

JOINT MEETING OF THE  
ATLANTIC HIGHLY MIGRATORY SPECIES  
AND BILL FISH ADVISORY PANELS

JOINT MEETING

February 10-12, 2003

at

Holiday Inn

Silver Spring, Maryland

(Afternoon Session)

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### GREETINGS AND INTRODUCTIONS

MODERATOR CHRISTOPHER ROGERS: All right, we have an ambitious agenda, which is becoming more ambitious given that we're about an hour and a half behind now I think in where we thought we would be.

UNIDENTIFIED: We could work late tonight and make it up.

MODERATOR CHRISTOPHER ROGERS: I think we'll have to work late tonight and make it up.

UNIDENTIFIED: (Inaudible.)

MODERATOR CHRISTOPHER ROGERS: That's right. We'll just let Rich Ruais and then we're going to skip bluefin entirely because we're running out of time.

Before we get back into the discussion, I just wanted to introduce -- or maybe reintroduce for those who already know Bill Price, sitting next to me. Bill is taking on a new role in the agency. He is relocating to the Beaufort, North Carolina office, and is going to undertake some outreach initiatives and coordination initiatives with respect to tournaments. I don't know if it's specific to Highly Migratory Species or certainly inclusive of.

WILLIAM PRICE: Inclusive of.

MODERATOR CHRISTOPHER ROGERS: Inclusive of. Some other outreach activities, as well. So, I'll let Bill give a few words just to let you know what his activities will be as they intersect with the HMS management.

WILLIAM PRICE: Thanks, Chris. Very few words. I just started this job. As a matter of fact, the second day I showed up, I got a snow day in North Carolina, which I don't know what that bodes, but anyhow -- it's a new job. It's new to the agency. As Chris mentioned, it is primarily to reach out and coordinate, work with Highly Migratory Species tournaments, tournaments that target the billfish. Part of my job is to promote circle hooks and that now is the use of circle hooks decrease mortality -- or hopefully, and that is now a statement of policy from the agency.

In previous jobs, I've played around with promoting the use of circle hooks for about ten years now. Eric Prince mentioned the hook and release symposium that was held in Virginia Beach in '99 and we played a substantive role in that, in editing and the rest of -- there's a whole section in there -- I'm sorry, I digress -- there's a whole section from that symposium that deals with circle hooks, their use and their effectiveness.

We're working with tournaments to try and promote circle hooks. A couple of them have already changed their -- a couple of them in the North Carolina area that I'm aware of, Big Rock being one, that have changed their point system and now you get -- I believe it's 200 points if you hook up properly with using a circle hook and 180 points for J hooks, which are promoting the use of them.

We have scrounged around and found some very small dollars at this point to support training of proper techniques for using circle hooks to ensure that the catch rates remain the same -- or maybe even get better. Working with Sea Grant Florida on brochures. Also New Hampshire DNR has a very quality circle hook brochure that I'm hopefully in the process of plagiarizing. And there's all the things that are mentioned today and all the problems that we have in trying to overcome, and I'm sure open to any points of views.

I do more than circle hooks, obviously. And that's it. Any questions, I guess -- I don't have a real pat way of talking about this, because this is the first time I've spoken about the new job in public -- which might be obvious -- and I really want to learn first before I put my foot in my mouth. Thanks.

MODERATOR CHRISTOPHER ROGERS: Mike Leech, you had a question, comment? Or a foot to put in his mouth.

MICHAEL LEECH: No, just a comment. I think it's a great idea that you're working with the tournaments, and -- you know, hopefully spreading the word on circle hooks. I think IGFA was the first one to require mandatory circle hooks down in Mexico. As you know, the word is spreading down in South Florida. And I think as they find out that they could catch just as many fish and the catch rate is going to be -- I think that's probably what's scaring some of them away. I don't think it's going to work with lures as well, but with lures, probably 95 percent are hooked in the mouth anyway.

And as you know, IGFA has gotten into a new program of certifying observers, giving them a one-day training course and all that. And we want to continue working with you on that, particularly as in our previous discussion. If we ever start bumping up against the 250 marlin limit, it's going to behoove a lot of tournaments that now have -- even though they may have a high minimum size limit, they may want to go to observers on board so they could be comfortable with a release and still give big money.

WILLIAM PRICE: Thanks, Mike. Actually, I was remiss. I should have mentioned IGFA. As you know, we are reaching out and trying to do whatever I can to support your efforts on the certified observer program, and you certainly have been out in the forefront with circle hooks from when they were basically just a question mark of marketability in the United States.

MODERATOR CHRISTOPHER ROGERS: Okay, Bill. We look forward to working with you, and you get to go to all the tournaments while we get to sit back here in the office in Silver Spring. But send us postcards.

WILLIAM PRICE: You can count on it.

MODERATOR CHRISTOPHER ROGERS: As I said, we're behind on the agenda. We had hoped to get on with two additional elements in the billfish discussion this morning before the lunch break, and those being our tournament registration program. We just wanted to give folks an update on the things we're doing to try to standardize and computerize and make more efficient the tournament registration process. Again, to re-emphasize, it's a two-step process. Registration first and then selection for reporting second.

And we also wanted to discuss options. I think Mike Leech just mentioned that if we ever bump up against that 250 marlin limit, that's the question that we really wanted input from the panel on, the what-if, as we embark on this improved monitoring program, through the tournaments and through non-tournament reporting, it does beg the question as to what if.

Certainly when we negotiated the agreement at ICCAT, the anticipation was that 250 was reflective of our current participation rate and current landing rates of marlin. In fact, well -- that we would be well within that limit for years to come, under the current management scheme, and therefore it was more representative of the status quo as opposed to the requirement for additional domestic regulation.

So, currently the regulations do not even speak to the issue, so to speak. There's no codification in the regulations of the 250 marlin limit. We do have a minimum size in effect that again was designed to comply initially with a 25 percent reduction requirement and -- in a sense, it had been reassessed with respect to the 250 limit, and it had been determined that we did need to improve monitoring, but we did not need to increase the minimum size, at least at this

point, to ensure that we were within the 250 limit.

But arguably the only mechanism we would have if the improved monitoring program causes us to believe that we are in danger of approaching -- I shouldn't say in danger, but at risk -- I don't know, of exceeding the limit -- obviously we are bound to comply under our treaty obligations with the international commission -- if we are approaching that 250 marlin limit, the only alternative available to us would be to issue some sort of emergency rule. We'd rather be obviously more proactive than that and contemplate what mechanisms should be put in place a priori, in advance, so that if the time did come, that we would know what the rules of engagement are, as well as the members of the public, and have an orderly progression to more restrictive regulations.

So, we definitely wanted to get into that discussion of the what-if scenario with respect to the 250 limit, touch briefly on the improvements that we hope to make in the tournament registration and reporting program, and also we had John Graves on the agenda for the status update of last year's ICCAT meeting.

So, I imagine the discussion of the 250 limit and the what-if's could go on at some length. I'm prepared to go into it right at this point, unless you'd rather let John go with the ICCAT status update. He says no, he's not ready.

UNIDENTIFIED: (No microphone -- inaudible.)

MODERATOR CHRISTOPHER ROGERS: We still had more questions on the permitting and reporting program. We had a couple questions with respect to tournament registration. And then of course we anticipate a somewhat lengthy discussion on the what-if with respect to the 250 marlin limit.

So, John is with us all day? So, you're flexible in terms of putting yours off. I thought I saw Girard Bradley here is from Customs. What's your availability? Not to put you on the spot, Girard --

GIRARD BRADLEY: Till the end of the day.

MODERATOR CHRISTOPHER ROGERS: Till the end of the day. Girard wanted to speak to us a little bit about the Customs situation with the homeland security and their alert status and I wanted to give Girard an update of where we were in the ICCAT situation with trade restrictive measures and how NMFS and Customs can work together to implement trade restrictions that may make a shift from a country-based trade restriction to a vessel-based, as we go on through the ICCAT process on these vessel lists.

So, at some point we may need to shift gears, so to speak, to take care of John's presentation and Girard Bradley from Customs, but for the time being we'll continue on with our billfish discussion and see how long we can go before our guest speakers have to leave.

UNIDENTIFIED: Why don't we set a time?

MODERATOR CHRISTOPHER ROGERS: Set a time? Well, it's 2 o'clock now. How about we'll go from 2:00 to 2:15? Can we finish up the permitting and reporting stuff in 15 minutes? We had gone mostly around the table. And then after that we'll just very quickly go over the tournament registration and hopefully deal with that in 15 minutes. And then from 2:30 to 3:00 do the 250 limit, and cut it off at 3:00 and we can come back if necessary and then deal with the ICCAT presentation and situation with trade restrictive measures. Is that agreeable?

UNIDENTIFIED: If you can get away with it.

MODERATOR CHRISTOPHER ROGERS: If I can get away with it, okay. These are the situations when I say it would be worth it to pay a moderator for these meetings; right?

All right. Well, let's finish up then with the questions on the permitting and reporting. Ellen, you had a question on tournament registration, I believe.

ELLEN PEEL: Yes, we talked about the requirements of U.S. anglers reporting when they're out of the country on a

U.S. boat. Now, what about a tournament that is a product of a U.S. incorporated entity that's held outside of the country -- because there are quite a few of those. Are those -- I'm assuming they are to register. Is that yes?

MODERATOR CHRISTOPHER ROGERS: Well, technically, the regulations are quite specific -- I shouldn't say technically, they are quite specific with respect to a tournament that occurs in a U.S. coastal port. So, it would include Puerto Rico and the U.S. Virgin Islands and any coastal state from Texas through Maine.

ELLEN PEEL: But not the Bahamas?

MODERATOR CHRISTOPHER ROGERS: Not the Bahamas.

ELLEN PEEL: Even though it's a U.S. event?

MODERATOR CHRISTOPHER ROGERS: Even though it's a U.S. event. Now, certainly in a situation like that what we've already spoken of is that U.S. anglers aboard U.S. vessels would need to use that toll-free number and report on the catch. If it's a chartered vessel situation or U.S. anglers aboard another country -- or a vessel registered to another country, that's where it gets a little bit dicey as to whether we would be making a determination that the marlin being landed is being reported to the Commission through some other country's mechanisms, or whether the U.S. individual on board that vessel is aiding and abetting I/U/U fishing.

So, as Customs says in their brochures for travels overseas, know before you go. Know what the rules are and be prepared for when you come back. Anybody after Ellen up to Henry?

(No response audible.)

MODERATOR CHRISTOPHER ROGERS: All right, Henry.

HENRY ANSLEY: Appreciate it. I just wanted to go over -- sort of waited for it to come around to me -- about the term of -- when we reviewed this as far as the HMS permit requirements, going to -- what it sounds like going to everybody now, if you can catch one bottom fishing for cod -- billfish that that seems to me rather extreme, and I think that you have to -- I didn't realize, and I'm not sure how many people realized that that interpretation would be that extreme. And maybe the solution on this is to try to define possession a little differently under the regulation.

The possession as defined in having it hooked up, well, for me that's a 50/50 thing, maybe not even that good odds of who's possessing what, you know, when I got a fish hooked up. But I would say defining possession, and that would be better, rather than just say well, if you've got a chance of interacting with something, then you're going to have to have a permit.

Then you could say well, if it just happened -- you know, technically, you will be in violation. But technically it's going to interpret to the angling community as well. That's the way it is. You're going to get a big backlash on this.

The other thing I would say is I also agree there has to be enforcement on this, and we have to look at the current load on enforcement already going on on the recreation through NMFS. So, if there is not recreational enforcement going on at the levels you need right now, and you add this to it, a lot of anglers are just going to blow it off.

And whether you like it or not, most anglers that it comes to, they're going to look at the \$27 as being a fishing license because of the funding. I know that you can justify where it goes, but that's just the perception you're going to get.

And I think just -- I know you get all these comments sort of after the fact -- I know that's got to be frustrating, but I think the thing is if we could resolve a lot of trouble before it comes out, it's going to resolve it for us, too, because we're both going to get flak about this.

The other thing is 24-hour reporting. Is there something sacred about 24 hours? That's just a question. What about e-mail or a form that you could go in and fill out that way? And say if you didn't -- if you tried to define possession so that it would focus more entirely on people actually fishing for HMS, people are going to be very conscientious about

responding, could you open it up then to people who did catch and release voluntary, or if you didn't make it a mandatory requirement that everybody had any chance of catching, made it a little kinder, then maybe people would be more willing to report catch and release.

Also on the continuum, you've looked at billfish -- or tuna, I should say -- looking at billfish, sharks. Okay? By March 1st will all this have been resolved so that we can tell our anglers whether or not they will need a HMS permit within state waters.

MODERATOR CHRISTOPHER ROGERS: Well, one of the questions you had just asked was with respect to making the reporting easier. Currently we do have a Web-based and interactive voice response system for bluefin tuna reporting, and we are working on a requirements document with the contractor that manages that Web site for us and the IVR system to expand it to include the marlin.

So, this call-in/call-back system is a stopgap measure, so we have something to report back to the Commission next fall is what we've implemented. But our intent is to provide a greater facility of reporting through that Web-based system that is currently active for bluefin tuna, but it will be expanded.

For those who visited the Web site, there's also a dead-end at this point with respect to tournament registration, but we're going to try to focus a lot of activities through that Web site as we expand it.

On the applicability in state waters, what we need to do first is implement the federal regulations and then make a determination in conjunction with a dialogue with the state as to whether the state has, again, regulations that are at least as restrictive and effectively enforced. So, there has to be a determination on the part of the Secretary of Commerce that it's a negative response in making that determination, and therefore the federal regulations need to apply.

So, there's a process of first implementing the federal regulation, comparing it to the states, making a determination, giving the state an opportunity for a hearing. The state may argue that we recognize that we don't have a regulation in place, but we are working on something, and therefore it doesn't need to apply. Timing can become an issue, and we'd have to have some dialogue.

So, I don't know that we're going to resolve that in all states from Maine to Texas by March, but we're certainly working expeditiously on that.

UNIDENTIFIED: (Inaudible.)

MODERATOR CHRISTOPHER ROGERS: If it's not resolved, currently the way those determinations have been made are with respect to Atlantic tunas only, not with respect to marlin and swordfish. Sharks is completely different, because that's under Magnuson only.

RUSSELL DUNN: So, to answer that more directly, you do need it in state waters for tunas, with the exception of Maine and Missouri, is that --

MAUMUS CLAVERIE: Well, that means HMS, because there's no more tunas.

UNIDENTIFIED: You need to use your mike.

MAUMUS CLAVERIE: Well, the question is whether if you're only fishing in state waters, and the determination has not been made on this new HMS permit as to whether or not you would need the federal permit in state waters because of whether or not the state is or is not complying.

But what I'm hearing now is that since this HMS is substituting for the tuna, and since the tuna regulations have already pre-empted state waters, Mississippi River all the way up to Cairo, Illinois, you wouldn't need one because there's no more tuna licenses, just the HMS license. If you're fishing for tuna, you've got to get one of those.

So, is that saying then that unless it's determined otherwise, March 3rd you need -- even if you're going to fish only in state waters, one of these HMS permits?

MODERATOR CHRISTOPHER ROGERS: Well, the strict response is if your intent and practice was only to catch sailfish off the Gulf Coast of Florida, no, you would not need a permit at this point in time.

MAUMUS CLAVERIE: That's only to --

MODERATOR CHRISTOPHER ROGERS: But if you were going to catch yellowfin tuna, yes, you would need the HMS angling category permit.

MAUMUS CLAVERIE: I understand where you're coming from, but my comment later is on that criteria. I don't think the language that you're using is correct. It's very specific.

MODERATOR CHRISTOPHER ROGERS: Okay.

ELLEN PEEL: Did you just say you don't need a permit if you're HMSP, if you're fishing for sailfish?

MODERATOR CHRISTOPHER ROGERS: In state waters off the Gulf Coast of Florida, extending out to nine miles, because we haven't made a determination that the federal requirements need to apply in state waters.

ELLEN PEEL: (Inaudible) anyway.

MODERATOR CHRISTOPHER ROGERS: Saltwater recreational license in Florida would apply certainly in that case.

RUSSELL DUNN: There's no easy answer. The bottom line, the statutory and regulatory language is very difficult for us to -- and there are a number of steps that we have to take before we can give a solid yes or no answer. There are no yes or no answers. We can't just say yes/no. It's all one thing's dependent on something else. And you can continue to criticize or -- I mean, I don't feel like you are right now, but there's nothing else we can tell you other than what we've already told you. And the fix is not with us. The fix is with Congress at this point.

MODERATOR CHRISTOPHER ROGERS: I'm not suggesting that a fix is necessary, just that a process has been determined by Congress and we have to follow the process before we can categorically say that the regulations with respect to marlin or swordfish apply in waters under state jurisdiction. That determination has been made with respect to Atlantic tunas, and that's in the record, although the ATCA itself does speak to a continuing review and one could argue that determination is about 10 or 12 years old now, so we need to continue with that review.

Henry, you've got all your questions at least answered partly? Okay. Next in line. Gail Johnson.

GAIL JOHNSON: Thank you. I just wanted to say welcome to the world of logbooks and data reporting. We all have an opportunity, leaving aside whether it's a right or a privilege to go fishing, whether we're catching them for fun or profit, the numbers of recreational fishermen are immense, as Irby said. They're huge.

We have an obligation under ICCAT and under Magnuson to understand the impact of fishing on these stocks. Our impact is nominally less -- obviously less than the world at large, but until we can get a handle on what our numbers are, not just the tournaments but the huge numbers that we really don't understand, we don't have the credibility that we really need.

I understand there are big issues about permits and about the nuts and bolts of how this all works, state, federal, it's just awful. We've been -- we, commercial guys, have been through a lot of them and it took time.

What we've heard today is a beginning. Obviously there's been a lot of problems pointed out around the table. I as a commercial person don't really have a good understanding of the nuts and bolts of what we actually have to do to comply with this stuff. But the point is that the landings data and information on how -- what happened with the fish

and the information on that Web site picture that we saw is all important. This is stuff that commercial guys have to give -- I wish I had brought my logbook with me so you could see all the information that we have to give, but it's -- the world is kind of crunching down. We have to give this information.

And this is basic, the landings. And what I'm thinking -- what I'm hoping is after initiating this kind of reporting, that it will lead into the information on boated fish. That's another -- it's kind of a big leap from one to the other, but that's the kind of information that ICCAT needs, that we need from Magnuson rebuilding and stuff, the information on the time trolled for -- what is it, HPUE now? For the time that the fish was played -- fight -- fought, however you put it. And it can kind of give us an idea of mortality.

So, even though there are problems, I'm sure you've given these guys a good indication of the things that need to be worked on. But we have to do it. We have to do it. And a minor thing, please, don't -- I really don't want to hear anything more about a 27 dollar permit fee or if you have to make a call that you have to pay for. Please.

About the idea of having to have a permit for the white marlin, there was an outcry a few years back about the number of shark permits that were issued, and that just goes along with it. If you catch a thing and you're going to be in possession, you've got to have a permit. That's why you look at -- if you look at the numbers of permits, it really doesn't give you an indication of the effort. And I'm speaking as a commercial person here, so keep it in mind. When you see numbers of permits, bunch of people have permits just for the what-if thing. And as somebody said about what if we start coming up against the 250 marlin, that's even more important that we try to start to get information on the great numbers of recreational fishermen. We don't know anything about them except they're there. So, thank you.

JACK DEVNEW: -- turn this thing off. I think you're doing a good job and I don't want you to --

MODERATOR CHRISTOPHER ROGERS: Go blind as I --

JACK DEVNEW: Yes, to either go blind or have your brain irradiated.

(Numerous comments.)

JACK DEVNEW: I just wanted to get -- I remember some numbers a while back from when we were talking about the 250 fish. What number of fish were reported by blue and white marlin from tournaments?

RUSSELL DUNN: Recent landings? Let's see. 2001 -- for 2000/2001 from RBS, we have 2000, 119 blue -- 2001, 75. In 2000, whites were eight and 2001 whites were 22.

If you look at overall trends in tonnage using the national reports reported to ICCAT, for blue marlin from '90 -- there's a marked decrease inconsistent from '98 to 2001 for blue marlin. In '98 it was 49.2 tons down to 16.4 in this continuous decline. For white marlin, there's no real pattern. It's been up and down, up and down all over the place. '96 -- from '96 to 2001, 3.3 tons, 1.8, 2.6, 1.6, .23, 3.1. So, there's no pattern.

ROBERT PRIDE: That's tournament landings only?

RUSSELL DUNN: That's the RBS -- the information that comes in through RBS. So, that's primarily tournaments, but as Eric indicated, there are some dockside intercepts included in that. But it's primarily --

ROBERT PRIDE: The question I'm asking is do we know the tournament-only numbers reported?

RUSSELL DUNN: I'm sure that Eric can separate that out, but I don't --

ROBERT PRIDE: I think it's important for this discussion that we know that. And if you can get those numbers, it would probably be useful, because we're talking about 150. Somehow we're going to have to allocate those between permits and other recreational -- tournaments and other recreational boaters to make this make sense, I think. I think that's where we're going to end up. So, I just wanted to bring that point up.

MODERATOR CHRISTOPHER ROGERS: Joe McBride.

JOSEPH MCBRIDE: Thank you, Chris. A couple of things. There's an old cliché that I often utilize regarding enforcement of regulations. Don't pass a law you're not going to enforce or can't enforce in one form or another, because you do two things. You just make the ordinary person into someone who's going to disregard the law, and/or you can get an innocent person because of lack of promulgation or whatever and he won't get it and he'll get fined as - you know, many of the situation we've discussed earlier today.

But I have a suggestion that might help you that's not expensive, and we do it in New York State in the charter and head boats. If a boat's in a given fishery -- let's take an HMS category. Give them a decal to put on their boat. It's inexpensive, except that I just -- I'm going into the decal business, for \$27 for the license, maybe it would only be 28 for my decal, but that's an aside. That's not important.

And it's easier to say -- what's the value of that? A dock person coming by, whether he be enforcement or a surveyor, can go down and see Boat A who just landed tuna fish, sharks, billfish or whatever, is in the program and should be mandated at that point to answer the surveys.

