

U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE

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JOINT MEETING OF THE BILLFISH AND
HIGHLY MIGRATORY SPECIES

ADVISORY PANELS

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TUESDAY, FEBRUARY 21, 2006

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The Advisory Committee met at 1:00 p.m. at the
Crowne Plaza (formerly Holiday Inn), Silver Spring,
Maryland, Margo Schulze-Haugen presiding.

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

2 1:00 p.m.

3 MS. SCHULZE-HAUGEN: So I guess I need
4 the mike, huh? If we could go ahead and get started.

5 I want to thank everyone for making it here today
6 and taking time out of your schedules to come and
7 talk about the HMS, FMP and other issues. The last
8 time we met was last March. We were at the pre-draft
9 stage where we were taking a lot of comments. We had
10 not yet identified preferred alternatives. We're
11 still evaluating a number of issues.

12 Since then, we have produced the draft,
13 consolidated HMS FMP, and that's what we're going to
14 be focusing on for most of this week. There also
15 have been a number of other changes since last time
16 we met. Most noticeably was that an AP member, Bob
17 McCullough, from the Caribbean Region, passed away
18 last spring and I have asked Eugenio of the Caribbean
19 Council to say a few words.

20 MR. PINEIRO-SOLER: Well, thank you.
21 Thank you, Margo. For all of us who knew Bob, we
22 will always remember him as a very feisty character

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1 and a very -- a man who dedicated all his life to
2 commercial fishing and to promote commercial fishing
3 and that's one way to describe Bob. But I had the
4 privilege to know him for many, many years and at the
5 end of his life, I know he would like me to say this,
6 he was not only worried about all the factors, all
7 the different kinds of people who represent the
8 fishing industry, that includes NGOs, managers,
9 recreational fishers and commercial fishers.

10 But his main concern was the ignorance
11 that we all had regarding the other guys position.
12 For example, he was very critical that commercial
13 fishers did not know enough biology of the species or
14 that biologies didn't know enough about the people
15 they were managing. So at the end of his life, even
16 though he was a very strong commercial fisher
17 advocate, he had in his heart that we could manage
18 better the oceans and their resources if we would
19 know perhaps a little bit more, not about ourselves,
20 but about the other guys position.

21 So with those words, I would like us to,
22 please, keep a moment of silence in there in the

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1 memory of our good friend, Bob McCullough. Thank
2 you. Thank you.

3 MS. SCHULZE-HAUGEN: Thanks, Eugenio,
4 appreciate that. And so there have been a number of
5 other changes as well. One other prominent one who
6 is the -- that Jack Dunnigan, who was the former
7 Director of the Office of Sustainable Fisheries has
8 moved on to become the Assistant Administrator for
9 the National Ocean Service. And so with us today, we
10 have Alan Risenhoover, who is the Acting Office
11 Director. And Alan, did you want to say a few words?

12 MR. RISENHOOVER: Just a couple quick
13 things and then we'll get going here. I wanted to
14 thank you all for coming. I echo what Margo said, I
15 know this is a busy time for everybody. It seems
16 like this is the one week this quarter that there
17 weren't any council meetings or other meetings, so
18 everything got scheduled for everybody this week. So
19 I'm glad to see everybody could come and make it to
20 this meeting.

21 It's important, especially, with this
22 consolidated FMP out there. Also, I would like to

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1 thank Margo and her team for getting the FMP out and
2 open and working with everybody getting the comment
3 period extended. We kind of have a new team here
4 with me, you know with Jack gone, and Margo back-
5 filling for Chris Rogers and then also she has got a
6 few new people on her Highly Migratory Species Team
7 that I think she will introduce in a few minutes.

8 So I think we've got a good agenda here.

9 It's going to be a little bit of everything for a
10 lot of the time, but so just thanks to the HMS folks
11 of doing a great job of getting things together for
12 us to review and for you all to advise us on.

13 The one comment I make is just to
14 reaffirm Dr. Hogarth's and the Agency's position on
15 consolidation of the Billfish FMP with the other one,
16 the tunas. And again, I know there were a lot of
17 comments early on that. They have made some changes
18 to the draft to try and address that. And again, our
19 goal is not to diminish the status of billfish in any
20 way. Again, it's to put everything together in one
21 document for a well, more consolidated coordinated
22 response regulatory -- from a regulatory aspect, but

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1 then also since so much that affects billfish affects
2 tuna and swordfish and the others and vice versa, we
3 believe having them in one document is the way to go.

4 And so it won't diminish the game fish
5 status, the billfish in any way. The billfish as
6 well as the other AP members will continue to be at
7 the table at all meetings. So again, Dr. Hogarth and
8 Margo asked me to say that, you know, consolidation
9 is still our preferred there, but we would like to
10 hear from you all on it. I think I'll stop with
11 that.

12 MS. SCHULZE-HAUGEN: Okay.

13 MR. RISENHOOVER: Anything else?

14 MS. SCHULZE-HAUGEN: No, that's good.
15 Okay. Just a couple of housekeeping things. You
16 should all have blue folders. They have name tags in
17 them as well as an agenda, an indication of who is on
18 the panel. There should be CDs in there which give
19 all of the comments received to date as well as
20 perhaps most importantly, tent cards, so that
21 everyone knows who everyone else is. If you could
22 pull those out and make sure they are in front, that

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1 would be great. I'll do that myself right now.

2 And so as I mentioned before, the last
3 time we met we were at the pre-draft stage. The
4 draft consolidated FMP was released last August. And
5 as the public hearings began, Hurricanes Katrina and
6 Rita hit the Gulf Coast and had some major impacts
7 from which people are still recovering. As a result
8 of that, we extended the comment period to March 6th
9 and also rescheduled three public hearings and the AP
10 meeting. And so we are hoping that that additional
11 time, at least, was something that could help folks
12 get back on their feet and come back together.

13 As I said, the comment period now closes
14 March 1st. We're at the end of the comment period.
15 There is a summary that was mailed to you of the
16 comments received through the end of January and so
17 that will give you a sense. There is also a laptop
18 in the back on the side there that if you want to
19 see, -- Chris has got his hand up over there, all of
20 the scanned comments to date, you're welcome to do
21 so.

22 And so after this meeting, we'll prepare

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1 a summary report of this meeting and then we turn
2 fully to producing the final FMP. We expect that to
3 be released mid-summer.

4 At this point, I would like to introduce
5 the HMS staff around the room. I should point out
6 that another missing face is Heather Stirratt, who is
7 a very key member of the HMS staff. Jack Dunnigan,
8 when he moved over to the Ocean Service asked her to
9 be his special assistant and it was a great
10 opportunity for her and she said yes. So we are
11 still recovering from her loss and trying to fill her
12 shoes, but she is still with NOAA at least.

13 We also were able to keep last year's
14 Sea-Grant Fellow, Jackie Wilson, on contract, so she
15 is still with us and we have a new Sea-Grant Fellow,
16 Sarah McTee (phonetic sp.). Sarah, over here, so
17 someone you may be hearing from over the course of
18 the year and working with. And finally, we also have
19 new legal counsel. Caroline Park will be continuing
20 to work on ICCAT issues, but responsibility legal
21 review for HMS domestically is now our lead staff
22 person Constance Sathre or Connie as she put over

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1 here. So we'll be working with her throughout the
2 year.

3 At this point, I would like to ask HMSers
4 around the room to start with Mark.

5 MR. ROYDAL: Mark Roydal (phonetic sp.),
6 HMS up in Boston.

7 MS. CALDWELL: Megan Caldwell.

8 MR. MCAULIFFE: Robert McAuliffe,
9 headquarters.

10 MS. SCHULZE-HAUGEN: And Othel Freeman,
11 who helped us put all this together, standing in the
12 back. So thank you.

13 Before we get started, I would just like
14 to point out that the focus of this meeting is on the
15 FMP. This is our opportunity for us to get your
16 comments on the FMP itself. We will try and address
17 some of the other issues, some other rule-making as
18 well on Thursday, but we're basically taking the FMP
19 in the order through the agenda, and so that's our
20 focus here.

21 In order to help me focus on your
22 comments, I've enlisted the help of a facilitator,

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1 Paul Anninos, who has been in fisheries a long time
2 formerly with NMFS a while ago and is now a
3 consultant. And so he will be, in a few minutes,
4 taking over and helping me run the meeting, keeping
5 track of who wants to talk next, things like that.
6 And again, this is so that I could more fully listen
7 to the comments of the group.

8 And lastly, I guess, I would like to say
9 that, before I turn this over to Paul, the public
10 process is very important to me and we take all of
11 your comments very seriously and weigh them fully.
12 And this meeting, the AP meeting is a very important
13 part of that process and so I'm hoping that all of
14 you will give us your comments and fully participate.

15 So we would really like to hear from you. And at
16 this point, I'll hand it over to Paul.

17 MR. ANNINOS: Thanks, Margo.

18 (Section of tape blank.)

19 MR. ANNINOS: I don't know everybody's
20 name, I'm sorry.

21 PARTICIPANT: It's all right. I don't
22 know you either, but I'm sure we'll get to know each

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1 other by the end of the three days. Paul, I
2 appreciate certainly your emphasis on not being
3 redundant in repeating comments. However, there is a
4 need occasionally to get on the record the weight
5 that this group puts into certain issues or certain
6 positions. So given the fact that we're going to try
7 to avoid repeating the same thing, how are you, as
8 facilitator, going to assure that the record contains
9 an accurate representation of the relative weight of
10 the number of us who support a particular position?

11 MR. ANNINOS: So unless there's a way
12 you've been doing it in the past --

13 PARTICIPANT: Well, we'll certainly trust
14 your judgment on the issue, but as all of us
15 understand it, both of these panels have had the
16 ability to take a vote on any issue that they -- if
17 they came to taking a vote. That's always been part
18 of the process. We just, at this point, the groups
19 have chosen not to work under Chairman and Robert's
20 Rules, so but I'm sure you will be sensitive to the
21 issue.

22 MR. BEIDEMAN: Nelson Beideman, Blue

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1 Water Fishermen's Association. For one thing, there
2 is a couple of the key pelagic longline
3 representatives that were unable to make it here
4 today for the first day. They will be here for the
5 second and third day. And there's the time area
6 closure issue is like a paramount issue for the
7 pelagic longline fishery and for them to come to
8 Silver Springs and not be able to speak on that
9 issue, even though it were on the agenda the first
10 day and not the second and the third, you know, would
11 be a problem. If there can be some accommodation for
12 that?

13 MS. SCHULZE-HAUGEN: Yes, Nelson, I had
14 gotten your request earlier. I think what we would
15 like to try and do is stick with the order of the
16 agenda, but then save time on Wednesday or Thursday
17 to touch back on issues and we may have more than
18 one. We have potential to go long and stay in the
19 room after what's scheduled to adjourn or if there
20 are shorter -- discussions that go shorter, we could
21 touch base back at different points during the day.

22 Paul may be able to keep a running list

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1 of things that people want to come back and revisit
2 again. I don't want to reshuffle the agenda to a
3 great degree, because people may be coming, I know
4 specifically some folks are coming for the allotted
5 times. So if that meets the need, we can come back
6 to things at a later point, then that's what I would
7 like to do.

8 MR. BEIDEMAN: That certainly makes
9 sense. In respect to wading and boating,
10 unfortunately, at the beginning of each and every one
11 of these joint meetings of the HMS and Billfish
12 Panels, I have been forced to put on record that
13 joining these panels makes a tremendous imbalance,
14 tremendous imbalance. And in addition to that then,
15 you are doubling up on the state people which are
16 already redundant, because they are represented by
17 the Council people and the Council people are, you
18 know, doubled up, you know.

19 When we have these joint panels, you
20 know, from our perspective, it makes it tremendously
21 imbalanced and, you know, I would like that in the
22 record.

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1 (Section of tape blank.)

2 MS. FORDHAM: Thank you. Sonja Fordham,
3 The Ocean Conservancy. I did submit a couple of
4 ideas for about sharks for the agenda and I
5 appreciate that they were incorporated under
6 miscellaneous, but there doesn't seem to be a lot of
7 time there to talk about some shark issues. And I
8 certainly want to participate fully in this process
9 and speak freely. So I wanted to know that a lot --
10 probably the biggest concern for a lot of shark
11 conservationists is what's missing from this
12 amendment.

13 And we have certainly been though this
14 before. We have talked about it before and I'll say
15 it again in writing, but I did want it noted that the
16 things that are missing for a number of imperiled
17 shark species from this amendment are still of
18 serious concern to my community, so I don't know if
19 you want to make time on the agenda later or just
20 leave it at that. I do recognize that for this
21 round, it's kind of a moot point, but I did want to
22 note it for the record that it's still a concern.

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1 If you have any time, we would appreciate
2 it. Thank you.

3 MR. ANNINOS: You'll have to bear with
4 me.

5 DR. CAMHI: Merry Camhi, conservation
6 consultant. I wanted to second what Sonja had to
7 say. In particular, I had told Othel I cannot be
8 here at the end of the day on Thursday and a couple
9 of the issues that I'm most concerned about,
10 obviously, are related to sharks, particularly dusky
11 shark and the smooth dogfish.

12 So I would hope -- I was hoping that it
13 might be possible to bring some of those discussions,
14 I know they're going to be brief, forward in the
15 agenda. But in particular, for dusky sharks when we
16 are talking about bycatch reduction measures and
17 things like time area closures, etcetera, we know
18 that those are relevant. You have a dusky shark
19 assessment that I don't know what the status is and
20 it would be helpful if we could have a brief summary
21 of what some of the findings are for the dusky shark
22 assessment and to see how they are relevant to some

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1 of the discussions we are going to have here about
2 bycatch reduction. Thank you.

3 MR. ANNINOS: Mary, you said you were not
4 going to be here at all on Thursday?

5 DR. CAMHI: No, at the end. I won't be
6 here after lunch.

7 MR. ANNINOS: Okay. So if we could move
8 it -- if we could move that little piece up into the
9 morning session on Thursday, you would be able to
10 accommodate that?

11 DR. CAMHI: Yes, that would be fine.
12 Thank you.

13 MR. ANNINOS: Go ahead, Margo.

14 MS. SCHULZE-HAUGEN: Okay. So it looks
15 like we have got some suggestions to try and move
16 things up or touch base back on things with the
17 agenda. The first thing up is workshops. The lead
18 staff person on that is Megan Caldwell.

19 PARTICIPANT: I was just going to say
20 there's a few new people on this panel. Are you
21 going to go around and let everybody introduce
22 themselves?

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1 MS. SCHULZE-HAUGEN: I'm just getting to
2 that. We do have some proxies that are at the table
3 and we have one new member of the Billfish Panel.
4 Proxies that are here are Randi Parks Thomas for Don
5 Nehls. I believe Margo Stiles (phonetic sp.) for
6 Shana Beemer and Robert Fitzpatrick for Rich Ruais
7 and then Ellison Smyth McKissick has been selected as
8 a new Billfish Panel Member, who actually, I'm not
9 sure, was able -- going to be able to make it today.
10 So I'll be sure to point him out to everyone
11 tomorrow.

12 MR. ANNINOS: Margo, can everybody hear
13 me?

14 MS. SCHULZE-HAUGEN: Okay. So those are
15 the new folks. We do have -- I don't know if people
16 want to run through the room and maybe as Megan is
17 getting setup just familiarize yourself with each
18 other again. We'll go around the room here.

19 MS. FORDHAM: Sonja Fordham, The Ocean
20 Conservancy.

21 DR. CAMHI: Merry Camhi, Conservation.

22 MR. BLANKINSHIP: Representing the State

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1 of Texas and Texas Parks and Wildlife Department.

2 MR. UTLEY: Bill Utley, Recreational.

3 MR. DAUGHDRILL: Bill Daughdrill, Gulf of
4 Mexico, Fishery Management Council.

5 MS. STILES: Margo Stiles, Oceana.

6 MR. FITZPATRICK: Robert Fitzpatrick,
7 Commercial.

8 MR. WHITAKER: Rom Whitaker, Hatteras
9 Charter Boats, Recreational.

10 MR. BLOUNT: Frank Blount, New England
11 Fisheries Council.

12 MR. HINMAN: Ken Hinman, National
13 Coalition for Marine Conservation.

14 MR. SAMPSON: Mark Sampson, Ocean City,
15 Maryland, Recreational.

16 MR. PRIDE: Rob Pride, Mid-Atlantic
17 Council.

18 DR. GOODYEAR: Phil Goodyear, Academic.

19 MR. ZALES: Bob Zales, II, Panama City
20 Boatman Association, Recreational.

21 MR. NELSON: Russell Nelson, Nelson
22 Resources.

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1 MS. PEEL: Ellen Peel, The Billfish
2 Foundation, Recreational.

3 DR. DITTON: Bob Ditton, Texas A&M
4 University.

5 MR. ETHERIDGE: Will Etheridge,
6 Commercial Billfish.

7 DR. DANIEL: Louis Daniel, State of North
8 Carolina and South Atlantic Council until my South
9 Atlantic Council representative gets here.

10 MR. ANSLEY: Henry Ansley, Georgia Park
11 and Natural Resource State Representative.

12 MR. ULRICH: Glenn Ulrich, South Carolina
13 State Representative.

14 MR. STONE: Dick Stone, National Marine
15 Manufacturers Association. Also, on Thursday, I'll
16 be sitting in for the RFA as well.

17 MR. MANUEL: Pete Manuel, Commercial,
18 Winter Bluefin Association, North Carolina.

19 MR. WEISS: Peter Weiss, General Category
20 Tuna Association.

21 MR. HEMILRIGHT: Dewey Hemilright,
22 Commercial of North Carolina.

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1 MR. GERENCER: Bill Gerencer, HMS,
2 Commercial, Portland, Maine.

3 MR. DEVNEW: Jack Devnew, Commercial.

4 MR. BEIDEMAN: Nelson Beideman, Blue
5 Water Fishermen's Association.

6 MS. THOMAS: Randi Thomas, U.S. Tuna
7 Foundation, Commercial.

8 MR. HUDSON: Russell Hudson, Directed
9 Shark Fisheries.

10 MR. PINEIRO-SOLER: Eugenio Pineiro,
11 Caribbean.

12 MS. CALDWELL: Good afternoon, everyone.

13 As we mentioned, the first issue we're going to
14 cover today is workshops and there is two drivers for
15 including the alternatives on workshops in the
16 consolidated HMS FMP. This first slide covers those
17 drivers. The first driver was the October 2003 as
18 well as the June 2004 Biological Opinions on HMS
19 Fisheries.

20 These Biological Opinions included
21 actions requiring the reduction of bycatch and
22 bycatch mortality of protected resources in these HMS

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1 fisheries. These workshops, the goals for the type
2 of workshops that will cover this is to teach
3 proficiency with techniques, protocols and the
4 equipment to safely dehook and disentangle turtles,
5 marine mammals and smalltooth sawfish. Another goal
6 for these workshops were to improve the accuracy of
7 identification of these species.

8 The second driver for considering
9 workshops is the number of unclassified shark
10 landings. As an example, in 2003, 19 percent of the
11 total large coastal shark landings were unclassified
12 and for pelagics 48 percent were unclassified. So
13 the goal for these workshops would be to reduce the
14 number of unclassified sharks that are reported and
15 thereby improving the data that goes into our stock
16 assessments and our management decisions.

