

**Summary of the Discussions of the
Highly Migratory Species and
Billfish Advisory Panels Meeting**

**Silver Spring, MD
9-11 February 2004**

Highly Migratory Species Management Division
Office of Sustainable Fisheries
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
Department of Commerce
Silver Spring, Maryland

April 2004
(Corrected May 2004)

This document summarizes the major discussions held at the joint Highly Migratory Species (HMS) and Billfish Advisory Panels (APs) meeting in February 2004. This document does not endorse any viewpoint nor does it attempt to identify any consensus among AP members or any agency preference. Rather, it serves to summarize some of the specific suggestions and comments that the staff of the HMS Management Division heard from AP members. Once available, complete transcripts of the February 2004 AP meeting will be available on the HMS Management Division web page at: <http://www.nmfs.noaa.gov/sfa/hms/Advisorypanels.html>.

Discussion of the current issues and topics are contained in the 2004 Stock Assessment and Fishery Evaluation Report for Atlantic HMS (SAFE report). Copies of the SAFE report are available online at: <http://www.nmfs.noaa.gov/sfa/hms/>.

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2004**

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Meeting Agenda

The following is the meeting agenda as presented at the beginning of the AP meeting. While the times may not have been followed during the meeting, this agenda serves as the organizational key for this meeting summary.

Monday, February 9, 2004

1:00 pm Introduction

- Welcome
- Objective of the meeting
- Appointment of chairs and adoption of agenda

1:30 pm Summary Information

- 2004 Stock Assessment and Fishery Evaluation (SAFE) Report
- Management actions completed in 2003
- Annual meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT)

2:30 pm Break

2:45 pm Summary of Bycatch Related Actions

- Bycatch Reduction Implementation Plan
- Results of the experiment in the Northeast Distant (NED) fishery, 2001-2003

3:30 pm Expected Management Actions in 2004

- Discussion of results of stock assessments for Yellowfin Tuna, Bigeye Tuna, and Northern Albacore
- Proposed regulations (or soon to be proposed) based on past ICCAT meetings
- Amendment 2 to the HMS and Billfish Fishery Management Plans
- Upcoming regulatory amendments

4:30 pm Recreational Fisheries Data Collection Issues

5:00 pm Adjourn

Tuesday, February 10, 2004

8:00 am Begin Discussing and Prioritizing Issues for Amendment 2, Separate Regulatory Adjustments, or Future Amendments

8:15 am Tunas

- Development of a rebuilding plan for Northern Albacore Tuna
- Individual transferable quotas

- Tag and release versus catch and release program
- Filleting at sea
- Bluefin Tuna quota allocations
- Spotter aircraft private industry agreement
- General category vessel participation in tournaments
- Current versus in-development revisions to commercial Atlantic BFT dealer reporting

10:00 am Break

10:15 am Swordfish

- Quota allocations (incidental, directed, recreational category)
- Use of the reserve category
- Quota adjustments - “large” underharvests or overharvests
- Recreational bag limit inseason adjustment authority

11:15 am Sharks

- Allocations (directed, incidental, reserve)
- Recreational quota and reporting mechanisms
- Quota adjustments - “large” underharvests or overharvests
- Large coastal shark trip limit for directed permit holders
- Reduce bycatch in gillnet fishery - e.g., gear modifications

12:15 pm Lunch

1:15 pm Public Comment

2:00 pm Billfish

- Discussion about 250 marlin landing limit proposed rule
- Additional measures to reduce mortality

3:00 pm Break

3:15 pm Billfish continued

- Tournament registration and reporting
- Non-tournament reporting
- Billfish Certificate of Eligibility form
- Billfish tournament format

