

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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WEDNESDAY, FEBRUARY 22, 2006

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The Advisory Committee met at 8:00 a.m. at
the Crowne Plaza, Silver Spring, Maryland.

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

PARTICIPANT: -- certain that the tack was going to compensate for any problems that the stock might have. But, since then, the -- the catch has been both for the United States and the -- the ICCAT countries. The catch has been below the tack, but as I said, there's no indication that that tack, in fact, is a rebuilding level.

The U.S. has been fishing at about a little over 400 metric tons with 607 metric ton quota.

It's primarily landed in the Northwest Atlantic and albacore's a bycatch for the longline fleet and it's an opportunistic fish for the -- the charter boats and head boats. So, recreational rod and reel is highly variable depending upon where the fish running and what other fish are running at the time.

The preferred alternative is to work with ICCAT much as we did with bigeye to rebuild the stock.

Yet, following the -- the Magnuson requirements or a definite time line, less than ten years, with

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milestones and reducing the fishing mortalities and keeping tabs on a very specific target for biomass estimates. This seems to be the most effective method of actually getting something accomplished in terms of helping the -- the stock.

With -- with last SCS in 2004, they -- they updated an old assessment and they -- they used new CPUE, but that's kind of like putting new tires on an old car. You might get a much smoother ride, but you don't really know what the motor's doing. So, the SCS is planning a 2007 albacore assessment and from there, we will know specifically how much effort it's going to take to maintain and/or rebuild the stock.

The other alternative that we considered was to stay -- stay the course and work within the -- the ICCAT action. However, as we said, that -- that doesn't track with what our dictates are under Magnuson because there is no rebuilding plan.

The other alternative was for us to take unilateral action and that would establishing some criteria for the U.S. fleets like seasonal closures,

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closed areas, quota restrictions, size limit or something like that. However, our catch is less than 2 percent of the total. So, it's not impossible, but it's unlikely that that would have any kind of affect in rebuilding the stock.

If we did that, there would be a -- a reduction in actual landings. However, the dead discards really wouldn't change much and the recreational fishery would probably go to something like a catch and release, but that may violate the Magnuson requirement that the U.S. fleet must have traditional participation in foreign -- in fisheries where foreign fisheries' fleets are involved.

So, with that, we are recommending, as I said, the -- to work with ICCAT for a long-term solution.

The comments we got on this -- whoops. I didn't do it. Okay. The -- the comments we got were -- we got I guess a couple dozen, but they boil down to these six. That people like this approach. Others wanted to see a fully-developed proposed rule in the

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plan. In -- in our proposed rule -- I mean I'm sorry.

A fully-developed plan in our proposed rule, but in having to work with ICCAT, we can't dictate to ICCAT what they will do. So, that would be like spinning our wheels.

Asking how the quota is divided. A couple of comments that there's plenty of albacore off New York. So, why are we worried about it being overfished. Other people think it would be prudent to set a bag limit of three and closely monitor the catch even if we don't do anything in terms of trying to rebuild.

And then the -- the Gulf Council was concerned that albacore regulations might impact some of their fisheries down there and there really is basically negligible catch in the Gulf. So, they said if we do regulations don't -- don't impose them on the Gulf.

That's it. Are there any questions?

PARTICIPANT: Thanks, Ron. Any questions for Ron on his presentation? Comments?

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(Section of tape blank.)

MR. PRIDE: Thank you, both. Bob Pride (phonetic), Mid-Atlantic Council.

One -- one of the things after participating in the ICCAT delegation for three years is that I've learned is that there are many species that we fish for including -- including Northern Albacore that in the overall scheme of -- of the -- of the ICCAT landings are not very important and I think part of our -- our -- our mission at ICCAT should be to try to establish some de minimis status for some of these species for the U.S. so we don't have to do domestic rule making unless we exceed some de minimis threshold and I really think that that should go into the delegation's thinking and I'll -- I'll certainly bring that up at the ICCAT AP, but it's something that we ought to think about.

We're going through a lot of rule making for something that has very little conservation benefit worldwide on some species and we ought to -- we ought to start taking a stand in -- in preventing

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all that work for what's not doing any -- any good for the species.

Thank you.

(Section of tape blank.)

DICK: Yes, and -- and NNMA would support C3. However, I would like to take this time just to reiterate something that happened at the last meeting and that is the discussion of -- of better recreational fishery data. I mean I think albacore's a good example where the data have been terrible for that fishery and last -- at the last meeting, I think most of you will recall that we made a pitch. I think it was pretty much a unanimous pitch for census data where -- where that's possible and certainly albacore's a good example of where the BTR program would have provided us much better data than sampling programs that we've had in place for the highly migratory fisheries.

So, I -- I want to reiterate that and I was disappointed that there really wasn't much attention to that issue in this draft. So, I -- I

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would just encourage you to try to work with the ACCSP, take a good hard look at the BTR programs that are in place. I think a census data program with good quality control biological sampling is -- would be much more effective than what we're using now.

Thank you.

(Section of tape blank.)

JOE: I'd like to reiterate what Dick has just stated. I'm very leery about authorizing any more restrictions on our fisheries. Albacore tuna are very important fishery for -- in the -- in the Block Island Sound area meaning Southern New England, Connecticut and -- and the Eastern part of Long Island all through the month of August and September and I'm going to be very cautious without some good leadership due to the historical demise of other fisheries because of their -- the -- the approach that the U.S. representatives have taken at ICCAT and I'm particularly referring to the -- the Bluefin Fishery which we'll get into in -- in -- I'm sure later on. So, very reluctantly.

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We're the first ones and have always been the first ones to require -- to ask for a conservation ethic in our fisheries, but not to have it started off and then go down from three fish per person per day to zero fish per person today as has been the case with the Bluefin.

So, I'd -- I'd like to support what Dick said from a technical end and -- and -- and ask ICCAT or ask the U.S. delegation ICCAT to be very careful of what they acquiesce to because we're the only ones that pay any attention to the regulations anyhow.

(Section of tape blank.)

PARTICIPANT: Yes, and since we're going to go down this road, I'm going to add my two cents, too, because anybody that knows me knows that data is close to my heart. Something I've played with forever and I'm -- I'm going to support what -- what Dick also said and then Joe, too.

And this fishery, I -- I don't believe is -- is an issue in the Gulf of Mexico like the council said. I've -- I've never heard of one that's been

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caught there.

But, anything that could play with this and what I've seen in other fisheries could move over to some other fishery in the way that this is done. So, I would encourage the HMS Division to do whatever needs to be done to try to get this data correct and if it's something that you're going to look at, put in the regulations on back, limits or whatever, try to get your data flowing now rather than after the fact.

(Section of tape blank.)

MICHAEL: Good morning, everyone.

Also within the theme rebuilding and preventing overfishing, looking at a species that I'm sure is near and dear to most of you, the finetooth shark or *carcharhinus isodon*.

Looking at alternatives to prevent overfishing of this -- of this species that is found in coastal shallow waters between North Carolina and Texas. I would like to emphasize coastal. These species are, I guess, one of -- talking to scientists, one of the more coastal of the small coastal shark

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species. They're generally matured around four years of age, around -- right around 46 to 48 inches. They pup in May and June and they're a schooling species and generally follow schools mullet, spot, Spanish mackerel, menhaden and they also eat cephalopods and crustaceans.

There are commercial and recreational fisheries for finetooth sharks. Commercial comprises the majority of the landings. Within the commercial fisheries, 80 percent of finetooth are landed with gillnet gear and most of the finetooth are landed in the -- in the South Atlantic region mainly off the coast of Florida and Georgia.

Currently, there are no trip limits for directed -- directed shark permit holders. Incidental permit holders are limited to 16 small coastal sharks combined with pelagics. These fish are -- are susceptible to gillnets compared to other shark species. There was a paper by Carlson Cortez (phonetic) in 2003 that described they often have a tendency to roll upon contact with the gillnet and

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become entangled and, you know, therefore, are often dead at -- dead at haul back.

Gillnets are currently banned in numerous states throughout the finetooth shark's range including Texas, South Carolina, Georgia, Florida and Louisiana.

On the recreational side, there are recreational fisheries for finetooth. It's difficult to discern whether or not they are directed or targeting finetooth sharks. However, there were approximately 6700 and 5700 finetooth sharks landed in the South Atlantic, in the Gulf of Mexico regions respectively according the Merks (phonetic).

The current management measure to -- on the recreational side of the fish and mortality equation is -- is a bag limit of one shark per day including a finetooth -- which could include a finetooth and the current minimum size is 54 inches.

The small coastal shark stock assessment that took place in -- in 2002 provided results that lead to NMFS determining that overfishing was occurred

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in finetooth sharks. The results that were attained from the stock assessment models in comparison to the management thresholds in the FMP led NMFS to make this determination.

At that time, other small coastal sharks and the complex as a whole were not found to be overfished nor was overfishing occurring.

For finetooth sharks, there were for the -- the data that the -- those that the conduct -- that -- that conducted the assessment had available to them generally had a short CPUE and catch series. There was no bycatch data included and there were zero catch in some years which resulted in wider ranges for estimations of fish immortality and the -- the maximum sustained FMSY.

There are current five vessels that are targeting sharks with gillnet gear mainly off the of the east coast of Florida in the -- in the Cape Canaveral region. These -- these vessels use both strikenet and gillnet or -- or drift gillnets. These vessels are subject to 100 percent observer coverage

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per the large whale take regulations. Between November 15th and March 31st, it's 100 percent. Outside of that, it's approximately 30 percent.

In general, these -- depending on the year, these five vessels are responsible for less than 10 percent of the finetooth shark landings. Observer reports between 1998 and 2005 indicate that on average these vessels land about 872 finetooth sharks per year, just about four metric tons or approximately about 3 percent of what the general canvas data, the dealer reports is showing us of the -- as being the overall finetooth shark landings.

There are other gillnet vessels of course, in the -- in the Gulf of Mexico and the Atlantic that -- that are targeting other species that are under the management purview of -- of councils or individual states or possibly not in -- not under any management regime at all at this time. There are approximately 18 vessels that are -- that could be targeting bluefish, croaker, whiting, the -- it's the *Menticirrhus Americanus* not the -- the New England

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whiting, Spanish mackerel and they are using different derivations of gillnets including stab nets and sink nets.

These fishermen may possess directed shark permits. Therefore, you know, they would not be subject to trip limits. So, opportunistically keep whatever fish they encounter and because of the fact that they're not technically targeting sharks with gillnet gear, they are not subject to the -- to the extensive observer coverage that the directed shark vessels are.

In 2005, we began a -- a pilot project through the -- the Southeast Fishery Science Center and -- and actually put observers on eight of these boats and they observed 30 trips in 2005 and they did find that there were finetooth shark landings.

Other sources of mortality for finetooth could include a Mexican gillnet fishery that often encroaches into the U.S. exclusive economic zone. A shrimp trawl fishery in the Gulf Mexico. Fisheries in state waters and I would certainly -- certainly

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appreciate any guidance as to fisheries that we might not be aware of that you might know that -- that could be interacting with finetooth sharks.

Just a brief overview of the alternatives that were considered for this -- for this proposed rule including a status quote measures. Measures directed at the commercial fishery that would include closing the directed shark gillnet fishery, a trip limit for finetooth sharks, gear restrictions, mesh size, soak time, the like and/or reducing the small coastal shark quota.

And on the recreational side of -- of the equation, measures that could possibly reduce fishing mortality of finetooth sharks might include the use of circle hooks in an attempt to increase post-release mortality of the sharks that are -- are -- finetooth that are caught recreationally and/or increasing the -- the minimum size.

A preferred alternative at this time is to first identify all the sources of finetooth shark fishing mortality including those that are responsible

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for the majority of landings at this time and then target appropriate management actions once we've -- once we're able to pinpoint exactly where the majority of the mortality is taking place.

Just to elaborate a little bit more on the preferred alternative and some of these -- some of these initiatives already are sort of -- have taken place. Establishing contact between the regional fishery management councils and the interstate marine fisheries commissions to determine whether or not they're aware of -- of fisheries that might be under different management at the council level or at the commission level or at the state level that -- that might be interacting with finetooth.

As I mentioned before, in 2005, we started a pilot expansion of the shark gillnet observer program to include all gillnet vessels with directed or incidental shark permits and fishing with gillnet could be selected for observer coverage in the future.

Also, with regards to the shrimp trawl fishery in the Gulf of Mexico including finetooth

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shark as a select species for bycatch sampling and -- and as a result of this fact finding or gathering more information possibly implementing additional measures as necessary.

Just to provide a -- sort of a brief summary of some of the public comments received as of January 27th, 2006, they include closing the small coastal fishery during seasons of high abundance of finetooth and isolating gillnetters from the finetooth by having them move offshore into deeper waters. Determining if there's a potential that some finetooth shark bycatch might be more biologically significant, i.e., the -- in the -- in the -- on the pupping areas.

The -- there was concern that the current preferred alternative simply collects more data on sources of mortality for the species. A subquota for finetooth sharks is not necessary. Comment stating that we should cap the number of vessels that are allowed into the direct shark gillnet fishery. Banning gillnets and then just the anecdotal observation that Spanish mackerel fisherman generally

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catch finetooth sharks and they're intermixed with blacktip sharks with gillnet gear I assume.

But with that, I would certainly be willing to attempt to answer any questions or provide any clarification.

PARTICIPANT: Michael, just one quick departure from the agenda. Jim Donofrio had just asked --

MR. DONOFRIO: Donofrio.

PARTICIPANT: Donofrio. I'm sorry. Had asked if he could make a comment on the albacore. He came in a little bit late. We want to get that on the record.

PARTICIPANT: Let's do that after.

PARTICIPANT: After finetooth. Okay. Do that after --

MR. DONOFRIO: Sure. Yes. Thanks.

PARTICIPANT: All right. So, questions for Michael on finetooth. Yes. Yes, sir.

PARTICIPANT: I got just one clarification. You say that 80 percent of the

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finetooth are caught in gillnets and the majority of that seems to be caught in Florida and Georgia. Both of whom ban gillnets and you say they are coastal shark.

I assume coastal -- the gillnets must be more than three miles offshore. So, they're not that coastal.

MICHAEL: Yes.

PARTICIPANT: Coastal to me is closer than that, but -- but you're saying that using gillnets for -- three miles or further offshore.

MICHAEL: Yes.

PARTICIPANT: Okay.

MICHAEL: Yes. The -- that 80 percent is from Federal waters.

MR. BLANKINSHIP: Randy Blankinship.

In the work of investigating I guess where some of these other sources of mortality are, I just wanted to -- and -- and as you move forward with that, I wanted to mention that -- and I did this at the public hearing in Port Arandus (phonetic), too, but I

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wanted to say that -- that I would encourage you to -- to consider the sweep of management measures that have been implemented by states that may be affecting either directly or indirectly finetooth mortalities.

For instance, in Texas, the -- the things that you mention up there are true. That we -- we don't have gillnets. It's illegal to use gillnets in the state of Texas, but also things like sharks are game fish. They may only be taken on -- on pole and line and while they may be sold because they can only be taken on -- on line and there's a bag limit of one fish per person per day, there's effectively no commercial fishery at all within nine nautical miles off of Texas.

Also, since 2000, we've implemented shrimp trawl closures for ship management purposes in the near shore that would have benefits for reducing bycatch or finetooth and other shark species and those, you know, are -- are relatively new things that have happened. The -- the -- the shrimp management stuff since 2000. So, something to consider there.

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Also, I'll -- I'll say that, you know, when you contact the states, we'd be more than happy to provide the information that we can especially related to probably what we would consider to be -- if we've got, you know, sources of mortality, it's -- it's more on the recreational side than -- than the other areas because there -- there's not a commercial fishery for them.

Thanks.

(Section of tape blank.)

PARTICIPANT: Yes, you had -- and I believe it was D4. You had to check with the councils and the interstate fishery commissions and whatnot for the data on this and I would suggest that you need to get into the Merks system because to my knowledge nobody reports these kind of things to the council or the interstate. I know that Gulf states in our area for the interstate commission, they work in collecting some of this data, but I just pulled up the Merks staff and -- and they don't even have sharks listed on their deal. So, it's something you're going to have

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to talk to them to get out of the agency. It's not on their website. But, that would be where I would suggest going to get information on the fish out of the Gulf anyway.

(Section of tape blank.)

PARTICIPANT: I think that the preferred alternative is definitely the -- the appropriate one because I feel that the occurrence of overfishing is probably a function of data deficiencies. There's been a -- a number of areas within the background material where indicating that there was a high degree of uncertainty on the assessment on the species and it is a quite abundant species in South Carolina. In 2004, it was the second most abundant species in our estuarine sampling that we were conducting as part of the coast ban program.

Thank you.

(Section of tape blank.)

PARTICIPANT: I think -- I'm sort of confused because you said 80 percent. Again, by the 80 percent, it's coming from the gillnet fishery and

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yet -- yet, we got five vessels supposedly. Is it not coming from that? Where -- where exactly is it coming from beyond the five vessels that have -- still have the driftnet fishery?

PARTICIPANT: Well, I guess -- I guess that's the question. We get general canvas data that indicates the gear type that it was caught with and again, these people have directed. It could be from the Spanish mackerel fishery. A lot of the Spanish mackerel fisherman do have a directed shark permit. So, they could opportunistically keep all the finetooth that they -- that they catch. It could be for fisheries that are currently un-managed like Whiting, the southern king croaker where they're using a sink net, another -- other gillnets that -- and again, the canvas data is just going to show a gear type and the species and so, that, I guess, is the -- the -- we know that on any given year less than 10 percent are coming from the -- from those five boats that target sharks because they have, well, 100 percent coverage for six months and then 30 percent

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for the other six. So, just kind of by simple extrapolation, it's pretty easy to discern that it's not -- you know, they're a small, small portion of the -- of the fish mortality that's going on with gillnets in the South Atlantic.

MR. ANSLEY: But, the -- but, you do know that the -- they have direct -- I mean they do have permits. Right?

PARTICIPANT: Yes.

MR. ANSLEY: But, yet, you can't identify the vessels or possibly where they come from?

PARTICIPANT: It's not -- it's not linked to the dealer data.

MR. ANSLEY: But, it's -- but, it's coming through the dealers not through the vessels. I mean these vessels have no permits or are you saying that you can link it to directed vessel permits?

PARTICIPANT: Well, I mean through the log books, but not through the -- not through the canvas information.

MR. ANSLEY: Okay. Well -- and the other

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concern, you said what? Eight hundred. Average 800 something fish a year, but last year, it was just under 2,000 for finetooth. So, apparently, it increased last year.

PARTICIPANT: Again, yes, that was a -- an average. Yes.

MR. ANSLEY: So, yes. Huh?

PARTICIPANT: More than doubled.

MR. ANSLEY: More than doubled and then with the sink net which admittedly is a -- I guess that's got to be worked out, but that certainly involves existing gillnet fishery and I -- I would be remiss not to go on record again that Georgia still would like that fishery sort of removed from the waters if at all possible or controlled off of Georgia. It's -- we feel it's a -- just a small fishery. It's a relic fishery and it's been a problem and with this sink gillnet fishery moving in, I think we need to start looking at ways to try to work either -- whichever management regime is appropriate to control that or regulate it before it gets going too

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far.

PARTICIPANT: Thank you, Henry. Dewey and then Louis.

MR. HEMILRIGHT: Dewey Hemilright.

When I look over your presentation, I think this is the same presentation that you presented last year. I don't see nothing that's changed. Maybe a few different public comments and a few other things.

After last year's presentation, I contacted you by phone. I -- I don't understand how hard this problem is to figure out who's catching the fish.

You say that they're overfished or something happened. There's landings, but you don't know where the landings are coming from.

You say that 80 percent of them's coming from gillnet boats, but you don't know what gillnet boats are coming from.

It looks like -- I mean what have you done in the last year to -- to figure this out? Because it

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looks like you haven't done nothing.

I mean if the fish are being landed, are they being reported on log books and you can't figure out who's reporting them? Is it being that the dealers are reporting them, but you don't know who the dealers are?

I mean if you come up with a number of -- somebody's landing a shark and you can't figure out where it's coming from in a year's time this has been going in, what the heck have you been doing?

And it seems like the crux of the problem is that you're telling us is that you don't know who's landing the sharks. So, what the heck -- what have you been doing for a year to figure out who's landing?

You said that you put on 30 observed shark trips from eight different vessels. How many finetooth did they catch?

I mean what have you done in a year because this thing looks like the same presentation that you put up there a year ago and it's kind of wasting my time to come up here if you're going to

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give the same presentation over and over and you're not going to go look about how to fix the problem.

I'm sure I might be a little bit critical, but it don't seem like you done no homework on this. I mean what is the problem and why can't you find out a solution to fix it and so ask the state's were the information's coming from.

On them 30 observed trips from their eight vessels, how many finetooth did they catch?

PARTICIPANT: They caught 12.

MR. HEMILRIGHT: Twelve sharks. Okay. Well, how about when your state -- you're saying the land is -- who are the states? I mean you got all this observed. Say observe 2,000 sharks finetooth. Who's catching them? Is it coming from you log books or your state dealers? You don't know.

PARTICIPANT: It's -- it's coming from Federal dealers.

MR. HEMILRIGHT: Federal dealers.

PARTICIPANT: And canvased data. Yes, and that's not linked to a vessel and so, it's --

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MR. HEMILRIGHT: Well, that Federal dealer knows where it came from and I'm sure it's the universe of people reporting to that Federal dealer is probably -- heck, it can't be more than 25 or 30 maybe 50 boats. I'm sure a phone call, a pen and calculator and a notebook writing something down and calling.

Tell me what have you done in a year? It's the same presentation. How much of this is different from last year?

PARTICIPANT: Well, I guess we've started I guess the ball rolling by contacting the councils and also by starting this pilot observer program, too.

MR. HEMILRIGHT: Well -- well, contacting the councils and -- and interstate marine fishery people is pretty much useless because nothing don't get done for three or four years.

You got to roll up your sleeve and do the work yourself or else you'll be coming back with the same presentation of nothing and just repetitious wasting my time.

To try to do something that's corrective,

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don't -- don't call the states and the councils. Heck, that ain't going to get done. It just happened.

Roll up your sleeve and go do some work. Then you'll come back here and people like myself, it might take time to change me, but you'll say hey, man and we'll same damn, you don't some work. They're finally going to fix the problem.

But, this is nothing. It's laughable for me as a fisherman to look at this when you -- when you know that you can obviously sit there with a few phone calls to your Federal dealers or something and go down and figure this problem out.

It's almost like you're magnifying the problem, but you're not doing nothing to figure out how to fix it.

So, I apologize for -- but, this is the same thing you did last year. What's new? It's nothing.

(Section of tape blank.)

PAUL: Louis and then Merry.

DR. DANIEL: Thank you.

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I guess I'd start out by saying I agree with Glenn and the preferred alternative being to collect the necessary information and we've had some -- we've had some discussions off the record about the assessment results and that kind of thing and I think we'll be able to work those things out.

A couple of the things though that I think we need to have on the record and some -- some discussion on -- or some clarification on at some point is the landings information and the assessment document are really confounding to.

Because in 1995, 90 percent of the finetooth sharks -- commercial finetooth shark landings came from longlines not gillnets and then there was this tremendous shift away from longlines to gillnets in the remainder of the time series which was '96 to 2000 and I don't know what happened to -- why that change occurred in that time series.

But, then also in the document, it indicates that less than 1 percent or around 1 percent -- average of 1 percent of the landings of

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finetooth's come from the Gulf of Mexico. So, it's confounding to me how Gulf of Mexico shrimp trawls could be a potential problem if less than 1 percent. In fact, in 2000, one-tenth of 1 percent of the landings came from the Gulf of Mexico commercially.

But, then if you look at the recreational landings in 2000, 100 percent came from the Gulf. That doesn't make sense to me. Why you would have 100 percent of the commercial landings in the South Atlantic, 100 percent of the recreational landings in the Gulf and I think that's -- there's a problem there that I think needs to be -- be resolved.

But, I -- I certainly concur with my colleague from South Carolina and his comments on the preferred alternatives and think that we got a lot of work to do to resolve some of these technical questions about this portion of the small coastal assessment.

PAUL: Thank you, Louis. Merry. Then Bob Pride.

DR. CAMHI: Hi. Thank you. Merry Camhi.

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I have to agree with Dewey that I think from a conservation perspective, we are very concerned about the lack of action on the -- on the -- on behalf of finetooth which it hasn't been a year of non-action. It's been actually four years. They were determined to be overfished in 2002 and we were talking about the status of finetooth in some of the small coastals back even in 1998 at the SEW.

So, we've been aware that there's been a problem for a long time and to come in here now and to say that the -- the preferred alternative is just collecting more data -- I mean I think we all agree that they need more data and we talked about that when we were working on the assessment. That we didn't know where a lot of the mortality was.

What have you been doing in the last four years in term -- in terms of doing this?

I think that collecting the data is critical, but not at the expense of doing something in reduced mortality. You've got a species here that is considered overfished. Under Magnuson, you need to --

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over -- overfishing is occurring. Under Magnuson, you need to do something about that.

I don't know what the assessment has said in terms of looking at various scenarios to say what kind of rebuilding plans or scenarios were looked at to determine how much fishing has to be reduced in order to end overfishing. So, that's one question I'd like to -- like for you to address.

But, I think here we have a case of, you know, fiddling while Rome is burning. Collect the data, but do something to end mortality and one of the things if you can -- if you can't figure out how to do it, maybe put it on the prohibited species list until we can figure out how best to handle this -- these other sources of mortality.

PAUL: Thank you, Merry. Bob.

MR. PRIDE: Thank you, Paul.

Dewey and Henry and Louis and Merry have gone pretty much which all I needed to go.

I just wanted to reiterate the point that overfishing is occurring on species. If the councils

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had delayed four years in trying to implement some -- some measures to address that, we would be raked over the coals by regional administrators and by -- and by NOAA.

I really feel like the -- the Congress intended for the HMS Division to respond to these overfishing situations within the same year that the councils have to respond to them and I really think you need to get on the ball and get something done.

The data seem to be before you and the analysis just needs to be done and obviously, there are some problems with the data, but I think some analysis could -- could solve that relatively quickly and four years has gone by with relatively no action and I think that's -- that unconscionable.

Thank you.

(Section of tape blank.)

PARTICIPANT: You know, if -- if the majority of the fishing mortality occurs in non-HMS directed fisheries, why should HMS fisherman be subject to more restrictions?

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I haven't understood this issue because from what I can see, it's very little connection to the -- to the HMS fisheries and potentially much greater to the non-HMS fisheries and then when we're -- when we're trying to get a handle on this fishery, it shouldn't just be the landings. It should be, you know, the discards. I believe that's been mentioned several times, but if we want to get to the fishing mortality, we have to collect the information on -- on the discards and make estimates of post-release mortality.

And from what I've read and what I've heard, this could yet be another species where if you include the post-release mortality or reasonable estimate of post-release mortality, it -- it may be the recreational component that's the majority of fishing mortality.

We -- we oppose the -- the D2 unless overharvesting the allocated quota. We support the D3. We support D4 if expanded to include all sources of fish immortality. Because in the -- in the write-

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up, it sounds like you're only going to be looking at commercial sources of fishing mortality and indeed that may be the minor component and the -- ignore recreational mortality which would be unacceptable and ineffective and probably illegal.

Thank you.

(Section of tape blank.)

MR. HUDSON: Russell Hudson, Directed Shark. Good morning.

I mentioned last year that the small coastal assessment that NMFS did had a general discussion section and in that, Henry Cortez (phonetic) mentions that for a sparseness of data for both the finetooth and the black nose as well as a lack of discard data not to read too much into it. They were not overfished, but overfishing was identified as occurring.

And starting this October, we're going to have our data workshop on SCS. Then phase into the assessment stage early next year.

So, I would say that that's a good chance

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to reexamine the data inputs and make sure that they got the discard data in there and some of the latest data to make it less than sparse and then see what comes out of that at that time.

I agree with D4 that you have to, you know, identify the sources of mortality. Back in '99 when you did the limited access, you had a certain criteria and then you changed that. That allowed a lot of these boats that were smaller boats to get a directed shark permit and as far as I'm concerned, any of those Spanish mackerel, whiting, bluefish and/or other type of gillnet boats outside of the normal shark gillnet boats, those boats had traditionally been one/two person kind of boats, three person kind of boats and they go out and they catch what they catch and they bring it in and they're small operations, but they catch some sharks, small coastal's in particular and they have to report to the Federal dealer.

So, you should be able to break out that information pretty readily.

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Now, in the case of state waters with people that do not have a directed shark permit or an incidental shark permit, obviously, you got a different situation there and so, I would recommend to find those source of mortality, get the new assessment done. See if it's still in that state of disarray or if it's suddenly rebuilt. You know, because of the large influx of juveniles, obviously, there's some mature females running around.

(Section of tape blank.)

MS. FORDHAM: Thank you. Sonia Fordham, The Ocean Conservancy.

I recall the last time we talked about this I had asked if you'd taken any steps to actually go after this information. So, I do want to start by acknowledging that I notice that you did go to some states at least. I assume you went to the councils also and asked for information on finetooth and pointed out the problem. So, there has been some step forward in the last year.

But, I'm afraid I agree with a lot of what

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Dewey said and I do think that you'll probably have to be more aggressive in going after that information and as he said, roll up your sleeves and -- and go get it.

But, I -- I also agree with Merry and Bob and probably what Bob will say and I think it bears repeating that we just continue to be really disappointed and concerned that you -- you're picking an alternative that has no conservation action after we've known that overfishing has been -- we've known for four years and you're just going to collect more information.

The law requires that you stop overfishing and from the very beginning, I don't think you've ever even announced your intention to stop overfishing. It's always been we need to address it and it really seems like you're brushing off this species and the requirements for its conservation.

So, I -- I look forward to you speaking about -- answering Merry's questions about the rebuilding timetable and we urge you to reconsider your preferred alternative and take some real

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conservation action.

I think that putting finetooth sharks on the prohibited species list may strike some as extreme, but it really is the consequence. We have had all this time to figure out what we need to do and -- and you haven't done it. So, I think it's warranted at least in the meantime while you figure out what's going on with this species and how we can stop overfishing.

Thank you.

(Section of tape blank.)

MR. PEWTER: Yes, Bob Pewter (phonetic) from Moat (phonetic) Marine Lab.

I have here the -- the latest data report from the folks at Panama City who have been busy. The biologists have been busy on this issue, Dewey and it's by --

MR. HEMILRIGHT: (Inaudible).

MR. PEWTER: I totally agree. Totally. There's a --

MR. HEMILRIGHT: Told me about what the

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biologists do. Tell us what (inaudible) did -- is suppose to be dealing with the (inaudible) not the biology. I don't have the biology (inaudible).

MR. PEWTER: Right. Well, I'm -- I'm going to try to make that connect right now and tell them what their own biologists are -- are revealing.

This -- this report's very interesting. It's on the shark gillnet fishery. Now, this is a fishery of five boats that use three different methods. They use a drift gillnet. They use a bottom set gillnet and they use a strikenet and in the strikenet fishery, they target a school. They know what they're targeting and they wrap the school with the net.

All three components get finetooth shark, but the one that gets the most finetooth shark proportionally is the strike gillnet fishery. Now, strike gillnet -- this is kind of a conundrum because the strike gillnet fishery has less bycatch of other species. So, from that standpoint, it's -- it's not bad.

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But, this is a fishery that's targeting finetooth sharks. It's the second most abundant shark after the blacktip and then there's a whole series of species after that. It's a strikenet fishery. They are targeting a species of concern.

Now, on top of that, there's also some interesting data that the average size of finetooth that's landed in this fishery is 123 centimeters which is less than what the recreational fishermen are allowed to keep. I usually don't get into issues of allocation, but that doesn't seem fair to me.

My point is I think we know where the problem is. We have a -- we have a concern about the species. We need to collect more data, but that doesn't make the concern go away.

In this time of concern while we're trying to sort this out, the only thing that makes sense to me is extend the ban on the gillnet fishery that exists now, make it over the entire South Atlantic and Gulf until we figure this out. That ban is in place now because that fishery just killed a right whale

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calf. They've been busted for finning. All -- all kinds of other problems.

Shut that fishery down now while this is being sorted out. If they come out okay on this, fine.

That will make this move along and stop this from just being more and more data and more inaction.

(Section of tape blank.)

PARTICIPANT: Yeah, about putting the finetooth on prohibited species list and if you were to -- Bob's arguments there, it's like let's go ahead and prove somebody guilty before our own agency does the work. Why isn't (inaudible) fishery presenting this data work from Panama City? Why aren't you all telling us about the observer report?

(End tape 7 side A.)

PARTICIPANT: I had the species list because of you all's ineptibility to do your homework and come back with some real meaningful solutions to the advisory panel here or some comments as -- to me

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is unacceptable. Why put my livelihood out of business just because you don't do no work?

So, I'm -- I'm sure I'm piling on here my comments, but damn if somebody ain't got to do some work. You all can't just keep coming to the table telling us what you've done and you've done nothing.

It's like this with every species just about you're coming here. Outside of advisory panel stuff know more about it, why ain't you up here telling about the observer work that's happening in Panama City and then you come up here and you tell us that 30 boats -- 30 observed sits on eight boats and what did they pull? You don't tell us. What did they caught? Ten fish? Ten finetooth?

PARTICIPANT: I believe it was 12.

PARTICIPANT: Twelve -- twelve -- twelve sharks. I mean what does that show? You've done something or you're working on this problem. I mean we're here looking for some answers. Don't -- you don't feel like you got very many.

(Section of tape blank.)

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PARTICIPANT: Well, I -- I go back -- I'm going to go back to the comment I made in support of the preferred alternative and -- and just speaking -- I mean just as a reviewer of the stock assessment and I ask anybody and everybody who has a question or issue or concern about finetooth sharks to read the assessment and what it says.

I applaud National Marine Fishery Service for taking this -- taking this baby-step approach right now with the level of uncertainty here. I don't care what it said four years ago. I don't care what -- there appears to be an action.

The fact remains is that the assessment scientists that published this small coastal shark assessment in 2002 said that the results of the assessment indicated that removals are sustainable for small coastal shark aggregate and individual species and caution the reader to be very careful about any conclusions made on finetooth sharks and black nose sharks and so, I think it's incumbent upon the agency to do exactly what they're doing which is to try to

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come up with the information.

We've know we've got a new small coastal shark assessment scheduled for '07. The Atlantic States Marine Fisheries Commission on Monday afternoon held the first meeting of our shark board to move forward and try to address some of these issues. The states are trying to address these issues.

But, I think to go in and just have a out and out ban on the remaining gillnet fishery or whatever when we really don't know what fishery's taking them. There's so much inconsistency in these landings today as I pointed out earlier. I wouldn't know from the -- as the Director of State of North Carolina what to do to reduce the bycatch or -- or the harvest of finetooth sharks in my waters because I don't know what fisheries are catching them.

And if North Carolina which is -- has some of the best fishery dependent data collection programs in the country can't tell you where the fish are coming from, how are you going to get them from some of those states that don't have the level of

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information we have.

So, I think what you're doing is absolutely right on finetooth sharks and that we need to continue to move forward to try to address the issues that you've been addressing so far.

(Section of tape blank.)

PARTICIPANT: I understand the need for sort of a cautious approach when there is uncertainty in the data. However, you have a species that is a vulnerable species.

We've known -- if there's going to be an assessment in 2007, as it stands now with this preferred alternative, it's looking like there will be absolutely no action taken by the agency until 2008. If we wait until 2007 for another assessment and then we have to go through another four years of waiting for, you know, based on whatever the outcome of that is, we're talking about management action not until at least -- what would that bring us? To 2010/2012?

You have a species here that we know is in trouble and I think that we need to take a

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precautionary approach and do something now while we collect the data, while we do additional assessments and under the law, I think that's your obligation.

(Section of tape blank.)

PARTICIPANT: Just real quickly, I agree with Louis and I do think that the conservative approach is the best approach.

Granted in Magnuson Stevenson -- Stevens Act, we are trying to stop overfishing, but I don't think we've proved we have an overfishing situation and if we have a -- a -- a community of fishermen that are going to be put out of business or families' livelihoods are not going to be sustainable, that will happen forever. Whereas, the fish if we do put it off and it does go into 2007/2008, there's at least a possibility of recovery if -- in worse possible case.

(Section of tape blank.)

MS. PEEL: I just want to reiterate what -- oh, I'm sorry.

PARTICIPANT: No, go ahead, Ellen.

MS. PEEL: I just want to --

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ROBERT: You want to respond to that or I have a procedural question.

PARTICIPANT: Okay. So, Ellen and then Robert.

MS. PEEL: Certainly want to support what Dr. Hueter says. He's a shark expert. He took the time and the initiative to get the data that as Dewey and others said should have been presented to us. So, I think looking further into what he said and listening to the precautionary approach, you should give it serious scrutiny.

(Section of tape blank.)

MR. DONOFRIO: Thank you. Jim Donofrio representing the RFA.

Regarding northern albacore as the agency's aware, it's for our fishermen and probably for even the long-line fleet, it's an incidental fishery. We don't have boats that actually go out and target albacore. Very seasonable. Generally, later -- later in the summer months. Even the boats that are going to the canyon are targeting yellowfin.

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That's the primary species they're -- they're going for and albacore incidental and there's two types of fishery.

There's a trawl fishery of course and then a bate fishery, but even in the bate fishery, they're targeting again later in the season, the party boats, as Frank can probably tell you, they're targeting yellowfin and hopefully maybe get a bigeye.

These are incidental fisheries. We don't see any justification for any bag limit or any season.

The problem lies with our ICCAT partners again who are overfishing this stock in gross amounts or we're overfishing it.

And again, our State Department -- I want to go on the record. Our State Department needs to develop some pretty strong political will and start protecting our interests here and stop letting us lead by the chin here and giving up every time when our partners on the other side are -- are -- are in complete noncompliance of the rules here.

Thank you.

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(Section of tape blank.)

MR. MCBRIDE: Joe McBride, New York, the Montauk Boatmen & Captains' Association.

Jim, and I don't disagree what you said. Years ago, up and down the coast, the preferred fishery, of course, was a yellowfin and longfin were incidental, but now, because of the (inaudible) of yellowfin in our particular geographic area, we have a major August and September directed fishery for longfin. That is the species we go for and it's tragic to say, but the yellowfin become the incidental in relation to the longfin.

So, and you weren't here earlier where I had some comments on it, but just for the record so there is a directed fishery for longfin and -- but at the same time, we do not want arbitrary regulations placed on this fishery because of the history in the past. When we acquiesced to it, we ended up with no fish and -- and as a fishery gets more utilized, what was once a bycatch then becomes a directed fishery over the years. It depends on where the money is or

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as they say follow the money.

(Section of tape blank.)

MR. DUNN: All right. I'm Russ Dunn (phonetic) and this is Greg Faircloth (phonetic). I think most of yo know us and I think we can probably wrap this up in just a few minutes. It shouldn't be much comment or discussion on this one. So. All right.

You ready.

PARTICIPANT: I am.

MR. DUNN: As everybody here is well aware, Atlantic blue and white marlin have been over -- identified as overfished with overfishing occurring since '97 and sailfish have been identified as overfished since '98.

PARTICIPANT: Russ, would you please go to the microphone?

MR. DUNN: Oh, sure. Thanks. The table below obviously shows the stock status as of the last stock assessment. You can see the dates of those underneath the blue and white marlin and as everyone

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else also knows, we -- we have new assessments coming up in the next few months.

Right now just to review it for those of you who may not be as familiar as others, current biomass -- relative biomass of blue marlin is about 40 percent of MSY. For white marlin, it's down to 12 percent of MSY and that unfortunately has the distinction of being the most severely overfished of any of the ICCAT species.

The relative fishing mortality rate for blue marlin is four which means it's about four times above that which can produce MSY and for white marlin, it's as high as 8.28 and you can see the ranges there.

One estimate as high as -- well, the whole range from four and a half to 15.8. So, unfortunately, these stocks are in pretty tough shape.

Another issue that is always looming out there in our minds are the -- is the ESA listing. As everyone knows, in 2002, there was an ESA listing review that found that at that time, it came out in September of '02, an ESA listing was not warranted at

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that time. However, we were sued in the past, I don't know, about 16 or 18 months and as part of a court enforced settlement agreement, there was -- the agency agreed to finalize an ESA listing review for white marlin by December 31st, 2007. So, that is always looming.

So, the issues that concern that we -- we had in our minds as we put together this document and our goals include the poor stock status and high fishing mortality rate which we just talked about, the fulfillment of our international obligation and this really means -- primarily our concern is codification of and compliance with the billfish 250 fish marlin landings limit which was adopted in -- by ICCAT in 2000 as part of a -- a U.S. spearheaded effort to begin to address marlin conservation issues. I shouldn't say begin, but continue on marlin conservation efforts.