17 So the name of the two different types of
18 workshops we're considering, the first is the
19 Protected Species Workshop and the second is the HMS
20 Identification Workshop.

21 So first, I'll touch on the Protected
22 Species Workshop. In the consolidated FMP, we talk

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1 about the objectives through this workshops and that
2 is release, disentanglement and identification of
3 protected species to achieve the post-release
4 mortality targets in the 2004 BiOp and that's the
5 post-release mortality targets for leatherbacks and
6 loggerhead sea turtles.

7 The alternatives that are included in the
8 FMP are listed on the slide. I'll quickly read
9 through those. A1 is voluntary workshops for
10 longline fishermen, that would be the no action
11 alternative. A2 is a preferred alternative, that's
12 why it's bolded up here, and that is mandatory
13 workshops for HMS pelagic and bottom longline vessel
14 owners. A3 is also a preferred alternative and this
15 is mandatory workshops for HMS pelagic and bottom
16 longline vessel operators. A4 is the same type of
17 workshops, but it would cover owners, operators and
18 crew members. And then the fifth alternative for
19 workshops would be to include shark gillnet owners
20 and operators.

21 A couple of points I wanted to make was
22 that, one, in order to determine who would need to

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1 attend these workshops, we would go through log books
2 as well as HMS permits to determine who needs to
3 attend. The second is that all those that are
4 identified as needing to attend these workshops must
5 do so by January 1, 2007. And we are also proposing
6 to grandfather in all of those who attended the
7 industry, the voluntary industry certified workshops.

8 And there were two of those. The first one was held
9 on April 8, 2005 in Orlando, Florida and the second
10 one was June 27, 2005 in New Orleans.

11 This next slide continues on Protected
12 Species Workshops and this talks about the impacts
13 that were considered in the consolidated HMS FMP.
14 Alternative A1 is it's not likely to achieve the
15 post-release mortality targets from the Biological
16 Opinions and that is based on the low attendance for
17 those voluntary industry certified workshops.

18 A2 through A5, the positive aspect of
19 that is that at least one individual on each of these
20 vessels would be trained in release and
21 disentanglement techniques. A3 and A5 are assumed to
22 have higher ecological benefits, because the

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1 operators are present on the vessel as opposed to the
2 owners. A2 and A5 involve the vessel owners and
3 establish a link between the mandatory attendance and
4 the permit renewal. So I'm not sure I made that
5 point clear before, but renewing the permit would be
6 contingent upon receiving certification of this
7 workshop.

8 A4 involves the crew members as well as
9 the owners and operators. There would be some
10 substantial economic impacts associated with this
11 alternative compared to the others. So ideally, you
12 know, if we were to move forward with mandatory
13 workshops for owners and operators, there would be
14 some transference of these new skills and techniques
15 to the -- from the owners and operators to the crew
16 members.

17 Moving on to the second workshop, the HMS
18 Identification Workshop, again the objective is to
19 improve the HMS identification and therefore or
20 thereby improve the data that goes into our stock
21 assessments. There is a number of alternatives that
22 were considered. I'll quickly run through those

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1 again. The first is the no action alternative which
2 is to hold no identification workshops. A8 is a
3 voluntary workshop for dealers, all commercial vessel
4 owners, operators and recreational fishermen.

5 A9 is the preferred alternative, it's in
6 bold on the screen, and that's mandatory workshops
7 for all shark dealers. A10 is mandatory workshops
8 for all swordfish, shark and/or tuna dealers. A11 is
9 for all commercial longline vessel owners. A12 would
10 be for all commercial longline operators. A13 is for
11 all commercial vessel owners. A14 is for all
12 commercial operators. You can see the variations
13 we're running through here. And then A15 is
14 mandatory workshops for all HMS angling permits.

15 One thing I want to call your attention
16 to is we're specifically seeking comment on the idea
17 that we would allow proxies for shark dealers and
18 some of the thoughts that we have been considering in
19 this alternative is that the individual would need to
20 be employed by the business listed on the dealer's
21 permit. The individual would need to be a primary
22 participant in identification weighing and/or the

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1 first receipt of the fish when off-loading from the
2 vessel. And also involved in filling out those
3 dealer reports.

4 And if that proxy were to leave that
5 place of business, the dealer or another proxy would
6 need to complete the workshop and decertify. And if
7 there is multiple locations identified on the
8 dealer's permit, then there would need to be a proxy
9 for each of those locations. So any thoughts you
10 guys might have on those dealer proxies would be
11 really helpful.

12 Quickly running through the impacts
13 analysis of these various alternatives for the HMS
14 Identification Workshops, A7 is considered to
15 basically affect no sort of change to the reporting
16 of unclassified sharks. A8, as you may recall, is
17 the voluntary workshops and again, we've seen that
18 attendance has been low when we have -- when there
19 has been voluntary workshops in the past.

20 A9, some of the things we considered is
21 that dealers must be able to identify off-loaded
22 catch, that sharks are difficult to distinguish

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1 unless be able to identify dressed fish and then
2 those reports are used for the stock assessment and
3 quarter monitoring. A10 has a greater economic
4 impact and ecological impact because of the number of
5 people that would be involved in those workshops.
6 And as with A11 through A15, it would involve quite a
7 number of people that would need to go through the
8 workshop certification.

9 We have considered several different time
10 lines in which certification renewal would need to
11 occur and the main objective of renewing the
12 certification would be to maintain the knowledge
13 obtained through the training and it would educate
14 the past workshop participants and the latest
15 techniques for release, disentanglement, species
16 identification. We have considered three different
17 time lines in which that renewal would occur, that's
18 every two years, every three years and every five
19 years. And as of right now, the draft consolidated
20 HMS FMP is proposing to move forward with the three
21 year renewal time line.

22 My final slide -- oh, not my final side,

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1 sorry. Some of the logistics we have been
2 considering when we move down the line of setting
3 these up, some of the proposed locations are listed
4 up above. I won't read all of them, but just wanted
5 to let you know that right now we have identified
6 those locations based on the community profiles that
7 we currently have as well as past participation in
8 those voluntary workshops.

9 And we would also consider the timing of
10 those workshops to try to schedule them so they
11 coincide with non-peak fishing times, meaning during
12 closed --

13 (End tape 1 side A)

14 MS. CALDWELL: -- as is the other work --
15 in the case of the other workshop. Anyone interested
16 in attending these workshops would be able to do so.

17 And, as I mentioned before, the workshop
18 certification would be linked to the ability to renew
19 the permit. Anyone who successfully completes the
20 workshop would receive the multi-year certification.

21 As of right now we're proposing to move forward with
22 that three year renewal.

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1 And then all certificates from the
2 workshops must be kept on board the vessel or, in the
3 case of the shark dealers or the HMS Identification
4 Workshops, would need to be kept at the place of
5 business. And then, finally, if the permit is sold
6 the workshop certification would not be able to
7 transfer with that permit.

8 And now, finally, my final slide. This
9 slide is merely a summary. I think we mentioned
10 before that the actual comments are available. This
11 only covers the comments that we have received to
12 date.

13 And just very quickly, generally we have
14 received support for requiring owners and captains to
15 attend the Protected Species Workshops. We have had
16 the suggestion that we also include techniques and
17 protocols for the safe release of sharks and
18 billfish.

19 We had support for grandfathering in
20 industry members that have been certified through
21 those voluntary workshops. There is some support for
22 the recertification every three years and the

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1 commenter stated that anything more would be too
2 cumbersome. And there was also appreciation for the
3 consideration of lunar cycles when scheduling these
4 workshops.

5 And some of the comments on the HMS
6 Identification Workshops. Generally, there was
7 support for requiring federally permitted shark
8 dealers to attend these workshops. There was a
9 request for also including state shark dealers to
10 capture the entire universe of those that would be
11 reporting shark landings.

12 And there was another commenter who felt
13 that if we made these workshops mandatory for
14 anglers, that that would be a substantial undertaking
15 and a lot of work. And then, finally, there was
16 another commenter who thought that it would be
17 appropriate to certify all fisherman who land sharks.

18 And that concludes the presentation on workshops.

19 MR. BEIDEMAN: Nelson Beideman, Blue
20 Water Fishermen's Association. Megan, you did a
21 wonderful job with summing it up. The problem that
22 we have is we're looking at a 1,000 plus page

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1 proposal.

2 Workshops is a very important part of it.

3 It is a lot of stuff. I don't know if you want to
4 take this in, you know, smaller bites or exactly
5 what, but I almost guarantee you that, you know, the
6 only possible people that have reviewed all 1,000
7 pages are the people around this table and I will be
8 one of them, and it's very difficult.

9 You know, there's 40 or 50 issues on the
10 workshops, important issues. You know, I usually can
11 keep up pretty well. I can't keep up. If we can
12 take things in smaller bites here or something, I
13 have got, you know, quite a few comments, unless you
14 just want the comments to be general and then have
15 our specific comments in writing, which we're all
16 going to be doing anyway.

17 But, you know, there's some things that I
18 think it's very important for, you know, the HMS
19 Division to hear and it's just difficult. You know,
20 you're looking at -- even workshops, like, it's that
21 big of an issue.

22 PARTICIPANT: Megan, my question was up

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1 first.

2 MR. BEIDEMAN: Well, first off, I think
3 that, you know, it's appropriate, you know, at least
4 from the industry perspective to say that, you know,
5 these workshops are very important and it's a good,
6 positive move that our management has moved into
7 these.

8 And at first we were a little skeptical,
9 but as we have seen with, you know, the initial round
10 of what is being called the Protected Species
11 Workshops, you know, they are very, very valuable in
12 raising the level of the issue, you know, to the
13 fishermen. They start thinking about them and all of
14 a sudden the fishermen are coming back with, you
15 know, better mousetraps. So, you know, these things,
16 we're learning that these things will be, you know,
17 very dynamic which is, you know, a very, very good
18 thing.

19 One of the things is that, you know, we
20 not wear it out. When you're talking about the
21 commercial fisheries, it's a tremendous sacrifice to,
22 you know, take time. No matter how important it is,

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1 it's a tremendous sacrifice. No matter how well-
2 timed, it's going to have a financial consequence.
3 So we need to be careful and to condense as much as
4 possible.

5 What is being called the Protected
6 Species Workshops I would more appropriately call the
7 Careful Handling and Release Workshops because, you
8 know, we're going over new technologies and tools
9 that are, you know, as apt for a shark as they are
10 for a turtle or, you know, other species to be
11 released and it's all important.

12 One of the things that I think is
13 critical is that we target the right people, you
14 know? These workshops can give us leaps ahead,
15 especially when you're talking about the
16 identification. Well, most of the commercial
17 fishermen, you know, know how to identify what is
18 going into their wallet. I mean, let's face it, they
19 do.

20 You know, some of the species
21 identifications is primarily an angler problem and
22 where it is we need to, you know, focus on that

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1 appropriately. I mean, if the goal is to get it
2 right, then we all need to work at getting it right.

3 When it comes to, you know, the dealers,
4 I think you have very good ideas there on the
5 proxies, very good ideas there. You're going to have
6 to be careful that the timing to make sure that there
7 is no -- you know, no lapse if, you know -- and I
8 think dealers should be encouraged to have more than
9 one proxy. Most, you know, shark dealers, you know,
10 could probably have more than one man proxy if
11 encouraged.

12 The January 2007 concerns me a little bit
13 and I will tell you in what area, and this wasn't
14 even mentioned, this whole new area. And, you know,
15 Carol has been going to the Pelagic Longline Take
16 Reduction Team meetings with us and there is a need
17 for, you know, workshop type education that is coming
18 up from that Take Reduction Team, but I'm not sure
19 that team is going to be ready by 2007.

20 Whereas, you know, the Careful Handling
21 and Release Workshops, we had research behind it. We
22 had, you know, data behind it. We had the

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1 researchers actually, you know, working to put
2 together the educational materials. You know, as yet
3 we don't have that formula in the Take Reduction
4 Team, and I think that type of formula is needed and
5 I think Margo is going to have to pay, you know, a
6 lot of attention to what's coming, you know, your way
7 on that.

8 Also, there has been concerns raised from
9 owners that owners may need a proxy and, basically,
10 what we're looking at is, you know, if you got a 70
11 or 75 year-old, you know, vessel owner, you know,
12 should that vessel owner be able to, you know, put
13 forward a proxy, his son or something, to be
14 certificated and that has been raised.

15 And, you know, I would stress quite a bit
16 that we have to focus on where the problem lies.
17 Otherwise, what we're doing is, you know, spinning
18 our wheels. And, you know, these are not cheap
19 things when you start putting together the materials
20 behind, you know, these workshops and, you know,
21 these are not cheap things and you need to focus.
22 Thank you.

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1 PARTICIPANT: Megan, just a quick
2 question. I'm interpreting your decision matrix
3 where you look at the pluses and minuses. You talk
4 about economic impacts.

5 What exactly sort of economic analysis
6 went into doing that? Are you looking at a broad
7 range of impacts, you know, positive and negative, or
8 is that simply an estimate of how much time and money
9 it's going to cost workshop participants?

10 MS. CALDWELL: It was a broad range and,
11 again, this is only a summary of what is actually
12 included in the FMP. There is more detailed
13 discussion, but we took a look at the universe of
14 people that is currently permitted and would be
15 involved and required to attend these workshops under
16 these different alternatives and considered what it
17 would cost them to miss the time that would be needed
18 to attend the workshop.

19 PARTICIPANT: Did you look at factors
20 like the net benefits and existence value that would
21 be derived from, you know, making more efficient or
22 increasing the rate of recovery of sea turtle stocks

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1 or the benefits that might derive from making
2 enforcement more efficient, more cost effective?
3 Were those kind of things taken into consideration?

4 MS. CALDWELL: For things like existence
5 value, we have very little information. But to the
6 extent that we discussed it and are aware that, you
7 know, sea turtles have existence value, people value
8 their presence in the ocean, that that gets factored
9 into the ecological impacts, that kind of thing. But
10 for specific HMS species, our fisheries, there is
11 very little information like that to draw on.

12 PARTICIPANT: Well, then how did you
13 estimate the costs of attending workshops? Did you
14 do an actual analysis of how far people would have to
15 drive, what their rooms and things would cost or did
16 you just do sort of a, you know, intuitive estimate?

17 MS. CALDWELL: It's a ballpark kind of
18 estimate where we know people are going to have to
19 take time. We know they are going to have to, you
20 know, lose fishing time. They are going to have to
21 drive. Again, depending on where someone is coming
22 from, when the timing of the workshop is, the cost

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1 would vary. And so that is what is in-depth and
2 discussed to the extent we have that information in
3 the FMP.

4 This slide and this table is supposed to
5 be a very high level comparative summary of those
6 discussions that are in the FMP itself, kind of just
7 a quick scan. Is this much better, a little better,
8 a little worse? And, again, the information that
9 went into the ecological impacts versus the economic
10 and social will differ depending on that impact.

11 MR. HEMILRIGHT: Dewey Hemilright. When
12 I look at these unclassified shark landings, I for
13 the last couple of years have been trying to press
14 National Marine Fisheries to no avail to come out
15 with information from state landings.

16 What percentage of your 19 percent of
17 unclassifieds come from states fishermen not federal
18 permitted fishermen?

19 Before you can start all these workshops
20 and when I look around the room, there ain't but
21 probably a handful of people that it's going to
22 really affect and me having to take my time out. You

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1 should come up with -- I mean, it's obvious if you
2 have the numbers, you should be able to know where
3 the problem is at, who is not reporting the correct
4 species, instead of going and wasting my time on some
5 of these mandatory workshops on shark species
6 identification.

7 When you have the numbers or you should
8 as the Agency that overlooks our fisheries and
9 management, should have the numbers of who is landing
10 these unclassified sharks. And if you knew who was
11 landing the unclassified sharks or who wasn't
12 reporting, I would tend to think that some of them
13 are some major states.

14 And so why we got to waste my time on the
15 identification of shark species when you got those
16 data or you should to know who is landing the sharks
17 that are unclassified because in our logbooks, I
18 might be wrong, but I don't see nowhere where it says
19 unclassified for me to fill out. And, I mean, it's
20 obvious I have harped on you all and will keep on
21 harping, because it can't be that hard.

22 You have got unclassified landings coming

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1 from states and you all just simply refuse to figure
2 out how to get a hold of it. But, yet, you want to
3 shut down my state, manage these sharks and you don't
4 do a darn thing about the management of unclassified
5 sharks in state waters whether you can or can't, but
6 you ought to at least be able to get the numbers.
7 I'm sure it ain't that hard. It can't be. You all
8 are pretty bright. Just it can't be that hard.

9 So my number one question was what
10 percentage of the 19 percent of large coastal sharks
11 comes from state water fisherman? To be able to
12 manage a resource, you got to know that answer. So
13 that is one. Number two is what state has the most
14 unclassified landings of sharks?

15 I mean, before we go on and make me take
16 time out to go to a mandatory workshop and, you know,
17 you put down at the bottom your request for states,
18 well, it might be that some states are probably the
19 biggest culprit, but you're not telling us that. And
20 how are you going to do a stock assessment if you
21 don't know what your states are catching and when?

22 I mean, that's just like -- that's pretty

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1 simple. You all have been around. This is not the
2 first day on the block for you all, but yet you're
3 taking away my livelihood and shutting down coasts
4 with unidentified shark landings, telling us it's
5 going to make the stock assessment better, it's going
6 to improve the numbers, when you're not even telling
7 us what the states are landing.

8 So how about the question about the 19
9 percent, how much comes from the states?

10 MS. CALDWELL: Dewey, the percentages
11 that are included include all shark dealer landings
12 at this time, so it's state and federal together.
13 Right now it's not broken out and I can't tell you
14 what the percentage would be, state versus federal.
15 We would have to go back and query the data again.

16 To your second point, I would just
17 acknowledge that the Atlantic States Marine Fisheries
18 Commission is currently beginning the process for
19 developing a management plan for coastal sharks and
20 we have been actively participating in their process,
21 and this is something we could discuss with them.

22 MR. HEMILRIGHT: One follow-up when

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1 you're saying about you're actively participating in
2 the shark identification with Atlantic States Marine
3 Fisheries, you sent out in May about five letters to
4 different various states telling them to do stuff,
5 and in that five letters that you sent out there is
6 not one mention about how all these unidentified
7 sharks are not being classified.

8 I got the letters right here. I have sit
9 through your meetings. So you can tell the rest of
10 the folks here that you're working on it, but I'm
11 sure in two or three years we'll be down the road
12 asking the same damn question. You can't be that
13 inept. I mean, you're sitting there making people's
14 livelihood decided and you all are sitting there,
15 well, we're working on it. Well, you ain't working
16 on it. Your letters say you never even ask about it.

17 I mean, so, you know, think of something
18 better for us or for the working people that you're
19 taking their livelihoods away.

20 MR. DEVNEW: Jack Devnew. A couple of --
21 I got a few questions here. At some point in the
22 presentation you spoke about that if the vessels --

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1 if a vessel was sold, the certificate would not
2 transfer. A comment about that. First, that
3 presumes that there would be a rational person that
4 would actually buy a longline vessel at this point.

