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HIGHLY MIGRATORY SPECIES ADVISORY PANEL

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Tuesday,

September 21, 2010

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The panel convened at the Crowne
Plaza Hotel, 8777 Georgia Avenue, Silver
Spring, Maryland.

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

2 9:00 a.m.

3 TAPE 1

4 MS. SCHULZE-HAUGEN: (In progress)

5 -- for HMS Fisheries and so, with that, I'd
6 like to make a couple of opening remarks and
7 then I'm going to hand the meeting over to our
8 facilitators that you will remember from
9 September. There's Scott McCready here and
10 Bennett Brooks there. So, they'll be keeping
11 us on time throughout the meeting and then we
12 also have the NMFS Assistant Administrator
13 here with us, Eric Schwaab, who has a few
14 minutes to make a few remarks and answer a few
15 questions and then we do have a very tight
16 schedule this morning. So, we'll need to keep
17 on time.

18 And so, I wanted just to say thank
19 you very much for coming. I know that you all
20 are very busy and I also know that there were
21 a lot of travel problems particularly for this
22 meeting. We, for the first time, in the 15

1 years that I've been involved with the panel
2 have some people not only in another hotel,
3 but in another city, in Bethesda and so, I
4 know it's been difficult.

5 For some reason, D.C. is the place
6 to be this week. The city is booked solid.
7 So, it's the first time it's happened and
8 hopefully the last.

9 So, for those of you that are in
10 Bethesda, thank you for your perseverance and
11 hopefully, we can avoid that in the future.

12 PARTICIPANT: (From audience.)
13 The hotel's fine.

14 MS. SCHULZE-HAUGEN: You like
15 Bethesda. Oh, good. Good. Glad to hear it.

16 I wanted just to make a couple of
17 other comments. You'll notice that the room
18 set up is different. We've gone -- we had
19 gone to small round tables for the last couple
20 of years where we had the smaller group
21 sessions. Because we've gone back to more of
22 a working group session, we thought more of a

1 square format would be good. That way people
2 don't have to sit with their back to other
3 folks. Hopefully, everyone can see everyone
4 else.

5 So, again, we're trying something
6 new again and looking for your feedback as we
7 go. Tell me what you like and what you don't

8 And then I also wanted to let
9 folks know that we have invited a number of
10 shark fisherman and dealers to the shark
11 working group session tomorrow. They may be
12 drifting in.

13 They'll be seated around the table
14 in the chairs prior to that session, but then
15 during that session, including the public
16 hearing, they'll be at the table as full
17 participants. So, just wanted to let folks
18 know what to expect over the course of the
19 day.

20 So, with that, I will turn it over
21 to Scott and Bennett.

22 MR. MCCREADY: Great. Thank you

1 very much, Margo. Good morning, everyone. As
2 Margo said, we do have a quite full two and a
3 half day agenda and to get straight into it,
4 I think what we would like to do is self
5 introductions briefly then invite Eric to make
6 his remarks and then we'll carry on with
7 introducing the flow of the agenda for the two
8 and a half days which, as usual, are a mix of
9 briefings and discussion among panel members.

10 So, I'm Scott McCready with

11 CONCUR.

12 MR. BROOKS: Bennett Brooks with

13 CONCUR. Good morning.

14 MR. SCHWAAB: Eric Schwaab, NOAA
15 Fisheries.

16 MR. SMITH: Russell Smith, NOAA.

17 MS. LENT: Rebecca Lent, NOAA
18 Fisheries International Affairs.

19 MR. SAMPSON: Mark Sampson,
20 Recreational, Ocean City, Maryland.

21 MS. GREGG: Lisa Gregg, Florida
22 Fish and Wildlife Commission.

1 MR. MONTELLA: Vincent Montella,
2 Commercial Rep.

3 MR. PALMER: Tim Palmer,
4 Commercial Rep.

5 MR. ALLEN: Jeff Allen, Proxy for
6 Jim Williams in the Recreational Sector.

7 MR. SAPP: Ed Sapp, Gulf of Mexico
8 Fishery Management Council.

9 MS. PEEL: Ellen Peel,
10 Recreational, the Billfish Foundation.

11 MR. CODDINGTON: Ron Coddington,
12 Recreational, the Swordfish Club.

13 MR. MCKEON: Sean McKeon, North
14 Carolina Commercial.

15 MS. STILES: I'm Margo Stiles.
16 I'm a proxy for Elizabeth Griffin at Oceana.

17 DR. GRAVES: John Graves, College
18 of William & Mary. Here representing the U.S.
19 ICCAT Advisory Committee.

20 MR. HUDSON: Rusty Hudson,
21 Directed Shark Fisheries, Commercial.

22 MR. HEMILRIGHT: Dewey Hemilright,

1 Commercial, North Carolina.

2 MR. WHITAKER: Rom Whitaker,
3 Charter Boat, North Carolina.

4 MR. SCHRATWIESER: Jason
5 Schratwieser, Recreational, International Game
6 Fish Association.

7 MR. DEPERSIA: Tom DePersia,
8 Recreational, Stellwagen Bank Event Charter
9 Boat Association.

10 MR. PRATT: Ralph Pratt, American
11 Bluefin Tuna Association.

12 MR. ADRIANCE: Jason Adriance,
13 Louisiana Wildlife and Fisheries.

14 MR. BELLAVANCE: Rick Bellavance,
15 Charter Boat Operator, Rhode Island Party and
16 Charter Boat Association.

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

19 MS. CAMHI: Merry Camhi with
20 Wildlife Conservation Society serving as a
21 proxy for Sonja Fordham with Shark Advocates
22 International.

1 DR. HUETER: Bob Hueter, Mote
2 Marine Laboratory.

3 MR. RUAIS: Rich Ruais with the
4 American Bluefin Tuna Association and also
5 with Blue Water Fisherman's Association.

6 MS. BELCHER: Carolyn Belcher,
7 Georgia Department of Natural Resources.

8 MR. GREGORY: Randy Gregory, North
9 Carolina Division of Marine Fisheries.

10 MR. JAMES: Steve James, Boston
11 Big Game Fishing Club, Recreation.

12 MR. WEINER: Chris Weiner,
13 Commercial Tuna Fisherman, ABTA, Portland,
14 Maine.

15 MR. GERENCER: Bill Gerencer,
16 Portland Maine.

17 MR. MCCREADY: I think someone
18 joined us here at the table. Yes, go ahead.

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

21 MR. MCCREADY: So, with that,
22 let's move on to Eric Schwaab's remarks. Go

1 ahead, Eric.

2 MR. SCHWAAB: Thank you, Scott and
3 Bennett.

4 As is unfortunately too often the
5 case, I can only be with you for a short
6 period of time, but I certainly wanted to take
7 advantage of the opportunity, given the fact
8 that you have all given of your time, to be
9 here to spend a few minutes with us.

10 I have a few remarks, but mostly
11 wanted to make myself available to any
12 question/commentary that time might permit on
13 the agenda, but I certainly recognize also
14 that you guys have limited time in that
15 regard.

16 We really do value your advice,
17 your input as we work to make really tough
18 decisions both domestically and
19 internationally and the other thing that I
20 wanted to do at the outset is acknowledge the
21 hard work of the many NOAA employees who, in
22 between your meetings and around your

1 meetings, help to keep all of this important
2 work on track, frame the discussions here and
3 create an opportunity for what, looking at
4 this agenda, appears to be another great
5 opportunity to seek your advice and have great
6 discussion on a range of topics.

7 Since I saw you last in May, we
8 have continued to be -- consumed might be just
9 a little too strong a word, but very close to
10 that with events in the Gulf related to the
11 oil spill. We have struggled to balance those
12 very urgent responsibilities with the rest of
13 our day-to-day responsibilities around the
14 country and I think that for the most part,
15 again, in tribute to the hard work of NOAA
16 employees across the country, we've been
17 pretty effective at doing that.

18 I also want to just personally
19 acknowledge Russell Smith and his arrival on
20 the scene and while he will be working
21 primarily on the international front, clearly,
22 what he can learn from you will be important

1 in his work in that regard and he comes to us
2 from the U.S. Trade Rep with just a great
3 reputation and great experiences in
4 effectively representing the U.S.
5 particularly in environmentally related trade
6 negotiations internationally.

7 So, we think that Russell is just
8 a very important welcomed addition to our
9 team. So, thank you, Russell and you'll have
10 time to hear from him more directly in a
11 little while.

12 Back to the oil spill, you know,
13 certainly one good piece of news is that,
14 while the spill occurred at the height of the
15 bluefin tuna spawning season in the Gulf, that
16 also coincided with the important survey work
17 that is underway in that region. So, we will
18 get out of that work some important and fairly
19 quick understanding of the relationship
20 between the oil event and larval distribution
21 in the Gulf region.

22 That will be augmented by some

1 other great science work that has been a point
2 of emphasis throughout this Gulf response and
3 will continue to be a point of emphasis going
4 forward and I know you also will hear more
5 about that over the course of the meeting.

6 Bluefin tuna domestic issues are,
7 of course, challenging even without the oil
8 spill. Many of you know. We announced last
9 week that we will be conducting a status
10 review on bluefin tuna under the Endangered
11 Species Act.

12 There's a presentation on that
13 this afternoon. So, I won't get into it other
14 than to emphasize what I think many of you
15 already know. Which is that the decision to
16 go forward with a status review in response to
17 a petition is an important step, but just
18 another step in a process and certainly, no
19 decision has yet been made.

20 It is much too early to suggest
21 what the decision might be with respect to a
22 proposal whether to list bluefin tuna and that

1 will come after the status review late next
2 spring.

3 Just a couple of other comments
4 about our perspective regarding what's on the
5 agenda. For swordfish, we do believe the
6 previous attempts to revitalize the fishery
7 are beginning to show some signs of success,
8 but as you know, landings are continuing well
9 below our quota.

10 The Pelagic Long Line Fishery
11 continues to face restriction due to a variety
12 of bycatch concerns and the challenge that we
13 all face together is how to increase, of
14 course, swordfish landings without running up
15 against those bycatch issues with respect to
16 other over-fished species or protected
17 resources.

18 And it is really important and I
19 think one of the things that Margo and her
20 team have tried to emphasize in this agenda is
21 to create an opportunity to look with fresh
22 eyes, to look creatively at some of the

1 opportunities that might exist for managing
2 that swordfish quota.

3 That's true also for sharks. We
4 are embarking, I think, upon an opportunity to
5 look anew at how our shark fishery fits and is
6 most effectively managed in the context of
7 long-term visioning for the future of that
8 fishery.

9 And I particularly want to
10 acknowledge and extend appreciation for the
11 many shark fishermen who have made the trip
12 here. Some of whom introduced themselves as
13 we went around the room. Others who, as Margo
14 indicated, will be joining us as the meeting
15 progresses. So, welcome and thank you again
16 for being here.

17 So, that's really about all that I
18 wanted to say in the way of opening comment
19 and again, to the extent that time permits, I
20 would happy to hear a few comments or answer
21 a few questions with the advance understanding
22 that I do have to leave for another engagement

1 and I also want to be respectful of time
2 constraints given this busy agenda.

3 Thank you.

4 MR. MCCREADY: Great. Thank you
5 very much, Eric. Let's see who has a
6 question. William.

7 MR. GERENCER: More a comment than
8 a question. First, thanks for coming, Eric
9 and I'm happy to see that we're still trying
10 to revitalize swordfish and with bycatch
11 concerns taking a good spot there.

12 But, I want to remind everybody
13 that, if we give us any of our quota because
14 we're too slow in revitalizing this, what's
15 going to happen is it's likely that countries
16 that don't share our concern for bycatch will
17 take part of it and not only that, but those
18 swordfish will end up in the U.S. market
19 anyway, presumably at a discounted price.
20 Which will put further hardship on our fleet
21 and maybe even decrease our catch and end up
22 with more bycatch loss and more call for the

1 U.S. to give up the quota.

2 So, it's really important for the
3 U.S. delegation to be steadfast in maintaining
4 that this quota belongs to the U.S. and it's
5 not for unilateral dispersement to other
6 countries. If we want to bring other
7 countries in, everybody gives an equal share
8 to bring them in and this is something that
9 you can't let go.

10 Thank you.

11 MR. MCCREADY: Other questions or
12 comments? Yes, Lisa, go ahead.

13 MS. MILLER: Shana.

14 MR. MCCREADY: Sorry.

15 MS. MILLER: No problem. Eric,
16 first of all, thanks for taking the time to be
17 with us this morning and with regard to your
18 comments about the bluefin larval studies
19 going on in the wake of the oil spill, how
20 much of those data will be publicly released
21 in the near term versus data that are going to
22 be caught up in legal proceedings?

1 Thanks. I take it you don't like
2 my question.

3 MR. SCHWAAB: I'm just worried
4 that my answer might get me into trouble.
5 Now, I think that we have, you know,
6 throughout the course of this event tried and,
7 you know, some outside people judge our
8 success to varying degrees to make data
9 available as soon as it is gathered and
10 organized in some kind of a meaningful format.

11 So, we've posted a lot of data on
12 the web in pretty close to real time from
13 both, you know, biological sampling
14 perspectives. Well, from a range of
15 perspectives. Biological sampling, seafood
16 safety.

17 Some of the physical and chemical
18 data that has been gathered there and I don't
19 necessarily see that the way that we would
20 deal with the results of that bluefin tuna
21 larval sampling could be any different from
22 that regardless of, you know, implications

1 relating to the NRDA case and I might end up
2 standing corrected on that point, but I don't
3 see that unless somebody else from NOAA has a
4 different perspective as a major factor.

5 It's just a function of trying to
6 gather, organize and display things and we've
7 been pretty focused on doing that in a timely
8 fashion.

9 MR. MCCREADY: Thanks. Other
10 questions? I guess we're satisfied, Eric.

11 MR. SCHWAAB: Thank you.

12 MR. MCCREADY: You're released for
13 your next obligation. Thank you very much for
14 joining us.

15 So, let's shift gears and do a
16 quick agenda review and in the context of
17 doing this, we need to ask if there are
18 additions. Rich, do you have a comment?

19 MR. RUAIS: Yes. Yes. Thank you.
20 Rich Ruais with ABTA and Blue Water
21 Fishermen's Association.

22 I did notice that we're going to

1 speak at 10:30 about the Deepwater Horizon
2 spill and weak hook research updates. But, I
3 gather we're not going to get into any kind of
4 detail over the large pelagic reduction team
5 meeting and the range of issues that deal with
6 bycatch reduction and the researchers and the
7 status of the projects. Nowhere in the agenda
8 we're going to look at them this meeting.

9 MR. MCCREADY: That's right.

10 That's not agendized.

11 MR. RUAIS: Yes. Okay. Okay. A
12 follow up to Bill Gerencer's very relevant
13 point, I would note that the swordfish
14 revitalization PowerPoint presentation exceeds
15 about 50 pages and it leaves out, you know,
16 two of the issues that have been at the top of
17 our agenda.

18 One of them is covered kind of
19 implicitly, but not directly and that's more
20 fishing grounds as the main one and the second
21 one is the marketing assistance that we --
22 we've got two statutes that, you know, apply

1 directly here, the Marine Mammal Protection
2 Act and you have a petition on that and we
3 have the update to the Magnuson Act that has
4 some very specific updates that Blue Water was
5 very much involved in and we still have, as
6 far as I can tell, total silence on those
7 issues and if there's anything, I think those
8 are combined domestic and international
9 issues, but there's a domestic component to
10 it. Like where is NMFS at on it.

11 So, I'd hoped we could squeeze
12 that in there somewhere.

13 And also, I would hope that in
14 that 50-page overview of the revitalization
15 efforts to date that a lot of that -- if you
16 look at the -- look at the bottom line numbers
17 of what you're going after. Well, there are
18 really two points.

19 One is they're relatively marginal
20 compared to where we're at. We've got, what,
21 37 percent of the directed quota that we've
22 got to go after and, if you include the

1 overages -- the underages, I'm sorry, where
2 we've got something like 66 percent to grow
3 within the next few years and it's not likely
4 that the ones you're looking at are really
5 going to get us there anytime quick.

6 So, I would hope those could be
7 concentrated a little bit so we could get on
8 to more meaningful revitalization issues.

9 MR. MCCREADY: Okay. Thanks,
10 Rich. We'll take that under advisement and
11 see what we can do as we go through the
12 agenda.

13 I think with that what I'd like to
14 do is just review the flow of the agenda.
15 Obviously, we've heard from Eric Schwaab this
16 morning.

17 We want to introduce Russell
18 Smith. Give him a few minutes to make a
19 couple of comments and introductory remarks.

20 Obviously, there is a great deal
21 of activity that's gone on in the -- in this
22 part of the agency and Margo has a very

1 thorough update that she's prepared and we
2 want to turn to that almost immediately.

3 After we do those two items, we'll
4 take a break.

5 We'll go to Gulf of Mexico issues
6 updated. We'll have an update on enforcement
7 and then after lunch, we'll get into issues
8 related to the Bluefin Tuna Endangered Species
9 Act, a petition.

10 We'll then have two working groups
11 that will meet concurrently. One on
12 Recreational Monitoring and one on Vessel
13 Monitoring Systems.

14 Remember there was a requirement
15 or a commitment made rather to address vessel
16 monitoring systems at that last meeting. This
17 is really a response to that and so, it's an
18 important part of our agenda to have that
19 working group.

20 As we tried to do last time
21 especially with the Bluefin Working Group,
22 we'll have the conversation and then ask for

1 members of the group themselves to summarize
2 and present the nature of the discussion. So,
3 that's the approach we're trying to use for
4 working groups.

5 We'll have those reports out at
6 the end of the afternoon and then tomorrow
7 morning, much of the morning is really focused
8 on issues related to swordfish revitalization.
9 That is, as Rich just noted quite an extensive
10 presentation.

11 That then shifts into a slightly
12 broader conversation on increasing fishery
13 flexibility and that obviously will address a
14 variety of fisheries at that point.

15 After lunch, we'll take up the two
16 working groups on sharks and bluefin tuna.
17 Again, those are two concurrent working groups
18 and as I just noted, we'll try to structure
19 those conversations so the working groups
20 deliberate and then cooperate in presenting
21 their reports back.

22 After adjournment, there's a

1 separate event which is the proposed rule
2 public hearing on the shark 2011 matter. So,
3 that's not formally part of the HMS Advisory
4 Panel, but it is scheduled for tomorrow
5 evening.

6 Thursday, the working group begins
7 with reports out from the Shark and the
8 Bluefin Tuna Working Group. We'll have an
9 update on protected species handling and
10 release. Then after a break, an update on HMS
11 research plan development.

12 The National Policy for
13 Stewardship of Oceans is evolving and we'll
14 have a presentation on the status of that
15 effort and then we'll as always take a look at
16 Advisory Panel priorities and next steps
17 before we adjourn.

18 So, it is a full two and a half
19 day meeting. Longer than usual. Quite high
20 density.

21 So, with that, Margo, you have
22 quite an overview.

1 MR. BROOKS: Actually, just before
2 you do that, let me hit a couple of process
3 points if I can just very, very quickly on how
4 we will manage the meeting up here and what
5 we'll be asking all of you to -- how we ask
6 you to contribute to keep this meeting as
7 productive and as focused as possible.

8 Just very quickly, obviously,
9 around the table here are the Advisory Panel
10 members themselves or proxies. We have, as
11 well, invited fishermen, in particular shark
12 fishermen and dealers, and when we break into
13 the working group tomorrow afternoon, we will
14 reconfigure ourselves onto different teams and
15 at that point, we'll invite those invited
16 guests to be around the table and they will
17 engage with the group as equals. So, we have
18 the benefit of a wide view of perspectives and
19 different regions covered, et cetera.

20 There's obviously members of NOAA
21 and the public here as well and as Scott
22 mentioned, there will be opportunities

1 throughout the three days for public input.

2 So, that's how we'll manage the
3 meeting.

4 What we ask of you all and I think
5 the table really is intended to symbolize this
6 we're all around one table able to see each
7 other because we want this conversation to be
8 as constructive and as productive as possible.

9 So, we ask you to listen very
10 carefully to the presentations and to each
11 other. Try to hear the interests that people
12 are bringing to the table.

13 We understand that these are
14 difficult issues and that there are, you know,
15 very divergent views, but we ask you to listen
16 respectfully, engage respectfully with each
17 other, with staff, with everyone in this room
18 so we can try to get NMFS the feedback they
19 need, the input they need so that they can
20 move forward.

21 As well as always, please be as
22 succinct as possible. This really is an

1 incredibly full agenda. We want to hear from
2 all of you and we just ask you to try to keep
3 your remarks to the point. If someone else
4 has covered the comments that you want to say,
5 the perspectives, we certainly encourage you
6 to say ditto because we want to know what
7 people think, but to repeat the entire thing
8 may not really help us as a full group.

9 Finally, just a couple of
10 logistics. If your cell phones aren't off
11 already, please turn them off or put them on
12 silent. We obviously ask you not to use cell
13 phones at the table. If you need to, please
14 step outside the room.

15 Similarly, it's not going to help
16 anyone at the table if there are side
17 conversations. It makes it really hard for
18 folks to hear and track the conversations
19 going on. So, if you need to connect with
20 others around the table, please just, you
21 know, take it to the back room or outside.

22 And finally, if you want to get in

1 on the conversation, what we ask you to do is
2 take your table top tents and just put them on
3 their ends so we can see when you want to get
4 in and we'll just run a queue up here. We'll
5 generally run the queue in the order that
6 people want to make comments, but in the
7 benefit of trying to have a conversation, if
8 people want to jump in on a comment that was
9 just made, we'll allow that as well. So,
10 we'll use our discretion up here to both it
11 moving, but allow for a little bit of
12 dialogue.

13 So, that's all we wanted to say
14 and Rich, I see you're testing the queue
15 system.

16 MR. RUAIS: Just to make sure it
17 works right. Thanks.

18 No, one of the key points I forgot
19 was since bluefin is all over the agenda, I
20 was going to ask -- and our own Bluefin Tuna
21 Working Group is going to be looking at it
22 very close, but I was going to ask if we were

1 going to get an update on the assessment
2 bluefin tuna -- ICCAT Bluefin Tuna Working
3 Group, brief as it may be, both as it relates
4 to the west and the east and recognizing that
5 we recognize it hasn't been approved by FCRS
6 or anything like that. But, it's draft.

7 Are there any major findings? Are
8 there feelings, issues that have to be
9 resolved before the FCRS plenary?

10 MS. SCHULZE-HAUGEN: We have a
11 little bit that we could share, but because,
12 as you noted, it is draft. Things are still
13 being checked. We do not have an update on
14 the findings themselves. We're going to have
15 to wait until that is complete, but we do have
16 -- Guillermo is ready to talk a little bit
17 about what we do know at this point and are
18 certain won't change.

19 And we were going to try and see
20 how the day went to see if we could fit it in
21 today. If not, we'll certainly fit it in for
22 the Bluefin Working Group.

1 MR. MCCREADY: So, lastly, I
2 notice Glenn Delaney is sitting in the outer
3 ring of the preferable -- to the extent panel
4 members can sit at the main table, we need to
5 make that possible. So, there may be some
6 shifting needed after the break. But --

7 PARTICIPANT: We'll move some
8 seats up over here.

9 MR. MCCREADY: Yes.

10 PARTICIPANT: We like having you
11 close by, Glenn.

12 MR. DELANEY: (Off microphone.)

13 MR. MCCREADY: But, apparently, I
14 recognized you anyway.

15 All right. Margo, let's turn to
16 your presentation.

17 MS. SCHULZE-HAUGEN: All right.
18 So, this is going to be the overview and I'm
19 going to try and touch on lots of different
20 things and so, hopefully everyone can hear me.

21 Including some of the things,
22 Rich, that you had asked for, some updates on.

1 So, you'll see that.

2 It's been a bit of a shorter time
3 since we met last. Usually, our meetings in
4 the spring are a little bit earlier than May.
5 So, given that, I think we have actually
6 accomplished quite a bit.

7 Two proposed rules and the advance
8 notice of proposed rule making for sharks.
9 Three final rules with one more in progress
10 separately from the final rule for amendment
11 3 which we had the detailed presentation on in
12 the spring. We've progressed and we'll have
13 detailed discussions on a number of items from
14 the 2009 HMS ANPR that was covered a lot of
15 fairly complex issues.

16 Our participation in the Caribbean
17 continues with the Fisheries Data Improvement
18 Initiative with some of our partners there and
19 I would expect that will continue.

20 We've issued 32 exempted fishing
21 permits, scientific research permits and
22 letters of acknowledgement for 2010 including

1 several for Gulf research.

2 Fourteen workshops since May and
3 we're up to 255 tournaments registered to date
4 and we also have now the email registration
5 capability. So, hopefully, some of you are
6 making use of that.

7 We've got 2900 people on our
8 listserv notice, but I think there's still a
9 lot more people out there that may be
10 interested. So, if you can help us spread the
11 word on that, that would be helpful and then
12 relevant to the oil spill, the Southeast
13 Regional Office was the lead, but HMS was
14 certainly part of the three emergency rules
15 closing the areas and then also heavily with
16 the sampling and research underway to reopen
17 under the sampling protocol.

18 Just a graphic of the spill, you
19 can see the blue boxes and some of the smaller
20 ones off to the right there are the existing
21 time area closures for HMS fishing. The
22 DeSoto Canyon are the two large blue blocks.

1 The hatch mark is the largest extent of the
2 closure. It's about 36 percent of the U.S.
3 Gulf EEZ and the yellow is the current area
4 closure. It's down to about 16 percent.

5 And there's heavy sampling under
6 the reopening protocol underway as we speak
7 and potentially changes coming in the near
8 term on that. Certainly in the long term as
9 quickly as we can.

10 The sampling protocol is pretty
11 detailed. We'll get into that in a few
12 minutes.

13 For Shark Amendment 3, I won't go
14 into the details here because we did cover
15 this in May, but I will note that the proposed
16 rule published June 1, the small coastal
17 fisheries opened on that day as well. We
18 delayed the effectiveness and we have been
19 over the summer meeting with a number of
20 smooth dogfish fishermen and dealers up and
21 down the coast as we anticipated rule making
22 to follow-up on the implementation permitting

1 and measures. Expecting a rule making in
2 2011.

3 And our shortfin mako live release
4 outreach is in development. We contacted a
5 number of you on that and continue to hope to
6 work together on promoting the live release.

7 For Caribbean Amendment 4 as I
8 mentioned, we are working with a number of our
9 partners in the region on data collection
10 initiatives and I would expect that we'll be
11 moving out on this in the next couple of
12 months as those efforts progress and the
13 council actions progress as well.

14 We've slowed the time line to
15 match their activities and I think they're
16 making progress. So, you should be seeing
17 more from us as well.

18 For sharks this season, the final
19 rule was in January. The fishery was
20 underway. As of the May meeting, the Gulf
21 non-sandbar large coastals had already closed
22 in about six weeks. The Atlantic non-sandbar

1 large coastal fishery opened July 15th. That
2 is currently open.

3 Porbeagle landings were closed as
4 of September 4th as that quota was exceeding
5 the 80 percent which is our trigger for
6 closing and the research fishery is underway
7 for this year and Monday, is one of three
8 things that published from us. I hope you
9 have the email in your inbox.

10 The 2011 shark research fishery
11 application notice published. So, looking for
12 applications there.

13 And then as we mentioned, we'll
14 have the proposed rule 2011 shark fishing regs
15 also published Monday. It was a heavy shark
16 day on Monday. Three actions published.

17 We're proposing base quotas as
18 established in amendment 2 with some
19 adjustments for landing information since
20 then.

21 We're also taking a look at some
22 of the trip limit measures looking at

1 increasing in-season adjustment measures and
2 criteria so that if we see a quota going too
3 quickly, we can slow things down or vice
4 versa, to have some options there within the
5 season to adjust and we will have the public
6 hearing tomorrow night as well as a couple
7 more as well as a conference call that's in
8 September and October.

9 For swordfish specs, this final
10 rule actually published today. We will be
11 making copies of that hopefully this morning
12 and this was finalized as proposed. The full
13 maximum carry forward was available. So, our
14 adjusted quota now is 4,400 metric tons and
15 this was in compliance with the ICCAT
16 recommendation for North Atlantic swordfish as
17 well as for south.

18 The transfer to other countries
19 from our under-harvest you can see here is
20 detailed to several other countries and then
21 the transfer to Canada that's been on the
22 books for several years was also. So, nothing

1 changed from the proposed rule there.

2 For bluefin tuna, since May the
3 specs published June 2nd, our adjusted quota
4 is a little bit lower than we had proposed due
5 to additional landings. As you know, a lot of
6 those landings come in at the end of the year.
7 They were a little bit higher than we thought
8 when the proposed rule was published.

9 But, what we did was instead of
10 reducing the quota that went to the
11 categories, the fishing categories, we reduced
12 what went into the reserve and so, the
13 categories quotas were maintained as proposed.
14 We've got a 100 tons less in the reserve than
15 we had intended or had proposed and so, the
16 intention here is to ensure the longline
17 category had sufficient quota to operate,
18 maintain some quota in the reserve for
19 domestic management needs and potential ICCAT
20 transfers again consistent with the ICCAT
21 recommendation and then essentially divvy up
22 the rest according to the FMP allocations.

1 Also, on bluefin tuna, the reg
2 amendments were published last November and
3 the comment period was extended through March.
4 At this point given several bluefin things
5 underway and upcoming in the next month or so,
6 we're not expecting a final decision until
7 after the ICCAT annual meeting at this point.
8 So, I wanted to let folks know that.

9 But, we have had a number of in-
10 season actions for bluefin over the summer.
11 Two in-season actions were general category.
12 Keeping that at three, large, medium and
13 giants for most of 2010. For the angling
14 category, which was the major point of
15 discussion in May, we established a retention
16 limit of one school, large school, for private
17 vessels and one school plus one large school
18 for charter head boat vessels.

19 The southern trophy was closed at
20 that same time. We transferred 1.7 metric
21 tons which was what had been proposed for the
22 northern trophy in order to give them their

1 share. That was a transfer from the reserve
2 and the northern trophy closed effective July
3 19th.

4 The spawning season observer
5 coverage, I don't have an update from May. We
6 were expecting about 50 percent. I don't know
7 that actual observer coverage levels at this
8 point. We should know that in a couple of
9 weeks.

10 But I do have some of the
11 information on where the bluefin catches were
12 and the disposition. One hundred and fifteen
13 caught. Twelve kept. Forty-seven released
14 dead. Forty-five released alive and 11 lost.

15 So, and then we have the detail
16 presentation on the weak hook research that's
17 been underway this -- or no, actually, this
18 morning.

19 This is just a touchback on what
20 was included in 2009 in the HMS ANPR. A
21 number of these issues are going to be
22 discussed tomorrow in the context of swordfish

1 revitalization, bycatch management.

2 Some of the specifics that we'll
3 be addressing are squid trawl permit
4 requirements, limited access permit renewals
5 and vessel upgrade restrictions as well as
6 some ideas for managing bycatch.

7 Some updates on recreational
8 swordfish issues. What I'd like to point out
9 here is that we're seeing the same trends
10 where non-tournament landings in the last
11 several years are well below the 2007 levels
12 even though retention limits were increased
13 and the belief is that non-reporting remains
14 problematic and so, this would be something
15 I'd like to touch on this afternoon in the
16 Recreational Monitoring Working Group in terms
17 of options to get increased compliance.

18 For roundscale spearfish and white
19 marlin which was also something we talked
20 about in May in terms of our approach to bring
21 in roundscale spearfish into the management
22 units and update the white marlin genus name

1 which is in the statutes, this will publish
2 tomorrow. It's an interpretative final action
3 that brings in roundscale and establishes a
4 complex for those two species since they have
5 been in the data as a combination for a long
6 time, continue to be misidentified and so, we
7 thought as a complex we took a holistic view
8 of the regulations.

9 And so, where it had previously
10 said white marlin, now talks about the complex
11 and so, that touches the size limits, in-
12 season adjustment authority and inclusion in
13 the 250 marlin limit.

14 We'd like to work on outreach and
15 education on how to distinguish the species.
16 So, in the long term, this wouldn't be the way
17 that we would like to manage the two species,
18 but at this point given where we are, thought
19 it was a practical, reasonable approach. The
20 white marlin genus change was also updated as
21 well.

22 Because these species have been so

1 intermixed and misidentified, our expectation
2 is this will not have a practical affect on
3 fisherman and so, that's why we felt
4 comfortable going straight to final rule and
5 we will get you copies of that as well.

6 For billfish landings, we have
7 been well within the 250 limit and so, last
8 year, you can see the numbers here. Twenty
9 ten looks to be similarly well within the
10 landings limit and as I mentioned, the
11 tournaments were about 255. About 45 shy of
12 our record to date, but the year's not over
13 yet.

14 For the project longline closed
15 area research, unfortunately, I don't have a
16 thorough update on catches and things. The
17 fishing for that has completed, but not all of
18 the data has been quality controlled and
19 entered. So, what I can tell you is that a
20 total of 185 sets were completed. You can see
21 105 in the closed areas, 80 in the open.

22 Unfortunately, Dr. Kerstetter was

1 not able to join us and so, I think he was
2 going to talk more about what he found. At
3 this point, he's in the writing and analysis
4 phase and what I'd like to do is put him front
5 and center to go through the research results
6 at the next meeting so that you all have the
7 full details.

8 And here's just the graphic of
9 where that research is being conducted
10 relative to Charleston Bump and Florida East
11 Coast and with the hatch mark on the bottom
12 being the area change I think about a year
13 ago.

14 Looking now to some of the
15 international issues, some of the things that
16 I think Rich had mentioned. This is going to
17 be another busy year at ICCAT. What we're
18 expecting for 2010 include new management
19 recommendations for North Atlantic swordfish,
20 bluefin tuna, potentially sharks, bigeye tuna,
21 the marlins as well as CDS' catch documents.
22 Right now, we have the bluefin catch document

1 and there's international interest in
2 expanding those systems to include a variety
3 of other species.

4 And so, we are ramping up in terms
5 of the preparations for that already. We'd
6 like to note as well that the Office of
7 International Affairs is seeking nominations
8 for their ICCAT Advisory Committee meeting
9 that published last week.

10 Specific to the Marine Mammal
11 Protection Act, AMPR, that published April
12 30th. The comment period is closed. So, I
13 don't have an update on that. But, Rebecca
14 may still be with us and can talk to that as
15 well as the MSRA, the Magnuson-Stevens
16 Reauthorization identification process that
17 has begun for 2010 and so, again, that's the
18 Office of International Affairs that runs that
19 and Rebecca may be able to speak to that.

