

NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

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ATLANTIC HIGHLY MIGRATORY SPECIES

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SPRING 2014 ADVISORY PANEL

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THURSDAY
APRIL 3, 2014

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The Advisory Panel met in the
Sheraton Hotel, 8777 Georgia Avenue,
Silver Spring, Maryland at 10:00 a.m., Jon
Raab, Facilitator, presiding.

PANEL MEMBERS PRESENT

JASON ADRIANCE
PATRICK AUGUSTINE
MARTHA BADEMAN
TERRI BEIDEMAN
CAROLYN BELCHER (via webinar)
RICK BELLAVANCE
ANDRE BOUSTANY
ANDREW COX
MYRON FISCHER
SONJA FORDHAM
WILLIAM GERENCER
WALTER GOLET
JOHN GRAVES
RANDY GREGORY
MARIN HAWKE RUSSELL HUDSON
ROBERT HUETER
STEPHEN IWICKI
WALLACE JENKINS
SHAWN JOYCE
AMANDA KELEDJIAN
CARRIE KENNEDY

DAVID KERSTETTER
JAMES LAWSON
MARK LINGO
SHANA MILLER
JEFF ODEN
TIM PALMER
EUGENIO PINERO-SOLER
DAVE SCHALIT (proxy for Ralph Pratt)
RICHARD RUAIS
MARTIN SCANLON
JASON SCHRATWIESER
MICHAEL SISSENWINE
GREGORY SKOMAL
DAVID STILLER
SCOTT TAYLOR
ROMULUS WHITAKER
ALLAN WILLIS

ALSO PRESENT:

JON RAAB, Facilitator
MARGO SCHULZE-HAUGEN, Division Chief, Highly
Migratory Species Management Division (HMSD)
RANDY BLANKINSHIP, HMSD
KARYL BREWSTER-GEISZ, HMSD
CRAIG COCKRELL, HMSD
PETER COOPER, HMSD
JENNIFER CUDNEY, HMSD
KATIE DAVIS, HMSD
JOE DESFOSSE, HMSD
GUY DUBECK, HMSD
STEVE DURKEE, ERT
LEANN HOGAN, HMSD
NEVA HOWARD, HMSD
CLIFF HUTT, OFFICE OF SCIENCE & TECHNOLOGY
ALEXIS JACKSON, HMSD
BRAD MCHALE, HMSD
SARAH MCLAUGHLIN, HMSD
DELISSE ORTIZ, ERT
RICK PEARSON, HMSD
GEORGE SILVA, HMSD
JERON STANNARD, HMSD
DIANNE STEPHAN, HMSD
JENNI WALLACE, HMSD
THOMAS WARREN, HMSD
JACKIE WILSON, HMSD

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M O R N I N G S E S S I O N

10:01 a.m.

WELCOME - INTRODUCTIONS AND AGENDA OVERVIEW

FACILITATOR RAAB: I think we're ready to get started. My name is Jonathan Raab and I will be the facilitator for the two days. And I have a facilitation/mediation practice in Boston. Welcome everybody to the Atlantic HMS Spring 2014 Advisory Panel Meeting.

I think what we're do is we'll go around first the inner table, have people introduce themselves and then around the outside of the room. Then I want to briefly go over the agenda for two days and see if there are any additional input on that, some quick ground rules and then we're off and running.

Maybe we can start. And if I could just encourage everybody just to use the mike. So maybe we can just pass them along.

MEMBER PINERO-SOLER: Good morning. My name is Eugenio Pinero-Soler and I represent the Caribbean Council. Thank you.

MEMBER GERENCER: Bill Gerencer.

MEMBER HAWKE: Marin Hawke with the Atlantic State Marine Fisheries Commission. I'm Bob Beal's proxy.

MEMBER IWICKI: Steve Iwicki. I'm a new member on the recreation side. I live in Virginia. My boat's up in New Jersey. They told us to kinda give a little background on the new folks in the meeting.

I'm a life-long fisherman, in-shore/offshore. Go offshore canyon fishing a good number of times a year with some friends. Retired Army intelligence officer. Now I'm working on the industry side. So I sit on some academic advisory councils. And I'm on the advisory council for the intelligence community. So I'm looking forward to participating here.

MEMBER SISSEWINE: Mike Sissenwine. I am a member of the New England Fishery Management Council and representing the council. I'm a former NOAA person, formerly the Chief Scientist for Fisheries as well as the Director of the Northeast Fishery Science Center.

1 And I guess I've worn a few other hats
2 over the years. But that's enough for now.
3 Thank you.

4 MEMBER MILLER: Shana Miller. I'm
5 with the Ocean Foundation.

6 MEMBER RUAIS: Rich Ruais,
7 Commercial.

8 MEMBER SCHALIT: David Schalit,
9 Commercial fisherman and I'm a proxy for Ralph
10 Pratt.

11 MEMBER STILLER: David Stiller,
12 Commercial shark fisherman, lower Alabama.
13 Been at some of the CDRS and some of the other
14 things. And now I'm on the Advisory Panel.

15 MEMBER JOYCE: I'm Shawn Joyce.
16 I'm new to the panel as well. I fish on the
17 recreational and commercial side bluefin tuna
18 in the Northeast by Rhy, Maine/Massachusetts
19 area. And that's about it.

20 MEMBER BOUSTANY: Andre Boustany,
21 Duke University.

22 MEMBER GOLET: Walt Golet,
23 University of Maine, Gulf Maine Research
24 Institute.

25 MEMBER BEIDEMAN: I'm Terri
26 Beideman and I'm here representing Bluewater
27 Fishermen Association.

28 MEMBER ADRIANCE: Jason Adriance,
29 Louisiana Wildlife and Fisheries.

30 MEMBER JENKINS: I'm Wally Jenkins
31 from South Carolina Department of Natural
32 Resources.

33 MEMBER KENNEDY: Carrie Kennedy,
34 Maryland DNR Fishery Service.

35 MEMBER SCANLON: Martin Scanlon,
36 owner/operator fishing vessel provider, too.
37 Pelagic long line, commercial.

38 MEMBER AUGUSTINE: Pat Augustine,
39 troublemaker, provocateur. Former Mid
40 Atlantic Council Member. Former HMS Advisory
41 Panel. Unaffiliated with anybody and
42 everybody. And presently on ASMFC. Been the
43 governor's appointee for 16 years. Thank
44 you.

45 MEMBER WILLIS: Allan Willis,
46 recreational, Florida.

47 MEMBER ODEN: Jeff Oden,
48 commercial. North Carolina.

1 Representative of long line industry and from
2 Hatteras.

3 MEMBER COX: Andrew Cox, The
4 Billfish Foundation.

5 MEMBER WHITAKER: Rom Whitaker,
6 Charter fisherman, Hatteras, North Carolina.

7 MEMBER BELLAVANCE: I'm Rick
8 Bellavance, President of the Rhode Island
9 Party and Charter Association, ASMFC
10 Commissioner for the State of Rhode Island,
11 charter boat operator from Point Judith, Rhode
12 Island.

13 MEMBER LINGO: Mark Lingo, Texas
14 Parks and Wildlife.

15 MEMBER GRAVES: John Graves,
16 Virginia Institute of Marine Science, here
17 representing the US ICCAT Advisory Committee
18 which I've chaired for the past 18 years.

19 MEMBER KELEDJIAN: Good morning,
20 everyone. I'm Amanda Keledjian. I work at
21 Oceania and I'm also a new member.

22 MEMBER PALMER: Tim Palmer,
23 commercial, Southeast Florida.

24 MEMBER TAYLOR: Scott Taylor,
25 Dayboat Seafood, commercial.

26 MEMBER KERSTETTER: Dave
27 Kerstetter, Nova Southeast University Ocean
28 Graphic Center, academic.

29 MEMBER SCHRATWIESER: Jason
30 Schratwieser, International Game Fish
31 Association.

32 MEMBER HUETER: I'm Bob Hueter,
33 academic, Mote Marine Laboratory.

34 MEMBER HUDSON: Rusty Hudson,
35 Director of Sustainable Fisheries. I'm here
36 to keep Pat Augustine straight.

37 MS. SCHULZE-HAUGEN: Hi, I'm Margo
38 Schulze-Haugen. I'm the Division Chief of
39 the Highly Migratory Species Management
40 Division.

41 FACILITATOR RAAB: So if we could go
42 around the outside of the room and maybe since
43 you don't have mikes if you could just stand
44 and real loud.

45 (Off microphone introductions.)

46 FACILITATOR RAAB: Our court
47 reporter in the back. Another thing I want to
48 mention is that this is going to be a live audio

1 feed. There are a couple of people on the line
2 which is the first time I guess that we've been
3 doing that.

4 MS. SCHULZE-HAUGEN: It is. And so
5 some of the beeps that you're hearing are the
6 WebX. So it's people that I don't know are
7 joining or they're leaving. But maybe we'll
8 figure that out.

9 Yes, so this is the first time.
10 We're open to feedback on how it's going. But
11 we thought -- We've had several requests for
12 folks that couldn't physically be here, both
13 AP members who we're expecting at least one AP
14 member and then also members of the public.
15 Just looking for feedback.

16 MEMBER HUDSON: Is this a webinar
17 then, this being fed, where they can see the
18 overheads and the audio? And will those
19 recordings be available to us if we request
20 them?

21 MS. SCHULZE-HAUGEN: What is said
22 will be transcribed in the transcripts. And
23 so what we've been thinking for the AP person
24 which is Carolyn Belcher from the State of
25 Georgia is that we've got Jenny who is actually
26 monitoring. If she wants to chat and ask
27 something we would bring her in and probably
28 have Jenny repeat the comment or question so
29 it's on the record.

30 Other folks that are members of the
31 public, we would -- Greg. There it is.
32 Sorry. I am convinced that computers are like
33 cats and they know who's allergic to them.
34 And that's me.

35 But members of the public, we would
36 defer their questions and comments to the
37 public comment period at the end of each day.
38 So that's our plan.

39 FACILITATOR RAAB: Let me run
40 through the agenda quickly for the next two
41 days and there are a handful of basic ground
42 rules and then open it up to you if you have
43 any suggested additions or changes to the
44 agenda that we could consider.

45 We're going to start as soon as we're
46 done. Margo is going to do --

47 (Off the record comment.)

48 Why don't we wait? We'll wait and

1 I'll do the agenda review and then whoever
2 since there will probably be more than one
3 batch.

4 We're going to start with an overview
5 of recent activities and general updates.
6 And the Convention on International Trade in
7 Endangered Species and Protected Resources
8 Endangered Species Act updates. That will be
9 both before lunch.

10 We'll have an hour and 15 minute
11 lunch break. That will be on your own.

12 And then following lunch there will
13 be the Enforcement Updates and then the
14 Essential Fish Habitat Update.

15 Take a brief break and then the Draft
16 Amendment 7 on Bluefin Tuna Management.
17 There will be first a comment summary, a
18 summary of the comments that have been
19 received.

20 And then the Bluefin Tuna 2014
21 Specification Proposed Rule. And following
22 that we'll have a public comment period before
23 we adjourn for the day.

24 Tomorrow starting early at 8:15 a.m.
25 we will be reconvening. And we'd start with
26 Amendment 5B on the dusky charts predraft
27 followed by the Recreational Updates.

28 Again a brief break and then the NMFS
29 leadership introduction which we have Eileen
30 Sobeck who's the new Assistant Administrator
31 for Fisheries come for half an hour. And then
32 the HMS Research Plan Progress Updates,
33 Challenge and Open Discussion.

34 And again we'd have an hour and 15
35 minutes for lunch on your own followed by the
36 Amendment 6 on Shark Fisheries Pre-Draft.
37 And again a public comment. And then Margo's
38 super wrap-up of what's transpired over the
39 last two days before we get everybody out by
40 3:00 p.m. tomorrow, again depending on how
41 long the public comments are. It could be
42 sooner.

43 Just a few brief ground rules to
44 remind folks. One, this is a big group with
45 a lot of thoughtful input. We want you to be
46 succinct and share the airtime. We want you
47 to be respectful even if you may disagree
48 strongly with other views that are expressed.

1 Generally, what we'll do is I'll run
2 a queue. So at any time during a presentation
3 if you have a question if you just put your card
4 up I'll make a note and keep a queue. And then
5 when we're at the appropriate breaking place
6 we'll call on you.

7 In some cases to maintain the flow of
8 conversation, we may provide some -- go out of
9 order to provide some quick rejoinders as we're
10 moving along. But we'll basically try and
11 stick with the queue.

12 Turn off your cell phones please.
13 And if you have to take a call, because sounds
14 travels around the room, just step out to take
15 your call.

16 Be mindful. We've got a really
17 packed agenda over the next couple of days.
18 So try and stay focused on the topic that we're
19 on at the moment.

20 Again, we'll take public comment
21 twice at the end of both days. We'll ask for
22 a count on the number of individuals who want
23 to make comments so we can allocate the time
24 intelligently.

25 And just to remind everybody and
26 particularly for the new members that this
27 isn't a consensus seeking meeting and the AP
28 is not a Federal advisory committee. So the
29 goal is to hear individual comments on
30 evolving fisheries regulations. But I won't
31 be mediating any agreements over the next
32 couple of days.

33 We have a court reporter who is
34 transcribing the meetings. It's important for
35 the recorder purposes that before you speak
36 every time that you state your name so that the
37 reporter can get that clearly in the record.

38 And then again just to remind you
39 speak into the mike, press the button and as
40 we saw when we went around you've got to
41 actually have it pretty close, sort of as if
42 you were kinda of rock star right up there to
43 your mouth.

44 With that, I want to just open it up
45 and see if there are any suggestions for
46 additions to the agenda or anything agenda
47 related or ground rule related before I turn
48 it over to Margo. Anything at all on our two

1 days together agenda?

2 (No verbal response.)

3 So before I turn it over Margo for
4 people who came in after we went around and
5 introduced ourselves, particularly around the
6 table, can you introduce yourselves? I have
7 a couple over there.

8 MEMBER BADEMAN: I think that's us.
9 Martha Bademan, Florida Fish and Wildlife
10 Conservation Commission.

11 MEMBER FISCHER: Myron Fischer,
12 Louisiana Department of Wildlife and
13 Fisheries, Fisheries Research Lab, Grand
14 Isle, Louisiana.

15 FACILITATOR RAAB: Anybody around
16 the outside of the room who came in please
17 introduce themselves.

18 (Off the microphone introductions.)

19 FACILITATOR RAAB: Great. Okay.
20 Let's turn it over to Margo for the
21 introduction.

22 OVERVIEW OF RECENT ACTIVITIES/GENERAL UPDATES

23 MS. SCHULZE-HAUGEN: Okay. Thank
24 you, Jonathan. Before I get into the
25 presentation, I want to give you just a couple
26 of staff updates. And for those of you that
27 maybe were listening closely and remembering
28 from last year, this will help explain.

29 Cliff Hutt who is now with the Office
30 of Science and Technology was our Sea Grant
31 fellow last year. He used to be one of us, but
32 now he's moved on.

33 And Alexis Jackson is our new Sea
34 Grant fellow. So we're welcoming her aboard.

35 Carrie Soltanoff, you may remember
36 her from ICCAT meetings, has joined us on
37 contract. And Jen Cudney has been hired in
38 our St. Petersburg office. Just some recent
39 changes.

40 And then also to let folks know, Pat
41 has been very nice and has been busy baking 48
42 dozen cookies which are scrumptious and in the
43 back. So please help yourself.

44 (Off the record comment.)

45 Okay. So you have to eat them all.
46 We can't send any home with Pat.

47 All right. With that, I'm going to
48 give a quick overview of what we've been doing

1 the last six months, rulemaking, operations,
2 things of that sort. And then I'll have time
3 for questions at the end. I am going to move
4 fairly quickly.

5 Again, this is to give a quick
6 update. Perhaps for some of the folks that
7 are looking for things later on the agenda, I'm
8 not going to be touching on those, things on
9 bluefin tuna, the shark amendments. We'll be
10 deferring the discussion to those. This is
11 kind of everything else.

12 Since September, we have published
13 two final rules, one of the 2014 Shark
14 Specifications, the other on our VMS Hail
15 In/Hail Out requirements. We extended the
16 comment period on Amendment 7 twice. That
17 closed January 10th. And we held 11 public
18 hearings total as well as consulted with the
19 New England Gulf and South Atlantic Fishery
20 Management Councils that held meetings during
21 the comment period.

22 We oversaw 13 workshops. This is
23 the protected species handling and release as
24 well as the shark identification workshops and
25 conducted the HMS for hire cost and earnings
26 study. And we'll have an update on that
27 later.

28 And so far in 2014 we've issued 14
29 exempted fishing permits, scientific research
30 permits and letters of acknowledgment, issued
31 five shark fishery research permits. There
32 are some changes this year as we continue to
33 evolve this program. Registered 97
34 tournaments so far.

35 And then we're up to about 4600
36 people on the HMS list serve. We switched
37 over to Constant Contact fairly recently.
38 And so far we're experiencing that pretty
39 well. So if you have feedback on that, we're
40 open to that, too.

41 And this next set of slides I'm going
42 to go through things that happened at ICCAT
43 last year in November that require domestic
44 rulemaking or implementation. I'm not going
45 to try and cover the entire meeting. If you
46 have questions on that, I would defer to Jon
47 in his capacity as the chair.

48 Again, I'm just going to focus on the

1 things that we have to implement, the first one
2 being Recommendation 13-09 on bluefin tuna.
3 This is a one year measure with one year
4 rollover of the total allowable catch which
5 remained at 1,750 metric tons. This is
6 inclusive of dead discards and is expected to
7 allow for continued stop growth under both the
8 high and low recruitments scenarios.

9 The U.S. baseline quota continues to
10 be 923.7 metric tons. The total U.S. quota
11 which includes a 25 metric ton set-aside for
12 bycatch in the pelagic longline fishery in NED
13 or the Northeast Distant restricted area
14 continues to be 948.7 metric tons.

15 The measure also maintained a number
16 of things including the school bluefin tuna
17 tolerance of no more than 10 percent by weight.
18 The last couple of years we have been well
19 under that.

20 And the 10 percent cap on
21 underharvest was also maintained. So for the
22 United States that's roughly 95 tons.

23 There is a call for each CPC or
24 country to prepare fishery independent
25 indices of abundance research plans by the end
26 of this month. And then the scientists from
27 each country are going to be sharing and
28 reviewing those in advance of the second
29 working group of fisheries, managers and
30 scientists on bluefin tuna this July in
31 Canada.

32 The quota transfer provisions were
33 also maintained. So that's 86.5 metric tons
34 from Mexico to Canada, 8 metric tons from
35 U.K. to the U.S. and 8 metric tons from France
36 to Canada. These are for cooperative
37 research.

38 And two changes in part to reflect
39 the current status of now allowing
40 recreational sale of fish that helped clarify
41 that for some other countries, that language
42 changed a little bit. Although it doesn't
43 change what we've been doing domestically.
44 And also our reiteration that everyone is
45 supposed to be reporting their fish again to
46 assure other countries that we're doing that.

47 And so the specifications which I
48 have a presentation on later just came out.

1 It was released on Tuesday. It actually
2 publishes tomorrow. So it's hot off the
3 presses. And we will have a 30 day comment
4 period and then a webinar conference call on
5 the afternoon of the 16th.

6 So far in-season actions this year
7 include setting the January general category
8 subquota which is available through the end of
9 March or until it's taken, whichever comes
10 first. It set the retention limit at two
11 large mediums or giants and then that was
12 caught and closed March 21st.

13 Looking at North Atlantic albacore,
14 Recommendation 13-05 continues the rebuilding
15 program, maintains the TAC at 28,000 metric
16 tons for the next three years. And so the U.S.
17 quota also is maintained at 527 metric tons.

18 We have a 25-percent carry forward
19 limit. And there is a call for SCRS to
20 continue development on limit reference
21 points and harvest control rules. This is
22 also in another measure. And the U.S. quota
23 which we've had for several years, the
24 regulation would be codified in Amendment 7.
25 So no changes there for us.

26 North Atlantic swordfish, we were
27 successful in getting a three year measure
28 which was something we had wanted. And it
29 also maintained the total allowable catch at
30 13,700. Although if you can do math you can
31 add up the allocations and exceed that of
32 15,335. The U.S. quota again was unchanged at
33 3,907 metric tons whole weight.

34 The carry forward for countries
35 including the U.S. that have a quota of 500
36 tons was reduced from 25 percent to 15 percent.
37 And that's effective for 2015. We'll be
38 implementing that year, but it won't be taking
39 effect for another year. All other countries
40 that had smaller quotas maintained a 50
41 percent carry forward limit.

42 We had been giving 150 metric tons to
43 Morocco in the previous measure. That was
44 dropped. But a 25 metric ton transfer to
45 Mauritania was added. This is in addition to
46 a couple of other countries also giving 25
47 tons.

48 The requirement to submit management

1 plans or development plans in mid September
2 was maintained. We also retained our ability
3 to harvest 200 tons of quota between five
4 degrees north and five degrees south. And
5 here's the other place where there's also a
6 call for SCRS to develop the limit reference
7 points and harvest control rules. This is
8 something that's of growing interest at ICCAT.

9 For South Atlantic swordfish also
10 maintain the TAC. It was kind of a theme of
11 maintaining things this year at ICCAT.
12 Fifteen thousand tons also though 2016. The
13 U.S. quota of 100 tons was maintained as well
14 as our ability to fully that carry forward.
15 But also our transfers that carry forward were
16 also maintained to the countries who you can
17 see here.

18 And so we are working on the proposed
19 rule. We expect that to be out this spring.
20 And you can see these slides are in metric tons
21 dressed weight because that's what we work
22 with domestically. And you see the North
23 swordfish adjustments are reflecting the
24 transfer change from Morocco to Mauritania.
25 And then we'll have the drop and carry forward
26 effective in 2015.

27 There were a couple of other
28 recommendations that may require us to take
29 action including Recommendation 1310 on
30 biological sampling of ICCAT prohibited
31 species, prohibited sharks. So not our U.S.
32 list, but only those that are prohibited
33 ICCAT. That's oceanic whitetip, hammerhead,
34 silky sharks, bigeye thresher, that if there
35 are observers that are sampling from those
36 prohibited species we have to report that to
37 the SCRS which is the Standing Committee on
38 Research and Statistics or ICCAT's scientific
39 body.

40 Recommendation 1313 modified the 20
41 meter vessel list and requires that we have
42 unique vessel identifiers or IMO numbers for
43 all commercial boats greater than 20 meters.
44 That's effective January 2016.

45 We're going to be going through this
46 process to let folks know about this. And
47 then also there were two measures last year on
48 port state measures and train shipment that

1 we're going to make some minor adjustments to
2 it to make sure that our regs really align and
3 track the ICCAT requirements very closely.

4 And then Recommendation 1317 on the
5 electronic bluefin tuna catch document. That
6 system is being developed. It should be
7 deployed for this year's Eastern bluefin tuna
8 Mediterranean purseine fishery. It's
9 required by all parties just about a year from
10 now. And we're going to be including the
11 provisions for that and the requirement to use
12 that system in the International Trade Data
13 System proposed rule.

14 We decided to take that route because
15 of the overlap in the affected universe of
16 importers and exporters that ITDS rulemaking
17 is implementing the Safe Ports Act and
18 requiring a lot of electronic submissions.
19 So it worked well. We'll be including it
20 there. And if we need to do a separate final
21 rule then we have that option if we need it.

22 So that's kind of the stuff at the
23 ICCAT, the international. Turning to more of
24 the domestic, our Shark 2014 specifications
25 published last November. All the sharks
26 management units except for the aggregated
27 large coastal and hammerhead groups in the
28 Atlantic opened January 1.

29 We adjusted the Gulf of Mexico
30 blacktip and non blacknose small coastal
31 groups based on under-harvest and adjusted the
32 regional blacknose over a five year time frame
33 based on an over-harvest. So we spread that
34 out.

35 And the Porbeagle Fishery is opened
36 this year after some adjustments for previous
37 over harvest. If you remember, that was
38 closed for all of 2013.

39 So looking at some of our
40 recreational landings, we have swordfish
41 landings here. Continue the trend over the
42 last several years kind of a lower level than
43 the highest that we had in 2007. But pretty
44 consistent.

45 Looking at billfish, we have the 250
46 limit for marlin. So that's blue and white
47 marlin as well as roundscale spearfish. We
48 have been well below that.

1 And then we have sailfish in the
2 table at the bottom that is not included in the
3 250 limit. But we're providing it for
4 information.

5 And on tournaments, we are in the
6 midst of a program restructuring with the
7 Southeast Fishery Science Center. The final
8 goal is online registration and reporting.
9 And we are working with the staff and the
10 Center on merging the databases that we have
11 in our St. Petersburg office with what they
12 have in Miami.

13 And then we had also implemented an
14 operator survey asking the operators how much
15 do they want to go electronic and then for some
16 feedback on how they found the whole process.
17 This was online.

18 So we had about 63 respondents which
19 was a pretty good group of mostly experienced
20 operators, folks that had been running
21 tournaments for a couple of years. About
22 slightly more than 50 percent prefer email
23 registration, but then there was also
24 continued interest in hard copy mailings.
25 But more of them prefer an email confirmation.

26 And then almost 100 percent would
27 rather go with online registration and online
28 reporting. So it affirms our goal to go as
29 electronic as we can.

30 And Katie Davis in the back is our
31 tournament registration lead. So if you have
32 any questions or comments for her, she'll be
33 here.

34 A slide on our electronic dealer
35 reporting. This has been in effect now for
36 over a year. And we are sending about B- 450
37 dealers are reporting on a weekly basis, both
38 positive, they bought fish, or negative if
39 they did not. This is an integrated system
40 working with a number of other data collection
41 systems through the Atlantic Cooperative
42 Coastal Statistics Program as well as Trip
43 Tickets, programs you may have heard of as well
44 as an online eDealer Only site.

45 We are evaluating compliance on a
46 weekly basis. And we'll be calling and
47 emailing and sending certified mails for folks
48 that are late or not reporting.

1 And we are able now to generate very
2 quickly landings updates. We're posting them
3 weekly or monthly and are able to generate them
4 really within a couple of days if we need to.
5 So this is a big step forward for us in managing
6 some of our smaller quotas.

7 On the litigation front, we are
8 litigation free. We had the final case. The
9 Humane Society of the United States had
10 alleged that we violated the Administrative
11 Procedure Act by not putting pelagic sharks on
12 your Magnuson Prohibited Species List. The
13 court granted summary judgment at the end of
14 the January. So the Magnuson portion of that
15 case is dismissed.

16 There is an Endangered Species Act
17 portion of the case that is still ongoing.
18 And that was a denial of a petition to look at
19 listing that under ESA.

20 The Shark Conservation Act if you
21 remember of 2010 in May of last year we
22 published a proposed rule to implement the Act
23 for sharks harvested seaward of state waters.
24 And NMFS is working with states to determine
25 if the state fin possession bands conflict
26 with the Magnuson Stevens Act. Letters
27 between NMFS and the States of California,
28 Washington and Maryland that document no
29 conflict are available on the NMFS website.

30 We continue to review the proposed
31 rule comments and continue to coordinate as we
32 indicated we would with other states that have
33 laws banning possession of fin bands. We
34 don't have a schedule yet for a final rule. I
35 know there's a lot of interest for folks. And
36 so I wanted to update you on where we are.

37 And that rulemaking is being
38 conducted by another group within Sustainable
39 Fisheries. The rulemaking that we're working
40 on is the smooth dogfish Pacific provisions of
41 that Act and exempt that fishery from finning
42 prohibition under certain limited conditions.
43 We're developing that proposed rule and expect
44 that in late summer/early fall.

45 This rulemaking has been determined
46 to be significant under OMB. That's part of
47 the reason it will take longer than other
48 rules.

1 The Billfish Conservation Act of
2 2012 is also being implemented with a lead of
3 another division within Sustainable
4 Fisheries. This act prohibits the sale of
5 billfish. So that's marlins, spearfish and
6 sailfish, but not swordfish. And there are
7 also exemptions for Pacific Insular Islands
8 and Hawaii.

9 We published that last year in July.
10 That comment period closed. We got about 19
11 comments mostly in support, but asking for
12 clarification of the exemptions. And that
13 proposed rule is in development. We're
14 working with them and expect that out this fall
15 as well. In the fall meeting we may have some
16 updates for you.

17 On the operational side of things, we
18 continue to work with councils and commissions
19 particularly the Atlantic States Marine
20 Fisheries Commission for the Interstate Shark
21 Plan. Our Louisiana greenstick gear study is
22 under way. And they're getting some good
23 fishing in.

24 We continue to have ICCAT
25 submissions of different types, landings for
26 bluefin, vessel lists updates every month.
27 We also have big eye and yellowfin lists on an
28 annual basis. And I mentioned the e-BCD
29 continues to be something that we put a fair
30 amount of attention to both in inner sessional
31 meetings on the development as well as then the
32 rulemaking to implement.

33 The Caribbean Council is pursuing
34 closures of three areas off Puerto Rico, Abrir
35 la Sierra, Bajo de Sico and Toumaline Bank.
36 We expect they will put out a draft of the
37 options that will include HMS fishing being
38 addressed in that action shortly. And we
39 expect that this may be joint rulemaking upon
40 request.

41 And then at the end I will show you
42 our new website which you probably have all
43 seen by now.

44 For workshops, these continue.
45 They're required on a three year cycle for
46 pelagic longline, bottom longline, gill net
47 fishermen for the protected species, handling
48 and release and identification workshops.

1 At this point, people are mostly into
2 a three year renewal cycle. We issue or
3 conduct about 24 workshops a year. I
4 recommend folks look at the schedule and when
5 your permits are coming up, then go when there
6 is one near you as well.

7 And similarly for the Atlantic shark
8 identification workshops, about 12 of these
9 are held each year. They're required for
10 shark dealers getting at identification
11 issues. And we publish out a schedule
12 quarterly.

13 We have recently requested
14 reinitiation for the pelagic longline fishery
15 biological opinion under the Endangered
16 Species Act.

17 Our seaturtle takes have been below
18 the incident all take statement, but the RPA
19 which was the reasonable and prudent
20 alternative for a jeopardy finding on
21 leatherbacks had multiple components,
22 including the ITS that take level and a
23 mortality rate that in combination would
24 generate an unexpected number of total
25 mortality.