Next is pending ESA listing review which we talked about. That is of a great concern to the agency and I'm sure everybody in this room. Because

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if that ends up happening, it's going to have pretty dire impacts on everybody in this room, both the agency and commercial sector, the recreational sector and -- and the environmental as well.

So, our goals in this -- in producing this document, this draft document were to reduce fishing mortality and landings as appropriate for billfish and -- and mortality has two components, the post-release mortality as well as those fish that are brought to the dock and to also fully implement our ICCAT recommendations.

So, the next two slides I'm just going to skip through. Because it simply lists the alternative as they are in the document and we'll -- we'll have a detailed discussion on each one of the alternatives and you can see the -- the preferred are in italics.

So, alternative E1 is the -- is the no action alternative. Essentially, this would retain the existing regulations that are in place right now.

So, the permit, minimum sizes, prohibited species, landing form, allowable gears, et cetera. It would --

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it would allow the continued use of J-hooks in the fishery, in all segments of the billfish fishery. It would not increase or decrease recreational landings or fishing mortality. It would not codify the ICCAT recreational marlin landings limit. It wouldn't have any anticipated short-term adverse socio-economic impacts because essentially the fishery would remain exactly as it is.

However, the real hitch here is that it risks future implementation of more stringent management measures if the stock's status is not shown to improve in the next assessment.

Turn to E1 is essentially the circle hooks in all components of HMS recreational fisheries. The alternative actually reads: "Effective January 1, '07, limit all participancy in the Atlantic HMS fisheries to using only non-offset circle hooks when using natural baits or natural bait artificial lure combos."

Again, this would allow for the use of J-hooks with artificial lures. It would mean circle

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hooks only when you're deploring a natural bait or a natural bait/artificial lure combo.

It could potentially provide pretty significant ecological benefits to billfish and other HMS by reducing post-release mortality given the -- how the circle hooks operate and where they tend to hook up. It essentially could allow what we found somewhere between 300 and about 1200 white marlin to survive annually. On average, the catch and release experience which would with J-hooks be anticipated to die after being released has a pretty low compliance cost and there -- however, there's some uncertainty regarding the impacts on catches of other HMS when using circle hooks. We don't have full information on -- on how those circle hooks work with all different HMS species.

Alternative E3 is better known as the circle hooks in tournaments alternative. Again, as it reads: Effective January 1, '07, limit all Atlantic billfish tournament participants to using only non-offset circle hooks when using natural baits or

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natural bait artificial lures combinations."

This would allow use of J-hooks with artificial lures again. It would -- the benefit here is essentially allowing mortality reduction to be targeted at the directed billfish fishery and it could provide other significant benefits to billfish and other HMS with which tournament anglers interact.

We estimated based on the RBS releases that we have a benefit of about 300 white marlin that would be expected to survive the catch and release experience that would otherwise be expected to die.

Low compliance costs and the impact on tournament participation and charter head boats is -- is difficult to pin down definitively, but we anticipate that it would be pretty small given the high catch and release rate which is currently practiced.

In this case, just so people know, a billfish tournament would be any -- defined as any tournament that awards points or prizes or has an award category for billfish. So, this would be

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tournaments that have just billfish for an award category or any tournament that happens to have -- it may say be focused on kingfish, but happen to have a white marlin category or blue marlin category. You'd be classified as a billfish tournament.

E4A and E4B, these would increase the minimum sizes for Atlantic white marlin or blue marlin. The -- the Atlantic white marlin minimum size increase would increase to somewhere between 68 and 71 inches and for blue marlin, the size increase would go to between 103 and 106 inches.

Now, people should know that these sizes -- these are the sizes, the ranges that were analyzed and we're not talking about implementing a slot limit, but it would be some specific size within that range and these ranges were selected because within a relatively discreet size range, there was a significant benefit in terms of reductions in landings.

And in implementing, if -- if -- if these were chosen or either of these were chosen as a

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preferred alternative, it may decrease landings while still allowing a robust directed fishery to continue.

It may strengthen our likelihood of compliance with an ICCAT recommendation in terms of the 250 fish limit. It would obviously still allow landing of trophy fish and -- but, however, it may have limited ecological impacts given current landing levels that are well below our ICCAT limit and -- and the current large tournament minimum size which are in place in -- in many tournaments and it may have limited socio-economic impacts given catch and release ethic of billfish anglers.

Alternative E5 is the recreational bag limit. There's not much else to say on that. It would be a bag limit of one Atlantic billfish per trip. It may have limited conservation benefits essentially because we don't see too many multiple billfish trips. We do see some sailfish multiple trips. We have a record in the call-in system that have come in. We've got six or eight trips that have reported landing multiple sails. I don't believe in

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the call-in system we actually have any records of multiple marlin being landed on a -- on a single trip.

This would allow -- the bag limit would allow the fishery to continue with -- with limited impacts on some segments of the fishery. Obviously, I think where the most impact would -- would come would be on those charter head boat trips that potentially land multiple sails and this would clearly still allow for retention of trophy-sized fish.

E6 is the ICCAT alternative and effective January 1, '07, we would implement ICCAT recommendations on recreational marlin landing limits.

This would essentially codify the ICCAT recreational marlin landing limit and under this alternative, NMFS would publish the available landing limit at the start of each fishing year or as close to it as possible in the same way that we publish the specs right now for bluefin tuna and swordfish each year and under -- under this alternative, it -- it allows the agency maximum utilization of the landing limit without exceeding it by providing use significant flexibility

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in determining when to take action to insure compliance and then what action to take.

Now, the flexibility here comes in the in-season action triggers and those include review of landings each year, time remaining until the conclusion of the fishing season, current historical fishing trends and any other relevant factors and -- and what's important to know here is with these triggers, the (inaudible) triggers, there's no hard threshold for any given year.

So, it doesn't mean that every year when we hit 90 percent or 80 percent we automatically go to this. If -- if we're in a situation where there are two weeks left in the fishing year and we're at 85 percent of our limit and there are no huge tournaments coming up where we can foresee a mass quality of landings coming in, there's really no need for the agency to take action. So, this gives us flexibility and some discretion as to when we should apply measures or not.

If we reach the sort of action triggers

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and -- and the -- there is a need to do something, this alternative gives us the ability to -- during -- during the fishing year to increase minimum sizes for blue marlin to between 117 and 138 and for white marlin to between 70 and 79 inches and if despite those increases, we are -- still look like we're going to achieve or exceed the 250 fish limit, then we have a -- the backstop ability to just simply shift the whole fishery to catch and release.

And the final thing that this alternative does is to mandate carryover of overharvest and allow carryover of underharvest and that language is consistent with ICCAT Recommendation 0014.

E7 is a crowd pleaser wherever we go and that is the catch and release only for Atlantic white marlin. Essentially possession and retention -- well, it's for a five-year limited period from January 1, '07 to December 31, 2011. During this time, possession and retention of white marlin would be prohibited. The provision as we stated as an automated sunset in it. It would expire within five

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years unless specifically extended. It would likely provide some limited ecological impacts if implemented by itself simply given the limited landings of white marlin.

However, if it's implemented in combination with other preferred alternatives like the circle hook alternative and the ICCAT alternatives, this -- the (inaudible) can increase our ecological benefits to address both components of mortality that we talked about at the beginning, both the landings and the post-release mortality.

Alternative E8 is similar to E7 except deals with Atlantic blue marlin as opposed to Atlantic white marlin and possession and retention of Atlantic blue marlin would be prohibited at all times and under all circumstances. It would -- the provision would expire five years from effective date unless specifically extended by NMFS. It would likely provide limited ecological benefits. However, there would be somewhat greater then for white marlin simply because the landings of blue marlin are -- exceed

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those of white marlin. I think last year we reported to ICCAT 118 blues and 31 whites and again, this could be combined with other alternatives to expand the ecological impacts of the alternatives.

You know what? They didn't add the major comments received.

Well, I've got a list of major comments here and I'll just run through because they were suppose to be on the end of the slide here.

Essentially what I did is I just pulled the -- the comments on the major themes or the major comments that we got and on circle hooks, there were -- well, we're going to look -- look for the file here. Hold on. She's going to bring it up.

For circle hooks, there were comments both for and against circle hooks and they generally included people discussing the need to minimize mortality, to -- expressing concern over the potential economic impacts of -- of mandating circle hooks.

Oh, yes, here we are. Okay.

There were concerns or doubts expressed

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over the effectiveness of circle hooks as well as support or reiterating the effectiveness of circle hooks. There were questions over the data, the studies that were used and there were comments to expand the use of circle hooks and comments suggesting that we leave use voluntary.

In terms of landing restrictions, there were substantial comment both for and against catch and release of white marlin including primarily concern over the economic impacts and the potential for an ESA listing and it was interesting.

With -- with these comments what we found was there was pretty strong written support in terms of -- well, let me -- let me start that over. There was strong vocal opposition to implementation of the white marlin prohibition and there was in certain hearings very strong vocal opposition.

We got more general support in each -- or in more hearing locations for implementing the prohibition, but less written support for it. So, it's interesting the way that broke down.

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There was support for bag limits expressed and with regard to minimum sizes, there were comments both for and against increasing minimum sizes.

In terms of ICCAT measures, again, comment for and against including really questioning the -- the rationale or the legitimacy of the fairness of the 250 fish marlin limit and concern over economic impacts if the 250 limit is implemented and then finally, just due to the sheer volume of -- of comments that have -- have come in really from the recreational community, there were some -- some pretty clear themes within the recreational community comments and those were that the recreational community is disproportionately impacted by these alternatives in this document and that the recreational community doesn't view itself as responsible for the poor stock status of the species and again, those are the comments received. Not necessarily the agency's view.

And with that -- that'll -- that wraps up my presentation. I think Eric Prince is now going to

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give us -- he's going to present his billfish paper which he's just finished and then we'll come back and take your comments.

(Section of tape blank.)

MR. PRINCE: Can you hear me now? Yes. Okay. I -- I think I just hold this down. Probably the best alternative.

Just had a paper accepted to The Journal of Fisheries Management Ecology Journal. It had some relevance to the ongoing discussions of the management alternatives. So, decided this would be a good opportunity to present some of this information to you.

The paper's entitled Circle Hooks and J-Hooks and Drop Back Time, a Comparative Hook Performance Study of the South Florida Recreational Life Bait Fishery for Sailfish. It's a cooperative project, NOAA Fisheries and also IGFA. Billfish Foundation also helped with logistics.

Objectives of the -- of the work were to evaluate the performance of three types of circle

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hooks, two models of circle hooks and comparable size J-hooks used in the live bait fishery for sailfish in South Florida in terms of proportion of successful catches, proportion hooked in undesirable locations, proportion of positive bleeding events and also lastly the proportion released in undesirable condition and this is a combination of positive bleeding events and undesirable hook locations.

In our design, these were our dependent variables.

Hook type and drop back interval time, these were our independent variables.

The analysis was very, very straightforward. Used Kai Square Goodness (phonetic) procedure testing. An old hypothesis that the above proportions were equivalent in each hook type and drop back interval.

Three types of -- of hooks used in this study. We characterized this as circle hook number one. It was the eagle claw L-2004 eight aught non-offset. We also refer to this in the paper as the

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conventional shaped circle hook. It has significant circularity to the shaft and, of course, the point that bends back toward the main shaft.

Owner is now marketing this as a circle hook. Although, I -- I'm not totally convinced. It's very unconventional. The shaft is almost in the shape of a typical J-hook, but with a bent tip and then lastly, this is the preferred live bait hook used in most of the fishery in South Florida, live bait fishery. It's the Must Add 108 29BLN and it's a six aught. Notice that the different hook sizes, these hooks are all approximately very equivalent in size overall.

Definition of drop back time for those who don't know what I'm referring, this is the elapse time between the fish's strike and the angler's exertion of pressure on the line to engage the hook. Drop back time is used in active recreational fishing applications such as trawling, pitch baiting and live bait fishing and drop back times really have never been assessed as part of hook performance research for

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pelagic fishes or for that matter for any of the recreational catch and release fisheries that we are aware of. So, it was an opportunity to examine this and how it affects hook performance.

Drop back can be accomplished in many ways. This is a shmano (phonetic) spinning reel with a bait runner option. This lever pushed up and you can adjust the drag here. Allows you just to put that in the rod holder and when the fish strikes, it automatically lets the line out without tension. This also can be done with conventional reels as well.

In terms of the number of interactions off South Florida and this was done in two consecutive fishing seasons, 2004 and 2005, there was a total of interactions of over almost 2100 sailfish interacted in the study one way or the other. Seven hundred and sixty-six of these sailfish were caught. Three hundred and ninety-two on the two models of circle hooks and 374 on J-hooks.

With rare event species, sample sizes are always a -- a challenge and so, we feel the study

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became much more meaningful with a large sample size.

In terms of our drop back intervals, we had four choices and these were made based on consultations with our expert captains. Some of the best fishing captains in South Florida I might add who spent two fishing seasons keeping track of all this data. Quite amazing given they have charters and they go out in all weather and doing this was a real -- real coup.

Anyway, the first drop back interval was zero to five seconds. The second was six to ten seconds. The third interval was 11 to 15 seconds and the fourth interval we -- we considered excessively long drop interval of greater than 15 seconds and some of the drop backs were up to 30 seconds or more.

Successful catch proportions and I'll -- I'll explain this a little bit and then it'll be -- as we go through the data and I don't think you can see that.

PARTICIPANT: (Inaudible) bait?

MR. PRINCE: No, this is all live bait.

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This is all live bait.

This is the first drop back interval, zero to five seconds. The proportions are over the blocks here and the sample sizes are inside the blocks and we use letters for the statistical analysis and this is what the interpretation is. Common letters mean there's no difference in between hook treatments.

So, the C1-hook type and the J-hook type and the first drop back interval, the catch proportion 70 percent to 79 five percent, there were no -- 79 percent, there were no differences between these two hook types nor were there differences between the C1 and the C2-hook type, but the C2-hook type was significantly different than the J-hook and that's the interpretation as I go through this with you.

This is the second drop back interval. Since the letters are -- are the same all the way across, there are no significant differences. There was some variation, but they're all very, very comparable in terms of fishing success.

Third drop back interval, the same thing.

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Again, no significant difference in between treatments ranging from 61 to 75 percent.

And in the last drop interval, things changed a little bit. There was no difference between the C1 and the J-hook type. I guess those dark letters are a little hard to see, but -- and there were no difference between the C2 sickle hook and the J-hook type. But, there was a difference between the two circle hooks in the last drop back interval greater than 15 seconds.

Catch is really important because if you don't have some significant -- I mean if the -- if the catch rates are not comparable between hook types, you're never going to get anybody to use the circle hook. So, there's got to be some -- some catch success to validate the use of circle hooks as a decent terminal gear.

In terms of hook location, the first two locations in the hinge and in the jaw, that's the upper or the lower jaw, we consider these desirable hook locations. The gill buccal cavity, mouth cavity

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and deep hooking anything from the esophagus on down, we considered an undesirable hook location.

So, just to give you some insight as to what I'm talking about, this is directly in the hinge.

This is the common circle hook imbedding right in the hinge of the jaw and this is in the upper bill. Also, in the lower bill. We consider these desirable hook locations, minimum damage. Fish gets to swim away without having to experience the trauma of severe damage associated with the hooking.

Then you get into the top of the esophagus. With this circle hook, this J-hook right here. Less desirable obviously. This is in the upper pallet. Here's a laceration on the left side of the upper pallet in the cranium and also, that hooking was so deep it resulted in hemorrhaging of the eyeball on the left side. Both these two injuries one could make a case that the animal would not survive.

In the case of the laceration on the pallet, that opens up the cranium to infection and -- and if this causes blindness in one eye, one-eyed

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sailfish may not feed very well or survive over the long term.

So, there's reasons for each of our choices in terms of desirability, but this is really not to make too much of a point here. The penetration of the stomach with the J-hook we felt was probably the most grievous injury of all the ones we've seen. In part, because the J-hook point is fully exposed inside the peritoneal cavity and you can see the hemorrhaging as the fish swims. It's almost inevitable that this point would lacerate vital organs such as the liver seen here and you can see the hemorrhaging in the peritoneal cavity.

So, it's not nearly as bad although it's not certainly a preferable thing that this is a circle hook because you know the point would be angling back toward the main shaft of the hook and that point would not be as fully exposed.

Undesirable hook location results, the first interval and you'll notice a sort of stair step from the C1 to the C2 to the J-hook type in terms of

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our results. These data are eight percent, 16 percent and 27 percent. Sample sizes are still pretty large.

As you can see here, C1, the conventional circle hook certainly had the lowest value although this was not significantly different from the C2 circle hook, but the J and the circle -- conventional circle hook were significantly different and the overall trend remained the same although sample sizes are different and -- and there were no significant differences in the second interval between hook types.

As you start to get back into the longer drop back intervals, this is 11 to 15 seconds, you start to see an increase in the undesirable hook locations in the J-hook here and that was significantly different from the conventional circle hook although not from the C2 circle hook.

And then lastly, boy, this -- this value really hits the sky, 57 percent. Over -- over -- well, over half are deep hooked.

A couple of things to point out, the consistency of the conventional circle hook

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performance. It really didn't seem to matter what drop back time you used. With the conventional circle hook with a lot of circularity to the shaft, 8 percent, 10 percent, 10 percent and six percent. Extremely consistent.

One of the things we wanted to point out and also the deadly result in extremely long drop back times with the J-hook. Just two facts to remember.

Bleeding, very, very analysis. It either bled or it did not bleed and that was the basis for the positive or negative bleeding events.

Again, you see the same sort of trend. The stair step going from the C1 through the C2 to the J. In this case, very similar analysis to the previous hook locations where no difference between the C1 and C2 and the J was different from C1 and as we go through to the six to ten interval, same exact result as the first short drop back interval. Then you get into little longer. Still the same result overall in terms of the statistical analysis. The -- however, the proportion of bleeding occurrences is

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starting to increase now in the slightly longer interval. You get to the last interval and bingo, pops right up again over 50 percent.

So, the trends -- overall trends just amazing consistency again with the convention circle hook. Very consistent no matter how long the drop back interval was, but as you can see, you go from 21 percent to 55 percent in the J-hook. So, you got more -- more than twofold increase in occurrence here. That's -- that's really notable as I pointed out.

And then the combination. One of the reasons we combined undesirable hook location and positive bleeding events is this. That -- just because an animal has a deep hooking event doesn't necessarily mean it's going to die nor does a bleeding event necessarily mean the fish is going to die.

When you combine the two together, you get a metric that's more reflective of overall release condition and we felt this was a real benefit.

So, just to go through this. This is a little bit of surprise, but only by the me. The

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captain's on the water sort of predicted this. That unconventional circle hook which had a very -- a shorter point, a bigger gape and -- and almost no circularity to the shaft was the worse performer in the first drop back interval in terms of the overall release condition, 71 percent and this was not significantly different from the J-hook, but it was different from the conventional circle hook.

PARTICIPANT: Is that the must add?

MR. PRINCE: This is the must add. Yes, C2 is the must add. Right.

PARTICIPANT: Is that -- is that a really (inaudible)?

MR. PRINCE: That's an issue I'll address. It's really important. What the definition of a conventional circle hook is. I wish I had a -- a great answer for you. Some equation.

But, anything with some circularity to the shaft, but that really was a J-hook with a bent tip and so, what you're seeing here is different and some people ask me in the review of the paper they couldn't

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quite understand why the sample sizes are different and that's because not all hooks that had a -- a negative hook location, undesirable hook location also had a bleeding location. So, when you combine the things together, it is a different metric completely.

PARTICIPANT: (Inaudible).

MR. PRINCE: Yes, the C2 was the owner. I'm sorry. Is that what you said, Nelson?

PARTICIPANT: Okay. That's -- yes.

MR. PRINCE: Yes, the C2 is the owner. It's the straight shaft, but with a bent tip. That's the C2.

PARTICIPANT: Could you go back to the pictures of the three please?

MR. PRINCE: I tell you what. I'm almost on my slide and I'll be happy to go back. Yes. Just so you can refresh your memory of what they are.

In the second drop back interval again, the owner unconventional circle hook is the worse performer. Although -- however, in this case, there were no significant differences between the three.

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Mostly probably due to sample size. As you see, it gets reduced here when you start to partition the data by drop back interval and no difference between the C2 and the C1 hook, but the circle hook -- the J-hook rather is again starting to show real negativity, 79 percent and here it's 78 percent and the C1 and C2 are significantly different than the -- than the J-hook.

Again, the incredible consistency of circle hooks. The conventional circle hook in this situation, it just doesn't seem to matter how long a drop back interval you have with the conventional circle hook. It performs very, very consistently no matter the drop back time. On the other hand, that J-hook becomes really deadly the longer the drop back time and that's very consistent within the results.

And again, this is also part of the news.

Because my captain said that unconventional circle hook with the straight shaft and the bent tip caught a lot of tissue on the way out of the stomach. They were witnessing that. So, when they saw this result, they felt that that was exactly what they were seeing

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on the water.

Conclusions, certainly in terms of hook location, bleeding and overall release conditions, circle hook number one, the conventional shaped circle hook had the most conservation benefit. J-hooks had the least conservation benefit and the circle hook -- the unconventional circle hook generally had intermediate conservation benefit relative to the other hook types. However, the C2 hooks were the worse performing hook for undesirable release condition in the first two drop back intervals as I just noted.

Excessively long drop back times, negatively impacted desirable hook performance for the C2 and the J-hook types in terms of location, bleeding and condition. Hook performance for the C1 hooks were relatively consistent for all metrics during all drop back intervals.

Walk away message and the catch proportions of all hook types were very comparable. So, not using a circle hook versus a --

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(End tape 7 side B.)

MR. PRINCE: When we took a look at the overall impact of the study, we felt that given the results presented here drop back time would appear to be a relevant conservation issue for all catch and release applications involving dead bait or live bait regardless of the species or even in fresh water or salt water. Wouldn't seem to matter. This issue would seem to be appropriate whether fishing were a bluegill with a cricket or using a dead bait for a billfish.

So, let me go back to just take a look at the hooks again. That's hook number one and that was the owner -- that's the conventional hook number one.

The conventional shape circle hook and the hook number two, now as you say, I -- some owner is marketing this as a circle hook, but the gap -- the gape of the hook is bigger. The tip of the point is shorter compared to this circularity here and this is not a drastic one. If you use must adds, they have a good deal more circularity than this particular hook.

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I think anything with a circularity is going to come through the gullet easy without imbedding and this doesn't do that very well and then the last hook was the must add. This is the J-hook.

So, interesting study. Taking a look at drop back time for the first time we felt was important and it certainly turned out to be. I would also say relative to the preferred alternatives, it's not very practical to regulate drop back time on the open ocean. It's not enforceable, but you can avoid having to deal with something like that by -- by regulating hook type and regulating hook type has proved in many, many applications to be an appropriate means of doing this and the conventional circle hook just basically regulates drop back time to be relevant because it performed so consistently at all drop back times.

PARTICIPANT: Thank you.

PARTICIPANT: (Inaudible).

MR. PRINCE: Of this? Certainly. Yes.

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Yes.

Anyway be glad to answer any questions and I guess Russ needs to be up here.

PARTICIPANT: I'm -- I look at the clock.

PARTICIPANT: Yes.

PARTICIPANT: And I'm showing 10 until 10:00. We have -- we had a 9:45 break scheduled for all and I'm just kind of feeling that you might need a five to ten minute stretch leg break.

Nelson, question?

PARTICIPANT: (Inaudible).

PARTICIPANT: If you're -- if you're going to start (inaudible) questions to me --

PARTICIPANT: You've asked us to put up the cards. People were talking out of order during the --

PARTICIPANT: No, don't understand.

PARTICIPANT: -- during the presentation.

PARTICIPANT: (Inaudible).

PARTICIPANT: So, if we're going to have a facilitator, let's go by the book. Otherwise, we're

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going to have ruckus here.

PARTICIPANT: No, I -- I didn't know if you was asking me a question.

PARTICIPANT: No, you were letting people talk during the presentation. You know, you made the rules yesterday. Now, you change the rules today. So, we either live by the rules or we die by the rules.

PARTICIPANT: Do you have a question for me, Nelson, or do you have a question for --

PARTICIPANT: Ridiculous.

PARTICIPANT: -- Eric? Okay. We have about 12 people in line waiting with questions for the presenters already. So, I -- I didn't know if you had (inaudible) questions or people didn't want to take a break. I think we should take a ten-minute break and come back. I have people --

PARTICIPANT: Prompt.

PARTICIPANT: Yes, we will start in ten minutes whether you're here or not. So, could I have everybody's cards. Anybody here want to --

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PARTICIPANT: Total hogwash.

PARTICIPANT: Okay.

PARTICIPANT: Total hogwash.

PARTICIPANT: Going to have rules. We can't have people interrupting these presentations. Otherwise what do you (inaudible)? We'll just do what we normally do. Just raise our hands and yell

(Section of tape blank.)

PARTICIPANT: Thank you. To the agency, Margo, our comments are not complete. Our written comments. We're still working. It's a work in progress as you know. We sent some preliminary in and we had the draft last year. We're still working on the final comments.

Just for the record, after hearing, you know, Eric's presentation, you know, which was very interesting, things that, you know, we knew as -- as charter boat operators, et cetera, this -- this circle hook issue is unenforceable as you know and I think the enforcement people that were here last year from NOAA made that very clear that they can't enforce this

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issue.

We would strongly support volunteer ethic and let me explain to you why that -- that the volunteer ethic is the most enforceable tool. If you look at -- if you look at our catch and release ethic right now, I think we're at -- I think it was at 99.4 or something like that, 99.4 and as Rom and those who are now working on the docks can tell you, people don't dare bring in a marlin, you know, for fear of criticism and it's going to be the same thing with circle hooks. It's going to be that -- that ethic.

Once it's established as it's volunteer, I think what you're going to see are -- are crews on boats who are not going to be caught rigging for white marlin with bait without a circle hook for fear of criticism.

So, I think, you know, self-enforcement, peer pressure is a great enforcement tool. Because as you know, you don't have enough agents to go around. I mean what do you have four or five agents for the whole coast there.

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So, I mean it's ridiculous. You can't enforce it.

But, I think peer pressure. It's like that with hunting or fishing. Ethical things amongst peers is very enforceable.

So, we would -- we would support a volunteer circle hook, going that way.

The 250 fish limit for blue and white marlin as you know is unnecessary, arbitrary and we feel should be eliminated. Especially in light that we recognize that we're at 99 point something percent here at catch and release anyway.

So, we -- we object also strongly to E5 with the one fish. The one fish if you put it in a tournament perspective, there are tournaments where white and blue marlin do count. What are we going to have then? Culling? We going to create -- we going to create culling? You know, it's -- it's not -- it's not the right thing to do.

Strongly object to alternatives E7, E8 on page 222 and, of course, the -- going to total catch

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and release is unnecessary based on what we know with our -- with our ethic here and knowing that we could never rebuild this fishery by giving up the few fish we are catching and it's the socio-economic harm that would be done to mid-Atlantic communities. Those towns that are dependent on having a -- a large amount of boats come to a tournament and I'm sure some of the tournament people that are here like Rick Weber will tell you what -- what tournament would look like if it was just a catch and release tournament and -- and not one that's based on some -- weighing in some fish.

Thank you.

(Section of tape blank.)

PARTICIPANT: Yes, I'm -- I'm going to hold off on my comments until a little later.

However, I would like just to put things in perspective. Would you -- could you show us a slide that would show us what the foreign levels of mortality are for blue and white marlin versus the U.S. catch and mortality?

PARTICIPANT: I don't -- I don't have the

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-- the ICCAT statistics in slide form right now.

PARTICIPANT: Well, it seems to me that that's very important. I mean we're -- we're -- we're looking at some things here that could have very profound effects on the U.S. fisheries and yet, we did -- we have to put that in perspective of what's going on Atlantic-wide.

(Section of tape blank.)

PARTICIPANT: Thank you and thank you to the presenters.

A couple of issues from the state of North Carolina. I mean a lot of you know we have a very important Governor's Cup Billfish Series and -- and it's a -- all these issues are very important to us.

I know there is some debate around the table regarding circle hooks, but certainly support the use of circle hooks for blue and -- for -- for white marlin and sailfish. I mean I think the -- the data are very clear there.

I do have a lot of concerns about the use for -- requiring them for blue marlin and I know there

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will be some discussions around the table in support of that and -- and I'm just unaware of that information right now.

But, certainly feel that -- that circle hooks have some real capacity to reduce hook and release mortality.

One of the concerns though that I have about the circle hook requirement is when you say all HMS fisheries and there's -- and some of the alternatives and I know a lot of folks at least in our area go fishing for dolphin and that's what they're fishing for and if they happen to catch a sailfish or whatever, you know, it's a -- it's a bonus. They're not fishing for billfish for the most part. The vast majority aren't.

So, the dolphin wahoo issue because they don't fall under HMS, that's going to create some confusion and some concerns that we just need to keep in mind.

As far as size limits, the state of North Carolina would certainly support going to 104 inch

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size limit, increasing the size limit from the current 99 up to 104. In fact, our tournaments now require 104 anyway, but we would certainly support seeing that across the board for all recreational fisheries.

Also, and I understand some of the concerns and comments that have been vetted around this table for the last couple of years, but certainly the potential for listing white marlin has the -- that could have the ability to completely disrupt everything we do or talk about and it just seems unreasonable to me to continue to land those fish. So, I -- I certainly support prohibition on the retention of any white marlin at anytime.

But, then I also support getting rid of the 250 limit. So, it doesn't make a lot of sense there, but the problem that I have there is that with the start of the fishing year and the way that we're operating with some of these things, it could have a real devastating impact on the economics of some of these communities if they're tournament just happens to fall after the -- the -- the limits been -- been

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caught and I know what the impacts would be in North Carolina at least if we had a blue marlin tournament and you couldn't bring one to the dock.

So, I think that's -- I think that covered the main points for me. Circle hooks, the size limit issue and the white marlin issue.

Thank you.

(Section of tape blank.)

MR. BLANKINSHIP: Randy Blankinship.

This is regarding -- my comment is regarding the -- what's listed as the preferred alternative on circle hook requirement for billfish permits and you gave the example of a tournament that had a category for other species, but the offshore species were the ones that you listed. That those would be -- could also be certified as billfish tournaments.

Several of the tournaments in Texas also have inshore species categories as well as offshore and if you certified the whole tournament, then you might end up requiring circle hooks for everything

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when it's not really required -- shouldn't be required.

And the -- my suggestion is -- is that perhaps you could make the stipulation that if you certify it as a billfish tournament and it's required to have circle hooks, that maybe you require it for HMS permitted vessels in the billfish tournament.

Thanks.

DR. DANIEL: Randy gave us that comment when we were in Texas and -- and it's an excellent point and it -- I think it impacts tournaments up and down all the coasts not just Texas and -- and he's exactly right and sort of where we have -- our discussions have evolved is looking at -- sort of re-crafting the language to -- to have it attached to HMS permit holders because frankly, that's -- that's the universe of -- of individuals that we have jurisdiction over potentially and that's HMS permit holders. So, I think you're exactly right.

(Section of tape blank.)

PARTICIPANT: All right. Thank you. I'd

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like to agree with the last two commenters especially Dr. Daniel there.

In the northeast, we've -- we've caught our share of marlin, but we've never gone marlin fishing.

I've told the story here before. I've caught -- the largest marlin that was ever caught on a clam. We've caught them on squid when we're tile fishing. We've caught them, you know, dolphin fishing. We've caught them, you know, just, you know, pollack fishing on the Diamond Jigs (phonetic). So, it's -- we've never gone fishing for them.

And what -- what concerns me is where it says participating in the HMS fishery. I don't know how you determine when you're participating in that.

While I encourage the use of the circle hooks, I'd hate to see somebody found illegal if they caught one on a clam.

(Section of tape blank.)

PARTICIPANT: Thank you. First of all, several things, but to start off with this stock

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assessment coming up for 2007 on white marlin, blue marlin and sailfish. I have the citation numbers from the state of North Carolina here for the last year 2005. There was 483 blue marlin hooked and -- and out of the 483, 15 landed and they were -- all but three of them were in tournaments.

Sailfish and these numbers were up until September 30th. Sailfish, there was 809 citations, zero landed.

White marlin 2,188, zero landed and that was in the state of North Carolina.

The -- the data that we're going to do a stock assessment with, you know, I don't know where it's coming from, but I think the states if they have the data needs to get to NMFS' office so they really have something to look at instead of some -- like the LPS -- like the LPS survey. Maybe that's how we're going to do a stock assessment. I would hope not, but something that needs to be looked into.

And as far as the circle hook thing, if we're going to go to circle hooks for white marlin and

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sailfish, you need to write a specification. Eric data shows that there -- and I'd said it here last year. The owner hook that they classify as circle hook is really not a circle hook.

So, specification with an offset shank link and the gap between the shank and the -- and the hook point needs to be -- be written before you just arbitrarily make a terrible mistake here.

The other thing is the Winter Bluefin Association would like to see alternative E1 stay as it is.

As far as the circle hooks go, there needs to be more input if you're going to use them with blue marlin because the blue marlin does not feed like a white marlin. A blue marlin normally you never drop back to one. Crank the bait away from him and he piles on it.

I would like to see a study like Eric's done in North Carolina where there's probably some of the best blue marlin on the east coast fishing.

And as far as not landing a white marlin,

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I'm somewhat set back that North Carolina took the position that they took. Because if the blue marlin was stake right here, that position would not be taken because our tournaments are blue marlin tournaments and that's our targeted species and it's a landed tournament and there's a lot of money involved. A lot of economic impact for the week of the Big Rock Tournament, Pirate's Cove Tournament. I fished some of their northern tournaments up north and the economic impact for the mortality rate it -- it just doesn't affect the overall picture when you look at what the eastern side of the country's doing compared to the western side of the country and if we're going to make arbitrarily impacts that are going to affect social and economic value, there needs to be more input and more data put into it.

So, and I'll send my comments in again. I think I sent them in last fall when you are were in Manteo. But, thank you.

(Section of tape blank.)

MR. WEBER: Rick Weber, South Jersey

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Marina.

Russ, I have a -- I have a -- I have a procedural question right from the start having to do with authority.

If you put this proposed rule in as it's written, we're going to have a 250 fish quota. Wouldn't that kick in to prevent a decrease in effort?

Where do you get the authority to decrease our quota?

MR. DUNN: We don't -- we wouldn't be decreasing the quota. We'd be -- if we put it in place right now as is, we'd be codifying the current ICCAT landings limit.

MR. WEBER: Agreed. Once it's in place though the rest -- everything else that we're talking about --

MR. DUNN: Yes.

MR. WEBER: -- that would no longer allow us to caught the 250 number that we have never approached except the one year you counted differently. Where does -- where does everything else kick in?

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MR. DUNN: You'd still have the ability to catch the 250. In this case if we ended up -- the agency ended up going forward with the white marlin prohibition, you -- there would still be 250 Atlantic marlin available. There would just be 250 blue marlin.

If you look at the ICCAT recommendation, it's a combined limit. There's no indication of levels -- mandating levels of one species over the other.

MR. WEBER: Okay. Satisfactory because redistribution of effort is going to happen.

Yesterday, we were talking about it geographically, but Dewey brought up very well that there's also differentiation in gear type and targeted species.

As a tournament, I assure you that when you ban whites I'm going to blues. The 31 fish you think you're going to save with whites my -- I -- I -- I do not believe I -- I have explained countless times why I don't believe in cash on release. The public is

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not supporting it. The White Marlin Open has tried it for two or three years running with decreasing numbers entering his cash on release portion year after year.

I think he was down to eight people entered it last year. It doesn't work. The public will not support it.

So, I -- I and I assume that many of the other northeast, the bigger events are going to go blue marlin. So, we will work towards catching that 250.

On the circle hooks, I would recommend the voluntary conversion that's in place rather than anything mandatory. The recs have -- have a long history. You know, there is no release requirement now. Yet, as Donofrio pointed out, we're -- we're 99 percent with no Government mandate. The people are releasing them because they are the right thing to do because it has become the ethic. I assure you that's going on in the circle hook.

It -- it hasn't gotten there yet. It took a little bit, but you will get better compliance when

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it happens voluntarily in my opinion than when it comes from the Government.

To that end, you spent some time yesterday talking about workshops and education. I have not seen anything but maybe one pamphlet coming from the Government to help with this conversion. You have the name and addresses of every member of the fishing universe there. You should be helping this conversion happen. When you want things to happen, you know, you -- you -- you can either coerce or you can mandate it.

I'd prefer that you attempt the coercion before you mandate it.

If -- if we don't see the conversion that I think is going on after we've all made a good faith effort including you guys have made a good faith effort to encourage the -- the voluntary conversion, I will agree with you that the conversion needs to happen. I just think it will work as well or better if it's voluntary.

Should you disagree with me and go with your preferred alternative of the mandatory in

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tournaments, you'd sort of just brush on then the -- the derby issue. Because there will be a derby issue of mandatory circle hooks and year long fishing derby.

You know, the -- the -- the county tournaments and things like that. You're going to need to address that.

I don't really care to be in the middle of this battle. So, the idea of pushing your enforcement in my direction is not thrilling to me.

Again, my response is you should know how the industry will respond to your actions. If you make circle hooks mandatory, I am not going to get personally in the game of determining what is and what isn't.

When I get a complaint, I'm going to call the Feds. If a ticket is written, then he violated. If not ticket is written, he must not have violated because I can't get into this. You know, you've given us no spec. You know, I -- I don't know how to be your enforcement mechanism. You're going to need to enforce your own rule.

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That said, I do believe in circle hooks personally. I would like to see the conversion happen and if you choose not to go with either of those two, if I have to pick and an E1, 2, 3 to support, of course, you know, I've already said E1 is my preferred. If you're going to do something in circle hooks, I say let's get it on and just do it across the board. You know, just get -- get the conversion to happen. For the -- for the number of tournament participants, if we're trying to get conservation out of this, let -- let's go ahead and get the conservation.

E5, I'm opposed to and that brings us to the beloved E6 which I am absolutely opposed to.

You're going to have and you even admit that there is no conservation impact to it. There were I think Russ said 31 whites last year and I'm telling you we're going to eat into them moving over to the blues. I think there are potential major economic impacts.

Depending on whether people will follow me

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in converting to the blues. If I had -- if -- if that conversion can be done and people will just switch to the blues, then they will fish. But, I -- I don't know and I don't know why we're risking it for a very limited conversion impact.

What else have I got for you here?

By the way, where did you see -- you said that some meetings you had very vocal comments and some you did not. Where were -- where were your vocals?

MR. DUNN: Our vocals were the Cape May and Ocean City. Were the most vocal I would say.

MR. WEBER: That is what I would have expected. The -- what -- what you see there before we look at the recreational sector is a homogenous unit. The people with the most at stake spoke the loudest.

I joked at my meeting that I think most of my customers would go very quickly for no landings of sailfish. It's -- what -- what you saw in those meetings is the people with the most at stake. The governments, the -- the municipalities, the businesses

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with the most at stake spoke very loudly because we're scared of that option. You know, that -- that is not a good option to us and that's what I have for you for now.

(Section of tape blank.)

MS. PEEL: Ellen Peel of Billfish Foundation.

I know we covered it yesterday, but I would like to reiterate that we do not support the merging of the two plans.

E3, circle hooks we do support the mandatory use of circle hooks beginning January '07 in tournaments. By starting it off in tournaments, we do think it's an enforceable item. You've got several options. Tournaments can either give out the hooks or they can inspect the hooks. A number of tournaments have already switched over to using digital video. They even make disposable videos, digital videos now.

Some of the tournaments who have landed a lot of fish in the past are finding that the public get really more excited if you have a very large

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screen or multiple screens where the fight is shown. The successful release is shown. The judge has to approve these first, but a lot of people who come to look at a big dead fish actually we are finding are more excited about seeing a large live fish and the whole experience which many of them on the dock don't get the chance to -- to participate in.

To circle hooks though I think what Pete Manuel said you do need to be -- to put out some specifications on these hooks for a couple of reasons.

We talked about the circularity, the angle of the point to the gap, the shank. I think for those specifics but also you don't want the Government I think in a position of saying you're advocating citizens not to use one company's hook and you are supporting the hooks of another company. You might have some testy situations there. So, I would stick to the specifications of why you prefer or why the study supports one set of specs over another.

Option E6 codifying the 250 fish limit, I think we should be mindful that that 250 fish limit

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came as a quid pro quo for other countries. Those responsible for killing most of the Atlantic marlin for them to agree to release marlin from their longline boats. If we do not probably continue to embrace the 250, I would anticipate at ICCAT there will likely be a -- a proposal by another country to do away with those restrictions on those other country's boats which I don't think we want to see that done.

On the catch limit, if we do approach the 250 which we haven't, your option for size limits, I have two points on that.

Tournament directors will need more than a couple of weeks notice. I think a month's notice and any of you who are tournament directors or interact with tournament directors I would suggest as they're printing their brochures and their magazines for this year's events that they go ahead and make note that the size limits, you know, may change based on Government notice if the 250 limit is. So, you're not putting the tournament directors in a position where

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they're having to defend themselves whether on the dock or in the court.