5:00 pm Adjourn

Wednesday, February 11, 2004

8:00 am Continue Discussing and Prioritizing Issues for Amendment 2, Separate

Regulatory Adjustments, or Future Amendments

- 8:15 am Bycatch Reduction**
- Sea turtle bycatch mitigation
 - Time/area closures
 - Implementing items in the Bycatch Reduction Implementation Plan
- 10:15 am Break**
- 10:30 am Recordkeeping and Reporting**
- Recreational data collection
 - Streamlining the reporting process and/or revising/creating logbooks for all fishermen and dealers (e.g., one logbook for each fishery, electronic logbooks)
 - Observer coverage on all fishing vessels including recreational
 - Paying for observer coverage on fishing vessels
- 12:00 pm Lunch**
- 1:00 pm Workshops**
- Purpose (e.g., species identification, regulations, use of release equipment)
 - Commercial and/or recreational
 - Mandatory or voluntary
 - Implementation issues (e.g., location, captain/crew/owner, presentation type - video/web/live)
 - Compliance monitoring
- 2:45 pm Break**
- 3:00 pm Exempted Fishing/Scientific Research/Public Display Permits**
- Issuance in compliance with rebuilding plans
 - Monitoring and enforcement issues
- 3:30 pm Public comment**
- 4:30 pm Wrap-up**
- Summary of major discussions during the meeting
 - Possible timing of Amendment 2
 - Possible timing of next AP meeting and discussion topics
- 5:00 pm Adjourn**

List of Items to Discuss as Time Allows. If not covered in the meeting, please send comments to the Chris Rogers, Chief, HMS Management Division, 1315 East-West Highway, Silver Spring, Maryland, 20910.

General

- Essential Fish Habitat five year review
- Aquaculture and Fish Farming
- Circle versus J hooks
- Authorized gears
- Improving outreach to anglers
- Fishing year versus Calendar year
- Combine HMS and Billfish Fishery Management Plans

Definitions

- Pelagic versus Bottom longline
- Tournaments versus “rodeos”
- International chartering agreements - bareboat charter versus charter

Tuna Longline/Shark/Swordfish Limited Access Program

- Upgrading restrictions
- Incidental trip limits
- Gear based versus species based permit
- Further rationalization of permits with harvesting capacity
- Revisiting handgear permit issuance

Review of State Regulations Under the Atlantic Tunas Conservation Act (ATCA) and Magnuson-Stevens Fishery Conservation and Management Act

- Formal review of swordfish and billfish regulations under ATCA
- Update tuna review under ATCA
- Formal review of shark regulations under the Magnuson-Stevens Act

Summaries of the Discussions Held on Monday, February 9, 2004

Introduction

Chris Rogers, Chief of the HMS Management Division, opened the meeting by discussing the objective of the meeting - to hear feedback from the AP on things NOAA Fisheries is considering as its priorities for the upcoming year - and opened the floor for discussion on whether to appoint chairs or change the meeting agenda. AP comments are indicated below.

- There is little interest in appointments. Let's continue as with previous meetings.
- There are too many issues to discuss. We need two meetings a year.
- Recommend moving the spotter plane issue to Monday afternoon.
- We need to discuss reopening the handgear category off Florida for swordfish, the results of the Bigeye, Albacore, Yellowfin, Skipjack (BAYS) survey, the Atlantic Coast Cooperative Statistical Program (ACCSP), and the use of vessel trip reports (VTRs).

Summary Information

After adoption of the agenda, the AP heard an update on the 2004 SAFE report, which can be found on the HMS web page and which was distributed to all AP members, and an update on management actions completed in 2003. A list of all management actions can be found on pages 8-11 of the 2004 SAFE report. This was followed by a brief summary of the results of the 2003 International Commission for the Conservation of Atlantic Tunas (ICCAT) meeting by John Graves, the ICCAT Advisory Committee chair.

Summary of Bycatch Related Actions

NOAA Fisheries presented a summary of the Bycatch Reduction Implementation Plan, which can be found at <http://www.nmfs.noaa.gov/bycatch>, and a summary of the results of the Northeast Distant (NED) fishery pelagic longline experiment. AP comments on these issues are summarized below.

- The experiment deployed more than one million hooks.
- It would be good to export the methodology to other countries.
- There is a need to do similar experiments.
- Mackerel bait worked well in the NED fishery, but there may be different results in temperate areas.
- Mackerel bait is preferred for cold water areas while squid is preferred in warm water.
- In warm water, foreign vessels will not comply with bait restrictions.
- Shrimp and menhaden as bait types need to be examined, especially in the Gulf of Mexico.
- The availability of circle hooks, specific manufacturers, and bait restrictions may not apply in other areas.
- Several disaster sets resulting in 6+ turtles being caught could have been avoided by staying on the cold side of the front.

