

NATIONAL MARINE FISHERIES SERVICE

JOINT MEETING OF THE BILLFISH
AND HMS ADVISORY PANELS

Thursday, June 10, 1999

1:00 p.m.

NOAA Science Center
1301 East-West Highway
Silver Spring, Maryland

PARTICIPANTS:

Irby Basco
Nelson Beideman
Randy Blankinship
Raymond Bogan
Karyl Brewster-Geisz
Jose Campos
Maumus Claverie
Jack Dunnigan
James Donofrio
Bob Eakes
Robert Fitzpatrick
Sonja Fordham
John Graves
Robert Hayes
Robert Hueter
Ed Irby
Pete Jensen
Gail Johnson
Rob Kramer
Rebecca Lent
Steven Loga
Linda Lucas
Gary Matlock
Joe McBride
Charlie Moore
Russell Nelson
Ellen Peel
Corky Perett
Richard Ruais
Carl Safina
Mark Sampson
Robert Spaeth
Alan Weiss
Peter Weiss
David Wilmot
John Wingard
Robert Zales

C O N T E N T S

	PAGE
Welcome/General Information/Overview of AP Meeting Objectives	8
Summary/Overview of HMS Framework Issues	11
Presentations & Discussion: Time/Area Closures	21
Public Comment	153

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

2 MS. LENT: Good afternoon and welcome. Okay,
3 welcome. Please take a seat. I believe this is like
4 our 16th or 17th meeting if you count all the advisory
5 panels, and it's probably the third or fourth joint
6 meeting. Probably most importantly, this is our first
7 joint meeting of the APs, or any AP meeting, since the
8 final FMP and amendment and rule have been out so this
9 is the start of our new beginning which is using our
10 blueprint and moving forward.

11 For those of you I haven't met yet, my name is
12 Rebecca Lent. I am the chief of the Highly Migratory
13 Species Management Division. Gary Matlock was planning
14 on being here today but he had an unexpected court date
15 and he's not here, nor is Miriam McCall. Jack
16 Dunnigan, who is our moderator for this joint meeting,
17 gracefully gave up the one seat left on the plane this
18 morning so that I could get here on time and he'll be
19 here in about an hour and Jack Dunnigan will be our
20 moderator.

21 Just on other housekeeping issues, you've all
22 got your agenda. We will be circulating a packet of

1 information relative to how to get your refund. It's a
2 very important process. Be sure and follow all the
3 directions.

4 Also, I would note that tomorrow morning at 8
5 o'clock we will have a meeting for only folks on the
6 HMS AP. It's open to the public so billfish are
7 welcome to come, but because we're discussing an issue
8 that's relevant only to the HMS FMP that will be the
9 priority is to call on those folks to speak and then
10 we'll hear from folks on the floor as well.

11 And just relative to the agenda then, I'm
12 going to speak for probably much less than an hour. We
13 want to move right into some of our presentations
14 relative to the time/area closures. After the break
15 from 4:00 to 6:00 we'll have a public comment period
16 and I hope that all of the members of the public, and
17 perhaps even more importantly, the members of the AP
18 will stick around to listen to the comments from folks
19 from the floor.

20 Before we go any further, I would like to go
21 around the table.

22 A PARTICIPANT: (Inaudible.)

1 MS. LENT: Yeah, just a quick announcement
2 regarding handouts. We'll have more copies of the
3 billfish amendment and volume three of the FMP later
4 this afternoon. Apparently there has been a bomb scare
5 or some kind of a scare and they had to evacuate our
6 building.

7 A PARTICIPANT: It was a fire.

8 MS. LENT: It was a fire scare. That's better
9 than a bomb scare. Thank you. And we can't get back
10 in there. Or, can we get back in now?

11 A PARTICIPANT: Yes.

12 MS. LENT: We're back in. We're back in
13 business. Okay, so let me go around the table starting
14 on my left.

15 MS. LURES: I'm Katherine Lures. I work with
16 Miriam McCall in NOAA GC.

17 MR. SUTTER: Buck Sutter, Billfish Team
18 leader.

19 MR. BLANKENSHIP: Randy Blankinship, Texas
20 Parks and Wildlife Department from Brownsville, Texas.

21 MR. KRAMER: Rob Kramer, Florida Department of
22 Environmental Protection.

1 MS. PEEL: Ellen Peel, the Billfish
2 Foundation, Fort Lauderdale.

3 MR. MOORE: Charlie Moore, South Carolina DNR.

4 MR. NELSON: Russell Nelson, Director of
5 Marine Fisheries, Florida.

6 MR. HUETER: Bob Hueter, Mote Marine
7 Laboratory.

8 MR. JENSEN: Pete Jensen, Maryland Fisheries
9 and the Mid-Atlantic Council.

10 MR. FITZPATRICK: Robert Fitzpatrick, Maguro
11 America.

12 MR. BEIDEMAN: Nelson Beideman, Blue Water
13 Fisherman's Association.

14 MS. JOHNSON: Gail Johnson, fishing vessel
15 Seneca.

16 MR. HUDSON: Russ Hudson, directed shark.

17 MR. SPAETH: Bob Spaeth, Southern Offshore
18 Fishing Association.

19 MR. SANOVA: Miguel Sanova, chairperson,
20 Caribbean Fishing Council.

21 MR. WILMOT: David Wilmot, Ocean Wildlife
22 Campaign.

1 MR. DUNN: Russ Dunn, Ocean Wildlife Campaign,
2 filling in for Carl Safina.

3 MR. LOGA: Steven Loga, Tuna Fresh,
4 Incorporated, Louisiana.

5 MR. GRAVES: John Graves, Virginia Institute
6 of Marine Science representing the ICCAT Advisory
7 Committee members.

8 MS. LENT: And just -- and Corky. And Ed, do
9 you want to introduce --

10 A PARTICIPANT: (Inaudible.)

11 MR. CLAVERIE: Mau Claverie, Gulf Council.

12 MS. LENT: Thank you. Thank you very much.

13 All right, let me just do a quick recap of the meeting
14 objectives. This is something that Gary wanted to do
15 this afternoon but, as I said, he wasn't able to be
16 with us.

17 The objective of the meeting is to focus on
18 two issues that we want to work on for continued
19 management of highly migratory species, and these are
20 issues which could be addressed through the framework
21 provisions of the plan. The first issue is time/area
22 closures for reducing bi-catch and the focus there is

1 on juvenile swordfish and billfish as well as other
2 factors and fish, and the second issue is the cap on
3 the purse seine bluefin tuna quota allocation.

4 As we review these issues, we would expect
5 advisory panel members to base their input and their
6 comments on how the various options for addressing
7 these issues could help us or not help us meet the
8 objectives of our fishery management plan.

9 The new world order is we now have a Fishery
10 Management Plan for highly migratory species. We have
11 Amendment One for billfish. We are also managing some
12 of these species -- well, tunas for the first time --
13 under Magnuson-Stevens so we have to consider for all
14 of the species what the impacts are, what are the
15 aspects relative to the national standards, so keep
16 those in mind. I'm going to do a quick overview of the
17 framework process and of the objectives in a second.

18 And we know that there is a lot of interest in
19 many other issues other than these two. We would ask
20 that as those issues come up we just keep a list of
21 them and that we discuss them tomorrow afternoon when
22 we have a space on our agenda for other topics. In

1 fact, we want to make sure that tomorrow afternoon we
2 have a chance to get some input from the advisory panel
3 and, if possible, from folks on the floor. And we'll
4 hear from the folks tonight on other priority issues
5 that you think we need to address.

6 As I said, the final FMP is not the final
7 word. It's our blueprint for the future. It's our
8 framework under which we're going to operate, and we
9 know that there is just as much, if not more, work
10 ahead of us than we had in getting these plans
11 together.

12 Okay? So that's relative to the objectives of
13 the meeting. Any questions on that? Mau.

14 MR. CLAVERIE: Rebecca, do you have any
15 corrections or addenda to the regulations because, if
16 you do, we'd like to hear them tonight before thinking
17 about it overnight.

18 MS. LENT: I don't have any pre-prepared, but
19 we will have a technical amendment shortly. And, Mau,
20 if you have a list we'd be pleased if you could help
21 us.

22 Any other questions relative to the objectives

1 of this meeting?

2 (No response.)

3 MS. LENT: Okay, then let's move on into a
4 quick summary and overview of the framework issues.
5 Now, we had available for handouts the sections of the
6 FMP and the amendment that discuss the framework
7 procedure for these plans as well as the objectives,
8 and in the case of billfish we had the objectives in
9 the original FMP, plus the new ones under amendment
10 one. So pull those out and keep those in front of you.

11 Again, what we're trying to do is make sure
12 that as we discuss these issues we make an argument for
13 or against how one option might or might not help us
14 meet that objective.

15 So the framework provisions under both HMS and
16 billfish allow us to make adjustments to the
17 regulations in a fashion that involves rulemaking,
18 proposals, public hearings, final rules, all sorts of
19 analyses, slightly more quick or slightly more
20 expediently than under an amendment process, but not
21 much. The amendment process -- the rulemaking process
22 under Highly Migratory Species is pretty thorough in

1 terms of its input and meaning.

2 The adjustments to these regulations should
3 meet the management objectives of the FMP as well as
4 the national standards. You base the needs for
5 adjustment on the annual safe report as well as
6 deliberations that we have right here in the advisory
7 panel and, again, tomorrow afternoon we'll be looking
8 at other hot issues as they come out.

9 By the way, as you know, we already have our
10 first proposed rule issued under the framework
11 provisions of the plan, and that is a proposed rule
12 relative to the use of spotter planes in bluefin tuna,
13 so that we're already underway with our blueprint for
14 the future.

15 The FMP and EIS which we've already prepared
16 constitutes the safe report for 1999 and then each year
17 starting in the year 2000 we'll have a new safe report.

18 In the case of time/area closures, I just want
19 to add a quick footnote relative to the public
20 comments. Virtually all the comments we received from
21 the recreational constituency, from the commercial
22 constituency, from the environmental community,

1 indicated that the time/area closure that we had
2 proposed would be ineffective. One of the biggest
3 concerns was that it was too small and that there might
4 be fishing around the edge and that the displaced
5 effort would just obliterate any benefits from this
6 time/area closure.

7 So we went back to the drawing board and we've
8 conducted some more analyses and it's in the light of
9 those new analyses that we wanted to, as soon as we
10 could, call this meeting because this is an issue that
11 we considered top priority. It really needs to be
12 addressed and, indeed, it's been a criticism of the FMP
13 since it's been out.

14 Now take a look at your management objectives
15 in the HMS FMP and billfish FMP. Just very quickly,
16 you might want to check off some of those, first of
17 all, that we feel would be relevant to looking at
18 time/area closures. Under the HMS FMP there is the
19 objective to minimize to the extent practicable bi-
20 catch of living marine resources. Obviously, that's a
21 key point here.

22 There are also several objectives related to

1 overfishing and rebuilding of these stocks. If we're
2 reducing juvenile mortality or bi-catch mortality,
3 we're contributing to rebuilding.

4 We also have an objective to minimize to the
5 extent possible economic displacement and other adverse
6 impacts on fishing communities as we transit from
7 overfished to healthy ones. That's relevant as well.

8 And, of course, objectives related to the
9 ICCAT -- to implementing ICCAT recommendations. We do
10 have an ICCAT recommendation that says we should
11 minimize the bi-catch of juvenile swordfish as well as
12 billfish.

13 And in the billfish FMP, again, minimizing bi-
14 catch and discard mortality, all the objectives related
15 to overfishing, minimizing the adverse social and
16 economic effects to the extent practicable, ICCAT
17 implementations and, from the original FMP for
18 billfish, maintaining the highest availability of
19 billfish to the recreational fishery.

20 Under the national standards of course for bi-
21 catch, which you want to refer to as National Standard
22 Nine. National Standard One is also relevant, optimum

1 yield. National Standard Eight, taking into account
2 the effects on communities. National Standard Ten is
3 also an issue as we look at time/area closures, safety
4 at sea. We want to make sure we're doing what we can
5 to minimize the effects on the safety of fishing
6 vessels.

7 For the purse seine cap we'll be talking about
8 this again starting tomorrow morning at 8:00. We'll
9 have, of course, public comment and discussion at 4
10 o'clock today.

11 Objectives in the HMS FMP that might be
12 relevant: minimizing to the extent practicable
13 economic displacement and other adverse impacts on
14 fishing communities; providing the data necessary for
15 assessing fish stocks; consistent with other objectives
16 of the FMP, managing for optimum yield, to provide
17 recreational opportunities, preserve traditional
18 fisheries, et cetera; better coordinate domestic
19 conservation and management of the fisheries
20 considering...historical fishing patterns and
21 participation.

22 Under the national standards, some of the

1 standards you might want to consider in evaluating
2 options relative to the bluefin tuna purse seine cap,
3 conservation and management measures should not
4 discriminate between residents of different states,
5 allocations should be fair and equitable, et cetera.

6 National Standard Five, no measure shall have
7 economic allocation as its sole purpose. National
8 Standard Eight, again, a sustained participation of
9 communities, minimizing adverse economic impacts on
10 such communities.

11 So that's just a little bit of background and
12 encouraging you to rely upon the FMP objectives, rely
13 upon the national standards as you review those and
14 interpret them relative to the different options we
15 have for the issues that we're discussing. That helps
16 us write a better rule, if indeed we proceed with
17 rulemaking, and it helps us support what the different
18 alternatives would be, the pros and the cons, and how
19 they help us with our fishery management objectives.

20 Okay? Any questions relative to that? Yes,
21 Mau.

22 MR. CLAVERIE: As you are aware, I want to add

1 another criteria but it's really probably a subset of
2 one. Do we do that now or later, and just how do we go
3 about doing that?

4 MS. LENT: Why don't you go ahead, Mau.

5 MR. CLAVERIE: Okay, I've got to get my act
6 together because I just got these papers. Objective
7 one in the billfish plan is -- not objective, problem.

8 A PARTICIPANT: (Inaudible) microphone
9 (inaudible).

10 MR. CLAVERIE: Okay, sorry. All these mikes
11 work different. Is that okay?

12 A PARTICIPANT: (Inaudible.)

13 MR. CLAVERIE: Can you turn the thing up?
14 Okay. In the billfish plan problem one, not objective
15 one, problem one, is intense competition for the
16 available resource between the recreational fishery for
17 billfish and the other fisheries that have a bi-catch
18 of billfish.

19 And I want to add that in as a subcriteria
20 under one of the objectives in the billfish FMP but I'm
21 looking through to see which one. It's the one about -
22 - apparently number eight. I think that's where it

1 would go. I'm not locked in on that. There might be a
2 better place elsewhere.

3 MS. LENT: Okay, thank you, Mau.

4 MR. CLAVERIE: So I don't know how that gets
5 done but --

6 MS. LENT: You've made that statement on the
7 floor and when folks are discussing the pros and the
8 cons I think -- hit that button again, Mau -- we can
9 consider that.

10 The emphasis is on reducing bi-catch of
11 juvenile swordfish and billfish. There are other
12 factors to consider including protected species,
13 including economic displacement, safety, interaction
14 between different gear types. That's certainly part of
15 the discussion in the pros and the cons.

16 Any other comments relative to this? And,
17 Rich, why don't you introduce yourself. You missed --

18 MR. RUAIS: Rich Ruais, East Coast Tuna
19 Association. Sorry for being a few minutes late. Are
20 you on the agenda right now or are you past that? I
21 just had a comment on the agenda.

22 MS. LENT: Well, I guess we didn't do a formal

1 adoption of the agenda. Would you like to do that?

2 MR. CLAVERIE: (Inaudible.)

3 MR. RUAIS: Thank you, Mau. I appreciate
4 that.

5 MS. LENT: Go ahead. We sort of went over it
6 quickly.

7 MR. RUAIS: Okay. Well, the comment I had was
8 that on the draft agenda I recall there was an item on
9 the second day where there was going to be a
10 presentation on the purse seine cap and now I see that
11 it's just a discussion. And that's fine with me.

12 I'm not suggesting you need to do any kind of
13 a presentation, but if there is going to be anything
14 from the agency though, I was going to ask that you put
15 it prior to the public comment period today rather than
16 wait until tomorrow, recognizing that it would probably
17 be short whatever it was you were going to do anyways.

18 MS. LENT: Thanks, Rich, for that comment. In
19 fact, the main points that I wanted to make was here we
20 go, we have something we can do under frameworking,
21 what is frameworking all about, what are the management
22 objectives and the national standards that apply. So I

1 folded it into what I just did and there is certainly
2 no problem with sort of doing a recall at 4 o'clock if
3 we need do.

4 Okay, since Rich is here why don't we go down
5 and -- we missed some introductions. Linda, do you
6 want to say good afternoon?

7 MS. LUCAS: Linda Lucas, Economics Department,
8 Eckerd College.

9 MR. WINGER: John Winger, Department of
10 Anthropology, University of Memphis.

11 MS. LENT: Bob and Rusty, do you want to
12 introduce yourselves or are you going to be incognito?

13 MR. SPAETH: I already did. Bob Spaeth,
14 Southern Offshore Fishing Association, Madeira Beach,
15 Florida.

16 MR. HUDSON: Rusty Hudson, directed shark,
17 Daytona Florida.

18 MS. LENT: Did everybody around the table then
19 -- okay. If there are no more questions, we are going
20 to proceed to agenda item -- well, I guess the
21 presentation and discussion on time/area closure.

22 Again, for those of you who missed the

1 introduction, Jack Dunnigan is on his way here and he
2 will be moderating the discussion. We're going to
3 start with a presentation of the analyses by the
4 National Marine Fisheries Service. After that, I'm
5 going to ask the AP members if they have presentations
6 they would like to make or someone on their behalf to
7 come forward as well.

8 So, Karyl, why don't you come on forward. And
9 I believe everybody has handouts relative to your
10 presentation, right?

11 MS. BREWSTER-GEISZ: I'll try to speak into
12 this but if I miss for some reason, just let me know.
13 As Rebecca was saying, we are trying to do some
14 time/area closures. We have two goals on this: first,
15 to reduce the discards of juvenile swordfish; and our
16 second goal is to reduce the discards of billfish.

17 So when we first start with this, we need to
18 take a look at where the discards are occurring. So I
19 plotted out some maps. This is for swordfish discards
20 between '96 and '97. Everybody should have these.
21 These are by quarter. The same symbol on each map
22 means the same amount of fish. Some maps don't have

1 the symbol simply because there weren't any fish caught
2 within that range.

3 For swordfish discards, as you can see, most
4 of them seem to occur in quarter three and four right
5 along the east coast of Florida. We've seen this
6 before in some of Jean Kramer's stuff and what we
7 proposed in the draft FMP.

8 I've also plotted out blue marlin. The
9 billfish, as you'll see, is different than the
10 swordfish in that we actually have two areas to look
11 at. We have the Gulf of Mexico and we also have right
12 off the east coast of Florida, but they are slightly
13 different time frames than swordfish. The swordfish
14 happened on the east coast of Florida in the third
15 quarter and the fourth quarter. For billfish we're
16 looking at quarters two and three for the most part.
17 And you have it for sailfish, the same sort of thing,
18 and the same type of thing for white marlin.

19 So this is just a quick overview of where
20 we're looking. Based on these maps, I picked out some
21 areas to look at. I'll start with the swordfish
22 time/area closure.

1 Before I actually go over the areas, I'd like
2 to show you what we like, what we're looking for, if
3 you turn to the graph labeled SWO-3 up at the top.
4 I'll wait till it looks like everybody has it. You
5 should have two packages, one with billfish stuff and
6 one with swordfish stuff. Okay.

7 These graphs are a little bit hard. First of
8 all, anything above zero percent actually means a
9 reduction in the number of fish that we're seeing so,
10 for instance, this top bar going across, swordfish
11 discards, we actually can get a reduction in discards
12 up to about 20 percent. Anything below zero percent is
13 an increase in the number of fish.

14 A PARTICIPANT: (Inaudible.)

15 MS. BREWSTER-GEISZ: It's an increase in the
16 number of fish throughout the Atlantic and Gulf of
17 Mexico. It depends upon what fish. If you look at
18 these pluses going down, they are pelagic shark
19 discards so, in that case, it would be an increase in
20 the pelagic shark discards. But you can also see the
21 bays are down below zero percent. That's an increase
22 in the number of bays kept.

1 Does everybody understand that? No.

2 A PARTICIPANT: On the bottom axis, months
3 closed, is that if you close it for one month, two
4 months, three months? And what month is it?

5 MS. BREWSTER-GEISZ: Okay. What this is is
6 this is looking at it cumulatively and you see the
7 numbers ten, eight, twelve, nine. So if you close
8 October, this is the percentages you would expect. If
9 you close October and August, those are the percentages
10 you would expect. And so by the very end you're
11 closing all the months.

12 Why they're in such a weird order instead of
13 going January, February, March, is because I sorted it
14 by discard per unit effort, so October has the greatest
15 swordfish discard per unit effort, followed by August,
16 and May has the lowest discard per unit effort.

17 A PARTICIPANT: (Inaudible.)

18 MS. BREWSTER-GEISZ: Right, the swordfish
19 discards.

20 A PARTICIPANT: (Inaudible.)

21 MS. BREWSTER-GEISZ: Right.

22 A PARTICIPANT: (Inaudible.)

1 MS. BREWSTER-GEISZ: In October you can get
2 about probably 4 percent reduction over the entire
3 Atlantic and Gulf of Mexico if you close this
4 particular area.

5 A PARTICIPANT: (Inaudible.)

6 MS. BREWSTER-GEISZ: No. If you close October
7 and August, eight and ten, both of those months
8 together, you'll get probably an 8 percent reduction in
9 swordfish discards.

10 A PARTICIPANT: (Inaudible.)

11 MS. BREWSTER-GEISZ: Right. Nelson.

12 MR. BEIDEMAN: Nelson Beideman, Blue Water.
13 As a general comment to Rebecca, Rebecca, I've been
14 working with this stuff, you know, pretty intensively
15 for quite a while, but just sitting down here and
16 getting this stuff is very difficult even for me. I
17 know it's got to be difficult for the rest.

18 But, Karyl, how is this different from the
19 information that we got two years ago and one year ago
20 and six months ago in presentations from Jean Kramer?

21 MS. BREWSTER-GEISZ: (Inaudible.)

22 MR. BEIDEMAN: Are there substantial

1 differences or --

2 A PARTICIPANT: (Inaudible) microphone.

3 MS. BREWSTER-GEISZ: I didn't realize it had
4 gone off. It's a very different analysis. It's taking
5 into account different areas. It's taking into account
6 displacement, and it's taking into account all the
7 landings throughout the Atlantic and Gulf of Mexico and
8 all the discards. So we've expanded the analysis based
9 on a lot of the comments we received on the draft FMP.

10 MR. BEIDEMAN: Okay. And this is still just
11 through '97?

12 MS. BREWSTER-GEISZ: All of this incorporates
13 '96 and '97. We chose those years because in '95 the
14 weird change between the season occurred.

15 MR. BEIDEMAN: Did you find substantial
16 differences, because what we've been working on is Jean
17 Kramer/Jerry Scott's analysis of, you know, basic areas
18 where over 50 percent of the catch is discarded dead as
19 hot spot areas.

20 MS. BREWSTER-GEISZ: Right. We didn't look at
21 any of that. This is straight -- this is everybody,
22 everything that has been recorded landed or reported

1 discards. It's not limited between 50 percent of the
2 sets occurred in this area and 25 sets a year, or what
3 your criteria --

4 MR. BEIDEMAN: Right. So this is not hot
5 spot. This is more scattered -- scatter-gun?

6 MS. BREWSTER-GEISZ: I started with those
7 plots that I showed you and then I picked areas from
8 that. And right now I'm trying to explain how these
9 graphs work.

10 MR. BEIDEMAN: Okay, thank you.

11 MS. BREWSTER-GEISZ: Go ahead.

12 A PARTICIPANT: So real basic here. This
13 SWO-3 means that the percentage is the percentage of
14 that amount of fish that is caught in the area bounded
15 by the SWO-3?

16 MS. BREWSTER-GEISZ: Yeah. I'll be getting to
17 what the actual areas are.

18 A PARTICIPANT: Okay, I'm getting ahead of you
19 then.

20 MS. BREWSTER-GEISZ: Yeah.

21 A PARTICIPANT: (Inaudible.)

22 MS. BREWSTER-GEISZ: Go ahead, Ellen.

1 MS. PEEL: Before we move on, I just want to
2 make sure -- you know, I hate to ask something that's
3 probably perfectly clear to you but --

4 MS. BREWSTER-GEISZ: No, not necessarily.

5 MS. PEEL: For instance, on swordfish where
6 you've got the open triangle, to get a 15 percent
7 reduction, is it reading it correctly to say you'd have
8 to close October, August, December, September, November
9 and March, it looks like, to increase --

10 MS. BREWSTER-GEISZ: Yes, you would need to
11 close --

12 MS. PEEL: To increase what? Discards?

13 MS. BREWSTER-GEISZ: Right.

14 MS. PEEL: To decrease your discard?

15 MS. BREWSTER-GEISZ: Yes.

16 MS. PEEL: Okay.

17 MS. BREWSTER-GEISZ: Go ahead.

18 MS. PEEL: I just wanted to make sure I was
19 reading the -- decreasing discards or increasing
20 retention is what you're -- or increasing discards.
21 All right, okay, I just wanted to make sure I was
22 reading it right.

1 MS. BREWSTER-GEISZ: Okay.

2 A PARTICIPANT: Karyl, you said you sorted --
3 the order of the months is sorted according to least
4 discard per unit effort to the most discard per unit
5 effort?

6 MS. BREWSTER-GEISZ: The greatest discard to
7 the least discard per unit effort.

8 A PARTICIPANT: So --

9 MS. BREWSTER-GEISZ: Yes, so October has the
10 greatest and May has the least.

11 A PARTICIPANT: Of what, though? Of
12 swordfish?

13 MS. BREWSTER-GEISZ: Swordfish discard per
14 unit effort in that area.

15 A PARTICIPANT: So what do all the rest of
16 these plots on this particular graph mean? Do they
17 mean anything since they are dealing with other
18 species?

19 MS. BREWSTER-GEISZ: Okay. If -- you're
20 looking at the swordfish discard line.

21 A PARTICIPANT: Right.

22 MS. BREWSTER-GEISZ: If you want to maximize

1 the reduction in swordfish discards, you would go over
2 to, I guess that's June, and if you close the entire
3 year in this area up to June you would see not only a
4 reduction in swordfish discards of about 20 percent;
5 you would also see a reduction in sailfish discards of
6 about 15 percent, a reduction in white marlin discards
7 of almost 5 percent.

8 So it's taking into account what else is being
9 landed in the area and how well they're doing, because
10 we're trying to reduce the swordfish discards and
11 hopefully billfish discards as well, but without really
12 affecting what else is being caught.

13 A PARTICIPANT: Okay. Now I understand that.
14 Now I understand arithmetically why you would plot this
15 the way you did, but from a management perspective is
16 that practical to pull months, you know, different
17 times of the year, and order them in that way?

18 MS. BREWSTER-GEISZ: We need to choose some
19 time for a time/area closure. This is one way of doing
20 it. We are also looking at quarters but I haven't
21 quite figured -- finished that analysis yet. We're
22 looking at the entire year.

1 MS. LENT: Let me just add to that. In fact,
2 when we're discussing the pros and cons of different
3 options, obviously from an enforcement point of view
4 and facility of planning and everything, it would be
5 preferable to have consecutive months. In fact, we
6 often find that the months are clustered and it makes
7 sense.

8 MS. BREWSTER-GEISZ: Go ahead.

9 MR. PERETT: I apologize. I'm still not --

10 MS. LENT: Please say your name before you
11 speak.

12 MR. PERETT: Corky Perett. Can we take one of
13 the lines on swordfish on -- or let me use the
14 swordfish discard, again the open triangles.

15 MS. BREWSTER-GEISZ: Yes.

16 MR. PERETT: On the left we start with month
17 ten and it looks like it's around 5 percent.

18 MS. BREWSTER-GEISZ: Yes.

19 MR. PERETT: And as we go forward, ten to
20 eighth month, it's a cumulative thing. I'm correct so
21 far. Well, then would you explain to me how after ten
22 months we get to June and we're approaching roughly 20

1 percent, how does it then go down when you've got two
2 more months in the year?

3 MS. BREWSTER-GEISZ: It's all because of the
4 displacement. The displacement does funky things.

5 MR. PERETT: But it at best has got to stay
6 even if there is no discards whatsoever during those
7 latter two months of April and May. How does it
8 actually go down?

9 MS. BREWSTER-GEISZ: It goes down because the
10 boats are being displaced into areas that during April
11 and May have greater effort.