Option E7, no white marlin landings. We support that alternative. Certainly, we have quite a few tournaments. Well, in fact, I don't think we have any tournaments remaining in the Gulf or South -- or in the Florida that lands white marlin. So, at the tournaments at the public hearings we attended along the Gulf and in Florida, there was strong support for that -- that limit.

If the agency, you know, feels that it cannot go with zero landings, if you have only four tournaments or five tournaments that are negatively impacted, then I would suggest perhaps you might want to consider a cap, a exemption of -- I don't know whether -- I hear 31 fish. Whether it's 50 fish that you would allow those events that already have a history. That might be something you want to consider, but don't throw out, you know, the whole proposal completely.

Lastly, I believe we're coming to fishing

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year later. So, that would conclude my comments.

Thank you.

PARTICIPANT: Thank you.

(Section of tape blank.)

PARTICIPANT: Well, first off, I've got a question. What is the definition of a circle hook from the Fishery Service? A Fishery Service definition that would be used with a NMFS agent on my boat telling me, Bob, this is a circle hook?

MR. DUNN: Yes, right now in the regs, we have a definition that was included as part of the rule to address turtle bycatch in the PLL fishery and the general definition as it stands in the regs now says circle hooks means a fishing hook originally designed and manufactured so that the point is turned perpendicularly back to the shank to form a generally circular or oval shape and then on top of that, there's another -- there are other sections in the regs which -- that actually lay out the -- the specific measurements of the 16 aught and the 18 aught hooks and the offsets and whatnot for the PLL fishery.

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PARTICIPANT: Okay. I don't think too many people are using the 16 or 14 aught hook for a white marlin. Not in the recreational fishery anyway.

So, you know, I think you're going about this a little bit backwards and I've got problems with this and -- and a lot of comments that have been made so far I agree with and -- and -- and there's several of them.

Is -- is -- number one, like I say, you don't have a definition. So, essentially, if you went forward with this regulation of requiring circle hooks, you're going to create an enforcement nightmare something that essentially is going to be like you have with tournaments now to where you have a tournament permit, but they were sent a certified letter. So, therefore, you can't enforce the fact that they didn't receive notification they had to have that permit.

Enforcement people have a very difficult time in trying to do the job they're doing now. So, you're -- you're -- you're putting a -- a -- a big

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burden on those people to try to do their job.

On top of that, where I'm from anyway, there are several tournaments to where you have categories from speckled trout to blue marlin. So, what are you going to do if you're fishing for a dolphin as an example, a dolphin fish not the mammal, and you're not using a circle hook, but you incidentally catch a blue marlin and you got a cop sitting right there next to you? It's not a circle hook. What happens?

So, and it's like some others have said. It -- it -- it appears to me that over the years, I mean, and I'm a big fan of circle hooks. I use circle hooks pretty much exclusively in -- in -- in my business in -- in the charter business in Panama City, but I've done that because of my willingness to change the way that we fish and to try to lessen mortality on fish that are released because of regulatory measures and I think a lot of, and probably a big majority today, I -- I don't know what the figures are, but I suspect most recreational people have done this and --

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and it's like I think Jim Donofrio said. Your biggest bang for your buck is an educational system for the advantages of using circle hooks versus any other type hook in the way that people fish.

So, I think you would be much better off in -- in -- in moving in that direction rather than coming up with the regulations because people typically from my experience anyway tend to work against being forced to do something by the Government especially when it comes to the Fishery Service and like I said yesterday, right, wrong or indifferent, people just don't like the Fishery Service and, you know, so you have that.

The -- the other thing is last year I recommended because of the 800 number and reporting, I had had some calls. People calling me to get that 800 number to report fish. So, I had to look that up and give it to them which really wasn't much of a problem, but I recommended that in the permits that are issued, and it's a very simple thing because all you got to do is type what ten numbers, put the 800 number on the

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permit so that you have access on your HMS angling permit of an 800 number to call in and to my knowledge, that hasn't been done yet.

It has? So, it's something or I just haven't received my new permit. So, thank you very much.

The other things are when it -- when it comes to the limit, the ICCAT limit like several others, I still have problems with that. It -- it's -- a lot of it has to do with data system and -- and the whole bit, but if you intend to go forward with that, there needs to be a provision in there that if you come under that 250, that you bank that underage for the years that you could possibly go over so you're not penalized.

I think right now it's pretty much down to where you're penalized if you go over, but you don't get any positive feedback for saving fish in a sense.

On the white marlin issue in the Gulf of Mexico, I can't tell you the last time that I saw a dead white marlin regardless of whether it was a

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tournament or not.

In tournament fishing, it's been years to my knowledge that any tournament has -- has had a category for dead white marlin, but now, on the east coast, it's different. So, I'm not sure what you need to do with that. That -- that's -- you know, when you get into a tournament thing, and I've made this argument before and I'm going to disagree with Ellen a little bit here, my experience with tournaments has been not so much that a tournament is a big economic and social event for me as the entrant in that tournament. It's more so for the participants or not really participants, but for the people that come to the dock to see the results.

In Panama City, we have a tournament that produces several million dollars in economic impact and for years now, they have only done blue marlin and there have been one or two years to where nothing's been landed, but there have been one or two where you've had one or two blue marlin landed.

And -- and going to a full catch and

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release, I'm not sure that the fans of the tournament so to speak would come just to watch video when they can pull up a TV channel on ESPN and watch it just about anytime they want to on cable. So, there's really no advantage to come down there to look at the boats.

The other thing is -- is -- is the social impact and -- and -- and behavior of -- of participants themselves. I was talking to somebody yesterday and -- and in tournament fishing and marlin fishing and I can relate to this because the first tournament I ever won as a 19-year-old kid, me and a buddy beat all the old timers in town by getting lucky and catching a blue marlin.

So, you -- you have these people that come to these tournaments with these multi-million dollar boats that have all the so-called experts that are out there and you've got a guy out here in a, you know, relatively inexpensive boat that's fished a little bit and he gets -- goes out there. He gets lucky and he wins all the money because he gets lucky and catches

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the fish. There's not many sports I don't think that you can -- can compete against so-called professionals and do that and I'm not sure catch and release will continue that ethic.

So, in the situation that -- that I can see anyway, I don't believe that what is killed by the recreational fishery in billfish is that detrimental to the overall picture of where billfish is. That's just my personal opinion. I just don't think that when you kill 100 to 150 fish overall in the overall scheme of things that has -- that has that much of an impact on the fishery as a whole and when you look at the social and economic benefits from what that produces, I don't think that even compares. So, I think you need to -- to -- to play with that.

Pretty much I think that's about all I've got to -- to say on this. So, thank you.

PARTICIPANT: If I can just do one quick clarification with regard to your comment on the carryover, the way the -- the proposed rule is written is that it would -- it mandates carryover of any

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overharvest, but it does allow for carryover of underharvest. So, it -- it doesn't guarantee it, but it doesn't rule it out either.

(Section of tape blank.)

MR. DAUGHDRILL: Bill Daughdrill, Gulf Council.

First of all, the council recommends that the HMS, the billfish plans be kept separate. We think that billfishing is mainly in the recreational fishery and that tunas, swordfish, sharks are both recreational and commercial. Therefore, it would be better to keep them -- keep it separate.

Concerning the management of billfish, the first thing we think that ought to be done would be the increase of the minimum size -- legal size limit on both white and blue marlin.

We support the use of circle hooks when required to be limited to directory -- directed HMS fishing.

Now, the question I have on the -- the hook specialist would be the three different sizes

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that you use, were they actually the same size? They were just different numbers.

PARTICIPANT: For those who have a lot of experience using circle hooks, for whatever reason, there is no equity between manufacturers concerning hook size with circle hooks and I've never really understood that. There is a good deal with the J-hooks, but not with circle hooks.

So, what we did was we had to take a look at them and -- and understood what size baits we were using in this particular study and then we made that decision based on that.

But, as you saw, there are three different hooks sizes up there and they're all pretty much the same size. So, (inaudible).

MR. DAUGHDRILL: Thank you.

(Section of tape blank.)

PARTICIPANT: Okay. A couple of things. Then I've got a -- a couple of comments for Russ and Eric.

You know, we just got through talking

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about albacore and basically the general feeling seemed to be that well, we only land less than 2 percent of the fish in the Atlantic. So, why worry about it?

I think 31 white marlin is probably one/one-hundredth of 1 percent of the landings and yet, you know, we seem to be obsessed with it.

I've been involved in tournaments for a long time. Probably 40 years. I've run a lot of tournaments and a few years ago, the South Florida tournaments basically all -- at least the billfish tournaments all converted to circle hooks on a voluntary basis. It's worked out very well. Most of us now that fish tournaments also use the circle hooks the rest of the time (a) for practice; (b) because they work and nobody forced us to do it and we just found out it's -- it's a good thing to do and -- and our catch rate is just as good and once we get them hooked, they seem to stay on the hook a lot better.

So, all this mandatory stuff, I am opposed to.

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E3 where we're talking about Atlantic billfish tournament participants, I would encourage certainly the tournaments to go to circle hooks, but not make it mandatory. I think the -- the use of circle hooks in tournaments will spread more and more from South Florida up the coast.

One way to encourage the tournaments to go to circle hooks without making it mandatory is get the tournaments, encourage the tournaments to offer five extra points if you catch -- if you release a billfish using a circle hook, you're going to get five more points than the guy that didn't and that could make the difference in a tournament.

But, it ought to be voluntary not mandatory.

The -- the 250 fish, I don't -- I don't see that we have. We -- we somehow got ourselves into that bad deal and I think we're stuck with it. So, I'm -- I'm not opposed to E6 where we would make the 250 Federal law. Actually, two years ago, I thought it was law anyway.

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To go to mandatory 100 percent catch and release for all Atlantic white marlin, I -- I think is -- is -- just doesn't make sense at all. We would save 31 white marlin. If we went to circle hooks as it spreads more and more and become almost 100 percent, you'd save 10 times that. I think the projection was you would save 300 and some white marlin by -- by going to the -- the circle hook.

As a -- as a mandatory thing, you're not going to get 100 percent enforcement or anything close to it. I think if -- if you encourage the voluntary use of circle hooks, it's -- it's going to spread even faster than making it mandatory and you would save far more than -- than putting a total moratorium on any landing of white marlin. We're -- we're talking about 31 fish which is negligible.

On the 250, if it mandates the overage will be carried over, I think it ought to also mandate that underages would be carried over as well. I mean that's -- that's what's done in all the other fisheries. If you don't catch tuna, if you don't

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catch swordfish, it's carried over, carried over, carried over. Why would it not be carried over with the 250 fish? So, I would strongly encourage that and I think we would quickly find we would have so much cushion there nobody -- it wouldn't even be an issue anymore.

I know this was not a preferred alternative, but I would strongly be opposed to making the circle hook requirement for all HMS fisheries particularly in the swordfish fisheries. We know circle hooks work for billfish.

We had a tournament down in Cabo San Lucas where we required -- the Rolex Offshore Championship required circle hooks. They caught 503 striped marlin and 14 sailfish all on circle hooks. We know it works.

For swordfish --

(End tape 8 side A.)

PARTICIPANT: I have a -- a question for -- for Russ that maybe he can explain the rationale that it becomes very important for recreational

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anglers to use non-offset hooks and yet, the longline fishery can offset their hooks 10 percent. My understanding is that circle hooks lose their effectiveness if they're offset more than 5 percent and yet, for one fishery, your definition allows 10 percent offset. This would be totally different and much more stringent.

And for -- for Eric, I note that the Eagle Claw hook is a very dull hook and the Owner hook is an extremely sharp hook and I'm wondering if the different in -- in catch rate or the undesirable hooking areas of the two hooks that would have as much or more factor than the little different shape of the circle hook Owner versus Eagle Claw because I think maybe the dullness of the hook will allow that hook to slide out a lot more easily than an Owner hook that's extremely sharp and maybe you'd like to comment on that and Russ those two.

Thank you.

PARTICIPANT: We viewed it not so much the sharpness of the hook, but the Owner hook point was

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much smaller. It certainly caught soft tissue a lot easier. That was input from my captains.

But, the complete lack of curvature of the -- of the shaft was real obvious and to me, it's just a J-hook with a bent tip and also, the hook gape was a good deal larger in the Owner compared to the -- so, I -- I don't know which one of those characteristics is a deciding factor. This study wasn't designed to determine that, but certainly the intermediate hook performance and catch performance metric point towards the fact that not all circle -- so-called circle hooks perform equivalently and that's -- that's the major conclusion of the study.

PARTICIPANT: With -- with regard to the circle hooks -- it's kind of hard to look in both directions here. I would say the -- the circle hooks that came about as a result of the pelagic longline turtle situation, those were -- that was looking specifically at reducing interactions and mortalities with regard to sea turtles. So, first of all, we're looking at different species. That hook -- that

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offset in my understanding, in my recollection is -- was necessary given the baiting techniques in the fishery. That it was difficult to bait large Atlantic mackerel on a non-offset circle hook because you could squeeze his head or body between -- in the gap.

And -- and with regard to the going the direction of the non-offset in the proposed measures before us with the billfish, the -- the available literature all pretty clearly indicated that either a minimal offset or no offset provided the greatest reduction in poor hooking location, bleeding, et cetera. So, it -- it seemed like a pretty clear direction to go at least in the proposed.

PARTICIPANT: But, if you're trying to avoid billfish bycatch, you're eliminating that possibility to some extent, some unknown extent probably by allowing the offset of the circle hook on longlines. You're probably eliminating the protection of -- of billfish or the -- or the -- at least reducing the post-release mortality of billfish because of the 10 percent offset.

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PARTICIPANT: Yes, two things. First is that the -- in the turtle issue, the -- the large bait, my recollection is, protected the -- the hook to some extent. So, that would potentially reduce the issue there.

The second is, you know, if -- if you look at the new Curstedder (phonetic) study, the post-release mortality on circle hooks that he looked at was really pretty low even using the -- the current ones which allow an offset.

Now, is it true what you're saying that there will be some decrease in mortality benefit given an offset? Most likely. I don't think anyone disagrees. But, there is an overall benefit in terms of having them on a circle hook as opposed to going back to a J. So.

(Section of tape blank.)

PARTICIPANT: The former director of fisheries in the state of Colorado once said that fisheries' management is 90 percent people management and 10 percent fish management.

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By in large, people don't like to be managed. It's a -- it's a difficult business and people that are involved in fisheries' management at least at the state level are finding out that they've really got to work cooperatively. They got to listen a lot more and if you don't do that, you're going to have a miserable life. It's as simple as it is and -- and part of this is evidence of it today.

I would to speak to three issues. One is the consolidation issue and in going through the report, I couldn't find that it had an alternative associated with it anymore. So, I don't know what -- where that's located. The social and economic area and -- and last of all, I delved into chapter four cumulative impacts and so, I want to address those three topics.

I guess the start on consolidation. The idea -- it states here to combine the HMS and billfish AP into a single AP and I guess I would add is with an index so constituents can find all of the relevant parts. Because that's what I had to do and it's not a

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-- it's not -- it's not encouraging constituency to get involved. It's basically discounting. It's pushing you away from the document. So -- so, that's one of the reasons that I would offer.

The issue as stated in the materials given to us is that billfish and tunas and the other fisheries have become increasingly related. Well, all of this is related. The issue -- the -- the point that I heard last time was that we were going to go forward strictly for efficiency reasons, to save paper, to save staples and paper clips and all the rest.

I think if you subject the tradeoffs in dealing with an informed constituency versus of the cost of the paper clips and the paper and all the rest and put that into a benefit cost analysis, you -- you might want to rethink that matter.

I think an additional reason besides pushing people away when you ought make it -- you ought to be facilitating their understanding and their participation is that you want to -- I lost my thought

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here.

I -- I think this is more than an issue of whether you're a lumper or a splitter. I think this goes -- this goes well beyond it. I think part of the confusion may be that there's a big movement today toward ecosystems based management, moving toward understanding larger systems. You know, I applaud that. I think that is the future, but when you're down at the level of trying to understand and -- and approach and stay in contact and listen to HMS constituencies, I think that work and listening needs to be done in particular fisheries and it needs to be done in local areas and -- and regions.

I think this is a unique fishery. I think it has a unique history which I've come to appreciate over the years. It has a demonstrable constituency around it. I think the goal of the agency should be to provide ease of access and with the argument I just made, I could make that argument just as well with any commercial fishery that was in that particular case. So, this is not a recreational issue alone.

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Secondly, on the social and economic, I -- I'm familiar with a lot of this literature. I found a good bit of my own in there. One of my initial questions might be is whether these data have been standardized to recent dollars. I understand they might have been, but I don't know that. It doesn't say that in the text.

I guess I'm really -- I guess I'm really troubled by -- in some ways they've stayed with the limited knowledge that we have and we can call that best scientific information available, but I guess building on Dewey's point, if I may, that somebody ought to be doing some additional work, there is additional work that can be done to understand the social and economic impacts, consequences out there besides doing full-blown studies.

I note in the report that somebody did a little homework here. They did 99 observations of charter boat rates for full-day charters using the web and the result of that was that they saw a significant gain in charter boat rates since 1998/'99 to the

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present.

Well, I -- I wrote next to that wow, but there's -- there's lots of other things that can be done like that to get some homework to understand the people that are being impacted by these various rules and regulations.

Some other language, impact profile and social impact analyses. It was difficult to identify where recreational HMS fishermen were located because no data were available for the number of recreational fishermen as well as recreational landings by community. Boy, there's a hole you could drive 15 trucks through.

But, when you really get down to the cumulative social and economic impacts, that's where you really have problems. That is the soft underbelly of this plan. If -- if -- if I were involved in this plan and trying to find holes, I would suggest that you all take a look in -- in chapter four. It's buried in there, but it's worth looking at.

It -- it basically characterizes the

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impacts of these various provisions without providing much evidence of assessment. It says many times this is likely. That's likely. Preference alternatives for the directed billfish fishery could result in positive long-term cumulative social economic benefits if they assist in -- in reversing declines in billfish populations.

Some more language I hope. No anticipated short-term adverse socio-economic impacts. Tournament participants and CHB charter boat trips unknown, but anticipated to be small. May have limited -- "limited social and economic impact given catch and release ethic of anglers." You don't really know much about the people that you're regulating here and that's a problem.

Thank you.

PARTICIPANT: Thank you, Bob. Nelson (inaudible). Followed by Rom.

PARTICIPANT: And before you probably get started if I could ask Eric a couple of questions on his presentation.

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Very important work -- work you're doing there, Eric. It seems like the more and more, you know, studies that come out on the circle hook the more and more it looks like we've got -- you know, we've got the resolution sitting right in the palm of our hands. You know, which is very unusual circumstance that such a huge problem and issue can have the -- have -- have the solution right -- right -- right there evolving as -- as we go.

Deeply ingested, J versus circle, live versus dead. Do you have any information as far as deeply ingested or is it just generality that, you know, J-hook is generally more deeply ingested. Therefore, more harmful and/or live bait is more deeply ingested. Therefore, more harmful.

MR. PRINCE: Compared to our original research on circle hooks that we published in 1999, we categorized hook locations a little bit different here. We broke them up a little bit differently because we had learned that just the -- the term deep hook is pretty -- covers a lot of areas and there are

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other potentially undesirable hook locations in the gill. Cutting a gill raker for example is about as bad an injury as I can think about. Mostly -- I mean they had no way of stopping that kind of arterial bleeding. So, they're going to die.

But, in general, whether it's live bait or it's dead bait, the J-hooks certainly have a lot more deep hooking, have a lot more bleeding and they're overall -- overall release condition according to this study is -- is -- is much worse. Up to twofold worse in the long drop back intervals compared to the short drop back intervals with the J-hook.

The nice part about what I just presented was that drop back time basically becomes irrelevant with the conventional circle hook because it performs so consistently in all the performance metrics no matter what drop back time you have. Even the excessively long drop back times.

So, I thought that was a real eye opener.

In the respect, I would think that these results certainly support using circle hooks even more than

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what we had before and yes, I agree with you. If I've answered your question.

PARTICIPANT: Now, these were all live bait. So, there was no comparison with dead?

MR. PRINCE: Yes, these were all live bait in this study. In some of the text, we made some manipulations so we could compare the hook metrics to the dead bait fishing in Guatemala which is the bulk part of the first paper I wrote and they were very, very similar results.

PARTICIPANT: It's good stuff, Eric. It's real good stuff.

First -- first thing, you know, I -- I think we all know and it's been brought up several times that when -- when we -- we look Atlantic-wide, when we look globally, now, we're -- we're a pimple on the ass of progress. We're -- we're -- we're not very much and it's almost sinful that in -- in the past few years we've again turned the fighting internally and almost all of our time these days is again taken up on, you know, the circle jerk of backstabbing. You

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know, who's going to put who out of -- out of business domestically first. Because overall, you know, we are small.

Now, some of the science that is coming out does -- does say that, you know, our small amount maybe more substantial than previously thought, but then at the same time, we may have the solution right in the palm of our hands.

But, we also have to remember that recently there was 1100 to 1700 blue marlin landed, sold, exposed. That's an annual estimate in Puerto Rico alone.

We have to remember that we now have new estimates of over 10,000 marlin catches outside of tournaments in the Caribbean alone. That's in excess of, you know, the mainland outside of tournaments which is a complete unknown. We've never -- never known outside of tournament landings, et cetera, et cetera.

So, although we are a small factor commercial and -- and recreational combined, that

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small factor is a little bit larger than previously thought and we do have to face some of these domestic laws and the name of the game over the past few years has been, you know, unfortunately domestic rather than a focus on the bigger picture.

Now, a few things. E1 opposed as unacceptable especially in light of, you know, new catch and the landings information outside of tournaments, et cetera. While the United States still has unknown and question marks in its columns for reporting, you know, I -- I think it's a -- a large problem.

E2 support only if the built-in loopholes are closed. If J-hooks are permitted on board, there will be no way to truly discern what hooks are being fished unless 100 observer coverage is mandatory.

Now, that discussion was done upside down and sideways when the pelagic longline fishery went to circle hooks and there was no way in this world that the -- the National Marine Fishery Service would accept having any J-hooks on board the boat. Because

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if there's a J-hook on the boat, then the fishermen were going to use and it wasn't to be 100 percent circle hooks.

We've been through that -- that rationale time and time and time and time again over the years.

In fishery after fishery, there's numerous precedents in U.S. fisheries' regulations on that point.

E3 oppose as unacceptably short of what is necessary. NMFS admitted -- admittedly has little or not idea on the quantity of billfish interaction outside of tournaments.

The U.S. pelagic longline fishery is required to use 100 percent circle style hooks. It will be arbitrary and capricious for NMFS to require anything less of all other HMS hook and line fisheries that interact with severely overfished and potentially endangered billfish.

All HMS fisheries don't -- don't have to use circle hooks, but if there are HMS fisheries that interact with severely overfished billfish, that should be considered.

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E5 support for blue marlin, sailfish and spearfish. However, there should be no retention for white marlin and we -- we have a little bit problem coming -- coming to that because, you know, usually what -- what -- what we say is let each user group, you know, do the best they can economically as long as they stay within their regulatory quota -- quota balance. But, it's already obvious this fishery has not stayed within its regulatory quota balance. The 1100 to 1700 blue marlin in Puerto Rico alone, you know, dramatically expresses that.

One blue marlin, sailfish or spearfish per trip will not reduce fishing mortality unless 100 percent circle hooks, careful handling and release tools, procedures or training are also required.

E6 we support. It has now been five years since the 2000 ICCAT recommendation. The recently revealed 1200 to 1700 illegally landed and so recreationally caught blue marlin annual in Puerto Rico alone underscore the dire need for much stricter regulations, monitoring and enforcement of this

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directed fishery on severely overfished marlin.

On E7, we question why a time frame of -- of the, you know, December 31st, 2011. Why isn't it tied to, you know, a -- well, MSY. We -- we -- we question that. The time frame seems political. A biological threshold seems to be more appropriate.

Also, E8, we oppose because these -- these are not in the same condition as white marlin.

E9 support as a -- a monitoring enforcement necessity.

Then wanted to bring up a little bit about live baiting. Live baiting, you know, is -- is thought to be very -- very deadly. You know, deeply swallowed, et cetera, but we really don't know that much about it. When we went to live baiting in the Gulf of Mexico, there was an urgency that something had to be done. We have very little science. Very little science and now, we've gone to circle hooks. What is circle hook and live baiting like? Does the circle hook because it's corner of the mouth mitigate the -- the -- the deep -- deep swallowing damage? It

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could be. I don't know. I think we need -- we need to know a longline.

We've got a small handful of the pelagic longliners working out of Trinidad and Tobago that are live baiting and -- and the -- the -- the efficiency on -- on yellowfin tuna is like incredible. It's like two or three times efficiency on -- on yellowfin, but these guys swear that when they used dead bait, they're getting the bycatch. When they use the live bait, they're not getting the bycatch and I look right at them. I say I don't believe you. You know, I say, you know, get some observers on those boats and I'm telling you guys right now. Now, get some observers on those boats. We need some information on that.

You know, for the life of -- of us, you know, as far as, you know, the -- the commercial fisherman, we can't understand why if -- you know, if live baiting were a bad thing, then we shouldn't live bait. You shouldn't live bait. We shouldn't live bait, you know.

Now, if live baiting is -- is only a bad

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thing on J-hooks, then we shouldn't live bait on J-hooks. But, maybe live baiting is okay on circle hooks and maybe even it's a better thing because if you live bait on circle hooks and the fish comes up in the corner of the mouth and it's released with your careful handling and release if it's, you know, a fish to be released and because you're using live bait, you're catching your target catch quicker and you're getting off the ocean, in the end is there a reduction in interaction? Thus fishing mortality?

I don't know, but as a fisherman I'm very intrigued by that. I think that that's something that we should take a look at because back when we went to live bait prohibitions, it was all kind of, you know, hey, there's an urgency, something's got to be done. There wasn't a whole lot of science.

This fishery offered what science was offered. We hired John Hoey (phonetic). That's where the science came from. This fishery put up -- put up the little tiny bit of science that -- that was up there.

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I think that's something that we need to look at.

Also, a little bit on these -- on these hooks.

PARTICIPANT: Nelson, (inaudible) one minute.

PARTICIPANT: Yes.

PARTICIPANT: I'm sorry. Do you -- can you give me some sense of how much more?

PARTICIPANT: Not much. Yeah. On these hooks, it's -- you know, the 160 hook is -- is flat. Zero offset. The 180 hook can go up to, you know, a ten-degree offset. It's like a nine-degree offset. I haven't seen any science. I haven't really heard any -- any -- any science to say that that additional, you know, four or five degree of -- of offset is -- is a huge problem.

Also, you know, just let it be known that, you know, there is a big sacrifice with the pelagic longline fishery using circle hooks. You know, we are -- we are losing at least 30 percent of our swordfish

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catch. We really can't afford to do that, but our -- our guys have swallowed that basically because you can see the benefit of using the circle hooks across all the other species whether it be species to be released that are in better condition or species to be retained that are in, you know, much fresher, you know, condition, higher quality for marketability.

But, there is a 30 percent loss in -- in swordfish catch. So, you know, by numbers. So, don't -- don't think we haven't sacrificed.

Thank you.

(Section of tape blank.)

PARTICIPANT: -- specific to his study that would be great because he's got to start to think about heading for the door and --

PARTICIPANT: Bob, I want to (inaudible).

PARTICIPANT: Yes, based on the study that you've done here and you're expert conclusion and analysis, will circle hooks reduce mortality and do they do -- reduce mortality versus the J-hook that's presently being used or methods of fishing?

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PARTICIPANT: The conclusion here was that certainly the -- the conventional circle hook had much better hook performance. Now, I didn't study the fate of the fish after they left the boat, but John Grays (phonetic) has done this twice and is considering using this very same Owner hook as a matter of fact in the near future in our last conversation and he's going to use (inaudible) tags specifically answer the question.

Certainly, circle hooks promote live release compared to J-hooks. There's no question about that. That's been validated by the (inaudible) satellite studies which basically confirmed all the original conclusions in that original paper in '99.

So, that's been established as fact now and we're moving on asking more specific questions. Looking a hook that really is not considered as much of a circle hook as -- as it is a J-hook almost, but -- but that's been pretty much established. Not by my study but a subsequent study.

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PARTICIPANT: Okay. Thank you for the presentation, Eric. But, I think -- one thing we -- we -- and this is coming in reference to that. This was a live-bait study and that it's not going to turn out the same as a trawling bait study and that this E3 is -- in these tournaments, I think that you'll find about 90 percent of them are trawling tournaments. It's kind of comparing apples to oranges.

But, that being said, I don't think there's any serious offshore billfisherman at this time that doesn't realize that circle hooks are -- are of benefit to conservation. So, as the comments around this room today, I think you've heard that -- that -- that the compliance to release fish is up there above 90 percent and I've heard 95 percent/96 percent and I think if you'll let the recreational and the charter fishermen work through this on their own and don't make it mandatory, just make it voluntary, that we'll be at a 90 percent rate or better on using circle hooks for white marlin and sailfish probably in the next year or two just on educating ourselves.

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Second thing, there has been no really blue marlin studies done on the circle hook that I've seen. I've heard here and there, but our -- our techniques for catching blue marlin are completely different in my area than they are for white marlin and somebody's going to really have to explain to me why a J-hook and a lure is okay, but J-hook and a ballyhoo is not okay. I mean this big explosion. Big hole bent pole normally what we call it.

So, I -- I don't understand why it's good for one and good for other and I -- with that being said, I would support E1.

E2, I'm strongly opposed to just for the -- the reasons I've given and some other good reasons everybody else has pointed out.

E3 in reference to the preferred alternative, number one, most tournaments up and down the east coast do have incentive in there for using circle hooks. To give you an example, the Big Rock Tournament gives 400 points for a released blue marlin on a J-hook. Six hundred and forty points for a

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released blue marlin on a circle hook. On a white marlin, they give 125 versus 200 for a circle hook.

So -- and I know this is true in some other tournaments. Our tournament in Hatteras this year is going have a pretty big incentive for using circle hooks.

Number two was -- it says in there there's a benefit to other HMS species. I might be wrong, but I know most dolphin, tunas and wahoos, whatever caught in HMS tournaments are usually put in the fish box. So, I'm not sure what the other benefit is other than maybe you miss more of them.

The other thing that was pointed out by Bob and a couple of other people, there are a lot of tournaments that may include in-shore species or maybe even a king mackerel. A lot of tournaments in the Carolinas have king mackerel and marlin lumped in one tournament and you say HMS holders. Well, most of these guys participating in the king mackerel side of the tournament, they -- most of them possess an HMS permit. So, it would impact them tremendously.

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Let's see. As far -- to reiterate a little bit about the J-hooks, you know, I mean I think the -- the blue marlins kind of feed like a -- you know, they're -- they're built kind of like a swordfish. I think that -- that before you mandate something which after -- with no specs for circle hooks, I feel like it's almost unenforceable. So, I think we certainly have to consider that.

In alternative four and five, increase the minimum lengths, in most tournaments now on blue marlins which I only know of two tournaments that deal with the white marlin landings, but with blue marlin landings, most of them already require either 110 inch minimum length or 400 pound minimum size and 400 pound usually corresponds to 105 inches. So, you can put it in paper if you want it, if it makes you feel better, but I think that you won't see any benefit from it because I feel like we're already there, 105 inches.

As far as E5, I'm not in support of that, but a couple of comments is that according to what we were told, I think there's 118 blue marlin and 31

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white marlin reported for 2004. I would certainly want us recognized for that benefit of 101 fish that we're below the cap and if we're going to take it away, then it should be added back.

And the only second comment I had and maybe I just need to get with the biologists and try to understand, but I know Pete pointed out in North Carolina where released according to our citation program I think it was 2100 white marlin and about 300 blue marlin. Is that -- is that --

PARTICIPANT: (Inaudible) 438 on the blues and 2188 on the white.

PARTICIPANT: So, we're almost five times/six times as many whites as blues. I just don't see where that 31 number is going -- is such a big deal.

And so, that -- I think that brings me down to, I can't hardly see here, but E4, I would definitely be opposed to. I mean not E4, but E6. Because I just -- I mean it's such a small percentage. That 31 white marlins not going to make any

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difference.

And then E7 and E8, I would definitely be opposed to.

Oh, I'm sorry. On E5, I would be in support of E5, one fish per vessel per day.

And that's about it. Thank you.

MR. PRINCE: Can I just respond a little bit to his question?

Just to let you know and make this point of distinction, this study was strictly with live bait and the '99 study was with dead bait and I'll be happy to send you a -- a PDF file of the paper. You can read all about it. Okay.

PARTICIPANT: Okay. Thank you, Eric.

(Section of tape blank.)

MR. DELANEY: Hi, Glenn Delaney. I just first want to say that I -- I am very appreciative of having the opportunity to sit here on this panel replacing Bob McCullough (phonetic) who was a dear friend of many of us and who was a great expert on Caribbean fisheries and I think you all may recall in

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his efforts here and at the ICCAT Advisory Committee to try to bring Caribbean fishery realities to the table. Often frustrated in his efforts to do so, but he was a tireless spokesman and representative and expert on behalf of that too often forgotten or neglected region of our fisheries and I can't possibly fill his shoes in that respect.

But, I do appreciate the opportunity to be part of the process and will certainly do the best I can.

Fortunately, did have opportunities to work with him directly in the Caribbean and although there are many complex issues, some international which have made it more difficult to move forward on the domestic front, I think we can look forward to -- to working on that more effectively in the future and I know the agency is renewing their focus in that respect.

One of the advantages of going late in the process is that everybody has said what I was probably going to say. So, I'll try to make a couple of points

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that are more relevant to my background and experience here.

I think going all the way back to Dick Stone and -- and later on Nelson and others mentioned how insignificant the contribution to overall marlin mortality, billfish mortality the U.S. fisheries area in the Atlantic.

In that context, you can't escape in the back of your mind nonetheless the laws is -- is -- is what we face, but in the ICCAT context, it really sort of points to the -- the fallacy and absurdity of the leading by example negotiating strategy that are apparently promoted by some. You know, it's akin to walking into a negotiating session and with a knife in your hand and cutting off your left arm and you're right leg and then saying see what I've done and then passing the knife around and expecting everybody in the room to do the same.

It doesn't work. The -- the result isn't that they cut their left arm and right leg off. They all laugh and run away and you can't chase them

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because you've got one leg.

I'm sorry. That's -- it's certainly not the approach I took in -- when I had the -- the real privilege of participating in that role.

What letter we've achieved at ICCAT on paper in terms of conservation of billfish and other species in my opinion has not been achieved through that strategy and will not be achieved through that strategy very often. I'm not saying it's impossible, but it's certainly not my first -- wouldn't be my first choice of going forward.

In that, you know, to some extent until ICCAT fully embraces circle hooks, you know, you can apply that same logic, but having said all that, the research that Dr. Prince and -- and others have participated in, and truly, that was great stuff, is -- the results are so compelling and, you know, there's -- there's such an international recognition and movement and a very rapid one toward the circle hook design for reducing the mortality of species that are to be released whether they're for bycatch

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purposes or voluntarily or, you know, for other conservation objectives that I think the U.S. in -- in all the fisheries commercial and recreational would really risk losing credibility in that community if we were to overtly resist putting this on paper in some meaningful way.

You know, it's hard to be credible when you go to ICCAT and say, you know, trust us. We do this voluntarily and even though, I'm -- and that's not to diminish the realities of voluntary achievements within the recreational community, but if you put it in the ICCAT context, you know, if -- if Taiwan came to -- to me or anybody at ICCAT and said, you know, a wink and a nod and, you know, don't worry.

We're taking care of this voluntarily. We don't need to put this on paper. I don't need to tell you the reaction.

So, I -- I really encourage this process to result in some meaningful progress on circle hooks.

You know, there are a lot of options that were discussed. I think as -- as strong a commitment on

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paper as -- as the fisheries can make to this in the long term, it's -- would be greatly to their advantage both domestically and internally.

And frankly, when it comes to billfish, it's an international game. If you guys want to achieve some conservation for billfish, you know, you're talking high 90 -- 90 percent mortality attributable to fisheries outside the United States. So, that's where the game is.

But, domestically, and that's what this process is, bottom line the law states that we need to the extent practicable to minimize mortality and insure the extended survival of such fish and such fish are fish caught in recreational fisheries. This one is essentially a catch and release fishery or almost nearly so and that -- and that's what the Magnuson Act says we need to do and I think that the research is compelling. That circle hooks would achieve that required --

(End tape 8 side B.)

MR. DELANEY: -- provision in section

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303A12 I think it is and that's what we should be looking seriously to do and this process should try to move in that direction.

I'm personally a lot less concerned about minimal landings if indeed they're minimal, you know.

The -- the Puerto Rico thing was -- was quite a shocker and we've been -- there's been suggestions that a lot have been done there to address that problem and hopefully, that's the case, but, you know, if -- if indeed landings are minimal in terms of their -- post-release mortality which could, you know, be in the thousands literally in the case of J-hook use. So, let's get to the circle hook solution as strongly and quickly as possible and address what is probably a much greater source of mortality in U.S. fisheries than -- than what hopefully are minimal landings.

Having said that, one last statement. When we make a commitment at ICCAT, whether we like it or not, we're obligated to do that. So, we kind of have to implement what we've obligated ourselves to at ICCAT. I -- I don't know how that's an option

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presented for -- for comments. I mean that's the law.

And I'm not saying I advocate the 250 fish limit. You know, I -- I know I played a role in that and -- and, you know, maybe regrettably so, but that -- that's the case and -- and we did achieve billfish conservation improvements as a result of that.

So -- but, again, you know, that's -- that's -- we -- we don't have the option to pick and choose or cherry pick ICCAT obligations. We have to implement them and if we don't like them, go back and renegotiate them.

Thank you.

I'm sorry. I have a terrible cold. So, I may be hard to follow.

PARTICIPANT: Okay. Thank you. And I can pick up right where Glenn left off and I -- it's kind of creepy, but I think I -- I agreed with every word he said and I'm not sure if it's --

MR. DELANEY: Like I said, I have a terrible cold and I'm not making much sense.

PARTICIPANT: Maybe -- yeah, I don't know

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if it's -- if it's him or me, but yeah, if we're talking about billfish conservation, definitely it's an international problem. The focus -- we're at the point where the focus has to be international.

To the extent we're focusing domestically, that focus has to be on the post-release mortality in our fisheries which are, you know, commercial's all release, recreational that is virtually all release and I think there is a lot of progress we can make in reducing mortality there and it's all been said about circle hooks and I think we need an aggressive program to -- to convert our recreational fisheries for billfish to circle hooks to the extent -- with a goal, picking up on something Rom said, of -- of hopefully matching that release rate that has been achieved through a conservation ethic. Matching that has a 90-something percent circle hook rate within the next couple of years.

I think there is a problem making it mandatory. On the other -- I think an enforcement program. It may be workable in tournaments making it

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mandatory.

Barring that, I think it would be useful to convene in the very near future a summit of Atlantic coast billfish tournament directors. These things have been done in the past and to work out and agree on and develop a protocol for converting their tournaments to the use of circle hooks.

As far as the catch and release only requirement for white marlin, I honestly as a conservationist can't support that. I can't see any -- any benefit from that whatsoever. It seems to me as something that is being driven by the -- the pending Endangered Species Act decision and I think there is this sub-text that some people think that that can avert a listing next year. If that's true, then the Endangered Species Act is not the law I thought it was and it's a paper tiger and, you know, it doesn't really accomplish anything. Because there really is no conservation benefit in -- in -- in reducing the landings of 31 white marlin. I think there also is -- if there were, I would be the first

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to support it.

If there -- there was -- it was brought up earlier a question of whether we had the authority to reduce our landings of white marlin with an ICCAT quote of 250 fish blue and white marlin combined and wouldn't we be going against ATCA (inaudible). I think you need to ask Caroline Parks, if she's not here after the meeting, and really get a -- a good -- a better reading on that because I think it would be going against ATCA, but I think the spirit of it though -- it puzzles me because it goes against everything that we hear from the National Marine Fishery Service, the administration on how we should treat ICCAT quotas and it's all to give our fishermen -- in every other case, it's to give our fishermen a reasonable opportunity to catch all of those fish and in this case, you know, we'd sort of what -- what are we going to try to kill more blue marlin instead? I don't think that really is a -- a desirable situation.

I think Glenn mentioned the negotiating thing. That's another -- at ICCAT and that's another

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instance where we seem to be going against all past policy on these issues of -- I have been somebody and I am somebody who believes in leading by example at ICCAT, but that's always when there is a discernible conservation benefit to U.S. fishermen and to the stocks and I think and I will always think that we should go first when that is something that can be done.

But, to go first when there isn't any conservation benefit at this point when a new assessment's coming up for marlins and we're about to renegotiate international limits this fall, it seems awfully premature to -- to zero out our fishery when there wouldn't be any benefit to our own fishermen or to the stock.