20 Holistically for international
21 trade, given the complexities of the current
22 system as well as the international interest

1 to make them more comprehensive in species and
2 potentially data collected, the agency
3 continues to look internally on how we're
4 structured, how the regulations are structured
5 to see how we can adapt, be more efficient in
6 how we do things and insure compliance.

7 It's increasingly not only
8 complex, but subject to scrutiny from other
9 countries. So, we want to make sure we're
10 doing exactly what we need.

11 For workshops, we have the
12 detailed presentation on Thursday, but I would
13 like to point out here that we are now sending
14 reminder postcards at the beginning of the
15 quarter to everyone whose certificates are
16 expiring. So, it's a little more notice to
17 people that their certificates are expiring
18 and they need to look ahead at the schedule to
19 find a workshop as close to them as possible
20 and so, it continues to be a major undertaking
21 for us.

22 As I mentioned before, for

1 exempted fishing permits, here's the breakout.

2 A total of 32. We've had seven to date
3 related to the oil spill and again, as I
4 mentioned before, expect that to increase
5 through time as a number of research projects
6 could --

7 (End of tape 1.)

8 TAPE 2

9 MS. SCHULZE-HAUGEN: That's under
10 the Interstate Shark Fishery Management Plan
11 for the Atlantic States Commission. New
12 Jersey was found to be out of compliance and
13 a moratorium on shark fishing in this state
14 was scheduled to go into effect July 30.
15 Luckily, the state was able to come into
16 compliance prior to that date and so, the
17 moratorium was not necessary and was lifted.

18 Our bluefin tuna domestic dealer
19 reporting has successfully moved to the
20 Northeast History Science Center. That's been
21 a large undertaking for us as well and our
22 international trade tracking for bluefin

1 modernization is well underway at this point.

2 I'd also like to point out that we
3 are looking at an electronic dealer monitoring
4 system for HMS, the non-bluefin portion and
5 are getting in a design phase right now with
6 a contractor on developing a system
7 specifically for HMS as opposed to relying on
8 fishermen going through other systems and then
9 having to coordinate with those groups for
10 what we need on the times that we need.

11 We feel that what we've seen in
12 terms of quotas being caught very quickly and
13 the flexibility that we need in order to
14 manage the fisheries well, we need a system
15 specific for HMS, but we are trying to insure
16 that any duplication of reporting is minimized
17 to the greatest extent we can. But, you'll be
18 hearing more on this in a couple of months
19 after we get through the design phase.

20 The Greenstick Gear Study's
21 underway. I've got a quick update on that as
22 well as the research plan. We'll here from

1 Dr. Guillermo Diaz on Thursday.

2 And then our SEDAR Pool for sharks
3 has already -- has been established.

4 So, the Greenstick Gear Study was
5 to look at Greenstick Gear characterization
6 off North Carolina. This was funding that we
7 received through the Magnuson Bycatch
8 Reduction Engineering Program and we're
9 partnering with the state of North Carolina
10 Division of Marine Fisheries Program and so,
11 that's been underway for a couple of years
12 now. I think they're looking to finish up.

13 So, fishing vessels are contracted
14 to carry observers. They fish as they
15 normally would. Observed ten trips. Trip
16 length is a couple of days. Catch is
17 predominantly tunas, yellowfin, skipjack and
18 blackfin and so far bycatch includes one
19 undersized bluefin, one sailfish and then some
20 undersized yellowfin.

21 So, I think our desire was to
22 further characterize this for catch and

1 bycatch reasons and so, we're -- I think we're
2 doing that. That program's running into the
3 fall and so, again, hopefully by the spring
4 we'd have something that we could share in a
5 final form.

6 As an update on again bycatch
7 concern, the loggerhead proposed rule, there
8 is a proposed rule to change the
9 classification for loggerheads from threatened
10 to endangered and create nine what's called
11 DPSs, distinct population segments.

12 That comment period closed last
13 week or the week before. So, it'll be in
14 final rule making and this could have impacts
15 on us.

16 If there's a change in
17 classification for turtles, that means that
18 the fisheries that interact with loggerheads
19 may need to be revisited and reexamined to see
20 if measures need to be changed.

21 So, looking ahead, we're seeing a
22 pretty full schedule for us in the fall. As

1 I mentioned, ICCAT's supports. We're in all
2 of it and it's time consuming both with the
3 advisory committee meetings, the multilateral
4 meeting and then the annual meeting.

5 Expecting any number of rules
6 coming out of that depending on changes to the
7 recommendations. We have about six months
8 before those are expected to be implemented
9 and so, that's not a lot of time given the
10 process that we go through with proposed rule
11 making comments and final rule making. So,
12 we'll need to get started as soon as we get
13 home.

14 We have the public hearings and
15 then the workshops for the shark fisheries
16 specs and ANPR. Electronic dealer reporting.
17 As I mentioned, that's in the design phase.
18 That'll take some work and then the shark
19 research fishery. Our EFP notice will be
20 coming out soon as well as for shark SEDARs
21 and then AP nominations. Keep your eyes out
22 for that. We'll call folks whose terms are

1 expiring to make sure that you don't miss that
2 and then our annual SAFE report comes out in
3 the fall as well.

4 And so, at this point, I'd like to
5 just go through quickly. Again, this is a
6 point where I try and touch back on
7 suggestions that we've received from you, what
8 their status is. These are things that are
9 suggestions that are completed.

10 So, the NCs and actions for
11 angling and general category adjustments. The
12 opening of the non-sandbar large coastal
13 fishery in the Atlantic in July was a response
14 to a comment. The final action for roundscale
15 spearfish and white marlin.

16 We've also developed a careful
17 catch and release brochure to address some of
18 the concerns about release mortalities for
19 undersized bluefin and sharks. So, that
20 should be around. Have copies.

21 We distributed the information on
22 decontamination in the Gulf and then the

1 request from the previous meetings on
2 recreational monitoring and VMS. We have
3 those this session.

4 Things that are underway include a
5 couple of research items. The time area
6 research and the pelagic longline closed areas
7 as well as the Mid-Atlantic. Bottom longline
8 closed area. Continuing to provide and try
9 and insure that the information on swordfish
10 is accurate. People have that information
11 through FishWatch. The dealer monitoring as
12 I mentioned.

13 Adding North Carolina data to the
14 LPS figures. That's something that science
15 and technology's working on and then the
16 desire to consider permit stocking and
17 species-specific quotas are included in the
18 shark ANPR. So, looking for comments on
19 those.

20 Specifically, things from the HMS
21 ANPR from 2009. As I mentioned, we'll be
22 talking in detail about those on Wednesday as

1 well as the suggestion to adjust the
2 incidental catch requirements for bluefin on
3 pelagic longline come up in the Bluefin Tuna
4 Working Group and then continuing to look at
5 the possibility of allowing removal of tuna
6 tail lobes and role of catch shares overall.

7 A couple of things that have been
8 on this list for awhile that we haven't
9 gotten. Changing the retention limit on
10 charter head boats to one swordfish per
11 person. Creating the identification outreach
12 placards for other HMS species. We have the
13 ones for sharks. Get some positive feedback
14 on those. Continue to work towards having
15 that available for others and then a billfish
16 landings update as more of a regular process
17 in between meetings.

18 And then just a couple of other
19 things. We talked last time about what I
20 described as a no surprises goal. I was
21 hoping that you could give me some feedback on
22 how you think we've been doing in the last

1 couple of months on that and again, this was
2 that you don't want to be surprised by what
3 we're doing, but we also don't want to be
4 surprised.

5 And so, that's where we look to
6 you for feedback on the impacts of what we're
7 proposing and considering. So that when the
8 decisions are made, we have a good sense of
9 what will actually happen. We don't enjoy
10 getting -- having a final rule come out and
11 going well, that wasn't what you thought would
12 happen and so, again, want to keep that line
13 of communication open. I think it's two ways
14 and really want to get feedback on that.

15 And then from May, we continue to
16 have the -- in terms of meeting format, the
17 species working groups. So, always looking
18 for feedback. We've tried a number of things
19 over the years. This seems to be working at
20 the moment, but I'm always open to changes.

21 As I mentioned, we've invited the
22 shark fishermen to participate in the Shark

1 Working Group session and then we're trying a
2 square table instead of rounds. So, tell me
3 if you like it or if you don't.

4 And then as always, the agenda's
5 very full. Our rule making and operations
6 schedule is very full and so one of the things
7 I'd like at the end instead of in the summary
8 that I do of the meeting of what we've heard,
9 what I was hoping to include in that was also
10 a discussion of your priorities.

11 It may come out of the discussion.
12 In which case, I can just include a recap, but
13 if there are things that you really think we
14 should be doing, because there's going to be
15 a number of things that can come up just on
16 the agenda looking at the titles that we could
17 undertake, rule makings, operational changes,
18 but we're not going to be able to do it all.
19 Certainly, not within, you know, the next six
20 months.

21 And so, what I was looking for and
22 maybe as you're thinking through the meeting

1 to think about what would you like to see. If
2 we could do one thing, two things, three
3 things, what would you like them to be and we
4 can circle back to that at the end and again,
5 we'll be trying to take notes based on what
6 we'll be hearing. But, have some thought
7 behind that and discussion at the end as well.

8 And that is it. I think we have a
9 minute or two.

10 MR. MCCREADY: Yes, we have a
11 couple of minutes. Maybe two or three just to
12 take a few questions or comments right now and
13 we want to be respectful of the fact that
14 Russell Smith does need to move on and we want
15 to give him a chance to talk.

16 But, let's take a comment or two
17 right now. Let's go into the corner there.
18 Is that Ron?

19 MR. BROOKS: Ron,

20 MR. MCCREADY: Ron and then over
21 to Rich.

22 MR. CODDINGTON: Ron Coddington.

1 Margo, I got a question about the fishing in
2 the closed zone.

3 I know you didn't have an update
4 on the landings or bycatch or anything like
5 that, but was the information you gave us
6 correct on the number of sets complete, 105 in
7 the closed zone and 80 in the open zone?

8 MS. SCHULZE-HAUGEN: That is the
9 information I got from Dr. Kerstetter
10 yesterday. So, that's what I know.

11 MR. CODDINGTON: My follow-up on
12 that is I do almost exclusively federal
13 government contracts. That's what I do for a
14 living. If I contract to do 145 sets and I
15 only give the Corps of Engineers 140, I'm not
16 getting paid.

17 A lot of pain and discussion and a
18 lot of people's time in this room went into
19 having this thing happen. How do we end up
20 with 80 or only 105 sets in the closed zone
21 instead of 145? We've done roughly two-thirds
22 of them. It seems like that was some very

1 important data that a lot people went through
2 a lot of pain to get to happen and now we're
3 not getting the data and my understanding was
4 the 145 sets were designed as the
5 scientifically appropriate sampling size.

6 So, do we have anything with the
7 105 sets?

8 MS. SCHULZE-HAUGEN: You're right
9 that it was initially designed through power
10 analysis for I think a total of 289. I think
11 there were difficulties in getting boats to
12 participate.

13 My understanding is because of the
14 desire to wrap up the project that we will
15 have scientifically significant usable results
16 based on the sampling that we have and so, I
17 do expect that we'll have something usable at
18 the end.

19 MR. MCCREARY: Rich.

20 MR. RUAIS: Yes, thank you. Since
21 Margo offered that Rebecca might help us here,
22 I'm sorry to put her on the spot.

1 But, we do have these two mandates
2 in the Marine Mammal Protection Act and the
3 Magnuson Act on using persuasive trade
4 restrictions to insure that there are
5 comparable eco-system perennially management
6 measures applied to anyone catching PLL that
7 wants to access to the U.S. market.

8 And I'm wondering where are we at
9 there and have you yet to find a single
10 country that doesn't have comparable standards
11 to the United States?

12 And I have a second question.

13 MS. LENT: Thank you very much,
14 Rich. Where we are on that, as folks know, we
15 were petitioned a couple of years ago by a
16 couple of NGOs to ban swordfishing ports from
17 countries that didn't have comparable re memo
18 bycatch standards.

19 There's a lot of complications
20 associated with that. We don't even know what
21 the U.S. standards are, but we are certainly
22 working feverishly to figure out how best to

1 approach this not new, but as of -- as of yet,
2 not implemented other than tuna/dolphin re
3 memo bycatch issue.

4 So, the latest round was a request
5 for comments and advance notice of proposed
6 rule making. Because if we are going to do
7 this, we're going to need to have a rule in
8 place.

9 In that process, we've reached out
10 to many, many countries and in fact, this
11 latest ANPR covers all imports not just
12 swordfish and we've gotten quite a bit of
13 information from countries about their marine
14 mammal policies and we now need to figure out
15 based on all those comments that we received
16 which way we're going to go.

17 Are we going to go with a rule?
18 We certainly have to go with a rule if we are
19 indeed going to start banning imports.

20 So, that's where we are on that
21 process.

22 On the Magnuson stuff, as you all

1 know, we have a second biannual report to
2 Congress that's due in January of next year
3 and in that report, we will say how did we
4 decide on the six countries we identified all
5 for IUU fishing? Are we going to positively
6 or negatively certify them?

7 The good news is we've had really
8 good encounters with most of these countries.
9 We've had face-to-face consultations. We've
10 seen changes in the countries. We've seen
11 changes at the multilateral table.

12 We'll have to make a decision
13 which way we go. If we do have a negative
14 certification, that means automatically the
15 country's fishing vessels can no longer off-
16 load in U.S. ports. The only place this is
17 really relevant is the Pacific where we have
18 territories and possessions where four and
19 five vessels can off-load their fish. But, we
20 can recommend to President Obama trade
21 sanctions as a consequence.

22 In that report to Congress in

1 January, we will also have a fresh list of
2 identified countries. We have to do that
3 every two years and I'm not ruling out the
4 possibility that some of the countries that
5 were previously identified may be identified
6 again. Because despite progress, there may
7 still be some issues.

8 That's kind of the time line on
9 those activities under Magnuson as well as the
10 Marine Mammal Protection Act.

11 Thank you.

12 MR. MCCREADY: Rich, I know you
13 have a follow-up question. I just want to
14 note that I've also got Margo and Shana in the
15 queue and a quick time check, Margo.

16 Your time is tight. Right? So,
17 let's put a pause on it right now. See if we
18 can come back and grab these last few
19 questions or comments. Okay. Thanks.

20 All right. Rich, if you have a
21 very quick follow up.

22 MR. RUAIS: Yes, I do. (Off

1 microphone.)

2 MR. MCCREADY: Rich, can you hit
3 your mike please?

4 MR. RUAIS: Oh, I'm sorry. What I
5 was saying was the Blue Audit Team worked very
6 hard and Glenn to make sure that we did have
7 very specific comparable standards. What were
8 to be defined as comparable standards and if
9 they weren't to be met, then the Secretary was
10 to impose these trade restrictive sanctions.
11 To level the playing field was what we were
12 trying to get at. It's one of the biggest
13 hindrances to revitalization of the swordfish
14 fishery.

15 And we're sorry it's taking so
16 long. We meant for both this and the CBD
17 petition. Again, it's one of those times when
18 we're greatly disappointed that you're not
19 rapidly adopting and implementing a petition
20 from CBD.

21 The second question was to Margo
22 and the answer doesn't have to come now. It

1 can come later.

2 But, it almost seems when I, you
3 know, know about the proposed rule on the nine
4 distinct segments and the way it's worded and
5 then participate -- well, and then read the,
6 you know, 50-some odd PowerPoint page
7 presentation on revitalization methods, that
8 one could imply that the agency has already
9 accepted that there's going to be nine -- you
10 know, that NMFS is going to determine in favor
11 of nine distinct segments of loggerheads which
12 gets us in trouble and that's what some of the
13 revitalization measures are intended to get
14 around.

15 So, we find that a little
16 disconcerting since the comment period hasn't
17 really even begun to roll of the line.

18 Thank you. I'm sorry for taking
19 up so much time.

20 MR. MCCREADY: Thank you. Okay.

21 Go ahead, Margo.

22 MS. SCHULZE-HAUGEN: Yes, to that

1 end, there has been no decision by the agency
2 on that and so, that is a rule making that's
3 lead in the Office of Protected Resources and
4 so, I think they are currently going through
5 I think the many comments that they got.

6 MR. MCCREADY: Thanks. Margo and
7 then Shana. Margo.

8 MS. STILES: I'm not sure if you
9 might already be planning to elaborate on some
10 of these points later in the meeting, but I'd
11 be interested to find out more about the
12 modernization of bluefin trade tracking and
13 most specifically what that is and what's
14 happening with it.

15 And I also -- since Ron had asked
16 about the power of the research that's going
17 on in the closed area, it reminded me that I
18 was interested in the Greenstick research and
19 if you could talk about what future plans you
20 have for it in addition to talking about what
21 you found so far.

22 I know it's hard to get out there

1 particularly to study bycatch to get a sample
2 size that's helpful to really understand
3 what's going on and we're very interested in
4 that gear and finding out how it's working.

5 MS. SCHULZE-HAUGEN: What I would
6 recommend, I don't think we have additional
7 times on the agenda for these items, but I'll
8 ask staff to seek you out.

9 MS. STILES: Thanks.

10 MR. MCCREADY: Shana.

11 MS. MILLER: I just wanted to
12 clarify on the bluefin bycatch numbers in the
13 Gulf of Mexico. That was observer data only
14 not logbook data combined? So, whatever
15 percentage of observed sets that's --

16 MS. SCHULZE-HAUGEN: I don't know
17 the percentages of observed sets. That's just
18 the raw numbers from observed.

19 MR. MCCREADY: Good. Thank you,
20 Margo and all for the questions.

21 Now, Russell.

22 DEPUTY ASSISTANT SECRETARY SMITH:

1 Thank you. Basically, I'm here to say hello.
2 I've had a chance to meet a number of you
3 early in the meeting and I appreciate that
4 chance.

5 Again, my name is Russell Smith.
6 I am the newly appointed Assistant Secretary
7 for International Fisheries.

8 As Eric mentioned, I come to NOAA
9 from the Office of the Trade Representative
10 where I worked on a number of international
11 trade negotiations. Some dealing with
12 environmental issues. Others not.

13 I've been involved in
14 international activities for about 15 years
15 before joining USTR with the Department of
16 Justice doing international environmental
17 work. So, I've got significant experience and
18 I think that that's what I bring to the table.
19 What Dr. Lubchenco thought would be useful to
20 help us achieve more in our international
21 negotiations.

22 We have a wealth of knowledge on

1 fisheries issues here at NOAA. Margo's team.
2 Rebecca's team. Folks who work for Eric
3 across NMFS, but I think the hope is that with
4 my experience on international negotiations we
5 can do more in terms of trying to do things
6 like level the playing field. Insure that
7 while the conservation, while the
8 sustainability issues are being pursued we're
9 also doing so in a way that's fair to the U.S.

10 My role is to try and oversee our
11 work on international fisheries. I am as
12 several people have noted the ICCAT
13 Commissioner. So, that's sort of a more
14 direct role, but I also a larger role, a
15 larger oversight role, a larger goal of trying
16 to generally bring our management of these --
17 our work in the international arena up a
18 notch.

19 So, why am I here? Obviously, as
20 the ICCAT Commissioner, I need to have an
21 understanding of the domestic management of
22 our Atlantic HMS resources.

1 While my role as ICCAT
2 Commissioner is to address international
3 issues, our stewardship at home is obviously
4 a big platform upon which we base our
5 interventions in the international arena, in
6 ICCAT and other places.

7 The U.S. delegation to ICCAT will
8 include as it has in the past constituents,
9 folks like you. Some of the folks in the
10 room.

11 And we've got to take into account
12 the impact of the measures that we -- the
13 recommendations that come out of ICCAT. The
14 measures that we agree to the impact that
15 they'll have on the fisheries.

16 We also need to as I've said a
17 couple of times now insure that there is a
18 more level playing field. Particularly in as
19 much as the overall mandate is much farther
20 reaching than our overall mandate. The
21 mandate in the U.S. is much farther reaching
22 than it has been in other countries.

1 We want to use ICCAT and to use
2 others of the RFMOs to bring the mandate up in
3 other countries.

4 Obviously, I'm going to work
5 closely with Margo and her team. So, that I
6 fully understand sort of the challenges that
7 the commercial and the recreational folks in
8 the room face, I'm also going to work with
9 them to fully understand the challenges that
10 the fish stocks face.

11 As several people have mentioned,
12 I've come from USGR from a trade background.
13 So, I am sensitive to the trade issues both
14 with respect to trade as a tool in some
15 circumstances, in appropriate circumstances,
16 but as a tool for addressing things like IUU.
17 But, also the relationship between trade and
18 access to markets and sort of how our industry
19 does. How our industry is affected by some of
20 the measures that are taken and some of the
21 impact on trade, on international trade and
22 fish.

1 You know, we are, of course, a
2 major importer of ICCAT products and we need
3 to keep that in mind as we work through these
4 issues.

5 I'm committed to working with you.
6 Unfortunately, I'm not going to be here for
7 much of this meeting, but I will be in close
8 contact with Margo and her staff and some of
9 the other, you know, folks who are in the room
10 to learn about sort of what the results of
11 your consultations are.

12 We also have the ICCAT Advisory
13 Committee and I will be working very closely
14 with them to understand sort of -- to look at
15 what the impacts are and ways in which we can
16 sort of meet these -- meet our goals of
17 maintaining these fisheries, but doing so in
18 a way that maintains our industries, too.

19 It's brief. I know you're running
20 short on time, but I'm happy to take a few
21 questions if there are any.

22 Glenn. Hi, Glenn.

1 MR. DELANEY: Hey. I just wanted
2 to welcome you, Russell, to this community of
3 HMS and ICCAT and I say that with some great
4 sense of celebration, but also, I guess, with
5 some sense of sympathy because it's not an
6 easy challenge you've taken on as we all know.

7 But, there's no doubt we can do a
8 much better job internationally at ICCAT and
9 other RFMOs and we look forward to your
10 leadership and working with you and thanks.
11 We're really impressed with your expertise and
12 background in international negotiations and
13 I'm sure that will help us get the job done.

14 So, thanks.

15 MR. MCCREADY: Anybody else have a
16 quick question or comment? Okay.

17 Great. Well, then at this point,
18 I think we want to go to a break, Margo,
19 unless you have something you need to slide in
20 here.

21 Okay. Let's go to a break and we
22 will reconvene at 10:30 sharp. Thank you,

1 everybody.

2 (Whereupon, off the record.)

3 MR. MCCREADY: If folks will start
4 grabbing their seats, we're going to reconvene
5 here. So, if you could grab your seats, we'll
6 appreciate that. Thank you.

7 Again, we need folks to take their
8 seats now. We have a lot to cover and we want
9 to get going. If folks could grab their
10 seats. Thank you.

11 (End of tape 2.)

12 TAPE 3

13 Okay. Let's settle in here. We
14 have two presentations coming up back-to-back.

15 As you recall from the last
16 meeting, there was a lot of interest in the
17 Deepwater Horizon spill and its implications
18 for the fishery. A lot of conversation about
19 that and not a lot of information was
20 available at that meeting. What was available
21 was presented.

22 Much more is known now. So, the

1 first presentation is on that issue and then
2 we'll hear a second presentation that really
3 goes to the weak hook research update.

4 So, let's begin with the Deepwater
5 Horizon and go ahead, Randy and Jackie.

6 MR. BLANKENSHIP: Thank you. My
7 name is Randy Blankenship. I work in the HMS
8 office in St. Petersburg, Florida and also
9 presenting with me is Jackie Wilson with the
10 Headquarters Fish Team.

11 And during the break, there were
12 handouts that were passed out related to this
13 presentation. If you don't have one in front
14 of you and you need one, please raise your
15 hand and Greg Ferkoff (phonetic) will get over
16 to you and give you one.

17 This presentation is a brief
18 update on some of the information related to
19 the oil spill and it particularly deals with
20 some of the information related to the fishery
21 closure, the progression of that and then also
22 some of the research permits that we've been

1 dealing with within the agency.

2 The Deepwater Horizon oil spill
3 began with the oil rig that exploded on April
4 20th, 2010 and then which sank two days later
5 approximately 50 miles southeast of Venice.

6 This was a tragic accident as we
7 all know where 11 people were killed and 17
8 were injured and then, of course, the impacts
9 are still being felt and being assessed and
10 accounted for.

11 The relief well was completed on
12 the 19th of September which was five months
13 after the explosion.

14 Back in April, on April 20th, with
15 the oil spill being detected a couple of days
16 after the explosion, several folks began to
17 respond including NOAA in many different
18 regards.

19 NOAA has in the many different
20 ways that it responded took the form of
21 immediate response and habitat protection.
22 Also from a restoration standpoint assessing

1 information to be able to detect and
2 understand the impacts.

3 Also, many different forms of
4 research were begun and then action was taken
5 to protect seafood safety and consumers from
6 a public health standpoint.

7 Initially, from a seafood safety
8 and public health protection standpoint, an
9 emergency rule was developed. The first one.
10 Which closed Gulf federal waters to fishing
11 that was in the size of approximately 6,817
12 square miles or 3 percent of federal waters in
13 the Gulf of Mexico.

14 A second emergency rule was
15 published that expanded the closed area to
16 about 10,807 square miles or 4.5 percent of
17 the Gulf of Mexico waters.

18 It was about this time that we
19 were meeting last spring and we were able to
20 give you an initial update on this
21 information.

22 A third emergency rule was

1 published after it was, you know, pretty much
2 understood that doing a sequence of emergency
3 rules in fast order or in quick order was very
4 difficult to do and so, the framework was set
5 up in the third emergency rule to implement a
6 procedure for timely revisions to the closed
7 area by posting the information on the
8 Southeast Regional Office website.

9 From a seafood safety standpoint
10 and safeguarding seafood safety and protecting
11 the public, NOAA has a multi-pronged
12 approach that includes the fishery closure
13 itself, but then also dockside seafood
14 sampling, at sea sampling and market seafood
15 sampling.

16 On a daily basis, the response
17 from NOAA's standpoint involved assessing a
18 lot of the information that was coming in
19 everyday from the U.S. Coast Guard, from the
20 National Ocean Service, from the National
21 Weather Service and from other sources of
22 information that produced some of the

1 information that you see on this slide. The
2 24, 48 and 72-hour trajectories for the oil,
3 initialization files, satellite data,
4 overflight information, information about
5 currents including the loop current and all of
6 things were taken into account every morning
7 on a daily basis.

8 And then a decision was made daily
9 whether to adjust the closure or not. Once a
10 decision was made if the decision was made to
11 change the closure, then the modification was
12 announced by noon and it was effective by 6:00
13 p.m. that same day.

14 The information about the closure
15 was then released through the website, the
16 Southeast Regional Office website. Also
17 through press releases, fishery bulletins,
18 NOAA weather radio, a toll-free phone line and
19 text messaging and twitter accounts.

20 Through the fishery bulletins and
21 the toll-free phone line, the information was
22 put out in English, Spanish and Vietnamese and

1 then also in addition to that, the HMS
2 Management Division placed the closure maps on
3 the HMS website and sent out the information
4 through HMS news as well.

5 So, this map is a little different
6 version from what you saw previously. It shows
7 the smallest extent of the closure which was
8 May 2nd, 2010. That's the pink area
9 immediately after the spill and then the
10 largest extent of the closure which was on
11 June 2nd, one month later, that shows going
12 all the way down to the edge of the Keys this
13 is then overlaid over the existing HMS
14 closures just for perspective.

15 And with that, Jackie Wilson is
16 going to continue with some of the information
17 about research permits.

18 MS. WILSON: Okay. As Randy
19 alluded to in some of the previous slides, one
20 of the items that's critical for considering
21 the reopening of some of these areas is based
22 on seafood safety inspections and one of the

1 things that the HMS Management Division's
2 office has been responsible for is issuing
3 exempted fishing permits, scientific research
4 permits, letter of acknowledgements to both
5 agency and non-agency researchers to basically
6 go out and assess the impacts of the oil spill
7 on HMS.

8 Now, HMS samples are being
9 collected for the seafood safety inspections.
10 These are coming from both inside the closed
11 area due to the oil spill as well as outside
12 of the areas.

13 This sampling is critical for the
14 consideration of reopening of the areas that
15 were closed due to the oil spill and the
16 research also includes tagging of HMS for
17 tuna, sharks, swordfish to look at and monitor
18 movements of these animals with respect to the
19 oil spill. So, this is in addition to the
20 seafood safety inspections that are going on.

21 Now, a variety of platforms have
22 been used. These include NOAA vessels,

1 research vessels, vessels of opportunity and
2 as Margo mentioned earlier, to date we have
3 seven permits that have been issued, but the
4 number of permits is likely going to increase.

5 Okay. Great. Now, the reopening
6 protocol is based on a NOAA and FDA agreement
7 where NMFS may reopen a previously closed area
8 if we have two different criteria here. The
9 area is determined to have never been exposed
10 to oil and the area is now free of oil and the
11 seafood products tested meet the FDA standards
12 of both public health and wholesomeness and
13 the samples must undergo a series of sensory
14 tests as well as chemical tests.

15 Now, the first one that I
16 mentioned that's looked at in terms of the
17 reopening protocol is whether or not the area
18 was ever exposed to oil and what's being shown
19 here over on the left-hand side is the largest
20 extent of the closure. That was on June 2nd.
21 I don't know if you can read that or not. As
22 you can see, it extends all the way south down

1 to the Keys.

2 Then on June 4th, I believe that
3 was modified so the southern tip there was
4 reopened because that area was not determined
5 to be exposed to oil. All right. That was
6 originally closed due to projections of oil
7 and the loop current and that didn't actually
8 happen. So, that's one of the criteria that's
9 concerned with reopening certain areas.

10 The next one has to deal with the
11 testing, the seafood safety inspections. In
12 an area that's been previously exposed to oil,
13 but is now free of oil, the seafood is
14 inspected to make sure that it meets the FDA's
15 standards of public health and wholesomeness
16 and the samples again, they have to go through
17 these two different types of testing.

18 Both the sensory testing which has
19 sniffing of the raw products, sniffing of the
20 cooked product as well as tasting of the
21 cooked product and then chemical testing where
22 they do analysis of these polycyclic aromatic

1 hydrocarbons or PAHs and compare it to the FDA
2 levels of concern. This is because these
3 compounds are known to have negative impacts
4 on human health and due to the amount
5 obviously of oil in the Gulf of Mexico and the
6 potential toxicity of these compounds, there
7 has been concerns about the impacts of the
8 commercial and recreational fishing
9 industries.

10 NOAA is also working on
11 technologies to basically process the high
12 number of samples that need to be looked at
13 based on the large volume of both domestic and
14 exported seafood product potentially at risk
15 and so, they're working on new techniques in
16 order to make the process go more quickly.

17 So, in terms of determining which
18 areas in order to reopen, there's a sampling
19 proposal that's submitted from NOAA to FDA.
20 It includes information on if the area was
21 ever exposed to oil, how long it has been oil
22 free? If it has been exposed, how likely is

1 the area to be re-oiled? How heavily it was
2 oiled to begin with? As well as how far it
3 was from the wellhead itself.

4 In addition, there is a sampling
5 plan that is submitted to FDA. This includes
6 information on the stations that are sampled
7 as well as sample size.

8 This slide here is kind of giving
9 you an example of what that would look like.
10 The Gulf has been broken up into a series of
11 grids which you can see. C40, C30, C33. Is
12 giving you some perspective of that grid
13 system.

14 The black dots are suppose to give
15 you an example of sampling stations that take
16 place and so, there's sampling that's going on
17 in each one of the grids and so, as part of
18 that sampling plan, there's a decision memo
19 and it includes a rationale for the area
20 that's being considered for reopening as well
21 as the sample strategy and then the test
22 results and it also goes through a clearance

1 process through NOAA, the FDA and DOC.

2 Now, in terms of what's next with
3 the current closure, this is where we are as
4 of today. We're looking at areas in terms of
5 consideration for reopening. The priority
6 areas are being the ones that were the least
7 impacted by the oil spill, the ones that are
8 farthest away from the wellhead as well as the
9 high fishing areas and as always, for more
10 information, the best place to consult is the
11 sero website that's shown on the slide to give
12 you the most up-to-date information as to what
13 is going on.

14 Now, to date, we've had five
15 reopenings from July 22nd and with that, I'll
16 turn it back over to Randy and then if we
17 have any questions.

18 MR. BLANKENSHIP: We'll say that
19 there will be additional reopenings,
20 obviously, there's still a closed area out
21 there, as time goes on and it's anticipated
22 that the next reopening will be very soon and

1 that that area is going to concentrate on the
2 lower portion of the existing closure right
3 now. So, it'll be right along in this area
4 right here. So, that information may be
5 happening soon.

6 Also, I will say that going back
7 to this slide, there is a lot of information
8 on the Southeast Regional Office webpage and
9 actually, the information that goes along with
10 each one of the decision memo packages that's
11 described on this slide with test results and
12 all that are on the sero webpage. If you're
13 interested in any of that, it's a good place
14 to go and get that information.

15 With that, I think we can --

16 MR. MCCREADY: Great. Excellent
17 presentation. Thanks very much. Let's see if
18 there are questions. Rich.

19 MR. RUAIS: Yes, more to Shana if
20 I can. It was quoted widely that Dr. Block
21 made a -- either a statement or she took a
22 boat ride across the early part of the major

1 oil spill and said last year at this time, I
2 had a tagged giant that was traversing in that
3 area back and forth I believe.

4 Do you know was there still a tag
5 on that fish or did it -- or was it caught
6 after that period of time? Presumably it had
7 either a pop-up or an archival and then it had
8 the streamer tag.

9 So, where is that fish today? I'm
10 just wondering if we caught it, you know,
11 could we find out more what the impacts of it
12 swimming in that directed area where the spill
13 was clearly present given her tagging
14 information.

15 MS. MILLER: The tag was in the
16 region the end of April. The tag and the
17 fish. End of April/beginning of May and it
18 popped off in Canada in June. So, it migrated
19 back up.

20 It still has an acoustic tag on it
21 and entered the Gulf of St. Lawrence and we
22 haven't heard from it since, but I assume that

1 it will ping the Cabot Strait acoustic line
2 when it departs the Gulf of St. Lawrence.