12 Go ahead.

13 MS. LENT: Let me just add a point to Corky's
14 -- this is something that's very important. Relative
15 to everything else you've seen prior to this except for
16 the bluefin time/area analyses, these numbers take into
17 account displaced effort. They say let's close this
18 area and this time and this -- close this area in this
19 time.

20 But it doesn't assume that those sets go away.
21 It assumes that the sets are going to be made somewhere
22 outside the area, and there's an assumption made about

1 where those sets will be redistributed. That's why
2 it's the net effect. It's a very important difference
3 with what Jean Kramer has done in the past.

4 MS. BREWSTER-GEISZ: It also has to do with
5 the catch occurring in the entire Atlantic and Gulf.

6 A PARTICIPANT: The entire Atlantic or the US
7 of A?

8 MS. BREWSTER-GEISZ: U.S. Go ahead.

9 MR. MOORE: Charlie Moore, South Carolina. If
10 you look at, like, white marlin discards, if you look
11 at that one, and it seems to indicate that as you go
12 below the line you have more fish, I don't see how it
13 decreases.

14 MS. BREWSTER-GEISZ: It doesn't decrease the
15 white marlin. I'm sorry, did I say --

16 MS. PEEL: You said earlier it did.

17 MS. BREWSTER-GEISZ: I'm sorry. I meant this
18 line, which is the swordfish kept. I must have just
19 misspoke.

20 MS. PEEL: Yeah, you said white --

21 MS. BREWSTER-GEISZ: Sorry. Go ahead.

22 MR. NELSON: Russell Nelson. How did you

1 handle displacement of effort? I mean, that seems to
2 be a fairly important --

3 MS. BREWSTER-GEISZ: Right. I started with
4 this area that I'll call SWO-3. I assumed that all of
5 the hooks that were in that area, if we closed it
6 during a certain month, went anywhere within 4 degrees
7 of that area. So four degrees outside that area in all
8 directions. And that area kept its same catch per unit
9 effort and discard per unit effort; it just happened to
10 have more effort.

11 MR. MOORE: So you distributed any direction
12 in four degrees?

13 MS. BREWSTER-GEISZ: Any directions four
14 degrees outside that area.

15 MR. MOORE: Was there a basis for that
16 assumption? I mean, some kind of --

17 MS. BREWSTER-GEISZ: We can change that
18 assumption.

19 MR. MOORE: Well --

20 MS. BREWSTER-GEISZ: That's what I started
21 with now.

22 A PARTICIPANT: (Inaudible.)

1 MS. BREWSTER-GEISZ: Go ahead, Nel.

2 MR. BEIDEMAN: What Russell is saying is, you
3 know, very important. At the last meeting, you know,
4 we had discussed that the preliminary information on
5 observer coverage for the FMP proposed area was like 23
6 dead discards per thousand, south of that 38 dead
7 discards per thousand, north of that 17 discards per
8 thousand, and north of that area 13 discards per
9 thousand.

10 So it's very important where that displaced
11 effort may go and factors such as these are small boats
12 that really can't fish far from shore and the Gulf
13 stream goes out as you go north would suggest that
14 they'll basically move toward the south, at least the
15 smaller boats, into the 38 per thousand rather than the
16 23 or 17 or 13.

17 MS. BREWSTER-GEISZ: This says they can go
18 south as well. It's distributed equally in the area of
19 four degrees around this area, so they could go four
20 degrees to the south or four degrees to the north.
21 That's included in the analysis.

22 MR. BEIDEMAN: Okay.

1 A PARTICIPANT: It makes a big difference.

2 MS. BREWSTER-GEISZ: Sorry. Go ahead.

3 MR. CLAVERIE: Can you break out how many of
4 these discards and kepts are within the 50,000 line or
5 shallower?

6 MS. BREWSTER-GEISZ: I haven't done that yet.

7 MR. BEIDEMAN: No, because they can't really
8 break into the one degree but I would say none unless
9 it's, you know, a piece of gear that's gotten away or
10 something but really don't drift up into 50 fathoms.

11 MS. BREWSTER-GEISZ: Are there any more
12 questions? Okay.

13 A PARTICIPANT: A clarification. Did you say
14 that these numbers represent the percentage of all
15 swordfish, not just swordfish discarded in that area?

16 MS. BREWSTER-GEISZ: That's correct.

17 A PARTICIPANT: So these curves represent a
18 percentage of all swordfish?

19 MS. BREWSTER-GEISZ: All the swordfish
20 reported, yes.

21 A PARTICIPANT: Rebecca, is it your intent to
22 have this panel suggest to you some percentage

1 reduction or are you going to suggest to us that you
2 have some target percentage reduction in mind?

3 MS. LENT: Well, this is for the time being,
4 based on these very preliminary analyses, this would be
5 our preferred alternative. We obviously have more work
6 to do and more analyses to conduct. We need to hear
7 from you indeed on what you think is a good goal and
8 what are the trade-offs and what about the assumptions.
9 As Russ and Nelson have pointed out, we have to make
10 assumptions about displaced effort. Are there better
11 assumptions to make? Give us some suggestions.

12 A PARTICIPANT: I guess I'm confused. What is
13 the preferred alternative you're talking about?

14 MS. BREWSTER-GEISZ: SWO-3 for swordfish.

15 A PARTICIPANT: Pardon?

16 MS. LENT: This chart that's SWO-3 out of the
17 options that we've analyzed so far -- and there is
18 plenty more analyses we can do -- but this appears to
19 be the most appealing right now, but we need to hear
20 from you about the pros and cons about it.

21 A PARTICIPANT: I'm still confused. There's a
22 lot of choices there. There's one month, two months,

1 three months, four months, five months, six months --

2 MS. BREWSTER-GEISZ: I was getting to that.

3 A PARTICIPANT: And they have some percentage.

4 So has anybody from the stock assessment side given you

5 any advice on what a 5 percent reduction does to the

6 stock rebuilding or the rebuilding schedule versus 20

7 percent?

8 MS. LENT: Well, we know what replacement

9 yield is and we know what current yield is so we can

10 make some assessment ourselves within this panel as to

11 how much this contributes. That's an important goal

12 but, again, the overarching goal is reducing bi-catch

13 as much as we can to the extent practicable, et cetera,

14 et cetera.

15 Now, SWO-3, as Karyl points out, depends on

16 which months you're going to choose, but it's the one

17 that appears to have the biggest bang for the buck.

18 It's able to go the highest. We have to look at all

19 the effects and all the assumptions.

20 MS. BREWSTER-GEISZ: Right. This one goes

21 pretty high and it also doesn't really impact a lot of

22 the other -- the catch or the discards -- all that

1 much. What we've been looking at is going all the way
2 up to the Asentope (phonetic) up to June, so everything
3 would be closed in this area except for April and May.
4 Unless we have changes of assumptions, we have ideas
5 from the panel of where else to look and what else to
6 look for.

7 Nelson.

8 MR. BEIDEMAN: Karyl, I'm sorry but my mind
9 keeps drawing me back to the information that we have
10 been working with over the past couple years, Jean
11 Kramer's documents that I'm most familiar with.

12 And what Jean and Jerry had done is laid out,
13 I believe, eleven two-degree squares where over 50
14 percent were discarded. And I believe the bottom line
15 of that was if you shut all these down it would amount
16 to about 28 percent reduction without redistributing
17 the effort and only 7 percent reduction with a basic
18 redistributing of the effort.

19 MS. BREWSTER-GEISZ: That's because they did
20 it a very different way. They had the criteria of your
21 50 percent in those areas. We do not.

22 A PARTICIPANT: Again, just to make sure that

1 I got it right, what you did was for this SWO-3 area,
2 the total number of swordfish caught is the percentage
3 -- that's the 100 percent from which the other things -
4 - and then you took the total number of sailfish caught
5 and figured your reductions and discards in the total
6 number so that each species has a total number from
7 which you got the percentage, right?

8 A PARTICIPANT: (Inaudible.)

9 A PARTICIPANT: Again, a clarification.
10 Looking at SOW-3, am I reading this correctly that if
11 you close SOW-3 for the entire year, right, you would
12 get a reduction in discards of swordfish by about 18
13 percent and you would reduce the actual swordfish
14 catch, total U.S. catch, by 6 percent?

15 Am I reading that right?

16 MS. BREWSTER-GEISZ: That's correct.

17 A PARTICIPANT: (Inaudible.)

18 A PARTICIPANT: That number, the total number
19 of swordfish kept, that is -- that number is from the
20 entire U.S.?

21 MS. BREWSTER-GEISZ: All of this is from the
22 entire U.S.

1 A PARTICIPANT: Oh, okay.

2 MS. BREWSTER-GEISZ: All of this is relative
3 to the entire --

4 MR. BEIDEMAN: I have a question. It's a more
5 general question, probably for Rebecca, and it cuts
6 across all the different proposals that I've heard of.

7 And that's, you know, how do we close areas
8 that are beyond our EEZ, you know, in Bahamian waters,
9 et cetera? I mean, how is that done? You know, what
10 is the relevance of that?

11 MS. LENT: Well, we haven't found a way to do
12 that yet. Actually, the way this analysis is done,
13 there is just some big chunks taken, including like
14 Indianapolis. Obviously, you just sort of, for
15 purposes of the analyses, you cut out some chunks.

16 If indeed we go forward with proposals, that
17 would have to be worded in such a way that anything
18 that's not in the EEZ is not relevant. I mean, if it's
19 in somebody else's EEZ it's not relevant.

20 A PARTICIPANT: Could we close it outside of
21 our own -- on the high seas?

22 MS. BREWSTER-GEISZ: Yeah, to U.S. fishermen

1 we could close it beyond the EEZ, yeah. Thanks, good
2 question.

3 MS. BREWSTER-GEISZ: Now, is everybody clear
4 on how these graphs work, because this is the whole
5 basis of what I'll be showing.

6 A PARTICIPANT: (Inaudible.)

7 MS. BREWSTER-GEISZ: Yeah, we'll walk through
8 more examples. Go ahead.

9 MR. CLAVERIE: I think I'm clear but I'm not
10 clear on what use we're going to make of these. This
11 is just the basis for something else so that we get to
12 some practicality? I'm assuming that the way these
13 graphs are set up is if you wanted to maximize the bang
14 for the buck you would pick the months that are
15 numbered here that show the greatest increase in
16 percentage change of swordfish discards, and I don't
17 know about the decrease in swordfish kept. In other
18 words, if you look at the line between ten and eight,
19 it goes up pretty good on swordfish discarded.

20 A PARTICIPANT: What graph are you on?

21 MR. CLAVERIE: I'm on SWO-3, the one we've
22 been discussing. So I assume that means -- I don't

1 know which month that is. I assume that means if you
2 close the tenth month you get the biggest increase, you
3 get the biggest number -- I don't know what you would
4 say. You get the biggest decrease in swordfish
5 discarded in one month of any month on this graph
6 because it's the steepest slope.

7 MS. BREWSTER-GEISZ: (Inaudible.)

8 MR. CLAVERIE: It's sort of that way, okay.

9 A PARTICIPANT: Sorted.

10 MR. CLAVERIE: Oh, sorted.

11 MS. LENT: Sorted that way. The why it goes
12 October, August, December, September, November, is
13 Karyl arranged for these plots such that the one that
14 appears first is the one with the highest swordfish
15 discard per unit effort, then the next highest, then
16 the next highest, then the next highest. It's not a
17 random order here.

18 MR. CLAVERIE: Except towards the end it goes
19 down.

20 MS. LENT: That's because of the displacement,
21 displaced effort. As the displaced effort goes out
22 into other areas, it may be pushed off into areas where

1 we didn't have as much effort before and, in fact, we
2 have high rates of discards. The fishermen have been
3 avoiding those areas purposefully so you get into some
4 kind of declining returns.

5 Remember that all of these numbers are net.
6 It's not just what you lose by taking that effort out
7 of that area; it's what you lose by displacing effort
8 from the hot spot to the next closest area. That's
9 very important because a lot of the things we've looked
10 at before don't have that displacement. Until you know
11 that, you don't know the net effect of a time/area
12 closure. You need this information.

13 And in terms of your first question, Mau, you
14 know, you're starting to understand but you don't know
15 what it's all going to lead to. I think this gives us
16 some numbers, get a start to say where are we zeroing
17 in. It's not just hot spots. It's more than hot
18 spots. It's where do people go when they avoid the hot
19 spots. What's the net effect? And if you can help us
20 with assumptions on a better way to deal with
21 displacement, we need to hear about that, too.

22 Trade-offs. There is a lot of trade-offs.

1 We're going to have some increase in discards of other
2 things that we don't like. We want to know about that,
3 too.

4 MS. LUCAS: Linda Lucas. Can you tell me
5 intuitively why SWO-1 and SWO-3 sort of look a lot
6 alike?

7 MS. BREWSTER-GEISZ: That has to do with the
8 areas of (inaudible) and areas of (inaudible). Sorry.
9 I'll be getting into the areas as soon as everybody is
10 clear on what these graphs mean and do, and then I will
11 show what the areas are and the other results from
12 those areas.

13 A PARTICIPANT: SWO-3. And if my objective
14 was to reduce blue marlin discards, I'm assuming I
15 would be focused on the months of June, July, and
16 August. Am I reading this correctly?

17 MS. BREWSTER-GEISZ: What this is showing is I
18 pretty much focused on swordfish discards for these
19 areas, billfish discards in the other areas that I
20 chose. So there is -- you are getting pretty good for
21 the sailfish and for the blue marlin in certain months
22 in here.

1 A PARTICIPANT: It looks like October, August,
2 December, September, and November are blue marlin and
3 then it gets worse for them after that. Now, these
4 months are -- you go from October to August.

5 MS. BREWSTER-GEISZ: (Inaudible.)

6 MR. PERETT: Thank you. Corky Perett. Let's
7 try again, back to basics.

8 MS. BREWSTER-GEISZ: Okay.

9 MR. PERETT: SWO-3 is a geographic
10 description.

11 MS. BREWSTER-GEISZ: Right.

12 MR. PERETT: And all these pluses or minuses
13 as to whether it's discarded or kept only refers to
14 this geographical area?

15 MS. BREWSTER-GEISZ: Yes, for this --

16 MR. PERETT: I got -- wait, wait --

17 MS. BREWSTER-GEISZ: So this graph --

18 MR. PERETT: Wait, that's where I'm going
19 because --

20 MS. BREWSTER-GEISZ: Well, it refers -- the
21 percent discards and everything are all relative to the
22 U.S. catch but what we did is we only closed this area

1 during these months.

2 MR. PERETT: So --

3 MS. BREWSTER-GEISZ: It's all relative to the
4 U.S..

5 MR. PERETT: So for SWO-3, and we'll take that
6 first month -- again we'll work with swordfish because
7 that's the one we're talking about the most thus far.
8 In the month of October, the discards at roughly, say,
9 4 percent and the keeps swordfish are, say, 2 or 3
10 percent. Now, in that geographical area --

11 MS. BREWSTER-GEISZ: In that area --

12 MR. PERETT: And we have the others that show
13 what it is for SWO-1 and so on. Okay.

14 MS. BREWSTER-GEISZ: Right. If you close that
15 area, that's what the reduction will be.

16 MR. PERETT: Thank you.

17 MR. CLAVERIE: How do you define discards? Is
18 that dead discards or all discards?

19 MS. BREWSTER-GEISZ: It's total discards, both
20 alive and dead.

21 MR. CLAVERIE: Is there a mortality -- an
22 observed mortality different at different times of the

1 year or different areas? I mean, is that considered in
2 this?

3 MS. BREWSTER-GEISZ: This is total discards.
4 It's not taking into account whether we're discarding
5 dead or alive.

6 MS. LENT: That's a good question and I ask if
7 anybody here might want to comment on that. I'm not
8 aware and we'll have to ask the science center of
9 whether there might be a difference in the percent of
10 swordfish discards that are dead relative to certain
11 times and areas. As far as I know, there's none.
12 Maybe Bill or other --

13 MR. CLAVERIE: The fishermen ought to be able
14 to come in on that if the scientist can't because
15 they've seen them. It's pretty well -- I mean, if
16 you're just going to keep bait live you have a much
17 better chance in a cooler water than you do in a warmer
18 water.

19 And I assume that that's true with all fish.
20 I don't know. Maybe John can tell us or something.
21 There may be a substantial difference or there may not
22 in the mortality, actual mortality involved, and that's

1 what we really have to get to. So if we can do that,
2 maybe we ought to. I don't know if we can do it.

3 MS. LENT: But, Mau, I think for purposes of
4 this discussion we'll assume that where we have the
5 highest rate of discards we probably have the highest
6 rate of dead discards. There could be some variations
7 therein, but that's a really good question and we'll
8 follow up on that.

9 MR. CLAVERIE: Well, the highest rate of
10 discards is in a cool month, the tenth month, and so
11 that may be the highest rate of live to dead on the
12 discards. I'm just guessing, you know. I mean, it may
13 be totally different from that in the swordfish
14 fishery.

15 A PARTICIPANT: I'm having trouble with the
16 months the way they are arranged. I understand that
17 starting right out looking at SWO-3, October is the
18 month that has the biggest reduction in swordfish
19 discards.

20 However, as you go along and the months are so
21 out of sequence -- and maybe I'm interrupting your
22 presentation here and you would have explained it --

1 but how do we figure out consecutive months? I'm
2 having trouble with that.

3 MS. BREWSTER-GEISZ: (Inaudible.)

4 A PARTICIPANT: The rate of discards.

5 MS. BREWSTER-GEISZ: (Inaudible.)

6 A PARTICIPANT: Okay, that's right. But even
7 so, it's still hard to get from the graph to know what
8 block of months or --

9 MS. BREWSTER-GEISZ: (Inaudible.)

10 MR. BEIDEMAN: Karyl, I'm looking at sword
11 four and I'm imagining that the split at 33 may have
12 come out of conversations that I had with you as far as
13 the difference between 32 and 33, and 33 and 34?

14 MS. BREWSTER-GEISZ: (Inaudible.)

15 MR. BEIDEMAN: Okay. Well, if I can give
16 folks a tiny bit of background. Without getting into
17 the pelagic longline industry proposal, it goes up to
18 34 degrees. And some fishermen raised that, you know,
19 the area between 33 and 34 really isn't that much of
20 the problem. And we looked up those numbers and from
21 33 to 34 we're looking at approximately 370-some, I
22 think it was 377, dead discards over a six-year period,

1 and the area from 32 to 33 is 3,700. A large
2 difference.

3 MS. LENT: Before Karyl starts this, I would
4 ask everybody to please look at the screen. This is
5 absolutely critical to understand. The SWO-1, SWO-2,
6 SWO-3, SWO-4, that's sort of a progressive range.
7 Please pay attention to what SWO-1, 2, 3, 4, means.

8 Thank you.

9 A PARTICIPANT: Is SWO-3 (inaudible)?

10 MS. BREWSTER-GEISZ: I'm getting there. We
11 start with the FMP. That's what we have originally
12 proposed.

13 A PARTICIPANT: (Inaudible.)

14 MS. BREWSTER-GEISZ: Okay. And SWO-3 is this
15 entire block going from 76 to 82 and 24 through 33.
16 It's the entire block including the FMP area. SWO-1 is
17 the entire block from 74 to 82 and from 24 to 33. So
18 SWO-1 includes SWO-3 and the FMP. It is not just the
19 skinny little rectangle.

20 A PARTICIPANT: (Inaudible.)

21 MS. BREWSTER-GEISZ: That goes back to why
22 SWO-3 and SWO-1 look pretty much the same on the

1 graphs.

2 Nelson.

3 MR. BEIDEMAN: Is there any consideration
4 given that, you know, depending on, you know, what
5 areas are closed, there may not be a displacement of
6 effort? I mean, some of those boats may just be out.

7 MS. LENT: These are good points, but let's
8 finish the definition of these four areas and then
9 we'll come back to that.

10 MS. BREWSTER-GEISZ: Go ahead.

11 MR. BASCO: Irby Basco, Texas. Do you have
12 any kind of numbers of the SWO-3 area only of numbers
13 of swordfish discarded?

14 MS. BREWSTER-GEISZ: I don't have an overhead
15 of the numbers. I have it on the computer back on my
16 desk. That's how I did all those graphs.

17 MR. BASCO: I was wondering if somebody made
18 note of those numbers here on the panel.

19 MS. LENT: We can calculate those. Actually,
20 if you open up your FMP to the total amount of discards
21 in '96 and '97 and calculate what that percent
22 reduction would mean because all these percentages are

1 relative to the total amount of discards, total amount
2 of landings, et cetera.

3 MR. BASCO: Okay, thank you.

4 A PARTICIPANT: Okay. So SWO-4 goes from 22
5 to 36 and 76 to 82, so SWO-4 includes SWO-3 and the
6 FMP?

7 A PARTICIPANT: And it definitely includes
8 (inaudible).

9 MS. BREWSTER-GEISZ: It doesn't include 1 and
10 2.

11 A PARTICIPANT: (Inaudible.)

12 MS. BREWSTER-GEISZ: And then SWO-2 is this
13 entire big block.

14 A PARTICIPANT: (Inaudible.)

15 MS. BREWSTER-GEISZ: Everything.

16 A PARTICIPANT: (Inaudible.)

17 MS. BREWSTER-GEISZ: SWO-1 goes from 74 to 83,
18 and 24 to 33. They are very big areas. They are not
19 these little rectangles. They are the big area.
20 Everything includes SWO-3, basically.

21 A PARTICIPANT: (Inaudible.)

22 MS. BREWSTER-GEISZ: Yes, the FMP is the

1 smallest and then the SWO-3.

2 A PARTICIPANT: (Inaudible.)

3 MS. BREWSTER-GEISZ: 33 comes just about to
4 Charleston, huh? That's why we chose 33 so we weren't
5 cutting across --

6 A PARTICIPANT: (Inaudible.)

7 A PARTICIPANT: (Inaudible.)

8 A PARTICIPANT: (Inaudible.)

9 MS. BREWSTER-GEISZ: So when I did the
10 displacement, what I did is when you're looking at
11 SWO-3, fishermen could go four degrees north, four
12 degrees east, four degrees south, and four degrees in
13 the west in the Gulf of Mexico. And that was the same
14 for all of these areas. They could go four degrees in
15 any direction.

16 Go ahead.

17 A PARTICIPANT: You only took the effort that
18 existed within a closed area in that time frame and
19 moved it within that time frame outside the area?

20 MS. BREWSTER-GEISZ: Correct.

21 A PARTICIPANT: You did not look at the fact
22 that maybe in the next month effort that had been

1 suspended during one month would be back in the same
2 place or there would be an increase in effort the next
3 month? You didn't do that?

4 MS. BREWSTER-GEISZ: We didn't do that.

5 A PARTICIPANT: Okay.

6 MS. BREWSTER-GEISZ: We could. And going into
7 Nelson's point, no, we did not take into account that
8 some of the people in the middle of SWO-3 wouldn't be
9 able to move out.

10 Does everybody understand how these areas
11 work?

12 MR. BEIDEMAN: A good point was just brought
13 up to me that I tried to bring up before. If you close
14 this entire area, due to the nature of those boats that
15 are basically coastal fleet boats, there isn't one boat
16 that I know of --

17 (End of Tape 1, Side A.)

18 MR. BEIDEMAN: -- would have been in that area
19 that would have the capability of fishing outside of
20 that area. So you can eliminate the effort.

21 MS. BREWSTER-GEISZ: Along with looking at
22 these areas for swordfish, I took what I had from the

1 Blue Water proposal. I'm not going to go over their
2 proposal. I just tried to take their area, or as close
3 their area that I could, and I did the same sort of
4 analyses.

5 A PARTICIPANT: (Inaudible.)

6 MS. BREWSTER-GEISZ: You should have a copy of
7 this somewhere.

8 A PARTICIPANT: But we don't seem to have
9 (Inaudible.)

10 MR. BEIDEMAN: Karyl, just to point out to
11 folks without getting into the proposal, these blocks
12 are a little bit different than what the actual
13 proposal is, okay. On the BWFA-1, the south-southwest
14 corner is a tiny bit different and the BWFA-2, that's a
15 one and a half by one degree that goes to 87.30, not
16 87. You know, this is plenty for visual.

17 MS. BREWSTER-GEISZ: So these are pretty close
18 approximations. So in the SWO package or somewhere in
19 the package you should have the analyses for all of
20 these blocks, and all of these were sorted by swordfish
21 discard per unit effort.

22 A PARTICIPANT: I don't see a discard -- I

1 don't see an analysis based on these -- these. Do you
2 have one?

3 A PARTICIPANT: These? I don't (inaudible).

4 A PARTICIPANT: Karyl, do we have the analysis
5 and changes in landings or discards by species for the
6 Blue Water?

7 MS. BREWSTER-GEISZ: They should be in -- we
8 made photocopies of them.

9 A PARTICIPANT: Does anybody have them?

10 A PARTICIPANT: (Inaudible.)

11 A PARTICIPANT: (Inaudible.)

12 A PARTICIPANT: I've got that but we don't
13 have the --

14 A PARTICIPANT: (Inaudible.)

15 MS. BREWSTER-GEISZ: No, it would come from
16 us. It wouldn't come from Nelson. (Inaudible.) Go
17 ahead.

18 MR. CLAVERIE: Karyl, are all of these
19 analyses strictly for '96 - '97?

20 MS. BREWSTER-GEISZ: All of these are just for
21 '96 and '97, yes.

22 MR. CLAVERIE: Do you have the information for

1 more years than that?

2 MS. BREWSTER-GEISZ: We could do more years.
3 The reason we didn't is because of the season. It
4 changed in '95 and we wanted to make sure that we had
5 equivalent effort to look at, and '96 and '97 were very
6 similar.

7 MR. CLAVERIE: Well, I can't speak for the
8 east coast but in the Gulf it can vary substantially
9 from year to year, particularly the billfish situation.

10 MS. BREWSTER-GEISZ: Right. I did look at '96
11 and '97 and they were pretty much the same.

12 MR. CLAVERIE: No, but if you go back to as
13 far back as you can go, you'll find that the location
14 of billfish can vary substantially from year to year.
15 It depends on currents and swirls, and those change
16 from year to year. Where the fish are this year may
17 not be where they are at all next year.

18 A PARTICIPANT: I presume on the Blue Water
19 graph, the one that says BWFA-1, that the last point
20 that isn't numbered is October.

21 MS. BREWSTER-GEISZ: (Inaudible.)

22 MR. BEIDEMAN: Again, without getting into the

1 proposal much, this would just be from the closure of
2 the areas. This would not be the additional benefits
3 accrued by eliminating the effort through buyout.

4 MS. LENT: Just a comment to that effect.
5 Even though that effort, the vessels that are bought
6 out wouldn't be in the fishery any more, if we assume
7 that we're still going to be harvesting our full
8 swordfish quota, we would still have some sets being
9 made over and above -- you know, some of those sets
10 would be replaced and so some assumptions are made to
11 that effect.

12 A PARTICIPANT: Now, and this was just -- I'm
13 assuming, and please tell me if I'm wrong-- this was
14 just a static analysis looking at snapshots in time.
15 You didn't, for instance, the cumulative discards in
16 one year did not then roll in to increase availability,
17 increase size in fish the following year and --

18 MS. BREWSTER-GEISZ: (Inaudible.)

19 A PARTICIPANT: Just static snapshots of
20 points in time.

21 MS. BREWSTER-GEISZ: (Inaudible.)

22 A PARTICIPANT: Okay, so it doesn't model --

1 you're not trying to model shifts in the population
2 which might be affected by changes in discards or --
3 okay.

4 MS. LENT: Again, Russ, I would invite
5 everybody, not just you, to take a look at what the
6 yields are right now for swordfish and what the yields
7 could be if we reduce these dead discards relative to
8 replacement yield. Where does it get us relative to
9 that? That's what these number can help you with.

10 We don't have a dynamic model but I think
11 we've got the most useful information we've had to date
12 that helps us figure out what's the best way to do a
13 time/area closure. There's a lot more analysis we can
14 do, but this is pretty good.

15 A PARTICIPANT: To that, Rebecca, my point
16 would be that when you're looking at some of these
17 static snapshots that you see has a fairly substantial
18 reduction in discards of undersized swordfish and also
19 reductions in total harvest, that in the long term it's
20 likely that if the discard reductions are three or four
21 times what the short-term reductions in harvest are
22 from the snapshot, in the long terms you're likely to

1 see increases in harvest or accumulation of your quota
2 in a quicker time period because what you're saving in
3 the discards is going to be growing and creating higher
4 abundances and higher densities of larger-size fish in
5 subsequent years.

6 MR. BEIDEMAN: Only on 9 percent.

7 A PARTICIPANT: Just to confirm, the BWFA-1
8 assumes no displaced effort because it assumes a
9 buyout; is that right?

10 MS. BREWSTER-GEISZ: No, (inaudible).

11 A PARTICIPANT: It does?

12 MS. BREWSTER-GEISZ: It keeps turning off on
13 me.

14 A PARTICIPANT: (Inaudible.)

15 MS. BREWSTER-GEISZ: This does not assume a
16 buyout. None of these analyses do. It always assumes
17 displaced effort.