Let me see. One last thing. On size limits, I don't support -- we don't support changes in the size limits, the minimum size limits. I don't think that really is going to have much affect -- much positive affect.

I do and I've said this in the past. I do

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think NMFS needs to look into the issue of a maximum size limit. We've seen a lot of studies for a lot of marine species that show that the -- the largest females in the population are the most fecund in terms of numbers of eggs and quality of -- of eggs that they reproduce and so, I think there could be a -- a much more substantial benefit by protecting numbers of those -- those very largest marlin. So, I think we might not be ready to do that right now, but I think you should put it on your agenda to try to -- try to look into that. So, you could be talking about a -- a wider slot limit than the one that Russ presented of three inches there I think we had to work with. Jokingly.

MR. DUNN: (Inaudible.) (Off microphone.)

PARTICIPANT: I know you jokingly said this isn't a slot limit.

I think we should look at some kind of real slot limit to protect the largest marlin and that's it.

Thank you.

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(Section of tape blank.)

MR. GARY: Martin Gary with the Maryland Department of Natural Resources.

And I will be brief and concise. You have Maryland's written comments.

It was mentioned earlier that those jurisdictions that had the most to lose were the most vocal and certainly at the white marlin capital of the world in the town of Ocean City in the state of Maryland, they voiced their opinions on these -- these proposed options and I can tell you that the town of Ocean City, its fishery stakeholders don't believe that they should suffer the potential economic impacts and the cultural impacts of a celebration of a great fishing event of the White Marlin Open, certainly one of the biggest if not the biggest billfish tournaments in the worlds.

So, we want to go on record stating that while we oppose landing limits and I'll talk about a couple of other things, circle hooks, we do acknowledge that we contribute to the mortality, some

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of the loss of these fish and we propose to do our fair share for that.

With regard to circle hooks, to that end, we -- we support the concept of using circle hooks as a conservation tool, but not their mandated use and we speak from a great deal of experience using circle hooks on the Chesapeake Bay and I'm not sure how many other jurisdictions have mandatory circle hook requirements, but we do on Chesapeake Bay for our catch and release fisheries for stripped bass.

A destination fishery, the Susquehanna Flats Catch and Release Fishery, has a mandated requirement for circle hooks. But, that came after nearly six/seven/eight years of an educational implementation with our stakeholders.

So, we would advocate that circle hooks be encouraged, but through an educational component. Certainly, a phased in educational component before any mandated use of circle hooks are required.

We have concerns about circle hooks and the lack of standards that exist with them and we

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don't think they're enforceable at the present time.

So, again, we would not support the mandated use of circle hooks at this time, but we do believe it's a useful conservation tool and we encourage all of the states and we plan to be proactive in working with our fishery stakeholders to -- to encourage them to use circle hooks in the offshore billfisheries.

With regard to landing limits, we oppose any -- any landing limits or restrictions to landing limits. We've worked intensively with our fishery -- coastal fishery stakeholders, the recreational and charter fisheries and our billfish tournament organizers to minimize the mortalities associated with our billfish tournaments.

Over the past five years at the White Marlin Open, we've averaged a total of about 3 percent of the fish that were caught were brought back to port.

One example of the high end is in 2002 when 1,065 fish were reported boated, but only 23

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brought back to port. Just a little over 2 percent.

On the low end in 2000, 144 fish were caught in the White Marlin Open and only four brought back to port.

So, again, we would suggest to you that we support the use of -- the use of circle hooks as a conservation tool, but using an educational component to that and no restrictions on landings and you have the rest of our written comments.

Thank you.

(Section of tape blank.)

MR. DEVNEW: Jack Devnew.

First I wanted to go back to something Ken said there. If I understood him correctly, I couldn't disagree with him more than on this 250 fish ICCAT ATCA issue. Although I am not supportive of doing anything with the 250 fish limit or landings with respect to, you know, the -- the issue that he raised, however, is very important.

There is a long history of the Fishery Service enforcing and reducing commercial catches,

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efforts, time area closures, minimum sizes and everything else far in excess of what has been required at -- at -- at ICCAT. The closures that we - - we have millions of square miles closed right now that have nothing to do with ICCAT. Absolutely nothing.

We were within our minimum size swordfish tolerances when those were put in -- put in force. So, that -- that argument that this somehow connected is -- just doesn't hold any water whatsoever, you know, in that we can't reduce something further than our international obligations.

If you are right, please I hope you are because let's just reinvent the whole commercial regulatory framework we got going now. Because we are punishing the hell out of our people far in excess of what our ICCAT requirements are.

The -- with respect to the -- the alternative that you have here, number one isn't good enough.

Number two, I strongly support with --

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with enforcement. Get the J-hooks right off the boat.

If you find them on the boat, you fine people. You know, voluntary enforcement is -- is -- or, you know, compliance is a wonderful thing and -- and -- and the recreational fishery has a lot to be proud of in that regard, but there's plenty of people that are not following it and they need to be brought into line and they need to be brought into line very significantly and -- and if, you know, somebody catches one on a Diamond Jig, well, then he's in the wrong place at the wrong time and that's just -- that's unfortunate and it happens all the time in the commercial world. Trips are seized by some inadvertent thing that happens. Fines are levied and it is punishing what happens in the commercial world.

There is absolutely no justification not to enforce circle hooks throughout the recreational fishery to the maximum extent possible.

The data speaks for itself. The issue as we've all talked about is -- is -- is mortality and the mortality -- the post-release mortality that can

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be addressed with the circle hooks versus the J-hooks is obviously dramatic.

I'm opposed to number three, therefore, because I don't think it goes far enough.

Number four, I see no rationale to increase any minimum sizes. I think the circle hook accomplishes what you need to do here.

I don't support alternative E5. Again, you know, the -- the actual catch and landing of these animals is -- I don't think is the issue.

I think E6 we have to do with our international obligations.

E7, I got no problem landing a few fish. It's -- it's not the issue. The issue is the post-release mortality and the circle hooks.

E8, I'm against and I guess E9, I'm probably for actually. I think there's some good data to be accomplished by mandatory tournament permits.

Thank you.

(Section of tape blank.)

PARTICIPANT: Let me take a little

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different tact here.

I receive direct financial compensation from probably three entities that would be interested in the outcome of these -- these discussions. That would be the Billfish Foundation, the Coastal Conservation Association and the Gulf States Marine Fisheries Commission. Having said that, I am not obligated by any of those groups to represent them.

I also don't think anybody ought to kill a billfish and I find the idea of 400 boats running around the mid-Atlantic desperately trying to kill a -- a 70-pound white marlin in the hope of winning a million dollars personally offensive to my ethics and my way of thinking of fishing.

Now, having said that though, I recognize that we've all got our own ethics. We've all got the ways we think and -- and I have no more right to dictate my desires on the general public than anybody else.

So, it's very difficult questions. I agree with Glenn Delaney almost completely.

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I agree that the -- that deliberations at ICCAT are not a deliberation where you go in already compromising your position, but I think there was a little illogical in the consistency in what I thought I heard Glenn say. Is that we should go ahead and implement these circle hook regulations domestically as quickly as possible.

I think we need to have circle hooks. I'd like -- I use circle hooks all the time. I participate in some small tournaments around the world that use circle hooks. They all work. Admittedly, their tournaments were 50 or 60 boats at the maximum. They're not as many boats you have to control.

I think we have to acknowledge the 250 cap. I mean we've been involved in that. We've had it in effect essentially for five years. On the average, we have never exceeded it. Formalizing that I don't see as a problem.

It is, you know, but the proposed regulations in respect to that that would automatically carry over overages and would allow for

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underages to be carried over if and only if the agency goes through a rule making, I find to be unacceptable.

For instance, if you had a year where you caught 270. You're 20 over the cap. The next year you caught 100. The next year you caught 100. The next year you caught 270. Unless the agency went through rule making, we all know how -- how -- how much, you know, inertia exists to get the agency into rule making and how slow it goes. Then after four years where you had averaged 185 marlin a year, you'd by law have reduced our cap from 250 to 210.

I mean it's -- it's fundamentally absurd.

I think that any regulation should automatically without having the use rule making allow overages or underages to be adjusted forward to the next year.

I suggest that whatever regulations are ultimately put in place that deal with this issues whether they be circle hook regulations, regulations on the retention of marlin, they do not go into effect until after next November.

It's unfortunate perhaps that maybe we

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could have used some of these more successfully as negotiating tools last November. We don't seem to have negotiated very much, but let us not take them off the table. Let's not go into ICCAT next November having already arbitrarily tied our hands by imposing certain measures on our fishers that we could easily wait and use as a bartering tool and put in place if -- if and after we have received some concessions for those other countries that as we all agree are killing the most -- the most billfish.

Thank you. Oh, and the other thing I just want to say is I mean 15/16 years as director of fisheries at the state level, it's true. You can't enforce a mandatory circle hook law. You can maybe enforce it if you dump it on the tournaments because most of the tournaments require everybody to obey the law and then you enforce -- you force those people as Rick alluded to to be the law keepers. I mean one negative outcome of that could be that they decide to drop those mandatory requirements that everybody, you know, enforce the law.

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I think that a voluntary approach or a stepped approach is probably best and -- and I -- I -- I think that'll work.

Oh, in terms of permits for tournaments, yeah, I think that we have to have the reporting. We need that. The registration has been partially successful, but I think the tournaments should be permitted.

(Section of tape blank.)

MR. HEMILRIGHT: Dewey Hemilright.

When we get talking, I think some interesting work that Mr. Prince has done with circle hooks and -- and looking at different things. I have to currently use a 16 aught circle -- well, a 16 aught or an 18 aught and it's offset. I use a 16 aught circle hook when pelagic longline fishing.

I wasn't given an opportunity to voluntarily use it. I was mandated to use it.

And it's funny as we sit around this table and listen to everybody talk about -- and I -- I laugh about it because it is funny to listen to everybody

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about how here you have a chance to reduce marlin mortality. People talking about release 96 percent. Well, heck, if you release 96 percent and 25 percent of them are dead or die because you didn't use the right kind of hook and could of changed, what the heck good are you doing?

I mean it's funny that we sit around here at the table and -- and I'm sure I ain't the one to be saying it, but it's just -- it's kind of laughable. Every year you'll talk about all this stuff and here's a chance to do something.

We go over to ICCAT. We tell all these other countries. Well, they know what they're doing to commercial crab because there ain't nobody left, but here's a chance for the recreational community to embrace circle hooks and I haven't heard too many good things coming around the table about wanting to embrace because it might be too intrusive yet or -- or we're not ready for it yet or I can't think. There's a bunch of other different things.

But, I mean sometime somebody's got to

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bite the bullet and start using it. We -- you know, what's going to happen is you'll have groups like Oceana and Ocean Conservancy, you know. They're suing to make -- they sued and I might be wrong. They were suing to -- to make the -- the commercial longliner use the 18 aught hook I believe. I might be wrong and please correct me.

But, for the rest of you all out there, these people, they're going to start suing to make you use these hooks because you're not using them because you know they're true to their cause in -- in -- in -- in marlin mortality and we sit around the room and we listen to Dr. Prince's presentation and it sounds like, you know, it's a real incorrigible thing. Something to change and maybe somewhere somebody's got to institute the start to change a little while or it ain't going to happen.

We can sit around the room and just, you know, talk about the 96 percent release rate. Well, hey, suppose you release 96 percent of them and you got it up to where all 96 percent was alive when --

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and making it later on. That 96 percent and five days later they all die because they were using a J-hook and what good have you done.

I mean so, I've had to bite the bullet. They made me do it, you know, and -- and if you do make them do it, give them a -- a -- a million dollar by-back on all these hooks that they got stashed on the side, you know, because I got still a thousand dollars worth of hooks that's sitting there I didn't get to sell. So, maybe you all can come up if you're doing.

But, somewhere somebody's got to make the tough decision to do something. I mean it's obvious that around this table we can't get together to do it or make the decision.

So, if -- if the National Marine Fishery doesn't help out and do it, you know the enviros are going to help out and do it.

So, we can sit here and talk about the hooks, but it looks like there's some good work to be done. Why don't just somebody go up and instead of

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giving money for releases, give money for -- give all the money to ever killed the biggest fish with the circle hook instead of releases. Give some incentive away. Don't just chum them up. Give them the whole ball of wax and that'll change.

Thank you.

(Section of tape blank.)

PARTICIPANT: Okay. Thank you, Paul. I -- I'll be quick.

I just want to say I'm thankful that the discussion finally got around to what I think is the real problem and that's the foreign mortality and I do agree with a lot of what Glenn said which might not have done in the past, but -- and Ken and Russ. I think that we -- and -- and Dewey said something about making tough decisions.

We got to make some tough decisions at ICCAT and whatever we do domestically, let's use that when you go to ICCAT to get rid of the 250 fish limit which is ridiculous and also put pressure on the other countries to reduce the billfish mortality.

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One thing Glenn said I do have to comment on. He said that, you know, we have to live up to our commitments. I wish ICCAT operated by other countries living up to their commitments. Unfortunately, they haven't done that.

But, again, I just want to emphasize to use what we're going to do to reduce the real source of billfish mortality.

(Section of tape blank.)

PARTICIPANT: Do you want to go, Frank?

MR. MCBRIDE: Yeah, Joe McBride, New York Montauk Boatmen and Captains' Association.

Just to -- to be on the record, I'd like to support the preferred alternates of -- the alternates preferred by the RFA and basically, education -- a voluntary education program.

Circle hooks are coming into use now in most fisheries that they're appropriate not because we're all moralists. Because they're a very efficient tool for catching fish. I -- I hate the -- I'd like to have something more moralistic to say about it, but

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they're very good in -- in your tuna fisheries. They're very good in your bottom fisheries. We use them for live bait. We use them for dead bait.

Some fisheries, they're not good in. Maybe down the line with some modification, they would be, for example, as Rom pointed out, certain types of high-speed trawling which we do a lot of has to be examined to a greater extent before I'd switch over and I'm sure my colleagues in the Block Sound region -- because we do a lot of trawling. We don't do much offshore chunking anymore for a whole bunch of reasons which we don't have to go into.

Secondly, the problem with this I see is enforcement and I'm a big fan of enforcement and I believe in it, but I believe you never make a law you can't enforce. There's nothing worse to do.

And the illustration with the agency is your HMS AP or HMS registration for sharks and tuna. I think that's the biggest joke. If you can't register the people who are fishing by a Federal regulation or law, how are you going to go about

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chasing hooks on a boat back and forth and it's just insane. I mean I don't think 10 percent of the people in my geographic region who are -- and -- and no one does this deliberately. It's just for lack of enforcement that no one is registered in the HMS program. If it's 10 percent, it would be a lot.

Most of those 10 percent would be charter and -- and party boat owners who are professional. The other ones don't even know about it, half of them.

So, I'm sorry. Go ahead, Russ.

PARTICIPANT: The permit.

MR. MCBRIDE: The permit. Yes, you get \$27 permit or 33. I don't know what it is this year, but whatever it is and no one has them and I don't know about other regions geographically.

The little bit I -- I ask and I'm probably blowing the whistle on -- on many of my colleagues, but I mean if you're going to have a law, have a law you can enforce. Don't put a law into effect you cannot enforce. It's just a joke.

I'll give you another one. The drug

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enforcement, Coast Guard drug enforcement. Another joke in our area. I mean a very small proportion are in the random testing program. Another law. Don't make it if you're not going to enforce and you can go on item for item with this, but anyhow that was just for the record in support of the RFA program.

Thank you.

(Section of tape blank.)

PARTICIPANT: This goes quite a ways back to the anecdote and I want to ditto what Glenn had to say about and we finally heard a little more about the futility and the saddest of this process in regulating U.S. citizens while we're not going to manipulate anything from less than 1 percent or less than 3 percent in the case of bluefin. With that sliver of the pie, we will have little or no influence and little or no power in the process.

And so, it -- it strikes me as very sad that we sit around here and whether it's seeing Jack's whipping boy Nelson and his friends that he referenced yesterday or perhaps the billfish people nearly

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feeling the whip today which is more -- it's sad for me, too.

But, the anecdote regarding Colorado, 10 percent fish and 90 percent people, we're talking about at least in Colorado they're managing 100 percent of the fish. Maybe it's only managing 10 percent, but it's 100 percent of the fish. We only less than a percent of the fish, but we're managing 100 percent of the Americans. That's it.

PARTICIPANT: Thank you. Peter, you're next.

PARTICIPANT: Yeah, I just thought I'd -- you know, Nelson made a comment and I thought Puerto Rico was part of the United States the last time I looked. How do they get to land I mean that many blue -- blue marlin? I mean I don't quite understand that.

PARTICIPANT: You know, I'm sure Henia (phonetic) can clarify better than I, but there has been between 1100 and 1700 blue marlin landed, illegally sold. How many years this has gone on I'm not -- I'm not certain, but this was brought up to us

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for many years by Bob McCullough and then by the Chairman of the -- the -- the Caribbean Council who -- yes, I don't know where he is, Henia, and then it was confirmed by Marvin (phonetic) going down there and confirming it and they are U.S. fish and they are marlin and they are in excess of the 250 bag limit, you know, and it's been -- it's been very nebulously reported to ICCAT in an appendix to the U.S. National Report in 2005, 2004 New Orleans Report.

PARTICIPANT: I -- I think it's being stated a little more concretely than it is. What I believe you're referring to are the NMFS -- I mean the Merks estimates of the landed fish in Puerto Rico and those estimates as Nelson said have ranged from I think if I recall correctly last year's are -- are somewhere between 600 and 800 estimated landings under the Merks system with a high of around 1700.

Now, if we use Merks in some context, we get blasted because it is ostensibly not precise enough. In other context, it's being used to say this is a real problem. So, there are uncertainties

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associated with the data.

And, you know, this links to the carryover question that someone had raised before. Why isn't there a -- a mandatory carry forward of underharvest and -- and the reason that it is not codified as such is because in part the -- the resolution -- recommendation 0014 says you must carry forward overharvest and you may carry forward underharvest.

Well, United States at one of the interessionals a few years ago, Dr. Hogarth (phonetic) made a commitment that the United States would not carry forward our underharvest until the discrepancies in the Caribbean and Puerto Rico were straightened out. Because there's -- there is significant uncertainty surrounding our landings.

So, hope that clarifies.

(Section of tape blank.)

PARTICIPANT: Well, how does -- how does Dr. Hogarth think (inaudible).

PARTICIPANT: Yeah, real quick. When -- when Bob initially brought this up a few -- a few

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times and initially if I remember correctly, when the five councils initially did this plan and eventually was taken away, there was a subsistence fishery issue that -- that Bob brought in here and that's where some of these fish -- that -- that was my understanding. Not -- not some, but probably even most of these fish were done in a subsistence thing and then now, it kind of branched out to where maybe it's just a -- an overharvest of the recreational catch that wasn't tracked or whatever.

But, that kind of played in there, too, if -- if -- if I remember correctly.

PARTICIPANT: Yeah, there's no -- the subsistence fish -- the sale of fish in the subsistence fishery which I think you're referring to never at least officially took place.

PARTICIPANT: It never happened.

PARTICIPANT: Because there were about nine -- no, nine requirements that the Commonwealth of Puerto Rico and others had to actually put in place prior to that coming into effect. That was never done

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and actually, we're removing that potential sort of a loophole if you will with that one alternative in the regulatory housekeeping which says to remove the exemption to the no sale provision. That closes that loophole.

But, the sale of fish even for subsistence purposes has not been allowed since 1988.

(Section of tape blank.)

PARTICIPANT: You have a quick clarification.

PARTICIPANT: Yes, real quick. Yeah, when I -- when I spoke earlier, I said I supported everything that Louis said before me and that was in regards to his comments on E2 I didn't support and I was not speaking in favor of the catch and release only on the marlin and that was -- and the other thing with the J-hooks, instead of buying them back, we should just use them in door prizes at ICCAT.

(Section of tape blank.)

PARTICIPANT: I have a comment from Shana Miller who is unable to attend.

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She specifically asked me to support the catch and release only fishery for white marlin which is the agency's preferred alternative. Just given that the species is a candidate for USA. Even if it's not a lot of fish, it seems like a prudent measure.

So, putting my Oceana hat back on, Oceana is generally interested in circle hooks. It's a useful tool. We're interested in having the agency pursue that.

(Section of tape blank.)

PARTICIPANT: Okay. I have a couple of quick questions of Margo. A couple of people have spoken on merging HMS into the billfish or vice versa. My understanding was that that was going to come up later on in these meetings because I wanted to speak on it, but I thought it was coming up later under housekeeping or something like that. Should we speak on that now or -- or hold our piece until later on?

PARTICIPANT: Given the fact that we're running over, I'd like to find some time to talk about it later.

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PARTICIPANT: Okay. Let's do that and the other thing is for three meetings now we've heard about this either real or imagine -- it started out at 1,000 marlin. Now, it's up to 1700 marlin that supposedly are being killed down in Puerto Rico.

Is there one iota of proof that that's going on? If so, you need to do something about it. If not, we need to stop throwing this crazy number around.

Thank you.

PARTICIPANT: Well, just in response, the Merks estimate is based on an estimate of effort and then observed fish and you multiple those two together and get a number and that's what that number is.

So, there are definitely some landings in Puerto Rico. Because if there were not, then you would not have an estimate.

The Merks estimates also produce CV, coefficients of variation or PSEs as well and they're very high. So, that gives you an indication of the certainty of that estimate and this has been under

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consideration, under review for some time. I will have to defer to the Southeast Center on their latest process in progress.

PARTICIPANT: Okay. Sounds like there's a big enforcement problem down there then that you guys need to do something about.

(Section of tape blank.)

MR. DONOFRIO: Thank you. Jim Donofrio for the RFA.

I see that ICCAT here was brought up and I agree with most of what, you know, Glenn had said and others regarding ICCAT.

I disagree that we need to put more restrictive measures on U.S. fishermen such as the mandatory circle hook to show ICCAT that we're serious.

ICCAT is not serious and I know this from the people in this room that have a lot more time at ICCAT than I do, but over the last ten years of attending some of the international meetings, it is definitely the international commission that catch all

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the tunas and every other fish that they go for. There is no doubt.

Listening the European community and others at those meetings, it is sickening. It is sickening. They have -- there is no compliance. They don't care about compliance and -- but, the bottom line is our State Department, they should be at this meeting listening to our fishermen. They work for us.

They work for U.S. citizens. Yet, they don't care. They don't care one iota of -- that they're putting us out of business.

If you look at my board of directors on the corporate side, you've got the big guys on there.

Okay. I'd say they got lots of hundreds of millions of dollars at stake here and lots -- and thousands of jobs at stake here in these fisheries and there's nobody here in this -- in the State Department that really cares about those jobs.

What we care about is -- is leading by the chin again. Going over to ICCAT and say we're going to volunteer again and still have no compliance and I

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remember Riley (phonetic) -- Riley and -- and Terry Garcia (phonetic).

Without -- without compliance at ICCAT, it's the heart of the agreement. We still do not take that serious. We go over there every year with all these new recommendations and -- and new resolutions and yet, we should just stand still and say we're not doing anything until you comply with the existing regulations.

I mean if they complied, we'd -- we'd see rebuilding in a lot of the fisheries. Almost overnight. If they complied with the billfish regulation that was put in place. That alone right there. If they complied with Atlantic bluefin tuna and Eastern bluefin tuna, if they complied, we would see tuna come back.

Why are we -- all of us here sitting around saying no, we got to do more? We've done enough and I think and I'm saying this because the scuttlebutt I'm hearing, you know, from some of my colleagues here, you know, off to the side -- side

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chat is that why don't we slow this down, the agency slow this down a little bit here? Why are we in such a hurry to be more restrictive on U.S. fishermen? Let's see what's going to go on with maybe Bill as the chairman now and whatever other kind of leverage we can get and -- and slow this whole process down and try to get these international people engaged in this and get our State Department off their butts and do something for us.

Thank you,

(Section of tape blank.)

DR. CAMHI: Thirty seconds. Merry Camhi.

Also following up from the comment that Margo made. Shana Miller support.

From a conservation perspective, anything we can do to -- to reduce mortality on these animals I think is on the direction we have to go. Whether or not they actually get an Endangered Series listing, there's no doubt in anybody's mind that these animals are very much in trouble.

We already have --- the commercial

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community has stepped up to the plate and implemented circle hooks as a mandatory measure. I think that we need to look to the recreational community to do the same thing to help reduce mortality.

Enforcement is going to be an issue whether it's mandatory or voluntary. It's something we're going to have to work out and so, let's do what we can to get the mortality down and help save the species.

PARTICIPANT: Merry, thank you.

(Section of tape blank.)

PARTICIPANT: Yes, we're -- you can fine the -- the Puerto Rican landings and that's just Puerto Rican alone. That's not, you know, the other U.S. Caribbean Islands, et cetera. It's in the spring 2004 HMS billfish AP transcripts that are posted on the web. Also, in the fall 2004, ICCAT Advisory Committee both in the open and in the closed sessions, there's numerous testimony on it. Plus NMFS brought in a Merks person that did an analysis on it. Also, in the appendix of the 2004 national -- U.S. national

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report to ICCAT. That's -- that's -- that's all in the written form.

And in response to what Russell had brought up as far as a provision in an FMP, certainly doesn't override a U.S. international treaty. An international treaty that the U.S. has signed onto.

PARTICIPANT: Right. I agree. If I -- I agree if I implied that. I don't recall. I'm not sure exactly what you're --

PARTICIPANT: No.

PARTICIPANT: I -- I --

PARTICIPANT: It's just not clear.

PARTICIPANT: Yes, I agree with what you're saying.

PARTICIPANT: Okay.

PARTICIPANT: Treaty is -- is overriding. It trumps it.

(End tape 9 side A.)

PARTICIPANT: (Off microphone.) -- tuna. We had originally a two-hour block set aside for bluefin tuna and right now, what we can do is set

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aside -- spend an hour and a half. We're going to try to see if we can't (inaudible) issues up front and the first (inaudible) question. We recognize that there are other issues that are linked --

(Section of tape blank.)

PARTICIPANT: I don't think anybody really needs -- want to hear from me. I just want to thank everybody for coming and -- and participating and helping us as we move through some of these -- what I think are the toughest issues we probably have in the agency when you deal with the highly migratory and so, we appreciate your input.

We're going to have a -- I guess you've heard already, probably a very very tough ICCAT meeting this coming year with all the stock assessments and -- and the issues going on.

We met with Canada and Taiwan yesterday in a -- in a government-to-government bilateral meeting and I was surprised at Canada's position of seeing to -- being -- agreeing with the EU more than they're agreeing with the U.S. these days which is going to

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make it tougher I think for us as we go through bluefin and swordfish.

But, I am very surprised that Taiwan is complying with all the restrictions put on them last year and they made a -- I thought a very excellent presentation of controlling their boats and they're in the process now of -- of destroying over 100 vessels and -- and so, it's a -- they seem to be moving in the right direction and we'll keep on top of that.

But, thanks for coming. Thanks for participating and we look forward to working with you as we move through these issues.

(Section of tape blank.)

PARTICIPANT: All right. Good afternoon, everyone. Hopefully, the turkey sandwiches and tryptophan have set in and, you know, this will be nice mellow session.

For some of you, this presentation may seem a little redundant. This is the same presentation that was given to the councils and -- during the public hearings during the -- when we

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conducted them with just one additional slide summarizing some of the major themes that we received through the comments to date.

The purpose and need for addressing bluefin tuna management in this document, essentially, it's becoming increasingly difficult and complicated to manage this species. Unfortunately, they don't read our Federal Register notices on a regular basis.

Sometimes it's very difficult for the public to understand some of the -- the rationale that we use and sometimes the regulations that are currently on the books no longer reflect the needs of the fishery due to the inherent variability that this fishery seems to play out, you know, from one year to the next.

You know, and this is evident by the number of correspondences that we receive, the inquiries and the level of engagement that we deal with our constituency on this particular species and the fisheries that prosecute them.

And lastly, in this proposed consolidated

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FMP, we're looking also to address a couple of the items that were brought forward in the petition for rule making submitted to us by the North Carolina Division of Marine Fisheries.

So, to start off, some of the alternatives that we examine, we could start off with the status quo of how the fishery is currently being managed. For the general category and, in a sense, the angling category, we currently manage via time periods, subquota allegations whether they're size/class derived or temporally derived.

And currently to amend a number of the rules that we have in place that manage bluefin tuna, it requires an FMP amendment to alter those rules or regulations again, as the status quo, however, currently exists.

The general category time period is currently split up into three different time period segments and one geographical set aside. The geographical set aside being the New York bite area and in the diagram on the left-hand side, we can see

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how that general category of bluefin tuna quota is allocated temporally. Sixty percent June through August. Ten percent -- excuse me. Thirty percent in September and then 10 percent October through January.

Underneath the status quo, we also have in the recreational fishery a north/south dividing line as depicted in -- in the current image and another item that we'll be touching base on is how a couple of the ICCAT recommendations intertwine. For instance, the -- the more recent northeast distant set aside to account for incidental mortality in or around the vicinity of the management area and how we actually have incorporated that recommendation with when we calculate the 8 percent tolerance limit on the allowance of school fish to be harvested.

One of the items that we were trying to address in this rule making was with the inherent variability that -- that comes with bluefin tuna fisheries and the management bluefin tuna is how do we enhance our ability to be flexible to adapt to these changes that we may -- may not have the information to

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foresee one or two years out.

In alternative F2 here, we actually looked at establishing general category time periods, the associated subquotas and geographical set asides on an annual basis. For instance in the specification rule making that we do each year.

What this alternative was trying to get at was to enhance the flexibility that we have at our disposal to its maximum where we would, you know, revisit what had taken place in the previous years and come out with a whole suite of proposed regulations for the upcoming year.

Kind of a down side to this alternative is that you don't maintain consistency from one year to the next. So, it has its pluses and minuses as do all the alternatives that are presented, but this one here would -- would maximize our flexibility to adapt.

Our preferred alternative was an attempt to try to blend what we have currently existing on the books with the status quo while also trying to enhance our flexibility and in doing this, there's a number of

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sub-alternatives that I'll get into, but here procedurally, we are proposing that we would actually codify the quotas in whole metric tons in the regulatory text.

Currently, right now in the FMP and the regulations that implement the FMP, we only have the overall baseline quotas and the percentage allocations to each domestic user group. By codifying some of the -- what the calculations are for those quotas, it also allows us to be flexible where we could amend some of this regulatory information via regulatory amendments versus FMP amendments. Slightly shorter time frame and turnaround. So, it can be somewhat more responsive overall.

And in an attempt to, you know, streamline the annual specifications where a number of this information would be in the regulatory text as far as baseline allocations are concerned. In years past and currently, we need to go forward with proposed and final specifications even to establish baseline allocations for all the domestic categories whether it

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be general, harpoon, longline purse seine, et cetera.

And as I had mentioned, you know, underneath this alternative in addition to amending the process, we had also revisited how the current general category time period allocations are and how they could be revisited based upon recent observations in the fishery while still preserving the traditional nature of the fishery as well.

So, as some of these sub-alternatives in addition to the status quo which I had mentioned earlier which was 60/30/10 split, we had examined looking at breaking out the general category bluefin tuna allocation equally amongst the months that it's currently prosecuted in. Essentially June through January of the following year and essentially that equates out to about 12.5 percent of the general category quota would allocated to each specific month.

Again pros and cons come along with this.

There is some consistency when it comes to first of the month what quotas going to be available, but also in those years where we do have catch rates, that it

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could also exacerbate the derby fishery style where folks are getting out on the first and -- and then really having at it in a very compressed time frame.

We had also looked at a number of different other alternatives. Again print into alternative F3B where we stayed a little true to the time frames that exist in the status quo. June through August/September. Here we've compressed October and November and had split December and January out as their own unique time frames and the said percentages associated with each of the fisheries.

Our preferred alternative against staying true and it -- it'll stay true for the last couple sub-alternatives here was to maintain these time periods. The June through August. The September. The October through November. The December and then the January.

In the preferred alternative the way the percentages played out, we -- we felt that it struck a balance between the traditional general category

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bluefin tuna fishery which historically had been prosecuted in the New England and Southern New England area. Therefore, in the status quo why the quota was so heavily allocated to the earlier portions of the season.

But, overtime, we've experienced and observed that the fishery has shifted and continues to do so and, therefore, trying to strike that balance between the traditional way the fishery's been prosecuted versus recent observations and to address the North Carolina petition for rule makings. Try to access what we're seeing. Therefore, you know, a later season fishery. Late fall into the winter months.

The alternative F3D actually speaks directly to the requests for allocations in the North Carolina Department or Division of Marine Fisheries petition for rule making. So, there's very subtle changes between F3B, F3C and F3D. But, again, it's all finetuning trying to strike that balance between what we're seeing now and what was seen in the past.

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Setting away from general category time period allocations, one of the items I had previously mentioned was clarifying the procedures we use when we're calculating the 8 percent tolerance limit for school size class bluefin tuna as it relates to the most or more recent northeast distance set aside allocation.

In the -- currently what we -- how we've been doing it procedurally, is we've been deducting that 25 metric tons set aside and then applying the 8 percent to the overall U.S. quota.

And to more reflect the language that's contained in the ICCAT recommendations, essentially, we would be making that 8 percent calculation inclusive of the 25. Very subtle change. Essentially it -- I think it increases our school size class quota by 0.02 percent. So, very minimal, but just brings the language back into alignment as it stated in the ICCAT recommendations.

What's also contained in this preferred alternative would be to remove the north/south angling

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category dividing line that we had an image showing in the status quo slide that I can go back to at the end of the presentation if needed. The intent is to address public expectations that this line is currently being used to allocate our recreational fishing opportunities.

Currently where I think most folks, in fact, all folks around the table are aware that we manage the recreational harvest via the large pelagic survey and with some of the time delays that are involved in this monitoring method, you don't necessarily have real time data at your disposal which is almost essential to be managing or to be able to use that north/south line as a useful management tool.

Therefore, you can monitor how the catch is taking place either south or north of that line, curtail recreational or tension limits. Therefore, not excluding any other participants in different geographical areas from participating in that fishery.

Currently, what we do at this point is we manage these recreation allocations whether they be

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the -- the -- essentially the retention limits through temporal means where we look at different seasonality, increase or decrease retention limits based upon comment that we receive as well as traditional or historical data information and we've managing it more through temporal versus geographic. So, we're proposing to remove that measure at this point in time.

Looking at alternative F5, where we would maintain the bluefin tuna specification process and the under and over harvest procedures as they pertain to our specification process.

Currently right now, we're not proposing to amend any of the baseline allocations that each domestic quota category has been given. As I had mentioned earlier, you know, this would establish baseline quotas, you know, in whole weights for each category by codifying in the regulations that implement the FMP. It becomes less crucial that the annual specifications go final before individuals know what they have to fish on in each and every year.

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The baseline allocations that are derived from how those percentages are calculated against the ICCAT allocated quota would at least provide for a baseline. Those baselines then, in turn, would be, you know, increased or decreased based upon the previous year's under and over harvest, very standard to what we do now to get a final allocation, but at least the baselines would be in place for individuals to pursue their fisheries come June 1st.

Still maintain the -- the transfers from the reserve to cover overharvests. We would not be proposing underneath this alternative to adjust the default retention limits in the annual specifications.

You know, for instance, in years past, we've followed up the specifications or in some instances proceeded the specifications with in-season actions that actually outlined what the retention limits were not only for the general category but for the angling category, the recreational sector as well.

And we currently underneath the status quo here would maintain the restricted fishing day

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implementation wavering procedures via in-season action.

So, as I mentioned codifying some of this information in the regulations alleviates some of the burden that the agency needs to do to establish baseline quotas as well as for the affected constituents for knowing at least what they're starting off with even if we still have a little bit of math to do to account for previous years under and overharvests.

We would still conduct an annual rule making. That would not change. Although the timeliness of turning that rule making around would slightly decrease in the sense that as ICCAT baseline allocations for bluefin tuna typically are in place for a number of years, we wouldn't have to come back and reanalyze what the percentages are and what those baseline quotas are each and every year. I think that's just pretty standard information until ICCAT amends their U.S. allocation for bluefin. At that point in time, we -- we'd re-conduct an analysis

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whether it be an EIS or an EA and -- and do the appropriate analyses there as well as -- as the ICCAT allocation altered.

Again, you know, just touching back, the baseline quotas would be codified. You know, therefore, we know -- know what we're starting off with even though we would need to do the math to address for under and overharvest. Touch base on the ICCAT recommendation. That -- that's when we need to change our analysis to account for the socio-economic environmental impacts. Whether our baseline allocation were to increase or decrease.

We'll get into a little bit some of the in-season action criteria that we'll analyze as far as how that affects transfers to and from the reserve to meet multiple management purposes and underneath the new annual bluefin tuna quota adjustments or the specifications as I've been referring to them, we would actually be proposing retention limits in that same rule making. Therefore, having the ability to get some public comment while we're going through that

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process and then we could amend mid-season if needed through the in-season action process.

Maintaining RFDs would stay consistent as far as the process to implement and to waive.

Staying true to, you know, looking at different levels of flexibility that we can implement here as we manage this fishery, we could, you know -- when it comes to rollover provisions, for instance, I -- I think we've experienced some substantial underharvest in recent years. That currently the -- the status quo rollover provision is that, you know, the underharvest is carried forward to the subsequent year and vice versa any overharvest is -- is deducted from the subsequent year, you know, depending on what's in the reserve category as well.

What we're preferring in this consolidated FMP would actually be to establish a cap if you will on the individual quota categories' ability to carryover from one year to the next at 100 percent of each category's baseline allocation, you know, except for the reserve category.

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So, essentially, that would mean that each domestic quota category would not be able to carry forward more than two years worth of quota. Again, when you're dealing with one year to the next, not necessarily problematic, but when you have multiple successive years of substantial underharvest, you end up in a stock piling situation which does lead to some concerns biologically potentially if -- if all that quota is harvested on a sensitive year class, et cetera.

So, this is a domestic attempt to kind of curtail some of this rollover and stockpiling that we're -- we've been experiencing over the last number of years in any one category and then we would also maintain our in-season action authority to then transfer quota around whether back to that -- that same category or to some different category so that we as the U.S. aren't -- aren't experiencing large underharvest from one year to the next going into ICCAT.

I touched base on this a number of times

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throughout the presentation so far. Maintaining in-season action procedures as the status quo, the no action alternative where we maintain the ability to adjust for tension limits, transfer quota to and from different quota categories and the reserve or add or waive restricted fishing days as they're scheduled and as -- as needed.

Currently in the regulations, there's multiple sets of criteria that are applied to each one of these types of in-season actions which can really -- it leads to a level of inconsistency as far as what criteria is being examined to do each one of these activities. So, again, it's somewhat administrative, but we're at this point proposing and preferring an alternative that would revise and consolidate the criteria that used and currently exists in the regulations so that it would apply to each and every type of in-season action.

Obviously, some of that criteria would be more pertinent to different types of actions than others, but at least there would be a consistent list

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that constituents could go back to when we performed an in-season action and could see how each of those criteria were addressed prior to that rule making going final.

And lastly, you know, just to round out our host of alternatives would be to eliminate bluefin tuna in-season actions altogether. Essentially, we would set up the fishery and -- and let -- let that fishery play out as it will and not amend at mid-stream. You know, obviously, this brings some difficulties as we don't know how that fishery will play out until we're in the thick of it.

Here I won't really run through for time purposes the entire list. How it's been consolidated, but I can meet with folks afterwards and we can go through the finite details here. I'm -- I'm sure it's in the -- the materials that you've been presented. So, again, for timeliness, I won't run through each one of these bulleted items.

Again, most of it is just modified from what's currently in the regulations and just being

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consolidated.

Lastly, just to kind of hit on some main themes that were touched on in the comments that we've received to date, you know, while knowing that the comment period still remains open. Looking forward to receiving some valuable comments here this afternoon as well.

In regards to amending the process and the specific time period suballocations for the general category, for the most part, we've received support for amending them. That level of support is varied by the alternatives rather equally so far and although we have received few comments that oppose changing the status quo management, they have been few.

Regarding the angling category north/south line, there's been general opposition to remove that line at this point and most of the comments received have directed the agency or recommended that the agency revisit its recreational data collection process.

Again, few -- few comments received have

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been in support of removing it due to the false expectations it -- it does -- it does lay out.

And regarding -- lastly, regarding quota rollover limitations, the comments have been a mixed bag. Individuals have expressed support and opposition. Individuals have expressed concerns that we're getting out ahead of ICCAT. That this level of dealing or that this issue dealing with rollovers should be addressed at the international level because the current ICCAT recommended quotas are tax. That there's conservation concerns with the stockpiling and if there are sensitive year classes that -- that move through and -- and then just overall access concerns.

