging the dog type issue. And as we
22 know on the ICCAT advisory committee you only

1 have so many bullets and this is not one.

2 I disagree with Sonja that we
3 should actually take the lead on this one or
4 that we should actually have unilateral
5 measures right now when LeAnn's presentation
6 made it very clear that 10 percent we cannot
7 end overfishing ourselves. So what's the
8 point? And this is certainly not for us to be
9 taking a major lead on sharks given the fact
10 that we're looking at losing swordfish quota
11 share and bluefin tuna quota share at the same
12 time. But I do support the preferred
13 alternative.

14 And on the preferred alternative,
15 promote the release, as long as by promote you
16 don't mean regulate the release, that you're
17 just simply asking fishermen to release it.
18 We certainly support that and it is common
19 practice on the distant water boats in
20 particular to release most of the makos, at
21 least at the beginning of the trips. They
22 might keep them at the end depending upon how

1 much they have on board. But typically they do
2 release them.

3 And finally my movie star friend
4 to the left here suggested that suggesting a
5 minimum size for shortfin mako is not really
6 a wise move on the part of the agency, you can
7 just tune into swords and see who wants to
8 volunteer to take the minimum size of a
9 recently hauled aboard 300-pound mako shark,
10 or whatever the minimum size happens to be.
11 There's a real safety issue there.

12 MR. ANNINOS: Thank you Rich.

13 MS. HOGAN: So the preferred
14 alternative to promote the release is just
15 that. It is an outreach promote, asking
16 fishermen to do that on both the commercial
17 and the recreational size. There would be no
18 regulation changes associated with that.

19 MR. ANNINOS: Thanks LeAnn. And
20 just so that folks know who I have in the
21 queue, maybe some of you are wondering if I've
22 caught your gestures and that you're on our

1 list so let me just make sure you know. And
2 then if you don't hear your name and you to
3 speak that would be a good time to let me
4 know.

5 Rom, Sean, Lisa, Elizabeth,
6 Steven, Carolyn, Clark, Bob, Jason and Jim.
7 And I know Dewey is already in round 2. Okay.
8 So Rom, Sean and then Lisa.

9 MR. WHITAKER: Rom Whitaker,
10 Hatteras Charter Boat and my first comment is
11 in reference to the blacknose and also to the
12 smooth dogfish. And I realize that I'm not a
13 shark fisherman normally, I normally do not
14 target them but here it seems like I'm
15 becoming more of one not by my choice.

16 But sometimes when we're looking
17 at our actions and restricting, well I know I
18 think the quota on the small coastals was 452
19 and I think I heard Dewey says that 300 of
20 that was probably Atlantic sharpnose. These
21 Atlantic sharpnose in my opinion eat weak
22 fish, which is an all-time low, they eat

1 croakers, they eat spots, they eat a lot of
2 inshore fish, so Atlantic sharpnose we never
3 used to see out in 30 fathoms and now you
4 start fishing for sea bass or vermilion snipe
5 or trigger fish and a lot of times the only
6 thing you can pull up is an Atlantic
7 sharpnose. So it tells me that these sharks
8 are expanding or they've come in and they've
9 either run the sea bass or they've eaten them.

10 So I'm seeing a tremendous
11 abundance of them where I fish, and I'm
12 speaking for just the North Carolina mid-
13 section around Hatteras.

14 But my preferred alternative would
15 be the no action because I think the Atlantic
16 sharpnose is very prevalent and really taken
17 over.

18 As far as recreational, I'm not
19 familiar enough with the blacknose to know if
20 they're easily identifiable. If they are then
21 you know you would have to get some outreach
22 to the recreational fishermen saying throw

1 this shark back. And most of the guys that I
2 know, 54 inches if your shark's not 54 inches
3 and it's an Atlantic sharpnose or dogfish then
4 they throw it back.

5 So I guess for recreational would
6 be also no action.

7 As far as the makos, Rich covered
8 it pretty well. I mean we keep leading the way
9 in being the conservative one and it doesn't
10 seem like it gets us anything. Maybe we
11 should catch more of them so when ICCAT comes
12 out with a quota we've got a 20 percent number
13 instead of a 10 percent and that gives us a
14 bigger stake at the table, then we can do what
15 we want with the 20. If want to restrict it
16 then we restrict it. So I would say with that
17 the preferred action of release if you want
18 to. There are a lot of fishermen that want to
19 release. If you've been out there all day and
20 that's the only fish you've caught and he's
21 legal, he's probably going in the boat. But
22 at any rate those are my comments.

1 MR. ANNINOS: Thanks Rom. Sean,
2 Lisa and then Elizabeth.

3 MR. MCKEON: Thank you. Sean
4 McKeon, North Carolina Fisheries Association.
5 I've got a couple of questions just for
6 clarification and then some comments also.

7 On page 2-11 under smooth dogfish
8 under Section 2.3, there is a sentence I was
9 wondering if someone could explain to me
10 because I've read it several times and I don't
11 understand it.

12 It talks about the species, the
13 smooth dogs were removed from the FMU that
14 included deepwater and other sharks, species
15 were removed since they were protected under
16 the Shark Finning Prohibition Act. So in
17 other words they haven't been part of your
18 jurisdiction but this seems to be claiming
19 that they were at one time and were removed.
20 Could you explain that to me?

21 MS. BREWSTER-GEISZ: They were
22 originally put in our Fishery Management Unit

1 in 1999 and that was to protect them against
2 finning. When the Finning Prohibition Act
3 went final in 2002, we removed them in the
4 Amendment 1 to the '99 FMP, because the only
5 management measure we had in place on them or
6 the other deepwater sharks was just no
7 finning. So the Finning Prohibition Act
8 already protected them from finning so we
9 removed them at that time.

10 MR. MCKEON: And there's a record
11 of that somewhere that we can see? That they
12 were on there, that they did exist on--

13 MS. BREWSTER-GEISZ: Yes, if you
14 look in the '99 FMP it's there and then in
15 Amendment 1 to the '99 FMP that went final at
16 the end of 2003 there's the whole history laid
17 out there as well.

18 MR. MCKEON: I'm going to go to
19 the definition of oceanic in a minute but I
20 have another question on the next page on 2-
21 12, top paragraph. It says that you all have
22 determined smooth dogfish are in need of

1 conservation and management under NMFS
2 authority because of public comment and an
3 independent review of the species. What
4 independent review has determined that smooth
5 dogfish-- do you have an independent review
6 that we're not aware of?

7 MS. BREWSTER-GEISZ: I think the
8 independent review is referring to the
9 response we gave to the Mid-Atlantic council.

10 MR. MCKEON: I'm sorry?

11 MS. BREWSTER-GEISZ: I believe
12 the independent review that that sentence is
13 talking about is the response to the Mid-
14 Atlantic Council.

15 MR. MCKEON: The response that
16 Dr. Balsiger sent? Is that what you're
17 talking about? Okay. I guess I'm wondering
18 how that's an independent review. It just
19 seems like to me this smooth dog issue is just
20 this incredible circular reasoning going on,
21 while they're oceanic therefore we have the
22 management and we have to manage them because

1 they're oceanic.

2 And public comment and an
3 independent review, our own independent
4 review, or Dr. Balsiger's review in his letter
5 to the Mid-Atlantic, suffices to say we have
6 the authority and it just seems to me that
7 there's a lot of circular reasoning going on.

8 On 2-13 you have a breakout of the
9 total annual landings by year, it's a summary,
10 do you have state by state breakouts of that?
11 If you do I didn't see them and they may be in
12 here and I didn't see them and I'm just
13 wondering if you have that information as to
14 which states, if you could break that out by
15 state.

16 MS. BREWSTER-GEISZ: I think a
17 lot of that was confidential data which is
18 why we could not include it in this table.

19 MR. MCKEON: I'm just asking
20 totals for states. That's confidential?

21 MS. BREWSTER-GEISZ: It can be.

22 MR. MCKEON: If it's one person

1 right? Or if it's certain amount of people?
2 Three? If it's three people or less it's
3 confidential. So then all of that is
4 confidential. Is there any state breakouts
5 that are not confidential?

6 MS. BREWSTER-GEISZ: Yes, but if
7 we put in some states and not the states that
8 are confidential you'd be able to figure that
9 out.

10 MR. MCKEON: I would not be able
11 to.

12 MS. BREWSTER-GEISZ: Somebody
13 could if somebody looked at it.

14 MR. MCKEON: All right. I want
15 to go to the definition because we did have a
16 discussion about definitions, Karyl, and you
17 told us that the definition came from
18 Webster's dictionary.

19 MS. BREWSTER-GEISZ: I said that
20 was one of the places we looked was Webster's.

21 MR. MCKEON: You said that's the
22 one you used. But I go back to the letter

1 that Dr. Balsiger sent and C9 is more circular
2 reasoning to me. He doesn't define it. He
3 says oceanic shark is used instead of HMS but
4 the statute doesn't expound upon or define
5 this term. But given the broad habitat and
6 migratory patterns blah blah blah blah, that's
7 what we believe it is. It's an oceanic shark.