3 MR. MCCREADY: Thanks. Guillermo,
4 you wanted to jump in on this.

5 DR. DIAZ: Thank you. There was a
6 total of four fish that were tagged south of
7 the DWH in May. One is the -- one of the tags
8 recovered was the one that Shana just
9 described, but the other three tags were also
10 recovered in the northeast close to the U.S.
11 and Canada border.

12 So, bottom line is that right now
13 we know of four big bluefin tuna that were
14 tagged in the vicinity of the DWH. In May,
15 the four tags were recovered outside of the
16 Gulf of Mexico indicating that the fish
17 survived. The tags were recovered not the
18 fish.

19 MR. MCCREADY: Ken and then over
20 to Bill.

21 MR. HINMAN: Oh, Ken Hinman,
22 National Coalition for Marine Conservation.

1 Yes, I think from the beginning a
2 deep concern of ours, and I think it was
3 expressed by others on the committee, was sort
4 of the long-term impact of the spill and some
5 of the efforts to clean it up including the
6 dispersants and knowing that after the well
7 was capped, you know, the spill seemed to
8 disappear from the news. I think as the
9 closures shrink, it will further disappear
10 from the public's radar and hopefully, not
11 from NOAA's radar.

12 And I'm really curious about what
13 kind of efforts are underway or long-term
14 research projects are underway to assess the
15 impact of this on the fish in the Gulf as well
16 as the ones that migrated in and out of the
17 Gulf. HMS, you know, we could certainly focus
18 on them, but also their habitat including the
19 food supply that they depend on.

20 Because that's really something
21 that came out of the Exxon Valdez spill is
22 that the information that was being collected

1 on that was not really very good and there's
2 still remaining questions about whether it was
3 the spill or not the spill that had caused the
4 disappearance or some fish just never to
5 return.

6 So, I'd like to know what's being
7 done.

8 MR. MCCREADY: Okay. Thanks.
9 Jackie.

10 MS. WILSON: Ken, I can note that
11 we have been talking about sampling that is
12 looking to go out from three to five years.
13 That they're going to be looking at testing
14 seafood in areas that have been reopened. To
15 go out and periodically test that and make
16 sure those areas continue to have, you know,
17 contaminate-free seafood showing up. So,
18 that's kind of the longer term horizon of what
19 they're looking at for the sampling.

20 There's also other research
21 projects going on looking at other impacts in
22 terms of an event and food supply and such.

1 I don't have as many details on those and so,
2 if anybody else has information they could
3 offer on that.

4 But, I do know in terms of for the
5 seafood safety inspections we do have sampling
6 that is being looked at for three to five
7 years from now. We're going to be doing
8 continuing sampling.

9 MR. HINMAN: I appreciate that and
10 I'm also thinking beyond the contamination
11 sampling as a -- and this does require a long-
12 term research program. To try to sort of
13 gauge what impact it may have had on, you
14 know, the productivity of the fish themselves,
15 the growth or, you know, other things besides
16 direct mortality. A lot of those things show
17 up later on in terms of their reproduction and
18 growth rates, et cetera.

19 MR. MCCREADY: Thanks, Ken. Bill.

20 MR. GERENCER: Thanks. Bill

21 Gerencer. Nice presentation, guys.

22 The one word I didn't hear until

1 Ken mentioned it was dispersants and I was
2 wondering if that's because they're no longer
3 a concern or are we going to be doing some
4 kind of testing not just for the fish that
5 we're catching, but also maybe the forage
6 fish? The bottom, are the dispersants not
7 going to be a concern or is this something we
8 should be watching? Would they already be in
9 the forage fish and then start building up
10 into the tuna and longline fish down the road?
11 Are there any plans for any of this?

12 MR. BLANKENSHIP: There have been
13 some pieces of information made publicly
14 available. They're available on the Southeast
15 Regional website that describe some of the
16 research that's been done related to
17 dispersants in the food chain and that
18 indicate that they do not, through research
19 that's been done so far, show to bio-
20 accumulate effectively. That's a good thing.

21 However, that's not the end of the
22 story. There's additional work with the

1 dispersants that is being done and is getting
2 a heightened amount of attention from FDA and
3 through the Seafood Safety Inspection Lab and
4 so, my understanding is that they have
5 developed some additional tests to try and
6 answer some of those questions about the
7 levels.

8 Because it is of such a public
9 concern, there's interest in it and so, that
10 is ongoing.

11 MR. GERENCER: Great answer. Now,
12 would be a great time to provide us with some
13 more -- additional information to verify that
14 dispersants don't bio-accumulate in the food
15 chain since we're going to have such a large
16 sample size and you're already out there
17 sampling for other things and you basically
18 got the program in place.

19 MR. MCCREADY: Good. Thank you,
20 Bill. Rom.

21 MR. WHITAKER: Yes, Rom Whitaker.
22 I appreciate your presentation. It was very

1 good and it looks like you all are on top of
2 solving this problem that we have at this
3 time, but -- and I know the fisherman and I,
4 myself, will be very happy when they can get
5 back out there and participate in the fishery.

6 But, what I guess I would like to
7 see from HMS is what kind of precautions are
8 we taking with, I guess, Minerals and Mining
9 people to get this from happening again?

10 I hadn't heard anybody bring up
11 exactly how we're working with them and how
12 we're going to stop this from happening again.

13 MR. MCCREADY: Okay. Thanks.
14 Good question. I'm not sure how far this
15 agency can go in commenting on that, but
16 someone take that. Margo.

17 MS. SCHULZE-HAUGEN: The Minerals
18 Management Service had already started
19 actually another five-year scoping period when
20 this was first breaking and so, our comments
21 from an EFH, essential fish habitat,
22 perspective have been since and include

1 concerns specific to HMS for bluefin and
2 sharks given the HAPCs in the Gulf.

3 So, our comments are in there for
4 the HMS perspective. The EFH consultation
5 process is a consultation, but it is underway
6 already.

7 MR. MCCREADY: And so, just to be
8 crystal clear, that's another different
9 cabinet level agency that oversees that
10 leasing process. Right?

11 MS. SCHULZE-HAUGEN: That's my
12 understanding.

13 MR. MCCREADY: Yes. Ellen, then
14 Margo, then over to Jason. Ellen.

15 MS. PEEL: All right. Two
16 questions. I know this agency isn't
17 responsible, but I know you're making input.
18 What is the status from the Secretary of Navy
19 on the Gulf restoration plan? Do you -- I
20 mean I'd like to know that.

21 And number two, sargassum
22 research, I assume that's part of the larval

1 tows that's being done by the agency. I know
2 Jim Franks who couldn't be here this week from
3 Mississippi is also doing some. Are you
4 aware? Are there any others being done?

5 Thank you and I mean one other
6 point to share. You mentioned sharks and
7 bluefin, but certainly, white marlin and blue
8 marlin being only advanced by bluefin tuna in
9 the worse-case scenario or stock assessment.
10 I think we all share concern of what is the
11 status of the year classes. What impacts
12 potentially oil may have on those and I know
13 it's going to take some years to be able to
14 assess that, but it's certainly a major
15 concern for marlin as well as bluefin.

16 MS. SCHULZE-HAUGEN: Yes, I don't
17 know the status the Navy restoration project.
18 I can check in on that for you, let you know
19 and sargassum research again, I'm not aware of
20 that.

21 I should clarify my -- the EFH
22 comments were for all HMS that occur in the

1 Gulf. We do have HAPCs. Habitat areas of
2 particular concern for bluefin and shark. So,
3 those were highlighted.

4 And I guess in terms of impacts on
5 year classes, that's still being evaluated,
6 but maybe I could call out John. Some young
7 of the year have been caught. So, there is at
8 least some evidence of recruitment success.

9 I think how much and how that -- what the
10 context of that is is uncertain, but some have
11 been caught.

12 MS. PEEL: Back to -- I'd like to
13 make one point. Back to your point on the
14 Gulf Restoration Plan not being this agency's
15 responsibility which I acknowledge. However,
16 when the Secretary of Navy showed up in the
17 Gulf coast communities and proudly displayed
18 40 government experts who could be there to
19 answer any questions of concern and when the
20 audiences were commercial and recreational
21 fishermen and related businesses, you know, my
22 first question was why is there not a single

1 person from National Marine Fisheries Service.

2 That fisheries industry across all
3 of our interests are huge in the Gulf and
4 certainly are industries that should be
5 included and I would have thought that this
6 agency would have had a strong interest in
7 making sure both -- all of our industries are
8 included as well as the fish in the
9 restoration plan.

10 So, if you could check further and
11 see if Dr. Luchinco, I'm hoping that she has
12 made some substantive comments to the good
13 secretary.

14 MS. SCHULZE-HAUGEN: I will follow
15 up on that.

16 MR. MCCREARY: I want to thank you
17 very much. Randy.

18 MR. BLANKENSHIP: Yes, just to
19 kind of touch base again, talking about
20 research on impacts particular to year
21 classes, year classes of certain species,
22 there are several different research projects

1 that are underway to collect information on
2 those. You mentioned one. There are others
3 in addition to that that we are aware of and
4 we'll look forward to getting that information
5 as it comes in. Because they're still out
6 there collecting data now.

7 MR. MCCREADY: Thanks. Margo, did
8 you have a question.

9 MS. STILES: I mean obviously the
10 oil spill has disrupted everyone over the past
11 I don't know how long it's been. Year. But,
12 -- and a lot of these sort of looking forward
13 decisions are not happening in this room, but
14 I do think that I would just ask, you know, as
15 Advisory Panel member, that NOAA take on and
16 continue to take on the role of keeping oil
17 spill impacts on the agenda of the U.S.
18 government.

19 I think it's really, really,
20 really sort of normal to try and get over this
21 thing and move on to the next topic, the
22 elections. Twenty eleven, everyone's going to

1 have forgot about this whole thing except for
2 the communities in the Gulf and the fishermen
3 and the people in this room.

4 And I feel like NOAA's role
5 usually, you know, we're your constituents.
6 Usually you're not kind of going forward as a
7 representative, but I think in this incident
8 NOAA kind of represents a lot of the interests
9 of the people in this room and in the context
10 of the U.S. government and in talking with
11 former MMS or whatever their new name is.

12 So, I just -- I would just think
13 and encourage NOAA to continue to keep that on
14 the agenda in terms of research funding in
15 2011 and forward for oil spill impacts in
16 terms of talking and keeping this thing on the
17 agenda. Because I think that the affects on
18 the fishers are going to continue to unfold
19 and we're basically receiving those affects
20 and it's very easy for the people that control
21 the discussion to just talk about new leasing
22 and move right along to their next thing.

1 So, I guess that's pretty much all
2 I had to say and I do think that while NOAA
3 may not be in control of the situation, NOAA's
4 definitely got a big role to play in the Gulf
5 restoration plan and in future studies of all
6 the impacts that are going on although
7 obviously we all have our normal
8 responsibilities that we'd like to get back
9 to.

10 So, thanks and that's all I have
11 on that.

12 MR. MCCREADY: Thank you, Margo.
13 Thanks. We should push on shortly here to the
14 next presentation, but I've got Jason and
15 Glenn in the queue.

16 MR. ADRIANCE: Yes, this goes to
17 research. Just Louisiana will be embarking on
18 its own three-year intensive research program,
19 in shore, near shore and off shore and that
20 off shore component will have some larval
21 work. We should be starting this October on
22 some of that work.

1 And then I have a question. How
2 soon is NOAA looking at getting into some of
3 these closed areas closer to Louisiana?

4 MS. SCHULZE-HAUGEN: I think that
5 is dependent on the sampling protocol and
6 results. So, I think they're looking at all
7 of it in different stages. I don't know
8 exactly what the plan is for that, but we can
9 check on that as well.

10 MR. MCCREADY: Good. Thank you.
11 Good question. Glenn.

12 MR. DELANEY: I just wanted to say
13 that and recognize that, you know, while the
14 -- you know, I work for a lot of fishermen
15 that were terribly impacted by this spill and
16 the closures, but looking at the bigger
17 picture, you know, I have to say that from my
18 perspective anyway and a lot of people I work
19 with that this effort that you made, your
20 seafood safety strategy, was an enormous
21 success.

22 I mean that to my knowledge, you

1 know, with the closures and the testing and
2 progressive reopening to my knowledge there
3 hasn't been any contaminated seafood that's
4 entered into the market place which is
5 remarkable considering the magnitude and
6 complexity and diversity of the fishery.

7 So, you know, I'm -- no one likes
8 the impacts that were felt, but the impacts of
9 having had contaminated seafood get into the
10 marketplace would have been even more
11 devastating by an order of magnitude to the
12 seafood industry and, you know,
13 notwithstanding, there's still people out
14 there desperately trying to find a problem and
15 even people in the seafood industry
16 remarkably. So.

17 But, you know, I don't want to
18 jinx you. But, so far, it's really been a
19 tremendous success.

20 Thank you. I know you guys
21 devoted from the top down enormous resources
22 and personnel to this effort and I think it's

1 been tremendous. Great job.

2 MR. MCCREADY: Thanks, Glenn. I
3 just wanted to confirm Rom and Ellen, are you
4 wanting to get back in the queue or are your
5 cards just still up? Okay. That's what I
6 figured. Thanks.

7 All right. Then at this point, we
8 will hand it off to Charlie Bergmann and talk
9 about weak hook research and Dan Foster.
10 Thank you.

11 MR. FOSTER: I'm Dan Foster with
12 Harvesting System Unit, Pascagoula,
13 Mississippi. I'm here today with Charlie
14 Bergmann.

15 Charlie and I tag teamed on
16 conducting mitigation research in bluefin tuna
17 bycatch in the pelagic longline fishery for a
18 few years now. I handled the research end of
19 it. Charlie's the gear technologist involved
20 in this project. So, I'll be giving the
21 update on the current status of research and
22 when we get into the question portion of it,

1 me and Charlie will be tag teaming. I'll be
2 handling the research questions. Charlie will
3 be handling the fishing technology end of
4 things.

5 But, as most of you know, the
6 problem that we're addressing is a problem
7 with the bycatch mortality of spawning western
8 and Atlantic bluefin tuna in the Gulf of
9 Mexico, yellowfin tuna pelagic longline
10 fishery.

11 We've been involved in this
12 research starting in 2007 to try to come up
13 with ways to mitigate these problems.

14 As with any good mitigation
15 research, a good place to start is start with
16 the fishery because fisheries usually have a
17 good idea. Fishermen usually have a good idea
18 how to address bycatch problems.

19 From anecdotal information from
20 the industry, we found out that a large
21 portion of bluefin tuna that the fishermen
22 interact with are capable of bending or

1 straightening the current hooks that are used
2 in the fishery. Currently, a 16/0 circle hook
3 is used in the pelagic longline fishery and
4 the fishermen see when they do catch a bluefin
5 tuna a lot of those hooks are almost
6 straightened out or straightened and so, the
7 fishermen had an idea that if we could reduce
8 the strength of the hook to a degree that we
9 could still maintain the catch of yellowfin
10 tuna which are much smaller than the bluefin
11 tuna that are in the Gulf while allowing the
12 bluefin tuna to escape.

13 So, this is the direction that we
14 pursued with this research. Now, initially,
15 we had to look at the relative strength of the
16 hooks that are currently being used in the
17 fishery. A common hook that is used in the
18 Gulf is the Mustad 16/0 39960.

19 To evaluate the relative strength
20 of the hook, we did a full-force experiment
21 where we incrementally increased the pounds of
22 force placed on the hook to see what the

1 bending characteristics of the hook are and
2 that's what the graph you see here is.

3 The X axis is the hook width. The
4 Y axis is the incremental pounds of force
5 placed on the hook.

6 As you can see from the graph, the
7 hook starts opening up at about 150 pounds and
8 the first characteristic of the bending is if
9 you look from the pictures of the hook from
10 left to right the second hook from the left,
11 you start seeing the initial bending is an
12 elongation of the hook. The hook doesn't
13 actually start opening up very much. The hook
14 starts elongating and once you get up around
15 250 pounds or so, then you start seeing an
16 opening of the hook and to the point where the
17 hook completely fails.

18 In the laboratory experiment, we
19 consider a hook failure when the line is
20 placed through the hook or the stainless eye
21 whichever you use. Once the hook opens up to
22 where it comes in connection with the barb of

1 the hook, that's what we consider a failure.

2 And so, we start talking about
3 failure weights. I just want to qualify that
4 we were talking about failure weights in a
5 laboratory environment. We really don't know
6 what the exact force that a fish exerts on a
7 hook in order to get the hook to fail. So,
8 anytime I talk about failure weight, I'm
9 talking about a laboratory condition.

10 The easiest route to go rather
11 than reinvent the wheel was to look at hooks
12 that have a lower failure weight and so, the
13 next thing we did was looked at a 15/0 hook
14 which -- the 16/0 hook has a wire diameter of
15 4.0 millimeters. The 15/0 hook has a wire
16 diameter of 3.65 millimeters and you can see
17 that the hook failed at a lower weight than
18 the 16/0.

19 Now, the easiest route to go would
20 be to use a 15/0 hook, but a 15/0 hook is not
21 allowed in the Gulf of Mexico due to sea
22 turtle mitigation measures.

1 So, what we had Mustad do is to
2 build a 16/0 hook made out of 15/0 wire
3 material which was 3.65 millimeters. The
4 resulting hooks, and Charlie has two boxes of
5 them up here, you can take a look at one later
6 if you like, the resulting hooks were
7 practically identical and difficult to tell
8 between the two, but one's made out of 4.0
9 millimeter. One is made out of 3.65
10 millimeter wire stock.

11 Now, because the 16/0 hook is a
12 larger diameter than the 15/0, the resulting
13 hook is even weaker than the 15/0 and so, the
14 black line here is you see is what the bend
15 characteristics of the new experimental hook
16 which is the 16/0 circle hook made out of 3.56
17 millimeter wire.

18 As a matter of fact, Mustad has
19 actually started producing it as a model
20 number. So, you can purchase this hook if you
21 want it. It's the Mustad 39988 hook.

22 We've been conducting research in

1 2008 to 2010 and the way this research has
2 been conducted is on commercial longline
3 vessels with an alternating configuration
4 where the control and treatment hook has been
5 alternating along the lines. We've set the
6 gear in a range of three to five hooks between
7 floats using sardine bait as bait in the
8 fishery. Basically, exactly the same way this
9 fishery normally conducts itself.

10 2008 to 2010, we've had five
11 vessels involved in experiment. We've
12 conducted 260 sets with 172,573 hooks.

13 We currently have a second phase
14 of this research going on which is a summer
15 project. The fishermen have come back and
16 told us that they see a higher catch rate or
17 equal catch rate later in the summer with the
18 experimental hook and that's something we
19 didn't have any temporal effect data. So,
20 this year, we've collected data later on in
21 the summer and the second phase of this
22 project is just wrapping up.

1 But, we had -- in the second
2 phase, we had 50 sets. That will be completed
3 soon. Looking just at the yellowfin tuna
4 catch with the experimental hook.

5 In 2010, we originally planned to
6 do 100 sets. We only completed 63. Some of
7 those sets they weren't able to complete had
8 to do with logistical aspects around the oil
9 spill. But, we were happy to be able to
10 accomplish 63 sets this year.

11 I haven't updated this slide yet
12 for 2010, but this gives you an idea of the
13 distribution effort in 2008 and 2009 which
14 goes from mostly in the central Gulf of
15 Mexico.

16 Statistical analysis that used to
17 evaluate these hooks, we looked at explanatory
18 variables on the catch rate. We look at
19 logistical analysis for hook type, mean
20 surface temperature, vessel and year on catch
21 rates.

22 Any size distribution, we looked

1 at the size distribution of yellowfin tuna
2 catches. We used Kolmogorov-Smirnov test to
3 evaluate the distribution of the sizes. Also,
4 we consider the significance at an output of
5 0.05.

6 Going right to the results, for
7 260 sets we've conducted to date, we've caught
8 33 bluefin tuna. We've had a 56.5 percent
9 reduction with the experimental hook with a P
10 value of 0.02 which is significant.

11 Total yellowfin tuna we've caught
12 is 1785. You can see the relative catch per
13 unit efforts per 1,000 hooks with that. We
14 have a 6.7 percent reduction and not
15 significant.

16 The yellowfin that are kept for
17 sale, we have 1385. We have 11.7 percent
18 reduction of yellowfin kept and this P value
19 is 0.02 which is significant.

20 Now, with the five vessels that we
21 have in the experiment, if we looked at the
22 reduction of marketable kept fish by vessel,

1 we see that the results of the experiment are
2 extremely variable among vessels. With the
3 five vessels that we see, the reduction rate
4 we're seeing in kept yellowfin is driven by
5 vessel number 4 which had a 38 percent
6 reduction in yellowfin catch.

7 Now, the interesting thing about
8 this vessel is when we looked at the reduction
9 rate for both 2009 and 2010, the reduction
10 rate of kept yellowfin tuna were 38 percent
11 for both years. So, obviously, this vessel is
12 doing something a little different to not
13 allow it to have retention of yellowfin as
14 well as the others.

15 But, as you can see, vessel 2
16 actually had an increase in yellowfin catch
17 and vessel 5 had a near equal catch with an
18 overall reduction of 11 percent.

19 Now, if we take the vessel 4 out
20 of the data and just do a comparison with the
21 other vessels 1, 2, 3 and 5, we see that we
22 have 20 bluefin tuna caught for a reduction of

1 75 percent which is significant. The
2 yellowfin tuna count of reduction of 1.2
3 percent which is not significant and the
4 yellowfin kept for sale, we have a 5.7 percent
5 reduction which is also not significant.

6 So, we see we have a lot of
7 variability within vessels.

8 Looking at the yellowfin tuna, the
9 size distribution of the yellowfin caught
10 between the two hook types, if we were seeing
11 a significant reduction of yellowfin tuna, we
12 would expect that the larger fish would be
13 escaping and looking at the distribution
14 between the fork length of the tuna and the
15 frequency by group, we don't see any
16 significant reduction by size. So, there's no
17 difference between the length/frequency
18 distributions of the two groups.

19 Looking at the boarding status of
20 bluefin tuna, comparing live versus dead when
21 boarding between the control and experimental
22 hook, we really don't see any difference. We

1 had 23 bluefin caught on the control. The
2 numbers are as close as you can get to 50
3 percent when you have an odd number. We have
4 exactly five between the control and
5 experimental. Excuse me. Between the
6 experimental, live and dead.

7 The interesting thing about this
8 is there's been a question as to whether or
9 not the tuna are escaping during haul back.
10 During the haul back procedure, the vessel
11 starts interacting with a line that's a
12 certain distance out from the boat and some
13 researchers have asked a question. Is there
14 a possibility that when the vessel starts
15 hauling the gear and the vessel starts putting
16 some tension on the line, is the combination
17 of that tension on the line versus the tension
18 of a live bluefin tuna fighting against the
19 line allowing the bluefin tuna to straighten
20 the hook and escape?

21 Now, if that were the case, we
22 would expect that a live bluefin tuna would

1 have a higher probability of escaping in a
2 situation where the vessel starts pulling on
3 the line, but what we, in fact, see is that we
4 don't see a shift in the live versus dead.

5 So, therefore, we don't suspect that this is
6 occurring. So, we suspect that the escape is
7 occurring earlier -- sooner in the process.

8 Looking at the number of straight
9 hooks between hook types, you see 2008, 2009
10 and 2010 and the combined. We have 69 control
11 hooks that were straightened out during the
12 experiment. So, we had 69 somethings that
13 were big enough or strong enough to straighten
14 out the control hooks and escape and we had
15 over fourfold number of experimental hooks.
16 So, it does show that experimental hooks are
17 capable of bending and releasing fish even
18 though with the unknown we're not exactly sure
19 what it was that was getting off.

20 (End of tape 3.)

21 TAPE 4

22 Looking at the hooks that we have

1 so far that have caught bluefin tuna, the top
2 row is control hooks. The bottom row is
3 experimental hooks and you can see that even
4 with the control hooks, the standard 16/0
5 circle hooks, we still see a high degree of
6 bending when we catch a yellowfin tuna.

7 Excuse me. When we catch a bluefin tuna and
8 so, just as the fishermen told us, bluefin are
9 even capable of straightening a control hook.

10 Going back to the original slide,
11 you don't have this in your handouts, but
12 going back to the original slide, it's kind of
13 interesting that we see a high degree of
14 bending in the control hook and if you go back
15 and look at the relative strengths on the red
16 line which is the control hook, it starts
17 bending about the same weight as what the
18 experimental hooks failure is and so, when we
19 see a control hook that's bent to a certain
20 degree, the force it takes to do that is
21 similar to what the experimental hook would
22 normally fail at.

1 Which brings up another question.
2 Some researchers have asked is there a
3 possibility that the bending or opening up of
4 the hook and escaping of the fish could be a
5 cumulative effect? Could it be a situation
6 where the tuna is fighting against the line
7 over a period of time and gradually bit by bit
8 opening the hook up to the point where the
9 hook is opened up and the fish finally
10 escapes?

11 In that scenario, you would have a
12 situation where there is a possibility of the
13 fish staying on the line for a long period of
14 time and having been subjected to a high level
15 of stress.

16 So, I did a multiple exposure
17 test. What the intent of this was to see if
18 we take the hook almost to its failing weight
19 and repeat that over and over again, what
20 would be the effect? Would there be a
21 cumulative effect of opening the hook?

22 And looking at the graph at the

1 bottom left with the green line starting at
2 the bottom with a zero weight on the hook, the
3 see the hook width is 1.8 inches. The same as
4 the top right.

5 And then I subjected the hook to
6 160 pounds of load ten separate times. Each
7 time I subjected the hook to 160 pounds, I
8 would take the load off, measure the width of
9 the hook.

10 Starting from the bottom to the
11 top is the sequential exposure to the 160
12 pounds of pull. You can see for the first two
13 or three times we had a small amount of
14 expansion of the hook which totaled only about
15 300th of an inch in expansion. But, after
16 that, we had no more expansion of the hook.

17 So, with ten times exposure to
18 within ten pounds of the failure strength, the
19 hook only expanded 300ths of an inch.

20 After ten times, because I kind of
21 got tired of doing the experiment, I went
22 ahead and see what the hook would fail at at

1 that point and it failed at 173 pounds which
2 is just about exactly the same as the original
3 test showed that the hook fails at about 170
4 pounds.

5 So, the bottom line to this
6 particular small experiment was that when you
7 see a hook bent that the bending of that hook
8 represents the maximum force that's been
9 applied to that hook. There's not a
10 cumulative effect.

11 Looking at other species that
12 could potentially be benefited by this type of
13 research, this is the 2008/2009 data. I
14 haven't had a chance to update the 2010.

15 Basically, we don't see much of a
16 difference in the blue marlin catch between
17 the two hooks types, but we do see a
18 difference between sharks. Whether that is
19 significant or not, we're waiting to compile
20 some more data to determine that.

21 The reason why we're waiting to
22 compile some more data is because the

1 individual shark species the numbers are very
2 low.

3 But, what we can say is if you
4 look at this table of all the shark species we
5 have for 2008 and 2009, only the three that
6 you see were not reduced. All the ones in
7 yellow were reduced by number.

8 So, we're hoping between -- once
9 we get the 2010 spring data in, the summer
10 data, hopefully, we'll have enough numbers for
11 total sharks to actually get a reduction on
12 that. But, we suspect that there is some
13 reduction occurring with sharks.

14 In summary, we see we currently
15 have a 56.5 percent reduction of bluefin.
16 Observed 6.7 percent reduction of yellowfin
17 tuna which is not significant, but bluefin is
18 significant. Retention of target catch seems
19 to be vessel dependent and we're currently
20 testing the hook design later in the season to
21 look at the temporal effect of yellowfin tuna.
22 We're hoping to have that data by the end of

1 the year.

2 So, we couldn't do this research
3 without the cooperation of the Pelagic
4 Observer Program and also the captains of
5 vessels and crews and owners that are involved
6 in this research.

7 And that's pretty much my
8 presentation. Like I said, me and Charlie's
9 going to tag team on this. I'll let Charlie
10 handle the fishery's technical end. I'll
11 handle the research end. Thanks.

12 MR. MCCREADY: Go ahead, Glenn.

13 MR. DELANEY: Great presentation
14 and, of course, I'm a big fan and supporter of
15 all this effort and not just in the Gulf with
16 regard to bluefin, but we're also trying to
17 advance a similar effort in the North Carolina
18 pelagic longline fishery with respect to the
19 incidental tag of marine mammals. Pilot wells
20 mostly.

21 And it's always a challenge to get
22 fishermen to buy into what seems to be a

1 counter-intuitive thing to them which is why
2 would I want to use a weaker hook. I mean
3 that sounds bad and we struggle with getting
4 people to buy into the prospects of losing
5 directed catch.

6 And I know you focused some
7 attention on vessel number 4 as to why -- you
8 know, what's his problem, but have you talked
9 to vessel number 2 because he's the guy we
10 really want to know about. You know, what is
11 he doing right so that we can bring that type
12 of fishing technique to other fisheries.

13 There may be just a subtle haul-
14 back technique or who knows. I mean just the
15 way he rigs his hooks or something. Whatever
16 it is, would be sure worth knowing and I know
17 you thought of that already. So, you're all
18 nodding your heads.

19 MR. BERGMANN: Glenn, we have
20 talked to all the captains. There are subtle
21 differences in the way they haul just like
22 there's subtle differences in the way the

1 individual fisherman fishes.

2 It is a learning curve on using
3 these hooks. However, the Vessel 5, he's
4 participated two years and he's a slow
5 learner. He's a very slow learner.

6 But, the vast majority of the
7 folks that have used these hooks love them.
8 I've got an email just from one of our latest
9 boats in this yellowfin work that has
10 indicated that he won't use anything other
11 than this hook anymore. The catch rate on
12 yellowfin tuna appears to be much greater or
13 at least their perception is much greater.

14 The idea from -- you talked about
15 that Vessel Number 2. He says he loves the
16 hooks because he doesn't have sunk gear. He's
17 not having to deal with bluefin tuna. He's
18 not having to deal with big sharks or
19 billfish. He's catching what he wants to
20 catch and leaving the rest of the stuff alone.

21 MR. DELANEY: (Off microphone.) --
22 he's catching more yellowfin?

1 MR. BERGMANN: I think the weight
2 of the hook. It's a finer weight. It's a
3 lighter weight hook. It doesn't interact with
4 the bait as much as the other one does I think
5 is probably the reason, but I don't know.

6 MR. AUGUSTINE: Yes, thank you.
7 Pat Augustine, Mid-Atlantic.

8 Are you looking at developing a
9 common protocol? I know fishermen are
10 different and you hit it right on the head.
11 You can fish side-by-side. He's an animal.
12 You know, the guy leaves a few dead sticks and
13 he catches more fish. Does less damage.

14 But, do you see in the near
15 future, it seems there are so many common
16 things here that are occurring that you could
17 actually develop through Margo's office or
18 through your developmental protocol that you
19 could recommend, you know, haul-back. All of
20 the features that are somewhat common that
21 could be applied and again there are slow
22 learners, Charlie, but it just seems to me

1 that you got them all to agree to use a non-
2 curve hook which is a tremendous thing in
3 itself.

4 I'm not sure what the reduction in
5 mortality is, but it's got to be very
6 significant in terms of internal damage where
7 hooks are deep.

8 The other thing is the
9 manufacturer, Mustad, have they actually
10 changed the material or they've just kept the
11 same diameter? Have they changed the material
12 of the hook or just changed the diameter?

13 MR. BERGMANN: Pat, the diameter
14 of the hook is different. It's lighter wire.
15 It's the same material, but it's just a
16 lighter gauge wire. They're coming around the
17 table.

18 Those hooks are going through the
19 same die in the manufacturing. Like I say,
20 it's the 15/0 hook in Mustad. That's the wire
21 diameter. That 3.65 as opposed to the 4.0.

22 Now, the first year that we did

1 this work, we used monofilament sections to
2 determine a range of where the bluefin would
3 break it off and where the yellowfin wouldn't
4 and this particular wire while it's probably
5 lighter than what we wanted to use, it was the
6 one that would fit in that range that was
7 available.

8 The industry's buying into it.
9 Granted it's a little slow buy-in because
10 people have to use it. As Glenn says people,
11 you know, they're fairly blunt about it. Why
12 the hell would I want to lose fish? But, the
13 whole idea is to lose fish as you keep what
14 you want to catch.

15 MR. MCCREADY: A few minutes left
16 here and a fairly extensive queue. I've got
17 Andre, Ellen, Shana. Then over to Vincent and
18 maybe a couple more cards have come up, but
19 Andre, let's start with you. Please.

20 DR. BOUSTANY: Andre Boustany,
21 Duke University.

22 Nice results. I was just

1 wondering and I'm not sure how much longer the
2 experiment is going to go on, but have you
3 looked into using hook timers at all that
4 could determine, number one, if anything was
5 ever on the line and also maybe some timing of
6 how long something was on the line. If that's
7 a possibility at all.

8 MR. FOSTER: Now, we've looked
9 into the possibility of hook timers and I
10 think yes, there is some information that can
11 be obtained from hook timers. The real
12 challenge, we were actually talking about
13 trying to figure out a hook timer that would
14 give us two times. Number one is when the
15 interaction was and when the interaction
16 stopped, but so far, we haven't been
17 successful in doing that.

18 But, no, not to this date we
19 haven't planned to use hook timers in an
20 experiment, but it would potentially give us
21 some useful information. I agree.

22 MR. MCCREADY: Ellen.

1 MS. PEEL: Excellent presentation,
2 guys. This is exciting.

3 I would like to know can you share
4 not -- obviously, not now, but the numbers of
5 blue marlin and white marlin and any sailfish
6 interactions and statistically, it would be
7 interesting to know.

8 MR. BERGMANN: I've got -- I can
9 give you a copy of our last year's report. I
10 haven't summed up. We just got the data last
11 week for this year, but I do have a report
12 that has all of the marlin interactions, the
13 numbers and that sort of thing for from 2008
14 and 2009. I can provide for you.

15 MR. MCCREADY: Thanks. Ron, you
16 were actually next in the queue.

17 MR. CODDINGTON: Yes, Ron
18 Coddington. Just a quick question. I think
19 it's a great testament to American ingenuity.
20 I think it's really exciting information.

21 What I'm curious about is when
22 you're doing your test loads, how did you try

1 to replicate the load that a fish places on
2 this hook? Because it seems like where he's
3 hooked could significantly change how that
4 bending moment is applied to that wire.

5 So, in your test loading, what did
6 you do?

7 MR. FOSTER: Yes, it's impossible
8 to simulate exactly what a fish does because
9 then you're getting involved in where the
10 hooking location is and all the different
11 parameters involved.