26 The mortality rate has been
27 exceeded. And so even though takes haven't
28 been, the other aspect of the RPA was. So that
29 triggered reinitiation. There is also new
30 information or changes in information on the
31 status of leatherback and loggerheads and some
32 new information on turtle mortality. While
33 we don't expect that the mortality rate
34 measure -- While we do expect that that needs
35 to be reevaluated, the overall ability of the
36 RPA to avoid jeopardy is continued. So we
37 anticipate a new biological opinion in the
38 future.

39 During the consultation, we will
40 increase efforts through the Pelagic Longline
41 Fishery through the Protected Species
42 Handling and Release Workshops and other
43 outreach including you all. And encourage
44 Pelagic Longline Fishery to use whole finfish
45 as bait, avoid threading the bait on the hooks,
46 meaning running the hooks through the bait
47 more than once, and using larger hooks as much
48 as possible. And then also encourage

1 avoidance of fishing in waters greater than 68
2 degrees. These are things that have
3 been determined to increase interactions or
4 mortality. Folks that are going to these
5 workshops will get more emphasis on these
6 measures.

7 And then there was an interest in
8 hearing about some changes on the observer
9 programs again for the Pelagic Longline
10 Fishery with some reporting changes for that
11 program.

12 As a result of a referral by the
13 Department of Commerce, Office of Inspector
14 General, NOAA conducted an administrative
15 inquiry into the observer program policies and
16 procedures, focusing on but not limited to
17 observer safety and violation reporting.

18 The investigation was concluded a
19 little over a year ago and resulted in a number
20 of required actions for the Southeast Fishery
21 Science Center Observer Programs including
22 effective this January that fisheries
23 observers are required to document and report
24 all known or potential fisheries' violations
25 as well as marine pollution violations to
26 their program staff, so the program
27 coordinators. Those program coordinators
28 are then required to provide this information
29 to the Office of Law Enforcement or other
30 enforcement personnel.

31 Neither the observers nor the
32 program staff have discretion in this
33 reporting requirement. But all of the
34 decisions for subsequent investigation or
35 action are the responsibility of the
36 enforcement authority. And so we've been
37 working with the observer programs on very
38 detailed understanding of the regulations and
39 requirements so that they are able to meet this
40 requirement.

41 I don't have a lot more information
42 on this. But I'm happy to try and if you have
43 questions contact those folks and get some
44 answers. I wanted to make you aware of that.
45 This is something we had put out over the list
46 serve when it came about.

47 Looking ahead, we have the Spring
48 ICCAT Advisory Meeting. We were supposed to

1 already have had it, but thanks to our lovely
2 winter that will be at the end of this month.
3 And then the fall meeting has been set for
4 October in preparation for the annual meeting
5 in November.

6 We know that it's a bluefin tuna year
7 because that was the one year measure. So it
8 will have to be renegotiated. Other things
9 are undetermined at this point, maybe some
10 shark measures, trade measures, continuation
11 of the EBCD process.

12 Some upcoming proposed rules, things
13 that you should be on the look out for, are 2014
14 swordfish specifications. The bluefin
15 specifications we got out. Shark
16 Conservation Act and smooth-hounds. The
17 shark amendments. Proposed rules after
18 pre-draft that we'll talk about tomorrow.
19 The International Measures on Uni-Vessel
20 Identifiers and a national VMS rule that we'll
21 hear about from the Office of Law Enforcement
22 this afternoon.

23 Then we're hoping by the next time we
24 meet we'll have our 2015 shark specs. In the
25 summer, we are anticipating a final rule for
26 Amendment 7.

27 One thing I try and do, too, is check
28 back in on suggestions that you all have given
29 us in the past. I think we've done a good job
30 addressing them in some form or fashion
31 including involving dealer reporting, real
32 time reporting. That's our e-Dealer system.
33 Considering catch shares is something we have
34 considered and we'll be talking about in our
35 predraft for Amendment 6, although at this
36 point we're thinking of not pursuing them
37 immediately.

38 Adjusting regulations to address
39 bluefin by catch, Amendment 7. Working with
40 states on recreational tagging programs.
41 We'll be hearing from Dr. Ron Salz tomorrow on
42 updates of some of these as well as the large
43 pelagic survey redesign that's underway.

44 Conducting research in the
45 MidAtlantic bottom longline closed area as
46 well as investigating electronic monitoring
47 through Breck programs.

48 On the permit side, looking at a

1 limited access privilege program in Amendment
2 7. And then our Amendment 8 created the
3 general swordfish commercial permit which was
4 a suggestion. Not quite everything, but I
5 think a lot.

6 And then this is a slide I've had up
7 for several meetings now in terms of our goal
8 of communication is that no one is surprised.
9 You're not surprised by what we're doing.
10 We're not surprised by what you think about
11 what we're doing.

12 We want everybody to know what the
13 issues are, what the opinions are, what the
14 impacts will be for you and for us. We ask
15 that you listen and engage in the discussion
16 as discussion format. Share that back with
17 your constituents.

18 I mean you're here representing
19 voices that then can share back what we talked
20 about here. And then bring us your ideas and
21 your constituent's ideas on what we should be
22 doing or maybe not doing.

23 What we are doing is ensuring
24 compliance with all domestic and
25 international requirements. We're here to
26 raise issues and inform you of what we're
27 seeing as well as the public and also to listen
28 and engage in the discussions. We want to
29 have a dialogue with you all so that are
30 decisions are made considering your feedback
31 and input.

32 We're covering a lot of ground. We
33 have a full agenda. We're going to try and get
34 through everything. I want you to be aware of
35 the balance we continue to take on. For good
36 reasons a lot of operational things that does
37 affect our ability to get rulemaking done.

38 But we're balancing it as best as we
39 can. And we're looking forward to the
40 discussion that we have here.

41 Finally, just a screen shot. You
42 will recognize some of yourselves or the backs
43 of your heads. This is our new website. It's
44 rolled out I think last week. We're very
45 excited about it.

46 If you remember, the site used to
47 have links on the lefthand and righthand
48 sides. Now those have moved across the top.

1 So all of these up here, if you hold your mouse
2 over them, they have dropdowns. Everything
3 that was on the sides is at the top.

4 This is a rotating banner. I think
5 we've got stock status and a number of things.
6 We'll be trying to keep those fresh. But we
7 like the pictures of you all. So we'll
8 probably keep that one up for awhile.

9 And then the breaking news here for
10 the latest actions. We're very excited about
11 it. But let us know what you think. And
12 we'll do what we can. We don't have complete
13 control, but we can do some things.

14 With that, I'll take any questions
15 that you have. And I would actually note that
16 we have had Greg Skomal join us if you want to
17 join us at the table. And Sonja Fordham also
18 joined us here.

19 FACILITATOR RAAB: So let's start
20 with Robert and then Richard.

21 MEMBER HUETER: Thanks, Margo. An
22 impressive amount of work as always.

23 I wanted to ask what is the status of
24 the process to list nations with unsustainable
25 fishing practices pursuant to the Shark
26 Conservation Act and the Moratorium
27 Protection Act. Where do we stand with that
28 listing process and can we expect to see that
29 list produced soon?

30 MS. SCHULZE-HAUGEN: That's a good
31 question. I will gladly hand the mike over to
32 Laura Cimo who is spearheading that process.
33 Laura, could you come up and take a mike or join
34 me up here?

35 This is Laura Cimo, NOAA's Office of
36 International Affairs.

37 MS. CIMO: Hi everybody. Thank you
38 for the question. To initiate that process
39 that you referred to which I should clarify for
40 folks who aren't familiar, the identification
41 process occurs on a bi-annual cycle. We just
42 had the last bi-annual report which was
43 published in January 2013. So recently NOAA
44 Fisheries, Office of International Affairs,
45 put out a notice seeking public comment on
46 information that could be used as a basis for
47 NOAA Fisheries identification of nations that
48 are engaged in its either illegal, unreported

1 or unregulated IU fishing as defined under the
2 Moratorium Protection Act in our regulations
3 by catch of protected species. And then as
4 well as you mentioned, the shark catch on the
5 high seas without a comparable regulatory
6 program to what the United States has in place.

7 So that process is undergoing right
8 now for people to submit their comments and
9 information. And then it will be used in
10 terms of we will be analyzing information that
11 we get and then making identification
12 decisions that will actually be published in
13 a bi-annual report that will be published. So
14 that will be in January 2015.

15 Obviously, it's early in the
16 process. But please if you do have comments
17 and information that information is certainly
18 welcome. And we maybe share with you, Margo,
19 the Federal Register Notice so you can send it
20 to the appropriate folks. Thank you.

21 FACILITATOR RAAB: Richard, you
22 were next. I just remind people say your full
23 name, so the court reporter gets it clearly in
24 the record.

25 Richard.

26 MEMBER RUAIS: Thank you very much,
27 Jonathan. Under HMS the Research Plan,
28 first, I just want to thank Guillermo for
29 helping Dave Schalit in providing translation
30 for one of the Mexican scientific papers which
31 for some reason inadvertently didn't get
32 translated. So those of us who were anxious
33 to take a look at that plan had to ask for some
34 help to get it in English.

35 Once we did, we were really I guess
36 surprised a bit by the implications or the
37 potential implications that are there. This
38 is the paper by the way SCRS-2012-163 prepared
39 by two of the Mexican scientists,
40 Ramirez-Lopez and Abad Uribarren. And it
41 basically shows the bluefin tuna by-catch in
42 their pelagic longline yellowfin tuna fishery
43 in primarily or exclusively in their Gulf of
44 Campeche which is a gulf within the Gulf of
45 Mexico.

46 It shows quite a bit of bluefin tuna
47 incidental catch during that period of time.
48 When you look at the size distribution of the

1 catch, you'll also notice that the size range
2 is nothing like the size range that we see in
3 our Gulf of Mexico proper if you will or where
4 a lot of the tows are being done or where the
5 catches are being made which are mostly age
6 seven, eight, nine and up. In fact, that's
7 been one of the main criteria why we've
8 supported a later age and sexual maturity in
9 the Western Atlantic is because we don't see
10 larger fish in the Gulf of Mexico.

11 Well, here we do in the Gulf of
12 Mexico. And it's only about 100 miles south
13 of the traditional one if you will.

14 The first question would be in the
15 HMS Research Plan has this fairly significant
16 development from our perspective that we might
17 have pretty good evidence of a second spawning
18 ground within the spawning ground,
19 particularly of a smaller size bluefin tuna
20 certainly closer to the age and sexual
21 maturity of the fish found in the eastern
22 Atlantic and Mediterranean.

23 Are there plans because of the
24 potential significance of this to do any kind
25 of research in the real near term in terms of
26 both looking for the lory and also a better
27 sample of the size range of the fish down there
28 to see if indeed we really have these small
29 bluefin? And what are they doing there?
30 That would be just one question.

31 FACILITATOR RAAB: All right.
32 Let's have your question answered.

33 MS. SCHULZE-HAUGEN: We have a plan
34 to talk about the HMS Research Plan tomorrow.
35 And that at this point would be a higher level.
36 But at this point we don't have a draft and we
37 were going to talk about the progress and the
38 plans. But it certainly would be updated with
39 mention of any particularly compelling
40 research.

41 Maybe we could talk offline about the
42 specifics of the Mexico paper.

43 MEMBER RUAIS: Okay. So I take it
44 you want to push this off I'm happy to accede
45 to that.

46 FACILITATOR RAAB: Richard, do you
47 have other questions?

48 MEMBER RUAIS: Yes.

1 FACILITATOR RAAB: Let me get some
2 others and then come back to you. Just let's
3 grab one question at a time and then I'll put
4 you back on the list.

5 And the back right corner. I can't
6 see whose card that is. And again, just say
7 your name again for the court reporter.

8 MEMBER WHITAKER: All right. Rom
9 Whitaker. I was just speaking towards the
10 agenda. Some of us that drove of course 3:00
11 p.m. D.C. traffic. Just maybe tomorrow maybe
12 think about an hour for lunch rather than an
13 hour and 15 minutes. That would maybe give us
14 a little bit of a head start. Just a
15 suggestion.

16 FACILITATOR RAAB: Great. Thanks.
17 We'll come back with times probably at the end
18 of the day or first thing tomorrow.

19 Next is Shana.

20 MEMBER MILLER: Shana Miller.
21 Margo, thank you for that very newsy
22 presentation. I just had a couple of
23 questions about some of the proposed rules
24 that you said were forthcoming.

25 For the IMO numbers you mentioned
26 ICCAT's 2016 deadline and the EBCD obviously
27 has the 2015 deadline. But I think there
28 could be a lot of benefits of the U.S.
29 implementing those measures in advance of the
30 dropdead deadline. So is there any plan for
31 the U.S.? What's the timeline for those final
32 rules? Thanks.

33 MS. SCHULZE-HAUGEN: I think what
34 we're working towards for the UVI and port
35 state measures is a final rule by this November
36 in advance of the annual meeting, even though
37 the requirement may not be in effect. I mean
38 that would be something we would have to
39 consider if we would implement that early even
40 though we would have the rulemaking completed.

41 In terms of the EBCD, that proposed
42 rule for the combined International Trade Data
43 System EBCD provisions the proposed rule
44 expected at the end of May. Because it is kind
45 of a combination rule, we explored and can have
46 the option. If we need to go final earlier,
47 we can. And then they might have a second
48 final rule to implement the rest of it.

1 So we're actively engaging in the
2 development of that system particularly for
3 the west. Although there may be with eastern
4 fish imported and re-exported some need for
5 U.S. importers and exporters to use the system
6 before our rulemaking is done. But that's
7 something that we're working on communicating
8 with that group of folks so that they're aware
9 of what they may need to do and when they may
10 need to do it.

11 FACILITATOR RAAB: Sonja.

12 MEMBER FORDHAM: Thank you. Sonja
13 Fordham, Shark Advocates International. My
14 apologies for being late. It's a challenging
15 morning for me and the Metropolitan Transit
16 Authority.

17 I thought to build on Bob's question
18 maybe first if Laura could just remind us of
19 the comment period deadline on that. But also
20 my main question may be directed towards
21 Carol. I'm not sure. But I just wanted to
22 bring it up.

23 I haven't done all my research, but
24 in scrounging for some information about the
25 beloved smooth-hounds I'm starting to realize
26 something that I can't believe I overlooked
27 which is how the Shark Conservation Act, the
28 fins attached requirements being implemented
29 or coordinated with state level in terms of
30 spiny dogfish. And so it seems that there's
31 been a lot of focus on ASMFC shark plan and that
32 seems to be in line except for the poor
33 smooth-hounds as we all know.

34 But I uncovered at least a few states
35 that still have a five percent ratio on the
36 books for spiny dogfish. And I've been
37 talking to Miranda about it. I think it might
38 get on the agenda and I need to send a letter
39 about it detailing my concerns.

40 But I was just wondering if it's on
41 NMS's radar given the coordination that you do
42 with ASMFC. And before I get pummeled I'm not
43 suggesting that there's a rampant fitting
44 problem for shiny dogfish. But I do think
45 it's important for regulations to be
46 consistent. Thank you.

47 MS. SCHULZE-HAUGEN: Actually, no,
48 that wasn't on my radar. We're not leads for

1 spiny dogfish. So I have the luxury of not
2 paying as much as attention to that. I know
3 that spiny dogfish are on the May agenda,
4 right, although coastal sharks are not. So I
5 think that might be a venue.

6 PARTICIPANT: Yes, we're going to be
7 talking about possession limits, but Sonja was
8 telling me she'd like to add that to the agenda
9 also.

10 MS. SCHULZE-HAUGEN: Thank you.
11 You'll get some time.

12 MEMBER PINERO-SOLER: Thank you.
13 Margo, it's a clarification. Those closed
14 areas in the west Gulf of Puerto Rico they're
15 already closed. What we are doing is we want
16 to open the water column for HMS and Atlantic
17 Fishery. But that's intentionally -- We're
18 going to leave it shut down.

19 But it's already closed. The
20 council wants to open it for benefit of
21 commercial and recreational hours.

22 MS. SCHULZE-HAUGEN: Okay. Thank
23 you for that.

24 FACILITATOR RAAB: Richard, we're
25 back to you for your next question.

26 MEMBER RUAIS: I just have two quick
27 questions. And I'd actually like to just ask
28 this if it's okay of some expertise around the
29 table, Tim Palmer and Scott Taylor. The NMFS
30 landings on the recreational side show
31 obviously a dramatic drop from 2007 to 2013,
32 less than half of the recreational catch of
33 that time.

34 Do you think that's really a true
35 reflection of the drop in the recreational
36 catch? Or is the reporting slowly back down?

37 MEMBER TAYLOR: I'd say that it's as
38 likely that that's an accurate number as there
39 was one white marlin captured and landed. So
40 there's a substantial problem that's existed
41 from the recreational sector of reporting
42 information. And that's just symptomatic of
43 the problem.

44 As the requirements for the
45 commercial side have increased, we certainly
46 are not seeing it from the recreational sector
47 whatsoever. And that's not even a number that
48 would make any kind of sense whatsoever. It's

1 just clearly that the effort is not being made
2 for the catches to be actually reported.

3 MEMBER RUAIS: Just a very accurate
4 ground truth for us. The last question was to
5 Margo. And I still don't understand I guess
6 or maybe you can help us as well. Do we have
7 a location for the 2014 ICCAT meeting, the
8 plenary meeting?

9 MS. SCHULZE-HAUGEN: Not that I'm
10 aware other than maybe somewhere in the EU.

11 MEMBER RUAIS: I can't recall a year
12 where this has happened where with this far
13 unless others can -- Mike might -- I can't
14 remember where we don't -- Usually we leave the
15 last ICCAT meeting with a place. Do they not
16 want to have one this year? It's okay with me.

17 MS. SCHULZE-HAUGEN: I'll be
18 honest. I don't know.

19 MEMBER RUAIS: Just like I'm
20 supportive of snow days in Washington.
21 They're the only days I feel like I can't get
22 hurt.

23 MEMBER PINERO-SOLER: We were going
24 to do in St. Petersburg. But now with the
25 recent events of there, the Commission -- now
26 we're not going to do it Russia this year.

27 (Off the record comment.)

28 That's right.

29 MEMBER GRAVES: The plan was to try
30 to find something in Italy. They haven't done
31 that. Time is getting late. Now they're
32 sort of up the creek because they can't find
33 a venue that can hold. So they still don't
34 have a place.

35 And as Eugenio mentioned, the
36 likelihood of having it in St. Petersburg in
37 2015 is going downhill quickly which doesn't
38 break my heart.

39 FACILITATOR RAAB: Are there any
40 other questions on Margo's presentation or
41 related matters?

42 MEMBER HUETER: Yes.

43 FACILITATOR RAAB: Sorry. I didn't
44 see that, Robert.

45 MEMBER HUETER: Bob, Mote Marine
46 Lab. Am I correct that we're not going to talk
47 about the Shore Conservation Act the rest of
48 this meeting? This is the only chance to get

1 some input. Okay. Because I don't want to
2 belabor this.

3 But first Sonja's question was not
4 answered about when the end of comment period
5 is for the listing. But I wanted to give some
6 context as to why I asked that question.

7 I can tell you that on a state level
8 the shark fin bans that have moved forward
9 would -- the process would be affected if the
10 listing process was completed.

11 In Florida which is my experience we
12 had a California style shark fin ban
13 introduced into the Florida legislature at the
14 end of last year, December. And it would have
15 banned the possession of all fins and
16 eliminated the Florida commercial fishery for
17 sharks.

18 A number of us felt that that was not
19 the way to go for various reasons and we
20 interceded. For a while, changing that bill,
21 amending that bill, to something that would be
22 fair to the fisherman and be effective, we
23 studied whether we could as a state ban imports
24 of shark fins from these offending nations as
25 it were.

26 If we'd had the list as we went
27 through that we might have made more progress.
28 As it turned out, it's a very difficult thing
29 as many of you know about trade restrictions.
30 But this is an important step. This is an
31 important process to list these nations so we
32 can move forward and understand where the
33 shark fin imports are coming from and who's
34 practicing sustainable approaches to shark
35 fishing and who is not.

36 I really -- I know you're going as
37 fast as you can at this point. But I really
38 urge you to please get this done. This is not
39 just busy work. This is going to be an
40 important list. And I really can't wait to
41 see it.

42 To go back to Sonja's question, when
43 does the comment period end?

44 MS. SCHULZE-HAUGEN: Laura. So
45 there's a list now, right? There was one
46 report already.

47 MS. CIMO: Yes. Unfortunately -- I
48 guess I should back up. The current report

1 that has been published obviously doesn't
2 identify any countries for having engaged in
3 shark catch on the high seas. But I think in
4 large part that's because of the limitation in
5 the statute where we had to have information
6 that's based on the proceeding calendar year
7 to the report which I think has been a
8 challenge under the current statute.

9 So then to answer your question,
10 Sonja, about the timing, the public comment
11 notice is basically requesting input by the
12 end of May. But I would encourage anyone and
13 everyone to continue to provide information
14 even beyond that deadline.

15 We created the deadline I think in
16 part just to allow us to just let people know
17 in advance. But if you have information I
18 certainly would encourage you to provide it
19 even if it's after the deadline. That's not
20 a hard and fast deadline simply because what
21 we do is analyze information and then prepare
22 preliminary recommendations for NOAA
23 leadership in the fall.

24 Then again the report will be
25 finalized and published in January. Just
26 because we have a deadline of May, at the end
27 of May, that would not mean that we would be
28 ignoring any information provided after that
29 date. Thank you.

30 FACILITATOR RAAB: Jeff.

31 MEMBER ODEN: If this is the only
32 moment we're going to get to discuss shark fin
33 conservation, I've got a lot to say. I mean
34 from the perspective of the North Carolina
35 fishermen who deals with Atlantic sharp nose
36 as well as the smooth dog, smooth house fishery
37 which has the lone exception, I mean the
38 fishermen in our state, be it pelagic, makos,
39 threshers, it's just so onerous what's going
40 on. The point is in our case we would love to
41 see the Shark Fin Conservation Act logically
42 amended to include anybody who wants to bring
43 a shark to shore and sell the fins would have
44 to have them attached.

45 But in our case, I mean we're in
46 situations where we're trying to clean a
47 product and bring it to shore in a wholesome
48 fashion. And we're being held. We end up

1 having to come to the dock with the sharp nose,
2 clean them at the dock. The fishhouse has to
3 wait three or four hours for us to do this.
4 It's just so onerous.

5 On top of that, a friend of mine just
6 recently got a ticket for a mako which he had
7 an old schoolmate come on the boat who
8 originally had -- Back in the day, we cut the
9 fins off, put them in a tote. He accidentally
10 cut them off. Facebook photograph got taken,
11 put online. He ends up getting a NOVA for
12 \$5,000.

13 I mean the intent was not there.
14 Everything was documented. We're not
15 criminals. And this is just so absurd
16 anymore. It's just beyond ridiculous what is
17 being forced on industry. Totally illogical.
18 As with the California case, having to come to
19 the dock, fins attached, then cut them off and
20 throw them away. Absurd.

21 FACILITATOR RAAB: Jason.

22 MEMBER SCHRATWIESER: We are packed
23 in here pretty tight. Can you turn down the
24 AC a little bit? It's kind of hot. That is
25 all.

26 MS. SCHULZE-HAUGEN: We will work on
27 that.

28 FACILITATOR RAAB: Any other
29 questions before we move on? Is there a
30 question from online?

31 MS. SCHULZE-HAUGEN: Okay. So a
32 note from the web. Apparently it is difficult
33 to hear. If you could really get close to the
34 mike. I think the rock star. I'm probably
35 guilty of this, too. Saying mostly during
36 conversations, some folks are even leaving
37 because it's so hard to hear.

38 So the more that we can do to get
39 close, be loud, I think the folks on the phone
40 would appreciate it. It would help.

41 FACILITATOR RAAB: Okay. So on to
42 -- One more thing. Scott. Scott and then
43 Pat.

44 MEMBER TAYLOR: I just want to go --

45 MEMBER AUGUSTINE: Thank you. Pat
46 Augustine. Him or me?

47 MEMBER TAYLOR: I just want to go
48 back to Rich's question. It's kind of a

1 clarifying thing for me after looking again at
2 the graph of the recreational reporting of
3 landings. Does that include tournament
4 landings as well? Or is that just non
5 tournament recreational reported landing?

6 MS. SCHULZE-HAUGEN: So there's a
7 question on which. Are you talking swordfish
8 because we have two?

9 MEMBER TAYLOR: No. On the
10 billfish species. There you go.

11 MS. SCHULZE-HAUGEN: The final
12 totals for the year would be in all sources.
13 So that would reported to us outside of
14 tournaments, online, through catch card
15 programs, in Maryland and North Carolina
16 through the Recreational Billfish survey.
17 You know all of the sources would be in those
18 annual numbers.

19 The 2014 to-date is probably what we
20 just have access to. But I can confirm.

21 MEMBER TAYLOR: So just as
22 clarification, that should speak for itself as
23 far as additional reporting requirements or
24 some sort of methodology for the way that we
25 look at those fisheries. And the single white
26 marlin that I was kind of alluding to there in
27 2014 still is pretty poignant because of the
28 amount of white marlin that we interact with
29 during sailfish season down in South Florida.
30 I mean I know people that routinely when they
31 get them will harvest them for the fourth food
32 source.

33 And so Rich's end and just to kind of
34 elaborate and then I'll let it go, there has
35 been some impactful stuff that's happened in
36 regards to the swordfish as this question was
37 for the recreational landings. Part of it has
38 been some issues as far as fuel costs over the
39 past five or six years. But clearly we're
40 looking at substantially under reported
41 numbers that are there that could be useful to
42 our quota as far as the swordfish numbers are
43 concerned. And also I think it's a valid
44 point in terms of sort of a level playing field
45 from the standpoint of information gathering.

46 I would really support that the
47 billfish advocate people and the recreational
48 sector to really encourage their constituency

1 to make a much more aggressive effort to report
2 when they do land.

3 FACILITATOR RAAB: Now you, Pat.

4 MEMBER AUGUSTINE: Thank you very
5 much. Pat Augustine. In reference to shark
6 finning, it just seems to me that we just
7 ignore it. It is a concern. It's a
8 complaint. Our fishermen have had the same
9 problem.

10 You've got the sharks at the dock.
11 We have a finning ban in New York that's been
12 implemented. It just seems to me that maybe
13 ASMFC should entertain from, in this case, the
14 State of North Carolina or any other states
15 that have a major concern with this banning,
16 fin banning, that it be delivered to ASMFC,
17 Margo.

18 And you could give me some advice or
19 them some advice on it that we would go ahead
20 and put forth any recommendations or
21 suggestions that could come out of ASMFC or
22 shark board and move it forward. And if there
23 is any interest, would that be appropriate to
24 consider changes in the future?

25 MS. SCHULZE-HAUGEN: So let me
26 clarify that the ASMFC would put forward
27 recommendations to change the Shark
28 Conservation Act. Is that what you're --

29 MEMBER AUGUSTINE: Either change it
30 or address it or address the states' concerns
31 who are having this major issue. It would
32 seem to me the appropriate channels would be
33 that way because it's a state issue other than
34 just being put on the table here and it falls
35 into a big crack. I'm not sure that any of us
36 again as advisors can move the process forward
37 enough where you all listen and say, AGee,
38 that's a problem.@

39 It just seems to me to address the
40 issue once and for all, go through ASMFC or the
41 New England Fishery Management Council or one
42 of the councils and move it forward. I would
43 advise North Carolina to move it to their board
44 member at ASMFC and then let's address. And
45 then through Myron she would make a report back
46 to the high and mighty species group. Or when
47 you come to address us again you would present
48 it.

1 But to have it just fall in the hole
2 and not take any action, I just don't think it
3 makes sense. It is a problem. Thank you.

4 MS. SCHULZE-HAUGEN: Yes. So I
5 think it's a worthwhile suggestion. I think
6 the Commission can put forward
7 recommendations.

8 One thing to note is this is a
9 statute. This is not something that we can
10 change. This is Congressional action. And
11 so there are some limits on the Agency's
12 ability to ask for changes that maybe don't
13 apply to other entities.

14 But I think the Commission certainly
15 with the Interstate plan is an active partner
16 in shark management. I think that would be
17 something to consider.

18 And if there's a lot of interest to
19 discuss this further, we might want to take it
20 offline maybe before lunch. We've got Emily
21 Menashes with us who has been involved in some
22 of this so far. She might be able to stay for
23 that.

24 I guess maybe the final thing I'd
25 like to say right now is that your comments
26 here are certainly ones that then are before
27 the Agency as well. And so it's not a void
28 that we're not listening.

29 FACILITATOR RAAB: Let's take David
30 and then we need to move onto our next agenda
31 item.

32 MEMBER SCHALIT: Dave Schalit. My
33 question has to do with slide number 13 on the
34 recreational swordfish landings. I know
35 there was some limited discussion here a few
36 minutes ago, but I'm not clear on it.

37 Is the Agency able to explain why
38 we've had this dramatic drop in landings in --
39 Let's say. Is this characteristic -- 2014 40
40 metric tons?

41 MS. SCHULZE-HAUGEN: It's number of
42 fish.

43 MEMBER SCHALIT: Number of fish,
44 okay. And that is characteristic of it. In
45 other words, as of whenever, let's say the
46 first quarter or something like that.

47 MS. SCHULZE-HAUGEN: I have to look
48 back and see at a quarterly rate how

1 characteristic it is. So I mean I think we've
2 tried and certainly this panel has talked a lot
3 about enforcement of reporting requirements.

4 We've had enforcement folks here. I
5 know that there have been some actions taken
6 on their part. But the numbers are what the
7 numbers are. I would actually maybe suggest
8 when they are with us after lunch I think,
9 enforcement, posing the question to them on
10 what maybe they have done recently on it.

11 FACILITATOR RAAB: Okay. Andrew,
12 you're back up.

13 MEMBER COX: Andrew Cox, the
14 Billfish Foundation. I would like to echo
15 what Scott said. I think that there is a large
16 issue in the recreational front from the
17 swordfish reporting.

18 I remember talking to Randy last year
19 and asking about individual unique vessels.
20 And I believe the number was right around 85
21 unique vessels in the United States who had
22 reported swordfish landings. And that is
23 extremely low. I think as you alluded to it's
24 going to come down to an enforcement issue and
25 making an example out of somebody and trying
26 to increase that reporting of swordfish
27 particularly in South Florida.