8 So I just wonder if there's a
9 definition somewhere of exactly what it is
10 because we're going round and round with this
11 and I'm just a little confused. We keep
12 getting to this place where, well because we
13 say it, it's true and because it's true we say
14 it. We have jurisdiction or we should have
15 jurisdiction over these based on our review
16 and public comment.

17 MS. SCHULZE-HAUGEN: Well I think
18 maybe part of what's happening is that oceanic
19 as a definition wasn't as definitive as it is
20 in the definitions for some of the other
21 species. And so we looked at Magnuson Act,
22 multiple places that talks about defining and

1 managing a species throughout its range,
2 looking at the range of the species in terms
3 of the data that we have, that secretarial
4 authority for species that range in the
5 jurisdiction of more than one council.

6 And so there wasn't a singular,
7 ah-ha, this is the definition of oceanic,
8 we're done. It was looking at a variety of
9 things, looking at the Magnuson Act as a
10 whole, looking at the information available
11 that we have on the species itself in terms of
12 its distribution and in that entire analysis
13 came to the conclusion that it was appropriate
14 for federal management. That was the only
15 factor, the defining factor. So maybe that's
16 part of why you're not seeing that definitive
17 ah-ha here's the definition.

18 MR. MCKEON: Well that's good.
19 But spiny dogfish would also fall under those
20 definitions of the things you just said.

21 MS. SCHULZE-HAUGEN: And in some
22 part that is accurate. The range is not as

1 great as it appears to be for smooth dogfish.
2 All five councils have smooth dogfish; spiny
3 dogfish appears to be more within two. But in
4 terms of every time we looked, and we looked
5 pretty extensively through our records for how
6 that decision was made, how it was determined
7 that that would be managed by the councils.
8 And unfortunately it may be in a box somewhere
9 but we haven't been able to find it.

10 And so when we looked at the
11 Magnuson as a whole that stood out as an
12 historical anomaly that we did not view as
13 defining for future management purposes.
14 That's the way it is and we're not exactly
15 sure why. Maybe some day we'll find out. But
16 at this point again looking at the Magnuson
17 Act, the information available and the species
18 we came to the conclusion that for smooth
19 dogfish which was kind of setting aside spiny,
20 federal management was appropriate.

21 MR. MCKEON: Well, I guess the
22 problem I have with that, and I understand

1 your answer and I agree I think that it is in
2 a black hole somewhere, like a lot of things
3 are in a black hole but if the purpose as
4 stated in the presentation was to establish
5 the quote "universe" of this fishery to
6 determine exactly what it is, it would seem to
7 me that with respect to smooth dogfish the
8 states are better equipped to do that as they
9 manage dogfish now. I mean the data there is
10 infinitely greater than the data on smooth
11 dogs. And that's managed by the states even
12 though you do admit that it could fall into
13 HMS, spiny that is, and I think that that's
14 where it needs to be left, the jurisdiction.

15 So obviously our alternative
16 preferred would be that it does not give HMS
17 the jurisdiction. It's very confusing that
18 on the one hand you have a fishery that would
19 meet the criteria and on the other hand you
20 say well we want that one.

21 It makes me worried for the future
22 of spiny dogfish, but it also makes me worried

1 that I think if you're trying to put in place
2 conservation and management measures, there's
3 no better place to do that than with the
4 states with respect to this fishery, two
5 states really have a fishery on the East
6 Coast. Two of those states, Virginia and
7 North Carolina, are the predominant players in
8 the Mid-Atlantic and our state has excellent
9 data on this fishery and I hope that it does
10 get included in the best available because it
11 certainly points to one other thing I want to
12 say.

13 And that is with respect to the 5
14 percent rule, you've heard a lot about that,
15 we have data that has that, I think with
16 respect to enforcement there's no easier thing
17 in the world for enforcement to board a boat
18 and have a simple rule. All fins are attached
19 to every shark species except smooth dogfish.
20 And that would make the 5 percent rule moot.
21 There's no reason to have it. It causes just
22 hours and hours and hours of haggling over

1 what the right percentage is.

2 I agree with Rusty's comments. I
3 think every species needs to have a very
4 thorough investigation of what exactly is the
5 right percentage for fin to caught ratio. I
6 understand at ICCAT, it was last year or the
7 year before, even National Marine Fisheries
8 Services folks over there were talking to the
9 effect that 5 percent is not correct for all
10 species. It doesn't work for all species.

11 I think it's simple -- all sharks
12 have their fins attached with the exception of
13 smooth dogfish and enforcement looks and if
14 you have fins that are detached they'd better
15 be from a smooth dogfish. If they're not,
16 you're in a lot of trouble. So I hope you
17 look into that.

18 And real quickly I just want to go
19 down the alternatives so I'm on record. It's
20 going to be quick, I'm just going to tell you
21 which ones I like.

22 Commercial quotas, SCS commercial

1 quotas Alternative 1. No action.

2 Commercial Gear restrictions.

3 Alternative B1. No action.

4 Commercial pelagic shark.

5 Alternative C5, I agree with Rusty and also

6 with Rich's comments about going to the

7 international level but before we lead and

8 take unilateral efforts.

9 Smooth dogs I've already

10 mentioned. I do not support NMFS management

11 for those. Thank you.

12 MS. SCHULZE-HAUGEN: Can I ask

13 for clarification? So in terms of the

14 jurisdiction are you saying that you would

15 rather no federal management, that the

16 mandatory authority be entirely with the

17 states?

18 MR. MCKEON: I don't think HMS

19 should have jurisdiction over smooth dogfish.

20 But I think the federal regulations should

21 mirror the state regulations allowing detached

22 and processing at sea for smooths and also if

1 the states decide that the 5 percent is not
2 applicable, that the fed should mirror those
3 as the states are always asked to mirror the
4 federal rules with respect to other sharks. So I
5 would say that the fed rules should mirror
6 state rules with respect to smooth dogs, and
7 that is processing at sea and if they do
8 determine that 5 percent is wrong, fed rule
9 should match the state rules.

10 MS. SCHULZE-HAUGEN: Okay. I
11 think I understand because one of our
12 alternatives is matching the commission plan
13 and so it sounds like that's in part what
14 you're saying.

15 MR. MCKEON: Yes, as far as it
16 goes today.

17 MS. SCHULZE-HAUGEN: And one
18 point just for folks to understand, in federal
19 waters we are bound by the statute and it
20 would take a statutory change to change the 5
21 percent ratio in federal waters. States are
22 not bound, it was a Magnuson amendment, so

1 states are in the interstate plan not bound by
2 that. But for our purposes what you're
3 talking about is a statutory change.

4 MR. MCKEON: And a real quick
5 response. I totally am aware of that but when
6 I spoke to Karyl, although you're not allowed
7 to lobby at the rest of Congress if you came
8 in and were asked to comment and analyze
9 additional scientific information that showed
10 a 5 percent rule was inadequate or was wrong,
11 that you be open to coming to talk to
12 Congressmen or Senators about that.

13 MS. SCHULZE-HAUGEN: We are
14 always open to talk to Senators when they
15 request it.

16 MR. MCKEON: That's good.

17 MR. ANNINOS: Thanks Sean. Lisa,
18 Elizabeth and Steven.

19 MS. GREGG: Lisa Gregg, Florida
20 Fish and Wildlife Commission. One question.
21 If Amendment 3 were to go through with the
22 prohibition on recreational harvest of

1 blacknose, does that mean, I mean what is the
2 interaction with the Atlantic States Marine
3 Fisheries Commission and the interstate
4 management plane? Does the interstate
5 management plan require the states to
6 automatically go consistent with the feds with
7 the prohibited species?

8 MS. SCHULZE-HAUGEN: I remember
9 asking Chris that question but I do not
10 remember the answer and it looks like he has
11 stepped out. No, he's there so I will let him
12 answer.

13 MS. BELCHER: I'm sorry. Just
14 from what we've dealt with in Georgia it does
15 not. You have to have the equivalency, the
16 conservation equivalency but you didn't have
17 to mirror the list exactly. But Chris can
18 answer that better.

19 MR. VONDERWEIDT: Chris
20 Vonderweidt, Atlantic States. Just to
21 clarify, our recreational species is that it's
22 prohibited to land any species, that it's

1 prohibited to land in federal waters so if
2 blacknose became a prohibited species, in
3 federal waters they would then be prohibited
4 by our FMP with the regulations as they stand
5 right now.

6 MS. SCHULZE-HAUGEN: Thank you
7 Chris.

8 MS. GREGG: Okay. So if that were
9 the case then it does create a significant
10 problem for Florida mainly because since 1992
11 we have limited all commercial harvest to the
12 recreational bag limit and, in addition to
13 that, we also have prohibited gillnets since
14 1995 and that's another action that you guys
15 are looking at, prohibiting gillnets for shark
16 fishery.

17 So we took measures to protect
18 sharks in Florida waters for many years now so
19 prohibiting blacknose which is a predominant
20 recreational species in Florida it's the
21 equivalent of if you guys do it we have to do
22 it also because of the ASMFC plan. Is that

1 correct Chris? I mean that's what it sounds
2 like.