5 But assuming there is one or two, if the
6 owner or operator is already certified, then I don't
7 see why. That could be a serious impediment, you
8 know, to the ability of somebody to sell his vessel.

9 And I would strongly urge that you make an exception
10 in there, so that if the perspective buyer is already
11 certified, that it does transfer or he can attach his
12 certification on it. It's one more thing to keep
13 track of.

14 The other thing is that you also talk
15 about keying the permit, the permit renewal, to being
16 certified. Again, I can see problems down the road
17 on this in the respect that if you got it wrong, he
18 is out of luck, all right, and his permit is screwed
19 up and he can't get it. He can't go fishing and the
20 mistake somehow resides in a computer in Silver
21 Spring. Okay?

22 The reason I say this, you took a look at

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1 some of the other fisheries that have Boat Tracks,
2 you know, and especially when Boat Tracks first came
3 out, the tracking system, Boat Tracks was, you know,
4 independent. First off it was a sole source
5 contract. They didn't even have competition at the
6 time. So Boat Tracks just gets awarded a contract to
7 go ahead and have the black boxes on the boats and
8 they were often wrong.

9 I have seen it where they have had boats
10 sitting on the beach five miles inland and there was
11 a lot of fisheries violations that proceeded from the
12 assumption that Boat Tracks was correct. And it
13 created great economic difficulty and hardship and
14 time and effort to get that straightened out.

15 Vessel owners have to go get an attorney
16 and go fight it and say, look, we were not in a
17 closed area. Okay. This is where we had ourselves,
18 and they had to take the track plotting and
19 everything else out and prove it was -- Boat Tracks
20 became the judge, jury and executioner, you know, in
21 these instances.

22 So I have got a real problem with

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1 somebody's permit being contingent on, you know,
2 something that is well beyond, potentially well-
3 beyond, the control of the owner/operator. Those
4 were two things there. And I think generally
5 speaking, you have done a good job in the
6 presentation here, Megan, as well.

7 You did make one comment that kind of
8 bothered me though, and I can't remember exactly the
9 context as to whether it -- it had to do with the
10 difficulty of wrapping everybody's arms around a
11 large group of people that they would have to get
12 certified to do something. It was like in one of the
13 alternatives if we go get everybody to do it, you
14 know, including recreational people or, you know, to
15 get certified in careful handling or whatever.

16 The fact that something is too hard or
17 presents a daunting task to me is not a sufficient
18 reason not to entertain it more carefully. We run
19 into this time and again in this forum where we talk
20 about fisheries management alternatives that have to
21 do with a large group of people.

22 Perhaps it's charter boats or

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1 recreational fishermen and very often the conclusion
2 is, well, Jesus, we just can't get our arms around
3 it, you know? And so what we do is we go back to the
4 woodshed and we take out that tired old longliner
5 again, that whipping boy, and flog him again because
6 we can get him. We can find him. He is real easy to
7 find, you know?

8 PARTICIPANT: He's clever, too.

9 MR. DEVNEW: There is just so few of them
10 that they are real easy to get your arms around,
11 which kind of brings me to the next question. I
12 think more people on the commercial side would be a
13 little bit more supportive of certain management
14 measures if they understood that there was other
15 people making some sacrifice, too.

16 Now, when this BiOp came out, and I
17 assume this is all -- everything that we're looking
18 at here proceeds from the BiOp that was around five,
19 six, seven years ago. It may be a new BiOp.

20 MS. CALDWELL: Well, the Protected
21 Species Workshops is based on the June 2004
22 Biological Opinion.

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1 MR. DEVNEW: Okay. All right. Well, I
2 think regardless, I think what I'm going to say
3 probably holds true.

4 The BiOp identifies a variety of sources
5 of mortality for these protected species, including
6 Navy ships whacking into them and to the extent that,
7 you know, if we in this forum here understood that
8 there was perhaps some other workshops being
9 conducted in other venues for other sources of
10 mortality, one of the sources of mortality was
11 dredging operations.

12 Dredging operations, you know, have a
13 significant impact on these turtles. A few years
14 back a commercial fisherman I knew down in Hampton
15 actually had a brief contract and they took three
16 observers out, and what they did was they went ahead
17 of the dredge with a net, trawl, and scooped up the
18 turtles that were ahead of the dredge and then put
19 them on board and steamed 50 miles away and threw
20 them back overboard, relocated them basically.

21 Is there any effort underway with the
22 dredging industry regarding turtles? Is there any

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1 talking with a fellow that I know that operates a
2 head boat down in Florida? He encounters turtles
3 fairly frequently. I think they do a very good job
4 in getting disentangled from them and everything
5 else, but is there a workshop for Florida head boats
6 that get into turtles?

7 Okay. I have a hard time believing that
8 pelagic longline interactions with these animals is
9 of such a degree of mortality or discomfort to them
10 that if you eliminated it all together, you're going
11 to be that much further ahead, you know? So if the
12 aim is actually to address the issue of turtle
13 mortality, then it can't be just the -- you can't be
14 just taking out that same old whipping boy. Thank
15 you.

16 MS. CALDWELL: I just wanted to provide
17 two clarifying points. One on your latter point was
18 the Biological Opinion was specifically for pelagic
19 longline fishery, so it was -- the requirement to do
20 the Protected Species Workshops was specifically in
21 response to looking at the pelagic longline.

22 PARTICIPANT: It's part of the RPA.

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1 MS. CALDWELL: Part of the RPA,
2 Reasonable --

3 PARTICIPANT: And Prudent Alternatives.

4 MS. CALDWELL: Prudent Alternatives, one
5 of those many acronyms. The other point I wanted to
6 make was you commented on the fact that there would
7 be a number of people involved, it would be a
8 substantial undertaking. I just wanted to clarify
9 that that was a comment we received from the public.
10 It's not the position of the Agency.

11 DR. CAMHI: Hi. I also wanted to just
12 comment on the transferability. That was
13 transferability between people. So if a vessel owner
14 goes to a certification, any of his boats would get
15 that certification. He only has to go to one
16 workshop.

17 MR. DEVNEW: But if he buys another boat.

18 DR. CAMHI: And he buys another boat,
19 that would be covered under the fact that he had
20 already gone to a workshop. So he would be covered
21 and the same with the operators. It's Person A
22 cannot transfer their certification to Person B.

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1 PARTICIPANT: So if he sold his vessel to
2 somebody who wasn't certified, the new owner would
3 need to get certification before he would renew his
4 permit.

5 MR. DEVNEW: Okay.

6 DR. CAMHI: Does that answer that for
7 you, Jack?

8 MR. DEVNEW: Well, yes, I guess so, but I
9 don't know if -- I mean, at some point there is --
10 you know, in a purchase and sale of a fishing vessel,
11 you know, if this becomes -- I kind of rather see it
12 in the buyer beware category than queering the deal.
13 You know, in a purchase and sale, I would hate to
14 see the sale not go through if the perspective buyer
15 of the vessel --

16 DR. CAMHI: In this case the
17 certification is tied to the person not tied to the
18 vessel.

19 MR. DEVNEW: Okay. Well, presumably, if
20 somebody is not certified and they go to buy a
21 vessel, they can still buy the vessel. They just
22 can't operate it.

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1 MS. CALDWELL: Well, and operators are
2 proposed to be certified as well. So there needs to
3 be one person that is certified on the boat, so that
4 they would be able to get a certified operator as
5 well and maybe --

6 MR. DEVNEW: As long as there is
7 flexibility in there.

8 MR. ULRICH: Glenn Ulrich, South
9 Carolina. Megan, I think that the identification
10 workshops are a step in the right direction to
11 addressing the problem of unclassified sharks, but I
12 would like to know after that, after the workshops
13 are held, what can be done to ensure compliance and
14 people actually accurately reporting what is landed?

15 MS. CALDWELL: Well, I think we'll --
16 time will tell when we see what has been reported,
17 whether or not they have had the effect that we're
18 going for by doing the workshop training.

19 MR. ULRICH: I suspect that the level of
20 compliance or the problem is not uniform, that there
21 are probably some docks or dealers that are big
22 offenders in that category and others who do a very

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1 good job of reporting by species. So I think there
2 needs to be some sort of regulatory action to ensure
3 compliance, so that we can get the information we
4 need to manage these stocks.

5 MS. CALDWELL: We'll take that into
6 consideration.

7 PARTICIPANT: Thanks, Megan. Just a
8 couple of things. I mean, I guess our principal
9 objective here is to try to reduce the amount of
10 unclassified sharks in the assessment, so that we can
11 adequately put them into a pigeonhole correctly.

12 And I got to comment on some of the
13 things that Dewey said, because I really don't see
14 how our interaction -- I was just at the Shark Board
15 yesterday and I really don't see how we're going to
16 improve our data collection processes and our
17 identification processes through that.

18 So I have a question, I guess, and that
19 is have we exhausted all of our NMFS resources in
20 terms of port agents and the like and had them
21 trained in shark identifications, and had them going
22 to the docks and looking at what these unclassified

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1 sharks are, recognizing that it has been a problem
2 for at least however many years? I mean, and so I
3 would ask, number one, that question.

4 Number two. If we don't have NMFS port
5 agents looking at sharks, why not, because it would
6 certainly seem to me that that would be a direct
7 requirement of the Agency to collect those data
8 through that mechanism.

9 And then, finally, in terms of the
10 workshop, recognizing the hardships of having to
11 leave your business to take these classes, would it
12 be possible to have something through the Internet or
13 type of thing to where you don't have to go sit down
14 for a couple of days? You could actually log on with
15 a user ID, take the class or whatever and sort of
16 make it easier on the fishermen. But I would really
17 be curious about the port agent question.

18 MS. CALDWELL: Well, to the port agent
19 issue, port agents do collect information on sharks
20 and we have distributed our shark identification book
21 to all the port agents as well as enforcement agents.

22 I know that enforcement agents specifically are

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1 trained in shark identification. I would need to
2 follow-up and find out what training the port agents
3 receive, and that is certainly something we could
4 work on if it's not found to be sufficient.

5 And I think one of the concerns that we
6 had over certification over the Internet is that the
7 workshops that were conducted by industry were very
8 hands-on and people, individual people, had to
9 demonstrate proficiency in the techniques before
10 being certified and we felt that that was of
11 significant value and wanted to make sure that that
12 happened.

13 We also considered possible
14 recertification or renewals over different methods if
15 the techniques hadn't changed. So I think we are
16 looking at that, but do want to make sure that people
17 are proficient.

18 PARTICIPANT: A follow-up to that real
19 quick. Then I would -- I mean, certainly, if that's
20 the case and the hands-on stuff, you can't do that
21 over the Internet, but I would encourage you to check
22 on the port agents, look at their certification and

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1 certainly require them to take this course and maybe
2 make sure the ones in the hot spots like Virginia,
3 where we know we have an unclassified problem, try to
4 get them down in there to help us, as well, try to
5 resolve some of these identification problems.

6 (Section of tape blank.)

7 MR. HUDSON: Russell Hudson with Directed
8 Shark. Thank you, Megan, for your presentation and I
9 guess I will start at the top of the alternatives and
10 my question dealing with the bycatch reduction
11 protected resource part of the workshops, the
12 grandfathering in. I assume that people that have
13 already taken the workshops, their effective date of
14 start would be January 1, 2007, three years hence
15 from that.

16 Dropping down to Alternative 9, Mandatory
17 Highly Migratory Species ID Workshop for all shark
18 dealers. We have, approximately, 250 shark dealers
19 that are federally permitted. I'm not going to even
20 discuss any of the state guys, just the federal. We
21 have 250 permits for directed shark fishermen and
22 roughly 350 incidental shark permits that are out

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1 there. So you got about 600 fishermen.

2 Now, out of that, 250 directed bottom or
3 longline -- well, not longline. The 250 directed
4 permit holders for shark, probably 175 of them, based
5 on the 2001 through 2003 data, had 100 pounds whole
6 weight, which is roughly about two sharks, in any
7 given -- in that given year of that period in our
8 study that we did with the buy-back stuff.

9 Basically, you have probably less than
10 100 of those directed shark permit holders that
11 accounted for most of the quota that was landed. You
12 need to focus on those people that have those
13 landings. Of your 250 dealers you probably have a
14 handful that account for most of the purchases, 90
15 percent plus, from Maine to Texas. You need to
16 concentrate on those dealers.

17 Some of those dealers are very good as
18 species ID breakout and the ones that are depending -
19 - and, now, you know, you have owners of those
20 wholesale operations, you have people that are their
21 proxies that go and then look at the shark fins and
22 the shark meat and do all the paperwork that goes

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1 with that.

2 If you're going to have one proxy per
3 dealer, the hands-on person as you would call them,
4 you got a problem whenever a dealer sends a truck and
5 they do satellite purchases at another city, at
6 another dock paying for crossover and everything
7 else. And sometimes they have to do their paperwork
8 there making their purchase. So you may have to
9 consider a way to deal with that satellite situation
10 like that.

11 At the same time, if the proxy leaves,
12 let's say the proxy gets mad and doesn't give you two
13 weeks notice, how much time do you give the owner of
14 that operation to find a proxy and put them in that
15 spot if they are, in particular, one of the handful
16 of dealers out of that 250 that are actually catching
17 those or landing those sharks?

18 Now, I have said it before. A lot of
19 times they will get a vat. They will have 900 or
20 1,000 pounds in it and a lot of times, for the sake
21 of things, because they are not breaking them all out
22 as far as a lemon shark here or a hammerhead there,

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1 they are either sandbar, blacktip or in the past were
2 just generally wrote up as shark. So you're going to
3 have to be able to somehow work with that.

4 Now, when you're at these workshops, my
5 question is, especially if you're wanting to have all
6 this done and up and going, who is the teacher?
7 Where are the photos of all the large coastal sharks
8 in whole, dressed and the fin condition to be able to
9 accurately identify that?

10 I would like to see them, because I can
11 tell you your shark ID is lacking when it comes to
12 the dressed and the fin, because that is probably the
13 most important factor when you're purchasing, is
14 those looks of those particular animals.

15 We're going to have to have samples of
16 the prohibited species. We're going to have to have
17 samples of the animals that are just not normally
18 seen and that is going to include the narrowtooth,
19 which we have never caught, you know, if you really
20 want to do it. If you want to focus on the legal
21 sharks and the most common prohibiteds, then you can
22 probably make that done a little faster.

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1 So that would be some of the points that
2 I'm trying to make of that. I would like to see the
3 photographs personally that is going to go into this
4 and who the teacher or teachers will be.

5 And, anyway, what Louis brought up about
6 the subsequent workshops and/or online measures makes
7 a lot of sense because you're going to have to have a
8 fast track way to be able to get a dealer and/or a
9 new boat owner or operator up and going so that they
10 can, you know, be able to go fishing. And are you
11 going to have a grace period there or, you know, a
12 little period where they can make the transition and
13 be able to understand all that?

14 So I guess there is a lot of questions
15 that's involved with these workshops and, as I
16 indicated in a phone call from one of your staff
17 recently, we're going to need to have these workshops
18 during a closed period. But virtually only 11 of the
19 250 directed shark permit holders have just that
20 permit. The rest of them have two permits or more.
21 And so the fact is is that if they are not going to
22 be shark fishing, they are going to be out

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1 swordfishing, tuna fishing, shrimping, reef fish,
2 whatever.

3 So it would be incumbent upon the Service
4 to get an online version of some kind of other test,
5 you know, that they can take and be able to not mess
6 them up and have thousands and thousands of dollars
7 of economic impact, you know, befall their boat or,
8 you know, their short opportunities.

9 That is pretty much, I think, all I can
10 say about this at this time. Thank you.

11 MR. HUETER: I'm Bob Hueter, Mote Marine
12 Lab making the thank you. I guess we're not supposed
13 to talk across to each other, so I will talk to you
14 and say that Rusty asked you a very interesting
15 question about who is going to be involved in
16 identification, and I would suggest that you have one
17 of the best experts in fin identification right here
18 in the person who asked that question. So I think
19 that you have the expertise there to go to for some
20 of these workshops. I don't know how busy you are,
21 Rusty, but that's my suggestion.

22 My question goes back to the mandatory

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1 nature of species ID for sharks. Having it mandatory
2 for dealers is a tremendous idea. I salute that.
3 And to go to all the problems that have been
4 discussed, that Dewey brought up as far as -- and the
5 others about delineating the landings data by
6 species, we have a real problem there.

7 What my question is is what is your
8 thinking that we don't need this for the operators,
9 because we're still getting some prohibited species
10 caught and kept and landed, such as the dusky shark,
11 and that is where the original damage is done then,
12 at the boat.

13 So what evidence do we have that those,
14 whatever it is, Rusty, the several hundred boats that
15 are actually actively getting sharks, that they all
16 know the species down cold and they are not landing
17 prohibited or unwanted species?

18 MS. CALDWELL: I think the idea we had
19 for dealers was that fishermen on a vessel would know
20 exactly where they are, what the conditions were of
21 where they caught the fish and that they would also
22 have all of the various identification right there

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1 with it, fin placement, color, teeth, the whole
2 thing, whereas dealers who would typically see the
3 dressed carcass would have many of those
4 identification characteristics removed.

5 And so it was thought that the shark
6 dealers would have a more difficult time to identify
7 carcasses versus a fisherman at sea, not to say that
8 every fisherman knows every species they land and
9 some of that, you know, may be happening, but that
10 the dealers were a nexus point for focusing our
11 efforts on improving the identification.

12 MR. HUETER: I don't disagree with that
13 at all, that the dealer issue is a bigger problem,
14 but my question is what evidence do we have that all
15 of the operators know all of the fish? This isn't
16 the same as tuna or billfish. These are very
17 difficult animals.

18 The vast majority of them certainly do
19 know the species, but why not make species
20 identification mandatory for the operators, the ones
21 that are first taking the animals out of the water
22 that are still landing some of these prohibited

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1 species like the dusky?

2 MS. CALDWELL: Well, like I said, it's in
3 the draft as a non-preferred alternative and it's
4 something that we will note your comment of support.

5 MR. ANNINOS: Sonja, Mary, James and then
6 we'll move on.

7 MS. FORDHAM: Thank you. Sonja Fordham,
8 The Ocean Conservancy. I first want to say that I'm
9 hopeful that the existence value of smalltooth
10 sawfish is rising. I'm very happy that they are
11 getting the attention under the Protected Species
12 Workshops along with the turtles. And I'm sorry,
13 Rusty, but I think I agree with a lot of what you
14 said and I do agree with Bob that perhaps you should
15 have the contract and that there should be a test.

16 But Bob said what I was going to say. I
17 will just quickly reiterate that I thought part of
18 the idea of the HMS Workshops was to address the
19 prohibited species landings and when they get to the
20 dealer, they are already dead so it's a bit late. So
21 I would hope you would consider either expanding the
22 audience of the HMS Workshops or expanding the scope

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1 of the species from the Protected Species Workshops
2 to include some of the prohibited species.