18 A PARTICIPANT: It seems like in the Blue
19 Water -- and it's not that great a difference in
20 geographical area -- October goes from first to last.

21 MS. BREWSTER-GEISZ: I'm not sure if that is
22 October. It would make sense that it is. I would

1 have to go back and check. It might have just been a
2 mistake on my part when I was filling in which blocks
3 it's supposed to graph. It might have been October
4 should be at the first and all the numbers should be
5 moved down.

6 A PARTICIPANT: I think that's probably closer
7 to right.

8 MS. BREWSTER-GEISZ: That would make sense,
9 but one of the missing months is October.

10 A PARTICIPANT: Could I clarify the comment
11 you just made? I'm pleased to see there is no linkage
12 here with a buyout, but even if an improper linkage had
13 been put here you could not assume no effort. As
14 Rebecca just clarified, the catch, the landings, are
15 going to remain the same unless we change our law;
16 therefore, the boats that are fishing outside this area
17 are going to increase their effort.

18 So I don't understand why you said because you
19 did not assume a buyout you therefore displaced effort.
20 Even if you had assumed a buyout, you would have to
21 displace effort.

22 MS. BREWSTER-GEISZ: We didn't assume a

1 buyout. Everything is just displaced effort. If we
2 were assuming a buyout we might be able to try to
3 figure out some way to reduce effort based on those
4 boats leaving the fishery. We might be able to make
5 some assumptions about that.

6 A PARTICIPANT: But my point is you couldn't
7 make that assumption because you still have to land the
8 quota.

9 MS. BREWSTER-GEISZ: You would still land the
10 quota but not necessarily in that area.

11 A PARTICIPANT: No, but my point is there
12 would be increased effort outside the area that is
13 displacement.

14 MS. BREWSTER-GEISZ: It would still have
15 displacement, yes. I'm just saying it would be a
16 different displacement.

17 MS. LENT: What Karyl is saying, and this is
18 an important point, that with a buyout you would have a
19 number of vessels, probably those vessels that would be
20 most affected by that time/area closure would
21 disappear, but the vessels that remained in the fleet
22 would be making all the sets necessary to reach a

1 swordfish quota, we give them a reasonable opportunity,
2 et cetera.

3 Would it be the exact same number of sets?
4 Would it be more sets? Would it be less sets? That's
5 an important question we need to discuss.

6 MS. BREWSTER-GEISZ: Go ahead, Nelson.

7 MR. BEIDEMAN: Yeah, a couple of things. In
8 response to Rebecca, at least they would be in bigger
9 swordfish areas.

10 I hope that the information from Jean Kramer
11 that, you know, we need gets copied in time. If not, I
12 have a copy but just one copy. I think it's a little
13 bit unfair to characterize, you know, this information
14 as the Blue Water proposal because --

15 MS. BREWSTER-GEISZ: I just labeled it that
16 because that's what areas I used.

17 MR. BEIDEMAN: Okay. But as an explanation to
18 everyone because, in reality, the Blue Water proposal
19 not only has the benefit of closing the areas which
20 reaches 47.4 percent of the swordfish discards within
21 the U.S. EEZ, but it also has the benefits of
22 eliminating those boats that volunteer for the buyout,

1 which will make that 47.4 percent rise.

2 MS. BREWSTER-GEISZ: Right, right. I'm sorry
3 if I made that unclear. I did not mean to point out
4 that this is the Blue Water proposal. These are just
5 the areas that I used based on what your proposal is.
6 These are the same analyses as everything else.
7 They're just labeled differently because they were your
8 areas.

9 MS. LENT: But for purposes of discussion, I
10 think it's useful to say what if we conducted the same
11 analyses on the areas that Blue Water has proposed for
12 their buyout. Obviously, it's not the same result
13 because you folks are talking about --

14 MR. BEIDEMAN: And I've also mis-spoken
15 because it really is no longer a Blue Water proposal.
16 It's a Senator Breaux's proposal.

17 MS. BREWSTER-GEISZ: Okay.

18 A PARTICIPANT: (Inaudible.)

19 MS. LENT: Let me just suggest that we let
20 Karyl continue the presentation of the analyses, then
21 Karyl can sit here at the front table. Then Jack
22 Dunnigan, our moderator, has made it. Thank you, Jack.

1 Jack can moderate the discussion. We don't want Karyl
2 standing on her feet too long. As you can see, there
3 is a new cohort on the way.

4 Thanks, Karyl.

5 MS. BREWSTER-GEISZ: All right, I'll go on
6 with the billfish for those of you who are anxious,
7 billfish. And during the discussion we can talk more
8 about the other areas for swordfish.

9 For some reason, this one is very curved.
10 This is all based very similar to the swordfish, only
11 we're now in the Gulf of Mexico. Billfish-1 includes
12 Billfish-1 and Billfish-4, so it's the big area from 22
13 up to the coast and from 92 over to the coast. And,
14 yes, that probably incorporates some of Mexico's EEZ.

15 Billfish-3 is the smallest area going from 24
16 to the coast and 92 to the coast. Billfish-2 gets
17 bigger. It incorporates 1, 4, and 5. Five goes over a
18 little bit smaller than Billfish-2 so it incorporates 4
19 and 5, and then you just keep increasing out so you get
20 almost up to Florida. Very large areas.

21 A PARTICIPANT: (Inaudible.)

22 MS. BREWSTER-GEISZ: Bill-6 is the top three,

1 yes. And Bill-3 is that entire block.

2 Now, when we're going over these graphs,
3 remember that we're not including the fact that we
4 might be closing some of these areas on the east coast
5 of Florida. These are just closing these areas, not a
6 combination of these areas and Florida, so we're not
7 including the billfish discards so we might get from
8 those SWO areas.

9 Did that make sense or did I confuse anybody?
10 Go ahead.

11 A PARTICIPANT: Would we be right in assuming
12 that though they are -- if you are looking at both sets
13 of data they would not be additive because of the
14 chance of -- I mean, if you just look at that analysis
15 you've got effort coming over here and back and forth?

16 MS. BREWSTER-GEISZ: Right.

17 A PARTICIPANT: So if you got 5 percent on one
18 and 6 percent on the other, we wouldn't be saying there
19 is 11 percent if you did them both.

20 MS. BREWSTER-GEISZ: That's correct. I'll
21 spend the discussion on the one that at this point we
22 tend to like the best, which is Bill-4. And I don't

1 think on this one you really need to close the entire,
2 or mostly the entire year as we did on SWO. But if we
3 closed 7, 8, and 9, maybe January, you have almost a 7
4 percent, or around about a 7 percent decrease in
5 sailfish and in blue marlin and in white marlin.

6 Remember, this is what these areas are
7 supposed to be helping. For those you have very little
8 impact, almost zero percent, on anything else if you
9 close those areas, or this area, which is why we happen
10 to like this one the best.

11 For those of you want to know, I sorted these
12 months by white marlin discard per unit effort. I just
13 chose a billfish. White marlin happened to be the
14 hardest one to get to fit.

15 A PARTICIPANT: Karyl, I have a question.
16 Would it be a correct way to interpret this then is
17 that you would have the same impact if you closed it
18 just in July as you would the rest of the year,
19 basically?

20 MS. BREWSTER-GEISZ: Basically, yeah, for the
21 sailfish if you close the entire year or just in July.

22 A PARTICIPANT: Well, you've almost got the

1 same thing for every species.

2 MS. BREWSTER-GEISZ: Right.

3 A PARTICIPANT: Because if for one month you'd
4 have the same impact you would if you closed it the
5 whole year.

6 MS. BREWSTER-GEISZ: If there aren't any other
7 questions, we can let Jack moderate and have a
8 discussion over these areas.

9 A PARTICIPANT: Do you have a preferred option
10 in terms of the duration of the billfish closed area?

11 MS. BREWSTER-GEISZ: I think what we were
12 looking at is July, August, and September. And we can
13 always put up any of these overheads if you guys want
14 to see them.

15 A PARTICIPANT: I have (inaudible) for
16 example, hot spots (inaudible).

17 MS. BREWSTER-GEISZ: No.

18 A PARTICIPANT: (Inaudible.)

19 MS. LENT: We started with the hot spots as
20 identified in previous studies, but if you have some
21 hot spot ideas we're listening.

22 A PARTICIPANT: (Inaudible) look at some

1 (inaudible).

2 MR. DUNNIGAN: Okay, thank you. I apologize
3 for being late. Thank you, US Airways, and it's nice
4 to be here.

5 It's about 2:20. We'd like to maybe take not
6 more than ten minutes to continue on this subject and
7 then we'd like to be able to move to some other
8 presentations this afternoon that we're going to have
9 on this question of time/area closures.

10 We will then be coming back to a more
11 substantive discussion of how you feel about all of
12 this either after those proposals or, if we run out of
13 time this afternoon we'll end up doing that tomorrow
14 morning.

15 But we could take a couple of more comments
16 right now or more clarifications if you have further
17 questions for what Karyl did.

18 The other thing is about the record.
19 Everybody, please make sure you use the mikes and make
20 sure you give us your name before you start so that we
21 can have a nice, clean record when this gets put
22 together.

1 Russell Nelson was first and then Nelson
2 Beideman and then David Wilmot. Russell.

3 MR. NELSON: Me nombre es Russell Nelson.
4 Rebecca.

5 MR. DUNNIGAN: Rebecca.

6 MR. NELSON: This is not for Karyl. This is
7 for you. Karyl just gave us what you said we should --
8 a preferred alternative in terms of billfish reduction.
9 So implicit in picking a preferred alternative, I guess
10 you all have at a policy level established some goal
11 that you're trying to get. The Billfish Advisory Panel
12 asked that we look at reductions in bi-catch that would
13 get us at least a 25 percent reduction in mortality,
14 bi-catch induced mortality.

15 What goal have you all selected as the policy
16 goal to base your selection of a preferred alternative
17 on?

18 MR. DUNNIGAN: Rebecca.

19 MS. LENT: There is no specific number. What
20 we are trying to do is balance a reduction in discards
21 of billfish and juvenile swordfish with the impacts on
22 the directed fishery, balance it relative to other

1 issues in managing these fisheries.

2 I would remind you also, Russ, to add the two
3 numbers. When we close the swordfish area we save some
4 billfish as well. You can add the two to see what the
5 effect is. But no, Russ, we don't have a number. If
6 this panel wants to discuss it some more in the joint
7 panel and the pros and the cons, in some cases we could
8 go higher but we might increase dead discards of large
9 coastal sharks. We need to hear from you about the
10 trade-offs.

11 MR. NELSON: I didn't mean to get you all
12 testy, Rebecca. I was just wondering, when you decided
13 that you selected proposals, I mean, what is the trade-
14 off? What is the goal? What is the balance? Is there
15 some quantitative goal that you set or is it just all -
16 - you know, is it -- I mean, what's the basis to say we
17 like this one? That's all.

18 MS. LENT: Again, I can't give you a hard
19 number. And I'm not testy. I just have a sore throat,
20 Russ. It's why I have this raspy voice.

21 But it's looking at preliminary analyses,
22 looking at putting these graphs all in front of us and

1 saying if we had to choose between just these six or
2 just these four, which one looks most promising in
3 terms of the trade-off and the side effects, and which
4 ones might not be as preferable.

5 You might find that we have more options we
6 need to look at or you might find that we need to
7 change the assumptions that we used to come up with
8 these results. The whole picture could change if we
9 say, you know, no, it's going to be boats just going
10 north or just going south.

11 So I can't give you any specific formula,
12 Russ. I wish I could. And if you have a specific
13 formula for balancing all these different things, I'd
14 like to hear about it. Thanks.

15 MR. DUNNIGAN: Nelson.

16 MR. BEIDEMAN: Nelson Beideman, Blue Water
17 Fishermen's Association. What I'm passing out, Jack,
18 might make things a tiny bit clearer. What we did was
19 we took the information from Goodyear and we broke it
20 into one-degree squares of those 12, you know, squares
21 in the Gulf, and we took the years '92 to '97 and
22 averaged it into annual average by species in those

1 one-degree squares. And that's being passed around.
2 At some point if people have questions I can explain
3 the, you know, headings, et cetera.

4 MR. DUNNIGAN: David Wilmot.

5 MR. WILMOT: Russ Nelson asked the very
6 questions that I was most concerned about. I will
7 follow up with one small addition. Rebecca, I
8 understand your answer and you don't have a
9 quantitative answer that I would certainly like to see;
10 however, can I take from what you said that the
11 variables that you're balancing have equal weight, or
12 could you in a qualitative way at least rank what is
13 most important to HMS, to you, in conserving these fish
14 and reaching the objectives of the FMP?

15 MR. DUNNIGAN: Rebecca.

16 MS. LENT: I think the overarching objective,
17 as we noted earlier in the meeting, is reducing bi-
18 catch of juvenile swordfish and billfish. We can't
19 just blindly go forth and take the maximum area and the
20 maximum amount. We have to consider the side effects,
21 not just the effects on the fishermen but the effects
22 on large coastal shark discards and the effects on

1 turtles and the effects on a lot of other things.

2 So I don't have an equal weight but I would
3 say that our number one goal as we went through these
4 numbers was swordfish dead discards and billfish
5 discards.

6 MR. DUNNIGAN: David, go ahead.

7 MR. WILMOT: Okay, thank you for that. And
8 again, I don't mean to imply what might have been what
9 you had in mind here, but if I just glance down and
10 look at blue marlin and I put the two together, we've
11 actually lost a few more blue marlin than we started
12 with with these two closed areas.

13 So I hope you can understand the difficulty of
14 trying to understand. You tell me the number one
15 priority is to reduce the discards of more than one
16 species, I admit, yet when I look at a key species I
17 see more blue marlin will be discarded. I think you
18 can imagine that would cause some pause for me in
19 trying to understand where exactly we're going.

20 MR. DUNNIGAN: Steve Loga.

21 MR. LOGA: A question for Rebecca. Rebecca,
22 have we looked at other alternatives besides the closed

1 area in the Gulf? For instance, I was looking at the
2 observer log book data today and it shows somewhat that
3 possibly we can reduce the catch of billfish by four or
4 five times just by simply switching from live bait back
5 to dead bait before we look at these, because these
6 areas obviously affect me greatly on that.

7 Have we looked at those other ideas also?

8 MR. DUNNIGAN: Rebecca.

9 MS. LENT: That's a very good point, Steve,
10 and I hope we could get some input from the advisory
11 panel. We obviously need the science that proves to us
12 that yes, indeed, with live bait versus dead bait, with
13 circle hooks versus j-hooks, we can have different
14 mortality rates.

15 So this meeting obviously is focused on
16 time/area closure. Anything we can do with gear types
17 that would mitigate the need for time/area closures
18 we'd love to hear about, we'd love to do it. It's a
19 good point.

20 MR. BEIDEMAN: Nelson Beideman, Blue Water.

21 Rebecca, what Steve is referring to is today we still
22 have an ongoing contract with, you know, John as far as

1 the review of a grant contract.

2 One of the things that, you know, is part of
3 that is trying to see if there is anything that is, you
4 know, a red flag on live versus dead, you know, bait in
5 the Gulf of Mexico area. An observed subset that he
6 showed us today to review was like a 47-set subset
7 where they had marked tended, and it looks as if you
8 both have live bait and you tend the line that, as
9 Steve said, there is a three to five times on billfish
10 interactions and it's only for a gain of 2 to 3
11 yellowfin tuna directed species per trip.

12 So I would encourage HMS please get up with
13 Dr. Hoey (phonetic). You know, when that information
14 is more developed it would sure be a good thing for
15 this group to see.

16 MS. LENT: Thanks, Nelson. We'll check. We
17 did invite Dr. Hoey but he wasn't able to come today.

18 MR. DUNNIGAN: Ellen Peel.

19 MS. PEEL: I just wanted to clarify. Nelson,
20 you were saying that with the live bait that the
21 increase in the marlin was higher?

22 MR. BEIDEMAN: With live bait and tending the

1 line, the increase -- I can't remember the exact but it
2 went from like .6 on white marlin to like 3, four or
3 five times higher, .6 per set to 3 per set.

4 MS. PEEL: Right. An increase in the
5 interaction and hookup with billfish with live bait?

6 MR. BEIDEMAN: Yes.

7 MS. PEEL: Okay, that's what we're saying
8 also.

9 MR. BEIDEMAN: Yes.

10 MR. DUNNIGAN: Okay, John Wingard and then
11 Pete Jensen.

12 MR. WINGARD: Has there been a socioeconomic
13 analysis done in conjunction with this because, as you
14 said, there is a number of trade-offs going on here and
15 suggestions made, changing bait, changing hook types.

16 It seems that without some idea of the impact
17 these are also having not only on the fish but the
18 fishermen, we may be getting some very marginal gains
19 in the biology with major losses, say, on the
20 socioeconomic side. So I think that's a critical
21 component that could be added in to help more fully
22 evaluate the total trade-offs we are talking about.

1 MS. LENT: Just to respond to that, that's a
2 very good point, John. In fact, we've got a partial
3 look at some of the gross output economic effects
4 because we know what happens to their catch of their
5 target species. If it's going down, then obviously
6 their gross revenues are going down. If they're having
7 to fish farther out, obviously their fishing costs are
8 going up.

9 If we're affecting communities in these large
10 areas that could be closed for a long amount of time,
11 then obviously we're having social effects. That's a
12 very important point that we need to hear about.

13 MR. DUNNIGAN: Pete Jensen.

14 MR. JENSEN: I'm still curious about one thing
15 on swordfish and maybe I missed it. If we have an
16 annual quota in your analysis, why does the catch of
17 swordfish go down? Don't we presume that we're still
18 going to catch the quota no matter what you do, or are
19 you simply suggesting that you're going to transfer the
20 catch from those people that move out to somebody
21 that's somewhere else? Shouldn't that line be flat?

22 MS. LENT: Yeah, that's a good point. What we

1 could do is add sets until we reach the quota, then we
2 get back to status quo. But, in fact, when we're
3 displacing people out we're putting them in areas where
4 they might be catching less of the target catch.
5 They're fishing where they find it most profitable, and
6 that makes sense.

7 So by displacing the effort, we're making the
8 decision for a fishermen I'm going to go here and make
9 ten sets here where, in fact, on that trip maybe would
10 have made another two sets because he didn't quite have
11 enough swordfish for his trip. So that's a good point,
12 Pete.

13 MR. DUNNIGAN: Okay, thank you. Any last
14 questions just for clarification, facts on Karyl's
15 presentation?

16 (No response.)

17 MR. DUNNIGAN: All right, let's move ahead.
18 We have a couple of more presentations that we're going
19 to be doing this afternoon for you and for the next one
20 or set of them I'm going to ask Nelson Beideman to
21 introduce that.

22 Go ahead, Nelson.

1 MR. BEIDEMAN: Nelson Beideman, Blue Water
2 Fishermen's Association. I really don't want to get
3 too much into introducing the proposal. John Flynn,
4 legislative staff from Senator Breaux's office and Glen
5 Delaney, our U.S. ICCAT commercial commissioner will be
6 doing that.

7 I would like to make a couple of more general
8 remarks about the reasons that the industry has come
9 forward, you know, with initiatives and proposals of
10 this nature. Would that be proper now or after,
11 Rebecca?

12 MS. LENT: (Inaudible.)

13 MR. BEIDEMAN: Well, if I could. And,
14 Rebecca, you might be interested in this. We have
15 reflected on this many, many, times but if was a very
16 focused reflection this past week in Spain. We were
17 staying at a hotel where the toreadors from the
18 bullfights were staying, and each evening the locals
19 would line up chairs and watch the bullfights just
20 like, you know, we do here for football and baseball.

21 The difference of cultures and the thought of
22 going to a bullfight with a sign saying, "Save Baby

1 Tunas," it just doesn't work over there. And the
2 realization that we are never going to get Europeans to
3 discard any fish as an incentive to protect small
4 swordfish or tunas or what have you.

5 So we're really -- one of the big incentives
6 behind the industry looking harder at what is already
7 accomplished on reducing small swordfish catches is how
8 do we find a way of moving the international community
9 to further protect small fish? Because it's not going
10 to be through minimal sizes.

11 Thank you. And who first? John? You can't
12 even read Jean's stuff, you know.

13 MS. LENT: This is the printout we got on
14 e-mail. We tried to enlargen it.

15 MR. BEIDEMAN: Okay. I have regular size if
16 you want.

17 MS. LENT: We'll send somebody over to copy
18 it.

19 MR. CLAVERIE: Nelson, you got it wrong.
20 You'd say, "Save the Baby Bulls so they can grow up to
21 fight."

22 MR. DUNNIGAN: You know, that was Mr.

1 Claverie. Just to make sure the record will reflect
2 that.

3 MR. BEIDEMAN: It's kind of funny when you
4 think about it though, Mau. It's an unbelievable
5 difference of cultures.

6 MR. FLYNN: Before you go ahead, like any good
7 Coast Guard guy, I'm the Coast Guard person in Senator
8 Breaux's office but I also staff all fisheries issues
9 and maritime issues. I've been there for about a year.

10 I have charts that it doesn't look like I'll
11 need because there is an overhead set to go. But I'm
12 not here today as John Flynn. I'm here as Senator
13 Breaux to discuss something that took place in our
14 office.

15 And Nelson kind of laid the groundwork just a
16 little bit by mentioning ICCAT. This past November in
17 ICCAT went over just kind of sidebar discussions on
18 ways of addressing the swordfish issue, a way of
19 addressing the bi-catch with billfish and other
20 species.

21 And that kind of followed over to when we got
22 home just reviewing the FMP draft process. And any

1 other congressional folks that are here, I mean, our
2 office was virtually flooded with valid concerns of the
3 bi-catch issue and problem.

4 And at that time we said what can we do? What
5 can we do about this? And we remembered back to
6 discussions we had at ICCAT, and from there basically I
7 talked to Senator Breaux about it. And as everybody
8 knows, he's been around for a long time. He's a
9 Commerce Committee and Subcommittee on Oceans and
10 Fisheries and he's known as kind of the deal maker, to
11 so speak, as far as bringing parties together.

12 So that's what we did. That's basically what
13 we're trying to do. And then in our office actually
14 was on -- you know, my last name and I'm an Irishman so
15 I picked St. Patrick's Day of all times to call the
16 meeting. Some people say it was a bad time to do it,
17 but on basically March 17th we called together Rawley
18 Smitten (phonetic) not as Rawley Smitten but basically
19 director of the National Marine Fisheries Service, Glen
20 Delaney representing Blue Water, Senator Breaux was in
21 attendance. Bob Hayes from the Billfish Foundation and
22 Peter Hill from Legislative Affairs.

1 And the proposal that we discussed is one that
2 you have already seen and I won't spend a lot of time
3 on it, but basically starting from North Carolina to
4 the Florida straits then another area over Desoto
5 Canyon and the Gulf. And honestly I'll stay close to
6 the mike. What I'm talking about is swordfish. I'll
7 get into other species here in just a second, but this
8 was a swordfish proposal.

9 There was some confusion, just to kind of air
10 it right now, confusion between swordfish and yellowfin
11 tuna, but what I'm talking about now is swordfish. The
12 swordfish and billfish issue.

13 These areas -- and I'm not a scientist. I
14 have a science background. I'm not a scientist. These
15 areas, as everybody especially in this audience or this
16 panel knows, there are grounds and hot spots for
17 juvenile swordfish and also spots for billfish. So as
18 far as coming together to address a way of taking care
19 of the issue, taking care of the problem, those in
20 attendance looked at the proposal, and while we were
21 there Senator Breaux said, "Is this something that
22 works for everybody?"

1 And then while we were in the room, once
2 again, you know, the parties were represented. We all
3 agreed to work together on it. In turn, Senator Breaux
4 said, and this is a quote from him. He goes, "If this
5 is something that's doable, something that everybody is
6 agreeing to in this room and agreeing to work on in the
7 future," he goes, "I'll champion the cause." Those
8 were his words: "I'll champion the cause."

9 So with that, and some of the differences
10 between this proposal and some of the other things that
11 have been discussed -- and I might add that this is
12 very close to SWO-3. I think it's SWO-3. See, I read
13 your charts. Very close to SWO-3. The only -- not the
14 only difference. Some minor differences in geographic
15 boundaries, but in other differences that this proposal
16 includes a buyback. It includes a buyback.

17 And if I get off base I know Glen Delaney will
18 get me back on, but basically this buyback would impact
19 approximately 47 vessels, 47 or 48 vessels. I think
20 that's accurate. Now, the buyback is estimated to cost
21 approximately \$15 million; 7 1/2 would come from the
22 industry and 7 1/2 would come from the United States

1 during appropriations, basically Title XI loan
2 guarantee.

3 Before anybody asks, we do have a draft bill.
4 There is a draft bill. One of the key six sections
5 that's missing from the bill is data. We need data to
6 put into it. Three months ago data was requested. The
7 data we received was helpful but it was incomplete.

8 In turn, I have a copy of a letter that
9 Senator Breaux sent to Penny Dalton. It's here if
10 anybody wants to see it, but basically the letter that
11 went back to Penny reminded Penny of the commitment,
12 was the word, the commitment that had been made by
13 Penny's predecessor, Rawley Smitten, to work on this
14 proposal and then also requested the data. The data is
15 very important to this bill because without the data
16 for the bill we can not go through the entire
17 compensation formula for what would be a fair and
18 equitable buyback to those longliners or those
19 fishermen impacted, drastically impacted, by being
20 forced out of the fishery through this time/area
21 closure.

22 Some of the concern that is in our office

1 right now is that assurances or commitments were made
2 to Senator Breaux and I have to say, I mean, he was
3 quite surprised to learn that the AP process was
4 underway and that we were looking at a proposed rule or
5 a ruling process, and that's another reason that the
6 letter went to Penny Dalton basically kind of
7 reaffirming the fact that commitments had been made to
8 work on this proposal that includes a buyback.

9 So I have to go on the record in saying that,
10 so I mean -- let me just kind of regroup here. Some of
11 the other points that I wanted to make is this is not
12 just at the Penny Dalton or the director of the
13 National Marine Fisheries Service level. Dr. Baker and
14 Terry Garcia were in Senator Breaux's office about two
15 weeks ago.

16 It was mentioned to them by me in Senator
17 Breaux's office and again by Senator Breaux,
18 commitments were raised by both individuals at that
19 time that this was something very much worth pursuing,
20 especially with the buyback option. I don't have a
21 copy of the article but earlier this week, I forget
22 what publication it was but Dr. -- not Dr. Baker but

1 Terry Garcia was quoted as saying that time/area
2 closures and buybacks were the way to go with the
3 Fishery Service. I don't have the article but I've
4 seen it two or three times.

5 What else can I say? I'm not trying to slam
6 anybody. I'm just trying to bring everything up that
7 has been committed so you know that everybody is trying
8 to work together on this but, at the same time,
9 commitments were made, promises have been made, and it
10 seems like we're going down parallel tracks.

11 So Senator Breaux asked me to come here today
12 basically to repeat and reaffirm what was discussed and
13 what was committed to, and then at the same time to say
14 that with a ruling process or the proposed rule, what
15 is not included in there. For example, I mean, SWO-3
16 looks exactly like the area or very close to it, but
17 the one element missing is the buyback. So the buyback
18 is not included and that's something that we'll address
19 legislatively. I think that's pretty fair to say that.

20 So I've been talking about swordfish and the
21 bi-catch of billfish. Another area that Senator Breaux
22 is also working on -- in fact, he had breakfast in New

1 Orleans with Gary Schweist (phonetic) and the Billfish
2 Foundation. And one of the concerns that was made was
3 this area in the Gulf. It needs to be a more open
4 area. The area in the Gulf that I'm talking about is
5 swordfish. I know there are some other areas that
6 individuals say that there are swordfish and billfish
7 bi-catch in there, but I'm talking about swordfish.

8 The other areas that we continue to work on --
9 and, in fact, I know that Bob Hayes and Ellen Peel met
10 with Steve Loga from Tuna Fresh to discuss the
11 yellowfin tuna issue. So I say that because I'm not --
12 I guess I'm a little sensitive right now because this
13 is the area that we agreed to in principle and that
14 partes that were there agreed to; at the same time,
15 we're not ruling out looking at other areas, but the
16 area that I'm looking at is swordfish.

17 Hopefully in here everybody understands that
18 because every time I talk to my boss and people in the
19 office I have to make sure that they understand they
20 are two different issues but that's, you know, one
21 issue. The one we're working on right now is swordfish
22 and the bi-catch of billfish is important but we're not

1 ruling out continuing to work with other parties as
2 long as it's mutually agreeable without, you know, kind
3 of bashing or slashing either side to address that.