3 MR. VONDERWEIDT: The regulations
4 in our plan stipulate that states must
5 prohibit the same species if that's the same
6 thing, if the federal plan is the same thing,
7 you know, that's a separate matter. I can
8 tell you what's in our plan.

9 MS. GREGG: And we don't have the
10 option to have the equivalency? Conservation
11 equivalency in the prohibited list?

12 MR. VONDERWEIDT: I mean a state
13 can put forward a conservation equivalency
14 proposal if they want for review by the Board;
15 to change the plan that would require an
16 addendum.

17 MS. GREGG: Okay. So I just want
18 NMFS to be aware of what the consequence of
19 that will be especially on Florida.

20 MR. ANNINOS: Thank you Lisa.
21 Elizabeth, Steven and then Carolyn.

22 MS. GRIFFIN: Hi, Elizabeth

1 Griffin from Oceana. I'd like to start with
2 a question. We keep hearing that you guys are
3 working with the councils on the bycatch and
4 the shrimp trawl fisheries, can you explain a
5 little bit about what you're doing and whether
6 there's any sign that the councils might
7 actually take action to reduce bycatch?

8 MS. SCHULZE-HAUGEN: We have sent
9 them letters asking them to reduce the
10 mortality in their shrimp fisheries. We
11 looked at across the board all fisheries 78
12 percent reduction in mortality and so those
13 letters have gone to the councils.

14 The Gulf Council met last week and
15 we talked with them about the issues there and
16 I think they had some questions back and
17 actually we have a letter in from them with
18 some questions. So we'll be getting back
19 with them.

20 The meeting with the South
21 Atlantic Council is next week and so we
22 haven't had a lot of time to talk with them

1 about their plans at this point but we'll
2 continue to work with them for sure.

3 MS. GRIFFIN: I'm going to be
4 submitting detailed comments so I'll try an
5 keep this pretty brief. We're definitely
6 concerned about the overfishing of blacknose
7 and shortfin mako. There are a lot of
8 different ways to end that overfishing but it
9 does need to be ended and some of the more
10 vague things like working with councils that
11 may or may not pan out are definitely a
12 concern to us because we definitely need to
13 see the overfishing end.

14 With shortfin mako the argument
15 for not taking action to end overfishing is an
16 interesting one. To me it kind of sounds like
17 saying the U.S. can't solve climate change so
18 we just shouldn't try and reduce our
19 greenhouse gas emissions. I think that the
20 U.S. should take action here at home and then
21 should go to ICCAT and really push for
22 shortfin mako stronger measures in ICCAT.

1 On the smooth dogfish we're
2 definitely concerned about the lack of catch
3 data and the lack of information on the
4 population size. Data collection and a stock
5 assessment, or catch data and a stock
6 assessment need to be a priority. We also
7 think that NMFS needs to keep management of
8 smooth dogfish rather than going with the
9 ASFMC measures especially because of the new
10 addendum allowing the fins and carcasses to be
11 removed at sea.

12 We also think that because of the
13 lack of data for the smooth dogfish that the
14 quota level needs to be set at a precautionary
15 level that's not going to allow expansion of
16 that fishery in the first year. Thank you.

17 MR. ANNINOS: Thanks a lot.
18 Steven, Carolyn and Clark.

19 MR. JAMES: Hi, I'm Steve James
20 president of the Boston Big Game Fishing Club.
21 I run the Oak Bluffs Monster Shark Tournament
22 which has historically been the largest shark

1 fishing tournament in the world -- I don't
2 know where we stood this year.

3 But anyway my comments will
4 pertain to the shortfin mako. The first one
5 being somewhat of just a mechanical and that
6 is on slide No. 16 at the very bottom of the
7 document the slide says U.S. portion of
8 Atlantic wide shortfin mako catch is under 10
9 percent.

10 If I'm not mistaken, last February
11 we had Dr. Greg Skomol from the Massachusetts
12 Division of Marine Fisheries extrapolate the
13 percentage based upon the data that he had for
14 the year 2007 and if I'm not mistaken those
15 numbers were between 4 and 5 percent and while
16 it may seem somewhat trivial, you're
17 overstating the relevancy of the U.S.
18 commercial and recreational retention rate by
19 2 to 1.

20 And that of course leads me into
21 the next point. We're not players in the mako
22 shark fishery and while we have somewhat of an

1 egocentric perspective here in the U.S. it
2 won't be the United States that will determine
3 the fate of the shortfin mako. It will be
4 Canada, Spain and a handful of other countries
5 that are responsible for the retention rates
6 of upward of 95 percent of the fish that were
7 taken out of the Northern Atlantic.

8 And I will ask that back to that
9 first point, I think Greg's over there with a
10 tan, he's been out tagging white sharks off
11 Chatham, but if you wouldn't mind following up
12 with Greg specifically on that point and
13 either correct me if I'm wrong or else maybe
14 correct the slide.

15 Next point I'll make to you simply
16 is this. I support both of the preferred
17 alternatives, that is take no action but
18 rather put the pressure on international
19 through ICCAT. I don't think it's prudent,
20 nor does it necessarily impress anyone, for us
21 to go out there and show the world how great
22 we are, how green we are. I think that

1 somewhere between they don't care and it's
2 irrelevant is how we're viewed when we turn
3 around and say we're going to do something
4 really wonderful to show the world how great
5 we are, how green we are. And I think we've
6 seen that backfire historically with our
7 bluefin tuna fishery and I think we're going
8 to see it backfire with anything we do with
9 the mako shark fishery.

10 We need to put pressure on the
11 international folks that are responsible for
12 retaining the fish. The U.S. is not a player
13 in this game.

14 I also wanted to suggest that
15 requesting and asking that people release fish
16 works. Oak Bluffs Monster Shark Tournament, my
17 retention limit is somewhere around 70 inches.
18 It's really a weight-based parameter, it's not
19 a length-based parameter but quite frankly
20 long after the tournament is over there's a
21 question that every single boater has to ask
22 himself when he pulls a mako shark up, and

1 that is if the fish was too small for the
2 monster shark tournament, wasn't it too small
3 to take home for dinner too?

4 And it's a relative question that
5 gets asked by anybody that participates in my
6 game.

7 Simply pointing out the next
8 thing. The U.S. fisheries have the most
9 stringent regulations in the world and back to
10 my point earlier, we're just not impressing
11 anyone by saying that we're going to fish
12 under more stringent regulations. It doesn't
13 do anything for anybody I don't think anyway.

14 Last point I'll make here although
15 it's somewhat of an anecdotal perspective it's
16 relevant from the standpoint of amusing if
17 nothing more.

18 Just 13 days ago I weighed a 624-
19 pound male mako shark which represents the
20 largest male mako shark ever taken in the
21 world, taken out of Mass Bay. So there are
22 some big fish still swimming out there and I

1 think the U.S. has done its part and will
2 continue to do its part just as these two
3 preferred alternatives are stated both from a
4 commercial and recreational standpoint. Thank
5 you much.

6 MR. ANNINOS: Thank you Steve.
7 Carolyn, Clark, and then Bob.

8 MS. BELCHER: Thanks. Margo,
9 this goes to Rusty's point back on discussing
10 the stock assessment for the blacknose that's
11 scheduled or I guess tentatively scheduled in
12 2010. Is that going to be an update or a
13 benchmark? I wasn't clear on which that is.

14 MS. SCHULZE-HAUGEN: It's going
15 to be a full benchmark.

16 MS. BELCHER: Then can you kind
17 of shed some light on what is the new data
18 that's available that will be going into that?
19 I mean I know right now that we're talking
20 with other colleagues throughout the South
21 Atlantic. There's discussions for more fin
22 projects, CRP projects and obviously funding

1 isn't going to be made available in time for
2 any of those results to be available to go
3 into that assessment and those are specific to
4 genetics, reproduction.

5 MS. SCHULZE-HAUGEN: It has to do
6 with the bycatch model. The Southeast Fishery
7 Science Center scientists are working very
8 closely with some of the shrimp trawl industry
9 members to redesign how that bycatch model
10 took into account the TEDs and other aspects
11 of the bycatch.

12 And so that's the paper that was
13 presented I believe at AES last summer and
14 that's what they're hoping to have final in
15 time for this assessment. So that will be the
16 new data and it will potentially revamp what
17 was done.

18 MS. BELCHER: Okay. Then to the
19 issue of the shrimp trawl bycatch. I know a
20 lot of this is rectifying for what's been
21 collected in the past through the bycatch
22 observer programs and such and I'm not going

1 to go into concerns that I have of what was
2 done because, obviously, there's been a lot of
3 discussion since the assessments. I know the
4 Nichols design and the Siegfried design were
5 basically done similarly but done separately
6 and that Kate's work for the South Atlantic
7 had pretty much been pushed over because of
8 issues with data collection as such.

9 But is there any work for future
10 shrimp trawl bycatch? Would the observer
11 program that's in place, I know Galveston at
12 one point had been the housing body for that
13 work. There was a protocol that was put out
14 in 1992 that that protocol has its own issues
15 relative to expanding numbers for sharks. The
16 new protocol now, which I think was 1999, it
17 may have even been newer than that, my
18 understanding is the general observations
19 relative to shark species is not going to be
20 at a species level. It's carcharhinids and
21 sphyrcnic species or groupings. It's not for
22 species-specific.