Now, many of you have discussed the surveys and the docks. Half them threaten the lives of the surveyors. The surveyors are doing their per diem forms for a dollar a form or \$20 a form, whatever they get dollar-wise. So, you're not really getting good information in that particular site. So, that's a second one. And it's easy to do.

Then thirdly, and again an enforcement with no great expense, if your surveyors, phone or dockside, come to Joe McBride who has a decal on his boat saying he's in this particular fishery, and I refuse to give him information, or I threaten him or whatever -- you know, the other jokes we're making here -- then I don't get my permit next year. He reports that as such and then, you know, you have a phone -- you call me on a phone or someone checks out and it's a very simple enforcement. You don't have to have 50,000 police officers running around the harbors on the east coast and down through the Gulf.

Now, not to correct some of my colleagues from the sport-fishing industry, when it comes to this universe that we look to get, I think it's the best thing that can happen to the sport-fishing industry, those people who make a living, full, part-time, whether they be on a boat or they be a marina owner or whatever else is involved, for a political scenario.

We're the universe. We can get things that we've been asking for for years, an economic survey of some meaning that didn't come from something so abstract as MRFSS, for example, and you have X amount of boats in this, and certainly in certain areas -- let's say tuna, let's say sharks -- you can very easily calculate the economic value of those fisheries where maybe three-quarters of the boats that -- as you pointed out, the numbers will go up drastically if this new thing goes into effect, and you have a universe you can deal with pragmatically. And it doesn't require a heck of a lot of anything.

I also -- you have another point. You're concerned about the 250. There are no landings of let's say white marlin in Montauk. And if you did bring one in, even over the size limit, I mean, you would be castigated -- you know, for wasting the resource under the -- now, the tournaments, I gather -- and I'm no expert on marlin tournaments, they raise the size limits above the minimum. So, why don't you raise the size limit? How will that help you or would that help you in decreasing the mortality at dockside? Because I don't know what goes on anyplace else but the northeast, but do other places bring them in? You know, whatever the length size? I don't know. We don't do it up on our way. We don't even see them that often, so forth and so on.

So, those are some suggestions. They're not expensive. They're reasonably easy to enforce. And I don't know if they're any help to you. And I personally feel that permits and stuff are a universe that could be counted as very important politically to our industry. Thank you.

MODERATOR CHRISTOPHER ROGERS: Who do we have there? Whole bunch of folks. Mark, you had spoke before?

MARK FARBER: I think I can maybe clarify something that was asked a couple of minutes ago, since Eric's not here.

I left the National Marine Fisheries Service in 2000 after 23 years, the last ten years I was there I worked in billfish and the Recreational Billfish Survey along with stock assessment work. The table you're referring to with the data for '99, '98, '97, '96, dot dot dot, going back I hate to tell you how many years -- specifically I put those data together from the Recreational Billfish Survey by area, from all the tournaments and I will tell you -- though I have senior moments now, I don't think in any given year there were more than a handful, literally, three, four, five, six maybe, of blue marlin or white marlin that we tabulated that were from dockside sampling, mostly from the Gulf of Mexico where they did additional dockside sampling.

Paul Priestess did it, and then when Paul left, Don Avrigian took over. And so I would say 99 percent of the numbers represent data from the recreational billfish survey and therefore from tournaments and not from additional dockside sampling. Hope that clarifies something for you, at least from '99 back.

One other point. The last few years that I was with NMFS, before I took early retirement and went to University of Miami to teach, I was the one who would work with the people from the Southeast Regional Office to put together the forms that became the registration and the reporting forms for the billfish tournaments. And I believe the tournament directors by and large at the time I left, they knew that it was 100 percent for the billfish tournaments that they had to register and report.

We had contacted all the tournament directors that we knew from going through historical data, over the years we built it up and built it up to close -- somehow I think it was like 180 by the time I left, and we also then went through Marlin magazine, amongst other magazines, to find tournaments that had not reported before, and we contacted them, and I built it up to the point where my group would send out the beginning of the year -- then we were working not with on-line registration, it was good old-fashioned mail it, mail it back.

We would send it to them telling them to remember that you need to register and then I forgot what it was, a week or two or 30 days after the tournament was held, you had to send in the results of the tournaments that had taken place.

So, I don't know what's happened subsequent to that, but maybe that gives you a little fill-in for at least up through '99, how things were.

MODERATOR CHRISTOPHER ROGERS: It's 2:30 now and this was the point where we said we were going to move into the what-if discussion on the 250. Louis, you hadn't spoken before, so on the point of permitting, reporting, tournament registration?

LOUIS DANIELS: Well, it's sort of maybe more leading you into the 250 discussion.

MODERATOR CHRISTOPHER ROGERS: All right. We'll consider this the segue into the 250 discussion, how's that?

LOUIS DANIELS: That's cool. My concern is with the 250, the potential that it has to shut down the fishery, but really importantly the tournaments. And I think there's one -- perhaps one thing that we're not taking into account, and that is we've heard around a table a lot of folks about talking about this \$27 license or permit that we're going to require. How is that going to affect -- not maybe the people around this table, but folks' mentality to bring the fish in? Now they've paid for it.

And so I think that -- to make the assumption that the marlin landings in history are going to match up to the marlin landings now, when people are going to have to pay \$27 to fish for them, that may not be a good -- it may not be a good idea. And that the probability is is that the white marlin, which are probably the most accessible to the most number of anglers, that that may be the one that's going to be the one hardest hit by boats that decide well, I paid for it, I'm now going to keep one.

So, I think there needs to be some real thought put into that potential problem, and I'm sure that some of our anthropologists and things like that could look into that kind of mentality and how that license may change people's focus.

But then also having some instance about when does the fishing year start for the 250? When does the count begin? And could there be some kind of a contingency plan put in to where you're not two days before a multi-million dollar billfish tournament and then find out that the fishery's closed.

MODERATOR CHRISTOPHER ROGERS: Well, that's certainly the discussion we want to have at this point. Russ is going to give us just a quick overview of what ICCAT recommendations have been on this subject, billfish management, over the last several years. Initially, with the U.S. push for some of the first binding protections for marlin, it was the 25 percent reduction that we had implemented, and of course we had implemented that through an interim rule initially and then a final rule with the FMP amendment to increase the minimum sizes that we felt would correspond to the 25 percent reduction requirement.

I think in one year we had more than met that with respect to white marlin, but because there was an abundance or at least increased availability of some large blue marlin, even though much fewer in number had been landed, the total weight did exceed the 25 percent reduction target.

Since that time, that recommendation has been supplanted by the two-phase rebuilding program that the U.S. negotiated, and we have agreed to a 250 limit of blue and white marlin combined on an annual basis.

Under the plan, we have a fishing year that begins on June 1 and wraps around the calendar year to end on May 31st the following year. So, that's the fishing year. And as I said, the rules on the books are only a minimum size for each species. The marlin -- blue and white marlin and sailfish. And to the extent that that accurately corresponds to the 250 limit, you could say that we're home-free. But again, it's the what-if questions that need to be answered. And as Lou has just referenced, you don't want to have a surprise emergency rule on a Friday afternoon with a tournament starting on Saturday morning.

So, we do need to at least contemplate whether new rules are required and what the provisions would be as we feel that we may be approaching the 250 limit. So, Russ will go quickly through a few slides and then we'll open it up for general discussion. Can we go through the presentation first, Jim, or -- okay.

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#### ICCAT STATUS UPDATE

RUSSELL DUNN: All right. As we just mentioned, we're going to touch on the ICCAT management measures for billfish. The population status -- I'll go very fast over all these. Synopsis of recent ICCAT recommendations and domestic implementation essentially. What is it that we need to do? How are we able to do it? And what are some of the potential concepts and mechanisms that we are putting before you for comments?

So, as we all know, populations are in significant decline. Biomass for both Atlantic blue and white marlin have been below BMSY for about four decades. Relative biomass for blue marlin is about 40 percent of MSY and the fishing mortality is four times that which can support MSY.

Atlantic white marlin, biomass is at about 12 percent. Relative fishing mortality is about eight and a third times that which will allow achievement of MSY. There's no good news there, and we all know this.

Relevant recommendations from ICCAT. Forgive me for talking fast, but I know we're behind the times here. '96 resolution regarding release of live billfish caught by longline, pretty self-explanatory. '97, ICCAT recommendation regarding blue and white marlin was the first real effort for ICCAT to get a handle on mortality. Required at least 25 percent reduction in landings of blue and whites from '96 levels by the close of '99 and promoted voluntary release of blue and white marlin. November '98, recommendation regarding billfishes. Essentially extended the '97 25 percent reduction through 2000.

Here in 2000 we have I guess the big Kahuna, which we are all dealing with right now, which established a two-phase rebuilding program or marlin mortality reduction program. Phase one required landings of blue and white marlin to be no more than 50 and 33 percent of '99 levels respectively. Mandatory live release from pelagic longline of purse seine

vessels. And of primary importance to this body right now, it limited the U.S. to 250 fish recreationally caught on an annual basis for 2000, 2001, and required mandatory monitoring of U.S. billfish tournaments. It started out at five percent with the eventual goal of ten percent.

Phase two, less important for this group right now. SERS -- directed SERS to conduct stock assessment and present evaluation of specific stock recovery scenarios, and committed the Commission to develop and adopt if necessary a rebuilding program for blue and whites.

In 2001, the ICCAT passed a recommendation which allowed nations to base their 50 and 67 percent reductions of blue and white marlin on 1996 or 1999 landing levels, whichever was greater, and that was to avoid penalizing nations such as Japan who felt that they complied earlier and were being penalized for complying, and it delayed white and blue marlin assessments until 2002/2003. In 2002, ICCAT extended phase one of the 2002 recommendation to 2005, and the relevance of that is that it extended the landings cap of 250 fish through 2005, and it did a few other things that we'll talk about at another meeting.

So, our goal right now in this forum is we need to come up with a mechanism to comply with 250 fish while complying with our National Standards. Our challenge is that we have very limited options available to ensure compliance. Essentially, as Chris mentioned, we have an emergency rule option and that is about it, if we approach that 250 fish limit.

So, we need tools and options that will rationalize the compliance process, and by that we mean exactly what we were just talking about with Louis, that if you have a tournament near the end of the fishing season, you need to know that you will fish available to hold your tournament or not. You need to be able to plan in advance.

So, we obviously need an appropriate mechanism to prevent exceeding the limit. We need an accurate accounting system, which we talked a little bit about this morning, which no one seems to have a whole lot of confidence in. And we need an appropriate mechanism to notify anglers of possible closures, and I say closure in quotes because it doesn't necessarily mean no one can go out fishing. It may mean catch and release. So, it's just for lack of a better term.

So, a solution at this point, which we are looking at, is a framework amendment to the Billfish FMP, and I say by November 2003, that is the date of the next ICCAT meeting. Or any other that the panel may be able to enlighten us on, if there's another solution, other than a framework amendment.

MODERATOR CHRISTOPHER ROGERS: Okay. So, just to reiterate, the current regulations are minimum sizes with respect to each of the species, blue marlin, white marlin and sailfish. You have more to go? Oh, I'm sorry. I jumped the gun. You were talking so fast, I thought you were finished.

UNIDENTIFIED: He just took a breath.

RUSSELL DUNN: That was all done in one breath. Just to touch base on sort of where we stand now with billfish regulations, there's no commercial sale, possession or retention, no use of live bait in the Gulf of Mexico by pelagic longliners. With regard to recreational regulations, there are the minimum sizes in place, which you can see on the screen, and no retention of longbill spearfish, and gear restrictions for recs are limited to rod and reel only for billfish.

So, how is it that we are able to look at a framework amendment? Well, Section 3.11.4 is entitled procedure for adjusting the management measures by framework amendment, and that section gives us authority -- gives NOAA Fisheries authority to adjust recreational retention limits seasonally or annually, minimum size limits, adjust landings limits, adjust gear restrictions, implement monitoring and tracking programs, implement permitting and reporting requirements or the catch-all actions to implement ICCAT recommendations if appropriate.

So, that leads us to the management concepts and mechanisms, which we really are able to discuss at this point, and that includes minimum sizes, retention limits, landings tags, catch and release, semiannual fishing seasons, which could be an overlay to some of those. In addition, we have to ask the question what role can and should the states play, or any others that we haven't thought of.

Now, in the package you have on this presentation, there are a number of some examples, which I won't get into unless people want to and the discussion goes that way, but those are intended to be examples only of say for minimum sizes what exactly are we talking about. And keep in mind these are just discussion points only. NOAA Fisheries has not made any determination of which is the best way. We're not leaning any particular way at this point.

So, with that, I'd like to open it up to the floor and begin the discussion of how do we comply with this cap and still maintain the recreational fishery?

MODERATOR CHRISTOPHER ROGERS: Okay. Since we had just ended up over here, we'll start on this side. Is that acceptable or should I start in the middle and go both ways?

JACK DEVNEW: I think you should start after Mau.

MODERATOR CHRISTOPHER ROGERS: Start after Mau? All right.

UNIDENTIFIED: There won't be anything left to do. Mau, let's start with you. But again, time is limited, so please be to the point.

MAUMUS CLAVERIE: We went through this already, and the preferred alternative was increase minimum sizes. If you can do that by framework, where you can after a certain number are caught in increment up to size, that would probably be the most desirable thing to do. Then you don't get into regional arguments and seasonal arguments and all that kind of stuff.

RUSSELL DUNN: Yeah -- sorry. If you can --

MAUMUS CLAVERIE: The other thing is you snuck one on us.

RUSSELL DUNN: I did? Back, forward?

MAUMUS CLAVERIE: You snuck it, but the management recommendations from ICCAT jumped substantially more conservative -- conservation-oriented for white marlin than they were for blue marlin -- in '01, was it?

MODERATOR CHRISTOPHER ROGERS: The required reductions?

MAUMUS CLAVERIE: Right. In other words, the first reduction was across the board for both species. Then they came back and the reduction was much higher on whites than blues, and you can see the results of that in your slide, but you didn't really mention -- I think that's very important for everybody to know and think about it again. Even internationally, there's more of a reduction on whites than there is on blues.

I heard a different opinion, but I was thinking before I heard that opinion, that probably out of the 250 fish there'll be a much -- a substantial reduction in the number of whites because the recreational fishermen know they need to be thrown back. If we're going to sell licenses and everybody's going to think I'm going to go kill white marlin because I paid \$27 for the privilege, you know, that may be another factor you need to consider, but I would think that the white marlin thing -- if the recreational fishery follows its traditional conservation mode when needed -- the ratio will take care of itself, which has already appeared to have happened a little bit. And all we need to do is clamp down the size limits, but then I guess we have to have a what's next if that doesn't work. Can you put those back up on the board?

RUSSELL DUNN: Yeah, I'm trying to get that.

MAUMUS CLAVERIE: But we went through this ad nauseam before. Do we have to do it again?

MODERATOR CHRISTOPHER ROGERS: Well --

MAUMUS CLAVERIE: I mean, it's the same thing. It's just how do we step it up at the last minute, or what is the minute we ought to start stepping it up on minimum sizes and then the next thing we have to get -- is it in this packet?

MODERATOR CHRISTOPHER ROGERS: Yeah, it should be one of the overheads in that packet. Well, again, the issue before us is that the regulations are very specific. For each species there's a minimum size. It cannot be adjusted except through either an emergency rule or a notice of comment rulemaking procedure. So, it would take some time to come into effect. As monitoring improves, if we were to determine that we were at 175 fish, is that cause for alarm? It depends on how early in the season we are, what people anticipate further landings would be. We'd have to start a process.

So, the question is does it increase the comfort level of knowing what the rules of engagement would be and codifying that in the regulatory text through a rulemaking process, so everybody knows what the procedures would be for making adjustments.

MAUMUS CLAVERIE: How long will the emergency rule last?

MODERATOR CHRISTOPHER ROGERS: Emergency rule lasts 180 days, can be extended once.

MAUMUS CLAVERIE: So, that's a six-month deal?

MODERATOR CHRISTOPHER ROGERS: Six months with a six-month extension.

MAUMUS CLAVERIE: So when you start getting excited should be six months left, because then you can institute an emergency rule that will last through the rest of the season.

MODERATOR CHRISTOPHER ROGERS: But arguably, we'd have the same discussion at the point of implementing an emergency rule. What should the emergency rule require? Increased minimum sizes, --

MAUMUS CLAVERIE: Increased minimum size.

MODERATOR CHRISTOPHER ROGERS: -- bag limits --

MAUMUS CLAVERIE: I don't know about the rest. I don't see why you'd need to implement a landing tag if you have this telephone thing and everything else going. I don't see what gear restrictions would do. I mean, what are you talking about? The only gear allowed is rod and reel. And retention limits adjusted could hurt some tournaments, but that may be the second. You're talking about bag limits?

MODERATOR CHRISTOPHER ROGERS: Right.

MAUMUS CLAVERIE: I would vote, number one, increase the minimum size. If that doesn't work enough, number two, bag limits, and then if that doesn't work enough, you all do it. I wouldn't want to say what.

MODERATOR CHRISTOPHER ROGERS: All right. Bob.

ROBERT MCAULIFFE: Well, you could be just totally cold about it and set up a formula at the beginning, at 150 you increase the size, at 200 you increase the size, everybody knows up ahead well in advance that that's what's going to happen and it will solve you a lot of problem --

RUSSELL DUNN: You can sort of see that example under the minimum size page on the sliding scale minimum size. And the concept -- that's exactly the concept we're trying to convey.

ROBERT MCAULIFFE: It seems simple enough. It may not be liked by anybody, but they're not going to like anything you do anyway.

MAUMUS CLAVERIE: I think those numbers could differ between whites and blues.

RUSSELL DUNN: Right, and the numbers that are in this are not set by any means. Those were simply arbitrary numbers that we used just to help convey the concept.

MAUMUS CLAVERIE: You can't do that by framework right away?

RUSSELL DUNN: We can. These -- what we have up here are framework options that we can work with, and so that's what we want your input on. And framework is going to be the fastest way to do this on a permanent basis.

MODERATOR CHRISTOPHER ROGERS: Louis.

LOUIS DANIELS: I certainly hope the conservation ethic of the billfishermen don't change because of the permit, but it might only take one percent of 250,000 to create a problem with it. That's why I think you need to take some serious steps to try to save some of those fish when these tournaments are so important. And certainly size limits and perhaps some type of a reserve to hold in the event that you get down to -- we've got a couple of tournaments in North Carolina I know of that occur in May. So, I mean, they're probably slightly -- advantaged -- likelihood because there may not be any fish available for those tournaments that have been very conservation-minded and have worked within the system and have implemented larger minimum size limits and boat limits and those types of things.

And so they've tried to do everything they can and I think that to have this heaped on them could be devastating to some of these important tournaments.

MODERATOR CHRISTOPHER ROGERS: Rom.

ROM WHITAKER: Well, Louis kind of covered what I want to say, but yeah, the Hatteras tournament comes the second week in May, and I think I heard you all say it started June 1st. So, we're going to be under the gun. I guess this is because of ICCAT that the year always seems to start June 1st. For some reason we seem to be penalized. But anyway, it's just totally absurd to me after hearing Gail and Nelson and John Graves here tell me that there are boats that seem to be targeting white marlin and stacking them up like cord wood and selling them down off Brazil right now, and yet we're all worried about 250 animals.

And I'm not sure how to do it, you know, with the increase of minimum size. If you -- you know, by the time we get to the Hatteras tournament it may be 1,000 pounds. I don't know. But I think we need to look at that close and maybe look at some of the historical tournaments. I know our tournament is probably in the upper 90 percent release to catch ratio, and I'd hate to see it dissolved.

And I also still had some comments on licensing, but I'll try to get that in somewhere. Thank you.

MARK FARBER: I believe the ICCAT reporting year is January 1 to December 31, not June; correct, John?

ROM WHITAKER: No, I think it's June 1 to May 31st.

MODERATOR CHRISTOPHER ROGERS: There's a reporting for SERS that is a calendar year, but under management basis, the U.S. had implemented a fishing year beginning June 1 and wrapping around to May 31st the following year. That is how the U.S. assesses its compliance and reports compliance to the Commission. The scientific data are reported on a calendar year, the compliance data on a fishing year basis. Rick.

RICK WEBER: Do we not have -- I always hear -- I'm relatively new to ICCAT as billfish guy who have there. Do we not have carryover? I always hear about this carryover, carryover, carryover. Haven't we been under our 250? Are you expecting this to be an issue this year, Chris?

MODERATOR CHRISTOPHER ROGERS: Well, again, the numbers that have been consistently reported have been 95 to 99 percent tournament only. Now we're implementing new mechanisms to try to capture that non-tournament component that has been underreported to an unknown extent in the past. So, we don't know if we're up against the wall and just haven't realized it, and are going to have a rude awakening, or whether we can just basically maintain the status quo indefinitely. But there were provisions for carryover. So, if we determined that we had landed in total 185 fish that we could carry over the remainder.

RICK WEBER: Well, I guess my question is do we have that going into 2003? Is the number for 2003 250 or is it 350,

based on these numbers?

MODERATOR CHRISTOPHER ROGERS: I don't know that we have a final statistic yet for the 2001 fishing year, which was the first year that this applied. And certainly any that we determined could have been carried over will be applied to 2002 and likewise for 2003.

RICK WEBER: Didn't we just get numbers of 119 and 8, 75 and 22?

MODERATOR CHRISTOPHER ROGERS: Well, again, those are the RBS numbers. There are other data points that may or may not be usable, but to characterize those as the complete and final end of the story is not exactly correct at this point. They probably are pretty close, given the current reporting mechanisms in place.

RICK WEBER: At what point do we close up 2001?

MODERATOR CHRISTOPHER ROGERS: Data are never final until they're final. But we will be working on that in the coming months.

RICK WEBER: I suppose what I'm leading to is it would sure be nice if we had a year to assess the significance of this rather than making harsh decisions now. If we felt like we had the year to look at it, even if it meant going over next year, you know, if you would allow us to go over 2003 -- say it turned out to be 300 at the end of 2003, I would not like to discuss the 250 first fish right now. I would rather say at the end of 2003 let's decide, you know, whether we actually did have overage previously or, worst case scenario is it will be 200 fish in 2004, but let's not deal with shutting down the Hatteras tournament. Let's find a way to share that pain equally throughout the coast rather than always having the people in May end up having to take that pain. Because we know that's not going to work in the long run.