28 Going back to the preliminary look at
29 the billfish landings, I think that we should
30 look at that asterisk as preliminary numbers
31 for one 2014. I don't know of many anglers in
32 South Florida that will kill a white marlin
33 particularly in the sailfish fishery. And it
34 has been a very slow fishery so far this year.
35 Hopefully, that changes this week. I just
36 want to tap in on that.

37 FACILITATOR RAAB: Okay. So we're
38 on to our next agenda item. Can we have the
39 presenters come up on the Convention on
40 International Trade in Endangered Species and
41 the Protected Resources Endangered Species
42 Act Update?

43 MS. SCHULZE-HAUGEN: I believe
44 Maggie has literally just walked in the door.
45 So I think all of us that live here have been
46 challenged today. I spent a fair amount of
47 time on the Beltway this morning. I
48 understand there were major snarls pretty much

1 everywhere.

2 Sorry. You walk in and have to give
3 it.

4 We also have Fish and Wildlife
5 Service folks here. If everybody wants to
6 come. Here they are also walking in the door.

7 (Off the record comments.)

8 I'll ask Maggie to go first. Maggie
9 Miller is with the Office of Protected
10 Resources. She will be updating us on the ESA
11 listing updates.

12 CONVENTION ON INTERNATIONAL TRADE IN
13 ENDANGERED SPECIES AND PROTECTED
14 RESOURCES ENDANGERED SPECIES ACT UPDATE

15 MS. M. MILLER: I'll just be giving
16 you a quick update about the shark listing
17 actions we have and then I added a couple of
18 slides about the benefits of listing that I'll
19 go through.

20 So a quick review of the ESA listing
21 process for any newcomers. So the process
22 whereby a species gets added to the endangered
23 species list starts when we're either
24 petitioned to list a species or we
25 self-initiate it.

26 In the case of a petition, we review
27 it. And to the maximum extent practicable
28 within 90 days we make either a positive or a
29 negative finding on whether the petition
30 presents substantial information that a
31 listing may be warranted.

32 In the case of a positive 90 day
33 finding, we will then conduct a status review
34 of the species. And then within 12 months of
35 the petition date, we'll publish a
36 determination that the listing is either not
37 warranted or a proposed rule that will state
38 whether we are proposing the listed species as
39 endangered or threatened.

40 And then usually a year after the
41 proposed rule, we will publish a final
42 determination. And then we have up to one
43 year after that to designate critical habitat.

44 In terms of the sharks, I really
45 don't have much to update since the last time
46 I spoke to this group. The proposed rule was
47 published in April of last year and the public
48 comment period ended in June. The final

1 determination, the statutory deadline is
2 April of this -- Well, this month. And we are
3 hoping to have it out fairly soon.

4 For the great hammerhead shark, we
5 publish a positive 90-day finding on the
6 global population in April of last year. And
7 we're currently in the process of completing
8 the status review and the 12-month finding.
9 And the same goes for the dusky shark.

10 We published a positive 90-day
11 finding on the Northwest Atlantic/Gulf of
12 Mexico population. And we're still working
13 on the status review and 12-month finding for
14 that one.

15 Last time I presented there were a
16 few questions of what happens after species is
17 listed. Some of it depends on whether the
18 species is listed as threatened or endangered.
19 In the case of an endangered species, it become
20 illegal for any person under the jurisdiction
21 of the United States to import into or export
22 it out of the U.S., take the species within
23 U.S. waters or on the high seas, possess, sell,
24 deliver, carry, transport or ship the species
25 in interstate or foreign commerce and sell or
26 offer the species for sale.

27 In the case of a threatened species,
28 the Secretary shall issue regulations deemed
29 necessary and advisable to provide for the
30 conservation of the species. Fish and
31 wildlife automatically applies all regulatory
32 prohibitions applicable to endangered species
33 to threatened species. However, NMFS must
34 adopt a special with each listing to offer
35 these same protections to threatened species.
36 They are not automatic. For example, take
37 prohibitions of threatened species. They
38 must be added at the time of listing or later
39 by a 4D rule.

40 Some of the listing also triggers the
41 Section 7 consultation requirement where
42 Federal agencies must consult to ensure action
43 authorized, funded, or carried out is not
44 likely to jeopardize the continued existence
45 of any endangered or threatened species or
46 result in the destruction or adverse mod of
47 critical habitat.

48 For example, if a species is listed

1 that is incidentally caught in an HMS fishery,
2 then HMS would have to consult with Protected
3 Resources regarding the actions of that
4 fishery. The outcome of consultation will
5 come in the form of a biological opinion, a
6 bi-op or a concurrence letter that contains an
7 assessment of the impacts of the action on the
8 threatened and endangered species. A bi-op
9 would also include an incidental take
10 statement with terms and conditions that HMS
11 would have to follow in order to be compliant.

12 Last time we talked someone asked the
13 question about how does this factor into, the
14 listed species, the amendment process. You
15 can see under the action that's one of the
16 actions and its approval. And the
17 implementation of an FMP would be an action
18 that HMS would consult with Protected
19 Resources on.

20 Permits are also required for
21 individuals planning to conduct any activity
22 that results in the take of an endangered
23 species or threatened species if take is
24 prohibited. The two types of permits issued
25 for take under the ESA are scientific research
26 permits and incidental take permits.

27 Another question that was asked last
28 time was what if the species is listed that
29 you're currently doing research on. Would
30 that research have to be stopped right away?

31 What usually happens is during the
32 proposed rule stage once a proposed rule is
33 published, we would reach out to researchers
34 and ask them to consider starting the research
35 application process. On the permits website,
36 they recommend applying a year in advance. If
37 a species does get listed there wouldn't be
38 this break in research. You would have your
39 research permit lined up already.

40 Finally, just the ultimate goal is to
41 recover species so that they're no longer at
42 risk of extinction. And to do this, they
43 develop and implements recovery plans,
44 conducts interagency consultations and
45 coordinates and provides grants to states.

46 And recovery is really a long-term
47 challenge. And stakeholder involvement is
48 essential in implementing recovery actions.

1 Then at the end of this I provided
2 links to again the recovery if you want to
3 learn more about recovery plans or the
4 consultation process or how to apply for
5 permits. I have the permits website as well.
6 And that's it. Fast.

7 FACILITATOR RAAB: Do we have some
8 questions? Sonja.

9 MEMBER FORDHAM: Sonja Fordham,
10 Shark Advocates. I made some notes. But I
11 just had laser surgery on my eyeballs. So I
12 can't really read them or anything else. So
13 bear with me. That's why I'm staring a bit
14 more than usual.

15 I just wanted to say thank you. I
16 really sincerely appreciate this
17 presentation. I asked a lot of these
18 questions and I think that this does help a lot
19 in terms of all of the different interest
20 groups evaluating their positions on what
21 seems to be quite a rash of USA proposals for
22 at least in the case of sharks.

23 I wanted to just because of some
24 recent incidents see if you could just maybe
25 talk a little bit more about the definition of
26 take. We are seeing a lot of what I would call
27 inappropriate encounters with small tooth
28 sawfish in Florida just recently. And I think
29 if you just read the definition of take you
30 think you're going to keep them. And it's
31 actually quite more extensive in terms of
32 causing harm.

33 And I wanted to just add because you
34 have this slide about the recovery plan
35 development process. I don't know if there's
36 an average amount of time. But like I said
37 before for small tooth sawfish it did take
38 about six years from the time we started.

39 And I think that's important because
40 that seems to be quite a bit longer than your
41 average fishery management plan amendment.
42 So I think it's important when people are
43 taking positions on these proposals to think
44 about whether their particular concern or
45 issue might be addressed faster through the
46 fishery management process than the ESA
47 process. I just wanted to point that out.

48 And also thank you for the

1 information about the shutting down research
2 potential and the scientific permits. And if
3 there's anything else you can say about the
4 average length of that process or how onerous
5 it is for applying I would appreciate that.
6 But it's not necessary at the moment. And
7 then how often those permits have to be
8 renewed? That's another question.

9 And then I just have something I'd
10 like to mention just because next week is the
11 meeting of the Recovery Team for Small Tooth
12 Sawfish listed as endangered under the ESA
13 Monday and Tuesday. And we have funding for
14 those activities through the Agency and
15 through appropriations from Congress on the
16 agenda. And we've been doing some work on
17 that to try to increase funding for the
18 recovery plan implementation.

19 As I mentioned, there's been this
20 rash that we can at least see it through social
21 media. A lot of interactions with small tooth
22 sawfish, particularly recreational anglers
23 that are doing inappropriate things, taking
24 them out of the water, perhaps targeting them
25 because they're coming across hot spots.

26 I think several of us on that team
27 feel that it's a critical time for NMFS to
28 re-invigorate the outreach in terms of these
29 species that are listed. And this is most of
30 these activities are illegal.

31 At the same time, the budget like
32 other ESA budgets has been cut severely. So
33 we understand it's a broad problem for ESA
34 listed species. But for sawfish in
35 particular the funding seems to be down to bare
36 bones. And most of the outreach stuff has
37 been cut almost completely.

38 I understand that NMFS Headquarters
39 has a discretionary fund in the ESA. I just
40 want to take this opportunity to make a plea
41 to consider designating as much of those funds
42 as possible to sawfish at this important time.

43 And then last I just wanted to
44 mention the bright side of all this is the
45 research that has been funded through this
46 process that's being undertaken by NMFS as
47 well as some universities in Florida is really
48 yielding just amazing and really useful

1 information about sawfish. And I think that
2 that information -- I know that information --
3 is exportable to other countries where the
4 species are even more imperiled. And that's
5 particularly timely now as we're about to
6 release an IUC and global strategy for sawfish
7 as the most critically endangered of the fish.
8 I just wanted to thank you for that.

9 If you have anything to say on take
10 and permits I'll take that now or later.
11 Thank you.

12 MS. M. MILLER: I mean for permits
13 I'm not -- That's a whole other division. So
14 I don't actually know the ins and outs of
15 everything for the permits.

16 But I think we have a contact person.
17 If you go to the webpage you can call them and
18 ask about the time lines of different permits.

19 FACILITATOR RAAB: William.

20 MEMBER GERENCER: Bill Gerencer.
21 Nice job on the presentation, Maggie. It's
22 more semantics than anything, but when
23 something gets listed then the prohibition --
24 I don't view prohibitions as benefits. To me
25 when something is listed, that represents a
26 failure on our part. And it sets in a place
27 a lot of things that aren't really benefits.
28 They're more punitive.

29 And I suppose that putting in the
30 right kind of management is going to benefit
31 the stock. But I mean just looking at it, it
32 feels like a good thing. We have a positive
33 listing and here are the benefits when really
34 what this is kind of tragedy.

35 FACILITATOR RAAB: Back right
36 corner.

37 MEMBER WHITAKER: Yes. My first
38 question and it was already asked is what is
39 considered a take. And I'd like to follow up
40 on that.

41 MS. M. MILLER: I don't have the
42 official definition in front of me. So under
43 the ESA take is defined as to harass, harm,
44 pursue, hunt, shoot, wound, kill, trap capture
45 or collect or attempt to engage in any such
46 conduct.

47 MEMBER WHITAKER: Okay. Thank you.
48 You all have heard me before. But it is

1 mind-boggling to me and I fish in the Hatteras
2 area that all of a sudden I'm looking at
3 hammerheads and duskies as endangered
4 species. That's a big deal to me.
5 Endangered species is a big deal because not
6 only can I --

7 I mean according to what you're
8 saying I'm not even supposed to get near them.
9 So in my area I see them almost every day. In
10 fact, they've almost displaced some other fish
11 in the areas that we traditionally have fished
12 called tunas, called bottomfish.

13 If I go out and drop a rig down and
14 hook a sea bass, well, it's probably going to
15 get eaten by a dusky before I get it to the top
16 every time. King mackerel, tunas and
17 hammerheads, greater hammerheads, we see some
18 days by the hundreds.

19 For me to all of a sudden see it on
20 endangered species is just -- I'm like Bill.
21 We've failed somewhere in either counting them
22 or accounting for them. There are a lot of
23 them.

24 When all of a sudden they're on
25 endangered species, the next thing I know that
26 area may be closed. I can't go in it. So it's
27 very important to me.

28 I think some experimental shark fish
29 in our area do reflect that. So I find it hard
30 to believe that we have all the hammerheads and
31 all the duskies in the ocean. But it just --
32 Endangered species, anything, really I feel is
33 very restrictive to the fishermen. That's my
34 point.

35 MS. M. MILLER: I would just
36 clarify. The great hammerhead and the dusky
37 shark are not endangered species yet. We're
38 just in the process of conducting a status
39 review. So we had just accepted the petition
40 based on what was in the petition that they
41 presented substantive information that that
42 listing was maybe warranted. That does not
43 mean that listing is warranted. Right now,
44 we're trying to figure that out by conducting
45 the status review.

46 The scalloped hammerhead what was
47 proposed was the Northwest Atlantic and Gulf
48 of Mexico GPS of scalloped hammerhead is not

1 listed. What was proposed was the Central and
2 Southwest Atlantic GPS of scalloped
3 hammerhead. Just to clarify.

4 MEMBER WHITAKER: Thank you.

5 FACILITATOR RAAB: I think, Mike,
6 you were next.

7 MEMBER SISSEWINE: Yes, thank you.
8 I understand that at this stage it's the status
9 review stage. So no decision has been made.
10 And that's fine. And I understand obviously
11 that you can't talk about any of the specifics
12 of the decision that may or may not be -- will
13 be made but of any evidence of what the outcome
14 will be.

15 FACILITATOR RAAB: Michael, can you
16 just put the mike a little closer?

17 MEMBER SISSEWINE: I'm sorry. I
18 have a more general question though. In the
19 decision making process at this point in time,
20 does the Agency strive for any quantitative
21 criteria for making decisions? I mean
22 clearly what we're talking about under the law
23 is addressing the risk of extension which is
24 logically expressed as a quantitative term, as
25 a probability.

26 For some of the stocks, for example
27 for dusky, at least in the 2011 SEDAR
28 assessment, there is the sort of information
29 that could be used to develop some sort of
30 quantitative analysis of risk under various
31 scenarios. Is that sort of information -- and
32 I'm not asking you to specifically respond on
33 dusky but in general -- considered in the
34 status determination?

35 In order for these decisions to be
36 more transparent, does the Agency have any
37 policy or criteria upon which to base such
38 decisions? Is a one percent chance of
39 extinction in 100 years an unacceptable risk?
40 Or is it 10 percent? Or is it a quarter of a
41 percent or something other than it feels like
42 there's a high risk or not?

43 MS. M. MILLER: We definitely do
44 consider quantitative information. That is
45 considered as part of the decision making
46 process. For some of the species like data
47 poor stocks, we've relied on quantitative and
48 also qualitative analyses for conducting the

1 extinction risk analyses.

2 As of right now, there is no set
3 defined criteria for what percentage
4 extinction risk equals endangered or
5 threatened. But we do have guidelines. I
6 think on our website we have status review
7 guidance that's public that you can look at
8 that discusses sort of our thinking process
9 and what we consider in a status review.

10 MEMBER SISSEWINE: If I wanted to
11 comment not as an advocate for or against but
12 simply based on objective scientific grounds,
13 how can I do that if there are not objective
14 scientific criteria? Now I understand that
15 there are situations where it's virtually
16 impossible to quantify something.

17 We face those all the time in what are
18 called data poor stocks in various fishery
19 management situations even though people
20 somehow figure out how to come up with numbers
21 whether I might believe in them or not. But
22 there are cases where there is quantitative
23 information.

24 And again we sort of discount the
25 value of that or the incentives to actually
26 develop it in the future if we aren't willing
27 to state some criteria against which we're
28 comparing it. I know that's above your pay
29 grade, but it is an issue. And I didn't mean
30 to be condescending in that. I apologize.

31 It is an issue which I think is quite
32 an important one that's not new to the Agency.
33 But it smacks me square in the face when I see
34 petitions for listing species where you have
35 a SEDAR assessment that shows projections
36 about the likely outcome for the stock in the
37 future which I know will be used in the status
38 review. But whatever the outcome is I can't
39 say whether that was right or wrong because I
40 don't know the criteria.

41 MS. M. MILLER: What's also involved
42 in the decision making process is we use the
43 status review and the findings from the status
44 review. The decision makers also look at
45 ongoing conservation efforts that are being
46 conducted in terms of that species. Sort of
47 all of this information is considered when
48 determining the status of the species, the

1 listing status of the species.

2 FACILITATOR RAAB: Scott.

3 MEMBER TAYLOR: I think everybody in
4 the room agrees on the importance of the ESA
5 issue. One of the things that I think that we
6 shouldn't overlook and that I kind of want to
7 press with you was the issue of take and the
8 definition of take. As Tim whispered in my
9 ear here, it's particular with the small tooth
10 sawfish in Florida. It's had tremendous
11 benefit from the net ban which we almost lost
12 recently down here in Florida. It was
13 overturned.

14 But it makes the point that as we have
15 listings of these species the way we define
16 take has got huge impact. As we talk about the
17 duskies later and in particular the impact of
18 the PLL and recreational fisheries and all the
19 other things, there doesn't seem to be a lot
20 of distinction in my mind between interaction
21 and take.

22 And that interaction as a species
23 begins to recover from the benefit of the
24 listing, if it is successful and we talked
25 about this before, interactions are probably
26 going to increase. So I think it becomes
27 very, very important while there are a lot of
28 things that we can specifically do in the
29 technical determination of the listing. I
30 think that there's probably some work that
31 could be done on the definition of take and how
32 it's going to apply to the way these various
33 interactions take place.

34 FACILITATOR RAAB: Scott has a
35 comment and, Pat and Jason, I'm going to ask
36 you to hold for a minute because we have
37 another presentation. We want to make sure we
38 get that in before lunch. Then I'll go right
39 to you two first. You're not going to stick
40 around.

41 (Off the record comment.)

42 Yes, I think we'll come to you right
43 after the other presentation. We just want to
44 make sure that we get that in before lunch and
45 then you can ask questions about that as well.
46 So you'll stay, right?

47 MS. M. MILLER: Yes.

48 MS. SCHULZE-HAUGEN: So the next

1 presentation we're very happy to welcome U.S.
2 Fish and Wildlife Service staff who are leads
3 for implementing CITES. We have Rosemarie
4 with us.

5 (Off the record comments.)

6 So let me move over.

7 MS. GNAM: Thank you. It's a
8 pleasure to be here. There's been some recent
9 action and attention on shark species and
10 sitings.

11 FACILITATOR RAAB: You just need to
12 speak right into the microphone.

13 MS. GNAM: Sorry.

14 FACILITATOR RAAB: People on the
15 phone are having a hard time hearing.

16 MS. GNAM: Okay. So we're here to
17 speak about recent action in CITES on shark
18 species. I thought I'd give an introduction
19 to CITES, a very brief one. Probably some of
20 you are already familiar with it.

21 CITES is an international treaty.
22 It currently has 180 member countries that we
23 refer to as parties. The goal of CITES is to
24 ensure that international trade and wild
25 animals and plants does not threaten their
26 survival in the wild. And most importantly it
27 establishes an international legal framework
28 that all the parties have agreed to with common
29 procedures and mechanisms in place.

30 Some misconceptions about CITES I
31 think are worth mentioning. Many people
32 think CITES may address all aspects of
33 wildlife conservation. Now CITES only deals
34 with species that are in international trade
35 listed in its appendices.

36 CITES is not a ban on the trade in
37 these listed species. Rather CITES regulated
38 international trade in these listed species.

39 CITES regulates domestic trade.
40 Certainly a misconception. CITES only
41 addresses international trade. So that's
42 what we'll be discussing.

43 The CITES appendices are a listing of
44 the world's endangered species. That's
45 another misconception. The appendices list
46 only those species that are or may be affected
47 by international trade.

48 How CITES works. As I said there are

1 species listed in the appendices. Appendix 1
2 are the species that are most endangered with
3 extinction. Probably the ones most familiar
4 to people, tigers are a good example,
5 elephants, some populations of elephants,
6 rhinos.

7 There is no commercial trade if you
8 are listed in Appendix 1. And to have
9 noncommercial trade if you are listed in
10 Appendix 1. And to have noncommercial trade
11 in this species such as scientific research
12 requires both an import permit and an export
13 permit.

14 But the work and there's only about
15 30 species listed in Appendix 1 of CITES. So
16 everybody always thinks of those.

17 But the real work of CITES is focused
18 on the Appendix 2 species of which there is
19 about 30,000 species of plants and animals
20 listed. These are the species that are
21 vulnerable to over exploitation, but not at
22 the risk of extinction. So the idea is if we
23 can regulate the trade they will not want
24 listing to Appendix 1.

25 Commercial and noncommercial trade
26 is allowed in those species. Permits and
27 certificates are required for the export, but
28 not for the import of those species.
29 Seahorses are listed in CITES as an example.

30 Appendix 3 I won't talk about this in
31 great depth, but this is something that's
32 available to the parties where they're really
33 trying to address the legal origins of
34 specimens in international trade. And this
35 is unlike Appendix 1 and Appendix 2 which are
36 decisions that have to be agreed to by
37 two-thirds of those 180 countries to list them
38 in CITES.

39 Appendix 3 is a unilateral decision
40 that can be made by a country to regulate the
41 trade in that species. So it can be done
42 outside of a conference of parties.

43 The species I'm going to talk about
44 today is we're talking about Appendix 2
45 species. As I said, trade is regulated on the
46 basis of a permit and a certificate which must
47 be presented when leaving and entering a
48 country with CITES specimens.

1 So trade between those 180 countries
2 and even non-CITES parties is regulated by
3 such a permit. And it's an example of what a
4 permit would look like unfilled.

5 At the last CITES conference which
6 actually is a year ago March 2013 there were
7 new shark species added to Appendix 2. A very
8 important point though is that these listings
9 will not become effective until September 14,
10 2014.

11 The parties decided there was a
12 delayed implementation needed so that there
13 could be agreement on common procedures for
14 the management of trade in these species.
15 They were listed three species of hammerhead
16 sharks, scalloped, great and smooth,
17 hammerhead sharks, porbeagle shark and
18 oceanic white tipped shark were listed at this
19 recent CITES conference. Other shark species
20 that are already listed in CITES include in
21 Appendix 2 are great white sharks, basking and
22 well sharks.

23 The export of these sharks and their
24 products, notably meat, fins, teeth, requires
25 a CITES permit that will be issued by the CITES
26 Management Authority which is U.S. Fish and
27 Wildlife Service. Tim will speak about that
28 process.

29 To issue a permit the United States
30 Division of Management Authority is required
31 to make a legal acquisition finding that the
32 specimens being exported were legally
33 acquired and the Scientific Authority which
34 I'm the chief of is required to make a
35 nondetriment finding.

36 So the question is what is a
37 nondetriment finding. And the objective of
38 nondetriment finding is to ensure the
39 sustainable use of that species, that Appendix
40 2 species, in international trade.

41 So how do we do that? The first
42 thing is the definition of what a nondetriment
43 finding is. It may be new to all of you, but
44 it is a conclusion by the scientific authority
45 of that party that the exporter's specimens of
46 a particular species will not impact
47 negatively on the survival of the species in
48 the wild.

1 The scientific authority works
2 independently from the management authority.
3 It's responsible for providing the technical
4 and scientific advice to the management
5 authority on that particular export or
6 introduction of the sea of specimen which will
7 be detrimental to the survival in the wild of
8 the species.

9 A party may designate more than one
10 scientific authority. In the U.S. Fish and
11 Wildlife Service under the Endangered Species
12 Act regulations have designated as the
13 implementing authority for CITES.

14 Nondetriment findings are something
15 that they have teeth. They're actually in the
16 original treaty found in Articles 3 and 4. So
17 parties are required to make them. It's a
18 legal obligation that the U.S. when it acceded
19 to the treaty will make nondetriment findings.

20 Basically recently at the last CITES
21 conference the parties agreed to 10
22 non-legally binding, nondetriment finding
23 guidelines, essentially principles of how you
24 make those nondetriment findings.

25 Nondetriment finding can take many forms.
26 Usually for the U.S. it's written advice from
27 the scientific authority. It could be a
28 verbal advice or it could be done through a
29 quota system that the scientific authority
30 manages for a specific time period.

31 In general, what we're doing in a
32 nondetriment finding is we're evaluating the
33 degree of risk the species has and the relative
34 degree of scrutiny in making that nondetriment
35 finding.

36 In the U.S. decision making from our
37 office when we make nondetriment findings,
38 higher risk species receive greater scrutiny.
39 What does that really mean? We give more
40 attention to Appendix 1 species in looking at
41 their permits versus Appendix 2.

42 But that said we give great scrutiny
43 to wild harvested specimens. Sharks will
44 fall into that category versus captive-bred
45 specimens. CITES does not exempt
46 captive-bred specimens. In fact, you make
47 the same findings for them, legal acquisition
48 and nondetriment finding.

1 We give more scrutiny to commercial
2 than we give to noncommercial trade. And in
3 particular we give more scrutiny to our native
4 species versus non-native species/exotics.

5 The type of information we consider
6 in NDFs is the type of specimen that's being
7 exported, how it was collected, its
8 conservation status, whether the import from
9 the wild will stimulate additional take from
10 wild populations. We look at the threats to
11 the species.

12 We evaluate the current biological
13 and ecological factors based on the best
14 available information at that time. And we
15 look at management and harvest practices.
16 These are sort of general principles.

17 And NDF makes a conclusion of these
18 are the options. We sort of take all that
19 available information, try to write it up in
20 sufficient detail to explain and justify our
21 finding.

22 One conclusion can be that the export
23 is not detrimental. Another conclusion is
24 that we're unable to find its not detrimental
25 or we have insufficient information to find
26 that the action is not detrimental.

27 After we make our finding, we give a
28 formal recommendation to the CITES Management
29 Authority for their final decision, including
30 other factors such as legal acquisition, the
31 facilities and transport of those specimens.

32 So specifically for sharks we've
33 been thinking about this since last March and
34 been in many weekly conference calls with
35 National Marine Fishery Service and have
36 consulted with them as we go forward in
37 implementing this listing. Particularly
38 we're talking about trade in porbeagle shark,
39 great, scalloped and smooth hammerhead
40 sharks. We understand with the ICCAP
41 requirements we're not expecting to see trade
42 in oceanic white tipped sharks, although there
43 could be some from the Pacific. But right now
44 we're trying to work on having nonjudgment
45 findings in place before we reach that
46 September 14th deadline.

47 So the information of what a shark
48 nondetriment finding will look like is that it

1 will contain information on the species
2 distribution both globally and its range in
3 the United States. We'll talk about the
4 biological characteristics of the species and
5 what that means in terms of vulnerability.

6 We'll look at what's known about the
7 population status and trends of the species.
8 We'll look at the threats to that species.
9 And, in particular, we'll give more deference
10 to the management of that species by National
11 Marine Fishery Service and how this results in
12 the sustainability of the species.

13 In particular, looking at both
14 porbeagle and hammerhead sharks, we're
15 looking at the total allowable catch quota
16 system that's based on the best available
17 science information.

18 We know that the sharks are landed
19 whole with the fins attached. And so
20 identification of fins is possible. We're
21 looking at the license and reporting
22 requirements that are currently in place.
23 For species there is minimum size length and
24 other measures in place. And then we look at
25 compliance with ICCAT requirements and any
26 other RFMOs.

27 We will make a summary and
28 conclusion. So as I said these NDFs are being
29 drafted right now and will likely be positive
30 for export if in compliance with the National
31 Management Plan for these species that are
32 currently in place.

33 Now I'll turn to Tim who is our Branch
34 Chief of Permitting in the Division of
35 Management Authority. And he'll go through
36 the permitting process.

37 MR. VANNORMAN: Thank you very much.
38 Under CITES the permanent requirements,
39 authorization needs to be obtained from the
40 Management Authority before CITES listed
41 species can be exported or introduced from the
42 seas. It's brought into the country from the
43 high seas.

44 As Rose stated, the management
45 authority is the -- Or Fish and Wildlife
46 Service is the CITES' management authority for
47 the United States.

48 So introduction from the sea is a

1 CITES listed species that's taken on the high
2 seas by a U.S. fisherman that landed in the
3 United States. This must be accompanied by a
4 CITES Introduction from the Sea certificate
5 and the specimen must be declared to the Fish
6 and Wildlife Service at the time that the intro
7 from the seas certificate is presented. Or at
8 that same time the certificate has to be
9 presented to the Fish and Wildlife Service.

10 Export permits is where is CITES
11 listed species is taken on the high seas by a
12 U.S. fisherman but landed in this case Canada
13 or in another country other than the United
14 States. That must be accompanied by a CITES
15 export document issued by our office. And
16 that export permit needs to be presented to the
17 CITES authorities or custom authority within
18 that country.

19 Those are the two mechanisms that
20 would be needed, two permitting aspects that
21 would need to be to bring specimens into the
22 United States.

23 This is again if you're going from
24 the high seas into the United States. If
25 you're fishing within U.S. waters CITES does
26 not come into effect on landing those
27 specimens. So my understanding as far as the
28 hammerheads, most of that is caught within
29 U.S. waters. So no import permit or intro
30 from the sea or export document would be
31 required for that.

32 The issuance of the intro from the
33 sea we have to make a determination that it's
34 legally acquired, harvested within the
35 requirements that are laid out. So we would
36 rely on those aspects coming out of NMFS, how
37 they're making the quota establishments. And
38 permits would be issued in relationship to
39 that.

40 Given the fact that the ships are
41 going out, harvesting the fish in the high
42 seas, coming back or going to Canada, we would
43 have to issue these documents prior to the ship
44 leaving the United States. We would more than
45 likely issue a number of documents that would
46 be the quantity that's harvested and being
47 landed would be identified at the time that
48 that occurred and reported to the Fish and

1 Wildlife Service once landed or to the
2 Canadian authorities.

3 We would set up this process before
4 the ships go out, make sure that all of the
5 documentation are provided at that time based
6 on the expected quotas for that time period.
7 And that's working closely with NFMS on that
8 aspect.

9 The same aspect with exports we would
10 issue documents in relationship to what the
11 quotas may be established. Issue those prior
12 to the ships leaving. And again the quantity
13 of fish that's being taken would be identified
14 on the or filled out by the fisherman at the
15 time that they've taken and presented it to
16 either in this case for exports, the
17 authorities in Canada if that's where it's
18 being landed first.

19 If fish are being landed in Canada
20 first and then transported down to the United
21 States, then a second document issued by the
22 Canadians is as things are standing right now.
23 The Canadians would have to issue a second
24 document, a re-export permit, at that point.
25 We are still in discussions with the Canadians
26 on how they're dealing with this issue.