1 So my question is, is HMS talking
2 with the group in Galveston to express the
3 importance of understanding what species are
4 actually being caught from that shark
5 standpoint?

6 MS. SCHULZE-HAUGEN: We've talked
7 to them throughout Amendment 2 and my
8 understanding was they were putting out select
9 species and recording them, that they were no
10 longer grouping them on just shark or
11 carcharhinid.

12 MS. BELCHER: Okay. Because
13 again we have folks in our office that have
14 been involved through that bycatch
15 characterization protocol training and such
16 and the current model that sits in our office
17 for them to follow if they're asking to go on
18 a trip still has that for sharks they're
19 pulling out carcharhinids sphyrnids and that's
20 all they're classifying as.

21 So that might be something that's
22 been done internally in-house but, again, as

1 people have been following a protocol you may
2 want to make it clear to other places that the
3 necessity of that needs to be addressed.

4 MS. SCHULZE-HAUGEN: Yes, I know
5 that when we asked them to be more species-
6 specific in the data collection it was after
7 1999 so maybe we do need to follow up with
8 them to make sure that that gets out.

9 MS. BELCHER: Right. Because
10 again the '92 one is was for species but they
11 were sub-sampled, they were not select species
12 at that point. Then the newer one that came
13 out in '99 like I said around that time
14 period, actually grouped them into those two
15 standard groupings. So again that's the most
16 current edition we had in the office that our
17 folks would be using if we were called in to
18 do any kind of bycatch reduction device
19 testing or observation or turtle excluder
20 device observation. So that's just to call
21 that to your attention that that does float
22 out there.

1 Relative to the prohibition for
2 the recreational, I guess this is where my
3 understanding was with equivalency, the
4 conservation equivalency, because we've had
5 this discussion in-house about how this would
6 affect it. And our legislation is not going
7 to allow for us just to adapt a prohibitive
8 list. Right now we have all of the same
9 species that are on the list because of what
10 came through on ASMFC but it is not going to
11 be an automatic update. We have to go have
12 rulemaking done to add that species and we
13 have to have sound justification for it.

14 Right now in Georgia we have a
15 small shark composite. It's spiny dogfish,
16 Atlantic sharpnose and bonnethead. It's
17 because of ease of identification they're our
18 most common species, spiny dog more in the
19 wintertime, but Atlantic and bonnet
20 specifically throughout the spring and summer.

21 So blacknose basically falls into
22 our other shark category which has the 54-inch

1 size limit. So we already have a prohibition
2 on blacknose in state waters. So for us to add
3 it to that list basically when we're already
4 giving that conservation equivalency, you
5 know, that's where we have to go forward to
6 Atlanta to justify that. If we're already
7 making that done through regulation we have to
8 justify why it needs to be put to the other
9 list.

10 So that was one of the things that
11 I had to say because it was kind of concerning
12 for us in the language that it made it kind of
13 sound like this automatic transcendence into
14 the states because you say it's on a
15 prohibited list it automatically transcends to
16 the state regulations and that was not sitting
17 well with our assistant director at all.

18 So that's just a thought because I
19 know other states will probably have a similar
20 issue but just to kind of put it out there as
21 a point.

22 And then the last thing is

1 relative to shark ID. This issue with
2 blacknose and again hearing other statistics
3 I was not focused in on the actual weights and
4 such until I was hearing Dewey and Rusty talk
5 about it. But the average sizes of our
6 blacknose and the recreational catch are what
7 they're talking about. They're much larger
8 animals. We see mostly mature individuals up
9 on the beach; the neonates do not show up in
10 shore. The few that we've encountered with our
11 fishery independent surveys have actually been
12 on artificial reefs about three to 12 miles
13 offshore and there's only been five
14 individuals that have been caught.

15 So most of what they're catching
16 close to shore has actually been mistaken for
17 small lemons because of their coloration.
18 They have that greenish-yellow hue, so we were
19 hearing a lot about this huge abundance of
20 lemon sharks, but relative to fishery
21 independent survey work we've done they're
22 blacknose.

1 So the small ones really aren't
2 there in abundance so I'm a little bit
3 concerned about that small weight that they've
4 been talking about as well because there
5 animals are all, we're weighing them in
6 kilograms but most of them are over six
7 kilograms.

8 So to me, again falling back to
9 recreational issues, I know our creel folks
10 basically have a subset of recreational
11 fishermen that they will take shark ID from.
12 They will not take it from every recreational
13 fisherman so just to kind of put that idea out
14 there too that there may be an issue of mis-ID
15 floating around in that survey. Not
16 condemning everybody to that but I really do
17 think especially as we seek to educate
18 commercial folks, as our prohibitive list gets
19 larger and larger the recreational people also
20 need to be brought up to speed on their shark
21 IDs. And thanks for that.

22 MR. ANNINOS: Thanks Carolyn. We

1 have about half a dozen people left on the
2 list who haven't had their first shot yet so
3 let's just keep moving. Clark, Bob and then
4 Jason.

5 DR. GRAY: Clark Gray, North
6 Carolina Marine Fisheries. Some of the
7 concerns I have is with the small coastal
8 shark quota and if Alternative A4 is adopted,
9 what kind of implications that will have for
10 our fishermen here in North Carolina with the
11 January 1st start date.

12 I know some comments that were
13 made during I think Addendum 2 were possibly
14 moving the open date to July 1st and didn't
15 know with the implications of the ASFMC
16 coastal shark fishery management plan if there
17 has been any more discussion about changing
18 the possible start date so that in lieu of
19 what happened with large coastal sharks and
20 not allowing our fishermen a chance to fish
21 for them and now if this option 4 is adopted
22 too, that we pretty much won't have any small

1 coastal sharks to fish for, will there be a
2 possibility of changing the start date to
3 maybe July 1st instead of January 1st start
4 date?

5 MS. SCHULZE-HAUGEN: We will be
6 talking about that in more detail on Friday
7 and that pertains to both the small coastal
8 and large coastal.

9 DR. GRAY: Okay. Thank you. And
10 then the other thing is also with the smooth
11 dogfish and the management measures there and
12 the concern of not having a stock assessment
13 and going forth with management measures.
14 Looking just at the I guess the quota there
15 that you have of I think what you have
16 projected, I know North Carolina alone last
17 year caught over about half of that, so it may
18 be possible those quotas numbers may be a
19 little low.

20 So that needs to be looked at a
21 little further if you do take over management
22 of the smooth dogfish there.

1 And then just some other kind of
2 reiterating what I think Dewey and Sean and a
3 few others have said with the carcass to fin
4 ratios. Some of the work that we've been
5 doing here in North Carolina that that is just
6 not applicable to the smooth dogfish and that
7 needs to be addressed. And that you're going
8 to have a lot of waste I think with these guys
9 going out there catching these smooth dogfish
10 and bringing them in and have to dispose of
11 fins to match that 95 to 5 percent carcass
12 ratio.

13 So I think we'd be in support of
14 either Alternative A1 or A2 for the small
15 coastal quota. I think allowing commercial
16 fishermen to fish for the other three species
17 that aren't considered overfished should be an
18 option, and to be reducing the small coastal
19 quotas so low and kind of not allowing them to
20 go after those other three species is just a
21 little unreasonable.

22 So those are just the few comments

1 that I have there supporting that. Thank you.

2 MR. ANNINOS: Thanks Clark. Bob,
3 then Jason and then Jim.

4 DR. HUETER: Thanks Paul. Bob
5 Hueter, Mote Marine Laboratory. On the
6 blacknose issue I have to say that as an
7 academic I'm in a strange place. I'm very
8 seriously conflicted on this outcome. Whereas
9 the closure of the gillnet fishery is
10 something that everybody on this panel knows
11 I've been advocating for a number of years
12 because of problems of bycatch and mortality
13 issues, I'm concerned that NFMS is using
14 suspect data to justify what otherwise would
15 be a good outcome.

16 Georgia and Florida have been
17 advocating closure of this gillnet fishery for
18 many years and, as I said, that is a good
19 outcome. But I'm really confused about the
20 process that we're being presented with
21 respect to the blacknose issue.

22 Back in February we were given the

1 same table of data that we were presented
2 today with no changes whatsoever and we gave
3 input at that time as to the glaring errors in
4 that table. And yet you come back with the
5 same result.

6 I mean to be honest it's kind of
7 insulting that we're still dealing with the
8 same data and the science centers are still
9 standing by some of this very suspect
10 information. I mean it's to the point where
11 I believe that NMFS credibility and integrity
12 are really at stake here and I'm deeply
13 concerned about that.

14 MS. SCHULZE-HAUGEN: I'm sorry,
15 Bob, can I interrupt? You're saying that you
16 think-- sorry, can you just elaborate on what
17 you think the data would have changed from the
18 stock assessment from February to now?