RUSSELL DUNN: That's why one of the potential options here is a semiannual fishing season, to prevent precisely that problem. And that's just one potential option. You divide it up, then you make sure that Rom's tournament still goes forward.

RICK WEBER: And I think that could be viable, but I don't want to throw it out there in 2003 till we know the scope of the problem. I do not want to deal with the 126th fish, you know? If we go for semiannual now, we won't know the scope of it and now we could actually be doubling the inflicted pain that we shouldn't be inflicting at all, you know?

MODERATOR CHRISTOPHER ROGERS: Glen.

GLEN HOPKINS: I really just had a question, being from the outside kind of looking in. Who really wants to kill the fish in the country? That's a question.

MODERATOR CHRISTOPHER ROGERS: Certainly there are records of landings. So, people are bringing the fish in. And we have agreed to limit those landings to 250 fish. So, that's the management problem that we face, is how to assure compliance with that 250-fish limit.

GLEN HOPKINS: Like I said, from the outside looking in, this whole afternoon seems like it would be really simple if you couldn't kill the fish in the country. That would give you tons of credit with ICCAT, look, we're not killing, everything's catch and release, and if -- you know, I just wonder 250 fish for the entire country just doesn't seem like much to be spending all this money, this \$27 times hundreds of thousands of people and the time and the effort, and I've got a problem with killing fish personally, but I'm just -- you know, from the outside looking in, that looks like the simple solution to everything.

MODERATOR CHRISTOPHER ROGERS: Randy, anything?

RANDY BLANKENSHIP: No, it was in the last one that I wanted to talk about.

MODERATOR CHRISTOPHER ROGERS: Frank?

FRANCIS BLOUNT: No.

MODERATOR CHRISTOPHER ROGERS: Sonja? Irby.

IRBY BASCO: Thank you, Chris. I guess I'm going to take my life in my hands. Maybe I've got a question for Rom. The Hatteras tournament -- not trying to pick on the Hatteras tournament, but what would be wrong with a catch and release format in that tournament? You know, I've fished a number of tournaments that's all catch and release and very successful. The Boy Scouts was one, another tournament in Florida, in the Bahamas we fished, and there were some that -- local tournaments in my area that are catch and release. Of course I know it's a little bit different format, you've got observers aboard and all that, but you still have the same result. You get a lot of boats fishing and you can certainly have a lot of cash prizes and -- but it's just a different situation. Would that not work for Hatteras? I'm just kind of asking the question.

ROM WHITAKER: Well, Irby, I think in some cases -- and don't get me wrong, I've released every fish I've caught for the last 15 years except I have killed a couple in tournaments. But some of the tournaments are set up with a high price -- I mean, the guys pay a lot of money to catch a big fish and I think that it's a good concept. I think you get many more participants when you give a guy with a small boat or a guy that just fishes on the weekend an opportunity to go out there and catch a big fish and win the tournament, whereas if he has to compete against guys that do it every day; and a lot of times, he doesn't feel like he's playing on an equal playing floor. And I think that's why you see a big participation in these big money tournaments, or tournaments with a big fish category.

And to add to that, I've had a -- I like observers and I think well-trained observers are good, but I've had experience where we had an observer that didn't know what the blue marlin was and it kept us from -- I'm not saying we would have won the tournament, but it kept us from an opportunity to win it. So, there's two ways to look at that, you know, I guess. I feel like there's two sides to the coin.

ELLEN PEEL (No microphone): (Inaudible.)

ROM WHITAKER: We just hung him up by a noose from the tower. Anyway, that would be my answer.

IRBY BASCO: Okay, thank you. Well, any rate, I'd just throw that out as -- because that would certainly solve a lot of problems that we're looking at. And one of the questions someone asked about why someone would want to take a fish, there's still people seeking world's records. Of course it's increasingly difficult with the -- (inaudible) -- with the links we have on the fish now, but there's still some world records available out there. Of course, that could be a little selfish there, but that's one reason why someone may want to kill a fish.

MODERATOR CHRISTOPHER ROGERS: Pamela? Mike.

MICHAEL LEECH: My comment about world records, if we only had to worry about world records, we're talking about four or five fish a year, maybe, and most of those would not come from the United States.

My understanding was that when this 250-fish limit was arrived at at ICCAT there was some calls back to the United States and they took the best estimate of how many marlin we've been landing in the last few years, and it was far below 250. So, we may be worrying about nothing. We may not even come close to the 250.

Another option would be since the landings in the last two, three, four, five years, based on best available science, are far below 250, that the United States just took the attitude are we going to take an average of the last three years. And that's going to give you -- if by any chance we did go over the 250 this year, it would say well, based on the last three years we're still way under the 250 average and then you look at it beyond that.

Another possibility would be I guess the United States is worrying about losing credibility at ICCAT. Based on what I've read -- and I've never been to ICCAT and probably never will go -- but from what I understand, most of the countries don't even come close to complying and they don't seem to worry about their credibility.

MODERATOR CHRISTOPHER ROGERS: Bob Zales.

ROBERT ZALES, II: A couple points. I want to -- I know what Mike was just saying. I mean, if you look at your table on page 79, if you're looking at the year 2000 -- and I'm assuming sailfish don't count here, so you're looking at 127 fish were landed in 2000 by tournaments, you're looking at '97 to 2001 by tournaments, and you're saying that's 90 percent of the tournaments that are out there.

So, from the area I'm familiar with in the Gulf of Mexico, white marlin aren't even killed in tournaments. I don't know when I saw a dead white marlin in the Gulf of Mexico last. Generally your blue marlin is your money fish and what's done and there haven't been a whole lot of them killed in the past couple years in the Gulf of Mexico.

I don't understand, number one, where this attitude of all of a sudden you're going to have this mad rush of 250 fish on the table when obviously we've been way under that. Obviously there's an opinion here that the non-tournament angler is out there killing a lot of fish that from my experience and from my knowledge the ethic of the vast majority of recreational anglers is release. They don't kill fish. And about the only reason why you would kill a fish today is generally for a world record, -- (inaudible) -- or a big dollar prize in a tournament.

So, I don't think that -- in my mind, I don't have a big concern about the 250 right now. And the other thing that Mike pointed on, which Doctor Hogarth has worked on in some cases in some of his plans, especially in the Gulf now, on this three-year average basis, where you could very easily do that.

And the other situation is -- and this is kind of in response to Irby and goes along with what Rom was saying, in our area of the Gulf, the tournament season has basically kicked off forever and a day with the Mobile Game Tournament on Memorial Day weekend. And with this season, very likely that tournament would go away.

And for people that don't clearly understand tournaments, tournaments, especially in our area, and the ones that I've fished, are not just for the angler and for the people on the boats. They're an event for the community. There's a lot of money and a lot of social interaction produced by tournaments in various communities, Mobile, all the way around. It's a big event. People come to see if a big fish is splayed on the dock. These are people that will never be able to experience this, they'll never be able to see it any other way other than to go down there, spend the weekend at a tournament location, play in the atmosphere and when the winner's sitting in the stand, somebody's going to bring a big fish to the dock that they're going to be able to see it and take pictures of.

So, there's a lot more involved than just the actual people on the boats and the boats themselves that you have to consider with this. And the other thing here is the Mobile club, along with just about every club that I can think of in the Gulf, has gone to tag and release. With the exception of blue marlin. And the size limits are generally several inches larger for fish to be landed than what is the legal limit. And like I say, the other billfish and sailfish and white marlin aren't landed at all.

So, you know, you've got to consider all of this when you're looking at this picture. It's not just for the angler and for the boat owner and operator. It's for the community that you've got to be concerned with when it comes to tournaments.

RUSSELL DUNN: I think you just reiterated for us exactly why we're trying to move forward now in that we do want to rationalize this process so we're not put in the position once we have a better handle on the numbers that are then outside of tournaments. There may be no problem, but should there be a problem, we want to make sure there's a process in place to prevent having to go to tournaments such as the Mobile tournament you just mentioned, and saying guess what, you can't land any this year.

So, I think we're trying to head in the same direction that you were just commenting on. I don't see any conflicts between our points of view.

MODERATOR CHRISTOPHER ROGERS: Russ.

RUSSELL NELSON: Given the problems that you face right now, I still think that you're -- the main priority here should be coming up with an accurate way to count the fish. I think that's what you really need to do. I agree with

Mike and Bob. Looking at these numbers and the tournament landings, I don't know that we're close to being up against -- you know, that quota, that set number of 250. I'd suggest that if you look at increasing minimum sizes, it's probably going to take a fairly substantial increase to have an impact, given that most of the landings are in tournaments and most of the tournaments are already larger minimum sizes than --

A very real problem about setting the fishing year. We have Hatteras, we've got Mobile, there's a whole -- the Bahamas Billfish Series in May. I don't think you solve that or alleviate it by splitting out into semiannual fishing seasons. Then you simply put more tournaments in that position of risk. Instead of having just the ones at the end of the year, you've got the ones at the end of each six-month segment or the ones at the end of each -- you know, three-month segment.

You know, really what you need here to aid you in this exercise -- and would be nice to see -- would be data from these tournaments looking at what were their average landings of fish in numbers over the last number of years, each of the tournaments by months of the year so we would be in a better position -- or you would be in a better position to get an idea of how -- you know, of at least how to distribute or expect to see distributed tournament -- (inaudible) -- and the data should be there.

I think you need to find a way to count the fish, but I would say that your best option to try to do something now, if you're concerned, is probably to see another increase in size. And at that minimum number of fish we're killing, it doesn't worry me too much, but you do need to remember and one cause for some discussion and some concern early on when the councils were putting together the first billfish plan -- I was involved in that -- was that we are -- by keeping the increased minimum size, we are putting all our mortality essentially on females, on mature females. And 250, given the total volume of landings across the Atlantic, that's probably in and of itself not a bad tactic, but you know, it's something to keep in mind. There could be arguments that even having -- I'm not going to go into it.

RUSSELL DUNN: That's precisely why one of the discussion points that we put down was a slot limit, which may reduce the size of the fish, which would clearly increase the number of fish landed or had the potential to. However, it would leave those big, spawning females out there who have the much higher fecundity.

MODERATOR CHRISTOPHER ROGERS: Mark? Willie? Shana.

SHANA BEEMER: I can't pass it up. Just on the in-season adjustment, I would just be cautious about that because like your average Joe fisherman, I don't know how you would get the word out that the minimum size changed and someone -- you know, that was trying to abide by the regulations could get in trouble.

MODERATOR CHRISTOPHER ROGERS: Tim.

TIM HOBBS: Yeah, thanks. Just a couple of comments. I mean, it just seems that we're spending an awful lot of time -- you know, on this measure, like we did last year. I know that you guys have spent a ton of time in the agency preparing this -- you know, the different options that we have before us, and the public's going to spend a lot of time -- you know, trying to figure out how to report and all these other things.

And like this gentleman said, it just seems like a lot of time and expense for 250 fish. I think we do need to worry about our credibility at ICCAT. I don't think we can just forget about that and say well, other countries don't worry, you know, I think it is important that we maintain our credibility as much as possible.

But that being said, I don't think we need to be defensive about -- you know, what the United States is doing on billfish conservation. You know, the recreational sector has done a tremendous job, you know, releasing all of its fish. We've now begun to address the longline bycatch and if initial indications are any clue, we're doing a pretty good job there so far.

I don't think we need to show up -- if we catch 251 marlin, we don't need to show up there apologizing for what we're doing in the U.S. You know, we're trying to do the right thing. It just seems unfortunate that we've gotten ourselves in a situation where we think that to maintain our credibility we've got to -- you know, be obsessive about counting every single one of these 250 fish, when it was never meant to be a punitive measure in the first place. It was just meant to

preserve status quo.

So, you know, we've been under for the past couple of years. I say that it doesn't seem like we're in danger of hitting the cap, let's just move on and we'll see what happens. And if a problem develops, we'll have to deal with it then. But it just seems like we're spending a lot of time when there's a lot of other outstanding issues.

MODERATOR CHRISTOPHER ROGERS: Bob Hueter? Viridin Brown? Ellen Peel.

ELLEN PEEL: I agree in part certainly with a lot of what has been said. Our credibility at ICCAT is important. We did agree to the 250 fish and we are bound to stay within that limit. However, I agreed with what Bob Zales says. I don't think we're going to go over it.

Now, Mike Leech brought up, you know, that there are probably six fish landed for world records. I know there's certain tournaments that are -- rare they are -- that land white marlin. Very few land blue marlin, but there are some. I wish we had benefit of having more tournament directors here or having more statistics.

What Bob or I guess Russ said, I will call it a catch history. The White Marlin Open probably is one of the few events that lands white marlin. None in the Gulf land, none in South Florida land.

If you -- you know, and I'm going to use a word that will wake Mau up over there, that he doesn't like, but you know -- if you're going to a body tag system for instance, and maybe it's not a body tag, maybe it's just an allocation, but if you had those statistics so that you know six are generally needs to be available for world records that you allocate six tags for that. Now, implementation, yes, it's going to take some creative thinking.

Your tournaments. More blue marlin are landed in tournaments, so you give a higher percent of those tags, or whatever means you're going to use to count them, to tournaments for blue marlin and you look at their catch history.

There are some new tournaments that just came on-line this year. Well, you know, if they happen to be June 1st, are they going to be able to take a fish that maybe Mobile, who's been in existence for 20 something years, doesn't? I think catch history here and averages should be taken into consideration.

Very few white marlin, but you know, if the White Marlin Open has a catch history of landing 20 fish, then maybe an allocation for that needs to be made.

And then for your non-tournament participants, you have those tags available for -- you know, a much lower percent. But that way you have a handle -- I think the closer handle on what categories have the greatest historical use, and therefore you're trying to accommodate without being punitive.

You know, we have to stay within the 250 limit. That's what we agreed to. I don't think our fishery is going over it. That number wouldn't have been agreed upon if we thought we were killing 500 fish or 300 or 400. But we have to now stay within that limit, and I think we need to decide, if it's body tags or some other means, but we have multiple legitimate segments within the fishery that statistics need to be looked at to see how you can accommodate that, but you can't go over the 250.

MODERATOR CHRISTOPHER ROGERS: Phil Goodyear? Jim Donofrio.

JAMES DONOFRIO: Thanks, Chris. No one in this room should ever question the credibility of the United States fishermen as far as ICCAT goes. I mean, how dare us be apologists for traditional fisheries? How ridiculous. I mean, we are leading the charge here and we shouldn't apologize for anything we do. We've done more than anyone and we continue to do so.

That being said, first of all, I don't support any increase in minimum size. I think we're where we should be at. I believe you should consider what you've done with other ICCAT fisheries, and particularly bluefin, Chris, is where you give us a four-year over and underage, and give us credit for these fish. And you know, one year we may have an extra 50 or 100 fish or whatever it may be, and that would allow for what some people think is all this reporting that's

going to come in, but I can tell you we have a marine owner sitting over there, we probably have a couple others that hang around marinas. You are scorned if you bring a marlin to the dock outside of tournament today, scorned.

I remember the last year I fished in his manufacturer's tournament over there. We had an owner with a new boat and he had his first big blue marlin ever, first day out fishing on the boat, probably 7, 800 pound fish, and he wanted to kill this fish. And I said -- the captain and I both said -- because I was working the deck that day, and I said we will never be able to show our faces in Cape May again if we kill this blue marlin, because it was a catch and release tournament.

So, I mean, that's just the way it is, and I don't think there's anybody out there in the recreational sector -- I mean, Rom's a charter boat captain. They're releasing them. Years ago, you know, it was different. They kill that one, let's mount it. It's different today.

So, I don't think the numbers are going to be -- as Mike said -- different here. You need to give us an opportunity to roll over, as you did with the other fisheries. I think that's important, that we can maintain this -- we need it for our industry, and you know, our industry's completely behind us on this in maintaining this fishery, our tournaments.

It's a jobs issue for them, just like it's a jobs issue for our commercial fishermen and the commercial fishermen that are ICCAT members. Because as you know, when they go over there, they're trade negotiators are all talking about jobs. They don't give a damn about the fish. We do give a damn about the fish, but we can do it and still have jobs and maintain jobs at the same time. That's the difference between being a part of this society here.

The other thing, I have a question for you with this in-season quota adjustment. You know, how can it be done without a mechanism to track the quotas real-time? I mean, how can that be done? That's the question. Thanks.

RUSSELL DUNN: That's where the call-in reporting system or -- you know, should we be able to advance that to a Web-based reporting system through the Aqualent. That's where that would come into play. At that point, whether it was the quota system, a sliding scale, a minimum size, whatnot, when we hit a certain threshold, certain predetermined actions would take place.

MODERATOR CHRISTOPHER ROGERS: Charlotte.

MARK FARBER: Excuse me. How fast is the turnaround now? I know what it was a few years ago, but on the tournament data, after a tournament, do they have two weeks or 30 days to report the results of the tournament?

RUSSELL DUNN: Seven days.

MODERATOR CHRISTOPHER ROGERS: Henry.

HENRY ANSLEY: I just wanted to add that the release tournament we've used in Georgia video cameras have been successful for several years, which were all catch and release. You get points, of course, for the billfish and then we also have landing of striker fish such as tunas and wahoo and dogs -- big fish come to the dock which people get off on -- like to see. So, that's something. But those options ought to be looked at. But I think we are talking about just a few fish.

One thing I was wondering, though, is as far as the tournaments, what about tournaments abroad that are U.S.? Does this apply to any of that or is this just simply the U.S.?

MODERATOR CHRISTOPHER ROGERS: Well, with respect to tournament registration and reporting requirements, they apply to U.S. tournaments, basically the tournament operating out of a port in a U.S. coastal state, Virgin Islands, Puerto Rico. But with respect to a Bahamas-type tournament, where we have a high participation rate of U.S. registered vessels, the marlin, if any landed by those vessel operators, would count towards the U.S. landings limit. That would be the same as if a longliner was offloading in the Azores. It's a U.S. registered vessel, it counts as a U.S. catch. Ellen.

ELLEN PEEL: Chris, but I think what he was saying -- what I had asked you earlier, there are U.S. incorporated

tournaments held on foreign soil. That's not the same as a U.S. vessel on -- in foreign waters. So, they don't have to register, but the anglers have to report, and those U.S. tournaments would not -- even though they're on other soil -- do not have to report.

MODERATOR CHRISTOPHER ROGERS: Well, if the U.S. operator -- let's say in the Bahamas, for example -- wanted to register and report, we wouldn't prevent him from doing so. It's not a requirement of the regulation to do so. To the extent that facilitates reporting of catch by U.S. anglers in that tournament, so much the better. The anglers aboard U.S. vessels landing marlin in the Bahamas would have to report. If the tournament operator does it for them, then they've met the requirement.

RUSSELL DUNN: However, you'd want to make sure that the foreign flagged vessels landing fish in that tournament -- you'd want to make sure those landings were differentiated if the permit did report, because you don't want to count Bahamian fish against the U.S. quota.

MODERATOR CHRISTOPHER ROGERS: David Cupka? Glenn? Gail? Nelson.

NELSON BEIDEMAN: Yeah, I just wanted to say to Russell that there was a resolution on no wire leaders, and it was fairly significant at the time, and it would be fairly significant if there was more compliance with it. I don't know that there's general compliance outside of the United States.

UNIDENTIFIED: (Inaudible.)

NELSON BEIDEMAN: I'm not sure -- you know, the exact wording anymore. I would have to look it up. It's an ICCAT resolution that basically -- yeah, resolution, not recommendation, that basically is against the use of wire leaders, and I don't know whether it's pelagic longline or just general or what. But it was intended to benefit billfish. I forget the exact wording.

MODERATOR CHRISTOPHER ROGERS: Jack Devnew.

JACK DEVNEW: I had a couple things, Chris. I think that the -- you know, the issue -- while it may be interesting kind of long-term of -- you know, the what-if on the 250 fish is really pretty much a moot point here between -- you know, the fact that you've got the recreational people saying that they don't land, they're not being landed. You know, they figure they're way under there. Between the fact that you define -- you know, the mortality in terms of being brought ashore, and between a voluntary reporting system, you can virtually guarantee that between the three of those things we're not going to be going over 250 fish.

What I -- you know, more on point with this, and what I find disturbing is that -- and I don't know who it was that said it back a couple hours ago, on the tournament registration, we got a mandatory -- you know, the ICCAT recommendation is for mandatory tournament reporting and registration, and we've gone backwards. They went up to 183 or something like that and then back down to 80 last year, and now we're down to eight so far this year that have -- I mean, this is indefensible. And is there any -- I don't know what the sanctions are, if there are any, but if there are not any, I would take a page out of the enforcement of the commercial fleet, I would seize the purse. And that will get the registration up there.

They seize trips left and right. There's not a week goes by in the commercial fishery in this country that somebody's trip isn't taken. You know, I know guys that come in with 50,000 pounds of scallops, you got a few hundred thousand dollars right there, and it is seized because the Boatracs system, which could be in error, has put them in a closed area. And there's seizures of that kind all the time, and if you go out and you're going to tell them you're going to seize their purse unless they register that tournament, you will get 100 percent registration in your tournaments.

MODERATOR CHRISTOPHER ROGERS: Bob Pride.

ROBERT PRIDE: I'd like to start with a couple of questions, if I may. The 250 fish, is it 250 total marlin or is it 150 blues and 100 whites?

RUSSELL DUNN: It's 250 in aggregate. So, any combination --

ROBERT PRIDE: So, we don't have to distinguish between --

RUSSELL DUNN: No. Any combination thereof.

ROBERT PRIDE: The \$27 fee, Louis pointed out it probably might have an impact on someone's mentality about keeping the fish. I mean, when you're spending 200 bucks for fuel and you've already got a tuna permit and your rods and reels cost 5 or 600 bucks minimum and your lures cost 25 to 100, I don't know if I can follow that logic. I just -- I really have a hard time with that one, so I don't know if that has any --

What does bother me, though, is that we have these numbers that have been reported in prior years that are primarily tournament numbers that don't include any landings by U.S. fishermen fishing in foreign countries. And that's the scary number to me.