27 It's my understanding from
28 discussions that we've had is that it's not
29 atypical for fishermen to land in Canada and
30 bring the sharks down to the United States. The
31 question is whether they still in customs bond
32 or that's outside of the bond. So there are
33 some issues there that would still need to be
34 addressed.

35 And as I said earlier, sharks taken
36 within U.S. waters it's not considered covered
37 under CITES at that point. And so no intro
38 from the sea or export document would be
39 required to bring them into the United States.

40 If the meat or the fins are being
41 re-exported out of the United States a CITES
42 re-export certificate would be needed at that
43 time. And those would be issued most likely
44 just prior to the export occurring or the
45 re-export occurring. We would not provide a
46 partially completed document as we would with
47 intro from the sea or export documents.

48 That's a quick summary of that. And

1 I'll pass it on to Tamesha.

2 But the real point, the last thing,
3 I wanted to point out was that we are
4 continuing to refine the permitting process.
5 We need to know more about how the trade occurs
6 and factors like that. So this is an
7 opportunity for us to get feedback as we
8 develop these systems of these permitting
9 processes to make it as smoothly -- the process
10 as smooth as possible. Thank you.

11 MS. WOULARD: Hello. I'm from the
12 Office of Law Enforcement and just wanted to
13 let you know that if you intend to engage in
14 business using wildlife an import/export
15 license will be required. On this
16 PowerPoint, I've put the link to the regional
17 office where the import/export license will be
18 applied for. And it needs to be applied for
19 where the business or individual resides.

20 And then there's a list of designated
21 ports. These are ports generally where all
22 wildlife is imported. And it's through one of
23 these ports. I know we're moving quickly, but
24 this is also on our page at fws.gov.

25 There are non-designated ports.
26 And you would have to apply to use one of these
27 ports. But there is the list and there is also
28 the link to the northern border ports. And
29 there is also a list for the southern
30 non-designated ports and there's also a link
31 which can also be found on our page.

32 And if you're not using a designated
33 port, you would have to have an actual
34 different permit to use one of the
35 non-designated ports. It's called a
36 designated port exception permit. And
37 there's criteria that you would have to meet.

38 Also there's prior notification if
39 you are importing or exporting. You must
40 notify the Fish and Wildlife Service Office of
41 Law Enforcement 48 hours in advance of the
42 import of anything that's live or perishable
43 that is subject to Fish and Wildlife Service
44 requirements. You also have to notify the
45 Fish and Wildlife Service Office of Law
46 Enforcement and make the shipment available 48
47 hours in advance for exports for the same
48 wildlife, perishable or not.

1 You must also notify the Fish and
2 Wildlife Service Office of Law Enforcement a
3 minimum of 48 hours in advance of the import
4 or export of any commodity subject to Fish and
5 Wildlife Service requirements if you are using
6 one of the non-designated ports. And that's
7 because they're greatly staffed. Designated
8 ports you can come in any time. They are fully
9 staffed.

10 But non-designated ports by the very
11 nature of their name, we staff them with a
12 light staff. That's why we need so much prior
13 notice.

14 And then these are just the contact
15 addresses and phone numbers of the Management
16 Authority and the Scientific Authority and for
17 Law Enforcement. No, that's not on there.
18 Okay. That was very quick.

19 FACILITATOR RAAB: Thank you for
20 running through those slides quickly. I have
21 a few minutes before lunch. Jason, you would
22 going to make a comment and then Terri and
23 Sonja.

24 MEMBER SCHRATWIESER: I think Pat
25 was before me.

26 FACILITATOR RAAB: He put his card
27 down. So I thought he was --

28 (Off microphone comment.)

29 FACILITATOR RAAB: I got you. Go
30 ahead, Pat.

31 MEMBER AUGUSTINE: Thank you,
32 Jason. Pat Augustine. My questions were on
33 the ESA and the concern was how complete is the
34 technical data or data on the status of the
35 stock. And is it possible that
36 cherry-picking could be going on like we had
37 in recent years with sturgeon? There was data
38 appearing to be available that was more
39 current than the data that was used to make the
40 final decision. It was kind of a slam-dunk.

41 I wanted to find out now if it's going
42 to take two or three or four years or a complete
43 assessment of that stock in order to get it
44 reconsidered to come off the list. That's
45 part of it. So is the data going to be as
46 complete as can be?

47 Let's see. Will your assessment
48 when you're ready to make that listing be peer

1 reviewed or will it be a final internal peer
2 review so that the public actually knows that
3 there was an outside, non-committed,
4 non-concerned organization that is neutral
5 that will look at the data that's put together
6 in order to determine whether they should be
7 listed or not? Do we know those answers? Or
8 can we get those somewhere today?

9 MS. M. MILLER: We used the best
10 available information at the time that we're
11 conducting the status review. So we would
12 look at all data and it's not cherry-picked.
13 It's just whatever we have available. That's
14 what we're going to use in the status review.

15 And, yes, our status reviews are peer
16 reviewed. We do use outside peer reviewers
17 for a status review. Usually three outside
18 peer reviewers.

19 And then the proposed rule or
20 whatever if the species is going to be listed,
21 then the proposed rule is also peer reviewed.

22 MEMBER AUGUSTINE: I'm happy with
23 that. Thank you very much for that answer.

24 FACILITATOR RAAB: Jason.

25 MEMBER ADRIANCE: Thanks. Jason
26 Adriance. Yes, this was given Dr.
27 Sissenwine's comments and Pat stole my thunder
28 a little bit. I think when determining some
29 of these criteria and there are these HMS
30 SEDARs that come through, HMS doesn't have an
31 SSC type process which the councils do. And
32 I think determining best available science HMS
33 would benefit greatly from a peer review body
34 like that to vet the science that's used in
35 these management decisions.

36 FACILITATOR RAAB: Thank you.
37 Terri.

38 (Off the microphone comment.)

39 Other people on the phone can't hear.

40 MEMBER BEIDEMAN: All right. I'm
41 going to try --

42 FACILITATOR RAAB: Much better.

43 MEMBER BEIDEMAN: Okay. Sorry.

44 I'm going to confine at this point to this
45 current presentation which is it is so many
46 hoops like for vessels that fish outside 200
47 miles. They have to have a permit before they
48 leave of some sort from your office if I'm

1 understanding this properly because they're
2 going to introduce these fish, dead fish.
3 They have to know in advance if they're landing
4 back in the United States or if they're going
5 to land into Canada or some other place. Then
6 they would need a different something or other
7 from you.

8 I see a logistical -- Besides the
9 fact that we just really don't need one more
10 permit. I know it's not your fault, but we are
11 pummeled with permits. So I see this
12 logistically for the relatively small numbers
13 of sharks that these fellows are interacting
14 with that this is going to be a push them over
15 the edge a little. And I really don't see how
16 it will work easily anyway.

17 The designated ports thing is a whole
18 other problem because none of our boats to my
19 knowledge land in Newark, New Jersey. We have
20 quite a few in New Jersey, but not in Newark.

21 And I don't know what criteria you
22 need to designate ports. But that's going to
23 involve docks. And there are individual
24 fishing vessel owners trying to walk this path
25 of compliance. But you've got to try to make
26 it easy on us because this is in my opinion
27 beyond what is necessary to handle the
28 problem.

29 We have and do report our landings
30 not only through log sheets to the scientists
31 but to NMFS and through our dealers. All of
32 that stuff is tracked. Adding yet another
33 layer of reporting or permitting in advance
34 also, you know, forecasting are you going to
35 catch one, are you going to catch any, I mean
36 you don't always catch these sharks when
37 you're out fishing.

38 So if you need a permit, I mean, are
39 they good for months? Or do you issue them and
40 they're good for a whole year? Or are they on
41 a case-by-case?

42 FACILITATOR RAAB: Let's get a
43 response.

44 MEMBER BEIDEMAN: I have more
45 questions than I have answers.

46 FACILITATOR RAAB: Let's get a
47 response. So, can you comment about the
48 designated port and the need for permits ahead

1 of going out?

2 MR. VANNORMAN: Okay. Certainly
3 this is kind of breaking new ground for us. We
4 have not done permitting in this kind of
5 situation before, where the commercial
6 harvest of fish has not been something that
7 we've had to deal with before. So we're still
8 trying to learn more about the process of what
9 goes on.

10 At this point what I'm envisioning is
11 that if a ship, you know, a fisherman goes out,
12 has some understanding of whether -- he never
13 lands in Canada. So there's no need for that
14 export document. Sometimes he lands there.
15 Sometimes he doesn't. He may need both
16 documents, or if he always lands in Canada he
17 needs the export.

18 But trying to do this before they go
19 out fishing, export documents are valid for
20 six months. The intro from the sea are valid
21 for a year. And this is based off of what
22 CITES' parties have agreed to under the
23 resolutions under CITES. If we can do this up
24 front and minimize that kind of delay of
25 getting the documents, our hope is that this
26 will at least ease some of the burden.
27 Without a doubt, it's a new burden. It's new
28 permitting that they don't currently have to
29 get.

30 And it would have to be a decision by
31 the fishermen whether they feel that that
32 permitting process has an economic value in
33 doing that. If they're getting enough fish or
34 the sharks that they're collecting that need
35 permits, is this worthwhile? And that's
36 something that we'd like to have discussions
37 further, over what really is the market, where
38 are people landing, and how's the best way to
39 respond to that? I'll let Tamesha answer
40 about the -- the port issue.

41 MS. WOULARD: Okay. And again this
42 is new ground for all of us also regarding
43 sharks and being able to inspect them. So,
44 yes, there are lists of designated ports,
45 which is where we are fully staffed and
46 understand what you're saying, that Newark is
47 not somewhere where you've normally landed.

48 If it is a port where we can get to,

1 it would be an additional cost. So if there
2 are ports that you're able to identify that is
3 a customs port, but not a Fish and Wildlife
4 Service port, certainly there needs to be a
5 discussion about whether or not that is a
6 non-designated port. But it would have to be
7 something that you'd have to make a prior
8 appointment, or a prior notification and have
9 to pay for the inspector to travel to that
10 location, because we only have so many staff,
11 which is why we have designated ports. And
12 then we do have some staffed non-designated
13 ports. But most of them are not staffed.

14 FACILITATOR RAAB: It's ten after
15 1:00 p.m. I want to get Sonja B- ten after
16 12:00 p.m., excuse me. I want to get Sonja in
17 and Michael. And if we have some time we can
18 go back to you. Sonja.

19 MEMBER FORDHAM: Thank you. Sonja
20 Fordham, Shark Advocates International. I
21 keep writing notes that I can't see. Thank
22 you for the presentations. I think it is new
23 ground on the sharks and this is really, really
24 helpful. And I really appreciate it.

25 I think especially helpful is the bit
26 about the misconceptions. We run into this
27 all the time. So it's great to have that on
28 a slide and it's great to have all of these
29 presentations on the web so we can get them out
30 to the public.

31 I wanted to ask for a little bit more
32 information about three issues. One is: last
33 time I checked Canada had still reservations
34 on the sharks. I know that that is their
35 internal thing that they always do until
36 they're ready. But it seems for Doha, it took
37 the Doha listings four years to get those
38 measures in place. So I'm just wondering if
39 they have yet removed their reservations and
40 if not, if you've hear anything about when
41 they might be doing so.

42 I also have come up with a new area
43 where there seems to be a lot of misconceptions
44 even for me, someone who has worked on CITES
45 for a while. And it has to do with a rather
46 murky area of when NDFs are completed,
47 particularly for NDFs that would determine
48 that trade in Appendix 2 species would be

1 allowed. And then, what's the process for
2 addressing concerns that one country might
3 have about another country's NDF?

4 And I started looking into this.
5 You might have seen the recent well-publicized
6 exposure of this China-based processing plant
7 for sharks that was found to have whale, white
8 and basking sharks. Appendix 2 listed
9 species, and they're apparently exporting
10 them.

11 And when most of the press reports,
12 even though those that recognized the
13 conditions of Appendix 2, reported that this
14 was clearly illegal I started to talk to Laura
15 Semo and some other people about my own
16 misconceptions or other misconceptions.

17 And can we say that it's illegal? Is
18 there a situation where China may have done an
19 NDF and we don't know about it? Is there
20 essential clearinghouse? It seems logical
21 that if you went to the trouble of doing an NDF
22 and determining that trade would be
23 sustainable, that you would report that to the
24 Secretariat, and that would be housed
25 somewhere where the public could go and look.

26 I just can't -- I'm not at the bottom
27 of this yet in terms of whether that's
28 available, like it is for like -- the
29 Secretariat keeps a list of reservations. We
30 could all check that. That's one thing, just
31 determining whether these countries that are
32 trading if it's illegal or not.

33 And then last is just obviously the
34 U.S. process for this is very oppressive and
35 rigorously and quite transparent. We
36 appreciate that. It's not always going to be
37 the case with other countries. If the U.S. or
38 other countries takes issue with, say, an NDF
39 for porbeagle or hammerhead, then another
40 country says, yeah, we've determined this is
41 fin, can you talk about a little bit? I know
42 it's complicated. But a little bit about the
43 process about how those concerns might be
44 raised, and how long it might take to get those
45 addressed. Thank you very much.

46 FACILITATOR RAAB: Okay. Take those
47 three questions.

48 MS. GNAM: All right. Sonja,

1 you're correct about Canada. It's not only
2 reservations to the shark listings. Canada
3 takes reservations to any new species listed
4 at a CITES conference, because of the way their
5 governance and their regulations. They
6 actually have to have an act of parliament that
7 will allow them to amend their list of the
8 CITES species.

9 That said, I do know from discussions
10 we've started to have with Canada that they
11 already are working on an NDF for porbeagle.
12 So I suspect even though Canada has
13 reservations, they have always implemented
14 those listings. That meaning that they will
15 issue permits. They will inspect shipments.
16 They will fulfill their requirements under
17 CITES. But the reservations remain there
18 until they can take it off.

19 In terms of NDFs, I guess I'll go to
20 your last question first. Well, the China one
21 we're all aware of what happens there. Any
22 NDF it's up to a country. They have to make
23 one.

24 They don't have to provide that to
25 the public. There is no clearinghouse.
26 There is no resolution that requires that the
27 recent resolution says that NDFs should be
28 written down rather than being verbal. But
29 again that's a non-legally binding-guiding
30 principle.

31 That said, if there are questions
32 about an NDF the U.S. as you said is very open
33 and transparent. We get many FOIAs. We make
34 our NDFs, most of the time, particularly to
35 industry user groups, available. People can
36 see what the U.S. has used in many their NDF
37 and how it stands. I would suggest that if
38 there are questions to, particularly, direct
39 to China on that NDF. They have different
40 processes, but there is nothing in CITES that
41 requires those NDFs to be publicly available.

42 But that gets to your third question.
43 If there is concern in significant trade in
44 species in Appendix 2, there is a CITES process
45 called Significant Trade Review. And species
46 are put into that process. Some of the
47 seahorses recently and black coral were put
48 into that process because of concerns.

1 And that is the process used within CITES,
2 where you can examine other countries by the
3 animals committees. The technical
4 committees can examine NDFs and look if
5 they're adequate or there are measures needed
6 to implement them. Ultimately, if you fail
7 that review, there could be sanctions placed
8 against you. It is a lengthy process as you
9 can imagine because it's a very serious
10 process. And so in par most of the time it
11 takes anywhere from one year to six years.
12 But that CITES has a process to address these
13 compliance issues.

14 If it's a compliance issue, then it
15 can be brought up at standing committee. But
16 I think, in particular, this idea of how they
17 made their NDF, if they imported those whale
18 sharks, that's an issue. But I think the
19 first discussion is a dialogue with China, in
20 particular, about it.

21 FACILITATOR RAAB: Thank you.

22 MS. GNAM: And we do have a bilateral
23 with China. So we'd be happy to raise some of
24 these questions.

25 FACILITATOR RAAB: It's 12:15 p.m.
26 We're 15 minutes over and we don't want to keep
27 everybody. Terri has some more questions.
28 So could we ask you to stay for a few more
29 minutes and talk with Terri and others who may
30 want to?

31 What we're going to do is we're going
32 to break until 1:25 p.m. which is 70 minutes
33 instead of 75 in practice for tomorrow in which
34 we're thinking about starting at 8:00 a.m.
35 instead of 8:15 a.m. Taking 15 minutes off
36 lunch depending on how this exercise goes.
37 And then we'll be able to end a half an hour
38 early.

39 So let's start at 1:25 p.m. Thank
40 you panelists from this morning. Michael,
41 I'm sorry I didn't get back to you again.
42 We're going to break. Off the record.

43 (Whereupon, at 12:18 p.m., the
44 above-entitled matter recessed to return at
45 1:25 p.m. the same day.)
46
47
48

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

1:25 p.m.

FACILITATOR RAAB: On the record. I think we're ready to go ahead and get started again. Thank you all for getting back from lunch so promptly. And we'll pick up the ten minutes or so that we're behind during the course of the afternoon. Right now, we're moving to Enforcement Updates. And then we'll talk about Essential Fish Habitat Update before we take a break. I'll turn the mike over to you.

E N F O R C E M E N T U P D A T E S

LCDR HOPKINS: Good afternoon. My name is Lieutenant Commander Jason Hopkins. And I have Lieutenant Chris Condit here from our Maritime Law Enforcement Office at Headquarters here in Washington, D.C. for the Coast Guard. Normal folks weren't able to be here today. So, we're kinda filling in for them. We're going to give you our enforcement report for Fiscal Year To Date 14.

The second slide shows our domestic fisheries and how many resource hours we've dedicated to domestic fisheries in the Atlantic area which includes all the way from the northeast down to the Caribbean. It includes aircraft, small boats and our cutters greater than 65 hours with a total of 19,464 hours spent dedicated to our domestic fisheries mission.

The third slide is our highly migratory species boardings. And it breaks it down by each district. District 1 Northeast, District 5 Midatlantic, District 7 Southeast and Caribbean and District Gulf of Mexico. And it shows Fiscal Years 2012, 2013 and Fiscal Year to Date 2014. And then it breaks it down by categories. As of this we have a total of 53 boarding for Fiscal Year To Date and 14 with all those districts in our Atlantic area.

This is our violation summary to date in >14 as of March 31st. And this is our foreign fishing vessel activity to date through March 31st. As you can see, zero for northeast/Midatlantic and Southeast and Caribbean and then the Gulf of Mexico. We

1 have our launches that are occurring, and two
2 are easy. To date, we have 28 detections, 21
3 interceptions and 10 interdictions.

4 This is our foreign fishing vessel
5 activity, Fiscal Year 2012 through February
6 2014. It just breaks it down month by month
7 and shows how many sightings we had, how many
8 seizures we had and breaks it down by month,
9 September through February.

10 And then foreign fishing vessel
11 activity, what all this is saying is what
12 highway migratory species was identified
13 during our foreign fishing vessel seizures.
14 And then these are our next steps. Convene
15 with interagency Lancha working group.
16 Continue to work with Mexico, Department of
17 Justice and other regional partners to deter
18 Lancha threat. And work with USC on patrol
19 modeling. Develop external handout on USCG's
20 long-term LMR Strategic Plan.

21 Any questions?

22 FACILITATOR RAAB: So let's take
23 some questions. Rusty, you had one and then
24 we had another presentation on Enforcement.

25 MEMBER HUDSON: Rusty Hudson. I'm
26 encouraged by the District 8 information that
27 you have a presence there. Is that also
28 what's going on with regards to the difference
29 between this past year and the year before?
30 Greater presence?

31 LCDR HOPKINS: It's kind of tough to
32 answer, due to the fact that we've had
33 sequestration. We are more knowledgeable of
34 where the launches are incurring at. We do
35 have -- we've reached out to some of our
36 partners in the area and we were able to get
37 more resource capacity. So we'd like to say
38 that our operations is definitely making an
39 impact and I would say it is making an impact.
40 But we can't rule out the fact that we also had
41 a 25 percent reduction in resource hours.

42 So there could be -- we're losing
43 some of that presence as well. However, I
44 would say that operations has gotten better.
45 Intelligence has gotten better. And our
46 sharing between interagencies has gotten
47 better, has improved.

48 FACILITATOR RAAB: Any other

1 questions?

2 (No verbal response.)

3 FACILITATOR RAAB: Great. Thank
4 you. We'll go to the next presentation.

5 (Off the record comment.)

6 FACILITATOR RAAB: There you go.

7 MEMBER ODEN: I just noticed one of
8 the violations was thresher fin. And
9 threshers are allowable species unless maybe
10 perhaps -- Did you all define whether or not
11 they were big eye or just your common
12 threshers? I'm just curious to know. I'm
13 just unclear as to why the guy would throw the
14 carcass back.

15 LCDR HOPKINS: Could you go back to
16 the violations? Let me take a look at it real
17 quick, sir. Sir, if you'd like I can talk to
18 you a little more about that offline and give
19 you the details of the case.

20 FACILITATOR RAAB: Okay. Let's
21 move onto our next presentation.

22 MR. SPRTEL: Good afternoon.
23 Hopefully, we don't have food coma from lunch.
24 I'll try and keep this brief. I'm Frank
25 Sprtel with the NOAA Office of General Counsel
26 Enforcement Section. The Enforcement
27 section has about 14 attorneys nationwide and
28 we bring charges on behalf of NOAA for
29 violations of the Magnuson Act, and other
30 Federal statutes and regulations under NOAA's
31 jurisdiction.

32 I wanted to start the presentation
33 with this slide. It's basically how to access
34 information concerning things that my office
35 has done online.

36 One of the things to note is there's
37 a revision to our penalty policy. That's the
38 guidance document that people in my office use
39 to charge cases. That's up for public comment
40 right now. And there's a link here on the
41 slide as to where you can go to find that
42 Federal Register Notice, read through it and
43 then offer comments that you might have and how
44 to make those comments.

45 The comments are due at the end of
46 this month, April 28th, just so you know. But
47 also there's a bunch of information on our
48 enforcement section website. I know we've

1 gone over this in past AP meetings. But for
2 those of you who are new, there's a bunch of
3 information that is publicly available. And
4 this is basically a list of some of those
5 things.

6 The next slide is a screen shot of our
7 webpage. And on the lefthand side are the
8 hyperlinks to those lists of information that
9 I had in the previous slide. And you'll
10 notice at the top, where the arrow is pointing,
11 that's a hyperlink for where you can find that
12 Federal Register Notice for our penalty
13 policies and the revisions thereto.

14 And this screen is access from the
15 NOAA webpage if you go into Organization and
16 click there and then click Office of General
17 Counsel. Then you'll see Offices. And
18 you'll click the Office for Enforcement.
19 That's how you get to this webpage.

20 Lots of information including cases
21 that we've charged, cases that we've settled,
22 any sort of decisions that we've received from
23 our administrative law judges, from the
24 Environmental Protection Agency, or other
25 court decisions and other Federal court
26 decisions. This is a good resource for
27 basically activities that my office has been
28 up to.

29 Since we last met last fall, the
30 Enforcement sections issued nine notice of
31 violations and assessments. And currently
32 there are 19 cases that are depending
33 involving highly migratory species. And
34 those nine cases were cases again involving
35 highly migratory species.

36 Some of those cases are hybrid cases
37 that involve other violations of other
38 fisheries' regulations. But they have an HMS
39 component to them. But most of the cases are
40 solely HMS or highly migratory species.

41 When you break it down by violation
42 types, this is by count. Per notice of
43 violation assessment sometimes they're a one
44 count case. Sometimes they're a multiple
45 count case. And this is breakdown by count.
46 You can see that the majority of cases since
47 last fall have been involving sharks,
48 violations of various shark regulations. And

1 then there are some that also involve
2 swordfish, billfish, and bays' species.

3 So when you break down the shark
4 violations by count, these are the types of
5 violations that we're seeing with sharks.
6 You can see some of the bigger ones are
7 violations involving finning or violations
8 involving where there are sharks on board,
9 where the operator for the vessel has no permit
10 to keep those sharks.

11 This is a brief summary of those
12 cases that I was talking about, those nine
13 cases. I won't read through all of these
14 things. Some of the more notable ones are
15 involving using shark as bait, cases where
16 there were shark fins on board.

17 And you can see the one at the top
18 where there were 17 bags containing shark
19 fins. And how many shark fins there were was
20 there were over 2,000 shark fins found. And
21 then there were also whole sharks found on
22 board. So this is a pretty egregious case. I
23 just wanted to highlight that and just note
24 that a lot of the violations recently of those
25 cases charged have involved various shark
26 violations.

27 I'm also going to be speaking briefly
28 on behalf of John Reghi. He's a special agent
29 in our Office of Law Enforcement. He was not
30 able to make this presentation this afternoon.
31 So I'm substituting for him. And I'll try and
32 answer whatever questions that you might have
33 concerning his office.

34 And for clarification, although we
35 complement each other in terms of our offices,
36 we have different roles. John's office is
37 involved in investigating violations and
38 working up those violations and bringing them
39 to my office to charge. And they also have
40 authority to issue summary settlements, fix it
41 tickets, written warnings, verbal warnings,
42 that kind of thing that they can do on their
43 own. But we complement each other in terms of
44 our roles. But we do have distinctive roles.
45 I just wanted to put that out there.

46 And as John notes in his slides,
47 there were several warnings and summary
48 settlements issued in the northeast region.

1 And again I'm not going to read through all
2 bulleted points, but it gives you an idea of
3 some of the issues that the officers and agents
4 are seeing as boots on the ground, walking the
5 docks and working with Coast Guard.

6 Some more issues in terms of
7 education and outreach from the northeast
8 region, again this is just for your
9 information in terms of some of the other law
10 enforcement related activities that the
11 northeast is doing.

12 In the southeast, again these are
13 warnings and summary settlements that have
14 been issued by the Office of Law Enforcement.
15 Again it just gives you an idea of some of the
16 types of activities that the folks in the
17 southeast have been engaged in.

18 And one of the other things to note:
19 there's been some use of live bait in the Gulf
20 of Mexico. I think that last bullet here on
21 this slide speaks to that, although this is
22 involving grouper, not sharks. Live bait on
23 longline vessels, that's been something that
24 we've been seeing recurring in the Gulf. And
25 that's been taking up a lot of time in the Gulf
26 region.

27 Again, some written warnings and
28 summary settlements issued by the Office of
29 Law Enforcement. And education and outreach
30 in the southeast. And then the last bullet
31 there is concerning Mexican Lancha,
32 interdicted by Coast Guard. And our Coast
33 Guard friends already spoke to that as a big
34 picture issue. But it's certainly something
35 that is a continuing problem in the Gulf.

36 Also not here is Kelly Spalding from
37 the Office of Law Enforcement to talk about the
38 VMS rule. I'm not involved in this. And I
39 can just go quickly through these slides. But
40 if you have questions specific to that, I ask
41 that you get in touch with Kelly. Like I said,
42 I'm not involved in this rulemaking. I'm just
43 I guess sitting in for Kelly today.

44 Basically, it's at the proposed rule
45 stage, involving type approval
46 specifications, and setting out the
47 requirements for the mobile transceiver unit
48 to be type approved for use in the VMS program.

1 The specifications are directed at the vendor
2 companies who sell the units and associate
3 communication services. And then there's a
4 bullet here talking about the specs that are
5 published in the Federal Register and which
6 documents the requirements are related to.

7 The purpose of the rule is to codify
8 these standards that have been set out in
9 Federal Register Notices in the past. So this
10 will give you kind of a clear guidance in terms
11 of what is required and what you need to do.
12 And it will be codified in the Code of Federal
13 Regulations, and not having to scroll through
14 multiple Federal Register Notices.

15 Key changes that we'll address are
16 type approval revocations. And then there
17 are some of the procedures for revocations.

18 Previously no one noted that their
19 reservation of the right to revoke type
20 approvals, give a type approval letter sent to
21 vendors and through the Federal Register
22 Notice. There was no notice of the type of
23 revocation procedures. So basically it's
24 setting out that procedure, in terms of how
25 that revocation is supposed to take place.

26 This is a slide basically that talks
27 about the status and the general time line for
28 that proposed rulemaking. Currently, it's
29 completing internal review. And they
30 anticipate publishing this month with a 45 day
31 comment period. And the goal is to have a
32 final rule, I guess, published in August. I
33 will try and answer whatever questions you
34 might have.

35 FACILITATOR RAAB: Questions?
36 Yes, go ahead.

37 MEMBER SCHALIT: This would be
38 addressed to both Coast Guard and NOAA
39 Enforcement. I know a great many fishermen
40 would be interested in knowing, or having a
41 look at a fine or a penalty schedule. That is
42 the deterrent we're using here.

43 So I noticed for example on one of
44 your pages -- I think it was the -- NOAA
45 mentions that there's a national penalty
46 policy including penalty matrices. Okay.
47 I'm trying to find it right now, while you're
48 talking about it. And I'm sure the Coast

1 Guard also has a fine schedule or penalty
2 schedule for infractions not only involving
3 fishing but other issues such as nonworking
4 EPIRB and that sort of thing.

5 This is really terrific information
6 for the fishermen to have easy access to. So
7 I'm wondering that, if some way if I give you
8 my email or whatever, you could send me the
9 links that we need to see.

10 MR. SPRTEL: Sure. I would be happy
11 to do that. The reason for putting that
12 information out there is like you said to be
13 transparent and give people an idea of how
14 fines are assessed, the factors we consider,
15 just walk them through that whole process.
16 Then it's very clear how a fine on any
17 particular case was assessed, and what process
18 we went through.

19 MS. SCHULZE-HAUGEN: Maybe, as a
20 suggestion, this is something we could add to
21 our wrap-up presentation including the links
22 so everyone has that. Would that work? Are
23 more folks interested? Maybe I could ask you
24 guys to give me those links before you go.

25 MR. SPRTEL: Yes. Whichever is
26 easiest. I don't know if you guys wanted to
27 add anything.

28 FACILITATOR RAAB: Okay. We have
29 Richard, Jeff and then Russell.

30 MEMBER RUAIS: Thank you, Jonathan.
31 I always defer to Rusty on shark matters. So
32 I'd like to hear what he has to say first and
33 then I'll make my comment if that's okay.

34 FACILITATOR RAAB: You can trade
35 your position. That's fine.

36 MEMBER HUDSON: On slide eight you
37 have the Sarah Brent, and it had the 179
38 sandbars, six times the amount that was
39 allowed. That was a research vessel thing.
40 So I see that fine, 23,000.