19 DR. HUETER: I'm not saying the
20 data have changed but certainly the input has
21 been substantial in order to call into
22 question the numbers that are being used to be

1 the basis of these regulations.

2 I have to stand with some of the
3 other people in this room that have said that.
4 There's just some very glaring errors in here.
5 It's not a matter of lack of confidence or not
6 enough data. I mean the one-and-a-half pound
7 issue is just wrong and everybody's said that.
8 And so for you to come back and--

9 MS. SCHULZE-HAUGEN: Maybe to
10 jump in here, that's what's coming from the
11 assessment. The assessment is complete and we
12 have scheduled another one. But until then
13 there's not another source of information
14 unless you're suggesting another source.

15 DR. HUETER: I'm very
16 uncomfortable with passing the buck to the
17 science centers and saying well that's what
18 they're telling you so therefore you're going
19 to stand by that, especially if you have a
20 stock assessment scheduled for next spring.

21 I mean I salute as I always have,
22 the risk averse approach but maybe you

1 shouldn't go forward with this. Maybe you
2 should wait till the results of that
3 assessment next year and look at the updated
4 shrimp trawl data and fix some of these other
5 errors that people are pointing out because
6 really you just open yourself up to lawsuit if
7 you go forward with numbers like this. I
8 don't know if anybody's going to do that but
9 it's just glaringly bad.

10 So I'm very uncomfortable with
11 that and that's my view as an academic.

12 On the issue of identifying
13 blacknose, the lady from Georgia mentioned
14 this, there isn't possibly a problem here in
15 the recreational fishery, there's definitely
16 a problem. Recreational fishermen cannot
17 identify blacknose and I'm familiar with the
18 species in most cases, so you're going to have
19 to do a major educational outreach program if
20 you put those regulations in place.

21 Moving on to mako and smooth
22 dogfish, I'm generally okay with the proposed

1 preferred alternatives. I just have concerns
2 about management plans that have measures that
3 say things like "promote the release" or "take
4 actions in the international level." Sorry to
5 use a pun but that has no teeth in it. And
6 I'm not sure what those things mean. And how
7 NMFS could be accountable for those
8 regulations such that outcomes come out of
9 those kinds of things.

10 So I support I guess what that
11 means but I'm not sure what it really
12 translate into in terms of taking real action.

13 Somebody mentioned post-release
14 survivorship of makos on I don't know now
15 whether it was recreational, I guess it was
16 the recreational fishery of 68 percent.
17 Sorry, that's pelagic commercial right. Make
18 sure that's true post-release survivorship and
19 not just the number of live animals at the
20 boat which may not be even close to what the
21 true post-release survivorship is. There's a
22 big difference there.

1 MS. SCHULZE-HAUGEN: Bob, just a
2 second. That is alive at haul back.

3 DR. HUETER: It's alive at haul
4 back so that's not the same thing as post-
5 release. Depends on how you define it and I
6 don't want to get into another semantic thing
7 here like oceanic but post-release sometimes
8 is defined as given the recovery period for
9 the animal, how many of those animals survive
10 and well you're all familiar with that.

11 Last, I salute the fact that stock
12 assessments are scheduled next year for
13 sandbar dusky. We certainly need to keep on
14 top of those things. I would ask the question
15 what about hammerheads? You guys have run
16 around the hammerhead tree for a number of
17 years, kind of done stock assessments or kind
18 of done some papers. I think there's a real
19 problem there and for some reason it's not
20 being addressed, it's being swept under the
21 rug. And tigers as well, possibly tigers,
22 So if it was up to me and I was

1 looking at NMFS resources and what's used for
2 assessments, I would I'm sorry to say, I'm
3 sorry to use this term, but I would get rid of
4 this obsession with blacknose sharks and focus
5 on some of these other perhaps more critical
6 species such as hammerheads. And with that,
7 that's it. Thank you.

8 MR. ANNINOS: Thanks Bob.

9 MS. SCHULZE-HAUGEN: Just on the
10 hammerheads we understand that there is a
11 paper that is in press that is more of an
12 assessment than what was released earlier.
13 Just FYI.

14 DR. HUETER: I have heard that
15 for about a year and a half now. Again I know
16 it's not your job, it's the science center's.

17 MR. ANNINOS: Okay. We have
18 about five people on the list and I'm going to
19 do a quick time check here. We still have
20 about five or six people to speak. We still
21 need to leave time today for our public to
22 weigh in and I can tell you right now we won't

1 hit the five o'clock adjourn time if we're
2 going to do that. We're going to go past five
3 o'clock, just giving you a heads up about
4 that. Can you what? Get a beer? You all are
5 masters of your own destiny here.

6 So I just want to bring that up.
7 I don't think we're going to have time for a
8 formal break. I'm just giving you kind of a
9 heads up about that. I notice that many of
10 you have been excusing yourselves as you
11 needed to for a variety of reasons so I would
12 suggest that model continue for the rest of
13 today's business as opposed to a formal break.
14 Is that okay with everybody? Okay. Thanks.
15 So why don't we continue. I'll tell you who
16 I have on the list. We have Jason, Jim, Mark
17 Sampson, Pat and Glenn as folks that have not
18 had a chance to weigh in yet in the first time
19 around. Dewey had his hand up to come in for
20 round 2 but we'll wait and see where we stand
21 at when Glenn has finished. Okay?

22 Oh not Dewey, Rusty. I'm looking

1 at Rusty and saying Dewey, I'm sorry.

2 MR. FROEBA: Jason Froeba, with
3 the Louisiana Wildlife and Fisheries. I'll
4 keep this as short as possible considering our
5 time limits. As an agency we just want to
6 express concern regarding the bycatch numbers
7 for blacknose sharks and the shrimp fishery.

8 As many of you know, Louisiana is
9 the major contributor to the shrimp fishery in
10 the Gulf of Mexico and historically and
11 currently we do not see anything in our data
12 that would indicate such high numbers of
13 bycatch for blacknose sharks. And at this
14 time we wouldn't feel comfortable weighing in
15 on any alternatives regarding management of
16 the blacknose shark, especially if it would
17 affect the East Coast and the Atlantic given
18 the known differences between the two
19 populations.

20 So I just wanted to get that on
21 the table that we do have concerns with the
22 data and we look forward to seeing the new

1 assessment in 2010 and hope to see a change in
2 that.

3 MR. ANNINOS: Jason, thank you.

4 All right, Jim, Mark, Pat and then Glenn.

5 MR. DONOFRIO: One quick comment
6 first of all. I see that the preferred
7 alternative on the blacknose completely does
8 away with any take by the recreational
9 fishery; certainly we would oppose that.

10 And a couple of questions. First
11 of all what's the rationale for that and if
12 we're going to reallocate the fishery from its
13 historical allocation, doesn't that require
14 some economic analysis and study?

15 MS. SCHULZE-HAUGEN: So the
16 rationale for that preferred alternative is
17 that we were required, based on the stock
18 assessment, to reduce mortality by 78 percent
19 across all fisheries including the
20 recreational fishery.

21 Now as I said before, there's a
22 four and a half foot size limit and there

1 shouldn't be any landings in federal waters of
2 blacknose sharks because of that size limit.

3 We did do an economic analysis in
4 the DEIS on this preferred alternative so you
5 can refer to that for that economic analysis.

6 So the preferred alternative,
7 reducing by 78 percent, since they shouldn't
8 be caught in federal waters and working with
9 our state partners is what we're preferring.

10 MR. ANNINOS: Thank you Jim.
11 Mark Sampson?

12 MR. SAMPSON: Yes, thank you.
13 Mark Sampson, Ocean City, Maryland. Real
14 quick question, in a situation like the
15 blacknose where it would be prohibited from
16 recreational retention, however still opened
17 in the commercial sector, does that truly mean
18 that that animal is on the prohibited species
19 list like the other sharks?

20 MS. SCHULZE-HAUGEN: Currently we
21 are just doing the retention, we're not
22 currently proposing to add it to the

1 prohibited species list.

2 MR. SAMPSON: Okay. And I only
3 throw that out there because the lady here who
4 was asking from Florida I think and a few
5 other questions sort of were going around that
6 and I think maybe we're under the assumption
7 that that meant that that species would be on
8 the prohibited species list.

9 MS. SCHULZE-HAUGEN: No.

10 MR. SAMPSON: And the
11 ramifications with AFMSC and all that.

12 MS. SCHULZE-HAUGEN: Right. It's
13 not proposed to add it to our prohibited
14 species list. It would just be zero retention
15 in the recreational fishery, just catch and
16 release only.

17 MR. SAMPSON: Right. So the
18 people with the state might want to whatever
19 consider that.

20 My comments on the alternatives.
21 No. 1, I'm pretty much good with your
22 preferred alternatives concerning the makos

1 and the smooth dogs. A4 and D4 though
2 concerning the small coastals, particularly
3 the blacknose, I have a problem with. A
4 couple of years ago as a recreational shark
5 fisherman when the sandbar sharks were
6 basically taken away from us or prohibited
7 from us, I didn't have a problem with that
8 because particularly when if I'm not mistaken
9 I think that the recovery period for that
10 species was like 2070 or something like that.
11 I mean some crazy beyond my lifetime anyway.