I hear what everybody says around the table. I know in Virginia I don't think we've landed a blue marlin or white marlin outside of a tournament in -- shoot, I don't know how many years. You never hear them. But we don't know what's going on.

The question I have that relates to that is if the boat captain on a foreign charter boat keeps that fish that was landed in a U.S. tournament, or by a U.S. fisherman in a tournament, then how does it count? And I've got a couple more things after that.

MODERATOR CHRISTOPHER ROGERS: Is the boat flagged U.S. in this case?

ROBERT PRIDE: No.

MODERATOR CHRISTOPHER ROGERS: No.

ROBERT PRIDE: Unless the U.S. fisherman brings it home and smokes it, it doesn't count. All right. That's good, because that's kind of a scary number.

The tournament situation, I would say that maybe one of the things we can do is include an application process that the tournament has to explain the rationale for the kill versus the catch and release. I mean, I realize that that may start people just thinking about whether they need to kill the fish or not. I'm not saying that that would be a reason to decline them or approve them, but just to make them think about that.

And also I think we had a previous suggestion that the landings history should go with that application, too. Once they've given the landings history for the first application, don't make them do it every year. They don't have to repeat it. And the same thing for the rationale, they don't have to repeat that over, just the first application.

Then the final comment I'd like to make, if you need an individual Web site for people to report individual fish caught, I'll put one up next week for five grand and charge you about \$200 a year to run it. I mean, it's that simple. If you need one for tournaments, it would probably be about \$10,000 with about \$1600 a year to run it. Tournaments and individual combined. So, don't spend a lot of money -- don't spend six million dollars like you did on the permitting system, please.

MODERATOR CHRISTOPHER ROGERS: It wasn't quite six million. I think the contract runs us on the order of between 450 and 500 a year -- 500,000.

ROBERT PRIDE: 90 percent of 200,000 permits is a lot of money.

MODERATOR CHRISTOPHER ROGERS: But we'll certainly make sure that you have a copy of the RFP the next time the contract goes out.

RUSSELL NELSON: Chris, can I respond to Jack's point briefly?

MODERATOR CHRISTOPHER ROGERS: Yes.

RUSSELL NELSON: From a conversation I had at lunch, Jack -- and I didn't understand this from what was discussed earlier either -- although there has been a decline in the number of tournaments that are registering and sending in the registration forms, the tournament data that's going into the lab in Miami has not shown such a decline. So, evidently they're reporting their catches, but they're not doing the formal registration, which indicates that maybe there needs to be a little up-front prodding done by the folks who take the registration, which is done differently, that's all. Calling up some tournaments and letting them know they better start jumping in.

MODERATOR CHRISTOPHER ROGERS: Just as a point of explanation, we had some internal situations with staffing. We had made a decision to consolidate tournament registrations in our St. Petersburg office just prior to losing all the staff in our St. Petersburg office.

So, it was some NMFS internal staffing problems that led to some confusion on the part of tournament operators where to register or when to register, that kind of stuff. But we hope to revamp, revitalize that program. Russ will be working with Bill Price and Eric Prince to get that under control. We fully anticipate the numbers to be more reflective of reality in the coming year.

Ray Kane? Joe McBride.

JOSEPH MCBRIDE: Yeah, Chris, just a question. I'm more familiar with shark tournaments than I am with billfish tournaments. Every one of our shark tournaments in our area, and most of the northeast, we have representatives there, biologists from the National Marine Fisheries analyzing the sharks.

Now, I'm going to make the same skewing of dates that take place along the coast for the billfish tournaments. Why -- I mean, why couldn't you use these fish brought in as biological research, number one, in the tournament, and have your people there and be sure your people see that they're registered, to answer Jack's objection. Without requiring a million dollars.

I assume -- do you have biologists who examine the billfish as well as the sharks? So, I mean, that's -- if you have -- I know it's a longer coast when you're speaking of the northeast, but I'm sure there's probably -- you know, no more than one or two a month during the season all the way to Texas from let's say from Virginia -- I don't know where the heck the tournaments are south of us, but I don't think it's an impossible thing to do. Thanks.

RUSSELL DUNN: If I could just speak to that. In conversation with Eric Prince, he indicated that in the Gulf they do sample, meaning they send someone to between 80 and 90 percent of the Gulf tournaments --

JOSEPH MCBRIDE: That are registered.

UNIDENTIFIED: Billfish tournaments.

RUSSELL DUNN: Yes, billfish tournaments.

MAUMUS CLAVERIE: Registered or not, just because they know they're there.

RUSSELL DUNN: That's right, and they do sample the fish for biological information.

JOSEPH MCBRIDE: No, but make it also at the same time --

MODERATOR CHRISTOPHER ROGERS: Turn the mike on.

JOSEPH MCBRIDE: They could also at the same time see that this tournament was registered. If they go there, you know, whether you get it from the newspaper that there's a tournament, as Mau said, however you find out there's a tournament, whether it's from your registration or from whatever other source you utilize, you send someone down

there, the requirement -- when the guy goes in, whomever, he says listen, can I see your tournament tag -- you know, however you want to do it. It's hardly a big enforcement scenario to go about doing that.

MODERATOR CHRISTOPHER ROGERS: It's 3:30 now. We can come back to billfish later, but let's get on with John Graves' presentation on the ICCAT meeting. Are you prepared? Are you ready? Are you willing? And then right afterwards we can have a brief chat with Girard Bradley from Customs and then we'll get back to the billfish discussion, as necessary.

Five minute break to get a cookie? All right. Absolutely, five minutes, no more.

[BREAK: 3:30 P.M. to 3:42 P.M.]

MODERATOR CHRISTOPHER ROGERS: Please get back to the table. We've got a lot yet to discuss. Otherwise we're going to have to cut out that bluefin discussion entirely tomorrow.

JOHN GRAVES: Ellen and Russ. Bob Zales.

MODERATOR CHRISTOPHER ROGERS: Name names.

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### U.S. ICCAT ADVISORY COMMITTEE UPDATE

JOHN GRAVES: One of the reasons that -- on the advisory panels that the ICCAT Advisory Committee has a chair is to make sure that there is some relationship between what's happening in the international arena with the management and of course then what's going to happen here with domestic implementation, what we've agreed to the international forum.

And so Chris had asked me to give a brief presentation -- actually, he didn't say brief -- on what happened at ICCAT in 2002, but then yesterday he also indicated he wanted me to go over very quickly what the U.S. Advisory Committee had done, since I guess the last time that I briefed this august body was about a year ago. So, that's what I've done. And hopefully my battery will hold out -- or my computer's battery -- while I do this presentation.

So, just to go over the list of events for the U.S. Advisory Committee, we had our spring species working group in March of last year, and that's where we meet with our technical advisors and we have four different species working groups. We have bluefin, swordfish, billfish and then BAYS, which are bigeye, albacore, yellowfin and skipjack tuna.

And those groups are charged with looking over existing management measures, existing research, what has happened in the ICCAT arena and coming up with management -- specific management and research recommendations.

Each working group comes back to plenary, we discuss it and then I brief NMFS on the research and management recommendations, and NMFS responds to those in our fall meeting.

In addition, several different advisory committee members went over to an intercessional on monitoring and compliance and I/U/U fishing that was held in Tokyo, Japan in May.

In addition, we convened a summer workshop. Each year we try and address a specific issue to either educate the committee or to provide an opportunity to discuss an item which might consume a lot of our time in the fall meeting when we're trying to set up the U.S. agenda for ICCAT.

And so this year we met on the white marlin ESA. We met with the Status Review Team and provided input to them. And also a sore point for the advisory committee has been United States recordkeeping on the BAYS tuna complex. We feel -- or several individuals on the committee feel that our commercial and recreational landings in the BAYS complex may be underreported. Inasmuch as a lot of these are now fully fished or overfished and quotas are being put in place, it's time that we have a good accounting of what our historical catches has been so that we can get an

allocation that's appropriate to our historical participation in the fishery. And so we met not only with the advisory committee and technical advisors, but we also invited for and paid for representatives from each of the states, just to see if there happened to be any -- that fabled box of landings data that have been stored away and hidden from us for a long time.

We didn't find any of those, but we did work with NMFS to try and get a better way of at least recording landings for a couple of years which we could go back and correct some of our historical landings. We held four regional meetings this year. This was an opportunity to get input from the public in various locations along the coast and also to explain what ICCAT's doing to different groups and we held those in New Jersey, Massachusetts, South Carolina and Florida.

And this -- we take that input, along with what the committee members have, and we come to the fall meeting, where we look over an issues and options paper that Kim prepares that gives a whole range of things and the committee weighs in on what they think U.S. position at ICCAT could be.

Now, if you went around this table trying to get consensus, obviously it's impossible. You have a snowball's chance in hell. But with ICCAT, a lot of our domestic allocation differences evaporated and a lot of times we have a very strong consensus. And then these -- where we fall in in terms of the issues and options, that's presented to the higher levels of NMFS -- well, in the Department of Commerce and the Department of State, and then the National Marine Fisheries Service weighs in on what they believe are priorities and which specific issues and options should be, and then the commissioners have input, and out of all of this comes the final positions for the U.S. to take to ICCAT. And then six different committee members went as part of the U.S. delegation to the ICCAT meeting.

Now, last year was a very busy year for ICCAT. On the fisheries science side of things, the standing committee for research and statistics had assessments of white marlin, eastern bluefin tuna, western bluefin tuna, northern swordfish, southern swordfish and bigeye tuna. That's an inordinate number of assessments, but -- you know, with each of those assessments came the need or potential need for more management measures, and also there was going to be allocation issues once we got to ICCAT. We got the public input from the regional meetings and also at the fall meeting and then developed our positions.

So, out of all of this, the U.S. committee had several objectives, and these were by and large part and parcel of the U.S. policy. With swordfish, there's been a dramatic recovery in northern swordfish, but it was felt by the committee to continue the rebuilding program that a lot of this recovery, the biomasses in young fish and to let those fish mature so that your spawning stock biomass increases. And so it was an opportunity to let some new players into the game potentially, but we didn't want to go wholesale and open up the fishery entirely.

In the south, where there had not been quotas in place, and it had been pretty much an open fishery, people taking what they wanted, they just submit their own TAC's and then try and live with it -- their own allocations. We wanted to get much better control on that and get a TAC that was down at replacement yield.

For bluefin in the east, the -- well, let's start in the west. Bluefin in the west, the assessment indicated that in the long-term rebuilding program we were progressing nicely, but there was some interest inasmuch there's a lot of interdependence between the eastern and the western stocks to potentially move the line, which might be more reasonable with some of the tagging data, and adjust our quota accordingly in the west.

In the east, it's been gross overfishing and our main concern was to get it within -- to have a TAC that was within replacement yield, something that was sustainable.

For the marlins, we wanted to essentially postpone an assessment of blue marlin if necessary but to keep the existing regulations, the 67 percent reduction in landings of white marlin, 50 percent reduction in landings of blue marlin in place until we had a time to actually evaluate if those reductions were having an impact on the stock.

Bigeye, the assessment came out better than many had thought it would, but it's still overfishing is occurring, and there's a major problem with the capture of small bigeye in the Gulf of Guinea surplus fishery, and so there was concern to address that.

And then one of the major items of focus for the committee was to address I/U/U fishing, because there's an entire fleet operating in the Atlantic that is beyond ICCAT control, and so the idea was to try and close the market to these fish, to remove the economic incentive. And so those were sort of what the U.S. delegation took to ICCAT.

Now, in 2001 we essentially took the position at the end of the meeting of not going along with an eastern bluefin quota that would promote overfishing. In the past years, the E.C. had waited until the last minute and then we had sort of adopted the strategy, well it's better to have some management measure in place than to have no management measure at all. But in 2001, the U.S. delegation unanimously agreed that it was better not to have anything in place, to let the meeting melt down and come back and try and look at the whole ICCAT process and fix that.

Well -- and what happened was the meeting went into a vote in 2001. There weren't enough people to do a vote. They didn't have a quorum. And so essentially the meeting just fell apart, and a lot of panel reports weren't adopted, so management measures weren't in place. Those had to be eventually adopted by mail, but in the case of eastern bluefin tuna there was no management measure.

So, while we were coming back here hoping to elevate the importance of ICCAT in administration that had a lot of other things on its mind, the E.C. also went back and figured out okay, what happened in that meeting, and how can we address it? So, they came to our commissioners and we had I think an incredible team of commissioners that were willing to do whatever to try and get the U.S. position, and the first thing that they found out from the E.C. was that the E.C. was willing to vote on any measure that we wanted to. They had the votes, and furthermore it would cost them a pretty penny to ensure that a lot of the smaller nations were going to stay until the end of the meeting, so they were assured of a quorum. So, it was pretty much in your face.

In addition, Japan and the E.C. indicated that they wanted to link a lot of the major management measures together. Now, this has always been done to some degree in the past. I mean, you scratch our back, we'll give a little here, you give a little there. But the measures are adopted independently.

Well, this year or in 2002 there was talk of the package. Essentially that all of these things were going to be arranged and agreed upon, and then right at the end of the meeting they would be adopted. So, a lot of these measures were formally tied together in the negotiations.

With the new chair for ICCAT, there was also a new meeting format, and the oral discussions presenting our opening statements on the floor in plenary session, that was removed. And so that usually gives us an opportunity in the general plenary to say where United States is going and then each of the panels to say what our concerns are. And so that removed a lot of discussion.

Furthermore, one of the things that we typically do is that the chair of the SERS, the head fisheries scientist, is there, and delegations are allowed to ask questions of the chair, and there's usually an answer given and you're developing a train of thought, trying to show the rationale for a particular measure you're going to take.

Well, with the new SERS chair, the previous chair then, Joe Powers -- and Joe had done a great job, the new chair from the E.C. and he decided not to answer a lot of the questions. He said he'd get back to you on that. Or in some cases he gave incorrect answers.

You know, maybe we should have given him the answers so that he knew -- and the questions, and that's something that we can do in the future, but it certainly screwed what we were trying to do in terms of presenting the case.

As a result, a lot more time was spent by our commissioners in closed negotiations, in bilateral, trilateral meetings, a lot less time spent on the floor in plenary, and that also reduced the opportunity for some of the smaller nations or smaller parties to feel that they were -- you know, that they were empowered in this process. And that also then brought up some allocation issues.

But I'll just quickly go over what did transpire in the different panels. Panel 1 is the tropical tunas, so that would be your skipjack, bigeye, yellowfin. And the only substantive measure was extending the bigeye tuna conservation measures, which it limits catches to the '91/92 level, with minor parties below 2100 metric tons.

China had objected to a previous measure a year before, and it increased their fleet. They were supposed to hold it at 30. They brought it up to 60 vessels and increased their catch. And they agreed to come into this measure of 5,000 metric tons. Taiwan's quota stayed the same. The Philippines were limited to five vessels. They were showing an increase in this fishery and in the bigeye fishery it's overfished.

There's still a problem for the smaller nation -- or the smaller fishing nations, smaller players under 2100 metric tons. What happens, can they accumulate all of this unused quota and then apply it in some particular year. And of course that would be a disaster to the fishery, and so we wanted to put a cap on that, but we weren't able to do so, and we hope to be able to do so in the future.

Also there's been a moratorium. It was originally voluntary by the E.C. fishing on FADS in the Gulf of Guinea. And this was to reduce the catch of small yellowfin and bigeye, which school together with the skipjack. And the Gulf of Guinea was primarily a skipjack fishery, but large numbers of juvenile yellowfin and bigeye are taken, and that has a significant impact on those two stocks.

So, the E.C. had voluntarily taken a moratorium. That was then put in as a recommendation, so it was mandatory for ICCAT parties, but Ghana has not been observing that. So, the E.C. feels that their conservation measures that they've been putting in, the sacrifices their fishermen have made, have been eroded by the Ghanians. And gosh, sorry that the E.C. feels that way, but I'm sure there are a lot of bluefin people sitting around this table that have seen the E.C. doing that for several years with bluefin.

Panel 2 are the temperate tunas, so there's bluefin and albacore. A recommendation was adopted that increase the TAC in the rebuilding plan -- the long-term rebuilding plan for bluefin tuna from 2500 to 2700 metric tons. This included 25 metric tons for the United States and 15 metric tons for Canada in the vicinity of 45 degrees west. So, that could be -- this was our bycatch in the swordfish fishery, and we actually have prosecuted that fishery east of 45 degrees west and so -- and have not been reporting that, so that gave us some flexibility and legitimacy to that fishery.

In addition, Mexico, which joined in that year, received 25 metric tons of bluefin as a bycatch in their Gulf yellowfin tuna fishery.

A resolution, which is not binding but it's supposed to be followed, the catches in the central North Atlantic -- and these are Japanese catches primarily, at '99/2000 levels for the next two years.

A resolution was adopted that establishes a working group for integrated coordinated management measures of bluefin tuna, and this is to look not necessarily at just a single stock approach to managing bluefin tuna, but probably, as Jerry Scott said, more a zonal approach. But -- so that the right hand and the left hand are working in concert to some degree, and to improve the management that we have rather than just sticking an arbitrary line down the ocean of 45 degrees west. That group is supposed to meet by November of this year and report to ICCAT in 2004.

Eastern bluefin tuna, which had been wide open last year, they did adopt a recommendation. Now, the TAC for the next four years is at 32,000 metric tons, which is substantially higher than the 26,000 metric tons that the SERS suggested was sustainable.

However, the good part of this is that it does include all parties, and the previous TAC there had been objections, Libya and Morocco were fishing outside of it, so at least everybody's in the envelope.

And another important thing was when countries set up their own quotas previously, these autonomous quotas, they could have set them very high so that they had underages, which they would carry forward. They cannot do that.

The negotiations for this were very difficult. Glenn, Bill and Bob had a lot of heartache doing this, and they worked hard. And the concession that the E.C. was willing to give was to reduce their take of small bluefin tuna. And this time they really meant it. We already have some recommendations on the book, but now there's a zero tolerance policy for bluefin tuna less than 4.8 kilograms in the Med, and a 6.4 kilogram minimum size with ten percent tolerance in the Atlantic.

Now, one of the things that Bill Hogarth said he would do -- and he indicated yesterday he is planning to do that -- is to meet with the E.C. to see how they are starting to implement this, because the whole idea is if you're fishing above the sustainable yield, but if you change the size selectivity of the fishery, you can increase its productivity. And so that's sort of how they said they were going to do that, so we want to make sure that it's happening.

There was also a resolution that was adopted on bluefin farming. There are a lot of grow-out operations that are occurring throughout the Mediterranean now, but a lot of times vessels from one country may dump their tuna into pens from another country. They say growth is occurring, but there's no real formula for the growth, and there's no accounting for mortality which actually occurs in the pen. So, not all of those animals survive, but yet that's a mortality on the stock itself, and that needs to be accounted for. And so there was a tightening up of that.

Northern albacore, the 2002 recommendation was simply rolled over. That still keeps the stock in an overfishing situation, but that will be addressed next year -- during this year actually, there'll be an assessment of northern and southern albacore, and with not too much to do at our meeting. Hopefully we'll address this issue in full.

The U.S. continues to have a 607 metric ton quota, and because our albacore fishery varies dramatically year to year on the availability of fish to our coast, especially in the recreational and the commercial fishery, that we have a rollover capacity. So, we can accommodate the highs and the lows. Venezuela felt they needed more than 200 metric tons, and settled for 270. All others are capped at 200 metric tons.

Southern albacore has been operating in sort of a feel-good situation for a while. A group of nations that are the major players were supposed to be contacting each other, finding out, you know, when they were getting -- the catches were getting high and that we were going to slow down.

Well, communication has been poor, if existent at all, and they exceeded their limit in 2001. They will -- of course southern albacore will be assessed this year, but they're also going to hold an intercessional of the major players to determine allocation before they get to the meeting in November. And so that hopefully will take place, because that could occupy a lot of time at the meeting. And they also want to use -- I think a formulaic approach to developing an allocation criteria, but even if they do that, there's nothing that says that that's going to be used by other panels on other species.

Panel 4 is swordfish, billfish, and other tunas. North Atlantic swordfish, we went in, we -- the current TAC was at 10-4 for the north. We felt it could go higher, maybe up to 11 or something to accommodate some new players, but Canada, which has usually been much more conservative than the U.S., took a turn and they were saying unh-uh, let's go to the full 14,000 metric tons that's been authorized by the SERS. And of course the E.C. and Japan were right there with them. The United States was the lone country out.

It could have gone to a vote and we would have lost, but what our commissioners did was they negotiated the best deals that they could. We weren't going to stop this, so -- our share increased, our dead discard allowance was half of what it was last year and it will go to zero and remain there, at least for the duration of this particular recommendation. We also had a reduction in our quota in the south, but since most of our catch of southern swordfish actually occurs between five degrees north and five degrees south, there was some flexibility that was put in so that the U.S. could take 200 metric tons in the zone, five degrees north to five degrees south, and have it apply to the northern stock.

And this is very similar to what Japan has. Japan has been in a big problem. Swordfish is a bycatch in their bigeye fishery and the bigeye concentrations have moved north, and so a lot of their catch of swordfish has occurred from the north and they went over their five-year limit in less than three years, and were trying to pay this back.

The United States had actually given them 400 metric tons of our unused quota previously and they had an arrangement where they could take one metric ton in the north and apply it as two metric tons to their southern quota, up to 400 metric tons.

In this new five-year block quota, they still have that flexibility of accounting 400 metric tons taken in the north to the south, but it's at a one for one ratio, and it's also in a prescribed area.

South Atlantic swordfish, the good news here is it's not open season on South Atlantic swordfish, so that there is a TAC and there are individual country quotas. And even the minor nations have specific quotas, and that also applies in the north, which had not been the case before. There was just an others category, but no specific subquotas within the others. There are now.