4 I kind of went on and on about that. You
5 know, I'm looking directly at Bob. Is that pretty much
6 what we've --

7 MR. HAYES: (Inaudible.)

8 A PARTICIPANT: Use the microphone.

9 MR. HAYES: Oh, yeah. I'm Bob Hayes. You
10 know, I think it's a fair assessment that, you know, on
11 my view of the swordfish industry here there's a couple
12 things. This is the first day I've ever seen this NMFS
13 data so that gives me some pause for reflection.

14 But notwithstanding that, you know, on the
15 swordfish industry to essentially come forward and say
16 we're going to close a substantial portion of the EEZ
17 because we've got a small swordfish problem and we know
18 that there will be some economic dislocation of that
19 and I believe what they've decided is that they're
20 going to buy themselves out with the assistance of some
21 federal funds. You know, I think that's a positive
22 thing and I don't think that that's something we ought

1 to beat up the swordfish industry for.

2 I think I said at the time and I've said for
3 some time, we've got a problem, a bi-catch problem in
4 the Gulf which is not a swordfish problem. It is a
5 yellowfin tuna problem. And we've been talking to the
6 yellowfin tuna folks about that problem and we're
7 trying to see if we can pull something together.

8 And I think that's a fair assessment of where
9 we are.

10 MR. FLYNN: I think so, too. I mean, if
11 anybody has any questions about the mechanics of the
12 bill I'd be happy to address those.

13 One of the other points that I did not make is
14 that with the buyback 50 percent would come from Title
15 XI loan guarantees and there would be -- correct me if
16 I'm wrong -- but a 5 cent per pound dressed weight
17 assessed at the dealer level.

18 We had a trade attorney in my office review
19 that for GATT problems or implications. He was one of
20 the crafters of GATT. He didn't see problems with it.
21 But just to make sure that we're good and on par with
22 everything, we requested USTR to visit Senator Breaux's

1 office next week and they're going to do that.

2 So I know there were some interim memos within
3 NMFS that said that there might be a problem but, take
4 my word for it, next week we'll meet on that.

5 Glen, what did I miss?

6 MR. DELANEY: Well, the (inaudible).

7 MS. LENT: (Inaudible.) And we've received
8 that letter and we're in the process of evaluating it
9 and preparing a response.

10 Let me just say that what I expected John to
11 talk about here today was not that letter. I expected
12 you to focus more on the actual legislation, the
13 mechanics, you know, the fact that importers would be
14 taxed, and how would you pay -- which vessels you'd
15 select and what's the basis and how much you're going
16 to pay each boat and the price and that kind of thing.

17 So we'll take that as a comment from the floor
18 that there's concern about -- you know, the same
19 concerns that are raised by Breaux. But let's focus on
20 the time/area closure aspects of this proposal. And I
21 think one of the appealing things about the buyout
22 which we all embrace, we would love to have a buyout,

1 is that it helps minimize the economic effects of a
2 buyout.

3 And if we go with something that's, you know,
4 similar to Blue Water or something along that seaboard,
5 obviously we're impacting a lot of communities. And
6 that's what's appealing and we would love to embrace a
7 buyback and we hope that this works out.

8 Thanks.

9 A PARTICIPANT: (Inaudible.)

10 A PARTICIPANT: Sure. Okay, I have about 20
11 or 25 copies of it in my brief case as well.

12 A PARTICIPANT: (Inaudible.)

13 A PARTICIPANT: Sure.

14 A PARTICIPANT: (Inaudible.)

15 A PARTICIPANT: No, I think it would be
16 helpful because if I was on the panel I'd be asking,
17 well, where are all the specifics of the proposal
18 that's being made? The major difference is buyout.

19 MR. DUNNIGAN: Why don't you just walk through
20 the summary?

21 MR. BEIDEMAN: Rebecca, at some point there
22 are, you know, comments that I would like to make

1 relative to, you know, the possible two tracks as far
2 as the ramifications of it in November.

3 MS. LENT: We have at least one more AP member
4 who wants to make a presentation and so we'll try and
5 make sure we have enough time for that before we break
6 at 3:45. We've got another hour.

7 MR. HAYES: Can I make one comment, if I
8 could? Bob Hayes.

9 MR. DUNNIGAN: State your name first.

10 MR. HAYES: Bob Hayes. I'm sorry. I think an
11 outline of this proposal and a discussion of it I think
12 is useful, and I would like to point out -- and I think
13 Nelson would agree with this -- you know, the work that
14 the National Marine Fisheries Service has done in order
15 to push this proposal to the point that it's pushed it
16 is not inconsistent, I do not believe, with a
17 legislative approach which clearly is going to require
18 some -- if you're going to have a buyout you're going
19 to have to have some kind of legislation. I don't view
20 them as inconsistent.

21 And I think the fact that you can involve
22 larger communities with more data and more analysis

1 will be useful with respect to identifications of the
2 positive impacts of your proposal and identification of
3 maybe some other areas that could possibly be fixed as
4 well.

5 So, I mean, I see this is a disclosure thing,
6 as an analysis thing, and as something that is a pretty
7 positive effort on behalf of the Fisheries Service.

8 MR. DUNNIGAN: Nelson Beideman.

9 MR. BEIDEMAN: Nelson Beideman, Blue Water. I
10 would agree with what Bob is saying as far as, you
11 know, the analysis, et cetera, but I would like to
12 speak to at the proper time is we've got two possible
13 different scenarios that are setting up here.

14 One possible scenario is that we go into the
15 international forum with an industry initiative,
16 government cooperation, sport fish, recreational
17 fishery, commercial, all working together. We present
18 this strong concept into the international forum and
19 try to move forward across all species with small fish
20 protection.

21 The other scenario is we have a massive closed
22 area without compensation that's in court. We go to

1 our foreign compadres in the international arena and
2 ask them for money to help us with the legal fees.

3 MS. LENT: This is something that we discussed
4 while we were in Spain with Miriam and Nelson. And
5 Nelson said -- I mean, not Nelson -- Miriam said,
6 "Nelson, we're your best friends on this."

7 And the reason is the following: If indeed we
8 go forth with a proposed rule and we analyze different
9 options for time/area closures, one of the things we
10 have to look at under a reg flex of course is
11 mitigating measures. And one great mitigating measure
12 for a time/area closure is a buyout, and the analyses
13 that we do are going to clearly show that we've greatly
14 minimized the economic effects and we do better under
15 National Standard Eight and under everything in the red
16 flag if we have a buyout. It looks great relative to
17 the effects that we would have trying to reduce bi-
18 catch without a buyout.

19 So we are your best friends in this in the
20 sense that even though we're on a parallel track, all
21 of this would be considered. Here is one way that you
22 can mitigate economic effects, so let's keep working it

1 together. I think this is all for the common good.

2 MR. BEIDEMAN: I can appreciate that, Rebecca,
3 and boy, I hope everything you're saying is exactly the
4 perfect world scenario that it works out to be. But I
5 believe that later on during the public comment period
6 you will hear from longline industry participants that
7 have agreed upon the buyout scenario that if there is
8 closures without compensation there will be, you know,
9 opposition.

10 MR. DUNNIGAN: We want to let the presentation
11 continue. David and Russ, do you want to ask your
12 question first or do you want to be first in line after
13 they finish?

14 MR. WILMOT: Well, no, I would like to ask it
15 now because I was just wondering if we might actually
16 get back to the agenda. I didn't realize that we were
17 coming here today to debate buyouts. If so, we
18 certainly have an awful lot of presenters who should be
19 here to discuss the pros and cons of buyouts.

20 I thought we were here to talk a little bit
21 about time/area closures and the conservation
22 associated with them. Very different things. I am

1 more than happy to initiate a buyout debate here. I am
2 perfectly capable of doing it, but I'd like an awful
3 lot of other experts to be here as well to talk about
4 the pros, the cons, and a lot of other issues.

5 This was not on the agenda. I am not prepared
6 to talk about it. I don't know if everyone else knew
7 about it and I'm the only one who didn't, but I would
8 like to get back to talking about time/area closures
9 and the conservation measures, not this lovefest with
10 economic relief discussion.

11 MR. FLYNN: So let me talk about the time/area
12 closure. The time/area closure includes a buyout. I'm
13 sorry. This time/area closure -- two areas. Once
14 again, I mentioned the difference between SWO-3 and the
15 time/area closures identified on the over head. The
16 time/area closure in the first area is 80,000 square
17 miles and it's closed the entire year. The second area
18 closed the first six months of the year is 5,400 square
19 miles. Those are the areas based upon NMFS data and
20 not anybody else's data.

21 And as far as conservation benefits, you'll
22 see on the handout that's going around -- I won't go

1 through all the numbers but, basically, when you think
2 about small swordfish, 8,444 small swordfish, basically
3 a 45 percent reduction.

4 As far as concerns, and valid concerns, from
5 the billfish folks and billfish panel, 295 blue marlin,
6 148 white, 345 sail, and 25 spearfish, and anywhere
7 from 34.2 percent reductions down to 8 percent
8 reductions. So, I mean -- yes.

9 A PARTICIPANT: A little bit then about some
10 of the assumptions that were made here. This is great.
11 This is the discussion I really would like to discuss.

12 What was the assumption used on the movement
13 of effort in the closed -- outside of the closed area?

14 MR. FLYNN: Glen will help me on the science
15 here.

16 MR. DUNNIGAN: Glen Delaney.

17 MR. DELANEY: Getting back to the -- that's
18 why a buyback is fundamental to this and, you know,
19 National Standard Nine to minimize bi-catch is an
20 important national standard but it's one of many and
21 the one right before it also requires equal attention
22 when we're doing something to conserve our resources,

1 which is to consider the adverse economic impacts on
2 people. The Magnuson Act is fish -- I know it's hard
3 to say -- and people. All together. And people.

4 So that's the point. It's fundamental to this
5 proposal. And to answer your question, there is no
6 displacement of effort if you -- I mean, the effort is
7 displaced out of the fishery. Through a buyback the
8 vessels are removed. That effort ceases to exist so
9 there is no assumption that effort is going to be
10 displaced within that community of 47 vessels
11 elsewhere.

12 Will harvest continue for a longer period of
13 time? Will the catch quota be reached for swordfish?
14 Probably by vessels fishing elsewhere on larger fish.
15 That's the point is to catch larger fish and stop
16 fishing where there are smaller fish.

17 MR. WILMOT: So just to clarify -- David
18 Wilmot. The assumption was made that if the one third
19 part of the quota that was caught in the closed area is
20 indeed still caught outside the closed area that there
21 would be zero small swordfish killed? That's who one
22 would accomplish a 45 percent reduction? Is that

1 correct? Zero additional small swordfish would be
2 caught?

3 MR. DELANEY: I can't assume, and neither can
4 you or anyone in this room, and that's why I'm
5 surprised by the NMFS proposal as to what displaced
6 effort or -- displaced effort is not maybe the correct
7 term because it implies that these vessels are going to
8 move somewhere. But the catches are going to increase
9 somewhere else.

10 MR. WILMOT: Right, sure.

11 MR. DELANEY: I have an absolutely no idea.
12 No one in this room does, so it's a little difficult to
13 make that assumption. All we can say is that within
14 this zone this many fish would no longer be caught.

15 MR. WILMOT: But that's not what it says.

16 MR. DELANEY: That's what we can say.

17 MR. WILMOT: You could say that, but that's
18 not what it says. It says that that's the percent
19 reduction in the EEZ. That's a very different
20 statement.

21 By not catching 8,444 swordfish, that would
22 constitute a 45 percent reduction in the small

1 swordfish catch within the EEZ, without being able to
2 assume what it is that your point is.

3 MR. DELANEY: I know exactly what you're
4 saying, David, but no one, including yourself, could
5 ever make an assumption like that, could they?

6 MR. WILMOT: Well, actually, there are a quite
7 a few data that would allow you to make a number of
8 assumptions. One could simply look at the discard rate
9 in the other areas outside the closed area, and one can
10 accurately make a number of assumptions from that.

11 MR. DELANEY: Maybe more swordfish will be
12 caught off the Grand Banks.

13 MR. WILMOT: Making an assumption above zero
14 in the rest of the EEZ where the fishing will occur,
15 oh, yeah, that could be justified.

16 MR. DELANEY: Well, that's your opinion.

17 MR. DUNNIGAN: Do you have more that you want
18 to present or do you want to just get into the
19 discussion?

20 MR. DELANEY: I think he just answered a
21 question.

22 MR. DUNNIGAN: Okay, good. We have Russ Dunn,

1 Mau Claverie, Russ Nelson.

2 MR. DUNN: I think David covered a lot of what
3 I had. The other questions went more toward, I guess,
4 the -- and my understanding or qualification was 5
5 percent income, more than a 5 percent change in income
6 is significant and, therefore, they would be eligible
7 for a buyout.

8 Is that still correct, if your income is
9 affected by more than 5 percent, or is that -- the
10 eligibility --

11 MR. DELANEY: I don't have a copy of the draft
12 in front of me but I'll be glad to get it if you look.
13 But it defines eligibility and what an eligible vessel
14 would be, based on the performance.

15 Nelson, do you have in front of you the
16 eligibility definition? The question was what
17 constitutes eligibility in terms of buyback and I don't
18 have that piece of paper in front of me.

19 MR. BEIDEMAN: Nelson Beideman, Blue Water.
20 The first eligibility point was that 50 percent of a
21 vessel's sets in any of the last six years up to '97
22 would have had to have been in these closed -- proposed

1 closed areas.

2 Another eligibility point is to make sure that
3 these are substantial vessels. We needed some cutoff.
4 We said at least 25 sets in that qualifying year from
5 that vessel. Okay.

6 And also that they would have to be under the
7 limited access program. That was assumed.

8 Does that answer it?

9 MR. DUNN: So there isn't a financial
10 eligibility criteria?

11 MR. BEIDEMAN: Well, we started with we wanted
12 75 percent of their income to be through pelagic
13 longlining and what we discovered is that we would have
14 to take a whole nother step of, you know, to get that
15 information through their tax returns and what not, and
16 at least at that point we were unwilling to prolong the
17 process for that information. We felt we could get at
18 it, especially with Jean's advice. We wanted the
19 substantial boats and between the 50 percent of sets
20 and the at least 25 sets in a year that we were indeed
21 getting that.

22 Another thing I would like to reflect on is

1 that to the extent that these boats volunteer and to
2 the extent that, you know, they may when we eliminate
3 their effort we're not only eliminating their effort
4 from within the zone; we're also eliminating their
5 effort year round so there could be additional benefits
6 in that respect.

7 MR. DUNN: So then my understanding is then
8 that there is no link, financial link, of an
9 eligibility criteria.

10 MR. BEIDEMAN: No.

11 MR. DELANEY: A further answer to that. One
12 of the reasons why we still are very much interested in
13 getting the data out the National Marine Fishery
14 Service regarding the particular catch histories of
15 these specific 47 vessels is to further analyze what
16 were the catch histories and therefore what --

17 (End of Tape 1, Side B.)

18 MR. DELANEY: -- have that information. So
19 the type of analysis that you're talking about can't be
20 done until we have the actual catch histories of those
21 specific 47 vessels.

22 Once we have that, it may, you know, new ideas

1 or new approaches may develop when we see what the
2 distribution of catch histories were over those
3 fisheries and a more close linkage between what is it
4 that these people are being asked to give up,
5 basically, relative to how much compensation would be
6 appropriate. That linkage will become a lot more clear
7 once we have that data.

8 Is that helpful?

9 MR. DUNN: Yeah, (inaudible).

10 MR. DUNNIGAN: Turn on your mike.

11 MR. DUNN: Title XI loan guarantees. Can
12 someone tell me where the funding for that comes from?
13 Is that government money or is that money that
14 fishermen have put away?

15 My question goes to is this proposal double-
16 dipping into the federal coffers. If it's industry is
17 paying for half but their funding is coming from Title
18 XI and that's really a government funded program,
19 aren't the taxpayers paying twice? But I don't know
20 the answer to that.

21 MR. DELANEY: Well, you almost got it.

22 Actually, it's the federal ship financing fund is more

1 correct, and Bob Hayes is nodding over there because he
2 probably wrote it or something.

3 And you can explain it better than I can, but
4 basically it's a federal guarantee of a private sector
5 loan to the industry, okay, which then would be
6 distributed to those who are bought out, and then the
7 remaining industry, whatever that principle amount plus
8 -- would be amortized over, I think, a 30-year period
9 with interest, whatever the standard government rate of
10 interest is for this type of thing, and would be paid
11 back by the industry in increments, basically just
12 paying a debt service, through assessments on
13 swordfish.

14 And one thing -- I might as well go ahead and
15 elaborate a little bit since it brought me to this
16 point -- is, okay, what is it assessed on? And we'd
17 like to assess it on swordfish of Atlantic origin, for
18 obviously reasons, not on swordfish of Pacific origin.
19 We are trying to advance the conservation of Atlantic
20 swordfish. This is all something that comes --
21 basically, its origins are in ICCAT so we felt it
22 appropriate to just restrict it to assessments on

1 Atlantic origin swordfish.

2 And then further, that it would be equitably
3 assessed on swordfish of Atlantic origin caught by U.S.
4 fishermen and caught and entered into the United States
5 by foreign fishermen, under the theory that any
6 swordfish that we conserve and any small swordfish that
7 we protect in our own zone accrues to the benefit of
8 all North Atlantic swordfishing nations because they
9 are highly migratory species by definition.

10 And so we share -- perhaps one way to look at
11 it is since we have 29 percent of the North Atlantic
12 quota, we would get 29 percent of the benefit of
13 protecting any small swordfish within this zone and 81
14 percent of the benefit would go -- no, the other way
15 around -- 79 percent of the benefit would accrue to all
16 the other North Atlantic swordfishing nations, many of
17 which export product into the United States. So the
18 assessment would be on all Atlantic swordfish marketed
19 within the United States.

20 Is that clear?

21 MR. DUNNIGAN: We need to -- we have the other
22 presentations. We want to make sure we can get to it

1 so we want to try to maybe take not more than another
2 five minutes of questions about this one.

3 I've got Mau Claverie, Russ Nelson. Mike
4 Nesman (phonetic), did you want to ask a question too?
5 Mike Nesman, Bob Spaeth and Steve Loga and Sonja, and
6 then we're going to move ahead. And we're going to get
7 all that done in five minutes.

8 MR. DELANEY: I'll try to give shorter
9 answers.

10 MR. DUNNIGAN: Go ahead, (inaudible).

11 MR. CLAVERIE: I'll try to ask short questions
12 to John about the legislation. The Gulf Council has
13 requested and Rebecca has responded to add as a
14 criteria enhancing the catchability of the billfish for
15 the recreational fishery in the Gulf as one of the
16 criteria to look at for time/area closures. Of course,
17 all the other things have to be looked at too.

18 But this particular closure that you're
19 talking about in the Gulf is not going to benefit
20 billfish very much, the marlins. It's a swordfish
21 deal. We have always thought that "longlining" is
22 different kinds of fisheries in the Gulf, and the

1 language in the billfish plan is carefully crafted to
2 say that what the problem is is between the
3 recreational fishery and the other fisheries that have
4 a bi-catch of billfish. It didn't just say longlines.
5 It said bi-catch of billfish.

6 We assume that if there is a bi-catch of
7 billfish that there is an adverse impact on the
8 recreational fishing success as a result of that. We
9 don't know that. What we do know from the data that's
10 historically been gathered in the Gulf is that when
11 there is a yellowfin longline operation going on in the
12 Gulf of Mexico in the summer months, it does adversely
13 impact the fishing success substantially of the
14 recreational fishery.

15 There are other longline fisheries in the
16 Gulf. There is the swordfish fishery which is this
17 closure that we're talking about, and there is the
18 shark fishery, which I don't know if they catch any
19 billfish. They might catch a few but not many.

20 The bluefin tuna longline fishery which no
21 longer goes in the Gulf impacted marlins very little
22 because they weren't in the Gulf that time of year.

1 So my question is could that criteria be added
2 into your legislation or is the door closed on that?

3 MR. FLYNN: (Inaudible.)

4 MR. CLAVERIE: It's not there.

5 MR. FLYNN: It's not there as a swordfish
6 issue; however, and I'll stress -- and please everybody
7 hear what I'm saying -- is that Senator Breaux will
8 continue to work with -- I mean, he went on the record
9 in saying that in New Orleans (inaudible) and others.

10 MR. CLAVERIE: Yeah, well --

11 MR. FLYNN: I guess I'm looking around for a
12 little bit of help.

13 A PARTICIPANT: Yes, John is correct. John is
14 correct. Senator Breaux gave us assurance, yes --

15 MR. FLYNN: (Inaudible) I mean the swordfish
16 issue, the yellowfin tuna issue as well. He came back
17 and told me that, Senator Breaux, so I don't -- but
18 it's not in the swordfish legislation.

19 MR. CLAVERIE: Well, quite frankly, yellowfin
20 longline fishery is the biggie and the chances of an
21 agreement there are much slimmer than an agreement with
22 the swordfish fishery, I think. I'm just guessing.

1 MR. DUNNIGAN: Russ Nelson.

2 MR. NELSON: Thank you, Jack. Russell Nelson.
3 I guess three real short questions. One, what is
4 currently the value of a -- or is anticipated to be the
5 value of the longline permit, the pelagic longline
6 permit, the HMS permit?

7 Two, can a permit be sold and transferred to a
8 larger vessel?

9 And, three, the language here says that the
10 vessels can't be reflagged under a foreign flag or
11 inter -- another closed U.S. fishery. What does that
12 mean, a closed U.S. fishery? Does that mean any
13 current fishery for which there is a permit required or
14 entrance is limited?

15 MR. DUNNIGAN: Glen Delaney.

16 MR. DELANEY: I'll answer the last question
17 because I think there's people more competent on the
18 limited entry permits and all that.

19 But on the issue of closed fishery, would mean
20 a closed, limited entry fishery. If you don't have a
21 permit, I mean, it's a statement of the obvious,
22 Nelson, but for some people it was important to point

1 out if you're on the Hill that they would not be able
2 to fish in another fishery for which they did not have
3 a permit.

4 MR. NELSON: The legislation would not
5 preclude them from using their vessel -- from obtaining
6 a permit and using their vessel in another fishery?

7 MR. DELANEY: That's correct, if such permit
8 is available. And they may already possess such a
9 permit. Some of these vessels are multiple permit-
10 holding vessels and the question they have to make is
11 do they just get out of fishing or do they -- you know,
12 they certainly would get out of longlining fishing
13 because of the closed area.

14 Now, on the issue of the value of a permit --

15 MS. LENT: I'm not aware of any transactions
16 that have taken place yet. If anybody from the floor
17 would like to weigh in, you could. Of course, you can
18 sell your permit. There is an upgrading restriction.
19 It's in the FMP. It's well described in there. I
20 believe it's 10 percent on tonnage, gross net and
21 length, and it's a one-time restriction, 20 percent of
22 horsepower. Those are all laid out in the FMP. I can

1 find that page for you.

2 MR. DUNNIGAN: Mike Nesman.

3 MR. NESMAN: I'm intrigued by the first
4 question that David asked regarding the percentage
5 reduction and how those are calculated. Obviously, I
6 understand Glen and your point that 45 percent of the
7 small swordfish come from the areas that we're talking
8 about, but I don't think it's fair to assume that no
9 other small swordfish are going to be caught if you
10 catch the quota in other areas.

11 So my question would be to NMFS. You
12 obviously have looked at some of these closed areas.
13 How would this calculation be done to tell us what
14 we're looking, for example, at a 45 percent reduction.
15 Is it possible now or would it be possible, you know,
16 tomorrow to make an estimate of what the actual
17 reduction would be assuming you caught the quota
18 somewhere else?

19 MS. LENT: If you look at -- again, Karyl,
20 conducted the same analyses as for the time/area
21 closures that we suggested for the Blue Water area one
22 and Blue Water area two, and that's on these graphs

1 here. And that assumes that all that efforts gets
2 displaced. It gets displaced outside of the Blue Water
3 closed area.

4 Now, it may be that there would be, in fact,
5 fewer sets if we have a buyout and we buy out a lot of
6 the small boats. So this assumes that every single set
7 that's made in the closed area, it gets made in an area
8 outside.

9 MR. NESMAN: But you also conceivably could
10 have more sets.

11 MS. LENT: Depending on how many sets it takes
12 until the fishery is shut down and --

13 MR. NESMAN: To catch your quota.

14 MS. LENT: With larger fish you would expect
15 fewer sets.

16 MR. NESMAN: Well, they could be more random.

17 MR. DELANEY: (Inaudible) provide a further
18 answer to that?

19 MR. NESMAN: Let me just finish my question
20 and then I'll be glad to hear what you have to say. At
21 the same time we're looking at a quota reduction so
22 none of that is factored into this; is that correct?

1 So this is just basically a status quo but closing the
2 area.

3 Thank you.

4 MR. DUNNIGAN: Glen.

5 MR. DELANEY: I would just like to clarify
6 further. I believe your analysis is a percent of total
7 U.S. landings.

8 MS. LENT: Right.

9 MR. DELANEY: Many landings of which occur
10 outside the U.S. EEZ, and our presentation is based on
11 percent of landed within the EEZ. So it's two very,
12 very different numbers so it is not a relevant
13 comparison to say it would be 27 percent instead of 45
14 percent. Okay, that's not a relevant comparison.

15 I just want to make sure everybody understands
16 that. One of the two would have to be normalized to
17 either everything or just the EEZ.

18 We thought for the purpose of this discussion
19 since it's -- we're talking about U.S. fisheries under
20 U.S. direct management control with our EEZ, that was
21 the relevant thing to look at because some of our
22 catches are dispersed in quite distant water and I

1 don't know that the time/area closure issue is really
2 relevant to our distant water fleet, so that's why we
3 talked about EEZ because it's more of the coastal fleet
4 that we're talking about.

5 But, I mean, you can make arguments either
6 way. It was just a basis to standardize it. But it
7 should be known that their numbers are total and our
8 numbers are EEZ and they're very different.

9 MR. DUNNIGAN: Bob Spaeth.

10 MR. SPAETH: (Inaudible.)

11 MR. DUNNIGAN: Steve Loga.

12 MR. LOGA: About the buyout, one of the things
13 maybe I don't quite understand is that if 47 boats are
14 bought out, that's a significant amount of boats that
15 are being bought, Dave. There is still only 365 days a
16 year.

17 We are under our limited entry on the
18 swordfish. How many more boats can fish? How much
19 more fish can we actually catch? I don't think you'll
20 see the quota even met after that 47 boats are caught.
21 If not, it will be very close. We won't have a closure
22 any more, but I would think it's a win-win situation

1 for you guys and I would think you'd probably be
2 patting us on the back.

3 MR. DUNNIGAN: Let's keep right now to
4 questions about the proposal, okay? Glen Delaney.

5 MR. DELANEY: Okay, just a couple points on
6 that. I believe there are -- and somebody correct me
7 who knows exactly -- 202 pelagic longline permitted
8 vessels. Is that the right number? Swordfish I'm
9 talking about. Swordfish.

10 MS. LENT: Direct is around 180. We'll look
11 it up.

12 MR. DELANEY: Okay, so we're talking about 25
13 to 30 percent of the swordfish longline fleet being
14 eliminated, okay. Maybe that's a context everybody
15 ought to chew on.

16 And then secondly, one thing that Nelson is
17 trying to bring out and is not quantified here, is if
18 those 47 vessels were removed, these are 47 vessels
19 that have 50 percent or more of their activity within
20 this zone.

21 Well, that means that up to 50 percent of
22 their activity is not within this zone, okay, so there

1 is a whole bunch more fish that will not be caught by
2 these vessels outside the zone. Now, granted, the
3 large fish harvest may well be met through the quota.

4 A PARTICIPANT: (Inaudible.)

5 MR. DELANEY: Right. And what would be wrong
6 with that, David, if that's the quota? I mean, is --

7 MR. DUNNIGAN: David.

8 MR. WILMOT: My only response would be to a
9 calculation of the savings that are associated with
10 closing an area. That's what I've tried to focus all
11 of my questions on. One must make assumptions
12 regarding what's going to happen outside of a closed
13 area when changes occur in a closed area. Whether one
14 ties the boats up, whether one takes them and forces a
15 different gear, one must make assumptions.

16 Those assumptions here are that not a single
17 juvenile swordfish gets killed outside the closed area.
18 I argue that is an invalid assumption.

19 MR. DELANEY: That's an incorrect statement.
20 It does not assume that not a single juvenile swordfish
21 -- it assumes that 43 percent of the -- or 55 percent
22 will still be killed outside the zone. What you're

1 trying to say --

2 MR. WILMOT: Not an additional small swordfish
3 beyond what that fleet outside the closed areas are --

4 MR. DELANEY: And maybe just the answer is for
5 you is what NMFS has presented, which is an area of
6 swordfish three which is very close. You know, and I'm
7 sure with a little bit of modification we could compare
8 apples to apples and make the geographic area exactly
9 the same, but I doubt the numbers are going to be
10 hugely different.