12 Basically, what we did is mimic
13 what Mustad itself does. Mustad has what they
14 call Mustad hook bending tests. Which they
15 place a loop in the hook and then they pull on
16 it to see what strength the hook fails.

17 And what would be great is because
18 from one of the last slides I showed, the
19 amount of bending is relative to the maximum
20 force that's been placed on a hook.

21 Basically, I've got probably a thousand hooks
22 in my office. Every hook that's caught a

1 bluefin or a yellowfin tuna, I have.

2 Because that represents the
3 maximum load, that's, in fact, a simple hook
4 strain gauge. It would be really good if we
5 could calibrate that based on what's happening
6 in a real-life situation where a fish is on
7 the hook and that's something I hope to kind
8 of pursue to try to find out how does what
9 we've done in the laboratory relate to what's
10 happening in the real world.

11 Now, I agree entirely that it's
12 apples and oranges, but just so we can compare
13 the relative strength of hooks, that's the
14 best we have at this point.

15 MR. MCCREADY: Shana.

16 MS. MILLER: I have a few
17 questions. First of all, I'm really happy to
18 see this presentation. We've heard about this
19 research for a long time and it's nice to see,
20 you know, you folks as the researchers here
21 presenting it. So, I appreciate that.

22 My main question was related to

1 the hook timers actually. But, we heard at
2 the last meeting that a bluefin was caught on
3 a straightened hook. Can you confirm that?

4 MR. FOSTER: The numbers we
5 present are conservative numbers as far as the
6 capture rate. Because at first, you have to
7 define -- it's kind of like in recreational
8 fishing what do you call a capture? You know,
9 a capture landed. No, I don't think, I'm not
10 familiar with any bluefin that were landed on
11 a completely straightened hook.

12 Now, we do have some bluefin that
13 we classified as captured that are on
14 straightened hooks. As a matter of fact, let
15 me kind of go back in the presentation and
16 show you a picture.

17 All right. The picture you see
18 here, the hook that's at the bottom right,
19 this was a bluefin that was counted as
20 captured. This was a bluefin tuna that was
21 brought along side of the boat and while along
22 side of the boat was able to straighten the

1 hook and escape and so, the question is what
2 do you call a capture and what do you call
3 escape?

4 But, at the point where -- we were
5 being conservative with what we count as
6 captures and escapes. There were actually two
7 of the ten bluefin that we caught that escaped
8 along side of the boat, but at that point the
9 fish is interacting with the vessel and the
10 crew which could potentially affect whether
11 that fish is able to escape or not.

12 So, our numbers are very
13 conservative in that there are actually two of
14 the ten that were escapes along side of the
15 vessel, but we chose to do it that way because
16 our preference is for tuna to get off early in
17 the process and we suspect that's what's
18 occurring and that's what we desire so that it
19 has less stress involved.

20 So, any fish that is brought up
21 along side of the boat, we call it captured.

22 So, there was a discussion about a

1 bluefin being caught on a straight hook, that
2 may have been where the discussion came from.
3 Is that a tuna actually escaped along side of
4 the boat, but it was counted as a capture.

5 MS. MILLER: Okay. Yes, that's
6 obviously important because the survivorship
7 of the bluefin post-release or post-
8 straightening whatever you would call it, of
9 course, depends on how long the tuna was
10 fighting on the hook.

11 And just a question logistically.
12 Is Mustad the only hook manufacturer that
13 makes these hooks? Is that an issue fishermen
14 that don't use Mustad hooks?

15 MR. BERGMANN: Well, currently,
16 Mustad is the only one manufacturing them.
17 When we started going down this road, I
18 contacted both Eagle Claw and Mustad and those
19 are your primary suppliers for this particular
20 fishery about doing this.

21 Both of the companies would make
22 the hook for us. Eagle Claw required a much

1 larger order. Far out of our range especially
2 when we didn't know if this would be the end
3 result, if we needed to change from where we
4 were going.

5 So, in answer to your question,
6 Mustad is the one that is manufacturing them
7 currently. There are other hook manufacturers
8 who have the ability of making the hook and I
9 think if there was any type of requirement for
10 this weaker type hook, that you could just put
11 in a maximum wire size and that would do it.

12 MR. MCCREADY: Thanks. I've got
13 -- Shana, we're going to have to share. So,
14 what I know is I've got five people in the
15 queue, Vince, Ralph, Rich, Steve and Rom. We
16 are eating into enforcement time which I'm
17 sure you all will want to have time to talk
18 about a little bit.

19 And I want to note that both
20 Charlie and Dan are here all day today. They
21 will be here tomorrow and they will be as part
22 of the Bluefin Tuna Working Group. So, there

1 are a lot of opportunities to ask them your
2 questions and we encourage you to do that.

3 So, with that, let me invite the
4 people who are in the queue to think whether
5 you can ask your question offline and if not,
6 we'll try to touch on that right now. Vince.

7 MR. MCCREADY: Okay. Thanks and
8 you may want to continue some part of your
9 conversation off line with the researchers.

10 PARTICIPANT: I don't -- with the
11 research, but --

12 MR. MCCREADY: Yes.

13 PARTICIPANT: -- I'm just bringing
14 up the fact that --

15 MR. MCCREADY: Understood.

16 PARTICIPANT: -- bluefin tuna are
17 huge beasts and they run until something stops
18 them and it's going to be a knot. It's going
19 to be something in that line --

20 MR. MCCREADY: Got it.

21 PARTICIPANT: -- that stops them
22 from running.

1 MR. MCCREADY: Got it. Thanks.

2 MR. BROOKS: So, we are needing to
3 push on to enforcement. I know there's a few
4 people in the queue. What I'd like to do is
5 give the enforcement folks a chance to come up
6 and give their presentation.

7 If we move through that quicker
8 than we think we will, let's double back and
9 come around to these questions and if not,
10 again, Dan and Charlie are here the entire
11 time and they definitely welcome any questions
12 or comments.

13 Okay. Thanks.

14 MR. MCCREADY: Thanks. Great job,
15 guys. Thank you very much.

16 Okay. Before we disperse to
17 lunch, you all quite interested to hear what's
18 going on with enforcement. We have a number
19 of colleagues with us today to brief us on
20 enforcement and I'll just turn it over to them
21 and ask them to please make brief self
22 introductions.

1 LCDR BARELLI: Thank you. My name
2 is Lieutenant Commander Patrick Barelli and
3 once again, I'm the Coast Guard Liaison
4 Officer to the Office of Law Enforcement at
5 NOAA Fisheries.

6 Next to me, I have Ms. Katie Moore
7 and she's going to be pretty much presenting
8 the presentation, but I wanted to have a dual
9 face because oftentimes from the Atlantic
10 area, we cross a lot of paths and a lot of
11 different issues that we're confronted with
12 both internationally and domestic since HMS is
13 both.

14 So, without further ado, I'm going
15 to hand it over to Katie and quickly introduce
16 herself and we'll answer questions at the end.

17 MS. MOORE: Great. Thank you for
18 having us.

19 Katie Moore. I work for the Coast
20 Guard. My previous career was with NOAA at
21 headquarters as well as in the southeast and
22 I've also worked with several of you on take

1 reduction teams and conservation efforts.

2 So, thanks for having us.

3 The large questions we get from
4 stakeholder groups is how much effort are you
5 expending and so, what this slide is telling
6 you is how many hours we've put towards living
7 marine resources which is domestic fisheries
8 enforcement between the areas of Maine through
9 Texas including the Caribbean.

10 Now, this is not the complete
11 amount of hours that Coast Guard expends on
12 the water because we are doing 11 statutory
13 missions. This is only the fisheries mission.

14 So, what I'd like to bring to your
15 attention is we have a diversity of assets.
16 We have at sea as well as in air and all of
17 those help us towards the HMS issues.

18 The majority of the assets we use
19 are major cutters because of the nature of
20 this fishery. Those cutters are 65 feet and
21 greater. They give us high endurance off
22 shore and that helps us stay for longer

1 periods of time.

2 Now, in terms of how many
3 boardings we've done for highly migratory
4 species, we execute this mission in all of our
5 districts: the Northeast District which is
6 District 1, the Mid-Atlantic which is District
7 5, Southeast District 7 and the Gulf of Mexico
8 which is District 8.

9 We do boardings for both
10 commercial and recreational fishermen. Our
11 goal is definitely to try to address equity
12 and if you look at the numbers, we have a
13 total of 239 boardings that we have executed
14 for this fiscal year. This is a slight
15 increase of about 80 boardings over the prior
16 fiscal year. The majority of the boardings do
17 occur in the Northeast seconded by the Mid-
18 Atlantic and it wraps around to the Gulf of
19 Mexico. These numbers vary based on the
20 targets, our resources as well as the threats.

21 As you know, this mission does
22 have a variety of complexities to addressing

1 HMS violations. I wanted to give you a
2 snapshot of what violations we have detected.
3 They were seen all throughout the districts
4 which we operate. They were seen all
5 throughout the fiscal year. We detected them
6 using our small boats as well as our major
7 cutters. They address both commercial and
8 recreational fishermen and they were a variety
9 of violation types.

10 I'm not giving full details
11 because some of these cases are still open.
12 We work very closely with NOAA OLE as well as
13 General Counsel, but I wanted to touch base
14 and just give you a couple of details.

15 Some of the species which were
16 involved varied. The first one that we had
17 out of the Northeast District 1 in October, it
18 was improper VMS coding. This was a fisherman
19 who stated that he was actually declared in
20 the sea scallop fishery. We worked with NOAA.
21 This vessel ceased fishing in the EZ and NOAA
22 issued a violation once it came pier side.

1 The second case which happened in
2 the Southeast was actually out of Puerto Rico.
3 The fisherman had on board wahoo and mahi mahi
4 and this was operating in a closed area.

5 The third out of District 8 which
6 is the Gulf of Mexico, this was a situation
7 where 92 yellowfin tuna were landed. They did
8 not have tails on and there was also a
9 swordfish that was dismembered.

10 The next case which happened in
11 the Mid-Atlantic using our small boats. It
12 was an overage of four bluefin tuna over the
13 bag limit.

14 And the final case happened in our
15 Mid-Atlantic with our small boat resources and
16 it was also a fisherman, a recreational
17 fisherman. He fished without a permit. He
18 had one yellowfin tuna and he did not have an
19 HMS angling permit.

20 So, we wanted to give you an idea
21 of what we're doing out on the water and
22 Lieutenant Commander Barelli is going to tell

1 you our next steps.

2 LCDR BARELLI: Thank you, Katie.

3 As far as our next steps,
4 obviously, there's a lot of operational things
5 that we're doing on the water, but also from
6 a policy standpoint back here at headquarters
7 in some of our district offices.

8 One of the really biggest things
9 that are happening here at the headquarters
10 level is that we're starting to once again
11 reevaluate our performance measures.

12 We're also, for those of you who
13 are familiar and have seen maybe documents at
14 some of the fish councils, revalidating our
15 ocean guardian document. That's our strategic
16 plan. It's a five-year strategic plan that
17 kind of looks and makes sure that our
18 priorities are on target and we'll be looking
19 at those and revalidating those over the next
20 year.

21 And finally, we just contracted
22 for a deterrent study and that is going to be

1 going on throughout the year and there's going
2 to be an opportunity not only for the Coast
3 Guard to provide data, but for National Marine
4 Fishery Service Office of Law Enforcement to
5 try to see where we're at as far as our
6 ability to be effective on the water and
7 insure compliance.

8 And lastly and most importantly,
9 again, we're going to continue to enhance our
10 partnerships with National Marine Fishery
11 Service as well as our state partners because
12 once again, it's a big ocean out there and
13 we've got a lot of ground to cover.

14 So, thank you. That's all I have.

15 MR. RODONSKI: Good morning. Jeff
16 Rodonski (phonetic), OLE. I'm the Assistant
17 Special Agent in Charge out of the Miami
18 office and I cover Miami, Key West and Puerto
19 Rico and the Virgin Islands as my area. But,
20 here I'm representing the Southeast Division.

21 And one of the things I'm going to
22 do is -- I tried to send it to LeAnn this

1 morning, but we have our quarterly report.

2 We'll make sure we get it to the AP members.

3 I think that'll help you see more of what OLE
4 does in the context of our division. It is
5 diverse work that our agents are working and
6 you can kind of see that.

7 Also, I invite everybody to go to
8 the NOAA OLE home page and you can sit there
9 and see press releases, other information
10 about OLE, but there's a lot of information
11 available about what we do.

12 This year though obviously, the BP
13 oil spill had a huge impact on enforcement.
14 We had to deal with closures. We're also
15 having to deal with the task force that's out
16 of the New Orleans U.S. Attorney's Office. We
17 have agents assigned to that and it's a big
18 commitment that we have to do with our agents
19 that are assigned to that task.

20 That will be an ongoing process.
21 We have no determination how long that will
22 last. Many investigations going through

1 everything takes a long time and that will be
2 the case with that.

3 In the HMS world which is one of
4 our priorities, we're looking at North
5 Carolina. I think a hearing's coming up this
6 month dealing with transferency of bluefin
7 tuna.

8 There's a couple of other cases
9 were NOAA's and the cases were settled for
10 bluefin tuna and I know they're highlighted in
11 the quarterly report as well.

12 But, we work a lot of other
13 different things and then remember, special
14 agents, their prime duties and
15 responsibilities is investigations. This
16 year, toothfish specially out of the port of
17 Miami has been critical investigation.

18 We had toothfish imported into
19 Miami illegally. We ended up seizing it. It
20 was a criminal offense. We have already
21 indicted a company on it.

22 We also had to deal with a

1 forfeiture action of a product that is worth
2 over a million dollars.

3 That's very time consuming when
4 you have both a criminal investigation going
5 on and a civil forfeiture. Because the dollar
6 value of the forfeiture was actually handled
7 through the U.S. Attorney's Office not
8 internal to NOAA.

9 Imports, that is throughout our
10 division is becoming something that we're
11 dealing with all the time because of false
12 labeling. One of the things we are finding is
13 products are coming from one country, comes
14 here to the United States and is being
15 repackaged to some other country of origin.
16 It may be changed from Chinese to United
17 States. It may be changed to Panama. It may
18 be changed to Russia.

19 We have several cases that are
20 dealing with that and it's all different types
21 of fisheries that it's being impacted in.
22 Shrimp, haddock, salmon. A lot of different

1 species that we're seeing as false labeling
2 and obviously, in those types of cases, we're
3 working with ICE. We're working with Food and
4 Drug Administration.

5 And a lot of it we're working with
6 State of Florida's Agriculture Department
7 who's fining a lot of these violations on
8 processors as well as in Louisiana and other
9 states, but we are seeing a problem with the
10 false labeling of species.

11 And it could very well happen with
12 HMS species as well either to get around
13 regulations or not having FDA testing like in
14 swordfish for mercury and we've had cases like
15 that in the past.

16 ITP, we're doing a lot of
17 different investigations with the
18 international trade permits and one of the
19 things we're finding in Miami, these targets
20 keep moving. Agents try to track them down
21 and they're moving three/four times. Very
22 difficult individuals to keep up with. So,

1 we're not only trying to track them down, but
2 we're having to deal with that.

3 You know, kind of back to the BP
4 oil spill, too, with the cases we had
5 foreclosed areas dealing with the oil spill.
6 So, had so many cases that we had to filter
7 them out throughout the region to take care of
8 them and a lot of them were written warnings.
9 Individuals had to dump their catch that were
10 caught in closed areas and we proceeded with
11 written warnings and I know there's a few that
12 are looking for potential civil violations as
13 well on more egregious-type cases.

14 Also, we're inundated with ESA
15 issues, corals. Our of the Virgin Islands, we
16 worked with U.S. Fish and Wildlife, a major
17 black coral smuggling ring. Using it for
18 jewelry. That went into millions of dollars
19 of what was smuggled. Started from a very
20 small case from a package coming into the
21 United States, but grew into a major case that
22 ended up with two Taiwanese nationals being

1 arrested in the United States and they've been
2 sentenced to prison. I think both of them got
3 over two years in Federal prison for their
4 part in the smuggling from Taiwan to the
5 United States.

6 We also have priorities that
7 affect us everyday, you know, and our
8 priorities can change in a moment's notice.
9 It depends on the cases that we receive on a
10 daily basis, what the agents are working on,
11 but we're getting cases from our partners.
12 We're getting them from other Federal
13 agencies. We're getting it from internal to
14 NOAA.

15 But, probably the most important
16 thing is we need the community to give us
17 cases or to let us know what's going on in the
18 docks. We've had several that we have looked
19 into, but one of the things I would suggest is
20 you have information, you know, give us a
21 call. Meet with the agents and talk about it.

22 There's so much going on out there

1 and there's some people that are out there
2 violating the regulations and that impacts the
3 whole industry. So, the more information we
4 have to be able to do it, look at the cases
5 and follow-up, the better we are at doing our
6 job.

7 So, you know, I always come here
8 and I always plea. Come to us with the
9 information and help us out.

10 Any questions?

11 MR. BROOKS: Rusty, I saw your
12 card went up and then over to Vincent and then
13 back across. To Rusty.

14 MR. HUDSON: (Off microphone.)
15 Rusty Hudson.

16 A couple of weeks ago, OLE sent a
17 team man over to Mark Harrison's home. Could
18 you tell me what they were looking for and
19 what they found?

20 MR. RODONSKI: A couple of weeks
21 ago. I'm not familiar with it.

22 MR. HUDSON: Okay. Anyway, they

1 did pay a visit and they found nothing, but I
2 guess it was a follow-up to the activities
3 that he was convicted of last year. But, he's
4 been out of the sharkfin business and that's
5 basically part of the things that I was wanted
6 to know.

7 MR. RODONSKI: Well, and I don't
8 know the structure of the plea agreement in
9 that case or the sentencing, but a lot of
10 times in these cases, part of the probation
11 period as well is the unannounced inspections
12 that NOAA agents can do as well as the
13 probation officers and I have no idea about
14 the case. So, but I'm just saying in general
15 a lot of those are written as part of a
16 probationary period.

17 MR. BROOKS: Vince.

18 MR. MONTELLA: Jeff, you certainly
19 have a lot on your plate. Almost everything
20 you told us about seems to be like after the
21 fact kind of James Bond stuff. I mean really
22 you got your plate full. I mean corals to,

1 you know, fining -- you know, going into fish
2 houses and, you know, smuggling and who are we
3 to look at off shore?

4 I know the Coast Guard is -- I
5 mean I'm on the water almost, you know, all
6 the time between Miami and Palm Beach. It's
7 a hot spot. Hot bed for everything from
8 smuggling fish to people to you name it. The
9 Coast Guard never boards us, you know, with
10 all due respect and if they do, they never
11 look for fish.

12 Do you guys work with Customs and
13 Boarder Patrol? You got an 80-mile-an hour
14 Midnight Express boat with four engines. Runs
15 up and down there. I personally know the
16 fellows on board. They still stop me every
17 time I come in, but they don't look for fish.
18 You don't have a Federal agent on there.

19 I mean why not utilize those guys.
20 Those guys are -- they're on the job. They
21 really are. You know, they've got the
22 equipment. They've got the guns. Put one

1 more man on there, you know.

2 That's -- it just seems like all
3 your efforts are after the violation has
4 occurred or trying to catch somebody after the
5 stuff's been in the air or been sold or been
6 eaten. But, how about trying to catch it, you
7 know, before it gets to that point?

8 MR. RODONSKI: Well, like I said,
9 our focus is investigations and difference
10 between patrol and special agents is basically
11 patrol is dealing with that situation at that
12 time. Investigators come in and go backwards.
13 So, that's why we do look at going backwards
14 in a lot of our cases.

15 CBP, you know, really we have
16 utilized them in different places, but they
17 have no fisheries responsibility and unless
18 it's an import, something like that. But, if
19 it's just straight fishing, that's not the
20 role of CBP. It's our state partners and the
21 United States Coast Guard that is the patrol
22 units along the whole coast line.

1 So, for us as investigators, we
2 don't have the assets of boats. You know, we
3 don't have the manpower.

4 Miami, I'm running four special
5 agents. The Keys, I'm running two agents and
6 down in Puerto Rico, I'm running two agents
7 and also, then you go up and down the East
8 Coast.

9 It's about that with far distance
10 in between the agents and the agents don't
11 have the boats or the time. They're doing
12 investigations and that's where they focus on.

13 So, we rely on the others as far
14 as patrols.

15 MR. MONTELLA: Now, I understand
16 that, but I mean I -- you know, it's not the
17 job of the Navy to stop fishing vessels, but
18 there's Coast Guard personnel that are
19 stationed on Navy vessels for that purpose.
20 I've been stopped by Navy vessels with Coast
21 Guard personnel on board to do that and they
22 identify themselves and say, you know, we are

1 a Navy vessel. We can't stop you for a
2 fishery violation, but we carry Coast Guard on
3 board for that.

4 So, why can't a Federal fisheries
5 agent be on a Customs and Border Patrol boat
6 or, you know, we're talking about one man that
7 could cover from Miami to -- just knowing that
8 he's there is a deterrent.

9 But, knowing he's not there
10 especially between Miami and Palm Beach when
11 -- I mean everything is going on there.

12 So, anyways, that's all I had to
13 say. Thanks.

14 MR. RODONSKI: No, I -- and I
15 understand that, but it comes down to resource
16 allocation that I have to work with. I don't
17 have the bodies to throw out there right now.

18 MR. BROOKS: Dewey, your unit's
19 up.

20 MS. MOORE: So, just one point, in
21 terms of that partnership, the Coast Guard is
22 trying to have a force multiplier working with

1 CBP on their unmanned UAV up in the sky so we
2 can have that intel exchange and we've also
3 had a very successful partnership in the Gulf
4 of Mexico where CBP flights have informed us
5 of folks coming over the border that are
6 illegally fishing.

7 I totally understand where you're
8 coming from. That's the same as having a
9 Coast Guard member on a CBP boat looking for
10 fish, but we're moving in that direction.

11 Because if they're there and they
12 can help us for this mission, we want that
13 info. Yes.

14 (End of tape 4.)

15 TAPE 5

16 PARTICIPANT: (Off microphone.)

17 MR. BROOKS: All right. Let's --
18 Dewey, back to you.

19 MR. HEMILRIGHT: Dewey Hemilright.

20 Thank you for your presentation
21 and I was just wondering the last year it's
22 been a difficult time for law enforcement

1 given the investigations by the Inspector
2 Generals.

3 I know that you're an officer in
4 charge, but also leadership starts at the top
5 and given the black eye, the massive level of
6 corruption and your people above you with
7 respect to finances, money, I was wondering
8 how does an officer in charge -- I realize
9 that you're down in Florida so you don't hear
10 a whole bunch about things up in North
11 Carolina through the Northeast, maybe people
12 you interact with, but how does that two-way
13 street about truthfulness and stuff like that
14 how does that work when you go out to deal
15 with the public when you're part of an agency
16 or General Counsel?

17 And different things that when I
18 read the report the other day, I was just
19 blown away at the level of I guess my word's
20 corruption.

21 Is there any types of new training
22 you all have to go to or any level of

1 accountability about this stuff that's going
2 on in the last year?

3 And is Dale Jones still you all's
4 boss?

5 MR. RODONSKI: Well, really, you
6 know, most that I don't have personal
7 knowledge in or be able to address all your
8 questions. All I can say is that they're
9 working on changes and that's -- within the
10 NOAA leadership and the Commerce Department
11 and I really can't comment much more on that.

12 As far as training, you know, I
13 think our agents have high integrity, have
14 been well trained. We continue to go through
15 training on a regular basis.

16 So, I'll just have to leave it at
17 that.

18 MR. HEMILRIGHT: I have one other
19 comment.

20 MR. RODONSKI: Okay.

21 MR. HEMILRIGHT: Something else is
22 kind of troubling with the Coast Guard

1 Administration Judge. That 40 to 60 percent
2 of his income -- and I might be wrong and I
3 wish I was, hopefully I am, but I've been
4 quoted this. That 40 to 60 percent of his
5 income comes from the fines and the
6 forfeitures that he passes down on folks.

7 And for a sitting judge, an
8 administrative law judge, for his income to be
9 directly tied to the fines that he passes on
10 somebody, to me, is just wrong.

11 MS. MOORE: I don't have knowledge
12 specific to say whether or not that's
13 accurate, but I understand what you're saying
14 and I can see your concern. So, I don't mind
15 looking into it further, but I don't have
16 anything to offer right now.

17 MR. BROOKS: Sean, were you
18 wanting to jump in on that quickly?

19 MR. MCKEON: Thanks. Sean McKeon,
20 North Carolina Fisheries Association.

21 I just wanted to follow up on
22 Dewey's kind of line of questioning.

1 The Inspector General's report
2 highlighted an area that they saw was very
3 problematic for our people and that was that
4 during the interviews they heard over and over
5 again people felt like we were being treated
6 like criminals when they were being boarded.

7 And they noted in the Inspector
8 General's report that the reason they felt
9 that way was because of the imbalance that
10 they highlighted that the agents are criminal
11 investigators when 98 percent of the trouble
12 is civil in nature and that the criminal
13 investigation process really does make them
14 feel like criminals when 98 percent of the
15 issues were civil. They recommended changing
16 that.

17 Do you know if that's underway or
18 is that just one of those things that's being
19 looked into or is there any update on whether
20 or not those personnel requirements will
21 change with respect to the agents?

22 MR. RODONSKI: No. No decision's

1 been made on that, but as far as you look, I
2 mean we use JEA partners throughout the United
3 States. They are going out there. Most of
4 the laws I work under the state level are
5 criminal statutes and when you go to the
6 Federal side, it might be a civil.

7 We still have to collect evidence
8 even in the civil proceedings and how we
9 collect evidence, preserve evidence, et
10 cetera, et cetera is what we have to follow
11 with protocols.

12 So, whether -- you know, I've
13 heard that statement before, but one of the
14 things, we are boarding boats. State partners
15 are boarding boats. We know that in boarding
16 boats there's other activities that could be
17 going on that may be criminal more in nature,
18 either alien smuggling, narcotics smuggling,
19 whatever and we have to be prepared whether
20 it's U.S. Coast Guard, us or state officers
21 when we do boardings.

22 So, I guess that's the best I can

1 answer.

2 MR. MCKEON: Quick follow up.
3 Just real quick. Yes. Then I guess you're
4 saying that you don't see a problem with that
5 balance of officers being criminal
6 investigators? The Inspector General
7 highlighted that as a problem. You don't see
8 a problem with that?

9 MR. RODONSKI: This isn't really a
10 forum I can address that and it's not my role
11 to address that question.

12 MR. BROOKS: We want to get you
13 all out to lunch sometime on time which is now
14 about five minutes late. So, there's a few
15 people in the queue. What to get you to get
16 in? We've got Merry, then Rick and then
17 Ralph. Merry.

18 MS. CAMHI: Hi. Thank you for
19 your presentation. I have a quick question
20 about your enforcement efforts around shark
21 finning. I notice you didn't have any new
22 cases up there around that, but I'm even

1 interested in a much smaller scale problem.

2 Just this summer, I know that
3 there were two sand tiger sharks that were
4 finned and caught alive in Delaware Bay.

5 And so one of my questions is what
6 kind of a compliance education do you do at
7 the regional level among fisheries to inform
8 folks about this problem and as well as, you
9 know, have you found any recent evidence of
10 local level shark finning problems?

11 MR. RODONSKI: Well, one of the
12 things, you know, enforcement. We have a
13 limited number of bodies and when it comes to
14 outreach, we do have to rely heavily on all
15 the different programs we have whether it's
16 protected resource HMS, sustainable fisheries,
17 whatever it might be. I mean those are the
18 people we deal with. But, we rely on them on
19 the outreach portion of it.

20 We do do outreach as well, but
21 it's not our number one emphasis. I mean the
22 work at hand is really the investigative side,

1 but we do send agents out. They do go to
2 meetings. They do go interact with the fish
3 houses or the fisherman. So, that portion of
4 outreach is done.

5 MR. BROOKS: And did you have any
6 comment on the extent of shark finning going
7 on?

8 MR. RODONSKI: Well, I'm not aware
9 of that specific case. I mean shark finning
10 is a priority for us. I mean we do look at
11 it, but, you know, two sharks up in Delaware.
12 I'm just not aware of that at all.

13 MR. BROOKS: Okay. Thanks. Rick
14 and then over to Ralph. Rick.

15 RICK: Thank you for your
16 presentation. I think it's important for
17 folks both recreational and commercial to
18 recognize that the Office of Law Enforcement
19 and the Coast Guard are out there looking for
20 violations and I would recommend you continue
21 to try to get that word out as much as
22 possible so folks will sort of have that in

1 the back of their mind when they're fishing.
2 Trying to follow the rules.

3 And one or two small cases can be
4 spread like wildfire through the different
5 public forums, the internet forums and it can
6 go a long way. I applaud that effort.

7 I also know you have a pretty full
8 plate from what you were explaining, but I'd
9 like to toss another topic on there if you
10 don't mind and that is as a charter boat
11 operator something that's important to our
12 industry is the growing number of illegal
13 charter boat operations that are starting to
14 surface. Using the internet forums, they'll
15 solicit for shared expense trips, things like
16 that and I'm fairly certain knowing some of
17 these folks that they don't have the required
18 permits, the required Coast Guard licensing,
19 insurance and things that full-time or
20 professional charter boat operators are to
21 possess.

22 It's a strain on our business. It

1 does not create a level playing field for our
2 operations when these folks are able to do
3 that type of fishing and I know they offer a
4 lot of trips out to the canyons for highly
5 migratory species at a reduced rate compared
6 to what a legitimate operator would charge.

7 I'd be willing to work with you in
8 anyway possible to try to, you know, get a
9 grip on that circumstance that affects our
10 businesses.

11 Thanks.

12 MR. RODONSKI: Well, that is -- I
13 mean we're aware of it. I mean the magnitude
14 is big. Probably on a weekly basis, one of my
15 agents is seeing either on Craig's List or
16 something else. I know FWC also has a unit
17 that's dealing with that on a regular basis
18 and we're trying to share the information and,
19 you know, what we're looking at and seeing,
20 we're passing to the Coast Guard, to the state
21 partners as well for the water enforcement.

22 We do understand, you know, the

1 licensing aspect of it, insurance aspect and
2 it is amazing the creativity people are using
3 thinking they are getting around needing a
4 license by bartering or trading real estate
5 tips or whatever it might be in that industry
6 to be able to take out somebody and pay for
7 their fuel.

8 MR. BROOKS: Last comment before
9 we break. Ralph.

10 MR. PRATT: Along the same lines,
11 I think outreach is important. I think if you
12 rely on enforcement as the only tool for
13 compliance, I think you sort of miss the boat
14 a little bit. I think deterrents are much
15 more successful.

16 I'm involved in the bluefin
17 fishery up and down the East Coast and on the
18 recreational side of the house, we know we
19 have around 80 percent of under-reported
20 catches. They seem to be somewhat autonomous
21 in the fact that that issue never gets
22 addressed. This AP Panel's talked about it

1 for several years now.

2 In fact, we've gone to the extent
3 now where we're trying to look at providing
4 separate tagging of catches and things like
5 that just to make up for the difference, I
6 think, that deterrents or enforcement could
7 have satisfied in the beginning.

8 That's my only comment. Thank
9 you.

10 MR. RODONSKI: Oh, I don't
11 disagree with you and from the enforcement
12 standpoint especially the investigators, we're
13 actually looking at a very small universe
14 within the fishing community. Those are the
15 serious violators and going out there really
16 for profits or doing real damage to the
17 resources.

18 It's a total package. It's got to
19 be all within NOAA, the Coast Guard and our
20 JEA partners in the outreach. It's not going
21 to be from just enforcement. We don't have
22 the bodies, the expertise to be doing that.

1 It's very time-consuming, expensive getting
2 pamphlets out, getting training seminars out.

3 You know, but all that is done
4 within the Fishery Service or other components
5 of NOAA, the Coast Guard, JEA partners.

6 So, it's got to be a total
7 package. It's not just going to rely solely
8 on the Office of Law Enforcement.

9 MR. PRATT: Just to follow up on
10 that, I don't know what the measure of damage
11 to a fishery would be, but when you have a
12 category go over its amount 2 to 300 percent
13 because of lack of reporting, I would consider
14 that a fair amount of damage to a fishery and
15 the bluefin fishery in particular.

16 Thank you.

17 MR. RODONSKI: And again, getting
18 specific information to the agents, to their
19 supervisors and knowing what it is will help
20 us a lot. You know, we hear a lot of
21 allegations out there all the time. Our job
22 is prove them, but we need good information to

1 work off and we don't see the fish.

2 We aren't, you know, there every
3 time. We don't have enough people to be on
4 every inch of the beach or at every dock all
5 the time seeing the fish come in. We are
6 dispersed out and, you know, that's why we
7 rely on our JEA partners, Coast Guard to hit
8 those gaps.

9 MR. BROOKS: Thanks very much.
10 Margo, did you have a brief note you wanted to
11 share before we break for lunch.

12 MS. SCHULZE-HAUGEN: Yes. I need
13 and I have to find the piece of paper. There
14 is an opportunity for AP members to attend
15 council training. It's something we've made
16 available before. I think Rusty took
17 advantage of that. I think he enjoyed it and
18 so, I have the dates and logistics, but I need
19 to find the piece of paper. So, I'll do that
20 when we come back from lunch.

21 MR. BROOKS: Okay. We are
22 schedule to reconvene at 1:30. An hour and 15

1 should be enough for lunch. There are many
2 places nearby and we'll see you at 1:30.

3 (Whereupon, a recess was taken.)

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1 A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

2 MR. MCCREADY: Okay. Again, if
3 folks could please take their seats, we still
4 have a lot to cover this afternoon and want to
5 get started here on time. Thank you very
6 much.

7 Okay. As we prepare for the
8 afternoon session, we will have a presentation
9 shortly on the Bluefin Endangered Species Act
10 Petition, but before that, we want to do a
11 little planning for the working groups.

12 One is focused on recreational
13 monitoring. The other is focused on the
14 vessel monitoring systems issue and we would
15 like to see a show of hands for your relative
16 interest in those two topics.

17 Thank you very much, Ron. That's
18 helpful.

19 So, if you want to be focusing on
20 the Recreational Monitoring Group, please
21 raise your hand. Trying to do a count here.
22 Okay.

1 And if you would like to instead
2 of recreational monitoring be in the Vessel
3 Monitoring Systems Working Group, please raise
4 your hand.