12 I did have a problem and still
13 have a problem with the fact that that species
14 was prohibited to the recreational fisherman
15 and yet remains the commercial fishery under
16 I know the research fishery, okay, whatever
17 amount of metric tons, again it seems like if
18 the recovery period is going to be so long for
19 a species like that it should be on a
20 prohibited species list period not a research
21 fish whatever. But I've gotten over that one,
22 I've swallowed that pill.

1 Now here we are again and I forget
2 the number but I think the recovery period for
3 blacknose is 20 something, okay. Hopefully
4 I'll still be around then. But the
5 recreational fisherman is being shut out of it
6 and yet it's being left open to the commercial
7 fishery.

8 I'm not saying it shouldn't be
9 left open to the commercial fishery, I'm not
10 saying it should be left open to the
11 recreational fishery, but I just have a
12 problem. It almost seems like we're setting a
13 precedent here that when a species has to be
14 shut down in some way, you're hitting the
15 recreational guys first. And for the most
16 part with this 54-inch minimum in federal
17 waters, it's shut down anyway because like you
18 said those fish don't obtain that size.

19 So I would say that if it is going
20 to be left open at all, which I'm not
21 necessarily agreeing with, but it should be
22 left open for both commercial and recreational

1 and perhaps that 14.9 metric tons that's
2 designated for the commercial take some of
3 that should be thrown into the recreational
4 fishery and therefore you'd still have your
5 whatever harvest limit you're trying to obtain
6 there and yet the recreational fisherman would
7 still have a foot in the door there. Thank
8 you.

9 MR. ANNINOS: Thanks Mark. Pat?

10 MR. AUGUSTINE: Yes, thank you
11 Paul. So far it's been very exciting, not too
12 heated but very exciting. And following up
13 with recent speakers' comments about the Gulf
14 of Mexico shrimp bycatch, are we doing
15 anything to interact with them to determine
16 what measures they're taking to improve their
17 fishing gear; 45 percent of the total catch
18 seems like a very high number for one group.
19 I don't know if they're putting in turtle
20 separators along with other shark separators
21 or what. I do know they lose a lot of their
22 real product they're trying to catch by having

1 excluders and so on.

2 As far as the alternatives are
3 concerned, under SCS commercial quota I would
4 go with Alternative 1, maintain the existing
5 SCS quota after reading the documentation and
6 alternative definitions that you've put in
7 your book.

8 Under commercial gear restrictions
9 Alternative B1, no action, maintain current
10 authorized gear for commercial sharkfishing.

11 Under commercial pelagic shark
12 effort control, I still think we need to
13 establish a commercial minimum size limit for
14 shortfin mako. We've fished for makos about
15 15 or 18 years and found that when we tagged
16 the small ones, two to three feet long, within
17 six to 12 months they showed up the tags being
18 sent back into the society reported having
19 been caught and killed if you will, sold to
20 the commercial market within a matter of that
21 period of time by Spanish fishermen and so on.
22 And literally all the small ones that we

1 captured, tagged and let go, came within a
2 year or so having been harvested by commercial
3 fishermen.

4 So I think we have to have a
5 minimum size. You did say that 68 percent or
6 so of commercially caught fish are released
7 alive so I think there's a possibility for
8 saving some of the mortality, reducing some of
9 the mortality.

10 I agree with Alternative C5, take
11 action at the international level to end
12 overfishing of shortfin mako. As was stated
13 earlier, there's no question that we're a
14 small, small fish in a very big pond and we
15 can take as many corrective actions as we want
16 and our commercial and recreational fishermen
17 suffer as a result of it, only to find out
18 that the others do not, other countries do not
19 take the kind of aggressive actions that we
20 do.

21 Under recreational measures for
22 SCS Alternative D1, no action, maintain the

1 current recreational retention and size limit.

2 Under recreational measures for
3 pelagics, Alternative E1, no action, main
4 current recreational retention and size limit
5 for shortfin mako. And these decisions are all
6 based on how you describe how the other
7 alternatives work and what effect it would
8 have on our fisheries.

9 Then also Alternative E3 take
10 action at the international level overfishing
11 shortfin mako preferred alternative.

12 Under smooth dogfish I'm concerned
13 about this because I've read all your
14 literature, we've listened to the fishermen
15 who fish for these animals from North Carolina
16 and Virginia at the ASMFC at the Mid-Atlantic.
17 After having read the exchange of letters
18 between our chairman of the Mid-Atlantic and
19 our let's see, our executive director from
20 ASMFC, I think maybe what we need to do as
21 long as NMFS is going to have the management
22 responsibility I think you've got to look

1 forward to a joint plan, either with Mid-
2 Atlantic with all the rationale and
3 recommendations that ASMFC out together in the
4 amendment that they're putting together for
5 amendment 1 for smooth dogfish.

6 We did talk about finning. We
7 think the alternative that we put forth with
8 enforcement and the scientists that you can
9 tell smooth dogfish from spiny, that the two
10 dorsal fins are so separated from each other
11 that you could define it without that.

12 The other problem is that they
13 spoil very quickly and, according to the
14 fishermen, to handle the fish twice, first
15 when they've been iced down, then brought back
16 to shore and then have the fins and tail and
17 so on taken off them, no one has put it on the
18 table but we're creating another garbage
19 problem. What do we do with them? They've
20 got to be discarded and if they're like any
21 other shark what's left of a shark when you
22 put it in the dumpster you can't get near it

1 for a week unless you dump it. So that's it
2 on the smooth dogfish. And I think those are
3 my recommendations at this point in time.

4 The Mid-Atlantic will be
5 submitting some formal letter to you on our
6 total positions. Thank you.

7 MR. ANNINOS: Pat, thank you.
8 Glenn, we're going to end with you. Rusty
9 we'll give you just a minute or to follow up
10 and then we're going to move right into the
11 public comment period.

12 MR. DELANEY: Thank you. Glenn
13 Delaney, I'm a member of the AP and by
14 coincidence also work for the Southern Shrimp
15 Alliance which is a large shrimp organization
16 throughout the range of warm water shrimp from
17 North Carolina to Texas.

18 I was going to say I wasn't so
19 excited as Pat was about the discussion but
20 after your comments I am excited now.

21 But in any case I wanted to sort
22 of speak to Jason's point or Louisiana

1 Department of Wildlife and Fisheries and you
2 do recall that we expressed some skepticism
3 about the stock assessment results and
4 conclusions which attributed I think 45
5 percent in the Gulf and another 6 percent in
6 the South Atlantic of the mortality to the
7 shrimp trawl bycatch. And being fairly
8 familiar with the shrimp trawl fisheries from
9 North Carolina to Texas, I was fairly
10 skeptical about the numbers and I frankly
11 couldn't find any shrimp fishermen who even
12 knew what a blacknose shark was or had ever
13 seen one.

14 We then viewed the video that was
15 shot on the Georgia bulldog showing a number
16 of small coastal sharks entering shrimp trawl
17 nets and noticed that about 70 or 80 percent
18 of them were going out through the TED and
19 that certainly convinced us something was
20 wrong in some of the assumptions and data that
21 went into the stock assessment.

22 And I should point out to some of

1 the people that were talking about the science
2 on black nose that on the shrimp trawl bycatch
3 side of things, the vast majority of the data
4 that went into that stock assessment is
5 fishery independent data from SEAMAP cruises
6 which don't use a TED on the shrimp trawl.
7 And a very, very, very small amount of actual
8 observations on the shrimp trawl fishery. So
9 very little fishery-dependent data.

10 So all this sort of confirmed in
11 our minds that you know we ought to sit down
12 and with NMFS to try to understand where the
13 holes are in this and why our experience,
14 anecdotally if you will, is so different than
15 the conclusions of that stock assessment. I
16 have to say we're just extremely impressed and
17 appreciative of the very, very cooperative
18 effort that's ongoing and has taken place with
19 the Southeast Fishery Science Center folks and
20 some of the folks that we engaged who have a
21 great history and expertise in shrimp trawl
22 science. And basically to review the bycatch

1 estimate data and the model used.

2 And it would appear, and I don't
3 want to get ahead of them, but it certainly
4 does appear that there is a large TED effect
5 on blacknose shark bycatch and that shrimp
6 trawl bycatch is likely much, much smaller
7 than what had been assumed in the current
8 SEDAR stock assessment.

9 And there's more work to be done
10 of course and we'll see where it goes and I
11 don't know what the effect will be on the
12 stock assessment itself.

13 I mean I think I'm reasonably
14 comfortable that shrimp trawl bycatch as a
15 consequence of this very positive and
16 cooperative review of the situation will be a
17 relatively minor contribution to overall
18 mortality and I'm not sure if that will change
19 the stock status determination when that
20 reduced mortality is plugged into the model,
21 the stock assessment model, which may also see
22 some revisions as well.

1 And there are other sources of
2 data and stock assessment assumption issues
3 that will be addressed in that benchmark stock
4 assessment next year.