11 But not talking about the EEZ, the answer is
12 27 percent of total U.S. landings, correct? Is that
13 the number somebody threw out, 27 percent?

14 A PARTICIPANT: (Inaudible.)

15 MR. WILMOT: And, Glen, I agree with --

16 MR. DELANEY: Why is it so hard to understand?

17 MR. WILMOT: No, no, it's not hard to
18 understand at all. And you know what? I'm going to
19 sound like a broken record, but it gets back to what
20 I've been saying for years. This is why one needs a
21 goal. If you don't know where you're trying to get,
22 how would you know if the 27 feels good or, if one

1 actually looks at area three, Glen, you're talking
2 about 18 percent, an 18 percent reduction in bi-catch.

3 Now, we may all agree that that's enough. I
4 suspect if I'm included in the vote the answer would be
5 no, but the point is if once again no goal here, no
6 goal of what one is trying to accomplish. You're just
7 picking an area. You can quantify the boats, you can
8 quantify the area, but nobody wants to talk hard
9 targets. It's a fatal flaw in this discussion.

10 MR. DUNNIGAN: Sonja Fordham.

11 MS. FORDHAM: Sonja Fordham, Center for Marine
12 Conservation. Just to clarify Russ Nelson's question,
13 is it true that there is nothing to prevent boats from
14 getting compensated for their permits and then fishing
15 in the U.S. Pacific longline fishery?

16 MR. DUNNIGAN: Glen.

17 MR. DELANEY: (Inaudible.)

18 MS. LENT: If these are mostly small vessels
19 I'm not sure that it would work. I see (inaudible)
20 waving his arms up (inaudible).

21 A PARTICIPANT: (Inaudible.)

22 MS. FORDHAM: Well, I would just suggest with

1 our global overcapacity problems and international
2 agreements that maybe you would look into ways that
3 retiring the vessels as they've done in New England
4 ground fish.

5 MR. DELANEY: (Inaudible) don't know the
6 situation over there so that's why I hesitate to answer
7 your question and -- is that helpful? I mean, the
8 spirit intent is clearly there.

9 MR. DUNNIGAN: Nelson, and then let's see if
10 we can move ahead.

11 MR. BEIDEMAN: Yeah, for one thing, these
12 boats in this particular coastal area would not have
13 the ability of fishing over 200 miles offshore from
14 California or to, you know, even reach Hawaii if they
15 had the limited access permits that are already in
16 place in the Pacific which, to my knowledge, none of
17 them do.

18 There is a couple of other things I wanted to
19 bring up, Jack.

20 MR. DUNNIGAN: Quickly.

21 MR. BEIDEMAN: All right. You've been given a
22 handout of what is Jean Kramer's analysis of this. We

1 did not analyze this ourselves. This is Jean Kramer's
2 analysis.

3 And what is actually comes out to is 47.4
4 percent, and the only calculation or deduction that was
5 made was the 47.4 is all swordfish discards. The 45 is
6 undersized, small swordfish discards, taking out the
7 chunks and shark-bit, you know, catches. And it also -
8 - you know, these areas closures would include 24
9 percent of the billfish interaction reductions.

10 And one other thing is, David, you know, there
11 wouldn't be more sets. I've heard more sets a few
12 times. You know, the quota is the quota. The quota is
13 not going up. As you know, the quota is going down.
14 There wouldn't be, you know, ultimately more sets. You
15 know, it would be ultimately less.

16 A PARTICIPANT: (Inaudible.)

17 A PARTICIPANT: (Inaudible.)

18 MS. PEEL: We're talking billfish now, John,
19 the most important fish in the sea.

20 The Billfish Foundation, as I hope most of you
21 know, is interested in the conservation benefits that
22 can be derived from time and area closures that could

1 reduce billfish bi-catch mortality. To get the data
2 and to identify such areas and times, we asked Dr. Phil
3 Goodyear to look at the catch data and see where the
4 concentrations of billfish bi-catch is highest. We
5 certainly looked at the area that the Blue Water
6 identified on the east coast and, as they pointed out,
7 there are benefits for billfish there also, reducing
8 billfish bi-catch.

9 I will say, however, for the area in the Gulf
10 of Mexico that was identified by Blue Water, it will
11 not help reduce billfish bi-catch at all in the Gulf of
12 Mexico.

13 A third point, as you will see from Dr.
14 Goodyear's graphs -- and I think you'll find these much
15 easier to follow than the information that NMFS put
16 out, not that -- it's just a different method of
17 presenting it. I think you will find it much easier to
18 follow.

19 We have looked at the area identified by Blue
20 Water, but there is also a very important area -- where
21 did John go? John, this is a sentence for you. We
22 also looked at areas in the Gulf of Mexico in addition,

1 and there is one very important area in Senator
2 Breaux's back yard that would help billfish immensely
3 by reducing billfish bi-catch.

4 And let me add, John, that this area in the
5 Gulf in Senator Breaux's back yard also has -- it's not
6 just yellowfin, while that's the predominant fishery,
7 it also is part of the swordfish fishery as well.

8 So once we had Dr. Goodyear to assess this
9 data, then the Billfish Foundation and CCA went and met
10 with Senator Breaux and showed him this data. In fact,
11 Senator Breaux was so impressed with what he saw in the
12 Gulf of Mexico and New Orleans, he said, "My goodness,
13 I was planning on going to British Virgin Islands in
14 August to fish for billfish, but according to our own
15 data, billfishing would be much better in Texas." And
16 we told him it would be if, in fact, this legislation
17 did include the Gulf of Mexico area.

18 So what we're wanting to do is to have the
19 area that you see Dr. Goodyear will clearly identify
20 for you included in this legislation that is moving
21 forward so that there is not only benefits on the east
22 coast for swordfish and the swordfish fishery, but

1 there are also benefits, conservation benefits, for
2 billfish in the Gulf of Mexico. So we would like to
3 see a combined legislative package that would include
4 both areas because the other proposed longline closure
5 in the Gulf is meaningless to billfish, and swordfish
6 are included in this western area.

7 Now, Phil is going to pull up a series of maps
8 and charts that will show the concentrations of
9 billfish bi-catch discards by month in different cells.
10 This is all the catches taken by the U.S. -- reported
11 by the U.S. longline fleet, whether they are within the
12 EEZ or beyond.

13 MR. GOODYEAR: (Inaudible.)

14 MS. PEEL: What?

15 MR. GOODYEAR: (Inaudible.)

16 MS. PEEL: Well, it's -- okay, he's got the
17 maps actually hidden underneath the disk. If we can
18 figure out how to get rid of the disk.

19 And I think what was so surprising to us and
20 to Senator Breaux and everyone else that has looked at
21 this -- in fact, I might even say I think Nelson from
22 his reaction and Glen's -- was that the interaction

1 with billfish in the western central north Gulf was
2 much higher than most people -- I think the folks from
3 Texas will have a hugely better fishery.

4 In fact, from Texas clear to Pensacola and
5 since the fish are migrating clockwise, the benefits
6 will come all the way down the western part of Florida
7 all the way to Key West. So if the closure is in
8 place, it will have a tremendous benefit, conservation
9 benefit, for billfish.

10 MR. DUNNIGAN: Go ahead, Phil.

11 MS. PEEL: He's going to, Jack.

12 MR. GOODYEAR: Slow down.

13 MS. PEEL: Do you have a mike?

14 MR. GOODYEAR: Yeah. What I wanted to say to
15 start with, this data is also based on the longline log
16 books that I got from the National Marine Fisheries.
17 It is based on an average of all the log books from
18 1972 through -- excuse me, 1992 through 1997.

19 And I want to mention that because it's
20 important in terms of billfish because reporting has
21 been going down and in the last two years, particularly
22 for blue and white marlin, the reporting rate is the

1 lowest that we've seen and the data are very sparse.
2 So you need to think about that in looking at the
3 billfish and the analyses that you're doing.

4 Okay, well, all right. Basically what I did
5 was to take the data and divide it into time and area
6 cells. The cells were five-degree, two-degree, or one
7 degrees in longitude, and pull all of the data by
8 month.

9 I then sorted based on the percent of billfish
10 in the catch of targeted species. Actually, it's
11 billfish discard, dead discards, in the catch of
12 targeted species. I identified those cells which, if
13 eliminated, if you eliminated all of the effort in
14 those cells, you would reduce the billfish bi-catch by
15 50 percent. This simply identifies the areas where the
16 bi-catch is very high.

17 Now, these particular plots, the cells that
18 are stippled, have effort in them. The colored -- the
19 yellow represent cells of five degrees latitude and
20 longitude that exceeded that 50 percent criterion.

21 A PARTICIPANT: (Inaudible.)

22 MR. GOODYEAR: Five degree.

1 A PARTICIPANT: The green (inaudible).

2 MR. GOODYEAR: Yeah, I was. It's green here
3 but it's yellow here.

4 A PARTICIPANT: Okay.

5 MR. GOODYEAR: Okay. The red -- yeah, the red
6 is the same thing by two degrees and the black is the
7 same thing by one degree.

8 What you want to look for for areas of very
9 high percentage of billfish in the catch, not
10 percentage of the catch are billfish overall but the
11 percentage of billfish in the catch, are areas where
12 there is black within red within yellow.

13 We'll switch here for a second and run through
14 a series that goes month by month, and you can follow
15 the distribution. Basically, what I want you to notice
16 is that the although the fish are south down in this
17 area in the winter, during the summer they move up
18 (inaudible).

19 MS. PEEL: Watch the Gulf of Mexico, May
20 through August.

21 MR. GOODYEAR: (Inaudible) June, July, August,
22 September.

1 I'm make this presentation real short here. I
2 presented some of this to you before and last time I
3 suggested -- well, I pointed out -- that the actual
4 selection of various should require more than just a
5 scientist doing it, a scientist perspective.

6 But since I hadn't gotten anybody to help, I
7 suggested three areas based on the combination of the
8 catch rates and the amount of effort and the fact that
9 they were consistent, contiguous blocks.

10 One was a closure June through August in the
11 central and western Gulf, one was March-April down
12 south, and the third was a June through August closure
13 up along the northeast coast.

14 After discussions had gotten started with the
15 proposal to -- for the legislative proposal, Ellen
16 asked me to look at it again, and I actually
17 (inaudible).

18 The area with the highest reduction was this
19 area from the Gulf. I hadn't really looked at where
20 the fish were in particular, but once we -- actually,
21 once Ellen started me looking I went in more detail and
22 started looking at the actual areas that are involved

1 in that catch rate.

2 And you can see here, this is (inaudible)
3 shows some of the percentage rates in the Gulf at
4 various levels right off (inaudible) which is
5 (inaudible) two degrees by five degrees (inaudible) of
6 which almost all of that high bi-catch occurred. It is
7 much higher there than anywhere else.

8 The bi-catch in that area is much higher than
9 it is outside that area, and I think if you redo your
10 analysis with a smaller grid size you'll find a
11 difference because you're diluting some of the bi-
12 catch. Some of the lower catch rates outside of that
13 area are combined with the high catch rates inside, and
14 I think you'll find a better -- at least for billfish.

15 Now I want to point out that the reason that
16 this area is, I think, particularly important for
17 billfish bi-catch is that it's involved in a yellowfin
18 fishery and it's the same problem off the New England
19 coast -- well, not New England but the New Jersey north
20 and, well, primarily New York and New Jersey coast.

21 In terms of the magnitude of what is being
22 caught in these areas, this is the depiction of the two

1 areas that are, I think -- I have urged and the
2 Billfish Foundation is proposing that this Gulf area be
3 included, or at least considered, in the proposal.

4 If you include it along with the other area --
5 the small Gulf area is not terribly important, at least
6 for billfish -- if you could eliminate all of the
7 effort in those areas and not distribute it elsewhere,
8 you get about a 50 percent reduction in the blue marlin
9 bi-catch, dead discards bi-catch, and about a 75 or 70
10 percent reduction in sailfish. Obviously, some of that
11 effort is going to go somewhere else.

12 MS. PEEL: Now, did everyone hear that? He
13 said a 50 percent reduction in blue marlin bi-catch
14 mortality discard and 70 percent in sailfish. Those
15 are pretty high numbers.

16 MR. GOODYEAR: Those are for the EEZ.

17 MS. PEEL: (Inaudible.)

18 MR. GOODYEAR: No displacement.

19 MS. PEEL: Without accounting for displaced
20 effort?

21 MR. GOODYEAR: Without accounting for
22 displaced effort.

1 MR. BEIDEMAN: That's in combination with
2 BWFA-1 and 2?

3 MR. GOODYEAR: Yes. And that's really all I
4 had to say.

5 MS. PEEL: Okay, now I'd like to go back --

6 MR. DUNNIGAN: Ellen Peel, Billfish
7 Foundation. I'd like to get back to what Dave Wilmot
8 was bringing up. We are interested in the conservation
9 benefits both in the regulatory process as well as the
10 legislative process, but since we have been involved
11 with the legislative process we also have -- that
12 continues and can be combined in this piece of
13 legislation.

14 The area in the Gulf is not a permanent
15 closure, as is the one off the South Atlantic. We're
16 looking for only four months there.

17 Thank you.

18 MR. DUNNIGAN: Nelson and then Steve Loga.

19 MR. BEIDEMAN: A couple of questions for Phil.
20 Phil, what is the target catch losses, because, you
21 know, what I've passed out here, okay, Terry took your
22 information, put it into one degree by month, okay, and

1 set out the average.

2 And if compare what the gains on billfish with
3 the losses of the target species, it's pretty erratic.
4 It's all over. Fifty percent of the target species
5 would be lost during this time in that -- in the Gulf
6 of Mexico.

7 MS. PEEL: Are you talking about the Gulf,
8 Nelson, or are you talking about the South Atlantic?

9 MR. BEIDEMAN: I'm talking about in the Gulf
10 of Mexico. Over 50 percent of the yellowfin.

11 A PARTICIPANT: (Inaudible.)

12 MR. GOODYEAR: Well, let me make two points.
13 Yes, there's going to be a loss of yellowfin, and
14 yellowfin is a principal target species in those
15 months.

16 A PARTICIPANT: We can't hear you.

17 MR. GOODYEAR: I said, yes, there would be a
18 loss of yellowfin. But if you compare animal by
19 animal, particularly in the recent years, your
20 comparison is muddied I think quite a bit because a lot
21 of the billfish are not being reported. We can see
22 that. We've seen a decline in the reporting.

1 I say that based on the ratio of reported --
2 ratio of catch rates on observer vessels versus catch
3 rates as reported in the log books. When observers are
4 on the boats the catch rates for billfish are much
5 higher.

6 MS. PEEL: So this could mean that whatever
7 the savings is could be two, three, and four times
8 higher as the observer data quantified at the last
9 stock assessment. The gains could be even that much
10 higher.

11 MR. GOODYEAR: At least, and particularly for
12 the most recent years. But there still is a lot --
13 there are a lot more fish in the directed fishery that
14 are going to be lost than individual fish.

15 MR. BEIDEMAN: And the loss is higher.
16 Fishermen don't report their catches and discards fully
17 accurately.

18 MR. DUNNIGAN: Steve Loga.

19 MR. LOGA: Phil, when the Billfish Foundation
20 looked at this did they, since I guess you looked at
21 the log book coverage, was there a difference in the
22 amount of billfish caught live bait versus dead bait?

1 MR. GOODYEAR: I didn't look at that.

2 MR. LOGA: Okay. And on the target catch of
3 yellowfins, did the Billfish Foundation -- I guess they
4 didn't really look at how much yellowfins were lost
5 during that time of the year?

6 MR. GOODYEAR: I have that -- those
7 calculations but I don't have them on the top of my
8 head.

9 MR. LOGA: Okay. And also the areas right
10 there, would it be true that the four months out of the
11 year probably or the four months out of the year that
12 fish are mostly in the Gulf of Mexico probably for the
13 highest rates for all catches, not just billfish?

14 MR. GOODYEAR: Absolutely.

15 MR. LOGA: So it's probably the four months
16 out of the year?

17 MR. GOODYEAR: At least for yellowfin and
18 billfish.

19 A PARTICIPANT: (Inaudible.)

20 MS. PEEL: And that also means mahi-mahi and
21 other fish would also reap the benefits.

22 MR. GOODYEAR: Mm-hmm.

1 MR. DUNNIGAN: We have Mau Claverie, Russ
2 Nelson and Randy Blankenship. Mau.

3 MR. CLAVERIE: Yeah, Nelson, in I forget what
4 it was, the '60s or '70s, a Japanese longliner was
5 seized in Panama because they had done something bad in
6 the EEZ. I think it might have been so long ago it was
7 a fishery zone.

8 A PARTICIPANT: (Inaudible.)

9 MR. CLAVERIE: All right. And they took the
10 testimony, the depositions, of the captain and the
11 first mate and a crew member, and their sworn testimony
12 was that on the average in the Gulf of Mexico when they
13 put a longline out it was 20 head of marlin every set.
14 That's how good it used to be, or that's how an
15 accurate count was under oath. I don't think which it
16 is.

17 But anyhow, that's a piece of history in the
18 Gulf from the yellowfin longlining as the operations
19 they were conducting during the summer.

20 MR. NELSON: Phil, in looking at the catches,
21 are yellowfin and marlin billfish, is there a real high
22 correlation between them throughout the time and space

1 cells? Do they separate? Are they contiguous or do
2 marlin move on and yellowfins stay behind, or do they
3 tend to track each other throughout the whole year?

4 MR. GOODYEAR: I can't really answer that.

5 MR. NELSON: The point of my question --

6 MR. GOODYEAR: From the data I've looked at, I
7 think they probably do coincide pretty much.

8 MR. NELSON: Well, the point of my question
9 would be if you closed a certain period of time, after
10 that time would blue marlin move on elsewhere and the
11 yellowfins still be there and be available to be taken,
12 or would that yellowfin catch pretty much be lost as
13 the blue marlin bi-catch was lost?

14 MR. GOODYEAR: I don't know.

15 MR. DUNNIGAN: Randy.

16 MR. BLANKENSHIP: I notice that looking at the
17 -- Randy Blankinship, Parks and Wildlife, Texas.
18 Looking at the NMFS proposals under Billfish 1 and 4
19 show not only a reduction of blue marlin and sailfish
20 discards but also of large coastal sharks.

21 And when you spread that -- their areas of
22 proposed closure is out across the Gulf, you don't get

1 as much of a reduction in discards for large coastal
2 sharks or for sailfish, it doesn't seem like from just
3 looking at this real quickly.

4 How do you think this would compare
5 specifically with sailfish and then also with large
6 coastal sharks with that area right there?

7 MR. GOODYEAR: I'm not sure with large
8 coastals but I'm fairly sure that this area would
9 behave better for billfish than the larger areas
10 because of the way the displaced effort is treated.

11 MR. BLANKINSHIP: For billfish, but we don't
12 know about sharks.

13 MR. GOODYEAR: I don't know. I haven't looked
14 at the coastal sharks so I would be hesitant to say
15 anything.

16 MR. DUNNIGAN: Nelson.

17 MR. BEIDEMAN: I'm still a little bit confused
18 as far as are these hot spots? Are these, you know,
19 disproportionately high areas of billfish interaction,
20 or are these in fact, you know, disproportionately high
21 areas of effort during this time and in that region?
22 Because pretty much billfish has gone with effort.

1 MR. GOODYEAR: The areas were not identified
2 by effort but by the percentage of billfish in the
3 catch. So it's the percent of billfish and, actually,
4 their catch was -- the target species included in the
5 analysis were yellowfin -- I can't remember now --
6 yellowfin, swordfish, mahi, and something else. I
7 can't recall right at the moment.

8 But effort was not included in the
9 identification of the areas of highest catch.

10 MR. BEIDEMAN: Right. You haven't looked at
11 it as far as catch per unit of effort?

12 MR. GOODYEAR: Well, yes, I have in doing the
13 calculations of what's actually removed. You have to
14 do that calculations in the catch in the areas so I
15 have done that.

16 MR. BEIDEMAN: Have you looked at how many
17 boats would be affected? You know, how many of the
18 approximately 103 business that fish in the Gulf of
19 Mexico in recent years would be impacted?

20 MR. DUNNIGAN: No.

21 MS. PEEL: Nelson, you said you thought there
22 was 110 and Steve said he thought there was 80, so

1 probably somewhere between those.

2 MR. BEIDEMAN: Probably all the boats in, you
3 know, pelagic longline boats in the Gulf of Mexico fish
4 in those areas during the four months, you know, 52 of
5 which are, you know, I believe in Senator Breaux's back
6 yard, Louisiana.

7 A buyout for those boats would be 40 or 50
8 million dollars.

9 MS. PEEL: We weren't talking buyout on those.

10 MR. BEIDEMAN: You would have to for four
11 months.

12 MR. DUNNIGAN: Steve Loga.

13 MR. LOGA: Phil, another question. If we
14 displace that fleet, do you feel that we're going to
15 push them into another area? Will they have problems
16 anyway? You and I discussed it that the western Gulf
17 of Mexico is probably the most prolific fishing grounds
18 that we have in the Gulf, and the reason why the
19 catches maybe aren't -- maybe look a little different
20 than towards the eastern Gulf. Maybe it's because
21 their boats aren't there.

22 Do you feel that there is going to be a

1 problem if we move those boats that way also?

2 MR. GOODYEAR: Well, I mean, that's the whole
3 problem behind trying to estimate what the displaced
4 effort is going to do. That effort will probably go
5 someplace if it's not removed from the system. It
6 probably will continue to catch billfish but because of
7 the way the area has been identified, the catch rates
8 almost everywhere else the catch per unit of effort for
9 billfish is less.

10 So I would expect that although there might
11 still be a problem it will be less of a problem. I'm
12 not prepared to try to guess what it would be at this
13 point.

14 MR. DUNNIGAN: Irby.

15 MR. BASCO: Thank you. Phil, a question for
16 you. Did you all consider about the enforcement of
17 that area of that size, like maybe vessel monitoring
18 systems? Is that what you all have in mind if it would
19 be a closure there?

20 MR. GOODYEAR: I've heard that discussed, yes.

21 MR. BASCO: And what is the size of that area?

22 MR. GOODYEAR: I haven't calculated it. It's

1 big.

2 A PARTICIPANT: It's big.

3 MR. BASCO: Thank you.

4 MR. DUNNIGAN: Other questions for Phil?

5 Nelson.

6 MR. BEIDEMAN: You know, Phil, we're talking
7 about not removing the vessels in this proposal and,
8 you know, we don't have an analysis of, you know, when
9 we move them further east into further, you know, more
10 concentrated swordfish, small swordfish nursery areas,
11 you know, what that's going to do.

12 Can there be a calculation of displacing these
13 vessels? I mean, where are they going to go? They
14 either are going to be on the west coast of Florida
15 escarpment or they go into the Caribbean where billfish
16 catches can even be higher, or they go up into the Mid-
17 Atlantic bigeye tuna fishery during those months.

18 MR. GOODYEAR: Well, they can't go to the
19 Caribbean that time of the year and have higher
20 billfish catch rates. Earlier in the year they could
21 but during that part of the year they can't.

22 We can make any kind of assumption you want

1 about what the displaced effort is and make a
2 calculation. I haven't done it because I don't feel
3 competent to make a guess about what displaced effort
4 is going to do.

5 What I have done when I have needed to make
6 such a thing is to take the average catch rate for
7 every area outside the particular area that's closed
8 and apply that. I don't have any faith that that's
9 terribly good.

10 MR. DUNNIGAN: Ellen Peel.

11 MS. PEEL: I was just going to, I think,
12 emphasize what Phil was saying. At that time the boats
13 can't go to an area that has a higher billfish catch
14 rate, and Steve could elaborate probably as far as
15 probably the size of the boats. They may be limited to
16 go beyond the eastern Gulf. The billfish bi-catch on
17 the eastern Gulf, you know, would be significantly
18 lower.

19 MR. GOODYEAR: I take that back a little bit.
20 They could possibly go around and go up the coast into
21 New Jersey waters.

22 MR. DUNNIGAN: Nelson, and then we're going to

1 try to wrap up.

2 MR. BEIDEMAN: You know, what we're looking at
3 here with the Gulf of Mexico vessels is a completely
4 different scenario than the smaller fiberglass vessels
5 that are along the east coast of Florida. We're
6 looking at basically ex-shrimpers. We're looking at,
7 you know, 65 to 85-foot steel hulls.

8 Their basic move in the past has either been
9 to go to Hawaii where the fishery is now closed or,
10 more recently, they go down into South America and the
11 Caribbean to escape regulations when they're pinched
12 too hard.

13 And that is a concern that should be
14 considered, and it would basically put the entire
15 yellowfin tuna fishery in the Gulf of Mexico out of
16 business by closing those boats or displacing those
17 boats during the top four months of the season for that
18 fishery.

19 They already sustained a month and a half to
20 two months of swordfish quota closures. Add an
21 additional four months? Who can withstand four to six
22 months of their income being eliminated? No business.

1 No business can. They would have to be compensated.
2 They would have to be bought out, and it would be, you
3 know, perhaps in excess of 40 to 50 million dollars.

4 MR. DUNNIGAN: We're going to have lots of
5 opportunity to discuss this tomorrow. We're trying to
6 get information out on the table right now.

7 Are there fact questions that you want still
8 to ask? Ellen.

9 MS. PEEL: Well, I just want --

10 MR. DUNNIGAN: Not speak.

11 MS. PEEL: No, I just was going to note that
12 Steve Loga could probably better describe the design of
13 boat because he had a different opinion than what you
14 had shared with us, Nelson. Most of these are
15 Vietnamese American owned boats that are fishing right
16 there in the Gulf that are not likely to go to Hawaii.

17 MR. DUNNIGAN: Steve, did you have a question?

18 MR. LOGA: No. Would the Billfish Foundation
19 prefer us to move those boats into Mexico and fish
20 those waters during that time of year?

21 MS. PEEL: I haven't looked at the bi-catch
22 assessment to know what the rate of catch is there at

1 this time so I can't answer.

2 MR. DUNNIGAN: Question? Bob Spaeth.

3 MR. SPAETH: Yes.

4 MR. DUNNIGAN: Turn on the mike, Bob.

5 MR. SPAETH: Phil, back from our old refish
6 days, if you take -- I guess you said anywhere between
7 80 and 105 boats, whatever the number may be, if you
8 take those boats out for six months, have you had a
9 chance to look and see what other permits those vessels
10 might have and what stresses or overstresses they may
11 put on other fisheries if you don't somehow affect
12 taking the vessel out? In other words, we know they
13 have multi permits. Do we know what we're dealing with
14 here?

15 MR. GOODYEAR: The direct answer to your
16 question is no. I haven't looked at that but we have
17 been mixing up three and four and now six months. The
18 analyses that I did were actually for three months --
19 June, July and August. The Foundation is talking about
20 adding September or has in part of the conversations,
21 but the analysis we've really only done for June, July
22 and August.

1 MR. DUNNIGAN: Gail Johnson gets the last
2 question.

3 MS. JOHNSON: Thank you. Gail Johnson.
4 Percentages are really interesting and they present one
5 view of a situation, but I'm interested in knowing the
6 actual numbers. In other words, how many marlins are
7 we saving versus how many yellowfin, dolphin, and other
8 sailable fish that support families and boats are we
9 giving up?

10 Do you have that information?

11 MR. GOODYEAR: I have it in a notebook, except
12 that I don't have billfish because of the non-reporting
13 problem.

14 A PARTICIPANT: (Inaudible.)

15 MR. DUNNIGAN: Yeah, let's do it tomorrow.
16 Let's see if we can wrap up now and come back for
17 further discussion tomorrow.

18 We're going to go -- we're going to take a
19 break and then -- about a ten-minute break. And then
20 the National Marine Fisheries Service will be running a
21 public hearing. You've been given a lot of information
22 this afternoon, hard copy, paper, and whatever. Take a

1 look at all of that tonight. You know, go over it and
2 be prepared. We are going to have two hours at least
3 tomorrow to talk about the time/area closures issue.

4 The AP will reconvene in the morning at 8
5 o'clock. The HMS AP will reconvene at 8 o'clock
6 tomorrow morning to talk about the bluefin tuna cap,
7 and then the joint meeting of the panels will reconvene
8 at 10 o'clock. So billfish people, you can sleep.
9 Come back.

10 And everybody needs to be back here for the
11 public hearing at 4 o'clock. You know, you need to
12 hear from the people that are here to speak as well as
13 everybody else. Hang around. Let's take a break.

14 (Recess.)

15 MS. LENT: -- gracefully given up his seat so
16 we'll ask our speakers to come up one by one and speak
17 at that chair.