Expected Management Actions in 2004

NOAA Fisheries reviewed upcoming rules for 2004, pointing out the need to prioritize regulatory amendments and plan amendments. This was followed by a discussion on tuna stock assessment results. AP comments are summarized below.

Discussion of the results of stock assessments for Yellowfin Tuna, Bigeye Tuna, and Northern Albacore

- SCRS could not decide if there is overfishing for yellowfin tuna, but we wanted to share trends of the stocks.
- It is troubling that we raise again and again yellowfin landings. Landings are under-reported. NOAA Fisheries needs to address recreational data collection.
- Why are only two to three species being considered for quotas and international trade restrictions at ICCAT? We should look ahead and include other species (e.g., sharks).
- We need to consider the best ways to meld dockside interviews with telephone interviews for estimates of recreational catch.
- The Marine Recreational Fishing Statistics Survey (MRFSS) is not very popular with recreational anglers. We need a new system that will encourage participation of recreational anglers.

Recreational Fisheries Data Collection Issues

NOAA Fisheries presented an overview of the agency's recreational fisheries data collection activities, expressing an on-going concern as to how this can be improved. AP comments are summarized below.

- ICCAT will be using a new system for estimating marlin and comparing it to the old system. We knew we were not getting all the data, but we are held to the under-reported number of 250 at ICCAT. As a result, the recreational community is not getting its fair share.
- Until now, estimates indicate no more than 200 marlin landed. Now there is a new system, but we are being held to 250 estimated from the previous system. We need to renegotiate this. Perhaps people are not reporting, but not many marlins are landed anyway. There is no measurable conservation value, but it will cost people money.
- MRFSS was not designed for estimating marlin catch.
- We know that MRFSS is not sufficient for rare species.
- Observer coverage on charter/headboats is voluntary. NOAA Fisheries has placed some observers on tuna headboats doing a roving creel survey. This is an efficient approach. We will endeavor to put observers on other vessels, and are open to suggestions.
- There is a lack of reporting from non-tournament anglers.
- People are not used to a call-in system. The more intercepts there are, the higher the landings will be.
- The new system is being used to lower angling numbers. We need to check Dick Stone's study and explain how the data benefits the industry.
- The randomized nature of the MRFSS survey has been lost. Having the surveyors find the fishermen has problems.
- MRFSS should be expanded coast wide. NOAA Fisheries could put pressure on the states to participate.

- Permitting is cumbersome and needs to be simplified.
- Logbooks are a necessary evil, but good for comparing surveys.
- States that participate in the angling category need to report and account for landings.
- We need to get the states on board. States need real time data. Just having the number of anglers is not good enough.
- Some people do not report landings for fear of being cited, particularly if they are late. It is a trust issue.
- The Council wants to participate more - much recreational trust has been lost. NOAA Fisheries needs more outreach.
- Anglers are losing faith in MRFSS and in ICCAT.
- MRFSS is not designed to monitor quota and should not be used for that. Anglers prefer something different. They welcome logbooks and observers.
- Permits should indicate what to report. We need more data. Replace MRFSS.
- Consider inviting constituents to review the process for bluefin tuna (BFT)/MRFSS reviews. There are questions regarding how the numbers are estimated, which data are used, and who has the lead in submitting data and coming up with estimates.
- Why is the Large Pelagic Survey (LPS) reporting zero small BFT? The Blue Water Fishermen's Association (BWFA) expands LPS numbers using their own process. For 2000 and 2001, these figures are too low. How does NOAA Fisheries estimate the number of trips done?

Spotter Planes

Several members of the tuna industry presented information regarding the “gentlemen’s agreement” that was created last year regarding the use of spotter planes. This agreement was not codified or negotiated by NOAA Fisheries. AP comments are summarized below.

- The issue of spotter planes is not a new one for the AP.
- An agreement was not finished until May last year. The goal is to have an agreement codified by the agency. The question is, does the AP advise NOAA Fisheries to support the agreement?
- We need to see that the uncaught quota is rolled over and not given away to other categories. If the quota is caught, the harpoon category should have more. They would like a base quota increase.

Summaries of the Discussions Held on Tuesday, February 10, 2004

Tunas

NOAA Fisheries summarized ongoing concerns, including those regarding quota allocations, monitoring, implementation of ICCAT recommendations, and rulemakings for rebuilding. Also, regulations were revised in 2003 to allow general category participation in tournaments. AP comments are summarized below.