5 So I don't know if that will
6 change the status determination or not. The
7 shrimp trawl bycatch was responsible for 51
8 percent, presumably it had a lot to do in that
9 current stock assessment with the status
10 determination which is overfishing is
11 occurring, to take that mortality away you may
12 end up with a different status determination.
13 There's no way for me to predict one way or
14 the other but there certainly is some real
15 chance of that.

16 And that would have probably you
17 know some effect on what measures may be
18 appropriate for other sources of mortality,
19 other than shrimp trawl bycatch than
20 commercial and recreational fisheries.

21 So I heard it suggested that if
22 the new benchmark assessment for blacknose

1 shark is going to be in 2010 and I think you
2 are planning on going final in what, spring of
3 2010, is that right? I don't know if another
4 six or nine-- we suggested early on that
5 perhaps we ought to wait for the science to be
6 revised before putting into place management
7 measures that may change dramatically as a
8 result of the new stock assessment because
9 there are some fairly significant changes in
10 the offing. And I don't know that another six
11 or nine months before going final on your rule
12 is going to make much difference. I think it
13 would be unlikely that that would have a
14 measurable effect on the stock.

15 I mean that's purely call the
16 agency if they want to go forward with a final
17 and then have a stock assessment that may
18 change its conclusions.

19 And I guess maybe that leads to
20 the question is what do you do in the event
21 that you go final based on the current stock
22 assessment of overfished and overfishing is

1 occurring, put into place management measures
2 for those stocks other than those that are
3 managed by the council, meaning shrimp. And
4 then you find a stock assessment that changes
5 that status determination to let's just
6 imagine it's not overfished or it's overfished
7 and overfishing is occurring or vice versa
8 whatever. Do you start a new rulemaking
9 process as a consequence of that stock
10 assessment and just start all over again?

11 And in the meantime you'll have
12 measures in place that are not necessarily
13 supported by the current--

14 So you know again that's the
15 agency's call and we're very grateful for the
16 fact that you've worked so cooperatively with
17 our industry but there is some thought to the
18 fact that a short delay until after the
19 benchmark stock assessment is done in 2010 may
20 be appropriate. I don't know what you think
21 about that.

22 It's likely to affect other

1 fisheries more than ours.

2 MS. SCHULZE-HAUGEN: Glenn, in
3 response to that, during scoping we heard a
4 lot that the shrimp trawl effort had been
5 reduced so what the Science Center did is
6 assuming that, they went and reduced the
7 bycatch numbers for the shrimp trawl fishery
8 assuming reductions and effort which would
9 reduce the bycatch in the shrimp trawl. They
10 still found that the status of blacknose was
11 overfished overfishing.

12 MR. DELANEY: Right. And I'm
13 totally familiar with that. But what I'm
14 referring to is the effect of the turtle
15 excluder devices. Nothing to do with the
16 shrimp fishing effort, which has been reduced.
17 Since 2002 shrimp fishing effort in the Gulf
18 is down about 70 percent. It's about 82
19 percent in some of the critical habitat areas.
20 So yes that's an issue.

21 But in addition to that there is a
22 very substantial TED effect which means that

1 the sharks are going out of the net, they're
2 not going into the caught end as they do on a
3 SEAMAP trawl because they don't have a TED.
4 So they're seeing them and we're not and
5 that's why. So consult with the scientists
6 but I'm just bringing that up as it may be
7 sort of a timing issue there where we're going
8 to be so close to going final and so close to
9 a whole new set of scientific conclusions that
10 it may be worth seeing the new science before
11 going final. But either way.

12 MR. ANNINOS: Glenn, thank you.
13 Rusty? Quick.

14 MR. HUDSON: Okay. Rusty Hudson,
15 Directed Shark Fisheries. Three quick items.
16 One, Dewey asked a specific question about
17 dressed weight versus whole weight. Megan
18 Caldwell who used to work for you did a
19 PowerPoint on slide 4 of 24 from the November
20 10, 2008 PowerPoint shows average weight 4.97
21 pounds dressed weight for the commercial.
22 Recreational average weight one and a half

1 pounds dressed weight.

2 And that was then responded to in
3 Appendix B, page 18, by Dr. Enrique Cortez and
4 Dr. Katie Andrews where they were unsure of
5 the source for the 4.97 for the commercial and
6 then they get further and they say
7 recreational catchers are reported in numbers
8 so no average weights are used.

9 And then at the very last they say
10 very few animals in the MRFS NMFS headboat
11 and Texas Parks Wildlife Department of
12 Recreational Survey some animals retain, most
13 discarded, some discarded dead. Very few
14 animals measured but some length weight
15 information is available, example given Table
16 9 and documents SEDAR 13 which is small
17 coastal shark data workshop No. 15 and in that
18 table 9 you'll have bottom longline observer
19 stuff, you have MRFS, you have headboat,
20 you've got Texas Park and it ranges anywhere
21 from lows of average weight dressed weight
22 from two-thirds of a pound in the MRF stuff

1 that jumped up to almost 3 pounds in some
2 cases. The headboat stuff that ranged from
3 0.16th of a pound on up to almost 4 pounds.

4 And then you get to the Texas
5 Parks and Wildlife and you've got 3.8 on up to
6 7.2, 7.19 pounds, all dressed weights. In case
7 you need a reference, I don't know who farmed
8 this information out but I'm just letting you
9 know that. And to what Glenn said about the
10 stuff that's done in-house with NMFS through
11 the Southern Shrimp Alliance, Page 9, Chapter
12 1, I said it earlier, that the results will
13 probably change dramatically.

14 The stuff that is being used as
15 far as these numbers that are being referenced
16 as far as the 45 percent in the Gulf of Mexico
17 and the 6 percent in the shrimp bycatch in the
18 South Atlantic and let's say if they take the
19 preliminary result estimate of 50 percent
20 reduction in the numbers you're looking at
21 22.5 and 3 percent.

22 That would be a moot point over on

1 the East Coast totally and again back to
2 effort with shrimp boats I've tried to make it
3 known to Katie and Enrique that the shrimp
4 fleet is not growing, it's actually been in
5 decline and that is part of the issue that I
6 think that you all need to get your hands
7 around.

8 Last thing, Mark Sampson brought
9 up about the sandbar and the research stuff
10 that's dependent and independent in its own
11 like. The reality is that we lost our sandbar
12 shark fishery commercially. It was a
13 devastating blow, over 50 percent of our
14 economic you know from the shark fishery. And
15 if he wants a portion of that recreational
16 allocation, then he should be willing to carry
17 100 percent observer coverage just like our
18 guys are, and then go through all the training
19 just like the handful of guys, what is it five
20 guys, 10 boats, something like that that you
21 utilize and you've caught most of the sandbar
22 quota already this year and you've already got

1 the non-sandbar for that research vessel
2 totally caught.

3 So there's some issues. And if
4 Jack Musick had gave up that very important
5 data from the VIMS stuff at the assessment in
6 February 2006 as he promised and failed to
7 deliver, then it would have possibly made a
8 huge difference in the sandbar results and it
9 may not have even been necessary to wipe out
10 our Directed Shark component.

11 But the damage is done and we have
12 to wait till next year to see if Jack indeed
13 is going to keep his promise that he made at
14 the Atlantic States Marine Fisheries
15 Commission to provide the sex, size and
16 stations of each and every animal that has
17 been taken in his 30 year survey, because
18 that's extremely important.

19 And then just maybe by 2012 we may
20 be able to re-establish a recreational and a
21 commercial sandbar fishery and I would ask
22 that Mark and anybody else that wants to

1 engage a scientist have that scientist at
2 those workshops next year. One industry
3 scientist cannot take on all of the academia
4 and enviro that has been dominating this scene
5 since before 1998. And I take great offense
6 to that domination that has occurred because
7 it has destroyed our lives. Thank you.

8 MR. ANNINOS: Thank you Rusty.
9 That concludes the comments from the AP. I'd
10 like to move right into the public hearing
11 portion of this session and we have at least
12 one, perhaps two individuals, that would like
13 to address this issue in a public hearing
14 format. And so are we ready? So David
15 Stiller. We have a spot right here.

16 MR. STILLER: I'm a commercial
17 fisherman. I've got quite a few things to
18 cover but a lot of people in here have covered
19 most of what I wanted to say.

20 On page 3-23 it says the '05, '06
21 stock assessment for blacktips indicated that
22 the stock was not overfished and was healthy

1 and they recommended that the current catch
2 levels didn't or shouldn't change.

3 And the panel didn't believe it so
4 they cut the trip limits from 4,000 pounds per
5 trip to 3,300 head per trip and that's
6 approximately 1,000 pounds per trip. And then
7 they cut three-quarters of the daily trip
8 limit so that's like over 85 percent just
9 because they didn't believe the assessment.

10 But now that the assessment
11 indicates that blacknose are overfished you
12 choose to believe that they are totally
13 overfished and you want to totally cut out the
14 dominant gear for the small coastal sharks as
15 well as cutting in the overall quota for the
16 rest of the small coastal fishery by over 90
17 percent, and you all are saying 76 percent but
18 most people are thinking that it's 76 percent
19 of the quota where it's not 76 percent.
20 They're saying they want to cut it 76 percent
21 of the average year '04 to '07 which is about
22 90 percent of the overall quota because the

1 overall quota hardly ever gets caught anyway.
2 And you only have two or three or four guys in
3 the small coastal industry that are
4 gillnetters catch you know 60, 70 percent of
5 that quota.