18 Before we start I would like to ask that you
19 please try and focus your comments on the two major
20 issues relative to this meeting. Even though you are
21 going to be limited in your time, please remember that
22 if we go forward on any rulemaking on these issues

1 we're going to have public hearings and we're going to
2 have a public comment period. So this is your first
3 opportunity but definitely not your last to get your
4 input here.

5 Due to the limited amount of time and the
6 large number of people who want to speak, I would like
7 to ask you to limit your comments to four minutes each.
8 You can say a lot in four minutes. I also invite you
9 to leave any kind of written document that you'd like.

10 Finally, I'll remind you of the ground rules.
11 You address your comments to the Fishery Service and/or
12 the advisory panel. Nothing personal, and nobody gets
13 interrupted. We all respect each other's right to come
14 up here and put in their four or five minutes of
15 comment.

16 Okay? Thank you. All right, then we will
17 start with Glen Delaney.

18 Rich.

19 MR. RUAIS: (Inaudible) few more AP members
20 (inaudible) around the table (inaudible).

21 MS. LENT: We said we were starting at 4
22 o'clock. It's now 5 or 6 after. AP members, do your

1 jobs and have a seat.

2 Glen Delaney, you're the first speaker. Right
3 there at the mike where Robert Fitzpatrick was sitting.
4 You have four minutes.

5 Thank you. Willie Ethridge. After Willie,
6 Roy Hillhouse.

7 MR. ETHRIDGE: Rebecca, I spent about five
8 hours driving here and I've got to spend about five
9 hours driving home tonight, and since most of my
10 comments are to the panel members I would prefer to
11 speak later or wait till more of them take their seats.

12 A PARTICIPANT: (Inaudible.)

13 MS. LENT: I thought the cafe was closed.
14 Well, if you don't mind, they were told that we started
15 at 4 o'clock. I apologize, Willie. If somebody can
16 figure out how the lights work, I would appreciate
17 that.

18 Willie, let's just wait a few minutes if you
19 don't mind.

20 Is Phil Cosack in the room?

21 A PARTICIPANT: (Inaudible.)

22 MS. LENT: Okay. Is Phil here as an AP

1 member. Is he taking somebody's place?

2 A PARTICIPANT:

3 MS. LENT: So Phil is after you. Please take
4 your seats, advisory panel members. Our speakers are
5 waiting for you.

6 Are you ready to start, Willie? Four minutes.
7 Thanks.

8 MR. ETHRIDGE: My name is Willie Ethridge.
9 I'm from Wanchese, North Carolina. I run a family-
10 owned seafood business and I personally own three
11 commercial longliners. I came to the meeting today
12 because of my concerns about the time/area closure.

13 The income from my boats is somewhat less than
14 50 percent of the requirement, I guess, for the buyout.
15 I serve as a board of director on the Blue Water
16 Fisheries Association and at our annual meeting two
17 weeks ago I voted in support of the Blue Water
18 Fisheries Association buyout program that Glen Delaney
19 and the gentleman from Senator Breaux's office brought
20 before you people.

21 I had tremendous reservations as a Blue Water
22 director or as a person voting in support of that, but

1 knowing the tremendous amount of effort and work and
2 the sincerity that Nelson Beideman put into this and
3 knowing that as an industry we had to do something to
4 address the catch of small swordfish, I voted for that
5 proposal.

6 And I came to this meeting to see how it would
7 be accepted. And I certainly wasn't shocked and I
8 certainly wasn't surprised, but it was very, very,
9 puzzling that when National Marine Fisheries -- let me
10 know when I got about a minute left. When National
11 Marine Fisheries came out with their proposal, the
12 people from the environmental communities were silent.
13 The people from the recreational communities, the
14 advisory panel members, couldn't ask enough questions
15 because they acted like they were just shocked, as I
16 was, by something that we weren't expecting to see and
17 I saw that Nelson was a little bit shocked.

18 After we got through that -- and, Rebecca, one
19 thing you got to give me a 30-second extension because
20 this is for your benefit. I have some real serious
21 problems within National Marine Fisheries Highly
22 Migratory Office, but there is under no conditions,

1 they could not pay me enough money to have your job.
2 For you to sit here with this group of people coming at
3 you from three different directions, it's got to be a
4 very, very tough job. And, you know, we're supposedly
5 talking about swordfish and we've got the billfish
6 thrown in there.

7 But whatever the deal was, there was one
8 gentleman here and when he introduced himself he said
9 he was from the University of Memphis, and he asked the
10 question about the economic impact. And I just -- I'm
11 53 years old next month and I have a reputation of
12 being an outspoken or a hard person, but I really am
13 not.

14 And I can't understand how people can be so
15 self-serving even when it's not for theirselves. I
16 mean, it's like the environmental people that as much
17 as I fight them and everything, I know that we have to
18 have them and I'm glad that they're there. I can't say
19 so much that I'm glad of certain individuals but I'm
20 glad that there's somebody there that's looking out for
21 the resource and the environment.

22 I have nothing -- no problems with the

1 recreational community except their greed factor. And,
2 you know, coming from a family that my family moved to
3 North Carolina because one of my ancestors got
4 shipwrecked on a fishing boat out of Gloucester,
5 Massachusetts, in the winter months and there was no
6 way to get out of there.

7 So as a person that's been involved in fishing
8 all of his life, you know, you have to change. And if
9 they tell you you can't go catch king mackerel you --

10 (End of Tape 2, Side A.)

11 MR. ETHRIDGE: -- you've always done
12 something. But we're getting to the point, we're
13 getting to the end, that there's really absolutely
14 nowhere else to go and maybe, you know, my daddy gets
15 real mad when I say this, maybe it is time to sell out
16 and get the hell out of it.

17 But the reason that it's that time is where I
18 really have the problem. You know, there is supposed
19 to be fair and equitable treatment between the
20 different fisheries and just the double standard that
21 goes on with this billfish issue, I just don't know how
22 somebody that is in a position of power like you are,

1 Rebecca, can deal with the pressures that are put on
2 you by people at the Billfish Foundation -- you told me
3 not to get personal but I have to use that one -- that
4 know that they kill far more billfish than longliners
5 do. Probably 10 times, 50 times, more than the
6 longliners do and they can offer a proposal up here to
7 close an area for three months to commercial fishermen,
8 to people making their living fishing in that area, and
9 in the same three months have tournaments that would
10 pay people as much as a half a million dollars for
11 catching one fish that are just telling people that
12 they can't go fishing because they might accidentally
13 catch one, and even if they do catch it they've got to
14 cut it off.

15 And I've really rambled on. One more --
16 another whole minute. The time/area closure that was
17 proposed, the one, two, three, four, I was going to try
18 to say something a little bit funny. When I'm talking
19 publicly I have a hard time doing it, but if anybody
20 saw the movie Goodwill Hunting, I was going to
21 introduce myself as Badwill Ethridge.

22 The guy in Goodwill Hunting was a mathematical

1 genius and Badwill Ethridge is having a real hard time
2 with those graphs. Maybe if I get home and get some
3 time by myself I might be able to figure them out.

4 But, you know, another thing I was going to
5 say was my mother really stressed real hard that I get
6 an education and I just didn't listen to her, and a lot
7 of times through life I had wished that I had. And it
8 kind of made me feel a little bit better when I seen
9 Russ trying to -- Dr. Nelson trying to understand this
10 thing who keeps bragging about -- excuse me, keeps --
11 has all those titles in front of his name.

12 (Laughter.)

13 MR. ETHRIDGE: So I guess I might have made
14 some people laugh but it just really bothers the devil
15 out of me that people that work for a living are being
16 restricted and regulated by people that want their
17 pleasure to interfere with our livelihood.

18 I know that all this is wasted time except for
19 the fact that the United States Congress passed the
20 Magnuson Act and they instructed you, National Marine
21 Fisheries, to treat us fairly and equally, and you're
22 just not doing that.

1 The time/area closure, if you're going to put
2 a time/area closure in effect, put it in effect for
3 everybody. Let's move out of there, let's let these
4 resources get back plentiful, and then maybe if some of
5 us are still around we'll go back fishing.

6 Thank you.

7 MS. LENT: Thank you very much, Willie.

8 MS. PEEL: Rebecca, since Willie chose to make
9 it personal I can't sit quiet and let him go.

10 MS. LENT: Ellen, just --

11 MS. PEEL: Wait, wait, wait. No, no --

12 MS. LENT: Can I get Roy Hillhouse to come up
13 to the table while you're talking?

14 MS. PEEL: Yes, yes. Willie, I think, you
15 know, if you would check with your own industry
16 representatives you would find that we have been
17 working very hard to try to come up with constructive
18 solutions. Had the industry representative been at his
19 appointment yesterday with us, I think we would have
20 made additional progress.

21 We did not have tournaments either as far as
22 your accusation that billfish anglers kill more than

1 longline, I don't believe that and I don't think the
2 science -- but I would appreciate, you know, not
3 singling out the group that has worked hard to put
4 science in to try to support constructive solutions.

5 I think other members of your own industry
6 would recognize that there are other elements that take
7 a different approach.

8 MS. LENT: Ellen, I'm going to have to --
9 let's move on, please.

10 MR. ETHRIDGE: I said I was speaking for
11 Willie Ethridge. I didn't say I was speaking for any
12 organized group.

13 MS. LENT: Roy Hillhouse, come on up. Thank
14 you. We can not engage in a debate on each speaker.
15 This is an opportunity for these folks to give their
16 comments. We're not going to rebut.

17 MR. HILLHOUSE: I'm Roy Hillhouse, and I just
18 want to say I'm strongly opposed against the cap purse
19 seiners. I've been working in this company for 17
20 years and we've been taking all the quota cuts. We
21 took two quota cuts, general category. They raised
22 their quotas. I think the seiners should get their

1 chance to get a little bit more of a quota this year.

2 That's basically all I have to say.

3 MS. LENT: Okay. Thank you, Roy. Phil
4 Cosack, are you here?

5 MR. COSACK: Yes.

6 MS. LENT: Okay. Phil, are you on the panel
7 at this meeting, in the advisory panel?

8 MR. COSACK: No.

9 MS. LENT: Okay, come on up. After Phil we'll
10 have Rick Hillhouse.

11 MR. COSACK: Phil Cosack, National Fishing
12 Association. I didn't really come to make a comment
13 today. I came to listen. But after the discussions
14 and the information that was passed out today, I would
15 like to commend Nelson and the Billfish Foundation for
16 at least trying to bring up a solution because that's
17 what it's all about. Solutions.

18 And I have several questions that are in my
19 mind and perhaps maybe if you don't answer them today
20 you'll at least take time to think about answering
21 them.

22 In the effort to reduce 50 percent on a

1 monthly basis in the Gulf of Mexico, I would wonder how
2 you could compensate the longliner monetarily for
3 taking that hit. That would be a very -- I would be
4 concerned about that as an individual, and that should
5 be something that if you were going to make a
6 legislative move that you should consider compensation
7 of some sort.

8 The next thing is the closure, the time/area
9 closure for the -- from Florida to I think it's the
10 34th parallel. I would be concerned about the
11 additional effort that would be placed in NE-5.
12 There's 2 million hooks now being fished in NE-5 on any
13 given year. I believe if you look in your log books
14 you'll see that.

15 And I would be concerned about being in the
16 closure, where would the displaced vessels go. And
17 more than likely they've got to make a living so they
18 would go to NE-5, and would that effort rise from 2
19 million to 4 million and would it affect the
20 recreational fisheries? I think it would, and I think
21 you have to consider that and how you're going to take
22 care of those people that are displaced.

1 If you just take -- even if you take the 47
2 boats out, I believe at one time it was 65 boats
3 fishing in NE-5 and it could easily double, and that
4 would be a problem for us in the northeast corridor and
5 I wish you would take that into consideration.

6 Thank you.

7 MS. LENT: Thank you, Phil. Rick Hillhouse
8 and after Rick we'll here from George Permont.

9 MR. BEIDEMAN: Rebecca, one thing (inaudible).

10 MS. LENT: Make it quick, Nelson.

11 MR. BEIDEMAN: It will be. Phil, just so you
12 know, it's not only been TBF but the CCA and the SFA
13 that have been working with Blue Water on this.

14 MS. LENT: Thank you. SFA?

15 A PARTICIPANT: (Inaudible.)

16 MS. LENT: ASA. Okay, thanks. Thanks for
17 that clarification.

18 Rick.

19 MR. HILLHOUSE: I'm Rick Hillhouse and I'm a
20 fisherman in the purse seine category. I'm completely
21 opposed to this quota for the purse seiners. Since
22 1982 the purse seine category has been cut by 35

1 percent, from 386 metric ton to 250, while other groups
2 have gotten an increase as much as 110 percent for just
3 one group.

4 Everybody is getting increases and the purse
5 seiners have always been taking a decrease whenever
6 other groups feel they should have a little more of the
7 quota. The way this new purse seine cap is written,
8 250 metric tons or 18 percent of the U.S. quota,
9 whichever is less. So the purse seiners have no other
10 place to go but down. The law should be 18 percent of
11 the U.S. quota, no more, no less.

12 And the purse seine is a very historical
13 fishery. Without the purse seiners catch from years
14 ago there wouldn't be much of a quota to fight over.

15 Thank you.

16 MS. LENT: Thank you very much, Rick. George.
17 And after George Permont we'll hear from Chris
18 Ingrande.

19 MR. PERMONT: Good afternoon. My name is
20 George Permont. I'm a commercial fishermen and fish
21 spotter. Since 1967, 90 percent of my annual income
22 has been dependent on the accurate and successful

1 harvest of tunas, in particular, the Atlantic bluefin
2 tuna.

3 My principal gear method is as a fish spotter
4 working with purse seiners; however, I have also worked
5 with recreational, charter, and other commercial
6 categories. My over-ocean efforts have also included
7 aerial surveys for, among others, Woods Hole
8 Oceanographic, Virginia Institute of Marine Sciences,
9 the New England Aquarium, the Commonwealth of
10 Massachusetts, and the National Marine Fisheries.

11 I have also personally funded my survey work
12 when I thought such a response by others was
13 inadequate. An example of that would be off of the
14 North Carolina winter fishery in 1994, February.

15 I'm here to speak to the issue of the proposed
16 quota cap on the purse seiners and the Atlantic bluefin
17 tuna fishery. Prior to 1981, various seiners accounted
18 for nearly 80 percent of all members of the tuna family
19 caught off the U.S. Atlantic coastal waters. This
20 historical fishing pattern with its documented landings
21 was, in large part, the basis for the determination of
22 the U.S. quota. The quota was initiated in 1982-82.

1 In the 1960s and in the '70s, as many as 20
2 seiners fished for bluefin, yellowfin and skipjack.
3 Those of us who began the New England purse seine
4 industry were so alarmed at the threat that those
5 vessels in passing posed that we lobbied for quotas and
6 restrictions.

7 Our initiative was to protect the valuable
8 juvenile resource even if it meant the end of our local
9 fishery. It was the right thing to do and the results
10 are evident. I would note that they would be more
11 evident if there had been similar stewardship in the
12 eastern Atlantic.

13 We also fished for the giant Atlantic bluefin
14 tuna and have been since the late '60s and the early
15 '70s. When I began flying in 1972 there were no more
16 than 20 boats using harpoon and rod and reel that tried
17 to sell their catches of this giant fish. The seiner
18 AA Farany was the only commercial vessel of
19 consequence.

20 It was the early thinking of the Farany's
21 owners which led to the introduction of the Japanese
22 market, the result of which is that the Atlantic

1 bluefin tuna fishery for giant fish is one of the most
2 commercially viable fisheries on this coast.

3 In 1981 we were rewarded with a quota
4 allocation of giants per historical entry. There were
5 five regional seiners which were directed to equally
6 share a 386 ton quota. That quota divided amongst five
7 vessels amounted to less than the tonnage of fish that
8 I caught with one boat in 1972.

9 Later, that initial quota tonnage was reduced
10 to 301 tons. In 1996 the historical quota for the
11 seiners was further reduced to 250 tons. No other gear
12 method was subjected to a reduction.

13 Several written directives by Rawley Smitten,
14 then-director of Highly Migratory Species, placed the
15 restoration of the historical seiner quota as a
16 priority. We are now realizing an increase in total
17 available U.S. quota, an increase in allocation for all
18 gear methods based on their percentage of the harvest,
19 all gear methods, with the proposed exception of the
20 seiners.

21 It has been suggested that the five vessels in
22 question be capped at the current diminished level,

1 that in spite of the documented historical fishing
2 pattern which determined the U.S. quota, that in spite
3 of our efforts to protect the future of the juvenile
4 fish, that in spite of our already reduced quotas and
5 in spite of written assurances from the director, that
6 in spite of the advisory panel's majority position of
7 status quo for all gear allocation, the historical
8 seiners whose foresight has enabled the fishery to grow
9 beyond everyone's expectations, that those vessels,
10 their owners and crews and families and the dockside
11 support systems and various other infrastructural
12 entities should not be rewarded incrementally is more
13 than lamentable. It is legally challengeable.

14 I would strongly suggest that the National
15 Marine Fisheries amend the fisheries management plan as
16 to allow the seiners to receive their due percentage of
17 quota; however, and I speak for myself, I do feel that
18 this should cap when the quota returns to a mid-point
19 between the original 386 and the current 250 tons. My
20 suggestion would be a cap of 320 tons.

21 Thank you.

22 MS. LENT: Thank you, George. Chris Ingrande

1 and then we'll hear from Roger Hillhouse.

2 MR. INGRANDE: I'm Chris Ingrande. What he
3 said. I'd say that the cuts are -- we definitely want
4 to cut on our cap, on our quota. We've been cut
5 several times. It's not -- it just hasn't been right.
6 We've bent over backwards and I think it's time we are
7 (inaudible).

8 Thanks.

9 MS. LENT: Thank you very much, Chris. Roger,
10 and then we'll hear from Michael Avala.

11 MR. HILLHOUSE: My name is Roger Hillhouse and
12 I'm a part owner in three of the purse seiners. I fly
13 a fish spotting plane for the last 40 years, and I got
14 caught by surprise on this meeting as I just got back
15 from a trip so I'm a little off guard.

16 I was once an advisor just like each one of
17 you are here a long time ago, right when we began this
18 whole bluefin project. I enjoyed it and I took the job
19 just as serious as you're probably doing. Kind of like
20 a freshman congressman and you're going to go out and
21 change the world.

22 But somehow or another it didn't quite work

1 that way. Year one we passed a quota and we also
2 passed a size limit. We were very proud of ourselves.
3 But then from that time on we put forward a number of
4 very solid and constructive suggestions, and I'm sure
5 you guys do the same thing and then you wonder what
6 happened to them. They never get to the floor because
7 sometimes they don't fit somebody's agenda.

8 And this agenda right now is catching us purse
9 seiners in a very awkward position. We really don't
10 know how to fight back and there isn't any way, so we
11 ask people like you to meet us half way and be fair.
12 And you voted -- well, let's go on down with what I
13 wrote down.

14 Maybe a half to two thirds of you are
15 government people in some layer associated in state
16 regulations or whatever, and you know the feeling when
17 you put down a good idea and you think it will sail and
18 then all of a sudden a group or an agenda above you
19 somewhere buries it and you idea and thing fails.

20 This cap here appears to be a very small
21 incidental thing. It really doesn't sound like much,
22 but it's one heck of a lot more than it's being touted

1 to be because it's the first step into breaking
2 historical fishing rights. It's putting the foot in
3 the door and we're upset about it.

4 Last year you people here voted by a majority
5 that it should be a status quo for purse seiners and
6 you met it, but it didn't fit somebody's agenda so they
7 put it back in another sheep's closing and it's called
8 a cap this year. It doesn't sound like much, but it's
9 there.

10 Personally, I think it's a slap in the face to
11 you because you voted it once and now you're finding
12 yourselves voting it again, and we're sweating it out
13 to see which way you will vote because it makes a lot
14 of difference to us whether we have a cap or whether
15 we're treated like other people.

16 I don't think the fact that you catch a fish
17 by a hook or you catch it by a harpoon or a net. So
18 long as you stay within the conservation lines it
19 shouldn't be treated any different than anybody else.

20 If I was sitting on this advisory committee I
21 know what I'd vote. I'd vote my conscience on it. I'm
22 going to leave that up to you. You did it the last

1 time.

2 This cap has nothing to do with conservation
3 to start with. There is no risk to the fish. The vote
4 on the purse seine of 250 tons should be null and void
5 on principle if nothing else.

6 I had a number of notes but I'm trying to keep
7 within those four minutes, so let's go to independent
8 science and its importance. Do you ever wonder why so
9 much pressure is put on purse seiners? I've heard it a
10 number of times said that when we had 1 380-ton quota
11 that we were the ones that financed a lot of the
12 independent science. And that's correct. We did, and
13 we'll do it again. We'll do it out of what we have.

14 We help a lot and there are conservation
15 groups that haven't put a dime into it. Some of them
16 are bad. I mean, it just doesn't make sense. They
17 spend their time trying to cut us down when they could
18 take that same money and join us and get something done
19 at ICCAT.

20 So, anyway, we wonder why maybe we get cut
21 down, and maybe this group or this agenda has figured
22 out if we cut down on the money these people have,

1 maybe we won't have so much opposition with independent
2 science. Independent science has embarrassed the
3 National Marine Fishery Service a number of times.
4 They're not always wrong. They are good, hardworking
5 people but they've been shot down a number of times by
6 -- and if we were not contributing to this science
7 where would we all be? I can tell you. Amid doom and
8 gloom sometimes.

9 Let's say that a few years ago they were
10 brought before the National Academy of Science to
11 settle the argument. Ten independent scientists, and
12 they ruled that the cold, hard analysis was in error
13 and the numbers needed to be adjusted. Not our cold,
14 hard, but National Marine Fisheries.

15 MS. LENT: About one minute left, if you could
16 wrap it up.

17 MR. HILLHOUSE: I am almost there. So amid
18 gloom and doom we went to one of the ICCAT meetings
19 recently. Our government recommended a cut in the quota
20 and due to an aerial survey that ten or eleven fish
21 spotters put together with some National Marine
22 Fisheries money and the CORIA money, took these photos

1 of these huge schools of fish and ICCAT got so excited
2 and says, we listen to your people, there's nothing.
3 So these things are helped financed when people make
4 money.

5 Now speaking of an aerial survey, I personally
6 with another spotter put the Noah airplane on huge
7 schools of fish, thousands and thousands of fish, line
8 them up, tell them when to take the picture, and nobody
9 has ever seen those pictures or ever heard of them
10 again.

11 And that was before our aerial survey and I
12 still have never heard what happened to them, and I can
13 assume they had bad film. Excuse me. So we may
14 flatter ourselves that anybody would want to kill us
15 off just because of independent science. I think our
16 Congress years ago settled that with check and balance
17 of Congress, Administration, Judicial systems.

18 So what's wrong with a little independent
19 science? It keeps us all on our toes and I say a vote
20 no on this purse seine cap is a vote towards
21 independent science because I guarantee every extra
22 penny we get we spend it with East Coast Tuna on their

1 science and we welcome other groups that will join us.
2 So I hope --

3 MS. LENT: Thank you, Ray.

4 MR. HILLHOUSE: I hope you vote the way I
5 would vote if I was still on a commission.

6 MS. LENT: Thank you. Michael Avala and then
7 we'll hear from David Cabrall.

8 MR. AVALA: My name is Mike Avala. I fish on
9 the Bull Ruth and Pat (phonetic) purse seine for
10 bluefin tuna. I fished there for 20 years. I'm
11 married. I have three little kids, and I make my
12 living catching giant bluefin tuna.

13 Any cap on the purse seiners definitely
14 affects me, my family, and my income. Like I said, I
15 fished for 20 years. I believe it makes me a
16 historical participant to this fishery. And a cap
17 would eventually put me out of business.

18 The purse seine fleet has suffered many cuts
19 in the past and now that the U.S. quota is increased,
20 the seiners with a cap will receive no quota or any
21 additional tonnage.

22 And I am sure that in the future if there are

1 cuts, they are going to come look to the purse seiners
2 first for the cuts, and I don't think that's right. If
3 the quota goes up, we should be able to get an
4 increase, and if the quota goes down we've always taken
5 the increase.

6 And that's all I've got to say. I'm just
7 totally opposed to any cap. Thank you.

8 MS. LENT: Okay, thank you, Michael. David
9 and then we'll hear from Joseph Avala. Please correct
10 my pronunciation of your last name. Sorry.

11 MR. CABRALL: My name is David Cabrall. I
12 live in Westport, Mass. I'm a crew member on the
13 fishing vessel Ruth and Pat, a vessel which
14 participates in the purse seine fishery for Atlantic
15 bluefin tuna.

16 I've been fishing for bluefin tuna for more
17 than 18 years. The share I get as a crew member on the
18 fishing vessel Ruth and Pat is critical to me and my
19 family for it accounts for more than 95 percent of my
20 income.

21 I would like to talk about the National Marine
22 Fishery's proposal for the allocation of bluefin tuna

1 and, in particular, about the way which National Marine
2 Fisheries proposed to handle allocations in a purse
3 seine fleet in the future. National Marine Fisheries
4 has proposed that each bluefin tuna group gets a
5 specified percent of the overall ICCAT quota to the
6 United States. However, the purse seine fleet would be
7 the only gear group to be limited to a maximum tonnage,
8 only equal to the 1998 allocation of 250 metric tons.

9 In other words, while all other gear groups
10 would benefit proportionately from increases, the purse
11 seiners would not. This is including the additional 43
12 metric ton we are due to receive in 1999. It is
13 unfair, unjust, to single out the purse seiners in this
14 way.

15 When quota issues were discussed in the past,
16 I'm sure that (inaudible) favored maintenance of
17 historical allocation or status quo did not mean purse
18 seine fleet would be frozen forever at its current
19 level even if more quota became available from ICCAT.

20 It is completely unjust to say that the purse
21 seine fleet must suffer along with others if the ICCAT
22 quota is reduced, but that it can not benefit from an

1 ICCAT increase. For years we have shouldered the
2 burden of conservation in order to help rebuild the
3 stock. Now with conservation working, it is only fair
4 and right that we should receive our share of the quota
5 increase due to the success of our efforts.

6 In sum, I urge the National Marine Fishery as
7 strongly as I can to remove the 259 metric ton ceiling
8 on the purse seine allocation in the final regulations.
9 Thank you for your consideration.

10 MS. LENT: Thank you, David. Joseph Avala and
11 then we'll hear from Cory Desuzo.

12 MR. AVALA: Hi, I'm Joe Avala. I fish on Ruth
13 and Pat and I own the Potpourri. I'm here to talk on
14 the tuna cap.

15 The total United States tuna allocation from
16 ICCAT was just because of the seiners. In 1982 when
17 ICCAT wanted information or records of how much tuna
18 was landed in the U.S., the records they had was from
19 the seiners. So all our tuna actually came from the
20 seiners.

21 Later on the seiners were given a quota and in
22 1995 one of the categories went over their quota and in

1 order for the U.S. to save face they came to the
2 seiners and I say stole or borrowed 50 or 60 ton from
3 the seiners, with the promise that when fish came back
4 that they would be restored to the seiners. We have
5 letters and -- to that effect.

6 So any time that something has happened with
7 the tuna, it's the seiners who have given up and given
8 up and given up. Now, I've had so many things pushed
9 on me from NMFS with swordfish, we're dragging with all
10 their rules that take into no consideration that I have
11 a family to support. I've only been tuna fishing now
12 for three years but I need it because I have almost
13 nothing else.

14 So it's a big economic loss to me although
15 every time NMFS comes out with an economical impact
16 it's a very small economical impact because there's
17 only 18 people involved. Small for everybody else but
18 not for them 18 people. And I happen to be one of
19 them. Twice, not once.

20 So now here I am on a tuna boat. I must be
21 poison or you must have a target on my back because
22 wherever I go you target me out. Here we are with the

1 seiners now. We've got a little bit of fish back and
2 we should be getting some, at least the percentage that
3 everybody else is getting.

4 We're not trying to cut any other user groups
5 because by working together we did get more tuna. You
6 guys are trying to say there was only 3,000 in the
7 whole western Atlantic and, thanks to George Permont
8 and Marlene Lucavich and New England Aquarium and the
9 pilots, we proved how much fish was out there. Thanks
10 to the seiners and their affiliates again.

11 So here we are now. There's a little bit more
12 fish and you put a cap on it so we can never go up.
13 However, if comes the middle of August and somebody
14 goes over and the U.S. is in danger of going its
15 allocated amount of fish quota from ICCAT, where are
16 you going to get it? The seiners are the only ones who
17 haven't been out fishing. Guaranteed you go after them
18 again. We have no guarantees.

19 All these people know it. They've told you
20 that time and time again. But do you care? No, it
21 don't make no difference to you. But I'll tell you it
22 makes a big difference to me.