3 Again, like the particularly concerned
4 about the dusky shark and I guess we'll know more how
5 urgent that is when the assessment comes out, but I -
6 -

7 (End tape 2 side A)

8 MS. FORDHAM: -- stock assessment, that
9 there are still problems with species identification.

10 And I don't know too much details, because I wasn't
11 there. But my understanding is that there has been
12 some -- that the species composition from the
13 logbooks and the observers, some of the observer data
14 actually is different and this is recent data. This
15 is not something from, you know, 25 years ago where
16 we're trying to recreate some of the catch records.
17 It's relatively recent. And so there is still a
18 problem with at-sea reporting of species that I think
19 we need to be addressing more aggressively.

20 And the other question I had for you was
21 when you talk about successful certification, what
22 does that mean? My concern is if someone comes to a

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1 workshop and they are able to -- if it's an owner
2 sending a proxy, how does that information, the
3 learning experience of species identification, for
4 example, get passed down to those on the water or
5 other people who are actually handling these animals
6 and how do we know that it is going to be effective?

7 Just attendance to the workshop, is that adequate to
8 say that we have addressed the problem or is there a
9 way that we're going to be able to determine that
10 this has actually been a successful training?

11 MS. CALDWELL: Some of those details will
12 still be worked out. I mean, the draft isn't final,
13 so we haven't really worked out all the details of
14 the workshops, but, right now, we have considered
15 requiring a practical or a practicum to show that
16 they understand and can complete the techniques that
17 are taught in the training or some sort of practicum
18 for the species identification workshops as well.

19 As for how can we ensure that that
20 transference will occur, that's something we're
21 hopeful for and that's why the alternatives that are
22 currently preferred are preferred, so that we know or

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1 could guarantee that there will be at least one
2 person on the vessel that has completed the workshop
3 certification.

4 MR. DONOFRIO: Thank you. Jim Donofrio
5 representing the RFA. Margo, I'll direct this
6 question to you, since we don't have a chairman here.

7 I don't think I'm the only one here that's a little
8 confused again about our role. We went through this
9 at the time this Committee was instituted. Many of
10 us have been here since that time. You know, what is
11 our role here today? I mean, are we getting on the
12 administrative record today? Do you want to hear
13 what each organization, who we represent, how they
14 feel about these?

15 Because, you know, we have this thing,
16 it's due in March. It's going to be -- your comment
17 period is over. I feel if we don't -- if we're not
18 going to get on the administrative record here and
19 we're just going to have a discussion, you know,
20 quite frankly, it's wasting our time, you know,
21 because we need to create a record here. So I want
22 to know what our role is.

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1 MS. SCHULZE-HAUGEN: Your role is to
2 provide your comments. You are an Advisory Panel
3 Member and the purpose is for the body to come
4 together and provide their comments, ask questions,
5 things like that. I mean, you are free and
6 encouraged to submit comments as well in writing.
7 This is all part of the administrative record. The
8 AP meetings are transcribed. They are posted on the
9 website and they are part of the official record. So
10 it's all -- we encourage and want to hear all of your
11 comments.

12 MR. DONOFRIO: Okay. So you want to hear
13 our preferred options then without getting into a
14 dissertation? Okay. Obviously, under the Protected
15 Species Workshops, the RFA is supportive of
16 alternatives A2, A3, A5, A6, A9 and A16. A2, A3, A5,
17 A6, A9 and A16.

18 MR. HINMAN: Okay, Ken Hinman, NCMC. At
19 this point, each of the issues I wanted to bring up
20 has been brought up. I do want to emphasize that the
21 certification go along -- be tied to the operators
22 and not to the vessels. The vessels don't attend the

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1 workshops. The vessel is sold and somebody new comes
2 along who has not attended a workshop, has not been
3 certified, they are going to need to be.

4 Russ Nelson, I agree with Russ Nelson's
5 problem with your having only negative
6 characterization of the economic impact from the
7 workshops instead of a positive and negative impact.

8 I think -- and it's not just the existence value of
9 protected species, I think there you have a target
10 reduction mortality in turtles that is under a
11 Biological Opinion, which is under the Endangered
12 Species Act.

13 So I would think that there is
14 considerable economic benefit to the fishermen
15 involved from reducing that turtle mortality and,
16 therefore, avoiding further regulations, possibly
17 relaxing existing regulations and being able to keep
18 fishing in areas where they want to fish.

19 I think the online alternative that was
20 brought up is really intriguing and I think it
21 probably bears looking into. I suspect that a lot of
22 these workshops are probably going to be PowerPoint

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1 presentations anyway. I don't know how much hands-on
2 identification you can do of sharks. They are
3 probably not going to be dragging in a whole bunch of
4 shark carcasses. I really don't know how it's going
5 to work, but I think that's intriguing. If it can
6 reduce the cost and the burden, it should be looked
7 at. If people can get college degrees online, you
8 can probably get certified online.

9 And finally, regarding the shark
10 certification that was brought up, it occurred to me
11 right away that just having the dealers be certified
12 and identifying sharks will help the data collection
13 side of things and the stock assessment side of
14 things, but it's not going to affect the conservation
15 side of things, which has been already pointed out
16 happens on the water when the shark is caught and
17 either kept or not released or released. Thank you.

18 PARTICIPANT: I just want to thank Megan
19 for the presentation and also I have some comments
20 that are sort of questions, too, because I'm sitting
21 in as a proxy. It's possible that you have already
22 discussed what I'm talking about, but when the

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1 gentleman mentioned that the goal is to find out, you
2 know, is this workshop going to actually lead to
3 improved reporting and it didn't sound like there was
4 a good way to measure that.

5 So my question and my comment would be
6 have you looked at other ways to improve bycatch
7 reporting to have better, more effective, more
8 accurate standardized bycatch reporting in addition
9 to workshops? Because I think your goal is admirable
10 and I don't know if the workshops are the only way to
11 get there. So that would be my comment. Maybe there
12 is some other way to do that.

13 So the other comment is very similar. We
14 pointed out also that the goal is to reduce bycatch
15 overall and to address bycatch. And it strikes me
16 that there are only two ways to reduce bycatch that
17 are proposed, the workshops and the time area
18 closures. And it seems that there are lots of other
19 ways that could be considered to address bycatch and
20 improve reporting.

21 MR. WHITAKER: Yes, Rom Whitaker. I'm
22 going to bring up an aspect that has not been talked

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1 about and it has to do with what Dewey says in
2 getting to the problem and I'm speaking of charter
3 boats and recreational boats in our area. And yes, I
4 can tell a mako shark. I can tell a hammerhead
5 shark, but when it comes to duskies and sandbars, we
6 realize that they are very close, hard to identify
7 each one of them.

8 So in our area the mindset is we just
9 don't -- we don't kill any of them. If it looks like
10 a dusky or a sandbar, we let it go, because we're
11 scared we're going to bring in the wrong one. So if
12 you send me to -- if I have to go to a workshop and
13 learn how to identify them, the overall outcome might
14 be worse, because, you know, I may start killing that
15 what I think is the sandbar.

16 You know, but we only encounter them
17 certain times of the year, so, you know, I may forget
18 from year to year. But I'm just bringing out a point
19 that, you know, you may get more mortality by making--
20 - by training me more, too much information. The
21 second point is, please, don't make me start going to
22 a workshop to identify billfish in our industry.

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1 MR. ETHERIDGE: My name is Will
2 Etheridge. I own three longline vessels and all
3 three have shark permits and I run a family-owned
4 business that buys sharks and I have probably bought
5 in the millions of pounds of sharks. And just I
6 guess to put a little light on it, the first thing is
7 are you going to teach this in Spanish? Most of the
8 docks now are having to go to Spanish dock workers.
9 It's just another thing that you are putting on the
10 people that are absolutely suffering the most in this
11 situation, the fishermen themselves, the boat owner.

12 The best way that I can advise National
13 Marine Fisheries to see that things don't happen is
14 through enforcement. I'm a person who has paid a
15 \$50,000 fine over sharks and I had the best fishermen
16 that ever worked for me quit me, because of that fine
17 and those penalties. I know there's a lot of people
18 sitting around this table that hopes that there is
19 never another shark caught, but if you're going to
20 continue to let us catch them, you need to try to
21 work to make it so we can do.

22 And every time I come to one of these

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1 meetings, we just keep putting more and more and more
2 on the human aspect, the person who is in the word
3 fishery. It's called fishery, because the human side
4 is in it. And sending me to school to identify
5 sharks and I would be -- have no problem admitting
6 that I do have a problem in telling sharks, one shark
7 from the other, I question just about anybody in here
8 that could tell the difference in a 75 pound dusky or
9 a sandbar.

10 I don't think there is -- there might be
11 - Dewey might could do it and Rusty might could do
12 it. I don't think there's nobody else in this room
13 that could do it. The gentlemen here from South
14 Carolina alluded that how are you going to keep these
15 fish dealers from handling that fish? If anybody was
16 familiar with how to handle shark boats unloaded, it
17 would be very hard to keep that from happening.

18 The only way that I know that you could
19 keep it from happening is enforcement. Let the guy
20 get caught with a prohibited shark and give him a
21 proper fine, a proper punishment for it. And, you
22 know, I'm certainly not asking for that, but that

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1 would be about the only way in the world that I can
2 see that you can do it. You're allowing these states
3 to catch fish. They are not identifying them at all.

4 You're not doing anything to the state.

5 You're not doing -- you know, from one
6 bureaucrat to another bureaucrat, there is no
7 punishment whatsoever, but to the non-bureaucrat to
8 the person that has to go out and go through all the
9 adversity that it takes to catch these damn things,
10 you just keep putting more and more on them. And,
11 you know, when in the world is it going to stop? I
12 mean, just look at the sharkfish where Margo, since
13 you came on board. What in the hell has happened to
14 it?

15 I mean, we're dying to just almost a
16 fleet that you should be embarrassed or you should be
17 ashamed of, not because it's catching too many fish,
18 because it's in such bad shape. Tell me somebody
19 that has bought a new boat since you've been on board
20 to go in the shark fishery. I just challenge you to
21 do that. It's non-existent. And somehow this Agency
22 that's trying to take care of these fish has the

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1 charge to try to take care of the industry itself and
2 you're just doing a really poor job of it. Thank
3 you.

4 MR. STONE: I'll be very quick. Dick
5 Stone. I'll be very quick. We support the preferred
6 alternatives. However, I would like to reiterate
7 something we said last time and I think you should
8 involve the industry folks in putting on these
9 workshops, because some of these folks are the most
10 knowledgeable ones around about identification of
11 these sharks.

12 MR. SAMPSON: Yes, thank you, Mark
13 Sampson. I would just like to suggest that if it
14 comes to be that the only people that are required to
15 attend these workshops are actually the dealers, that
16 the workshops not be focused primarily on
17 identification from the dealer standpoint,
18 particularly handling the carcasses and such of the
19 animals.

20 Particularly, as Ken alluded to, the fact
21 that the at-sea identification is very important and
22 if both recreational and commercial anglers are able

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1 to attend these workshops and learn more than just
2 how to identify the carcass at the dock, if they are
3 actually able to learn how to identify the fish at-
4 sea, this certainly will have more of an
5 environmental impact on these animals.

6 And I think that, at this time, it is
7 extremely perhaps maybe one of the most important
8 things that can be done to help the shark situation
9 to educate all users, anybody who interacts with
10 these animals how to identify the species, because,
11 of course, when we're talking about so many different
12 species and some of them are in certain levels of
13 peril when others aren't and so on, identification, I
14 think, historically always has been a problem and
15 probably always will be.

16 But it's not a problem that can't be
17 overcome by education. I have to say the
18 identification between the -- you know, a couple of
19 instances were cited here, a sandbar and a dusky
20 shark, absolutely, anybody can be -- it's not rocket
21 science. People who know the subtle differences from
22 50 feet away should be able to tell the difference

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1 between a sandbar and a dusky shark. Somebody who
2 knows what they are looking at blindfolded will be
3 able to. It just takes a little bit of training.

4 If the workshops I'm afraid are catered
5 or setup primarily for the dealers and we're just
6 dealing with carcasses, you won't get the
7 recreational and perhaps some of the commercial
8 fishermen who want to attend these just for their own
9 knowledge and for their own benefit on the vessel.
10 So I would recommend that regardless of who is
11 required to attend the workshops, that they be setup
12 maybe twofold. One day on primarily catering to the
13 dealers and the other would be for at-sea
14 identification. I think that would overall help the
15 situation as best it could be. Thank you.

16 PARTICIPANT: I'll try not to touch on
17 too much that's already been brought up there. I
18 would like to reiterate that the hands-on, I agree
19 that the first time hands-on that's got to be in
20 person in a workshop. But I question whether ID, you
21 know, like shark ID can that be done over the
22 Internet, especially when it comes to anglers? Can

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1 renewals be done over the Internet? I think getting
2 a field guide out to all the permit holders is the
3 first step and that hasn't happened, to my knowledge.

4 There's just, you know, that step of getting a field
5 guide out.

6 On the after and the measuring on the ID
7 side, you've got the dock side intercept, but on the
8 commercial side, you've got a rigid, you know,
9 process here. Basically, you know, if a leatherback
10 turtle comes up and it's entangled and hooked, you
11 know, the Government considers it to be 70 percent
12 dead. If the fisherman untangles that animal, it's
13 then 30 percent dead. If the fisherman removes the
14 hook from that animal so that it's both disentangled
15 and the hook removed, then it's down to 10 percent
16 dead.

17 In order to keep fishing, the fisherman
18 overall, the fleet has to reach below 13 percent in
19 three years. You know, there is Ken's incentive and
20 it's probably to be the same system for, you know,
21 the few random marine mammal interactions that we
22 have. And there is not much higher incentive than

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1 that.

2 You know, in regards to how rigorous
3 these careful handling and release classes have been,
4 you know, we had an initial round of 11 that had no
5 examinations. They were teaching. They were back
6 and forth with the fishermen. And then, you know,
7 they were called initial workshops. They had them up
8 and down the coast. Then we had one initial workshop
9 redone all over again, because there wasn't, you
10 know, enough participation in the area.

11 So New Orleans was done second initial
12 and then we had two certification level workshops
13 where, you know, 80 percent of the active fleet
14 attended and they were rigorous. And each level, you
15 know, went through an exam and you didn't go on to
16 the next level until you passed, you know, the level
17 that you were on. So that's the scoop on that and I
18 would get those field guides out.

19 But it has been real skeptical as to what
20 are we doing with the Internet and that kind of like
21 raises everyone's questions, because the Internet can
22 be a big tool here, not to take away from the hands-

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1 on where it's appropriate, but the Internet can be a
2 big tool.

3 MR. HUDSON: Russell Hudson, Directed
4 Shark. We're talking about two kinds of workshops
5 here, obviously, and the ID workshops is what
6 concerns me at this moment. The careful handling
7 protocols that is just needing to be funneled in on
8 the last of the bottom longline guides, I assume, and
9 that will be coming soon. But with A9, Alternative
10 9, Mandatory Highly Migratory Species ID Workshops
11 for all shark dealers, that should actually read
12 Mandatory Shark Identification Workshops for all
13 shark dealers, unless you want them to, you know, be
14 able to pick out all the rest of the HMS. That's
15 fine, whatever.

16 But the reason, I believe, NMFS is
17 emphasizing the A9 is because the quota is monitored
18 through the dealer logbooks each year in a very
19 frequent fashion. The logbooks that come from the
20 fishermen don't even get looked at for almost two
21 years. And by the time they get looked at and then
22 compared to the observer data, maybe this is a relic

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1 of the observer problem with the longline, we have
2 never attained 5 percent observer status as
3 recommended for the longline guys.

4 For the gillnet guys, we have had between
5 50 and 100 percent observer status on those boats
6 with regard to the shark issues, but that was the
7 right whale that brought that about. And as I look,
8 if you're going to try to eventually evolve into a
9 Mandatory Shark ID Workshop for all commercial
10 longline vessel operators, you're also going to have
11 to include the gillnet operator in that. And I would
12 emphasize that the 100 or less boats that have some
13 minimum level of shark landings annually would be a
14 good place to start, instead of trying to invite the
15 whole universe.

16 And as far as that goes, that would be a
17 way to, you know, help clean some of that up. But as
18 far as at-sea, yes, that's the point where you do
19 have the best chance of looking at everything. The
20 whole live animal, the whole dead animal, whatever it
21 may be when it came up and to be able to ID it. Now,
22 are you going to require, since you also have later

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1 in this HMS FMP consolidation, a little tougher stuff
2 on the dealers?

3 Are the dealers going to have to police
4 when a dusky comes in, call law enforcement on the
5 boat operator, keep himself out of jail, keep himself
6 from losing the permit? I mean, that's an angle that
7 has to be considered here, because just like Willie
8 made the point that if the operator is knowingly
9 bringing in prohibited species, then you're going to
10 have to have a certain flexibility to understand if
11 this guy is a poacher or if he is a person that,
12 obviously, didn't know the difference between a
13 sandbar and a dusky, for instance, or a Galapagos and
14 whatever else might be out there.

15 And there are certain sharks that even
16 fin dealers really ever, if ever, have seen, but
17 there are several common ones and I believe that you
18 can sort of focus in on the narrow world. But, you
19 know, you just can't expect to have everybody to show
20 up at a workshop, it's just not going to happen,
21 mandatory or voluntary. You're going to have to have
22 some flexibility in this process.

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1 (Section of tape blank.)

2 MR. ANNINOS: Folks, it's about that
3 time. If you could find your seats, please?

4 (End tape 3 side A)

5 MS. SCHULZE-HAUGEN: Okay. Can everybody
6 hear me?

7 PARTICIPANT: You might have to go a
8 little closer to the microphone.

9 PARTICIPANT: A little closer.

10 MS. SCHULZE-HAUGEN: Okay. Okay. So the
11 time area enclosure alternatives were considered to
12 reduce bycatch of non-target HMS as well as protected
13 species, and NMFS particularly focused on blue and
14 white marlin, sailfish, spearfish, bluefin tuna,
15 pelagic and large coastal sharks and leatherback,
16 loggerhead and other sea turtles.

17 Now, NMFS fully analyzed 11 different
18 closures and/or modifications to current closures and
19 considered an additional eight closures that are
20 outlined in the Appendix A and mentioned in Chapter
21 2. One of these alternatives was B2(c) which was in
22 response to a petition received by the Blue Ocean

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1 Institute.

2 Now, the petition requested closure of an
3 area in the Gulf of Mexico for bluefin tuna. NMFS
4 also considered several alternatives to reduce white
5 marlin bycatch per a settlement agreement between
6 NMFS and the Center of Biological Diversity. These
7 were B2(a), B2(b), B2(d) and B2(e) as well as B2(g)
8 through (k) which are listed in the appendix.

9 Now, based on these different analyses
10 that NMFS did, no additional time area closures or
11 modifications to current closures are proposed at
12 this time, except for the complementary HMS
13 regulations for the Madison-Swanson and Steamboat
14 Lumps (phonetic sp.) Marine Reserves. This is
15 alternative B4. The other preferred alternative is
16 the establishing of criteria for considering future
17 closures as well as making modifications to current
18 closures, which is B5.