The TAC increased from -- over the period of 2003 to 2006 it's going from 15-6 to about 16,000 metric tons. The SERS says that sustainable yields would be around 14 to 15,000 metric tons. So, this appears to be overfishing. But the reality of the situation is for the last two years when they were sending in what they thought their quotas should be, mindful that you have replacements around 14 to 15,000 metric tons, they were coming in, you summed them all together, was 21 to 22,000 metric tons. But they weren't taking that much. They were taking around 13,000 something metric tons.

So, it's felt that they're not going to even be able to catch this, and the nice thing is that they're not allowed to roll over their underages. Only the U.S. and Japan, which made major concessions in their quotas, are allowed to carry forward underages.

The marlins. Some say that we were held hostage by the marlins. It's an interesting point. The recommendation -- the previous recommendation was set to expire at the end of the year. If we did not renegotiate a recommendation, that 67 percent reduction in landings of white marlin, 50 percent of blue marlin, would have disappeared. Now, I spent a good time last summer -- spring and summer, with the white marlin ESA, and our outlook of white marlin was tempered by the fact that ICCAT had taken this two-thirds reduction, that there was likely going to be some pretty good compliance with that.

If that management measure was removed from the table, all bets were off on the stability of the white marlin population. So, we had to get something in place. And that was a point of leverage in negotiations. But we did manage -- I thank the commissioners for this again -- to do this.

Remember, the deck was stacked against the commissioners the whole time. They were told up front that we could vote down anything that we don't like, and so they had to negotiate from ground zero everything, and so even though we didn't get everything we might have wanted, we got a lot.

And so we are going to maintain this reduction in white marlin landings from the pelagic longline and purse seine fisheries, and the same for blue marlin. There'll be a workshop that's going to be held in Shimizu, Japan, April 9th, 10th and 11th or something like that, to improve data collection. There'll be a data preparatory meeting in 2004. And the next assessment will be in 2005.

Once again, the data -- the assessments is going to be done. If everybody's releasing the fish and you're not getting great records, what do you have? And that's something that will be addressed at the meeting in Shimizu and also in 2004.

In addition, to help Japan, parties are encouraged to reduce the commercial exploitation of white marlin. And that was something that Japan had requested to help them take care of some market situations in their country.

Outside of the four species panels within ICCAT, you have STACBAD which looks at the operation of the Commission itself and paying dues and stuff, and then you have the permanent working group for the improvement of statistics -- and something else, and -- PWG is what it's called. But it really focuses on the fishing practices of non-member nations and the Compliance Committee focuses on the fishing practices of member nations.

The big thing, the big gain that we got here, looking at I/U/U fishing was that both a positive and a negative vessel I/U/U list were approved. And what this means is the in the past -- as you'll see or as you look down the slide you'll see a lot of major fishing nations, Bolivia, Cambodia, Sierra Leone, the Seychelles, you know, they're not major players. They're flag of convenience nations. And so a lot of this I/U/U fishing, what would happen is one country would be flagging those vessels, they'd get letters from ICCAT asking about the fishing practices and then we'd actually take sanctions -- trade sanctions against those nations, but those vessels would then move and flag with another country.

And so you could never catch them. And so you could identify these bad vessels or these negative vessel lists, but they keep moving. And so during the intercessional, something that came out of it was well, wait a minute, why don't we go to ICCAT sanctioned vessels. Those are the vessels that can come in and can land or can transship. And so both of those were adopted.

Some countries felt that they needed a negative list, others a positive list. But the bottom line is that there was resolve within the Commission to stop this I/U/U fishing.

A way around I/U/U fishing or identifications has been fish laundering, which is where you will transship some I/U/U fish with some non-I/U/U fish and claim all of it as legitimate. And Chinese Taipei, Taiwan, has been big on that. And so a resolution was adopted which will hopefully curtail that practice.

The way that the Commission operates is often times there's identification letters, then countries are listed in a second year if they fail to comply, and then the third year the Commission can take trade sanctions against those. And so in this three-step process on various species, several countries were identified. Trade sanctions were taken on others. And in a couple of cases, based on good behavior, there was the possibility that trade sanctions would be released in the next year or so for a couple of other players.

But ICCAT nations should be under the same kind of scrutiny as non-ICCAT nations, and that's where the Compliance Committee comes in. We are supposed to start off the meeting with countries handing in their compliance tables, and so that we know everybody -- it's very transparent -- what people have caught, what their quotas were, whether there's overages or not. And we've had a terrible time having countries actually submit their data. And we spent many years developing this process, getting approval on it, but the way it's carried out -- well, it's disgusting.

So, as late as Thursday of this meeting, there were countries that were amending or submitting their compliance tables. So, that gives you a whole lot of time to look at them. There's still a problem with small fish reporting. Even though there are small fish quotas, a lot of countries say well, we don't have adequate sampling of our small fish. You could apply the same proportions of other countries' fishing with the same type of gear in the same area at the same time, but whoa, no, no, you can't do that, because that's scientific extrapolation and you couldn't possibly do that, you know, because you can't use that for compliance. So, we still have a problem with small fish reporting. Countries just aren't doing it and they're saying they don't have the resources to do it.

What was very disappointing was that the Chairman of the Compliance Committee, once this final table was out there, did not call upon the countries that were out of compliance to explain why they were out of compliance and the measures that they were going to use so that they would become -- be in compliance. So, that left it up to other parties to do that. And who's doing that? Well, the U.S. is doing it. In previous years, Canada and Japan have helped, but this year we are pretty much out there by ourselves.

And it turned out that the United States was in a difficult position, because as you heard in discussions earlier today, as we present our landings to ICCAT at the SERS in terms of a calendar year -- and that's for the science -- our compliance is based on a fishing year, which goes from June 1st to May 31st. We did not have available for the Commission our data from the fishing year.

And so it looked like we were out of compliance in a lot of situations and there wasn't any transparency to that. And so every time we tried to make the point, someone would come back to us and say well, wait a minute, you know, even though we explained it, it sort of took all of the wind out of our sails and we did not have as much success in the Compliance Committee as we would have liked.

But as we continue to try and smash our heads into this wall and move it a little bit, we did, and so there's a new compliance table submission policy for 2003. In addition, our commissioners will be working through ICCAT to ensure that there are some marching orders to the chair of the Compliance Committee, so that countries are called upon, that it's pretty much up-front and transparent who's out of compliance and that they have to be called to the table to address how they're going to address the situation. There are some ICCAT members who have trade sanctions. Those were continued. And the process of identification was continued.

In overall plenary session, Mexico joined and Iceland joined during the course of the meeting, and Norway announced that it will join this year. And Kim tells me that Vanuatu just joined.

So, there was a recommendation on chartering arrangements and a resolution on objection that we had. Countries have the right to object, but this resolution simply said that countries if they're going to object should tell us why they're objecting and the measures that they're going to be putting in place to maintain some kind of management. That didn't pass. It was late in the meeting and everything gets pushed till the end of the meeting, and so sometimes these things don't get addressed, but that had been something the U.S. would have liked to have seen.

There's a working group was approved to look at consolidating ICCAT's management measures, and that's known as the Carlos Compendium, was one that the E.C. had sponsored, but there are a lot of different measures on a lot of different species and we're now amending some measures and it would be nice if we could consolidate all of this.

We put forward resolutions on seabirds and turtles. The seabirds went through. And that just asked countries to get National Plans of Action that are in accord with the International Plan of Action, and simply to report their interactions with sea birds through their fisheries to ICCAT, which can then pass on the information. This did not happen for marine turtles.

UNIDENTIFIED: (Inaudible.)

JOHN GRAVES: Pending. Yeah, again, this was at the end of the meeting, and people were just brain dead, and I guess it's still out for a mail vote on the turtles. But there was a lot of support. There didn't seem to be too many problems for that.

The meeting this year will be in November in Ireland, Dublin, and in 2004 the United States will be hosting for the first time an ICCAT meeting. And this will probably be in New Orleans.

And that's the short and long of it. There are a lot of people around this table that were at the ICCAT meeting, and this information was my take on it, and there may be some slight variations, but I'll be happy to answer any questions if you have any.

MODERATOR CHRISTOPHER ROGERS: Irby Basco.

IRBY BASCO: Thank you, John. Thank you for a great report, as usual. Let me ask you a question. When a new nation decides to join ICCAT, when do they get their allocation of fish?

JOHN GRAVES: That's a great question and in fact there's been a couple of different strategies. Some countries have wanted to join and -- to get an allocation. Others said we'll join when we're given an allocation. And Iceland was kind of doing that, but they joined this year and they did get an allocation for bluefin tuna. They had sort of been taking it outside anyways.

The interesting thing with North Atlantic swordfish, as you bring up allocation, was that when the United States was -- you know, we were thinking of just incrementally increasing the TAC on that stock because it is heavily juvenile, that when the pressure was to go no, we're going to take it right on up to 14,000 metric tons, which is near MSY, then that told all these other countries that might want to get involved that they've got to become -- you know, they've got to grab for their quota now. And there was a major quota grab that occurred.

All of these small countries demanding to be -- you know, that we want this much, without giving much rationale or historical fishery, and an argument that well, we weren't allowed to have a historical fishery, so if we're going to have a fishery this is one we wanted. And none was more vocal than the newest member, Mexico. And that will change the dynamic of ICCAT over the next several years.

IRBY BASCO: Does a country like Norway have some of their own fishing grounds that maybe had not been explored yet or -- (inaudible) -- of ICCAT nation?

JOHN GRAVES: Yeah, Norway historically did have a bluefin fishery, so --

MODERATOR CHRISTOPHER ROGERS: Jack.

JOHN DUNNIGAN: Let me make a comment that's relevant to the question, Irby. I think John -- John just now referred to the dynamics of ICCAT changing, and it was apparent to most of us who were there that over the next five to ten years ICCAT's facing some huge challenges as more and more countries start coming to the table and they're all coming expecting fish.

That was one of the reasons why the delegation believed that it was important in eastern bluefin and in a number of other fisheries to get these catch tables out there that included these countries, so that they were now stakeholders and they would have to be invested in the process.

You can argue that there were still too many fish on the table, and we seem to think so, but the fact of getting these people into the program is going to be important to the process of ICCAT in the future. Because you know, Turkey now wants to join, and we understand that they want 6,000 tons in the Mediterranean. Well, the whole others category is only 2,000 tons. So, these are all going to have to get worked out.

Iceland joined. They got a small allocation. And what they told us was; they were ticked off at the E.C. because they see the future of their fishery in the growth and recovery of the eastern stock, and they can't see it happening at the current catch levels and at the current size harvest levels.

ICCAT's going to have to deal with all of these problems in the future, and as one of the big countries there, sort of the big four, U.S., Canada, Japan and the E.C., that's going to really make the whole dynamics of how we get what we need out of ICCAT change significantly in the next couple of years.

I notice that Bill's here and Bob Hayes has also joined us, along with Glenn, so we have all three of our commissioners here and I'm sure that they'd be glad to share their perspectives with you, too.

MODERATOR CHRISTOPHER ROGERS: Questions for our ICCAT Committee Chair? Don't push him? We'll take one more question from Mr. Richard Ruais.

RICHARD RUAIS: Thank you, Chris. I wanted to first echo John's praise of the commissioners for some of the achievements that we did get at ICCAT this year. With the cards they had to deal with, I think they did a remarkable job across the spectrum of issues that we had to deal with. I think some in industry, we weren't quite as successful as we had hoped to be to get more leverage going into the meeting, so that we could get the attention.

And as John pointed out in the beginning of the meeting, we learned real quick that the European Community had learned well from the experience of 2001, and rather than that moving them in a direction that we had hoped, which was more of a compliant, conservation-oriented mode, they circled the wagons and in their own strategic interest responded with a strategy that was painful for all of us to watch unfold last year.

But nonetheless, we did make incremental progress once again and we continue to do that at ICCAT. I wish you could just see into the future. I wish I could see into the future and fast forward the whole thing to see where we are going to be, because it's painfully slow to watch it.

But I do thank the commissioners for the progress we made on western Atlantic bluefin tuna. The modest quota increases is appreciated. I think they worked very hard to pull that off. I'm happy to see the cap in the Central Atlantic, wish we had been able to move the line, but know exactly why the resistance was there. Probably from our perspective, as significant as the modest quota increase, maybe even more in the long term, was the resolution on unified management. I think that is something that's going to be very important as we move forward and may help on the conservation line, as well, when we can go to countries like Iceland and Norway and as the tagging data -- satellite tagging data continues to show the extent of mixing, they'll be able to see that we are all in this boat together and they can help on the European front trying to improve the conservation attitude over there.

But again, I think that -- you know, here domestically we still have a fair amount of work that we have to do to get some of the leverage that we need to get them to move faster than they otherwise will.

The other thing on the small fish, and I'm glad Doctor Hogarth is back here again. I hope when he does get with the European Community counterparts there that he can impress upon them the urgency -- that resolution -- there was a commitment, as John put a little notation there, we're serious this time, we're going to try and do something about small fish. But if you recall, it was also -- I mean, for some of us it was also a frank admission that first before you take on the commitment to regulate your small fisheries, you have to know where they are, who's prosecuting them, when, what size fish, where the markets are, and all of that -- incredible as it may sound in 2003 -- they have to go about building that understanding and database, because they simply don't know for the large part -- the management agencies there, if you can call them that -- they don't know where those fisheries are and how to begin to regulate them.

So, I hope we do keep the pressure up on them in that area of the small fish, because obviously that is key. We have seen with conventional tagging that small fish from our New Jersey coastline, New York bight area to Bay of Biscay and elsewhere, do seem to have an awful lot of interchange. So, that is an important size class of fish, and I think we're seeing the same thing with North Carolina and the Mediterranean as well right now, so we're very anxious to see the protection of the small fish.

And before John leaves, if I get the final question for him, I'd like to know either from Kim or John if we've heard about any date for this intercessional management on the unified management intercessional. Thanks again to the commissioners.

JOHN GRAVES: The PWG one?

RICHARD RUAIS (No microphone): (Inaudible.)

JOHN GRAVES: I think that scheduled -- you know, there was a -- in STACBAD and in PWG there was a lot of -- you know, we're having way too many intercessionals and people can't attend. I think that one may be held right before the meeting in Dublin.

There is the Shimizu meeting that's going to be in April, and then I think in the last week of May the PWG intercessional will be in Madeira.

MODERATOR CHRISTOPHER ROGERS: Bob Hueter, Gail Johnson, Nelson. Then we've got to move on.

JOHN GRAVES: And for the committee members -- well, for those of you who think you might be committee members but don't know because nobody knows -- I'm assuming that I'm a committee member, but I had to bail on the reservation I had for the room, so we're not going to have our meeting in March. I was already in the position of two years ago of having to sit on a reservation without a committee. So, it will either be April 14th and 15th or preferably in the first week of May.

The reason that April 14th and 15th is bad is that Jerry Scott will be going to Shimizu, and if I have to go to Shimizu -- which will be difficult with my teaching schedule -- you know, I don't know if I can physically get back in time.

MODERATOR CHRISTOPHER ROGERS: Bob Hueter.

ROBERT HUETER: John, could you just briefly summarize what ICCAT is doing on the issue of pelagic sharks. Some troubling signs about the status of pelagic sharks in the North Atlantic have begun to appear in the published literature, declines in blue sharks of anywhere between 60 and 80 percent, and threshers 80 percent. Could you just tell us what ICCAT is doing on that particular issue?

JOHN GRAVES: Yeah, the SERS is collecting data now and they're working with countries scientists and they will be having an assessment next year.

MODERATOR CHRISTOPHER ROGERS: Gail.

GAIL JOHNSON: Thank you. Just, I want to reiterate my heartfelt thanks to the commissioners for such major outcomes against a various stacked deck, and it's on all the big issues as well as the minutia that involve so much of their constituency, and just thanks, guys, a lot.

MODERATOR CHRISTOPHER ROGERS: Nelson.

NELSON BEIDEMAN: I echo all that and even though there's disappointment, you know, especially about the eastern TAC being so high, you know, they have brought together a regime finally. On South Atlantic swordfish, as John said, I doubt that they'll take the TAC right away, so there's time to get that TAC to where it should be. North Atlantic swordfish, United States is not going to take that quota. So, I would doubt that it's going to go up as high as the numbers read.

But most importantly, from an industry perspective, this past year at ICCAT may well end up being a very large milestone for ICCAT because from our perspective it's finally getting to the heart of the problem. And the biggest Atlantic overfishing problem across all the species, including marlin, is I/U/U fishing. And the measures that were passed at ICCAT are designed by the Japanese to take approximately 30,000 metric tons of illegally caught HMS off the market. That is huge. Huge.

And it's up to the major marketing nations, Japan, the E.U. and the United States, to implement those measures as quickly as humanly possible. And that is the beginning of a new era for ICCAT from our perspective, an era of enforcement. And you know, as we've said in every meeting over many years, that is just the beginning of -- you know, getting the Atlantic under control.

MODERATOR CHRISTOPHER ROGERS: Jack Dunnigan, final word on the ICCAT subject.

JOHN DUNNIGAN: Just -- I know that the commissioners, Bill and Glenn and Bob, appreciate your expressions of gratitude and support. And I think on their behalf, and certainly on behalf of the staff, I'd also like to say thanks to John Graves.

John is not only the chair of the ICCAT Advisory Committee, but when we get to ICCAT, he sort of becomes the head or the manager of our delegation, and he controls a lot of traffic and keeps a lot of things moving. Yeah -- Mau just called him a coach. So, we rely on him a lot. And John, thank you very much. We appreciate everything you do.

MODERATOR CHRISTOPHER ROGERS: Okay. Well, we're a little bit off our agenda, as we well know. What I'd like to do now -- Girard Bradley is here from Customs. Not to put you on the spot, Girard. Didn't really clue him in that we planned on any formal presentation, but while he's here, I thought we'd at least bring you up and introduce you to the panel. I don't know that you've had the occasion to meet the panel before. I know we've had some other contacts with Customs.

Come on up, and at least you'll become a familiar face. This is to the point where we've just been discussing a bit the I/U/U fishing initiatives and trade restrictive measures that ICCAT has been implementing in past years to address the issue of I/U/U fishing.

In the past, ICCAT had taken the approach of identifying countries. Those involved know it's a very painful and labored process to gather information, present it, and get either the permanent working group or the Compliance Committee to identify, write a letter, wait another meeting cycle to get a response from the alleged offending party as to what you're doing or not doing to control the activities of vessels flying your flag. If the explanation is satisfactory, you can either go onto a watch list, so to speak. If it's an unsatisfactory response, then the second phase is to propose and hopefully adopt at that ICCAT meeting a trade restrictive measure. We've had several countries identified, many non-contracting parties, but also several contracting parties.

The difficulty from the standpoint of Customs, as far as I understand it, is that the normal information submitted in terms of what they call an entry summary -- I think that's the correct term -- an entry document, doesn't necessarily

identify the -- well, it doesn't. It doesn't identify the flag nation of the harvesting vessel. It does indicate a country of origin, but due to transshipment that may be difficult to equate with a harvesting vessel. And certainly the ICCAT recommendations pertain to harvesting vessels and the flag nation of those harvesting vessels.

So, to that end, we are increasingly relying upon -- through the ICCAT process, the so-called statistical documents that need to be offered with entry or at the point of entry with the product, to demonstrate more information as to the origin of the fish, the flag nation of the vessel, the vessel name, port of offloading, date of offloading, and some specific information about the contents of that shipment, and often a validation on the part of a government official or accredited institution of the harvesting nation to demonstrate that it is information that is available to that government and will be reported or should be reported to the Commission.

We've had a long history of working with Customs on the bluefin tuna statistical document program. Now ICCAT has a swordfish statistical document program and a bigeye tuna statistical document program that we're in the process of developing a proposed rule to implement those programs.

But more importantly, as John referenced -- John Graves just referenced -- ICCAT is moving towards a vessel list approach, which really changes the focus against -- away from a country and this process of identifying countries through the compliance or permit working group process; but identifying vessels, particular vessels that are either authorized or identified as an I/U/U vessel -- the terminology has been a negative list and a positive list.

And there are obviously some concerns on how to implement a vessel-based trade restrictive measure as opposed to a country-based trade restrictive measure. And we've had some communications with Customs recently regarding Homeland Security and some of the directives and refocusing of Customs resources relative to Homeland Security.

So, I thought maybe just a brief word from Girard. He has sent a letter to the agency requesting some input. I believe probably all agencies have received a similar letter requesting input on identifying key products that may have some significance in terms of security watch at elevated states of -- heightened states of security as well as prioritization process, when we are in a heightened state of security as -- what are we at, code orange now? Code orange now, and obviously due to security concerns Customs resources will necessarily be diverted and there may be less ability to monitor imports in the way that we all would like it to be done.

So, maybe Girard, if you could just sort of explain the Customs approach under the new operating procedures for Homeland Security. And if you have any comments or advice or are willing to take any questions from the panel with respect to how Customs can work with the agency in effectively monitoring the trade of product and hopefully working toward the point of prohibiting entry of product that we do not feel is appropriately -- or appropriately offered for entry into this country. So, Girard Bradley from the Customs Service.

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### HOMELAND SECURITY -- CUSTOMS

GIRARD BRADLEY: Thank you, Chris. I'm going to pass around something I pulled off our Web site. It gives a breakdown and statistics of what Customs has to process every day in trade and passengers and vehicles that come into the United States, aircraft vessels, private cars, containers and whatnot.

So, you can see -- I don't have enough for everybody, because I didn't there were going to be that many people here, so if you could just look at it and pass it on and maybe share among. But it's just an indication of the scale of the workload that Customs is facing right now.

If it was normal situation, if we were at a lower alert level, the workload would be enormous, but now that we've gone to orange, as of Friday noontime, the workload has become increased. What does going to orange mean? Orange means that there'll be more examinations of people, cars, trucks, containers and vessels coming into the United States. Also the boundaries, if you will, of the United States will be pushed out. More examinations will be done of container vessels coming in. They'll be boarded, as they call it, in the stream before they actually arrive at the port. Customs, along with the Coast Guard, will board, examine the ships for stowaways, weapons, for anything that's out of the

ordinary on the ships.