1 Magnuson says in Magnuson Act that everything
2 should be done fairly. If you need to make rules to
3 cut back on the quotas, it should all be done equitably
4 amongst all user groups. It hasn't been. It's been
5 the seiners.

6 It also says when the fish come back it should
7 be done equally to all user groups. It hasn't. Not to
8 the seiners.

9 That's all I have to say. I want to thank you
10 for your time. I know it's all anecdotal information,
11 but thanks anyway.

12 MS. LENT: It's very useful. Thank you,
13 Joseph. I do appreciate the tie to the national
14 standards, the Magnuson-Stevens Act. That's a helpful
15 comment for everybody here.

16 Corey. Then after Corey we'll hear from Sonny
17 Avala.

18 MR. DESUZO: Hi, my name is Corey Desuzo and
19 I'm from Akusnut, Mass. I'm a crew member on a seiner
20 for 11 years and I've already seen what you guys have
21 done to us in the past with our quota. Since '91 we've
22 taken a 40 percent cut and due to the Japanese economy

1 last year we took a 40 percent cut in pay, which we had
2 no control over.

3 We're the ones that have taken substantial
4 cuts in the past and now when it's time to give some
5 fish away you want to cap us at our current level. How
6 much more unfair do you want to make this? One of the
7 things you're forgetting is when the U.S. quota was
8 established in the early '80s they took the landings of
9 the seiners to get that quota, and had there been no
10 seiners there might not ever have been a commercial
11 bluefin fishery in the U.S.

12 And, also, capping the seiners goes totally
13 against the principle of traditional fishing patterns
14 expressed in the Magnuson Act. You're playing with our
15 livelihoods and our future.

16 The least you could do would be to do away
17 with the purse seine cap so at least if the U.S. got
18 more quota we could benefit from it too since we've
19 already suffered enough.

20 Thanks.

21 MS. LENT: Thank you very much, Corey. Sonny.
22 And then after Sonny we'll hear from George Vasoncelos.

1 MR. AVALA: Good afternoon. My name is Sonny
2 Avala. I'm captain of the purse seiner Ruth and Pat.
3 I have been seining tuna since the early '60s. The
4 brunt of my income comes from seining tuna.

5 I want to go on record as being opposed to the
6 cap on the purse seine fleet. I'm a former member of
7 the ICCAT advisory board. I was also a U.S. delegate
8 in 1982 when the original 30-year conservation
9 management plan was drawn up.

10 The idea of the plan was for all user groups
11 to accept a temporary inconvenience in the name of
12 conservation so that all user groups involved could
13 benefit in the future as the stocks were rebuilt.

14 The seiners have been expected to accept more
15 than their fair share of the burden of quota cuts in
16 the past and have done so in the name of conservation
17 and with the intent that they would share in the
18 expected rewards in the future as the quota increased.

19 It was under that concept that the people
20 involved made their occupational and business decisions
21 and investments with an 85 ton per boat allocation.
22 Now, once again, the new faces in NMFS have decided to

1 change the rules in the management plan.

2 I believe for a fishery management plan to be
3 successful requires cooperation between the fishery
4 managers and the fishermen. Cooperation will provide
5 good science for the fishery managers, good
6 conservation measures for the fishery, and a lucrative
7 fishery for the fishermen.

8 Need we ask any more? With this proposed cap
9 on the seine fleet the new faces in NMFS are proposing
10 a one-way street for one user group. They are allowing
11 for a decrease in the seiners' allocation with no
12 chance for an increase.

13 I fail to see any act of cooperation with the
14 purse seine fleet by the fishery managers. I think it
15 would be a step against good science, good
16 conservation, and the occupational and business
17 decisions made by the fishermen involved. I ask NMFS
18 to reconsider and remove the cap on the seiners in the
19 name of conservation and fairness to the people
20 involved and to treat them the same as all other user
21 groups in all their quota adjustments. Nothing more and
22 nothing less.

1 I feel this cap on one user group is unfair,
2 unjust, and unacceptable. This purse seine cap
3 directly impacts the purse seine fisherman
4 economically, which is against the Magnuson Act. It is
5 directly against preserving traditional fisheries,
6 which is also against the Magnuson Act. And also it is
7 directly against the historical fishing patterns from
8 which the U.S. quota was originally derived at the
9 ICCAT meetings. I was there.

10 And just for information's sake to wrap this
11 up, I would like to say in 1981 the seiner Ruth and Pat
12 landed approximately 24,000 bluefin. That's thousand,
13 no hundred. In 1983 we voluntarily in the management
14 plan, part of what I sat in on as a U.S. delegate, came
15 up with an allocation, an individual allocation for the
16 same boats, of approximately 330 fish. That's 330
17 versus 24,000. There were boats that caught more than
18 us. We didn't catch the top amount. There were people
19 who caught more.

20 And in wrapping it up, I would just like to
21 say the goal of U.S. fishery managers should be more
22 fish for all user groups as the stocks continue to

1 improve. Thank you for your time and consideration.

2 MS. LENT: Thank you, Sonny. George. And
3 then we'll hear from Matt Paquette.

4 MR. VASCONCELOS: Good afternoon. My name is
5 George Vasconcelos. I'm a commercial fisherman on the
6 purse seiner Ruth and Pat.

7 And here's a big surprise: I'm opposed to the
8 proposed purse seine cap. I have counted on giant
9 bluefin tuna for my main source of income since 1980.
10 There are about 60 people directly involved in this
11 historical fishery who depend on it for their main
12 source of income.

13 In this proposal we are allocated 18 percent
14 of the U.S. quota, which seems fair on the surface if
15 the quota ever goes down our quota will go down
16 proportionately. But if the quota goes up, indeed if
17 the quota ever doubles or triples or even more, our
18 quota can never go up.

19 The purse seine cap goes against the proposed
20 National Marine Fishery Service objectives because it
21 is designed to possibly wipe out this historical
22 fishery eventually.

1 Since 1991 we have lost about 40 percent of
2 our quota, which had nothing to do with conservation.
3 In 1995 we had 50 metric ton taken from us with a
4 promise we'd get it back if the U.S. ever got more
5 quota.

6 Last year due to the poor Japanese economy and
7 the weak Japanese yen, we had a 40 percent pay cut from
8 the previous year. We have such a small quota now that
9 anything other than a high price for our fish makes it
10 difficult for us to make ends meet.

11 We have done everything we can to conserve
12 this resource. We are very selective and all the fish
13 we catch have spawned at least once. I ask you to
14 please help get rid of this unfair proposal for a purse
15 seine cap.

16 Thank you.

17 MS. LENT: Thank you, George. And -- make it
18 real quick, Ray. We've got a lot of people who want to
19 talk. Thanks.

20 A PARTICIPANT: Thank you, Rebecca. I just
21 want to point out, what is the size of the crew of the
22 Ruth and Pat or some of the other purse seiners?

1 A PARTICIPANT: We have about ten on each
2 boat.

3 A PARTICIPANT: About ten on each boat? Thank
4 you.

5 A PARTICIPANT: Also (inaudible).

6 MS. LENT: Terrific. Thank you. Very good
7 question. Okay, Matt. And then we'll hear from Steven
8 Avala after that.

9 MR. PAQUETTE: My name is Matt Paquette. I'm
10 from Fahavan, Massachusetts. I've been a crewman on
11 the Ruth and Pat for -- since 1980. My income from
12 bluefin is crucial to my family. It's my main source
13 of income.

14 Imposing this cap, you also impose a cap, a
15 salary cap, on every man that works on a purse seiner.
16 I don't think there's a person in this room that would
17 want to spend the rest of their life with a salary cap.

18 The purse seiners are a historical part of
19 this fishery and I think the Magnuson Act calls for the
20 preservation of historical fisheries.

21 In past years when quota cuts were
22 implemented, it was the seiners and the seiners only

1 that received the cuts. We have endured the brunt of
2 the conservation burden for this fishery for a good
3 many years now, and I think it's time we take part in
4 the rewards brought forth by our efforts.

5 So I strongly urge this board to persuade the
6 National Marine Fishery Service to remove the cap from
7 the 250 tons on the purse seine quota. Thank you.

8 MS. LENT: Thank you, Matt. Steven Avala.
9 Oh, hang on, Matt. A quick question.

10 MR. BASCO: (Inaudible) ask you a question
11 (inaudible). What was --

12 MS. LENT: Use your mike, please, Irby.

13 MR. BASCO: Sorry. What is the length of time
14 of your fishing season or how long do you fish?

15 MR. PAQUETTE: (Inaudible.)

16 MR. BASCO: I'm sorry?

17 MR. PAQUETTE: That varies.

18 MR. BASCO: Well, I mean, do you have --

19 MR. PAQUETTE: (Inaudible.)

20 MR. BASCO: Is it one month, two months, five
21 months? I'm unfamiliar with the fishery.

22 MR. PAQUETTE: It's been as short as two

1 weeks. It's been as high as three months.

2 MR. BASCO: Okay, thank you.

3 MS. LENT: Okay. Steve Avala, go ahead.

4 MR. AVALA: My name is Steve Avala. I work on
5 the seiner Ruth and Pat. I've worked there for 20
6 years. I started there as a swordfisherman at the age
7 of 12, and in 1980 I started tuna fishing. I have been
8 a commercial fisherman for some of my childhood and all
9 of my adulthood. I rely on fishing for 100 percent of
10 my income.

11 I would like to say that I strongly oppose a
12 cap on the purse seiners. I think it is totally
13 inappropriate to tell people that have fought hard to
14 rebuild the fishery that they will not share in any
15 profits in the future for all of their efforts in the
16 past.

17 I feel the seiners have been discriminated
18 against enough by all the regulations we have to live
19 with and singling us out for a quota cap is nothing
20 less than discriminatory. I don't think any person in
21 this room or in this country would agree to placing a
22 quota cap or salary cap on their job, whether it be a

1 government employee, an office worker, or a commercial
2 fisherman.

3 I think this cap has nothing to do with
4 conservation or preservation. It's just another cheap
5 shot by National Marine Fisheries. They're trying to
6 destroy a very traditional fishery.

7 In closing, I ask everyone on the AP to oppose
8 any cap on the purse seiners. Thank you.

9 MS. LENT: Thank you, Steve. Sam Mayola. I
10 hope I pronounced that correctly. And after that we'll
11 hear from Jule Bedrill.

12 MR. MAELLO: Good afternoon. My name is Sam
13 Mayola. I'm a fisherman on the tuna seiner Sea Rover.
14 I'm totally against a quota cap for the purse seine
15 category because there is no legitimate reason for this
16 biased action. We have been continually harassed and
17 discriminated against because we are a minority.

18 The seiners were the major reason why the U.S.
19 received 52 percent of the western Atlantic quota, and
20 I have watched as quota cuts after quota cuts have been
21 taken away from us with a promise that you will get
22 them back when the time comes.

1 The victory at ICCAT, I believe that time is
2 now. I believe we should return to the historical
3 proportional distribution of 1982. I believe we should
4 stop the redistribution of quota so as to appease a
5 political select few. And I believe we should say no
6 to the purse seine cap.

7 Thank you.

8 MS. LENT: Thank you very much, Sam. Jule and
9 then after Jule we'll hear from Joey Jansowitz.

10 MR. BUDREAUX: Thank you for the opportunity
11 to comment here today on the purse seine cap issue. My
12 name is Jule Budreaux and I am president of the North
13 Shore Community Tuna Association from Saugus, Mass.
14 Our association has over 100 members, making us one of
15 the largest organizations representing general category
16 fishermen.

17 In addition to fishermen, we have many support
18 businesses such as marinas, bait and tackle supplies,
19 fish dealers, marine electronic suppliers, boat repair
20 facilities, and other supporting organizations.

21 This September our association will host a
22 giant bluefin tuna tournament from Gloucester. The

1 purpose of this tournament is to raise money for the
2 Atlantic bluefin tuna research program at the New
3 England Aquarium. We hope to sell all bluefin tuna
4 fishermen participate in this worthy cause so that
5 someday we may better understand the migration habits,
6 the stock structure and biology of this magnificent
7 fish.

8 Now on to the purse seine cap issue. North
9 Shore Community Tuna Association does not support this
10 cap on the purse seine fleet. We are fully aware and
11 recognize the important role the purse seine fleet has
12 had in developing this fishery and the markets we have
13 today. We respect the traditional nature of the purse
14 seine fishery and the obviously economic importance it
15 has on the Port of Gloucester as well as to the crews
16 and the families of the fleet.

17 In 1997, the value of bluefin tuna landed in
18 Gloucester was \$4,200,000, second only to the codfish
19 at \$5 million. I am personally aware of several
20 businesses in Gloucester that benefit substantially
21 from the purse seine fishery and, as I have said
22 before, we are a commercial tuna association looking

1 for the interest of the entire community.

2 We can not see any valid reasons to penalize
3 the purse seine fishery and the businesses and families
4 that depend on it for this -- on it as this recovery
5 plan moves forward.

6 I also want to inform the advisory panel that
7 I and many of our members attended the March public
8 comment hearing in Gloucester on the proposed rules and
9 that every fisherman in the room opposed this cap. We
10 are the fishermen who directly compete commercially
11 with the purse seiners and I think you should favorably
12 consider our support and allow them full and equitable
13 sharing in the U.S. bluefin quota and in any quota
14 increase.

15 A cap on the purse seine fishery is seen by us
16 in the general category as the first step in the
17 process of decommercialization of the bluefin tuna
18 industry. We in the general category don't want this to
19 happen. North Shore Community Tuna Association does
20 not support efforts to take anyone else's quota.

21 We firmly believe that those advocating
22 unfairly reducing another category from its historical

1 level of participation are in the minority. We urge
2 the advisory panel to ignore these greedy calls and
3 intentions. We support the historical proportional
4 sharing. We believe in the Magnuson Act also requires
5 that National Marine Fisheries allow an equitable share
6 of recovery benefits among all user groups. This cap
7 is very discriminatory toward only one user group.

8 Again, I strongly urge you, the Highly
9 Migratory Species Advisory Panel, to recommend that
10 National Marine Fisheries eliminate the cap on the
11 purse seiners as soon as possible. Thank you.

12 MS. LENT: Thank you, Jule. So we'll hear
13 from Joey Jansowitz and then from Mark Porier
14 (phonetic).

15 MR. JANSOWITZ: Hi, everybody once again on a
16 beautiful fishing day in New England that I can't be
17 at. My name is Joe Jansowitz. I'm the current
18 president of the East Coast Tuna Association. I've
19 been fishing for giant bluefins since 1966 when I was
20 12 years old. They finally let me in the chair in 1968
21 and I caught one.

22 I've been in the general and harpoon

1 categories since the beginning of the management
2 regulations in the '70s. The East Coast Tuna
3 Association's membership ranges from about 350 to 450
4 people a year. We are the largest and the oldest New
5 England based tuna organization and the bulk of our
6 membership comes from general category and harpoon
7 category members.

8 All five purse seine boats and their crews are
9 also members, and we have charter boat category
10 members, incidental category members. Basically, we
11 represent everybody in the bluefin fishery.

12 Our board of directors consists of 25 members
13 from the various fishing categories. Includes several
14 licensed dealers also. The association was formed in
15 1982. We have two principal objectives: to sponsor
16 independent science on Atlantic bluefin tuna resource
17 and to protect the traditional United States bluefin
18 fisheries and our historical fishing patterns.

19 This means we work to fight and preserve all
20 five historical commercial and recreational fishing
21 categories for Atlantic bluefin. We do not want to see
22 any traditional U.S. fisheries put out of business.

1 Obviously we recognize that all U.S. groups need more
2 quota and the only way we can do that is to get more
3 quota from ICCAT. We categorically reject the efforts
4 of some to take away or steal quota from other
5 categories.

6 East Coast Tuna is adamantly opposed to this
7 cap on the purse seine fleet as it will destroy the
8 historical proportional quota sharing system in place
9 since 1982. This cap is entirely inconsistent with the
10 fisheries management plan's objectives to minimize
11 economic displacement, preserve traditional fisheries,
12 and the cap will eventually dramatically distort the
13 U.S. historical fishing pattern for bluefin.

14 I want to make this point very, very, clear to
15 everybody here. On behalf of all of our members of the
16 East Coast Tuna Association, bar none, that includes
17 every category of fisherman, hundreds of general and
18 harpoon category members, there is no legitimate
19 justification for this cap and this blatant
20 discrimination against one user group and one user
21 group only must end now. Not five minutes from now.
22 Now.

1 We strongly urge that the Highly Migratory
2 Species Advisory Panel not to be misled by a few vocal
3 individuals with short-sighted agenda against these
4 boats. Purse seine boats have every right to their
5 historical share in this fishery and the benefits
6 resulting from the long-term, expensive recovery plan
7 for Atlantic bluefin tuna.

8 To summarize a few, purse seine fishermen are
9 largely responsible for the U.S. receiving 52 percent
10 of the western quota due to their large catch history
11 when the fish were not valuable in the '60s and early
12 '70s. They were the first to develop the direct export
13 market to Japan, bringing a longline freezer boat into
14 Cape Cod Bay around 1970.

15 They also insisted at that time that the
16 longline boat from Japan purchase not only their purse
17 seine fish but bluefin tuna giants from everybody,
18 including the harpooners, the handliners, and everybody
19 else who were selling these fish for about a nickel a
20 pound back then to the canneries.

21 They volunteered to limit -- the purse seiners
22 volunteered to limit their production when concerns for

1 the resource developed, even though there were no
2 regulations, the science was weak, much weaker than
3 today, and even though their Canadian counterparts
4 continued to fish heavily on school tuna.

5 They also gave up entirely their catch of
6 small fish in 1982 in exchange for a modest quota on
7 the giants. They have also been forced to bear the
8 brunt of the quota reductions to restore the stock,
9 seeing their quota reduced from 386 metric tons to the
10 current level of 250, while the general category has
11 gone up from 531 to 654 and the angling category has
12 increased from 126 to 265 plus. They have an equitable
13 share of the resource, not an excessive share, as some
14 have tried to claim. Many highline vessels in the
15 general and harpoon category, the charter boat, the
16 angling categories, routinely exceed the purse seine
17 shares in terms of numbers of fish caught per man and
18 in terms of gross stock per man on an annual basis.

19 We object to this attempt to single out only
20 the purse seine category on the basis of somebody's
21 notion of what is fair or what should be fair for
22 another competing group. Capping the purse seine boats

1 is simply a death sentence either in short term or long
2 term because the fishery will not be able to compete as
3 other category quotas rise.

4 This market is very volume-sensitive. You've
5 got purse seine fish competing with harpoon fish,
6 competing with handline fish, competing with rod and
7 reel fish. If there is more fish on the market from
8 these other categories and the purse seiners are capped
9 at 250 tons, it becomes economically insane for them to
10 fish.

11 I hate seeing caps on any commercial
12 categories. I'm a commercial fisherman year round. I
13 fish for bluefin in the summertime, obviously, but I
14 fish for lobsters in the wintertime. And anything that
15 limits commercial fishermen bugs the snot right out of
16 me.

17 To continue on, I would like to tell you that
18 our members were pleased to hear that the HMS Advisory
19 Panel supported the status quo on allocations in
20 January of last year. There is no better alternative
21 to the historical proportional sharing system in place
22 since 1981.

1 Frankly, we believe it is inappropriate for
2 the advisory panel to engage itself in the complicated
3 issue of shares of a resource either within a category
4 or among categories. There is no management objective
5 within the FMP to support this activity and we would
6 not support a new objective to make this exercise
7 legitimate.

8 MS. LENT: Joey, can you wrap it up in about a
9 minute?

10 MR. JANSOWITZ: Yes, I will, Rebecca.
11 Anything for you, dear.

12 We're also aware -- and I've seen the
13 transcripts -- that there was some substantial
14 opposition on the advisory panel to cap -- to the purse
15 seine cap when it was first proposed by NMFS in early
16 1999. We appreciate this past support and hope you can
17 get NMFS to listen this time.

18 You should also be aware that support for the
19 purse seine fleet was very strong at every public
20 hearing that I attended in New England. I attended all
21 of them except for the one at the Somerset resort.
22 There was not one person in favor of a purse seine cap,

1 because who's next? Next year could it be the angling
2 category in for a cap or the general category in for a
3 cap? Who's next?

4 Okay. On behalf of the entire membership of
5 the East Coast Tuna Association, I strongly urge the
6 advisory panel to reject the National Marine Fisheries
7 Service cap and support a framework regulatory action
8 to eliminate the cap and provide the seine fleet with
9 their 8 tons that they had due this year because we all
10 got an increase.

11 Thank you very much for your time and
12 consideration. Can I just --

13 MS. LENT: Thank you, Joey.

14 MR. JANSOWITZ: Can I just give my personal
15 comments? Just one quick personal comment.

16 MS. LENT: Quick. Personal comment. Thanks.

17 MR. JANSOWITZ: Leave the sworfisherman alone,
18 and I personally think that the purse seine cap is
19 bogus. You want to start capping people? You cap
20 everybody and we can start with 1985 landings of 690 in
21 the general, 74 in the harpoon, 377 in the purse seine,
22 133 incidental, and 149 in the angling category. Start

1 your caps there.

2 MS. LENT: Thank you. Jim, I've asked that AP
3 members address the group at the end. Is that okay, or
4 do you have a factual quota?

5 MR. DONOFRIO: I have just a direct question.

6 MS. LENT: Can you come to a microphone, Jim?
7 Jim, introduce yourself.

8 MR. DONOFRIO: Jim Donofrio. I'm an advisory
9 panel member. Joey, I have a question for you. Do you
10 anticipate if this cap is put into place, will there be
11 an increase in effort on the yellowfin tuna stocks from
12 the purse seine industry?

13 MR. JANSOWITZ: I wouldn't think so. Why
14 would anything change?

15 MR. DONOFRIO: Okay, thanks.

16 MS. LENT: Okay. Mark Querierre. I didn't
17 recognize you, Mark. You're in your civvies today.
18 And then we'll hear from Elden Greenberg after that.

19 MR. PORIER: Yes, I am in my full Washington
20 battle dress.

21 My name is Mark Porier. I'm a commercial
22 bluefin tuna fisherman out of Portsmouth, New

1 Hampshire, a member of the board of directors of East
2 Coast Tuna. But today I'm here talking as Mark, the
3 guy who fishes from Portsmouth.

4 I think that a lot of the points have already
5 been eloquently made with regard to the history of the
6 fishery and the opposition to the cap, which I am
7 opposed to even as a general category fisherman.

8 And I guess I had to step back when I heard
9 about this, and I was kind of befuddle by it all,
10 especially as I see the increases that are scheduled
11 over the next several years for every other category.

12 And I started asking myself why, why is this
13 happening? And, frankly, I didn't like the answers I
14 came up with. None of them pass the smell test. My BS
15 detector was going off and I just did not like what I
16 was beginning to think about our National Marine
17 Fisheries Service.

18 And, again, I ask the question why. It can't
19 be because of conservation. These guys have been
20 continually cut and have made excellent strides towards
21 the conservation of these fish. They have given us a
22 lot of science and, again, those points have been made.

1 So it couldn't be conservation.

2 Could it be institutional vendetta? We all
3 know that the purse seiners have kind of embarrassed
4 NMFS from time to time along with the spotter pilots
5 with regard to stock assessments. I mean, we know in
6 '93 for instance when there were four to six thousand
7 fish in an afternoon we saw 17,000. Maybe it's payback
8 time. I don't know. None of these answers seem to
9 make a lot of sense.

10 And with regard to intransigence. They're not
11 intransigent when it comes to changes. They've been
12 changing every year practically for the last 20 years.

13 So why are we continually being faced with an
14 agency going against one particular segment of the
15 fishery? It simply doesn't make any sense. And,
16 basically, I would like to leave those questions in
17 people's minds on this AP panel because you know that
18 you have the power to change people's lives.

19 It may sound melodramatic, but you've heard
20 from people here today who have taken substantial pay
21 cuts, who see their livelihood going down the tubes.
22 You additionally hear from people who are fishing

1 commercially who believe this is the first step on a
2 slippery slope towards full decommercialization of this
3 fishery. I'm no conspiracy theorist, but I see it
4 going that way.

5 I don't understand why institutionally
6 National Marine Fisheries continually bangs on the
7 seine boat category --

8 (End of Tape 2, Side B.)

9 MS. LENT: -- changed and we can increase the
10 quota. Then you're right. We'd have to go back and --

11 MR. GREENBERG: Elden Greenberg. I'm a
12 partner with the law firm of Garvey, Shubert and Behr,
13 and I represent the East Coast Tuna Association and the
14 owners and operators of the purse seine vessels.

15 It is always daunting to come up to speak
16 after you've heard the heartfelt comments of people
17 whose lives and livelihood are dependent on a fishery
18 and, as a lawyer, have to focus on dry legalities. But
19 those legalities are important here, and I think this
20 committee, this panel, is faced with an important test
21 having to do with whether Congress' solicitude for
22 fairness and equity in allocation have any meaning at

1 all or whether they can simply be ignored by the
2 National Marine Fisheries Service.

3 Simply stated, I believe the cap is not only
4 unfair and discriminatory, as you have heard, but also
5 that it can't be squared with the requirements of the
6 Magnuson-Stevens Act. And you are faced here with a
7 unique circumstance.

8 This is the first fishery where we have three
9 separate provisions of the Magnuson-Stevens Act
10 relating to fairness and equity in allocation which
11 come together and which have to be construed and
12 applied. You have National Standard Number Four, which
13 you're all familiar with, which requires allocations to
14 be fair and equitable and reasonably calculated to
15 promote conservation.

16 Because you're dealing with a highly migratory
17 species, you have Section 304(g) which requires that
18 management measure "take into account traditional
19 fishing patterns," and also, "be fair and equitable."

20 And, finally, because you are dealing with a
21 fishery which has been declared overfished by the
22 National Marine Fisheries Service, you have Section

1 304(e)(4) which provides that the Agency must allocate
2 overfishing restrictions and recovery benefits fairly
3 and equitably among sectors of the fishery.

4 I want to emphasize two things about the
5 history of these provisions. First, in 1990 when
6 Congress enacted Section 304(g), it stated that its
7 goal was to recognize traditional participants. And
8 what it intended to do was largely ratify the
9 consistent past NMFS practice in this fishery of
10 allocating on the basis of historical proportions among
11 the gear groups.

12 The second point I want to emphasize about the
13 history of these provisions relates to Section 304(e)
14 which was adopted in 1996. And when that provision was
15 added to the law, Congress made it clear that where
16 groups were asked to bear the burden of restrictive
17 measures under recovery plans then it was only fair to
18 let them participate as well in the benefits of
19 recovery.

20 I simply don't see how a purse seine cap is
21 consistent with these provisions of the Magnuson-
22 Stevens Act.

1 If in the future the quota for Atlantic
2 bluefin tuna -- excuse me, the quota for Atlantic
3 bluefin tuna grows, the purse seine sector will not get
4 some benefit; it will not get a little benefit; it will
5 get no benefit at all. That is not fair and equitable
6 sharing in the benefits of recovery.

7 At the same time, as has been pointed out by
8 other speakers, the traditional fishing pattern in this
9 fishery, the historical allocations in proportion to
10 the harvest in the early 1980s, will be more and more
11 distorted over time until ultimately it is
12 unrecognizable.

13 I think you'll hear more tomorrow in greater
14 detail about the distortions which will occur as and if
15 the quota grows, but it's absolutely clear that that
16 distortion will be dramatic and absolutely
17 unjustifiable in terms of the requirements of the
18 Magnuson-Stevens Act.

19 The National Marine Fisheries Service rejected
20 a 50 percent cut in the purse seine quota in the final
21 HMS FMP. It rejected it because it said it resulted in
22 a "failure to maintain traditional fishing patterns as

1 required by the Magnuson-Stevens Act."

2 Well, I am telling you that the purse seine
3 cap suffers from precisely the same problem. Over
4 time, it will distort the traditional fishing pattern.
5 That patterns will not be maintained and the result is
6 inconsistent with the requirements of the Magnuson-
7 Stevens Act.

8 The bottom line is that no matter how you read
9 the law, such a result can never be deemed to meet the
10 statutory standards for allocation. It is the kind of
11 political solution which Congress condemned in 1976
12 when the statute was first enacted, that it condemned
13 in 1990 when it adopted the HMS provisions, and that it
14 condemned in 1996 when it adopted the provisions for
15 managing overfished fisheries.

16 And I urge this panel to strike a blow for the
17 proper interpretation of what is, after all, the
18 fundamental law under which we must all operate, and
19 that it strongly recommend to the Fisheries Service
20 that the purse seine cap be removed.

21 MS. LENT: Thank you, Elden. I think we have
22 a couple of very quick questions starting with Mau and

1 then Ray.