19 Okay. NMFS used the Pelagic Observer
20 Program data, Pelagic Longline Logbook data, which I
21 will refer to as PLL, and the Shark Bottom Longline
22 Observer Program data from 2001 through 2003. Now,

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1 2001 to 2003 data were used because it's the most
2 recent and complete data set since the implementation
3 of the existing closures went into effect, and NMFS
4 felt that this would be the most representative of
5 the current stocks.

6 Now, the time area closures were
7 considered in areas of highest concentrations or
8 interactions of the different species that we
9 considered and I will demonstrate that in the next
10 couple of slides.

11 Bycatch of the non-target HMS and
12 protected species were analyzed using a geographic
13 information system or GIS. There's going to be three
14 slides that are going to look all very similar to
15 this and these show the highest interactions and
16 concentrations of different species. What you see
17 are a series of gray dots which are where the sets
18 were actually put in place and the black dots are
19 where they actually had discards take place. And
20 this is excluding the NED.

21 In this slide here I'm showing white
22 marlin interactions. The next slide is looking at

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1 bluefin tuna interactions and, finally, these are sea
2 turtle interactions. Okay. Now, by looking at where
3 interactions occurred for the different species, NMFS
4 selected several areas in the Gulf of Mexico and in
5 the northeast to analyze for potential closures.

6 NMFS also did identical GIS mapping with
7 the Pelagic Observer Program Data and found similar
8 results regarding areas of highest concentration in
9 the Gulf of Mexico and the northeast for most of the
10 species considered. Okay.

11 Now, all the closures were analyzed with
12 and without the redistribution of fishing effort
13 considered and without the redistribution of fishing
14 effort assumes that all of the effort in a given
15 potential closure would simply not exist and not be
16 displaced anywhere else.

17 Now, this is the best case scenario in
18 terms of reduction of discards. However, it may not
19 necessarily be the most realistic. The
20 redistribution of effort assumes that all the fishing
21 effort within a given closure will then be uniformly
22 redistributed to all other open areas. This is one

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1 of the worst case scenarios in terms of potential
2 bycatch reduction, and we realize that the actual
3 results may lie somewhere in between.

4 Now, the details of how the calculations
5 that were done for the redistribution of effort are
6 outlined in Appendix A and NMFS considers both the
7 estimates as upper and lower ranges of the possible
8 impacts in terms of bycatch reduction.

9 Now, these analyses show that most of the
10 closures could actually increase bycatch of protected
11 species and/or non-target HMS when you consider the
12 redistribution of fishing effort and so no new
13 closures have been preferred at this time, besides
14 the complementary HMS measures in the Madison-Swanson
15 and Steamboat Lump Marine Reserves.

16 Now, we'll go through the different
17 alternatives. Alternative B1 analyzed the
18 effectiveness of the existing closures. Let's see.
19 This figure here shows you where the existing
20 closures are located. The inset shows the extent of
21 the northeast distant restricted fishing area and all
22 the closures, except for the Mid-Atlantic, are

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1 applicable to the pelagic longline gear only with the
2 Mid-Atlantic closure being applicable to the bottom
3 longline gear.

4 Okay. Now, data from the pelagic
5 logbook, longline logbook, prior to implementation of
6 existing closures, so that was from 1997 to 1999,
7 were compared to data post-implementation of the
8 closures, which is 2001 to 2003, and this comparison
9 indicated a 15 percent reduction in overall fishing
10 effort and more than a 30 percent decline in bycatch
11 of swordfish, blue fin and bigeye tunas, pelagic
12 sharks, blue and white marlin, sailfish and
13 spearfish.

14 Now, the reported discards of blue and
15 white marlin declined by almost 50 percent and
16 sailfish declined by almost 75 percent. The reported
17 number of sea turtle interactions also declined by
18 almost 28 percent. Now, Alternatives B2(a) through
19 B2(e) were the areas that we considered for new
20 closures. These are shown here. Okay. There we go.

21 Okay.

22 Now, this map shows the boundaries of the

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1 time area closures being considered to reduce bycatch
2 of blue and white marlin, sailfish, spearfish,
3 bluefin tuna, pelagic and large coastal sharks and
4 leatherback, loggerhead and other sea turtles. Now,
5 in addition to these closures shown here, there are
6 also other closures that were not further analyzed
7 and they are outlined in Appendix A. Okay. So I'm
8 going to go through this first one, B2(a), and then
9 follow through sequence here with B2(b), (c),
10 etcetera.

11 Okay. B2(a) would prohibit the use of
12 pelagic longline gear in HMS fisheries in the central
13 portion of the Gulf of Mexico from May through
14 November, and this was mainly considered for the high
15 number of white marlin, bluefin tuna and leatherback
16 sea turtle interactions. However, when you consider
17 the redistribution of fishing effort, this could
18 actually increase the number of loggerhead
19 interactions and bluefin tuna discards.

20 Okay. B2(b) looked at prohibiting the
21 use of pelagic longline gear in an area of the
22 northeast during one month, which is the month of

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1 June. This was mainly considered to reduce the
2 number of loggerhead interactions. Now, loggerheads
3 primarily occur or the interactions primarily occur
4 in the Atlantic where the leatherback sea turtle
5 interactions occur more often in the Gulf of Mexico.

6 And a closure in the Gulf of Mexico could
7 redistribute fishing effort up along the Atlantic
8 Seaboard that could result in increases in loggerhead
9 interactions and, conversely, a closure in the
10 Atlantic could redistribute fishing effort into the
11 Gulf of Mexico and increase the number of leatherback
12 sea turtle interactions.

13 So NMFS also considered combining two
14 closures, B2(b) and the Gulf of Mexico closure,
15 B2(a), which I just showed you, as a way to offset
16 impacts caused by one or the other area being closed
17 due to redistribution of fishing effort. Okay.
18 However, as with most of the other closure
19 alternatives, such a combination of closures could
20 still result in an increase in discards of other
21 species, such as blue and white marlin.

22 Okay. B2(c) deals with prohibiting the

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1 use of pelagic longline gear in the Gulf of Mexico
2 from April through June. B2(c) deals with a petition
3 that NMFS received from the Blue Ocean Institute for
4 a closure of an area in the Gulf of Mexico for
5 bluefin tuna. The area was first identified in the
6 Block, et al, publication in Nature and the petition
7 referenced the specific area that was outlined in
8 that publication.

9 The petition did not consider the effects
10 of redistribution of fishing effort and when you do
11 consider the effects of redistribution of fishing
12 effort, you could actually increase discards of both
13 bluefin tuna and every other species considered,
14 except for leatherback sea turtle. Okay.

15 We also should mention that in the fall
16 we received a petition for an emergency rule-making
17 from the Blue Ocean Institute as well as Earth
18 Justice. This dealt with closing a very large
19 portion of the Gulf for six months. We did not put
20 it out for public comment, but we looked through the
21 petition and found that there was no new information
22 in that petition that we had not already analyzed.

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1 So I just wanted to make folks aware of that.

2 Okay. B2(d). This deals with
3 prohibiting the use of pelagic longline gear in the
4 Gulf of Mexico west of 86 degrees west longitude
5 year-round, and B2(e) prohibits the use of pelagic
6 longline gear in an area of the northeast to reduce
7 sea turtle interactions year-round. These two
8 alternatives were progressively larger closures in
9 the Gulf and the northeast considered to reduce
10 discards of all the species that we considered.

11 As with Alternatives B2(a) and B2(e), we
12 considered these two in combination, as well as
13 alone, basically to offset the impacts caused by one
14 closure or the other due to redistribution of fishing
15 effort. Now, for B2(d) alone, this closure could
16 actually increase bycatch of white marlin and
17 loggerhead sea turtles when you consider the
18 redistribution of effort and for B2(e) you could see
19 an increase in bycatch of every species considered,
20 except for leatherback and loggerhead sea turtles
21 when you consider redistribution of fishing effort.

22 So none of the alternatives that I have

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1 discussed this far have been preferred because,
2 although there were reductions in bycatch for some
3 species, there were also increases in bycatch for
4 other species, particularly when you consider a
5 redistribution of fishing effort.

6 Also, the economic impacts were also
7 considered to be substantial with the implementation
8 of any new closures. NMFS also analyzed combinations
9 of closures, but found that no one single closure or
10 combination of closures would actually reduce bycatch
11 of all species across the board. Okay.

12 Let's see. NMFS also looked at
13 modifications of existing closures. Here we have
14 B3(a) and B3(b). Sorry, something is just -- and
15 what I'm going to show here is the modifications that
16 I'm talking about here deal with the northeast, a
17 modification to the northeastern U.S. closure, as
18 well as the Charleston Bump closure.

19 The hatched areas were considered for
20 potential reopening of B3(a), which would modify the
21 Charleston Bump area to allow the use of pelagic
22 longline gear in all areas seaward of the axis of the

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1 gulf stream. And B3(b) would modify the northeastern
2 U.S. closure to allow the use of PLL gear in areas
3 west of 72 degrees and 47 minutes west longitude
4 during the month of June.

5 Okay. Now, neither modification was
6 preferred because of potential negative ecological
7 impacts and because of the minor economic benefits
8 that would be seen with these modifications. NMFS
9 also considered modifications to two other areas, the
10 Florida east coast and De Soto Canyon, but these
11 areas were not further analyzed after it was
12 determined that they would have resulted in an
13 increase in blue and white marlin, sailfish and
14 swordfish discards. However, the results of these
15 preliminary analyses are shown in Appendix A. They
16 are B3(c) and B3(d).

17 Okay. Now, the two preferred
18 alternatives for this issue are B4, which is to
19 implement complementary HMS management measures in
20 the Madison- Swanson and Steamboat Lump Reserves.
21 These are shown here, which are two highlighted
22 boxes. The larger boxes are the De Soto Canyon

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1 closure. Because of this closure we estimated there
2 would be minimal economic impacts anticipated from
3 HMS permitted fishing vessels and trolling gear would
4 still be allowed from May through October.

5 Okay. Alternative B5 would establish
6 criteria for regulatory framework adjustments for
7 implementing new time area closures or making
8 modifications to existing time area closures. These
9 criteria would provide greater transparency in the
10 decision making process and allow fishermen more
11 ability to plan for future changes.

12 The criteria would include ESA-related
13 issues, concerns or requirements to any applicable
14 Biological Opinions, as well as bycatch rates of
15 protected species, prohibited HMS or non-target
16 species both within the specified closure as well as
17 throughout the entire fishery. Bycatch rates and
18 post-release mortality rates of bycatch species
19 associated with different gear types would be
20 considered, as well as new or updated landings,
21 bycatch and fishing effort data.

22 Evidence or research indicating that

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1 changes in fishing gear and/or fishing practices
2 would be considered and if a species is an ICCAT-
3 managed species, NMFS would need to determine the
4 overall effect of the United States catch on that
5 species before implementing a new time area closure.

6 Okay. Alternative B6 would prohibit the
7 use of bottom longline gear in an area southwest of
8 Key West to protect endangered smalltooth sawfish.
9 This area is shown here, which is a 49 square
10 nautical mile area closure southwest of Key West
11 where five of the eight observed sawfish interactions
12 have occurred from 1996 through 2004.

13 Now, this area was not preferred because
14 smalltooth sawfish interactions are extremely rare
15 and rarely result in mortality, and the Sawfish
16 Recovery Team has not yet developed a recovery plan
17 or designated critical habitat. Once these elements
18 are known, NMFS will consider a closure for these
19 species in the future.

20 Now, B7 was considered to prohibit the
21 use of pelagic longline gear in HMS fisheries in all
22 areas. Now, this was considered because it would

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1 provide the greatest short-term ecological impact.
2 However, HMS such as swordfish, marlin and bluefin
3 tuna require international conservation and
4 management in order to rebuild.

5 And there are concerns that the U.S.
6 quota could be redistributed to other countries that
7 do not practice the bycatch reduction efforts or
8 research that the U.S. does. This alternative would
9 also have a significant negative economic impact
10 estimated in excess of \$25.8 million annually.

11 Okay. B2(f) through B2(k) were also
12 additional closures that NMFS considered. B2(f) was
13 a large closure in the Gulf of Mexico and B2(g)
14 through B2(k) were considered in response to a
15 settlement agreement for white marlin. That has been
16 submitted to the court for approval and consistent
17 with the proposed settlement agreement, NMFS
18 specifically took into account five areas that the
19 plaintiffs suggested as potential white marlin time
20 area closures that fall within the U.S. EEZ.

21 NMFS took these areas into account along
22 with updated data that were not included in the

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1 plaintiffs' documents provided to the court. Now,
2 these alternatives are shown in Chapter 2 as well as
3 Appendix A.

4 And then B3(c) and B3(d) are the two
5 modifications to existing closures that I alluded to
6 earlier, and these were considered, but not
7 completely analyzed after determining that they could
8 increase bycatch of several species. So they would
9 have more of a negative ecological impact than the
10 two that were further analyzed. And, again, these
11 have detailed descriptions and maps in Chapter 2 and
12 in Appendix A.

13 Now, I will say this is the final slide,
14 but I realize there are three important slides
15 missing in this, which I think was a mixup between
16 different formats of PowerPoint, so I want to go to
17 another presentation and pull those up. But before
18 we go to that and we leave this, in general, this is
19 an overview of the comments that have been received
20 at this point on this issue and I just want to run
21 through them quickly.

22 They are no new time area closures are

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1 needed, additional closures are needed to protect
2 bluefin tuna spawning in the Gulf of Mexico,
3 additional closures are needed to protect white
4 marlin, research and criteria for new and/or
5 modifications to time area closures are needed,
6 modifications are needed to current time area
7 closures, no modifications are needed to current time
8 area closures, as well as we have gotten comments
9 about the appropriateness and accuracy of the
10 Redistribution of Effort Model that NMFS used.

11 Okay. So hold that thought. There's a
12 problem with this. Okay. I'm sorry for this
13 interruption, but I realized here. This is a table
14 that basically is showing you the percent reduction
15 for the various species without the redistribution of
16 fishing effort considered. And why this is important
17 for you to see is without the redistribution of
18 fishing effort, it's important.

19 While it's not necessarily the most
20 realistic situation, it's important that we consider
21 this because it identifies areas of highest
22 interactions or rates of bycatch. And by doing this

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1 we're able to basically tease out the most important
2 closures that we're going to consider for further
3 analysis. So the eight additional closures that we
4 did not consider for further analysis basically did
5 not achieve the level of bycatch reduction that we
6 saw with the closures that we did look at.

7 Okay. When you look at or you consider
8 the redistribution of fishing effort, okay, and the
9 plus sign indicates an increase in the discards, what
10 you can see is that there is not a single closure
11 that doesn't result in some increase of discards for
12 two or more species. Okay.

13 And what is important is that NMFS used
14 that, the range in terms of bycatch reduction between
15 what we have without the redistribution of effort and
16 with redistribution of fishing effort, our bycatch
17 reduction is going to lie somewhere in between those
18 two. So these are seen as upper and lower estimates
19 in terms of bycatch reduction.

20 Okay. We also looked at a combination of
21 closures and, in particular, we looked at B2(a) and
22 B2(b) and B2(d) and B2(e). All right? But even in

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1 combination with the redistribution of fishing
2 effort, you can see that you can potentially end up
3 with an increase in discards of the different species
4 that are considered. Okay.

5 So, at this point, what I will do is I
6 will be happy to take any new comments as well as any
7 questions that you might have.

8 MR. ANNINOS: Yes, I think we have some
9 pent-up demand on this topic.

10 MR. DONOFRIO: Thank you. Jim Donofrio
11 representing the RFA. Can someone from the Agency
12 explain to me about this redistribution of effort? I
13 just can't comprehend how this would make more
14 bycatch with only about 88 boats fishing anyway and
15 not all of them capable of going distances and fuel
16 costs and everything else. I want to know how you
17 came to that conclusion. That's my question right
18 now before I comment.

19 MS. SCHULZE-HAUGEN: All right. So do
20 you want me to go through on how it was actually
21 calculated? Would that help you? Okay. So what we
22 were able to do is within a given area we assessed

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1 effort in terms of number of hooks that would be in a
2 potential closure. Okay?

3 So we took the number of hooks that would
4 be in a potential closure. We then estimated the
5 average bycatch rate outside of that closure area and
6 we applied those number of hooks into the open areas
7 against the average bycatch rate for the different
8 species. And from that you can then estimate the
9 number of additional animals that would be caught
10 with those additional hooks in the open areas minus
11 the animals that would not be caught in that closed
12 area.

13 So in the sense of like if you have
14 loggerhead sea turtle interactions occurring more
15 along the Atlantic Seaboard, you have leatherback sea
16 turtle interactions occurring more in the Gulf of
17 Mexico. If you close a portion of the Gulf of Mexico
18 and that effort is redistributed to the Atlantic
19 Ocean, you're going to have an increase in your
20 loggerhead sea turtle interactions.

21 MR. DONOFRIO: What I don't understand,
22 you know, I was a fisherman at one time for a lot of

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1 years, usually they are fishing in a certain area and
2 they are not in another area. So if the area is
3 closed, the time and areas where the fish are, how
4 are we going to have bycatch in an area where the
5 fish aren't biting? That's what I -- I don't
6 understand that as a fisherman.

7 Is this just a hypothetical thing just of
8 hooks in the water anywhere and hypothetical fish
9 appearing not on a certain movement of water or a
10 body of water or a bait or a bite? I mean, I don't
11 comprehend that as a fisherman and I want you to
12 explain that to me.

13 MS. SCHULZE-HAUGEN: Well, the hooks are
14 assumed to be uniformly spread to all the open areas,
15 but because of the natural variability in the
16 abundance and the distribution of the different
17 species, you may close an area in one area for one
18 species, but when you redistribute that effort to
19 other areas where other species are biting, you end
20 up with increases in bycatch of those other species.

21 The problem is that there wasn't one
22 single closure that basically could reduce bycatch of

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1 all the species considered across the board.

2 MR. DONOFRIO: Okay. That's fine. This
3 is not our final comments, but we would like to
4 support B4 for now, RFA, and also maintain existing
5 time and area closures. And we'll send our final
6 comments in before the due date. Thank you.

7 MS. PEEL: Well, I would like to say that
8 the initial comments by Alan this morning we would
9 like to think were comforting, that merging the plans
10 will not reduce the priority given to billfish. I
11 think this one discussion right here on time area
12 closures certainly causes the Billfish Foundation and
13 our members to question that.

14 The fact that the Agency's statistics as
15 far back as 1978 and 1999 and while I haven't
16 quantified your black dots on the chart, I would say
17 that they remain consistent, that the bycatch or blue
18 and white marlin in the Gulf of Mexico is more than
19 double the bycatch of those two species anywhere else
20 within U.S. jurisdiction.

21 Taking that into account and the fact
22 that white marlin are the most seriously overfished

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1 of the large pelagic species, your goal is to reduce
2 bycatch. You have an opportunity to do so in the
3 closures, new closures in the Gulf of Mexico. Yet,
4 you're electing to ignore it standing behind the
5 argument of displacement, which I find quite
6 interesting because in 1999 and 2000 the Agency took
7 the opposite stand, that boats were not going to
8 displace.