So, I tried to be brief there for timeliness, you know. Again, the main thrust here is to get comments back from folks and -- and this document has been out in circulation. So, I'd really prefer to save more time to get your feedback and if I did miss any details, you know, I'll be available after, you know, getting comment that we can really get into it.

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So, thank you.

PARTICIPANT: (Off microphone.) Thank you, Brad, and maybe this -- it'll be worth just a moment to (inaudible). Not everybody was at the table yet, but I think that we were going to try to focus our first wave of -- of comments specifically on the -- the recommendation that -- that -- that -- that Brad has just discussed in his presentation. We know that there are other issues. I'm not going to be very expert at knowing if someone's trying to slip in a peripheral issue or whether it's particular germane to this specific --

(Section of tape blank.)

MR. DONOFRIO: Thank you. Jim Donofrio representing the RFA.

Regarding -- start off with the -- the general category. We have a lot of members that are general category members. As you know, they'll -- they'll fish on what looks like sport fishing boats, but they're in the general category because historically this fishery was managed differently in

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the old days. So, they're still involved in that.

We look at this as the availability of fish. Wherever they are. Whether this show up in New England and I remember when they were off New Jersey in herds during the '60s and early '70s and things do change and, you know, what it should be is it should be whatever the availability, you go out and catch them.

So, if they're off North Carolina and there's quota left, since we're fishing under a 20-year rebuilding program with a quota, there is no conservation problem despite what some of the environmental groups have been pressuring the agency to say they shouldn't allow that fishery to be open in -- in North Carolina during the winter to catch all that quota.

Well, all that quota is what ICCAT gave us. So, we either catch it or somebody else is going to catch it overseas and I'd rather see our boats and our marinas during business during this time of year wherever they're available.

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So, we strongly support having that type of availability to wherever the fish off. They show up off Ocean City, so be it. Mark Sampson (phonetic) and his charter boats will be catching them. That's great. God bless them. Let them go get them.

And so, that's -- that's the way it really needs to be managed under real time where the fish are like every other fishery is.

The -- to school bluefin fishery, we've been told that we're going to fix this length wait problem the way we were calculating the -- the fishery over the last few years. As you're aware of, we don't have a school fishery this year.

So, one of the requests I'm going to make is that the agency gives us a school fishery this year. In the -- in the desire to fix this data which is about 400 metric tons, we're not asking for that much. We're asking for our historical share. Have -- send a letter to the SCRS chairman to go on the record that say hey, look at. You know, we're going to fix this thing.

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It's a matter of just getting the problem fixed, but to not give us a fishery would be insane especially in light of I know that the United States has allowed the European community when their numbers were off by 20,000 metric tons, when they appealed to us and said well, we'll fix it in five years and they haven't done a darn thing about it, we still allowed them to do it. So, we're only asking for a -- you know, a few metric tons here of fish to keep our communities going. So, I'm asking for that.

PARTICIPANT: Jim.

MR. DONOFRIO: Please.

PARTICIPANT: If I could just interject real quick.

MR. DONOFRIO: Yeah. Yeah.

PARTICIPANT: Hear you loud and clear and if we could keep the comments --

MR. DONOFRIO: Okay.

PARTICIPANT: -- more focused on amendment two. So --

MR. DONOFRIO: All right. Okay.

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PARTICIPANT: -- everyone will have the opportunity to --

MR. DONOFRIO: Okay.

PARTICIPANT: -- to speak to things that fall outside the realm.

MR. DONOFRIO: Got ya. Okay.

PARTICIPANT: I appreciate that.

MR. DONOFRIO: Regarding the line -- regarding the line moving the line --

PARTICIPANT: Thanks.

MR. DONOFRIO: -- that was a big issue for us. We were involved in that issue. RFA was -- was meeting with members of Congress on that where we met with the agency on that. Because of what happened, all fish being -- staging in one area and with such little quota, Brad, as you know, if they stay in, you know, let's say hypothetically off of -- of those -- those lumps down in Ocean City, you're going to have the southern boats from Cape May, some Virginia boats and Ocean City boats. But, Joe and -- and the guys to the north and our guys in the mud hole there in

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Jersey, they won't even see a fish.

So, there have to be some kind of a -- that's why I think the opposition's still there about line. What -- what they want to see is a way where you can allocate the resource to the different historical regional grounds with such a small percentage of fish. So, you know, that -- that's the concern here.

The rollover issue, I love the rollover issue. I remember when we did that. I think it was in Santiago where we got the -- the four-year overage I think. Right. Was it four years then at Santiago? And that works well.

As far as I'm concerned stockpiling, so what? So what? It benefits U.S. fishermen, you know, but that's an ICCAT issue and I think that should be addressed at ICCAT and not here domestically.

As far as the rest of the other comments on this plan, we are -- this is a -- this is a living document with us. We're meeting with our ad hoc tuna committee and we will submit those more detailed

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comments on those other issues here.

Thank you.

PARTICIPANT: Thank you, Jimmy.

(Section of tape blank.)

PARTICIPANT: Okay. A quick -- a quick policy question. Status quo in the plan has been to automatically rollover overages and underages. The preferred option would be to set a cap. I think that that is probably not unreasonable.

But, the preferred option in the billfish plan is to automatically subtract overages, but not rollover underages without going through special -- special rule making.

How can you justify the distinct policy difference and the approach taken in bluefin and what you've proposed for the billfish plan?

(Section of tape blank.)

PARTICIPANT: The ICCAT recommendation language is the same. We have to under -- we have to deduct overharvest and we may carry forward -- did I get that backwards? We have to take overharvest off

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and we may add underages back.

It has been our policy to always carry forward with the one exception that Russ mentioned about billfish not being carried forward at this point.

The fact that we would be doing bluefin or billfish specs to adjust is -- would be the same for both. We do bluefin spec right now to do over and underharvest and for billfish, we're proposing the same.

PARTICIPANT: Okay. Well, since you raised that -- what Russ said, I guess I'll pursue it.

I wasn't really going to, but I understand that we are not going to include any automatic rollover of billfish or make it the policy to do that because Dr. Hogarth has reached an agreement outside of this rule making process and outside of the NEPA process with foreign governments not to do that? Is that the -- is that the case and how consistent is that with the -- the United States laws that would cover the rule making effort?

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(Section of tape blank.)

PARTICIPANT: I'll take a shot at it and then we can ask Dr. Hogarth if my interpretation is -- is correct because I wasn't at the meeting.

My understanding is that a number of years ago, I -- I don't recall which ICCAT intercessional, the other nations, I think, potentially the EU raised the issue of U.S. landings of marlin and the uncertainty associated with our landings that were being reported to ICCAT given the high Merks estimates of landings and my understanding is at that meeting, the U.S. made a commitment to not carry forward our underages until such time as we can better quantify our landings and -- and deal with the uncertainty surrounding the landings in the -- Puerto Rico and now, I'll ask --

PARTICIPANT: I apologize, Paul, that this is taking longer than I thought. I --

PARTICIPANT: This is billfish. You know, I thought we were talking about the bluefin.

PARTICIPANT: Our -- our recreational

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commissioner's not aware of this agreement and if now as it stated this -- this agreement was made some years before, it should certainly been disclosed and been part of the scoping process in this documentation.

(Section of tape blank.)

PARTICIPANT: It certainly has been. I mean I -- I know I've -- I've gone through this same discussion numerous times at -- at hearings and here right at the AP. So, I'm sure we can find it in the transcripts that this discussion has occurred. These same facts have -- have come out multiple times.

PARTICIPANT: Well, and -- and to that end and to the point that this is a bluefin discussion, let's try and see if we can table the billfish discussions for later if we need further discussions.

PARTICIPANT: I apologize. I asked a policy question directly related to bluefin and you, Margo, opened up the box by talking more about the billfish side of it.

PARTICIPANT: Well, I send it back to

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bluefin.

(Section of tape blank.)

PARTICIPANT: Thank you. Hey, Bill. Glad you're here.

Couple -- I have -- I really want to focus on one issue. A lot of the internal issues I'm going to leave to the fishermen to sort of make recommendations on, RFDs and those types of things.

But, we -- we certainly prefer the amendment to the management options which is your preferred alternative. But, I do have some comments and some concerns about some of the various alternatives.

First in regards to the statements that a derby fishery could occur with the 12.5 percent allocation across the June through January time period, I think needs to be clarification there. Because that wouldn't be the case for those of us that have allocations less than that 12 and a half percent.

So, that concern that was sort of made, that blanket statement that was made was really only

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related to the earlier season months when you have high quota allocation. It wouldn't count, for example, in November, December or January.

So, that leads me to the -- basically, the alternatives that we're looking at here. When we met a couple of years ago, I can't remember how many it has been now, North Carolina petitioned for 150 tons which is alternative F3D. The 10.8 percent and the 10.9 percent and basically, in discussions around the table and in the room, we agreed to go with the 80 so metric tons which turned out to be the 5.2 and 5.3 percent.

Well, one of the basis for our accepting that arrangement was our ability to work with ICCAT and get the quotas raised over time so that we would ultimately get 150 ton fishery. Well, it doesn't look like that's even a possibility anymore today. I mean I'm fearful that we're going to lose allocation from ICCAT and so, the likelihood of us being able to go to ICCAT and ask for more quota is I think impossible at this stage of the game.

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And I think much of that is reflected because of the fact that we can't catch the fish and a lot of it is because the fishery shuts down with 50 percent of the quota remaining in February, March, April, May, June. We -- we could be fishing particularly in February. We could be fishing. There were fish available, but -- and I understand that that's an administrative thing where we got to go through and change it. But, it would certainly seem to me that based on a lot of the changes that have occurred in the fishery over the last several years that it would make more sense to evenly distribute the quota allocation throughout the year.

So, instead of having seven months at 12.5 percent, do 12 months at 8.3 percent and that way it gives the agency the flexibility when you have a situation like we had this year where we had a lot of boats come down from New England, we had a lot of boats come up from -- from down south, you know, and when the fish started showing up off of South Carolina and Georgia, we ran out of time, but we had 400 tons

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and we had already transferred 200 into reserve.

So, I don't know how you go to ICCAT and asked for more quota. So, I don't see how under the preferred alternative at 5.2 percent and 5.3 percent North Carolina will never achieve its goal that we were kind of led to believe we were achieve working through the ICCAT process.

And so, for that reason, I -- I don't really have any other choice but to -- but to ask for you to do alternative 4F3D which does give us the allocation that we requested for the winter fishery in the South Atlantic from our petition.

Although we would prefer if we -- if there was an option available or we could make the new option to do a year round fishery.

But, I would ask finally and I'm shut up.

The question I would have to Brad is why can't we fish -- other than the law, is there a reason why we can't catch bluefin tunas general category when angling and longliners can? Is there a reason why we can't catch general category fish in February through

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May biologically, stock-wise, that kind of thing?

PARTICIPANT: Well, I'll field that as best I can.

To get back at your first observation there, Louis, in regards to the equal allocation per month, the statement I had made is operating under the assumption that regardless of time of the year that with each one of these individual allocations that have if catch rates are high whether it be December, June, August, September what have you is that it could create a derby style fishery where you have a limited allocation per month and again, it's hypothetical, you know, and not -- not -- there is some basis for it based upon historical catch rates, but applying it to this situation is hypothetical.

To get at your second question regarding the ability to fish into February, March et cetera, currently as you pointed out, it is regulation that the fishery closes on January 31st.

I would also I guess need to defer to the Southeast Science Center as far as what information is

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currently played out into the stock assessment for bluefin tuna and that if allowing these fisheries to continue into months where historically they have not been prosecuted in, does that have any implications on the information that they're supply to SCRS. That I -- that I don't know.

Whether or not that's just covered in some of the noise or if some of the assumptions that they're making on numbers of fish at different year classes or size classes, if that would be affected. So, I'd -- I'd have to defer to them to give you a more substantial answer on that one, Louis.

PARTICIPANT: Just to that point, I'm just unaware of any fishery in -- in the world really that's managed with a quota that's determined from an assessment, but yet there's an arbitrary closure date even with 50 plus percent of the quota remaining and it just seems to me that if you -- you know, the way we manage quotas in North Carolina and along the east coast is that we shut the fishery down when the quotas met. We don't send boats home with 50 percent of the

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quota left in fishery and -- and that's the -- that's the question I had.

I don't know if there's some reason why you can't catch them in April. When longliners can and anglers can, why a general category guy can't and so that just -- I -- I think it's something we need to look at as this fishery changes and we get into the scrapes that we're in now with all this quota left over and people starving. We need to come up with some way to address those problems.

(Section of tape blank.)

PARTICIPANT: A couple of statements with a question in between.

First off, getting into the data. I think for years we've heard that -- that the -- on the recreational side the data system needs to be looked at, but I suspect that any changes that may or may not happen in the future are going to be highly influenced by the current review process that's going on and the question is where is that review process and last I saw, we're suppose to have something out next month on

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this thing or does anybody -- can anybody answer that question?

(Section of tape blank.)

PARTICIPANT: The results of the NRC study will be presented the end of March. I think it's the 28th and 29th and 30th. There's letters that's gone out to some recreational people I think and gone to the state directors and they will be presented in a -- in fact, they are now saying that they will have the -- the final report done. It won't just be draft. It'll be a final report, but they will take comments at this meeting. I think it's here or it's after the (inaudible) -- yes, the end of March. March 28th, 29th and 30th. In that time frame, yes.

PARTICIPANT: Okay. And -- and -- and the other thing that I would say is that in dealing with any kind of a quota regardless of the fishery, I think that anytime that -- that fishermen whether they're recreational or commercial if they're punished by an overage, they should be rewarded by an underage of that fishery in the -- in the following year. So, you

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need to look at that.

(Section of tape blank.)

PARTICIPANT: Well, wait. We were flipping a coin. Yes, I -- I won.

PARTICIPANT: Right.

PARTICIPANT: I'm going to go backwards on the alternatives. F11 eliminate the in-season action.

Winter bluefin is against that and then over to alternative F8, not to exceed 100 percent, but to be given in anyone year. You know, we're up against a

(End tape 10 side A&B)

PARTICIPANT: . . . situation now that we are not really all sure. We have some data. We don't have a lot of data. But we aren't sure whether we have a stock problem, whether we have a forage problem, whether the winter fishery did not produce this year because of weather or because of late start. Fish move on south. I would say that we proceed very cautiously in the future on how we manage to roll over to not exceed the measures whatsoever.

And then to go further on, there as not a

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12 month fishery in one of the alternatives. In fact going forward dinner, Winter Bluefin Association is opposed to F1 status quo. Our preferred alternative would be F3(a) to divide the coastwide general category into eight district time periods to correspond each month from June through January with 12.5 percent. That would be our preferred. If that was not be met, then it would be F(d) to dive the coastwide general category into five district time period to correspond to June through August at 38.7 percent, September 26.6, October and November 13 and then December/January it would be 10.8 in December and 10.9 in January. And that would be consistent with the North Carolina petition for rule making, which would be 150 metric tons in those two given months.

And that's all I got to say. Turn over to Peter.

PARTICIPANT: Yes. Alternative F3(c), I think if you made a couple of changes would be pretty good, really. I think North Carolina probably should get somewhere between the 5.2 and the 10.8 in the

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months that you're talking about, December and January. I think 5.2 is probably too little and I think 10.8 is probably a little too much. But I think one of the things that you should do and which I don't quite understand if they don't reach of their quota of whatever it ends up, whether it be 5 or 10 percent in January, I don't see any reason why they can't keep fishing until their quota of whatever it may be. I mean unless there's a biological -- and I'm sure there isn't. It seems to me that they should have the opportunity. Because I understand the weather down there is quite iffy certain times of the year. And so it seems to me that if F3(c) had a couple of changes in it, I think it would make a lot of sense.

The other point is that on the overages, I understand the overages can't be, you know, piled on and piled and piled on. But the question is if you don't give them to the fishery the next season or in two seasons down the road, what do you do with them? We don't want to give them back to ICCAT. It seems to me they should go into some sort of a reserve when

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things turn around, which hopefully they will be and I think hopefully we can address when we get through addressing these issues.

On some of the other things that you're doing, Brad, it seems to me you're trying to make your life easier, and I think that's a great idea. Some of the other alternatives you had to come out with the rules quicker and just to be able to move quicker for Gloucester to change things around. I'm not quoting anything in particular, but I just got the sense that you were trying to simplify the workings in Gloucester. Is that true I mean on some of the other minor preferred options?

PARTICIPANT: Yes, there is truth to that, Peter. We're trying to streamline some of the bluefin tuna management. You know personally has benefits, no doubt about that. But also has benefits, you know, in terms of the fishery.

PARTICIPANT: I think it has a lot of benefits for the fishery because you get a lot of criticism especially when we're fishing in July and we

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don't have the rules for June, and people get upset about that. And I understand why they get upset and I understand why you can't operate under your present rule making thing.

Thank you.

PARTICIPANT: Thank you.

Just if I may, Brad, are we prohibited from discussing anything other than what you put on the board in subquotas there in your slide presentation? In other words, the length weight conversions and inconsistencies and so forth?

PARTICIPANT: Yes. At this point, Joe, I'd prefer just to hold off.

PARTICIPANT: All right. Do you have a provision later one to discuss these items?

PARTICIPANT: Based upon how much time we have left, once we've heard the entire panel's comments on the amendment itself, what are presented, we can get some information expressed there --

PARTICIPANT: Well, let me pull out something, if I may.

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Every year, probably for the last 15 or better years, I come up here complaining about the school bluefin fishery without going into all the moral objections, for lack of a better term, of philosophical objections to the 8 percent rule, which will be discussed by people much more knowledgeable than I, the history of that particular rule. And you're destroying, the agency is destroying our school fishery or a third of our season in late September certainly and early October in the Block Island Sound, the Rhode Island, Eastern Long Island and Connecticut regions year after year after year.

You could give me, for example, 53 fish 47 or better, we don't see them and haven't seen them for 10 years. You know, occasionally we'll see a giant, maybe 2 or 3, but we don't see that large school small medium fishery in our geographic area. That's number one. But I'm not allowed to talk about that, so take all those things I just said away. I wouldn't mention them.

But going back to what I can talk about,

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the north/south line. Again, that was put in again for equity. First we had asked for a set aside for the Block Island Sound area for approximately 10 metric tons in the angling categories so we'd have a fall fishery. We went through the no fish per day, one fish a week in hurricanes only and the whole scenario.

We finally got back a fishery six fish and a prorated 25 fish on a head, but we had a fishery. That lasted one year or so, and that was gone bye-bye.

Then we reduced it down last year, we had two and one, which is a marginal fishery. This year we have no school size fishery, we have no fishery as far as our geographic region goes.

So the north/south line assuming we get something back again, the idea of that line originally was that the south or the north, either side, did not get all the fish at one time and the quota would be gone, particularly the 8 percent quota would have been dissipated in the southern region before they ever got to the north, and again we'd have no fishery.

So with due respect, please, we're asking

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you not to destroy the north/south line. It at least appeared to be equitable if there was some school fishery available.

Thank you.

PARTICIPANT: Well, I have to agree with what Jim and Louis and some of the others said about the need for flexibility concerning the availability of fish. I mean, we've seen some changes, certainly, and there needs to be opportunity to catch the fish.

And certainly we would agree with F3, the ability of the HMS group to more effectively manage the fishery.. It's difficult, for instance, alternative F4. I mean, how could you not agree with it and yet the real issue is the lack of quota in the angling category and the unreasonable 8 percent allowance. So it's difficult to not talk about that when we make comments on this. And I'll guess we'll have to save discussion of that until later.

Also, and just concerning what Joe said about the north/south line. Again, when we put the north/south line in we used real time, we had real

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time data collection. And, you know, you need to have an equitable distribution of the fish in that school fish fishery. So why not try to improve your data collection with, again, I've expressed this before, BTR programs for hire and your catch card programs such as you have in Maryland and North Carolina already and get real time data. We should be striving to go towards that rather than moving away from it.

And I'll submit the rest of the comments in writing.

PARTICIPANT: A couple of things before I go over opposed and support alternatives.

I don't know if National Marine Fishery Services always realizes just how lucky they are, especially when it comes to the bluefin tuna groups, both the angling group and the general category groups. I mean, these guys literally work their hearts out to bring you proposals. And I know how difficult that is. But when East Coast tuna and general category and winter bluefin tuna fishery and North Shore, et cetera get together and discuss the general

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categories issues, I mean that's knock them out, drag them out. I mean it's not an easy thing for fishermen to come to compromises. And that's one of NMFS greatest tools.

Same thing with the angling category. I know how difficult that stuff is. And each and every one of our fisheries, they're very complex. And, you know, it's one of NMFS' greatest tools to use or not use, you know, to its fullest. In general I think everyone, including at NMFS has done a wonderful job.

These are tremendously complex issues.

In general, you know Blue Water is supporting the proposals that were made by the general category commercial group, which include most of the preferred alternatives. On alternative F4 I think there needs to be special attention there. That's a special category that has had difficulty and the existing survey does not work.

When it comes to alternative 8 we oppose that alternative. We support it in concept, but this needs to be done at ICCAT so as not to disadvantage

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U.S. fishermen.

Alternative 10 we support. And then I've got to additional alternatives that we think should be considered. One would be F12, and that would be reevaluate the need for the June Mid-Atlantic pelagic longline closure, the pelagic longline fishery should be afforded a greater opportunity to catch its targeted species of swordfish, allowable tunas and sharks, especially considering the existing protections for bluefin tuna in the Gulf of Mexico and Florida East Coast, as well as the 100 percent circle hooks, careful handling release tools and certified training.

Western Atlantic bluefin conservation is being held hostage to ICCAT's Eastern AVT regulations.

The U.S. should not continue to penalize its remaining fisheries for ICCAT's shortfalls. Soon without relief such as this the U.S. will have an even lesser role within ICCAT as its remaining commercial fisheries disappear.

And F13. I know the mechanisms are

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available, they're there, but they've never been used. And every time we bring them up at the right time, et cetera, et cetera, everybody just kind of chuckles. But there needs to be a way to loosen up on the pelagic longline catch criteria during in season when it's not utilizing its full incidental quota. The idea is not to have to throw away dead discards if you have an incidental quota available. And especially with the country not utilizing its overall quota, you know, it's shameful and a few other things to discard fish unnecessarily.

Thank you.

PARTICIPANT: Yes. Thank you.

First of all, rather than repeat it all, I'll just say that I support what Louis said. He said it probably much more eloquently than I would. But North Carolina did have a request and it seems that, as Louis pointed out, we may end up not even get what we more or less I thought agreed to in this room 2 or 3 years ago as to getting 88, or exactly what it was-- 77, whatever. But at any rate, we stand to lose even

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more than that if we don't go with what Louis pointed out, which would mean that I would support I think it was F3(a) or F3(d).

And then a couple of other issues. Bluefin tuna is the only annual fishery I know that starts out at eight months. I've not been in it a real long time, but 7 or 8 years in the management business and I've never seen an annual fishery based on eight months. And with 500 or whatever we got, over 400 metric tons of quota left, why do we have to stop fishing January 31st. I know it's by law right now, but I think that certainly needs to be addressed.

And I guess we'll get into the length and weight issues later. So I won't bring that up. But there was one other question that I had and it was having to do with the management in the angling category. And it was, I think, Louis, somebody -- maybe it was Fred that said it was managed by the LPS Survey and that there is some lag time. And I just want to know is that lag time 30 days, 6 months, a year, whatever. Thanks.

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PARTICIPANT: Well, yes, to get at that question, Ron. When the LPS was actually constructed, it wasn't constructed as an in season monitoring tool. And so, again, I don't know all the intimate details that go into that survey and in driving the final numbers. But typically it takes some time. Usually it was devised as an annual estimate tool versus in season. And trying to hammer a round peg through a square hole hasn't worked in the past in some of the pervious reports we've seen. So there is some lag time to make sure that that survey mechanism as accurate as it can be.

Yes. I'll submit written comments, but I would support F3(c) with we need to put a little tail on the end of it that would allow fishing for rolled over quota until June if necessary. Keep in mind I'm not talking about that year's quota, I'm talking about rolled over quota from the prior season. Shutting down the fishery at the end of January there's absolutely no need to do that. However, regarding requests for 150 tons when our deal that we cut a few

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years ago was 77, absolutely do not use this anomaly and blatant mismanagement of the Gulf of Maine ecosystem, which we'll get into in a little bit, to wrestle quota from the historical fishery that existed in New England for many decades. We will get the fish back. And if you want no fish in North Carolina, I would suggest that you permit midwater trolling on your Menhaden resource and perhaps you'd feel the pain.

On F8 absolutely not. Don't give it away, don't give it back. Let's straighten out the Gulf of Maine's ecosystem. All we need to do is have a little cooperation from Sonia and fish on about 50 million pounds of their dogfish. And have Bill implement the emergency action that we need by June 1st to take mobile gear out of the herring fishery. And there's a whole lot of real science and real anecdotal information to back up the reasons we need to do this. And we'll get into that shortly, I think.

And I will submit written comment also.

Thank you.

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PARTICIPANT: (Off microphone).

PARTICIPANT: Yes. I just wanted to point out that basically the North Carolina request that we all refer to as the north Carolina request, but there's some other states south of North Carolina that also want to participate in the fishery. And it's been evolving south. The fish have either always been there and we just haven't got the fishermen, enough people going out there or they just showed up. But we've had a lot of people showing up down south, too.

So that much might be a natural change in events. We're getting a lot more crowded.

So I mean the point is is that fisheries do evolve and change. And I think you have to be flexible to address that. And I also think you need to be equitable. And one thing is that you do have two states, North and South Carolina, that are starting to see a fishery and they should be able to participate in this fishery somehow.

The other thing is I would support -- so I would support -- for us I would support the, I think

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it's F3(a) the 12.5 percent would be best, as most equitable. And if not, after that, it would be the preferred. But also we would like to also look into some type 2 extending. I think it's been said before.

Extending the year. We have fish, apparently they're out there, February and probably right now that our fishermen could be fishing on. Although there's not many of them, but still we'd like to fish on them. So possibly looking into adjusting that year. There's no reason not to. And, again, especially if you have quota left over.

And as far as a 100 percent rollover, why was a 100 percent selected. And if you get a 100 percent in one category that are limited to certain type of fish, is that going to balance out if that one fills up and you can't take those fish or do you have to put different size fish between different categories along with the percentages? Does that make sense?

PARTICIPANT: In regards to the 100 percent, you know it essentially was a number that we

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internally come up with that. We felt, you know, it wasn't too punishing, if you will, you know to those categories that haven't been able to harvest their entire quota in a year. So essentially you could carry forward 100 percent of your quota. So if you caught zero fish, so essentially you could fish on two year's worth of quota at any given time.

In regards to the second component of your question where -- and I think this is what you were getting at, Henry, is that if you have two categories, say the angling category and the general category, both experiencing under harvests to the point where they've reached that limitation, how the agency differentiate between those small fish quota versus the large fish quota, is that correct? That is an excellent comment that I haven't really wrapped my mind around at this point. But we'll think about how that would be tracked.

PARTICIPANT: Despite having actually 30 years starting my fishing career in the bluefin fishery and despite being part of this group for over

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six years, the metric of bluefin regulations still confounds me significantly. And so I don't feel qualified to speak to any of the particular alternatives, although there are plenty of people in this room that are qualified, and you've heard from them.

My only comment then would be to urge the fishery service to select that alternative or those alternatives that best facilitate catching the entire quota. I think the best hope for bluefin stock rebuilding, for swordfish, for billfish, for turtle, for the right whale; all of those things the best thing internationally for these fisheries is for the United States to catch all of its quota on all the internationally allocated quota. It's the best hope for all of these fisheries. So I would urge you to always keep that in the back of your mind.

And the only other comment, and it's relative to this, whether you're a charter boat owner/captain, your revenue depends on your ability to catch fish. Or whether it's a head boat, whether it's

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a longliner, whether it's a scalloper, a midwater troller. And if there's fish that are there that are allowed to be aught, you have to catch them, you know, for the conservation. But the other reason is the people that are engaged in these fisheries have to make enough money to reinvest into their equipment to enable a safe platform to go to sea. And I don't think that this is brought up often enough. If you're going to have a fishery, you have to allow it to be a healthy, economically health and vibrant fishery. Otherwise, you're sending people out in harm's way that they just don't need to be. It's a dangerous enough occupation, at best. And they need to be able to economically healthy.

Thanks.

PARTICIPANT: I'll try to be brief. I'm following up on Robert. Well,, he left.

He mentioned the Gulf of Maine ecosystem imbalance issue. And I was just going to say that, you know, we made a lot of progress in recent times on the forage issue with respect to herring. But he did bring

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up the dogfish issue, which is very valid. And, you know, not only are we managing for perhaps at least economically valuable resource in the Gulf of Maine, it's potentially or probably one of the more destructive in terms of the sense of when you get that far out of balance and you end up with a species like dogfish dominating the ecosystem, you know, they can really suppress the ability of other species in that range to ever rebuild. So it's a bizarre management strategy we have up there. I'm not sure it's a strategy. It's maybe a strategy by default. But in any case, I think what we need to do is learn the lesson of the past two bluefin tuna seasons. You know, I really probably your alternatives were put on paper at least since the last two bluefin seasons. When did this proposed rule come out?

Well, these alternatives weren't developed until August? Well, certainly in the last year. I think we should learn that flexibility is a very highly desirable objective in managing bluefin tuna. Obviously we have dynamics that re taking place that

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we don't understand and are very dramatic in terms of geography and abundance. And anything we can do, this is taking off what Jack said, to maximize your ability to have flexibility to manage the fishery and be responsive to those dynamics, it as real time basis as possible to maximize your ability to provide U.S. fishermen with a reasonable opportunity to harvest their ICCAT quota, which was scientifically arrived at and internationally agreed to, you know that should be your objective. And so more the arbitrary restrictions on the fishery that are built in, you know, I think somebody mentioned the January 31st close the fishery no matter what requirement. Well, you may want to rethink that particularly given the last couple of years of experience of just how big a swing in change in the fishery we have seen in the past few years.

So I'd just reiterate that recommendation that others have made to look for that. Maybe some of these concepts were arrived at a while back that you could reconsider now.

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Thank you.

MR, DONOFRIO: Thank you. Jim Donofrio representing the RFA. I have a couple of questions here for you, Brad.

A city agency has mentioned about a derby in the general category. I fished that category for many years and I can't comprehend the word derby when generally it's generally one fish a day. So, you know, explain to me where a derby would be created there.

Want me to go through these questions?

PARTICIPANT: Yes.

MR. DONOFRIO: Okay. Angling in general.

Two different type of fisheries as far as, I guess, the socio part of it. The angling category boats tend to be charter boats that are docked in one location. They don't move. They don't move from region-to-region. They stay there. They're regionalized. They have their business, people come to them. Same with our angling people. There's a few people that may charter, go down to a Hatteras for a weekend, but I

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mean generally if they're fishing out of Cape May, that's where they're docked. If they're fishing out of (inaudible), that's where they're docked, et cetera, et cetera up and down the coast.

So, you know, when you consider managing the angling category, I think we need to look at set aside an this little bit of quota we have. And that was the idea of the north/south line so somebody would have something. But Joe has always brought up at our meetings and when we had our ad hoc meetings with Rebecca and -- oh God. Anyway, Chris used to attend, remember?

Joe would always say we actually need more than one line, and that's what that comes down to is what he's really saying is we need more set asides for different regions. Now I don't know if that's possible, but we're going to meet and talk about that.

If you look at the general category, that's more of a fleet that does move around. They have the ability to move around, they're bigger boats. They'll go from New England down to North Carolina,

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or wherever the fish are. And that's why, you know, to reiterate my comments if the fish were available, and I agree with Glen 100 percent, this is an ICCAT quota.

It's been agree upon. We're in the 20 year rebuilding. It's been scientifically assessed, let these guys catch the fish. And with no fear of lawsuits from any groups out there because it'll stand the test. It's been accepted. And the agency needs to move without fear.

I know the agency has been running on this thing like they're walking on hot coals. Every time they want to do something, they're afraid they're going to get another lawsuit by the environmental community. This has been approved. This quota has been approved. You got to let these guys catch this quota. And that's it.

So if you can answer those two, I'd appreciate it.

PARTICIPANT: All right, Jimmy. Again, just as I had mentioned, I believe it was Louis, when I'm mentioning derby fishery and we have experiences

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in the general category, not in recent years but back in the late '90s when (inaudible) were high, when you have a limited amount of quota and the fish are amenable to taking a hook and they are accessible, that you can have the entire month's worth of quota harvested in a very short time period. So there's high expenditure of effort within a very short time period. A couple of days. So that's essentially what I'm referring to.

It's a hypothetical in the sense that if fish are available to the fisherman and there's a limited amount of quota for a set time period, folks know that whether it be weather dependent or not that if fish are hypothetical at the BB buoy off Cape Cod, that they need to be there ready to go on the 1st whether regardless because potentially in a week there could be no quota available. So that's what I'm trying to refer to using the derby style fishery.

PARTICIPANT: (Off microphone).

PARTICIPANT: Sure. Sure.

PARTICIPANT: I believe that the industry,

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and Peter's here and I don't know if there's any other general category people that are fishing. I think the industry adjusted to that with the agency. What they did is they said they want to work with the buyers and with the markets and they declared certain days at sea so they could slow it down and they'd watch the landing rigs in Japan to see what the market was doing. So I don't know what the fear is here to allow them to catch the quota.

The other stuff will adjust itself. The guys will adjust with the buyers to do it.

PARTICIPANT: And again, I wouldn't classify it as a fear, an observation.

To touch on your second point where charter head boats and recreational vessels tend to be less mobile, tend to operate out of their standard ports, I agree and disagree with that statement. I agree with the charter head boat fleet. You know, they tend to be more stationary to their home ports. Same with the recreational sector.

When it does come to the general category

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sector, they are mobile to some degree, you know, hands down. But when you refer to these larger vessels and having the ability to go to North Carolina, the way fuel prices have been most of the larger vessels have not made that option. It's too expensive for them to steam down south versus those vessels that may have, say, a smaller vessel trailerable. It's more amenable to them to be that mobile versus being mobile in the Gulf of Maine, for instance. So there is some variance there as far as define mobile, but noted that difference.

PARTICIPANT: Just real quick, just on Robert's comment. We've worked real closely with East Coast Tuna, with general category, with everybody to try to come up with this solution. It's just as things change, you know, we are impacted. And you know by the realization that it's going to be difficult to get more quota from ICCAT with the problems that we're having catching the current quota. You know, I got to somehow support this winter fishery that we've gotten so much support for and that has been, you know,

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prosecuted by a lot of folks.

So I just don't want to do anything to upset my colleagues in New York. And I think they've benefitted from the fishery, too. But we got to look out for what we're trying to achieve as well.

And then one question, I guess, I saw the notice for the quota specs already once again, which I applaud the agency for getting those out so quickly. One of the things that I've been really looking for to seeing, and I may even frame it, is the first one that has the December/January subquota period on it and has a specific allocation for December/January, because right now it's like November or October through January. If when the rule comes through, will we be able to readvertise that? Because I'm assuming that the rule's going to go in place, this is going to be finalized before the winter fishery occurs, or is the idea being that next year when you issue the quota specs, assuming something goes through for the December/January period, it would be then that we saw it on the quota specs notice?

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PARTICIPANT: A very good point in regards to the timing of when the consolidated FMP would go final in comparison to December/January time frame rolling around.

It's my understanding that there would be some level of delayed implementation to kind of get things back into alignment versus changing things midstream there. So I would think going through this season we would probably maintain that October through January versus having it divvied out as proposed here with one of our alternatives.

Did that answer your question?

PARTICIPANT: Well, yes. And then can North Carolina and the South Atlantic Fishery, can we reasonably expect that the way our fishery was treated this year it would be handled similarly this year with the 72 agreed upon times going to be available. Or, I mean, are we going to run the risk of having our quota caught up in October before the fish show up in North Carolina this year?

PARTICIPANT: Well, essentially you

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because we still are operating underneath the status quo, you know there are no guarantees nor have there been any guarantees in the previous years. But based upon the alternatives that the agency has put forth publicly that I think you can see where the intent of the agency is as far as how this fishery is managed as we move forward.

PARTICIPANT: Thank you.

PARTICIPANT: Yes. I just wanted to make a comment to the gentleman from South Carolina. The comment to the gentleman from South Carolina, we do appreciate that Georgia and South Carolina went on a petition with us and backed us, and that's why we formed Winter Bluefin instead of North Carolina Bluefin Association in the end. I hope you realize that.

And I hope that ne day that if things evolve like they do that through framework which is how we got the December 31st date without going through the process of the rule, that if the fishery continues like it is, that we maybe join forces and

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file a framework petition for February.

PARTICIPANT: Louis, I assume you saw the specifications that came out yesterday. I don't think that your 72 tons is a risk. Okay. We're staring down the throat of a -- Margo, back when I was begging you to remove days off in January and I asked you what in blazes are we going to do with 2800 tons, you told me that we had to proceed cautiously and that's why we had to have more days off in January.

Well, where we are with our 2842 tons. I guess you did a good job because we didn't catch it.

Sorry. I'm just frustrated by the -- I don't ever, ever want to go through the -- I don't--

PARTICIPANT: (Off microphone).

PARTICIPANT: The fish absolutely didn't cooperate. And they didn't cooperate from the 1st of December on.

PARTICIPANT: (Off microphone).

PARTICIPANT: Just don't ever ask --

PARTICIPANT: Robert, this is appropriate for the discussion at the end of the day on the specs.

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RFDs are proposed again. Getting your comments on how the fishery should run --

PARTICIPANT: They are? They are?

PARTICIPANT: They are. It would be the appropriate there to take comments on what we're doing on the (inaudible) specs.

PARTICIPANT: Okay.

(Section of tape blank).

PARTICIPANT: (off microphone).

PARTICIPANT: Well, I appreciate the time. And I'm not going to spend a lot of time with this. But I just -- I think some people here might be interested in why we only caught 200 some odd tons last year. I don't know what the final number was. What was it, Robert, 200 and something? And it was the worst tuna fishing season we've had in a long time, and maybe you'd be interested why we think it's so terrible and why some of these proposals are reasonable but they don't really address the issue of why we didn't catch any fish to speak of. And we think there are three particular reasons why we didn't

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catch any fish or we didn't catch nearly our quota and the Canadians slaughtered their quota I guess pretty well.

Number one is the issue that everybody has brought up, the herring issue where we have pier trollers and other kind of trollers who are catching all the area up in area one of Maine before the tuna hardly get there. Historically, I guess, we have charts that show you the more the herring catch goes up, the less tuna we catch.

So these pier trollers who, if I remember correctly Bill Hogarth who has left already, was dead set against about 10 years ago when they were fishing in the canyons and they were interfering or they catching a lot of I catches of other marlin and other species, these pier trollers are up in Maine. And anybody who doesn't think that they catch -- that they're a bycatch of the species, they're wrong. But they're taking a lot of herring and it's hurting the fishery.

Number two, there are more dogfish a

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Maine, a lot more dogfish than there are people. There are more dogfish than there are people in Massachusetts. There are more people in New Hampshire. And probably up and down the East Coast.

The dogfish thing has gotten so far out of hand it is beyond anything anybody's ever seen. You cannot put a bait in the water to tuna fish because you catch a dogfish. They eat your bait, they eat each other, whatever. They say the scientific reason for protecting them is there are not enough females. The females must be very promiscuous because there's a hell of a lot of dogfish around. So I don't know where they're coming from, but somebody bearing these dogfish, I'm convinced of it.

So it's a real, real headache. And it's something that we in general category are going to get together with a lot of the other organizations and hopefully with some of the conservation organizations and try to get to the bottom of why these things are being protected. There is no reason in the world why they're being protected.

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And the third reason that we didn't catch our quota, that there seem to be less fishes, does anyone wonder why we see all these small fish all year long and they never grow up that we see them in the numbers that we see when they're small? And the reason is simple. They get caught in the east. They travel to the east and they get caught in the east.

So that's my own assessment of the tuna industry. I think it's pretty right. And I appreciate the time that you have given me to just speak my piece.

I got one more small thing to ask of this group, and this is an issue that I have with my own membership, but Margo asked me if I would present it because if there's anybody against it, and I don't think there is. There is a rule out where a charter head boat captain cannot harpoon a tuna fish. As a matter of fact, he can't even have a harpoon on his boat. And I would like to see that rule changed.

The charter head boat guys are hurting like everybody else is tuna fishing. And we would like

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to give them the opportunity if they have, and there's only about 10 of these guys that actually harpoon that have a charter head boat license I believe in Cape Cod. Maybe there's a few more. We would like to give them the opportunity to harpoon a tuna fish when they're on a charter and sell it. And we're going to get this as a proposed rule at some point. And I discussed it with Margo. And she asked me if I'd bring it up here. And if anybody has any objections, I guess you can give them to her. I really don't want to spend a lot of time. I don't think I have the right to spend a lot of time on the issue, but I did want to bring it up.

And I thank you for the time.