Development of a rebuilding plan for Northern Albacore Tuna

- There is a variable harvest due to availability and migratory patterns.
- Albacore is replacing yellowfin tuna as a targeted recreational species.
- Restrictions on albacore, in addition to yellowfin tuna, would cripple the recreational industry.
- It is hard for the United States to drive a rebuilding plan. The European Union (EU) is the dominant player.
- We need better compliance with albacore on behalf of the EU. Not all countries are playing by the rules. The United States is the only one. Something is wrong with the system.
- We need better reporting, not more regulations.
- There are no provisions under the Atlantic Tunas Convention Act (ATCA) for emergency rules.
- 95% of the fish that are mouth hooked are easily released if need be, so the use of circle hooks should be encouraged.

Individual transferable quotas (ITQs)

- ITQs are already in place with BFT purse seiners. They can transfer these among themselves.
- For the overall BFT fishery, support ITQs for the purse seine and harpoon categories, but not the general category.
- An open access, free market system is desirable for this public resource.
- Who would the purse seiners transfer their quota to? The highest bidder versus where the quota is needed?
- We need to have eligibility requirements (e.g., need to be a U.S. citizen to apply).
- The broader scope of ITQs should be considered in small incremental approaches.

Tag and release versus catch and release program

- This issue can be problematic.
- Fishermen need training for tag and release. Higher mortality is likely if fishermen are not trained.
- The advent of archival tags has decreased the need for massive tagging programs.
- For catch and release we need strict gear regulation (e.g., circle hooks).
- Do not make a blanket requirement for tag and release because it could result in excess mortality. We need to decide if the data is worth the effort and mortality.
- This is not a conservation panacea.

- There is strong support to go with the catch and release option.

Filleting at sea

- Tunas can be headed and gutted.
- If processing aboard is allowed, full observer coverage would be needed. Filleting at sea would not be a problem with observers on board.
- Recreational fishermen are all in favor of processing at sea as long as the carcasses are kept.
- Allowing charter boats to fillet at sea expedites the trip wrap-up and enhances the experience of the clients.
- Observers and enforcement agents on the dock should be able to identify tunas by meat texture.
- There should not be a problem as long as the fish can be identified.
- The harvest may increase if filleting is allowed (more fish could fit on board).
- What to do with the carcasses at port is an ongoing concern.

General category vessel participation in tournaments

- This was a favorable move for Montauk, NY shark tournaments.
- NOAA Fisheries needs to get the word out that it is OK to fish in tournaments, but participants must abide by the tuna rules. NOAA Fisheries can post this on its website.

Bluefin Tuna quota allocations

- The petition from North Carolina for the General Category to re-open 12/1 - 1/31 was accomplished. They want a subquota allocation in the General Category, keep the November 30 closure, lump September with October and November, and request 150 mt as a starting point. It's not just a South Atlantic Fishery this year. Other participants should be included.
- ICCAT delegates should attempt to get back the historical angling quota.

Swordfish

NOAA Fisheries summarized some of the issues concerning quotas, particularly for directed versus incidental, and for recreational bag limits. AP comments are summarized below.

Quota allocations (incidental, directed, recreational category)

- Recreational fishermen want higher limits for extended trips (several days). If the quota is not being caught, recreational fishermen should be allowed to continue to fish (more recreational landings).
- The 300 mt quota is OK for incidental and reserve categories.
- The reserve is unnecessary.
- The split season is unnecessary, but we may want to keep it in case the fisheries are revitalized.
- Canadian ports will be open to U.S. vessels to get to the NED fishing zone.
- We do not want new fisheries.
- We question the need for more recreational swordfish unless there is a need for sales.
- Reporting can be improved through an enforcement and reward program. It might help if

- all states are required to report all HMS as they do for billfish.
- Why can recreational fishermen take swordfish when artisanal fishermen can not? Fishermen are told to get out of state waters but can not get HMS commercial permits.
- There is a problem with the sale of recreational fish.
- We need to improve reporting of recreational swordfish landings, and increase enforcement.
- We do not want limited access opened right now.
- ICCAT is beginning to recognize the importance of the recreational fishery.
- There is an issue of fairness with pelagic longliners and harpooners.