9 It turned out there weren't that many
10 that displaced. Now, you're saying, ah, they all are
11 going to displace. And I ask, you know, what
12 abundance data do you have outside in these open
13 areas, I guess that's what Jim was asking, to say
14 that the bycatch is going to increase? You're basing
15 this on phantom fish.

16 The catch statistics show where the
17 concentration of bycatch is. Boats are there. You
18 have that documented back as far as 1978 and, yet,
19 you're choosing to ignore it. You could reduce the
20 bycatch of both marlin species, bluefin tuna and
21 protected species. It's amazing. Even the Japanese
22 have suggested something much stronger than the

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1 Agency.

2 The Billfish Foundation certainly, with
3 modifications, prefers B2(c), but April through
4 August not as you have it, April through June, for
5 that entire area. Thank you.

6 MR. ANNINOS: Thank you, Ellen.

7 MS. SCHULZE-HAUGEN: I would like to
8 comment on that quickly.

9 MR. ANNINOS: Yes.

10 MS. SCHULZE-HAUGEN: For B2(c) we
11 specifically looked at the months that were
12 recommended in the petition, so that was April
13 through June. That's why we had chosen those
14 particular months when we looked at that closure.

15 Also, I wanted to stress that, as I
16 mentioned before, we see the results in terms of
17 bycatch reduction for without redistribution of
18 fishing effort and with redistribution of fishing
19 effort to be some sort of a spectrum and we have our
20 lower and our upper estimates in terms of bycatch
21 reduction. And so we realize that those results can
22 fall anywhere in between.

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1 MS. PEEL: But by falling in somewhere,
2 anywhere in between, it certainly leaves the Agency
3 open for a severe criticism when you're not taking
4 action to protect the most severely of your
5 overfished species, one of which we're facing an
6 endangered species listing on.

7 PARTICIPANT: Forgive me for persisting
8 and following Jim's line of questioning. I just want
9 to be certain I understand this.

10 Now, when you took -- when you used the
11 model for shifting effort, did you use any kind of
12 probabilistic dispersion model as to where the most
13 likely shifts would occur or did you simply assume
14 that all the effort from the closed area would be
15 distributed uniformly across everything that was left
16 open?

17 MS. SCHULZE-HAUGEN: We assumed that it
18 would be redistributed uniformly. We're working on
19 different permutations of that particular model, but
20 it is one model that we have worked with.

21 PARTICIPANT: Okay. Well, I would just
22 suggest, you know, technically speaking, that's an

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1 extremely flawed approach. And just simply
2 forgetting the modeling, as Ellen brought up, I think
3 you all ought to look back at history.

4 The current closures that are in place
5 that have affected 50 to 70 percent reductions in
6 bycatch of certain species, when they were proposed
7 and analyzed when this last amendment went into
8 place, when you looked at effort shifting it was also
9 stated that they could increase bycatch, but there
10 was very little effort shifting.

11 So history gives us an example which we
12 might look at. I mean, the vessels in the Gulf are
13 linked. They are linked to communities. They are
14 linked to fish houses. There is no way that one can
15 realistically think that the typical longline vessel
16 fishing out of Texas, Louisiana is just going to
17 magically appear, you know, on the Grand Banks.

18 So I would suggest that by emphasizing
19 the one end of the spectrum where you say, well, we
20 got to have the maximum effort shifting so we can
21 have reductions in bycatch, you are being a bit
22 disingenuous in really looking at the potential

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1 impacts of those closures. I think you are -- your
2 approach technically is obscuring the potential
3 benefits of those closures and overemphasizing the
4 potential dangers in them.

5 One other comment I have is that the
6 option of creating a new framework process for
7 looking at future closures, what is the process? Has
8 it been put down in black and white yet?

9 MS. SCHULZE-HAUGEN: We're simply now
10 trying to work on that process and establishing
11 criteria, in which case that will be used to
12 basically create new time area closures as we see
13 needed in the future, as well as modifying current
14 time area closures.

15 PARTICIPANT: Well, in all my experience
16 in the management system here in the country under
17 the Magnuson-Stevens Act, I mean, even a framework
18 procedure that is being proposed as a revision to a
19 management plan is generally put out in black and
20 white how it's going to work, not that we'll have a
21 better way of doing things, but explicitly what the
22 framework is.

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1 And thus far in this process there has
2 been no -- we have not been able to see, nor has the
3 public been able to see, what the new and improved
4 framework is. It's simply an ideal you have stated,
5 which is good, but it would seem to be reasonable
6 that the actual procedures be laid down and
7 alternatives to those procedures be laid down, so
8 that there are several different alternatives to
9 framework approaches that could be analyzed and
10 responded to.

11 MS. SCHULZE-HAUGEN: Just to respond, the
12 framework procedure means that we would not need to
13 do a plan amendment. What that means is that we
14 would still need to do notice and comment rule-making
15 and, depending on the degree of impacts, may need to
16 do an Environmental Impact Statement versus an
17 environmental assessment. But it means that we would
18 not have to actually formally amend the plan to do
19 it.

20 PARTICIPANT: Margo, I'm aware of that.
21 I spent 16 years on two different councils in this
22 system, but a framework amendment has to show how

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1 it's going to be implemented, what the decision tree
2 is, how it's going to be done not just that we can do
3 it fast without an EIS. How is that going to be
4 done?

5 And if you look at any of the management
6 plans from any of the councils that have framework
7 procedures in them, they are explicitly laid out, the
8 timing, when they will occur, how they will be
9 proposed, the details of how the decisions will be
10 made and that at least to me seems lacking in what
11 has been proposed here.

12 PARTICIPANT: And I agree with everything
13 that has been said so far in this discussion. First
14 off I want to say that ever since Madison-Swanson was
15 created by the Gulf Council we have -- various
16 members of this panel from the Gulf have encouraged
17 HMS to follow suit with similar compatible
18 regulations for ease of enforcement. So we would
19 encourage you to adopt that again here.

20 But going past that and getting into this
21 thing about shifting of effort, this has always been
22 a problem to me in fishery management, how people in

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1 management always assume that effort shifts for
2 various reasons. And using this same analogy, I
3 guess, because I was asked this question after
4 Katrina and Rita and Wilma hit, as to, well, Bob,
5 people in Mississippi don't have anyplace to live and
6 if they have boats, they are probably going to shift
7 over to the panhandle. No, they don't. That doesn't
8 happen.

9 You get fishery management situations in
10 the Gulf that we have had with reef fish and mackerel
11 and other pelagic fishes and all the effort shifting
12 and whatnot that is put out in these models just
13 doesn't happen. It's like Russell said. You need to
14 look at history and look at it.

15 In the Gulf right now for people that
16 don't know, since Katrina hit, especially off of
17 Louisiana and the southern part of Louisiana, and I
18 have been to some areas like that where commercial
19 pelagic fish were landed mostly, there is no place to
20 land fish there anymore. Now, I understand that most
21 of the fishing is still occurring, but it has just
22 shifted to different ports, but it hasn't left the

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1 Gulf of Mexico. So I'm not sure that that analogy
2 and that modeling is the right way to go here.

3 And getting into the framework thing,
4 looking at this system from the outside looking in as
5 I pretty much always have, I am real leery of
6 framework procedures to make things easier and
7 quicker. Many times that is not a good way to go.

8 So I would encourage you to pay a lot of
9 attention to that to see how that is going to go not
10 only because of what it could do to management, but
11 what it does from the perspective of the public as to
12 how they look at the Fishery Service and how things
13 are done, because I don't think it's any question
14 anywhere around this table, I know it's not anywhere
15 that I go, that people don't trust the Fishery
16 Service.

17 And right, wrong or indifferent, that is
18 a big issue. Perception is a key player in any
19 management of anything, I think, and especially in
20 fishery management from my experience with it.
21 Whether or not something works, if it's not perceived
22 to work it's not going to work. And so you need to

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1 keep that in perspective here.

2 But in the Gulf of Mexico, too, I would
3 submit that because of the activity that we had last
4 year, that the demographics of the Gulf of Mexico
5 have changed significantly and I don't think anybody
6 anywhere knows the impact, full impact of what has
7 happened there yet. And I think that we're going to
8 see tremendous changes in the coming years as to what
9 these storms have done and, unfortunately, it appears
10 that we're going to have more of that activity this
11 coming season, so it could get even worse.

12 And so to make some of these changes, in
13 my mind, based on -- and I'm only speaking from the
14 Gulf of Mexico. I'm not speaking on the east coast.

15 To me you could be rushing into a lot of changes
16 that may not be necessary to do. So that's it.

17 MR. DANIEL: Dewey gets to follow me this
18 time. This recoument thing has me concerned because
19 I agree with Russ. I don't believe that that's
20 meaningful, the way it has been calculated with the
21 redistribution of effort. Certainly, I know what has
22 happened in the south Atlantic with the closure off

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1 North Carolina to the longline gear for sharks.

2 Most of those guys have moved south of
3 the area and so their bycatch concerns are
4 distributed only in a small area where I would bet
5 you they are a lot higher. But guess what? I don't
6 think that that analysis that you all did for these
7 closed areas was done for my closed area and I would
8 be real curious to see if I get any plus marks, and
9 that may be some new information, maybe.

10 You know, I mean, and I'm real curious
11 about how NEPA would look at the fact that not having
12 the alternative to take out some of the closed areas
13 fit into the NEPA analysis, because my recommendation
14 would be that you eliminate the North Carolina closed
15 areas, your preferred alternative, and add no other
16 closed areas until you are able to analyze these
17 other closed areas.

18 If anybody else has got any concerns with
19 them, analyze them the way you have done it here so
20 that it is, as you indicate, definitive and
21 transparent, because the way you have done it before
22 is not definitive or transparent. So it might be a

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1 good idea to go back and look at that. And when you
2 do that, it's going to be real interesting, in my
3 opinion, to look at how you determine what the
4 impacts of these closed areas are.

5 When you don't even know the species of
6 the fish that are being landed in other places, how
7 are you going to tell what the impacts of these
8 closures have been? How do you know? If people are
9 redistributing effort and they are catching the
10 quotas, the fisheries are being shut down, the quotas
11 are being caught, so how are you going to know what
12 the reductions in effort are going to be? How do you
13 know what the individual species assessment
14 information is going to look like when you can't even
15 identify the species, the sharks that you're
16 interested in? I don't think you can do it.

17 And I think one of the other things that
18 I think is very important is you haven't considered
19 at all the fact that the redistribution of effort
20 could be to other gear types. And if you'll talk to
21 your protected resources folks, what they will tell
22 you is is that they would much prefer a bottom

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1 longline out there than a drift gillnet.

2 But what is going on? A lot of these
3 longliners are going to drift gillnets and guess what
4 they just caught? A right whale calf. And guess
5 what sunk to the bottom? A right whale calf. And
6 guess what you had to do? You had to put in an
7 emergency closure. So you need to take into
8 consideration all of these transfers of efforts.
9 It's not just saying, well, they could be to the
10 Grand Banks from Texas or whatever. They are not.

11 But I would really be interested to see
12 the analysis that was used to come up with the shark
13 longline closure off North Carolina because I bet
14 there will be some pluses in there that may be new
15 information that we can use to move forward with
16 changing that time area closure off North Carolina to
17 more fairly distribute the burdens across all the
18 fisheries.

19 MR. HEMILRIGHT: Dewey Hemilright. A
20 couple of questions. I was looking here about this
21 observer work. How is all this redistribution of
22 effort and pluses and minuses -- now that we use

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1 circle hooks, how does that work out because all this
2 stuff, I think, was pre-circle hook time and now it's
3 circle hook time and I got a couple more other
4 questions.

5 When we sit here talking about the
6 redistribution of area and boats fishing, you know,
7 when they shut down the east coast of Florida, the
8 South Atlantic Council said all them boats that were
9 down there shut off would come north and go dolphin
10 longline fishing. Well, I think the data shows that
11 that didn't happen.

12 You know, in you all's world you all may
13 think that we can just travel all over the place and
14 go fishing. Well, it just don't happen that way.
15 You know, all these scenarios and different things
16 about boats just go from here to there, well, it
17 don't work that way.

18 You might have one or two to travel, but
19 as our infrastructures and packing houses and places
20 to go and inlets to get into and docket to tie up to
21 and all that stuff is taken away and gone, you know,
22 all these scenarios just don't happen the way, I

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1 guess, in the book they are supposed to work or you
2 all come up with these theories.

3 The redistribution for the shark in North
4 Carolina I think would be a neat idea because, you
5 know, a lot of the guys and different ones, as Louis
6 alluded to, you know, switched over and went gillnet
7 fishing. You all never told us nothing about that or
8 how the redistribution of all that stuff works out,
9 you know?

10 It seemed like you were just hellbent on
11 shutting down an area for fishing that you don't do
12 all the work and you come up here and you put this up
13 here on the table, but, you know, it's just -- I
14 don't see all this redistribution happening. Our
15 boats just go from here to there. It just don't
16 happen overnight.

17 But I would be interested about the
18 circle hooks that we were forced to use, just the
19 commercials, how that has taken effect on this
20 redistribution.

21 PARTICIPANT: To answer part of your
22 question, Dewey and Louis, we did analyze the North

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1 Carolina closure. I mean, I don't want to get back
2 into Amendment 1, because that was all covered in
3 Amendment 1. We did analyze redistribution of effort
4 in adjoining areas.

5 No, we didn't do it similar to what we
6 did with this amendment because this is a different
7 fleet. This is a pelagic longline fleet. They do
8 tend to be more mobile than the bottom longline
9 fleet, for instance, but we did analyze that. We
10 didn't analyze it going to other gears. That's a
11 very valid and good point and I'm glad you raised it,
12 because it is a concern right now off of North
13 Carolina with the right whale issues. So I do
14 appreciate that comment. That is a good one.

15 In terms of redistribution of effort, we
16 did analyze that in Amendment 1 for the North
17 Carolina closure. Your point about the circle hooks
18 is a good one, too. You're right. All of the data
19 we're looking at here are primarily J-hooks and we
20 did have a rule that went into effect in July of '04
21 that switched to circle hooks, as you all know.

22 So, again, this is part of the

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1 confounding effect of trying to do these types of
2 analyses. When you have a changing baseline with
3 gears and that sort of thing, it's not always as
4 straightforward and clear cut as it might seem. So,
5 again, that is something that we're aware of,
6 obviously, that hook changes can have an effect and
7 it's one of the things we're considering.

8 MR. HEMILRIGHT: One more last thing, a
9 follow-up there when you talked about the sharks and
10 the boats, you said the pelagic longline is
11 maneuverable. Well, you all assumed the same thing
12 for the bottom longline fleet, that we could just --
13 we shut down the ocean here off North Carolina, you
14 can go somewhere else. You all assumed that same
15 thing in your document there, that we could just flat
16 move somewhere else.

17 So I beg to differ with your thinking
18 that you didn't say that, because in the reading of
19 it you just assumed that we could just travel
20 somewhere else and go fishing, just go below the
21 closure or somewhere like that, but it don't happen
22 that way.

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1 PARTICIPANT: You're right. I mean, that
2 closure off of North Carolina was a very small
3 closure compared to some of the closures we're
4 considering for pelagic longline gear.

5 And we did make that assumption, that if
6 it were to be redistributed, it would most likely be
7 redistributed in adjoining areas outside of that very
8 small closure based on the gear type that was being
9 used, a lot of considerations about that closure area
10 and sharks that might be available in areas adjacent
11 to that closure.

12 But, again, I don't want to get into, you
13 know, going back to that closure off North Carolina.

14 I simply ask you to look back at Amendment 1 and we
15 did thoroughly analyze that in Amendment 1.

16 MR. BEIDEMAN: Phew. Boy, the gloves
17 came off in this meeting awful early.

18 (End tape 4 side A)

19 MR. BEIDEMAN: I've got some points that
20 Terry Lee wanted me to raise and then I'll get into a
21 response on some of the table talk. First off, you
22 know, these closures are based on the old J-hook data

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1 that is now obsolete. National Marine Fisheries
2 Service has recognized that the J-hook data is
3 obsolete in this fishery several times in writing, in
4 public, etcetera.

5 The analysis does not take into account
6 the reduced CPUEs for target catch nor the increased
7 survivability for incidental unwanted catches by the
8 exclusive use of circle style hooks. Neither -- you
9 know, the post-release mortalities haven't even been
10 calculated. The 2000 Bycatch Closures predicted
11 reduction in marlin discards of 19 percent under the
12 redistribution model. The reduction goal standard
13 was deemed sufficient, at that time.

14 The 2000 Bycatch Closures achieved
15 greater than a 50 percent reduction in marlin
16 discards, which leaves ample room to tailor the
17 closures to reduce the economic harm to the
18 fishermen. The 2000 Bycatch Closures predicted
19 reduction in swordfish discards of 31 percent under
20 the redistribution model. The reduction goal
21 standard was deemed sufficient, at that time. The
22 2000 Bycatch Closures achieved greater than a 50

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1 percent reduction in swordfish discards which leave
2 ample room to tailor the closures to reduce the
3 economic harm to the fishermen.

4 National Marine Fisheries Service is
5 inequitably holding pelagic longline fishermen to a
6 much higher standard than any other HMS fisherman.
7 Why does NMFS continue to raise the bar when we meet
8 or exceed previous reduction goals? No fishery can
9 survive under an impractical bycatch zero mortality
10 rate goal. The Magnuson standard is as practicable.

11 NMFS discusses enhancing the management program by
12 protecting undersized, pre-adult and spawning
13 swordfish which far exceeds any ICCAT
14 recommendations, because any swordfish over 119
15 centimeters is a legal catch.

16 Then NMFS only applies the closure rule
17 to pelagic longline fishermen not insisting on
18 protection of these fish by other domestic fishermen.

19 NMFS does not discuss enhancing the management
20 program by protecting undersized, pre-adult spawning
21 bluefin tuna, which is in far worse shape. On the
22 contrary, NMFS encourages targeting fishing on all

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1 sizes of bluefin. This is yet another example of an
2 unequal treatment by NMFS.

3 The Gulf of Mexico closure was primarily
4 based on speculation that pelagic longline fishing
5 effort would increase in that area, would be
6 displaced from the east coast of Florida, which did
7 not occur. National Marine Fisheries Service is
8 resisting a modest modification to the Gulf of Mexico
9 closed area, Alternative B3(d), that their analysis
10 shows could allow for an increase in the now
11 diminished annual landing of yellowfin tuna by nearly
12 2,700 fish primarily on the basis of a theoretical
13 catch of 16 white marlin and 22 blue marlin per year.

14 Now, let's lay it on the table. Let's
15 get back to basics here. We're out there, we're all
16 fishing with different types of gear. Those of us
17 that are fishing with hooks have to remember that
18 hooks kill fish. Now, Horodysky and Graves laid on
19 the table that, you know -- well, first off, what
20 Alan had said the most severely overfished facing
21 Endangered Species Act listing white marlin, white
22 marlin, it's estimated that post-release mortality

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1 between 15 and 59 percent recreational J-hook, 35
2 percent median value, Horodysky and Graves.