PARTICIPANT: I just wanted to ask, I know that Peter had to leave, is it appropriate for us to now go much deeper into what I assume would be maybe more appropriate for the habitat time tomorrow while Peter's still here and maybe others who might be trying to skedaddle early?

PARTICIPANT: I would really rather not. I

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understand that Peter needs to leave and I know that there are a lot of issues. We are going to try to come back to bluefin issues at the end of today. So, hopefully, Peter maybe we could touch on habitat first thing. . .

(End unidentified tape).

PARTICIPANT: We do have other issues that we need your comments on for the FMP. We're already behind schedule. We need to cover those issues as well.

So, the quicker we can get through those issues, we've got calendar year fishing year as well as authorized fishing gears. There may be points there. The quicker we can get through that we can come back to bluefin.

PARTICIPANT: Yes, quickly because I won't be here tomorrow, Margo. I just want to reiterate what -- what Peter says.

As far as the RFA is concerned, we are very much engaged in that herring issue. As you know, we're part of CHOIR (phonetic) and, you know, the --

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the agency has told us they're looking at an ecosystem management approach to fisheries and to fishermen, the bottom line is big fish eat little fish. Maintain that health forage base for our fishermen, our recreational fishermen and the general categories guys up there and take a serious look at that herring problem.

PARTICIPANT: (Off microphone.)

PARTICIPANT: Yes, the only thing I'd like to add to Pete's reasons for the fishing being off is a general shift to the east. A shift of warm waters.

A shift of, you know, warmer temperature fish to the east and we're seeing that inshore and offshore and don't know how long that's going to last, but it certainly has been taking place for -- for, you know, a number of years if not a decade at this point.

PARTICIPANT: (Off microphone.) Take a break right now. A ten-minute break. A quick break right now before we get into fishing years or (inaudible) we can do that segment right now (inaudible).

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PARTICIPANT: And the second is in an effort to improve United States -- the second was an effort to improve the United States' position in international negotiations by increasing the transparency of our reporting at ICCAT.

Currently, sharks are managed on a calendar year and swordfish, tunas and billfish are managed on a fishing year. Historically, swordfish management was adjusted to a fishing year in 1996 in order to make sure that there was enough swordfish quota available to supply the summer grilling market.

Tunas and billfish were adjusted to a fishing year in the 1999 FMP in order to allow approximately six months between when ICCAT recommendations were made November and they needed to be implemented at the beginning of the fishing year in -- in June.

Shark fishing has always been on a calendar year basis since the 1993 FMP.

We looked at three alternatives for this issue. The no action alternative is the current status with sharks on the calendar year. Tuna,

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swordfish and billfish on a fishing year. Currently a fishing year is from June 1st around -- through the -- the next year. Through the May 31st of the next year.

The preferred alternative is alternative G2 which would have sharks on a calendar year and tuna, swordfish and billfish on a calendar year also.

And then we looked at a third alternative which would move all fisheries to a fishing year. The only adjustment that would be necessary for the third alternative is the -- is adjusting sharks to -- from a calendar year to a fishing year.

For the no action alternative, the positive impacts would be that we would minimize any short-term confusion and avoid market disruption of adjusting any fisheries. For our neutral impacts, we would expect there to be no ecological impacts since it's just an adjustment of -- an administrative adjustment of the -- the type of fishing year that we're using.

There would continue to -- we would continue to maintain a six-month window between when

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an ICCAT recommendation was made and the start of the bluefin tuna fishing season and the swordfish quota would continue to be available for the summer market.

Although this is -- this is really not an issue as the quota is currently not harvested in entirety every year.

And then for negative impacts, it would be complex for fishermen and dealers under this alternative because both the calendar year and the fishing year are currently used in HMS management and international negotiations may be effected since it's difficult to -- for other countries in ICCAT that use a calendar year basis to fully understand our regulations and our quota management when we're using a fishing year.

Our preferred alternative is to move all HMS fisheries to a calendar year. The positive impacts is that we would have increased transparency for international negotiations at ICCAT and we'd have reduced overall complexity for HMS fishery participants since all fisheries would be on a

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calendar year.

For neutral impacts, we would only have a two -- again we'd have neutral ecological impacts. We would only have a two-month window between ICCAT -- when ICCAT recommendations were adopted and the start of the bluefin tuna season. However, we -- considering the preferred alternatives that Brad discussed earlier which would simplify management of bluefin tuna, we don't think that this two-month window is going to be a problem for us to get the annual specifications out.

Again, we don't anticipate any issues regarding the swordfish quota and the summer market since the swordfish quota is not fully harvested every year.

We would have a compressed fishing year for swordfish and bluefin tuna probably in the year 2007 and I'll get into that a little bit more in the next slide and that -- that deals with how we'll make our adjustment to a calendar year from the fishing year for those two fisheries.

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And for negative impacts, the -- there would be -- we would expect some short-term confusion for swordfish and bluefin fisheries during the adjustment period.

Under this preferred alternative, we would be -- we would expect to making the transition from the fishing year to a calendar year for bluefin tuna and swordfish fisheries during the year 2007. So, during the year 2006, quotas would be harvested under the fishing year as we usually do. During 2007, we'd be using a compressed fishing year. So, an entire year's worth of quota would be harvested from June 1st through December 31st of 2007 and then during 2008, we would begin to harvest our quotas on a calendar year basis.

In our draft FMP, we discussed making this transitioned with a compressed fishing year in 2006, but since we extended our comment period, we found that that would be practically difficult. So, we're expecting to make this transition if we do go ahead with this preferred alternative during the year 2007.

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Now, although it may seem like we'd be harvesting a great deal of additional quota during the 2007 compressed fishing year, we actually expect that the change in quota harvested during this time is going to be minimal and this is -- we expect that this concern would be for the bluefin tuna fishery only.

For the bluefin tuna fishery, an average of only 2.7 percent of the annual quota is usually harvested from the time period of January through May.

So, that the additional quota that's harvested during the compressed fishing year of June -- during the time period of June through December is only going to be about 2.7 percent more than would normally be harvested during that time period.

For both bluefin and swordfish any unharvested quota that remains after the 2007 compressed fishing year could be rolled over into 2008 and we expect that the socio-economic and ecological impacts would be minimal from this.

The third alternative that we looked at would be moving all fisheries to a fishing year basis.

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As I mentioned earlier, swordfish, billfish and bluefin tuna are currently on the fishing year. So, it would only -- the only adjustment would occur for the shark fishery. Positive impacts would be that we'd have reduced overall complexity since we -- all the fisheries would be on a similar type of a year. We'd have neutral impacts for ecological impacts.

We'd continue to have that six-month window. Although as I mentioned earlier, we -- we think that we're going to be fine with the two-month window considering the preferred alternative's under the bluefin management scenarios. Swordfish quota in summer market's really not an issue.

For negative impacts, we would continue to have the -- the problem that we're -- we're currently having in ICCAT with confounded international negotiation or confusion around how we're reporting our -- our quotas and our harvests and there would also be a short-term disruption as the shark fisheries and markets were adjusted to a fishing year.

We also looked at how this -- this issue

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of adjusting the fishing year might impact other alternatives considered in this draft FMP and identified some interactions with the billfish rebuilding alternative for the ICCAT marlin landings limit.

Under the billfish management options, as we discussed earlier, the preferred alternative E6 or the ICCAT marlin landing limit would be provide criteria for implementing two (inaudible) and management actions based on the catch rates and other seasonal fishery information. NMFS could increase the minimal size limit for retention of white and/or blue marlin and once the 250 marlin limit had been landed, NMFS would implement catch and release fishing only for -- would implement catch and release fishing only for marlin.

Because the landing limit of 250 has only been reached once in the last several years, we don't expect that in-season actions are going to be necessary. However, if they were necessary, they would be expected to occur at the tail end of the

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fishing year and the tail end of the fishing year would vary depending on whether we were fishing on a calendar year or a fishing year. Under a calendar year, the end of the fishing year would obviously be October, November, December. Under a -- the current fishing year that we're using, the tail end of the fishing year would be March, April, May.

In general, any impacts from -- from these in-season actions should they be necessary are again expected to be low to moderate because current estimates show that there's just a high degree of release in the marlin fishery. However, we looked at several scenarios to identify any potential impact should the in-season actions be necessary.

Under these analyses which included some, of course, assumptions under a calendar year, potential management actions were estimated to be necessary at the end of August and under the fishing year, we estimated that any potential in-season actions would occur from early to mid-May.

So, the calendar year scenario that was

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analyzed resulted in management actions taking place at an earlier time in the fishing year and could have some potentially great economic impacts than the fishing year.

PARTICIPANT: If I can just interject though. That -- that -- all those impacts only occur assuming there's a pretty substantial increase over the rate of landings. As everyone knows, we are -- this past year, we were over 100 fish below our ICCAT limit. So, impacts would only come into play assuming that there was a real substantial increase in the number of marlin landings.

PARTICIPANT: Thanks, Russ. That's why I made him sit up here.

So, in conclusion, moving all the HMS fisheries to a calendar year basis continues to be our preferred alternative. We expect that this would improve the basis for U.S. international negotiations and would simplify overall HMS management.

As -- as Russ mentioned as -- and as I attempted to emphasize, we don't expect that there

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would be the opportunity for greater negative economic impacts under this alternative because the landings limit has so rarely been reached and most marlin fishing is catch and release. So, the potential for in-season actions is anticipated to be small and overall impacts of instituting a calendar year fishery for all HMS fisheries are expected to be positive.

PARTICIPANT: Thank you, Diane. I know Nelson's --

(Section of tape blank.)

PARTICIPANT: Here's where it's a real shame that there's very, very little institutional memory within the HMS Division and very little memory -- historical memory of the reasons why it was changed and it's not just quota. Not just quota.

But, NMFS must provide the season's regulations prior to the opening of the fishing season whether it be January 1, June 1 or -- or whenever.

The mathematical inconvenience if outweighed by the need for fishermen and related businesses to have the ability to plan and coordinate

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logistics.

Unless the HMS Division can guarantee final regulations by the -- the -- the date, then it should remain June 1 and NMFS should adhere to providing final regulations by that date.

How can fishery managers be effective when final rules are implemented more than five months into the fishing year or in some cases after the fishery is effectively over?

Now, what happened in the past is that in November we would go. We would fight. We would negotiate our asses off. We would come home with a -- with -- with something that would benefit United States fishermen. Okay. And then we'd say get this -- get this going and typically, you know, it used -- used to start when it was just quota stuff you might get it in by January and then ICCAT became more complex and it took until -- until -- until June working real hard. Okay.

Well, by June, the United States had already disadvantaged itself six months. Whatever it

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was. If it was something positive, the U.S. had already disadvantaged its fishermen by six months and then June started slipping to another year of June.

I mean let's face it. It's been 18 months that it takes to implement ICCAT measures.

Now, Margo has shown signs of turning that around and if you can get ICCAT measures through by January 1, then for -- for God's sake go ahead, take the mathematical convenience, but that's all it is.

This business that it's confusion at ICCAT, we're not the only country that has a fishing year and ICCAT has some, you know, pretty high-powered brains to figure that stuff all out and they might like to complain, bitch, moan to United States about its fishing year, but, you know, it -- it hasn't, you know, impeded us in -- in any way, shape or form. It's just, you know, maybe giving a little -- little earache to -- to Chris when he feels like listening to it which he shouldn't.

Other ICCAT countries have fishing years, but think about it. How can a business make plans,

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you know, ordering the equipment that it needs, position the equipment, you know, in the right places, you know, personnel in the right places, you know, the hiring and firing, et cetera? How can those logistics be done unless the business knows what the regulations are going to be prior to the beginning of the season? And that's the problem.

And I don't care if it's June, if it's July, if it's -- you know, make it, you know, February 20th. That's my wife's birthday. But, you have to have the -- you know, the regulations in place before the season begins. That's -- that's -- that's the key.

And -- and, you know, ICCAT can be complex. Some of our recovering plans are four or five pages. Some of our -- our -- our new chartering stuff and whatnot are -- are four and five pages. You know, some of this stuff is not, you know, you know, come off the plane, you know, on November 30th and have a -- have a rule in place January 1.

And -- and, you know, most of you guys do

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not remember the -- those disadvantaging days, but a lot of people around this room do especially in this fishery. We do and -- and at times, you know, the -- the -- the incidental bluefin would be closed down before changes could be put in place that would prevent regulatory discards, you know, and what we were doing was disadvantaging U.S. fishermen.

And if you think it through, every time you come home with a positive measure, you know, anytime lost in -- in applying that positive measure to U.S. fishermen is -- is, you know -- is a -- a disadvantaging loss.

So, we need to be careful and we should not do this just for mathematical convenience.

(Section of tape blank.)

PARTICIPANT: Yes, I'd like to bring up another scenario that -- that could create a problem for -- for us at least in the winter fishery and see if I'm missing something here.

But, the way it's set up right now with the June 1 start date, if we get to -- to December 1st

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and we've got more than our agreed upon allocation, let's say it's 100 tons or whatever the number is, all right, but there's an underharvet in previous subquota periods. We have the opportunity now the way the fishing year is to see those fish available in the winter fishery in December and January and then if we're successful one day in getting the season extended past January, then that -- that quota would be available then.

If we change the fishing year to January the 1st, we'll lose that option -- that opportunity. Because if we only -- if we have 100 tons available and there's underage, we'd only have December to catch it. Then the fishing year closes. Then we start fresh January 1 with whatever allocation we get in January. So, we never have that opportunity to have more fish in January like we do now and if we also -- if we were successful in getting it extended into February, then we'd have to just stretch that little bit available in January into February.

So, I think it -- it significantly

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disadvantages the -- the -- the winter bluefin fishery by going -- changing the calendar year. Now, sure, this year may have been an unusual year. Maybe. Where we had 500 tons available, but who's to say we may not have 100 tons extra available some years. Then we're -- if -- if it's only available in December, then North Carolina's going to be the only state to benefit from that and South Carolina, Georgia, the states to our south would not have that ability because they typically see the fish in January when we're all competing for that one little slice of pie.

So, I may -- I may be misinterpreting some of those problems, but it sure seems to me that that's going to create a real issue for us.

(Section of tape blank.)

MR. SAMPSON: Yes. Thank you. Mark Sampson.

I -- looking at -- at -- at the -- at going to a calendar year, that looks good to me and the fact that you're saying that you will have the --

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the regulations out and all that by January 1st, that looks even better to me.

However, I'm sure that you'll recall that probably every year we have -- as far as the bluefin tuna regulations go, we have begged you to please come out with them as early as possible so we can book our charters, make our plans and so on and so on and we've always been took that well, we have to get through ICCAT when we have to count all the tunas from last year and go through all that and you'll just have to bear with us and traditionally those regs have not been posted until sometime in early June. Usually a day or two or maybe if we're really lucky a week or so before the actual season happens.

If by going to a calendar year somehow you're magically able to come out with those figures by January 1st, wonderful, but I -- I hope it's truly the case.

Either way, we -- we would those -- I would like to once again as we do every year say we hope that you can come out with your -- your tuna's

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regs as early as possible and if the calendar year will help that, then go for it.

(Section of tape blank.)

PARTICIPANT: Yes. Thank you.

Before the regulatory amendment extended the winter bluefin fishery into the end of January, a calendar year would probably work good, but I have some questions of how that will work and -- and, you know, the last two years, you've got the specs out for the bluefin fishery. In fact, they're out right now for this season 2006.

But, how would you handle -- before winter bluefin comments on that, I would like if you could explain to me how you handle January being that season is still open and part of the -- say -- let's say this is 2006. January 15th, we were fishing in year 2005.

So, if the calendar year ended December 31st, 2005, what -- how do you define where you stop and go and prepare your specs and the information you need?

PARTICIPANT: I think you're asking about the transition to the --

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PARTICIPANT: Bluefin fishery. Yes, ma'am.

PARTICIPANT: Yes, to the calendar year from -- from the fishing year it sounds like. So, what we would do is for 2006 which is the year that we just sent -- we just released the specs for, we would be fishing through May 31st of 2007. Then in 2007, we would harvest the 2007 quota starting on June 1st and running through the end of December. So, we'd have to get the spec out for that sometime before June 1st of 2007.

And then that fishing year would end in December of 2007. So, we'd start the new fishing year January 1st of 2008. So, that's how we'd move onto the calendar year.

PARTICIPANT: (Off microphone.)

PARTICIPANT: I see where you're going. Let me see if I can -- sometimes I know what I want to say, but it doesn't always come out just right.

If -- if I read what I see on the chart up there, the June 1 quota is now that the percentage if

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it didn't change in -- in -- if it did change to the preferred alternative to where -- let's see if I got it here. The June to August 38.7 percent which would be the one that would give the winter fishery a December/January allocation of up to 11 percent approximately that we agreed on in negotiations here in these rooms in the past. If you start over December 31st, then that means that now all of a sudden you've got to either reallocate your time period subquotas or that's a great thing for the winter fishery because now in January we're going to have -- from January to August, we're going to have 38.7 percent, Robert.

PARTICIPANT: (Off microphone.)

PARTICIPANT: Pete, what -- what we did under the preferred alternatives in the -- in the bluefin management is we made sure that we included a separate allocation for January. So, now, January/December have been divided into two separate ones. So, we know that -- assuming that we went with the preferred alternative in bluefin, there would be

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5.3 percent -- it was either 5.3 or 5.2 allocated to that January fishery.

It kind of goes back to what Louis -- what Louis was asking earlier about the rollover quota and I'm not 100 percent clear about how our regs read and how that would work, but we can talk a little bit more to -- with Brad and clarify that.

PARTICIPANT: Yes, because that's where I see a -- there's going to be an issue between the tuna organizations and also it limits the winter fishery for the rollover into January if -- if -- if the preferred alternative which I believe was F3 was taken, we're to 5.3 and 5.7 which makes 11 percent. That's 71 tons.

If there's 100 metric tons left over in December, are you saying it can't rollover into January if we go with the calendar year?

PARTICIPANT: No, I'm not saying that.

PARTICIPANT: Okay. We'll talk about it.

Instead of me tying up this time, there's people who had other comments. We'll talk about it after the

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meeting.

PARTICIPANT: Bob, you're up next and followed by Jack.

PARTICIPANT: Yes, and -- and I -- I tend to agree with Nelson on this. Undoubtedly, there's been a lot of history lost here because -- and -- and I understand it. I mean you've got a situation as to where you've got a physical year for one fishery that's been in place since '96, another one since '99 and it's my understanding and I may be wrong that part of the reason behind trying to do this has -- has something to do with data and in my mind, data -- if you don't have a handle on having your data compatible to your physical years by now with a minimum of seven years to work on that, to change it to a calendar year and then have to work again to try to get everything adjusted to work on a calendar year basis, to me seems like somebody just thinking you need to create more work for yourself and I think you got enough to do without doing that.

To me there's a lot of problems with this.

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Not only what Nelson was saying, but from my perspective in the Gulf of Mexico and for people that I speak for and a guy that used to be your whole (inaudible) I think would make this same argument, (inaudible).

Is the tournament system in the Gulf for marlins generally kicks off -- there's one tournament that I know of that is on Memorial Day weekend and other than that, everything else is pretty much in June, July, August and used to be in September. There hasn't been one in September in some time and in most other areas in the Caribbean I think that your major marlin tournaments are generally in that time frame and I'm not that familiar with what happens on the east coast, but I think most of theirs are the same way.

And, you know, I've heard the argument well, you know, you've got a quota out there and -- and 250 fish, but we haven't reached it. But, the sole reason why I'm involved in fishery management, what got me here in 1986 is that I was told by Dr.

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Brad Brown about a king mackerel quota that I was concerned about being met and closing my fishery not to worry, Bob. It's never happened. It's never going to happen and ever since then, I've had serious problems with quotas and -- and so, I'm real leery about being told that you've got a quota, but it's probably not going to be met. The sole purpose of having a quota is that at some point it probably will be met.

And so, in that situation, I see tremendous problems here. I mean you're -- you're talking about the possibility of not only the shutting down a fishery because a quota's met, but making adjustments mid-year to compensate for what's left in that quota by increasing size limits or doing something else.

And when it comes to tournament fishing and just fishing in general for -- especially for recreational anglers that don't keep up that well with regulations, to me it's a total and complete nightmare to try to do something like that.

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And in this situation, I don't recall see that this system is broken. I don't see the big problem with the current physical years and I don't see any reason why you should even think about changing it with the potential of causing as many problems as you could cause by doing so.

PARTICIPANT: Paul, I'd like to just make one response.

I -- I just wanted to make sure that the impression that we're not communicating with our -- the folks who have -- who have preceded us, I'd like to quell that.

I know my face is new here. I've only been with HMS for a couple of years. A number of other folks have been here also, but we have been closely coordinating with the folks who have been around and with our folks from international affairs on these regulations.

(Section of tape blank.)

PARTICIPANT: On your box G2, the second one, where it talks about the compressed fishing year

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for 2006, I mean I'm not sure what I think about the entire idea to be honest with you, but have you looked at -- you know, given the -- the -- the difficulties that the fishery service has in -- in promulgating regulations under the current fishing years and then condensing it and trying to get regulations out in a shorter period of time, what about actually instead of compressing it doing the reverse and elongating it? So, that what you do on your 2006 quota, you harvest it from June 1, 2006 until December 31st, 2007. You give it 18 months instead of six months and then you just do -- you report a year behind to -- to ICCAT. Is there anybody else that reports a year behind to -- that would give -- give you plenty of time.

But, I don't know if that's --

(Section of tape blank.)

PARTICIPANT: We will -- we're already reporting a year behind which is what everybody else does. Maybe we can talk about that a little bit more, but my concern is that we -- it sounds like we'd be missing out on a whole year of quota that way.

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Because we've already in the past when we made the original transition from calendar year to fishing year for these fishery, we already stretch a quota to -- to last over 18 months.

PARTICIPANT: No, you would -- you still wouldn't lose it because what you do is the 2007 quota wouldn't evaporate. It would just start January 1, 2008. You'd catch, you know. Your quota that was allocated to you. Just catch the following year.

(Section of tape blank.)

PARTICIPANT: Yes, you know, I've always sort of believed in if it isn't really broken, let's not fix it. Wow. This -- it seems like the kind of thing that will snowball through the regs kind of and pick up little bits and pieces along the way and you'll -- I'd just leave it alone. I don't see a big advantage to changing it.

Did somebody suggest at one point it would help with our reporting to ICCAT? Yes, we need to do them a lot of favors. Let's -- let's fix them up first. Let's jump through some more hoops for them.

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No, I think we should leave it alone and tell them too bad if they don't like the way we report and manage our resources.

(Section of tape blank.)

PARTICIPANT: I just want to clarify that one of the drivers was the reporting and explaining U.S. compliance with recommendations. That it's difficult for other countries to follow our compliance when we're on a fishing year and we're I think 18 months behind and as we have tried to put other countries' nose to the grindstone for their compliance, it makes it more difficult when our own compliance is in question and so, just -- just to be clear what we're talking about in terms of the -- the negotiations at ICCAT. It's when we're trying to push other countries on their compliance, we feel we need to be as strong and as solid as we can be on our own.

(Section of tape blank.)

PARTICIPANT: Nelson, I can go ahead and ask you or anyone else who's got a lot of ICCAT experience, what does everyone else do? Because I

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agree with you. They're going to be forced into either a one-month change of fishing rule cycle or if we're going to stay on -- there's an option of taking it out 13 months which is good if we bring home something bad. You know, as you talk about bringing good things home or bad things home, when you bring something good home, you'd like to do it as fast as possible. If you bring something bad home, 13 months might not be so -- so awful.

What does everyone else do as far as other nations? When you say we're trying to be transparent in -- in our reporting, is everyone else as transparent?

When they come home with a -- with a change, what -- do they implement in one month or a 13 month? What is -- what is the international standard on that?

PARTICIPANT: Well, the -- the -- the ICCAT recommendations are required to be implemented six months after they're adopted.

PARTICIPANT: But, then reporting is one

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year. Okay. But, then Japan has a -- a -- you know, a fishing year. So, they're, you know, 18 months. Same as -- as -- as the U.S. is -- is 18 months because of our -- our fishing now.

Now, other countries are suppose to be one year, but I -- I don't -- I don't want to speak out of turn here, but would it be fair to say that the majority of countries are 24 months, two years? That they're first year data is basically taken as preliminary? Russell?

PARTICIPANT: (Off microphone.) -- the international folks, too -- too.

PARTICIPANT: Yes.

PARTICIPANT: I can't answer that actually.

PARTICIPANT: You know -- you know, let's get down to the real issue here.

PARTICIPANT: One second. I'm going to -- I'm going to give it all right back to you in one second.

PARTICIPANT: Okay. Okay. Yes.

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PARTICIPANT: Because the final summary is coming home at the end of November and attempting to implement January 1 across a U.S. holiday season is impossible. You know what I mean? I mean if you -- if -- if Nelson's contention is correct that we need to have everything in place prior to the beginning of the year, I don't see how you're going to do this. I honestly just don't know how you come home with something and implement 30 days later across the holiday season.

PARTICIPANT: (Off microphone.)

PARTICIPANT: Okay.

PARTICIPANT: (Off microphone.)

PARTICIPANT: Okay.

PARTICIPANT: (Off microphone.)

PARTICIPANT: I'm going to answer you in a minute. We'll remember. Now, you're going, Ellen.

MS. PEEL: No.

PARTICIPANT: Go ahead. Give me some more to think about.

MS. PEEL: All right. No, I'm not on this

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one. I just have some questions.

My concern twofold. On the compliance issue which Margo just shared with us is very important, but then from the SUS and the data when we -- we're always behind. Now, for instance, we have a stock assessment coming up and the data is often two years behind. Does this mean the U.S. data that will be incorporated is even further behind?

I think we were quite delinquent in getting the 2000 billfish measures implemented on billfish and other countries were far beyond six months in getting those implemented, but I think this is causing some difficulties for, you know, SCRS to deal with.

Do you see that same problem or maybe by having some of the scientists who attend SCRS elaborate, but I can appreciate the difficulty in trying to get NMFS to get the regulations out, go through all the regulatory notice and get it done by January 1. That's impossible I think.

So, what's your next alternative?

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February?

PARTICIPANT: All right. Just to respond, my understanding is that we still report our data to assessments and to SCRS on a calendar year basis and that it is for the last year. So, we are up-to-date in our data reporting in terms of the science end.

MS. PEEL: Okay. So, it's only compliance where we're having a difficult time?

PARTICIPANT: Well, I think that that's the biggest part of it and I guess I would like to point out too that ICCAT has gone to moving -- implementing recommendations for a series of years and so, we may have some initial, you know, challenges in getting them in place, but, you know, for a four year recommendation, that wouldn't be the case for the remaining years.

(Section of tape blank.)

PARTICIPANT: Now, this -- this team had admirable goals of trying -- trying to do this, you know. They want to be, you know, the most compliant team at -- at the ICCAT table.

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But, what this really comes down to and it's not really being spoken to straight out here is two things. Estimates and compliance on angling category and recreational statistics. That's what this comes down to and I -- I know they don't like to talk about that too much, but that's what it really comes down to.

My -- my thoughts are, you know, six months isn't going to make a difference. I mean our systems in the United States take quite a bit of time before estimates on angling category, bluefin tuna or billfish estimates are released and you're basically talking about years not months and -- and I think everything that they're trying to strive for is admirable, but even with the changes that they've proposed, those two basic problems that's at the core of this, at the core of the complaints from other countries, at the core of the compliance problems, et cetera are not going to change.

Now, if I've spoken totally out of turn, you know, please correct, Margo, but, you know, from

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16 years of experience that's -- that's what I see.

PARTICIPANT: So, you're saying they're doing this for the recreational fishery?

PARTICIPANT: No, I'm saying that -- that they're trying to -- they're -- that they're to, you know, be the exemplary shining example both in compliance and, you know, data collection table 1, table 2. You know SC -- SCRS data collection and in order to do that, they would have to make these -- these changes.

But, I'm also saying that I don't think that that feat is doable because it takes our country a long time before it'll release any kind of numbers on bluefin tuna angling or recreational statistics such as billfish.

So, I don't think they're going to reach their goals the way they're -- the way they're proposing.

PARTICIPANT: Yes, I'm not -- I'm not hearing much from my -- from my southern colleagues. So, I'm a -- I'm -- I'm thinking I may have flattened

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the cat. I know it, but I just see that 5.3 percent allocation in January being the only thing we could ever hope for in January. We'll see overages. We'll see additional quota if there's an underage in December. But, if it's a January 1 start date, I don't see how the agency could take the underage from all the fisheries, the New England fishery and all those fisheries, and then allow the winter fishery in January to catch that -- to catch those fish. Because they really -- the underage belongs to everybody after the fishing year is over I think.

So, I really have a real concern that this is going to have a devastating impact on what we're trying to develop in the South Atlantic. I may be wrong, but that's just what I see.

(Section of tape blank.)

PARTICIPANT: Well, to your point, you know, I'm sure your -- I mean I hear your concern and I don't think it's insurmountable in how we could deal with it, but we'll -- we'll talk to you some more about --

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(Section of tape blank.)

PARTICIPANT: Hello. Margo has asked me to go through this quite quickly. So, make sure your seat backs are up and your trays are in the upright position.

We're going to talk about authorized gear. Now, this is the same presentation as Brad said that we went around with to all of the council meetings and also at all of the hearing. So, I'm sure many of you have already seen it.

Please stop me if you have any questions or clarifications and we'll take the questions at the end.

NMFS evaluates new gears and techniques for qualification as authorized gear types. Innovative fishing gears and techniques are essential to increasing efficiency and reducing bycatch in fisheries for Atlantic HMS.

As current gears are modified and new gears are developed, NMFS needs to be aware of these advances in order to gauge their potential impacts on

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target catch rates, bycatch rates and protected species interactions.

In draft consolidated FMP, NMFS analyzed seven alternatives including a no action alternative which addressed the use of speargun fishing gear, green-stick gear, buoy gear and secondary hand head cockpit gears. The preferred alternatives are highlighted and each alternative will be discussed individually later in the presentation.

In this slide, you can see alternative H1 through H4 with H2 and H4 being preferred.

PARTICIPANT: (Off microphone.)

PARTICIPANT: H2 and H4. We'll be going through each one individually.

PARTICIPANT: Okay.

PARTICIPANT: Now, this slide contains the last three alternatives H5 through H7. H5 and H7 are currently preferred. Done.

PARTICIPANT: We're going to come back to them.

PARTICIPANT: Yes. Okay. Alternative

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H1 --

(End tape 12 side A.)

PARTICIPANT: -- maintain current authorized gears in the HMS fisheries. This is the no action alternative. This alternative would maintain the status quo for authorized gears in all HMS fisheries. It would not allow the use of speargun fishing gear in the Atlantic tuna fishery. It would not allow the commercial configuration of green-stick gear. That being more than two hooks on one suspended main line to be used except by those vessels permitted in the PLL fishery.

This alternative could allow for potential effort increases in the commercial swordfish hand gear fishery and it would allow for confusion over allowable cockpit gears to continue.

I'm not going to do any of the hot links.

I have pictures of a lot of these gears hot linked in and I'll go over them at -- at the end.

Alternative H2 authorized speargun fishing gear as a permissible gear type in the recreational

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Atlantic tuna fishery. This is one of our preferred alternatives.

This alternative would define and authorize speargun fishing gear in the recreational Atlantic tuna fishery. Under this alternative, tunas taken with speargun fishing gear in the angling category would not be eligible for sale. Charter head boat fisherman would continue to be allowed to sell recreational bag limits of BAYS tunas. However, BFT harvested by speargun could not be sold.

Fishermen using speargun fishing gear would be required to be completely submerged when they fire their speargun and the use of power heads or any other explosive devices would not be allowed.

Alternative H3 authorized speargun fishing gear as a permissible gear type in the commercial tuna hand gear and recreational Atlantic tuna fisheries. This alternative would authorize the use of speargun fishing gear in the commercial hand gear and recreational tuna fisheries and allow the sale of speared tunas from CHB and general category trips.

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Under this alternative, few commercial tuna fishermen are likely to participate and there may be potential monitoring and enforcement issues.

Alternative H4 authorized green-stick gear for the commercial harvest of Atlantic BAYS tunas. This is a preferred alternative. This alternative would add green-stick fishing gear to the list of authorized gears and allow its use for the commercial harvest of Atlantic BAYS tunas. It would prohibit commercial vessels using or possessing green-stick gear from retaining or possessing BFT on board.

Under this alternative, tuna general category participants would continue to be subject to all current general category regulations such as size limits. Vessels with PLL gear on board would continue to be subject to all PLL regulations including gear restrictions such as circle hooks and closed areas.

Alternative H5 authorized buoy gear as a permissible gear type in the commercial swordfish hand gear fishery. Limit vessels employing buoy gear to possessing and deploying no more than 35 buoys with

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each having no more than two hooks attached. This is a preferred alternative.

This alternative would allow commercial swordfish hand gear vessels to continue using unattached hand lines which are often called buoy gear.

As a note, preferred alternative I5B in the regulatory housekeeping section would require that all hand lines be attached to a vessel.

Alternative H5 would maintain current limits of no more than two hooks per gear and requires that gear be released and retrieved by hand. It would limit vessels to 35 buoys possessed or deployed and it would require the use of gear monitoring equipment including but not limited to radar reflectors, beeper devices, lights or reflective tape.

Alternative H6, this alternative is similar to H5, but would limit vessels to 50 buoys and 15 hooks per gear. This alternative may result in negative ecological impacts resulting from a potential increase in fishing effort. It could result in

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additional social and economic benefits to the commercial sector and it could result in perceived negative social impacts by recreational fishermen.

Our last alternative, alternative H7, a preferred alternative. Clarify the allowance of hand held cockpit gears used at boat side for subduing HMS captured unauthorized gears. Under this alternative, secondly cockpit gears may include, but are not limited to gaffes, dart harpoons, tail ropes, et cetera. Secondary gear may only be used to gain control of legal sized HMS brought to an vessel via an authorized primary gear type.

Under H7, secondly gear would not be allowed to be used in anyway to capture undersized or free swimming HMS. This clarification is anticipated to reduce confusion and promote safety at sea.

Currently, primary authorized gears include rod and reel, hand line, bent gear, longline and other gear specifically authorized in the HMS regs at 63521E.

This last slide is a quick summary of the

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comments received on authorized gears to date. The major comments received include under general gear comments NMFS received comments inquiring about the justification for considering new gears and expressing concern over potential bycatch issues and general support and opposition to new gear types was also received.

For speargun fishing gear, NMFS received comments supporting authorization of spearfishing gear in the recreational tuna fishery as proposed. Other comments supported expanding speargun use to other HMS fisheries.

Some comments were opposed to another directed fishery for giant bluefin tuna.

For green-stick gear, NMFS received comments supporting and opposing this gear type. NMFS also received comments supporting the authorization of green-stick gear for bluefin tuna.

For buoy gear, NMFS received contrasting comment with many comments requesting changes to the proposed gear configuration and the number of

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allowable gears. Additionally, it appears that there was widespread confusion over the current use of this gear type.

And for secondary gear, the comments supported the proposed measure. However, commenters were concerned over a specific list of allowable secondary gears. Received many comments on the list with having to be too large to include all of the different secondary gear types and we specifically left the language loose in the proposed rule saying that they could include but were not limited to and gave some general examples of what we thought people were intending to use.

Do you have any questions?

PARTICIPANT: (Off microphone.)

PARTICIPANT: Oh, yeah. Margo wanted me to bump through the photos.

This is just a basic diagram of speargun gear that would be appropriate for tuna fishing.

Brad, do you have -- would one of you hand me an FMP?

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In chapter two of the FMP, we have the definitions as we went out with them in the proposed rule. Here. For speargun fishing gear --

PARTICIPANT: (Off microphone.)

PARTICIPANT: Yeah, starting at 2-40.

Under alternative H2, speargun fishing gear would be defined as a muscle-powered speargun equipped with a trigger mechanism, a spear with a tip designed to penetrate and retain fish and terminal gear.

Terminal gear may include but is not limited to trailing lines, reels and floats.

It's pretty basically. Muscle-powered spearguns store potential energy provided from the operator's muscle. Muscle-powered spearguns may only release that amount of energy that the operator has provided to it from his or her own muscle and common energy storing methods for muscle-powered spearguns include compressing air, springs and the stretching of rubber bands.

Commercial green-stick gear is on page 2-42 and green-stick gear would be defined as a line

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that is elevated or suspended above the water surface from which no more than ten hooks or gangions (phonetic) may be hung. The gear must be actively trawled and configured so that the bait's fish -- so that the baits are fished on or above the surface of the water. The suspended line, attached gangions and catch may retrieve collectively -- may be retrieved collectively by hand or by mechanical means.

Now, the commercial version differs from the recreational version of the gear which is currently allowed under our regs by the individual tended lines. Under the recreational version, the baits are individually tended by rods and reels and each drop has no more than two hooks attached. You can see the commercial version. All of the gears retrieved or may be retrieved collectively.

That was it. I don't have one for buoy gear.

PARTICIPANT: Before I call on Michael, Ellen I know had a question that she wanted to pose.

MS. PEEL: Yes, I want some clarification

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on H5, the buoy gear. If that's authorized as stated, it would be for use in the commercial fishery by those who have currently hand gear permits?

PARTICIPANT: Limited access swordfish hand gear permits and --

MS. PEEL: Okay. And then --

PARTICIPANT: -- and/or the directed swordfish permit.

MS. PEEL: -- and then if the B which says hand gear must be attached to a vessel, the impact if that were also approved, what impact does that have on H5 itself. Does that mean --

PARTICIPANT: Well, I5B will require that hand lines be attached to a vessel. What H5 does is define and authorize buoy gear which is -- would no longer be considered a hand line. It would be it's own distinct gear type and would allow it to --

MS. PEEL: Okay.

PARTICIPANT: -- that would -- it would be free floating. Well, it used to be called hand lines.

MS. PEEL: So, you can have if approved a

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buoy free floating fishery and also a new definition of hand line gear. It would -- buoys would be excluded?

PARTICIPANT: Yes, the buoy gear would not be a hand line anymore.

MS. PEEL: Okay. That's -- that's what -- thank you.

PARTICIPANT: (Off microphone.).

PARTICIPANT: On the -- on the green-stick commercial gear, is that line attached to a drum or hydraulic drum or electric drum or is that on the commercial side individual rod and reel?

PARTICIPANT: No, the commercial -- the commercial side could be attached to an electric or a hydraulic drum. Can be retrieved by hand. Sort of the big difference between it and the recreational is that the main line is retrieved with the -- all of the hooks and baits and catch. Whereas, under the recreational, each individual bait or baits are retrieved independently of the main line.

PARTICIPANT: (Off microphone.)

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PARTICIPANT: First of all the -- I've forgotten what number it was, but the authorization of secondary hand gear specifically the hand darts is what we encounter down in Florida in the swordfish fishery at night. We don't have the big tuna. So, I'm not an expert on that, but I -- I think it would be a very good idea to authorize the hand darts and the other things as well because everybody's -- not everybody, but a lot of the people are using them anyway.

As you say, there is a lot of confusion over it. That would help some of the people that are using it not be criminals and it makes sense on a safety issue type of thing.

So, I support that. Yes.

PARTICIPANT: Yes, we -- we have them included and the big issue that we have is we don't want them to be used to take --

PARTICIPANT: Free swimming.

PARTICIPANT: -- free swimming fish.

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PARTICIPANT: Exactly.

PARTICIPANT: And, you know, we're aware that that has happened on occasion.

PARTICIPANT: Yeah.

PARTICIPANT: And it -- and it is a concern of ours.

PARTICIPANT: Okay. I don't know how you police that, but there's a lot of other things you're going to have trouble policing also.

The other thing is the buoy gear. Buoy gear to me is the same -- basically the same as free-floating hand gear. I don't have a problem with it. I don't think it's a problem down in Southeast Florida except I think 35 buoys is totally unmanageable. I'm -- I'm not an expert. I'm -- I would like to go out with some of these guys.

But, I talked to Tim Palmer who I consider and I think other people consider the dean of the buoy guys down there. He said under ideal conditions, he can manage 12 buoys. Ideal. He says a lot of times he using six -- six or eight because that's all he can

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manage. If you got rough weather, they're -- they're just going to go away. You can't tend them. If you hook a small swordfish, you're not going to get to it by the time it dies.

And I would support the buoy gear, but maybe a maximum of ten or 12 buoys. Otherwise, it becomes kind of a floating longline unattached and the whole purpose of the hand gear is you can tend it quickly. If you get a small fish, you can release it with a good chance that it's going to survive, but beyond 12 buoys according to the guy that's out there a lot of nights doing it, you're going to run into a lot of problems.

And I understand a couple of guys did go out there and try and run a big long string. It turned out to be a disaster and -- and they're no longer doing it.

So, I support up to ten or 12. So, thank you.

PARTICIPANT: Thank you.

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PARTICIPANT: (Off microphone.)

PARTICIPANT: Yeah.

PARTICIPANT: (Off microphone.)