41 But when you look at the person just
42 above it, the Lady Lyanna with 17 bags at 2,029
43 shark fins, I guess this is still in-house.
44 But I was just wondering if you had any species
45 ID as to what kind of sharks they were. If
46 they were taking a small sharks and that was
47 their 518 because it works out to like \$9 a
48 shark. That's pretty grievous having 17 bags

1 of 2,029 fins. It just seems strange.

2 But then when I dropped on down to the
3 warning section on slide 11, it talked about
4 the enforcement personnel issues written
5 warnings in Mississippi. That's your JEA
6 partners in Mississippi and found to be in
7 possession of shark fins without carcasses.
8 Without dealing with any of the other stuff,
9 has that warning been set up to stage for a NOVA
10 or something like that from your office?

11 MR. SPRTEL: That's a good question.
12 So written warnings can count as prior
13 violations. And they're also appealable.
14 The answer is they can. If the person that
15 received the written warning, and that written
16 warning becomes final, and they're caught
17 again doing something else, that written
18 warning would be considered a prior violation.
19 And the effect that would have is that it would
20 increase -- generally, what it does is it
21 increases the penalty then that would be
22 assessed in that later case.

23 MEMBER HUDSON: I guess the reason I
24 brought it up is because you don't have any
25 numbers assigned to that as far as the number
26 of sharks, fins, carcasses or missing
27 carcasses. I was just wondering if that was
28 going to go anywhere or not. Thank you.

29 FACILITATOR RAAB: Jeff, you were
30 next. Then Richard.

31 MEMBER ODEN: I have the dubious
32 distinction of having two of my very good
33 friends being on this list today. And
34 unfortunately in both cases, one being the
35 Sara Brent, one being the Water Sport, there
36 was no malice intended in any of these
37 endeavors. I just find it pretty harsh.

38 In the case of Water Sport, he had,
39 as I said earlier to the crowd, an old
40 schoolmate who had been on the boat ten years
41 ago and just climbed on there and he was the
42 cut guy that day. Wasn't paying attention.
43 Ended up cutting the fins off the Mako. The
44 Mako was on board. The fins were on board.
45 And both were accounted for in the log books.

46 In the case of the Sara Brent, he was
47 in a shark research fishery. At the time, the
48 allowable hook amount was 500. He set 500

1 hooks. Ended up having about 200 bite offs on
2 Mahi gear, 300 pound leaders. He had 179
3 sharks. Okay.

4 In this case, he definitely in the
5 wrong now when I see how it's written here.
6 But in no way, shape or form was he trying to
7 circumvent. I mean he was just -- In case, he
8 bought the four limits. I guess did he bring
9 179 sharks to the dock?

10 My understanding was he bought four
11 limits outside the harbor, dropped those off.
12 Took one -- The rehooking is kind of, a --
13 unmentionable. The guys can bring the fish to
14 the harbor mouth. They've got, after they've
15 chilled and brined them, to throw them
16 overboard and let the hard crabs and the mud
17 get into a clean product.

18 Anyway, after he put one limit on the
19 dock, it was my understanding that he went out
20 to get the other limits. They were in such bad
21 shape that he just said I'm bringing them in
22 and called Ms. Laurie Hale who is now deceased.
23 And she said do it.

24 She later signed an affidavit
25 stating that she never said that. And I
26 promise you. He would not have put those on
27 the dock otherwise. So that is my
28 understanding.

29 And I just want people to understand
30 that in this case a lot has changed with the
31 shark research fishery. It is now down to 150
32 hook sample set, 300 hooks if it's deemed
33 appropriate. And in his case it was not
34 malice intended. And you're destroying a
35 very good person.

36 And \$23,000 is pretty exorbitant.
37 That's what I was hoping to discuss with you
38 a little later. I understand with the guys
39 with 17 bags of fins. Maybe that isn't
40 enough. But in the case of this individual
41 there was not malice intended there. And
42 that's point.

43 I would hope you all in your penalty
44 phase, in his appeal, or whatever or whenever
45 he comes before you you all would consider
46 that. Thank you.

47 FACILITATOR RAAB: Richard.

48 MEMBER RUAIS: Yes. Thank you.

1 And I'm really glad I let Rusty and
2 particularly Jeff go first because that's sort
3 of what I was getting at, something I wanted
4 to talk about, which was: there was recently
5 quite a bit of publication of the Appellate
6 Court overruling an earlier decision by a
7 lower court on the shark count measure. And
8 it involved Willie Etheridge. Everybody here
9 knows of him and it went in Willie's favor.

10 What I'm wondering is, particularly
11 after what Jeff has just mentioned, and I don't
12 know whether to ask this of Coast Guard, NOAA
13 enforcement or simply, Margo, your group.
14 But what's the bottom line of all of that?
15 Have we established a compliance mechanism
16 that is now been modified and deemed
17 acceptable? Are there still problems with
18 it? Are we going to see cases where fishermen
19 still feel that they're getting less than the
20 appropriate treatment and that, in fact,
21 sometimes they're backed up by the judge by
22 actually making a fairly dramatic rejection of
23 a lower court ruling?

24 I'd like to get some additional
25 information on where we stand on the fin to
26 carcass ratio enforcement, formula or
27 whatever it is that you like to call it? And
28 does Margo to comment on it or?

29 MS. SCHULZE-HAUGEN: Just a quick
30 note that the rules now require fins attached.
31 The rules now require fins to be attached --
32 Atlantic. So the fin to carcass ratio was
33 from some time ago. But I can't speak to the
34 court ruling.

35 MR. SPRTEL: Yes. I guess I'm a
36 little unclear as to what exactly you're
37 asking. I mean I know -- I haven't worked on
38 that case at all, and I haven't followed it.
39 So I can't really speak to that.

40 MEMBER RUAIS: Then I guess you
41 might not be the right one to answer.

42 FACILITATOR RAAB: Russell wants to
43 say something about that. And we'll go to
44 Sonja.

45 MEMBER HUDSON: Anybody that knows
46 me, I'm Rusty. I'm in trouble if it's
47 Russell. But the appeal is under appeal. So
48 it has to do with wanting legal fees and-or not

1 receiving them, and then, just, it will go
2 away.

3 The problem is it took six and a half
4 years to get to this point. And Margo is right
5 that we now have fins naturally attached, as
6 a new rule. But Margo might be able to clarify
7 that on the dealer report they have a little
8 box that they have to check that says the fins
9 were naturally attached.

10 I don't even know if there's a case
11 of anybody not checking the box. Is that
12 true, Margo, with the dealer report as far as
13 you check the box if the fins are naturally
14 attached?

15 MS. SCHULZE-HAUGEN: Yes, that is an
16 option. That was one of the things that we
17 added so that dealers would be able to indicate
18 the form they participated in. I don't know
19 if everyone is checking the box or not. I
20 would have to ask.

21 MEMBER HUDSON: Well, I guess that
22 gets back to the five percent ratio. And with
23 sandbar sharks -- that was the animal in
24 particular, we've always found that they were
25 in excess of five percent. It was a normal
26 situation. So really until that's settled
27 with the appeal of the appeal we're just in
28 hurry up and wait mode.

29 FACILITATOR RAAB: Sonja.

30 MEMBER FORDHAM: Thank you. Sonja
31 Fordham, Shark Advocates International.
32 Just real quickly. On this slide that you're
33 explaining the details of the violations, I
34 was just curious, because most of them that
35 have to do with shark fitting say something
36 about failure to land the sharks intact.

37 And then there's one that says
38 something to that effect. Well, then one that
39 says, possessing shark fins on board and also
40 failing to maintain naturally attached shark
41 fins. Does that essentially mean they had
42 some sharks where they cut the fins off, but
43 they were in the reasonable proportion? And
44 then on top of that they had extra shark fins?
45 And does that count as two violations?

46 MR. SPRTEL: Yes. I should
47 clarify. The cases that we've charged where
48 we had shark planted in a different other than

1 prescribed form or something to that effect
2 that was in cases where a shark was cut up to
3 be used as bait, along with grouper or whatever
4 else is being used at the time.

5 So that should be clarified. But
6 it's just how the regulation reads. And so it
7 didn't quite come across I think in the
8 write-up. So we had cases where we had
9 finning cases where the fins were removed.
10 And either the shark was there, and there were
11 fins, or there was no shark there. There were
12 just the fins.

13 And then we also had cases where a
14 shark was actually cut up and used as bait. I
15 don't know where the fins were. But there
16 were pieces of shark in buckets, basically, on
17 board the vessel.

18 MEMBER FORDHAM: Okay. So real
19 quickly. Because most of these say failure to
20 land sharks intact. And I think only one of
21 them talks about being cut up. So that means
22 this intact is mostly about cutting the whole
23 thing up and using it as bait. And then the
24 ones about finning are more talking about the
25 naturally attached.

26 MR. SPRTEL: Let me just see.
27 Which? I'd have to look at the case, the
28 specific case, to give you more details. But,
29 yes, I tried as best I could to kind of scroll
30 down and give you a little bit more
31 granularity, because there were so many
32 different cases involving shark.

33 FACILITATOR RAAB: Myron, you were
34 next.

35 MEMBER FISCHER: Thank you. I'd
36 like to visit VMS just for a second and get
37 back. And I'm aware Kelly is not here to
38 answer. So I'll put mine as a statement
39 rather than a question.

40 On the specifications and the
41 approved vendors of VMS, just to make certain
42 HMS coordinates and VMS are going to --
43 committee, I don't know -- program manager
44 would make certain that the units are
45 compatible with all those being implemented
46 but different councils, in those respective
47 fisheries, because fishermen cross fisheries.
48 And many people required to have VMS units hate

1 to see them have two different units to be
2 compatible to each of their permits.

3 The other question I would have
4 towards specifications is: is there any
5 movement toward a waterproof unit? The
6 fisheries are prosecuted at sea and salt
7 environments. It would be helpful.

8 MS. SCHULZE-HAUGEN: I think
9 they're all supposed to be waterproof. I mean
10 obviously that's the main purpose of the unit.
11 So if they're not, that's something that
12 should be caught in the testing of the unit
13 before it's approved.

14 FACILITATOR RAAB: Scott, you were
15 next.

16 MEMBER FORDHAM: Mine is much more
17 on the line of, just, a comment that I think
18 that's important. I manage about 12 or 13
19 longline boats. And there's hardly a night
20 that goes by where I don't worry about what
21 somebody's doing out there that is outside of
22 my control.

23 And I don't know the particular
24 captain that was involved with Jeff. But I
25 think, from the commercial sector what
26 concerns us all is that there's an equitable
27 process here. And there's uniformity within
28 the way that the fines have been distributed.

29 I know that was a problem before that
30 there was inconsistency in how these measures
31 were applied and that your officers have a
32 great deal of latitude in the individual
33 regions, as to how they will deal with a
34 particular offense.

35 I think what's most important to us,
36 and if there's anything that I'd like to
37 communicate to you as a take away, is that
38 process be equitable. A lot of times where
39 I've seen people that I've known get involved
40 with the system this way, they kind of get one
41 shot at it. There may be a letter or something
42 that goes into them. And then essentially
43 there's an assessment. In the past there
44 hasn't been a whole lot of recourse other than
45 a full-blown lawsuit.

46 My big concern is that -- and we were
47 speaking about this earlier before you came
48 in, particularly as it pertains to some of the

1 compliance issues dealing with recreational
2 sector as well as just the commercial, that
3 unfortunately I don't see any other way other
4 than to send a message out there other than
5 financial fines. That's really the only
6 mechanism that you have.

7 So there's a balance. And I
8 certainly don't envy the position that you all
9 are in in trying to find that balance between
10 sending a clear message when there's an
11 offense and making sure that the message that
12 you're sending is as a result of, as Jeff may
13 have put it, an intentional or a contemplated
14 offense if that makes any sense.

15 Things do happen I mean. And we're
16 talking about the VMS which is a great example.
17 We're dealing with current and dynamics out
18 there all the time. We talked to VMS people
19 on a regular basis. There are areas that we
20 fish that are very confined in space.

21 We may make a set that one day the
22 current was a particular direction and find
23 yourself completely over the line and out of
24 bounds the next day. I've had enforcement
25 come down there. Now normally they will show
26 us some latitude if there was not intent and
27 that you don't see repeated sets down there.
28 But that's not always been the case.

29 I'll wrap it up. But I think that
30 you understand what I'm saying is that
31 uniformity in how you apply and a good process
32 to at least give the people a fair area.

33 FACILITATOR RAAB: Sonja, did you
34 have another question? No. Any other
35 questions before we let the panel go? Andrew.

36 MEMBER COX: I just had some
37 questions regarding the eight percent is a
38 smaller percentage. Were those recreational
39 violations or were they still commercial
40 violations in regards to swordfish and
41 billfish?

42 MR. SPRTEL: I think those are
43 commercial cases. I need to go back to that
44 list that I showed earlier. But that list
45 that I had is what this pie chart was made from.
46 So you can go back through that bulleted list
47 of cases and take a look at that. But I think
48 it was commercial.

1 MEMBER COX: Okay. Do you have any
2 information, Frank? It alluded to some
3 recreational violations regarding swordfish
4 in South Florida? Do you have any more
5 information on that or was that a state?

6 MR. SPRTEL: I've heard there has
7 been issues with that. But I don't have any
8 recent cases that involve that.

9 But that's not to say that the Office
10 of Law Enforcement isn't investigating what's
11 going on with that. I just haven't seen cases
12 come across my desk yet.

13 A lot of times they -- like I said
14 earlier -- issue or fix the tickets or
15 warnings. There is a whole suite that they
16 can do before an issue even comes to my office.
17 So they do have discretion in terms of how they
18 want to -- what direction they want to go with
19 a case.

20 It's very possible that they're well
21 aware of that and they're dealing with it.
22 But I just don't know.

23 MEMBER COX: Okay. Thank you.

24 FACILITATOR RAAB: Rom.

25 MEMBER WHITAKER: Yes. Rom
26 Whitaker. My conscience won't let me not make
27 a comment. Those two boats that Jeff referred
28 to, one of them is a Water Sport, Glen Hopkins.
29 He's been at this table many times to try to
30 help us out with fisheries.

31 And the other fellow I think what
32 Jeff didn't point out is that was a research
33 experimental fishery for a fishery that's
34 supposed to be depleted. And nobody had been
35 doing it. It used to take 500 hooks to catch,
36 according to Jeff, maybe two or three. When
37 he caught 177 not only was it very unexpected,
38 but it also showed that apparently the fishery
39 made a comeback.

40 But both of them had no intentions of
41 breaking the law. Thank you.

42 FACILITATOR RAAB: Okay. Thanks to
43 the panel.

44 MS. SCHULZE-HAUGEN: Frank, can you
45 also mentioned some resettlements out of
46 headquarters?

47 MR. SPRTEL: Sure. John Raguy who
48 wasn't here is in the Office of Law

1 Enforcement. They issued eight summary
2 settlements for delayed reporting I guess.
3 Or no reporting. Right. So I just wanted to
4 make mention of that as well. Thank you for
5 the reminder.

6 FACILITATOR RAAB: Okay. We'll --
7 Scott, you've got a follow-up on that.

8 MEMBER TAYLOR: I'm just curious.
9 By the time that the local officers -- Maybe
10 it's just me and I don't really understand how
11 the process works and it's something that I'm
12 interested in. By the time the officer at the
13 local level, the investigative officer,
14 decides that he's going to bring a charge and
15 it comes to your office and you made the
16 decision to prosecute it, can you just real
17 briefly tell us how that procedure works?

18 MR. SPRTEL: Sure. I mean they're
19 investigators. So if they feel that a case is
20 serious enough to warrant writing up a case
21 report and then sending it on to my office with
22 the evidence to support the charges that they
23 think are appropriate, they go ahead and they
24 do that. Then they refer the case to us.

25 Then we independent of them refer or
26 review the case rather, look at the evidence
27 and see whether or not there's enough to go
28 forward with charging somebody with a notice
29 of violation and an assessment or a notice of
30 permit sanction or both in talking with them
31 and figuring out whether or not it's something
32 we have enough to go forward with.

33 MEMBER TAYLOR: And then once you
34 charge them then what recourse does the
35 individual have? Is it like a court of law?
36 I've never personally been involved in that.
37 And I'd like to understand a little bit about
38 how it works.

39 MR. SPRTEL: Sure. When an
40 individual is charged they have several
41 options that they have. We often times offer
42 early settlement. And that is basically
43 giving somebody the option of settling early
44 with us by giving us within 30 days of receipt
45 of their notice of violation and assessment
46 the okay to go ahead and settle it. And so we
47 give them a reduction in the fine based on that
48 early acceptance of liability if you will.

1 finally done, it can be years, literally
2 years, depending on how far in the appeals
3 process it goes. Does that answer your
4 question?

5 MEMBER TAYLOR: Yes, very much so.
6 I really appreciate that because I was under
7 the impression that it was a little more one
8 sided than kind of the summary that this is the
9 fine and there wasn't the process. And quite
10 frankly I've been fortunate that I haven't had
11 to find out firsthand. And hopefully I won't
12 have to deal with that in the future. But it
13 is something that I was curious about. Thank
14 you very much.

15 MR. SPRTEL: Yes, sure. If there
16 are any other questions regarding that, I mean
17 there is a lot of process that someone can
18 avail themselves of basically.

19 FACILITATOR RAAB: We need to move
20 on. Rom, did you have another thing or is your
21 card just up? Okay. Russell, last and then
22 we'll move on.

23 MEMBER HUDSON: You mentioned the
24 administrative law judge is EPA, whereas it
25 used to be the Coast Guard.

26 FACILITATOR RAAB: Great. Thank
27 you very much.

28 Now we're moving onto the Essential
29 Fish Habitat Update and Jenni.

30 ESSENTIAL FISH HABITAT UPDATE

31 MS. WALLACE: Good morning. I'm
32 Jenni Wallace. I'm the Operations and
33 Planning Branch Chief for the Highly Migratory
34 Species Division here in Silver Spring. And
35 I am currently heading up our Essential Fish
36 Habitat Team.

37 You guys haven't heard about EFH for
38 a number of meetings. So it's time to bring
39 it back. Time for us to focus in on it. We're
40 going to give you an update on what our plan
41 is and then maybe spend a few minutes at the
42 end of this if we have time getting some
43 initial feedback from you all as well.

44 Just to give you guys a little bit of
45 background, the Magnuson-Stevens Act requires
46 the identification and description of EFH.
47 And then FMP regulations require that we
48 review and revise EFH every five years.

1 What have we done for EFH so far? In
2 2006, we have the consolidated HMS FMP which
3 announced our intent to revise EFH. And then
4 in 2009 this was our big EFH amendment. We
5 completed Amendment 1 which was the initial
6 five year review and update for all essential
7 fish habitat for Atlantic HMS under the
8 consolidated HMS FMP. That's a mouthful.

9 In 2010, we did Amendment 3 and that
10 designated EFH for the smoothhound complex.
11 And then again in 2010 we had a rule to
12 incorporate the round scale spearfish into the
13 management unit and then we defined EFH for
14 round scale spearfish at that same time.

15 So what we're doing now is in 2014 we
16 are initiating review of all of the Atlantic
17 HMS EFH. So that's what's occurred in
18 Amendment 1 and Amendment 3 and the round scale
19 spearfish.

20 What we have going on right now,
21 hopefully you guys all saw our Federal
22 Register Notice. It happened just a week or
23 so ago. We're requesting information to help
24 inform our review of essential fish habitat.
25 So we're requesting any information published
26 or it doesn't even have to be published since
27 the 2009-2010 last amendments that we did.
28 We're looking at peer reviewed publications,
29 technical reports, unpublished data and
30 anything else that you guys might have.

31 We will post a summary of this info
32 on our webpage. And we will make sure to not
33 publish any unpublished data to not compromise
34 any scientific integrity or anything of that
35 sort.

36 What we're focusing on and the way
37 we're handling this five year review is that
38 we're focusing on the 10 EFH components that
39 are listed in the regulations. These are the
40 ten right here. So we're asking folks as they
41 submit any information for us to consider to
42 kind of focus in on these 10 areas: description
43 and identification of EFH; fishing
44 activities that may adversely affect it;
45 non-Magnuson-Stevens Act fishing activities
46 that may adversely affect it; non-fishing
47 related activities; cumulation of impact
48 analysis; conservation enhancements; prey

1 species list; identification of HAPCs;
2 research and information; and research and
3 information needs.

4 Number 10 is we list it there, but
5 really all that is is checking a box that says
6 we're doing a five year review. We don't
7 really need your input on that last one.

8 Just to give you an idea of the time
9 line that we're working with. Right now, we
10 (HMS) are conducting a species specific
11 literature review. We started that in
12 January and we'll continue through April and
13 probably a little bit into early May.

14 In late March, we published the
15 Federal Register Notice announcing our intent
16 to conduct this five year review and
17 requesting information from the public.

18 Here we are at the spring AP meeting
19 seeking additional information from you guys
20 to help us with that review.

21 And then once we get that
22 information, and according to the Federal
23 Register Notice it's due by May 23rd, we're
24 going to actually start beginning drafting our
25 five year review with that information. Our
26 hope is to do that this summer into early fall.
27 Then we'll go forward with some internal
28 agency review.

29 We'll publish an actual draft in the
30 Federal Register Notice this fall. Then we
31 will allow the public to comment on our draft.
32 We will present a draft to you guys, the AP,
33 for comment. That may or may not fit in with
34 a fall AP meeting. We might have to do a
35 webinar or something else in order to address
36 that. And then the goal is to by this coming
37 winter into early 2015 to finalize and publish
38 the five year review.

39 There are a couple different ways to
40 submit info to us. We created an email
41 address for it nmfs.hmsefh@noaa.gov. So you
42 can send anything there. Or you can mail
43 anything to me or just email me or any of the
44 other folks who are on the team.

45 The one thing I did want to say is the
46 reason this is a little bit different. It's
47 not actually part of the Federal regulatory
48 process per se because it's the five year

1 review. We are not yet doing an amendment to
2 EFH.

3 But what this five year review will
4 do is inform us as to whether or not we will
5 need to go forward with an amendment. So we
6 should be able to based on the information that
7 we get from you and other constituents give you
8 an idea of whether or not we will have to
9 formally go forward with an amendment in the
10 near future.

11 At that point in time, that's
12 basically what our game plan is in a nutshell.
13 I'm happy to take any questions or if you guys
14 want to list off anything that you can think
15 of that we need to take a look at. We can take
16 some notes and spend a couple of minutes doing
17 that.

18 FACILITATOR RAAB: We'll start with
19 Rich.

20 MEMBER RUAIS: Thank you. Jenni,
21 in New England, you may be aware that there's
22 before the New England Fishery Management
23 Council an omnibus essential fish habitat
24 amendment that's going through the process
25 right now. And a very controversial part of
26 that is in one of the designated habitat
27 research areas there's a reference area that
28 happens to overlap with part of the Stellwagen
29 Bank National Marine Sanctuary.

30 And in that area it's an area that's
31 being proposed by the Stellwagen Bank Marine
32 Sanctuary folks, not the New England Fishery
33 Management Council, which is driving the
34 essential fish habitat amendment. But
35 they're asking the council to implement this
36 reference area which would prohibit all types
37 of fishing including some types of tuna
38 fishing in that area.

39 There has been talk about speed
40 restrictions on the surface in that area. And
41 the bottom line is it would have -- It could
42 potentially have very significant impacts
43 upon tuna fishing and also the ground fish
44 fishing which sustains the party and charter
45 boat fishery if you will for both tuna and
46 ground fish in that area.

47 I guess my question is really two
48 fold. Do we have any protection? Does a tuna

1 fisherman have any protection in saying
2 we're covered.@ High migratory species in Alook,
3 Washington has their own essential fish
4 habitat plan. We've gone through this
5 process. We went through the identification
6 of all the areas that were essential fish
7 habitat. This one must have just didn't
8 register at the time.

9 Or are we subject, in other words,
10 highly migratory species fishermen subject
11 across the country, Gulf of Mexico, east
12 coast, Pacific Ocean, to every essential fish
13 habitat machination that might be possible by
14 a regional fishery council or the agency
15 itself? You can see the problem I'm getting
16 at. And we've been making the argument that
17 we cannot cover watching all of these
18 different groups developing essential fish
19 habitats.

20 But yet we're with Stellwagen Bank
21 anyways pretty much coming to wit's end where
22 the council is going to have to make a
23 decision. We're at a standstill. The
24 sanctuary people will not back off. And
25 neither will we.

26 I guess I'm offering is there -- Can
27 we look at any help on the part of HMS that we
28 have when it comes to bluefin tuna, yellowfin
29 tuna, shark species? We have essential fish
30 habitat under control, recognized and we're
31 meeting the mandates of the law.

32 FACILITATOR RAAB: Let's let them
33 respond. I think they've got the message.

34 MS. WALLACE: I'm going to pass it
35 over to Margo.

36 MEMBER RUAIS: Okay. You got the
37 question.

38 MS. SCHULZE-HAUGEN: In our actions
39 are designated essential fish habitat for HMS.
40 And so we're looking at things that have more
41 than a temporary/permanent impact on habitat.
42 Most HMS are pelagic in nature, the exception
43 being bottom longline.

44 And so there are some EFH
45 restrictions that have been developed
46 actually in conjunction with some of the
47 councils where that gear is restricted because
48 of its impact not essentially on HMS EFH but

1 on other species. The council action in the
2 west coast of Puerto Rico is for council
3 managed species. There are
4 consultations back and forth. And so all of
5 our rulemakings we consider does the action
6 that we're taking here have EFH impacts either
7 for HMS or anything else.

8 But because it's rod and reel gear or
9 harpoon or longline, it's in the water column.
10 The effect of the gear on the habitat doesn't
11 affect temperature, salinity, things that are
12 more the EFH for HMS.

13 We don't tend to have a lot of impact
14 on fishing. The speed restrictions sound
15 more like whales. And then there's overlap
16 with sanctuaries. And that's where I would
17 have to do a little more research into
18 sanctuary authority within the sanctuary
19 versus Magnuson authority.

20 MEMBER RUAIS: Just let me elaborate
21 just on one point. What the sanctuary is
22 seeking is not the standard, typical essential
23 fish habitats that you would have in mind and
24 protect.

25 The objective is actually to set an
26 area aside and prohibit all fishing activity
27 of any kind to see -- it's an experiment -- if
28 not having any impact in there for 50 years,
29 75 years, 100 years from now. It can be looked
30 at to determine what the impact would have been
31 or what the impact has been of not fishing in
32 that area from a fish state if you will.

33 It's even worse than what you're
34 making out right now. It's an esoteric,
35 scientific experiment that's going to have
36 direct impacts upon fishermen that have few
37 alternatives in some cases.

38 Ms. SCHULZE-HAUGEN: Let me commit
39 to looking into where there's overlap in
40 Sanctuaries Act versus Magnuson. I don't
41 know if anyone else -- Mike, if you have
42 anything to add from the council perspective.
43 But this hasn't been a big issue for us. I
44 haven't done a lot of research on it.

45 MEMBER SISENWINE: I do think -- May
46 I? I do think that I have sympathy for Rick's
47 point. But the reality is that the discussion
48 that New England Council is having and the

1 input the sanctuary is having is not about HMS.
2 It is about potentially the indirect impact
3 through ecosystem transactions or trophic
4 interactions that fishing on highly migratory
5 species might have on the habitat of ground
6 fish and potentially other species.

7 And so I don't see anything that's
8 outside of the jurisdiction of what the New
9 England Council for designating EFH. But I do
10 appreciate the quandary it put some
11 stakeholders in when you're dealing with
12 highly migratory species which means you could
13 be dealing with dozens and dozens of these sort
14 of complex actions.

15 And I also appreciate the
16 frustration when this is one fishery where
17 habitat is acknowledged to be not really an
18 issue. I mean there's minimal impact.

19 We can designate essential fish
20 habitat because we can go through the
21 mechanics of designating it based on whatever
22 criteria we have about the abundance of
23 animals within isopleths or however it's done.
24 The reality is nobody is seriously concerned
25 that we're impacting the habitat. It is
26 frustrating.

27 In listening to the presentation, I
28 was wondering given how overworked everybody
29 is and how short resources there are how much
30 is actually expended on this process when the
31 likelihood is it will have no significant
32 influence on either the resource or
33 conservation or anything else. That's
34 perhaps a cynical comment and I know we're
35 doing it because the law requires it and so on.
36 But it does seem like a lot of resources with
37 a likely outcome not being very significant.

38 FACILITATOR RAAB: We've got Rick.
39 Then Martha. And then David.

40 MEMBER BELLAVANCE: Thanks,
41 Jonathan. Rick Bellavance, Recreational
42 Advisor. My comments and maybe at some point
43 I'll figure out a question have to do with
44 three of the different components in the
45 information requests. The first one is
46 non-fishing related activities that may
47 adversely affect EFH, possibly cumulative
48 impact analysis and research and information

1 needs.

2 I think by now most folks have heard
3 at least something about alternative energy
4 and wind farms that are planned for along the
5 Continental Shelf along the east coast. I'm
6 just wondering if you folks have given any
7 thought to how those projects might affect
8 this highly migratory species, in particular
9 shark behavior with electromagnetic fields
10 from these electric cables, maybe migration
11 pattern shifts when you start to stick a whole
12 bunch of turbine platforms in areas that they
13 haven't been before.

14 I also am wondering if you guys have
15 engaged with other agencies like the Bureau of
16 Ocean and Energy Management to see what they
17 are considering for research agendas in
18 regards to HMS. I don't know if it's on their
19 radar or not.

20 And I don't know if wind farms are
21 going to affect them or not. But I'm thinking
22 we should probably think a little bit about it.
23 I would just be curious to know if you guys have
24 reached out to some of those other agencies at
25 this point.

26 MS. WALLACE: At this point we
27 haven't reached out to them quite yet. But
28 we've definitely been thinking about
29 alternative energy, wind farms, climate
30 change, the fact that we need to address that
31 in this five year review. We're still at the
32 very beginning stages of gathering
33 information to help us.

34 But we'll definitely take a closer
35 look. And I think reaching out is a great
36 idea.

37 FACILITATOR RAAB: Martha.

38 MEMBER BADEMAN: Thanks. Martha
39 Bademan for Fish and Wildlife. Along those
40 lines, I was going to mention oil and gas
41 activities definitely would be one. And then
42 it probably goes without saying, but since
43 this is from 2009-2010 on deep water horizon.
44 Thanks.