5 So, the conclusion is Recreational
6 Monitoring will be here. VMS will be in the
7 breakout room.

8 MR. BROOKS: And we'll tell you
9 more about that later.

10 MR. MCCREADY: Okay. With that,
11 we're ready to move on to the presentation on
12 the Bluefin Tuna Endangered Species Act
13 Petition and Kim has joined us from the
14 Gloucester Office and Kim, if you would,
15 please do a brief self-introduction and then
16 we'll roll onto your presentation.

17 MS. DAMON-RANDALL: Hi. I'm Kim
18 Damon-Randall. I'm from the National Marine
19 Fisheries Service, Protected Resources
20 Division.

21 Hopefully, everybody can hear me.
22 I have a cold so my voice is kind of froggy.

1 I'm going to talk about the
2 Atlantic Bluefin Tuna Petition and the
3 National Marine Fisheries Service's response
4 to the petition.

5 Just a little brief overview of
6 the presentation. I'm going to talk about the
7 ESA petition process. I'm going to talk about
8 some of the definitions for those of you that
9 aren't familiar with the Endangered Species
10 Act. I'm also going to talk a little bit
11 about the Center for Biological Diversity
12 Petition and what is said in it, about the
13 Status Review Team process and how that works.
14 Also talk about the NMFS response and the next
15 steps and then present some possible outcomes.

16 So, under the Endangered Species
17 Act, any interested person can petition the
18 Secretary of Interior and/or Commerce to list
19 a species under the ESA.

20 Upon receiving a petition, the
21 Secretary must make a finding within 90 days
22 to the maximum extent practicable as to

1 whether the petition presents substantial
2 information indicating that the petition
3 action may be warranted and the key words
4 there are may be warranted.

5 Under our implementing
6 regulations, substantial information is
7 defined as the amount of information that
8 would lead a reasonable person to believe that
9 the measure proposed in the petition may be
10 warranted.

11 So, there's two possible outcomes
12 from receiving a petition. The first is that
13 you have a negative 90-day finding and that's
14 basically when you've reviewed the information
15 in the petition and/or the information that's
16 readily available in the agency's files and
17 you determine that that information does not
18 contain substantial scientific or commercial
19 information indicating that the petition
20 actually may be warranted.

21 If that's the case, then a notice
22 if published in the Federal Register

1 announcing the negative finding and that's the
2 end of the process.

3 The other possible outcome is
4 what's called a positive 90-day finding and
5 that's when the information either in the
6 petition or that which is readily available in
7 the agency's files does contain substantial
8 scientific or commercial information
9 indicating that the petition actually may be
10 warranted.

11 If that's the case, then a
12 positive 90-day finding is published in the
13 Federal Register. In that 90-day finding, we
14 may solicited information to adjust data gaps
15 and at that point, the species becomes a NMFS
16 candidate species.

17 So, after the positive finding is
18 published in the Federal Register, a status
19 review is initiated to determine the status of
20 the species concerned. At that time, a Status
21 Review Team or a Biological Review Team, the
22 terms are used interchangeably, may be formed

1 and that Review Team compiles the available
2 information, conducts a threats assessment or
3 an extinction risk analysis and then submits
4 that information in a report to NMFS to make
5 a listing determination.

6 And 12 months from the date of the
7 receipt of the petition, a determination by
8 NMFS as to whether a listing is or is not
9 warranted must be published in the Federal
10 Register. If listing is determined to be
11 warranted, that would be published as a
12 proposed rule.

13 So, for those of you that aren't
14 familiar with ESA, I thought I'd give you some
15 of the definitions. Under the ESA, a species
16 includes any subspecies of fish or wildlife or
17 plants and any distinct population segment or
18 DPS of any species or vertebrate fish or
19 wildfish which interbreeds when mature.

20 An endangered species is any
21 species which is in danger of extinction
22 throughout all or a significant portion of its

1 range.

2 And a threatened species is any
3 species which is likely to become an
4 endangered species within the foreseeable
5 future throughout all or a significant portion
6 of its range.

7 So, under Section 4(a)(1) of the
8 ESA, the Secretary shall by regulation
9 promulgated in accordance with subsection (b)
10 determine whether any species is an endangered
11 species or a threatened species because of any
12 of the following five factors.

13 The first one is the present or
14 threatened destruction, modification or
15 curtailment of its habitat or range.

16 The second one is over-utilization
17 for commercial, recreational, scientific or
18 education purposes.

19 The third one is disease or
20 predation.

21 The fourth one is the inadequacy
22 of existing regulatory mechanisms.

1 And the last one is other natural
2 or manmade factors affecting its continued
3 existence.

4 So, the Center for Biological
5 Diversity or CBD filed the petition on May
6 24th of 2010. In the petition, they asked to
7 list either the global species or any distinct
8 population segments of bluefin tuna as either
9 threatened or endangered and they cited
10 overfishing, habitat destruction including
11 impacts from the Deepwater Horizon oil spill
12 and inadequacy of existing regulatory
13 mechanisms as the primary threat to the
14 species.

15 They noted significant declines in
16 the eastern and western stock in terms of
17 abundance. They cited ICCAT management
18 measures as being perceived as not effective
19 at addressing overfishing globally. They
20 talked about the unknown effects from the oil
21 spill on the spawning ground in the Gulf of
22 Mexico and they presented information that

1 suggests that at least two distinct population
2 segments, an eastern and a western which ICCAT
3 stocks should be looked at in terms of the DPS
4 determination.

5 So, in our response, we published
6 a positive 90-day finding concluding that the
7 petition presents substantial information
8 indicating that the petition actually may be
9 warranted. That actually was published in the
10 Federal Register today. It filed on Thursday.

11 The 90-day finding seeks
12 scientific and commercial information for us
13 to use in the status review until November
14 22nd and we have now initiated a status review
15 with a Status Review Team.

16 The Status Review Team is
17 comprised of all federal NMFS employees and I
18 have a list at the end and I think passed out
19 in your attachments you have a sheet that has
20 the Status Review Team membership on it as
21 well as the biography for each member.

22 Experts from outside the federal

1 government can submit information in response
2 to the 90-day finding and we may also ask some
3 of them to present information to the Status
4 Review Team.

5 So, just to go over a little bit
6 about how the status review process works, the
7 first step of the status review is to
8 determine what the species is that we're doing
9 a status review on. Are we looking at the
10 full species, the global species, subspecies
11 or distinct population segments and if we have
12 distinct population segments, what are they
13 and how many are there?

14 We will then compile the best
15 scientific and commercial information on the
16 status, abundance and trends of those species.
17 We're conduct the five factor analysis which
18 are those five factors that I mentioned
19 previously and we'll conduct a threat
20 assessment or an extinction risk analysis
21 which may be quantitative or qualitative
22 depending on the amount of information that's

1 available.

2 We'll also have to consider the
3 information on a significant portion of the
4 species range. So, are there areas where the
5 species or DPS is no longer viable or self-
6 sustaining, but once was is one of the key
7 questions to that.

8 We'll also consider ongoing or
9 planned protective efforts that may affect the
10 species.

11 We'll present available
12 information on the primary constituent
13 elements and habitat that's needed for
14 survival and recovery. So, things like the
15 size of habitat, the number of different
16 habitats needed for connectivity.

17 The Status Review Team will not
18 make a recommendation as to whether or not
19 listing the species is warranted under the
20 ESA. They will simply present the best
21 available scientific and commercial
22 information.

1 Under the Endangered Species Act,
2 the economic impacts of the listing cannot be
3 considered.

4 So, then the next steps are that
5 the Status Review Team will provide NMFS with
6 a status review report. That should be done
7 approximately in January. It will then go --
8 after it's done in January go out for an
9 independent peer review. The peer review
10 comments will be incorporated. It will be
11 finalized and turned over the NMFS by about
12 the beginning of March.

13 NMFS will then use that status
14 review report to make a listing determination.
15 That is whether or not listing is or is not
16 warranted and NMFS will publish this
17 determination before 12 months after receiving
18 the petition. So, on or before May 24th,
19 2011.

20 So, there's basically three
21 possible outcomes to this whole process. The
22 first is that NMFS could propose to list the

1 species as endangered. If that's the case,
2 then we will publish a proposed rule in the
3 Federal Register. There will be a 60 to 90-
4 day public comment period and most likely
5 public hearings will be held throughout the
6 range of the species at least in the United
7 States.

8 NMFS must make a final
9 determination no later than one year after the
10 proposed rule is published. If a final rule
11 is published that the species is endangered,
12 then all take is automatically prohibited and
13 take is defined under the Endangered Species
14 Act as to harass, harm, pursue, hunt, shoot,
15 wound, kill, trap, capture or collect or
16 attempt to engage in any such conduct.

17 A take from bycatch or incidental
18 catch in non-directed fisheries would also be
19 prohibited unless it's authorized through
20 Section 7 or Section 10 of the ESA and NMFS
21 must designate critical habitat at the time of
22 the final listing to the maximum extent

1 prudent and initiate recovery planning.

2 The second possible outcome is
3 that NMFS could propose to list the species as
4 threatened. If that's the case, then the
5 Secretary of Commerce must promulgate
6 regulations -- protective regulations that are
7 deemed necessary and advisable for the
8 conservation of the species. This is call the
9 4(d) Rule because it's under Section 4(d) of
10 the ESA.

11 Directed take, bycatch,
12 importation and exportation would most likely
13 be prohibited. Critical habitat would also be
14 designated under a threaten listing and
15 recovery planning would be initiated.

16 And the third possible outcome is
17 that NMFS could determine that listing is not
18 warranted and that would be the end of the
19 process.

20 So, then this is the list of
21 Status Review Team members. As I said, a
22 handout went out that has each individual

1 Status Review Team member's bio so you can see
2 what types of experience are on the team.

3 And one other thing I forgot to
4 point out earlier is that in Canada, the
5 Canadians are currently reviewing the status
6 of the species under the Species At Risk Act
7 and their determination is scheduled to come
8 out about in April. So, about the same time
9 as the NMFS determination.

10 So, back to questions.

11 MR. MCCREADY: So, I imagine there
12 are a number of questions. Bennett, you have
13 a queue going. Right?

14 MR. BROOKS: We'll start with
15 Chris over there.

16 MR. MCCREADY: Chris, go ahead.

17 MR. WEINER: I'll save my comments
18 on this for another time, but I think you can
19 imagine where I'd go with it.

20 I have a couple of questions and I
21 can ask you them and a lot of them are simple.

22 You mentioned the date of this.

1 First question, when does the Peer Review
2 Panel get chosen?

3 MS. DAMON-RANDALL: We are
4 soliciting names for peer reviewers in the 90-
5 day finding which is out in the FR now and
6 basically, before the status review is
7 completed in January, we'll have to select
8 those people to do the peer review.

9 It's possible that we could go
10 through the Center for Independent Experts to
11 do the peer review because that's a completely
12 independent process. It's completely outside
13 of the federal government. They choose the
14 peer reviewers through that process.

15 MR. WEINER: What is an expert?
16 By definition, what is an expert on this?

17 MS. DAMON-RANDALL: So, are you
18 talking about for Center for Independent
19 Experts or if we were to choose the peer
20 reviewers?

21 MR. WEINER: You asked for people
22 to pass forward names for experts and what is

1 an expert?

2 MS. DAMON-RANDALL: An expert is
3 -- you could have experts that are experts in
4 the commercial landing statistics, in the
5 biology of the species, in genetics. I mean
6 there's various -- everything that's
7 considered in a status review would be
8 something that we would be seeking an expert
9 on. So, all sorts of expertise.

10 MR. WEINER: So, somebody that
11 spend 40/50 years chasing, observing these
12 fish, they're not an expert?

13 MS. DAMON-RANDALL: They would be
14 an expert.

15 MR. WEINER: Just a basic
16 question, who makes the ultimate decision on
17 this and no, I guess that's my final question.
18 In the end, who makes this decision?

19 MS. DAMON-RANDALL: The listing
20 determination will be drafted by the Northeast
21 Regional Office and a recommendation will be
22 made to headquarters and then it will go

1 through a review and clearance process in
2 headquarters which will involve HMS,
3 Sustainable Fisheries, all sorts of other
4 divisions and then that has to go through NOAA
5 and DOC before it's finalized.

6 MR. WEINER: All right. Yes, I
7 think that -- I mean I have lots of other
8 questions, but those are the basic ones and,
9 you know, again, I don't want to kick this off
10 as a comment period, but I just hope this gets
11 thrown out. Thanks.

12 MR. MCCREADY: Thanks, Chris. I'm
13 sure the questions you asked are interesting
14 to other people, too. Thank you.

15 MR. BROOKS: Okay. We've got a
16 bit of a queue going and just for everyone's
17 benefit, our intention was to carry this
18 conversation to about 2:00 so we have time to
19 go into the working groups. So, if you can
20 focus your comments, great.

21 In the queue, I've got Glenn,
22 Merry, Rick, Ken, Andre, Rich Ruais and then

1 Dewey.

2 Glenn, you're up.

3 MR. DELANEY: Just a couple of
4 quick questions. One is procedural. You seek
5 scientific and commercial information for the
6 status review until November 22nd and through
7 what means do you do that? Just your
8 available to receive documents that people
9 send or do you actually have some sort of
10 process to solicit information or could you
11 describe that process between now and November
12 22nd as to how people can provide information?
13 I assume that's from the public. Okay.
14 Please. Follow-up question.

15 MS. DAMON-RANDALL: Okay. The
16 process for submitting information is
17 described in the finding. There is an e rule
18 making portal that you can submit information.
19 You can submit it by mail and the address is
20 there or you can submit it -- you could call.
21 My phone number is there and Marta Amanex's
22 (phonetic) phone number is there as well.

1 So, there's all different ways of
2 submitting information.

3 MR. DELANEY: (Off mic question.)

4 MS. DAMON-RANDALL: It's not
5 public comment. It's submitting information
6 that's relevant to the status review. So,
7 it's not that we're asking people whether or
8 not they support a listing.

9 MR. DELANEY: (Off mic question.)

10 MS. DAMON-RANDALL: Right.

11 MR. DELANEY: Then the second
12 question I had, you mentioned up there that it
13 was likely among other things that bycatch
14 would be prohibited and my other experiences
15 with Endangered Species Act listings is that
16 it prohibits the directed taking of whatever
17 the species is, but provides typically for an
18 incidental take statement and take limit for
19 incidental which is what bycatch is. So, I'm
20 just curious why there seems to be already a
21 decision that bycatch of bluefin tuna as an
22 incidental take would be prohibited under

1 this?

2 MS. DAMON-RANDALL: So, all take
3 is prohibited under an Endangered Species Act
4 listing, but I did say that for bycatch and
5 any other non-directed take, that it can be
6 authorized through a Section 7 consultation or
7 through Section 10 of the ESA.

8 MR. DELANEY: Then bycatch would
9 likely be prohibited.

10 MS. DAMON-RANDALL: -- under the
11 threatened listing. So, I was just
12 reiterating that things like bycatch and non-
13 directed take would be prohibited as all take
14 is prohibited. Because for a threatened
15 listing, we have to promulgate a 4(d) listing
16 that allows for some activities to occur and
17 some not to occur. So, it's specifying that.
18 Because bycatch could be considered a threat,
19 that would be most likely prohibited as well.

20 MR. DELANEY: (Off mic comment.)

21 MS. DAMON-RANDALL: Exactly.

22 MR. BROOKS: Merry. Rick.

1 RICK: I'm all set. Thanks.

2 MR. BROOKS: Okay. Thank you.

3 Ken, you're turn.

4 MR. HINMAN: Okay. It's another
5 process question I guess. I think I know what
6 happens if you decide to list it, but my
7 question about 12 months on and you find the
8 listing is not warranted. With this positive
9 finding, you have made bluefin a candidate
10 species under the ESA and it's my
11 understanding that even if you 12 months on
12 don't list it, it remains -- no? It's not.

13 Because you have a number of
14 species that have been on -- that have been
15 candidate species for years like river herring
16 and some others. I just wonder what status
17 that confers on those -- you're saying it
18 would not be a candidate species anymore. It
19 would not be -- do any follow-up action or
20 review in a -- another review in a particular
21 time period?

22 MS. DAMON-RANDALL: It's only a

1 candidate species while we're doing the status
2 review and before the listing determination is
3 published.

4 After the listing determination if
5 it's not warranted, then we could either
6 choose to no longer have it be a species of
7 concern which it is now as well or have it not
8 be on the species of concern list at all.

9 So, it doesn't remain a candidate
10 species. The species that you're talking
11 about river herring and some of the other
12 species are species of concern.

13 MR. HINMAN: It would remain a
14 species of concern after 12 months even if it
15 was not listed.

16 MS. DAMON-RANDALL: That would
17 depend on what the Status Review Team
18 determines. If they recommend that there's
19 still threats, ongoing threats that are of
20 concern and there's maybe still some questions
21 about their status, we could keep it on the
22 species of concern list or it could be decided

1 that it's not necessary and they could be
2 removed.

3 MR. HINMAN: Let me just ask a
4 question now that I've got the right term. I
5 am thinking of a species concern.

6 Does that confer on the species
7 anything other than you're going to promise to
8 keep an eye on it or does it actually confer
9 on it any additional conservation measures to
10 make sure that it does not get listed in the
11 future?

12 MS. DAMON-RANDALL: There's no
13 substantive ESA implications for a species or
14 concern designation. It's just that there are
15 some things out there that we're concerned
16 about and we want to keep an eye on them.

17 MR. HINMAN: Thank you.

18 MR. BROOKS: Andre.

19 DR. BOUSTANY: I think this is
20 also a process question. In terms of the
21 assessment, is that done on the species as a
22 whole or on each individual distinct

1 population segment or can it be both levels
2 and can each DPS be given a different level?
3 I mean is that something that's possible and
4 how does that work?

5 And I'm also -- I'm not sure. I
6 haven't read the CBD petition. Was that aimed
7 at the species as a whole or on any distinct
8 population segment or which -- if you could
9 just comment on both of those.

10 MS. DAMON-RANDALL: I'll start
11 with the last part of it. The CBD petition,
12 that's for everything. So, they petition the
13 global species or DPS and they presented
14 information that there's at least two distinct
15 population segments out there. So, they
16 covered all of their basis by asking us to
17 list either the global species or distinct
18 population segments.

19 So, the first step of the status
20 review is to determine what we're doing a
21 status review on. What the species is. So,
22 we'll need to determine if there are distinct

1 population segments and if there are, then the
2 status review would be done on those distinct
3 population segments.

4 If there's two, we would do -- we
5 would review the information for the Eastern
6 DPS and the Western DPS and determinations
7 would be made for those two DPSes.

8 You could something as -- you
9 could list one DPS as endangered and the other
10 DPS as threatened or not list the other DPS at
11 all. So, once it's a DPS, it's the same thing
12 as being a species.

13 MR. BROOKS: Okay. Rich and let
14 me just run the queue. Rich, Dewey, Ralph,
15 Rom and then Chris, are you back in? Okay.
16 So, Rich, you're up.

17 MR. RUAIS: Thank you. This is
18 kind of why, in part, I was hoping that
19 Guillermo would go first with a brief summary
20 of the working groups so we'd have a little
21 bit better understanding of where we stand
22 east and west.

1 And I'm still struggling trying to
2 figure out what CBD and others who supported
3 this, what their intention was? Everybody
4 understood what was going on with CITES. We
5 wanted to keep up the pressure and try to
6 force the east to go along with the program at
7 all.

8 But, when word got out, you should
9 all know this, between the bluefin tuna
10 dealers in the United States and the
11 relationships I have with the farm
12 associations in the Mediterranean, there was
13 almost a feeling of relief and a call --
14 almost a call for we need to meet again real
15 quick to determine what our eastern position
16 is going to be.

17 Is the United States voluntarily
18 suggesting that if the west is found to be
19 endangered they're going to take 900 metric
20 tons off the market and we have 900 tons of
21 extra bluefin tuna to play. So, that's a
22 pretty nice situation weighed against the

1 alternative of going down to 8,000 or 5,000
2 metric tons.

3 So, once again, if this thing
4 passes before the fall, what you've done is
5 you've all seen that commercial. The guy's
6 digging and hole and they say the first thing
7 you do when you find you're digging a big hole
8 is you stop digging the hole.

9 Well, here we are. We're
10 continuing to dig this hole for our
11 negotiators to go over there and try and
12 figure a way to get out of it when we've
13 already announced we're going -- you know, if
14 you can -- which leads me to the next question
15 of: The whole issue has been how do you
16 define -- all of the scientific researchers
17 that I've heard come before this group and the
18 IAC have -- and reading some of the literature
19 of SCRS, the question is yes, there are two
20 stocks. But, what we can't tell for sure is
21 the mixing and the mixing is the big question
22 and so, just how does, you know, the

1 Endangered Species Act deal with that?

2 Okay. No take of Western Atlantic
3 unit fish. All right. What happens if it
4 happens to be Western Atlantic unit fish in
5 the Bay of Biscay. Just how do you do that?
6 What happens if it's the eastern that gets
7 found out to be and we got Dr. Rebecca
8 Dearkat's (phonetic) study that says sometimes
9 83 percent of the fish off of New Jersey are
10 of eastern origin. What if in some other
11 places they aren't? It's the whole question.

12 So, I know that the people who
13 submitted this thing had to have been troubled
14 by the lack of rock solid knowledge or
15 adequate science to be able to determine if
16 you're going to go with an endangered species
17 listing you know how and what it is you're
18 trying to protect and in this fishery, I
19 suggest we don't know how to get there right
20 now unless we get to the six-box model and,
21 you know, in each box the exact proportion of
22 western and eastern fish and then after the

1 fact, test each one to find out whether you've
2 killed a western or an eastern fish.

3 (End tape 5.)

4 TAPE 6

5 So, to me, it's now we're moving
6 forward. We know where we went with CITES and
7 I understood why NOAA had to go with the
8 finding because the threshold was so low. I
9 guess that's what it did, but I don't think
10 they took into account this bigger picture.

11 You know, you're going to open up
12 this can of worms and that's what you've done.
13 You've reopened this can of worms of how do
14 you identify which stock of fish it is you're
15 trying to have an impact on.

16 And second, I -- second or
17 whatever issue I'm on, you know, I have the
18 same questions that Glenn has about bycatch
19 and then, of course, now reading some of the
20 -- the handout that was passed out, it's
21 pretty clear that if there were a positive
22 finding for western and if you just wanted to

1 make some sort of crude determination that
2 okay, we're going to stick with it. Forty-
3 five degrees, any fish found west of 45
4 degrees is a western fish, you probably have
5 an issue on bycatch and you certainly can't
6 have a recreational fishery.

7 I don't see how a recreational
8 fishery could pass this. So, you've just
9 wiped out \$700 million of economic activity on
10 the East Coast and Gulf of Mexico without any
11 evidence that you're going to do anything for
12 the western unit that you can't even define
13 where it is, when it is.

14 So, that's just a start of a -- I
15 got a whole bunch more notes, but I'll save
16 them for later. My heart needs a break.

17 MR. BROOKS: Thank you. A couple
18 of other people in the queue and then we
19 should move on to the next topic. Dewey, then
20 Ralph, then Rom, then Chris and Bill, you'll
21 get the last word. Dewey.

22 MR. HEMILRIGHT: Dewey Hemilright.

1 I have some of the same questions that or
2 comments that Rich has.

3 One is about -- I know that the
4 Endangered Species Act doesn't recognize the
5 economic impact of what devastation this would
6 do to the U.S. fishermen, both recreational,
7 commercial, charter.

8 It seemed like it wasn't enough
9 for our own government to list it on CITES and
10 thank God for the other countries across the
11 pond that decided not to do the same. So, I
12 guess we do have some allies in that aspect.

13 I had one question about Canada's
14 procedure there. Do they have an Endangered
15 Species Act and what happens if they have the
16 same findings, do they shut their fisheries
17 down and stuff like that?

18 MS. DAMON-RANDALL: Canada's
19 process is a little bit different. They have
20 what's called the Species At Risk Act. So,
21 SARA and under SARA, they actually can look at
22 the economic impact of a SARA listing. So,

1 that would be part of the process that COSEWIC
2 and NDFO would go through before a listing of
3 species under SARA. So, their process is
4 slightly different than ours.

5 MR. HEMILRIGHT: It seemed like
6 they actually put a human element to their
7 species act or something. Not just like what
8 happens here in the U.S.

9 Thank you.

10 MR. BROOKS: Thanks, Dewey.

11 Ralph.

12 MR. PRATT: I just want to ditto
13 what Rich said. Although, I know at ICCAT
14 they have provisions for reassignment of quota
15 if it remains uncaught, and the western TAC
16 that's assigned by ICCAT is divvied up amongst
17 several countries and all of them are begging
18 for more.

19 More recently last year I believe,
20 Canada was still requesting quota from the
21 United States and in 2008, Mexico cried so
22 hard we gave them 100 tons.

1 So, I just don't see how listing
2 the species under ESA is going to help make
3 any change in the rebuilding of the species
4 except to harm it because U.S. fishermen are
5 cleaner and greener than any other country
6 around.

7 Thank you.

8 MR. BROOKS: Thanks, Ralph. Rom.

9 MR. WHITAKER: Yes, and I'm just
10 speaking totally from a fisherman's
11 perspective, but I know that an ESA listing is
12 very powerful and I know economics can't be
13 considered, but it would certainly be
14 devastating.

15 But, what is hard for me as a
16 fisherman, and I've been participating in this
17 fishery for over 20 years, is that I'm seeing
18 more fish than I've seen in 20 years out there
19 and all of a sudden, I mean and here our
20 government is saying they're endangered.

21 Now, either that means I'm real
22 stupid or we're -- I mean it just seems to be

1 totally ironic that we're even considering
2 this right now when we've been studying it for
3 so long and even if it's downgraded to
4 threatened, it's still a tremendous impact and
5 I can't speak for the Eastern Atlantic, but I
6 can speak for the Western Atlantic and it's
7 just confusing, I think, not only to me, but
8 to a lot of fishermen that are out there
9 seeing the same things that I'm seeing and I
10 just hope that we can find a way to avoid it.

11 Thank you.

12 MR. BROOKS: Thanks very much.

13 Let me -- yes, go ahead, Kim.

14 MS. DAMON-RANDALL: I just wanted
15 to clarify. The government has not said that
16 they're endangered or threatened. We've just
17 said that we're starting the process to
18 determine whether or not they are.

19 MR. BROOKS: Okay. Chris and then
20 Bill.

21 MR. WEINER: Yes, I just had a
22 couple short quick questions, but I would

1 agree with Rom that I call this laughable, but
2 it's not funny. But, that's how ridiculous
3 this seems to any fisherman. But, again, I
4 won't get into that now.

5 Just two quick questions. Who
6 chooses that panel that we talked about and do
7 you have any idea when it will meet and where?

8 MS. DAMON-RANDALL: Are you
9 talking about the Peer Review Panel?

10 It depends on how we go forward.
11 Typically, NMFS will choose the peer reviewers
12 based on the information that we get through
13 the 90-day finding solicitation or if we go
14 through the Center for Independent Experts,
15 then they choose their peer reviewers and that
16 will be done probably in January or early
17 February.

18 MR. WEINER: Just to follow up,
19 you keep differentiating between two different
20 ways the peer review could go. Who decides on
21 that and, I mean, that sounds that could have
22 implications on how this process works.

1 MS. DAMON-RANDALL: NMFS will
2 decide on how the peer review process goes
3 forward.

4 The one benefit of the Center for
5 Independent Experts process is that as I said
6 before it's completely independent. So, we
7 don't choose the peer reviewers. We let them
8 choose them based on their expertise.

9 That's an expensive process. So,
10 if NMFS has the money, we could move forward
11 with that, but I don't know if there's the
12 money available to do that. So, that's kind
13 of the factor that would be the deciding
14 factor.

15 MR. WEINER: I could be wrong, but
16 it seems to me that if we're going to be
17 putting this fishery through this hell, that
18 NMFS could find the money to hire the experts.

19 Because just to -- we're going to
20 have this independent panel, that just scares
21 me. God knows. I mean we lived through hell
22 this past winter with CITES by panels that

1 nobody knew who set up and it was a disaster
2 and I would just say I hope NMFS can find the
3 small amount of money it would take,
4 relatively, to do this thing right.

5 I mean I think it's a joke anyway,
6 but if you're going to do it, do it right.

7 MS. DAMON-RANDALL: No matter
8 whether we go through the Center for
9 Independent Experts or we choose the peer
10 reviewers, there will be a peer review done.
11 It's not like we won't do a peer review.

12 We have to have at least three
13 peer reviewers on each Status Review Report
14 that we do.

15 MR. BROOKS: Thank you. Bill,
16 last word.

17 MR. GERENCER: Thanks. Bill
18 Gerencer.

19 First of all, I want to ditto what
20 Rich and Rom said. Up in the Northeast, our
21 fishermen saw an awful lot of bluefin this
22 year, but -- and I understand, you know, you

1 guys got to do the job you're tasked to do,
2 but my observation is that, you know, what we
3 really want to do is stop bluefin overfishing
4 and it's not happening on this coast and this
5 will severely punish the people that aren't
6 overfishing here and I don't think it's going
7 to do a thing to the people that are
8 overfishing.

9 So, I don't see the point of this.
10 I think it's a wasted effort. I think that
11 our collective power could be brought to bear
12 in the right direction and at the right place
13 and it doesn't seem to be here and, you know,
14 maybe I'm beating my head against the wall.

15 But, I think that, you know,
16 what's the real goal of this listing? What do
17 they hope to get out of it? And somebody
18 ought to ask that question when you guys are
19 doing your review. What is it actually going
20 to do?

21 Thank you.

22 MR. MCCREADY: Thanks, Bill. So,

1 obviously, there's -- oh, I'm sorry. Rick, go
2 ahead.

3 MR. WEBER: Rick Weber. Just very
4 quick. I'm thinking of this exchange between
5 Chris and Kim right then and I'm thinking it's
6 ironic that the factor that you're not allowed
7 to take into account for us is economic. But,
8 how the review is done is based on your own
9 economics.

10 MS. DAMON-RANDALL: It's just the
11 peer review process. It's not how the status
12 review is done. It's how we select the peer
13 reviewers to do the process that's based on
14 that.

15 But, like I said, no matter what,
16 it will be peer reviewed and we have in the
17 90-day finding asked all of you and anyone
18 else that reads the finding to submit names of
19 appropriate peer reviewers. So, you do have
20 the opportunity to do that.

21 MR. WEBER: That's if NMFS does
22 it. You said that if the other panel does it,

1 we have no say. Right?

2 MS. DAMON-RANDALL: We can give
3 the Center for Independent Experts the names
4 that were submitted during the 90-day finding
5 to consider for choosing for their peer review
6 process.

7 MR. MCCREADY: So, Kim, there's
8 obviously a lot of interest in this issue not
9 surprisingly and are you here through the day
10 or if people want to talk to you off-line?
11 Okay. Good. There may be some follow-up
12 questions and Jason, please.

13 JASON: Thanks. Around the room,
14 we keep hearing the same thing from people.
15 They're curious to know if indeed the species
16 is listed, what will it do to help and it's
17 gone around, but I wondered if anybody up
18 there can comment on how it would help if it
19 is indeed listed.

20 MS. DAMON-RANDALL: If it's
21 listed, take is prohibited and the importation
22 or exportation would be prohibited as well.

1 So, under this scenario where
2 there's two DPSs and there's an Eastern and
3 Western DPS, say the Eastern DPS was listed,
4 they could no longer export fish into the
5 United States. I know that's not a
6 significant impact to most of them considering
7 we're not their biggest market, but that would
8 be one ramification of it.

9 Under the Endangered Species Act,
10 the value of listing a species under the
11 Endangered Species Act isn't considered. It's
12 whether or not it's threatened or endangered
13 is what we have to consider.

14 So, even if it's endangered or
15 threatened and doing something immediately to
16 prevent its extinction isn't immediately
17 apparent, we would still have to list it.

18 JASON: Even if such a listing
19 wouldn't do anything to benefit or prevent it
20 from extinction?

21 MS. DAMON-RANDALL: If it falls
22 under one of those five factors that I talked

1 about, if it's determined to be threatened or
2 endangered because of any of those factors, we
3 have to list it under the ESA.

4 MS. SCHULZE-HAUGEN: If I could
5 just add. Folks have asked a couple of times,
6 you know, what are the petitioners are trying
7 to get out of this? The petition has been
8 posted to a website and there's a link that we
9 sent around when we sent out our listserv
10 notice and I would encourage you all to read
11 the petitioner's words.

12 We're not trying to speak for them
13 at this point. We're talking about the
14 process that we're required to follow.

15 So, if you want to see what
16 they're trying to do, I would encourage to get
17 it straight from them.

18 MR. BROOKS: Right. I'm going to
19 give two people a chance to weigh in very
20 quickly because they haven't. John Graves, do
21 you want to -- and then to Sean. Please be as
22 brief as you can because we really need to

1 push on.

2 DR. GRAVES: I will be. Just in
3 2002, the Status Review Team for the white
4 marlin comprised individuals from the agency
5 and also outside of the agency. Why was the
6 decision made to stay strictly within the
7 agency for this Status Review Team?

8 MS. DAMON-RANDALL: Since that
9 time, we've had some new guidance from General
10 Counsel under the Federal Advisory Committee
11 Act about who can be on a Status Review Team.

12 MR. BROOKS: Okay. Sean. Yes.

13 MR. MCKEON: I would add to
14 Margo's comments: they're looking for funding.
15 That's what they're trying to get out of this.
16 It's a crisis industry and that's what they're
17 looking for.

18 MR. BROOKS: Okay. Pardon me.
19 Margo.

20 MS. SCHULZE-HAUGEN: Before we
21 break and we have people going into different
22 rooms, I wanted to make a couple of

1 announcements.

2 The thing that I've been trying to
3 remember to mention to you all is the
4 opportunity for council member training.
5 There are one or two slots potentially
6 available. It is occurring here in D.C.
7 October 19th through 21st.

8 This is the council training for
9 council members. It's required every three
10 years. Gives you probably more than you ever
11 really want to know about the Federal
12 regulatory process, but to the extent that
13 you're interested in how things work,
14 analyses, process, it is available and if you
15 are interested, please see me today because I
16 do need to let them know if anyone's
17 interested.

18 Wanted also to note that the final
19 swordfish specs, copies of what published
20 today are in the back of the room. So, feel
21 free to pick that up.