Incidental catch limit

- The incidental limit of two should be increased to 15.
- The two fish limit for incidental catch is too low for commercial fishermen.
- Why do we restrict a fishery with little bycatch or mortality when we are not catching the quota? We are giving more away to foreign countries than the recreational fishery will ever catch. Do not subdivide the incidental catch.
- The recreational catch should not be tied to the incidental catch. The recreational sector should have its own quota.

Commercial handgear permits

- Do not create new fisheries. Revitalize current fisheries.
- Re-open the commercial handgear (rod and reel, handline, harpoon) category.
- We need to re-open the handgear category to the artisanal Caribbean fishery. It was removed with no notice to the fishermen.
- There is no problem with handgear permits in non-nursery areas, but how to deal with stock assessments? We need to ensure that the inclusion of handgear in closed areas is not losing the efficiency or the reason for the closed area.
- We need to find better ways to utilize the quota. If handgear is used, it will take more fish and effort to fill the quota.
- We should consider options such as closing the Florida Straits to commercial handgear.
- It makes sense to have one swordfish/person on a charter/headboat. We need to be cautious going beyond this. We do not want to open handgear opportunities in nursery and closed areas.
- It's premature to open handgear categories in the face of reopening the NED fishing zone. We should first see what happens when the NED fishing zone is opened. However, the Caribbean should be accommodated.

Illegal sale of fish

- Illegal sale of fish is an enforcement issue.
- Do we have an enforcement chain for the sale of fish? We cannot get documentation.
- Florida passed a law regarding restaurants buying fish (the state licence could be lost). NOAA Fisheries should encourage other states to do the same thing.

Recreational bag limit inseason adjustment authority

- Raising the bag limit would increase illegal activity. Others support the increased bag

limit.

- There is no real rationale for the bag limit.
- Request to change the recreational bag limit. There is no need for the 3 fish/vessel limit since the quota is not being caught.
- There is no need for an increased recreational bag limit unless there is a need for sales. Raising the bag limit would increase illegal activity.

Sharks

NOAA Fisheries summarized on-going shark issues, including quota adjustments, allocations, especially directed versus incidental, reporting mechanisms, trip limits, and bycatch reduction. AP comments are summarized below.

Allocations (directed, incidental, reserve)

- There is no need to split the quota into incidental and directed.
- Enforcement is a problem. There is a tremendous workload and cost. NOAA Fisheries should have a year-round Vessel Monitoring System (VMS) to help with enforcement issues.
- The Northeast realtime reporting rule would help with shark issues.
- Once we move to circle hooks we will need to re-do bycatch rates.
- There is concern regarding the pelagic shark assessment. We need a back-up plan for pelagic sharks, particularly porbeagle. We need to work with Canada to assess them.
- The paper indicating a 99% decline in shark populations should suggest to NOAA Fisheries that whitetip and silky sharks need to be added to the prohibited list.
- There are concerns regarding compliance. We need workshops.

Recreational quota and reporting mechanisms

- The ID guide should reduce catches of prohibited species by recreational fishermen; Jack Casey (Montauk, NY) published a cheaper paper guide.
- There is low confidence in recreational numbers. We need to fix this first.
- Public awareness of the regulations would help compliance.
- Removal of deepwater sharks from the FMP is a step backward from the precautionary approach.

Quota adjustments - "large" underharvests or overharvests

- We have been under the quota for the last four seasons. NOAA Fisheries needs to work towards consistency in applying over- and underharvests.
- Underharvests penalize fishermen. NOAA Fisheries should allow fishermen to try to reach the quota based on MSY.
- We need to work towards consistent over- and underharvests in all HMS fisheries. We cannot gage gear exactly for 4000 lbs.
- There is concern about underharvest of pelagic sharks.

Large coastal shark trip limit for directed permit holders

- The 4,000 lbs trip limit for commercial fishermen should apply to trips over 48 hours. If a fisherman goes over 4,000 lbs, he/she should not fish the next day. With VMS this

measure should not be hard to enforce.

- Fishermen are leaving catch to spoil in order to stay under the limit.
- The trip limit allows for approximately 100 fish but the number changes with the size of the animal.