2 MR. CLAVERIE: Elden, Mau Claverie. What
3 years would you suggest as a basis for historical and
4 traditional allocation?

5 MR. GREENBERG: Well, the Fisheries Service
6 used allocations during the period 1983 to 1991 as a
7 rough basis for historical allocations. It maintained
8 the same allocation among the gear groups during that
9 period.

10 MS. LENT: Okay. Ray.

11 MR. BOGAN: Mau asked the first question for
12 me, and that is what is historical. And I think we've
13 arbitrarily chosen the 1980s because it's not in any
14 way indicative of what the purse seine category was.

15 The reason I raise that point is because,
16 first of all, I agree with your legal analysis, and
17 that is that we can not ultimately sustain a vote that
18 would cap the purse seine in this way.

19 However, I think for the record it is
20 important to ask the next question, and that is do we
21 actually think that we are somehow maintaining the
22 traditional fishery in light of restrictions on certain

1 other categories, because we've heard that the purse
2 seine category is the only one that's going to be
3 capped.

4 The angling category in the school fishery was
5 capped a long time ago through ICCAT and we have the
6 most restrictive catch per the amount of participants
7 involved. So I think it's not just the historical
8 basis but if we talk about the recovery period I think
9 we all have to look at a broader picture.

10 MS. LENT: Okay, we'll be debating this
11 tomorrow morning at 8 o'clock. A quick comment by Bob
12 Hayes and we've got to move on.

13 MR. HAYES: I preface that by saying I don't
14 think I've got a dog in this fight so I just --

15 A PARTICIPANT: It's nice to hear that, Bob.

16 MR. HAYES: But the question I've got is is
17 your argument the same if -- and I understand there's
18 sort of an 8 percent increase. What if it wasn't a cap
19 and it was a disproportionate level of increase? In
20 other words, let's say there is an 8 percent increase
21 overall and the purse seine quota went up 2 percent.
22 Would your argument be the same?

1 MR. GREENBERG: It might not be as strong but
2 it would probably be the same.

3 MR. HAYES: That's what I thought. Thanks.

4 MS. LENT: Okay, quickly, Rich.

5 MR. RUAIS: Just quick to Ray's comment, I
6 think the angling category is in a little bit different
7 situation because the cap is a percentage of the total
8 so it's not really a cap; it continues to go up. As
9 the total quota goes up, obviously 8 percent of 1,244
10 is not as large as 8 percent of 1.387. And if the
11 quota eventually goes --the U.S. quota eventually goes
12 to 17 or 18 hundred tons, 8 percent of that number is
13 also going to be higher.

14 So there is growth. It's not the same kind of
15 cap where what they're saying in the case of the purse
16 seiners is that it's 18.6 percent or 250, whichever is
17 less. So they can't numerically go any higher whereas
18 the angling category will grow as the U.S. quota grows.

19 MR. BOGAN: But for the record, it was
20 traditionally 15 percent of that.

21 MS. LENT: Okay. Thank you, Elden. We're all
22 getting some mathematical brain twisters here, 8

1 percent versus 15 percent of something that's growing.

2 Jeff Oden and then we'll hear from Dewey
3 Himelright.

4 MR. ODEN: My name is Jeff Oden. I'm a
5 commercial fisherman from Hatteras and I'm not a very
6 good public speaker and right now it's a pretty
7 emotional issue for me for the simple reason that it's
8 poetic that I ended up following the gentleman I just
9 did. He was speaking a lot of fair and equitable.

10 And I say it's an emotional issue to me
11 because I recently just lost two permits and I guess
12 I've primarily lost them due to -- I was just trying to
13 be versatile and I'm not a New York lawyer and I just
14 didn't keep up with the paperwork. And there was
15 another mitigating factor but I'll deal with that
16 through the appeal process and I've been told I'll
17 probably lose it.

18 But, you know, what I find pretty hard to
19 fathom is all that's come down on this fishery, the
20 longline fishery, you know, and all the talk of
21 reducing bi-catch and bi-catch mortality and so forth
22 and so on. And, you know, what I find pretty alarming

1 is the strange silence from the environmental community
2 for the simple fact that there is nothing being said
3 about recreational catch-and-release mortality.

4 Now, I mean, a lot of people try to shrug this
5 off but I'm not ignorant to it. I used to own a
6 charter boat and, in fact, the first two years that I
7 did not operate it a gentleman on the advisory panel
8 who is with HMS, he was the operator of it. But he won
9 the Governor's Cup Billfish Conservation Series between
10 North and South Carolina, and billfish were killed.
11 You know, that's part of it, Conservation Series.

12 So what is the double standard that allows
13 this particular sector to ignore -- to completely
14 ignore the mortality in this fishery and yet takes my
15 permits under those very same, you know, requirements?
16 You know, it's just unfathomable to me how this panel
17 can allow my permits to be taken and would allow me to
18 take the same vessel and go out under a tournament
19 format and kill a big blue marlin, bring it to the
20 dock, and make a couple hundred thousand dollars off of
21 it. That is just unfathomable.

22 That's pretty much -- well, there's one other

1 thing I'd like to say, and since you all have been
2 talking about bi-catch, I'm also a shark longliner. I
3 was lucky enough to keep that permit. You know, I
4 almost lost my bottom fishing permit with the South
5 Atlantic.

6 You know, I mean, you know, we're forced to
7 fish. If you don't use every permit you're going to
8 lose them, and if you do lose them I guess the resource
9 suffers. But somewhere in this whole process
10 something's wrong.

11 But, anyway, the shark laws -- I mean, the
12 shark plan, what does that do? You all talk about
13 reducing bi-catch. Well, all the hell you're doing
14 there is creating it. I mean, the two seasons? What
15 does that do? I mean, if we catch a black tip now we
16 throw it back dead. It's absurd. And the black tip
17 being one of the fastest growing species, as I
18 understand it, ludicrous.

19 The other situation in it, duskies are primary
20 -- you know, one of our favorite targets. We lose
21 that. We're still going to catch them. We just throw
22 them back dead and they get wasted, and you people, you

1 boggle my mind. I'm sorry.

2 Thank you.

3 MS. LENT: Thank you very much. Jeff, while
4 you're here make sure if you want to chat with folks
5 about limited entry, catch up with them, okay? Okay.

6 Dewey.

7 MR. HIMELRIGHT: My name is Dewey Himelright.
8 I feel like I'm going through repetition every time I
9 come up here, which I'm sure I am and I'm sure it's for
10 my own good but maybe with self-satisfaction goes a
11 long way with some people.

12 I'm not a vindictive person. I'm just a
13 person out there that's using that resource and I have
14 a price to pay for using that resource, it seems like.

15 The time/area closures will affect part of my
16 fishing but I will not be affected by any boater buyout
17 or anything like that. I see the time/area closures as
18 something that is discriminatory, one-sided, and it
19 just ain't right for using that ocean. I use that
20 ocean with hooks just like the other man or woman uses
21 that ocean with hooks, but it's just something about
22 that commercial man, he's got a price to pay and he

1 pays dearly with it through permits, through reporting.
2 But that's part of it.

3 A lot of things as I sit around here and look
4 at these advisory panel members, I have to take a
5 little time and sit back and think about some of their
6 opinions to the time/area closures.

7 And over the last six months I've read a great
8 deal of propaganda, and this is all my personal -- what
9 I personally believe, not what I'm associated with or
10 anything like this. This is my personal belief of what
11 I do on the ocean and work and who I am. I've read
12 over a great deal of propaganda from numerous
13 individuals or organizations that hide behind the
14 definition of conservation that are advisory panel
15 members.

16 And I would just like to pass this around to
17 show how you get public sentiment to go one way or the
18 other, how you get what one wants by getting the public
19 turned around. And I'm tying this in with how this is
20 the message on the time/area closures that these
21 advisory panel members have elected to do so has also
22 affected by livelihood and it's also Americans better

1 wake up and National Marine Fisheries because there is
2 a resource out there that's owned by everybody in this
3 world, not just 3 percent that can commercial fish or
4 have a chance to do it. How about the other people in
5 Iowa or Texas that don't have a chance to go fishing?
6 National Marine Fishery balks or does not stand up at
7 anything for those people or entities.

8 It just baffles me over and over how one group
9 can be singled out and their livelihoods taken away
10 because somebody else wants this particular area
11 because of a high number of this or a high number of
12 that. When we go look at the data for the high number
13 of this and the high number of that, you see one high
14 number and one low number. It's from the commercial
15 man that uses that ocean.

16 When we go to look at the recreational
17 industry and some people say oh, boy, daggone if he
18 ain't going a good one now, he's all up in an uproar.
19 But it's because it's the truth. When I go out there
20 and go fishing I can't go out and there and go, well, I
21 hope about 50 fish jumps in my boat or maybe not, but
22 it's the things that we have to do and the price we pay

1 for using that resource, and I just feel like and I
2 know that it's wrong what's happened. But I just hope
3 through maybe investigations or maybe through higher
4 authorities or something it can get changed around. I
5 guess it's the only thing to hope for.

6 And for some people that wonder why I get like
7 I do, I read a lot of this stuff -- and I'll pass it
8 around and hopefully would like to get it back. And if
9 you don't want to look at it, fine if you do. But this
10 is stuff that's put out through the public. The top of
11 it says, "Government fights to protect longlining."
12 And I'll pass it around and would just like to get it
13 back if I could.

14 And that's the types of propaganda that's
15 being put out through the public. That's how you get
16 the 10,000 comments. That's how you get it. Pure and
17 simple.

18 Thank you.

19 MS. LENT: Thank you, Dewey. Okay, wait.
20 We'll now go to the advisory panel members who have
21 signed up to speak. I think if you each take five
22 minutes we'll have just enough time to wrap it up.

1 Mau, five minutes.

2 MR. CLAVERIE: (Inaudible.)

3 MS. LENT: Have you spoken?

4 A PARTICIPANT: (Inaudible.)

5 A PARTICIPANT: (Inaudible.)

6 MS. LENT: Oh.

7 A PARTICIPANT: Rebecca --

8 MS. LENT: Am I missing some slips?

9 A PARTICIPANT: Did you lose my name?

10 MS. LENT: I don't have it.

11 A PARTICIPANT: (Inaudible.)

12 MS. LENT: I don't have Vince -- come on up,
13 Vince.

14 A PARTICIPANT: Was that by design, Rebecca?

15 MS. LENT: Absolutely not, Vince. Raise your
16 hand if you signed up to sleep -- to sleep -- to speak
17 and I don't have your slip.

18 Vince.

19 A PARTICIPANT: (Inaudible) I get equal time.

20 MS. LENT: Okay. Go, Vince.

21 MR. PYLE: Vince Pyle, fish dealer and boat
22 owner, a southern swordfisherman. I thought we were

1 the only user group that was abused. I realize now
2 that maybe the purse seiner might have a bit of an
3 argument. At least I don't feel alone.

4 User groups being treated equally I think is
5 probably one of the most critical things this panel and
6 this agency can do. I don't know anything about purse
7 seining or the fishery, but if they are being
8 discriminated against while other user groups are being
9 rewarded, I find that an atrocity.

10 I find that the longliners have been put in
11 the spotlight because of the tremendous reporting that
12 we have always done. I look at all the user groups in
13 HMS and I can't find any data on effort, I can't find
14 any data on their effect of mortality, but we can find
15 specific exact data on the longliners. Every bit of
16 the data seems to have been used against us, I know is
17 used against us.

18 Time/area closures, in my opinion, I am
19 inherently against. I don't -- and I say that and then
20 I think we all are because it's hard for us who get no
21 recognition for having reduced 30-some percent our
22 juvenile swordfish in the last decade. We get no

1 recognition for the 40-some percent reduction in
2 illegal sized dead discards, and yet we have to hear
3 the reports that Spain actually reports 40-some percent
4 of their landings to (inaudible) illegal size
5 swordfish.

6 So when we want to talk about how we can
7 further helped the swordfish, we want to cut off
8 100,000 square miles of the ocean or better to the U.S.
9 swordfisherman in hopes of conservation, I can't help
10 but say that I don't believe it will be effective. I
11 don't believe it will be effective unless we can
12 somehow learn to manage the species as the highly
13 migratory species they are.

14 Nelson spoke about a billfish and people
15 laughed, but I believe that that culture will never
16 throw away a fish that's caught. I don't think it will
17 ever happen. I think we are probably one of the only
18 countries in the world that will discard a wholesome
19 food product. I think my father would roll over in his
20 grave if he knew that I had to discard so much
21 wholesome food.

22 But with that said, the leaders of my industry

1 are trying to wrestle and do the right thing and figure
2 out how to better manage such a highly migratory
3 species. Well, knowing that our European counterparts
4 are never going to buy into regulatory discards, maybe
5 it's minimum sizes truthfully are not going to work.
6 So maybe time/area closures of so-called nursery
7 grounds avoiding the interaction is the best way to go.

8 I too voted for the time/area closure in the
9 Blue Water plan. I'm a multiple vessel owner and I
10 deal with 20 of the 47 people on the list. It's not an
11 exciting thing. I make an okay living. I wish we
12 would close someplace else. But if it's really going
13 to do that much good for the remaining industry and,
14 more importantly, that much good for managing the stock
15 globally, then reluctantly myself and many that I
16 represent are behind it.

17 I don't think it's the first choice of mine
18 but as I've worked hard on it I think it's possibly the
19 best way to go. Now, I have to ask a question,
20 Rebecca, and I didn't understand all of the tables that
21 were put up today, which I was glad to see that a lot
22 of Ph.D.s here scratched their head too, can I ask a

1 simple question?

2 When do you plan on putting a time/area
3 closure in effect, the agency?

4 MS. LENT: We have a goal of trying to get a
5 time/area closure in effect by September the 1st.
6 That's something that we committed to in the plan.
7 That's going to depend on how much research and input
8 and clear guidance and answers are going to come out of
9 these analyses, Vince.

10 MR. PYLE: So your goal then is to put a
11 time/area closure in effect no matter what the industry
12 and some of the recreational groups such as the
13 Billfish Foundation and some of the other organizations
14 have been working with the industry to try to come up
15 with a most effective time/area closure which would
16 compensate those that were the most dramatically
17 affected? The agency then, I understand, is -- that's
18 not as important as coming up with something by
19 September 1st?

20 MS. LENT: Again, we welcome and would embrace
21 a buyback program tied in with the time/area closure.
22 We also have a mandate under Magnuson-Stevens to

1 address bi-catch. We're going to continue working on
2 it.

3 We hope that by being your best friend, by
4 coming forth with a proposed rule package that analyzes
5 all the impacts and says, look, here's one way to
6 mitigate it with a buyout, that that is a good salvo to
7 Capitol Hill, which I'm not allowed to do but which
8 will help move this along so it converges to a
9 solution. Hope so.

10 MR. PYLE: I was unaware that my specific gear
11 type is the only in the country that has bi-catch, so
12 the mandate to address bi-catch being -- and must be
13 done by September 1 seems to me like we're singling out
14 a specific group.

15 I think there is bi-catch that needs to be
16 addressed in all fisheries in this country and I think
17 your mandate addresses that you address bi-catch in all
18 fisheries. And I don't see September 1 being proposed
19 to any other fishery.

20 MS. LENT: Vince, we're running a little short
21 on time, if you can wrap it up. Thanks.

22 MR. PYLE: That was a fast four minutes. If

1 we need to go forward, I ask every member here on the
2 council to do it a logical way. I would hope that we
3 don't have to end up in court and jumping off what
4 we've worked hard to achieve and going after the
5 agency.

6 Thank you.

7 MS. LENT: Thank you very much, Vince.

8 David Wilmot, did you want to speak at this
9 time? Do you want to take four minutes?

10 MR. WILMOT: I think I've had my opportunity
11 to speak.

12 MS. LENT: Okay. Irby, I got a sheet for you
13 here.

14 MR. BASCO: Thank you, Rebecca. I'll take my
15 (inaudible) that I'm a recreational angler. I've heard
16 a lot of comments today. This is pertaining to the
17 billfish. Comments today about, of course, realize
18 that commercial entities here are hardworking people,
19 but the people in the billfish -- for recreational
20 billfish are hardworking people as well.

21 You ask any boat captain or deck hand, any
22 service organization, yacht repair person, boat

1 builders, there is quite bit of activity there that
2 lends to the economy. Billfishing is for recreational
3 for also catch-and-release is a lot of fun, but there
4 is also a lot of -- there's a lot of money spent and
5 there's a lot of work involved in that.

6 There is an organization that we belong to
7 called IGFA. I'm sure you all have heard of it. It's
8 the world's recordkeepers. With the implementation of
9 the length of the billfish, the blue marlin especially
10 for 99 inches, the light-line anglers, which I am real
11 close to one of them, I've followed her around all over
12 the world trying to catch some world records, will be
13 affected by this.

14 In other words, any fish that's 99 inches, a
15 blue marlin, will probably weigh close to 300 pounds so
16 that eliminates the two-four pound -- six -- two, four,
17 six, eight, and possibly the 12-pound test effort to
18 try to get a world's record. And in 11 years of world
19 record fishing, the person I'm speaking of has killed
20 two blue marlin. One of them was in the Pacific and
21 one was in the Atlantic.

22 So at any rate, I just want everybody to

1 consider that the recreational angler is actually
2 taking a hit as well on the proposed billfish amendment
3 as well as some of the other items in the other HMS
4 plans. So at any rate, I just want to, you know, make
5 people aware that we are taking a hit too as well, as
6 you all are, and I just want you to consider that in
7 your thoughts.

8 Thank you.

9 MS. LENT: Thank you very much, Irby. And
10 recreational billfish fisherman are also very good
11 singers, as I discovered when I was in Texas recently.
12 Okay.

13 Rusty Hudson.

14 MR. HUDSON: Rusty Hudson with directed shark.
15 Basically I just want to touch on a couple of the many
16 points that I'm concerned about on shark. I'm going to
17 read from page 29,130 of the final rule that went out
18 May 28th. The paragraph on the bottom left-hand side
19 starts, "In summary, the final regulatory flexibility
20 analysis found that overall the final actions for
21 bluefin tuna and swordfish rebuilding in the bluefin
22 tuna time/area closure may have some negative economic

1 impact." And if I may ad lib, any quotas associated
2 with those two fisheries are under the perusal of a lot
3 of international scientists.

4 In addition, the combination of final actions
5 for sharks, quota reductions, minimum sizes, retention
6 limits, and counting dead discards in state landings
7 after federal closures against federal quotas may
8 result in the elimination of the directed commercial
9 fisheries for large coastal sharks and may
10 substantially impact commercial fisheries for pelagic
11 sharks and small coastal sharks in the U.S. EEZ. In
12 addition because these regs will have a significant
13 impact on commercial fishermen, the HMS FMP will likely
14 also impact related parties and communities such as
15 processors, bait and gear suppliers.

16 Basically speaking, that science is generated
17 solely by NMFS chosen scientists and no international
18 or independent scientists are basically involved in
19 this process at this time when they need to be. We
20 have put duskie on the protected species category in
21 '96 and '97. I just received the three texts on
22 Monday, but I found the reference that 14,000 duskies

1 are killed by the recreational in '96 and in '97. Now
2 that those are protected species, you're basically
3 creating a bald eagle for the recreational to become
4 criminals.

5 Furthermore, 20 percent of those duskies
6 tagged off the northeast have been returned from
7 Mexico, but if you read the essential fish habitat's
8 conclusions and documentation that was conducted by
9 Jose Castro, duskies, sandbars, nursery grounds, none
10 of the above exists in the western Gulf of Mexico nor
11 do adult black tips. I find this a problem.

12 I pointed it out to Dr. Matlock two --
13 actually three AP meetings ago, the EFH people. They
14 never bothered to take some of Stewart Springer's
15 stuff, Compagnio's stuff or anything else, and include
16 it.

17 Now, the other thing I am going to touch on
18 without going into all that other stuff is on page
19 29,144. Under sharks, section (e), it says that the
20 minimum size for the three allowable sharks under the
21 ridgeback category, which is sandbar, silky, and tiger,
22 will be 54 inches, 137 centimeter fork length.

1 But if the head and the fins have been
2 removed, they have now created a new measurement, 30
3 inches, 76 centimeters, from the first dorsal fin or
4 cartilage into the spine of the dorsal ridge mount
5 that's left to either the precaudal pit or to the
6 posterior edge of the carcass.

7 I have asked -- I have not received --
8 documentation of where that 30 inch measure comes from.
9 Does it accurately correlate with the 137-centimeter
10 length for the fork length measurement for live animal
11 and, if so, is that true in all three cases of the
12 sandbar, the silky, and the tiger, or are we going to
13 make more criminals out of people that are a half inch
14 off or something?

15 Thank you.

16 MS. LENT: Okay, thank you, Rusty. Anybody
17 else on the panel who would like to intervene? Bob.

18 MR. SPAETH: Bob Spaeth, Southern Offshore
19 Fishing Association. I guess Rusty brought up the
20 point and it's been a big stickler in my craw. I think
21 in the swordfish, tuna, and anybody in highly migratory
22 species why is the United States of America

1 disadvantaging, and i.e., I say its fishermen, while
2 other countries are allowed to harvest the same species
3 unabated?

4 And I use Mexico and Cuba on sharks and the
5 only thing that we were told here is that we should
6 lead the way. Well, I'm tired of leading the way and I
7 think a lot of other people are tired of leading the
8 way.

9 I think there is a provision in the Magnuson
10 Act somewhere that says that our U.S. fishermen should
11 not be more disadvantaged than foreign fishermen, and I
12 would hope somebody would look into that if we continue
13 on this process of disadvantaging our people here on
14 the highly migratory species.

15 Thank you.

16 MS. LENT: Thank you, Bob. Nelson.

17 MR. BEIDEMAN: Nelson Beideman, Blue Water
18 Fisherman's Association. A couple of things, Rebecca.
19 For one thing, I would like to reflect on some of the
20 remarks that Vince Pyle had made. At the recent Blue
21 Water annual meeting we had two and a half days of
22 absolute gut-wrenching deliberations on everything

1 that's been taking place. I was very, very proud of
2 the group. In the end, there was a unanimous vote as
3 far as the closed area buyout proposal to move forward.
4 Not everybody in this fishery agrees with that vote and
5 that position, but an organization representing the
6 majority of the participants is moving in that
7 direction. I'm very proud of that.

8 Another thing, Rebecca, I do have the full
9 runs now of the live versus dead bait and I'll give you
10 a copy of those runs so that we can have copies for
11 discussions tomorrow. And Ellen may want a copy
12 tonight. I only have two copies but --

13 A PARTICIPANT: (Inaudible.)

14 MR. BEIDEMAN: Yeah, and have Bill get some
15 copies and anyone that wants to look at it tonight.

16 And last thing, I would like to go on record
17 once again in opposition to the purse seine cap.

18 MS. LENT: Thank you, Nelson. We have a few
19 more minutes. Anybody in the back of the room that
20 wants to speak that didn't get a chance?

21 A PARTICIPANT: (Inaudible.)

22 MS. LENT: Leonard. Go ahead and introduce

1 yourself, Leonard.

2 MR. INGRANDE: Yes, my name is Leonard
3 Ingrande. I have been fishing for quite a while. I
4 started in 1943 and I want to find out why it is that
5 the National Marine Fisheries Service keeps attacking
6 us the way they do. I'm just having a hard time with
7 it.

8 And my question is to you, Rebecca. What is
9 the position of your opinion on how this should run? I
10 mean, we talked to the advisory panel, they give their
11 opinions. And the first I heard about a cap was a few
12 months ago. We never discussed it at the scoping
13 meetings. We've never done any of this.

14 I'm a very poor speaker at public speaking.
15 That's why I prefer to write. I just never had a thing
16 for it.

17 In 1943 I started fishing during World War II
18 and then in 1950 I volunteered for the armed services
19 during the Korean conflict. I've fished every year
20 since then. I've made my livelihood from it. And I
21 volunteered for the armed services because I figured
22 that was the right thing to do for my country.

1 When I attended the meetings at ICCAT I
2 watched NMFS manipulate, take cheap shots at us, and
3 embarrass the American government by rulemaking in the
4 weird places. I was invited to Washington more than
5 once to talk on a one-on-one and the director walked
6 out of the meeting to interview a secretary. Being
7 Bill Gordon, Bob Ahrens (phonetic) at the time.

8 Enough is enough. I've been abused, attacked,
9 and in this document called a secondhand citizen.
10 That's what I was called. Anybody here fishing more
11 than 55 years? Stand up, please. You're pretty close
12 to my age, maybe a little younger. All right. There's
13 one back there. Fine. He deserves to be heard.

14 A PARTICIPANT: (Inaudible.)

15 MR. INGRANDE: Okay, fine. So I'm just saying
16 that these (inaudible).

17 A PARTICIPANT: (Inaudible.)

18 MR. INGRANDE: Okay. You've been fishing, so
19 you have an opinion to speak. I have my opinion to
20 speak here. I am tired, sick and tired, of the abuse
21 against the seiners. I was hoping that this cap I hope
22 stops.

1 And I'll put it in a letter form to you or in
2 another form.

3 Yes, Jimmy.

4 A PARTICIPANT: (Inaudible.)

5 MR. INGRANDE: I know your question. Go
6 ahead.

7 A PARTICIPANT: Leonard, I asked Joey this
8 question before I know he's not directly involved with
9 the purse seine. Being that you're the owner of a
10 purse seine vessel, do you feel if this cap was
11 implemented would your effort increase on the yellowfin
12 fishery?

13 MR. INGRANDE: Do I feel that? No.

14 A PARTICIPANT: No.

15 MR. INGRANDE: I think this cap was put in by
16 -- wait, maybe I don't quite understand the question.
17 But the yellowfin, Jimmy, is not the primary thing to
18 me because right now the price of yellowfin tuna on the
19 world market is next to nothing except on the domestic
20 market you get a nice dollar for it.

21 I have restrained from fishing yellowfin tuna
22 but I have no guarantee from that lady sitting two

1 seats over from you that next year or the year after
2 this they implement laws because I didn't participate
3 in the fishery I'm out. I left the yellowfin alone and
4 I gave -- I told you I would. It didn't pay to go. I
5 try to keep the peace. I've always tried to keep the
6 peace.

7 Roger Hillhouse behind me, we donated our time
8 and our effort in the time when Bob Ahrens was the
9 director of some kind. This watch here was given to me
10 by the Canadian Tuna Company. It's a gold watch. And
11 they told me if I would steal fish and send them back
12 to Canada they'd give me a gold Cadillac. Well, the
13 Canadian tuna boats got just that, golden Cadillacs.
14 And they stole that fish off the coast of New Jersey.
15 This young fellow here was a baby at the time.

16 When did you start, Nelson?

17 MR. BEIDEMAN: I was seven years old.

18 MR. INGRANDE: Who was Jum-jum (phonetic)?

19 MR. BEIDEMAN: (Inaudible.)

20 MR. INGRANDE: Who was Jum-jum? Do you
21 remember the names of the boats? Okay, and they took
22 this fish and took it to Canada. They had a 350-ton

1 quota. They took 5,000 tons. I gave those numbers to
2 Steve Turner eight years ago on 16th Avenue. It was
3 never brought to the records.

4 I listed little scraps up on the wall of the
5 National Marine Fisheries Service. It's all bogus.
6 Those are not factual. The Canadian government which
7 went into the record as 350 tons was 5,000. But blame
8 the small seiners. We got blamed for everything. And
9 we sat back and live and let live, help and try to
10 help.

11 National Marine Fishery failed me. I went to
12 war, received these scars, and then they fail me today.

13 MS. LENT: Leonard, can you take about another
14 minute and wrap it up? Thank you.

15 MR. INGRANDE: I'm through. I've been done
16 for years.

17 MS. LENT: Thank you. Just quickly one more
18 comment. Gail, then we're going to have to wrap up for
19 the day and get ready for tomorrow.

20 MR. JOHNSON: Thank you. Leonard is a hard
21 act to follow here. I just wanted to say that not
22 particularly at this advisory panel meeting but from

1 things like Dewey passed around, it's getting difficult
2 to be made to feel like less than a human for using a
3 particular gear type, and I sympathize with the seiners
4 here.

5 And I repeat again, once more, that it isn't
6 necessary the gear but the operator that determines the
7 catch and the disposition of that catch. Longliners
8 are about as bashed as the purse seiners. I appreciate
9 what the purse seiners have done. I do not want to see
10 a cap on them and I wish us all luck tomorrow in our
11 discussions.

12 MS. LENT: Okay, thank you very much, Gail.
13 And on that note, I will remind everybody we start
14 tomorrow morning at 8 o'clock with a discussion on the
15 purse seine cap.

16 HMS AP members here at 8:00 a.m. Billfish, if
17 you want, you can join us. Otherwise, we'll see you at
18 the coffee break at 9:30. Have a nice evening.

19 (The meeting was adjourned.)

20 * * * * *