22 And apparently, we have announced

1 today also the reopening of the Gulf red
2 snapper as of October 1. I don't know
3 anything about this. So, Russ Dunn, who
4 handed it to me could talk to you about it.

5 As well as the reopening of areas
6 B1 through 6 in the oil spill closure area.
7 So, that was the bottom part of the closed
8 area currently that we highlighted this
9 morning. So, that apparently was announced
10 today.

11 So, those are my announcements and
12 ask Scott to --

13 MR. MCCREADY: So, those were the
14 areas that were mentioned might be open very
15 soon.

16 MS. SCHULZE-HAUGEN: Very soon.

17 MR. MCCREADY: It was very soon.
18 Yes. Okay. So, what we want to do now is
19 shift into working group mode and basically,
20 we have about two hours or so to do this work.

21 The intention is that the
22 Recreational Monitoring Work Group will remain

1 here. Vessel Monitoring Systems Group will go
2 to the breakout room.

3 As these work groups typically go,
4 they'll be a presentation first. We'll pose
5 some questions. We'll elicit conversation and
6 then we'll put together a report for the full
7 plenary group.

8 The break will happen as needed
9 within the context of the breakout group.
10 Presumably coffee will just be here for those
11 who want it. Right? There's water
12 downstairs.

13 And we are slated to go until 5:00
14 p.m. today. So, the goal is to organize the
15 groups and create the conversation and the
16 reports back. Return here at 4:00. Give
17 ourselves the last hour and then adjourn. And
18 so, that's basically the flow.

19 Now, do we know the room number or
20 name for the breakout group? The Silver Room.
21 On which floor?

22 MS. SCHULZE-HAUGEN: Here.

1 MR. MCCREADY: Here.

2 MS. SCHULZE-HAUGEN: The Silver
3 Room. If you go downstairs and you head
4 towards the restaurant, but you kind of jog
5 right around the restaurant as if you're
6 headed out to the back, it's the last room on
7 the right. So, it's almost as if you're
8 heading out the door, but don't actually go
9 that far and it's the last room. It's called
10 the Silver Room.

11 MR. BROOKS: And just to note,
12 please anybody who's heading down to the
13 Silver Room, I'll be facilitating that group
14 on the VMS. Let's get down there as quickly
15 as possible so we don't lose a lot of time.

16 And just to reemphasize, we will
17 all come back here at 4:00 and reconvene and
18 there will be public comment opportunity at
19 5:00. So, if anyone is in the audience and is
20 counting on that.

21 MS. SCHULZE-HAUGEN: Some people
22 have asked what will be discussed in the

1 different breakouts.

2 So, just to let you know, the
3 Recreational Monitoring session which is here
4 is a follow up from the May meeting where
5 there were lots of questions on what sorts of
6 recreational monitoring options there may be
7 in HMS fisheries. So, we'll be going through
8 what we currently have, what some of the
9 options are that we've researched.

10 Handouts should be coming. They
11 -- maybe I can ask them to get on that.

12 The VMS session is a presentation
13 by our enforcement folks on what they have
14 found in recent years, things that have worked
15 well, things that haven't and some changes
16 that they're looking at, but would be specific
17 to VMS and commercial fisheries that are
18 required to have them. So.

19 Ron, would you like to join me?
20 There are handouts with this. There was a
21 background document that was sent around via
22 email last week which was the summary of other

1 recreational monitoring programs. We looked
2 at a lot of wildlife-based programs based on
3 AP suggestions from May and there's also this
4 presentation that has, I know, been copied and
5 hopefully distributed. Can I look --

6 PARTICIPANT: (Off microphone.)

7 MS. SCHULZE-HAUGEN: Well, they
8 were right there.

9 GREG: I've got them, Margo.

10 MS. SCHULZE-HAUGEN: So, Greg will
11 start handing them out. I'm not sure about
12 the background documents, where exactly they
13 are, but we did have some of those made. So,
14 they should be around if you didn't bring a
15 copy.

16 And so, I think we can just jump
17 right in. Right?

18 So, it's a joint presentation with
19 Dr. Ron Salz from the Office of Science and
20 Technology.

21 I'll be going through what we
22 talked about. A quick overview of the current

1 system that we have and then I'll hand it over
2 to Ron to go through some of the options that
3 may be available for changes with the Large
4 Pelagic Survey, some pros and cons of
5 different approaches and then we'll open it up
6 for discussion.

7 So, with that, I'll go ahead and
8 get started. And again, this is a direct
9 outgrowth of the May meeting where there was
10 a lengthy discussion within the context of
11 bluefin quota management on the desire for
12 real time recreational monitoring specifically
13 for bluefin, and it seemed to come out of real
14 concern of potential impact of the angling
15 category on some of the other directed
16 commercial fisheries due to large over-harvest
17 in recent years.

18 Some of the need also with the
19 current recreational monitoring system that we
20 have where we have estimates of landings once
21 a year typically after the year is over and so
22 that makes the management measures that we

1 select before the year's start have to be
2 appropriate for the entire year. There's not
3 an ability to make changes with a real-time
4 system, you know, because we just don't get
5 the information that quickly.

6 And so, I think there was a lot of
7 desire for folks to get an ability to make
8 adjustments through the year based on data
9 that we had or would have, and so that we can
10 preserve access not risk under-harvest in
11 cases, but then also not also risk over-
12 harvest. So, it's kind of more greater
13 control and information in-season.

14 And then lots of comments about
15 the low compliance rates particularly with the
16 web/phone-in landings systems and how that was
17 typically thought to be really low compliance
18 and that that wasn't very good.

19 And so, at the last meeting, we
20 committed to looking into some of the other
21 programs that AP members suggested. We've
22 done that. I'll go through that quickly for

1 you and have the discussion at this meeting.

2 So, here we are.

3 To do a very quick overview, high-
4 level overview and I will trust Ron to correct
5 me on anything that I miss or get wrong, there
6 is the Large Pelagic Survey which is a
7 multiple-component survey including a
8 telephone survey for effort data. So, how
9 many trips did you make? What were you
10 targeting? Things along those lines.

11 People are informed ahead of time
12 that they are selected for that and then are
13 called.

14 The calls are made from what's
15 called the permit frame, which is the angling
16 category permit holders. So, on difference
17 between LPS and the former MERF system which
18 was a calling of coastal communities, this we
19 actually have the people that have indicated
20 they're going to go fishing for HMS. So, we
21 call them.

22 DR. SALZ: Angling, general, and

1 charter boat.

2 MS. SCHULZE-HAUGEN: Angling,
3 general and charter boat. Thank you, Ron.

4 There's also the dockside
5 intercept for catch data. So, on the phone,
6 we don't ask you what you caught. We ask you
7 about the effort and then the dockside folks
8 that are meeting the boats when they come back
9 in at the marinas and we review the marinas
10 for, you know, where people are fishing. So,
11 we're trying to make sure that we're aware
12 fish are coming in. That's where we get that
13 catch data.

14 Anglers and captains have to
15 cooperate if selected. We do have follow-up
16 mechanisms in place if there's people the
17 refuse entry to the dockside interceptors. We
18 do follow-up with enforcement, and so then you
19 put those two things together of the rate from
20 the telephone survey with the catch from the
21 dockside and it gives you an estimate.

22 Again, very high level. I'm sure

1 Ron is cringing as I speak, but you will have
2 to bear with me.

3 The catch card system's currently
4 in two states, Maryland and North Carolina.
5 These are two states that were very interested
6 in participating from the state agencies as
7 well as a good match with how the system is
8 run in terms of access points being fairly
9 limited. You've got a good chance of getting
10 the vast majority of people coming in.

11 Marinas and tackle shops serve as
12 the reporting stations. The landing's tags
13 have to be attached before the fish is removed
14 from the vessel and then we collect the catch
15 data on the landings. This covers bluefin,
16 swordfish and the billfish. And then the
17 anglers in those states must fill out the
18 catch cards for each HMS landed.

19 There's also the automated
20 landings reporting system. This is what we
21 call ALRS and this is available 24/7 over the
22 phone and the internet and it's where we

1 collect the catch data in states that don't
2 have the catch card system. Again, on the
3 non-tournament landings of bluefin, swordfish
4 and billfish. Anglers are suppose to be
5 calling in within 24 hours of landing.

6 And then the tournaments are
7 picked up. Billfish tournaments, 100 percent
8 and several others through the recreational
9 billfish survey, and so catch and effort data
10 are collected through that.

11 So, that's a real thumbnail sketch
12 of the current system and Ron will be talking
13 in a few minutes about some changes within
14 that that are possible.

15 And so what I'm going to do now is
16 go through very high-level snapshots of the
17 different programs that we researched based on
18 your suggestions from the spring meeting.

19 What we knew and what we found out and tried
20 to look into how other people did it. Similar
21 kinds of issues. Similar kinds of programs.

22 And we focused on a number of key

1 elements, like attachment of the tags to the
2 animal versus a written report that's mailed
3 in.

4 The cost to the participants,
5 sometimes, you know, they're relatively
6 inexpensive. Sometimes they're not.

7 The ease of compliance. Do you
8 mail in a postcard or do you have to actually
9 go to the warden and get your animal checked
10 out?

11 Compliance levels, to the extent
12 that we could look at that and see. It's not
13 always known. People don't always advertise
14 if their programs don't have good compliance,
15 but then also looking at the mechanisms that
16 they had. A warden check-in system, we would
17 expect to have a relatively high-level of
18 compliance. Some of the penalties that we
19 learned about indicated compliance mechanisms
20 being established.

21 And then one of the other key
22 things is the availability of data in real

1 time. I think that was one of the main
2 questions and concerns, "We know other people
3 can do this, why can't you?"

4 And then the scale of the
5 programs. Some programs are really quite
6 small. Small programs are easier to handle in
7 a complex system than a complex system in a
8 large-scale program. So, just trying to get
9 a sense of those programs.

10 And then I hope we have them and
11 they are available to you in case you didn't
12 get the printout from the email. On the one-
13 page summaries of all these programs, it has
14 all the web links in them. It's the place we
15 got all the information. So, you can look it
16 up yourself.

17 And then there's also a full-page
18 matrix where we tried out to lay out the key
19 elements for each program on a single page so
20 you could really look at it overall.

21 And I'm guessing we don't have
22 them.

1 DR. SALZ: I don't see them.

2 MS. SCHULZE-HAUGEN: Okay. Let's
3 work -- we will try and find that for you. I
4 know copies were made. It may just be in the
5 bottom of a box somewhere.

6 So, to go through quickly, again,
7 this is not intended to be every program
8 that's out there, but ones that were either
9 suggested or that we knew about or learned
10 about.

11 Florida tarpon tags, where the
12 state of Florida implemented the tag system to
13 monitor harvest levels and collect data on the
14 fish that were landed. Tags are sold at the
15 county tax collector's office and are
16 currently \$51.50 a tag, and then you also --
17 anglers are suppose to be permitted. There's
18 a limit of two tags per person per year,
19 although professional guides can have multiple
20 tags.

21 Tag holders have to submit the
22 harvest report to the state at the time of

1 landing. Compliance is apparently low.

2 Unused tags and unused cards must
3 be returned and then about 2500 tags are
4 available per year evenly split between
5 individual anglers and then the professional
6 guides. But, they apparently only administer
7 about 500 tags a year. So, this looks like a
8 fairly small program.

9 In Texas, the red drum trophy tag,
10 the drum tag allows the taking of one red drum
11 per license year at greater than 28 inches.
12 The tag is included with the fishing
13 endorsement stamp and the tag must be properly
14 completed and affixed to the fish. One bonus
15 tag may be purchased for \$3 per year and then
16 a red drum retained under the authority of the
17 tag may be in addition to a daily bag and
18 possession limit.

19 Enforcement is conducted by
20 wardens that are looking for the presence of
21 the tag on the animal. Here's a snapshot of
22 what it looks like, but this program doesn't

1 collect information on the specific fish or
2 animal.

3 We looked also at the Texas Turkey
4 Program where each resident, non-resident
5 hunter must buy a license and a stamp. The
6 bag limits and seasons are set by Texas Parks
7 and Wildlife. Before the turkey can be
8 removed, a body tag must be attached and then
9 the turkeys must be checked in at a station
10 within 24 hours of harvest.

11 Looking at Kentucky elk, there's a
12 quota program that uses a lottery. The elk
13 hunting units are broken up into different
14 units and a permit needs to be purchased along
15 with apparently some other licenses. The
16 harvested elk must be tagged and then the
17 harvest log must be checked in. I believe
18 this is a phone check-in system that then
19 provided confirmation numbers and so, that's
20 how they collect the information.

21 Waterfowl programs, this one's a
22 little bit different from the rest in that

1 this is a federally-run program. All the
2 others are state based, and so the seasons,
3 bag limits, possessions limits are set by the
4 federally agency, but surveys and information
5 programs are done in cooperation with the
6 states.

7 Money is raised through selling of
8 hunting stamps and licenses, and then there's
9 also some public lands that have permits for
10 hunting locations and most enforcement is done
11 at the state level with some Federal
12 enforcement.

13 There's the California
14 Recreational Red Abalone Program that uses
15 both a report card and a shell tag system.
16 It's only available for recreational harvest.
17 Fishermen must purchase a report card with
18 removable tags. There's a limit of three
19 abalone per day, 24 per season during the open
20 season.

21 Tags must be immediately filled
22 out and attached to each abalone after leaving

1 the water or boarding a vessel and the tags
2 have to remain on the abalone until it's
3 processed.

4 The report cards are filled out
5 and returned by the following season. So, it
6 looks like once a year. And the tags are used
7 primarily for enforcement purposes and there's
8 also some fishery independent surveys and
9 creels.

10 We saw some information indicating
11 pretty significant penalties of about \$20,000
12 for violations of this for one individual.
13 So, it looks like enforcement of this program
14 is fairly perhaps high.

15 Turning now to Northern New
16 England deer or moose programs. They must
17 have a license to apply for the permits.
18 Education courses may be required. Applicants
19 are entered into a lottery which is free for
20 the first chance. Although, additional
21 chances may be purchased, and then apparently
22 they've got a system where if you're not

1 selected year after year, your chances go up
2 and then there's even an auction for some of
3 them.

4 Permits are awarded by area.
5 Cannot be used outside of that area and
6 apparently there's some gear and time
7 restrictions as well. Permits can be swapped
8 or transferred.

9 And then the harvested animals
10 must have a tag including hunter's name,
11 address and license number and the animals
12 must stay with the hunter until registered at
13 the first open station. So, again, kind of a
14 warden check in. There's reporting time frame
15 requirements and the game wardens need to be
16 contacted if the hunter can't meet those
17 requirements.

18 If harvest is low, additional
19 permits may be provided and data is not
20 compiled in real time.

21 The Florida Statewide Alligator
22 Program, this is a CITES program because

1 alligators are listed under CITES. So, it's
2 a little bit different from the rest.

3 As awarded by lottery for specific
4 management areas and management periods, all
5 participants must have a license or agent's
6 license and then immediately after an
7 alligator has been dispatched it must have a
8 CITES body tag affixed in a very specific
9 location and the tag must remain all the way
10 with the hide.

11 After the hunt period is over, the
12 licensed trapper must submit the completed
13 harvest form or return the unused body tags
14 within 14 days. And the processed meat must
15 be labeled with a variety of information and
16 I believe that the penalties are severe for
17 this and there's also ramifications for
18 participation in future years if there's
19 noncompliance in a given year.

20 In Washington State, there's a
21 Catch Record Card Program for a number of
22 species listed here. The Catch Record Card

1 must be in your possession to fish, in
2 addition to a license which has a nominal fee.
3 The first Catch Record Card is free and
4 additional ones are \$12.

5 All fish that are kept must be
6 recorded on the record card and returned
7 annually even if no fish were caught or the
8 angler did not fish.

9 Estimates of catch cards are
10 available within six months to a year and then
11 if management requires more timely
12 information, creel, telephone or mail surveys
13 may be conducted and if available, the creel
14 survey data may be substituted for the Catch
15 Record Card data.

16 So, this is what's in the
17 background document. I don't know actually
18 expect you to read this. And it was the
19 summary that I was hoping we could work from.
20 So, I apologize that we don't have those
21 copies now.

22 And so, at this point, I think

1 maybe I'll go look in the back real fast while
2 Ron goes through his part.

3 PARTICIPANT: Thanks, Margo. So,
4 the idea is to really highlight individual
5 cells of this matrix. Right? Because it's
6 too tiny to read all at once.

7 DR. SALZ: No, this is different.

8 PARTICIPANT: This is different.
9 Okay.

10 DR. SALZ: Okay. Thanks, Margo,
11 for that introduction.

12 So, Margo just went through
13 several specific census or tag programs that
14 we looked into. What I'm going to do is first
15 give an overview of how surveys compare to
16 census programs in general. So, there's a lot
17 of different ways to do a census program.
18 There's a lot of different ways to do a
19 surveys.

20 And so, really stepping back, you
21 know, for a minute and looking at -- in
22 general just comparing some characteristics

1 that you may, you know, want to highlight or,
2 you know, some of the criteria that you're
3 interested in establishing.

4 So, the first one up there is
5 timeliness and, you know, I put that first
6 because it seemed like a lot of discussion
7 that we had in the spring had to do with the
8 timeliness of particularly the bluefin tuna
9 recreational estimates and, you know, of the
10 programs that Margo just went through, I think
11 they show that -- and if you look at the
12 matrix as well, just because you have a census
13 program or a tag program, it doesn't mean that
14 you're going to automatically have real-time
15 information. In fact, in many of those
16 programs, you're still not getting real-time
17 data.

18 Now, that may or may be one of
19 your criteria depending on how that tag
20 program is set up. If you distribute a
21 limited number of tags so that you hopefully
22 will not be going over your quota or your

1 target, then you may not need to worry as much
2 about timeliness in the sense that you are
3 controlling the upper limit. But, I just
4 wanted to make that point.

5 And the same for surveys. You
6 know, depending on how the survey is designed
7 and also how much effort you put into the
8 sampling and the speed of data processing and
9 cleaning and turnaround of estimates, surveys
10 can be very timely. But, you know, there's
11 certainly a range of timeliness.

12 And I'm going to get more into
13 specifically the timeliness of the Large
14 Pelagic Survey which we currently use for
15 bluefin tuna estimation and talk about some of
16 the options in a minute.

17 The second attribute that we
18 compared for surveys versus census programs is
19 individual accountability and I heard this
20 several times as well at the spring meeting
21 and clearly for this attribute, a census
22 program gives you the ability at least to

1 track, you know, who is taking what and
2 there's various ways of doing that.

3 This is not possible through a
4 survey because it's a survey and you're not
5 tracking every individual landing.

6 This third attribute, it gets a
7 little more involved and involves some of the,
8 you know, design issues and statistics. But,
9 essentially, what we're looking at here is
10 what is the impact of nonresponse and/or
11 noncompliance.

12 So, if you do a survey and, you
13 know, say 10 percent of the people that you
14 try to survey do not respond or refuse, what
15 is the impact of that compared to an attempted
16 census. And you can see from this
17 description, with a survey nonresponses are
18 only an issue if those nonrespondents differ
19 from the folks that responded in a way that
20 matters for what you're trying to estimate or
21 what you're trying to count. And you can also
22 see that with surveys you can have --

1 nonrespondents could differ in one of two
2 directions.

3 So, their catch rates may be
4 higher on average than respondents or their
5 catch rates may be lower. So, it's bi-
6 directional.

7 With the census, essentially every
8 nonresponse -- every bluefin tuna, for
9 example, that is not reported -- represents a
10 bias or a reduction in accuracy and the bias
11 is uni-directional in the sense that it's
12 always going to be biased low.

13 Related to this is the notion of
14 precision and for surveys, you'll see what's
15 called -- various terms are used to describe
16 precision either variance or PSEs. We use
17 percent standard error. Sometimes they're
18 called coefficients of variation.

19 But, essentially a survey gives
20 you the ability to measure within a certain
21 confidence interval. Usually you see, you
22 know, two bars and your estimate is in the

1 middle. Within a certain confidence interval,
2 how, you know, confident are you in that
3 particular point estimate.

4 A census assumes, you know, if
5 you're getting the compliance rates high, you
6 assume there is no variance. So, there is
7 that.

8 Okay. Moving on to some of the
9 other differences and these have a lot to do
10 with what you might not be getting from a
11 census that you can get from a full-blown
12 survey. Because if, you know, a decision is
13 made to move in a direction of a census
14 program or tagging program coast-wide, say for
15 bluefin tuna, then we also have to consider
16 are we still going to do the survey and if we
17 don't do the survey, what are we going to be
18 missing or not getting from a census program.

19 So, the first attribute up here is
20 effort data. Essentially, you get effort data
21 from a survey and we, you know, want to stress
22 with our survey participants that even if they

1 didn't catch anything -- and sometimes this is
2 a hard concept to get across -- but even if
3 you did not catch anything, it's important
4 that we know that because that's a data point
5 and, you know, we are getting complete effort
6 in that sense.

7 With most of these tag programs or
8 census programs you generally only hear about
9 trips where the targeted species was landed.
10 So, it's incomplete at best when you're
11 talking about effort data.

12 There's also details about the
13 trip that we can collect and during the break
14 here, Tom DePersia came up and asked me for
15 the survey questionnaire that we use on the
16 intercept because he's interested in a lot of
17 the questions that may not pertain directly to
18 the catch estimate. Like water temperature,
19 depth, area fished. Another important one is
20 target species. That's, you know, particular
21 important for assessments.

22 But, all of these detailed

1 variables about the trip are used for stock
2 assessment and even if they're not used
3 directly in producing an estimate of landings
4 or releases.

5 (End tape 6.)

6 TAPE 7

7 You know, so we would be missing a
8 fair amount of information if we were just
9 restricted to that census program.

10 The next important attribute to
11 look at is releases. So, again, you know,
12 with these census programs, the focus is
13 usually on what the take was. What was
14 landed.

15 But with our surveys, we also
16 produce estimates of releases, and those, of
17 course, get used when you start talking about
18 catch and release and hooking mortality
19 associated, and so release information is, you
20 know, critical to many assessments and
21 monitoring programs.

22 Then we can think about species.

1 Particularly, you know, with the survey, for
2 example, the Large Pelagic Survey covers all
3 large pelagics, tuna, sharks, billfish,
4 dolphin, wahoo.

5 If you were to try to design a
6 census program to cover all those species, it
7 would be possible, but it would certainly be
8 more involved than, you know, just doing, for
9 example, bluefin tuna or, you know, a
10 particular suite of species that you're
11 interested in.

12 So you generally get, you know,
13 broader species coverage with the survey and,
14 you know, thinking about the types of species
15 that a survey works better for versus a
16 census, the species that we get -- you know,
17 feel good about the precision on our
18 estimates, and we're comfortable with the
19 estimates for the large pelagics, are the ones
20 that are more commonly caught or landed
21 amongst, you know, large pelagic species.

22 Whereas if you take a species

1 that's very rarely landed and, you know, most
2 of the billfish fall into this category, our
3 precision on those estimates is not very good,
4 and so we rely on other sources for landings
5 of those types of species.

6 So this is where a census would
7 work better, and we would probably, you know,
8 recommend a census more frequently. When
9 you're talking about species where the landing
10 is such a rare event that no matter how much
11 sample size you put into a survey, you're
12 still not going to get the precision that you
13 would like to have to manage that fishery.

14 So those are some of the, you
15 know, general differences between surveys and
16 censuses, and I think they both, you know,
17 have their place depending on, again, what
18 your criteria are, what your objectives are
19 and also what your budget is in some cases.

20 Okay. So I said I would focus
21 more on the Large Pelagic Survey which is
22 currently used for bluefin tuna monitoring

1 north of North Carolina, and what this table
2 shows is the current timeliness or
3 availability of the large pelagic estimates.
4 Not just for bluefin. For all, you know, the
5 species that we produce estimates for.

6 So you can see that there's
7 typically anywhere from a one to two-month
8 lag. So take July for example. We produce an
9 estimate of bluefin tuna landings for the
10 month of July, and it generally comes out in
11 early October, and so we currently are
12 producing estimates on a two-month wave. So
13 July and August come out together.

14 And this has to do with the fact
15 that we combine the telephone survey for the
16 for hire estimate or charter estimate with the
17 general for hire survey which works on a two-
18 month wave, but we are producing monthly
19 estimates currently. So that's an important
20 point, and our intercept survey is done on a
21 monthly basis.

22 Okay. So in terms of what are

1 some of the options that we can consider, you
2 know, if timeliness is the most important
3 factor and we wanted to do it through the
4 survey, we can consider some of these options,
5 and you can see the relative cost or
6 difficulty, and this is sort of ball park.
7 You know, we're not really getting into
8 specific costs, but just in general terms.

9 One thing that we can do which
10 would be relatively easy and we've actually --
11 we did it for this year as a test for the
12 private boats for July, but we can try to
13 reduce the lag period from, like I said
14 before, roughly two months to a one-month lag
15 for all months.

16 So, essentially, we'd be producing
17 monthly estimates with roughly a one-month lag
18 and that could even -- we could take that even
19 further and try to speed up the data
20 processing, data cleaning, and reduce that lag
21 to 15 or 20 days. So your July estimate would
22 come out sometime in the middle of August

1 rather than the end of August.

2 Getting into the, you know, more
3 involved, more costly, and more labor
4 intensive changes, but certainly within the
5 realm of possibility, would be going to
6 biweekly estimates. Okay. And this is more
7 costly because to maintain the precision that
8 you want -- and the first of these options is
9 maintaining that precision for a particular
10 species.

11 You know, so if you're just
12 interested in bluefin tuna, you can focus on
13 those states, months, and modes where bluefin
14 are caught, and you can increase your sample
15 size to maintain your precision, but producing
16 estimates now biweekly instead of monthly and
17 with potentially a, you know, two week or so
18 lag.

19 And then the final one is similar,
20 but if you want to just, you know, maintain
21 your precision across the board for all
22 species, the cost would be even greater.

1 So those are some of the -- you
2 know, the options that we came up with and
3 there certainly are more variants of these
4 options and, you know, other ways to improve
5 timeliness of surveys, but we just wanted to
6 present it as, you know, if that's, again, the
7 main criteria that we're looking at, there are
8 ways of doing it through a survey which may
9 give you timeliness comparable to what you may
10 be getting through a catch card or tag
11 program.

12 So just, you know, want to throw
13 that out there and certainly am interested in
14 your thoughts on all this and, you know, what
15 you think some of the trade offs might be
16 between these different options and different
17 monitoring programs. So I'm going to turn it
18 back over to Margo to finish up.

19 MS. SCHULZE-HAUGEN: Yes, and I
20 just wanted to include now we have the one-
21 page summary of the programs coming around
22 now. So thanks to Greg -- to Pete. Okay.

1 And we can get to the full summary with the
2 one-page information and the web links to you
3 hopefully tomorrow.

4 And so just a couple of other
5 things I wanted to throw into the mix before
6 we started the discussion of the different
7 programs and applicability to HMS. A couple
8 of things to think about in terms of funding
9 where budget cycles -- this is luckily
10 probably nothing you have to think about too
11 much, but a program change of this magnitude
12 would likely require new funding, and so that
13 often takes time to build through the budget
14 cycle process.

15 FY `11 is done. Twelve is well
16 underway. So we'd be looking at, you know, a
17 year or two probably before a budget cycle
18 increase could catch up. Now sometimes
19 there's other ways to do things, but wanted
20 just to put that on your radar.

21 And it would also likely be an
22 increase at least initially because of the

1 need to have some overlap with the current
2 large pelagic system for comparison. How long
3 that would take would be something we'd need
4 to think about, but so at least initially, it
5 would be an increase and then depending on
6 what the ultimate program would be,
7 potentially a decrease if a portion of it was
8 removed.

9 But then also the other factor
10 that really comes home to me is that a lot of
11 the regulations that implement the
12 requirements would need to go through a
13 similar adjustment process, and that takes
14 time as well. Another year to two time frame.

15 Now these kind of things can be
16 happening in tandem with each other and not
17 necessarily be, you know, one to two years and
18 then an additional one to two years. But
19 something of this magnitude likely would not
20 be quick, I think, is the take home message
21 here.

22 And then if you could advance the

1 slide. And so some of the questions that I
2 had that I wanted to try and get some feedback
3 on as well as any comments and questions that
4 you had were, you know, what are key aspects
5 of the HMS fisheries that we would need to
6 consider? You know, what are the things that
7 are really crucial to us specific to HMS?
8 What are the key aspects of the other
9 programs? If a warden check-in is a key
10 factor for some of those programs, is that
11 appropriate for HMS? Is that a model we want
12 to use or not?

13 So and then what sort of changes
14 are we talking about? We've talked about HMS
15 recreational monitoring, but the focus and the
16 drive behind the discussion was bluefin. Is
17 this really applicable to bluefin only?
18 Potentially other HMS? There are certainly
19 issues in recreational monitoring for the
20 other species. Compliance with swordfish
21 reporting was highlighted as low compliance.

22 So what are we talking about?

1 What HMS, all or just a select few, and then
2 wanted to circle back and see what the
3 interest is on the panel for pursuing this.

4 Certainly this is something that I
5 think there's a lot of interest and attention
6 to recreational monitoring agency-wide, and so
7 depending on the interest within the panel,
8 I'll need to take that back and let some of
9 those other folks know. I've seen a few of
10 them appear in the audience. So I think
11 they're aware.

12 But this is part of the larger
13 discussion that the agency's generally having
14 on recreational monitoring as well. So I
15 wanted just to put that out there as well.

16 So I think with that hopefully you
17 have the summaries. You can see at least as
18 we captured them.

19 It's perfectly likely that you
20 know far more about some of these programs
21 than we do. We were doing a lot of work
22 online. So if there's anything we got wrong,

1 anything to add, please let us know.

2 I'll turn it over to you.

3 PARTICIPANT: Great. Thanks very
4 much, Margo. So a couple of observations.

5 Obviously we're having this conversation
6 because there was interest in perhaps looking
7 at ways to step up recreational monitoring.
8 The agency took it on board to do this scan.

9 Margo has posed a series of
10 questions that I think are -- we ought to use
11 as an outline for conversation. So I would
12 suggest that we kind of take the questions up
13 in order.

14 But the bottom line question is,
15 that we want to get to by the end of this
16 conversation and as we report back, is there
17 interest in pursuing these changes? So we
18 want to get a sense at least individually if
19 not of the group about that.

20 I want to ask one other question
21 and that is in scanning your side-by-side
22 tables that compared the relative merits of

1 census versus survey, it seemed like in most
2 cases you were not emphasizing census as
3 strongly as survey.

4 I mean if you look at those
5 columns in most cases, survey seems like a
6 more preferred option except for rarely caught
7 species. Is that a fair conclusion, and
8 should we be mainly talking about a survey
9 model, or are you really wanting to have both
10 on the table here?

11 DR. SALZ: Well, I guess my bias
12 came through even though I tried hard not to.

13 PARTICIPANT: Well, you were being
14 objective.

15 DR. SALZ: Yes. Well, no, I think
16 you did hit on it. That -- there is a place
17 for both census and survey depending on the
18 application and because a lot of the HMS
19 species fall into that category of rarely
20 landed, that, you know, I think we should
21 seriously look at census programs for those
22 type species and we already have census

1 programs for some of them.

2 But I think the point that a
3 census alone may not give you all the
4 information that you necessarily need is
5 really one to consider and so if you had a
6 census program for select species because, you
7 know, that seemed to make the most sense and
8 also because you felt comfortable with the
9 compliance rates and that's a key factor, too,
10 with any census program.

11 But if you did, you still may need
12 the survey running side-by-side to fill in the
13 gaps and all the assessment information that's
14 needed and also possibly to do some compliance
15 checks to make sure that your census is truly
16 a census or nearly close to 100 percent
17 compliance.

18 PARTICIPANT: Thank you. So what
19 I would propose is that we consider the first
20 two questions together. Key aspects of HMS
21 fisheries that would need to be considered and
22 what are some key aspects of other programs?

1 So I want to invite responses to the first two
2 questions, and then we'll go to the next
3 question about other programs being
4 appropriate models.

5 So, Steve, do you have a comment
6 on the first two questions? We'll just go
7 around.

8 MR. JAMES: Back to, I think, the
9 importance of the bluefin tuna data collection
10 process here, it comes back to a statement,
11 Margo, you made about the porbeagle and that
12 is that 80 percent quota, it triggers a
13 shutdown of the fishery if you will.
14 Commercial. Exactly.

15 I don't know what would trigger a
16 recreational closure, 80 percent, but my take
17 on this is that for most of the people that
18 are involved in the recreational fishery, we'd
19 sooner see it be at 95 percent. When we hit
20 95 percent, we want to see it closed, not at
21 80 percent and that precipitates this whole
22 notion that we need a timely reporting

1 mechanism. Because if we're not going to hit
2 with that level of accuracy, then it's become
3 a moot point to argue for a system that's, you
4 know, within 24 hours of the time you land
5 this fish, we've got to have that data.

6 It's no longer a timely issue or
7 it's not as timely, let me put it that way, if
8 we're going to initiate and trigger a closure
9 at 80 percent. So that's one of the criteria
10 that I think needs to be defined on the
11 recreational side, what triggers a closure to
12 the fishery, and with that said, let's say
13 that we go with 95 percent fish because I
14 threw it out there.

15 I personally would like to see 24-
16 hour closure. You catch a fish. You report
17 it through a telephone system within 24 hours.
18 Then you've got real-time data, or you've got
19 real-time data within 24 hours.

20 PARTICIPANT: You mean a 24-hour
21 turnaround for reporting.

22 MR. JAMES: Exactly. Exactly.

1 And back to a reporting mechanism that's both
2 hard copy, postcard, and telephone oriented
3 would be my two cents.

4 I would also suggest that you
5 focus exclusively on the bluefin tuna.
6 That's, I think, the species that's most
7 critical to what we're doing. I think it's
8 probably the most critical species as far as
9 the charter boat captains, the recreational
10 and the bait and tackle shops all throughout
11 the New England area.

12 We need a system that addresses
13 that exclusively and leave the MREP (phonetic)
14 program the way it is and let it function if
15 you will on its own. Make tweak changes as
16 you will, but fabricate a method for the
17 bluefin tuna exclusively.

18 Thank you.

19 PARTICIPANT: Good. Thank you
20 very much. Tom. The first two questions
21 primarily.

22 MR. DEPERZIA: Well, you know, I'm

1 just going to give you my feelings. I'm only
2 concerned with bluefin tuna.