PARTICIPANT: Yeah, hang on one sec. Let me just grab this.

Buoy gear since I didn't have a picture in there for you, under alternative H5, this would be for H5 and H6, buoy gear would be defined as a fishing gear consisting of a single buoy supporting a single main line to which no more than two hooks or gangions are attached. Buoy gear must be constructed and deployed so that the main line remains vertical in the water column. This gear must be released and retrieved by hand. Fishermen using buoy gear must affix gear marking -- gear monitoring equipment to each buoy and gear monitoring equipment may be -- may include and is not limited to those -- those other devices I spoke about before.

So, basically, it's a buoy, a line and no more than two hooks attached to that line.

PARTICIPANT: (Off microphone.) Okay.

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Next up is Henry --

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PARTICIPANT: Rita will probably make better comments than I will. That's for sure, but the -- basically I like Mike's comments. I was -- that was an interesting thing is how we came up with the 35 for the buoys. I'm just curious. It seems like --

PARTICIPANT: During the scoping process, we took comment. Some fishermen wrote in and said that they're using ten to 12, but their vessels could use up to 25 and the largest vessels may be able to use up to 50. So, we used that as part of our range in the alternatives.

PARTICIPANT: Okay. Thank you. It just seems like if they're all free floating --

PARTICIPANT: We --

PARTICIPANT: -- it seems like that would be hard to --

PARTICIPANT: -- we have some photographs here that were sent in to us during the comment period that Carol wanted us to show you. Obviously what you

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have here is a -- a polyball which would be you buoy.

We have a high flyer and then a -- a lobster buoy that's probably being used as a bite indicator.

What some of these guys I guess have been using is a float off of the buoy on a light longline clip. So, that as a fish gets on the gear and pulls, the floats come together and that allows them to get in and tend the gear and limit any harm to the animal if it's an undersized fish.

Here's the difference -- the different longline clips. The largest one would be holding the buoy and the smaller one would be holding a -- the bite indicator float that would slide on the main line as an animal picks up the bait.

PARTICIPANT: They all that this.

PARTICIPANT: And that -- Carol wanted me to tell you that that's in the comments received CD. So, you all have that.

I could -- I could draw it out up there if you wanted to see what -- what we're talking about, but we probably don't have time.

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PARTICIPANT: And just one other thing to note that with the number of buoys that are actually being proposed here just has some of the photographs depicted there and we can discuss after the fact. Sometimes there's more than one actual buoy, you know, per -- per the line. So --

PARTICIPANT: Yeah.

PARTICIPANT: -- just keep that in mind that it's not a one-to-one ratio.

PARTICIPANT: Yeah, the -- the -- the definition we went out with in the draft stated one buoy. People have asked that we maybe look to amend that and if we allow them to fish different floats and different pieces of floatation gear on their -- to give them some flexibility, if they ran four different floats, a bite indicator, a high flyer, a polyball and then a small retrieval float, that would bring them down to -- if they were only allowed to possess 35 floats, would bring them down to the ten to -- ten to 11 or 12 gear range.

PARTICIPANT: Okay.

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PARTICIPANT: Appreciate it. It seemed like a lot of gear to water, but I guess the fishery's somewhat limited in number though. Right?

PARTICIPANT: Well, right now, it's unlimited.

PARTICIPANT: No, it's unlimited. God, I don't want to be boating in that area.

PARTICIPANT: Yes, currently, currently, under the -- under the hand line definition, it's -- I mean this is a severe limitation on what's allowed by our regs right now. Right now we -- the regulations say no more than two hooks per line, but there's no maximum number of -- of lines that can be set.

PARTICIPANT: Wow. Good gosh.

PARTICIPANT: (Off microphone.)

PARTICIPANT: Right now?

PARTICIPANT: (Off microphone.)

PARTICIPANT: Yes, to sell right now, no.

PARTICIPANT: (Off microphone.).

PARTICIPANT: Do you want to know what permits are needed to fish hand line gear currently as

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it's defined?

PARTICIPANT: Yeah.

PARTICIPANT: None. You would need an angling category or any other HMS permit to fish hand lines.

PARTICIPANT: Can't sell it though.

PARTICIPANT: How about selling?

PARTICIPANT: You could need a commercial permit. Be it a swordfish, hand gear or the -- the directed swordfish trio.

PARTICIPANT: And that is limited?

PARTICIPANT: They're all -- yes, those are all limited.

PARTICIPANT: Okay.

PARTICIPANT: Okay.

PARTICIPANT: Okay.

PARTICIPANT: Thank you. Henry.

PARTICIPANT: Yeah, thank you and the -- the other portion I've got sort of goes right off this, but I've got to, since we're talking about authorized gear, come back to our continued opposition

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against gillnets and concern over the sink nets and allowing directed chart permits to be issued for sink nets and gillnets only promotes their use, will increase their amount and we not only have the regulatory problems with them in our waters or have had, but there is -- can also continue to catch our game fish such as sailfish. We had the problem in the past and to protect the species, turtles, in the past dolphin and must recently a right whale.

So, we'd like to see that gear again off the authorized gear list and since we're talking about authorized gear, I had to put that in. Thank you.

Oh, one more thing. If it -- if not VMS, we would like to see that brought up again and addressed. If that fishery maintains, we'd at least like to see VMS maintained year round. It's already on the -- on the -- in the fishery most of the year anyhow.

Again, thank you.

(Section of tape blank.)

MS. MERRITT: Thank you. I have a

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question regarding alternative H4. It is allowing the commercial harvest of BAYS tunas, but it -- it now eliminates the commercial vessels from harvesting bluefin tuna by green-stick. Is that intentional and -- and why?

PARTICIPANT: That -- that actually is intentional there, Rita. Currently, the way the commercial configuration of green-stick to our knowledge where you have one main line, multiple hooks falling from that main line, actually falls underneath the definition of a longline gear. You know, when you have, you know, currently the differences between hand lines and longlines, when you're actually trawling that one main line and you have more than two hooks hanging from that mainline underneath the current regulations, technically that's a longline. Hence the action we're currently taking now trying to differentiate the green-stick gear from rod and reel gear from longline gear.

Now, based upon all the information we had going into the scoping prior to going proposed with

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this document, it was our understanding that this commercial configuration was primarily targeting yellowfin and bigeye tuna. We have received comments to date that some individuals wish to pursue and have alluded to that they have pursued bluefin tuna using this gear as well. So, as we went proposed, again we were focusing on the information that we had that it was primarily used for BAYS fisheries.

Some of the comments that we have received says -- have stated that the gear has been reconfigured or some folks have toyed with the gear to reconfigure it to pursue bluefin. Some of the comments that we had is that they limit the number of hooks falling from that main line to limited numbers, two/three hooks.

Again, if it's only two hooks coming from that line, it doesn't really conflict with the longline definition. As soon as you add that third hook, you kind of get into a problem area.

So -- so, the way it is drafted right now was intentional.

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PARTICIPANT: Good.

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PARTICIPANT: Okay. Following up on that, I -- I definitely support the policy of not allowing new more effective fishing gears into -- into fisheries that are undergoing rebuilding and I think I'm talking about bluefin here and it seems the way you've got it written the green-stick regulation follows that policy. The speargun regulation does not. I don't know how much of a -- a real problem that speargun thing is. So, I'm not going to really pursue that.

I think there -- I do have a comment and a -- and a question though and actually, my first comment is to support Henry in -- in taking this opportunity to remove the drift gillnets from the authorized gear list in the HMS fisheries. There are a lot of us that have supported that for a number of years and I think it's high time we did that.

The final question is you say that the gear -- the new gears would be permissible under

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current regulations and the current regulations are written for other gears and I'm wondering -- I'm wondering if -- if you've totally thought out all the possible ramifications of allowing some of these gears into the fisheries and possible regulatory problems that -- that may arise. I don't know exactly what those would be. I can just think of -- of one situation though where there are current regulations.

Enclosed areas against pelagic longlines and you've characterized the green-stick as a longline gear and people have called it a mini longline.

It would seem to me as a longline that it would not be allowed in the closed areas, but your regulation seems to only prohibit it from fishing in the closed areas if pelagic longline gear is on board.

So, I take that to mean that if it is not and they are just fishing with other forms as -- other hand gears as well as green-stick gear, they could enter any or all of the closed areas at this time.

That's your intention. Okay. Just want to clarify that.

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Thank you.

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MR. HEMILRIGHT: Dewey Hemilright.

Let me -- I'm kind of thick headed in my thinking, but let me -- are -- are -- are you telling me that on H4 that you can't use a green-stick to catch bluefin tuna?

PARTICIPANT: (Off microphone.)

PARTICIPANT: What -- what saying is that as -- as we look at green-stick gear and -- and as we've referred to the commercial configuration of that gear, where you have a main line and you have multiple hoods coming from that main line, I believe we used ten to 12 in the document itself. That you would not be able to retain bluefin tuna.

PARTICIPANT: Ten.

PARTICIPANT: Ten. Okay. In the sense that where that gear is being trawled actively -- well, let me phrase it this way. In the directed bluefin tuna fishery, you would be exceeding the hook allowance. You know, hand gear, et cetera. The rod

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and reel gear. There is a limitation on two hooks per line and when that gear is being hauled back, when you're having ten hooks off that one main line, as I had mentioned to Rita, you're in the territory of a longline definition.

In the sense where a longline vessel would be actively trawling that gear -- well, in the longline category, bluefin tuna is -- is an incidental catch. There's -- there's no directed effort on bluefin tuna while you have that longline gear on board.

MR. HEMILRIGHT: Well, I think that if you go back and look over landings. I don't know how -- how long ago you started studying this, but probably in North Carolina over the last eight or ten years or however long landing bluefins, I would venture to say that in the early years probably half to three quarters of people that caught a bluefin were using a green-stick and in the wintertime off North Carolina in 20 or 30 fathom of water in 60 degree water, I don't think you're going to catch too many yellowfin.

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It's like all of a sudden you just cut out a group of folks that -- that fished just because you're definition didn't fit in.

You're -- you're -- there was a buddy of mine that got cited for out there green-stick fishing.

He had a longline spool on board. Didn't even -- wasn't even using it because he didn't have an incidental tuna permit for that regulation, but he's green-sticking.

So, basically, you just pretty much wiped out a -- a group of folks that green-stick fish and it's under your definition whether you use it for bluefin tuna. How about for yellowfin tuna? It's still considered a longline gear to go yellowfin fishing. Why is it different? I mean why is it you're changing it for the bluefin and it's not for the yellowfin. So, that means everybody's yellowfin fishing with the green-stick is using a longline gear. They just ain't catching bluefins.

What's -- what's the difference?

PARTICIPANT: Well, you talked to a number

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of different issues there, Dewey.

In regards to bluefin tuna that have been commercially harvested, as we receive landing reports for each and every single bluefin tuna, I can assure you that we have not received one landing card that's ever stated green-stick gear. So, those landings are being reported underneath some other gear type. I'm assuming rod and reel. To -- to speak to that point.

So, perhaps there's a reporting issue going on there.

The second item in regards to what we're trying to do in this particular rule making is we're looking to differentiate between longlines, this green-stick gear and that rod and reel gear and again, that's what we're trying to accomplish.

So, based upon the information that we had, you know, this gear was used to target dolphin and BAYS tuna. You know, going into this rule making that we had no information even back from the pelagic longline log books. Very minimal information that this gear is being used to target bluefin.

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MR. HEMILRIGHT: Well, I would doubt you would get it from the pelagic longline book, but the boats to Hatteras have been fishing five, six, seven, eight years ago probably whenever the bluefin stated down there has been using -- been using a green-stick to catch it.

Before when you could switch over, I would go down there and catch -- catch bluefin tuna with my green-stick and -- but your definition presently as it's done whether you're catching yellowfin tunas or not, it's still a longline. So -- so, this type of gear that you've got that you've taken people out from catching bluefin tuna and just sit it aside for big eyes and yellowfin, this same gear that you're talking about, your classification, is still considered a longline gear even if you're catching tunas, BAYS, big eyes. Because it's still got six or ten hooks on there and it's still got a -- a powered thing and sitting -- it's still the same thing and it just -- you're not letting the guys that catch bluefins -- that used to catch bluefins.

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So, you'll probably cut out a portion of North Carolina's people that used to go historically bluefin fishing in the last eight or ten years just because you don't -- just because you don't have the information or maybe not researched it enough or I'm not sure what the holdup is, but it just ain't right, I mean, all of a sudden to cut out a group of fishermen that have been fishing for eight or ten years here now. I don't -- I say I don't know exact amount, but more than a couple year and all of a sudden you just cut them out because you can't figure out a definition.

PARTICIPANT: Well, I guess to that point, Dewey, the two hook per line rule has been in effect for quite some time. So, if individuals have been pursuing bluefin tuna with green-stick gear with multiple hooks and reporting it, there's a number of different enforcement issues at hand there versus what we're trying to accomplish in this rule.

(A), you know, you're -- you're exceeding the two hook limit historically and (B) they haven't

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been reported appropriately.

So, there's -- there's a number of issues at hand in -- in what you're stating.

MR. HEMILRIGHT: One last thing and I'll shut up because it's definitely we ain't going to see eye to eye on this whether you want to talk about enforcement issues in the past. What could be. That's not the -- the point. The point there was landed fish and you're trying to change the definition or something where somebody's landed fish.

What is the definition of a -- of a -- of a yellowfin green-stick rig?

PARTICIPANT: You know, again, we don't have green-stick defined in the regulations as things stand right now. We have hand lines. You know, we have longline defined.

So, we're -- in this particular -- what we're proposing isn't to define the gear specifically to a species, but we're trying to set up a definition that would allow green-stick use so it would not conflict with the current longline definitions.

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MR. HEMILRIGHT: Well, you're proposing jus to take away some fish that people have been fishing before and then I just don't -- I don't agree with it and it ain't right and if you went back and researched and looked and talked to fishermen down on the docks or dealers that get over the problem of whatever it is, you'd see that historically landed bluefin tuna with a green-stick and if there's a problem with that, then it's a problem that shouldn't be with all of a sudden just taking it away from them.

PARTICIPANT: I'll make sure to look at the bluefin tuna landings once again historically to see if I find any green-stick landings reported.

(Section of tape blank.)

PARTICIPANT: Yes, Brad, I have a question and maybe, Dewey, you can help me.

A green-stick boat, Carolinas there's a lot of them there I guess that's squirrely on the H&H. Kind of got it going with some of the people from (inaudible). But, what permit is required at this time with a boat that has a green-stick that

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yellowfin fishes? General category permit. Right?

PARTICIPANT: Currently right now, it -- it depends on the configuration of the gear. Once you exceed the two hook per line limit underneath the current regulations, that is defined as a longline gear and, therefore, you would need the swordfish, shark and Atlantic tunas longline gears to deploy that.

Now, there -- there's also a recreational configuration where as Greg had mentioned that there's a main line towing the (inaudible), but there are individual rod and reels that are -- essentially, it's operated as an outrigger system or an uprigger system versus having the whole main line retrieved.

Right now technically if you have a mainline and you have more than two hooks and it's all being retrieved as one, that does fall underneath the longline definition.

PARTICIPANT: Okay.

PARTICIPANT: So, you would need the three limited access permits.

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PARTICIPANT: Okay.

PARTICIPANT: Yes.

PARTICIPANT: Then I'll just go back and start off with the alternatives. You're answered my question.

As far as the spearfish thing, we met a guy here last year that -- that came and requested it and he was at the hearing at Manteo and he had a lot of pictures. I -- I think if a man's crazy enough to jump overboard in 30 fathoms of water and wants to shoot a fish with speargun, let him go at it. Whether he sells them or not, that's a different story. But, I would support that.

I also support the green-stick fishing. It's been a traditional fishery out of the Carolinas for many years. I think it needs to be looked at real hard. Is how you classify longline when it's being trawled and a longline's drifted.

So, but I do support a green-stick fishery for bluefin with the release clip and possibly with the -- with the spool if it's analyzed and looked at

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and you may get some more comments back at the public hearings.

And let's see. The buoys, the floating buoys for targeting swordfish, I support that. You know, Michael Leak (phonetic) supports it down there where they've got their -- their tournaments down there. I support it, too. I think that it's being used down there. It's being -- from what I understand, it's effective and it's a good way to go catch some swordfish. Go catch them. So, winter bluefin supports the buoys up to 35.

Thank you.

(Section of tape blank.)

PARTICIPANT: Yes, I just have a quick question. This buoy fishery is -- is that an active fishery?

PARTICIPANT: Yeah.

PARTICIPANT: How many participants are there about?

PARTICIPANT: That we know of that are fishing the -- the buoy gear with the hand line permit

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about five or seven off the Florida east coast.

PARTICIPANT: Oh, so, it's -- so, it's --
so, it's not a --

PARTICIPANT: However, right now, there's
-- we've heard, you know, other information saying
that more recreational fishermen are fishing it than
the commercial guys right now and --

PARTICIPANT: Are they allowed to fish
that?

PARTICIPANT: They are.

PARTICIPANT: If they don't sell the fish.

PARTICIPANT: Right. Right now, but under
the proposed regulations, they would not.

PARTICIPANT: I see. Yeah, but that's
only for swordfish. Right?

PARTICIPANT: Right.

PARTICIPANT: You can't do that for --

PARTICIPANT: All hand -- under the
proposed regulations, all hand lines would have to be
attached to a boat and we would define and authorize
the buoy gear only in the swordfish hand gear fishery.

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PARTICIPANT: Oh. Thanks.

(Section of tape blank.)

PARTICIPANT: Thank you. First, alternative H7, I would support the -- the use of different gears in the cockpit. I think we should go that way.

The speargun fishing, I don't care if you're recreational or commercial, whatever, if you want to go catch a tuna fish with a speargun, I think you should be allowed to do it.

The -- I'm a little concerned here the difference between H4 and H5. Where in H5, it says we would allow the commercial -- you're going to allow it to continue for one and the other one, you're going to prohibit the use of.

So, if green-sticking's already taking place and you're talking about whether this goes forward or now, whether it's prohibited and the other one says we're going to allow the buoys because we're going to continue.

My question is though --

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PARTICIPANT: Can you repeat that? I'm sorry. We -- we didn't understand that at all. H4 is the green-stick for BAYS tunas.

PARTICIPANT: Right. Well -- right. Under green-stick it says would prohibit commercial vessels using this for possessing bluefin tuna which it sounds like they're currently doing and when you get to H4, would maintain -- you're going to allow them to use gear that they're already using which is illegal.

PARTICIPANT: The buoy gear right now is allowed, but there's another preferred alternative in this document that would require that hand lines be attached to a vessel.

PARTICIPANT: Okay.

PARTICIPANT: So, they wouldn't be able to fish those buoy gears.

PARTICIPANT: Okay. The -- well, further, go back to H4 then. I don't know why you wouldn't allow them to harvest the bluefin tuna when we're probably 50 percent under the quota. So, the

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fact that it might be a more efficient gear or whatnot, you're way under the quota. So, why wouldn't we allow somebody to use the gear to catch something that we're not catching? That's number one.

And then on number five, I have a question. Now, you said this is for the hand gear swordfish. You also made a statement earlier that I think you probably made a mistake when you said it be -- anybody in the general category could use this type of gear.

PARTICIPANT: No, we -- we didn't say that. I think you're --

PARTICIPANT: I thought I heard that earlier.

PARTICIPANT: I think you were thinking about the green-stick.

PARTICIPANT: No.

PARTICIPANT: Well -- well, actually, in the general category where hand line is an authorized gear type, there's no mention in the current regulations that that hand line needs to be attached

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to the vessel.

PARTICIPANT: Oh. Okay. Now --

PARTICIPANT: So, currently right now, a general category vessel that had a desire to target Atlantic tunas with a free floating hand line, there's nothing in the regulations prohibiting that activity.

PARTICIPANT: Okay.

PARTICIPANT: By defining the buoy gear and in another section that we'll get into tomorrow morning in redefining the hand gear -- excuse me, redefining the hand line, we kind of get at that.

PARTICIPANT: Okay. So, the goal here is that only people with a swordfish permit would be able to use this gear. Now, does that -- you mentioned the hand gear permit. Is that also -- would the incidental -- somebody with an incidental permit be able to use this gear?

PARTICIPANT: No, only the swordfish hand gear or someone who has a directed swordfish and the -- the other two permits that allow that permit to be valid. So, basically, the -- the -- the triple for

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pelagic longline fishing or -- or the swordfish hand gear permit.

PARTICIPANT: So, somebody with an incidental permit that could only use a harpoon couldn't use a hand gear. A recreational fisherman could only use hand gear and not a harpoon. Just so I have that correct.

PARTICIPANT: Well, you couldn't direct it on sword -- we wouldn't want somebody going directed fishing on swordfish with buoy gear with an incidental permit. Incidental permit are for incident -- fish caught incidentally to other operations.

PARTICIPANT: Well, could I possibly ask why when we're so far under on the swordfish quota that we wouldn't want somebody to have -- give them the opportunity that has a permit to catch swordfish?

PARTICIPANT: Well, I think the permit was designed for fisheries that have incidental to catch a swordfish. It wasn't designed as a directed permit and yeah, your point is taken that we're under quota, but there remain fisheries that are not targeting

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swordfish, but do have swordfish incidental catch and that's what that permit is design to do. It's to allow them to land a limited amount.

PARTICIPANT: Well, but we -- we have had permit and some fisheries I think in the trawl fishery or the squid fishery, I'm not sure, you're allowed, what, five or six swordfish and now in the hand gear, you're allowed two and I'd be willing to bet that anybody that's using hand gear in the incidental category is directing on swordfish. It's not an incidental -- it's not an incidental permit.

I mean if -- if it's a hand -- if it's harpoon only fishery, it's not an incidental catch. You deliberately caught that fish. You didn't mistakenly come up on a giant tuna. You didn't mistakenly come up with it. You deliberately harpooned a swordfish.

So, to say it's -- it's an incidental catch that happens while you're fishing for something else isn't true.

We can call it what we want, but if you've

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got a harpoon permit that says you can get swordfish incidentally, that's a directed fishery. You deliberately harpooned that fish. It wasn't an accident.

PARTICIPANT: Frank, I mean we -- we can definitely a little bit more on this, but the swordfish hand gear permits are considered directed permits. I don't know if --

PARTICIPANT: Okay. Well, if that's a directed permit, that person can use the buoy gear now?

PARTICIPANT: That's --

PARTICIPANT: Yes, the swordfish hand gear permit holders. Yes.

PARTICIPANT: So, well, they can currently use it and they're be able to use it in the future?

PARTICIPANT: Yes.

PARTICIPANT: Okay.

(Section of tape blank.)

PARTICIPANT: (Off microphone.)

PARTICIPANT: Okay. First thing, I was

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involved in some of those hearings with the guy with the speargun and I think intent was a guy without scuba gear to go down and shoot yellowfin tuna or possibly a bluefin tuna I guess with a speargun and other than the mortality of the fisherman that you might have to deal with, I did -- scuba gear was never mentioned in the -- as part of the gear. It was all free diving and I think that was the intent of -- of the rule was to make it a free diving. I think they have a tournament in Hatteras where they bring in divers from all over the world I think and they free drive for these fish which is much -- in my opinion is much different than going down there with scuba gear.

The second thing and it's just something minimal, but it -- it could grow into a conflict and that's support and hopefully it will, the tuna fishery -- bluefin tuna fishery on the --

(End tape 13 side A.)

PARTICIPANT: -- recs in our area and I'm sure in other areas, too at times they're very concentrated on top of rec and you may have rec -- rec

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-- recreational fishermen there, charter boat fishermen, commercial fishermen and here comes a dive boat right up in the middle of this fleet of boats and drops out a flag and everybody has get 500 feet away or something could certainly create a lot of animosity.

PARTICIPANT: Do it anyway. Do it --

PARTICIPANT: Well, they -- they can do anyway, but that would prevent -- would certainly give an incentive, but anyway, in H4, it seems that in once sentence we're making green-stick gear legal which I think -- I mean the guys have been using it for years and they have been using it as Dewey says for bluefin tunas as well as yellowfin tunas and it's very effective and it's very directed. I mean you don't have any bycatch with it and I think if -- you know, I would be in full support of H4 if you'd eliminated bluefin tuna issue. They should be able to use it for bluefins. They have in the past and I'm sure they'd like to in the future and normally it's not a eight-hook rig. It's usually a three or four-hook rig. I

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think Dewey will tell you, but --

PARTICIPANT: Margo asked me just to clarify quickly that the recreational configuration, the individually tended lines with the release clips, that right now is -- is still and has been legal for bluefin tuna fishing.

PARTICIPANT: Okay.

PARTICIPANT: But, the -- the -- pardon?

PARTICIPANT: And would continue.

PARTICIPANT: And would continue to be legal, but this version that we're specifically defining and authorizing here for BAYS tunas would be where all of those -- all of that gear is retrieved collectively and that's where the difference lie.

PARTICIPANT: I see. So -- so, let me understand this. Baits that breakaway from the main line onto a rod and reel are okay.

PARTICIPANT: So long as there's no more than two hooks attached to that rod and reel.

PARTICIPANT: Okay. Okay. Well --

PARTICIPANT: This -- this one here.

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PARTICIPANT: Right.

PARTICIPANT: Can you see?

PARTICIPANT: Right. But, there is some recreational gear being pulled, too with more than -- more than two hooks on one line. I can assure you that.

But, and I think just listening to the buoy gear stuff and I -- I'm really kind of new to it, but it seems like to me that it's commercial gear, but it seems like recreational guys are wanting to use it and I don't understand exactly why they're not just using a rod and reel. If they can't sell the fish, you know, it just looks like to me it maybe opens the door for a lot of back door swordfish in restaurants and wherever and you know and I wasn't sure. Is it allowed in the closed longline areas?

PARTICIPANT: Right now, if you have an angling category permit or a charter head boat permit, you can fish free floating hand lines and there's no minimum number of those gears that you can deploy now and the -- of course, the angling guys cannot sell

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their fish.

PARTICIPANT: Right.

PARTICIPANT: We've had quite a lot of comment on this. In this document in reg housekeeping, there's an alternative -- a preferred alternative that would require that all hand lines be attached to a vessel. So, that would eliminate the recreational use of the free floating hand lines.

And also in this document under the authorized gears, we've preferred an alternative to define and authorize buoy gear which is a new name to a gear that was being used under hand line specifically for the swordfish commercial hand gear fisherman.

PARTICIPANT: Okay. Well, I'll let you all -- I won't take a support or oppose. I'll let you all figure that out with the guys that know a lot more than I do. Thank you.

(Section of tape blank.)

PARTICIPANT: (Off microphone.)

PARTICIPANT: Yes, thank you, Vint.

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Whenever we have this much confusion around the table, it -- it -- it says slow down and go cautious and make sure that we understand where we're going and how we're getting there. I appreciate Rom and Frank's and Dewey's concerns.

Now, what's our goal here, Paul? I thought that our goal is to set up some new fisheries.

We're encouraging innovation. Innovation should always been encouraged and as -- as some of these innovations come -- come about, we need to take a look at them one by one, specific by specific and -- and -- and make some decisions on them. Make decisions on is this a recreational gear? Is this a commercial gear?

If it is, you know, what permits? What -- what criteria in order to fall into the regimes that we've placed commercial fisheries in or recreational fisheries in, et cetera?

On the alternatives, H1, I would oppose. Innovations should not be stymied. Should always be encouraged.

H2, support speargun fishing as a

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permissible gear type in the recreational Atlantic tuna fishery with caveats. Mandatory permitting, reporting, monitoring and enforcement. If NMFS cannot guarantee this, there should not be an additional uncontrollable fishery in addition to other fisheries without permits, et cetera, et cetera.

No sale must be strictly enforced. We don't want to add another recreational fishery with sale -- illegal sale problems.

Now, H3, authorized speargun commercial tuna, hand gear and recreational tuna fisheries, I would oppose that because that would be tantamount to reallocation.

H4, authorize green-stick for the commercial harvest of Atlantic BAYS tunas, now, we're talking about -- I believe we're talking about a commercial fishery. So, if we're talking about a commercial fishery, then, you know, we're talking about all the proper permits, all the proper VMSS and, you know, careful handling and release, you know, and certifications and, you know, et cetera, et cetera. I

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-- I -- I would assume.

The commercial green-stick method uses multiple hooks with artificial baits on a single line to catch Atlantic tunas including bluefin tuna. This is the new general category gear type that is used by both general category fishermen to target bluefin tuna and pelagic longline fishermen to target yellowfin tuna.

Blue Water supports the use of green-sticks as an authorized gear for yellowfin tuna directed fishing by pelagic longline permitted vessels.

Blue Water supports the use of green-sticks as an authorized gear by general category fishermen to target bluefin tuna.

Blue Water does not support the use of green-sticks by pelagic longline fishermen to target bluefin tuna while aboard a permitted pelagic longline vessel unless the regs make an accommodation to secure the drum. That's what's done in these instances, you know, in other similar circumstance. That if the drum

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is secure, there's no longer a pelagic longliner. Then it can be used as a commercial, you know, green-stick. But, if the drum is on there and it's still a pelagic longliner, then no, it's not to be used with -- with green-stick under -- under present regulations.

H5, authorized buoy gear in the commercial swordfish hand gear fishery and limit vessel in flowing buoy gear to possessing and deploying no more than 35 individual buoys with each having no more than two hooks or gangions attached.

Now, it's my understanding that you're trying to set a -- a commercial fishery gear. Okay. Is that true?

PARTICIPANT: It's a fishery that's already -- that -- it already exists.

PARTICIPANT: Well, it's a fishery that's -- that's evolved. Okay. But, we had our guys go to enforcement. Okay. And we said how can we do this under current regs and they say okay, well, you can do it this way and this way and this way and our guy said

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well, better than that. What we'll do -- we'll take the drum off so there's no question that we're not pelagic longline fishing and we'll use circle hooks. So, if any -- anyone, you know, you know, comes and attacks us, we can tell them we're already ahead of the curve. That's what our guys had done with it.

Now, our guys to make a commercial go of it might need more than 35 buoys. I don't know and I don't know that there's any science or anything to back whether 35 is the proper number or some other number is the proper number.

I do know that there's recreational fishermen that are using this method. Some of them may have hand gear permits and can -- can sell their fish. So, they're -- they're in essence commercial. Some of them may not. So, in -- in essence, they illegally back door their fish sales. They may not need that many -- that many buoys.

Now, two hooks is currently the definition of longline and for now, I would -- I would -- I would say, you know, stay with that, you know, on -- on --

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on this option.

But, I would require 100 percent circle hooks, careful handling and release and certified training, VMS. You know, I would go so far as to require the three, you know, permits that are required of the pelagic longline fishery, but that's me.

And again, we're unaware of any data to justify limitations on numbers of buoys at this time.

H6, authorize up to 50 with 15, now we know what that is. That's mini longline and -- and I would say yes, we'd love to -- we'd love to see it. We'd love to have it and -- and it would probably be cleaner and a lot less problems than traditional longline. Perhaps there should be some way of trying this somewhere under experiment or -- or what have you.

But, I'll tell you where it shouldn't be tried. It shouldn't be tried in the heart of where Mike's fishing. It shouldn't -- it shouldn't be tried between Key West and -- and -- and, you know, Vero Beach. It's going to be nothing but a problem and we

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have enough sense to know that, but are there other -- other areas where it would probably be good? Yeah. Yeah and it might open up, you know, a -- a -- a type of gear that -- that can be viable commercially and, you know, be good for bycatch and any bycatch that is caught could, you know, be released alive. You know, it might be -- it might be a good thing. So, I don't think that that option should be summarily dropped.

PARTICIPANT: Closed areas.

PARTICIPANT: Pardon.

PARTICIPANT: That would be for the closed areas.

PARTICIPANT: Well, that -- that would be maybe for some areas of closed areas. Because remember the closed areas are where are the CPUEs are, but it would not be for all areas, closed areas.

You know, I've sat this table many times. We're not -- you know, under my watch, we're not trying to go between Key West and Vero Beach period and we haven't consistently.

H7, clarify the allowance of the handheld

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gear. Very important even for the pelagic longline fishery. You know, we use all these -- all these tools and very important that, you know, the regs finally get -- get clear on the ability to use these tools.

But, I would say be careful. If it's to be commercial, make it tight.

Now, if you're trying to set up a quasi-recreational fisheries to sell their fish, you know, I would ask you to reconsider that because that's -- that's in my idea more -- more problems that these fisheries don't need.

(Section of tape blank.)

PARTICIPANT: First, I got a question and Nelson maybe can answer this, but is -- is -- currently, does a -- a swordfish hand gear permitted vessel, is it required to have VMS like your longline vessel is? No.

Then -- then I would support a lot of what Nelson just said, but I would definitely have the requirement for those vessels to have VMS on them and

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-- and in a sense for the buoy gear, I would think I would even go so far and -- and recreational people are going to be bitching at me, but I think if you're going to use a buoy gear, you put a VMS on your boat so you know where you are.

Now, in -- in places other than the Gulf of Mexico, I'm not sure about this, but in the Gulf of Mexico, I see a potential problems with buoy gear and also with -- with some of the pelagic longline gear and -- and it's been a problem with some of the recreational guys. In -- in the Gulf of Mexico, we have a lot of oil rigs out there and we have the newest innovative-type things or dynamic-positioned vessels and semi-submersibles and drill ships and whatnot that operate free floating, but they operate with thrusters that at times vessels have been run away from them for trawling because of the fear of getting monofilament wrapped up in the thrusters which if that's the case, that vessel shuts down and is free drifting and if it's in the process of drilling on something, it could cause a possible pollution

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problem.

So, in that case in the Gulf, you may want to restrict this type gear especially in the Northern Gulf, North Central Gulf where a lot of these vessels and then the middle part of the Gulf now where they're getting into real deep water where this stuff is used.

So, you -- you need to be real cautious as to how you play with that.

(Section of tape blank.)

PARTICIPANT: We've -- we've only had one boat try so far and it has not been successful. You know, it seems that the -- that the bait -- bait cords and whatnot stay right around the rig and gear is not around the rig long enough to -- to do any good.

(Section of tape blank.)

PARTICIPANT: I understand that, but -- but you get away from the rig. I mean you've got the currents that flow this stuff. I mean obviously if you're running out there with 35 buoys and -- and 50 buoys, how many are you going to put out there? You got these things flowing around. You got a crew of

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what? Two or three, maybe four people on a boat. You're running around here. I mean you got fish grabbing this thing.

And -- and, you know, I'm -- swordfish I don't have a problem with trying to increase the catch on swordfish because we need to capture that quota. I do have problems with bycatch with billfish and I've got a problem with trying to increase catches of yellowfin tuna because I see potential problems coming down the road with quotas and stuff on that.

So, in that respect, what you have in the Northern Gulf, if these things get away, obviously, on the buoy, you're going to have to have some kind of marking I would imagine that would identify the buoy gear to your vessel so that it gets in there and it may be that you want to require some kind of additional liability that if that thing gets sucked up in -- I don't know if it's going to happen. It may be a rare thing that it does.

But, the potential with what could happen, one incident in the Gulf of Mexico could cause a major

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problem and I don't want to see that especially with this country right now being dependent on oil and we're, you know, hopefully going to get to do other things. But, there's a big effort in the Gulf. We saw what happened with all the hurricanes last year. You know, some of these platforms that were designed to withstand 100 foot waves didn't stand it. They're down and busted off and there's all kinds of problems there because of that. So, you had this potential that, you know, I would hate to see happen in the Gulf of Mexico.

(Section of tape blank.)

PARTICIPANT: Yes, first of all on the green-stick issue, Brad, there -- there have been both New England and Carolina use. Has been use in both locations for at least a decade. I mean I know a decade ago, there were guys catching bluefin in New England with gear that's -- would be defined as commercial.

Why take it away is my question. Why not change the definition rather than further impede our

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attempt to fulfill our quota? It just doesn't make sense.

And regarding this -- I think the Canadians maybe used a similar gear type and they refer to it as toggle fishing or tended -- attended buoy fishing or something.

How -- how many swordfish hand gear permits are there out there in the universe?

PARTICIPANT: There was 99 as of the writing of the draft and the last query we have resulted in 88, but that doesn't include the directed swordfish permit holders who would also be able to participate.

PARTICIPANT: Okay. So, you got -- you got 100 -- about 100. So, you -- you're going to have 3500 because I'll tell you what. I know -- I know one person who's leaving the meeting and making a phone call about a hand gear permit.

The -- you can -- you're going to have -- maybe have 3500 hooks in the water in the closed area in the Strait of Florida pretty quick if it works and

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I hear it does. There's a lot of markers I guess and you know --

PARTICIPANT: (Off microphone.)

PARTICIPANT: It doesn't work that well.

PARTICIPANT: Doesn't work that well?

PARTICIPANT: That well. No.

PARTICIPANT: Well, I just wonder if -- it just -- it just seems like the longliners took it -- took it pretty hard to -- to close that area and I -- I don't -- all -- it seems like all the issues that are there with longline gear are there with 3500 hooks in the water. Maybe that's only -- I don't know how many longliners it would take to make that 3500 hook set. Maybe six/seven boats. But, would you let six or seven boats in?

And I don't know that I'm dead against it, but I think marlin -- all the -- all the bycatch issues are still staring you in the face and -- and the idea that -- that these new buoy fishermen are going to be very efficient and really good at all these discard issues and it's going to be a mess.

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You get a bunch of people doing it, it'll be a mess.

(Section of tape blank.)

MR. DAUGHDRILL: Bill Daughdrill, Gulf Council.

First of all on the green-stick issue, the -- the council opposes that just because -- you know, one, I want to ask a question. Is -- our green-sticks used in the Gulf right now?

PARTICIPANT: Nelson, any of your guys?

PARTICIPANT: Not -- not that I'm aware of.

MR. DAUGHDRILL: That was our information, too, that we didn't think they were used either in the -- any --

PARTICIPANT: I don't believe any of the information --

MR. DAUGHDRILL: We just don't want to add any additional gear in at this time.

As far as buoy gear, we're very concerned about buoy gear just because I think there just needs

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to be a whole lot more study there. We do not want it in the DeSoto Canyon area drifting through. If it's being used in the Gulf right now, we're not aware of it. It's not being reported.

We're also -- because of the storms we've had this past year, we don't want anything floating around out there free in the -- in the Gulf.

Bob Zales already stole my thunder a little bit on the oil rigs, but also, we feel like buoy gear will be used around oil rigs and then we're not going to be able to -- because they're free floating, we're not going to be able to control where they go and if they get tangled up in the oil rigs, then, of course, we're going to have to start fishing further away from the oil rigs which -- which hurts the fishery.

And I guess the biggest issue there is that we just don't want it in the DeSoto Canyon area.

Thank you.

(Section of tape blank.)

PARTICIPANT: Well, I'll make this a

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little briefer than I was going to then.

I think with these -- with -- with respect to the buoy -- with respect to the speargun guy, you know, sounds -- sounds an extreme sport enthusiast and fine. No problem.

I think the -- with respect to the buoy fishing, again, I think certainly circle hooks need to be included for anyone that's going to ultimately be allowed to do this. You know, we spoke before about the -- the benefits of those and perhaps the careful handling as well.

I'm interested to know whether the -- do the -- do the fellows that are recreationally doing this, do they use light sticks?

PARTICIPANT: (Off microphone.) I don't think (inaudible).

PARTICIPANT: Yes.

PARTICIPANT: Yes.

PARTICIPANT: Yes, they do.

PARTICIPANT: Yeah, so they use light sticks. Live bait?

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PARTICIPANT: Some.

PARTICIPANT: Don't know?

PARTICIPANT: Some.

PARTICIPANT: It seems to me that a recreational guy, you know, doesn't have a permit to sell. You know, he's not commercial and somebody recreationally then out there that needs to put out two hooks times, you know, 12 or 30. So, he's -- you know, so many buoys. There's -- there's a lot of hooks out there. Why not just use the rod and reel and I don't see the need to recreationally do this gear because I think it's going to -- probably those very few people that don't buy into the recreational ethic of voluntary compliance, make a good boy go bad here and make him want to sell all these fish he's catching.

(Section of tape blank.)

PARTICIPANT: Yeah, just -- just wanted to go back to the alternative 4 I guess it was, Brad. The -- can we put the -- the green-stick alternative back up. Yes, there it is.

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That creates a real problem and -- and I don't know about the landings information, but I certainly -- I know firsthand green-stick boats land bluefin tuna in North Carolina. Now, they may report them as hook and line, but they -- they land them with green-stick gear and if you go down to the Morehead City waterfront or the (inaudible) waterfront or any of the waterfronts that I'm aware of in North Carolina, a lot of these vessels have green-sticks on their boats and they're permanently mounted.

So, I don't know what you do if you're wanting to go bluefin tuna -- if you want to go bluefin tuna fishing under a general category and you have a green-stick attached to your boat, does that eliminate that vessel from being able to participate in general category fishing? Sounds to me like it does.