Also there's a real mood of uncertainty in the whole Customs Service as to what the move to Department of Homeland Security will entail. Officially, we're going over on March 1st. We were told that Customs would remain a distinct and separate entity, but that turns out not to be the case. As of two weeks ago, the special agents -- we were informed the special agents or enforcement arm is being pulled out of Customs to be combined with Immigration and Naturalization special agents and also with the Federal Protective Service to be put into a separate enforcement bureau, an Immigration and Customs Enforcement Bureau.

So, actually Customs is changing. That's the only change we know of now, but who knows what's going to happen in the next months and years as it goes on?

And as Chris mentioned, when this happens, even before we went to orange, ever since September 11th our process of document review, reviewing entry documents to make sure that they're in compliance with all the other various agency laws -- just by the way, we enforce about 400 laws for -- excuse me, for 40 different federal agencies, which National Marine is only a small -- well, I don't want to say small and insult you, but it is one of many agencies whose laws we try to enforce, because we are the guys at the border. We are their personnel. We are their enforcement arm in many cases.

But unfortunately, document review has suffered. We don't check as much as we should. We particularly don't look at stuff if it's not -- if it's unrelated to health and safety. We still look at -- for example, we still will look at beef products and products that could contain either foot and mouth disease or mad cow disease. We still look at unapproved pharmaceuticals coming into the United States. But other technical violations and violations that are not health and safety related are given a lower priority.

If we did go to a vessel-based enforcement system, it's my opinion that enforcement would suffer. Right now, our system is set up that we can -- by country we can do a fairly good job of screening importations, making sure that the documents get to an inspector or an import specialist to review them to make sure that all the information that's required of a document is there and appears to be in order.

If the inspector is required to do a more detailed review of the paperwork, I don't know exactly what that would entail, whether National Marine Fisheries Service or someone would supply us with a list of approved vessels, unapproved vessels, whether the inspector would have to stop everything else that he's doing and check a Web site to see if this vessel is approved. In my opinion, it not only would be time-consuming, if the inspector did it, but in a lot of ports where the workload is tight, I have a feeling that enforcement would suffer. The inspector either couldn't or wouldn't be able to check the documents in that detail and would just pass it along without giving it the proper review.

So, like I said, our system right now -- our ACS system, the Automated Commercial System, is set up to track by commodity and another of the data elements that's required is country of origin. So, if we had a country to go by, that would make it easier for us to do it. If we had to go into more detail, that would not be a helpful matter.

There's a couple things that we could think about in order to alleviate this. We were talking about doing this kind of a procedure with toothfish, have some sort of preapproval process, which the National Marine Fisheries would examine either a permit, an entry document, get an approval from National Marine Fisheries Service, and that approval document would be submitted with the entry to Customs. Customs would just have to check the entry, make sure that it has been signed off by National Marine Fisheries, and know that the shipment was good to know, it's able to proceed.

Long term, we are developing a new automated commercial system, ACE or ITDS, in which we're inviting -- and most government agencies including National Marine Fisheries Service is involved in the planning of this, and we may be able to have some sort of electronic hookup with National Marine Fisheries Service, like we have right now with FDA. What happens now is FDA will submit their products, the code triggers our system to send the information to an FDA system, who reviews the documentation, reviews all the data elements they need to know, and they would send it back to Customs with -- Customs and also the importer and broker to let us know whether they need more information, whether the shipment has to be held for inspection and sampling, or whether the shipment is good to go. So, that's a

possibility, but that is in the long term.

But I have to be honest that a vessel-based system, particularly at this time, would result in less and less stringent enforcement of the regulations that are out there. We do value our cooperation with National Marine Fisheries Service and we have worked in several instances -- very profitable in terms of seizures and enforcement, but this system would cause Customs to not do as good a job as they have done in the past. Any questions? Yes, sir.

MODERATOR CHRISTOPHER ROGERS: How about Jack, then Nelson. I'll be the gatekeeper for you.

GIRARD BRADLEY: Okay.

JACK DEVNEW: Girard, you're a brave man.

GIRARD BRADLEY: I was warned.

JACK DEVNEW: Thanks for coming down here, we appreciate it -- while you have a host of things on your plate, clearly, and getting worse.

This is of paramount concern for us, to everyone here, and there is a lot at stake with this, especially in light of earlier comments by Nelson and John about how serious now that ICCAT is taking this. And this is really the meat of the matter and be able to manage these fisheries and to get at this trade sanctions for the I/U/U, you know, catch and landings.

You mentioned that you currently have some type of electronic interface with the FDA, and also some kind of maybe -- you know, work with the -- I mean, clearly if left up just to Customs right now, this is going to go nowhere fast, with the load that you have on the reorganization and the Cabinet level, department that you're going to be in, et cetera.

It sounds like probably the most fruitful ground here -- can you explain a little bit more about how that interface works with the FDA? I mean, because it sounds like a similar type thing. If you've got, you know, a British beef farm or something like that, clearly the FDA has targeted -- somehow managed to indicate where the prospect of some mad cow comes in, you know, this disease gets into this country. Okay? You know, there may be an approach like that to identify sources of seafood that's going to come in that's relative to the I/U/U.

GIRARD BRADLEY: What we have with the FDA -- what we have in our system is markers, other agency -- other government agency markers. When a tariff number comes up, a marker will be tripped whether this commodity is regulated or may be regulated by the FDA. When that marker is tripped, the information will be sent electronically to what's called the OASIS system. Exactly what it stands for, it's -- all I know is the last two words are Import System.

So, that information will be sent automatically, instantaneously. Once we get it from the importers and brokers, it will be sent in a matter of seconds to the FDA system and they will run it against their system. They have various different checks as to manufacturers. They also -- a lot of times they don't use the harmonized tariff code. They'll use their own code, called the product code. And they will run their checks on the merchandise to determine whether it should be released, detained, refused, or held for inspection.

Toothfish, it's actually -- actually, the FDA does do some regulation on toothfish, since that's a commodity that can be identified in the harmonized tariff schedule, that is relatively easy for us to stop, examine and consult with the National Marine Fisheries Service as to whether it's good. And there are the DCD documents that the inspector is able to review. But apparently we were thinking about going to a preapproval process, but ever since 9/11 and other priorities, I don't think the preapproval process has been moved forward much.

MODERATOR CHRISTOPHER ROGERS: Nelson.

NELSON BEIDEMAN: Boy, you make me awful nervous using this if. I don't know what it means or where it comes into play, but this is a treaty. This is a treaty -- recommendation from a treaty. And the United States has never not signed these conservation recommendations in the past. It would be a first of not signing or not complying with.

One of the things that concerns me greatly is that if there should be a scenario where Japan closes its markets to I/U/U product, which it's already in the midst of doing, because it's already implemented the blacklisting, it's not expected to implement the white listing till somewhere around July. If the E.U. also goes on-line with the white list and blacklist, then you're going to have every illegal highly migratory species fish being dumped into the United States.

Now, let me go on a little bit. I have a major question about what the fall-back would be. Would it be that no highly migratory come in, which would be more preferable to it just slides through. So, I need to know what the fall-back would be for one thing.

But moreover, I wanted to suggest that tunas and swordfish, because of the scombra toxin, are a health issue. I don't know what the situation is or isn't on toothfish, but I do know that tunas and swordfish are -- you know, scombra -- the scombra toxin, and I would think that that would make them a health and safety flag.

GIRARD BRADLEY: Well, right, and what happens is most fish are sent -- most fish entries are sent to the FDA for review. Even though Patagonian toothfish you wouldn't think would have toxins, what they do is they check for decomposition of the fish, because decomposition can lead to various health consequences.

So, there would be something sent to FDA for mercury testing in swordfish and I didn't catch what that other disease was, but stuff is sent to the FDA.

The fall-back position, we really don't regulate. I mean, we enforce what other government agencies are attempting to enforce. I'm just bringing out the fact that -- you know, if we do go to a system -- the simple fact is if more is required -- we will try to the best of our ability to enforce whatever regulations are out there, but in simple practical terms, it would be more difficult for us to do it, given the circumstances.

For example, we were attempting to hire more inspectors to increase our staffing. We hired over 1,000 new inspectors, but because of other agencies taking inspectors from us our grand total of increased personnel was 113. So, there is many problems. But I'm saying -- we're not going to not enforce it, but what I'm saying is enforcement will suffer if there is more detailed examination and paperwork review required.

We would like to put possibly -- and I hate to put Chris on the spot for this, but put more of the emphasis on permitting something to be imported on the agency that actually has the regulations. And all Customs would have to do is make sure that that importer has gone to the proper agency, has authorization from the proper agency to bring it in, and that would be a matter that would be very simple for Customs to do.

Stamped, it's got the National Marine Fisheries seal on it, it's good to go. So, that would be a fall-back, would be trying to get another agency -- depending on their manpower status, to enforce their regulations to help us be the gatekeeper for them at the border.

UNIDENTIFIED: (No microphone - inaudible.)

GIRARD BRADLEY: It is a possibility. I don't know whether National Marine Fisheries can do it or has the resources to do it, but we're strapped.

NELSON BEIDEMAN: I would think that -- you know, in this day of computers that now that we have a definite black and white list, you know, where there was a list that there should be a way that would actually make it easier on you.

GIRARD BRADLEY: A vessel is not a required data element for our importations. And to get a new data element added would actually right now be impossible. We have this thing called the ACS system, the Automated Commercial System, which is a system that was devised in the 1970's. It's on its last legs. In fact, it's on life support. And right now there is a mandate that nothing -- no more data elements would be added to ACS, because it's in danger of collapse.

We have had several brownouts and we had one national blackout for several hours, and you can imagine the trades screaming when their shipment is held up for even an hour.

There is a new system coming out. It's called by two different names and usually there's a slash between them ACE/ITDS, the Automated Commercial Environmental is one name, that's the Customs name, and there's also a name -- it's ITDS, the International Trade Data System. And that's in the process of being developed right now and will be rolled out in various different parts over the next four or five years.

And then the National Marine Fisheries is in discussion with the contractors who are developing ACE/ITDS to try to tailor it to meet their enforcement needs, and that could be a possibility of a data element that National Marine Fisheries would be able to review the documentation and send electronically to Customs saying we reviewed this, this is all right.

But that is a solution that is several years out in the future. I mean, I think the first elements of ACE are rolling out -- I think next month. And like I said, it will be a phased roll-out over the next four or five years. So, any kind of data elements added would be a solution, but it would be a long-term solution, several years down the road.

NELSON BEIDEMAN: Are there any pilot programs or anything of that nature, where, you know, it runs through a scanner, it goes to an address -- you know, a remote -- you know, inspector looks it over and sends back a --

GIRARD BRADLEY: Well, they were planning to do a remote location filing and they were going to do a pilot in October of 2001, and of course that never -- that never materialized. They are planning to try to do some sort of remote location filing, where someone who's not in the port can file it in another port. But again, that will be an ACE project. ACS will not be able to handle anything new.

NELSON BEIDEMAN: You're the expert. What would you suggest in this situation? You know, you don't have to answer right away, but it would be very helpful to everyone at this table.

GIRARD BRADLEY: Well, I think electronic hookup would be beneficial. That's what we've been trying to get every other government agency involved with. And we are having success with other government agencies who haven't had a hookup to us now participating in the development of ACE. Department of Transportation. Fish and Wildlife Service, which was hooked up to us electronically several years ago, they dropped out. They're back into the system and they're participating in the development of it. That would be the most beneficial.

We don't want any more papers to have to review. We don't want any more slowing down of the process. An electronic hookup would be the quickest and most expedient way to have things done, but I just -- you know, have to inform you that it will not be a quick fix. It will take several years, and commitment from the National Marine Fisheries and Customs and the contractors to get this thing working.

NELSON BEIDEMAN: Is there any possibilities that fish could only come into certain ports?

GIRARD BRADLEY: I know that the USDA has certain ports that they allow products to come in, and they will staff those ports. Also Fish and Wildlife has -- I think it's about 14 ports of entry in which Fish and Wildlife regulated products, mostly endangered species and animal products, can only come into those ports which are staffed by Fish and Wildlife. They will allow them to come into other ports and the importer will have to pay for a Fish and Wildlife person to be present and clear the shipment.

So, that is a possibility. That would take legislation to do that, because I know there are -- just for an example, the FDA is now implementing a bioterrorism bill about requiring prior notice of food shipments into the United States. And legislation that was passed carried a caveat in it that this would not enable FDA to limit the ports that food shipments could come through. That was a provision that was added to the bill. I think to limit fish shipments to certain ports would have to be at least regulation and would most likely be quicker and easier just to do it through legislation, but that's not our purview to do that. It would be up to National Marine Fisheries Service or members of the industry going to their Congressman and Senator to try to pass such legislation.

NELSON BEIDEMAN: Thank you. I've taken up enough time. Thank you, Girard.

MODERATOR CHRISTOPHER ROGERS: We had Bob McAuliffe and then Glenn Delaney.

ROBERT MCAULIFFE: Yeah, the minute you said electronic hookup with FDA, you gave me a heart attack. Shipping out of our island, St. Croix, we are a separate U.S. Customs zone. Product produced is caught on American vessels by American fishermen in American waters shipped out of an American port. When you start flagging it, FDA stops it at the ports and many time holds it up in eight long periods and it's a real nightmare.

We've worked out with Customs in the past that they could inspect it before we shipped it, have the airlines inspect the fish prior to sealing each container at the airport, but when you start flagging anything again, you're going to send me into a lot of renegotiation, and I want your card because I'll be contacting you personally to work this out.

Because you're going to shut down our entire operation for moving American product from one American port to another, simply because of an old Danish law that gives us -- treats us as a separate Customs zone.

GIRARD BRADLEY: Well, that may be part of their jurisdiction, because for example we have problems with the ATF having different jurisdictional authority. Their territory that they administer may not be the same as the Customs territory. We do have lots of problems with FDA. They're even more understaffed than we are, but if you do have problems we can work it out and I can put you in touch with some people in FDA, not at the local level, at the headquarters level, who may be able to help you with your problems.

ROBERT MCAULIFFE: We've worked with them in the past and they've been very difficult to work with.

GIRARD BRADLEY: Division of Import Operations or Center for Food Safety?

ROBERT MCAULIFFE: I don't recall who, but they're difficult. But the thing is if we go to Puerto Rico, which is only 120 miles away, there's no Customs at all. Go straight through. It's very easy to smuggle through Puerto Rico. Out of St. Croix, we're really flagged and we've had a lot of headaches over the last 20 years with it, and that mention of electronic hookup and flagging doesn't feel good.

MODERATOR CHRISTOPHER ROGERS: Glenn, can you get up to one of the mikes, please?

GLENN DELANEY: I think everybody can hear me.

MODERATOR CHRISTOPHER ROGERS: The tape. We really need you to get to a mike for posterity.

GLENN DELANEY: I'd rather remain anonymous. Just two comments. One is that Nelson brought up an important point, which is we just had -- the dumping of fish when other markets are closed off. We just had a very similar situation in the shrimp trade, longliner shrimp trade, in which farm-raised shrimp from several nations in southeast Asia were found to be contaminated with an antibiotic that causes health problems. I'm sure you're familiar with that one.

E.C. basically closed their market, as did Canada. And very quickly, vast amounts of shrimp from those exporting nations found their way into cold storage in the United States, because the United States had not taken any measures to prevent what we are going to call tainted shrimp from entering our market. And commensurate with that huge dumping of health -- unhealthy shrimp, I don't want to speak bad about shrimp, but there is some volume of shrimp that was allowed into the United States certainly that has that health hazard. Along with that, the price of shrimp went down about \$2.00 a pound, which of course disrupted domestic producers' ability to remain viable.

So, these are where the domino effect of something like this could be huge for our own domestic producers. And we've experienced it already. So, it's not just some imagination. We're in it right now with shrimp.

Second issue is -- I'm confused, Chris. My understanding was -- I know you started this conversation or discussion on vessel specific enforcement at the border, but are we really talking about that and are we really asking the Customs service to do that? At least with respect to two species that we import a lot of volume, certainly swordfish, bluefin tuna increasingly in the winter, my understanding was that nations were to submit to ICCAT a positive list or a list of

authorized vessels for which they would take responsibility to manage and ensure compliance of their operations with ICCAT conservation measures, and that in order to qualify to secure a statistical document -- let's just use swordfish, for example, and I think that that's where an awful lot of I/U/U activity has taken place -- a nation would simply add to their statistical document a certification that the export came from a vessel that is on their authorized list.

And so why is this -- they can't issue -- we already use statistical documents, so I don't know who reads them or who reviews them at the port of entry. Maybe it's not Customs. Maybe it's you. But the point is we already have a document. We're adding one more requirement for the exporting nation to be able to issue it, it may contain more information on it, you know, saying we certify that it came from an authorized vessel on the list -- on the ICCAT list.

We're not really at the vessel specific level of enforcement at our border. By definition, if the import declared as any Atlantic Highly Migratory Species arrives at your doorstep and Customs look at it and it doesn't have a statistical document, then -- you know, well, let's just say it's either swordfish -- declared to be swordfish or bluefin tuna, who doesn't have a statistical document can't come in anyway, and must be presumed to be I/U/U and should be rejected.

So, I'm not quite sure what that was all about that you were just talking of.

MODERATOR CHRISTOPHER ROGERS: All right. Well, to clarify, as Girard has indicated, Customs is an electronic environment. The old system -- the Automated Commercial System, ACS, is being replaced by a newer generation system, the Automated Commercial Environment. That's an electronic system where Customs brokers are filing information electronically and then Customs electronically is providing a release signal.

So, for the most part, Customs is not examining the paperwork, and I believe they're -- under several legislative requirements, talking with Leo in the olden days, before he retired, he was talking about I think the Customs Modernization Act, which was an imperative to be more electronic. In other words, don't impede trade by processing paper. Move further into this electronic environment to speed things along.

We obviously are a nation of trade and we import a lot of products. Fish is not the greatest volume of our imports, but we all know that we're a big seafood consumer. A lot of fish products come into the country. So, Customs is not necessarily in a position and normally wouldn't view the paperwork unless because of another agency's regulation there's a requirement for the paperwork.

With respect to bluefin tuna, we had an operating agreement with Customs to examine the paperwork because we are primarily an exporter of bluefin tuna, although increasingly becoming an importer. With respect to -- and with respect to bluefin tuna, that was not deemed by Customs to be a significant burden. If that tariff code indicating bluefin tuna was entered into the system, a signal would go to the Customs inspector that prior to sending the release authorization to the broker/freight forwarder, that the paperwork needed to be examined.

But with respect to something like swordfish, where you have 6, 7,000 \*unique shipment entry events in a given year, that puts an inordinate burden on Customs. So, what we had worked out with Customs with respect to the swordfish certificate of eligibility was a risk management approach. In other words, after the fact that the entry actually occurs, the product comes into the country and presumably is consumed somewhere, we require the importing dealer not only to have a permit but to gather up these documents and send them into the agency.

We examine them and -- as well as dealer reports, and we get a monthly data feed from Customs on all entries for that tariff code, and we try to match them. Does Customs send us a signal that a shipment entered for which we don't have a document? We do identify the importer of record from the Customs data. We try to match that against the dealer database we have for the dealer permit. So, it's a time-consuming procedure after the fact.

Ideally, you'd want to do it all up-front so the product never gets in, but as Girard has indicated, the burden is inordinate, and the only way to reduce that burden is to go to an electronic environment or for National Marine Fisheries Service to take over the front lines, so to speak, as Fish and Wildlife Service does for SITES enforcement, with live animals or regulated products, the designated ports of entry where there's a Fish and Wildlife Service agent available 24/7 to do so.

We could move to a designated port of entry situation or an electronic environment, but again, the concern about holding up trade, particularly of perishable fresh product, is a concern and we need to have pretty much real-time turnaround on getting these signals back that yes, this product is okay, it's not okay.

With respect to the vessel list, right now with bluefin tuna, Customs was just given instructions that if a shipment comes in without a bluefin statistical document, don't release it. If it comes in with a document indicating Belize, Honduras, Panama at the time were on the prohibited list for bluefin tuna, don't release it. We left it at the option of the importer of record to figure out what to do with it, as long as it didn't come into this country, they could transship it, move it on to some other country, but it wasn't coming in here.

And that's the burden is examining the paperwork. Is this a valid document? Well, presumably if it's authorized by a government official, it's representative of a vessel on their authorized vessel list. If it's a fraudulent document, it may be that somebody consulted the ICCAT authorized vessel list and said well, there's a bunch of vessels there, I'll use this name.

So, it does require some investigation that clearly Customs doesn't have the time or the manpower to do. We can do it after the fact, but by then the product is probably consumed and it becomes a fine assessed against the importer of record. It's not as clear and definitive a signal as stopping the product before it comes in the door, and it may require some investigative work to actually determine who the importer of record was.

We've learned over the course of implementing the bluefin program that there's a lot of terms of art, I've come to call them, with nominal consignees and consignees and importers of record and sometimes Customs brokers acting as the importer of record but not really taking physical custody of the product. And there's a lot of situations where there is a question as to the validity of the entry after the fact. There's sort of a lot of finger-pointing, well, it wasn't my problem, you know, he was the one who was supposed to get the permit, he was the one who was supposed to file the paperwork, that kind of stuff.

So, moving into a pre-authorization environment, electronically, would probably be the best, whereby the importers working with their exporter are providing us the paperwork in advance, we review it, we give an authorization to Customs so that when it shows up, Customs consults the list and says yes, this entry number is cleared by NMFS, and it goes through, no problem. That will take some time to develop.

GLENN DELANEY: On whose part?

MODERATOR CHRISTOPHER ROGERS: I think on both of our parts, but primarily it would behoove the agency to get the system in place for pre-authorization, decide what procedures would have to be followed, what advanced notification we would need, particularly stuff coming in in the air environment off of airplanes, particularly if it's not frozen -- fresh product. You have literally hours or maybe not even hours to react. Otherwise, you risk spoilage.

So, it is a difficult problem. We can deal with it after the fact, but again, it's burdensome and one would argue that it's not as -- it doesn't have as great an impact as stopping a product at the door.

GLENN DELANEY (No microphone): (Inaudible) with Lacey Act, which is civil and criminal, (inaudible). An importer really has the ability to determine -- under the ICCAT system the validity of the (inaudible).