3 I think we definitely no matter
4 what kind of system we have in order to make
5 it work you really need a tagging. You need
6 to tag these fish with a tag that can't be
7 used again. One that once you use it it's
8 over.

9 Also, a report card system. In
10 other words, when we send a package out, it
11 should include a tag, a postcard, and maybe an
12 annual report. But then you're going to get
13 a faster response. Perhaps a telephone call
14 in addition to that.

15 But I think the tag and the
16 postcard, and this way you're going to get
17 every single fish that comes in. Because if
18 a fish is required to be tagged immediately
19 upon killing it, now you're able to enforce
20 this regulation.

21 A warden that's out there and
22 pulls up to a boat that has a bluefin tuna on

1 board that isn't tagged is in violation, and
2 so people are going to tag these fish because
3 they don't want to get bagged.

4 All the boats that land on the
5 shore, both trailerable boats and boats that
6 come to slips or moorings, all have to have a
7 tag attached to the fish which has to be done
8 right upon killing the animal.

9 So I think with a tag system, it's
10 enforceable. If they have a tag, they fill
11 out a report card that has to be put in the
12 mail within 24 hours. Now you got a fast
13 response. You're getting responses hopefully
14 with 24/48 hours. You're seeing what tags are
15 coming in.

16 On charter boats, all tags not
17 used at the end of the year must be returned.
18 Maybe have a postage-paid envelope within the
19 package where you can send back all the unused
20 tags and report cards. That way you'd be able
21 to keep track of the catch in a timely
22 fashion.

1 I don't like the systems that are
2 there now. I think we ask too many questions,
3 questions that I feel are irrelevant. What do
4 you need to know the water temperature? You
5 know, I can't see how you could possibly use
6 it. What time of day did you get a hookup?
7 Are you using a j-hook or a circle hook? What
8 color hat did you wear that day?

9 I mean it's really getting to
10 where you're asking too questions and the
11 things you want to know are, you know, what
12 did you catch? How big was it? You know, the
13 date that you caught it, and maybe a couple of
14 other questions, but nothing -- don't -- let's
15 not just ask questions just for the sense of
16 getting a bunch of data that nobody's going to
17 use.

18 Just what we need to know is when
19 the fish was caught so we can keep track of
20 the quota and go from there.

21 That's my comment.

22 PARTICIPANT: Great. Thanks very

1 much. Rom, let's go to you. Did you have a
2 comment?

3 MR. WHITAKER: I wasn't sure
4 whether you were going around the room or
5 what, but yes, I've got a few comments.

6 I mean the census system seems to
7 work and be applicable on very tight quotas.
8 Which at this time, we've got very tight
9 quotas on bluefins and also on marlin. So in
10 our state we use the catch card program, and
11 I personally feel like our compliance is
12 almost 100 percent. I would be very surprised
13 if it wasn't very close to that.

14 So we've had it in effect for, I
15 don't know, four or five years. I think
16 Maryland also has it. It seems to be a
17 program that's working and working great, and
18 I would like to see it coast wide on those two
19 species anyway.

20 That being said, I also think that
21 surveying is very effective. We have a great
22 survey program in our state, and I think this

1 would and could be used on species that have
2 a more generous quota such as the yellowfin,
3 the big eye, swordfish. That type of HMS.
4 Where we need to know what's going on, but
5 we're not having to make openings and closures
6 because of it.

7 And also I think that in the
8 survey that you certainly in our area that the
9 dolphin and wahoo certainly has to be
10 considered in the survey just because that's
11 the species that's caught every day by the
12 same people that are targeting HMS. So, and
13 I'm sure the Northeast has a similar overlap
14 with other fishes. So that certainly has to
15 be considered.

16 You know, Tom brought up some good
17 points about different things. I just know
18 that this is a program we've had in effect and
19 it's worked. But I was looking on page 2, and
20 I think it says -- where it's talking about
21 landing a fish that you must have a landing
22 tag attached before you remove it from a

1 vessel. I think that rule really needs to be
2 changed to before you land it on land.
3 Because you can put it in an outboard. You
4 can pull it out of the water and you can drag
5 it around for three days. You know, it's not
6 being removed from the boat yet. So if it
7 doesn't have a tag, it's no big deal.

8 MR. MCCREADY: Okay.

9 MR. WHITAKER: So I think that
10 needs to be addressed. Thank you.

11 MR. MCCREADY: Thank you. Thank
12 you. So members of -- go ahead.
13 Clarification.

14 PARTICIPANT: Yes, I just wanted
15 to clarify that for like boat ramp situations,
16 the boat itself can't come out of the water
17 unless the landing tag is on. So it's not a
18 loophole that you can get away with.

19 MR. MCCREADY: Thanks. I have
20 Ron, Ellen, Jeff, Rick, Lisa and Mark and
21 Andre.

22 MR. CODDINGTON: Okay. Ron

1 Coddington.

2 What are the key aspects of HMS
3 fisheries that would need to be considered in
4 a newly revised program? Well, here's a real
5 good aspect. Is you've got to look at the
6 regional nature of HMS. Bluefin, bluefin,
7 bluefin, bluefin. Wouldn't know a bluefin if
8 it jumped in my boat and hit me in the head.

9 Swordfish and that's one key
10 aspect. The difference between the
11 concentration on bluefins and the very
12 important nature of counting bluefins and then
13 the completely different aspect of the
14 swordfishery and the very important nature or
15 necessity to count swordfish. That's one
16 aspect you need to consider.

17 Another thing you need to consider
18 is changes in the fishery. I can't really
19 speak for the bluefin changes, but I do know
20 that it seems like just in the recent years
21 that I started hearing about bluefin really
22 prolific in the Carolinas. Maybe in the last

1 ten or 15 years. Didn't hear about it before.

2 Changes in our swordfishery. Ten
3 years ago, you didn't have any recreational
4 swordfishermen, but for most of the time, it
5 was a night bite and that's exclusively what
6 it was. A night bite.

7 Then about three years ago,
8 unfortunately, right as we started the pilot
9 program under MREPS (phonetic) and really
10 tailoring it to look at the night fishery, the
11 night fishery disappeared and it became a
12 daytime fishery. Now probably 90 percent of
13 the swordfish landed in South Florida are
14 landed in the daytime fishery. Certainly, in
15 tonnage. It's at least 90 percent of the
16 tonnage or pounds. Whatever.

17 One of the things that we should
18 look at closely is Dave McGowan's (phonetic)
19 recommendations in the Florida report.
20 Because he had a good ones and he put a lot of
21 work into that.

22 One of the things that comes up

1 and it's partially because of the problem in
2 South Florida where a private dock fishery as
3 opposed to many other areas where fisheries
4 are concentrated at marinas and specific dock
5 areas. We're a private dock fishery. Makes
6 enforcement a problem.

7 But remember enforcement breeds
8 compliance. Without enforcement, we have no
9 reason for compliance. So we do have to have
10 enforcement.

11 It seems like the only real aspect
12 of enforcement that we can deal with that will
13 help us count fish in Florida is -- and we're
14 back to a tag program and our tag program
15 might need to be a little different because I
16 personally believe that the biggest problem in
17 the South Florida swordfishery is not
18 noncompliance with reporting. But, it's
19 probably with fish being transferred to a
20 commercial realm from a private realm.

21 Meaning anyone in Florida that
22 catches a 300-pound swordfish deep dropping

1 knows someone that has a permit to sell
2 swordfish. I started to say that can legally
3 sell it for them. I didn't mean that, but has
4 a permit that can sell a swordfish.

5 So, not only would you need tags
6 on recreational swordfish, because we're going
7 to put the tag on it. It's going to be on it
8 in the water. Because remember when we're
9 stopped on the way in, we don't have to call
10 it in yet. So, you come on in the inlet and
11 if nobody stops you, you go home and clean
12 your fish. If somebody stops you, okay, got
13 to remember to call this one in. I was just
14 stopped. They know I caught it.

15 Tags can start to take care of
16 this especially tags that are time sensitive,
17 tags in a certain place, but there's nothing
18 to stop someone from taking a recreational tag
19 off a fish and now bringing it over to market.

20 Now, what's the good part of that?
21 They're probably getting counted twice. A lot
22 of fish are being counted twice. I can show

1 you fish that we've reported to enforcement as
2 being recreationally caught and commercial
3 sold. They showed up on the reports for
4 recreational. They also showed up on trip
5 logs for commercial.

6 So, maybe you need a tag system in
7 Florida only. I'm not talking about the
8 world, I don't want longliners to have to
9 start putting tags on their fish, but in this
10 daytime fishery, maybe the hand gear fishery,
11 that fishery that fishes buoys and the fishery
12 that fishes the electric reels deep dropping,
13 maybe you need tags on both commercial and
14 recreational and try to make it a little
15 harder for a rec fish to end up in a
16 commercial market.

17 That's probably my comments. I'm
18 a really big one on tags and I think it's only
19 way we're going to get a handle on the
20 swordfishery in South Florida, but my opinion
21 is that reporting is not as bad as you think
22 and that the great decrease in reporting in

1 part is because our fishery changed from a
2 night fishery where we catch ten fish to a
3 daytime fishery where we catch one and if you
4 catch a 300-pound fish, you're going home
5 because you don't have a box big enough and
6 you don't have ice.

7 So, that's part of why it's
8 changed. Even the number of recreational
9 fish. Pounds may be the same, but we don't
10 report as many because we're not catching
11 those. Interacting with ten fish and keeping
12 three on a night trip. It doesn't happen
13 anymore and why? We can talk about that on a
14 whole other realm, but those are the issues we
15 need to deal with on the HMS fisheries in
16 Florida --

17 MR. MCCREADY: Very good.

18 MR. CODDINGTON: -- specifically
19 with those fish.

20 MR. MCCREADY: Thank you, Ron.
21 Excellent. Ellen.

22 MS. PEEL: I want to also stress

1 certainly the priorities will vary per region
2 and per fishery.

3 Many of you or some of you were on
4 this panel, goodness the last time Moe Clabry
5 (phonetic) from Louisiana was on it, that
6 unanimously this panel decided, except for Moe
7 abstained, that the body tag, you know, would
8 be a preferred system and in that time, we
9 were talking about for marlin. But, because
10 of the success of the tarpon tag system in
11 Florida, it was voted unanimously by this
12 panel to support that and that's been at least
13 six years ago if not eight.

14 But, the agency, and I think this
15 is underlying reality, came back and said they
16 couldn't go forth with it because of the cost.
17 So, the cost is a reality.

18 But, I think if you can combine
19 and maybe starting with bluefin and certainly
20 maybe swordfish, but looking at a combination
21 of tags on recs and commercially caught fish
22 with the catch card system like they do have

1 in North Carolina and one other state, it's
2 very successful.

3 However, if we're going to improve
4 and so, the data that sometimes is asked that
5 scientists may find valuable in queries that
6 we don't yet know what they may need to ask,
7 we have to evolve, I think, certainly to an
8 electronic system.

9 Now, whether -- you know, what
10 I've heard about Mike Kelly's (phonetic) COS
11 America System is certainly worth looking at.
12 Bill from the New England Council also shared
13 with me that Canada has an incredible timely
14 system. I think we have to, and maybe it's
15 starting with one fishery, but start looking
16 at combining an electronic and with, you know,
17 the body tags and let's see if we can't get
18 something in place that can improve in the
19 long run all of our fisheries.

20 But, I realize certainly cost is
21 always a factor.

22 Thank you.

1 MR. MCCREADY: Thank you very
2 much, Ellen. So, I have Jeff, Rick, Lisa and
3 Mark. Jeff.

4 MR. ALLEN: Yes, about the only
5 thing that's more passionate to me than
6 fishing is hunting. So, I'm finally getting
7 to add something here.

8 I have participated in probably it
9 looks like six of the programs on the list and
10 one of them is most definitely not the
11 California abalone. Is that how you pronounce
12 that?

13 All of these programs that I have
14 participated in I think are extremely
15 successful and I think the main reason why
16 they're successful and why you have such high
17 compliance in them is because they're simple.

18 Just like the individual over on
19 the other side of the room stressed, I think
20 the fewer questions, the least hassle you can
21 put the public through -- that you put the
22 public through the better compliance you're

1 going to get.

2 And I think whatever program, if
3 any goes into effect, I think public
4 perception of the program is extremely
5 important.

6 For the recreational anglers, same
7 on them that are not reporting their swordfish
8 catches. I think it's maybe because there's
9 a perception that those catches may actually
10 be held against the recreational anglers and
11 their future of possibly catching those fish.

12 About 100 years ago, U.S. Fish and
13 Wildlife Service started banding ducks and
14 geese. Where when the hunters harvested them,
15 they were suppose to, you know, return those
16 bands with the numbers for data. Nobody was
17 turning in the bands because the duck hunters
18 thought that that data was going to be used
19 against them in the next year's limits.

20 So, I think it would be very
21 important for the public perception of why
22 these are being done that it could be used for

1 the good for the recreational angler. Not
2 just against them.

3 And I think out of all of the
4 programs that I have participated in, the one
5 I think is the most successful is the
6 migratory bird permit. Where before you go
7 duck hunting or snipe hunting or dove, when
8 you get your license, you take a very simple
9 survey. Did you hunt snipe last year? Yes,
10 I did. Approximately how many did you
11 harvest? And you give a range.

12 It's most definitely not an exact
13 science, but since you're getting almost 100
14 percent compliance, you know, I think you get
15 a pretty good data collection from them.

16 Thank you.

17 MR. MCCREADY: Good. Thank you
18 very much. Rick.

19 PARTICIPANT: Ron, I had the
20 feeling in listening to your presentation like
21 you felt it was a major overhaul being
22 discussed and I don't know so much as it's

1 overhaul as the recreational monitoring keeps
2 coming up when we hit very specific points
3 that the current systems are not addressing.
4 Whether it's compliance or timeliness or
5 something like that and just to some extent,
6 we already have censuses in. The call in is
7 theoretically a census. Theoretically.

8 I don't know. I've got lots of
9 little notes that I was writing down here, but
10 I think the heart of it comes down to -- you
11 don't have a problem with the Maryland and
12 North Carolina systems for the most part I'm
13 assuming. That solves the compliance
14 objective if not the timeliness objective.
15 Right?

16 MR. CODDINGTON: Well, yes, for
17 the Maryland program, because we also do the
18 Large Pelagic Survey there, we have, at least,
19 someway to measure compliance. It may not be,
20 you know, the optimal way to do it, but we
21 essentially have done this in the past.

22 It is comparing fish that our LPIS

1 interviewers see in the field and seeing what
2 proportion of those actually showed in the
3 catch card database and it is a fairly high
4 percent. Somewhere around 80 to 85 percent
5 compliance.

6 North Carolina, we don't have the
7 side-by-side comparison. So, we're not sure.
8 You know, I talk to the folks. Doug Mumford
9 (phonetic) who runs the program there, he
10 feels very confident in the high compliance
11 rates as Rom is as well. So, but that's --
12 you know, we haven't actually analyzed it.

13 But, yes, I would say, you know,
14 Maryland Catch Card Program seems to be
15 working fairly well, but also we know that
16 we're not getting 100 percent there.

17 Maryland's also a fairly unique
18 situation when you think about the geographic
19 dispersion of sites where bluefin tuna are
20 landed. You know, primarily just in Ocean
21 City and so, catch card program works fairly
22 well there because most vessels landing

1 bluefin are returning to a location where they
2 can get a landings tag and fill out a catch
3 card.

4 We've looked at some of the other
5 states where we have a lot of smaller sites
6 and we also have a lot of private access
7 sites. We feel like a catch card program
8 would be much more difficult to implement. At
9 least one that was as successful as the
10 Maryland model. But, you know, that's going
11 to vary by state.

12 PARTICIPANT: I found myself
13 wondering. I was asking about Maryland and
14 North Carolina. You know, we were just
15 listening to Ron say that there maybe ought to
16 be a Florida method and where I really got
17 myself going is is there a way that you can
18 figure out the minimum requisite data that you
19 need? Forgetting all the ancillary questions
20 that someone may find interesting. Water
21 temperature or these types things following on
22 what Tom's saying.

1 Can you push this task to the
2 state somehow? Like you just pushed the
3 license to the states.

4 You know, one of the things that's
5 good about both Maryland and North Carolina is
6 you get the feeling that North Carolina data
7 is being collected by North Carolina people
8 about North Carolina anglers and it's not this
9 distant call to Washington. The person you
10 need to report to is another person of your
11 own state.

12 And again, following on earlier
13 comments, I think that's true with compliance,
14 too. I hear plenty of must haves and, you
15 know, they'll have to do this. They must do
16 that, but that's not going to happen without
17 compliance.

18 And in almost all of these
19 programs, in fact, in all of the programs, the
20 compliance is for the most part local
21 enforcement and I think that's the other thing
22 I notice on this list is it's the Texas

1 program, the Kentucky program. They've
2 developed regional solutions to regional
3 methods and if you could create, Ron, the --
4 like I say, the requisite data and find a way
5 to get the states, we need you to tell us
6 this, this, this, this and this.

7 It may not solve your timeliness
8 question, but I think it would increase both
9 your accuracy and your compliance and with
10 that, now down to Lisa, I see you're nodding.

11 MR. MCCREADY: Thanks, Rick. Do
12 you want to respond now or just want to
13 consider this? It's up to you. Let's
14 continue. Okay.

15 So, let's continue down this side
16 of the table and then we'll bounce back. I
17 have Lisa, Mark and Andre.

18 MS. GREGG: Okay. Some of the key
19 aspects of HMS fisheries that need to be
20 considered are -- I would say primarily are
21 these species or these fisheries that catch
22 and release or are you actually keeping the

1 fish, are you actually retaining the fish.

2 Tagging programs, catch card
3 programs, the two of them in concert with each
4 other I think works with species that you're
5 actually catching and you're retaining.

6 But, when it comes to catch and
7 release when you're trying to obtain effort
8 data, not only on what's being harvested, on
9 what's being retained, when you're also
10 looking at, you know, what is the potential
11 effort in the fisheries, I don't think that
12 that's going to accomplish your goals in
13 obtaining the data that you need.

14 So, I think we need to look at
15 catch and release versus actually retention of
16 the fish as two separate aspects.

17 When we're talking about tagging
18 and I'm going to go back and using Florida's
19 Tarpon Tagging Program as an example, the one
20 problem that we have encountered with tagging
21 has been mainly in tournament situations and
22 whether or not somebody's actually retaining

1 the fish or actually has possession of the
2 fish and at what point does that fish need to
3 be tagged.

4 If you're catching it, getting
5 measurements on it or weighing it or taking a
6 picture of it, is that actually considered
7 possession and then before you release it.
8 So, we've had a lot of law enforcement
9 problems dealing with the tarpon tagging
10 program and at what point, you know, the
11 animal -- the fish actually needs to be
12 tagged.

13 So, that's one thing that needs to
14 be taken into consideration and the rules for
15 those -- you know, for any kind of tagging
16 program would need to be very explicit as to
17 what point and so, that it is enforceable.

18 So, that's all I have.

19 MR. MCCREADY: Thank you very
20 much, Lisa. Mark.

21 MR. SAMPSON: Thank you. Mark
22 Sampson.

1 Just real quick on -- some
2 thoughts on if you did initiate a tagging and
3 a catch card program for any -- and I would
4 like to say not just for bluefins, but, you
5 know, if you got something going, obviously,
6 it could go for any of the HMS. You know, you
7 decided you wanted to tag the sharks and, you
8 know, of course, you have to do the billfish
9 or whatever. Anyway, that could go through
10 all the species.

11 One of the things with compliance,
12 like in Maryland, of course, we do have the
13 catch card and tagging program. We cannot
14 unload the fish until we go into the dock and
15 get the card filled out. They hand us a tag.
16 We put it on the fish. We can unload it.

17 However, you know, if somebody
18 wanted to get around that, let's just say that
19 the folks had their -- they moor their boat at
20 their home and they just have to get home and
21 they can unload the fish, of course, and clean
22 it and nobody will be any the wiser.

1 If they were concerned -- or if
2 the provision was that the fish had to be
3 tagged as soon as it's landed -- just as we
4 were talking about hunting before in most
5 cases if you have to tag a deer, you have to
6 tag it before you remove it from the woods.
7 Therefore, I know myself many times I've had
8 to walk back to the truck to get the tag out
9 of my truck and then return to the animal in
10 the woods before I drag it out because I don't
11 want to meet the game warden between, you
12 know, the place where he fell and my truck.

13 Okay. Same thing with tagging in
14 these HMS. If you have to put it on as soon
15 as you boat the fish, at that point, you're
16 concerned from the very beginning that at any
17 point whether you're coming in the inlet,
18 whether you're a mile offshore, whether you're
19 running up the creek, that you might get
20 stopped and you can't tell the officer well,
21 I'm going to tag him when I get back to dock.
22 Because no, you have to tag it right now.

1 So, obviously, that requires
2 putting the tags in the hands of the people
3 beforehand.

4 Very simple tags. I'm imagining
5 something like, you know, at so many different
6 events where they put a wristband on somebody.
7 You know, you pay your money or you prove
8 you're of drinking age or whatever they give
9 you, a Tyvek or some kind of waterproof one-
10 time use kind of tag. A tear-off sheet of
11 tags that maybe has a catch card attached to
12 it. Very simple.

13 Maybe, you know, you determine how
14 many tags you want to give somebody in one
15 shot. Maybe five or ten. They use the tags,
16 put a number on the tag, throw them on the
17 animal and before they get more tags though,
18 they got to send the card in.

19 Obviously, you all would have to
20 be very timely in getting more tags to them so
21 they wouldn't have to wait a few days and not
22 be able to fish again or whatever or maybe

1 even tags could come from another boat if they
2 needed them while they're out there.

3 (End tape 7.)

4 TAPE 8

5 But, something real cut and dried.

6 Like we were saying before, very simple.

7 Length of the fish, species of the fish, put
8 the tag on it and then you're good to go.

9 And at that point, any enforcement
10 official at any time and place if he
11 encounters somebody with a fish, it should be
12 tagged.

13 Again, just keep it simple. It
14 probably should be a very workable program I
15 would think.

16 MR. MCCREADY: Thanks very much.

17 Yes, Sara.

18 PARTICIPANT: Mark, you just
19 touched on it, but between your comment and
20 Ellen's, I was thinking about the electronic
21 tag and very simple tags where, like you said,
22 it's just a yellow band versus those that have

1 a unique identifier that might be associated
2 with a unique identified on the catch card.
3 That's obviously more complicated and would be
4 useful for collecting specific information.

5 So, I'm just curious as you make
6 your comments if you're talking about simple,
7 straight, no numbers versus -- are you talking
8 about something scannable like at, you know,
9 Walmart? You know, you can boot up the fish
10 and we know which fish that was, which tag
11 that was. That kind of thing.

12 MR. SAMPSON: Well, certainly
13 listening to the conversation, I was thinking
14 of an accountable tag that they have for
15 tarpon tags and I know when Florida first
16 started it, there was a quandary of, my gosh,
17 how do you get this to, you know, people and
18 how do you know how many fish are going to be
19 landed and, you know, we'll have to defer to
20 Lisa and others, but it was worked out after
21 the first couple of years.

22 So, but if there's a way to use a

1 nonaccountable property in terms of tags, but
2 where it's electronically assigned a number as
3 you report it, that certainly seems to make
4 more sense. But, I'll defer to those who have
5 run these programs before.

6 But, we somehow, I think, need
7 some system that electronically can provide us
8 faster feedback and greater input the agency
9 faster also.

10 PARTICIPANT: Yes, I had one
11 question and thank you for all of these kinds
12 of comments. But, when we're talking about --
13 and we've got the mix of kind of quota limited
14 situations versus other species that we don't
15 have quota limits at this point, but in a
16 quota limited situation thinking specifically
17 of bluefin in the England category, there's
18 the size range of 27 to up to 73-inch fish
19 that will weigh very different amounts. So,
20 when you're tracking a quota, it will make a
21 big difference what size fish is coming back
22 in.

1 And you can collect lengths
2 information and things and get that
3 information, but I'm thinking more about in an
4 allocation standpoint where you don't
5 necessarily expect to have an unlimited pool
6 of tags and then how you would make those
7 kinds of assignments. Would you have a
8 minimum? Everyone gets one and then you get
9 more. How would you decide how many people
10 could get initially?

11 Some of those kind of questions to
12 think about in the quota limited multiple size
13 kind of scenario.

14 MS. PEEL: But, what Sherry
15 (phonetic) was suggesting was perhaps -- it
16 was brilliant. Not just perhaps brilliant,
17 but, you know, if it's a -- where the system
18 is assigning, you know, once they report is
19 within with bluefin a certain size category,
20 that your system is triggering, you know, a
21 number, a tag.

22 So, it could be something. I mean

1 maybe it doesn't have to be a physical tag
2 except for law enforcement. If it's something
3 you get at Walmart sporting or wherever, but
4 so that your reporting system once that --
5 like with our tagging data, when an angler or
6 someone enters the tag, you know, there's a
7 record number assigned I mean that's separate
8 from what's on the tag itself.

9 But, if your system is assigning
10 numbers so it can daily account and tell you
11 that this category has reached or is about to
12 reach its limit, then you would be able it
13 seems to respond directly. But, the
14 electronic wizardry and all of that, you know,
15 others like Michael and other experts will
16 have to deal with.

17 PARTICIPANT: And maybe I wasn't
18 clear. I'm talking about to Mark's point
19 about, you know, if you have to tag the fish
20 as soon as it's boated, then that person has
21 to have the tags on board.

22 MS. PEEL: Right. But, if what

1 she was suggesting -- that it's not an
2 accountable property like a limited number of
3 tags that might be distributed in a lotto
4 system in some states, but it's something that
5 is purchased where it's recognized by law
6 enforcement. Like we have approved circle
7 hooks now. We may have approved streamers or
8 body, you know, identifiers that you take out.
9 If you want to buy 100 of them or you want to
10 buy one, you take with you and it only has a
11 number assigned to it in your system.

12 But, this provides law enforcement
13 a visual evidence that this person has, you
14 know, caught this fish under the regulations
15 and so they won't be fined for not having a
16 tag.

17 You then, I guess, have a greater
18 responsibility in terms of timeliness and
19 being able to track this to say within 24 or
20 48 hours, this is approaching, you know, the
21 threshold where we said we're going to have to
22 something and maybe you can then get to your

1 90 percent or your 95 percent rather than the
2 80 percent as the gentleman over here was
3 concerned about of being cut off.

4 But, in today's technological
5 world, there are so many things that are
6 handled almost instantly. There's got to be
7 a way that this can be handled.

8 I know we have had a very
9 cumbersome system with tag cards and catch and
10 release cards and we're trying to streamline
11 that through electronically reporting so that
12 you don't have someone writing it out.
13 Someone then taking and entering it. You
14 know, we've gotten away from our old data
15 keypunch things in many ways. Hopefully, we
16 can do it in fisheries.

17 MR. MCCREADY: Okay. Thank you,
18 Ellen. So, let's do a time check here. I
19 know we have more people that want to speak.
20 It's 3:30. I propose that we continue for
21 about ten minutes and then we'll take a little
22 break and write up a little summary.

1 The people that I know still want
2 to speak, I have Andre, Tom, Rich and Randy.
3 There may be others. Yes, sir.

4 MR. AUGUSTINE: Pat.

5 MR. MCCREADY: Pat and let's try
6 to be concise, but I think some recurring
7 themes already. Keep it simple obviously.
8 Recognize regional variation. Think about
9 ways of accomplishing both the benefits of the
10 survey and the census. Don't assume one size
11 fits all. Recognize that states vary and
12 distribution of fish vary. The Florida
13 example of course. So, those are some of the
14 points that we heard. Andre.

15 DR. BOUSTANY: Yeah, I think a lot
16 of my other points were made already. So,
17 I'll keep it brief.

18 First, I'd like to just reiterate
19 Rom's comments that the North Carolina system
20 seems to work very well with from what anyone
21 can tell very high compliance.

22 So, moving forward, if you were

1 going to start to implement some sort of catch
2 card or tagging system, I would work with the
3 North Carolina people to try to move that
4 forward.

5 And a point you made about
6 compliance probably being high in Maryland
7 which is the only place where you've actually
8 gone through and looked at the LPS versus the
9 catch card data and looked at compliance
10 rates. I think probably one of the reasons
11 why it is so high in Maryland is because they
12 have this system in place.

13 I think there's a -- we've heard a
14 lot in New England and a lot of the Northeast
15 where it seems a lot of these problems with
16 noncompliance and non-reporting for bluefin
17 tuna are prevalent where they don't have these
18 catch card systems.

19 I think when you implement
20 something like this catch card system, there's
21 a huge psychological component that makes it
22 all of a sudden appear important. People now

1 realize that when you bring a bluefin tuna in,
2 hey, this is something that's important. We
3 have to put an individual tag with an
4 individual number on each one of these things.

5 I mean look in the commercial
6 fishery. Everyone realizes it's very
7 important and there's very high compliance
8 there.

9 So, I think what you're going to
10 find is when you put a system like this in if
11 you do put a system like this in, the
12 compliance is going to come up quite a bit
13 throughout the other aspects of it either in
14 the LPS or just in general reporting.

15 MR. MCCREADY: Good. Thanks very
16 much. Let's go back over here to Rick. I
17 don't think you've spoken here yet.

18 PARTICIPANT: Thank you. I also
19 think that tags are a great idea for bluefin
20 tuna. I think it's a tremendous tool for
21 enforcement.

22 But, like we've already mentioned,

1 the resources definitely need to be there to
2 follow-up on the compliance and I think that
3 would be hugely helpful for enforcement
4 officers to be able to look at fish, see a tag
5 and know that that fish has been accounted
6 for.

7 I would also favor an electronic
8 web-based reporting system in replacement of
9 the postcard system because it's more timely
10 and you can also get more information from a
11 web-based system than postcard.

12 I would recommend that you have
13 fields that are mandatory to be filled out,
14 but also other fields that are optional in
15 case there's a fisherman that feels inclined
16 to offer up more information he would have
17 that option. But, it may not be absolutely
18 necessary for every captain to go through
19 that.

20 I would also support the states
21 taking on a bigger role in the recreational
22 catch and effort data.

1 The ACCSP Advisory Panel's meeting
2 in October and I believe that's on the agenda
3 as one of the things to discuss. I think that
4 they have the local favor to them. They
5 understand their fishermen a little bit better
6 at a local level and they might do a better
7 job. So, I would support their role there.

8 MR. MCCREADY: All right. Thanks.
9 I have Randy, Pat, Chris, Tom. I think that
10 does it. Randy.

11 MR. GREGORY: Thank you. You want
12 to know what we thought. I would kind of want
13 to know what you guy's think. We want you all
14 to manage the fisheries the best way you can.

15 So, you kind of spoke to it a
16 little bit, Margo. We want to know -- to be
17 able to help you all develop something, we
18 want to know what you all need.

19 So, I know you need length and you
20 need species and date that it was caught. I
21 would have liked to have seen that in your
22 presentation more than anything else. What is

1 it that you need?

2 There are tons of ways and a
3 couple I'm going to add that you don't have on
4 your list and you know about our catch card
5 system.

6 One is how we do our big game
7 harvest. It's called 1-800-I-GOT-ONE. Not
8 only do you have a call in where you interact
9 with a computer or an operator, but you also
10 have a tag you got to carry. Basically, you
11 have your own catch card. You have to punch
12 it out when you kill the animal and then you
13 call in and get a confirmation number. So,
14 that covers a lot of different things that
15 some of the things we've talked about have
16 missed out on.

17 Another thing is a program I'm
18 working on that does a complete survey at
19 mackerel fishing tournaments and it's through
20 text messaging. We give them a little card.
21 There's like 12 questions and there are little
22 codes that they punch in.

1 Don't forget about text messaging
2 and it's usefulness.

3 The North Carolina Catch Card has
4 worked well. We believe we have very good
5 compliance.

6 I will go home and beg Doug
7 Mumford to do some kind of test on what the
8 compliance is if he's able to do that.

9 I think it will work and we feel
10 that it works well in places that have a lot
11 of private dockage as well. Everybody goes
12 somewhere to buy fuel for their boat. A lot
13 of the places where we sell fuel in North
14 Carolina are our reporting stations. We've
15 gotten great compliance from the marinas, the
16 tackle shops and believe it or not the places
17 where people fuel because they want those guys
18 to come in and buy fuel from them. So, why
19 not be a reporting station?

20 So, those are some of the things
21 that we've done in North Carolina and
22 anybody's got any questions about what we do

1 there, I will be glad to answer them if I can.

2 MR. MCCREADY: Great. That's some
3 good pieces of information. Pat.

4 MR. AUGUSTINE: Yes, thank you.
5 Everyone's had some great ideas. It's just a
6 matter of pulling them together, and making
7 them work either regionally or statewide.

8 In New York, we have -- for the
9 wildlife and fishing and deer hunting, the
10 license is about that long. We have two for
11 turkey for winter. Two for spring for turkey.
12 You have deer. You have pheasant. You have
13 ducks. All have separate stamps and you have
14 to have that on your person when you are
15 harvesting those animals. Deer, you have a
16 tag on your back.

17 Interesting though back many, many
18 year ago and I believe the Littoral Society of
19 New Jersey still has their tagging system, I
20 found it when I was mating for 13 years. That
21 they have a dart tag with a number on it. If
22 you're going to take -- whether you're going

1 to take the animal or not take the animal, you
2 put the dark tag in the animal of which
3 there's a card attached to it and you write
4 the approximate weight, the size, the
5 condition of the animal and what you're doing
6 with it and let it go.

7 If it's in poor condition, you
8 write poor condition. If it's got another tag
9 in it, you clip the tag if you can. If it
10 turns out to be a shark, you got to be
11 careful. You don't want to lose an arm or
12 hand. You clip that tag and send it in.

13 And about once a month, they send
14 out a report and I can see that report being
15 developed by you folks with that card.

16 I thought further about it. Some
17 states might want to consider a simple card
18 with a lot of different boxes on it for types
19 of tuna fish. It could be yellowfin, big eye.
20 It could be whatever you want or as a write-in
21 and the thought is because we're talking about
22 very little number of fish. Bluefin, Ron says

1 none down there. But, over here, we're saying
2 well, we catch a lot of them.

3 So, maybe there should be a packet
4 of tags issued at a time. Pick a number,
5 twenty-five, and that goes out. You pay for
6 it whatever you pay for them. When you get
7 down to maybe five, then you request another
8 20 or 25, but you're sending them in on an
9 ongoing basis.