3 And then Dr. Gene Kramer took that
4 information and applied it to the best available
5 information on recreational catches. And it turned
6 out that in the U.S., domestically, the U.S.
7 recreational fishery is responsible for as much as 61
8 percent of white marlin mortality. The pelagic
9 longline fishery 39 percent. And then Graves and
10 Kerstetter did a second study that said well, you
11 know, Dr. Graves or Dr. Kramer didn't have, you know,
12 information on post-release mortality for commercial,
13 so let's add that factor in.

14 In some years, their results were, the
15 recreational fishery is higher mortality. In some
16 years, the commercial fishery is higher mortality.
17 Now, who is kidding who here? Every time we sit down
18 here, what else can we do with the pelagic longline
19 fishery? Why? Because the pelagic longline fishery
20 has year after year after stack after stack of data.

21 All the other HMS fisheries are hiding behind their
22 lack of data.

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1 Now, as the data, as the science starts
2 coming on the table, we're seeing that perhaps the
3 pelagic longline fishery is not the chief cause of
4 mortality on some of these species. But then, you
5 know, NMFS goes on inflaming the situation meeting
6 after meeting all those black dots were pelagic
7 longline. Where is the recreational post-release
8 mortality? You have the Horodysky and Graves. You
9 have Dr. Gene Kramer's published papers. Where are
10 those papers? Where is that information?

11 Now, you know, it has been fun for 16
12 years. What else can we do with the pelagic longline
13 fishery? But that fishery is done. That fishery is
14 done. Sooner or later you're going to have to take a
15 look at what can we do for the stocks of fish that
16 we're dependent upon. And all the mortality, whether
17 it be, you know, commercial or recreational or
18 longline or what have you, all the mortality will
19 need to be considered. But you are still playing
20 this, you know, political game. You'll probably get
21 away with it. It will all depend on a judge and we
22 all know that.

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1 Now, I should probably go into the
2 specifics, you know, of some of the other closures
3 and whatnot at a different time, but this is, you
4 know, very, very discouraging that so many around the
5 table have leaped to, you know, this what else can we
6 do with the pelagic longline fishery, instead of
7 facing up to, you know, where the rubber hits the
8 road is mortality. Fishing kills.

9 MR. DEVNEW: Jack Devnew. Thanks,
10 Nelson, very well said. I have a problem with the
11 very fundamental -- there's a fundamental issue here
12 that is just not being addressed in this document.
13 And Nelson has touched on and I'm going to put it in
14 a little different phraseology, I guess. I mean,
15 number one is the alternative I want to see isn't
16 there. It doesn't exist. If you take a look at
17 these alternatives that you have put out, and I
18 suppose we can be thankful for the bone that you have
19 thrown us, that you're not recommending any
20 additional time area closures, but the whole thing is
21 fundamentally flawed, and I'll tell you why.

22 Take a look at your B7 time area closure.

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1 Okay. And actually even -- okay, B7 is the most
2 typical and it goes right to the heart of the
3 problem. The alternative is to prohibit the use of
4 pelagic longline gear in the fisheries in all areas.

5 There is not a B8 that would say prohibit the use of
6 any other gear types in all areas. Okay. The first
7 bullet point says it would have the greatest short-
8 term ecological benefit to HMS and protected species.

9 I dispute that very fundamental
10 assumption. I dispute it. I don't think it would.
11 And the reason is you can't prove that it would,
12 because you have no data on the rest of the sources
13 of mortality. In the past 20 years, the recreational
14 fishery has ballooned to an immense status. You
15 don't have any data on the amount of hook days in
16 terms of effort that is out there, but I can tell you
17 right now it blows away the amount of hooks that the
18 pelagic longline fishery has in the ocean. It blows
19 it away and you have got data that you are ignoring
20 that Nelson referenced in terms of post-release
21 mortality that's not in there.

22 So the whole fundamental assumption here,

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1 yet out of these eight, seven or eight possible
2 scenarios, not one of them addresses this source of
3 mortality. So I object to the entire document in
4 this section of time area closures, because what's
5 the end game that we're after here? As far as I
6 know, the end game is sustainable fisheries for the
7 stock, a sustainable stock and a healthy industry and
8 healthy recreational fisheries.

9 You are not attacking that. That's not
10 where we're going. What we're doing is we're dodging
11 lawsuits and bowing to political pressure. We're not
12 addressing the matter at hand, which is the status of
13 the stocks. How do we go ahead and have healthy
14 stocks? How do we have a healthy industry? How do
15 we have a healthy recreational fishery? The only
16 ones that are out there real healthy right now --
17 well, no, I don't want to go there. But we have lost
18 sight of that and this document is proof of it. It's
19 a one-way street here that's there and there's not an
20 alternative in there that I would prefer.

21 MS. SCHULZE-HAUGEN: I just want to make
22 a point of clarification that a couple of the papers

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1 that have been referenced came out after the FMP was
2 released and they will be incorporated and examined
3 for the final.

4 MR. LEECH: Mike Leech, Recreational. To
5 say that closing the areas of highest bycatch is
6 going to increase bycatch just defies logic. It
7 seems to me we have a golden opportunity here to go
8 after, through this process, the places that have
9 created the most problems and do something about it.

10 And it looks like that's slipping through our
11 fingers here. To the credit of NMFS, they submitted
12 their findings here to three peer reviews and the
13 peer review found that there was fault with the
14 rationale for dismissing closures saying that
15 projected redistribution was faulty.

16 They are telling you the same thing the
17 people here around this table were telling you in the
18 peer reviews that the redistribution even throughout
19 the Atlantic just isn't going to happen and we have
20 seen that in the past. One peer review pointed out
21 that the existing time area closures produced more
22 projected bycatch reduction and less impact from

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1 redistribution effort than had been estimated. So it
2 was more on the plus side, less on the negative side
3 as a perfect example. But what you have done already
4 has been far greater than we had anticipated.

5 If you submit your analysis to peer
6 review and it finds your conclusions faulty, what do
7 you do? You just don't throw the torpedos, full speed ahead
8 or do you go back and reanalyze? The peer review is
9 telling you you are wrong and I think you need to
10 take another look at it.

11 MS. SCHULZE-HAUGEN: First of all, this
12 is the draft that we are presenting to you now, so we
13 are taking comments as well as the peer review
14 comments under consideration. We are working on
15 different permutations of that redistribution fishing
16 model. And so, you know, we're not going torpedo
17 ahead. We're looking at these different issues.
18 They have questioned us on -- in terms of fleet
19 mobility and the redistribution of effort, so those
20 are aspects of this that we're looking into and may
21 or may not end up changing our overall preferred
22 alternatives in the final.

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1 MS. STILES: Okay. I have been spending
2 a lot of quality time with the analysis that you all
3 have put together and I can see that a lot of work
4 went into it, just even by the number of spreadsheets
5 that got sent over to me, which is impressive, and I
6 think the model that a lot of the evaluation of the
7 time area closures is based on is useful, but it has
8 been applied sort of way beyond its usefulness.

9 So one thing that the model does well is
10 it identifies the number of discards in proposed
11 areas. It identifies the number of hooks that are in
12 the proposed areas. But it does not characterize the
13 behavior of the fishing fleet. It does to describe
14 where boats are likely to go in a way that's based on
15 reality. And I'll freely admit that I'm not a
16 commercial pelagic longliner and I'm probably not the
17 best person to predict where those boats may go, but
18 people just aren't uniformly distributed. They just
19 aren't, no matter what they are doing.

20 And so there needs to be some
21 consideration of that. And if you can't put it in
22 the model, then don't use it to draw conclusions

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1 based on the model. I mean, take the model as far as
2 it can go and then set it aside and use something
3 else to make your decision with, because I recognize
4 that you probably won't be able to make the perfect
5 model. It's sort of the problem with modeling. So
6 that's it for the model.

7 The next thing is that the model is based
8 on discard rates and that's the main indicator for
9 how the area closures match up to each other. How
10 many discards here? I mean, how many interactions
11 here? How many interactions there? That implies
12 some mortality rate, so as Nelson pointed out, we're
13 talking about mortality. Is there -- I guess I have
14 other comments, but my question is is there a
15 mortality rate that you all had been thinking of or
16 are basing your estimates on or are you just talking
17 about interaction rates?

18 MS. SCHULZE-HAUGEN: We're just talking
19 about interaction rates, at this point, so not
20 mortality rates.

21 MS. STILES: So that's helpful to know.
22 So the next point I wanted to bring up was that I

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1 think in the final it would -- there needs to be
2 other alternatives and other permutations analyzed
3 and I'm sure you're sick of working with the model,
4 but there are more alternatives that have been
5 proposed like the option that the woman from The
6 Billfish Foundation brought up of the same area as, I
7 think it was, B2(c) from April to August, is also an
8 alternative that Oceana would be very interested to
9 see the analysis for.

10 The analysis for January to June, you
11 mentioned that you looked at it, but it would be
12 really nice to have that as part of the public
13 document to see. So the other question that I had
14 was that it mentions that you started with high
15 discard area, not with high CPUE areas in order to
16 come up with this comparison. You had combined a
17 northeast closure with a Gulf of Mexico closure with
18 the thinking that maybe between the two they would
19 compensate for the redistribution of effort problem.

20 How did you pick that paring? It seems
21 like there would be hundreds of possible combinations
22 that would optimize. I mean, quantitatively

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1 optimize, bluefin tuna, white marlin, sea turtle, but
2 it looks to me like there was a sort of look at the
3 map. I use GIS and I understand that it's
4 complicated to do it quantitatively, but it sounds
5 like it was just look at the map and say well, there
6 is kind of an area, here is kind of an area and then
7 let's make that our only comparison between sort of
8 combinations of areas. I mean, how did you choose
9 it? I would be interested to know.

10 PARTICIPANT: As Jackie described at the
11 outset of her talk, we did look at all of the data
12 from both the observer problem and pelagic longline
13 logbook data for all areas and for a number of
14 different species and we keyed in on some of the key
15 species like bluefin tuna, leatherback and loggerhead
16 sea turtles, blue and white marlin. There are
17 clearly, as you indicate, areas where those species
18 overlap. So, yes, in a way we did select those by
19 looking at GIS and some of the maps, not
20 quantitatively, but rather qualitatively.

21 Where are those areas? If you recall
22 these maps at the beginning that Jackie showed, it's

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1 very clear to see where the highest areas of
2 interaction occur, in the Gulf of Mexico, in the
3 northeast and in some areas long the Mid-Atlantic
4 coast regardless of what species you look at.

5 Then by looking at the numbers without
6 redistribution of effort, you can very quickly figure
7 out which areas have the highest rates of bycatch.
8 So for instance, taking that area in the northeast,
9 you can estimate what the number of white marlin,
10 bluefin tuna and leatherback and loggerhead sea
11 turtles were that were caught in that area and
12 conceivably by closing that area what the percentage
13 reduction would be in bycatch or interactions for
14 each of those species based on that closure area that
15 you selected qualitatively by looking at the overlap
16 in the different species.

17 Then by comparing all those different
18 areas, you can see which ones have the highest rate
19 of bycatch reduction if you were to implement a
20 closure area in that location. So it's not just
21 looking at it and randomly picking an area. There is
22 a process that we go through in selecting different

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1 areas and that's why we had so many different areas
2 in the amendment, both in Chapter 4 and in Appendix A
3 that we looked at without redistribution of area
4 effort to narrow down the areas that had the highest
5 rates of bycatch and discards for a number of
6 different species. I hope that answers your
7 question.

8 MS. STILES: It does. Thank you. I
9 guess there is just one more question that I had and
10 that was whether there was a target level that you
11 had for bycatch reduction. When you are evaluating
12 the time area closures, there is this -- there are
13 tables that show where effort would go and how much
14 bycatch would be reduced. Was there a target like 30
15 percent or 5 percent that you are looking at?

16 MS. SCHULZE-HAUGEN: No, there wasn't a
17 target. Rather, we were looking at for a closure
18 that would potentially not result in an increase of
19 bycatch, if any, of the other species. So we're
20 trying to look at the species across the board and
21 unfortunately none of the closures achieved any
22 situation where you wouldn't see increases of bycatch

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1 of some species, like pelagic or large coastal
2 sharks, whereas you would see, you know, a decrease
3 in other species. But there wasn't a threshold that
4 we were looking at.

5 MS. STILES: Thank you.

6 MS. SCHULZE-HAUGEN: We do need to give
7 the public opportunity as well. Like I said, say
8 let's go for another half hour, 45 minutes and then
9 break for public comment and then come back if we
10 need to.

11 MR. HINMAN: Thank you. In the interest
12 of full disclosure, the National Coalition for Marine
13 Conservation was a co-petitioner with the Blue Ocean
14 Institute on the Bluefin Gulf Closure Petition, so,
15 obviously, we support Alternative B2(c), but I also
16 wanted to point out that that was -- that petition
17 came before there was an amendment to and before
18 there were alternatives with numbers and letters by
19 them. And the reason I mention that is that like
20 Margo, we would definitely support an extension of
21 that closure in that area as Ellen Peel, The Billfish
22 Foundation, had suggested to August to augment the

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1 protection for bluefin with protection for billfish
2 which are, as she pointed out, one of the most
3 severely overfished species that we're dealing with.

4 I think it has been -- if there's one
5 consensus of this discussion so far, it's that the
6 effort redistribution model is faulty and it's also
7 very risky. And I think there is a good example with
8 the bluefin tuna and the reasons for rejecting the
9 Gulf closure. And the assumption that boats in the
10 Gulf at that time, April through June, would shift to
11 other areas and catch an equal or greater number of
12 bluefin is very unlikely. And the fact -- the chance
13 that those would be western spawning bluefin is even
14 more unlikely.

15 And I think that brings me to the key
16 point about that analysis is that it completely
17 misses the point of the Gulf closure, and that is to
18 protect the bluefin tuna with the highest
19 reproductive value and that is spawning fish that are
20 on the spawning grounds during the prime spawning
21 season, and that would definitely -- you can protect
22 those fish. We can measure the number of those fish

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1 that we can protect in that closed area. The changes
2 in bycatch reduction effort redistribution everywhere
3 else is merely speculative.

4 And as has been pointed out over and over
5 again, the assumptions in your model are just not
6 realistic at all and they should not be used to
7 reject some closures that could provide a substantial
8 conservation benefit.

9 The last thing I want to say is that in
10 response to what Jack said about the recreational
11 fishery and billfish, there are a number of, I think,
12 very strict recreational regulations proposed in this
13 amendment having to do with landings and having to do
14 with the use of circle hooks to reduce post-release
15 mortality and they will be discussed tomorrow
16 morning. So they are not being ignored. This isn't
17 just a one-way deal. Thank you.

18 PARTICIPANT: I'll just be brief. Just
19 to close an area or not to close an area, based on
20 the redistribution of fishing, if it is really beyond
21 the -- beyond anything that I can quite understand.
22 I haven't been here for awhile, but I've been here

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1 for like 10 years at these meetings and this is a new
2 one. I mean, I don't remember this coming up before
3 and it's really -- I'll just be brief. It's really,
4 to me, incomprehensible. I just don't get it. I'm
5 sorry.

6 PARTICIPANT: Just a couple of questions.

7 On the Graves study on the circle hooks, that was
8 based on --

9 MR. ANNINOS: Use the microphone.

10 PARTICIPANT: On the Graves study, that
11 was based on 40 fish that were outside of the United
12 States with the circle hooks. Is that right?

13 MS. SCHULZE-HAUGEN: Yes. If I remember
14 correctly, they were caught, I believe, off Venezuela
15 and in other areas, yes.

16 PARTICIPANT: And my other question is
17 the Charleston Bump had a \$500,000 grant given for
18 pop-up tag in bluefin -- I mean, for blue marlins.
19 Has any of those results come back that were maybe
20 brought into the model where you had the Charleston
21 Bump to reopen?

22 MS. SCHULZE-HAUGEN: Are you talking

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1 about recently the money that was awarded? No, those
2 -- I believe those studies have just gone into effect
3 in 2005 through 2006, so we haven't seen results from
4 those. And Chris said -- corrected me. I believe
5 some of the samples for the Graves study also
6 occurred off of the Mid-Atlantic bite as well.

7 PARTICIPANT: Off the where?

8 MS. SCHULZE-HAUGEN: Mid-Atlantic bite
9 area.

10 PARTICIPANT: Okay. Then the other
11 comment that was made earlier was I believe you said
12 \$21.6 million worth of, did you say, swordfish quota
13 uncaught? It may be redistributed at ICCAT?

14 PARTICIPANT: More than that.

15 PARTICIPANT: I think the number I heard
16 was \$86 million.

17 MS. SCHULZE-HAUGEN: Actually, I don't
18 remember mentioning that. I remember mentioning a
19 number in terms if the entire pelagic longline
20 fishery basically was shut down, you would lose in
21 excess of \$28 or \$25.8 million annually. That was
22 just an estimate in terms of -- that wasn't a

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1 particular thing for swordfish. Okay.

2 PARTICIPANT: Well, basically, what I see
3 here is that there is a lot of things have changed
4 since the original amendment was sent out for
5 comments. Unfortunately, it was postponed because of
6 Katrina which hurt a lot of people. But fortunately,
7 it has given us a chance to look at a bigger picture
8 of what we have to look at in changes. I mean, we're
9 looking at, I don't like the use of the word,
10 stockpile, but I believe that's the word that's used
11 around here.

12 We've got probably \$86 million worth of
13 swordfish that have not been able to be caught
14 because of closure areas and other reasons.
15 Approximately, \$26 million worth of bluefin tunas.
16 That we're the country that has paid the price for
17 conservation, the only country. And if we're going
18 to do this and do it right, let's get rid of all the
19 band-aids and let's look at you've got to extend the
20 public comment period and extend this thing going
21 into rule, quite putting band-aids on it and let's
22 get it down and get it as right as possible with the

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1 other data that you have achieved since this first
2 thing started.

3 And I don't think we should give back any
4 uncaught quota to a foreign country that has no
5 conservation measures. I believe you should set up a
6 cash reserve to where you set up and no more can roll
7 over into one year when you have a good year, so you
8 don't lose a fish class year. Why give it away? And
9 that's just basically the way I feel about it. Thank
10 you.

11 MR. ANNINOS: Thank you.

12 PARTICIPANT: Well, much of what I had to
13 say, I won't say, because much of it has already been
14 said about the redistribution of effort which is,
15 obviously, a concern. I also think I would have
16 liked to have seen a stronger approach. I mean, we
17 have heard about all the data that we haven't been
18 able to use and white marlin certainly is going to be
19 a big issue and NMFS has pointed out that they wanted
20 to look at some additional closures that might affect
21 white and blue marlin, yet nothing really is in here
22 that addresses it.

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1 You might have to make a tough decision
2 here some time soon and I would just -- I think it's
3 a shame we don't have that information really to help
4 us address the alternatives here. Quickly, we could
5 support B4, obviously, because it's something the
6 Council is already doing. And we'll have additional
7 comments as we go along.

8 MS. THOMAS: Randi Thomas, U.S. Tuna
9 Foundation. I'm going to bring in international,
10 which thank you that's what was just said there. On
11 B7, on the alternative that you have, you said that
12 there could be problems with long-term goals, because
13 conservation would just go out the window with other
14 countries coming in and taking the fish. Under
15 ICCAT, there are plenty of countries that are ready,
16 willing and able to come in and take that swordfish,
17 to take other species, they can do this.