45 FACILITATOR RAAB: David.

46 MEMBER SCHALIT: Getting back to the
47 EFH for Stellwagen Bank, this was a project
48 that was managed from the fishermen

1 perspective by Steve James actually who passed
2 away a few months ago and was on this advisory
3 panel.

4 And I've spoken with him about it and
5 my understanding is that it is really -- The
6 initiative to set up the EFH is essentially
7 focused on ground fish. However, it does have
8 an impact on HMS activities to the extent that
9 Charter Head Boat for example is a small scale,
10 multi-species operation in which they will
11 target maybe two or three or several different
12 species in one trip.

13 Then of course that would include
14 possibly bluefin. And Stellwagen Bank is
15 probably the most important location in the
16 Gulf of Maine for catching giant bluefin tuna.
17 There's that aspect of it.

18 And then of course there is a hand
19 gear, the general category, hand gear bluefin
20 fishery in which the approved gears are rod and
21 reel and harpoon. And they have been
22 historically working in this area in
23 Stellwagen Bank.

24 Steve James' perspective on this was
25 how do we reconcile, how do we manage this
26 problem without impacting these HMS fishing
27 activities which may or may not be creating
28 problems for the ground fish fishery. It
29 seems that there is a kind of -- Maybe we're
30 talking to a part of the agency that the people
31 who are involved in this Stellwagen Bank EFH
32 may not be contemplating the effects that this
33 is having on HMS fishery. I think that's my
34 point. Thanks.

35 FACILITATOR RAAB: Any other
36 comments before we take a break?

37 (No verbal response.)

38 Okay. So we are right exactly back
39 on schedule. So we'll take a 15 minute break
40 and everybody has to eat three or four of Pat's
41 cookies over the break.

42 (Whereupon, a short recess was
43 taken.)

44 FACILITATOR RAAB: Before we get
45 into the bluefin tuna presentation, Margo
46 wants to say a few words.

47 MS. SCHULZE-HAUGEN: Rusty's
48 comment reminded me and I feel pretty badly

1 that I had not had a moment of silence for Steve
2 James at the beginning. It's just my poor
3 memory.

4 At this point, Steve was a very
5 active part in HMS Management for several
6 years. Was a key component of our
7 recreational bluefin tuna tagging program, a
8 participant in the panel meetings and public
9 hearings.

10 At this point, I'd like to have a
11 belated moment of silence for him. He was an
12 active panel member at the time of his very
13 untimely passing. Take a moment.

14 (Moment of silence.)

15 Thank you. We will miss him.

16 So it is appropriate I think that we
17 are going to talk about bluefin tuna next, one
18 of Steve's true loves. Brad, take it away.

19 DRAFT AMENDMENT 7 ON BLUEFIN TUNA MANAGEMENT

20 MR. McHALE: Thank you. Hopefully,
21 everyone can hear me well enough knowing that
22 sometimes the fans in this room can make it a
23 little bit difficult.

24 But those new AP members that are
25 around the table, my name is Brad McHale. I
26 am the Branch Chief of the Gloucester Field
27 Office and we primarily deal with Atlantic
28 tuna related issues on behalf of the division.
29 We also dabble in some of the other highly
30 migratory species issues as they pop up as they
31 relate to the northeastern or should I say the
32 Greater Atlantic Fisheries Regional Office
33 which I still think for those in the southeast
34 that may mean you are lesser. Anyhow, more on
35 the regulatory side, not constituent based.

36 What I plan to do this afternoon, I
37 think we've all kind of been aware of how this
38 Amendment 7 journey, where it started from a
39 number of years back and kind of where we've
40 been over the last year/year and a half here.
41 So what I plan on doing this afternoon is
42 trying to summarize as best I can the comments
43 that we received on this draft amendment and
44 trying to keep that at a high level as I
45 possibly could without being too tortuous but
46 yet also kind of conveying the sentiment of
47 what we heard.

48 It's my understanding that we also

1 have a more comprehensive handout in the table
2 in the back that does a more detailed summary
3 of the comments itself. Otherwise we could be
4 here for a couple days going through
5 everything that we heard. And some of that
6 will be reflected in the volume that I'll share
7 here in a minute of the number of comments that
8 we received.

9 Just at a very quick level to kind of
10 go back, how did we get here? Folks have
11 probably seen this slide a number of times.
12 But some of the challenges that we have both
13 on the fishery side, on the management side,
14 of accounting for bluefin tuna mortality, some
15 of the difficulties that come along with that,
16 as well as trying to get a better assessment
17 or better grip on some of our dead discard
18 information.

19 Related along to this is some of the
20 allocations that take place here at a domestic
21 level when we actually come back from ICCAT and
22 we're dividing the pie amongst the various
23 users and how certain aspects of international
24 recommendations or dynamics in the fisheries
25 may have changed over time. And how they may
26 be out of sync at this stage.

27 Also some of the issues that come
28 along with how the longline fisheries are
29 managed as a whole at that fleet level basis
30 where currently the regulations allow us to
31 prohibit the retention of these bycatch
32 species like bluefin. But right now outside
33 of emergency action, we don't necessarily have
34 the authority to actually close those
35 fisheries in entirety. So looking at some of
36 those dynamics. And then just looking at
37 overall bluefin tuna interactions as well that
38 ultimately can lead to dead discards. And
39 then how do we get our arms wrapped around
40 that.

41 Some of the objectives as part of
42 this amendment -- this again should be old hat
43 for most folks -- is end-over fishing; rebuild
44 stocks, minimizing bycatch; staying within
45 our total allowable catch levels; but yet also
46 trying to optimize or provide reasonable
47 opportunities to harvest the quotas in full;
48 the need to account for all sources of known

1 mortality; and then especially in this fishery
2 trying to maintain as much flexibility as
3 possible to deal with the variability that we
4 experience year in and year out when one year
5 doesn't necessarily reflect what's going to
6 happen in the fall one year. And then just
7 because it's so easy to do, trying to maintain
8 fairness and equity amongst all these rules
9 and regulations as they apply to everybody
10 around this table and for everybody that you
11 all here represent.

12 At a more refined level, trying to
13 also reduce those incidental interactions
14 that we've been observing for the last number
15 of years with bluefin tuna. One way to
16 actually reduce the discards is you try to
17 minimize those interactions from happening in
18 the first place. So there were a number of
19 different proposals trying to get at that.

20 Also trying to address the
21 timeliness and quality of catch data that
22 we're receiving. This doesn't necessarily
23 apply to just one sector, but across the entire
24 fleet where we know we have different
25 reporting requirements mandated under our
26 regulations for different gear types. How do
27 you start to try to level that playing field
28 so you get better information whether it be
29 from a recreational fishery, a hand gear
30 fishery, a longline fishery or purse-seining
31 fishery as it relates to bluefin either in a
32 directed capacity or in that incidental
33 nature. And then there's the whole other
34 suite of trying to balance some of the other
35 aspects of the FMP itself.

36 Although it seems like light years in
37 the past here we actually published a proposed
38 rule about mid August of 2013. And then after
39 a number of extensions in the comment period
40 we actually closed that out on January 10,
41 2014.

42 Ultimately what this meant not only
43 for Tom Warren and myself that attended all of
44 the 15 different meetings or public hearings
45 across that time frame, I also want to thank
46 the rest of the HMS staff that were involved
47 in coming out to those hearings as well as
48 reviewing the 188,000 comments we received.

1 There was close to 2500 which were unique
2 comments that we actually had to review,
3 summarize and tease apart to make sure that we
4 didn't leave any stone unturned. Based upon
5 the reactions we were getting to what we had
6 proposed, new ideas had come through those
7 comments to make sure that we didn't miss
8 anything. They were then informing the
9 decisions and some of the analyses that we're
10 going through and trying to finalize this
11 action and meet all these various objectives
12 and overcome the difficulties we know that
13 kind of go along with some of the items that
14 we had proposed.

15 And then I guess lastly is what I'll
16 be kind of regurgitating here is what we heard
17 from you all. There isn't necessarily any
18 acceptance, denial, we think this is great, we
19 think this is awful. But because there was
20 such that huge volume trying to let everybody
21 around this table kind of hear exactly what we
22 heard. It will be a summary of all those
23 comments. You'll hear a lot of based upon
24 opinions around the table and in the industry
25 itself that the agency should or should not do
26 X, Y or Z based upon what fence somebody's
27 perspective is coming from.

28 To dig right in in how folks have
29 either suppressed this out of
30 self-preservation, how we kind of teased out
31 some of these measures that related to
32 allocation, some that related to
33 gear-restricted areas, some that were related
34 to individual quotas and the management
35 measures that go along with that sort of a
36 dynamic as well as a whole other suite. I'll
37 kind of be running through these comments
38 exactly how the amendment was laid out.

39 To start off with, some of the
40 comments we heard regarding the codified
41 reallocation. So this was kind of moving some
42 quota around from all the various user groups
43 in an attempt to recreate that historical dead
44 discard set aside that had existed at the point
45 in time we established our allocation
46 percentages.

47 We heard that we either should or
48 should not tinker with that 8.1 percent that

1 is currently the allocation provided to the
2 longline category. There were a lot of
3 comments that we should not reallocate quota
4 to the longline category for a whole litany of
5 reasons, whether it compromised other items we
6 had proposed, whether it was unfair, whether
7 it was being perceived as rewarding certain
8 behaviors, the whole litany there.

9 And just as one would expect there is
10 the other side of the coin that we actually
11 should reallocate quota to the longline
12 category. And then there is a whole litany of
13 reasons that we heard that would justify those
14 comments, changes in international
15 recommendations over time, the needs of the
16 fishery, whether or not things have changed
17 enough to kind of rethink how bluefin tunas are
18 allocated amongst all its various users.

19 We'd also received a number of
20 different ideas to do in lieu of either just
21 do or not do those reallocations. Some of
22 those examples were to perhaps look at some of
23 the gear-restricted areas that we had proposed
24 and whether or not there were enough savings
25 or reductions in interactions as a result of
26 those gear-restricted areas. That may not
27 actually then in turn warrant having to do a
28 codified reallocation.

29 Impose more restrictions to the
30 longliners. Perhaps do some sort of
31 reallocation from the person category to the
32 longline category given that some of those
33 purse-seining vessels are no longer in the
34 fleet or actively in the fleet.

35 And then ultimately what we've heard
36 around this table and I think we've heard this
37 at IEC meetings as well is actions that
38 potentially could be taken at ICCAT when we
39 look at the overall quota. And what sort of
40 impacts would quota increases have on some of
41 the issues that we're tackling here
42 domestically.

43 To shift gears slightly, the other
44 proposal we had in the Amendment 7 was looking
45 at an annual reallocation looking at the
46 person category quota and trying to assess
47 levels of activity and then what the agency
48 could or potentially could do with some of that

1 allocation if it wasn't necessarily being
2 utilized by the purse-seining fishermen
3 themselves.

4 Again, the should/should not kind of
5 theme was to make the purse-seine quota to
6 other categories. We got the feedback that we
7 should use more than one year's worth of
8 landings to calculate allocation, again
9 trying to dealing with variability.

10 There were also a fair number of
11 comments that we'd received that before
12 actually moving any sort of quota from this
13 category there should be parity amongst the
14 rules that this category is held to whether it
15 be start dates, whether it be tolerance limits
16 on sizes, etc., that in essence levels the
17 playing field before and give us an
18 opportunity to harvest our quota before you
19 would to actually look at us and doing any sort
20 of shifting.

21 A number of different items that just
22 spoke to the specifics of some of our preferred
23 alternatives of whether or not we should
24 provide more or less to that purse-seine
25 category underneath that proposed
26 alternative. And then ultimately how do you
27 potentially look at vessels that may no longer
28 be in the fleet and what are the allocations
29 associated with them.

30 Some of the comments we heard that
31 what the agency should not be doing or
32 entertaining is using fluctuating quota
33 against that purse-seine category for some of
34 the same reasons that we hear. Whether it be
35 recreational context, a hand gear context,
36 whatever the case may be, is stability allows
37 for business playing to occur. And without
38 that stability it puts everybody regardless of
39 their perspective in a precarious situation in
40 kind of running their operations from one year
41 to the next as well as not allowing the
42 longline category to take quota away.

43 Ultimately trying to provide
44 disincentives to reduce longline discards by
45 having some sort of transfer capabilities
46 because maybe that doesn't provide enough
47 incentive for behavioral changes or whatever
48 the case may be.

1 The third item that we had proposed
2 in Amendment 7 had more to do with alternatives
3 that we had that related to the reserve
4 category. And so we heard some positive
5 comments that we should have greater
6 accountability in what we're doing with the
7 reserve category.

8 A prime example would be keeping
9 track on what quota might be there in relation
10 to carryover from the previous year in
11 comparison to having better or more
12 transparent accounting for any purse seine
13 category if certain actions were finalized.
14 And then trying to use each of those pools of
15 quota for different reasons. Kind of having
16 a greater refined tracking mechanism if that
17 alternative were to come to fruition.

18 How quotas are being redistributed
19 whether it be to longliners or any other user
20 groups? And then ultimately what the needs
21 are and how do you balance those various needs?
22 And some of this has to relate to some of that
23 determination criteria that we kind of have on
24 the books as well as we had a couple of
25 additional items that we would take into
26 consideration prior to doing any sort of
27 in-season action.

28 Some of the comments we feel that
29 inform the Agency of things we should not be
30 entertaining is not adding new criteria and
31 stick with what we have. Or even some
32 comments said do away with it all. And then
33 other comments saying please don't let all of
34 the reserve category then be transferred over
35 to the longline category again for some of the
36 items I mentioned regarding incentives or
37 disincentives.

38 Regarding some of the
39 gear-restricted areas, so specific to the Cape
40 Hatteras proposed gear-restricted area, we
41 heard comments on both sides of the fence here
42 that we should or should not allow conditional
43 access based upon an individual's vessel's
44 past performance whether it be interactions
45 with bluefin, interactions with log books,
46 observer programs, etc.

47 A lot of different comments
48 regarding either modifying those

1 gear-restricted areas, either expanding them,
2 reducing them as far as the coverage or
3 actually moving them in their entirety.

4 And then ultimately trying to
5 comments to get at trying to use dynamic areas.
6 So very responsive to what's taking place on
7 the water as real time as possible. If hot
8 spots pop up as migrations alter from one year
9 to the next, that there's that flexibility to
10 then adapt to that versus having boxes closed
11 that the fish don't necessarily adhere to.

12 We also heard that we should allow
13 longline vessels into that gear-restricted
14 areas if they're using weak hooks or if they
15 have observers on board or if there are certain
16 times a year where the likelihood of
17 interacting bluefin may be diminished.

18 And ultimately consider the impact
19 on fishermen that are in the close vicinity of
20 some of these gear-restricted areas, in this
21 case, Hatteras. Some of the options that they
22 may have at their disposal may be very limited
23 given whether it be a vessel size, whether or
24 not they have a diverse set of permits. But
25 doing a true assessment of not just trying to
26 look at impacts on a fleet-wide basis, but the
27 individual aspects of those vessels that could
28 be impacted, whether it be a distant water
29 vessel that may have the option to move versus
30 a smaller vessel that may not have that luxury.

31 Some comments that heard specific to
32 some of those performance metrics that we had
33 proposed was some negative feedback that it
34 wasn't necessarily fair to look at track
35 history to make up some of these metrics given
36 that there was no illegality to actually
37 catching bluefin tuna historically.

38 But yet we also heard comments on the
39 flip side of that that regardless of whether
40 there was legality or not that's the
41 information that's in front of the Agency to
42 then act upon in trying to address some of
43 these issues we've been discussing over the
44 last few years.

45 And then trying to address some of
46 the unique dynamics that are amongst the fleet
47 whether it be a small vessel that doesn't have
48 the bunk space to take an observer. How we

1 address data that's derived from the northeast
2 distant area. How does that play into the
3 metrics.

4 We looked at a subset of species of
5 those primary species, the big eye, the
6 yellowfin, skipjack, albacore, dolphin,
7 wahoo, some of the pelagic sharks. There were
8 some comments that we should expand that to
9 look at all the various species that are coming
10 to market and fold that into some of the
11 metrics that we have.

12 And then ultimately how do you
13 address some of the ownership changes that
14 take place over time where all of a sudden
15 maybe a new owner across the time frame we
16 looked isn't necessarily saddled with the
17 behavior of his predecessor.

18 Some of the other items of comments
19 that we heard that we should not necessarily
20 be following through with is allowing access
21 without 100 percent observer coverage or at
22 least electronic monitoring fully in place
23 with confidence in some of the information
24 that's derived from that sort of a proposal.

25 And ultimately prohibit fishing in
26 areas until there's more reliable data
27 collection methods already solidified. That
28 falls in line with some of the comments we
29 heard that instead of having this kind of
30 gear-restricted area that the Agency should
31 actually be entertaining and having a closed
32 area like some of the traditional areas that
33 are already in place.

34 Some of the feedback we received
35 regarding the proposal to allow those longline
36 vessels that would be precluded based upon
37 performance to then perhaps fish directed on
38 bluefin tuna without longline gear on board
39 underneath the general category rules.
40 Again, very mixed bag. We should or should
41 not.

42 So there was plenty of comments in
43 favor of allowing this, especially for those
44 vessels that may lack the mobility to move or
45 may not have other permits to diversify. But
46 we also heard just as many comments that we
47 should not allow this sort of activity to take
48 place for vessels that may have a poor

1 performance based upon what we had proposed.

2 We had also heard that this
3 opportunity shouldn't necessarily be limited
4 to just those vessels that had that poor
5 performance ranking. It should be opened up
6 to all longline vessels to allow them to
7 diversify at different times of the year. And
8 what does that then in turn mean to fishermen
9 opportunities above and beyond just fishing
10 with pelagic longline gear.

11 And then also comments that we should
12 not expand the fishery in this area due to some
13 of the high interaction rates that we've
14 observed, whether it be from the hand gear
15 fisheries or from log book fisheries over that
16 2006 through 2011 time span we used in the
17 analytical document.

18 Shifting down to some of the
19 proposals that were associated with the Gulf
20 of Mexico gear-restricted area. Some of the
21 comments that we received is that we should
22 expand the scope and the duration due to some
23 of the variability and timing of when bluefin
24 tuna are spawning or actually just present in
25 that area. This breaks down as should we --
26 We heard comments that we should do three
27 months, four months, five months, six months,
28 year round. We hear just ban the gear type
29 altogether in the Gulf. Whether or not we
30 should take some areas and expand them to
31 include the entire EEZ.

32 What we also heard is that we should
33 entertain if the Agency were to finalize some
34 sort of expansion. This ties back into some
35 of the comments we heard regarding the
36 codifies reallocation is then try to calculate
37 what sort of reductions and interactions.
38 And therefore reductions in mortality would
39 take place. And then seeing how does that
40 then influence the Agency's decision on some
41 of the other proposals we had in the amendment.

42 Some of the potential benefits of
43 having larger closed areas is that it would
44 then allow for observer coverage. Can you
45 then have more in-person observer coverage
46 throughout the Atlantic if it's no longer
47 required in the Gulf?

48 And the ultimately some comments

1 that we shouldn't necessarily make
2 distinctions between bluefin tuna that are
3 harvested in the Gulf or in the Atlantic
4 because they're actually all coming from the
5 same breeding stock. So the Agency should not
6 put more importance on a fish physically
7 located in the Gulf of Mexico, anymore so than
8 a fish located off of Hatteras or in the Gulf
9 of Maine in the summer months because they all
10 have the same importance regarding the
11 breeding.

12 Some of the other comments we
13 received is whether or not some of these
14 gear-restricted areas would actually allow
15 for that fleet to remain viable. If they are
16 so close to the margin, actually what is the
17 tipping point? Even if it isn't a year round
18 closure, what can that fleet come to bear and
19 actually still remain viable?

20 To deal with some of the other items
21 that are taking place or issues that are taking
22 place in the Gulf of Mexico that aren't
23 necessarily in direct control of the fisheries
24 agencies: oil rigs; some of the seismographic
25 vessels and when they're doing surveys; and
26 taking a look that if we were to finalize some
27 of these areas where then does it force
28 fishermen to go and operate?

29 If you're to do this in the absence
30 of acknowledging some of these other
31 activities there, if you look at a blank chart,
32 it may look like there's plenty of water here
33 that could be fished. But somebody from New
34 England that isn't accustomed to seeing oil
35 rigs when he goes out fishing himself, that's
36 a dynamic you have to go into eyes wide open.

37 Also we heard comments to
38 potentially entertain that conditional access
39 that we proposed for Hatteras and apply those
40 same sort of metrics in the Gulf of Mexico.
41 Therefore, it's not necessarily a full
42 closure, but yet there would still be allowed
43 some access based upon how those performance
44 metrics were established or proposed and then
45 in turn finalized.

46 We also heard comments that the
47 Agency should continue to encourage vessels to
48 switch towards other gear types, whether

1 they'd be buoy gear or some of the green stick
2 gear.

3 One of the other proposals we had in
4 Amendment 7 as it related to some of this
5 gear-restricted area was trying to also
6 potentially provide other fishing
7 opportunities. As one area may become either
8 closed or restricted, are there other
9 opportunities to open up other areas,
10 primarily some the pre-existing closed areas
11 that came online with our >99 FMP?

12 With some of those proposals that we
13 had in the amendment, some of the feedback was
14 that we should expand our definition of what
15 an observer is. Right now as it was proposed,
16 a vessel would need to be selected underneath
17 the Pelagic Observer Program and then in turn
18 actually take that observer as one of the
19 prerequisites to gaining access to one of
20 these areas. We heard some comments that when
21 electronic monitoring, if it's finalized,
22 comes into play that also should be considered
23 as an observer in that context.

24 We also heard comments that we should
25 look at the Straits of Florida where vessels
26 can fish without catching bluefin tuna as well
27 as looking at some of the impacts that would
28 come about by allowing longline vessels into
29 some of these pre-existing closed areas,
30 whether it be gear conflicts, whether or not
31 what is the risk associated with compromising
32 the conservation benefits of why those areas
33 were originally closed. And we also heard
34 comments that given some of the gear
35 modifications and the time that's transpired
36 since those areas were closed, what are some
37 of the benefits of actually getting some
38 fishery-dependent data out of there to then in
39 turn help inform the management process as we
40 move forward.

41 Also trying to fully examine some of
42 the data that we were looking at in doing some
43 of these analyses, how reliable is it, what's
44 the actual coverage that we have. Kind of the
45 sound byte that we have of can you look at
46 observer data, what's the actual coverage of
47 that information versus log book information.

48 Kind of shifting up gears from the

1 allocation proposals as well as some of these
2 gear-restricted proposals, gear-restricted
3 area proposals, we had a number of items as
4 they related to individual bluefin tuna
5 quotas. This is trying to -- some of the
6 proposals trying to get at individual
7 accountability, reductions in dead discards,
8 but yet still trying to allow these
9 multi-species fleets to continue given the
10 importance they have regarding some of the
11 other highly migratory species that we manage
12 that have international implications,
13 swordfish, big eye, yellowfin, etc.

14 Again, the theme of there are two
15 sides to each coin that we should or should not
16 implement an individual bluefin tuna quota
17 system.

18 The need to either have lots of
19 flexibility because it would be a new way of
20 managing this fishery. There are learning
21 curves with it. There are huge repercussions
22 if that flexibility wasn't there whether it be
23 vessels tied to the dock very early in the
24 season.

25 But then we also heard hold the line.
26 Be very strict. If there is too much
27 flexibility or any flexibility at all then
28 what's the incentive to actually modify
29 whether it be fishing behavior or what have
30 you.

31 We also heard that we should use more
32 of the gear-restricted areas versus IBQs or
33 even have some sort of phased-in approach.
34 We've heard from some of the comments that
35 maybe you roll out as a final action some of
36 the gear-restricted areas and see what sort of
37 impact that has on the fishery and reductions
38 in interactions before you actually move
39 forward with an individual bluefin tuna quota.

40 These perhaps aren't both necessary.
41 If one accomplishes some of the goals, you may
42 not necessarily need the second. Or the new
43 information could really inform how an
44 individual bluefin tuna quota system would
45 then in turn be implemented with that
46 additional information before the Agency.

47 How do you deal with some of the
48 northeast distance set aside issues whether it

1 be how to get the individual bluefin tuna
2 quotas given that that is an ICCAT
3 recommendation. And how do you balance those
4 different dynamics.

5 Continuing on that, one of the items
6 we heard is that the Agency should make sure
7 that all of the quotas distributed come
8 January 1st when the first day of the fishing
9 season commences.

10 Looking at some of the legal issues
11 that are surrounded with diminishing vessels'
12 opportunities to catch their quota. And this
13 comment kind of almost ripples through
14 anything. It's just something that we need to
15 consider with every single one of our actions.

16 How do we address the dead discards
17 as they relate due to some of the stock
18 dynamics, especially when with some of the
19 stock assessments given high and low
20 recruitment you get very different potential
21 perspectives on where the status of this
22 resource is.

23 Ultimately, try to think through
24 every single angle that some of these actions
25 if they were finalized could have. We can try
26 to mitigate any unforeseen consequences or
27 impacts that may result that if we didn't do
28 due diligence in thinking this through that
29 all of a sudden you create a scenario. And
30 actually you're making more issues than you're
31 actually trying to solve.

32 Some of the other items not
33 necessarily allowing carryforward of quota,
34 not allowing any sort of profit to take place
35 from bluefin.

36 Then how do we deal with some -- The
37 trip dynamics that we had proposed that we've
38 heard comments that we should not allow
39 vessels to land and sell bluefin unless they
40 have enough quota in hand to actually cover
41 that. It's different from how we had it
42 proposed.

43 Still on track with the individual
44 bluefin quotas as it relates to some of the
45 eligibility requirements. There has been a
46 lot of feedback on whether or not we should be
47 looking at a distinct time frame, whether or
48 not we should be looking back at more recent

1 history to find what's active. Should we go
2 back one year, two years? Is that a better
3 representation of what the fleet is versus
4 just a static period in time?

5 Dealing with how individual quotas
6 are allocated in the out years. So we were
7 looking at vessels in some of the analyses in
8 the amendment. But as we move forward, we
9 should transition to tying allocation more to
10 permits. That's where the value of those
11 permits may be and just the logic that not all
12 vessels are going to remain in the fleet. So
13 if a vessel goes by the wayside, then how you
14 deal with how that allocation gets moved
15 around.

16 Also looking at some of the
17 dependence issues on various vessels. Are
18 they solely dependent upon highly migratory
19 species or their capabilities to diversify.

20 Also dealing with a lot of the issues
21 that pop up in almost any other fishery. How
22 do you deal with latent effort? How do you
23 make those initial allocations? Does it go to
24 every vessel? Just those that have been
25 active? We got the full suite of comments as
26 it relates to these issues.

27 Also we heard a fair amount of
28 comment both for and against whether doing
29 equal shares regardless of the amount of
30 effort a vessel has performed. Yes, sure.
31 It can reduce some of the complexity of what
32 we've proposed.

33 But there are other issues. So
34 we've both heard should and should not, either
35 go equal shares. We should or should not
36 increase the allocations themselves at a fleet
37 level basis.

38 And I know one concern that we've
39 heard is that what we've proposed may not be
40 enough to allow vessels to operate. Whether
41 or not we should introduce some sort of an
42 auction program, taking into account the
43 impacts Deepwater Horizon had some of the
44 years of information that we were looking at.

45 How do you deal with a transient
46 distant water fleet versus the more localized
47 fleets. Looking at some of the information
48 whether it be ratio of hooks to landing or

1 total hooks to landings, but some of the
2 underlying information that we're using to
3 support how some of these quota shares were
4 established.

5 Looking at effort, target species,
6 various logbooks. Or just looking at amount
7 of effort which again equal shares versus do
8 you provide more quota to those that have shown
9 that they've been more involved in the highly
10 migratory species. And does that deserve a
11 larger allocation?

12 So we heard everything again along
13 these lines and then more so. That document
14 I mentioned contained a lot more detail than
15 what I'm covering here.

16 Some of the other dynamics that we
17 heard had to do with issues surrounding this
18 individual quota proposal. And some of the
19 durations of it is to allow or not allow
20 trading amongst the limited access permit
21 holders. That would be the percent category
22 and the longline category and what sort of
23 power shifts potentially could arise from that
24 given how some of the allocations are
25 currently awarded.

26 For example, one comment was that the
27 Agency should only allow leasing within the
28 longline category. Or to allow leasing to
29 take place above and beyond just the limited
30 access permit holders. It should be allowed
31 to be leased to whoever actually has the
32 capital to acquire it.

33 Also one item that we had heard is to
34 take our time in trying to assess some of the
35 market conditions that can come to play here.
36 In this proposal bluefin is not a directed
37 species and what sort of implications does
38 that have then in turn on the value of an
39 allocation or shares where it's potentially no
40 longer the value of that bluefin tuna being
41 sold. It's ultimately the value of the entire
42 trip and what sort of new dynamics does that
43 bring into the equation as the Agency starts
44 to entertain how it could finalize some of
45 these actions.

46 And also some of the disadvantages as
47 well as some of the advantages that can be part
48 of this leasing program. Also in some of the

1 out years where we've said we're reassess and
2 see how this sort of system may work. If it
3 was finalized before we would actually allow
4 any sort of permanent sale or consolidation to
5 try to take information that we discover if
6 this were to roll out and then have it in forum
7 in discussions in future years.

8 I believe this is the last slide here
9 regarding some of the individual bluefin
10 quotas. But these are some of the items that
11 the Agency should entertain if we were roll
12 forward with sort of a program was eliminating
13 target catch, require the retention of all
14 bluefin tuna, require the retention of all of
15 the legal sized bluefin, trying to eliminate
16 incentives to catch bluefin by not allowing
17 vessels to profit or retain them in entirety.
18 This potentially can conflict with some of the
19 objectives of reducing dead discards by not
20 allowing anything to be retained. And if it
21 is truly incidental in nature, how do you
22 address some of those concerns dealing with
23 the incentivization of either behavioral
24 changes or trying to get all fish in general?

25 Regarding some of the authorities
26 that the Agency has regarding closures of the
27 longline fishery as a whole, again both sides
28 of the coin that the Agency should or should
29 not have the authority to close the entire
30 longline fishery. The Agency should or
31 should not shut it down when that 8.1 percent
32 threshold is met. Ultimately, to consider
33 the impacts of what that would mean as I
34 mentioned earlier given the multi-species
35 nature of some of these fisheries. And,
36 ultimately, what are some of the impacts not
37 only here at a domestic level? But what are
38 some of the implications at the international
39 level as well by having some of this authority
40 and potential closures?