10 The biggest concern I've had about
11 it and I'm not sure how you would handle it,
12 this is further down the road, what about the
13 rush for fish? That's another one of those
14 things. I mean you're fishing. You either
15 get fortunate and catch a lot of them or you
16 catch none. So, I don't know if that's ever
17 going to come into play further down the road.

18 Those are my thoughts on it and it
19 seems like some of the simplest ways to do
20 this would be again, as my friend over here
21 said, the less information the better. The
22 more you have to put on, the less you want to

1 fill it out.

2 And by the way, you're telephone
3 system still is complicated to report a fish
4 that you've caught. I've heard that from
5 several of our fishermen. They want to
6 report. They get on that line and they wait
7 and wait. There's a problem and they just
8 said the hell with it and don't report it.

9 So, that goes to my ideas on that.
10 Thank you.

11 MR. MCCREADY: Thank you, Pat.
12 Chris.

13 MR. WEINER: I think the idea he
14 mentioned, and I was kind of out of the room
15 for a bit, about you have a tag. When you
16 catch a fish, you call or email, text,
17 whatever and you get a confirmation code.
18 That's a good idea.

19 And your question was how do you
20 -- you know, you have different sizes. I
21 think that when they call in or email in or
22 whatever, you say the length. I mean they're

1 not going to know the weight.

2 But, the hard thing you were
3 mentioning too is how you limit it. Because
4 if you just give everyone a tag, what's that
5 like 15,000 tags and that's 5,000 more than
6 last year which was 5,000 more than they were
7 suppose to. So, I mean I don't know how you
8 do it.

9 You could just do it the one a day
10 and then once you reach the limit, you close
11 it or I don't know how you do it. I'm not
12 going to speak for the recreational guys, but
13 that's the hard part of this.

14 But, I think it would be a good
15 start just to have some kind of monitoring
16 because I don't -- I mean I think you could --
17 they could do a better job than they are -- or
18 there's a -- there could be a better job done
19 than it is now, but I think that's going to be
20 the tough issue is how you distribute those.
21 Because everyone's like well, just give
22 everyone one, but there's guys that need to be

1 able to catch ten and some guys, they'll catch
2 zero and so, maybe make them -- give everyone
3 some and transfer them. I don't know.

4 But, you know, I think at some
5 point you're going to have to -- if you do
6 butt up against the quota, you're going to
7 have to close it. But, I know like, for
8 example, I know Rick's fishery is in late in
9 the year and up in Massachusetts, it's early
10 in the year. So, you'd have to maybe do it
11 monthly. You know, it's starting to look more
12 and more like the general quota, but I don't
13 know.

14 But, I think you can do it right
15 and I think the idea of where you have a tag.
16 You call it in. Get a confirmation code. You
17 give a size limit. You know a rough size.
18 You know a rough weigh and then the hard part
19 is figuring out how you'll distribute them.

20 MR. MCCREADY: Good. Thanks.

21 MR. WEINER: All right.

22 MR. MCCREADY: So, I want to hear

1 from Tom and then if there are more questions,
2 I'm going to invite those of you who have more
3 questions to help Sara and I write the
4 synthesis which we're going to present back in
5 about 15 minutes.

6 Tom, sorry to make you wait, but I
7 was trying to spread it out.

8 MR. DEPERZIA: That's okay. No,
9 just a couple of comments.

10 Number one, the tag that you put
11 on the fish should correspond with the number
12 on your report card and on your report card,
13 you must report the size. That way you keep
14 track of your quota if it's in different size
15 limits.

16 I agree with the confirmation
17 number. I think that's a good idea.

18 You have to send the tag in within
19 24 hours.

20 One thing I keep in mind people
21 mentioned electronically. This may be a
22 surprise to some people, but there's a lot of

1 people out there that don't have computers.
2 All right. They just don't have them and
3 they'll never have them. They're against
4 computers 100 percent. I know many people
5 that are like that. So, you can't say
6 everything's got to be reported on a computer.
7 People won't do that.

8 Maybe there's a lot more people
9 that have telephones. So, that's fine.
10 Telephone or report card.

11 But, I think a report card is good
12 because it's going to force the person to put
13 it in. It's got a number on it. It's going
14 to correspond with the tag. At the end of the
15 year, you know, if you don't send that tag in,
16 you're going to be asking the question hey,
17 was there a fish that corresponds? You didn't
18 send the tag back. So, I think that's a
19 necessary part of it.

20 Another thing to keep in mind is
21 that as of next year all states are required
22 to have some kind of registry and a lot of

1 states have gone to a salt water fishing
2 license.

3 So, and I think you'll find some
4 states that will cooperate with some of the
5 responsibilities here. You know, I know in
6 Massachusetts I was part of the --
7 establishing of the license and setting up the
8 rules and what not and there's going to be
9 reporting. There's going to be people at the
10 docks. There's going to be people at boat
11 ramps reporting the catch and they can be
12 taking down tag numbers or taking the
13 postcards right away.

14 I think the idea about the fuel.
15 Everybody has to have fuel for your boats. I
16 mean we're talking bluefin tuna. You don't --
17 there's not very many that are caught off
18 shore. So, someone's got to go out in a boat
19 to do it and you got to buy fuel somewhere
20 other than a -- well, I guess some people that
21 trailer their boat are going to go to a gas
22 station, but, you know, it's one way of

1 distributing -- getting the cards and there
2 could be a fee associated with to the gas
3 location.

4 One other comment, on the web
5 program that you have right now, it's very
6 complicated. I think there's just too many
7 questions on the website. I actually like the
8 telephone 1-800-USA-TUNA much better than the
9 website reporting because the website
10 reporting once again is asking too many
11 nonessential questions.

12 That's it.

13 MR. MCCREADY: Very good. Well,
14 I'd like to call a break, but I would like to
15 invite three or four people that are willing
16 to help us report back to the full plenary
17 group to join with Sara and I in putting
18 together a brief summary of this conversation.

19 So, if there are any willing
20 volunteers. People that feel strongly about
21 this issue and want to join with us, please
22 come up here.

1 The rest of you are released for a
2 break and we'll reconvene at 4:00.

3 (Whereupon, off the record.)

4 (End tape 8.)

5 TAPE 9

6 MR. MCCREADY: And I especially
7 need to see Chris who's reporting back --

8 PARTICIPANT: Chris Weiner.

9 MR. MCCREADY: -- very soon.

10 PARTICIPANT: Rick or Rick?

11 MR. MCCREADY: Just Rick. No,
12 it's a team. Come on.

13 So, this is a tag team
14 presentation by two people that I ruthlessly
15 recruited, but here they are.

16 So, we had five questions that
17 Margo asked this group to consider and what we
18 tried to do in putting together this summary
19 is to group the recurring answers under the
20 organizing questions, but you'll notice a fair
21 amount of redundancy of themes and answers
22 because we did hear many of the same things in

1 a recurring fashion which is good.

2 Rick.

3 PARTICIPANT: I'm going to read
4 stuff I haven't read before. I was just told
5 that I'm doing this.

6 Actually, I did think there was a
7 good discussion of lots of ideas of
8 recreational -- it said monitoring. It's more
9 the recreational reporting. Who's catching
10 what and how do we know and we had a good
11 presentation by Ron of the pluses and minuses
12 of surveys and censuses and then we opened it
13 up to discussion.

14 And what we ended up with was
15 reading at the same time, that focus
16 information gathering on essential
17 information. We heard a bunch of times to
18 keep it simple. Fewer questions better than
19 more because currently the survey gets into a
20 lot of off topic.

21 Not management related. They're
22 valuable questions, but they really don't

1 relate to the management. What temperature
2 did you catch? Perhaps how many did you
3 release? Though there's a good case for how
4 many you released relating into a management
5 measure.

6 Consider regional variation in
7 fisheries. We saw that a lot of people -- you
8 know, that up north there's more bluefin tuna
9 that needs reporting and down south, there's
10 more swordfish that needs reporting and
11 monitoring and even within a region that a
12 fishery changes and there needs to be
13 adaptability.

14 For example, the swordfish fishery
15 that's changed over time and there is an
16 overlap of participants and species.

17 The next point was to emphasize
18 timeliness. That was really one of the goals.
19 Was to increase the timeliness.

20 By the way, you can hop in here at
21 anytime if I've missed any points that you've
22 heard. I'm just going to keep on reading.

1 Because you're pretty much going to do the
2 same thing.

3 And there was an idea that using a
4 call-in association with a tag system would
5 increase timeliness because people would
6 actually have to pretty much put the data in
7 the system themselves and then it would all
8 run into a computer. It would be easier to
9 pull out.

10 Think about incentivizing
11 compliance. There was discussion of both
12 carrots and sticks.

13 Recognize the distribution and
14 allocation of tags is a challenge to be
15 addressed in quota limited situations.

16 Though there were some potential
17 solutions raised, I don't know that that one
18 was really fully sounded out and it's
19 definitely a topic for continued discussion.

20 And taking account of the costs
21 because there are -- people may want different
22 systems and now, also different ideas can be

1 created, but it cost money. You know, the
2 more data and the more certain you are of the
3 data the more it's going to cost to create
4 that system.

5 Here you read one.

6 MR. WEINER: And in terms of what
7 are the key aspects of other programs, the
8 first point was current bluefin census
9 programs do not correspond directly to info
10 used to trigger closures. Incentivize
11 compliance. Fear of data used for closure.
12 Disincentivize compliance.

13 And, you know, the first point is
14 that it's just not real time. I mean this
15 discussion came up during -- when they were,
16 you know, in I think it was May when the
17 agency was trying to decide what rules to use
18 and the fact that you couldn't close even with
19 the census. I mean if you have a system that,
20 you know, you can't use real time, I think
21 people want to have something better than
22 that.

1 And, you know, in terms of census,
2 if you're reporting it voluntary, you know,
3 some people probably think why report it if
4 it's just going to close the fishery. So, I
5 think that's the idea there.

6 Tags are simple to use. Increases
7 enforceability. Use of tags in gender's
8 important of stock management.

9 There just seem to be a lot of
10 agreement around the table that tags were a
11 way to go. I think there's a lot of issues
12 that need to be ironed out, but definitely
13 increases enforceability which is a big point.

14 And many programs run by states
15 and Randy from North Carolina, I thought had
16 a lot of good ideas and, you know, there's a
17 number of states involved. I know the New
18 England haven't been quite as involved. So,
19 I don't -- I know there's differences in
20 fisheries in ports and stuff, but I think
21 everyone agrees that there's ways that states
22 can get more involved.

1 PARTICIPANT: Oh, sure. Along
2 those lines there was question about whether
3 there were programs that were appropriate
4 models and we found lots of parts and pieces.
5 It was a really good matrix that they had
6 presented and there were parts and pieces of
7 different programs that would be good, but
8 there was not a simple one size fits all.

9 Your turn.

10 MR. WEINER: Would changes apply
11 to all highly migratory species rec
12 monitoring, just some HMS, which ones? I
13 think obviously this is a key issue. You
14 know, there's a lot of interest for bluefin,
15 but as was also pointed out swordfish in
16 Florida is a huge issue.

17 And so, I don't know how you deal
18 with it, but -- and there's probably other
19 species, but I think those are the two big
20 ones that were mentioned in terms of this
21 discussion and I think it's definitely
22 worthwhile. Because bluefin's important, but

1 you get pass a certain point, swordfish is
2 important and, you know, with the swordfish
3 being rebuilt, it might become important up
4 here, too.

5 So, and yes, just recognize it's
6 not just one size fits all and that's not just
7 across fisheries, but obviously within
8 fisheries, you know, as North Carolina has a
9 problem now and New England has different
10 program and, you know, whether you try to keep
11 them together or how you do it, but you need
12 to recognize differences.

13 PARTICIPANT: And finally, is
14 there interest in pursuing changes. There was
15 on our part and I'm going to assume there was
16 on the government's part or they wouldn't be
17 asking the question. So, yes, I think there
18 was definitely consensus that changes were
19 needed and, you know, that we would need to do
20 those changes and the agency should be aware
21 of what information must be collected. What
22 is essential.

1 Again, that goes back to the
2 extraneous questions and keeping it simple and
3 then states and constituents can start work on
4 design of program.

5 There we go. I guess at this
6 point we're suppose to ask are there questions
7 from the group.

8 MR. MCCREADY: Excellent. Yes,
9 and are there any members of the group who
10 believe we omitted some point idea.

11 MR. WEINER: I was going to point
12 out --

13 MR. MCCREADY: Go ahead, Chris.

14 MR. WEINER: I would just say that
15 sitting in on this as a commercial guy, you
16 know, we own a boat that recreational fishes,
17 but, you know, it's something that I think the
18 recreational fishery would want to discuss
19 among themselves. Is how you limit or
20 distribute tags?

21 Because that seems -- some people
22 say just give everyone five. Well, that's,

1 you know, over 50,000 tags and so, I don't
2 know how you do it and it's not going to be
3 easy. Because I know that some of people in
4 the room fish in September-October and if you
5 distribute them all in June, you know. So, I
6 think that would be the main issue I think
7 people need to talk.

8 I think the tag idea has a lot of
9 -- if you can figure out that distribution,
10 you've got a good system.

11 MR. MCCREADY: Yes, I certainly
12 agree with Chris that we wrestled with the
13 allocation, but there's no silver bullet or
14 magic answer that this group came up with.

15 Ron, you had a comment. Then
16 Allen.

17 MR. CODDINGTON: Yes, one point we
18 didn't bring up in our discussions, so
19 obviously it's not up there, was while we know
20 it's expensive, the telephone survey that was
21 done as the pilot program in Florida produced
22 some of the best information we've had in

1 Florida with respect to HMS.

2 We saw some higher counts on
3 swordfish than any of the voluntary reporting.
4 We saw some extreme sailfish that we didn't
5 know existed. I believe the number estimator
6 from the telephone survey was one million
7 swordfish releases a year in Florida. That's
8 a very important fishery to us and it's a 100
9 percent release and probably about a 95 or
10 better percent circle hook fishery.

11 But, that only came out of the
12 survey. It's expensive. It's time consuming,
13 but it was very valuable.

14 MR. MCCREADY: Thanks.

15 PARTICIPANT: And as long as I'm
16 up front, I'm going to go ahead and counter
17 Chris' point or at least offer a thought that
18 goes to it and that is that fair, temporal and
19 spacial allocation is relevant regardless of
20 whether or not there's a tag system in place
21 or not.

22 So, you know, I don't know that

1 fair, temporal and spacial allocation is an
2 Achilles' heel to the tags alone. That should
3 be a goal regardless.

4 PARTICIPANT: Absolutely.
5 Absolutely.

6 MR. MCCREADY: Great. Any
7 questions or comments? Rom.

8 MR. WHITAKER: Well, I think after
9 thinking about it a little bit, I mean I --
10 lost time I checked there were 28,000 HMS
11 permits and now maybe more or less, but trying
12 to figure out one, five, ten, whatever. You
13 know, a charter boat's certainly going to use
14 more than a purely recreational vessel.

15 But, you know, I think HMS has
16 done -- over the years, we've done a pretty
17 good job of allocating how we're going to do
18 the fish. Whether you agree or disagree, we
19 kind of come to agreement on it. But, we do
20 have a program that's working in two states
21 and it's working -- seems to be working very
22 well according to your report.

1 So, you know, I just see, you
2 know, don't -- if it's not broken, let's not
3 fix it.

4 But, that was my only point. Just
5 trying to -- the number of permits going out
6 to that many permit holders would be
7 confusing.

8 And certainly, you know, down in
9 the southern region where their dealing with
10 swordfish, it may be a little different. But,
11 I know in your report you said that phone
12 compliance was not the best. That's what I
13 think Mr. Ron said. So, anyway we do have the
14 call in right now. But, I thought you said
15 the compliance was not very good.

16 Thank you.

17 MR. MCCREADY: Rom, thanks very
18 much. Any other comments or questions? Well,
19 let's turn to the VMS team. Thank you,
20 gentlemen, very much. Oh, sorry. Rich. No
21 problem.

22 MR. RUAIS: I wasn't in that

1 group. So, I'm trying to play catch up here.

2 This agenda item was scheduled to
3 look at replacements for the -- so, I can you,
4 Margo. For the 1-800 call-in system and the
5 survey, the MERF survey or whatever survey it
6 is that you're using for juvenile bluefin --
7 angling category bluefin catches?

8 (Off mic comments.)

9 MR. RUAIS: Turn it off. Yes.

10 MS. SCHULZE-HAUGEN: It was a
11 holistic view for recreational monitoring
12 reporting that included the multiple
13 components of the Large Pelagic Survey with
14 catch cards and the call in and all of that
15 and we looked at a number of different other
16 programs, a lot of wildlife programs that have
17 similar kinds of programs for appropriateness
18 as a model for HMS and what changes we might
19 be looking at to improve our situation for
20 HMS.

21 MR. RUAIS: Well, I just want to
22 weigh in with Rom. Way to go. Wherever he

1 went. Okay. Getting blind as a bat in my old
2 age.

3 But, Rom's point was I think
4 there's been general satisfaction with the
5 Maryland system and what's the other state?
6 North Carolina. It's North Carolina and
7 Maryland that seem to have the two systems and
8 I appreciate the notion that one size doesn't
9 fit all.

10 But, you know, we're going to come
11 -- I think as the ICCAT Advisory Committee has
12 advised the Advisory Panel over the last few
13 years, our recreational catches are going to
14 come under increasing scrutiny over the next
15 few years in a very big way and we better be
16 able to defend them and I know what Rebecca's
17 response is, you know. When you show me your
18 good recreational catches, I'll show you my
19 great recreational catches, but I don't know
20 how long that's going to fly for eventually.

21 So, I agree with Rom. There's a
22 couple of proven, timely systems that people

1 seem to have some confidence in. I don't know
2 the details of it, but they seem to have some
3 confidence in it. So, I'd lean in that
4 direction.

5 MR. MCCREADY: Good. Thanks,
6 Rich. Okay. I think we're ready to move on.
7 Bennett, you're presenting next. Thank you
8 very much, guys. Appreciate it.

9 MR. BROOKS: Well, we're up next.
10 The vessel monitoring system and we thought we
11 would ask Pat who was the presenter to just
12 give a one or two minute overview of what the
13 gist of his presentation about so those of you
14 who weren't in the room at least a little bit
15 caught up on that.

16 And then we'll do a very quick
17 synthesis of the group's discussion and do you
18 need this.

19 You might be able to just start
20 in.

21 MR. O'SHAUGHNESSY: My
22 presentation was recommended changes to the

1 existing HMS VMS regulations for a variety of
2 reasons and I'll try to synopsis a 30-minute
3 presentation into the two I've been given.

4 The first is the recommendation
5 requiring the new EMTU units on the HMS fleet.
6 The current fleet has the older MTU which is
7 a mobile transmitting unit. The newer units
8 are enhanced mobile transmitting units.

9 The older units ping only once an
10 hour or once every 30 minutes with no email
11 capability, no E-Forms capability. So, none
12 of the new technology. We're noticing that
13 they're failing at an increased rate.

14 The regs went in place in 2003.
15 So, they're getting up. Some of the units are
16 up eight/nine years old.

17 The new VMS-type approval requires
18 that any VMS units that are out there be
19 replaced with EMT units anyway. So, fishermen
20 who have a VMS unit that fails now can no
21 longer purchase the older \$1500 model. They
22 have to purchase the new required EMT units

1 which are 3100 to 3900 bracket there.

2 And the big push, there appears to
3 be the opportunity to take advantage of the
4 reimbursement fund that currently is in
5 existence that the HMS fishers have never been
6 able to take advantage of.

7 When the regs went in place in
8 2003, they had to purchase the units outright.
9 In 2006, the reimbursement fund was put into
10 place, but the HMS regs were already in place.
11 So, they were never eligible for it.

12 If we change the regs requiring
13 the EMTU unit, the HMS vessels would likely be
14 eligible for the reimbursement and I'm working
15 through my office on a policy change that
16 would firm that up, but there's money
17 available and this would be the opportunity to
18 make that change so the fishers would not have
19 to pay for the units.

20 Also, recommended that if we do go
21 this route with the new EMT units, that they
22 be installed by certified marine electricians.

1 Much of my staff hunts down problems with the
2 owners and vessel captains for some unique
3 power and wiring that done whether it be the
4 antenna or the units in the bridge.

5 Subsequent fisheries that we've
6 instituted since, we've had a lot less
7 problems when they're professionally installed
8 from the start.

9 We also recommend that the
10 declaration system be enacted that provides --
11 that requires the vessels to declare what type
12 of gear they're using and what type of fishery
13 they're targeting. As it is now, they turn
14 the unit on two hours prior to departing and
15 we're left to find out whether they're using
16 pelagic longline gear or Greenstick or buoy
17 gear and in some instances, we've sent LE
18 assets to go board someone because we think
19 they're doing one thing when they're actually
20 using a gear type and they're allowed to be
21 where they're at.

22 And finally, if we got down the

1 route of switching to the new EMT units that
2 we take advantage of this new capability,
3 there are E-forms that a lot of the other
4 fisheries, other regions are using to take
5 advantage of real-time catch reporting. Some
6 of the sectors in the Northeast are taking
7 advantage of other capabilities that -- the
8 new EMTU computer capabilities with real-time
9 reporting.

10 Those are the recommendations that
11 we had made.

12 MR. BROOKS: Apparently our group
13 was much, much shyer than the other group.
14 Because we attempted to get volunteers and
15 nobody would say yes.

16 Dewey, it's your last chance.
17 Dewey is very shy. We just found that out.
18 I'm going to keep a coming, Dewey. Come on.
19 You've got your chance.

20 (Off mic comments.)

21 MR. BROOKS: That was what they
22 said. I had to earn my money and do this.

1 So, here we go. I said not tomorrow.

2 So, our group had a good
3 discussion and not surprisingly, I think folks
4 around the table saw that the recommendation
5 put forward by Pat had a lot of promise.

6 There's a big cost to be avoided
7 in the future through it. These are much more
8 sophisticated units. They can do much more.
9 They're better units and there's opportunities
10 to use them beyond enforcement. Some thought
11 around could you use them to self-manage a
12 fishery for example.

13 So, the group definitely saw a lot
14 of opportunity and a lot of benefit.

15 At the same time, there definitely
16 was a pause before sort of embracing this
17 recommendation and some concerns and some
18 considerations that came out and that they
19 felt needed a little bit more thought and a
20 little bit more discussion.

21 Sorry. Hard to see this at the
22 same time. Oh, there we go. That's more

1 better.

2 So, one of the recommendations was
3 a feeling that NMFS would really need to reach
4 out to the fishing community and talk a little
5 bit more about these. Really sell the
6 benefits of it so that the fishing community
7 could understand what would be the upside of
8 this and as well get out on the table any
9 concerns that they might have. In a sense
10 that this was an important step to do before
11 moving to any kind of possible rule making.

12 There were not surprising concerns
13 voiced around increased cost both operating
14 costs to run the unit, the sort of baseline
15 unit. The new units would probably cost
16 perhaps as much as double even if you ran it
17 at the most basic level. Also, costs
18 unrelated to installation.

19 So, there were definitely some
20 cost considerations that were put out on the
21 table.

22 A recommendation that if the

1 agency did go forward with a proposal like
2 this that it did it in lock step with a plan
3 to make sure this information would be used
4 and available on a real-time basis. That it
5 isn't just -- they don't want to just see the
6 agency collect more data, but make it
7 available and use it.

8 Some suggestions on cost savings.

9 One in particular was perhaps these units
10 wouldn't need to ping every hour which is how
11 it's currently designed, but every four hours
12 given the nature of the fishing that you all
13 are doing and that would be a way to deal with
14 some of the cost issues that were noted.

15 There was concerns around some of
16 the additional reporting requirements that
17 might be imbedded in such a proposal that
18 would go forward. Both in terms of just
19 additional burden. As a fisherman, you've got
20 a lot on your plate already. If there are
21 some E-Forms or reporting requirements that
22 came forward, that's just another piece to

1 carry.

2 It was also a concern, however, in
3 terms of VMS units stop working sometimes.
4 They just -- you know, they get water damaged.
5 They just crap out and then if you've got a
6 reporting burden and then your VMS isn't
7 working, then you're facing the potential of
8 not being able to fish or perhaps facing a
9 potential enforcement action and that was a
10 very live concern that was flagged by folks
11 around the table.

12 A couple of other ideas that came
13 out were a consideration that NOAA perhaps
14 could pay for installation of the units on the
15 boat to lower the cost or at a minimum, make
16 it possible for boat owners to self-install
17 and then rather than having to have a
18 certified electrician come and install the
19 unit itself, sign off that it was done
20 properly and effectively and again, a cost
21 containment measure.

22 Another idea, probably was the

1 last idea to come up was the concept of giving
2 fishermen a voucher. So, that if a fisherman
3 has an old VMS unit right now and they don't
4 want to incur the extra operating cost or the
5 extra installation cost, they get a voucher so
6 that in a year from now or two years from now
7 or five years from now when that older unit
8 breaks down, they have the voucher and they
9 can benefit from the fund without having to
10 actually incur all the cost right now.

11 So, that's a quick synthesis of
12 what the group felt. Again, in a nutshell,
13 promising idea. It makes sense. People
14 understand that this cost is when their old
15 VMS unit breaks down. It's going to come out
16 of their pocketbook right now. So, but some
17 concerns.

18 Anyone want to fold into that
19 before I hit the last point from the group?
20 Anybody? Okay. Rich. Okay. Rich.

21 MR. RUAIS: Dewey and Vince, if
22 you had the option, would you install the

1 thing yourself?

2 MR. HEMILRIGHT: (Off microphone.)

3 MR. RUAIS: Yes. Then I would
4 recommend one or both of you make a motion
5 that NMFS strongly consider -- because the way
6 it is now, it's written both ways. NMFS could
7 go either way. Mandate that you hire a
8 professional electrician or do it yourself and
9 I wouldn't leave them the option.

10 MR. MONTELLA: The problem with
11 installation is not so much hooking it up as
12 it is where it's installed and, you know, the
13 effects of the weather and everything on the
14 unit.

15 Like we talked about, leaking
16 wheelhouse windows and, you know, so, the
17 elements are what gets to the unit.

18 You know, wires that aren't
19 secured in rough weather was one of the
20 things, you know, Pat had brought up.

21 So, you know, anybody that can
22 install -- anybody that can turn on a cell

1 phone can install VMS. It's simple.

2 But, keeping it maintained and
3 keeping the wires and, you know, keeping it
4 running. That's the problem.

5 MR. HEMILRIGHT: Basically, the
6 same comments as Vinny. You know maybe you
7 could have it where you install it yourself
8 and if you can't get it hooked up, you got to
9 have a technician come out there or something
10 afterwards. But, I mean it's pretty easy.

11 MR. BROOKS: Go ahead, Rich.

12 MR. RUAIS: I think they're
13 suggesting that the first option -- to leave
14 the option up to the fishermen about who
15 installs the unit.

16 MS. SCHULZE-HAUGEN: I wonder if
17 we could hear from Patrick on the reasons
18 behind the desire to have professional
19 installation. I think they were more than
20 just -- at least what I recall and other
21 conversations.

22 MR. O'SHAUGHNESSY: Yes, we do a

1 lot of troubleshooting and although it should
2 be easy, we see many instances where we have
3 extension cords run throughout the boat and
4 it's more of a power issue.

5 It's connected right to the
6 generator. So, when they turn their generator
7 off to do an oil change, they have no power to
8 their VMS unit. So, then their unit stops
9 reporting and then it takes awhile to come
10 back on and reconnect or it doesn't get turned
11 back on.

12 So, there's some unique setups
13 that we've seen and in my slide presentation,
14 I had a picture there of a wobbly VMS antenna
15 that was taped down to the top of the pilot
16 house. It wobbled the whole time it was
17 underway. So, it did not report probably.

18 So, yes, by and large, I think a
19 lot of people could do it professionally, but
20 we spend the majority of our time dealing with
21 that percentage that thinks they also can do
22 it professionally and then we have extension

1 cords running through windows and drilled
2 through the pilot house floor and the
3 extension cord gets dropped down to the
4 generator with a direct connect.

5 So, we see it both ways and we
6 spend a lot of time troubleshooting those
7 issues and we have an agent go down there or
8 one of our state partners and they call up and
9 I've boarded many of these vessels myself and
10 I've seen some of these unique wiring
11 circumstances that I wouldn't even go in the
12 engine room.

13 So, there's both ends of the
14 spectrum. Unfortunately, I'm more concerned
15 with the other end of the spectrum.

16 MS. SCHULZE-HAUGEN: But, to the
17 end that, you know, some people can clearly do
18 it and should be able to do it, I think, you
19 know, the flexibility that we can look at in
20 terms of how to have all of them working. I
21 think, you know, how we can do that is
22 something I'm certainly interested in

1 pursuing.

2 PARTICIPANT: I just had a
3 question because I wasn't in this group.

4 Number one, I mean would a
5 potential solution be periodic inspections?
6 If you install it yourself, if you have
7 somebody come out and take a look at it once
8 a year or once every six months or something
9 like that. Maybe that would be a possibility.

10 And, Patrick, I have a question
11 for you. With regards to when you're in a
12 situation with a state when a state has a
13 joint enforcement agreement with NOAA, what
14 kind of access does state law enforcement have
15 to VMS information? I mean can they utilize
16 it?

17 Because I know this has been a
18 problem with FWC in years past and I haven't
19 talked to them recently. But, they didn't
20 have access to VMS information and they
21 couldn't use it for enforcement purposes. So,
22 basically, it might as well not have been

1 there.

2 So, because, you know, FWC is
3 responsible for doing -- you know, we have a
4 joint enforcement agreement with NOAA. So, I
5 want to know, you know, is that still an issue
6 or is that an issue with other states, you
7 know, in addition to Florida? I mean how
8 extensive is that.

9 MR. O'SHAUGHNESSY: That's no
10 longer an issue. The previous software we
11 were using was license driven. So, we were
12 limited in the amount of licenses that we
13 could put out there.

14 So, that's why the states were
15 somewhat held off. Because when we went to
16 the vendor to increase licenses by the
17 hundreds to provide access to all of our state
18 partners, the cost was prohibitive.

19 We have switched to a different
20 software now. All of our state partners have
21 VMS access now because it's not license
22 generated. We bought the product and we

1 provide access to everyone. Each state agency
2 has their own procedures on who gets access.

3 I still hear some complaints from
4 some state officers that they don't have
5 access and when I research it, that's a state
6 decision now on who they allow to get VMS
7 access.

8 But, each state has all the access
9 that they deem necessary to get their jobs
10 done. So, that's no longer an issue.

11 MR. BROOKS: One other issue that
12 was discussed briefly, but it's worth just
13 informing the full group.

14 You may remember in May Dewey had
15 raised some concerns around safety issues.
16 About the extent to which VMS and Coast Guard
17 are coordinated.

18 That came up again today and our
19 understanding from having Katie there and
20 Patrick is that there has been sort of a
21 lessons learned done on the event that took
22 place about two years ago and it seems that

1 the issues that sort of kept that
2 communication from going on at that point have
3 been worked through.

4 So, that's kind on the checklist
5 from the May discussion. So, I just wanted to
6 bring that back to the full group.

7 That's it for our summary.
8 Anybody else from the work group want to fold
9 in any other bits from the conversation?

10 Glenn. Glenn.

11 MR. DELANEY: Maybe I just missed
12 it in the discussion. The \$6 million that's
13 been made available, is that currently
14 available to non-HMS vessels, fisheries and
15 you're thinking of adding HMS to it or it's
16 not available to anybody yet and you'll either
17 include HMS or not when it becomes available?

18 Because my concern is if it's
19 being spent on other fisheries and you finally
20 get around to adding HMS since it's first-
21 come, first-served, it's not going to last
22 long and you may have a lot of people out of

1 the -- unable to get it and since HMS has
2 never had that opportunity as compared to
3 other fisheries, it would seem a shame to have
4 them left out in the cold again.

5 Do you know what I'm getting that?

6 MR. O'SHAUGHNESSY: The HMS or the
7 reimbursement account as occurring is for all
8 current fisheries that have regulations
9 enacted after 2006 when the reimbursement
10 regulations went into effect.

11 Obviously, HMS was before that.
12 So, we're working on a policy change to allow
13 that, but all current fisheries are drawing
14 off of that --

15 MR. DELANEY: As we speak.

16 MR. O'SHAUGHNESSY: -- as we
17 speak.

18 MR. DELANEY: (Off microphone.)

19 MR. O'SHAUGHNESSY: Well, we need
20 to move right now. Just talking with all the
21 VMS program managers, there's not major
22 rollouts that are currently anticipated. We

1 have to report that to headquarters so they
2 know how the fund is being drawn down. But,
3 there is no 1200 to 1500 vessel fleet right
4 now that's very close to being rolled out that
5 would take a large portion of those funds.

6 However, that's not to say in six
7 months something wouldn't move right along and
8 \$6 million sounds like a lot, but when it's
9 \$3100 a vessel, it can disappear quite
10 quickly.

11 MR. BROOKS: And just to
12 reiterate, I guess the key next step that came
13 from the group was to have outreach meetings.
14 Have a regional meeting with fishermen to both
15 pitch this idea to them and sell them on it
16 and sort of surface whatever other concerns
17 might be out there. I think that was the very
18 immediate next step.

19 MR. MCCREADY: Good. Thank you.
20 Thank you very much for all of the hard work
21 in the working groups.

22 We're slated to adjourn in two

1 minutes. Tomorrow, we begin at 8:30. We talk
2 about swordfish revitalization.

3 PARTICIPANT: Public comment.

4 MR. MCCREADY: Yes, public
5 comment. Let me just finish my sentence. So,
6 we'll start with swordfish revitalization.
7 Working groups in the afternoon that run for
8 most of the afternoon. So, that's the main
9 agenda focus for tomorrow.

10 Let's pause and see if there are
11 people here who would like to make brief
12 public comments.

13 MS. SCHULZE-HAUGEN: Just one
14 final note is that Kim Damon-Randall who gave
15 the presentation on the ESA petition will only
16 be here today and so, if you have any
17 questions, want to talk to her at all, I would
18 recommend that you do that now.

19 If you don't get that chance, then
20 I can get you her phone number and you can
21 follow-up over the phone.

22 So, thank you very much.

1 MR. MCCREADY: And we start at,
2 remember, 8:30 tomorrow morning.

3 Thanks very much. We're adjourned
4 for today.

5 (Whereupon, the above-entitled
6 matter went off the record.)

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