6 And there's only two or three main
7 gillnetters from South Carolina to Texas and
8 they only fish for blacknose part of the year.
9 How are they being overfished?

10 And then in the '02 stock
11 assessment, the finetooth sharks were
12 experiencing overfishing but in '07 they were
13 not experiencing overfishing. And I'm just
14 thinking maybe if you're going to do another
15 stock assessment in 2010 why don't you just
16 wait a little while and see what the outcome
17 is before you totally destroy the livelihoods
18 of working families and fishermen and the fish
19 houses.

20 And another thing in the draft of
21 Amendment 3, page 3-68, it says drift gillnets
22 caught 86.7 percent sharks in the observer

1 fishery, when the observers were on the boats.
2 The drift gillnets caught 86.7 percent sharks.
3 And 98.1 percent of those sharks were the
4 small coastal sharks which were what the
5 fishermen were targeting.

6 And also the sink nets that
7 targeted sharks caught 97.8 percent sharks and
8 the target species were small coastal sharks
9 and the primary shark catch was made up of
10 bonnethead, finetooth, blacknose and Atlantic
11 sharpnose with finetooth being the main one.

12 And it seems by all of your data
13 and observer data it seems like gillnets are
14 the most selective way of fishing not the
15 worst way of fishing.

16 And there's a whole bunch of other
17 things that I had to say but I just wanted to
18 run some of that by you anyway.

19 MR. ANNINOS: Thank you.

20 MS. SCHULZE-HAUGEN: Thank you.

21 MR. KNAPP: Robert Knapp,
22 commercial shark fisherman. Let's see where

1 do we start here? It seems like the consensus
2 in the room is the data isn't too accurate.

3 I'm going to start out saying I
4 gillnet and I longline and I've never caught
5 a 1.5 or 1.3 pound blacknose. Actually, I've
6 probably never even caught a 4.8 pound
7 blacknose. Okay? But it seems like the
8 gillnet fishery catches the larger blacknose
9 than the longline fishery. And the
10 recreationals catch the smaller ones.

11 I'm going to throw a wrench in it.
12 Now it seems like there's many of your classes
13 represented here in this room of blacknose
14 isn't there? But when you see that many of
15 your classes don't seem to be like there's a
16 problem with the fishery or the stocks. No
17 one even put that spin on it did they?

18 You get what I'm saying? You look
19 like I'm confusing you. In other words, we
20 have different weights. I know the weights are
21 wrong, okay, they're definitely wrong because
22 I'm fishing in a region where when I sell my

1 sharks, my blacknose sharks, they're called 8
2 to 15s, that's the average from 8 to 15
3 pounds. So in that region I would say a closer
4 estimate of an average dressed blacknose is 10
5 pounds. But if you're saying you're getting
6 weights from 1.5 up to 14 in different
7 regions, that's represents many, many classes
8 of blacknose sharks.

9 So to me when you have juveniles
10 and you have mature animals, you have many
11 represented. So that's one statement.

12 The other statement as far as the
13 gillnets which I asked earlier, there's very,
14 very, very little activity with drift gillnets
15 in the South Atlantic. For one, from November
16 till April, as we all know, it's the right
17 whale area, it's closed to all gillnetting
18 okay? So talk about time area closure. We've
19 got a time area closure right from the get go.
20 When April comes around, off of Florida
21 anyway, them blacknose go inside three miles
22 so once they're inside three miles a gillnet

1 don't touch them anyway. Very few.

2 Getting back to the fins on,
3 landing fins on. That's probably why the
4 effort of the driftnets has come way, way, way
5 down because with the fins on it's too much
6 work to dress the sharks twice really. If you
7 cut the heads off and you gut them out there
8 and then you take them in and then you cut the
9 fins in 95 degree weather you don't have a
10 good product. So they're not really using
11 driftnets, it's too much gear to catch too
12 much sharks and to handle your product
13 properly. Okay?

14 So that's where I stand on that.
15 I'm just making comments.

16 Back to a few people mentioned
17 sandbars. Of course this isn't a sandbar
18 meeting but if we're going to do a stock
19 assessment on sandbars, there's a stock north
20 of Virginia that don't even get assessed
21 because there's not even a fishery up there
22 anymore okay. I used to fish up there every

1 summer and you could walk on sandbars and you
2 could walk on duskies there and when you shut
3 this fishery down you said we overfished them.

4 Well, there's places where you're
5 not assessing okay. And I came all the way to
6 Florida to tell you this. I was at the
7 Florida meeting and I came to this meeting,
8 okay. If this wasn't true I wouldn't have
9 wasted my time and energy and sat here. Okay?
10 I'm an observer. I'm not paid to observe but
11 I am observing. I probably put more time on
12 the ocean than most people in this room. Okay?
13 And I've fished from Florida right to Maine
14 for sharks since 1992 and I have a valid
15 permit. And my permit states that it is
16 directed, okay, it's a directed shark permit.

17 And it's limited access. Okay?
18 So the people that are still in the industry
19 are limited access fishermen. Anyone else
20 that wants to own a piece of the fishery they
21 can catch their one a day. If they want to
22 own a piece of the fishery let them buy my

1 permit back -- any of you environmentalists
2 sitting in here, because we don't even have a
3 fisher any more at 3,300 head. That's all I
4 have to say. Thank you.

5 MS. SCHULZE-HAUGEN: Okay. Thank
6 you.

7 MR. STILLER: Dave Stiller,
8 commercial fisherman. I don't read very good
9 from that book, I talk a lot better from the
10 heart. Robbie hit on a lot of other things.
11 Like the fins on thing, when they came out
12 with that law it made it too much work for the
13 fisherman to be able to land, especially the
14 driftnetters. One said you know what, I'm not
15 even going to open, I'm not even going to
16 renew my permit because I'm afraid I'm going
17 to get busted by NMFS for one wrong thing, one
18 wrong shark. They said forget about it.
19 We're not even going to buy sharks.

20 And the other buyer he doesn't
21 have enough room. There's only two buyers
22 that bought fish from drift gillnetters, and

1 he doesn't have enough room to process the
2 fish on the dock and it's 120 degrees slab of
3 concrete, who wants to get out there on their
4 knees and do all that after he's already done
5 the work once.

6 So you get three times -- it was
7 already had enough to begin with, that's why
8 there were so few people in the gillnet
9 industry because it was so hard to begin with.
10 And now that you've got three times the work,
11 three times the amount of labor, it takes you
12 three times as long. It costs you half again
13 as much because you've got to use the same ice
14 three different times to re-ice the fish every
15 time.

16 So the gillnets are basically out.
17 I just talked to the other buyer, the last
18 buyer that used to buy from the driftnets,
19 they're done. He said no more. He said I told
20 them last year I don't even want no more fish
21 from them because we don't have the room to do
22 it. So that's the only two places on the

1 whole East Coast and I'm the only gillnet boat
2 that catches small coastal sharks or any kind
3 of sharks with a gillnet in the whole Gulf of
4 Mexico.

5 So I'm just trying to figure out
6 where have the blacknose gone? I don't seem to
7 have a problem catching plenty, plenty, plenty
8 of them, neither does my uncle and neither
9 does Robbie, the guy that just spoke before
10 me. There seems to be plenty of them.

11 And the shrimp boats, they've been
12 wiped out, 81 percent decrease in the fleet.
13 And they told LeAnn that three weeks ago when
14 she was down there when she asked the Gulf
15 Commission down there, they said we've been
16 reduced 81 percent since 2005. That should be
17 your 76 percent decrease answer. That's what
18 she said.

19 So I was thinking well heck that's
20 a pretty good idea but a lot of people seem to
21 think that the blacknose sharks aren't even
22 being caught by shrimp boats.

1 And I just think we've got some
2 wrong data, some wrong figures somewhere in
3 here. And if you all got any questions ask me
4 whatever you want to because I'd be more than
5 glad to answer your questions.

6 MS. SCHULZE-HAUGEN: Okay. Thank
7 you.

8 MR. STILLER: Thank you.

9 MS. SCHULZE-HAUGEN: All right.
10 Well thank you very much. We understand a lot
11 of the concerns and we'll check into some of
12 the things. We take all the comments to
13 heart, please believe that. This is very
14 important and serious to us, as important and
15 as serious to you too.

16 So thank you. I think we're done
17 for the day. Tomorrow morning we will start
18 at 8:30 promptly with the Caribbean and we are
19 going to try and really stay on schedule and
20 hopefully be able to move through all the ANPR
21 issues within a day. There's a lot of ground
22 to cover and so Paul will be definitely

1 getting a workout tomorrow keeping us on
2 schedule.

3 So thank you. Have a good night
4 and see you tomorrow.

5 (Whereupon, Day 1 of the Highly
6 Migratory Species Advisory Panel went off the
7 record at 5:10 p.m.)

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