Reduce bycatch in the gillnet fishery (e.g., gear modifications)

- The gillnet fishery in northern Florida has huge bycatch problems.
- The gillnet fishery is very bad with respect to both other finfish and protected resources; 90 sailfish are discarded dead every year.
- If other fisheries had this much bycatch they would be shut down.
- We need to remove the fishery.
- The money spent on observers should be used to buy out the fishery. There is no formal mechanism, but NOAA Fisheries has options.
- An illegal Mexican gillnet fishery in Texas is still taking place.
- Limit drifting in certain months.
- If we examine bycatch, we can see they keep what they can.
- The Susan Shipman letter is acknowledged.
- There are no new entrants to the strikenet fishery.
- If the fishery is eliminated, would the quota be available to recreational fishermen?
- We need to look at the profit to fishermen versus the cost to the nation in terms of observer coverage versus lost profit of fish.

Billfish

NOAA Fisheries indicated that the main issues include landings and mortality, the 250 marlin landing limit proposed rule, gear exemptions, and monitoring needs. AP comments are summarized below.

Discussion about the 250 marlin landing limit proposed rule

- Marlin are a nuisance in the U.S. Virgin Islands. There is illegal harvest by “weekend warriors.” We need to have more enforcement and to prohibit sales.
- How do we account for artisanal catch (especially in Puerto Rico)? We need clarification of what is involved in tracking the artisanal fishery.
- The 250 rule is uniformly unpopular with recreational fishermen. NOAA Fisheries needs to renegotiate with ICCAT based on historical NOAA Fisheries landings data. This will be problematic. NOAA Fisheries should consider looking at the numbers again and apply new methodology retrospectively to revise the numbers.
- The sale of marlin is an enforcement problem.

Additional measures to reduce mortality

- We need to reduce sawfish bycatch in the billfish fishery.
- We need AP involvement in angling logbooks. We also need more state enforcement.
- The minimum size of 110" for tournaments may be a little high.
- Body tags may be a logistical nightmare.
- We need to get rid of MRFSS for assessing numbers.

Summaries of the Discussions Held on Wednesday, February 11, 2004

Billfish (continued)

Tournament registration and reporting

- We should look into web based reporting.
- 254 tournaments are not reporting.
- Maybe we could implement a citation system similar to North Carolina procedures, whereby people would send in a card and get a certificate from NOAA Fisheries.
- Is there a difference between a tournament and a contest?
- There are penalties for non-reporting of tournaments.
- If 4-5 boats get together for a brownbag tournament, do they need to register?
- General category boats are excluded from tournaments in order to keep commercial separate from recreational.

Non-tournament reporting

- Non-tournament reporting is a difficult issue.
- Release reporting will become critical at ICCAT.
- Should NOAA Fisheries collect release information? How best to do this? What is the impetus to comply?
- There is a database on release data from cards distributed.
- Release reporting is critical and will help to avoid problems with extrapolated estimates. If we can get a handle on what is released, this will help with extrapolated takes.
- Dockside intercepts is the key, not calling or electronically.
- Anglers want NOAA Fisheries to know about interactions.
- Body tags for landed fish should be required.
- Make reporting a requirement to get a permit.

Billfish Certificate of Eligibility (COE) form

- The program should be continued to ensure marlin are not sold.
- The program could be strengthened by using reports, spot checking, and penalties.
- Stores/restaurants need to have a copy of the COE. If the owner is missing paperwork, they should have to pay for the investigation to verify legality.

Billfish tournament format

- Tournament related billfish estimates are 100-300% lower than actual.

Bycatch Reduction

NOAA Fisheries summarized the latest proposed rule based on the results of the NED fishery experiment and indicated that the agency filed the related Draft Supplemental Environmental Impact Statement (DEIS) with EPA on February 6 for publication of a Notice of Availability in the Federal Register Notice on February 11. The comment period closes on March 15. NOAA Fisheries also summarized the preliminary analyses on the efficiency of the current time/area closures and the Bycatch Reduction Implementation Plan (www.nmfs.noaa.gov/bycatch.html).

AP comments are summarized below.