MODERATOR CHRISTOPHER ROGERS: Let's let one of our enforcement agents, who has been involved in several of these matters, speak to the issue.

GEOFF RADONSKI: Yeah, I've dealt with this issue. I'm out of Miami and we have dealt with the swordfish. Customs is good at calling our office up. We have gone down there and we have detained shipments and have not allowed them to come in. They work close with us.

We've done the Lacey Act. A couple of years ago we had an individual who brought in -- I think it was three or four million dollars worth of swordfish. He's bringing it in as whitefish though. We charged him with the Lacey Act, paid \$650,000 fines, both corporations involved had felony records on them. So, we are working together.

And one of the things we have that we do with Customs, FDA, and we're working with both, is we have the ability to share assets that we get from penalties. \$650,000 was shared between U.S. Customs, FDA and us for law enforcement purposes. We're also doing other species like lobsters are coming out of Bahamas. Things we need to work together is information. I think we need to have that vessel list you're talking about. We're not having foreign fishing vessels coming in the country and offloading. We're having freight lines coming in. And I work Miami, so you're looking at three major ports for vessels and three major airports. It's a lot. But Customs is calling us. We are heavily involved.

MODERATOR CHRISTOPHER ROGERS: Nelson and Jack.

NELSON BEIDEMAN: What is the standard fine? Because what you're saying here, \$650,000, three, four million pounds of fish, that may be a cost of doing business. What is the standard fine?

GEOFF RADONSKI: There isn't a standard fine. One of the things you're looking at -- when we do a criminal case, we have to go through the court. The judge is going to decide. And there's prescribed ways and recommendations we're going to do -- there are plea bargains, as with anything else. But you know, that is a substantial fine, 600,000, 300,000 in another case, they are substantial fines and putting the felony records on these corporations.

A case we just did down in Miami with Customs and the FDA dealt with tainted seafood coming in, and that was over \$300,000 fine, but one of the corporate officers was also hit with a felony, and that's one of the things that Miami is getting to be required is the corporate officers. We also got a broker in that case. So, it's getting to be a wider net, but things are being done.

NELSON BEIDEMAN: Two questions. In the example of the three million pound swordfish a few years ago, was it -- it would be better certainly for -- you know, us in this process to have -- you know, if you stop that at the border, okay, it's detained at the port of entry or however it's coming in. And I don't know what happens to it then. If it's refused entry, does it then go back out and then the guy just has to pay, you know, a bribe to some other country's inspector to just rename the damn vessel or something like that, or is it seized and destroyed, you know, with part of the fine, you know, going towards the expenses.

I would much rather see that fish stopped, seized and destroyed than going back out to another point of transshipment for another end run someplace else. Because we'll have to stop it again, because the guys that caught it aren't going to take it back and eat it.

GEOFF RADONSKI: It's the importer who's going to get the choice. They're going to be able to destroy it or re-export it. And if they re-export it, there are certain documents that have to go to Customs. If they destroy it, certain documents have to go to Customs.

The one case we did do, they were falsifying those documents saying they dumped it and put it back into Commerce, but they got charged with that, as well. So, that's left up to the importer at that time.

The swordfish case we're looking at was actually an FDA rule that they wanted to bypass. They didn't want to wait for the mercury test to be done, so that's why they're bringing in whitefish. But one of the things that we have under the Lacey Act, any document that is associated with an import that is false is a felony by itself. So, that's what we used there. It wasn't -- the resource, swordfish violation. It was the mere fact that they're just falsely identifying it to get around another government rule. But on the paperwork it was falsely identified; therefore, it's a felony.

MODERATOR CHRISTOPHER ROGERS: Okay. Thank you very much, Girard Bradley. We look forward to working more with you in the future. More questions? We've got to move on. We have another guest with us that we want to get to before he's got to leave.

JACK DEVNEW: I just have one --

MODERATOR CHRISTOPHER ROGERS: We can stay here all night, but our guests have to go home and eat.

JACK DEVNEW: I just have one quick interim them question. While -- let's assume for the moment the Fisheries

Service is going to go ahead and develop this electronic basis to provide Customs, you know, the information they need for a gatekeeper's role.

In the interim, as you start to develop that, is there a possibility for you to utilize the system already existing in the FDA? Can you supply the FDA the information, they electronically interface with Customs?

MODERATOR CHRISTOPHER ROGERS: What we'd need to do is meet with FDA and find out exactly what products are referred to them in their electronic environment. And again, one of the ongoing concerns, as Geoff Radonski just mentioned, is the use of inappropriate tariff codes. In other words, if somebody gets wind that using a bluefin or bigeye tariff code is causing the problem, we'll use something else. And if it doesn't get referred to FDA because they've used a different tariff code, then it could be a problem with that system.

So, we'll have to work with FDA, as well as Fish and Wildlife Service, and see what they have in place. I had inquired several years back to Fish and Wildlife Service exactly what was entailed in their designated ports of entry for SITES enforcement. And I believe it was on the order of 120 full-time equivalent employees and about 12 million dollars that they devoted to the program. And I don't know how -- whether that would need to be scaled up or scaled down with respect to fisheries enforcement, but it's clearly indicative of quite a resource requirement to do something like that.

Last question -- comment, Nelson.

NELSON BEIDEMAN: I would just think that with Homeland Security, you know, there's going to be more and more boxes opened and it would be a riskier situation for someone to have a false tariff code, because I would think there's going to be more boxes and, you know, not less boxes that are opened up and identified.

GIRARD BRADLEY: What the boxes are being looked at, though, is for potential problems. A lot of times we will look at a box before the paperwork, before the entry paperwork has been filed. That's one problem we're trying to address. We don't want to wait until the paper -- the box is here and the paper -- their documents aren't filed until several days after. So, a lot of times we will not have any kind of entry documentation to compare the box to at that time.

And a lot of times the boxes won't be physically opened. We have what we call non-intrusive technology, x-ray machines, radiation detectors, and so the boxes won't be opened physically to verify what's in there. It will be sent through a huge vacus (phonetic) machine they call it. It's a giant x-ray. They'll x-ray containers to see if there's any anomalies within.

So, a lot of times the cargo itself wouldn't be physically inspected, and a lot of times we won't have the entry documentation there to verify that okay, this says it's swordfish and it's not swordfish. Because we could -- they're allowed up to 15 days to file the entry paperwork after the arrival of the cargo. So, a lot of times we won't have that information available, and we don't want to wait 15 days in case there's a problem with that container. So, we will not wait 15 days to examine it. We'll examine it. If it's deemed to be a risk, it will be examined as soon as it comes off the ship.

MODERATOR CHRISTOPHER ROGERS: Okay. Thanks, Girard. Yes, you are free -- the witness is excused.

We had some brief presentations prepared that we'll forego due to the lateness of the hour, but we do have some handouts on both the vessel lists that ICCAT is developing as well as our anticipated rulemaking on the statistical documents. Excuse me, sorry. So, those materials will be out on the table for your review, bring home with you, and certainly give us a call with any comments and concerns you have as we implement those programs.

We're going to skip over entirely the swordfish program and defer that to a later time. What we'll do now is, given the -- bluefin? We did bluefin yesterday morning. Where were you?

MODERATOR CHRISTOPHER ROGERS: Andy Loftus is here with us and we had issued a contract with Andy Loftus last year, given the concerns expressed both in this venue and also with the ICCAT Advisory Committee on improving the BAYS statistics. We have some ongoing efforts within the agency, working with our Office of Science and Technology, to revamp and improve the large pelagic survey, as well as MRFSS.

Some people in the charter boat industry are familiar with the way the sample frame of -- for the charter/head boat sector has been developed in the MRFSS to improve the dialing and effort estimates out of that survey.

So, we have ongoing efforts internally, but we also wanted to take advantage of the expertise and familiarity of Andy and some of the work he has done over the years, to see if he can get a handle on some of the concerns about BAYS statistics, yellowfin tuna in particular. So, we'll have a brief presentation -- a progress report from Andy. The project's not completed. And then we can discuss that to some extent and then we'll see where we are and whether or not folks want to continue into the evening or call it a night. Andy Loftus.

ANDY LOFTUS: Thanks, Chris. I'm going to be very brief, because I promised Chris I'd be less than 15 minutes on this, and hopefully I can even cut that short a little bit to allow any questions that there might be.

I'll start off by saying that I'm doing it, but also Dick Stone is doing much of the legwork on this in terms of going out and collecting data and so forth. I think he's talked to some of you, in fact, about getting data and getting information and so Dick is also involved in the project very heavily.

The project objectives, very quickly to brief you on this, were to -- the main objective was to compare the results of the large pelagic survey, particularly the BAYS species, with other existing data sources. And doing that, we were supposed to be working specifically with some of the recreational community in determining what are some of the appropriate data sources that might not have been looked at in the past.

People have talked about various records that could be used, club records or so forth. So, we were supposed to -- we are working with the recreational community in identifying some of these sources and in trying to secure some of the information -- quite a bit with charter boat captains at this point.

And then finally to develop some recommendations for improving the system for reporting Highly Migratory Species. Again, we're looking primarily right now at BAYS species, but a lot of the recommendations will probably overlap with other species, possibly with the exception of bluefin tuna because there are some differences there.

Our initial -- what I call a study area, the states that we wanted to focus in on initially -- because we didn't want to take a broad approach in looking at the entire coast, we wanted to do something that we could manage and get some good data for -- we were looking at New Jersey, North Carolina, South Carolina and the Gulf of Mexico region or a single state.

Now, just a word about South Carolina and North Carolina. We picked that purposely because North Carolina has some very good data on the BAYS species and of course South Carolina is not in the large pelagic survey right now and one of the things that we want to look at is what is the possible extent of missed fish down there that aren't being counted by large pelagics but are being counted in other ways through the MRFSS and so forth. But what is the extent -- the possible extent of that difference?

And then we also thought we would look at possibly some other states, Maryland, New York, and we are -- you'll see in some data I present in a minute, focusing in on New York right now as part of -- and Massachusetts and Connecticut, which weren't on that first list.

So, how did we go about this? Well, October we started this project, coming up here and meeting with Chris and some other folks and talking about the existing LPS survey, and what were some of the potential problems with the survey.

From that meeting, we went away from that meeting and started to identify some sources of data. And Dick Stone was on the road quite a bit. He was up in New Jersey talking with some charter boat folks and some recreational people up there. He was calling people. He may have called some of you several times. He's on the phone quite a bit right now.

I'd hate to see his phone bill. I guess I will sooner or later. And then we went out and started collecting some of this data.

What we've looked at so far, some individual charter logs from captains who are willing to provide those logs. And when I say charter, sometimes I should be saying charter and head boat also, or for hire is more inclusive.

The northeast multispecies logbook data. Now, this source of data isn't specifically for tuna. As most of you know that might be fishing in the northeast multispecies fishery, you don't have to, but you're supposed to be reporting your tuna. But if you're not fishing for any of those other species, you don't have to participate in this program. But I want to point this out in particular because some of the data I'll present in just a minute is from this survey. And so being that it does not incorporate all of the tuna fishermen, it is the most conservative data. In other words, more fish were caught than what you would expect to see in the logbook data.

The recreational billfish survey, for hire estimates from South Carolina, the states, the NMFS southeast headboat survey, some historical data from New Jersey -- and we're quite interested in looking at that compared to some of the LPS data for those same years. And then what we call anecdotal information. And some of that might fall under the category of -- some of the things that might fall in that category would be some of the charter boat logs, some information that we're gleaning actually from sport fishing magazines and so forth, we are looking at in terms of trying to compare to what the LPS says was caught in different ports. And then the last final step would be to compare and analyze the data.

We're right -- as Chris indicated -- right in the middle of looking at the data right now. So, I'm only actually going to present one case of what we're finding. And the data that I'm going to present is very rough, also. There are some things that I'll point out that I want to go back and double-check. Although it's been double-checked and triple-checked already, I think we need to go back and look at it.

So, these are the types of things that we're finding. And I'm going to focus in right now just solely on the for hire fisheries, the head boats and the charter boat fisheries.

We took the logbook data that I mentioned, the northeast logbook data, and we plotted it -- this is just number of fish caught per year, just plain and simple, the number of fish that were -- yellowfin tuna that were reported in the logbook. And that's the pink dotted line that you see.

The blue solid line is what the large pelagic survey reported in the same year. Now, if you remember what I just said about two minutes ago, you would expect that the logbook data would always fall below -- or at least not far above the data that was reported in the LPS, and this was just for the charter and the for hire. We're not looking at the private fishery here at all. But yet when you look at the data, particularly from 1998 to 2001 that we have, the logbook data -- again, the most conservative estimate, is consistently higher than what the large pelagic survey reported.

That high point, we've gone back and looked at that several times. That's 200 percent higher than what the large pelagic survey reported in that year. Again, we're going to go back and look at that again. That would be 1999, where that very high point is.

I should say also the logbook data that we have received from the Northeast Center, we've gone through and have been very careful about what we include in there. Some charter boat operators inadvertently included pounds instead of numbers of fish. If we had any question about it, whether it was pounds or numbers of fish, we threw that number out, because again we wanted to be very, very careful about that we were only including numbers of fish.

But again, that number in 1999 really looked suspicious to me, even though we've gone back and looked at it again. But in any event, from 1998 on up -- I should say 1999 on up, you can see that the charter boat log again exceeds the large pelagic survey. And you would not expect that, particularly by this amount.

You could explain a little bit of a difference if it was slightly higher than the large pelagic survey by the fact that the survey is a survey, and there is some variation. But I don't think you can explain that -- this much of a difference with that argument.

I'm even concerned about the years before that when the logbook data was below the large pelagic survey, because again these are absolute numbers of fish, and when you talk about -- I don't know if the numbers -- the boat numbers aren't coming up clearly on this graph, I apologize for that -- but you're only looking at a fraction of the boats in the logbook that are actually participating in the fishery. So, you would expect that the logbook data would be significantly lower than the large pelagic survey numbers. So, this is one of the things that we're looking at.

Basically, all I did with this was take the -- to try to standardize for the number of boats that were reporting the fish, I took the total catch in each of those surveys, survey in the logbook, and divided by the total number of boats that we were using. And there's not a lot in this graph to be too excited about, but there are two things that stand out.

Number one, that high point still remains, so that high point in the earlier graph -- in this graph back here -- wasn't just because we had more boats reporting fish. This is a catch per boat. So, it really was for some reason really a much higher number than what large pelagic survey was reporting.

The second thing to recognize in this graph is the far left. If you remember, this graph back here over at the far left, the years 1996 through 1998, the logbook data actually fell below the LPS data, which you would expect again, but when you standardize it for number of boats, you can see in those years 1996 to 1998 that the catch per boat of the -- as reported in the logbook, is much higher than the catch per boat as standardized by the LPS.

There's a lot of issues with doing this analysis that you could say, for example, that the only people that are really reporting in the logbooks are the better fishermen maybe. I don't know. You could say that there are not zero catches included in this data for the logbook. That might be a possible criticism. But again, it just points to us as something we need to look at.

We have really latched onto this thread with the for hire sector because we do -- as we started looking around at the data, we do see that there are a number of the for hire boats that are apparently being missed in the large pelagic survey. Dick's coming across head boats that say we never had any observers come on board and look at our boats or look at our catch, and so forth. So, there is an apparent big gap, actually, in the for hire fishery.

I haven't done this type of analysis for the other fisheries at this point. Actually, I'm not sure with the private sector -- the private boat fishery we'll be able to do this type of analysis at all, just simply because of the nature of the data, what's out there and what we have available to us.

There are a lot of other gaps that we're looking at right now that aren't going to be a surprise to anybody. The National Marine Fisheries Service has recognized this. The Gulf of Mexico fishery, for example. We almost missed that completely in terms of looking at the fishery. Looking at sport fishing magazines, you know there's some tremendous fisheries going on down there. The South Atlantic fishery we probably underreport right now, simply because we only have the MRFSS really for the private boat fishery to look at. Some of the fisheries in Puerto Rico and some of the Caribbean fisheries that actually I think are counted against the U.S. quota we don't have much data on except for the MRFSS.

On the good news side of things, as we're coming up and identifying some of these gaps and talking with the folks over at National Marine Fisheries Service, it appears that a number of actions are being taken last year and this coming year with the LPS that will fill in a lot of the gaps that we are identifying. So, we'll also be pointing that out as we conclude and wrap this up before the April meeting actually, and be writing our final report, what actions are being taken that we think are going to correct the gaps that we're finding in historical fisheries.

So, in a nutshell, that's what we're looking at right now. Again, I just presented the for hire analysis that we've looked at. We are going to be going maybe next week and really diving deeper into all of this data and trying to figure out what's going on, particularly in some of these really big years in terms of differences and whatnot.

So, I know that was a quick overview, but as Chris said, we are in the middle of looking at the data still and really delving into it. If there are any questions -- Jim.

JAMES DONOFRIO: Andy, thanks. Have you been able to maybe take a guesstimate on -- you know, what we may be really catching based on any of this preliminary information, or is it not enough information for you to --

ANDY LOFTUS: I think what we're going to be looking at, Jim, is the potential magnitude of the difference, if we can. I'm not sure we'll be able to say exactly what's being caught, but hopefully we can say that historically in certain years we've underreported, and that's what it appears to be, underreporting. We've underreported our catches by two times or three times or something of that nature. I don't know if we'll be able to come up with an exact number and say this is what we think it really was.

JAMES DONOFRIO: One more question. Was it '99, Chris, when the three-fish bag limit got into law? '99?

MODERATOR CHRISTOPHER ROGERS: (Inaudible.)

JAMES DONOFRIO: Does that have anything to do with that peak, or could it?

ANDY LOFTUS: I don't know. I've got a couple of things that I'm following up on right now. In the years 1998, I think, 2001, there was a change in the way that the data was analyzed, actually. I think those were the years. And I mean, you know, you go back and you look at this data, that spike begins -- well, I guess '98 it's kind of normal, but then it begins right after that, and to me it seemed like too much of a coincidence that you'd start to see this much of a difference at the same time to start to see a little bit different approach to analyzing the data. And that's kind of one of the things we're going to start following up on a little bit more in detail, is did that analysis have a big difference.

MODERATOR CHRISTOPHER ROGERS: Yeah, just a reminder that the northeast multispecies logbook is issued to charter and head boat vessels in the northeast multispecies -- or the summer flounder fisheries. I don't know if it includes scup and black sea bass fishermen, as well. So, there's some overlap with the LPS fleet or the tuna fleet, if you will, but it's not necessarily a complete overlap.

And there was some confusion in the early years, because the way the New England Council had originally written the logbook requirement was that if a vessel was permitted, it was required to report on all trips, regardless of whether they were targeting northeast multispecies, the premise being that the Council wanted to gather information on what alternatives the charter/head boat fleet had when they were not fishing for the regulated species, in order to do economic impact analyses.

That was not clear for several years that they were supposed to be reporting all trips and all species, and there may have been some clarification of the rules, or better understanding of the rules that improved reporting and there was definitely an increased attention on the part of the data receivers to make sure that information got coded.

Obviously the impetus for the program was northeast multispecies, and they didn't intend to pay as much attention to some of the notes on tuna catches in the past. But as people either internal to the agency or external -- I know Eleanor Bohenek had gone up there one year to Woods Hole -- people started asking well, what about all the tuna? They said well, we hadn't entered that data. We didn't know people were interested in it. So, a lot of things could have led to improved reporting or enhanced appearance in the database for the tuna catches.

ANDY LOFTUS: One of the things, too -- I had a meeting this morning over with the Statistics and Economics Division. One of the things that we're going to do is -- pertaining particularly to this case is to look and see if -- how much of an overlap there is between the people that are issued -- or boats -- vessels that are issued the northeast multispecies permit and boats that are issued HMS permits and see how much of an overlap there is and maybe potentially correct this line.

But in any case, there should not be that much of a difference -- that much higher reporting in the logbook than is reported in the LPS for that sector.

MODERATOR CHRISTOPHER ROGERS: I had David Cupka, Joe McBride and Bob Zales, Frank Blount, Rom Whitaker.

DAVID CUPKA: You had indicated you were looking at for hire estimates in South Carolina.

ANDY LOFTUS: Yes. We haven't delved too much into that data, but we have got the data.

DAVID CUPKA: Okay. Because over a decade ago, we passed our saltwater fishing license. We licensed charter boats and head boats and we had mandatory logbook reporting by then and I was curious whether you would not find -- I'm not sure where you're getting your estimates from, but if it's from somewhere else are you going to try and compare those with our reported landings for those fisheries?

ANDY LOFTUS: Right, that's what we want -- that's one of the things that we wanted to do is look at the LPS estimate for the for hire sector in South Carolina, compare it to your data in South Carolina, and see -- again, potentially look at what order of magnitude difference is there, because we do consider your charter boat -- your for hire data to be fairly solid, particularly if you start comparing it to what the LPS estimates might be.

DAVID CUPKA: Didn't you say earlier you don't do LPS for South Carolina?

ANDY LOFTUS: They don't do the -- I'm sorry. Yeah, I did confuse terms there. They don't do the LPS, but they still do an estimation. The LPS actually stops in Virginia and it doesn't go into North Carolina. But North Carolina has -- because of the increased sample size with the MRFSS and so forth, they have some very solid numbers for their tuna fisheries, both the private and the for hire. But they do -- there are estimates that are made for other states by -- and John probably can tell you a little bit better right now, but by cobbling together various other data sources, the RBS, the MRFSS, you know, depending on which state they're in, basically taking any available data and what I call cobbling together the best estimate they can.

MODERATOR CHRISTOPHER ROGERS: Joe McBride.

JOSEPH MCBRIDE: Thank you, Chris. I wanted to thank both Steve and Andy for their excellent work. I know they've put a lot of time in it and they've contacted me and a number of other people in our area regarding this. But the question, Andy, did you say that only the head boats -- head and charter boats only get into the multispecies in New England? I don't think that's correct.

ANDY LOFTUS: If they have -- if they fish for one of those species --

JOSEPH MCBRIDE: A pleasure or private boat and you fish multispecies, cod or whatever, you had to get a multispecies license to fish. I'm wrong? Just the head boats? Oh, okay, all right. Never mind. Okay. That's what I was -- I know you only survey the head and charter boats that had the multispecies, but I thought there were others that might also come into the equation, so that makes it much easier. Okay.