Because if they have a -- if they have a green-stick on board, they're illegal and so, it just -- it -- I mean that's -- that's going to take a lot of vessels in North Carolina at least out of the

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fishery and I know there were some Massachusetts' boats in North Carolina this winter that had green-sticks on board.

PARTICIPANT: Okay. Now -- provided that they were fishing -- the version where the gear is retrieved collectively. If they're fishing the gear that uses the rod -- rod and reel gear detachable, that's standard rod and reel trawling gear and is allowed under the regs right now.

The gear that we have up in the -- in the alternatives here is that the commercial configuration version where all of the gear is retrieved collectively. So --

PARTICIPANT: But, I -- the boat --

PARTICIPANT: -- the vessels --

PARTICIPANT: But, they can be used in different ways. I mean they can be used one way or the other. All right. And -- and I mean I went on a boat this winter -- on a vessel and we went general category fishing. We pulled six lines. We didn't use the green-stick, but the green-stick was on board and

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it could be -- that green-stick could be used in both configurations. You could attach lines to it with a -- with -- with ganching (phonetic) clips or -- or clips and the line pop off and you fight the fish with the -- with the reel or it can be set up to where you retrieve the whole line with all the fish on board.

So, if -- if -- if this rule goes through as I understand it, then the man I went with this winter would not be able to fish for bluefin tuna in the wintertime and that -- that I think is an unintended consequence for these boats that have the -- that have that gear on board and I really don't see the need or the sense behind it. I mean I guess they don't have to have a longline permit. They just get a general category permit to fish for the BAYS tunas, but if they can fish for the BAYS, I'm unaware of many instances where you catch more than one bluefin at a time on a -- on a green-stick.

So, it seems like to me that we can come up with a definition of a green-stick. Maybe it's mobile, a mobile gear. It's not a fixed. It doesn't

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have a high flyer or whatever you need to do in order to identify that gear not to disadvantage all these guys that have this on board. Because it's going to affect a whole lot of people and I -- I don't think anyone's aware of the impacts that this is going to have.

(Section of tape blank.)

MR. ETHERIDGE: Will Etheridge.

I guess I've -- I've seen this thing coming a real long time, but we -- we -- you're not catching -- we're nowhere near caught out quota of bluefin tuna this year. Yet, here's another rule that you're going to put in effect that's going take from that again next year and -- and it -- you know, it would just be so nice to come to one of these meetings and be nice to everybody.

When -- when you set here and you just see you people continuously, one time after the other. I mean I'm old enough to be everyone of you's father and you just -- you just continuously, continuously take, take, take and -- and I'll -- without any

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consideration whatsoever.

I mean I -- I own three longline vessels. They -- they have longline permits for swordfish and I have green-sticks permanently mounted on all three of those boats.

The main reason that I mounted those green-sticks on those boats was when I'm traveling through the grounds that I fish, I'm usually going at a speed about seven or eight mile an hour and that's what speed that you want to pull a green-stick. So, to try to increase some income to try to make it -- my boats be more productive, I put these things on there.

And it's not going to be no great big deal for me to go take the damn things off and I -- I -- I know it certainly ain't going to cause any of you all any discomfort, but, you know, just -- just the -- just the way that you go about doing it, you're saying that you can't have a bluefin tuna on the boat if you've got a green-stick gear on your boat.

Well, if you got -- if you have a longline permit and -- and you -- with that longline permit you

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get an incidental bluefin permit, why could you not have it on there?

But -- but, again, it's just -- it just seems like what's coming from you people is to -- to see that we can't catch more. It's just -- it's just so disheartening to just -- you know, it's really disheartening when some of these people over here just don't care what in the hell happens to a commercial fisherman.

I -- but, I know most of you people personally and I -- I think you do have a little bit of care and you certainly should. Your job description should require that you care about the -- the people that you're putting these regulations on and -- and why couldn't you just -- for -- for the -- to classify the green-stick commercial gear, why couldn't you just changed it so that you could fish for bluefin tuna? Wouldn't that have been so damn much easier? It might have been a little bit more work for you people to do, but I know there's been over a hundred of these things sold and I know that

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there's been several hundred bluefin tuna caught on them by people and all of a sudden, you're just going to take it away from them. Just -- just because -- I mean when -- when the simply solution would be to change the definition of it.

I mean I got a million other things I'd love to say to you, but --

(Section of tape blank.)

PARTICIPANT: Yeah, one clarification I want to make here as -- as we're, you know, listening to your comments is how this is being phrased that we're taking something away from folks.

Currently on the rules and the regulations, the definitions have existed for some time, the two-hook limit. You know, the differentiation between the longline and hand lines and as I hear this, I look through the data sets, very familiar with them, and there may be a few green-stick fish, but in my search of the database, they don't exist.

So, between yourself, Dewey, Willie,

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Robert Fitzpatrick, Louis, I hear you very loud and clear that this gear is being used for bluefin, that it has been used for bluefin and that what we're trying to do here is take this away.

I have a very different perspective when the regulations say that it can't be used for bluefin as we've described it here commercially. That there's no landing information to support the activities that you're all saying that's happened. I'm not doubting that it's happening. I'm saying the information we have doesn't reflect the claims you're making. So, obviously, there's a disconnect there and the reason behind that disconnection, I'm not going to speculate.

So, you're just -- to clarify, I find it very hard to believe that we're taking something away when currently on the books you're not allowed to use it in the first place.

Now, you know, obviously, there's some gray area in there whether it's being used or not, but I -- I just kind of have issue with that. Currently, the regulations don't allow it, but yet, we're taking

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it away by -- by trying to find a way to define this gear so it can be used legally.

PARTICIPANT: What -- what is the requirements to report a fish under general category?

I mean I've never reported one. So, I don't know. But, I mean when you call in that you've got one, I mean do you -- are you suppose to tell somebody how you caught it?

PARTICIPANT: For a commercial bluefin tuna, a landing card or landing report is submitted to us within 24 hours of landing of that fish. There's a fair amount of information that's applied on that landing card. First information that's applied other than the vessel -- other than the dealer and the dealer's permit number is the gear type the fish was landed with and in that, there's a number of different boxes with rod and reel, harpoon, longline, hand line purse seine and other.

So, I'm assuming that these landings you're referring to were reported underneath rod and reel because when I see an other, it catches my eye

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and I make note of it and I don't recall seeing a high volume of -- of green-stick drafted in that other category.

PARTICIPANT: Well, I mean I've only been green-sticking on one fishing trip and we did -- I mean if I had to classify the way the fish was caught, it was caught on a reel, an electric reel mounted to a rod that broke away from the green-stick.

So, if I was reporting it and there was no -- nowhere on the form to put green-stick, I certainly would report it rod and reel. I don't think there was nobody trying to hide anything. It was just -- it was just a standard thing that's done.

Well, now we can't do that anymore. If that's not being taken away from, then tell me what it is.

PARTICIPANT: No, that activity really still allowed when that main line is used as a -- essentially uprigger and you have other lines coming from rod and reels whether they're electric reels or not, but that is still allowed. We kind of refer to

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that as a recreational configuration where, you know, those lines going to the rod and reel snap off when the fish hits. The fish is fought on the individual rod and reel. We don't have issues with that because it doesn't run afoul of our longline definition.

PARTICIPANT: Okay.

PARTICIPANT: In the commercial configuration where you do a main line and there are multiple hooks, i.e., exceeding two that are retrieved in one haul back, too, whether it be an electric, hydraulic or even a manual-powered drum at that point, then you are running afoul of the longline regulations and the definitions and that's what we're trying to address is when that activity takes place, how do you differentiate it.

So, the activity you just described currently is allowed and as we move forward, would be allowed. That's -- that's not where we're running into the difficulties.

PARTICIPANT: Well, I meant -- to me, a longline and I do have a little bit of experience

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here. It's set out and it's left setting. It's just setting in the water. That's what a longline is with many hooks and a green-stick, I mean you just -- does not set in the water. It have to be trawled. It has to be trawled at a fairly high speed.

So, I mean if -- if -- if -- if you wanted to -- I -- I mean if -- if you wanted to do something to help the fish -- the -- the industry itself, then change the definition or do something. Don't -- don't make it against the law now that we all know that it's against the law to catch a bluefin tuna with a general category permit with a -- with a green-stick that has more than two baits hooked to one line.

(Section of tape blank.)

PARTICIPANT: Bob, go ahead.

PARTICIPANT: Just to that point, I mean what I'm seeing here is I've seen in -- in -- in fisheries especially with -- with regulations and whatnot. We've got these conglomeration of regulations and it's confusing and obviously what you're seeing and what's been put out to the public

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because I don't believe any of these people are out here purposely violated the law. Otherwise, they wouldn't be telling you what they're doing and -- and so, you've got some confusion here that needs to be clarified and it appears to me that -- you know, I don't know if Willie's pulling more than two hooks on his rod and reel or what, but if he's pulling three hooks, he's obviously according to -- to the definition of what you've read illegal and -- and he's not a violator. He's not a criminal. So, he's not doing this purposely.

So, what you've got -- you've got a mass of confusion that needs to be cleared up and then work with the people that's doing this to clarify what needs to be done.

Because what I'm learning about a green-stick, it's essentially like a big outrigger that I'm using on my boat. I'm -- you're running lines. The green-stick doesn't catch the fish. Either the rod and reel or the main line catches the fish with the hook. The -- the green-stick's just a means of

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getting the line out away from the boat to someplace.

So, there's a big bunch of confusion that needs to be clarified here.

(Section of tape blank.)

PARTICIPANT: My -- my earlier question was to Greg about the -- about the presentation and I appreciate your patience, but I must say that of all the items I've heard us discuss with the collective decades of fishing experience at all levels in this room, I do not recall any two issues appearing to be still so confusing and so, I have some questions.

I don't know much about this gear. So, I'm not, you know, looking to try to say take away from Willie or give to someone else, but HMS I think this speaks clearly and loudly that those in the public need, you know, more education on this because this isn't clear. Starting with buoy gear first. I understand, you know, that it's a way to catch more of the quota that hasn't been taken.

I have some questions, you know, on number. In the Gulf of Mexico, there literally was a

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bus load of individuals who came out and just were completely adamant about -- against any buoy gear. It's viewed as, you know, it'll be free floating catching marlin bycatch. It will be ghost fishing. You'll have gear going this way, going this -- in the opposite way. So, because of the bycatch issue, the ghost fishing, there was a lot of resistance to the gear.

If you have 35 or Nelson you said perhaps or someone did that maybe 50 or more are needed, is there a way to put any monitoring GPS on these and what I saw is very small, but somehow to keep up with the -- with the -- with the buoys? I don't have the answer and I'm -- but I'm asking questions on this.

On the green-stick, I find it more troubling probably because of what I don't know really.

In the Gulf at the public hearing, there was confusion. Part of the room felt that the gear was as -- used as an uprigger purely on rod and reel. So, some folks thought that it was fine gear because

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you wouldn't have -- the line would not be very long.

Others who said no, there's the possibility of having a hydraulic drum. In that case, then you're getting very close to a longline gear in the eyes of those who don't -- aren't professional users.

(End tape 14 side A.)

PARTICIPANT: -- Science Center on this, but on this issue, the overwhelming consensus was that we really need to address the issue by collecting more lengths and weights of bluefin tuna. We have not done biological sampling as an add-on to the large pelagic survey since the year 2000 and there's -- that's definitely something that we're looking into. Now, it's not that we didn't -- nobody's wanted to do it. There are funding issues associated with these additional options and we are going to make every effort we can to collect lengths and weights in 2006 so that we -- we can produce what we feel are going to be accurate and current length/weight keys that -- that can then be used to generate landings weights.

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I know there's -- there's -- I mean there's been some talk about using North Carolina data which I believe any data that's out there I think it's great to look at and to compare with what's currently being used, but I feel like the best approach is really to -- to collect current data and -- and not only current data, but data that crosses all bluefin tuna size classes. If you're just looking at data that's, you know, from the larger fish, you're going to get a different relationship and you don't necessarily want to apply that to -- to the -- over the entire range.

So, that's why the feeling is at this point the best approach is just to collect -- collect the data that we need and to -- to improve things that way.

The second issue that has arisen is the suggestions that in previous years on the large pelagic inter-set series, those are the dockside interviews that are conducted that interviewers were perhaps not measuring bluefin tuna correctly and

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taking a -- what -- what they're instructed to do and they're trained to do and every indication we have says that they are doing is to take a straight fork link.

But, there have been I don't know if I want to call it allegations or, you know, we've heard reports from the field that they have seen interviewers taking curve lengths and not only taking curve lengths, but recording them. Okay. So, this was the issue that we were asked to look into and to be quite honest, it -- it was -- it's not an easy thing to do to go back in time and try to unravel what -- what happened.

You talk about multiple interviewers across multiple states and several years back, it's -- it's going to be difficult to -- you know, there was some talk about conducting a survey to ask people who were actually interviewed what -- you know, what type of length was taken on your fish three years ago. The -- the committee that again that was formed to -- to look at this issue decided that really the only

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available data that we had to -- to analyze this and again, it was -- it was not the preferred way to do it. I'd say the preferred way is to catch these errors instantaneously -- instantaneously. You know, in the same year that they occur and preferably in real time so that you can track them and that's how we -- we currently track any potential errors in the data.

But, going back in time, the best -- the best method that we came up with was to compare fish that were measured by large pelagic interviewers dockside with -- for the same fish, the fish was also reported either on a Maryland catch card or it was reported through the ALLRS (phonetic) telephone system by an angler or captain.

And so we were comparing -- and we had to match up for individual fish and we were trying to do these pair-wise comparisons. So, that's basically the -- you know, just giving you the method that -- that we chose to use, but, of course, the major underlining assumption of this method is that the angler or

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captain reported lengths which are in curved -- curved fork lengths are, in fact, accurate and unbiased and we are able to look at that in 2005 because we initiate in 2005 on the LPS that interviewers would take both curved lengths and straight lengths. So, this issue of what, you know, which length they're taking is no longer an issue because now they're taking both.

But, we were still left to go back and look at -- we looked at years 2002 through 2004 to determine which -- well, to compare the LPS length with the angler reported length.

That's about all I can say on that report at this current time. The report is close to being finished, but we are still -- we still need to go through internal review. It's going out for internal review to the Northeast Fishery Science Center, Mark Taurso (phonetic) and it's also being sent to the -- the Southwest Fishery Science Center to review what the committee has done and then subsequently it -- the -- the results will be passed up to the NOAA Fisheries

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Chief Scientist Steve Moralski (phonetic) and that's -- that's really where we're at at this point.

So, I can't tell you necessarily what we found, but what I can tell you is a sensitivity analysis which was done in conjunction with this which showed even if under the worse case scenario every bluefin tuna that was length measured on the LPS since the survey began essentially was incorrectly length measured and we know that's -- that's not the case, but, you know, worse case scenario, the sensitivity analysis looked at what effect would that have had on the stock assessment and all the key stock assessment parameters were virtually unchanged as a result of -- of this relatively minor impact.

So, that at least was good news in terms of, you know, what impact would this have if we went back and adjusted historical landings, but at this point, you know, I really -- I wish I had more to tell you, but I can't really give you the -- you know, cut to the chase and give you the -- the final conclusion, but like I said, it's still going through the internal

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review process.

But, I will take any questions you might have and I know. Right here.

MR. FITZPATRICK: Robert Fitzpatrick. Did you have -- you have a ballpark figure for us? I mean we came up with a ballpark figure ourselves pretty quickly as far as the magnitude of the exaggeration of the landed weight and then we went and collected more data and we, you know, I mean you can't share anything? It's some kind of secret squirrel thing where we, you know -- I mean we've been waiting a long time for this, you know. This isn't like it happened last month.

PARTICIPANT: Well, I really --

MR. FITZPATRICK: This is like how many months now? Fifteen? November 29th, 2004. Yes, by the way, I discovered that.

And it -- I mean to me it was pretty blatant that not only was the length/weight key off, but then we compounded it with the potential discrepancy and by the way, I have participated

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personally in measuring fish with a port sampler and they did it the wrong way every time.

Now, those fish were tagged legal size fish and they were frustrated over not being able to capture any data, that they begged me to come up in the truck and sample a fish with me.

But, I know how they did it and they did it with my tape with a curved measure and I can't imagine that when they ran into some angler the next day they suddenly got out the calipers in their brain and -- and did their thing the right way.

So, you can't share with us maybe how far off it might be. Because we got a pretty good idea. It's not -- I mean I'm going to be terribly disappointed and we -- we assume that the -- I'm glad to hear that the stock assessment didn't get thrown in the trash and suddenly we owned ICCAT a million metric tons or something. We were -- you know, that was sort of thrown out as a threat initially that oh, we'll have to reassess the western Atlantic, but -- so, no trouble there, but how about the magnitude of the

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exaggeration of the landed weights? Any idea?

PARTICIPANT: Well, I find it interesting that you say you had a good idea of -- of the estimate before this. Because I don't know exactly what that was based on. I did read -- I've read articles. You know, I read Rick -- Rick Cunningham had an article in there where he said some percentages, but I feel like percentages that are thrown out like that just kind of feed the rumor mill and that's why we were asked to -- to look at this using actual data. You know, using some statistical approach and again, the data we used was not necessarily the ideal data.

And what I will tell you is one of the reasons it's been so slow in coming is that the committee that was formed to look at this we had a lot of problems just getting over some of these assumptions that we had to make and I mentioned the -- the most critical assumption is that you're basically using as your measure of truth angler reported either through the phone where we know the compliance rate has been very low or through catch cards. But, also

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anglers are generally going to the nearest inch. Whereas, LPS is going to the -- their measuring to the nearest millimeter and so, you're using an angler length as your, you know, what -- your standard and then comparing LPS to that and the feeling in the committee was that whatever results we come up with, we have to qualify it by saying there are all these assumptions you need to get over.

Another assumption is that the two lengths are independent. In other words, if you're comparing them, we had to assume that anglers or -- or LPIS interviewers were not telling the anglers what to write on the card whether it was a -- a straight length or a curve length. Because if you can't get over that assumption, then the comparison is not -- not a valid tool.

So, again, I don't want to give anything out because I guess I might get in some trouble with Steven Moralski and -- and the powers that be, but the point is -- it's still going through internal review and until everyone in the agency who needs to review

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that -- that report has reviewed, I -- I don't think it would be wise to spread the rumor mill and -- and put out a number that's -- that's not necessarily going to be a final -- final report. So, that's -- that's all I can tell you for now.

PARTICIPANT: (Off microphone.)

(Section of tape blank.)

PARTICIPANT: Just -- just one -- one more thing. The -- the -- the fish that -- that caused the thing to get rolling was a Barbara Block (phonetic) tagged fish. Her measurement was good and I was cutting the fish as an, you know, seven and a half years later, as an adult 600 pounder from Canada and when I asked her how big it was length when she did her thing in North Carolina in, I guess, '97, she told me how -- how big it was in -- in centimeters and when I checked -- when I hit my calculator, it was barely -- it was just sub-legal for a bluefin. It was a 73 incher within a quarter inch.

Unfortunately, I've stuck my nose in 9,000 of fish and I know what the fish weighs. I know what

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the most outrageous pumpkin specimen of that fish weighs and I know what the sickest dragon long-line gear or North Carolina hook gear, had to throw that in for you, circle hook gear weighs and it was grossly overestimated.

We're talking about 194 pounds round, you know, best case scenario 204 or 205 that -- that -- that your length/weight keys got weighing in at -- at 240 or 236 or -- or something. Just like -- not a little bit. Not -- not -- it's not even a close call.

The ball's in the catcher's mitt and the guy's on second and I guess feel like we're kind of getting -- now maybe it's going to come out very shortly, but why -- why you would go to the data that you went to, the telephone survey and anglers saying how big their fish were. I mean that's crazy.

Why wouldn't you go to some real data that we have. We have some real numbers from real fish.

PARTICIPANT: It's -- I'm confused. Are you talking about the length/weight issue there or the -- there's two issues.

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PARTICIPANT: That's correct.

PARTICIPANT: And for the -- for the length -- for the length validation issue, I don't know of any other data that we could have used. Now, there was some suggestion that we call up anglers who were interviewed in 1990 or in 2002/2003 and ask them when your fish was measured was it -- was it curve length or straight length? That -- that would have been another approach, but we --

PARTICIPANT: The -- the two issues, one issue is the length/weight key is incorrect period. It overestimates the weight of the -- of the fish in the round.

Second issue is they're taking the wrong kind of measurement which, you know, explodes the problem. Causes it to be even further exaggerated and we had -- no, I'll let Pete, how many fish did you have?

(Section of tape blank.)

PARTICIPANT: Have you seen the EXCEL spreadsheet that was submitted to National Marine

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Fisheries on November 29th, 2004?

PARTICIPANT: Could you remind me who submitted that and who it was submitted to?

PARTICIPANT: The Winter Bluefin -- the Winter Bluefin Association submitted it, you know, in a meeting with Bill Hogarth, Caroline Parks, Chris Rogers (phonetic) and Jack Dunnigan (phonetic) and Rick Truay (phonetic) on November 29th, 2004. A two-page typed letter. A four-page EXCEL spreadsheet with approximately 120 fish on it of actual weighed fish, actual surveyed fish with tag numbers.

Have you seen that piece of paper?

PARTICIPANT: I don't recall. I'd have to -- I mean you'd have to show me the paper and I know I've been working with Dick Stone and he send me some -- is that the same paper? Same spreadsheet?

PARTICIPANT: No, he sent you Doug Mumford's stuff to add to my sheet. I already had the formulas in my thing. I do not have it with me, but I'll have it e-mailed here tomorrow and the formulas are there.

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The length/weight key that was developed in 1981 for commercial fish, I forgot the man's name that developed it. I got that information from Jerry Scott, is --

PARTICIPANT: Mike Parrot (phonetic).

PARTICIPANT: -- Mike Parrot. It is 22.5 percent off on the average when you calculated on the small school fish and that was an average and then if you take fish that we measured curve length and straight length and then physically weighed, it's 17.04 percent off. So, if you take the two factors and add them together, then you've overstated your angling category in approximately 51 percent. Okay.

Now, we were told last year at this meeting by Jack Dunnigan that we were going to (inaudible) from the agency a list of people that were surveyed and send them a certificate at Winter Bluefin's expense to ask them how they measured the fish. We were told that if we would leave that alone an independent peer review would be done and we'd look at the angling category numbers.

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By my calculations and the North Carolina calculations, the information I got from them through Doug Mumford, in those two-year periods from year 2001 until 2003, the -- the angling category was overstated in excess of 400 metric tons and today, you're telling me you haven't seen the information we sent and brought to the table and set up a meeting at our expense to even consider this calculation your firm's doing or you work for National Marine Fisheries?

PARTICIPANT: Yes, I do. I work for National Marine Fisheries.

That paperwork's probably sitting on somebody's desk, but I'll have it e-mailed here in the morning and be glad to give it to you.

PARTICIPANT: Okay. If that's possible.

PARTICIPANT: There's no doubt in my mind it's sitting on somebody's desk. Thank you.

PARTICIPANT: Okay.

(Section of tape blank.)

PARTICIPANT: Well, no, I want to get -- sort of move on. I mean I -- we're -- I'm

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disappointed obviously that we haven't received what we were promised. I mean I -- and I'm not blaming Ron for it. I'm just saying that we were promised that we would have some information that would help us make the decision on what the specs for going to be for this coming year. As a matter of fact, we discussed options and since we were told we would have this information for this coming spec year which we don't, we went with one option that would allow us to have fish last year in anticipation of having fish this coming year because of the information that we were going to get.

Well, we haven't gotten that information and, you know, so, my point is that so we shouldn't go with the zero specs then. We don't have that information yet. I mean we should go with the bluefin tuna and so, I'm getting to the management issue now.

I mean we should go with, you know, with the angling category school fish fishery in anticipation that we are maybe next year going to have information that will allow to correct, to allow us to know, you know,

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what was taken and get back into -- shoot and ICCAT -- other countries are forever changing what they're doing.

I mean we've been very good about. We've tried. We have tried to do this, but we now know that there's a problem that's affecting, you know, the quota that we are suppose to get. So, until we get that information, do not go with zero quota in the angling for this coming year.

Two, the 8 percent. I mean I -- how many times are we going to have to harp upon this 8 percent and I know Rich put out a little document talking about how it was done and that's part of the story, but the whole story was really it was -- it was political in the sense that Canada and Japan, of course, was the -- willing to go along with them because they were taking larger fish. Really, there wasn't -- it wasn't a problem, stock problem.

In the data, they talk about how the 8 percent came up. Well, Canada asked for 5 percent at that meeting. Canada wanted to go to 5 percent.

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Actually, they wanted to get rid of us altogether in that particular size category, but so, the request that came to the scientists who were there is to look at what was being -- well, actually, it wasn't even what was being taken by the angling category. It's that particular size, but they looked at the weight or the quota at that time. Wanted to know what that was and would -- what percentage would cover that and so, 8 percent was what it turned out to be that the angling category quota -- could be covered under the angling category quota.

However, what -- what was not taken into consideration was that the U.S. was taking more than that. Because there was a commercial fishery taking fish -- school fish at that time. So, in fact, it was just an exercise that went through, you know, to satisfy Canada really and the people that were heading up the delegation or whatever should have recognized that they were putting us in a box. Plus, not only putting us in a box, but it's a box that no one else was put in and if you're going to put somebody into a

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box, then you need to put everybody into a box and that wasn't done.

So, that 8 percent has got to be a addressed at some point in time.

I've got other things I want to talk about, but I'll stop for a minute.

(Section of tape blank.)

PARTICIPANT: Ron, it's getting late and I want to ask you some questions regarding the -- how we lost our underage in the school category in one year and then we had a massive overage that we've been begging to maintain the school category. I'd like to get in a little more positive vein.

That's why I thank you, Dick, for what you put forth there. Dick can argue with the statistics and whatever. I'm not a statistician, but I do respectfully request the agency to go as Dick said and Jimmy Donofrio said earlier in the day and ask for a hiatus and a restoration of the school category particularly well north and south as you normally distribute it until all these statistics are in and as

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Dick pointed out, there's nothing abnormal and Jimmy pointed out nothing abnormal in having a time period to maintain our fishery while all the facts come in. It's done, as I gather, in ICCAT constantly on a greater level that we're talking about here for the school fishery.

So, I respectfully request your support to maintain this fishery which is vital to many of us that make a living in this industry and we very much would like your help in this.

PARTICIPANT: Thank you. I guess I have to weigh in on this because I mean I flew up to D.C. and met with Bill and the crew on this issue because our fishery got shut down because of this data for two years and one year very significantly shut down and when Robert called me about some of these issues and I went out and started looking at some of these fish. They weren't quite as skinny as you would like to believe, but they were still significantly different and what I saw in my analysis at Marine Fisheries in North Carolina was that as the fish got smaller which

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tends to be the dominate size classes in the recreational fishery. As the fish got smaller, the disparity got wider and so, in looking into it in a little more detail, what I discovered was that those calculations were based on giant trap fish back years ago. At least, that's what I was told.

And so, the allometric differences in growth from a fish that's important to the recreational community was even wider blown and so, we went out, you know, took a lot of this information, got this information, brought it to D.C. We've worked on this, you know, and it just -- it's amazing to me that an issue that's small and this easy to deal with, it's sounds like a forward projecting multi-species population model that we're trying to figure out not just a length/weight conversion problem.

And I mean one of the questions that I asked folks was did you see the calipers and I wasn't able to find a single person that ever seen a pair of calipers to measure straight line length with and that most of the time if they did try to measure straight

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line length it was sort of like well, you hold this and kind of get it as close as you can and I'll hold my side and try to get it as close as I can and you holler out the number.

Well, that creates a problem and when we started measuring the fish on the dock and saw the huge disparity, you know, we went out and collected that information and the fact that we haven't been able to resolve that in almost 14 months, that seems to me to be unreasonable time frame.

And so, I certainly -- we don't have a small fish fishery in North Carolina, but certainly if this issue is the reason why we're not able to give those guys a school fish fishery, I certainly would support given them whatever they need to order to get themselves through this season or to get us through this problem so that we can move forward and figure out how to count these fish.

(Section of tape blank.)

PARTICIPANT: Yes, of course, I participated in the fishery in the Hatteras area for

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-- ever since it really got started there and in my marina, there were probably 25 to 30 boats on any given day and they would all land a bluefin tuna and they were censused not surveyed. Meaning that every fish was measured and counted and I never saw a fish that wasn't measured with curve link measurement.

So, to say that there was straight line measurement going on, I never saw it in my ten years of bluefin landing down there.

Second of all and I'm not going to get quite as loud as Dewey, but I probably should. Here we've got a problem that we found a year and a half ago and it's like Louis says. It's simple. If your chart says a 70-inch fish weighs 200 pounds and we've gone out and sampled 70-inch fish and I'm talking about Barbara Block samples and the guy that samples for North Carolina. I mean these people know what they're doing. They've been in peer review. They know how to measure fish and we've got their measurements that say this fish is 170 pounds, then I mean to me that's pretty plain and simple.

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But, for the take, here we are a year later after we were promised something will be done saying we don't know and we got people over here we're putting out of business because that would fix the problem or maybe help fix a lot of this problem. So, we got to get better.

(Section of tape blank.)

PARTICIPANT: I just want to --

PARTICIPANT: Oh, I did want to -- one more question. Are you with National Marine Fisheries or are you independent?

PARTICIPANT: No, I am National Marine Fisheries.

PARTICIPANT: Okay.

PARTICIPANT: Yes.

PARTICIPANT: Thank you.

PARTICIPANT: I just wanted to address something to clear up the -- you're talking about North Carolina. The large pelagic survey's not conducted in North Carolina and so, if the anglers or captains are filling out the catch cards which is the

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-- the current system, the catch card does require a curve length. So, they -- they correctly were taking curve lengths on those.

PARTICIPANT: Let me respond. No, the captain wasn't doing it or the crew. This was done by a North Carolina port agent who I was told like Louis said we had to go back and request this done in our state because we felt like our landings were being overstated. So, these people were either contracted by NMFS or I think it was done through NMFS, but these were trained port samplers.

PARTICIPANT: Okay. Yes, that's different from large pelagic survey, but that is -- the state of North Carolina does additional biological sampling for the winter fishery, but that was not connected to this controversy straight versus curve because that's a different sampling program.

(Section of tape blank.)

MR. ZALES: Bob Zales. I've only been -- it hasn't been very long. I've only been having issues with Merks for 20 years now I guess since 1986

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and I'm going to make an observation because I really don't have a dog in this hunt, but I'm going to make an observation because I've seen it so many times and I hope you take this in the constructive criticism that I intend it to be because I've been misquoted and misinterpreted many times when it come to Merks and Merks is a problem to me and it is something that's very dear to my heart because I've seen it affect so many people in fisheries both commercial and recreational because of allocations but primarily recreational.

But, right here is a classic example of what in my opinion is part of the problem and I'm glad Allen's here to hear this because I know Bill's heard it. Jack's heard it. Gary Matlock's heard it. Rebecca's heard it. So many people have heard it in the 20 years that I've been here because I've been one of the primary people bitching about it and it's nice to me anyway to see -- I hate to see it affect so many other people at other fisheries. But, I glad to see it's finally getting to where just about everybody

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does this and Bill Hogarth has said many times, the number one complaint that he gets is Merks.

What you've done here today, you've come in here with -- these people have been expecting a report for a year and you've come in here and kind of described in detail how the report is being put together, but with no information.

Now, from a perspective of a constituent, that's not good and that's one of the primary problems that I see and that I hear by constituents out there in the field. That is a problem with the Merks system and the fishery service and for those of us and there are some of us out there trying to get people to provide data to work with the system and give the information necessary to properly manage fish and what tears us apart is this kind of situation because the public sits out here and says they're not doing anything with the information we're giving them. It's not doing any good. So, why should I work with them? Why should I give them this information?

You have log books in the northeast that

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you have that you have to fill out so you can keep a permit. You don't use the information. In the Gulf of Mexico, we have stuff right now that we've got -- which I've talked to Tom Smike (phonetic) and some other about. We had the most disruptive national disaster ever in the history of the United States, Katrina, hit Louisiana and Mississippi last September.

In weight five, I've got data and I'm with an association that had a contract that we're currently working on a report for the charter industry to assess the damage. I have personally talked to a good many of the people in Mississippi and Louisiana that charter fish. Now, in Mississippi, there was no reported activity for weight five in September and October. That was good. In Louisiana, you showed over 8,000 red snapper caught by charter boats in weight five of last year.

Now, every charter person that I've talked to did not fish. I talked to port samplers from Louisiana. They could not contact people.

You have all these issues that are out

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here. It is a problem and until you all address this and get some kind of public relations person to really fix what you're doing and at least be able to address the public in a more reasonable manner, you're going to continue to have this problem. Nobody believes what you do and you've got to get the situation.

You've obviously got people from North Carolina that have taken measures and done things with qualified people that show a difference than what you're -- you've done. Regardless of whether or not North Carolina was there and what you've done, their measurements show different than what other fish compared in a different way show. That's a problem.

You need to fix it and you need to get it fixed pretty soon. Otherwise, nobody is going to be giving you data for any reason at all.

(Section of tape blank.)

PARTICIPANT: I mean I understand that and I spoke to the contractor right off the bat when I -- Quantac (phonetic) was one of the first people I talked to or within a week or two and it absolutely

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blew Quantac's mind what I was suggesting. Because their I think \$800,000 contract that they're snookering us on every year for collecting this data and a bunch of other good work that they do, too, not just this data, that could be in jeopardy. Like write a fat check and give it back to NMFS and so, they're dead. Forget it. Every single one was a straight measure. You don't know what you're talking about, boy and -- but, we do.

And -- but, for this purpose and for the angling guys and we were suggesting right off the bat.

We had some numbers that we had come up with. If you take the length/weight key issue by itself and you take the Quantac nightmare of their contracts and they're not fulfilling their contracts and whether it was straight or curved and all that and you throw that out the window or just sit it aside for now and you just use the length/weight keys adjustment, it is a very significant number we're talking and Pete's ticked.

I don't know where he -- what was it just

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on the length/weight key? Twenty-two percent or something?

I mean 2 percent and then you start going back and, of course, you know, the first thing we talked about was how far do we go back and I said well, how about a decade. I think they owe us 2,200 tons and that's the kind of number that we're talking about. We're not talking about a little bit of fish.

We're talking about multiple general categories worth that got squirreled away very quietly that we never saw and now, of course, there's no way we're going to roll back ten years. We couldn't do that. It would be biological implications or something.

But, certainly, we could roll back a little ways and come up with some. I mean 22 percent that's a, you know, that's pretty significant and here we are 15 months later and we got nothing.

Yes, I mean why not just use the 22 percent and come up with something and say we're working on the other aspect.

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PARTICIPANT: It seems to me that when you have so many erroneous measurements by contractors, something is -- is obviously wrong. They didn't all lose their -- their calipers or just being perverse and taking the wrong measurements. I'm wondering why we don't just go to an over the curve regression on -- on length/weight and maybe get something done. Isn't that a better predictor of -- of weight? Over the curve.

PARTICIPANT: I don't know.

(Section of tape blank.)

PARTICIPANT: First of all, I got a little angry because I put so much work in the thing and got little answers at this time, but, you know, there -- there's more to this issue after I think it through from what you say.

You say by the analysis the good thing is you've looked at the biomass and it hasn't affected the stock. That tells me that you all haven't put much effort in looking at the total chart period.

It may -- the biomass if you look at it

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may affect the stock. It may affect the overall picture of what we're facing in the bluefin fishery now. I may just add more -- more fuel to the fire that maybe we do have a stock problem, maybe we don't.

But, without the right answers or the right amount of time put in it, I mean I had told them last year that I'd be more than glad to take that paper to Congress and asked for a Congressional hearing and I gave Bill Hogarth my word and Jack Dunnigan that we would not do that. That it would be handled in house and very diplomatically. Well, right now, I don't feel it's been handled diplomatically.

I think it was given to a part of the agency that contracts with the LPS people I feel like that I probably shouldn't say this, but I have some concerns that are we covering up a mistake instead of just getting honest and laying it on the table and say we might have a problem here and let's look at it.

I mean, you know, in real business when people count dollars and there's a mistake it before they go bankrupt and if this leads to a biomass

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problem which leads to a stock problem, then we need to look at where we're at.

Do we continue playing this silly game and another year go by and we have a bad bluefin season and then we realize that we're over catching the tuna and we need to look harder at the rebuilding plan. We need to look at the whole picture.

Anyway, sorry for getting angry, but I will get that stuff e-mailed to you in the morning.

(Section of tape blank.)

PARTICIPANT: (Off microphone.)

PARTICIPANT: All right. Thank you. I understand that things move slow especially coming from New England. Nobody moves slower than the New England council.

But, that year when we were at this meeting, we were told, you know, what the options were and the option was, you know, what we were going to go with. Hoping that -- I don't know if it was hoping or we were told that it would be corrected within the year for the following year.

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Well, we're at the following year. The paper's out that says zero catch of these fish.

Now, I'm speaking as somebody who's totally out of this fishery. I used to have three boats fishing this fishery every single day. A bad day for us was probably ten fish per boat. A good day was 200 fish and that's what we were landing per day everyday September and October.

We had bag limits. I don't even know what they were for the last ten years. Because if you told me -- I mean sometimes they were four per person. We're down to one per person. So many over this size. So many under that size.

Well, we caught a lot of fish and every year, we were -- we weren't under, but a lot of the years, we were under what we were suppose to be catching for the quota.

Now, we've ratcheted down the restrictions. We're down -- we're out of the fishery. The party boat industry in the northeast is totally out. We catch zero which is really interesting.

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Because now, we do have zero for this year. So, I'm wondering how far we've ratcheted down and yet, we're still catching a tremendous amount of fish. In the last couple of years, we've ratcheted down and the number of fish I think two years ago we went from underages to all of a sudden being, you know, two times over.

So, now that we're out of it and we're down to zero possession for this year, I'm wondering how far we'll go over with the zero possession. I mean it only stands to reason that the more we've ratcheted down, the more we've caught. So, now, we're at zero. So, we ought to have some pretty good landings this year.

(Section of tape blank.)

PARTICIPANT: Yes, I have a question either to the agency or to Ron.

PARTICIPANT: He'll be right back.

PARTICIPANT: All right. Let me wait for him.

Well, let me bring the question out. I

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report my fish on the Internet and there's a scale there. Now, you know, we measure our fish and then we report on the Internet. What's the assumption on the Internet how we measured the fish? Is the assumption that it's a straight line measurement or is it the assumption that it's a curved measurement?

PARTICIPANT: (Off microphone.)

PARTICIPANT: That's what I'm asking.

PARTICIPANT: Curved.

PARTICIPANT: Is that what the assumption is?

PARTICIPANT: Yes.

PARTICIPANT: That we curve measured our fish.

PARTICIPANT: Yes.

PARTICIPANT: Yes.

PARTICIPANT: Yes.

PARTICIPANT: Okay.

PARTICIPANT: That's what the regulations are.

PARTICIPANT: All right. Okay.

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PARTICIPANT: Curved.

PARTICIPANT: Just because I know they just ask do you take the head off or do you measure it from the tip of the snout to the fork of the tail. But, it is a curved. Okay. That was my question.

PARTICIPANT: The weights that you were giving me the other night?

PARTICIPANT: Those are on the Internet as far as I know.

PARTICIPANT: So, when you plug in the length, you get your scale?

PARTICIPANT: You get a weight. Yes, you get a weight. I'm just wondering has anybody met --

PARTICIPANT: (Off microphone.)

PARTICIPANT: I'm just wondering is that -- are those figures correct.

PARTICIPANT: They're incorrect.

PARTICIPANT: I'm not quite sure what website you're hitting there, Tom, but on the website that we've established that you're allowed to report your recreational catch, there is no conversion built

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into that website. It's literally -- how did you -- you know, what's the measurement of the fish? Did you measure it head on or head off? Whether it's a fin or a full-blown snout measurement.

Yes, it is a curve -- assumed curved measurement as is instructed on how those fish should be measured for the recreational purposes, but the agency does not have a site that I'm aware of that converts a length to a weight. Unless there's some other private site that's conducting that.

PARTICIPANT: No. No, it's National Marine Fisheries Service. It's the same place you go, you know, for information about the fishery and you know.

PARTICIPANT: Yes, I'll --

PARTICIPANT: I'll --

PARTICIPANT: If we have web access of a laptop out back, I can pull it up and it does not calculate weights. So.

PARTICIPANT: Okay.

PARTICIPANT: Yes, I guess maybe folks are

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getting tired. We can wrap this up.

What I would like to say is that we are going to work tonight to get a schedule time line of when we can expect the report to be released and I hope to have that for you tomorrow.

We will also touch back on the specs specifically tomorrow under other rule making. So, that would be a point where we can come back to it and just, you know, the specs are out through April and so, if there are any changes to be made that need to be made, then we still have that option for the final.

So, thanks everyone for sticking around.

(End tape 15 side A.)

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