41 And then ultimately looking outside
42 the box as far as what would be a trigger to
43 start to entertain closures. Is it catch
44 rates? Is it just poundage coming to the dock
45 or being observed and being caught? But a
46 whole other litany of things that the Agency
47 should start to consider as triggers for this
48 sort of an action.

1 Some of the comments we received as
2 it relates to enhanced reporting is as we heard
3 today there is the VMS rule. As we've heard
4 around this table and through other
5 discussions, there are some issues that exist
6 with the current VMS units. Some of those
7 items should be rectified before the Agency
8 then in turn tries to use those or that avenue
9 is trying to either get additional information
10 in a more timely manner. Whether or not we
11 should or should not require electronic
12 monitoring, we got a lot of different feedback
13 regarding whether cameras should or should not
14 be used.

15 Whether or not it should just be
16 applied to one user group or should it be
17 rolled out to all those individuals in the U.S.
18 bluefin tuna fleets whether it be directed or
19 incidental in nature.

20 Whether or not to phase it in and do
21 more of a pilot program; as well as some of the
22 technical issues that are going to come along
23 with trying to finalize that sort of
24 monitoring system; and whether or not there's
25 confidence in species identification, dealing
26 with the elements that are inherent with being
27 out at sea and everything that goes along with
28 that, whether it be outfitting, the whole nine
29 yards.

30 And then also whether or not the
31 Agency should move forward with some sort of
32 automated catch reporting. This relates more
33 towards hand gear fisheries.

34 Whether or not we should increase
35 observer coverage in various fisheries. And
36 whether or not the Agency should be looking at
37 other ways to potentially procure funding to
38 allow for some increase in observers. These
39 are more the in-person observers I'm referring
40 to out of the Pelagic Observer Program.

41 Some of the other measures that we
42 heard regarding with some of the flexibility
43 as it relates to a number of actions. One in
44 particular was a proposal we had regarding
45 general category quota and being able to move
46 quota around from later in the year to earlier
47 in the year if we feel that there's a low risk
48 of filling that quota or not precluding from

1 individuals that are fishing in different time
2 frames or geographic areas.

3 Again, we heard a lot of
4 should/should not. There was a lot of comment
5 that we should increase the January quota.
6 Whether that would mean moving the December
7 allocation into January and then letting
8 things trickle down like the snowball effect
9 of underharvest one time period rolls to the
10 subsequent time period, whether or not we
11 should establish equal shares for each month,
12 shift quotas around in general. There is a
13 whole litany of different ways to slice and
14 dice how that general quota is managed within
15 the fishing year.

16 We also heard both positive and
17 negative comments regarding the angling
18 category trophy proposal. You folks will
19 recall right now we have a north/south line
20 that's off of southern New Jersey. And some
21 of those folks in more southern latitudes
22 expressed concerns of truly defining what's
23 south. It's all relative to your perspective
24 and whether or not where some of the current
25 lines are drawn if that precludes some of the
26 incidental takes by recreational fishermen in
27 the Gulf of Mexico given some of the activity
28 off of Hatteras and if that's fair and
29 equitable to provide some of those
30 opportunities.

31 As I mentioned earlier, there are
32 some of the impediments that may limit the
33 purse-seine category and having all
34 opportunities to harvest their quota. One in
35 particular was a proposal to reexamine on what
36 date that fishery could start and what was
37 proposed was June 1. So we received both
38 positive and negative comment regarding that
39 proposal.

40 So that's 188,000 comments, 2,400
41 summarized in 24 slides or less. If you did
42 not hear your specific comment here, I do not
43 apologize at all. We do have it though. We
44 have captured it. It will in all likelihood
45 be in the more comprehensive document. And
46 with that, we have a number of different
47 documents we're using internal for our own
48 deliberations that does tease all of the

1 variability that we have from your unique
2 voices and perspectives.

3 Regarding some of the timing of where
4 we're at right now, as I mentioned earlier, the
5 draft rule came out in August of last year.
6 The roadshow wrapped up in mid January of this
7 year.

8 Right now, I'm eating, breathing and
9 I'll say sleeping Amendment 7 as well as a lot
10 of folks within the division trying to really
11 chew on some of these very substantive issues
12 to make sure that we're taking all the
13 information we've seen to get it right.
14 Knowing some of the implications if we don't
15 get it right, some of these management matters
16 can truly have impacts, both at a domestic and
17 international levels.

18 As far as timing, we're still
19 shooting for summer, perhaps early fall, of
20 2014. That's the goal. It's kind of always
21 been the goal is to try to have some of this
22 information rolled out at the beginning of a
23 fishing year. We're really kind of shooting
24 for January 1, 2015 for some of these
25 management measures. But also we're
26 acknowledging that with such a complexity or
27 potential complexity of some of these systems
28 there's still a lot that's unknown as far as
29 the time that's going to be needed if we were
30 to finalize these actions. We're also
31 acknowledging some of the difficulties of
32 trying to roll some of this stuff out midseason
33 as it relates to how does a businessman, how
34 does a fisherman, know how to run their
35 operation if all of a sudden the sands are
36 shifting underneath their feet midstream.

37 Again, we're trying to target the
38 rule for later this year with a lot of the
39 implementation coming online either late this
40 year or very early 2015 in trying to meet some
41 of those objectives. That's what I have. At
42 this point, generally what I like to do is open
43 it up for feedback, reactions, comments and
44 any pats on the back that we deserve or knives
45 in the back if they're deserved as well.

46 FACILITATOR RAAB: We're open for
47 your questions and your comments. Let's
48 start with Allan.

1 MEMBER WILLIS: Thanks. Allan
2 Willis. Good job going through an awful lot
3 of comments. That's impressive to get that in
4 24 slides.

5 I really appreciate that you seem to
6 understand that how you guys implement this
7 affects a huge portion of the U.S. commercial
8 fleet and to some extent recreational as well
9 some of the quotas going away from
10 recreational to commercial under your plan.
11 I really hope that you consider your
12 implementation.

13 I know we talked offline a little
14 bit. But please don't rush it. Starting
15 eight months from now or so with this program
16 seems pretty aggressive to me. If I was given
17 that time line I would probably not be sleeping
18 too much either.

19 Please just take the seriousness of
20 how you implement this and continue to
21 consider it. And please don't feel like you
22 have to meet all your -- I guess you have to
23 meet your deadlines if you have to meet your
24 deadlines. But that seems very aggressive to
25 me.

26 MR. MCHALE: Thank you, Allan.
27 It's an aggressive time line and acknowledge
28 that, but also with that balancing act like
29 anything we do. If you don't necessarily have
30 time lines and drivers, potentially we could
31 be here another three years given the
32 complexity of this.

33 But also we need to get it right.
34 And that has been lost on us.

35 FACILITATOR RAAB: Rich and then
36 Michael.

37 MEMBER RUAIS: Thank you, Jonathan.
38 I'm really not sure how to handle this at this
39 point. I think I've probably tried to comment
40 on behalf of ABTA for the last three years in
41 probably 20 or 25 different meetings making
42 all the points that we've made. I don't know
43 how much progress we've made and I'm certainly
44 not going to repeat them all there today.

45 But our initial point was that stay
46 away from the historical allocation key that
47 we already fought a war if you will in the 1990s
48 over that. And it was fairly reflective of

1 the development of the fishery both before
2 regulations and it reflected the early
3 regulations right up through 1982. So it was
4 the correct one.

5 The problems that happened in the
6 1990s when the pelagic longline started to
7 interact with more bluefin, that wasn't their
8 fault. That was more bluefin tuna being in
9 the water and maybe more effort because
10 swordfish was coming back and maybe some of the
11 actions of the Agency.

12 If you recall we had in the early
13 1990s the bycatch of bluefin was first
14 reported as the fish reported in the
15 fisherman's logbook. And those were the
16 numbers that we were sent to ICCAT as the U.S.
17 bycatch of bluefin tuna. And they were
18 perfectly accepted and they were also used in
19 the stock assessment at that time.

20 That wasn't acceptable a couple of
21 years later. And we went through we're going
22 to use the fisherman's logbook for quota
23 accounting purposes. But we're going to use
24 the extrapolation methodology in order to deal
25 with the science.

26 And I know you're reliving this with
27 us, but we went through these processes. And
28 they all bought time. And ultimately we've
29 ended up I guess the final one was the ICCAT
30 slush fund if you will which we didn't have to
31 walk away from that.

32 In fact, we didn't have to walk away
33 from any of the three prior methods that we
34 were using just until the quota started to grow
35 to the point where you could cover the
36 interaction of PLL with bluefin with the
37 historical performance of the other
38 categories. But we did. So from that extent
39 not only the resource coming back, but the
40 Agency making changes to the rules and raises
41 the bar.

42 Probably what impacted us the most
43 was we had, if you recall, 50 percent rollover
44 underages from year to year. And that
45 provided plenty of quota in most of the years
46 to cover for longline overages which could be
47 taken care of the next year by underages rolled
48 forward.

1 Then we had to reduce 50 percent to
2 10 percent. Then we did away with the
3 extrapolation -- I'm sorry -- the
4 international slush fund. So we've sort of
5 backed ourselves if you will. I think an
6 objective observer of the process from the
7 early 1990s which I am would have to say that
8 there's enough blame to spread around as to how
9 this problem came to where it is now.

10 The issue is where do you go now.
11 And mostly this plan is doing exactly what it
12 said it was going to do in the beginning which
13 is the codified reallocation which we
14 protested takes a little bit away from
15 everybody according to their proportion of the
16 total people who are -- basically categories
17 that are innocent of any wrongdoing. It's
18 basically taking quota away from them and
19 making them pay for the excessive bycatch
20 according to the limit of the ICCAT agreement.

21 That's obviously very problematic to
22 us. And we still object to that as being
23 completely inappropriate.

24 The other alternative was to look at
25 and we offered it and others offered it the
26 coincidence of the timing of the poor
27 performance of the purse seine gear.

28 Are you going to limit my time? Do
29 you have a shutoff valve? If you're going to
30 limit my time, then I'm going to speed it up
31 to a couple other things then. And they go
32 well beyond this rule.

33 But let me just finish on this by
34 saying I think what you're better off doing,
35 what we would hope you would do, is first of
36 all -- and we have been suggesting this and we
37 started suggesting it in the latter part of the
38 open comment period -- you ought to be looking
39 at in Amendment A and Amendment B, a 7A and a
40 7B.

41 In 7A, you get to the bottom of
42 exactly how much discards are there. We still
43 don't believe that you have that figure today.
44 With five percent observer coverage, eight
45 percent observer coverage, you just can't
46 convince anybody on the water that you've got
47 an accurate number right now.

48 Cameras, we totally agree with that.

1 So we would view an Amendment A. We would put
2 the cameras on board, try to improve the
3 observer coverage if you can, get the ETMUs so
4 have real time reporting and establish in
5 Amendment 7A exactly how much quota are we
6 lacking in doing it.

7 And then Amendment 7B would follow
8 right on the heels, probably be on a similar
9 time track, just delayed a little bit. And
10 you could look further at given now that you
11 know exactly how much quota you need exactly
12 where can you get it from and how can you get
13 it from.

14 That's where we've always said we
15 wouldn't support any involuntary
16 reallocation. But if there is voluntary
17 reallocation, if there are incentives then let
18 it rip. And that was where we looked at the
19 person and category and the longline category
20 and said IBQs or whatever it is we call it,
21 IBQCs here and allow them to operate for a
22 couple of years.

23 Put in all the protections you want
24 about no excessive ownership and allow the
25 seiners to continue to operate if they can
26 catch their fish. So they catch as much as
27 they want. And if they have some to sell,
28 they'll sell and lease, they'll sell what they
29 want.

30 I'll have to move on and away from
31 that. The final issue I'll just stop here as
32 --

33 FACILITATOR RAAB: Richard, you
34 need to wrap up because other people want to
35 speak.

36 MEMBER RUAIS: Okay. An
37 alternative much further back in the
38 amendment, E.1.C, addresses an entirely
39 different issue and that was supported as a
40 means of the Agency progressively looking at
41 the New England situation of the periodic
42 subquotas. June through August, 50 percent of
43 the quota has always been allocated. Was 60
44 percent at one point. It's down to 50
45 percent.

46 And the suggestion was since in New
47 England you're not catching that 50 percent
48 between June and August the Agency could

1 proactively take some of that quota the
2 following year and put it in February, March
3 and April. And we obviously rejected that
4 notion. And particularly the years you cited
5 as the example, we actually went onto catch
6 that quota when you rolled it over into
7 September and October. The general category
8 caught it during the traditional fishery.

9 We think in talking to some of the
10 southern fishermen that there is a better way.
11 That's put their 10 percent of the quota into
12 the month of January and let it roll until
13 March 31st at that point in time.

14 Don't close the general category at
15 the end of the year and you might have quota
16 going until December 31st. You never know.
17 So they might get a ten month fishery out of
18 the year as opposed to the 12 month that
19 they've long sought. But at least you
20 wouldn't be injuring or ripping off if you will
21 the traditional users who rely heavily on the
22 June through August period. As good as I can
23 do.

24 FACILITATOR RAAB: We've got
25 Michael, Jerry and then Scott.

26 MEMBER SISSEWINE: Okay. I'm try
27 to be brief mostly because we haven't eaten and
28 slept this stuff like some people in the room
29 do. But basically I just wanted to reflect a
30 few views from the New England Fishery
31 Management Council.

32 I have to be clear the council hasn't
33 taken any formal votes on positions. But
34 there was a discussion and I think I have a
35 sense of it.

36 And clearly the New England Fishery
37 Management Council is concerned about any
38 wasteful discarding including that which
39 might be occurring or has occurred in this
40 fishery. So it really does respect the
41 Agency, an international community's desire
42 to step up and address the problem and find
43 solutions.

44 Having said that though, there's
45 clearly reservations or concerns from the New
46 England perspective about solving the problem
47 through a reallocation from the general
48 category to the purse seine category.

1 This reflects the recognition of how
2 important that general category has been as a
3 traditional fishery in New England and the
4 support that the council puts on maintaining
5 these traditional fisheries.

6 That's not to say that the purse
7 seine, or excuse me, the longline fishery
8 isn't also represented in New England and
9 important. But just the huge differential in
10 the number of participants in boats is
11 striking.

12 Associated point to that is this is
13 a particularly difficult time to impact small
14 vessels in New England, many of which are part
15 of the general category when there is such a
16 devastating situation going on in terms of the
17 impacts of regulations on ground fish. There
18 is overlap between these fishing groups.

19 I believe there's about 10 percent of
20 the ground fish fishing vessels, the limited
21 access ground fish fishing vessels, that also
22 have landing of tuna and revenues from general
23 category tuna permits. This is a serious
24 consideration in a time when NOAA has agreed
25 there's an economic disaster already
26 occurring within the ground fish fishery.

27 I don't have any of the specific
28 economic evaluations of this problem. But I
29 assume the Agency will carefully analyze that
30 before it comes to some decision in terms of
31 what the implications are.

32 I guess my final comment on the
33 reallocation question is that it goes a little
34 broader than just this particular situation.
35 It strikes me that in my experience I'm not
36 aware of cases where ITQ like systems have been
37 set.

38 It's not totally clear to me how much
39 tradeability there will be in this system.
40 But ultimately I've never experienced one of
41 these that doesn't ultimately become a
42 tradeable commodity. And it strikes me that
43 I'm not aware of systems where ITQ like
44 allocations have been made where it's done in
45 such a manner that there's a reallocation from
46 one segment of the fishery to another segment
47 of this magnitude through reallocation rather
48 than through the normal market processes that

1 occur by buying and selling quota.

2 Now, of course, that isn't on the
3 table here because the ITQ like system is only
4 for part of the fishery or for part of the
5 harvesting community. But it does strike me
6 as a far-reaching precedent to be creating an
7 initial allocation that draws on a share of a
8 fishery that isn't included in that initial
9 allocation scheme in terms of creating a
10 valuable commodity. Thank you.

11 FACILITATOR RAAB: Terri, you were
12 next.

13 MEMBER BEIDEMAN: Okay. First, I
14 didn't come prepared to do comments on the
15 comments. But I will put in a little bit of
16 something here.

17 Pelagic longline fleet has not been
18 doing any wrongdoing. They've been following
19 the law discarding bluefin. And if there's
20 more bluefin interacting with their gear it's
21 not because they're trying to. It's because
22 they're fishing and perhaps there's more
23 bluefin out there. And maybe that's really
24 what we need to look at.

25 However, notwithstanding, our
26 comments were considerable. They were done
27 and presented in a way to demonstrate the
28 importance of our fishery. We maintain
29 that's absolutely true today, notwithstanding
30 the importance of other fisheries as well.

31 We provide a very significant
32 percentage of the commercial harvest of
33 Atlantic tunas and swordfish. We go to ICCAT
34 and that if we were looking at any kind of
35 lengthy closures or any kind of serious large
36 area closures or and restriction that would be
37 more than they could bear, we would have people
38 going out of business.

39 And we have a pretty big amount of
40 attrition that's already occurred in this
41 fishery due to regulation. I believe we have
42 the cream of the crop in the United States,
43 both recreationally and commercially. I
44 think it's absolute sin that we sit here and
45 we have to fight each other over a very small
46 quota when the rest of the ocean out there is
47 doing what they damn well please.

48 We will end up slicing and dicing

1 each other. It will not be for the benefit of
2 the United States.

3 My concerns are the same that I have
4 raised. And I'm not going to go into them
5 here. But I believe that the viewpoint of
6 anyone who's new that's sitting around this
7 table that somehow the pelagic longline fleet
8 has been doing wrongdoing ought to be
9 corrected.

10 We've only been following the rules
11 as they have been handed to us. And we did not
12 request to have to discard things. And we
13 know full well that we are not the only ones
14 that discard things at sea. And if we're
15 going to apportion according to what we
16 interact with including landings and discards
17 then we need observation on all categories.
18 We're not going to know that answer until we
19 do.

20 It should be fair. It should take
21 everyone's concerns into account. And I
22 would agree with Allan. Take as much time as
23 you need because this is big deal. It's a game
24 changer. Thank you.

25 FACILITATOR RAAB: Thank you,
26 Terri. Scott, you were next.

27 MEMBER TAYLOR: Whatever it was,
28 200,000 comments. How many comments did you
29 say that you took.

30 MR. MCHALE: One hundred
31 eighty-eight thousand.

32 MEMBER TAYLOR: Okay. So I'm going
33 to share you 188,001. But I do have a couple
34 of things that I really feel that are important
35 to reiterate at this point. That is that I've
36 had a much better understanding of this
37 process after a few years and have come to
38 respect that. But make no bones about the
39 situation that we're facing that Amendment 7
40 is about PLL fleet, the survivability of the
41 PLL fleet.

42 It may have impact and allocation to
43 some of the other people that are involved.
44 But it's about the ability of this fleet to
45 survive. And as Terri put it, this is a
46 regulatory discard problem that everybody in
47 this room in one sector or another including
48 the Agency created for the PLL fleet.

1 It's not by choice that these fish
2 are part of our catch and that if it wasn't for
3 the wastefulness of the current system I think
4 we probably would be having a different
5 discussion. If this was a question of us
6 going over quota or that the fleet was landing
7 more than what's being attributed to it, I
8 think it would be a different discussion in
9 general.

10 You've had the opportunity with
11 188,000 comments to look over and you probably
12 have a pretty good sense of what direction that
13 you're going. And what I would like to add to
14 that is that because this wasn't a situation
15 that the PLL fleet directly involved in.
16 Everybody that pelagic longline fishes
17 understand the magnitude of the outcome of
18 this.

19 I strongly ask you to look at what's
20 been suggested by that sector of this panel and
21 in the comments that you've gotten in how you
22 craft this rule. We offer what we offer
23 because we want success, not because we want
24 to see another problem or another failure.

25 We understand what the ramifications
26 are of failure. Everybody is impassioned
27 about this. All you have to do is go to a
28 couple of the public meetings. I thought I
29 was going to have to come between you and a
30 couple of fishermen in Fort Pierce.
31 Everybody is emotionally driven by the outcome
32 of this thing.

33 And I just ask you to look at what
34 industry is requesting from you. Give that a
35 lot of weight and factor that into the
36 parameters that you have to work with.
37 Obviously, you can't do everything that we've
38 asked for.

39 But please. I think that we really
40 do have a better sense of how we're going to
41 be able to accomplish the goals because we're
42 the ones that are out there doing it.

43 And the final note, all the other
44 things are academic, quota and ICCAT and
45 reallocation. None of that really matters at
46 the end of the day. What matters is that
47 whatever the parameters that you design we're
48 going to have to live within it. And if we

1 don't live within it then the ability for the
2 PLL fleet to be viable and survive will
3 absolutely be in jeopardy.

4 That's it. We appreciate all the
5 work that you've done. And we know that you
6 probably are not doing a lot of sleeping at
7 this point trying to get this thing finished.
8 Everybody would like to see this thing. In
9 general we all like to take things that are
10 problematic that we don't know the outcome of
11 and push them out so that we don't have to deal
12 with them.

13 But this has to be dealt with. We
14 understand. And we know that you'll do it in
15 the best way possible.

16 FACILITATOR RAAB: Thank you,
17 Scott. Martin, then David, then Rom.

18 MEMBER SCANLON: First of all, I'd
19 like to take great exception to anybody that
20 just wants to sit here at this table and point
21 their fingers solely at the pelagic longline
22 fleet in regards to discarding. I mean we're
23 the only ones, us and purse seiners, that have
24 been accountable for our discards and has
25 worked with the Agency and the
26 environmentalists and the academic people in
27 trying to reduce our discards. Like Terri has
28 said, we didn't create this problem. This is
29 the result of everybody else telling us what
30 to do.

31 I strongly urge the Agency to look at
32 all possible ways in which we can reduce those
33 discards in the pelagic longline fleet whether
34 it be relaxing some of the measures that are
35 in place right now or maybe strengthening some
36 of the measures that are in place right now.

37 Like Scott said we all need to
38 survive here. But the time here to
39 continually just point the finger at the
40 pelagic longline fleet and say this is solely
41 our problem is absolutely wrong.

42 And I do thank the Agency and I am
43 confident in the Agency. The Agency is
44 looking to do the right thing here. They see
45 what's gone wrong with the laws that are in
46 effect right now and I believe that they're
47 looking to correct those laws.

48 Just be patient. I think it's going

1 to take a lot of time. Some of these things
2 that want to be implemented aren't really
3 ready to be implemented as far as monitoring
4 and stuff like that. I think monitoring needs
5 to be done across the board in all aspects of
6 bluefin fishing in order to really get a true
7 stock assessment.

8 You're only getting half the data.
9 You're only getting partial data. You're
10 only going to have a partial stock assessment.
11 If you're going to do that, then a stock
12 assessment is going to be as worthless
13 tomorrow as it is today.

14 We need to find out how many bluefin
15 are actually out there and how and if we can
16 actually avoid them. Rather than keep trying
17 to pretend that they don't exist in certain
18 areas and they only exist in other areas, that
19 hasn't worked. That's why we're here today.

20 I just wish that we are confident
21 that you'll take whatever time it takes. I
22 mean I think you've done that already. You've
23 extended the comment period which was good
24 because you needed to. And I believe that if
25 it is necessary you'll extend the time that
26 this is implemented.

27 That's really all I have to say. I
28 do congratulate you. I do thank you for your
29 time and your effort.

30 FACILITATOR RAAB: David.

31 MEMBER SCHALIT: Thank you, Brad and
32 Margo and all of you wonderful people for
33 authoring this enormous tome. My preferred
34 alternative would be for you to send around an
35 email to tell us when we can take that tome and
36 start using it for a doorstep.

37 It's a huge body of work which you
38 guys have done. It's impressive. Really
39 impressive. And notwithstanding all the
40 controversy that's behind it. Just to put it
41 in print is a major effort.

42 I have three points I want to make.
43 I was looking at a couple of comments that were
44 sent in by others. And I happened to notice
45 one comment letter that came from Barbara
46 Block at Stanford University. And there was
47 one thing that she said in the comments that
48 just interested me.

1 What she said was that the difference
2 between a two month closure in the Gulf of
3 Mexico and a three month closure, the smaller
4 of the larger closure, is not going to
5 materially and negatively impact the
6 yellowfin longline fishery. In other words,
7 having the longer or the larger closure would
8 not have this effect.

9 And that surprised me because I
10 wasn't aware of that. And it seemed to me that
11 she had sufficient bona fides to say something
12 like that given the fact that she has
13 co-authored at least five papers on longlining
14 in the Gulf of Mexico.

15 So that was something interesting
16 for me to know. And it wasn't mentioned in
17 what you were saying there. So I thought I
18 would bring it up.

19 The next two items have to do with
20 stuff that Rich brought up and I sort of want
21 to just touch on them very briefly from a
22 different perspective.

23 Rich spoke about what is the
24 importance of the traditional quota share for
25 the New England Fishery and how this would
26 impact a decision that you would take that
27 relates to how quota is apportioned throughout
28 the year. And so what I'm basically doing is
29 I'm echoing something which I believe Ralph
30 may have brought up in a previous meeting which
31 is the concept -- We're talking now about the
32 Hatteras fishery.

33 The concept here is quite simple
34 actually. The Hatteras fishery seems in
35 recent memory suffers from the fact that
36 they're not sure when those fish are going to
37 show up. And as a result they're having to pay
38 for the fact that they may lose that December
39 allocation.

40 The concept here that ABTA has is
41 very simple. Take this December
42 suballocation and move it back in time all the
43 way to January of the same year. And then you
44 have another suballocation for that quarter or
45 January, whatever you want to call it. So now
46 you basically have a total of suballocations
47 that can be used for fishing in the first,
48 let's say, from January 1 to March 31st.

1 Now in the extremely unlikely event
2 that those fish should show up before January
3 1st I would assume but appreciate your
4 confirming that these fish could be fished on
5 by Hatteras fishermen accessing the general
6 categories quota for the prior year. So it
7 seems that it's a solution that just makes
8 sense for everyone. This way nobody is
9 penalized for these mercurial bluefin who
10 don't stick to the schedule we want them to
11 stick to.

12 So last item is what Rich was talking
13 about in connection with this concept of
14 changing Amendment 7 into Amendment 7A and
15 Amendment 7B. Now what's behind that concept
16 is this. Very simple. We have uncertain
17 data. We're not certain of our data here.
18 The data that we're working with has a certain
19 theoretical dimension to it.

20 And when we have such uncertainty
21 then it seems reasonable to assume that we will
22 have uncertain outcomes as well. So why not
23 put that uncertainty up front and then let that
24 be our guide in terms of determining how
25 Amendment 7 will pan out ultimately?

26 So the concept of Amendment 7A and
27 Amendment 7B is this. Amendment 7A would
28 incorporate all management measures intended
29 to reduce discards and that's it. And then
30 Amendment 7B would address all those other
31 measures which you have developed in the DEIS
32 including IBQs, et cetera, et cetera.

33 Now why would we do something like
34 that? Well, let's say, after implementing 7A
35 you would allow a certain determinate period
36 of time to pass, X number of seasons during
37 which time you could be bringing the discards
38 down enough to a lower level. And at that
39 point you could conceivably arrive to the
40 point when you're studying 7B and you can ask
41 yourselves AWhat of what's left in Amendment
42 7 DEIS do we really need in 7B? Do we need the
43 leasing program? Do we need the IBQ program?
44 Do we need the codified reallocation
45 scenario?@

46 If we take a look at your numbers,
47 what you estimate to be the savings in, for
48 example, discards from the time area closures

1 that are proposed for the Gulf of Mexico and
2 for the Hatteras area, this might in itself
3 obviate the need. Those savings might in
4 themselves obviate the need for a codified
5 reallocation.

6 This is what we're driving at when
7 we're saying this. This is what we're aimed
8 at. And it-'s kind of hard to put into words,
9 but there it is. Thank you.

10 FACILITATOR RAAB: Thank you,
11 David. We've got Rom and then Bill and then
12 Scott again.

13 MEMBER WHITAKER: Yes. Rom
14 Whitaker, Charter Boat in Hatteras. Brad, I
15 appreciate you putting this altogether,
16 18,000 comments B- One hundred eighty-eight.
17 You've got to handle and I know. But anyway
18 and these are just some things that I observed.

19 Ten years I think since the total
20 landings and I'm not talking about any
21 category. I'm not wanting to take any fish
22 from any person or give any fish to any person.
23 But it's been ten years since the total
24 landings have exceeded the total adjusted
25 quota. We're still even this year leaving a
26 lot of tonnage on the table.

27 Coming from my area our season we get
28 5.5 percent of the quota, which is
29 approximately 24 metric tons. It didn't
30 start until January 1st. I mean, instead of
31 January 1st through March 31st the fish didn't
32 show up until March 31st. They caught the
33 quota in about nine or ten days. And it may
34 have even gone over a little.

35 But my point is due to weather,
36 water. I don't have to tell you all. Fish
37 move around. But if those fish wouldn't have
38 shown up til April 1st we'd be in my opinion
39 short of that 25 metric tons at the end of this
40 year.

41 Yes, we would very much like to have
42 the December subquota moved to January. But
43 I don't understand why we can't fish April and
44 May. It certainly doesn't mean that we're
45 going to catch more. It just means that the
46 fish may not show up until the end and we want
47 opportunity. It is an annual fishery.

48 I think it has been shown and I take

1 a little bit of exception for the longline not
2 being the only ones to try to conserve bluefin
3 tunas. The industry certainly instigated the
4 circle hook almost immediately in our fishery.
5 And we did much tagging studies and ways to
6 remove hooks and lead without harming the
7 fish. We want to save them as much as anybody
8 else.

9 I think in looking at some studies a
10 much higher percentage of the fish that are
11 caught off of North Carolina are Eastern fish.
12 So from a conservation standpoint it would
13 seem to me we're better off to leave our
14 western fish over here. Maybe they're stay
15 over here and those are the ones that I guess
16 go to the Gulf.

17 And I guess this day and age every one
18 of us here probably has a cell phone. I can
19 get on that cell phone, look at some websites,
20 look at a water temperature chart, call two or
21 three of my fishermen especially when the
22 general category was open and say AHey, where
23 are the bluefins?@

24 They're going to say AThey're from
25 the 600 line. Boats got up as high as the 800
26 line and didn't get a bite.@ I think we have
27 some mechanisms out here to manage these fish.