And again, of course this is very important to us, you know, in future management plans through ICCAT and so forth and so on, what the actual landings are in the yellowfin category. I know there's a lot of consternation as to the history and the accuracy of some of the landings in years past, so we're very much concerned about it and want to be sure we get our fair share of the pie. And not that anyone would ever do this to us, but we want no more of this eight percent stuff for the U.S. quota or whatever the case is.

ANDY LOFTUS: We went into this analysis with the kind of an objective view and saying okay, what are the potential differences. And we weren't looking at underreporting or overreporting. What are the potential differences? And it became evident fairly quickly as we started delving into the data that it really was underreporting apparently that the LPS was doing.

MODERATOR CHRISTOPHER ROGERS: Bob Zales.

ROBERT ZALES, II: A couple of questions. And is this going to be my time to spend my couple of minutes on my problem with some of the information in your SAFE Report?

MODERATOR CHRISTOPHER ROGERS: We will let you do that at this time.

ROBERT ZALES, II: Okay. Thank you very much. On the Gulf of Mexico when you mentioned -- which it's my understanding that the LPS has never surveyed in the Gulf of Mexico either.

MODERATOR CHRISTOPHER ROGERS: That's correct.

ROBERT ZALES, II: Is that correct?

MODERATOR CHRISTOPHER ROGERS: Uh-huh.

ROBERT ZALES, II: And in the information that you're playing with now from the Gulf, I saw the Beaufort survey -- the southeast head boat survey, so I'm assuming that the only place that you gathered information for your comparison has been from that head boat survey.

ANDY LOFTUS: I think the RBS also covers the Gulf, but again that's only for the most part tournaments, as you heard earlier on today, I believe.

ROBERT ZALES, II: Okay. And since 2000 we've had what's called the charter survey, which we'll pick some of that up because that information that I looked at on the MRFSS site you have catches there -- you haven't looked at that at all?

ANDY LOFTUS: Yes, we have gone and looked at the MRFSS data for the Gulf.

ROBERT ZALES, II: Okay. Because it's our concern in the Gulf, especially with what we see as the potential for serious yellowfin regulations coming to the future, due to the fact that essentially the Gulf of Mexico as far as the Fisheries Service has been nonexistent for tuna fishing. We've got serious concerns. Because yellowfin in particular has been a big fishery in the Gulf of Mexico for as long as my family's been in the business, and that's been since the middle '60s. So -- and it's a much bigger fishery today than it used to be. So, I would encourage you to look everywhere you can and to contact the various clubs and whatever.

And I believe, too, that in the early years of the big game report that the Fisheries Service put out or the fisheries lab through Eric Prince's people, it included tuna fishing. It was only the later years that they eliminated the tuna catches from that document. So, there's probably some information in there.

My big concern doesn't have to do with you, but it has to do with information in the SAFE Reports that was put in here a while back, and on page 141, 142 and 143, there's information in here that when it talks about HMS species and Atlantic HMS charter and party boat operations. The primary report used for this information is the Sutton et al report that was done in 1999.

And the Gulf of Mexico, due to our work with the charter boat moratorium when we were first presented this document, several of us critiqued it pretty well, and two people in particular, Bobby Walker, who's now a Council member, and a lady by the name of Claire Pease, looked at this and they came up with some pretty significant problems with that information.

They brought it to the attention of the Council back in 1991, and eventually the Gulf Council put it in front of their social and economic panel. They've now responded and the Gulf Council as of December 19th, Chairman Benson has sent Doctors Sutton and Didden a request with six pages of comments from the SEP panel about problems with that study. A lot of the facts and figures that are in here are just totally and completely unreasonable.

The key one that you'll look at on page 143, when you look at average annual net revenues, for charter boats you look at a minus \$12,000 a year, for head boats you look at a minus 128,000 a year.

You see under annual gross revenues, 68,000 per charter boats. You see 137 for a head boat. Anybody in this business knows you're not going to be in business and only make that kind of money in gross revenue, especially on a head boat. And when you get in there and look at those comments from the economists that participate on the Gulf Council's panel, they're very concerned about some of the methodologies, some of the ways that they did this. I'm not an

economist, don't have anything to do with physics or anything else, but want to know about our industry in the Gulf of Mexico, and these ladies do, too.

And I would encourage the Fisheries Service and HMS Division at a minimum to add whatever response Doctor Didden and Sutton, that they give to this -- to this SAFE Report, and if they don't, to at least add the caveat in here that the comments and concerns by these economists in the Gulf of Mexico be considered. Because if you take time -- and I'll leave you some copies. I'd ask that copies be sent to you. But if you would, I would also like to distribute these at least to all the Councils, to your -- anybody in the Fisheries Service and state people, so that they could look at this and consider this, because this survey is out there as the recognized information for charter and head boat information out of the Gulf of Mexico, and it's wrong.

And for whatever reason it's wrong, we don't know, but we know that the information is not valid. And things are being used currently for the social and economic impact and all the fisheries that affect us and our businesses on this information, and we've got serious problems with it. So, there's my speech. Thank you very much.

MODERATOR CHRISTOPHER ROGERS: Thank you. We'll see if we can get some copies made tomorrow and have them available for people to take home with them. Frank Blount.

FRANCIS BLOUNT: Thank you. One very important thing that you didn't mention was prior to 1999, or going back with the logbooks, most people didn't know that they were required to fill them out for other species, even for the groundfish. You'll find big holes in '96, '97 in the reporting.

The other interesting thing is we use the MRFSS data quite a bit in comparison with the logbook data on the New England groundfish, and one thing we have found is the trends seem to be the sometime, basically what I think you have there, the trend seems to be the same as what the large pelagic survey is picking up. But one thing that I'm finding is very different than what we see up in the northeast, normally the logbook data, especially for the groundfish species, is coming in far below what the MRFSS data shows. So, it's interesting in this situation that it's showing, you know, 200 percent more, where what we're finding on the MRFSS data is that the MRFSS is probably overestimating compared with what the logbook data is, and the large pelagic seems to be way under. So, how you draw conclusions from those two, I don't have a clue.

ANDY LOFTUS: And the other thing, again, to recognize on this graph, for example -- the other thing to recognize on this graph is that the number of boats in the logbook survey range every year, but roughly between 100 and 120. The number of boats that are represented in the LPS estimate are closer to 1,000.

So, I mean, these are absolute numbers of fish, too, that we're looking at here. So, we're saying -- you know, 120 boats, for example, in 1999, are reporting 200 percent more fish caught than whatever the number is -- you know, 870 boats that are represented in the LPS. So, you know, there are some serious issues to start looking at here.

FRANCIS BLOUNT: Also I know -- I've been contacted on the survey on the survey, so I'm assuming that I'm at the top line there, but one thing that we did find out is going through the data for the year, occasionally there were a few missed trips. So, even the pink line on the top is lower than it probably actually is.

ANDY LOFTUS: Right. We expect -- yeah, I agree completely. This is a conservative number from the logbook.

MODERATOR CHRISTOPHER ROGERS: Rom Whitaker.

ROM WHITAKER: Yeah -- the graphs are very confusing and I tend to agree with what's been said, that the logbooks would certainly underestimate the actual state of the fishery, and I feel like it is underestimated and I think we did have the large pelagic surveys back in North Carolina for a while, back years ago. And I think what this shows you is that you should take that money and use it for something else that would be much more effective, such as a dockside survey or something else. And I mean, it doesn't seem to me that program's ever been effective. Use that money where it is.

MODERATOR CHRISTOPHER ROGERS: Jim Donofrio.

JAMES DONOFRIO: Chris, what are the numbers, around 5 or 6,000 metric tons that the agency's showing?

MODERATOR CHRISTOPHER ROGERS: For yellowfin tuna?

JAMES DONOFRIO: For yellowfin tuna.

MODERATOR CHRISTOPHER ROGERS: On average over the last ten years, ranging between 5 and 8,000 metric tons.

JAMES DONOFRIO: Right. And I know I saw some results from North Carolina where they might have been as high as almost 5,000 metric tons. I mean, there's a big discrepancy here. I mean, are you prepared to hold back on giving ICCAT anything or fighting it off until we really get these numbers right?

Because I mean we have a three-fish bag limit right now, which as you know we took litigation against the agency on it. We felt it was an arbitrary bag limit -- you know, good, bad or indifferent, people want to keep three fish, that's great. They want to do that on their own. But there was no conversation -- you know, you didn't have anything there.

Now if we go to a statewide quota from ICCAT and we're showing low numbers, we're going to be down to a one fish bag limit because you already created the three, and that was the idea of our lawsuit in the beginning. So now we've got a nightmare on our hands. And I can tell you right now our boats are not going to fish for one yellowfin. It's over.

MODERATOR CHRISTOPHER ROGERS: Gail Johnson.

GAIL JOHNSON: Just a question. This is really interesting finding out all of these numbers and all, but I wonder what kind of issues it will bring up internationally, because the United States will have to go and say gee, we caught more fish and if there comes to be a quota for yellowfin, we need to look at it again. But on the other hand, in these nitpicky guys over there, they may be wondering what the numbers will be for other species, also.

MODERATOR CHRISTOPHER ROGERS: With respect to yellowfin, we'll have to cross that bridge when we come to it. Certainly we'll have to vet that through the ICCAT Advisory Committee and develop a policy on yellowfin tuna, should it come to a quota. Arguably, we learned a hard lesson with northern albacore with that recommendation, giving us a five-year average that seemed appropriate based on what we had reported, but now we realize that we don't want to be stuck to a number that -- again, an average with a normal distribution, where 50 percent of the time we'd be likely to exceed the quota.

And we'd obviously be mindful, we'd discuss it with the ICCAT Advisory Committee in setting U.S. policy before ICCAT. We certainly don't want to agree to something that's going to put us in an immediate situation of conflict in how to resolve it domestically.

So, we've learned some hard lessons with bluefin tuna, with northern albacore, and hopefully our negotiating skills have been sharpened to some extent. But obviously the sooner we can resolve the issue with respect to data collection and improve the future estimates that we report to the Commission, if not correct the past ones, the better off we'll be. Rich Ruais.

RICHARD RUAIS: Yeah, I guess I don't see the problem that Gail is pointing out as being a real serious one. I mean, one of the reasons why I thought the U.S. consciously backed off from pushing yellowfin in terms of more rigorous management than we currently have is until we get a better feel for our own situation here. So, it doesn't seem to be moving at that fast a clip.

And the second is that if the end of this process is a more definitive statement or record of our landings -- and those are substantially higher or lower than what we've reported in the past, there is a very clear process at SERS now for changing and getting SERS to accept the new estimate of your catches or reported catches over time. We've seen that with a number of the eastern Atlantic bluefin countries and the Secretary and I think -- we've questioned in some areas on it, and the SERS Chairman is fairly comfortable -- at least that's the expression we've heard -- with -- whenever they sign off on a country's new estimates of its catches, that they're fairly comfortable that those are accurate.

So, I would envision the United States doing the same thing that Turkey has done and a number of other countries have done over time, if we have a better basis for telling them what our landings of yellowfin tuna are.

MODERATOR CHRISTOPHER ROGERS: Gail.

GAIL JOHNSON: Sorry. I wasn't very clear. I agree pretty much with what Rich says, but I meant in terms of getting recreational data per se. Because if the increase in yellowfin landings for them is so great, then the other people may be wondering what the information gleaned from other recreational people would be for billfish and those numbers. I didn't want to rattle any cages, so I was vague. Sorry.

MODERATOR CHRISTOPHER ROGERS: Okay. Well, thank you very much, Andy. We look forward to completion of the project and as every good researcher recommends in the end, more research. So, we'll probably have the opportunity to work further with you. Somebody had their hand up over here? Mr. McAuliffe.

ROBERT MCAULIFFE: As there still seems to be a shortage of data on the yellowfin, which I've been fussing about for a few years now, I found it very hard to believe that with your HMS permit reporting that you left the BAYS tuna off of that -- on the call-in. You've got billfish and the swordfish, but there's nothing in there that I saw that indicates that they should be reporting the tuna, which is where we seem to be lacking the most information. And again, that's looking us in the face on ICCAT if it comes down to quotas, where you're looking to miss a whole lot of data again. Not from my region this time, just from everywhere.

ANDY LOFTUS: I think that's one of the areas actually that we've identified. Actually, the yellowfin and the BAYS tunas are incorporated under that. It's just they weren't listed on the pre-announcement sheet that went out. But that is a problem that we've come across.

MODERATOR CHRISTOPHER ROGERS: There's two issues here. I think you're speaking of the fact that we set up the bluefin tuna call-in program and now the new swordfish/billfish call-in program, without a provision for yellowfin or skipjack or albacore.

The other issue was on the survey -- the large pelagic survey this year, we tried to do a pre-contact letter -- not tried to do, we did. We issued a pre-contact letter. We drew the sample from the permit frame two weeks in advance and sent a letter to those persons drawn with a little log sheet and said we'll be contacting you during this week about fishing during this week, use this form to have available the information for when we call.

And since they were taking catch information over the phone, they had indicated certain species. Yellowfin had been omitted because we have sufficient dockside intercepts with yellowfin and we wanted to decrease the length of the telephone call with respect to getting information on catch, because particularly if an individual -- this is more so a case of charter boats than private boats, took multiple trips during that week, we had to look through each trip, what were you fishing, where were you fishing, how were you fishing, what did you catch.

And we were sort of keying in on those species that were not well-represented in the dockside intercepts. And we should have done a better job of communicating why yellowfin was omitted from that pre-contact log sheet. But again, it was -- in terms of gathering catch information over the phone, we were keying on those species that were not well represented in the dockside intercepts.

So, I think there were two different comments -- or you were answering a different question than he was asking, but hopefully we've clarified that.

I have five after 6:00, but my self-wind watch is prone to stopping if I don't move, and I've been sitting here a long time. I noticed yesterday I was about 45 minutes behind by the end of the day.

We'll take a comment from Nelson and then we'll either adjourn or go on with our agenda till midnight, depending on what people want to do.

NELSON BEIDEMAN: I'll be quick. I know last year's ICCAT meeting was very, very diverse and it resolved a lot of

issues from many different species plans, et cetera, et cetera. But many of us reflected at the end of that last year's meeting well, what's left? And you know, it was kind of thought -- you know, at least at that point by several that what was left for next year is BAYS tunas. BAYS tunas plans were basically just rolled over. So, I just wanted to put that in the mix.

MODERATOR CHRISTOPHER ROGERS: Wayne Lee. I saw a hand over here. Dave Cupka. Wayne Lee and Dave.

WAYNE LEE: Chris, yesterday when we were doing the agenda, we were going to put information on ACCSP, and including HMS module. I don't know whether you're going to cover that tomorrow or -- you said you were going to add it in here.

MODERATOR CHRISTOPHER ROGERS: Well, when I said that, I imagined we would be further along in the agenda at the point we got into this discussion, but do you have any particular questions? We are working with ACCSP. Joe Desfosses is now our liaison, so to speak, with the project and had gone down -- what is that, the Recreational Technical Committee meeting that was currently or recently in Jacksonville.

I know Jack Dunnigan is interested in trying to pursue with either the Atlantic States Commission or the ACCSP, as a separate entity, a means of enhancing data collection either through contracting, as the MRFSS has been contracted with the Gulf States Commission and Gulf states, something similar for the large pelagic survey on the eastern seaboard, and see if we can improve the coverage of am of the South Atlantic states.

We have participated in the process for the most part -- any of the documents that I've seen in terms of required data collection elements, our logbooks and our survey forms are fully compliant with the ACCSP standards. And again, Joe would be maintaining a much closer contact with ACCSP's project than had been in the past, and certainly we have a long-term working relationship with Morrie Osborne that we hope to exploit in our favor in terms of getting the attention for LPS-type work in the future.

But did you have any particular questions or concerns in mind, other than the fact that -- I know there's been an ongoing concern expressed by the South Atlantic Council that we weren't fully integrated in that process of ACCSP.

WAYNE LEE: Our concern, Chris, is this whole thing on the yellowfin tuna, getting data collection going that reflects what we're actually catching. Everybody's been concerned. This has been brought up in the ICCAT working group. It's been brought up here. And I'm glad -- I think -- really appreciate the effort that you all have a contract out and that you're looking at that data, but if we don't start collecting the correct data now, five years from now or ten years from now we're going to be in the same hole we're in right now.

And my understanding was that the -- once we implemented the HMS/ACCSP modules, and started collecting under that program, that was supposed to dramatically improve our collections process. So, that's what our interest is in the South Atlantic council, is to start getting the data to reflect what's actually going on, on the water.

ANDY LOFTUS: Just real quick. Some of the things that might be done on the for hire sector -- and Joe might want to elaborate if I trip up on this, but they are developing, as you know through the ACCSP, a good set of -- a good list of charter boat for hire fishermen in each state. And that's going to be their survey universe. And Joe's working with the MRFSS folks to try to integrate the LPS questions in with that survey universe. So, now it will be a much more targeted -- for the for hire sector, much more targeted survey that they can do, and hopefully get a much more accurate picture for for hire.

Now, the private boat fishery is another question, but we're just at this point just talking about the for hire sector. There's a lot of promise on the horizon if they do that, because what happens is you have a better chance of getting an accurate number, but you also extend what is now the LPS survey that only occurs June to October. It will now be extended from January to December, or March to December, depending on what state you're in. And it will also extend getting better HMS data from the for hire sector for states from South Carolina on down to Florida. So, now you've expanded geographically and in a time -- a time scale. So, there's a lot of promise there that that holds if they carry through with it.

MODERATOR CHRISTOPHER ROGERS: Bob Zales and David Cupka.

ROBERT ZALES, II (No microphone): Let David (inaudible).

MODERATOR CHRISTOPHER ROGERS: Okay. David.

DAVID CUPKA: Thank you, Chris. As Chairman of the ACCSP Coordinating Council, I just want to encourage you to continue the dialogue with the program and see if we can't find other ways to improve our data collection ability, because there are some serious problems there with the data we're seeing at the Council level, you've seen it. So, I would encourage you to do what you can to interact with Morrie.

The real point I wanted to make, though, was regarding something I said earlier. And this deals with this whole issue of tournament versus non-tournament billfish catches. And I went back and called just to make sure I was recalling things right and getting the story straight, but we do have about a 25-year data set in South Carolina where we've got data on the number of billfish caught; number of billfish caught, tagged and released; the number of billfish released; and the number of billfish landed. And we've got that for both tournament and non-tournament.

And we never did report the non-tournament information to the Recreational Billfish Survey because they weren't interested in that. They were just looking at tournament catches. But we do have a staff member who's gone back and looked at our entire data set and we published that report and I thought this was the way I remembered it -- and he verified that indeed that's the case. But in the early years of the survey, the indications were that tournament catches exceeded non-tournament catches. But in the latter part of that data set and later years and here recently, we've seen just the opposite.

I know this was just for South Carolina. It's just a small part of the southeast. But if that trend is any way indicative of what's going on in so many other areas, I would have some concern about the impact that could have on reaching that magic number.

But we do have that report available, it has been published, and if anybody's interested, we'll be glad to provide you with a copy of that. But there is some data out there on that issue.

MODERATOR CHRISTOPHER ROGERS: We'd certainly appreciate getting a copy of that report. Bob Zales.

ROBERT ZALES, II: Yeah, I would just like to back up on what David and Wayne were talking about. I've been asked to participate with that ACCSP and the MRFSS in working with the survey based on our experience in the Gulf of Mexico and working with the charter survey that we've done there, and it made a tremendous difference in what we saw in the Gulf of Mexico as far as landings of the various species of fish. And it's a very good program.

And I've also been asked to participate in some of the Sea Grant stuff going up through this area to help talk about this, and I would encourage everybody here, especially anybody in the for hire business and all the Council representatives that are here to do everything they can to work with these for hire people, bring them in and outreach them in every way possible to get them involved in the program. Because without their involvement and without their participation, the program's not going to work.

And with that participation, like we had in the Gulf of Mexico, you will see a much better data set and a much better program, because I would suspect in this case you're showing more fish and it may very well show more fish, because of the effort. But in the example of red snapper in the Gulf, there was a 30 percent difference. The current method that we used compared to the old MRFSS system, we're showing 30 percent less effort, 30 percent fewer landings of red snapper -- recreationally caught for hire business than the old way. And when you're dealing with a four and a half million pound quota, 30 percent make a lot of difference.

And so with yellowfin and all these other species that are out there, data is critical. And when you reduce the universe that you're trying to sample now to the actual people that are dealing with the resource, you're going to get much better information. So, you need to do everything you can do to bring these people in and show cooperation between the users and the government, and you'll end up with a good program.

MODERATOR CHRISTOPHER ROGERS: Thank you. (Inaudible) efforts to work with the Commission or ACCSP. Our intentions are good and now that we have the staff, we're making those connections.

Well, what's the pleasure of the panel at this late hour? Try to --

UNIDENTIFIED: Good night, Chris.

MODERATOR CHRISTOPHER ROGERS: Good night? All right. I see at least one person saying that. Do we have a consensus or do we want to take a vote on this matter of adjournment?

(Numerous comments.)

MODERATOR CHRISTOPHER ROGERS: All right. 8 o'clock tomorrow was the consensus achieved yesterday.

UNIDENTIFIED: What are you going to start with?

MODERATOR CHRISTOPHER ROGERS: Well, we completely ran over the swordfish agenda, so you have to put that on. Why don't we take that first and then pick up the agenda as it existed. So, we'll start with swordfish and then pick up the agenda as it existed for tomorrow.

WHEREUPON:

THE MEETING WAS SUSPENDED AT 6:17 P.M.

## CERTIFICATE

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF NORFOLK

I, PAUL T. WALLACE, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing transcript represents a complete, true and accurate transcription of the audiographic tape taken in the above entitled matter to the best of my knowledge, skill and ability.

In witness whereof, I have set my hand and Notary Seal this 5th, day of May, 2003.

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PAUL T. WALLACE. Notary Public

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