Sea turtle bycatch mitigation

- Regarding turtle mitigation measures as demonstrated by the NED fishery experiment, no one has looked at these measures in warmer waters.
- NOAA Fisheries has lots of data on all of the NED fishery catches. This is useful for fishing in areas like the NED fishing zone. We need more information on how the circle hooks and the bait will interact in warmer waters. Identifying the bait is difficult.
- The method used for estimating numbers has improved.
- Bycatch of other species will be reported. There is lots of data.
- NOAA Fisheries needs to open the NED fishery and get everyone to use circle hooks.
- The preferred alternative in the DSEIS is unworkable for the fleet. Only one type of bait on-board is unreasonable because then fishermen can't switch to tuna gear.
- BWFA recommends 18 offset circle hooks for the NED fishery, and 16 elsewhere.
- Different regions use different bait. For example, in the Gulf of Mexico sardines are used. Ultimately, we need to consider all HMS fisheries.
- 100% observer coverage to monitor compliance is OK during the first year or two.
- The key is to conduct workshops to help reduce all species of bycatch.
- There is concern regarding the speed with which NOAA Fisheries is implementing the NED fishery experiment results, especially as there are problems.
- Other concerns: Where is the Biological Opinion - why isn't this done concurrent with the DSEIS? Why are the NED fishery experiment results presented in power-point and not as a published technical report? There are observer coverage issues. There is uncertainty that opening the NED fishery is the right step given the turtle numbers. What is the impact on marlin?
- We need to export the fishing configuration findings. Fleets around the world have begun to order such equipment. We need to specify manufacturers, not just the type of equipment, as this makes a difference.
- We need flexibility in that what we ask the fishermen to do must be exportable, and bait type may not be.

Time/area closures

- There is support for sawfish closures.
- There are concerns about shark bycatch in the shrimp trawl and menhaden fisheries. Seven percent of the large coastal sharks are taken incidentally.
- We need research outside the Florida nursery grounds (e.g., circle hooks and time recorders research).
- The area east of the Florida Straits should be opened to pelagic longlines.
- The DeSoto Canyon closure needs to be re-examined because of its proximity to the Loop Current. There are other things going on there besides swordfish.
- We need to look at what will be the result of gear changes in the Gulf.
- The June closure needs to be re-examined due to incidental catch limits of BFT.
- We need to stop denying that a baited hook in warm water will interact with many things, including birds, prohibited sharks, and marlin.
- We may want to increase the length of the Charleston Bump closure. This is critical to

- ensure swordfish mature and recover.
- There is an issue regarding opening the Loop Current for fishing. This would not impact bycatch.
- Before putting new closures in place, we need to enforce the current ones.
- There are enforcement issues (e.g., live bait is a problem in the Gulf of Mexico). This regulation is not being enforced, and turtle interactions and mortalities are increasing due to the use of live bait.

Recordkeeping and Reporting

NOAA Fisheries pointed out the importance of good recordkeeping for all HMS fisheries, that much of this depends on the HMS logbooks, and that there is room for improvement. AP comments are summarized below.

Streamlining the reporting process and/or revising/creating logbooks for all fishermen and dealers (e.g., one logbook for each fishery; electronic logbooks)

- NOAA Fisheries should create a HMS logbook for charter/head boats. For-hire surveys won't pick up HMS caught on charter/headboats.
- The current logbook is too large. We need electronic reporting. For example, Chile is all electronic. However, this may not work for all vessels since some are open. VMS may be required for homeland security, so we should wait until we see the electronic requirements.
- The Northeast VTR seems great. It has carbon copies, so multiple copies can be sent anywhere.
- There are problems with reporting BFT east of 45 degrees.
- The pelagic longline logbook needs changes.
- The Northeast logbooks are simple, whereas the Southeast ones are not.
- The Northeast is going with a trip identifier system that will identify a fish to the end user.
- We should look at what the councils have done in tracking vessels and fill in the gaps.

Observer coverage on all fishing vessels, including recreational

- Observers need more training.
- If we want to have 100% observer coverage, we need more observers.
- Is it possible for a U.S. observer to leave from or arrive at a foreign port?
- Perhaps observers should commit to 3-4 trips. There could be a cost savings by having longer term assignments.
- The pelagic longline fleet already pays for food and insurance. They are not in a position to incur more costs.
- The NED fishery vessels appreciated 100% observer coverage because it got rid of misperceptions. We should start with a high level of coverage and reduce it to a standard minimal level for all HMS fisheries.
- Observers need more training sessions, as is done in the Pacific.
- If the observer is the 7th person on a 6 person boat, how does the U.S. Coast Guard view this?
- What if a paying party on a vessel objects to the observer?