28 I know Terri and her group have
29 usually stepped up to the plate to address a
30 problem. And I really feel like that the dead
31 discards for 2013 are going to be much less
32 than our proposed numbers.

33 A little bit of a problem I have and
34 I'm not pointing fingers, but here it is March
35 and we don't have 2013. We just have proposed
36 numbers. We don't have actual numbers.

37 And I know dead discards are to
38 figure. But with 161 active longliners and
39 maybe half of them with bluefin interactions,
40 it just seems to me that shouldn't be that
41 hard. I mean you look at trip reports. And
42 if they didn't report a bluefin landed more
43 than likely they don't have any dead discards.
44 Somehow we've got to capture that information
45 a little faster.

46 You know if they want to switch to --
47 Well, I don't need to address that. I support
48 them coming in the general category. Anyway,

1 those were some things I wanted to point out.
2 Thank you.

3 FACILITATOR RAAB: We've got about
4 five more minutes. We'll go to Bill, Pat,
5 Shana and Jeff.

6 MEMBER GERENCER: Bill Gerencer.
7 Thank you, Brad, for your perseverance. If
8 you go to Wikipedia your name is on there next
9 to perseverance apparently.

10 We do have a fishery disaster in New
11 England. And when it started, the problem
12 started, 20 plus years ago, it was manmade.
13 But our current situation is regulatory. And
14 I'm using this to illustrate a point because
15 we have a disaster and just got some kind of
16 a bailout. And yet our friends just to the
17 north of us have a bonanza and we're fishing
18 on the same stock.

19 So I look at our pelagic longline
20 fleet that harvests swordfish and I hope we
21 don't get into a situation where we lose that
22 fleet because we can't figure out how to
23 effectively co-manage their interaction with
24 bluefin. I don't think that removing our
25 pelagic longline fleet, if we just told them
26 all tomorrow you can't fish anymore and go
27 away, will save one bluefin.

28 I think it's really important that we
29 find our way through this and we find our way
30 through this without pitting one user group
31 against another. I guess that's all. Maybe
32 I should or shouldn't have said that, but
33 that's it.

34 FACILITATOR RAAB: Pat.

35 MEMBER AUGUSTINE: Pat Augustine.
36 Listening around the table, there's
37 absolutely no question that some great ideas
38 have been put on the table, particularly from
39 Rich, David and several others. But the facts
40 still remain, Brad. You've done a fabulous
41 job.

42 You've done a fabulous job in what
43 you've put together. A tremendous amount of
44 work. I did go through all 680 some odd pages
45 with all the references and some of them date
46 back a long way. So I assume that's still
47 valid information.

48 But we're talking about specific

1 issues that each of the various locations are
2 faced with. Rom and his case, William and his
3 place, what are we doing about those things?

4 We are not addressing Amendment 7.
5 You've outlined in this document a variety of
6 actions that you call preferred options. And
7 having read through most of these, I did my
8 homework. I did about five pages of notes.

9 And similar to what we do at ASMFC I
10 know we don't come to a consensus here. We
11 make suggestions because it's an advisory
12 panel.

13 But when you look at all the
14 alternatives it's almost a matter of fact that
15 sooner or later you have to look at the
16 options. And you have to talk about specific
17 options. I have only heard a couple of clear
18 cut options given to you. Rich, you were very
19 definitive followed by Dave, very definitive.

20 Maybe there is a 7A and a 7B. We had
21 a brief offline conversation about what you
22 could put in place very quickly. And I look
23 down through here and you're saying enhanced
24 reporting measures. Why can't we concentrate
25 on that as a given that can be put in place
26 relatively quickly?

27 In fact we do all have cell phones and
28 iPads and all the rest of that. It would seem
29 to me that collectively this group may suggest
30 or lead you to believe that that would be a good
31 thing for you to move forward with. VMS
32 requirement, electronic managing for longline
33 category, automatic catch reporting, log book
34 requirement not necessary, whatever you've
35 got.

36 But head in the direction of
37 electronic monitoring. It's quick. It's I
38 want to say cheap. Not dirty, but it's clean.
39 It's cleaner. If you want to go to the expense
40 of putting cameras on vessels, that's another
41 story all by itself.

42 Bluefin tuna quota controls, you
43 talk about the IBQ. Quite frankly, in my
44 humble opinion, it's not ready for prime time.
45 It's just not ready.

46 Look what we went through with catch
47 shares. There are winners and there are
48 losers. And when you get into transfer,

1 leasing and all the rest of that, there are
2 bigger winners and bigger losers. People who
3 have a very small quota share end up leasing
4 and they go to Florida or Puerto Rico or
5 wherever they go, Costa Rica. And they go
6 fish and make money on something that they're
7 not longer going to fish on.

8 I think looking at the bluefin tuna
9 quota control that would be a 7B if in fact you
10 want to move along with that. I personally
11 think what we went through with catch shares
12 that's probably two years out before you can
13 have clarification there.

14 Under area based measures, you talk
15 about gear-restricted areas off of Cape
16 Hatteras, the gear-restricted area with
17 access based on performance. I read that very
18 thoroughly. As you had indicated, Brad,
19 there are numbers. There are criteria.
20 There are vessels that are identified. Heavy
21 hitters when it comes to a very low discard.

22 It seems to me those that do what I
23 would call -- I want to call it clean fishing
24 and maybe that's the right word because those
25 of you in that business will say, AHe doesn't
26 know how clean we are.@ But those fisheries
27 that constantly have low discard, they're the
28 ones that should be highlighted. They should
29 be given the opportunity to fish in
30 gear-restricted areas and so on. For
31 consideration.

32 If we're not using the quota, the
33 question is why. Are they not there? Are the
34 fishermen not out there? Is it weather
35 conditions? Are quotas not available? What
36 is causing the problem?

37 If they have the quota and they're
38 not catching it, then it's up to them to tell
39 us what else we need to let them do in order
40 to catch that quota.

41 I'm not concerned about losing quota
42 to ICCAT like I used to be. For all the years
43 that you folks have been there or we've been
44 there, Jon and company do a great job in
45 protecting U.S. quota shares. I don't think
46 that's an issue.

47 The issue is how do we use what we've
48 got. And how do we develop that and turn it

1 into economy. Economics. Money for our
2 fishermen. I have fishermen on Long Island
3 that are literally ready to go belly up. Fish
4 aren't there. They're not going to travel 100
5 miles, 150 miles, to get what they get.

6 I think we need to look at area based
7 measures. As you identify them here, you
8 talked about a small Gulf of Mexico
9 gear-restricted area. You go into detail as
10 to what that's all about.

11 Likewise with Atlantic pelagic
12 longline vessels to fish under general
13 category rules. I'm not sure what it takes a
14 pelagic longline vessel to switch over to use
15 any other gear. That would be up to those
16 folks to decide whether they want to do it.

17 FACILITATOR RAAB: Pat, are you
18 going to wrap up? Can't tell if you have five
19 pages of comments.

20 MEMBER AUGUSTINE: I can do it.

21 FACILITATOR RAAB: Okay. Because
22 we need to move on.

23 MEMBER AUGUSTINE: So who is
24 affected? Take the items and issues that were
25 put on the table, major concerns that were
26 mentioned, divide this Amendment 7 into two
27 major units. Let's attack those ones that you
28 can do immediately. Get them into effect
29 during 2014 or January 2015. Worry about the
30 others for 2015-2016. Hopefully it was
31 helpful. And the cookies are good.

32 FACILITATOR RAAB: Shana and then
33 Jeff.

34 MEMBER MILLER: Shana Miller. I'll
35 take whatever. Shana is fine, too.

36 First of all, thanks for this
37 presentation, Brad. And to you and Margo and
38 all your team. I mean this whole process back
39 to the ANPR 2009 has really been an incredible
40 effort. Yes, you guys deserve a lot of kudos
41 for that.

42 And I was going to refrain from
43 talking today. But since everybody is giving
44 comments, I just can't resist.

45 I hate to disagree with my dear
46 friends to my left here, but I think with
47 Amendment 7 it's the total package that makes
48 it work. It holds the longline category

1 accountable for its mortality and reduces dead
2 discards which everyone around this table
3 wants to do.

4 By having a catch cap, you finally
5 eliminate the continual year after year of
6 exceeding the longline subquota. And by
7 putting in an IBQ system with that, you're
8 allowing flexibility to the fishermen and
9 you're preventing derby fishery by having each
10 of the boats getting their own piece of that
11 quota.

12 I think that unlike a lot of IBQ type
13 or ITQ type systems this has a stepwise
14 implementation. You know you're not going to
15 see the consolidation. You guys have a review
16 period. You have lease. You're not even
17 allowing permanent leases at this point as
18 proposed.

19 And so I think a lot of those concerns
20 really don't exist at this point because I
21 think you have tried to give this IBQ system
22 a more stepwise implementation. You're
23 proposing the mandatory retention of the legal
24 sized fish which again accomplishes reducing
25 dead discards, also improves estimates of
26 mortality. Rather than extrapolation you're
27 getting the actual fish coming across the dock
28 and being reported by the dealers.

29 With the gear-restricted areas,
30 you're reducing interactions with bluefin.
31 There's no concerns about post release
32 mortality and anything like that. You're
33 eliminating the interactions in those key
34 areas. And you're proposing improved
35 monitoring and reporting measures.

36 To me it's Amendment 7. And it's the
37 total package together that really makes it
38 work.

39 And one of the most controversial
40 parts of this plan of course is the
41 reallocation proposal and by expanding the
42 temporal and the spatial extent of the Gulf of
43 Mexico gear-restricted area, by prohibiting
44 the conditional access to the Cape Hatteras
45 gear-restricted area, just not allowing any
46 vessels in that gear-restricted area, you're
47 getting the quota savings to obviate the need
48 for any reallocation and getting that more

1 controversial part of this plan off the table.
2 I think I will leave it there. But
3 carry on. Thanks.

4 MEMBER ODEN: Interestingly that
5 Shana led me into that. You know the
6 so-called hot spot closure area that was
7 proposed in Amendment 7 I believe will be
8 potentially closed in December through I
9 forget when. Interestingly enough
10 this year, I suspect the Coast Guard probably
11 called out most of the C6 susceptible sailors
12 who are out there trying to monitor the
13 longline fleet in our area and to no avail.
14 Came up I guess in the middle of February
15 before a bluefin was actually caught in the
16 area or showed up.

17 The point is hot spot? I mean the
18 wicked tuna crab will call it anything but hot
19 until recently. I mean, again I'm looking at
20 it from the perspective of there is never a
21 given in this fishery.

22 To another point, again to the
23 general category, Rom over here who was -- I'm
24 certainly sympathetic for all the guys in the
25 northeast because I read Commercial Fishing
26 News. My heart breaks for those guys. It
27 really does.

28 But the reason I'm a longliner is
29 because I was put out of the bottom fishery.
30 And nobody gave us \$30 million and I'm not
31 begrudging that fact. I moved on. But again
32 our area has needs, too.

33 Secondly, to that point, I still
34 agreed with what Rom has said in the past.
35 Twelve month general category season would be
36 certainly beneficial in telling us when we
37 could be in the area. They could be our
38 barometer. Anyway, to that point, I'll end
39 it.

40 FACILITATOR RAAB: Thank you.
41 Martin, I'm going to ask you to hold since you
42 got one shot at it and we're ten minutes over.
43 So we can move the comments to the end.

44 And you didn't comment yet. Okay.
45 Go ahead and then let's move on. We will have
46 a public comment period at the end.

47 MEMBER GREGORY: Randy Gregory.
48 There are economic hardships everywhere and we

1 have them surely in the Mid Atlantic. I just
2 wanted to remind -- I didn't know we were doing
3 comments. But this is a U.S. quota, not a
4 regional quota. And no group owns any quota.
5 So please keep that in mind. And we would like
6 to fill the quota. Thank you.

7 FACILITATOR RAAB: Okay. So we're
8 going to move onto our next presentation, our
9 last presentation, before we go to public
10 comment.

11 BLUEFIN TUNA 2014 SPECIFICATIONS PROPOSED
12 RULE

13 MS. McLAUGHLIN: I'm Sarah
14 McLaughlin from the HMS Office in Gloucester.
15 And we are glad to be able to present the
16 specifications which as Margo said publishes
17 tomorrow. This presentation will also be
18 used for our April 16 public conference call.

19 We established the current baseline
20 quotas in 2011 when we implemented the 2010
21 ICCAT recommendation 10-03. And we set the
22 domestic fishing category subquotas per the
23 allocation scheme in the 2006 consolidated HMS
24 FMP.

25 The baseline quota is codified and is
26 effective until changed for instance as a
27 result of a new ICCAT recommendation. The
28 baseline quota is the same as it was in 2013.
29 And the 2014 quota specifications are
30 necessary to adjust the annual baseline quota
31 to account for underharvest or overharvest of
32 the adjusted 2013 bluefin quota. And
33 preliminary information indicates an under
34 harvest.

35 Through the specifications we would
36 proactively account for anticipated 2014 dead
37 discards to ensure that the catch, the
38 landings and the dead discards together do not
39 exceed the adjusted 2014 quota.

40 And as Margo showed you earlier, the
41 2013 western bluefin recommendation is for one
42 year rollover of the 1750 metric ton total
43 allowable catch including dead discards. And
44 you've already seen this. I'll try to move
45 quickly here that this TAC is expected to allow
46 for stock growth under both low and high
47 recruitment scenarios.

48 The U.S. baseline quota continues to

1 be the 923.7 metric tons plus 25 metric tons
2 that we use for the northeast distant
3 gear-restricted area, maintains the school
4 tolerance of no more than 10 percent of the
5 U.S. quota which is 94.9 tons and maintains the
6 10 percent cap of the U.S. quota that we can
7 roll forward if unused, 94.9.

8 So the TAC and the U.S. quota include
9 dead discards. I should say that since 2007
10 the TAC and U.S. quotas have been inclusive of
11 dead discards and before then we have the 68
12 metric ton dead discard allowance.

13 We have to report bluefin landings
14 data and dead discard estimates annually.
15 And currently the best available estimate of
16 anticipated 2014 dead discards is 219.5 metric
17 tons. This is the 2012 dead discard estimate
18 for the pelagic longline fishery of 205.8
19 metric tons.

20 And, Terri, I know in the listserv
21 you may see two numbers. It's 205.8. I had
22 in there in one paragraph, the second
23 paragraph, 202.3. That's what was reported
24 last year to ICCAT. But this is the best
25 available. So 205.8 pelagic longline plus
26 the observed 2013 dead discards for the purse
27 seine fishery 13.7.

28 When the 2013 pelagic longline dead
29 discard estimate is available later in the
30 spring we will use that along with other
31 available information about dead discards in
32 the final specs. And that will be reported to
33 ICCAT midyear.

34 This table shows the base quotas and
35 subquotas as codified in last year's final
36 rule in the second column. And the fifth
37 column shows the adjusted quotas for 2013.

38 At the bottom you'll see that the
39 total rows are split and that's because we have
40 the as-published amount of 919.9 metric tons
41 in the 2013 final rule and the 1,043.6 metric
42 tons is what ICCAT considers our adjusted
43 quota because we're allowed to roll forward 10
44 percent of the quota if unused. So that's
45 what the U.S. is held to and that's what we use
46 for assessing the underharvest at this point.

47 Based on the best currently
48 available landings data and estimate of dead

1 discards we anticipate an underharvest of the
2 2013 adjusted quota of 306 metric tons. But
3 as you know we're limited to how much we can
4 carry forward to 10 percent of the U.S. quota.
5 So that's the 94.9.

6 We are proposing to account for half
7 of the dead discards up front at the beginning
8 of the fishing year using the best available
9 estimate from the longline and purse seine
10 category subquotas as applicable. For the
11 longline category it would be one-half of the
12 205.8 metric tons which is 103.9. And for the
13 purse seine category it would be one-half of
14 the 13.7 metric tons of observed dead discards
15 which rounds to 6.9.

16 We propose to apply the full amount
17 of underharvest that we can carry forward to
18 2014 to the longline category. At the bottom
19 there you see the proposed longline category
20 subquota is the 74.8 metric ton base quota
21 minus 102.9 mt dead discards plus the full
22 amount of underharvest we can roll forward is
23 an adjusted quota of 66.8 metric tons, not
24 including the 25 metric tons for the northeast
25 distant area.

26 And for the proposed purse seine
27 category subquota, it would be the baseline
28 subquota of 171.8 minus 6.9 metric tons for an
29 adjusted 164.9 metric tons.

30 And as you know, while we've been
31 developing Amendment 7 over the last few
32 years, we've been contemplating how to account
33 for dead discards within the quota and
34 allocate the underharvest that we can carry
35 forward. We've been balancing the need for
36 the pelagic longline fishery to continue tuna
37 fishing and swordfish fishing with the need of
38 the directed bluefin fisheries participants
39 to receive their base subquotas.

40 Without an allocation of the
41 available underharvest to the longline
42 category, deducting one-half of the estimate
43 of the dead discards from the baseline
44 longline category subquota would result in no
45 quota for the longline fishery for 2014 for
46 bluefin. And you can see the math there. It
47 would be 28 metric tons in the negative.

48 Another consideration is the

1 possibility that due to timing we may need to
2 close the longline category to bluefin
3 retention based on the codified quota before
4 the final rule or the adjusted quotas if it's
5 concurrent with the final rule and we've done
6 both in the last two years.

7 In 2012 we closed the southern area
8 on May 29th and the northern area June 30. And
9 we accounted fully for the landings up to that
10 point in the final rule by applying 76.2 of the
11 94.9 metric ton underharvest to the longline
12 category. And the adjusted subquota that
13 year was 49.7 metric tons.

14 In 2013 we closed both areas June
15 25th concurrent with the final rule and
16 applied all of the underharvest that we had at
17 that point to the longline category. So the
18 final 2013 subquota was 46 metric tons.

19 The proposed subquotas for the
20 directed handgear categories, the trap
21 category and the reserve would not be changed
22 in this proposed rule.

23 And the table shows the proposed
24 quota specifications for 2014 in detail with
25 the base subquotas in the second column, the
26 deduction of the dead discards in the third,
27 the application of the allowed 94.9 metric
28 tons that we can roll forward in the fourth
29 column and the adjusted quotas and subquotas
30 in the last column.

31 And we consider the specifications
32 approach that we've taken the last three years
33 appropriate again for 2014 during the
34 continued development of Amendment 7. And I
35 think we've covered -- You know what's in
36 Amendment 7 and what it's intended to address.
37 A variety of management issues with the need
38 to end overfishing and rebuild the stock.

39 And you know that we proposed it in
40 August. Comment period closed in January.
41 And here again repeating, some of the items in
42 Amendment 7 like revisiting quota
43 allocations, reducing and accounting for dead
44 discards, adding or modifying time area
45 closures or gear-restricted areas, improving
46 reporting and monitoring. And we anticipate
47 publication mid-year with varying
48 implementation dates.

1 But in the meantime, bluefin fishery
2 management continues under the current FMP and
3 regulations and ICCAT recommendations. And
4 in November we anticipate that ICCAT will
5 renegotiate the western bluefin
6 recommendation and TAC because it was just a
7 one year rollover.

8 We invite public comment on the
9 allocation of what we anticipate -- the 94.9
10 metric ton underharvest -- as well as possible
11 allocation approaches should that amount
12 change. And I can really summarize these next
13 two slides with we don't anticipate that
14 happening because right now we have a 300 plus
15 ton underharvest. So if the landings stayed
16 the same, the dead discard estimate would have
17 to change so radically, like more than double,
18 for us to have anything less than 94.9 tons to
19 roll forward.

20 But last year we kind of laid out the
21 possibilities. So I've done that again. But
22 it really is pretty unlikely that we would --
23 It would mean dead discards of over 500 tons
24 for any action to be needed as far as adjusting
25 the U.S. quota if we exceeded the whole thing.
26 So I really don't anticipate that happening.

27 There's not a big scope of items to
28 comment on. But you can comment on the
29 allocation of the 94.9 metric tons which we've
30 currently proposed for the longline category.
31 And we ask that people focus on this. I know
32 there's a lot to say about Amendment 7 and we
33 could talk about it probably for years. But
34 this rule is just on the allocation of what we
35 can carry forward.

36 And as in the past few years, we would
37 make daily retention limit adjustments
38 separate from the specifications. And we've
39 received a request for increasing the angling
40 category retention of school bluefin. I
41 think it was a general comment, but it could
42 be by private and/or charter vessels this
43 year. And I have a table at the end you can
44 see about that.

45 The time line for this rulemaking is
46 we publish it tomorrow. And the 30 day
47 comment period ends May 5th. And we will hold
48 a public hearing conference call on Wednesday,

1 April 16 from 2:00 p.m. to 4:00 p.m. And that
2 will allow comments from all geographic areas
3 and for people to submit comments verbally in
4 addition to in writing. The details of that
5 are on the listserv or you can see me. And we
6 intend to publish the final rule by June.

7 As usual, we recommend you submit
8 comments through the regulations.gov portal
9 and there's the keyword to find it. You could
10 always type bluefin quotas and you'll find it.
11 Or you can mail them in to us in Gloucester.
12 And if you have additional comments on this or
13 Atlantic tunas you can call us in the northeast
14 office in Gloucester.

15 That's all I have for the quota
16 specifications. I put this table -- I'll just
17 go through this table I put together to give
18 you information to consider the bag limits for
19 this year. Typically we've set the bag limits
20 in the first week of April.

21 Here you have what the quota and
22 subquotas have been by size class for the last
23 three years. The quotas are there in green.
24 And the landings in metric tons and percent of
25 quota or subquotas used for those three years.

26 And then in the middle is the daily
27 retention limit that applied both for private
28 angling category vessels and charter head
29 boats. The default is in the top row under
30 daily retention limits that applied until some
31 point in April. And then the adjusted limit
32 for private vessels and charter head boat
33 vessels.

34 And at the bottom is the status of the
35 trophy fishery. In the last two years we
36 closed the trophy south fishery essentially
37 this week. Okay.

38 FACILITATOR RAAB: Questions?
39 Comments? Start over here.

40 MEMBER BELLAVANCE: Rick
41 Bellavance, Recreational advisor. Thanks.
42 A great report. I was glad to see that the
43 Agency was able to keep quota specifications
44 that allowed for the full base allocation for
45 the angling category in 2014. The angling
46 category has underharvested school tuna
47 relative to their base quota over the past five
48 years by about 49 percent. And when you look

1 at the overall landings and compare the school
2 landings to that I went back a little further,
3 back one more year, and if you count 2009 it's
4 about 5.3 percent of that total landings
5 which is well below the 10 percent allocation
6 allowed for school tuna under ICCAT.

7 Just to recall bag limits for school
8 tuna, they were reduced a few years back to
9 account for a large cohort that was marching
10 through and along. Those fish have gone and
11 entered into the commercial size limits now.
12 So unfortunately there isn't a huge pile of
13 little fish around.

14 But that would help us to maybe risk
15 overfishing that size category. I wish there
16 were. That would be a good sign. But they're
17 not. So I think that this might be an
18 appropriate time to take advantage of
19 increasing the bag limit on that small fish for
20 the angling category. There's also
21 mechanisms available midseason to adjust the
22 bag limits in case there is some indication
23 that we are reaching that quota.

24 And just one other thing to add,
25 during the Recreational Fishing Summit, we
26 heard that the Agency is trying to better
27 understand the recreational community,
28 improve recreational fishing experiences. I
29 think the Agency would go a long way by helping
30 the recreational community achieve our target
31 as opposed to trying to constrain our
32 landings. I think with those in mind I would
33 like to have the Agency consider possibly
34 raising the bag limit, the daily possession
35 limit, on small bluefin tuna. Thanks.

36 FACILITATOR RAAB: Rich, you were
37 next.

38 MEMBER RUAIS: Just a brief comment
39 in keeping with trying to keep the history
40 clear, if you look on page four where it talks
41 about under considerations and it tallies up
42 the PLL catch and then the parenthetical
43 phrase ANot including 25 metric tons for the
44 NED@ we've always objected to that and for one
45 reason. Nelson Beitelman worked
46 exceptionally hard to produce log book reports
47 from U.S. pelagic longliners that showed that
48 they had history fishing, catching fish and

1 landing fish from the eastern Atlantic zone.

2 And what he asked for and what we
3 supported him on including the Commercial
4 Commissioner Glenn Delaney -- I think he's in
5 the back of the room -- was he fought very hard
6 to get that 25 metric tons as a stake in the
7 eastern fishery. It was supposed to be
8 eastern quota that we were adding to the
9 western quota, not taking 25 metric tons from
10 the west and applying it to the net.

11 The result of that was to take away
12 proportional shares of the other categories
13 from the 25 metric tons. Once again, the
14 focus was taking it out of the west instead of
15 taking it where it was supposed to be done and
16 trying to give us a voice as minuscule as it
17 may be in the eastern Atlantic TAC.

18 FACILITATOR RAAB: Anymore
19 questions or comments related to this
20 presentation?

21 (No verbal response.)

22 Going once. Going twice. Okay.
23 So I think what we want to do is talk -- David,
24 we've got some time if you want to say
25 something.

26 MEMBER SCHALIT: I'm not exactly
27 sure to whom I should address this. Maybe
28 Margo or Maybe John Graves. Here is the
29 issue.

30 It strikes me that there is the --
31 Okay. Rich mentioned earlier that there was
32 a paper that was presented at the SCRS which
33 was written by two Mexican scientists. Dr.
34 Diaz has graciously agreed to translate this
35 paper for us. That's wonderful.

36 So this paper documents that they
37 have some very interesting data because they
38 have full observer coverage of the Mexican
39 side. One hundred percent. Okay.

40 The other interesting fact is that it
41 seems that this area that has been defined by
42 Block et al as the area of most intensified
43 spawning activity in the Gulf of Mexico is
44 somewhat bisected by the EEZ.

45 So it seems that we're coming up to
46 -- When we're thinking about Amendment 7 and
47 the controls that the Agency is contemplating
48 putting in this fishery on our side of the EEZ

1 and when we see that there is some interesting
2 scientific work that's being done on the
3 Mexican side, there may be -- I mean it's
4 possible I assume -- a singular opportunity
5 here to get the Mexicans roped into the
6 situation.

7 But I don't know what the right venue
8 would be for discussing this matter. In other
9 words, is it the bluefin working group and the
10 IAC? Is it here? Is it the IAC in general?
11 Or not at all?

12 MS. SCHULZE-HAUGEN: It's certainly
13 not bluefin tuna specifications in the United
14 States. So I think raising it at the ICCAT
15 advisory committee meeting might be
16 appropriate. We're certainly happy to talk
17 to you about it.

18 But for the U.S. specifications
19 that's really beyond.

20 Technically, you're not a member of
21 the public at this meeting. That's fine.
22 I'm actually curious to read the translation
23 as well. So we'll look at it. I think there
24 are a couple of possibilities for venues in the
25 near term.

26 FACILITATOR RAAB: I'm going to talk
27 about tomorrow. And then we'll break for the
28 public comments. So a few things about
29 tomorrow.

30 One is that we'll start at 8:00 a.m.
31 instead of 8:15 a.m. We'll take an hour for
32 lunch and we'll be done by 2:30 p.m. instead
33 of 3:00 p.m. That's one thing.

34 The other thing is we're having to
35 rearrange the agenda a bit tomorrow because
36 Eileen Soback who is the new Assistant
37 Administrator for Fisheries has to be on the
38 Hill when she was going to be speaking here.
39 So she's going to be here at 8:30 a.m. Bright
40 and early.

41 We're going to start with our only
42 half an hour other thing which is the HMS
43 Research Plan. And then we'll have Eileen
44 speak. And we'll kind of pick up our agenda
45 roughly in order of the way it was. Okay.
46 Just so that you know we're moving things
47 around just a little bit. But we're starting
48 right at 8:00 a.m. and we're going to end at

1 2:30 p.m. or earlier.
2 Any questions about tomorrow's
3 agenda or tomorrow before?
4 (No verbal response.)
5 Okay. So let me ask how many people
6 want to comment in the public comment period
7 that we're going to go into in five minutes
8 just so that we have a number. Just one.
9 Anybody else want to provide comments?
10 (No verbal response.)
11 Okay. So let's take a five minute
12 break for folks who don't want to stay for the
13 public comment and we'll get set up. Then
14 we'll move right into the public comment
15 period.
16 MS. SCHULZE-HAUGEN: Why don't we
17 just keep going?
18 FACILITATOR RAAB: You want to keep
19 going.
20 MS. SCHULZE-HAUGEN: Yes. We'll
21 power through.
22 FACILITATOR RAAB: So I take it
23 back. Since we only have one comment we're
24 just going to go right to the public comment
25 so you can all hear it.
26 PUBLIC COMMENT
27 MR. McINTYRE: I only have one quick
28 question. And it's for Margo. Early on
29 today, you talked about individual --
30 FACILITATOR RAAB: Sorry. Could you
31 just identify yourself first?
32 MR. McINTYRE: Bill McIntyre,
33 Fishing Vessel, Shady Lady. You mentioned
34 individual vessel identifiers. What are
35 they?
36 MS. SCHULZE-HAUGEN: What that
37 really means in the ICCAT recommendation is an
38 IMO number which is a number International
39 Maritime Organization for insurance purposes.
40 They are issued to the vessel and they don't
41 change which is why that has been identified
42 as a unique, persistent identifier for
43 vessels.
44 It's applicable to vessels greater
45 than 20 meters and commercial vessels. So
46 many of our larger vessels already have these
47 numbers. But also many do not. So there will
48 be some requirements to obtain those numbers

1 effective 2016.
2 MR. McINTYRE: Okay. So that will
3 not require another electronic device on any
4 of our boats like a VMS or AIS or anything else.
5 MS. SCHULZE-HAUGEN: No. It is a
6 free process application. It's just one more
7 thing to do. But no. It would be something
8 that then would be required as part of the
9 permit renewals in order to get the permit.
10 But that's it.
11 MR. McINTYRE: All right. Thank
12 you and hallelujah.
13 FACILITATOR RAAB: Are there really
14 no other public comments?
15 (No verbal response.)
16 Okay. Then we are adjourned. Have
17 a good evening. We'll see you at 8:00 a.m.
18 tomorrow morning.
19 (Whereupon, at 4:51 p.m., the above
20 entitled matter was adjourned.)
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Atlantic Highly Migratory Species
Spring 2014 Advisory Panel Meeting

Before: NOAA

Date: 04-03-14

Place: Silver Spring, MD

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