18 If we do not have a stake in it, they are
19 not going to listen to us. This is what happened in
20 IATTC with the Eastern Tropical Pacific. We moved
21 out. The U.S. fleet moved out. There was nobody.
22 We were the ones that were teaching people how to

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1 save dolphins. After that, we were gone and we had
2 to put up with that and it's very difficult to get
3 our voice in there, because we don't have boats
4 there.

5 So I just want to make sure that everyone
6 is aware that, internationally, this can have huge
7 implications. So consider it very carefully. So the
8 B7 look at it again.

9 MR. DAUGHDRILL: Bill Daughdrill, Gulf
10 Council. The Gulf Council feels that it's important
11 to select an appropriate time period for closures.
12 We support a closure of June, July and August. The
13 reason for these closures is the peak months for
14 billfish bycatch are caught on longlines during these
15 months. Thank you.

16 PARTICIPANT: I just have a question
17 about one of your scenarios there. One of them
18 indicated that there was an increase in pelagic shark
19 bycatch. And you only had it for one of them. And
20 I'm curious was that the only one that actually had
21 an increase in pelagic shark bycatch or did you not
22 analyze it for the other scenarios?

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1 MS. SCHULZE-HAUGEN: Actually, it's more
2 a function of space on the slide and I apologize I
3 didn't point that out. But we did look at large
4 coastal as well as pelagic sharks and discards for
5 all of these different closures. They are in the
6 FMP, the details are for that. We just didn't have
7 space on the slides for all the different species. I
8 apologize.

9 MR. BLANKINSHIP: Randy Blankinship. I
10 just wanted to speak in favor of the development of
11 criteria and framework for future implementation of
12 closed areas and modification of them. There has
13 been a lot of talk about the redistribution of effort
14 and probability models and you all talked about other
15 analysis that you all were looking at. And I think
16 that that would be -- you know, what I'm hearing you
17 say is that all of that type of stuff is in your mind
18 as far as developing the framework and the criteria
19 for those closures.

20 And that would be good not only for you,
21 but also for us in evaluating whether or not we would
22 support, you know, such measures in the future. I

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1 would also add along the lines of what we talked
2 about, what was a common theme in the workshops part,
3 which is a measure of success or a plan for success,
4 might be a good thing to consider in relation to the
5 development of that criteria, also is criteria for
6 measuring success. Thanks.

7 MS. MERRITT: Rita Merritt, South
8 Atlantic Council. Earlier I heard you mention that
9 you would take into consideration the new data that
10 came in after the draft and consider it before going
11 to final. So often we see public comments and
12 information that comes up before regulations are
13 finalized in the Federal Register and they are just
14 mentioned. What is your benchmark for using that
15 information and not just mentioning it and going on
16 to final in the Federal Register?

17 MS. SCHULZE-HAUGEN: Could you clarify a
18 little bit what you mean by benchmark for use?

19 MS. MERRITT: Yes. You have a study that
20 shows some significant change in the data that you
21 have already -- you are already working with or some
22 unusual factor that you haven't taken into

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1 consideration, such as the changing of gears. You
2 know, do you have some benchmark that says if this
3 could make a 15 percent change in the outcome, this
4 is where we stop and go back to -- you know, back a
5 step in the process before we go towards final? Does
6 that clarify what I meant?

7 MS. SCHULZE-HAUGEN: Yes. I guess my
8 response to that is that I don't think we have a
9 quantitative number in mind that 15 percent change
10 would mean we do something else.

11 I think we would look at it case-by-case.
12 If it significantly changes the information and
13 would need to be put out for public comment again,
14 then we would need to do that. We couldn't go final
15 without something that hadn't been put out for public
16 comment. So if there is a significant change, we may
17 need to take a step back.

18 MS. MERRITT: Well, I guess my concern is
19 who and how defines significant and has that ever
20 been done?

21 MS. SCHULZE-HAUGEN: Well, I guess we
22 define significant. Again, it's case-by-case. I

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1 mean, we look at what the measures are, what the
2 implications are and, yes, it has been done. We have
3 gone out. I mean, I think we had -- the 2000 time
4 area closures were an outgrowth of some earlier
5 actions and, you know, we'll do what we need to do.

6 (Section of tape blank.)

7 MR. DONOFRIO: Okay. Thank you. Jim
8 Donofrio representing the RFA. I want to
9 respectfully remind those of you that are working in
10 the Agency that those that are being hammered on this
11 issue of all hooks are equal and all fishing effort
12 is equal, you need to look at your data for the 1990s
13 on that, Amendment 1, the Swordfish Plan, where NMFS
14 has got all the data indicating the status of all the
15 stocks of Highly Migratory Species. After the
16 introduction of pelagic longline gear, all the
17 billfish stocks were going down the tubes.

18 Then we have the mercury scare where
19 pelagic longliners stop fishing, yet recreational
20 fishing continued and, yet, all the HMS stock start
21 going up. It's all about the gear and we need to
22 really take a serious look. It's not about the

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1 commercial fishermen. It's about the gear. Gear is
2 not working. You got to find a way where we can make
3 this work and it's not working right now.

4 And I want to make a comment regarding
5 what Randi had mentioned about giving quota away. I
6 don't think we should give quota away to any foreign
7 nation until we utilize every opportunity here in
8 this country. And so if we don't have a conservation
9 problem with swordfish, then why do we have to have a
10 bag limit?

11 (End tape 5 side A)

12 MR. DONOFRIO: Why don't we open up
13 permits, handgear permits, create a general category
14 for persons that want to sell swordfish? Make them
15 legitimate commercial fishermen instead of IUU boats.

16 Create that. Use every opportunity for
17 U.S. fishermen first. U.S. boats are being sold.
18 U.S. docks are being maintained for that. I mean,
19 before we give anything away and start horse trading
20 over at ICCAT with other countries, I think it's
21 ridiculous that we have some people from our
22 committee actually making deals and to me that's just

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1 absurd.

2 We have to create jobs here in every
3 opportunity possible. If it's not a conservation
4 issue we need to catch them here first. Thank you.

5 MS. PEEL: Well, I think it's interesting
6 that all interests who spoke, whether it's commercial
7 or recreational here today, have agreed that your
8 assumptions in the redistribution are faulty, whether
9 they are commercial guys who are saying they won't
10 move or they are recs who are saying based on past
11 history they won't move. But what I would also like
12 to throw on the table, your data does clearly show
13 over the years where the concentration of blue marlin
14 and white marlin are caught.

15 At the same time in the earlier workshop
16 and some work that Nelson and others had proposed on
17 bycatch reduction, perhaps one alternative to also
18 consider, if you aren't going to move forward on
19 closures in the Gulf at this time, is to put in that
20 area that is not presently closed, but where you have
21 a high concentration, establish an experimental
22 fishery where you have a two year or a three year

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1 period during which you evaluate the bycatch
2 reduction gear by changing gear, modifying the use
3 and configuration and see if that fishery under an
4 experimental fishery can reduce the bycatch.

5 And at the end of that time, if it's not
6 then it sunsets into a closure, but you are giving
7 the fishery two years or three years, I don't know
8 what scientifically would be needed, to demonstrate
9 that you can reduce that bycatch, and we know that
10 this is an area of research we have to do to take to
11 other countries where the majority of the bycatch
12 does take place. This way you don't go into any
13 closed -- existing closures, but you can get the data
14 and try to make some changes. Thank you.

15 PARTICIPANT: I yield to my esteemed
16 colleague from the Blue Water Fishermen's
17 Association.

18 MR. BEIDEMAN: Are you sure, Russ?
19 Threshold. Way back, about a half hour or so ago,
20 threshold was raised and it was responded as, you
21 know, to prevent any increase in bycatch. Compared
22 to what? That is the problem. We have got no

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1 standards. We have got no -- you know, it's an ever
2 moving threshold, you know?

3 Pre-closure, pre-2000, there was 30 to 40
4 percent reduction in bycatch by the U.S. pelagic
5 longline fishery primarily through effort reduction.

6 The closures were analyzed to be between 38 and 50
7 percent reduction in bycatch. Since those times
8 effort has gone down dramatically further making
9 further bycatch reduction.

10 My question is threshold compared to
11 what? It keeps being compared to yesterday, compared
12 to 2005. Well, that is impossible. If you hold any
13 fishery in this country to those ever diminishing
14 standards, you don't have a fishery. Try it with New
15 England groundfish, try it with the west coast, you
16 know, fisheries that have really worked hard on
17 bycatch reduction. It doesn't work.

18 Appreciate what Ellen said about
19 experimental fisheries, but it's a little late in the
20 game. We planned an experiment three years and what
21 we found is that we do need the CPUEs of the past to
22 compare to. And we did the same exercise when it

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1 came to sea turtles and the west coast, they had all
2 the money. They had all the political clout. They
3 wanted sea turtle research so bad they could taste
4 it. The one thing they did not have is CPUE.

5 Unfortunately, unless we find a solution,
6 Ellen, you know, billfish bycatch reduction research
7 is going to Brazil and that's very, very unfortunate.

8 MS. PEEL: To go to the Gulf, too.

9 MR. BEIDEMAN: Well, you know, there is
10 some CPUE in the Gulf. You know, I think that it
11 would bear looking at. You know, I agree.

12 Now, if we were really serious and, Jim,
13 I'm afraid what the bottom line is is fishing
14 mortality. If we care about white marlin, if we care
15 about swordfish, if we care about blue marlin, the
16 bottom line is fishing mortality regardless of where
17 it comes from. You know, the fishing mortality has
18 to be less than it takes for the stock to replace
19 itself, so that the stock rebounds.

20 Bottom line, one and one is two. That's
21 basic fisheries management. If we were serious, what
22 we would be looking at is fishing mortality and such

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1 additional alternatives as a B8, which would be
2 prohibit HMS J-hook and live bait fishing in all
3 areas closed to pelagic longline gear. That would
4 significantly reduce mortality on discards of marlin.

5 Thank you.

6 PARTICIPANT: I guess I get the final
7 word, which is typically more than I get at home. I
8 will try to be brief. I wanted to -- actually Nelson
9 touched on it and I'll be brief on it, but with
10 respect to B5, establishing the criteria and
11 everything and he spoke to the standards, and I guess
12 another way to phrase it is baselines.

13 To me the best baseline of measurement is
14 the year before. What was the data just before the
15 time area closure was instituted? That's where you
16 measure from. That's where you progress from. Yes,
17 you may have progressed from 2003 to 2006, but the
18 real progress of where you have to go back to to see
19 the sum total effect is back to when the time area
20 closure was implemented and what has been the net
21 effect from that point.

22 Also, I think that with considering the

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1 very important fact that these proposals are all
2 based on pre-circle hook data, you're going to get
3 even more conservation bang than is indicated in this
4 document. It's already -- it's happening in the
5 ocean as we speak. It's not reflected here. I think
6 every now and then the Fishery Service needs to just
7 stop, take a deep breath and see. Let something
8 mature. See what it brings.

9 So I'm totally opposed to any new time
10 area closures. Therefore, within the parameters of
11 the alternatives, because again I think there's
12 alternatives missing here, but within the parameters
13 of the alternatives that you have presented, I would
14 support B1 and B, I'm losing my way here, 3(a) and
15 B3(b).

16 I think the conservation benefits so far
17 have far outweighed the economic dislocation suffered
18 by people that have borne the brunt of the
19 conservation and I think those areas need to be
20 modified to be opened up. Thank you.

21 (Section of tape blank.)

22 MS. SCHULZE-HAUGEN: If you could state

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1 your name for the record as well. Thank you.

2 MS. RAABE: Good afternoon, Members of
3 the HMSAP. My name is Kristin Raabe, Education and
4 Outreach for Aquatic Release Conservation. Please,
5 accept these comments.

6 MR. ANNINOS: Move closer to the mike.

7 MS. RAABE: Kristin Raabe, Aquatic
8 Release Conservation, Education and Outreach.
9 Please, accept these comments on the Draft
10 Consolidation Plan, draft HMS FMP, from Aquatic
11 Release Conservation or ARC and make them part of the
12 public records. Please, take them under
13 consideration for the final rule for proposed rule-
14 making.

15 ARC is commenting on this draft HMS FMP
16 today as a pioneer, historical participant in the HMS
17 fisheries for over 27 years, a private sector careful
18 handling and release gear technologist and
19 manufacturing company for over 15 years, a fisheries
20 partner with NOAA Fisheries, resource managers,
21 Florida Sea-Grant, industry, NGOs, gear technicians
22 and researchers, as well as a conservation

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1 organization.

2 ARC would like to comment today under
3 2.1.1.1., Protected Species Release and
4 Disentanglement and Identification Workshops for
5 pelagic longline, bottom longline and gillnet
6 fishermen.

7 Protected Species Release,
8 Disentanglement and Identification Workshops can be
9 an extremely valuable management tool that can be
10 used to inform, educate, share ideas and give a
11 feeling of accomplishment and participation in the
12 management and conservation process. As stated in
13 ARC's issues and options comments, there is a
14 widespread acceptance, support and desire to
15 accomplish such workshops by industry, the HMSAP, the
16 Agency, councils and NGOs.

17 Pelagic longline, bottom longline and
18 gillnet fishermen could be efficiently and
19 effectively trained on proper identification,
20 disentanglement and handling and release protocols,
21 for example NOAA Technical Memorandum 524, thus
22 giving them the skills and confidence to identify

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1 species correctly, as well as implement and practice
2 careful handling and release technologies that have
3 been recently developed by cooperative industry
4 management initiatives over the last several years,
5 2001/2003 NED experimental design, and have been
6 determined to significantly reduce post-release
7 mortality, the 2004 Epperly-Boggs Sea Turtle Post-
8 Hooking Mortality Criteria of sea turtles and other
9 bycatch species.

10 The BiOp for Amendment 1 to the HMS FMP
11 requires that NOAA Fisheries implement a series of
12 workshops or other training programs. In the June 1,
13 2004 Endangered Species Act, Section 7, consultation
14 BiOp on a re-initiation of consultation on the
15 Atlantic Pelagic Longline Fishery for HMS, workshops
16 and training on the proper careful handling and
17 release protocols are a critical component of the
18 Reasonable and Prudent Alternatives that will enable
19 the Atlantic Ocean, Caribbean and Gulf of Mexico --
20 sorry, Gulf of Mexico Commercial Pelagic Longline
21 Fisheries to continue to maintain sustainable
22 fisheries in an environmentally safe manner.

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1 This 2004 BiOp highlights the benefits of
2 mandatory commercial workshops to reduce sea turtle
3 and other bycatch post-release mortality. A
4 combination of mandatory commercial and voluntary
5 recreational workshops could teach the HMS fishing
6 community how to reduce interactions and mortality of
7 sea turtles, as well as other bycatch, in a timely
8 fashion.

9 Workshops could stimulate compliance with
10 current and proposed management permitting and
11 reporting requirements by explaining the benefits of
12 such training and compliance. The June '04 BiOp RPAs
13 place heavy emphasis on the need for outreach and
14 educational workshops in order to ensure that circle
15 hooks and careful handling and release equipment are
16 used correctly and at the level of success that was
17 observed and documented under 100 percent observer
18 coverage in the NED experiment.

19 ARC recommends that these workshops,
20 recreational and commercial, become a top priority
21 and be immediately implemented for all HMS hook and
22 line fisheries in order to gain the maximum benefit

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1 from these successful mitigation technologies and
2 fishing practices.

3 In 2005 Charlie Bergman, NOAA Fisheries'
4 pelagic longline fishermen point of contact, and
5 Nelson Beideman, Blue Water Fishermen's Association,
6 industry leader, conducted numerous initial level
7 careful handling and release workshops, as well as
8 management measure clarifications and outreach in
9 order to indoctrinate pelagic longline fishermen on
10 the '04 final rule implementations and requirements.

11 In cooperation with industry, gear
12 technicians and management, numerous voluntary
13 careful handling and release workshops were also
14 conducted and accomplished in 2005. Approximately,
15 85 percent of the Atlantic, Caribbean and Gulf of
16 Mexico pelagic longline fishermen were successfully
17 trained and certified by ARC and industry leaders
18 under the guidance and supervision of the pelagic
19 longline POC and other HMS management personnel.
20 Pre-numbered certificates are on file with ARC and
21 Blue Water. Copies are available upon request by the
22 Agency.

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1 These initial -- sorry. These initial
2 and certification level workshops indicated
3 tremendous support and willingness by the PLL
4 industry to proactively initiate disentanglement and
5 careful handling and release workshops. All
6 workshops were a tremendous success with significant
7 participation and enthusiasm by the PLL industry.

8 Preliminary observer coverage and
9 enforcement observations indicate that after
10 completion of these workshops there was a significant
11 increase in compliance of having mandatory careful
12 handling and release equipment on board the vessel,
13 and those fishermen that attended workshops and
14 became certified were significantly more proficient
15 with the proper use of the careful handling and
16 release equipment.

17 It should also be noted that NOAA
18 Fisheries supplied to PLL fishermen at these
19 workshops and made available to others management
20 measures, NOAA Tech Memo 524 and video presentations
21 on the proper use of equipment in English, Spanish
22 and Vietnamese which allowed language constraints to

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1 be overcome and addressed.

2 Comments from the workshop participants,
3 especially the American Vietnamese pelagic longline
4 fishermen, indicated tremendous appreciation of these
5 materials being disseminated in their native
6 languages, so they could properly learn and be in
7 compliance with management measures and careful
8 handling and release protocols.

9 Preliminary success at these initial and
10 certification level PLL workshops indicate great
11 promise of further success and significant compliance
12 within the bottom longline and shark gillnet
13 fisheries with the Disentanglement, Careful Handling
14 and Release and Species Identification Workshops.
15 These successful and well-documented initial PLL
16 workshops could serve as a template for other HMS
17 industry hands-on workshops, video and Internet
18 teaching aides and management measure outreach and
19 compliance.

20 ARC recommends Alternative A2, mandatory
21 workshops and certification for all HMS pelagic
22 longline vessel owners. ARC agrees that the Agency

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1 should grandfather PLL industry owner and vessel
2 operator certifications that were awarded to
3 participants at the previous PLL certification
4 workshop on April 8, '05 in Orlando and June 27, '05
5 in New Orleans under guidance of the PLL POC. Again,
6 pre-numbered certifications are on file.

7 ARC recommends Alternative A3, mandatory
8 workshops for vessel operators actively participating
9 in HMS pelagic/bottom longline fisheries. ARC
10 recommends Alternative A5, mandatory workshops and
11 certifications for shark gillnet vessel owners and
12 operators. ARC recommends Alternative A6 and under
13 2.1.1.2., HMS identification workshops. ARC agrees
14 with and endorses the Agency recommendation
15 guidelines and management measures for Alternative A9
16 and A16.

17 Thank you for the opportunity and I will
18 answer any questions if you have any.

19 PARTICIPANT: Thank you.

20 MR. ANNINOS: Thank you very much.

21 (Whereupon, the meeting was concluded.)
22

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