- In the scallop fishery an extra trip is allowed to pay for observers. Similarly, NOAA Fisheries should allow one extra BFT.
- Georgia has a MOU with NOAA Fisheries that the state pays for observers, although this has only been done twice. Problem: fishermen try to avoid the observers.

Workshops

NOAA Fisheries presented the idea of conducting workshops to assist fishermen to better understand the rules and procedures associated with the HMS fisheries, to improve the identification of species brought on-board, and to minimize bycatch mortality. The newly-published NOAA Fisheries shark ID guide was introduced. Comments by the AP are summarized below.

Purpose (e.g., species identification, regulations, use of release equipment)

- The shark ID guide is a good idea, but some things require one-on-one instruction.
- Workshops are good for the identification of species, especially sharks.
- Perhaps Sea Grant or contractors (e.g., Mote Marine Laboratory) could be used to conduct workshops.
- In the Caribbean, fishermen are mistrustful of Sea Grant, so no one would attend those workshops. It's difficult to get more than 2-3 fishermen together.

Commercial and/or recreational

- Commercial workshops should be tied to the issuance of permits versus tied to a certificate and not a permit.
- Recreational workshops need to provide an incentive (e.g., a free permit, local celebrities, have radio stations present, couple with boat shows, etc.).
- Vessel owners need to be involved.
- The incentive to attend could be a free recreational permit.

Mandatory or voluntary

- There are too many permit holders to have mandatory workshops. Instead, have a web site with all the information available.
- Workshops should be mandatory for commercial owners and captains; for the recreational sector, attempt to be make them mandatory, at least for for-hire vessels.

Implementation issues (e.g., location, captain/crew/owner, presentation type - video/web/live)

- Species identification could be in video format or a DVD tutorial, or be a tape with questions on the web versus actual specimens.
- Shark identification and release equipment is hands-on.
- Web based training would be low cost and could be coupled with videos, etc., and tied to permits.
- Turtle release could be taught on video. Safety at sea could be included.
- Charter captains' meetings could have videos.
- Also, consider going to recreational fishing clubs.

Exempted Fishing/Scientific Research/Public Display Permits

NOAA Fisheries presented several options that have been under consideration for future rulemaking regarding the issuance of these permits, including requirements for applicant qualification, improved monitoring and enforcement measures, and a revised quota system for this category. AP comments are summarized below.

Monitoring and enforcement issues

- We agree with the proposed additional requirements and having American Zoo and Aquarium Association (AZA) approval regarding demonstrating the ability to keep animals caught for display alive. NOAA Fisheries should monitor the animals year after year.
- NOAA Fisheries should coordinate directly with the states (not wait for ASMFC facilitation) for one common effort regarding the collection of HMS for display and record keeping.
- The current 60 mt quota for this category is excessive.
- NOAA Fisheries should require aquariums to report on the fate of the animals collected the previous year.
- There is an issue as to whether or not NOAA Fisheries should be involved in animal care. It is a big can of worms that is better handled by others. AZA certification is very hard to get and many aquariums do not have it.
- It is a good idea to permit the facilities and not the private collectors.
- Research needs to be done (e.g., marlin bycatch).
- NOAA Fisheries is doing a good, cautious job regarding EFP monitoring and enforcement. The experience of the NED fishery vessels was good.
- Permit conditions should include a report on the status of previously caught animals. NOAA Fisheries should ask about the disposition of the animals, and make sure the animals are used for display/education and not for commercial income.
- The public should be involved in reviewing the proposed research before issuance of research permits. Conversely, there are concerns about such a review.
- The Councils have a permit application review process at public meetings. NOAA Fisheries does not have this option, but should have the equivalent.
- We oppose experimental fishing in closed areas (e.g., longlining in the Straits of Florida), but are in favor of research in open areas.
- We need to consider permitting exemptions outside U.S. waters, such as landing billfish.

Wrap-up

NOAA Fisheries closed the meeting by reviewing and summarizing the major issues that came up and were discussed. Also, NOAA Fisheries items planned in relation to Amendment 2 to the HMS FMP and Billfish FMP, and noted that it hoped that scoping meetings would take place from April to June and a proposed rule would be published in September. AP members suggested that when the scoping process is complete, NOAA Fisheries should meet with the AP for their input before the proposed rule is completed.